

De iure

Passover 5778, March 2018

The Tel Aviv University
Buchmann Faculty of Law
Magazine

Beyond the Myth

Interview with Dr. Hila Shamir
about her groundbreaking ERC
research on labor approaches
to human trafficking

Buchmann Bulletin

A round-up of the latest
news from the Buchmann
Faculty of Law

Championing Animal Rights

The Environmental Justice
Legal Clinic has expanded
its scope this year to the
protection of animal rights

All Rise!

Preparing our students for
real-life court proceedings
through moot courts and
international competitions

New Faces at the Faculty

Introducing two new
faculty members:
Prof. Yoram Danziger
and Dr. Kobi Kastiel



Note from the Dean

On the occasion of the publication of the Faculty's Passover magazine



Welcome to the Buchmann Faculty of Law magazine, brought to you twice a year, at Rosh Hashanah and Passover, in two languages, Hebrew and English. Out of the rich and varied activities of the Faculty, the current issue reviews some of our news and latest developments.

A great source of strength and pride is the continued success of our alumni through the generations. We are delighted by the appointment of Justice Ofer Grosskopf to the Supreme Court of Israel. Justice Grosskopf is a former graduate and Associate Dean of the Buchmann Faculty of Law, and he joins the ranks of distinguished alumni Justice Esther Hayut, Chief Justice of the Supreme Court, and Justice Daphne Barak-Erez, Supreme Court Justice and former Faculty Dean. It is a great pleasure to celebrate the tremendous achievements of our alumni who are inspirational role models for current and future generations of Faculty students.

We are witnessing an intersection of great challenge and great opportunity at the Faculty, and the 2nd Semester has been marked by an important personnel change. Dr. Hila Shamir, recipient of the European Research Council (ERC) grant for 2017, has stepped down from her role as Dean of Academic Affairs to pursue her ERC research. She has been replaced by Prof. Issi Rosen-Zvi. I would like to wish them both every continued success in their new duties and have no doubt they will triumph.

On the topic of appointments, I have pleasure in announcing two new exceptional faculty members this spring, whose talents and expertise will build upon the remarkable dedication to excellence in teaching that characterizes our community. Prof. Yoram Danziger, former Justice of the Supreme Court, has joined the Faculty as a Professor of Law. We are thrilled to have him with us after his distinguished service on the Superior Court and I am certain that he will contribute greatly to the Faculty's pedagogy and further enhance our prestige. In addition, a warm and hearty welcome to Dr. Kobi Kastiel, who has joined the Faculty from Harvard Law School.

Into the bargain, I would like to wish staff members all the best for their retirements. Rhoda Davidian is retiring after over 40 years of service to education as Director of the Faculty's David J. Light Law Library. Rhoda has mentored scores of students and library professionals, creating a compelling platform to share knowledge and an enduring legacy that will not be forgotten. We also bid farewell to Lea Linder, an exceptional student secretary who has supported generations of students during her accomplished tenure with us. She has touched all our lives, including my own as a student, during this time.

In the current edition you will find a mixture of news and features on a wide range of topics that showcase the high-quality research and activities we are involved in. Our Environmental Justice Legal Clinic has recently been expanded to include the protection of animals, and we are delighted to offer this first glance into the important work they are doing. Also in this edition, an interview with Dr. Hila Shamir about her groundbreaking ERC research on labor law approaches to human trafficking. Lastly, you can read about the Faculty's diverse program of moot trials, showcasing our commitment to a curriculum that not only connects students to a rich array of resources, but to an education that provides practical legal skills and a humanitarian, international perspective.

Embracing our tradition of continuing commitment to excellence, we take pride in the opportunities we offer to students to master the legal disciplines and participate in practical experiences that enrich their lives and those they serve through these experiences. I hope you glean a taste of this as you explore our magazine. Thank you for all that you do to make the Buchmann Faculty of Law such a thriving community, and **I wish you and your families all the best for a happy Passover!**

Sincerely yours,
Prof. Sharon Hannes, Dean

Save the Date

Upcoming Events at the Buchmann Faculty of Law

- >9.4
"Unlocking the Cage - Recognizing Animals as Legal Persons". Conference organized by the Environmental Justice and the Protection of Animal Rights Clinic. Keynote speaker: Adv. Steve Wise, Founder and President of NHRP. Malka Brander Hall of Justice (Kes Hamishpat) Trubowicz Building. 16:00-18:00.
- >16.4
Legal Education: Between Training, Instruction and Mentorship. A symposium to celebrate the launch of "TAU Journal of Law & Social Change" 9.1. Sonia and Edward Kossoy Conference Room (307). 17:30.
- >22.4
Book symposium hosted by the Berg Foundation Institute for Law and History. **"Emptied Lands - A Legal Geography of Bedouin Rights in the Negev"** by Alexandre Kedar, Ahmad Amara, and Oren Yiftachel. Sonia and Edward Kossoy Conference Room (307). 18:00.
- >23.4
Annual Moot Trial held in remembrance of our students who lost their lives in the line of duty and in terrorist attacks. Malka Brander Hall of Justice (Kes Hamishpat) Trubowicz Building. 18:00.
- >25.4
Criminal Law Conference honoring Prof. Shneur-Zalman Feller hosted by the Taubenschlag Institute of Criminal Law and the Berg Foundation Institute for Law and History. Sonia and Edward Kossoy Conference Room (307). 9:00.
- >26.4
3D Print and the IP Protection Regime. Round table discussion hosted by the S. Horowitz Institute for Intellectual Property in memory of Dr. Amnon Goldenberg. Sonia and Edward Kossoy Conference Room (307). 16:00.
- >29.4
Book symposium hosted by the Berg Foundation Institute for Law and History. **"How India Became Democratic: Citizenship and the Making of the Universal Franchise"** by Ornit Shani. Sonia and Edward Kossoy Conference Room (307). 18:00.
- >17.5
Book symposium hosted by the S. Horowitz Institute for Intellectual Property in memory of Dr. Amnon Goldenberg. **"Non-Conventional Copyright"** by Enrico Bonadio & Nicola Lucchi (eds.). Sonia and Edward Kossoy Conference Room (307). 17:00.
- >7.6
Book symposium hosted by the Edmond J. Safra Center for Ethics. **"The Law of Good People: Challenging States' Ability to Regulate Human Behavior"** by Yuval Feldman. Sonia and Edward Kossoy Conference Room (307). 16:00.



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Buchmann Bulletin

A round-up of the latest news from the Buchmann Faculty of Law



Dr. Daphna Avnieli and Ofer Nimrodi at the launch reception for the Legal Arts Program

Faculty Launches Legal Arts Program

The Faculty's Legal Arts Program was launched on February 25 with a festive reception sponsored by the Israel Land Development Company. The reception was attended by over 200 esteemed guests, including Ofer Nimrodi, CEO of the Israel Land Development Company, and Eli Cohen, Minister of the Economy.

The unique program, directed by former Tel Aviv District Court Judge

Dr. Daphna Avnieli, offers courses in mediation, arbitration, negotiation and leadership. The courses provide the perfect setting for developing new methods of practice and delivery in these fields while training professionals to succeed in the ever-changing business landscape. The courses are delivered by judges, top lawyers, and leading lecturers. Graduates will be awarded participation certificates and given the opportunity to network

and collaborate with leading law and business executives in the U.S. and Israel.

Dr. Daphna Avnieli's vision is to "encourage professions to return to academia and acquire new tools and techniques of creating dialogue and building trust, while using unique skills to resolve complex disputes in the modern commercial world." ~



WANTED: Huge Trophy Cabinet

We believe that the quality of our research is second to none. Read about the latest awards recognizing faculty members who have consistently demonstrated outstanding achievements in the areas of research, teaching and related activities that have brought distinction to themselves and to the Buchmann Faculty of Law.

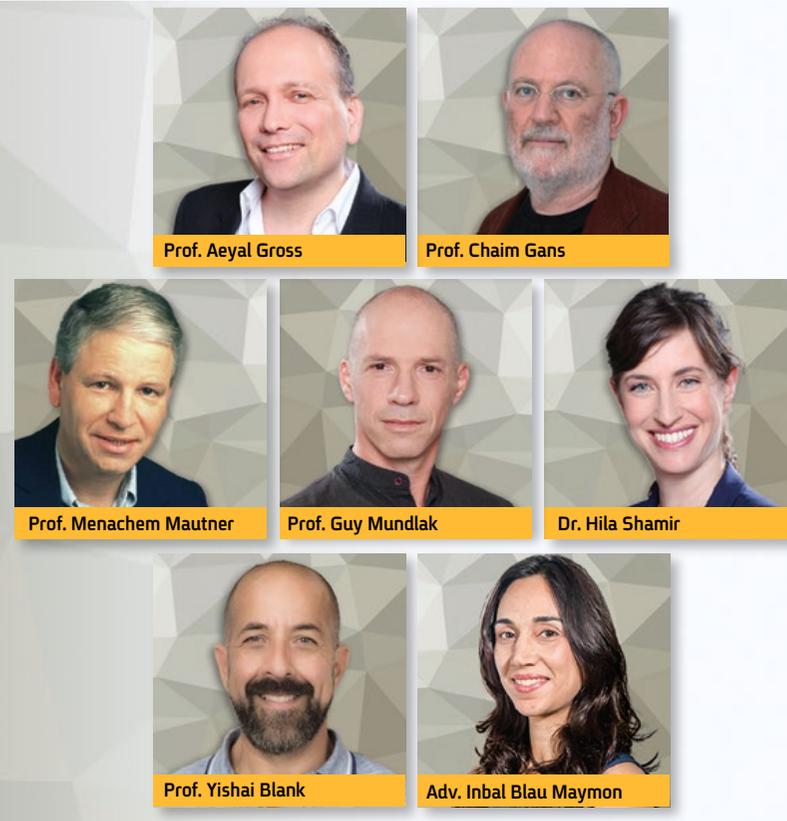
Prof. Aeyal Gross has been awarded the Israeli Association of Public Law's Gorni Award for his outstanding scholarship in International Law and Constitutional Law, and his activities in promoting human rights in Israel. The Israeli Association of Public Law actively promotes public law in Israel, both constitutional and administrative, and protects its core values and principles.

The Association for Jewish Studies has awarded **Prof. Emeritus Chaim Gans** with the Schnitzer Book Award for "A Political Theory for the Jewish People" (OUP, 2016) in the Philosophy and Jewish Thought category. The Hebrew edition won the Bahat Prize

in 2012. The Schnitzer Book Award recognizes outstanding scholarship in the field of Jewish Studies and honors scholars whose work reflects innovative research and theoretical sophistication.

Prof. Menachem Mautner has won the Landau Prize for the Sciences in the Law category. The Landau Prize is awarded each year by the National Lottery of Israel to researchers who have attained outstanding achievements in a particular field, and who have made a valuable contribution to the promotion of science and research in Israel.

Prof. Guy Mundlak has been awarded



Prof. Aeyal Gross

Prof. Chaim Gans

Prof. Menachem Mautner

Prof. Guy Mundlak

Dr. Hila Shamir

Prof. Yishai Blank

Adv. Inbal Blau Maymon

the Zeltner Prize, awarded annually for outstanding scholarship in law. Rotary Israel and the Buchmann Faculty of Law at Tel Aviv University award the Prize to commemorate the late Prof. Zeev Zeltner.

Dr. Hila Shamir is the recipient of the Cheshin Prize in the young legal scholar category. The prize is awarded annually by the Shneur Zalman Cheshin Fund for Academic Excellence in Law and the Faculty of Law of the Hebrew University of Jerusalem.

Prof. Yishai Blank and **Adv. Inbal Blau Maymon** have won the Rector's Awards for Excellence in Teaching.

The Rector's Awards are presented each year to Faculty members judged to have been most outstanding in the quality of their teaching.

This is the second time that Adv. Inbal Blau Maymon has won the Rector's Award for Excellence in Teaching. Currently undertaking post-doctoral research in Canada, she was thrilled to hear the news. "It has strengthened my commitment to strive for excellence in research and teaching, and as a Faculty graduate and young researcher it is a dream come true. Educating the future generation of jurists is a privilege and a great pleasure." ∞

The Future of Law Clinics

The links between British and Israeli academia were reinforced recently with an exceptional visit from a delegation of UK Law Clinics.



The collaborative workshop took place in December 2017, bringing together academics and practitioners from eight top universities in the United Kingdom and 11 Israeli law schools. The workshop was also attended by representatives from Southwestern Law School and Loyola Law School, Los Angeles, USA.

Tackling a broad range of fields such as criminal and youth justice, environmental law and human rights, the two-day seminar provided a unique opportunity to explore the management of legal clinics in Israel and the UK and compare and contrast approaches to discrete, practical areas of law. Presentations about current projects and case studies provided

plenty of scope to learn from each other's experience, inspiring lively debate and the examination of new approaches to clinical legal education, and the best ways to utilize it as a platform for social change.

"It was simply the best clinical legal education gathering I've attended in years," says Prof. John Fitzpatrick, Law Clinic Director at the University of Kent. "The presentations and commentaries given by our colleagues in Israel were uniformly informative, challenging and inspiring. The discussions were frank and enlightening. We came away full of ideas and were duly nudged to up our game back in the UK."



Prof. John Fitzpatrick

“

It was simply the best clinical legal education gathering I've attended in years

What are your thoughts on clinical legal education in Israel?

“There are so many clinics doing a very impressive number and variety of innovative projects. It was a real eye-opener. They are patently delivering support and entitlements on the ground in their communities, and at the same time pushing and probing the law to spread the impact of their efforts more widely. There is a lot that law clinics in the UK can learn not just from the work being undertaken, but also from the thinking that has gone into clinical legal education in Israel.”

That’s superb to hear. What was the highlight for you?

“A visit we had to a migrant support centre in Southern Tel Aviv where we were able to listen to, and participate in, a very moving discussion between its director and a local community leader.”

Adv. Frances Ridout, Deputy Director of the Legal Advice Centre at Queen Mary, University of London, thoroughly enjoyed the workshop. “It was without doubt one of the most thought provoking and stimulating conferences I have been to.”

What made it special?

“It was a wonderful exchange of thoughts and ideas between clinics operating in very different jurisdictions. It was fascinating to hear how the role of clinical legal education



Adv. Frances Ridout

can be both so different, and yet so similar, between the two countries. I was so inspired to hear about the work being undertaken.”

It’s inspiring for both students and clinicians, I imagine, seeing how the legal profession can contribute to the wellbeing of a community, particularly when it encompasses a collaborative project with local community partners.

“Absolutely, and it was captivating to see how the migrant NGO in South Tel Aviv is working with locals and migrants to resolve ongoing

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It was captivating to see how the migrant NGO in South Tel Aviv is working with locals and migrants to resolve ongoing community problems. To see this interlink with a law clinics’ role was incredible

community problems. To see this interlink with a law clinics’ role was incredible.”

In addition to Prof. John Fitzpatrick and Adv. Frances Ridout, the UK delegation comprised Dr. Amir Paz-Fuchs from Sussex University, Adv. Jacqueline Kinghan from University College London, Adv. Nick Johnson from Nottingham Trent University, Prof. Sandy Fredman from the University of Oxford, Adv. Linden Thomas from the University of Birmingham, and Dr. Vicky Kemp from the University of Nottingham.

...

The workshop was made possible due to the generous sponsorship of the Friends of Israel Educational Foundation. It was organized by Prof. Issi Rosen-Zvi from the Buchmann Faculty of Law and Dr. Amir Paz-Fuchs from Sussex University. The workshop was hosted by Tel Aviv University’s Law Clinics with the help of Adv. Raanan Giladi, Sharon Dwek, and Nirit Puterman. ~



Photography: Hicham Chabaita



Bright Young Things

A delegation of 11 students from the Buchmann Faculty of Law, headed by Dr. Amir Khoury, participated in the recent World Intellectual Property Organization (WIPO) Annual Study Conference.

The WIPO conference took place in November 2017 in Geneva, and provided students from around the world with a unique opportunity to engage with WIPO officials, attend sessions, trade ideas and facilitate discussions.

The students exchanged different perspectives and examined key issues of concern to the IP community, permitting them to explore possible integrated approaches to such concerns and their anticipated ramifications on creativity and innovation.

On the first day of the conference, a series of lectures were presented by

the accompanying faculty and WIPO officials. Topics included Artificial Intelligence, Intellectual Property and Technology, Patent Areas, Dispute Resolution, and the Academy of WIPO. On the second day, the students participated in a workshop in which they debated key issues that influence and affect IP laws and regulation.

The highlight was undoubtedly the presentations given by the Faculty's bright young things, who worked diligently to complete their research in the WIPO Library. Their presentations dealt with three burning topics: 3D print and its effect on the IP

protection regime, the mechanism for granting patent protection to genetic sequencing, and IP rights' violations. The presentations were excellently done and received an enthusiastic response.

The students were supported by the S. Horowitz Institute for Intellectual Property in memory of Dr. Amnon Goldenberg. 





Faculty doctorate candidates receive President's excellence fellowships

In January 2018 the President of Israel, Reuven Rivlin, awarded 10 fellowships to doctorate students in various academic disciplines in all Israeli universities. Of the 10 fellowships, three were awarded to doctorate candidates in the Zvi Meitar Center for Advanced Legal Studies at the Buchmann Faculty of Law.

The fellowships are a tremendous achievement for the winners and a significant honor for the Faculty's graduate program. The Zvi Meitar Center for Advanced Legal Studies at the Faculty encourages individual excellence in research and fosters a community of scholars who support one another's academic journey. The President's vote of confidence in the students' studies demonstrates the Center's excellence, as well as the importance and relevance of sound theoretical research for advancing policy and reflection on social, political and legal processes in Israel.



The winners of the President's fellowships are:

Bell Yosef

Bell's work deals with creating a substantial dialogue model between courts and legislators. The model seeks to create a dialogic interaction and discussion that enables better political governance on the one hand, and deepen the protection of human rights on the other hand. Through empirical and theoretical framing, she offers practical mechanisms that encourage this dialogue in Israeli constitutional law.



Dana Alexander

Dana's academic research is conducted after over two decades of work as a human rights lawyer in the Association for Civil Rights in Israel. Her research seeks to understand why the constitutional discourse around human rights encounters, in certain cases, fierce public and political opposition, becoming itself the subject of controversy, instead of serving as a consensual framework for settling disagreement. Drawing on critiques of human rights from constitutional, anthropological and political theory, the study seeks to conceptualize the boundaries of the constitutional paradigm of human rights, as reflected in oppositional discourse, and to discuss the implications for the practice of legal human rights advocacy.



Elad Uzan

Elad's research focuses on "Just war" theory—the most influential theory at present to provide objective guidance for the ethical prosecution of wars. Elad's project stems from the observation that the theory offers no guidance for determining when belligerents in contemporary non-international armed conflicts, also known as "asymmetrical conflicts", should cease hostilities. His dissertation constructs a normative economic model, based on the idea that moral costs and benefits determine whether the conflict is justified.

Faculty Ranks 1st in Israeli Bar Association Exam Results

The Buchmann Faculty of Law has once again topped the country in pass rates for the Israeli Bar Association (IBA) results, released November 2017.



The IBA results demonstrate an impressive 81% pass rate for Tel Aviv University, surpassing the Hebrew University of Jerusalem (80%), Bar Ilan University (69%), IDC Herzliya (68%), and Haifa University (60%). These results include the percentage of examinees passing the bar who graduated from Israel's public and private law schools. Graduates of public research universities displayed an obvious advantage over their peers who attended private colleges. Among university law school graduates, comprising 17% of test subjects, 75% passed the exam. However, in a result indicating a steady downward trend in exam pass rates over recent years, only 34% of overall test-takers passed the examination, with an appalling 66% of applicants failing.

The bar exam passage rate among law school graduates is an essential

measure of how effectively the school prepares its students to practice law, and the Faculty is proud to be consistently ranked No. 1 in Israel. These results affirm the Faculty's ongoing commitment to inclusive excellence, to meeting the academic needs of our students, and providing them with the tools and education they require to succeed in their future as legal practitioners.

In addition to the impressive IBA pass rates, the Faculty is delighted to report that 17 students have been accepted into the Supreme Court Internship Program. These placements provide interns with an exceptional opportunity to work with the Justices on cases pending before the Court, and build a substantial, experiential knowledge of the role, functions and history of the Supreme Court of Israel.





Championing Animal Rights

The Environmental Justice Clinic at the Buchmann Faculty of Law has expanded its scope this year to the protection of animal rights and welfare. Covering the spectrum of animal rights issues, the Clinic works to broaden the depth and definition of animal law within the legal community, with the aim of making law and justice in Israel more effective in protecting animals.

The newly renamed Environmental Justice and the Protection of Animal Rights Clinic operates under the academic supervision of Vice Dean, Prof. Issi Rosen-Zvi, and the clinical instruction of attorneys Dr. Eran Tzin and Amnon Keren. The Clinic strives to integrate both theoretical studies and practical legal work in the rapidly developing field of animal law, advocating for the rights of those who cannot speak for themselves and are entitled to dignity, compassion and a life free from suffering.

Establishing a clinical program for animal rights is unique among Israeli academic institutions and has sparked great interest and support from colleagues. The Clinic examines issues such as the philosophical and social justice concepts of animal liberation, animal protection laws and policies, and the intersection of animal and

environmental protection through biodiversity, wildlife and the environmental impacts of livestock farming. The students engage in eager, at times heated, discussions on the various issues, reflecting the complex and multifaceted nature of the subject. The discussions demonstrate the vague spectrum which animals habit in human lives, as sentient beings caught somewhere between property and products, to best friends and cherished members of the family.

In December 2017, the students went on a study field trip to illegal waste sites and attended a conference on the subject. The students then went on to visit a dairy farm and the Freedom Farm Sanctuary in Olesh, a cooperative agricultural community in central Israel. The trip illuminated some of the issues discussed in class and offered the students a first-hand – and for many first-time – experience in visiting such facilities. It also provided them with the opportunity to reflect on the complexities and contradictions which arise from these situations; the reality of meeting a kindly farmer who shows them great hospitality on one hand, and on the other regards the cows as commodities, as well as observing rescued animals in the



Illustration: Nonhuman Rights Project

sanctuary that are free to express their autonomy and personalities. As one of the students remarked, “they are actually observing you”.

On the practical side, the Clinic is currently involved in three projects. First, through collaboration with the Class Action Clinic, they have intervened and filed an objection to an inappropriate settlement in a class action against Soglowek, one of Israel's largest meat producers, which has been exposed time and again for animal cruelty. In a second case, the Clinic plans to file an injunction against a major egg producer in Israel, with the objective of ending the intensive confinement of hens kept in battery cages, a field in which regulatory authorities have consistently failed to take action.

The third project is a research initiative concerned with developing the legal status of animals and attaining the recognition that animals are entitled to certain fundamental rights, such as bodily liberty and bodily integrity. The research is carried out in collaboration with the Nonhuman Rights Project (NhRP), a nonprofit organization based in the U.S., as part of a global network promoting this issue. NhRP files *habeas corpus* petitions on behalf of captive animals in the U.S. and worldwide, and last year took part in a monumental precedent in which an Argentinian court granted a writ of *habeas corpus* to a chimpanzee named Cecilia, and ordered her release from a zoo.

As part of this collaboration, the Clinic will launch its new animal rights



Photography: Dan Rosenthal



Photography: Dan Rosenthal

program in a conference on April 9: "Unlocking the Cage – Recognizing Animals as Legal Persons", the first academic conference of its kind in Israel dedicated to discussing the 'personhood' of nonhuman animals. The keynote speaker will be Adv. Steve Wise, Founder and President of NhRP, and one of the world's preeminent legal scholars in the field of animal rights. During the event, a panel of animal legal scholars will debate timely issues concerning the legal status of nonhuman animals, among them Haifa District's Court Judge Daniel Fisch, who established and directed

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The discussions demonstrate the vague spectrum which animals habit in human lives, as sentient beings caught somewhere between property and products, to best friends

the Environmental Justice Clinic at the Buchmann Faculty of Law. The conference will also incorporate a round-table discussion, bringing together animal and constitutional law experts along human-animal relations researchers and civil society members.

As the Clinic moves towards exploring the possibilities and challenges of filing further petitions, it hopes to broaden the depth and definition of animal law within the legal community, thus instigating a profound change for animal protection in Israel. 



All Rise!

Preparing our students for real-life court proceedings

We believe moot courts are a valuable addition to traditional academic legal training at the Buchmann Faculty of Law. Through simulated court proceedings and informal networking opportunities, our students learn practical approaches to complex legal issues, and have a blast in the process.

One of the main events in the Faculty calendar is the Moot Trial, an annual event held in remembrance of our students who lost their lives in the line of duty and in terrorist attacks. In addition to the Moot Trial, the Faculty offers a course, run by Prof. Neta Ziv, which includes a moot court as an integral and exciting component of the program.

The Legal Profession: Ethics and Responsibilities course is designed to convey theoretical and critical knowledge to students regarding the legal profession as a legal-social institution, along with the ethical principles that guide and regulate the practice of law.

The moot court is run entirely by students selected for the program, who

play the roles of judges and lawyers for the Israeli Bar Association, as well as amicus curiae, attorney general, and others. It is based on a real, ongoing case relating to the legal profession in Israel. At the center of it is an oral discussion that takes place before a panel of judges, in accordance with the rules of procedure and code of behavior, carried out in the customary black robes of Israeli court dress. The event is attended by students, faculty members, families and other guests. This year, the moot court was based on the events of a pending case at the Jerusalem District Court regarding the temporary suspension of Adv. Barak Cohen.

The Faculty regularly partners with other academic institutions and international organizations to provide

students with access to moot courts. **The International Committee of the Red Cross (ICRC)** holds an annual moot court competition to promote awareness and understanding of international humanitarian law. As part of this, the ICRC works with academic institutions across the globe to promote the study of this area of the law.

In October 2017, the Buchmann Faculty of Law was represented by two superb teams in the national qualifying rounds who competed against students from other universities across the country. The teams participated in several rounds of simulations that tested their knowledge of international humanitarian law. It was a challenging competition, in which crucial and fascinating issues from war and conflict, its causes, conduct and

consequences from various viewpoints were explored. We are delighted to report that one of our teams won! Efrat Fadida and Shani Rozenzweig put in a stunning performance and wowed the judges. Fadida and Rozenzweig, along with Yael Hadad, will represent Israel in the Jean-Pictet Competition hosted by the ICRC in Macedonia, March 24-31, 2018.

We would like to take this opportunity to thank them for doing the Faculty proud and wish them great success in Macedonia. We would also like to thank Noa Geva, Khawla Nassar and Roi Ya'acovi for their fantastic team effort and participation in the national qualifying rounds. Finally, we would like to express our gratitude to team coaches Adv. Roy Ariav and Adv. Hila Zur, and the team's academic advisor



Efrat Fadida and Shani Rozenzweig wowing the judges with their legal prowess



The Jessup team gave an outstanding performance at the national qualifying round



Our students participating in a moot trial at the University of Vienna

Dr. Eliav Lieblich, for their support and outstanding leadership.

The Philip C. Jessup International Law Moot Court Competition (aka 'The Jessup') is the world's oldest and largest moot court competition. The Jessup is organized by the International Law Students Association (ILSA), and attracts students from over 600 law schools in 100 countries. This is the first time that a team from the Buchmann Faculty of Law has participated.

The Jessup features a simulation of a fictional dispute between countries before the International Court of Justice, the UN's principal judicial organ, addressing timely issues of public international law. Participating teams play advocates for the parties involved in the dispute, writing detailed legal memorials and preparing wide-ranging oral presentations on behalf of their states. The competition's

international rounds take place in Washington DC each April.

In addition to the unique experience, participating in the competition contributes greatly to the students' litigation capabilities, developing strategic, research, writing and presentation skills. The competition also provides students with an excellent opportunity to establish a professional network and connect with students from all over the world who are likely to hold central roles in public and private sectors in future, as well as in the academia. It is an important and prestigious experience for students wishing to pursue an LL.M. abroad.

We are extremely proud of Maya Ashkenazi, Vini Mostovoy, Mayar Darawshe, Shira Hauzer and Noam Morris who gave outstanding performances at the national qualifying round against the Hebrew University of

Jerusalem. It was a tough competition, and while the Faculty team didn't win this year, we are infinitely proud of our students and their exceptional talents and dedication.

We would like to thank team coaches Dr. Tamar Megiddo and Adv. Mirjam Streng, and academic advisor Dr. Doreen Lustig, for their outstanding leadership.

From the Jessup and Red Cross competitions to boarding a time machine to 18th century Europe... in July 2018, a delegation of students headed by Prof. Arye Edrei will once again immerse in the roles, treatment and representation of Jews and Jewish law in 18th century Europe at a unique conference in Vienna. **The Jewish Holy Roman Empire Summer Academy** at the University of Vienna's Department for Legal and Constitutional History was established in 2009. The objective

is to afford students and junior scholars with an intensive, critical, interdisciplinary, research-oriented and source-based training in the history of the Jews and their relations with the non-Jewish environment in Central Europe from the late 15th century to the present. The annual event includes lectures and seminars, excursions to places of cultural significance and historical moot courts.

Last year, a delegation of Faculty students led by Prof. Arye Edrei participated with students from all over Europe. The highlight of the week was the moot court itself, where the students pleaded before a panel of judges, including Justice Neal Handel of the Supreme Court of Israel. The theme centered on a rabbinic tribunal of Central Europe and took place in the Jewish community of Prague in the 18th century. The students were required to analyze, interpret and make

legal claims based exclusively on the law that existed at the time.

Working with local, non-Jewish students, the Faculty students were afforded with a rare and exciting opportunity to see how a very different legal system works in practice. Over the course of the week, they began to understand the rationales underpinning the interpretations of their opponents which led, unsurprisingly, to some heated and passionate arguments.

We are looking forward to sending the next delegation of students on this unique time travel expedition to Vienna in the summer, where they will encounter a rich and vibrant, if complicated past, creating new friendships, and life-long memories. 



Research Spotlight

Beyond the Myth

Lifting the veil on human trafficking

Dr. Hila Shamir, outgoing Associate Dean of Academic Affairs and Associate Professor of Law at the Buchmann Faculty of Law, has won the prestigious European Research Council (ERC) grant to pursue her research on labor approaches to human trafficking. We caught up with her to discuss her groundbreaking research.

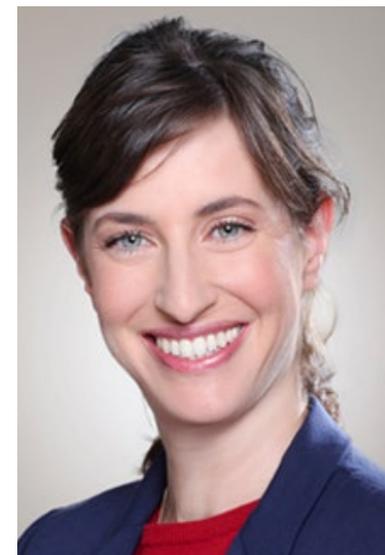
Dr. Hila Shamir joined the Buchmann Faculty of Law upon completion of her doctoral degree at Harvard Law School in 2009. She teaches and researches in the fields of labor and employment law, welfare law, immigration law, and feminist legal thought, and serves as the academic advisor of the Workers' Rights Legal Clinic.

Dr. Shamir is the first legal scholar from Tel Aviv University to have been awarded the ERC in the starting grant

category. In her research, she seeks to expand the existing anti-trafficking tool kit to include labor-based strategies that target the structure of labor markets prone to severely exploitative practices such as domestic work, care work, construction and agriculture. Her research explores various market-based initiatives to curb human trafficking.

Your project is a departure from the usual approach to trafficking, which is typically concerned with transnational crime and sexual exploitation, towards developing tools to combat labor trafficking. Do you think we are witnessing a shift in the way the world understands human trafficking?

“We are certainly witnessing a shift in the way the world understands the definition to include labor trafficking in its numerous sectors, such as agriculture, construction, and care work. While definitions in the recent wave of international instruments dealing with human trafficking include both sex and labor trafficking, the movement to look beyond sex trafficking, at labor trafficking as well, is relatively recent. This broader understanding of trafficking is evident in the Trafficking in Persons Report issued by the U.S. State Department, and in the United Nations Office on Drugs and Crime (UNODC) annual reports. However,



Dr. Hila Shamir

legal responses to trafficking remained relatively unchanged, mostly focused on immigration restriction, criminalization, and ex-post protection on the human rights of the victims. What we don't have is a new and effective way to combat the phenomenon, now that we understand it to go beyond severe forms of exploitation in the sex industry.”



United Nations Office on Drugs and Crime



credit: creative commons by flickr

“
The historic origin
of anti-trafficking
is in cross-border
forced prostitution,
and I think that due
to path dependence,
or ‘institutional
stickiness’, we still
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sex trafficking

Let's talk a little about the context. In Israel, victims of labor trafficking enjoy the same rights extended to victims of sex trafficking, but there is scant effort to identify victims of labor trafficking or enforce anti-trafficking measures in these sectors. Why do you think that is? Could it be the more lurid, headline grabbing nature of sex trafficking, whereas labor trafficking might be deemed less news-worthy so there are fewer pressure groups lobbying on their behalf?

“There are several reasons for that. The historic origin of anti-trafficking is in cross-border forced prostitution, and I think that due to path dependence, or ‘institutional stickiness’, we

still think about the problem as primarily sex trafficking, and so all systems are geared towards that. The second reason is as you suggest, and touches on societal understanding of the commercialization of sex. Prostitution is considered exploitative in most countries, and parts of this stratified occupation include poor and minority women that are often highly vulnerable to exploitation. Due to gendered assumptions about women's limited agency, cultural and societal approaches towards sex, the vulnerability of women in some parts of the sex industry, and the relatively high occurrence of violence in parts of this industry, it is easier to think

about prostitution as an occupation that individuals are trafficked into, where women have no or little choice, are victims of evil traffickers that buy, sell, and exploit them. It is more challenging, in most countries, to conjure the same legal response to severe forms of exploitation in other labor sectors, such as care work, and particularly to labor sectors with mostly male workers such as construction, agriculture and fishing. Accordingly, national and international anti-trafficking efforts traditionally mostly focused on the sex industry – where images of complete victims, and evil villains resonate with public perceptions

– and neglected to come up with strategies to combat trafficking in other sectors.”

‘Complete victims’ and ‘evil villains’. Isn't that part of the problem?

“Precisely, the world is often far more complex than that. People do exert some agency, make difficult choices, and put themselves in a vulnerable position in the hope of significant income. And as hard as it is to accept, traffickers are sometimes people who are genuinely trying to help impoverished persons leave their difficult circumstances and thrive in a different country, and at other time just ‘run of the mill’ employers in labor sectors where exploitative labor practices are common and protective labor and employment legislation either don't apply or aren't enforced. We know that in the experience of many workers and employers in these labor sectors, the lines between choice and coercion, and between decency and opportunistic exploitation often blur and the circumstances get messy and complicated. Of course, I'm not saying there can never be a situation where a victimized woman is being severely exploited by a criminal, but the point is that it's an easy place for the system to go when thinking about trafficking. It's much more difficult when the problem concerns mainstream labor sectors where the actors are not generally perceived to be criminals, like farmers or construction companies, or elderly people ... just salt of the earth people.”

What about the economic aspects, how do they play a factor?

“The economic interests in the ‘mainstream’ sectors that are prone to trafficking are much stronger than in the sex industry. Since it is criminalized in many countries, the sex industry mostly isn't connected to power structures in the same way that agriculture and construction, or even large-scale fisheries, have influence in the economic system. It is therefore easier to prosecute sex traffickers in this fashion while other forms of labor trafficking remain mostly under the radar.”

So let's continue with the particulars; the project's theoretical structure, its clinical component, and timeline. How do you see the work progressing?

“I anticipate the first year to be one of conceptualization. I plan to establish the theoretical framework and undertake a close study of the existing literature on labor trafficking, explore best practices, and utilize these tools in the context of a legal clinic. One of the great things about working in the context of a law school is the ability to bring about change and reform through human rights and labor rights lawyering in our legal clinics. In this project, we will be using the Workers' Rights Legal Clinic as a ‘laboratory’ to test the different ideas and tools in development, as well as observe the way courts respond to claims and the challenges we might face when representing trafficked people in a

labor court. In the following three years, I will carry out case studies in different countries and sectors and develop both a theoretical framework and a normative blueprint for a labor approach to trafficking. The final stage will be the synthesis of these different aspects into a series of articles and reports.”

Speaking of different countries, the circumstances in which humans are trafficked for labor exploitation vary and each country has its own unique problem. In the project outline, you say the specific patterns in a given labor sector and the legal regimes in a given country will need to be considered. How much do these global conditions vary?

“They vary significantly between countries and between sectors. Some sectors have similar economic logics, if we consider the seasonal nature of agriculture for instance, and the way workers are recruited for guest worker programs might be similar. There will be greater variance within the same country between different sectors, for instance care work and agriculture, whereas these sectors vary significantly from each other in their recruitment and employment practices within the Israeli context, each sector share significant similarities with parallel sectors in other countries. There are also variations between countries due to a multitude of factors such as the immigration regime and even the geography of a country; some are easier to get into than others.

Take the EU, despite its open border policy we can still see cases of trafficked Romanian farm workers in Italy for example, and it’s a whole other situation there due to internal immigration policies and the freedom of movement. These global variations need to be taken into account.”

Do they pose a problem for the research?

“Not a problem per se, but they do need to be closely looked at. The kind of breakthrough this research seeks to offer is not a ‘one size fits all’ solution; it must be tailored to the specific context. I’m interested in developing an analytical framework to understand the context, and ask the right questions about each context, with a view to applying the framework to different countries and sectors. The variations provide me with the tools to think about the meta-questions, and I plan to do case studies in different countries and sectors with the aim of better understanding the kind of framework required to develop effective anti-trafficking tools.”

I want to ask you about the ‘double identification’ of trafficked people as both victims and illegal migrants. On the one hand they are innocent victims, and on the other complicit in their ‘crime’. Since you’re trying to detach from the criminal element here, how do you tackle the issue?

“I don’t think of them as complete victims or as being complicit in a crime, I think of them as having

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My project seeks to utilize existing practices and methods that have been successfully experimented with and develop new regulatory strategies to improve workers’ conditions, including enabling the workers themselves to be agents of change

agency and regard it as an instance of extreme labor market exploitation. They are complicit in the sense that they needed a job, and they have agency in the sense that they actively looked for one. Many victims of labor trafficking travel long distances to reach another country, or move from the village to the city, with the aim of achieving a stronger economic standing. And they are vulnerable because of their personal circumstances, such as poverty, belonging to a minority group, a lack of education or other factors that make them vulnerable to severe forms of exploitation. Of course, some of them may have entered a



country illegally... but the focus of this project is on the structure of the markets in which they labor, and the power disparities between different actors in these markets that enable trafficking. I want to identify new migration, employment and workplace organization approaches that will empower workers to improve their working conditions and provide them with accessible legal tools to do so. My project seeks to utilize existing practices and methods that have been successfully experimented with, and develop new regulatory strategies to improve workers’ conditions, including enabling the workers themselves to be agents of change.”

There’s a growing voice within academia arguing that research on trafficking, and particularly sex trafficking, tends to espouse unsupported claims that have become entrenched in the narrative as accepted dogma, usually in a bid to subvert broader political issues. Prof. Ronald Weitzer from George Washington University, for instance, maintains that in a recent review of one hundred academic articles on sex trafficking, few contained original data. That’s shocking. What do you think?

“Weitzer is quite right about some of the scholarship in this field. One of the goals of the project is to

produce new research with data and information about best practices on the ground. I think that collecting information from existing reports and studies is important to understand the common understanding and perception of how things are, and I plan to do that during the first phase of the research. However, some of the numbers we know about the scope of trafficking and the information we have about its nature may be unreliable. It is well known, for example, that the Trafficking in Persons Report and UNODC used to work with methodologies that have been significantly and convincingly criticized by scholars. In this sense Weitzer is correct. My intention is to go beyond the common myths and perceptions about trafficking and attempt to shed new light on these issues.”

What aspects of the project are you particularly excited about?

“Where do I start? First, the sheer scope made possible by the generous funding of the ERC to not only rely on secondary sources and materials—apropos the previous question—but to have the ability to learn about the reality in different countries,



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collaborate with NGOs on the ground and work with researchers from around the world and gather the preliminary information and original data. I’m also excited about taking a multifaceted look at labor trafficking in a way that doesn’t limit me to one tool or mode of analysis. The funding will allow me to do that, as well as engage with many researchers at different stages of their academic careers, involve other people in the project and create a buzzing research hub where people will ask these questions, explore their implications together, and further develop the paradigm of a labor approach to trafficking. I’m excited about being

able to pursue my own research while working collaboratively with many other people.”

Drawing upon one another's creative synergy...

“Exactly. Usually when you do academic research, you might write a book or a paper and explore the issues from different dimensions. Due to the scope and magnitude of the project and the ability to involve many researchers in it, I hope to break the mold and carry out a detailed analysis of a host of uncharted elements in a way that a smaller-scale project might not allow. For instance, simultaneously looking at bilateral agreements, unionizing, corporate social responsibility, domestic legislation in its various

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I want to contribute to the ongoing shift in our conception of what human trafficking is by offering tools to combat it more effectively

and international agencies, as well as NGOs working on anti-trafficking will be cognizant of the other tools and respond to this change in climate. I hope to do my part in creating a paradigm shift by offering a deeper way of thinking about the issues. It isn’t a totally new territory and there are other actors involved in the conversation; the International Labor Organization, for instance, has a relatively new protocol about human trafficking and they are showing willingness to think about it from a labor approach. I want to contribute to the ongoing shift in our conception of what human trafficking is by offering tools to combat it more effectively.”

It’s a fascinating project, and it’s been a pleasure discussing the various issues with you. Finally, you’ve recently stepped down from the role of Associate Dean of Academic Affairs... to launch into research. How does it feel?

“I’m very excited to enter this new research project,” smiles Dr. Shamir. “I’ve been in office as Associate Dean of Academic Affairs too short a time, only since July 2017, which hasn’t afforded me much time, realistically, to realize many of the goals I had prior to commencing the job, but you can’t do it all. I might come back to this office another time... we’ll see. As it stands, now is the time to do this research, and I’m delighted for the opportunity to do so!”

What are you hoping the project will achieve?

“I have high expectations. I am hoping it will shift the global discourse on human trafficking, for instance when countries describe their own actions to combat trafficking, I hope that it will no longer be sufficient to say, ‘we criminalized trafficking.’ It will no longer be sufficient to say, ‘we have trafficking victim shelters.’ Both are important, I am not disqualifying them as possible tools, but I am disqualifying them as the main tools. I am hoping governments, national



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New Faces at the Faculty

The Buchmann Faculty of Law is delighted to announce two new faculty appointments:

Prof. Yoram Danziger and Dr. Kobi Kastiel



Supreme Court Justice (Ret.) Yoram Danziger has joined the Buchmann Faculty of Law and commenced teaching duties in March 2018.

A proud graduate of the Buchmann Faculty of Law, Prof. Danziger received his LL.B. and LL.M. degrees with honors. He earned his PhD in law from the London School of Economics in 1983, and returned to Tel Aviv University to teach commercial law. Prof. Danziger was a board member of the Association for Civil Rights in Israel, the founder of its branch in Tel Aviv, and served as co-editor of the Israeli Bar Law Review. He has published numerous legal articles in Israel and in the United Kingdom,

focusing primarily on corporate law. In 2000 he published "The Right to Information about the Company". In 2007, Danziger was appointed to the Supreme Court and has been a strong voice for its liberal wing, and renowned for his consideration of the rights of criminal defendants.

We are thrilled to welcome Prof. Danziger back to his alma mater as a Professor of Law, and wish him all the best for a successful and enjoyable tenure at Tel Aviv University. 

First We Take Manhattan ...and then Tel Aviv

Dr. Kobi Kastiel joins the Buchmann Faculty of Law from Harvard Law School. A proud Faculty graduate, he researches and teaches in the fields of corporate law and corporate governance, with a particular focus on public companies with controlling shareholders, and shareholder activism. In this interview, Dr. Kastiel talks about the move from Harvard, his current research interests, and recalls a wise piece of advice by Michael Jordan.

Kobi Kastiel's exceptional research and teaching record are the hallmarks of an illustrious career, which he began as a clerk at the Israeli Supreme Court under the supervision of Justice Asher Grunis, former Chief Justice of the Supreme Court, and Justice Salim Joubran. Upon completion of his LL.M. at Harvard Law School, Kastiel practiced corporate law in a top New York law firm and was involved in high-profile deals, spending long hours in "war rooms", and working shoulder-to-shoulder with some of the finest lawyers in New York City.

During that time however, Kastiel started to feel that he was getting farther away from his "North Star", and from the reasons that initially motivated him to pursue a legal education. Thus, in the summer of 2012, he traded his office on the 32nd floor of a luxurious building in midtown Manhattan for the Harvard Law School Library, where he pursued a doctoral degree. Kastiel studied under the supervision of Prof. Lucian Bebchuk, a world-renowned legal scholar and a pioneering researcher in the area of corporate governance, law and finance, and law and economics. Dr. Kastiel went on to become Research Director at the Harvard Law School Program on Corporate Governance, and Co-Editor of the Harvard Law School Forum on Corporate Governance and Financial Regulation.

"It soon became clear to me that there is only one place where I want to teach,

research and grow professionally, and that place is Israel. I accepted the offer to become a Faculty member at the Buchmann Faculty of Law with great joy, and here I am."

Welcome back to your old haunt! How does it feel?

"I am very proud to be back at my alma mater," says Dr. Kastiel enthusiastically. "I have wonderful memories from the time I spent at the University as a law student. It is the place where I experienced a significant intellectual growth, acquired critical skills and really fell in love with legal studies - as well as with my wife!"

You met her at Tel Aviv University? That's a story in itself. How do you feel about the move from Harvard?

"The Buchmann Faculty of Law is a leading institution not just by Israeli standards, but also by international standards. It has a very impressive cadre of outstanding legal scholars in almost every field you can think of. I was lucky to study with some of them. The prospect of becoming a part of this exceptional institution, and continuing where I left off a decade ago, is extremely exciting. I'm also very happy to switch the winter in Cambridge with the one in Tel Aviv..."

I bet. What are your current research interests?

"My scholarly work centers on contemporary issues in corporate governance with a particular emphasis



You recently co-authored a series of articles with your former mentor at Harvard Law School, Prof. Lucian Bebchuk. Tell us about that.

“The series is about dual-class capital structures, which enable founders of public companies, including some giant media and tech companies, to retain a lock on control while holding a minority of the company’s equity capital. There has been a heated policy debate in the United States as to whether these structures should continue to be permitted. We try to influence and reorient this debate by placing a spotlight on a subset of these companies whose structures raise especially severe governance concerns. Among other things, we show how dual-class firms with perpetual duration become inefficient over time, and suggest subjecting them to sunset arrangements. We also identify the various legal mechanisms that enable controllers to retain their small, or even tiny, minority of the company’s equity capital, and propose measures to limit them. Working with Prof. Lucian Bebchuk, first as an advisee and most recently as a co-author, has been an amazing experience, and I hope that these projects will help to change the conversation about dual-class structures.”

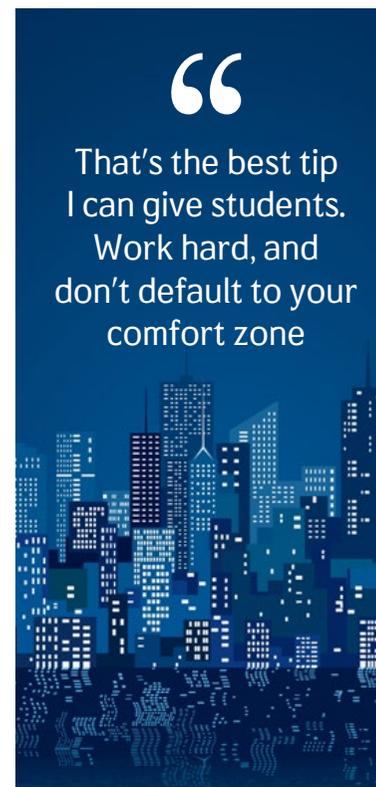
Tell us about a class you’re going to teach.

“I’m going to teach the corporations class. It’s a very dynamic field, with a constantly growing body of case law

and hot stories in the financial news every other day. My hope is that the students will implement what they learn in the classroom when they read Globes or The Marker in their free time, and then bring their own analysis and critique of these stories to the classroom. This constant back and forth between the professor and the students, and between the materials we learn in the classroom and outside world, will make the teaching more interesting and dynamic, and help the students to remain engaged and take ownership of the studied materials.”

Speaking of classroom dynamics, what are your thoughts on the rise in online courses and innovative learning methods? It might force law schools to rethink their pedagogical methods.

“Certainly, one important change is already happening. Next year, as part of a larger change to the colloquium, the Faculty will offer to fourth-year students a number of new courses, with the aim of illustrating how distinctive legal fields interact with one another in real life. It will help students to adopt a broader, cross-sectional perspective about the law, and to apply what they learned in a few separate courses in one integrative setting. I am going to teach a class on the new sharing economy. Platforms such as Facebook, Airbnb and Uber are experiencing explosive growth. For legal scholars and policy makers, these global corporations raise interesting questions and challenges



that require a deep understanding of the interaction between many legal fields. These initiatives also raise important questions about international enforcement of the law and the divide between the public and private domains.”

Very interesting. And how are these recent initiatives related to your field?

“Well, an important part of this course will be devoted to the socialization of capital and new initiatives

in the financial market, such as crowdfunding, peer-to-peer lending, virtual currencies and blockchain technologies, which are likely to fundamentally impact financial markets in future. Goldman Sachs recently estimated that \$4.7 trillion of revenue at the traditional finance services is at risk for disruption by new technology. It’s revolutionary and these new initiatives are going to make the lives of policy makers, lawyers, and researchers interesting.”

Do you have a golden rule for today’s students?

“In two words: apply yourselves,” he smiles. “I read a fascinating article recently about basketball legends. Michael Jordan, for instance, became the world’s greatest basketball player not only because he was blessed with exceptional athletic talents, but because he worked harder than anyone else. Jordan famously said, ‘My attitude is that if you push me towards something that you think is a weakness, then I will turn that perceived weakness into a strength’. That’s the best tip I can give students. Work hard, and don’t default to your comfort zone. Your professional journey starts here, at the Faculty. It’s here where you acquire the basic foundations of thinking like a legal scholar and a lawyer. Take it seriously. Don’t cut corners, don’t skip readings or classes, and be professional. It will pay off in the future, you will see.”

The Heart of the Action



The Attorney General Office in Action is one of the flagship courses at the Buchmann Faculty of Law. Students are thrust into the heart of the action at the State Attorney's Office and take an active role in supporting real cases. Currently in its third year, the course is undertaken in collaboration with the Attorney General Office and provides intellectually challenging and sustained practice-based development that affords students with a 'real world' dimension to their studies.

The course includes lectures given by prosecutors from the District Attorney's Office and contains practical component in which students experience the criminal judicial process from the prosecutor's point of view. The students hone their oral and written trial advocacy skills by drafting motions, interrogatories and other documents required to prepare a case for trial, as well as 'shadowing' prosecutors through the process of preparing a case and arguing it in court.

The course does an exceptional job of presenting daily work at the Attorney General Office. "We take pride in



Photography: Dror Einaiv

Adv. Orly Ben-Ari Ginsberg

the fact that a number of students who took the course decided, at the end of their studies, to join various departments of the State Attorney's Office as interns," says Adv. Orly Ben-Ari Ginsberg, Deputy Central District Attorney, and the course's academic instructor.

The course has been hugely-popular and the growing demand has resulted in an expansion of the program to include two additional modules in 2017-18: "Tax and Economic Crimes" and "State Representatives in the Courts – A Practical Course in the Civil Attorney's Office".

"The course has always been in high demand, but due to its practical nature we were only able to accept 24 students each year," explains Adv. Ben-Ari Ginsberg. "After discussing the issue with Dr. Hila Shamir, Associate Professor and outgoing Associate Dean of Academic Affairs, we decided to involve colleagues from the Tel Aviv District Attorney's Office and make room for 36 students. I absolutely love giving this course. I think we have succeeded in providing a professional and engaging learning environment which the students find enjoyable, stimulating, and worthwhile." 



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