

Mission Possible

Prof. Neta Ziv was recently appointed to head the Equality and Diversity Commission at Tel Aviv University. In an interview for *De jure* she tells us about the justification for establishing the new commission, describes her future role, and explains why today it's a lot easier to be a social change lawyer than back when she graduated from law school. | p.5

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Message from the Dean

➔ Welcome to *De jure*, the magazine of the Buchmann Faculty of Law at Tel Aviv University. The magazine covers just some of the news and developments from the wide range of activities from the past year.

Just like the rest of the world, the past year at the law faculty has been spent in the shadow of the COVID-19 pandemic, with a gradual return to in-person classes during the second semester. I would like to thank the faculty and students for their cooperation and for their remarkable efforts, which enabled all of us to transition to online and hybrid learning. I am hopeful that we will be able to open the coming academic year with full in-person classes.

The faculty continues to flourish and to witness impressive achievements by its students and graduates. Israel's new president, Isaac Herzog, and his wife Michal are graduates of the faculty. So are the new justice minister, Gideon Sa'ar, health minister Nitzan Horowitz, and minister of environmental protection, Tamar Zandberg. Yifat Tomer-Yerushalmi, the newly appointed IDF

military advocate general, is also an alumna of the faculty. I would like to take this opportunity to congratulate them and wish them the best of luck in their positions.

I am pleased to welcome three brilliant scholars who have recently joined our faculty: Prof. Yoav Sapir, until recently Israel's chief national public defender; Dr. Merav Furth-Matzkin, who joins us from the UCLA Law School; and Dr. Uri Hacoheh, who completed a post-doctorate at UC Berkeley. Also fortifying our ranks is legal scholar Dr. Ido Katri, who joins the School of Social Work. Ido will give courses at the law faculty and will work closely with us. These additions are further testimony of the growth of the faculty and of the fact that it is the leading law school in Israel.

As with every year, I would like to acknowledge our donors, to whose support we owe much of our success. This year I would like to make special mention of Mr. Josef Buchmann, who gave a donation for the establishment of a new building that will expand the faculty's campus. Construction is set to begin next summer, and

the new building will eventually also house the permanent seat of the Edmond J. Safra Center for Ethics, thanks to the generous funding of the Safra Foundation. Mr. Buchmann's donation is another in the long line of generous donations that he has made over the years to Tel Aviv University (including for the law faculty, which is named after his parents). I would also like to thank our other donors, whose support helps us develop new academic programs and make the educational atmosphere at the faculty more pleasant and comfortable. This includes a comprehensive renovation of the law library – the basement level as well as the computer lab, which will be transformed into a multi-purpose study hall (thanks to a donation from Goldfarb Seligman law firm and HaPoalim Bank, in memory of faculty alumnus Oded Eran).

I hope that the faculty will continue to grow and develop in the coming year, and I would like to wish our readers – students, alumni, faculty members, donors – a happy and healthy new year.

Sincerely,
Prof. Sharon Hannes, Dean

Faculty News in Brief



Issac and Michal Herzog

Photo: Dani Shem Tov

➔ The Faculty is proud of alumnus **Isaac Herzog**, who was chosen to be the 11th president of the State of Israel. We send our warm congratulations as well to his wife **Michal Herzog**, also a Faculty alumna (and former chair of the alumni organization).

➔ Five members of the new government are alumni of the faculty. Justice minister **Gideon Sa'ar**, health minister **Nitzan Horowitz**, environmental

protection minister **Tamar Zandberg**, and deputy ministers **Yoav Segalovitz** and **Idan Roll Asaf Zamir**, the new general consul in New York and former tourism minister, is also an alumnus of the Faculty.

➔ **Yifat Tomer-Yerushalmi**, who holds a masters from the Faculty, was appointed to the position of military advocate general and is the second female major-general in the IDF.

➔ In June, Prof. **Yoram Danziger** received the Excellence Prize on behalf of the Federal Republic of Germany, for his work in advancing relations between the Israeli and German legal systems.

➔ Dr. Adv. **Smadar Ben Natan**, who completed her LL.B and PhD at the Faculty is one of this year's recipients of the Guggenheim Foundation research grant for her research on the incarceration of Palestinian prisoners in Israel. Dr. Ben Natan, one of Israel's leading human rights lawyers, is completing a post-doctoral fellowship these days at the University of Washington in Seattle.

➔ In May, PhD candidate **Luiza Jarovsky** received the President's Scholarship, granted to her by former President Reuven Rivlin for her research on the fairness of protection of personal private information. Luiza was born and raised in Brazil, worked as a lawyer in São Paulo, studied in the Parasol Foundation International LL.M. Program, and wrote a thesis on the challenges of consent in information privacy.

Faculty News in Brief

Photos in courtesy of the media unit at TAU and Merav Furth-Matzkin



Yoav Sapir



Uri Hacohen



Merav Furth-Matzkin



Ido Katri

➔ Prof. **Yoav Sapir**, who holds a PhD from Harvard and served until recently as the national public defender, joins our senior faculty. Other additions to the senior faculty are Dr. **Merav Furth-Matzkin**, who joins us from the UCLA law school, and Dr. **Uri Hacohen**, who completed his post-doctorate at UC Berkley. Also teaching at the law school next year will be Dr. **Ido Katri**, who was appointed to the School of Social Work.

➔ Being published these days by Am Oved publishers is a legal-social book that provides a behind-the-scenes look at the key decisions made by Israel's Supreme Court. The book is edited by Prof. **Issi Rosen-Zvi**, Prof. **Hila Shamir**, and Adv. **Shay Aspril**, and authors of the various chapters include members of the Faculty.

➔ **Karina Shtotland**, a graduate of the Faculty and editor of the magazine La-Isha, is one of the recipients of the 2021 Sokolov Prize for print journalism.

➔ Adv. **Danielle Wolfson**, an LL.M. graduate of the Faculty's Tel Aviv-Berkley LL.M Program, became the first Israeli woman to climb Mount Everest.

➔ Construction is set to begin on the new study hall in the library in memory of Faculty alumnus **Oded Eran**, an outstanding lawyer who graduated from the Faculty in 1983 and served as chairman of the board

of directors of HaPoalim Bank until his death. The 60-square-meter hall will serve as a multi-purpose room and will welcome students and faculty as a private and group study space as well as for conferences and seminars that are held in the library. The Faculty wishes to thank **HaPoalim Bank** and **Goldfarb Seligman** law offices, whose donation will make the construction of the hall possible.

➔ The Faculty thanks the **Roitman family** for their donation to support academic cooperation with the Johann Wolfgang Goethe University in Frankfurt.

➔ Construction will soon commence on the Faculty's new building, made possible with a generous donation by Mr. **Josef Buchmann**. Mr. Buchmann's donation is another in the long line of generous donations that he has made over the years to Tel Aviv University (including for the law faculty, which is named after his parents). The new building will eventually also house the permanent seat of the **Edmond J. Safra** Center for Ethics, as well as the **Juliette** and **Raul Danon** auditorium.



An architectural rendering of the Faculty's future building.

Neta Ziv.
"Spaces of integration"



Photo: Gal Hershoni

The Buchmann Faculty of Law's Prof. Neta Ziv was appointed to head the Equality and Diversity Commission at Tel Aviv University. We talked with her about some of the pressing issues on her agenda.

It has been two years since the Faculty's own Prof. Ariel Porat took on the position of president of Tel Aviv University. During this period, almost entirely in the shadow of the COVID-19 pandemic, Porat has led a series of changes and innovations on the campus, the most recent of which was the establishment of the Equality and Diversity Commission at the university. Familiar with Prof. Neta Ziv's managerial and academic

experience, both as a research fellow and as director of the Clinical Programs at the law school (under Porat as Dean of the Faculty), he persuaded her to take the position. Last April, Porat announced the establishment of the commission and Ziv's appointment to head it. Soon thereafter, other academic institutions in Israel – the Hebrew University, Ben Gurion University, and apparently also the Technion – announced their intentions to establish similar commissions.

“Tel Aviv University is a public institution, which relies to a large extent on public funding,” Ziv told *De jure*, explaining the rationale behind the establishment of the Equality and Diversity Commission. “As an academic institution we enjoy institutional autonomy and the academic freedom to create and confer knowledge, to educate, to foster critical thinking, and to prepare the next generation of researchers and leaders in Israel. Alongside this academic freedom and autonomy – which are essential in any democratic society – the university is also an inseparable part of Israeli society, which is, unfortunately, replete with challenges of inequality, exclusion of minority groups, tensions, and divisions. Israelis today do not tend toward acceptance of those who are different, who have different points of view or ways of life. I believe that given this reality, the university can and must do all in its power to create spaces of integration and mutual respect. This is our obligation, but it is also in our best interest as a university – because research will be better, teaching will be more interesting, and the student experience will be



Photo: Hicham Chabaita

richer if we enable all social groups to take part in them. But integration, cooperation, and diversity don't happen on their own; on the contrary – if we don't apply a clear and targeted “unifying force,” the dynamic created in the flow of everyday life will be the opposite, tending toward separation and division, not cooperation and diversity.”

What will the work of the Commission look like?

“I will have a small staff with me in the Commission, and we will work in coordination with all of the units on the campus. The team will monitor issues of equality and diversity, initiate programs, and support and expand existing activities. Basically, we will be the address for all matters related to these issues on campus. The Commission will address all the groups and communities that call Tel Aviv University their academic and institutional home: women and Arabs, ultra-Orthodox and Ethiopian, individuals with disabilities, LGBTQ, first-generation university students, and more. The commission will work with all of the units – administrative and academic – as well as with the student body.”

The Law Faculty has created

programs for accepting outstanding candidates from the periphery. Will this be duplicated in other faculties?

“Because the stage of university studies in one's life cannot be separated from what came before and what will come after, the Commission will deal both with admissions and with graduation and integration into the workplace.”

“I didn't even understand myself the choice I had made”

In the 80s, when Ziv was certified to practice law, she felt alone. “Up to that point I had worked as a novice lawyer at the Association for Civil Rights in Israel,” she wrote a decade ago in an essay that was published in the law journal *Ma'asei Mishpat*. “Back then in Israel there were hardly any of ‘that type’ of lawyer who worked full-time for an NGO. It felt very lonely. I found myself explaining the career I had chosen for myself to my surroundings, having to justify myself and answer questions like ‘why did you choose such an unprestigious job after graduating with honors from law school’ (...) in truth, I didn't even understand myself the choice I had made.”

We must create spaces of integration and mutual respect. This is our obligation, but it is also in our best interest”

At the time, a special master's degree program opened up at the American University in Washington, offering scholarships for Israeli attorneys to do their graduate studies in the field of human rights. One of the conditions for the scholarship was that after completing their degree the graduates return to Israel and work in the non-profit sector. Ziv applied and was accepted, and when she returned from her studies, she understood that this was her calling. “The year I spent in Washington – the studies, and in particular my focus on rights organizations – changed my life. I felt that I was part of a strong professional legal community, I felt proud and with a clear commitment. I was captivated. I had no doubt that I had found my place.”

Three and a half decades have passed since then. Ziv completed her degree and came back to Israel to work as a lawyer at ACRI, where she was involved in some of its flagship cases, including the Alice Miller case, which dealt with women's access to air force pilot training courses; and the Ka'adan case, which deemed discriminatory the government policy that allowed the allotment of public land in community settlements to Jews only. In those years, the early 1990s, civil society organizations had

become more common in Israel. The fact that some ground-breaking decisions advancing minority rights were made in the supreme court during those years improved the standing of public law.

In the second half of the 90s, Ziv left ACRI to pursue a PhD from Stanford University. Upon her return to Israel, she was appointed to the law faculty at Tel Aviv University and as director of its Clinical Programs. She served in this position for a decade and a half, transforming the clinics into a rising force in the public-legal arena in Israel. In parallel, she dedicated her time to research in the fields of discrimination and equality, law and poverty, public housing, and professional ethics. Looking back, it is clear that Ziv's career path was not a conventional one. Academics



Ariel Porat

Photo: Yoram Reshef

do not often practice public law, and non-profit lawyers rarely succeed in developing a successful academic career. This may be the reason for the great esteem that Ziv has earned, and for the long string of awards she has received for her academic and public achievements, the most recent of which is the 2020 Gorny Prize in Public Law.

As one of Israel's first social change lawyers, how do you see the state of social change law in Israel today? What are the difficulties that social change lawyers face in today's reality?

“Social change law in Israel is an integral part of the professional fabric of the legal profession in Israel. When I started working in social and public law, it was considered a fringe activity, almost apologetic, one that needs to constantly justify and explain itself. Three decades later we are witness to an energetic cadre of lawyers working for the advancement of a wide variety of social causes. We find them in civil society organizations, academic clinics, but also in private law firms. Social change lawyers are no longer on the fringes, and today they can say proudly that they are realizing the calling of the legal profession. Of course, issues of funding and job security continue to pose a challenge for the field, and in this sense, it is difficult to see how the situation will change fundamentally in the future. Collaborations between medium and large law firms and NGOs and clinics nowadays are a sign that this practice has gone beyond the small bunch of ‘crazy’ lawyers as it was when I started out.”

A Supportive Climate

On the backdrop of the rise of public interest in climate and public health issues, the Environmental Justice and Protection of Animals Clinic has made some important achievements.



Factories in Haifa bay.

Photo: Shutterstock

➔ In recent years, with the growing interest in environmental issues, the activity of the Environmental Justice and Protection of Animals Clinic has developed significantly. For example, two years ago the Clinic submitted a motion to certify a class action suit against 30 polluting factories in the Haifa Gulf, because of high rates of lung cancer and non-Hodgkin's lymphoma. Soon after, the factories asked to have the motion rejected outright. Their main claim was that class action law doesn't allow for the submission of a damages suit for

bodily harm resulting from a mass environmental injustice. According to the response, each of the sick people has to conduct their suit individually. Last February the Haifa District Court rejected all of the claims of the factories, ruling – for the first time in Israel – that it is possible to submit a class action suit for bodily harm as a result of a mass environmental injustice. The court also rejected the factories' claim that individual suits need to be submitted, while emphasizing that this is a group of sick people, who are fighting for their lives and who would have a hard time

managing such a complex case on their own.

Another high court petition submitted by the Clinic dealt with the severe environmental and health hazard of pirate trash-burning in the town of Jdeideh-Maker. In the petition it was claimed that a weak local authority such as the Jdeideh-Maker council, cannot take upon itself the burden of dealing with the hazard, and therefore the Ministry of Environmental Protection must take responsibility for finding a concrete solution on the matter. In a hearing that took place this year, the supreme court instructed the sides to engage in dialogue and to present a plan of action to get rid of the waste hazard.

Alongside the practical work, the Clinic initiated an inter-university and inter-faculty collaboration in the form of the first Israeli conference on the study of the climate crisis in the humanities and social sciences. Hundreds of people attended the conference, where substantive issues related to the climate crisis and the role of the humanities and social sciences in dealing with the crisis were discussed.

The Clinic is supported by the **Senser Foundation**, the **Coller Foundation** (UK) and **Menmon Ltd.** (Israel).

Clinical Achievement

For years, immigrants from the former Soviet Union were buried in separate burial areas in some of the main cemeteries of Israel. The court certified the Clinic's motion for a class action suit against the Jewish burial society for unlawful discrimination.



Hadas Holzstein-Tamir, Clinical Instructor of the Class Action Clinic.

➔ This past June the court certified the Clinic's motion for a class action suit against the Petah Tikva Jewish burial society, on the claim that for years they buried the dead from the FSU in separate burial areas, constituting unlawful discrimination based on ethnicity. The request was submitted by the Clinic along with the law offices of Gil Ron, Keinan & Co., on behalf of two Israeli citizens from the FSU whose relatives died and were buried in separate areas.

The Central Region District Court rejected the Petah Tikva Burial Society's claim that the purpose of the designated plots was to allow the immigrants from the FSU to show pictures of the deceased on the tombstones (against the prohibition in Jewish law). The court stated that "we cannot accept this claim with the generalization that it entails," and that "the separation was done out of a patronizing and stereotyping view of immigrants from the Former Soviet Union."

In addition, the court accepted the claim that the policy of separate burial caused the plaintiffs and the rest of the members of the community – the families of the deceased – astonishment, anger, rejection, alienation, and humiliation.

The approval of the class action suit came five years after the submission of the request, with no less than six classes of students in the Clinic working on the case. During this long period of time, the sides tried to reach an agreement through mediation, but to no avail.

Clinical Diagnosis

➔ The Beer Sheva District Court accepted the position of the Human Rights Clinic, together with Bizchut, The Israel Human Rights Center for People with Disabilities – representing a man who was detained and then arrested by the police, who brought him to a forced psychiatric exam. The police claimed that their actions were done in order to prevent the man from committing suicide, following a telephone tip. The court claimed that even if the police officers' motives were worthy, they diverged "significantly" from their authority, and that the sole authority to bring a person for a psychiatric exam is in the hands of the district psychiatrist. This ruling was given after the detainee sued the police in small claims court and won a compensation of 7,500 ILS. The police appealed to the district court, which rejected their claims.



Debby Tal Sadeh, Clinical Instructor of the Human Rights Clinic.

Once Upon a Time in America

Alaa Haj Yahya – a graduate of the Law Faculty and of the Department of Sociology, and a master’s student at the Zvi Meitar Center for Advanced Legal Studies – was among a select group of young researchers who participated in the prestigious Yale Fox International Fellowships program this year. We asked Alaa a few questions about the unique experience.



Haj Yahya.
“The Fox program made the choice easier”

Photo: Loayy Wattad

Tell us about the Yale Fox International Fellowships and how you got there.

The Fox program is an international research fellowship program for outstanding graduate students. The fellowships are intended primarily for students in the social sciences, humanities, and law. I reached the Fox program through a call that was shared by the administration of the Law faculty and the Sociology Department at Tel Aviv University. I was interested in pursuing my graduate studies at an Ivy League university in the United States, and so this seemed like a great opportunity to get a taste of the student experience at the Yale Law School, which is considered the best law school in the world. The fellows in the program have access to all the resources Yale has to offer

– archives, libraries, courses, writing and research workshops, journals, and more. Each fellow is closely supervised by a member of the faculty in their research field. One of the greatest gifts I received as part of the program was the opportunity to present my work on the Zionist Left in Israel and its position on the Law of Return and the Jewish Nation-State Law, which I am researching for my thesis in law (jointly advised by Professors Menny Mautner and Nissim Mizrahi). The feedback I received helped me develop the theoretical and empirical directions of my research. Moreover, through the program I received support in translating my thesis from Hebrew to English, which will help me publish it in an international journal.

What is the profile of the fellows in the program?

Every year about 20 outstanding master’s and PhD students are selected. The fellows are all in advanced stages of research and come from different countries in the world – the Far East, Africa, Australia, South America, Europe, and more. During the time I spent with the group, I got to know different cultures, new ways of critical thinking, diverse research methods, and of course, how can I forget, different cuisines – from Brunei Darussalam in the East, through Kenya in Africa, to Mexico and Argentina. I was part of a diverse group of good friends from around the world, all promising young scholars in their field.

How was the academic year affected by COVID-19?

COVID had a big impact on the program, without a doubt. It was not a regular year. For example, the

Yale central library

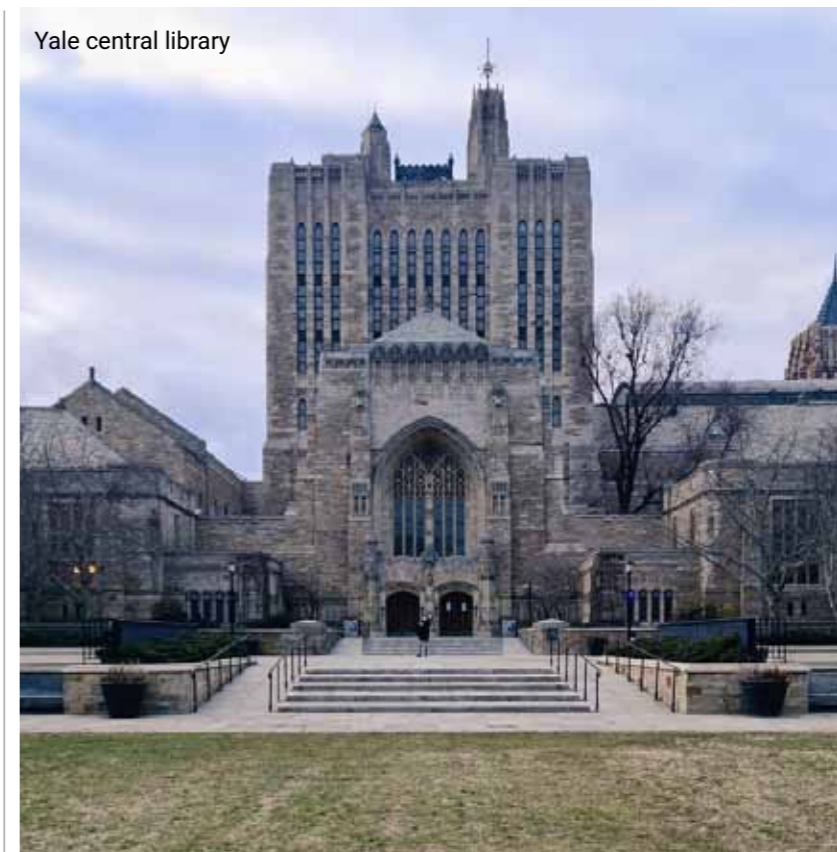


Photo: Jesús Carrillo

program normally is two semesters long but this year it was only one semester. All of the courses were held on Zoom because of social distancing, and that was challenging. Most of the fellows’ meetings were also on Zoom or in a hybrid format, since some of the participants couldn’t make it to New Haven at all. However, I was one of the 12 fellows who were able to be physically in New Haven and to take advantage of what this wonderful place has to offer, as much as possible. In the last three months of the program vaccines became available, so in the last two months we were able to meet face to face and gradually get into a normal routine. So, in spite of all the sorrow brought by Corona, and despite the obstacles it posed for the program – in my case, thanks to the strict framework of the program and my desire to get to know the other fellows, I did make an effort to meet people one on one or in small groups, and this helped us

get to know one another on a more personal and meaningful level. These obstacles and constraints allowed me to invest more time in my research and reading, as well as in my courses. You could say that I got the most out of my short stay at Yale.

What’s next for you?

Last year I applied for several LLM programs in law schools and universities in the States – Harvard, Yale, Columbia, New York, and Berkeley. I was accepted to five of the universities, and after much deliberation, I decided on the Law Faculty at Yale University, has been a warm and welcoming home for me over the past half year. The Fox program made the choice easier, and I knew that I would be going to a place that I can get a lot out of. My plan, at this point, is to complete my LLM year and hopefully continue on to a PhD in law and sociology. ■



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Chief Editor:
Shay Aspril

Translation:
Tamar Cohen

Graphics:
Michal Gizbar

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Nir Kutz Architects

<https://en-law.tau.ac.il> |
deanlaw@tauex.tau.ac.il