

Yoram Rabin ***Curriculum Vitae***

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Higher Education

- 1990-1994 **College of Management Academic Studies, Haim Striks School of Law**
LL.B.
- 1994-1997 **Tel-Aviv University, Law Faculty**, Tel-Aviv, Israel
LL.M., Magna Cum Laude (*Dissertation title: The Right of Access to the Court as a Constitutional Right in Israel. Supervisor: Prof. Daphne Barak-Erez*).
- 1998-2002 **Tel-Aviv University, Law Faculty**, Tel-Aviv, Israel
J.S.D. (*Dissertation title: The Constitutional Status of the Right to Education in Israel. Supervisor: Prof. Daphne Barak-Erez*).
- 2007 **Fordham Law School**, New York.
Post Doctorate (Visiting Scholar)

Academic Ranks in Institutions of Higher Education

- 1998-2002 The Striks School of Law, The College of Management Academic Studies, Israel
Full time appointment
- 2002-2004 The Striks School of Law, The College of Management Academic Studies, Israel
Lecturer
- 2004-2009 The Striks School of Law, The College of Management Academic Studies, Israel
Senior Lecturer
- 2009-2019 The Striks School of Law, The College of Management Academic Studies, Israel
Associate Professor

Offices in Academic Administration

Haim Striks School of Law, The College of Management Academic Studies:

- Member of the Curriculum Committee (2002-2015)
- Member of the Academic Committee (2005-2015)
- Head of the Criminal Law Division (2002-2011)
- Member of the College's High Academic Council (2004-2015)
- Deputy Dean (2008-2011)
- Dean (2011-2015)
- Member of the College's Executive Board (2011-2013).
- President of the College (2019 and on).

Teaching Academic Courses

- 1998-2019 **The College of Management Academic Studies, Haim Striks School of Law**
- Criminal Law (core course, 2001-2019).
 - Constitutional Law (core course, 2005-2011).
 - Administrative Law (core course, 2001 – 2005).
 - Procedural Rights in Civil Procedure (since 2000).
 - Economic, Social & Cultural Rights in Israel (since 2000-2006).
 - Interpretative Issues arising from Amendment 39 to the Criminal Act (seminar, since 2003-2007).
 - Moot Court (since 2000-2005).
- 2002-2003 **Tel Aviv University, Law Faculty, Tel Aviv Israel**
Visiting Lecturer, 2002-2003
- Criminal Law.
- 2001-2002 **The Hebrew University, Law Faculty, Jerusalem, Israel**
Visiting Lecturer, 2001- 2002
- Constitutional Aspects of Civil Procedure;
 - Economic, Social & Cultural Rights in Israel.
- 2001-2011 **Interdisciplinary Center, Radzyner School of Law & The Lauder School of Government Policy & Diplomacy, Israel**
Visiting Lecturer, 2001-2011
- Public Law;
 - Criminal Law.
- 1998-2006 **Academic Center of Law and Business, Israel**
Visiting Lecturer, 1998-2006.
- Criminal Law,
 - Constitutional Aspects of Civil,
 - Procedure, Education Rights.

Editing Scientific Journals

- Member of the editorial board of **HaMishpat** (Haim Striks School Law Review) (1993-1994).
- Editor in Chief of **HaMishpat** (Haim Striks School Law Review) (2005).
- Editor in Chief of **HaPraklit** (The Israeli Bar Law Review) (2006-2016).

Prizes and Scholarships

- 1994 **The Israeli Association for Parliamentary Issues prize for Seminar**, Jerusalem.
- 1998-1999 **Studies Scholarship**, The Cegla Center for Comparative and Private International Law, Tel-Aviv University Faculty of Law.
- 2000 **Raul Wallenberg Prize for Ph.D.**, Tel-Aviv University Faculty of Law.
- 2005 **Selected as the outstanding Lecturer of the 2004 Academic Year**, The College of Management Academic Studies, Haim Striks School of Law, Israel.

Public Activities

- 2003-2004 **The National Committee for Reform of Education ("Dovrat Committee")**
Committee Member (Special Appointment by the Minister of Education, Culture & Sport).
- 2004-2015 **The Freedom of Information Movement in Israel** – Board Member (since 2005).
- 2006-2015 **The Israeli Association of Public Law** – Member (since 2003); Secretary of the Association (2006-2009); Board Member (since 2009).

Participation in Scholarly Conferences, Colloquia and Invited Talks (a selection)

- 2001 **The Right to Education: The Question of Remedies** - International Conference on Social Rights (The Minerva Center for Human Rights, The Tel-Aviv University & The Hebrew University of Jerusalem).
- 2001 **The Constitutional Right to Education and its Implementation in the Ultra-Orthodox Education System** – International Colloquium on Education in a Multicultural Society (The Minerva Center for Human Rights, The Tel-Aviv University & The Hebrew University of Jerusalem).

- 2002 **Social Rights from the Procedural Sphere** – The International Human Rights Day: Ten Years Anniversary for the Israeli Constitutional Revolution (Haifa University, 10 Dec. 2002).
- 2006 **The Israeli Unfinished Constitutional Revolution – Has the Time Come for Protecting Economic and Social Rights in Israel** – The Israeli-German Law Symposium on Comparative Law – University of Saarland (Saarbrücken, Germany, 20-23 June, 2006).
- 2008 **The Constitutional Right to Health Care** – The 8th Israeli Bar Yearly Conference (Eilat, 26 May 2008).
- 2009 **Violence and aggression in the Israeli Society** – The Annual Justices Conference, 29 Aug. 2010.
- 2009 **The Contribution of Justice Dalia Dorner for the Establishment of the Right to Education in Israel** – A Conference in Honor of Justice Dalia Dorner and her Contribution for the Establishment Human Rights in Israel (Mishkenot Sha’ananim, Jerusalem, 12 July 2009).
- 2011 **Restitution Claims against Administrative Authorities** – The 11th Israeli Bar Yearly Conference (Eilat, 30 May 2011).
- 2012 **Trends in Mediation and plea bargains** – The Israeli Bar Yearly Criminal Law Conference (Eilat, 17 Feb. 2012).
- 2012 **Minority Report** – The 12th Israeli Bar Yearly Conference (Eilat, 22 May 2012).
- 2013 **One Second from Jail: Causing Death by Negligence** - The 13th Israeli Bar Yearly Conference (Eilat, 28 May 2013).
- 2013 **Disparities between Jews and Arabs in the Israeli Criminal Justice System** – Mishpatim Law Journal Conference on Empirical Research in Law (20 June 2013) (with Giora Rahav & Eppi Yuchtman-Yaar).
- 2013 **L.G. Hart Legal Workshop 2013 – The Constitution of the Public Sphere: The Post-Leveson Landscape**, Institute of Advanced Legal Studies, University of London (London, UK, 24-25 June 2013).
- 2014 **The Proposal of a New Murder Offence** – A Criminal Conference of the Practical Law Courses of the Israeli Bar (4 Jan. 2014).
- 2014 **Process and Substance in Public Law** – University of Cambridge Faculty of Law, 2014 Public Law Conference (Cambridge, UK, 15-17 Sep. 2014).
- 2015 **Self Defense and PTSD** – Conference: Justice, Law and Racism (Tel Aviv University Law Faculty, 20 Jan. 2015).

- 2015 **The *Issacharov* Case and the Voir Dire In Israel** – A Conference in Honor of the Retired Chief Justice of the Israeli Supreme Court, Judge Asher Grunis (Tel Aviv University Law Faculty, 22 June 2015) (with Barak Ariel & Binyamin Blum).
- 2015 **“Confessions in Israel: Recent Trends in Voir Dire”** – The Jerusalem Crime Group Annual International Symposium “Effective Law Enforcement Initiatives” (The Law Faculty, the Hebrew University, 23 June 2015) (with Barak Ariel & Binyamin Blum).
- 2016 **The Law Governing the Right of Enemy Alien’s Access to Courts** – conference: Constitutionalism under Extreme Conditions (Haifa University, 18-19 July 2016) (with Roy Peled & Liav Orgad).
- 2018 **Environmental Audit (promote knowledge sharing and capacity development in ASOSAI community in the field of environmental auditing for sustainable development)**, in the 14th Assembly of ASOSAI (Hanoi, Vietnam, 19-22 Sep. 2018).
- 2018 **Justice Cheshin’s Contribution for Establishing of the Right of Access to Court** – Minority Report: A Conference in Honor of Michael Cheshin (The Supreme Court in Jerusalem and The IDC Herzliya, 31 Oct. – 1 Nov. 2018)
- 2019 **Real Time Audit** – The third EUROSAI-ASOSAI International Joint Conference, Emerging Issues & Emergency Situations (Jerusalem, Israel, March 2019) (with Inbal Efron-Weinstein & Isaac Becker).

Professional Experience (outside the academia)

- 1995 **The Israeli Bar**
Member
- 1994-1997 **Yuval Levy & Co. Law Firm**, Tel-Aviv, Israel
 - Articled Clerk, 1994-1995.
 - Attorney, 1995-1997.
- 2016-2019 **State’s Comptroller Office**, Jerusalem
The Legal advisor of the State’s Comptroller Office (head of the legal division of the office – total staff of 16).

Military Service in the Israel Defense Force (IDF)

- 1985-2002 **Military Police, Criminal Investigation Department**
As an Investigation officer I Supervised 40 soldiers and handled numerous investigations regarding criminal matters.
 - Promoted to rank of Lieutenant, 1988
 - Promoted to rank of Captain, Apr. 1994
 - Promoted to rank of Major, Mar. 1999

2002-2011 **Military Courts Unit**
 Appointment to Judge in Military Courts (Rank of Major).

Publications¹

* After the last rank of **Associate Professor**

The list of publication followed by:

- (a) Washington and Lee rankings (W&L).
- (b) Indication of journals ranked at the top 25% of W&L (Q1).
- (c) The Israeli Law Journals and Law Books Integrated Ranking, 2019 (IR).
- (d) Nevo Database Citations (Nevo).
- (e) Google Scholar Citations (GSC).

A. Academic Books

Authored Books

1. Yoram Rabin, **ACCESS TO COURT AS A CONSTITUTIONAL RIGHT** (Bursi Law Books Publishing, 279 pages, 1998) (in Hebrew).

 Nevo: 12 (Supreme Court), 20 (District Courts), 10 (Magistrate Courts), 14 (Family Courts).
2. Yoram Rabin, **THE RIGHT TO EDUCATION** (Nevo Publishing, 578 pages, 2002) (in Hebrew).

 Nevo: 18 (Supreme Court), 3 (District Court).
3. * Yoram Rabin & Yaniv Vaki, **CRIMINAL LAW** (The Israeli Bar Association Publishing, 845 pages, 2008) (in Hebrew).
4. * Yoram Rabin & Yaniv Vaki, **CRIMINAL LAW** (Second edition, two volumes, The Israeli Bar Association Publishing, 1251 pages, 2010) (in Hebrew).
5. * Yoram Rabin & Yaniv Vaki, **CRIMINAL LAW** (third edition, three volumes, The Israeli Bar Association Publishing, 2141 pages, 2014) (in Hebrew).

 Nevo: 167 (Supreme Court), 42 (District Court), 57 (Magistrate Courts), 9 (Army Courts).

Reviewed in:

- Amir Titinovich, *Criminal Improvement*, **GLOBES** (13 April 2009).
- Amit Gurevitz, *Basic Book*, **THE LAWYERS** (Mars 2011).

¹ Please note that in books or articles co-authored with others the research and writing were equally shared.

- Khalid Ghanayim, *Multiple Reviews of the Application, Justification and Scope of Criminal Defences (on the book 'Criminal Law' by Yoram Rabin and Yaniv Vaki)*, 17(2) **HAMISHPAT** 567 (2013) (in Hebrew).
- Orna Elyagon Dar, *Criminal Law by Yoram Rabin and Yaniv Vaki*, 11 **ALEI MISHPAT** 147 (2014) (in Hebrew).
- Abraham Tennenbaum, *Book Review*, 48 **THE JUSTICES BOOKLET** 135 (2015) (in Hebrew).

Edited Books

6. Yoram Rabin & Yuval Shany (eds.), **ECONOMICS, SOCIAL & CULTURAL RIGHTS IN ISRAEL** (Ramot Publishing - Tel-Aviv University, 2004) (in Hebrew).

Reviewed in: Frances Raday & Eran Golan, *Constitutionalizing Social Rights – on 'Economic, Social and Cultural Rights in Israel' and Afternote on Bagatz 'Amutat Mebuyavut'* 11 **HAMISHPAT** 597 (2007) (in Hebrew)

7. * Dror Arad-Ayalon, Yoram Rabin & Yaniv Vaki (eds.), **DAVID WEINER BOOK ON CRIMINAL LAW AND ETHICS** (The Israel Bar Publishing House, 766 pages, 2009) (in Hebrew).

Edited Special Journal Issues

8. * **LAW AND INTERNET** (Asaf Harduf, Yaniv Vaki & Yoram Rabin, eds., a special issue of HAPRAKLIT – THE ISRAEL BAR LAW REVIEW, 2013) (in Hebrew)

B. Articles in Refereed Journals

Published

1. Yoram Rabin, *Shurat Hamitnadvim and the Verdict of History*, 3 **HAMISHPAT** 387 (1996) (in Hebrew).

IR: **B**

Nevo: 1 (Supreme Court), 1 (District Court)

2. Yoram Rabin, *The Right of Access to Courts - From an Ordinary Right to a Constitutional Right*, 5 **HAMISHPAT** 217 (2000) (in Hebrew).

IR: **B**

Nevo: 17 (Supreme Court), 16 (District Courts), 50 (Magistrate Courts), 10 (Labor Courts).

3. Yoram Rabin, *The Right to Counsel and Legal Aid in Civil Proceeding*, 6 **HAMISHPAT** 225 (2001) (in Hebrew).

IR: **B**

Nevo: 2 (Supreme Court), 3 (District Courts), 2 (Family Courts), 1 (Labor Courts).

4. Yoram Rabin & Michal Lodzki, *The Continued Financial Discrimination of the Arab Sector in Israel*, 7 **HAMISHPAT** 505 (2002) (in Hebrew).

IR: **B**

Nevo: 2 (Supreme Court).

5. Yoram Rabin, *The Living Constitution: The American Constitution between Past and Present*, 8 **HAMISHPAT** 727 (2003) (in Hebrew).

IR: **B**

6. Yoram Rabin & Keren Meidar, *On the Right to Education and the Right to Equal Education in the Field of Special Education*, 8 **HAMISHPAT** 541 (2003) (in Hebrew).

IR: **B**

Nevo: 1 (Supreme Court), 1 (District Court).

7. Yoram Rabin & Yuval Shany, *The Israeli Unfinished Constitutional Revolution: Has the Time Come for Protecting Economic and Social Rights?* 37 **ISRAEL LAW REVIEW** 299 (2003-2004).

IR: **B**

W&L: 33/589 (non US, 2019) (**Q1**).

GSC: 23

8. Yoram Rabin & Roy Peled, *Between FOI Law and FOI Culture: The Israeli Experience* 1 (Issue 2) **OPEN GOVERNMENT: JOURNAL ON FREEDOM OF INFORMATION** (2005) 41.

GSC: 6

9. Yoram Rabin & Tamir Shaanan, *Jurisdiction Ratione Materiae over Education-Related Petitions* 49(1) **HAPRAKLIT – THE ISRAELI BAR LAW REVIEW** 257 (2006) (in Hebrew).

IR: **B**

Nevo: 2 (Supreme Court).

10. Liav Orgad, Yoram Rabin & Roy Peled, *Transfer of Sovereignty over Populated Territories from Israel to a Palestinian State: The International Law Perspective*, 10 **MISHPAT UMIMSHAL – LAW AND GOVERNMENT IN ISRAEL** 187 (2006) (in Hebrew).

IR: **A**

11. Yoram Rabin & Roy Peled, *Seven Years of Freedom of Information: Has the Desired Transparency Been Attained?* 11 **HAMISHPAT** 625 (2007) (in Hebrew).

IR: **B**

Nevo: 2 (District Courts).

12. Yoram Rabin & Arnon Gutfeld, *Marbury v. Madison and its Impact on the Israeli Constitutional Law*, 15 **UNIVERSITY OF MIAMI INTERNATIONAL AND COMPARATIVE LAW REVIEW** 303 (2007).

IR: **C**

W&L: 20/39 (Comparative Law, 2017)

GSC: 16

13. Yoram Rabin & Roy Peled, *Transfer of Sovereignty over Populated Territories from Israel to a Palestinian State: The International Law Perspective*, 17 **MINNESOTA JOURNAL OF INTERNATIONAL LAW** 59 (2008).

IR: **B**

W&L: 19/195 (International Law, 2017) (**Q1**)

GSC: 8

14. Yoram Rabin & Yuval Shany, *The Case for Judicial Review over Social Rights: Israeli Perspectives*, 14 **ISRAEL AFFAIRS** 700 (2008).

Scimago Institution Rankings (Art and Humanities): **Q1**

IR: Not ranked (not a Law Journal).

W&L: Not ranked (not a Law Journal).

GSC: 1

15. Yoram Rabin, Yonatan Livni, *Post Traumatic Stress Disorder as a Defense in Criminal Law*, 5 **HAIFA LAW REVIEW** 205 (2010) (in Hebrew).

IR: **A**

Nevo: 6 (Supreme Court), 1 (District Court), 3 (Magistrate Court).

16. * Hadar Dancig-Rosenberg, Yoram Rabin & Yariv Navon, *Developments in Criminal Law: Legislative and Judicial Actions – Contradicting or Supplementing Trends?*, 6 **HAIFA LAW REVIEW** 201 (2011) (in Hebrew).

IR: **A**

Nevo: 3 (Supreme Court), 1 (Magistrate Court).

17. * Roy Peled & Yoram Rabin, *The Constitutional Right to Information*, 42 **COLUMBIA HUMAN RIGHTS LAW REVIEW** 357 (2011).

IR: **A**

W&L: 1/44 (Human Rights) (**Q1**)

GSC: 72

18. * Yoram Rabin & Nuriel Or, *On the Right of Homeschooling*, 14 **LAW & BUSINESS** 803 (2012) (in Hebrew).

IR: **B**

Nevo: 1 (Supreme Court).

19. * Yaniv Vaki & Yoram Rabin, *The New Criminal Sentencing System in the Israeli Criminal Act: Present and Future*, 52(2) **HAPRAKLIT – THE ISRAELI BAR LAW REVIEW** 413 (2013) (in Hebrew).

IR: **B**

Nevo: 18 (Supreme Court), 55 (District Courts), 45 (Magistrate Court), 12 (Labor Court).

20. * Liav Orgad & Yoram Rabin, *Access to Courts for Enemy Aliens (Following CAR 993/06 State of Israel v. Dirani)*, 29(2) **BAR-ILAN LAW STUDIES** 469 (2014) (in Hebrew).

IR: **A**

Nevo: 2 (Supreme Court), 2 (District Courts).

21. * Yaniv Vaki, Ruthie Kamini & Yoram Rabin, *The Imprisonment in the Israeli Criminal Code*, 53(1) **HAPRAKLIT – THE ISRAELI BAR LAW REVIEW** 1 (2014) (in Hebrew).

IR: **B**

Nevo: 1 (Supreme Court), 1 (District Court), 4 (Magistrate Courts).

22. * Yoram Rabin & Yaniv Vaki, *The Protection of an Unborn Child in Criminal Law* 19(1) **LAW & BUSINESS** 1 (2015) (in Hebrew).

IR: **B**

Nevo: 2 (Supreme Court).

23. * Giora Rahav, Yoram Rabin & Eppi Yuchtman-Yaar, *Disparities between Jews and Arabs in the Israeli Criminal Justice System* 13 **OHIO STATE JOURNAL OF CRIMINAL LAW** 233 (2015).

IR: **B**

W&L: 4/53 (Criminal Law and Procedure) (**Q1**)

GSC: 4

24. * Arnon Gutfeld & Yoram Rabin, *The Judicial Review Controversy: Marbury v. Madison and Its Manifestations in the Israeli Constitutional Revolution*, 45 **ISRAEL YEARBOOK ON HUMAN RIGHTS** 191 (2015).

IR: **B**

W&L: 336/589 (Non US)

GSC: 0

25. * Giora Rahav, Eppi Yuchtman-Yaar & Yoram Rabin, *Disparities between Jews and Arabs in the Israeli Criminal Justice System* 54 **HAPRAKLIT – THE ISRAELI BAR LAW REVIEW** 3 (2016) (in Hebrew).

IR: **B**

26. * Binyamin Blum, Yoram Rabin & Barak Ariel, *The Admissibility of Confessions Under Israeli Law: Procedural and Substantive Differences Between the 'Free and Voluntary' Standard and the Judicial Exclusionary Rule for Unlawfully Obtained Evidence*, 46(3) **MISHPATIM – THE HEBREW UNIVERSITY LAW JOURNAL** 815 (2017) (in Hebrew).

IR: A

Nevo: 1 (Supreme Court), 1 (District Court), 2 (Magistrate Courts).

27. * Arnon Gutfeld & Yoram Rabin, *Homeschooling in the U.S. and Its Lesson for Israel*, 47 **ISRAEL YEARBOOK ON HUMAN RIGHTS** 175 (2017).

IR: B

W&L: 336/589 (Non US)

GSC: 1

28. * Khalid Ghanayim, Mohammed S. Wattad, Yoram Rabin and Yaniv Vaki, *Rethinking the English "Born Alive Rule": Comparative and Doctrinal Study*, 26(2) **ILSA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW** 1 (2020).

W&L: 11/39 (Comparative Law, 2017) (Q2)

Accepted for Publication

29. * Yoram Rabin, Yaniv Vaki & Isaac Becker, *From Ancient Israel to Modern Israel: The Historical Development of the Protection of a Fetus in Criminal Law*, 50 **ISRAEL YEARBOOK ON HUMAN RIGHTS** (forthcoming 2020).

IR: B

W&L: 336/589 (Non US)

GSC: -

C. Articles or Chapters in Scientific Books

Published

1. Yoram Rabin, *The Right to Education – Its Status and Scope in Israel*, **ECONOMICS, SOCIAL & CULTURAL RIGHTS IN ISRAEL** 567 (Yoram Rabin & Yuval Shany, eds, Ramot Publishing – Tel-Aviv University, 2004) (in Hebrew).

Nevo: 4 (Supreme Court), 1 (District Court).

2. Yoram Rabin, *Social Rights from the Procedural Sphere*, **ECONOMICS, SOCIAL & CULTURAL RIGHTS IN ISRAEL** 765 (Yoram Rabin & Yuval Shany, eds., Ramot Publishing – Tel-Aviv University, 2004) (in Hebrew).

3. Yoram Rabin & Yuval Shany, *The Social Rights: An Idea Whose Time Has Come*, **ECONOMICS, SOCIAL & CULTURAL RIGHTS IN ISRAEL** 11 (Yoram Rabin & Yuval Shany, eds., Ramot Publishing - Tel-Aviv University, 2004) (in Hebrew).

Nevo: 1 (District Court).

4. Yoram Rabin, *Affirmative Action in the United States: The Rise and fall?*, **AFFIRMATIVE ACTION AND EQUAL REPRESENTATION IN ISRAEL** 89 (Anat Maor, ed., Ramot Publishing – Tel-Aviv University, 2004) (in Hebrew).
5. Yoram Rabin, *The Many Faces of the Right to Education*, **EXPLORING SOCIAL RIGHTS – BETWEEN THEORY AND PRACTICE** 265 (Daphne Barak-Erez & Aeyal Gross, eds., Hart Publishing, Oxford, 2007).

GSC: 3

Nevo: 2 (Supreme Court).

6. Yoram Rabin, Roy Peled, *The Constitutional Freedom of Information*, **DALIA DORNER BOOK** (Dorit Benish, Shulamit Almog, Yaad Rotem, eds., Nevo Publishing, 2009) (in Hebrew).

Nevo: 7 (District Court), 1 (Labor Court).

7. * Yoram Rabin, *The Right to Education and the Obligation to Educate*, **PARASHAT HASHAVUA** Vol IV 94 (Aviad Hacoheh & Michael Vigoda, eds., Ministry of Justice, 2012) (in Hebrew).
8. * Yoram Rabin & Arnon Gutfeld, *Marbury v. Madison and its Reflection in the Israeli Constitutional Law*, **EDMOND LEVI BOOK** 75 (Ohad Gordon ed., the Harry and Michael Sacher Institute, the Hebrew University of Jerusalem, 2017) (in Hebrew).
9. * Yoram Rabin, *Attempts Versus Completed Offenses* (comments to chapter 10 of George P. Fletcher's **BASIC CONCEPTS OF CRIMINAL LAW**, Ephraim Heiliczer & Mordechai Kremnitzer, eds., the Israeli Bar Publishing House, 2018) (in Hebrew).
10. * Yoram Rabin & Alon Rodas, *Testamentary Clauses that Restrict Access to Courts*, **YORAM DANZIGER BOOK** 595 (Limor Zer-Gutman & Ido Baum, eds., Nevo Publishing, 2019) (in Hebrew).

Accepted to Publication

11. * Liav Orgad, Roy Peled & Yoram Rabin, *The Law Governing the Right of Enemy Aliens to Access to Courts*, **CONSTITUTIONALISM UNDER EXTREME CONDITIONS: LAW, EMERGENCY, EXCEPTION** (Yaniv Roznai & Richard Albert, eds., Springer Publishing, forthcoming 2020).

D. Entries in Encyclopedias

Published

1. * Assaf Meydani & Yoram Rabin, *Israel: Public Law*, **ENCYCLOPEDIA OF PUBLIC ADMINISTRATION AND PUBLIC POLICY** (3rd Edition, Melvin Dubnick & Domonic Bearfield eds., 2015).

2. * Yoram Rabin & Matan A. Gutman, *The Right to Education*, **MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW** (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, 2017).
3. * Isaac Becker & Yoram Rabin, *Beit Surik Village Council v. Government of Israel and Commander of the IDF Forces in the West Bank*, **MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW** (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, forthcoming 2017).
4. * Yoram Rabin & Assaf Meydani, *Public Committee Against Torture in Israel v. State of Israel*, **MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW** (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, 2017).
5. * Yoram Rabin, Eli Mersel & Alon Rodas, *Audit*, **MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW** (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, forthcoming 2020).

E. Case Notes and Other Publications

Published

1. * Yoram Rabin, *Efficiency and Prejudice*, **ISRAEL BAR'S 50TH ANNIVERSARY BOOK** (Yael Gvirtz ed., 2011) (in Hebrew)
2. * Yoram Rabin, *Hospitality to Enemies*, **THE LAWYER**, page 78 (Oct. 2011) (in Hebrew).
3. * Yoram Rabin, *Sex Offenders' Hunt on the Internet*, 2 **ATTORNEY'S OFFICE LAW JOURNAL** 7 (Sept. 2014) (in Hebrew).
4. * Yoram Rabin & Yaniv Vaki, *The Racial motive in Criminal Law*, 103 **THE BAR** 40 (Feb, 2015) (in Hebrew).
5. * Yoram Rabin, *Train up a Child in Our Way*, 49 **HAMISHPAT' ONLINE: HUMAN RIGHTS** 5 (Nov. 2015) (in Hebrew).
6. * Yoram Rabin & Yaniv Vaki, *The Criminal Responsibility for Killing a Fetus*, 3 **ATTORNEY'S OFFICE LAW JOURNAL** 150 (Dec. 2015) (in Hebrew).
7. * Yaniv Vaki & Yoram Rabin, *Stealing out of Necessity*, 85 **HaMishpat' Online: Human Rights** 4 (Dec. 2018) (in Hebrew).
8. * Yoram Rabin & Tehila Winograd, *Reasonable Suspicion of Criminal Offence During an Audit: On Section 14(C) of the Israeli State Comptroller Act 1958*, 63 **THE ISRAELI JOURNAL OF STATE AUDIT** 75 (2018) (in Hebrew)
9. * Yoram Rabin & Alon Rodas, *Justice Chesbin's Contribution for Establishing of the Right of Access to Court*, **ICON-SIL Blog** (18 Dec. 2018) (in Hebrew).

10. * Yoram Rabin & Alon Rodas, *Restraint Orders*, 5 **ATTORNEY'S OFFICE LAW JOURNAL** 137 (Aug. 2019) (in Hebrew).
11. * Yoram Rabin & Inbal Efron-Weinstein, *Real Time State Audit*, **ICON-SIL Blog** (27 Nov. 2019) (in Hebrew).
12. * Yoram Rabin & Tehila Winograd, *State Audit Work that Raises a Suspicion of Criminal Conduct – the Case of Israel*, 63 **ISRAEL JOURNAL OF STATE AUDIT** 75 (2019).

Summary of my research work: past, present and a look to the future

The conditions that enable the existence of substantive democracy are the Ariadne's thread that runs through my research work in the field of public law (constitutional law, administrative law and criminal law). It is this very same thread which connects my academic work to my public work as well.

My research has examined “first generation” rights and “second generation” rights, as well as areas of public law that have a significant impact on a democratic society. The main part of my work relates to the development of a dialogue regarding subjects that are not sufficiently discussed within Israeli law.

With respect to rights, my work has been focused on the right of *access to the courts*; the right to *education*; as well as *social, economic and cultural* rights and the right to *equality* – with an emphasis on the application of these rights with respect to disadvantaged groups within the society. Another area in which I have integrated both my research and practical work and public engagement is *freedom of information*. My research concerning criminal law has also emphasized the treatment of *minority groups* and special population groups within the criminal process. My research in the area of state audit is also closely tied to the study of the conditions that make it possible for a proper democratic regime to exist. The following is a summary of my various areas of research.

The right to access to the courts – My first steps in the world of research began with the publication of my LL.M. dissertation as a book, *Access to Court as a Constitutional Right* (Bursi Law Books Publishing, 279 pages, 1998). The right of access to courts, as a human right, is closely tied to the basic principles of democracy and bears on social aspects as well. This research was, at the time, a pioneering work (see the remarks of Justice Hanan Melzer in Civil Rehearing 5698/11 *State of Israel v. Dirani*, regarding the right of access to courts in Israel: “Professor Yoram Rabin enjoys the credit for having first written on this matter”). In this book, I laid out the substantive foundations for a constitutional determination of the right of access to courts under Israeli law, and on their basis, I examined the various legislative arrangements that impact on the right of access to the courts (see also: Yoram Rabin, *The Right of Access to Courts - From an Ordinary Right to a Constitutional Right*, 5 **HaMishpat** 217, 2000).

Over the years, I have published several papers dealing with specific aspects of this right of access to courts (see: Yoram Rabin, *The Right to Counsel and Legal Aid in Civil Proceeding*, 6 **HaMishpat** 225 (2001); Liav Orgad & Yoram Rabin, *Access to Courts for Enemy Aliens*, 29(2) **Bar-Ilan Law Studies** 469 (2014); Yoram Rabin & Alon Rodas, *Restraint Orders*, 5 **Attorney's Office Law Journal** 137 (Aug. 2019); Yoram Rabin & Alon Rodas, *Testamentary Clauses that Restrict Access to Courts*, **Yoram Danziger Book** 595 (2019)). My research in this field had a significant impact on the formulation of Israeli law on the subject. Indeed, the book and the articles have been cited dozens of times in judgments of the Israeli Supreme Court, the Israeli District Courts and in legal literature. Some twenty years that have passed since the book's publication, and I am currently working on updating it, with the objective of publishing a second edition that will include the many developments that have since taken place in the field.

The right to education – My book on the right to education constitutes – to the best of my knowledge – the most comprehensive work written in Israel to date on this

subject (Yoram Rabin, **The Right to Education** (Nevo Publishing, 578 pages, 2002)). At the time the book was published, there were no studies dealing with the normative status of the right. The main, and at the time innovative legal proposition presented in this book was that the right to education should be viewed as a constitutional right because widespread education is a necessary condition for both the establishment and the maintenance of a cultivated society. In that book, I proposed that it is not sufficient to examine [the right to] education at a legal level, through the narrow perspective of the country's education laws, and that it must also be anchored as a constitutional human right in the country's constitution (For a summary of the substantive model developed in my book, see also Yoram Rabin, *The Many Faces of the Right to Education*, **Exploring Social Rights – Between Theory and Practice** 265 (Hart Publishing, Oxford, 2007)). The theory developed in my work was further advanced and refined in a number of contemporary studies, regarding global and local developments; substantive issues such as special education, home schooling; and, procedural issues such as subject matter jurisdiction (Yoram Rabin & Keren Meidar, *On the Right to Education and the Right to Equal Education in the Field of Special Education*, 8 **HaMishpat** 541 (2003); Yoram Rabin & Keren Meidar, *On the Right to Education and the Right to Equal Education in the Field of Special Education*, 8 **HaMishpat** 541 (2003); Yoram Rabin & Tamir Shaanan, *Jurisdiction Ratione Materiae over Education-Related Petitions* 49(1) **HaPraklit – The Israeli Bar Law Review** 257 (2006)). In 2017, I was invited to write the “Right to Education” entry in the Max Planck Encyclopedia of Comparative Constitutional Law (Yoram Rabin & Matan A. Gutman, *The Right to Education*, **Max Planck Encyclopedia of Comparative Constitutional Law** (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, 2017)).

Social rights – I took upon myself (together with Yuval Shany) the editing of the book *Economic, Social and Cultural Rights in Israel* (Ramot Publishing - Tel-Aviv University, 2004). Until the publication of the book, these rights had not been the subject of any orderly and in-depth discussion in Israel. As then Chief Justice of the Israeli Supreme Court, Professor Aharon Barak, wrote in his introduction to the book, social rights are “an idea whose time has come.” (Yoram Rabin & Yuval Shany, *The Social Rights: An Idea Whose Time Has Come*, **Economics, Social & Cultural Rights in Israel** 11 (Yoram Rabin & Yuval Shany, eds., Ramot Publishing - Tel-Aviv University, 2004)). The book includes articles by judges and scholars and comprises a general and comparative view; a discussion of particular rights (Yoram Rabin, *Social Rights from the Procedural Sphere*, **Economics, Social & Cultural Rights in Israel** 765 (Yoram Rabin & Yuval Shany, eds., Ramot Publishing – Tel-Aviv University, 2004)), and a study of the challenges that arise in the application of the rights to special population groups. The book laid out the basis for a discussion of social rights in Israel and is considered a foundational book in the field, up through the current time.

Freedom of information – In due course, I came to the understanding that processes of legal-social change cannot be limited to academic research and writing. Impact requires both knowledge and action. Thus, in 2004, I worked together with journalist Raviv Druker and Dr. Yuval Karniel to establish the Movement for Freedom of Information in Israel. Freedom of information is a key tool for social change; for increasing citizens' engagement; and for enhancing the accountability of public servants and elected officials. The latter hold information that belongs to the public, in trust, and they are also responsible for protecting the values of democracy. The Freedom of

Information Law was enacted in Israel in 1998, but its use to promote values, as described above, was originally insignificant. The establishment of the Movement for Freedom of Information, and the activity of that organization, brought the matter of the right to obtain information from public entities to the attention of the general public. The law is now used by citizens, journalists and various non-profit organizations, on a regular basis. Along with my public work and the initiation of several lawsuits regarding freedom of information, I wrote a number of papers that established the theoretical justifications for the exercise of the right to information and the constitutional aspects of that right (Yoram Rabin & Roy Peled, *Between FOI Law and FOI Culture: The Israeli Experience* 1 (Issue 2) **Open Government: Journal on Freedom of Information** (2005) 41; Yoram Rabin & Roy Peled, *Seven Years of Freedom of Information: Has the Desired Transparency Been Attained?* 11 **HaMishpat** 625 (2007); Roy Peled & Yoram Rabin, *The Constitutional Right to Information*, 42 **Columbia Human Rights Law Review** 357 (2011); Yoram Rabin & Roy Peled, *The Constitutional Freedom of Information*, **Dalia Dorner Book** (Nevo Publishing, 2009)). These studies have been cited in numerous court decisions.

Criminal law – In recent years, my main area of research (and teaching) is criminal law. In that field too, my point of departure is the significant impact constitutional law has on substantive criminal law, and the ways in which human rights affect the design of criminal legal norms. For several years, I have been working on a very comprehensive research project – the writing (together with Yaniv Vaki) of a criminal law text-book. In 2008, the first edition of my book *Criminal Law* was published. The third edition was published in 2014. This book is the most up-to-date treatise on this subject in Israel, and it has been cited in hundreds of decisions of the Supreme Court and of other judicial panels.

Additionally, the promotion and protection of minority members' rights and the rights of members of disadvantaged groups has a special importance in the context of criminal procedure. Along with the book, I published a number of specific studies regarding criminal law, in which I examined the treatment, under Israeli criminal law, of defendants who are members of specific population groups, as well as the protection afforded by the law to certain types of victims of crimes. Thus, for example, I examined the manner in which the criminal process relates to defendants who suffer from PTSD; to defendants who have committed property-related crimes out of an existential need; and to criminal responsibility for harming the life of a fetus (Yoram Rabin, Yonatan Livni, *Post-Traumatic Stress Disorder as a Defense in Criminal Law*, 5 **Haifa Law Review** 205 (2010); Yaniv Vaki & Yoram Rabin, *Stealing out of Necessity*, 85 **HaMishpat' Online: Human Rights** 4 (Dec. 2018); Yoram Rabin & Yaniv Vaki, *The Criminal Responsibility for Killing a Fetus*, 3 **Attorney's Office Law Journal** 150 (Dec. 2015); Yoram Rabin, Yaniv Vaki & Isaac Becker, *From Ancient Israel to Modern Israel: The Historical Development of the Protection of a Fetus in Criminal Law*, 50 **Israel Yearbook on Human Rights** (forthcoming 2020)). I further focused on differences in penalties given to Jewish and Arab defendants in Israeli courts – relating to the right to equality in criminal proceedings (see: Giora Rahav, Yoram Rabin & Eppi Yuchtman-Yaar, *Disparities between Jews and Arabs in the Israeli Criminal Justice System* 13 **Ohio State Journal of Criminal Law** 233 (2015); Giora Rahav, Eppi Yuchtman-Yaar & Yoram Rabin, *Disparities between Jews and Arabs in the Israeli Criminal Justice System* 54 **Hapraklit – The Israeli Bar Law Review** 3 (2016); Yoram Rabin & Yaniv Vaki, *The Racial motive in Criminal Law*, 103 **The Bar** 40 (Feb, 2015)). In

the near future, I plan to complete the writing of the fourth edition of *Criminal Law* and to publish a new book on killing offenses.

State audit – As noted above, alongside my research and teaching, I wanted my work to lead to social change and to contribute to the strengthening of the Israeli democracy. For most of my career, I worked to achieve this goal within the walls of academia and through my public activism in the Movement for Freedom of Information and in the Israeli Society for Public Law. In 2016, I was chosen to serve as the Legal Advisor to the State Comptroller and Public Ombudsman. State audit has tremendous influence on the forte of a democracy. It promotes the accountability of public servants and elected officials, and it works to improve the operations of government authorities and to ensure proper administration. It constitutes an important element of the protection of human and civil rights. Within the framework of this position, which I held for three years, I combined theory and practice. At the time that I became the Legal Advisor, the substantive and research field of state audit, which had held a certain importance during the 1980's and early 1990's, was in a static condition. When I assumed my role at the State Comptroller's office, I took upon myself the editing of the "Israel Journal of State Audit", and put it through a process of academization. I did this with the objective of reawakening an in-depth discussion within the field of state audit. During this period, I studied various aspects of state audit myself – aspects which were relevant both from an Israeli perspective and from an international perspective. These issues included real-time audit, and the process to be applied when State audit raises the suspicion of criminal conduct (see: Yoram Rabin & Inbal Efron-Weinstein, *Real Time State Audit*, **ICON-SIL Blog** (27 Nov. 2019); Yoram Rabin & Tehila Winograd, *State Audit Work that Raises a Suspicion of Criminal Conduct – the Case of Israel*, 63 **Israel Journal of State Audit** (2019)). I also lectured on the subject of state audit in a variety of forums.

To sum up, I have written 3 books (one of which, written after my last promotion, comprises three volumes, and was published in three edition) and 44 articles, chapters in books, and encyclopedia entries (of these, 23 were written since I received my current academic rank). Said publications, some of which enjoy high ranking, have had an impact not merely in the world of scholarship but also in the world of legal education and legal practice, as is evidenced by quantitative measurements of citations by the Supreme Court and other judicial institutions. In addition to these, I wrote 12 case notes – all after I received my current academic rank. As noted above, all of my writings focus on public law (including criminal law), and the common denominator for all is a query into the conditions that enable the existence of a substantive democracy. This indeed is my fingerprint in legal research, one recognized both in Israel and elsewhere. Since said existence is ever more fragile, I plan to continue devoting my research to this issue. Finally, in my current position as the head of an institution of higher education, I am fully committed to encouraging our faculty members to be extensively engaged in research. I translate this commitment into practical ways and means to facilitate their engagement.