

Professor Shachar Eldar

Email: eldar@ono.ac.il

EDUCATION

- 1992-1996 **Tel Aviv University, Law Faculty**, Ramat Aviv, Israel
LL.B.
- 1997-1999 **Hebrew University, Law Faculty**, Jerusalem, Israel
LL.M.
- 1999-2003 **Bar Ilan University, Law Faculty**, Ramat Gan, Israel
Ph.D.

FELLOWSHIPS

Visiting Scholar at the Swiss Institute of Comparative Law, Lausanne, Switzerland (Summer 2009, Summer 2010, Summer-winter 2011, Winter 2014, Spring 2016, Winter 2017).

Visiting Scholar at the University of Cambridge, Lauterpacht Centre for International Law, Cambridge, UK (Summer 2012).

Visiting Fellow at the University of Cambridge, Centre for Penal Theory and Penal Ethics, Cambridge, UK (Summer 2015, Summer 2017, Summer 2019).

ONGOING SPONSERED PROJECT, CAMBRIDGE UNIVERSITY

- 2017-2021 **'Beccarian Legacies: Rationalisation, Constitutionalisation and Humanisation of Criminal Justice since the Enlightenment': A Project of the Centre for Penal Theory and Ethics, Cambridge University UK Co-Chair.**

ACADEMIC APPOINTMENT

- Ono Academic College:
2003 Full time appointment.
2009 Senior Lecturer.
2015 Associate Professor.

ACADEMIC EXPERIENCE

- 2003-Present **Ono Academic College, Law Faculty**

Posts held:

- 2014-2016: Head of the research committee.

- 2016-2017: Commissioner of student excellence.
- 2017-Present: Member, law faculty appointments committee.
- 2017-Present: Member, inter-faculty ethics committee.
- 2019-Present: Member, inter-faculty appointments committee.

Lecturer in core courses and seminars on the following topics:

- Criminal Law, LLB.
- Law of Evidence, LLB.
- Legal Ethics, LLB.
- Organized Crime, LLB.
- White Collar Crime, LLB; LLM seminar.
- Advance Issues in Criminal Responsibility, LLM seminar.

- 2003-2010 **Bar Ilan University, Law Faculty**, Ramat Gan, Israel
Visiting Lecturer
Teaching Subjects: Legal Ethics, Inchoate Offences.
- 2008-2009 **Tel Aviv University, Law Faculty**, Ramat Aviv, Israel
Visiting Lecturer
Teaching Subjects: Human Rights in the Criminal Law.
- 2000-2014 **College of Law and Business**, Ramat Gan, Israel
Visiting Lecturer
Teaching Subjects: Criminal Law, Computer Crime, Derivative Offences.

PUBLICATIONS

Books

- (Hebrew):** Shachar Eldar, **STUDIES IN CRIMINAL PROCEDURE** (Etica publishing, 1996).
Shachar Eldar and Yuval Elbashan, **CRIMINAL LAW IN THE AFTERMATH OF AMENDMENT 39** (Etica publishing, 1996).
Shachar Eldar, **INTRODUCING THE CONCEPT "PIXEL RESOLUTION" IN CRIMINAL LAW** (Ono Academic Press, 2007).
Shachar Eldar, **HUMAN TOOLS – PERPETRATING CRIME THROUGH OTHERS AND HEADING CRIMINAL ORGANIZATIONS** (Am-Oved, 2009).

Articles

- (English):** S Fennig, D. Roe, Y Laria and S Eldar, *Personality Disorders as Grounds for Reduced Sentence in Murder Cases*, 41 **ISRAEL JOURNAL OF PSYCHIATRY** 140 (2004).
Shachar Eldar, *Fight Against Organized Crime*, **ISRAELI REPORTS TO THE XVII INTERNATIONAL CONGRESS OF COMPARATIVE LAW** 231 (Hebrew University – Sacher Institute, 2008).
Shachar Eldar, *Punishing Organized Crime Leaders for the Crimes of Their Subordinates*, 4 **CRIMINAL LAW & PHILOSOPHY** 183 (2010).
Shachar Eldar, *Holding Organized Crime Leaders Accountable for the Crimes of Their Subordinates*, 6 **CRIMINAL LAW & PHILOSOPHY** 207 (2012).

Shachar Eldar, *Attempt, Legality and Intention: In the Aftermath of the English Law Commission Report No. 318*, 48 **CRIMINAL LAW BULLETIN** 956 (2012).

Shachar Eldar, *The Limits of Transferred Malice*, 32 **OXFORD JOURNAL OF LEGAL STUDIES** 633 (2012).

Shachar Eldar, *Exploring International Criminal Law's Reluctance to Resort to Modalities of Group Responsibility*, 11 **JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE** 331 (2013).

Shachar Eldar, *Indirect Co-Perpetration*, 8 **CRIMINAL LAW & PHILOSOPHY** 605-617 (2014).

Shachar Eldar & Elkana Laist, *The Misguided Concept of Partial Justification*, 20 **LEGAL THEORY** 157 (2014).

Shachar Eldar, *Examining Intent through the Lens of Complicity*, 28 **CANADIAN JOURNAL OF LAW AND JURISPRUDENCE** 29 (2015).

Shachar Eldar & Elkana List, *The Irrelevance of Motive and the Rule of Law*, 20 **NEW CRIMINAL LAW REVIEW** 433 (2017).

Shachar Eldar, *Reforming the Law of Criminal Attempt: Take Two*, in RA Duff and JJ Child eds., **CRIMINAL LAW REFORM NOW** 75 (2018).

Shachar Eldar, *Criminal Law, Parental Authority, and the State*, 12 **CRIMINAL LAW & PHILOSOPHY** 695 (2018).

Shachar Eldar, *Suggested improvements on Duff's Model for deliberation about Criminalization in The Realm of Criminal Law*, 18 **JERUSALEM REVIEW OF LEGAL STUDIES** 50 (2019).

George P. Fletcher & Shachar Eldar, *A Probe into the Soul of Israeli Criminal Law*, **ISRAEL LAW REVIEW** (forthcoming 2020).

Shachar Eldar, *Cross-Victim Defences* **CRIMINAL LAW & PHILOSOPHY** (forthcoming 2020).

Articles

(Hebrew): Shachar Eldar, *Dissociative State as a Defense in Criminal Law*, 36 **HASANEGOR** 3 (2000).

Shachar Eldar, *The Right to a Horse with no Reins: The Right to be Represented by an Attorney and the Monopolistic Status of the Israeli Bar*, 6 **KIRYAT HAMISHPAT** 44 (2006).

Shachar Eldar, *Defending White-Collar Crime - Crime in a Complex Setting*, 4/2 **TA'AGIDIM** 52 (2007).

Shachar Eldar, *Four Meditations Following the New Penalty for Criminal Attempts*, in Eli Lederman, Keren Shapira-Etinger and Shay Lavi eds., **MEGAMOT BEPLILIM** 35 (Bar Ilan University, 2010)

Shachar Eldar, *On the Term "Criminal Organization" in Israeli Penal Law*, 42 **MISHPATIM** (Hebrew University Law Review) 183 (2012).

Shachar Eldar, *Complicity and Shifting the Object of the Offense*, 44 **MISHPATIM** (Hebrew University Law Review) 229 (2013).

Shachar Eldar, *Loyalty and the Criminal Code* in Ruth Plato-Shinar and Joshua Segev eds., **FIDUCIARY DUTIES IN THE ISRAELI LAW** 215 (Nevo and Netanya College Press, 2016).

Shachar Eldar, *"A Different Kind of Law": Thoughts on Law, Security and Legitimacy*, 54 **HAPRAKLIT** (Israel Bar Law Review) 453 (2016).

Shachar Eldar, *Criminal Law Defenses and Change in the Object of the Offense*, 18 **MISHPAT U'MIMSHAL** (Haifa University Press) 417 (2017).

Shachar Eldar, *Introduction* to Cesare Beccaria, **ON CRIMES AND PUNISHMENTS** (Shachar Eldar ed., Atalia Zilber trans., Shalem Press, 2018).

Shachar Eldar, *Variation in the Mental Element in Crime*, 41 **IYUNEI MISHPAT** (Tel Aviv University Law Review) 455 (2019).

Shachar Eldar, *Comment on Chapter 5* in George Fletcher **BASIC CONCEPTS IN CRIMINAL LAW – HEBREW TRANSLATION** (Israel Bar Association Publishing, 2018) 147.

Shachar Eldar, *Complicity and Deviation from the Criminal Plan*, 11 **KIRYAT HAMISHPAT** (forthcoming, 2020).

Editing

(English): Antje du Bois-Pedain & Shachar Eldar (eds.) **READING BECCARIA** (Oxford: Hart Publishing, forthcoming 2020).

Editing

(Hebrew): Shachar Eldar and Eyal Naiger (eds.) **TA'AGIDIM: SPECIAL ISSUE – ARTICLES ON CRIMINAL LAW** (Ronen Publishing and Ono Academic Publishing, 2008).

Member of the Advisory Board of **HASANEGOR**; 2009 – 2015.

Scientific Editor of Dr. David Gurevitz, **GANGSTER CHIC: CULTURE, CRIME AND CAPITALISM** (Shachar Eldar sci. ed., Ministry of Defence & Modan Press, 2017).

Scientific Editor of Dr. David Gurevitz, **POSTMODERN GANGSTER: TRAUMA, KITSCH AND DREAM** (Shachar Eldar sci. ed., Ministry of Defence & Modan Press, 2017).

Member of the Academic Advisory Board of **PROF KREMNITZER FESTSCHRIFT** (Haifa University Press, 2017).

Scientific Editor of Cesare Beccaria, **ON CRIMES AND PUNISHMENTS** (Shachar Eldar ed., Atalia Zilber trans., Shalem Press, 2018).

PRIZES

2012

Ono Academic College OAC outstanding research prize.

ACADEMIC AND PUBLIC LEGAL SERVICE

- 1998-1999 **The Public Committee for the Assessment of the Condition of Holocaust Survivors institutionalized in Mental Hospitals in Israel ("Bazak Committee")** Legal Advisor.
- 2008 **Ministry of Defence** Specially appointed consultant on reforming the criminal law in military courts.
- 2008 **Ministry of Justice** appointed to represent Israel before the High Court of Denmark.
- 2010-2014 **The Ethics Committee for the Legal Clinics in Israeli Law Schools** Chairman.
- 2010-present **The David Weiner Center for Lawyers Ethics and Professional Responsibility, College of Management** Academic Member.
- 2015-present **The Tel Aviv District of the Public Defenders' Office, Ministry of Justice** Academic Advisor on Legal Ethics
- 2015-present **'Tea and Crime': The Main Forum for the Collaboration of Israeli Scholars of Criminal Law** Co-Founder and Meetings Organizer.
- 2017-present **Criminal Law Reform Now Network (England and Wales)** Member.
- 2019-present **Constitutional Transplantation Research Group at the Israel Institute for Advanced Studies (Hebrew University)** Adjunct Member.

CONFERENCE PARTICIPATION

- March 2005 Panelist, *The Enactment Process of the Tax Advisors Act*, **Conference of the Association of Tax Advisors** (Association of Tax Advisors, Jerusalem).
- April 2005 Presenter, *Four Meditations on Criminal Attempts, 10 to 39: Conference on a Decade to the Amendment of the General Part of the Penal Code* (Bar Ilan University and Tel Aviv University).
- June 2006 Panelist, *Monopoly of the Legal Profession and the Israeli Bar*, **The Legal Profession – Prospects** (She'arei Mishpat College, Israel).
- July 2006 Contributor, *Fighting Organized Crime*, **XVIIth Congress of the International Academy of Comparative Law** (Utrecht, The Netherlands).
- March 2007 Organizer and Chair, **Crime in Corporations: Criminal Law in the Business Environment** (Ono Academic College, Israel).
- June 2007 Chair, **15 Years to the Basic Laws: The Basic Laws' Impact on Non-Constitutional Fields of Law** (Ono Academic College, Israel).
- June 2008 Organizer and Chair, **Issues in Regulation and Administration of White Collar Cases** (Ono Academic College, Israel).

- Aug 2009 Presenter, *Punishing Organized Crime Leaders for the Crimes of Their Subordinates* **Meetings of the Swiss Institute of Comparative Law** (Swiss Institute of Comparative Law, Lausanne).
- Dec 2009 Panelist, **Crime Groups – Conference on the Book "Human Tools" By Shachar Eldar** (Ono Academic College, Am-Oved and Beith-Ariella, Tel Aviv).
- June 2011 Presenter, *Discussing Different Aspects of the Combating Criminal Organizations Act*, **Judges Workshop on Criminal Law and Criminal Evidence** (Institute of Advanced Judicial Studies, Jerusalem).
- March 2012 Commentator, *The Victim's Revolution: Past, Present and Future*, **International Conference on Victim's Rights in the Public and Legal Domain: An Interdisciplinary Perspective** (Ono Academic College and Bar Ilan University, Israel).
- May 2012 Presenter, *International Criminal Law's Reluctance to Adopt Modes of Group Criminality*, **International Workshop on International and Domestic Criminal Law** (Institute of Advanced Legal Studies, Hebrew University, Jerusalem).
- June 2012 Presenter, *International Criminal Law's Reluctance to Adopt Modes of Group Criminality*, **Annual Conference of Columbia Law School and OAC** (Ono Academic College, Israel).
- Oct 2012 Presenter, *Doctrinal Foundations of the Israel Penal Code*, **International Conference on Democracy, Livelihood and the Rule of Law** (Peking University, China).
- Dec 2012 Chair **International Conference on Use of Secret Evidence in Judicial Proceedings: Democratic Principles and Practical Experiences** (The Israel Democracy Institute, Jerusalem).
- June 2013 Co-organizer **International Conference on Motives and Emotions in Criminal Law** (Ono Academic College, Israel).
- Dec 2014 Presenter, *Motive and the Rule of Law*, **Conference on the Work of Prof Douglas Husak** (Bar-Ilan University, Israel).
- May 2015 Presenter, *Motive and the Rule of Law*, **ISDC Lunchtime Lecture Series** (University of Lausanne, Switzerland).
- May 2015 Presenter, *The Line Separating Legal Advice and Complicity in Crime*, **Israeli Bar Yearly Conference** (Eilat).
- June 2015 Presenter, *Defining Criminal Organization*, **Seminar on Organized Crime Law** (Institute of Advanced Judicial Studies, Jerusalem).
- Aug 2015 Presenter, *Motive and the Rule of Law*, **Cambridge University Institute of Criminology Faculty Seminar** (Cambridge, UK).
- Sept 2015 Presenter, *Complicity Following Amendment no. 45 to the Penal Ordinance*, **Seminar for Military Judges** (School of Military Law, IDF, Ramla).
- Oct 2015 Presenter, *Motive and the Rule of Law*, **Faculty Seminar** (Ono Academic College, Israel).

- Nov 2015 Presenter, *Transferred Malice and Criminal Defences*, **Faculty Seminar** (Academic Center of Law and Science, Israel).
- March 2016 Commentator, *Panel on Legality and the Rule of Law*, **Conference on the Holyland Judgment** (Haifa University and the Israel Institute of Democracy, Jerusalem).
- April 2016 Presenter, *Novel Distinctions in Mens Rea*, **Group Seminar** (IIAS group on “The Legitimization of Modern Criminal Law”, Hebrew University, Jerusalem).
- May 2016 Presenter, *Loyalty and the Criminal Code*, **Conference on Fiduciary Duties in Israeli Law** (Netanya Academic College, Israel).
- June 2016 Commentator, *Leora Katz on “Rethinking the Role of the Victim in Criminal Theory”*, **International Conference on the Legitimization of Modern Criminal Law** (IIAS, Hebrew University, Jerusalem).
- June 2016 Co-organizer, **The Annual Joint Columbia-Ono Conference: Parties to an Offense** (Columbia University, NY and Ono Academic College, held at Kiryat Ono).
- Sept 2016 Presenter, *Reforming the Law of Attempt – Take Two*, **Criminal Law Reform Now Conference** (the University of Sussex in collaboration with the Law Commission for England and Wales, held at Brighton).
- Feb 2017 Presenter, *Re-layering mens rea*, **Criminal Law – An Up-to-date View** (Institute of Advanced Judicial Studies, Jerusalem).
- April 2017 Presenter, *Defining Organized Crime*, **Organized Crime Symposium** (Institute of Advanced Judicial Studies, Jerusalem).
- June 2017 Presenter, *Indirect Criminal Liability*, **The Annual Joint Columbia-Ono Conference: Rethinking the Essences** (Columbia University, NY and Ono Academic College, held at Kiryat Ono).
- June 2017 Invited Delegate, **Inaugural Meeting of the Criminal Law Reform Now Network** (UCL, London).
- Dec 2017 Presenter, *From Master Principle to Principle of Deliberation in Duff’s Realm of Criminal Law*, **Symposium on Duff’s Realm of Criminal Law** (JRLS and OUP, Hebrew University, Jerusalem).
- March 2018 Presenter, *Cesare Beccaria and Criminal Law in the 21st Century*, **Criminal Law – An Up-to-date View** (Institute of Advanced Judicial Studies, Jerusalem).
- April 2018 Co-organizer, **Beccarian Legacies Workshop** (University of Cambridge Centre for Penal Theory and Penal Ethics and Ono Academic College, held at Ono Academic College).
- Sept 2018 Invited Address, *The Mixed Origins of the Israel Penal Code* (The Chinese Academy of Sciences, Institute of Law, Beijing, China).
- Sept 2018 Presenter, *The Doctrinal Foundations of Israeli Criminal Law*, **Faculty Seminar** (Peking University Law School, Beijing, China).

- Dec 2018 Presenter, *The Offence v. The Offender*, **Symposium on Basic Concepts of Criminal Law** (Tel Aviv University).
- May 2019 Commentator, *John Pratt and Michelle Miao on Risk, Populism and Criminal Law*, **International Symposium on Multi-door Criminal Justice** (Bar Ilan University).
- July 2019 Co-organizer, **Beccarian Legacies Workshop – Part II** (University of Cambridge).
- Nov 2019 Presenter, *Self-Defence as a Conduct Rule*, **UH Research Seminar** (University of Hertfordshire School of Law, UK).
- Dec 2019 Commentator, *Wang Xiumei and Tang Ling on Anti-Corruption through Artificial Intelligence and its Application in China*, **American Society of International Law Anti-Corruption Interest Group Work-In-Progress Workshop** (Hosted by Ono Academic College).
- Jan 2020 Presenter, *A Probe into the Soul of Israeli Criminal Law*, **Scholars' Workshop on Constitutional Transplantations** (Israel Institute for Advanced Studies, Hebrew University).
- June 2020 Organizer, **Critique of the Israeli Criminal Law Conference** (Tel Aviv University, Faculty of Law).