

Between the Scales

Amnon Carmi



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So What

***Shall we leave this place without a trace,
something, a note or imprint of footsteps,
as in Beit Zayit, where a baby dinosaur
left his prints:***

***"I passed here, in the Cretaceous,
in the years that carry countless zeroes.***

***From here to there I pressed into the clay
the pattern of my toes".***

***What will be my coins to thread on a string
that begins from nowhere and carries on to where?***

Hanna Carmi

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Prologue

Berlin. One of the evenings of the last week of December. Heavy snow falls on the city. The couple heads toward the opera house on Unter den Linden Boulevard. The tram arrives at the station. As they step up onto the car - he holding an umbrella, she wrapped in a black fur coat - she places her foot on the step and stops.

He gently urges her forward: "You've been so slow lately", he says.

She climbs heavily, pauses for a moment again. He supports her and quickly follows. The tram sets off. The car is crowded. Someone offers her a seat. The jolts of the tram disturb my rest. The couple gets off at the station, and I remain lying, curled up and drowsy. At the sound of loud music, I wake in fright. They are seated in the gallery of the grand hall. From the stage comes the voice of a female soprano. Only at the end of the evening do I feel at ease. The first opera of my life. Back home. "*Walter*", she says, "*I think our own opera is about to begin*". "*It will pass*", he tries to reassure her. "*Relax, Dr. Mansbacher said you have at least two more days*". But it doesn't go away for us. For her, as for me, the pressures keep mounting. It goes on for long hours, and then suddenly it all passes and becomes quiet. From the crib I look upward and see them all: Max, elderly, tall man with glasses and beside him Theresa, a gentle, short woman. On the other side of the bed lies Eva, a young woman of about thirty, worry etched on her face and next to her stands Walter, also around thirty, cradling a toddler girl in his arms. The five of them gaze at me and smile, I do not know why. I feel tired, close my eyes, and drift to sleep.

We spent ten days in the hospital and then moved to the villa of my grandparents on Breite Street in the Pankow district of Berlin.

Pankow was a distinguished neighborhood in Berlin, and grandfather was a respected figure there for his contributions to its cultural, social, and economic life. Dr. Max Oppenheimer was among the leading figures of the Zionist movement in Germany. Theresa, my grandmother, was born into the Barkat (Karfunkel) rabbinic dynasty, which spanned hundreds of years; the most renowned among them was Aharon HaCohen, who served as the Chief Rabbi of Silesia in the 19th century.

Four years after that "encounter" around me in the hospital, in 1935, the Nazis expelled my grandparents from their villa. The two wandered from place to place in utter destitution. My grandfather "managed" to die in Berlin, my grandmother was taken to a concentration camp, where she met her death.

Shimon Dubnow, the renowned Jewish historian, was led with other Jews to be executed in Riga. It was written of him that during the march he turned to them and called out: "Remember, remember, write it down!".

The memory of grandfather and grandmother was inscribed in stone: The City of Berlin placed a 'Stolperstein' bearing their names on the sidewalk at the entrance to their home at 31 Breite Straße.

Gerhard Hochhuth, a cousin of the well-known German playwright Rolf Hochhuth, is a retired pastor who moved to live in Pankow. His family represented, during the Nazi era, a broad spectrum: one of the family was a member of the Nazi SS; his uncle, a physician by profession, was married to a Jewish woman who was deported to a concentration camp; his father, also a pastor, would boldly declare that for him, there existed someone above Hitler.

Upon arriving in Pankow at the start of this century, Gerhard began to investigate and learn the history of the neighborhood. He discovered that many Jews had lived in Pankow, most of whom were annihilated in the Holocaust. He sought to commemorate them by placing plaques at the entrances to their homes. The first he chose were Max and Theresa Oppenheimer. In the course of this project, he uncovered documents about my grandfather, for instance: toward the close of the 19th century, my grandfather founded, together with the noted scholar Magnus Hirschfeld at the University of Heidelberg, a student fraternity named "Badenia"; with Max Bodenheimer, a friend of Theodor Herzl, he co-founded a Zionist organization.

In the last decade of the 20th century, the city of Berlin placed Stolpersteine at the entrance of every house of a Jew who had been murdered in the Holocaust. These stones bear the names of the victims. My grandparents, too, were remembered by such stones at 31 Breite Street. Gerhard was the one who initiated the festive ceremony of their installation. Seventy years after the deaths of my grandparents, I stood there at the ceremony. I lowered my eyes toward the memorial stones, turned my gaze toward the German citizens standing around us, and I was at a loss. If only the stones could remember and speak, I thought. If only the stones of Breite Strasse, of this very sidewalk, could remember and speak. Here, on these paving stones, in front of our house, my mother Eva once pushed me in a baby carriage. Many years earlier, Theresa, my grandmother, had pushed my mother in a baby carriage along those same stones. My grandfather was born, raised, and educated in Berlin, and was proud to be a "Berliner". For many years he would walk with my grandmother along this very sidewalk, as German neighbors would greet him warmly with "Good morning, Herr Doktor". He lost that respect when the Nazi movement rose to power. They trampled him, his dignity, his life. If the street could speak, it would

tell of the walk of a humiliated man, of neighbors who in a single day changed from “Good morning, Herr Doktor” to a venomous whisper of “Dirty Jew”. There were also those who did not curse, but passed by the ostracized old man with their eyes averted. If the street could speak, it would tell of my grandmother’s desperate walk toward the train cars that carried her to the concentration camp, to her death.

I looked around me. The years had gone by. My grandfather is gone, my grandmother is gone, and my feet now stand on Breite Strasse beside the memorial stones. As I wondered: what does the neighborhood resident think or feel when passing by these stones? Will he stop? Will he read the names? Step on the stone? Walk around it? German neighbors from a nearby house approached and stood by the Stolperstein - a husband, his wife, and a little girl. The woman bent down and placed a small bouquet of flowers by the stone.

More than ninety years have passed since that snowy evening in Berlin. The five who stood around my bed have vanished and are no more. In the course of the years that followed, my life unfolded. Most of it was ordinary, but here and there events occurred, some exceptional, some decisive milestones in my life. I tried to gather them and recount them here, with a bit of moral reflection, before I travel from here, far away.

A Large Green Leaf

On the wall of my study hangs a frame. Inside it, against a white background, is affixed a large green leaf.

In the 1960s, I was invited to speak at an international conference held in West Berlin. I was asked to describe the “medical” experiments carried out by Dr. Mengele and his associates at Auschwitz. At that time, Berlin was still divided in two. The eastern part of the city belonged to East Germany, and entry was not unrestricted - it required a visa. The house where I was born stood in the Pankow neighborhood of East Berlin. I had one day left after my lecture before returning to Israel, and I very much wished to visit that house I had left at the age of three. I did not know much about it. One of the few details that, for some reason, remained in my memory was my mother’s story: that as a little girl, she loved to go out into the garden beneath the house and wander among the trees. She also told me about “her” tree. An enormous, towering tree with countless branches, around which she loved to wander and dance. I asked the hotel clerk where I was staying how I could visit East Berlin. He directed me to the “Charlie” crossing point.

A wall surrounded East Berlin, cutting it off from the Western world. Checkpoint Charlie served as a gateway, with a police station where entry visas were issued. I went there. A long line stretched outside the station. Those waiting in line would hand over their passport and visa application through a small window. and then take a seat off to the side. After

about twenty minutes, someone would call out the applicant's full name and country of origin in a loud voice, to offer the visa. Most of the people in line were Arabs. Many were students studying in East Germany, some from Israel, others from Syria and various Arab countries. The line moved forward. I listened to their conversations. Again and again, the name Dayan came up. It turned out that just a day or two earlier, Moshe Dayan had been involved in some security incident in Israel. "You should step out of line and go back to the hotel", warned a wise inner voice. I feared what might happen when a policeman called out my name and my country. The line kept moving, pushing me forward, but the inner voice urged again: "Enough. Leave. Take a taxi to the hotel. Take responsibility".

The longing to reach the house, to touch it, grew stronger, even though I knew my grandparents were gone, and that all I would see was a stone wall. I reached the window. I handed the policeman my documents, sat aside, and waited. After twenty minutes, the call came: "*Amnon Carmi, Israel*". I stepped forward, took my passport and the visa. I was permitted to enter East Berlin and stay until ten at night. I passed the line, feeling eyes fixed on me, hearing murmurs. I hurried to the gate, hired a taxi, and told the driver: "31 Breite Street". The ride took about twenty minutes. The car stopped, the driver glanced at me in the mirror, waiting. "Just a moment", I said, "I asked for 31 Breite Street". "Yes", he replied, "this is it". On the left stood a modest three-story house. This was not my grandfather's villa. The driver was impatient. I stepped out of the taxi and looked around. Here and there were houses, in between empty lots and a few scattered trees. I walked toward the house and stopped in front of it. I decided to wait - perhaps someone would come out and tell me something. An older man steps outside, I approach him, beginning to excuse myself and-, yet he takes no notice of me, passes by, and leaves me standing there alone. I wait. A woman came out of the house. I quickly went up to her: "Excuse me, is this 31 Breite Street?". She fixed me with a puzzled look, then answered: "It used to be". "What? When?" I stammered. She explains: "The original house was destroyed in a bombing during the Second World War. Another house was built. That house too was bombed. So they built this one". I stand expressionless, then tries: "Perhaps in this house there is someone who knows something about the first one"?

"Try the third floor on the left. An old woman lives there. Perhaps she knows", she said and went on her way. I climbed the stairs to the third floor on the left. I rang the bell and waited. I rang again. The door opened. An elderly woman with snow-white hair stood before me and asked what I wanted.

"Did you know the Oppenheimer family?" I asked.

Her eyes opened wide. "Why?" she exclaimed.

"I am their grandson", I whispered.

She froze in place. Then she regained herself: "Please come in", she said in a trembling voice.

I entered and sat down in the living room.

"I'll make you a cup of tea", she said, and went to the kitchen. I looked around me. A typical "Yekke" living room, much like all the Yekke living rooms I had known, though somewhat simpler. She returned with a cup of tea and a plate of cookies. We began to talk. "Yes, of course, of course I knew your grandparents", she started to tell me about them. Meanwhile, she phoned her son, an engineer who lived nearby, and invited him to come and join us. He arrived. She told me about her family, and I told them about ours after we had left Germany and what had happened. The hours passed. I explained that my visa was about to expire. Her son said he too had to return home because there was a nighttime curfew. He offered to drive me back to Checkpoint Charlie. I was about to say goodbye to the lady of the house.

"Moment, moment", she asked. "I want to show you something before you leave".

She rose from her seat and walked toward the hallway. I followed her. She continued into a small room that looked out onto the balcony. At the end of the balcony was a small gate. On the other side, stairs led down to a garden and a small grove.

"Look", she said to me. "Do you see that tree, there in the center?".

"Yes", I replied, not knowing what she meant.

"I remember your mother. She was a little girl. She always loved to wander around that tree and dance".

A shiver ran through me.

I excused myself. I pushed open the small gate, went down the steps, walked up to the tree, and placed my hand upon its trunk. I closed my eyes. I tried to imagine the picture of a little girl dancing around it. Before going back upstairs, I plucked a large green leaf.

The engineer drove me back to Checkpoint Charlie. I returned to the hotel, then back to Israel, and placed the leaf in a frame. The leaf is before my eyes in my room. Mother, you are in front of me.



The Big Tree

Berlin–Haifa

1933. We disembarked from the ship and moved to live in Haifa. My grandfather gave my parents a sum of money to purchase a house. My father bought a plot of land on one of Carmel's peaks. The plot bordered a tiny Bedouin hamlet with just a few huts. The construction of the house took about two years. In 1935, the building was completed. I remember the day we moved in. A car drove us close to the house. A narrow path led us through a field up to the home. My sister and I trailed behind our parents. A white house came into view. My father pushed open a gate in the fence surrounding the house and led us into the apartment.



The White House on Mount Carmel

I remember my first night in our new home. My sister and I wandered through the rooms, setting our belongings in the room that had been chosen as the children's bedroom. My mother was in the kitchen preparing supper, while my father went outside to mend the gaps in the fence. I do not recall what I did after the meal, but that first hour of the night is etched in my memory. There were two beds in the children's room. My sister's bed stood against the back wall, and mine was placed beneath an open window. A shutter had not yet been installed on it. I lay on my back, my eyes wide open. Beyond the window stretched the night, dark and mysterious. A wind blew, as if sobbing, and from the mountains rose the howls of jackals. From afar came the murmur of waves beating against the shore. I clung to that sound, enchanted by it, and carried it with me for many years. A chill took hold of me. I curled up beneath a heavy feather quilt, I trembled and a pleasant chill ran through me until slumber overtook me.



The Boy Amnon in the Yard of the New House

I remember my first day in our new home. I slipped out of my room and beyond the fence. A morning of a spring day. From horizon to horizon stretched an expanse of blue sky. I looked around me. My first acquaintance with the Carmel. Hills, valleys, peaks, and slopes on every side. Far beyond them lay the sea - vast, blue, still. On the mountainside spread carpets of green wild shrubs. A light, cool breeze brushed against my face. The air was sharp and fresh. I draw a deep breath into my lungs and feel a slight dizziness. A sweetness seeps in and spreads through my blood. I turn my gaze to the left. A small Arab village, mud and clay houses scattered among the pine trees. Gray donkeys wander about, chickens peck in the dirt yard before one of the huts. Slowly, I make my way home, intoxicated and enchanted by all that I had seen and experienced.

My Mother

My mother Chava (Eva) was of the eleventh generation of the Karfunkel-Barkat family of rabbis, who lived in Germany. Rabbi Yehuda HaCohen was born in 1576 and died in 1660. His son Rabbi Zechariah HaCohen was born in 1600 and died in 1690. His son Rabbi Israel HaCohen was born in 1628 and died in 1692. His son Rabbi Yehuda HaCohen was born in 1644 and died in 1718. His son Rabbi Zechariah HaCohen was born in 1708 and died in 1744. His son Rabbi Yehuda HaCohen was born in 1725 and died in 1776. His son Rabbi Aharon HaCohen was born in 1762 and died in 1816. His son Rabbi Yosef HaCohen was born in 1805 and died in 1873. His son Rabbi Menashe HaCohen was born in 1852 and died in 1916. His daughter Theresia was born in 1881 and died in 1944. Her daughter Eva (Chava) was born in 1902, gave birth to me in 1931, and died in 1962.

About Rabbi Aharon, who served as the Chief Rabbi of Silesia, it was told that during the Napoleonic Wars he told the Jewish volunteers who wished to enlist that they were permitted to postpone the observance of certain religious duties, that it was not necessary to be strict regarding the Jewish dietary laws, and that they were not obliged to recite all the prayers, for God would accept their service for the sake of the homeland as a form of prayer.

My mother was born in 1902, the only daughter of her parents, Max and Theresia Oppenheimer. In her youth she joined the Zionist movement "Blue and White". In 1924 she immigrated to the Land of Israel as a pioneer, and in 1928 she married my father. A year later she gave birth to my sister. In 1929 the family moved to Germany and settled in her parents' home. In 1931 she gave birth to me, and in 1933 the family returned to the Land of Israel.

Upon her arrival in the Land of Israel, my mother brought to our house an antique piece of furniture. It was a writing cabinet with numerous drawers in its lower part and a broad surface at the top. Each day she would sit at the surface and devote herself to writing. After her death, we found in its drawers copies of more than three hundred of her articles, published in leading journals in the country. Her writing spanned a wide range of fields: education, psychology, Jewish tradition, reviews of books and plays. She published two volumes of poetry and translated into Hebrew Max and Moritz from German and The Dancer of Shamakha from French.

My Father

My father, Yehuda, was born in 1901 in the town of Zborze in eastern Germany, into a wealthy and assimilated Jewish family. His original name was Walter Grünberger. His father was a hussar (officer) in the army of Wilhelm II. When the Kaiser came one day to visit the town, his father was among those who welcomed him. I have little information about the family's daily life, apart from the fact that they lived in the typical German manner, with education and family life governed with a firm hand by the head of the family. The grandfather and most of his sons were burly men. My father was relatively short, but very strong, determined, and at times aggressive. It is told that as a boy he was forced to leave school: an antisemitic teacher spoke against the Jews during a history lesson, and the proud young boy attacked him and injured him. Following this event, his father sent him to a cadet school. A defining event in his life occurred when he encountered a youth group of the Zionist movement "Blue and White" (Tchelet-Lavan), the very movement in which, as mentioned, my mother was also a member. Following this encounter, he left school, devoted his time to studying the Hebrew language, and joined a group engaged in agricultural training in preparation for immigration to the Land of Israel. In 1921, he immigrated to the land of Israel and, like the other pioneers, worked paving roads and

draining swamps in the Hadera area. In 1925 he joined the "Haganah", forging a "combat" bond of about thirty-five years between himself, the people, and the land. In 1929 he was involved in a grave security incident. At that time, he was serving with the Haganah in Jerusalem's Old City. Arab gangs launched yet another round of violence against Jews. One such gang made a practice of attacking Jewish women. A group of Haganah members led by my father confronted the gang. In the struggle with the gang's leader, my father caused his death. Colonel Kisch, head of the Zionist Organization, instructed my father to escape the country for fear that the British authorities would prosecute him for murder. Kisch assigned my father to the task of procuring weapons abroad for the Haganah and smuggling them into the country. My father, my mother Chava, and their newborn daughter sailed to Germany and settled in my grandparents' house in Berlin. My father roamed across Europe in an effort to purchase weapons and send them to the Land of Israel. In 1933, he was instructed to return to the Land of Israel. Hitler had already been appointed Chancellor of Germany and had begun to realize his vile vision. My father pleaded with his in-laws and his three brothers to join him and immigrate to the Land of Israel, but they refused. They would not leave the country where their family had dwelt for more than four hundred years. They did not believe that Hitler would be able to carry out his plans. Within a few years, his brothers and Theresa were killed in concentration camps. My grandfather Max entrusted my father with a sum of money to build a home in the Land of Israel, and remained alone in the family villa in Berlin. Three years later he was evicted from his house. In his old age, he wandered from one apartment to another, from one acquaintance to the next, until he breathed his last breath in utter poverty and humiliation. My parents returned to the Land of Israel with my sister and me and built their home in Haifa. Out of fear of being arrested by the British authorities, my father changed his name to Yehuda Carmi.

Over the next twenty-five years, my father moved along two parallel paths. In the civilian path, he served as the director of an insurance company; in his military path, he joined the headquarters of the Haganah in Haifa. The offices of the insurance company also became the headquarters of the Haganah in Haifa. In our home, a large weapons cache for the Haganah was concealed. At the outbreak of the War of Independence, my father commanded the AML Battalions (Local Volunteer Defense Units) in Haifa. After the establishment of the State, and with the approval of David Ben-Gurion, he was recruited and served as an active-duty officer with the rank of lieutenant colonel, even while simultaneously earning his livelihood by managing an insurance company. My father passed away in the prime of his life from a heart stroke at the age of 58, and was laid to rest in the military cemetery in Haifa. The City of Haifa commemorated him with a street bearing his name, the very street where he had built our home: Yehuda Alley.

A Student and Intern

With the completion of my military service, my path was set toward university studies. The first option that appeared to me was to study medicine. No one suggested it to me or recommended it to me. There had never been a physician in my family. I was drawn by the possibility given to a doctor to help those in need in the best possible way. I was aware that help could be offered through a hundred and one other professions, and that I did not possess the basic skills that would justify my turning specifically to medicine, yet I chose medicine. In Israel at that time there was only one medical school, and my request to be admitted was denied because my matriculation grades did not reach the required threshold. Therefore I turned to the study of history, and afterwards to the study of law. Yet my fate, in its twists known only to itself, bound medicine to me; and thus, for more than fifty years, I offered my contribution to doctors and to medicine in another way. This contribution extended over dozens of planes, fields, areas, and endeavors.

At the Faculty of Law, an active atmosphere of expressing opinions and engaging in debate prevailed on social and cultural issues. Within a short time, I found myself an active participant in the circles of discussion. I, who had always tended to listen and pay attention, changed course. I realized that when I expressed an opinion, I was met with attentive listening. When I developed an idea, the listeners joined me. In the evenings, my fellow students came to my room to converse, to listen. A circle of students was born and grew. The central theme I promoted was love of the homeland and each one's commitment to it. With the encouragement of my friends, I began publishing articles that proposed practical programs for the advancement of society. At the same time, I corresponded with leading figures in the country. Among other initiatives, I began a correspondence with David Ben-Gurion, who at that time was living in Sde Boker. I wrote about the tasks awaiting the youth of the new generation, pointing out to him that the youth was the nucleus of the nation, vibrant and strong. I asked Ben-Gurion whether he was willing to lead the youth toward the fulfillment of these tasks, and this was his reply:

Sde Boker 25.6.54.

Shalom and blessings.

Your question - whether I am "planning to lead such a youth movement" - strikes me as somewhat puzzling. I have never intended "to lead or to steer" - but rather to act, and to engage others to act as well, to the extent of my ability.

In a short time I intend to convene a small meeting of university and Technion students, a kind of initiating meeting to set down the foundations of a youth covenant (in spirit?) (I do not endorse the title "state", but rather general. State

means, or may be understood as an official undertaking of the state subject to the government). At this meeting, the question of the framework will also be discussed. I am of one mind with you - and this is my profound conviction - that the youth of our time is in no way inferior to the youth of former generations. Could you provide me with further details about the circle on whose behalf you speak?

WFG,

D. Ben-Gurion

My involvement was not confined solely to the general society. At the university, elections were held for the Student Council. Never did I regard myself as one to take part in political life. I found it difficult to understand why political parties took an active role in elections within the academy. Several friends in the Faculty of Law joined me, sharing my view that political parties ought to be excluded from an academic institution, and that the service of the Student Council should focus on the needs of the students. During the conversations that were held among us, more and more students joined us. I founded a new faction, one entirely free of any political affiliation, devoted only to student needs. The date of the elections drew near. We competed against representatives of eight political parties that then existed in the country, that were backed with funds and marketing support. Every evening, dozens of students from different faculties gathered in my room. Lacking any funding, we spent each night producing posters, and on the following mornings we hung them on the various university buildings. A day after the elections, the results were published. Mapai, which at that time held absolute control in the country, won first place. Our anti-party faction won second place. The remaining factions received only negligible numbers of votes.

Since then, for decades, I have founded and carried forward many organizations and projects without financial support and without professional tools. I assume that many joined me because of social messages of an ethical nature that I upheld. The success of my organizational activity was also aided by the fact that I always acted on a voluntary basis, without any personal or financial motive.

The Professor

In my first year of studies, I lived in a small Jerusalem hotel called the Hagelberg. It was run with a firm hand by a stern German-born lady. The rent included dinner. The meal, with its courses, was meticulously arranged. The waiter would ring a bell a quarter of an hour before eight in the evening. At the appointed time, the residents were seated around the table in the dining room. Three courses were served in turn, and by nine o'clock the residents would leave the dining room and retire to their rooms. The same residents,

almost all German-born *Yekkes*, resided at the hotel throughout my stay in it, with hardly any changeover. I myself was accepted into this group through the intervention of my father's acquaintances of German origin. The Viennese "professor" had been a member of this group for years. His story became fixed in my memory of that first year in Jerusalem as a student.

He entered the dining hall, walking slowly toward the laid table, casting a glance at the assembled, he politely declared, "Mahlzeit" (Bon Appétit), and sat down. I answered hesitantly, "Bon appétit", my voice fading into the silence that reigned in the large, cold hall. The waiter came in, carrying the first course on a broad wooden tray. While distributing the plates, he noticed the Professor and burst out laughing: "Hello, Herr Professor!". The Professor, in response, buried his gaze in the plate before him.

"The Lost Tongue of the Etruscan Tribes", so is what was told of him, was the subject of his college course in Vienna. For seventeen years he lectured on it. He was dismissed from his post when antisemitism intensified, and was deported with his family to a concentration camp. His wife and children were murdered before his eyes. He arrived in the Land of Israel destitute and broken in mind. From that time on, he lived off an allowance from his wealthy sister who resided in the United States. At first, he lodged in the present hotel. When he was offended by the guests' mockery, he made a scandal and abandoned the place. Realizing soon enough that his money would not suffice for lodging elsewhere, he returned to the hotel, yet every few weeks he would leave again, as if to avenge his wounded dignity, only to return later, seemingly reconciled.

The waiter served the Professor the second course with jest and mockery. That one pretended not to hear, lunged at the dish, his hands moving quickly from plate to mouth. His neighbor left the table.

The Professor spent his days wandering the corridors of the university adjacent to the hotel. One winter month I sat in the great reading hall and noticed him, seated at a table in the corner, lost in a daze. Suddenly he rose, took a book, and approached the window. Silence and stillness reigned in the hall. Students sat bent over their books. The Professor opened the window. An icy wind swept into the heated hall. Irritated eyes turned toward him. The Professor shifted a chair, placed it by the window, and rested his foot upon it. He lifted his face toward the fog. He began to speak. Murmurs and chuckles rippled through the hall. One student approached and patted him on the shoulder. But the Professor sank into his dream. Dozens of students emerged as if from the fog and listened to his speech. His hands waved, his voice rose. For so many years his mouth had been silenced. How good it was to stand once more before his students and to lecture. Teaching was the root of his life, like a fire restrained within him, and the fire gushed forth like lava. Rough hands pulled him away from the window, and he was led out of the hall.

One day, while waiting for a lecturer in the auditorium with about a hundred other students, the back door opened. I turned my head. I was stunned to see the professor striding forward, chin raised, a book tucked under his arm, his gaze arrogant and proud. With slow, steady steps he advanced to the front of the hall. He stood silent beside the lecturer's podium. A pang pierced my heart, for I perceived the struggle raging within him: here stands the lecturer before you, the students are waiting. Step up, Professor, and begin your lecture. Step up! Step up! His eyes were fixed, mesmerized, upon the lectern. Such a square wooden block had been the summit of his happiness in his dreams. He took a light step toward the lectern. Then the front door of the hall opened, and the course lecturer entered. A shudder ran through the Professor. He turned on his heels and made to leave the hall, weary, bent, a shadow of a man

That evening I met him in the dining hall. Sat in his usual place and muttered: "Mahlzeit". No one answered him. Swallowed his courses. Looked around him, masks of stone. He rose and left. In the years that followed, whenever I stand before a hall filled with students and lecture, the image of the Professor flickers before my eyes for a moment then fades back into the reservoir of memory.

A Boyfriend and a Girlfriend

In my second year of studies, I moved from the Hagelberg Hotel to live in a house in the Arnona neighborhood of Jerusalem. The house belonged to the parents of my friend Oded, who lived in Netanya. Oded studied economics and was my partner both in the student activities I led and in cycling. Every morning we mounted our bicycles and rode to the university in the city. Toward evening, we rode back together to the neighborhood.

On November 9, 1952, the funeral ceremony of Chaim Weizmann, the President of the State, was held in the city of Rehovot. The day before, we had heard on the radio of his passing and decided to witness the ceremony. In the evening hours we got on our bicycles and set out on our way. The descent from Jerusalem at night was dangerous. Terrorists (Fedayeen) occasionally carried out attacks along this route. We armed ourselves with "light weapons" - two bicycle pumps. We covered many kilometers until we reached the city of Rehovot, near the President's residence, and witnessed the burial event of the President. At the close of the ceremony, we cycled to the city of Lod to return to Jerusalem by train. We loaded our bicycles onto a freight car and went from carriage to carriage in search of seats. At the far end of one of the carriages, three nice girls were sitting on a long bench. We sat opposite them and struck up a conversation. The girls were on their way to register for university studies. The conversation flowed pleasantly. We got off the train with their addresses in hand. We set to meet them the following evening. My personal connection with one of them, Hannah, solidified and was realized: two years later, we were

married. To this day, we live in a wonderful partnership. We have built a beautiful family of children, grandchildren, and great-grandchildren.

A Crossroads

In the early years of the Faculty of Law in Jerusalem, the studies lasted four years. Graduates were required to submit a seminar paper in order to receive the degree of "*Magister of Laws*". I found a deep interest in the field of statutory interpretation. Mr. Zvi Becker, a judge of the District Court, taught this subject. I approached him and asked that he supervise my seminar paper on the subject: "Judge, Law, and State (On the Problem of Interpretation)". I devoted three months to writing the paper. Judge Becker awarded the paper the grade of "Excellent". Receiving this mark enabled me to continue toward doctoral studies in law. One morning I stopped the Dean of the faculty, Professor Akzin, on his way to his office at the faculty. I told him I was interested in pursuing research and teaching in law. I asked for information about doctoral studies. His strange reply changed the course of my life for quite some time: "*Do not turn to a doctorate. Do not pursue research and teaching. Go into legal practice*", he said, turned into his room, and left me bewildered.

I do not know what led Professor Akzin to divert me from turning to academia. Were there no research positions available in the faculty at the time? Did he believe that every jurist ought to train in legal practice before finally fixing the course of his professional life? I embraced the Dean's counsel and I went into the internship track. Years passed before I reached the academy, despite Professor Akzin's "advice". Until then, I was engaged, "for lack of choice", in legal practice and the judiciary.

Don't Shout at Me

A law graduate is legally required to complete a period of internship (Staj) in order to receive a license to practice law. The internship was usually carried out in law offices. The struggle of students to secure an internship at a prestigious law firm is intense. There are relatively few such elite firms compared with the waves of students seeking to be accepted by them. My path was easier. My father was a manager at an insurance company, and it was easy for him to approach a leading law firm in Jerusalem and arrange my internship there. Immediately upon completing my studies at the faculty, I was accepted into that firm and assigned to internship under Attorney Spaar. Arnold Spaar, German-born, who was among the most experienced and senior experts in Israel. In later years I was told that at his retirement party more than a hundred former interns came together to honor him. Yet already on my first day I was warned by several lawyers in the office about his abusive

attitude toward the staff and toward anyone who came into contact with him, including clients. I arrived at the office, completed the formal registration at the secretary, and was led down a long corridor to a small room that I was to share with a young lawyer. Shortly after settling into the room, I was asked to prepare a summary on a certain subject for Attorney Spaar. A few days later I completed and submitted the summary to the secretary so that it could be passed on to Mr. Spaar.

The next morning I was summoned to his chambers. Attorney Spaar sat in his armchair behind a heavy desk piled with files and documents. I stood before the desk and waited. He glanced at a certain document. He did not ask me to sit. Then he took my draft, looked at it for a minute, raised his eyes to me, seized the folder of papers I had prepared, waved it toward me and shouted: "This is nothing, this is worthless"! I remained silent. He threw the papers back onto the desk and shouted again: "This is nothing, this is zero". I said, "Don't shout!". He was startled for a moment, then raised his voice even louder: "It's worth nothing". I said, "Don't raise your voice at me". He flushed, his eyes blazed: "I'll shout as much as I want". I said, "You will not raise your voice at me". He lifted his hand toward me, "I'll shout as much as I want. If you don't like it, you can leave the office". "I'm leaving the office," I told him. I walked out of his chamber, turned into the corridor, and arrived to my room. I gathered the few belongings I had brought with me from a drawer. My roommate asked what was happening. I told him that Spaar had shouted at me and that I was leaving the firm. "Think twice", he said, trying to dissuade me, and added: "He yells at everyone. He even shouted at the President of the State, who was once his client". "No one shouts at me", I said, and headed toward the entrance. I stopped short, for Spaar was standing in the doorway. "Carmi", he said, "I apologize. I will not shout at you again". He turned and went back into his office. I returned to my desk. My astonished roommate hurried out of the room to share the event with the rest of the staff. During that week I, the junior one, became the hero throughout the office. I did my internship there for a year. I learned a lot.

Seek and You Shall Find

I "spent" my second internship year at the office of Attorney David Geiger in Haifa. Geiger often appeared in criminal cases. I was involved daily in preparing the case files ahead of his court appearances, but one of the most important insights ripened within me precisely at nights. Late in the evenings, Geiger would gather the lawyers and interns in his office and present to us documents related to the case scheduled for the following day. Usually, these were police reports or witness statements of those expected to be cross-examined by him. The purpose of the joint review of these documents was to provide suitable material for cross-examination. The following phenomenon surprised me again and again: a repeated reading of a document, after I had gone over it during the day twice and three and four times, would reveal before me and show me, in the additional reading, a relevant detail, an important detail that I had not paid attention to in the previous readings. I

adopted this insight for myself and tried to pass it on to my interns and students in the following years.

President Agranat

President Agranat usually had a serious facial expression. He was known for his serious attitude toward the hearings and the litigants who appeared before him. But once, I managed to make him laugh. I was then an intern in the office of Attorney Geiger in Haifa. One day he entrusted me with a case of a petition to the Supreme Court. I studied the file, saw that there was nothing in it, and that there was no chance whatsoever for the petition to be accepted. I reported this to Attorney Geiger. His answer was short: "I know". I warned: "The Court will order us to pay costs". "I know", he replied, adding that there was no choice in view of the client's insistence. At five in the morning I got into the car. The travel time was longer in those years. Four hours. I parked the vehicle near the Russian Compound and made my way toward the Supreme Court. At ten o'clock I was called to the President's chamber. Justice Agranat sat in his wide armchair. "Good morning", he greeted me. He opened the file and fixed his eyes on the short document of the petition we had submitted. I assume that, like me, he was unfavorably impressed by the petition. He raised his eyes and asked, in his American accent, with his American politeness: "What do you have to say?". I stood up, looked straight at him: "Mr. President, what I have to say is that I got up this morning at five o'clock and drove for four hours". There was a moment of silence. Agranat looked at me, perhaps waiting for me to continue, but I had finished my words and sat down. He continued looking at me, and then burst into loud laughter: "Such an argument I have not yet heard". Then he became serious, took the pen, and wrote on the document that the petition is rejected. I thanked him, stood up, left the chamber, went to my car, and set out on the long road of another four-hour drive. Only after we received a copy of the decision did I notice that we had gotten off cheaply: the President did not order us to pay the costs of the rejection.

The Deplorable Examination

The internship examinations held about sixty years ago were different from those of today. Six interns were summoned to appear before a panel of three examiners. Each intern was asked one oral question. If one knew the answer, one passed the exam. If one did not, one failed and was invited a few months later to appear before the next panel.

After the completion of my internship, I devoted several months to intensive study in preparation for the examination. The truth must be told: there was no practical way to prepare for that ordeal. At the time, there was no agreed compilation of laws, regulations, and court rulings from which the questions were drawn. My experience appearing before

the panel was harsh. Together with five other interns, I stood in the room. Across the table sat three examiners: a judge, a prosecutor, and an attorney. The chairperson addressed each intern separately and presented one distinct question to each of us. An intern who answered correctly “passed” the examination; an intern who failed to do so “failed.” I was asked a question. I did not know the answer. I was disqualified. My request to be asked another question was denied. I left the room astonished. The following day, I sent a personal letter to Supreme Court Justice Alfred Witkon, who was in charge of the bar examinations. I protested the manner in which the examination was conducted, and he replied:

"Mr. Carmi, my friend, I do not believe that our method of examination is ideal, yet I see no flaw in the oral examination. One who cannot stand such an examination, out of nervousness or excitement, is doubtful to be fit to be a good lawyer. In fact, the whole examination is rather easy, and one who reads and studies, as one should, will pass it without difficulty. After all, our profession is not one of the “pioneering” fields in which the hands of the laggards must be strengthened in their struggle to enter it. The candidate for this profession must prove oneself and justify one’s candidacy. Yours faithfully, A. Witkon".

Justice Witkon was dear to me both as my teacher at the Faculty of Law and as a judge. However, that reply of his was not only not accepted by me, but years later, when I served as chairperson of the internship committees, I adopted a more reasonable, more human approach. Today, the examination is built in a completely different way.

After my “success” in the second internship examination, I was certified as a lawyer.

Lawyer

Justice Olshan, President of the Supreme Court, signed in 1958 my certificate of registration as a lawyer, which bore the (serial) number 1670. At the time of publication of this book, about one hundred thousand lawyers are registered in Israel.

Am I a lawyer?

All that the signature of the President of the Supreme Court attests to is that I hold a license to bear the title. That's all. And that's nothing.

It will take a long time before I can look in the mirror and tell myself that I am indeed fit for it.

When the license is in my hand, I leave the halls of academia, don a black robe, and enter the courtroom. There, I begin to learn the profession. During my four years of study at the Faculty of Law, I memorized statutes and court rulings and delved into legal literature. But no one taught me to think, argue, write, or examine as a lawyer.

"A Faculty for Lawyers Is Needed"

I believe that teaching in the faculties and law schools in the State of Israel is entrusted to excellent jurists, yet I disagree with the prevailing approach that regards the faculty as a kind of laboratory for studying law. Graduates carry with them worthy knowledge and insight in the field of law, yet virtually all of them are unqualified and unable, as lawyers, to offer their clients proper service. A lawyer is supposed to help the client advance the client's interest. The lawyer's tools are the knowledge in the relevant legal field and the skills in writing, speech, and professional discernment.

Therefore, in order to meet the aspirations of the students and the needs of their future clients, the curriculum must be structured differently. After becoming acquainted with the world of law, it would be desirable for the continuation of the program to offer a choice and specialization in two tracks - professional and practical. The professional track should include a specific avenue such as criminal law, commercial, social, health, religious, international, and the like. The practical track should include the art of writing, the art of argument and cross-examination, psychology, ethics, and similar subjects. Practical training should be integrated into the curriculum and include regular guided visits to courts and other relevant institutions, frequent work meetings with professionals such as judges

and lawyers, and training hours in law offices conducted concurrently with studies and in cooperation with the Bar Association.

Already fifty years ago, I wrote an article in the spirit of these ideas and sent it for publication in the journal "Mishpatim" ("Law"). The title of the article was: "A Faculty for Lawyers Is Needed". The editor of the journal saw fit to "defend" the existing methodology and prevented the article's publication.

I truly hope that one day a young dean will find the courage in his heart and the tools in his hands to break the conservative approach and to design and implement an innovative teaching program for the benefit of those engaged in law and of those who depend upon it.

The End of a Legal Act Lies in Its Preparation

Most proceedings in the field of criminal law end in convictions, despite the length and weight of the defense attorneys' arguments. Most defendants know, openly or in the secrecy of their hearts, that they are guilty. Most defense attorneys exhaust their efforts and their time in fruitless attempts to bring about the acquittal of their clients. Others, in arguments regarding sentencing, make do with routine, trite, and empty statements. I fear that not a few defendants are imprisoned for long periods because of their counsels' flawed pleading.

Proper preparation for the legal "battle" is essential for success. Such preparation includes numerous tasks, such as: gathering as much information as possible, assessing the strengths and weaknesses of the "case", tactical, strategic, and psychological preparation of "defense" and "attack", and planning backups for unforeseen developments during the trial.

The Urinator

Yaakov, a young man about twenty years old, broke into a gas station at the foot of Mount Carmel in the dead of night. He struck the attendant on the head with an iron bar, robbed the cash register, fled, was caught, arrested, interrogated, and brought to trial on charges of robbery and grievous injury.

The young man's uncle approached me and asked that I represent him in court. At the detention facility I met a short, red-haired young man, dejected, who answered my questions in a faint voice. I made it clear to him that our conversation was confidential, and that I needed to know every detail of the incident in order to defend him in the best possible way. He described to me the course of the assault and the robbery. His account matched completely the details stated in the indictment. I informed the young man's uncle

of the contents of our meeting and told him that I would be willing to represent the young man on the condition that he admit his guilt. The uncle gave his consent. The two months that followed, until the opening of the court hearing, I devoted to studying Yaakov's life story. I initiated and held dozens of meetings with everyone who had known him from his childhood up to the grave incident of the robbery.

Yaakov was born into a religious family as the younger brother of Shlomo. Shlomo was gifted and successful at home, at school, among his friends, and later in the army. At the time I was handling Yaakov's case, Shlomo was serving as a senior officer in the Israel Defense Forces. At the age of two, Yaakov suffered from a lack of bladder control. At first, his ignorant parents refrained from treating this condition. When Yaakov was three and four years old, instead of seeking professional help, his parents reacted with contempt, disgust, and even threats. The urinary incontinence occurred mainly during sleep at night. Every morning Yaakov would wake up to find his bed sheets soaked with urine. Yaakov tried to stay awake at night to prevent the bed-wetting. As a result, he remained tired during the day throughout most of his childhood. The loss of bladder control continued to trouble him at home. The parents' mockery and anger turned into threats and beatings. Yaakov forced himself to stay awake at night, and therefore occasionally fell asleep during lessons at school. The teachers complained to the parents about his lack of interest in studies, and they beat him whenever they received a negative report about their "lazy" son. The constant comparison between the successful brother and the failing one intensified the parents' disappointment and neglect toward Yaakov. Yaakov found a way to reduce the teachers' complaints. Each morning he left home, but instead of going to school, he went to a field on the outskirts of the village to complete his night's sleep. Around noon he would get up and return home. The absence of the "lazy" did not trouble the teachers, and only after several weeks did they contact the parents regarding his absence from school. Out of fear of the beatings from his father, he ran away from home. The parents searched for Yaakov for several days and only then turned to the police for help. Yaakov was found and brought back home. After the police officers left, he was beaten again. Yaakov ran away from home for good. In a nearby town to which he drifted, he joined a group of abandoned boys. For the first time in his life, he experienced affection and friendship. The abandoned boys lived hand to mouth, from rummaging through garbage bins and from petty thefts in the markets. As the boys grew older, the thefts became more serious and more dangerous. Yaakov became an active member of the group, taking part in raids, thefts, assaults, and robberies. From time to time the police traced him. He was caught, brought to trial, and because of his young age, repeatedly received consideration and leniency. This was the story of the young man when I took on his case.

Yaakov placed his trust in me from the very first moment and cooperated with me as much as was required. First of all, I addressed the medical aspect. Already in the first medical

examination, the physical disability of urinary incontinence was diagnosed, and appropriate treatment for relief and rehabilitation was proposed. It was sad to realize that had such an examination been carried out at the age of two or three, the life of this unfortunate child would have taken an entirely different course. Alongside my attention to his disability, I asked for and received from Yaakov a list of addresses of "providers" of information, such as close and distant relatives, kindergarten teachers, schoolteachers, and friends who had accompanied him through the years of his life. I arranged meetings with all of them, spoke with them, and gathered all the details that enabled me to build from them a comprehensive picture. Finally, I had in my possession a booklet that presented Yaakov's biography. During those months, I met with him often and spoke with him at length about his life, also beyond the aspect of his offenses. I discovered in him a foundation of honesty and sincerity. It became clear to me that a difficult life story had led him astray from the right path but had not dulled the moral insights that were ingrained in him. We talked at length about rising to a healthy way of life. I placed my trust in Yaakov's sincerity and his desire to open a new and positive chapter in his life. I located an initial workplace for him.

The hearing in Yaakov's trial was scheduled for a certain date before three judges of the Tel Aviv District Court. The day before, I called Yaakov Bar-Or, the District Attorney of Tel Aviv, and asked to meet with him urgently.

He granted my request. I left Haifa. At seven o'clock I arrived at his home. I placed the booklet before him. He sank into reading. Slowly, attentively. When he finished reading the last page, he lifted his eyes and began to talk with me about Yaakov's case. At midnight I returned to Haifa. At nine o'clock the next morning, the three judges entered the courtroom. A policeman led Yaakov to the dock; the uncle sat on the bench behind. The District Attorney and I sat facing the judges. At the opening of the hearing, I informed the panel that the defendant wished to plead guilty to all the charges against him. The prosecutor requested that the defendant be convicted. The court convicted the defendant. The prosecutor asked to present his remarks at this stage concerning the sentence. I gave my consent. The prosecutor delivered a detailed, warm, and moving plea for the defense, the like of which I had never heard before. The speech was long and detailed. At its conclusion, he handed my booklet to the judges. They reviewed it for a long time. The presiding judge turned to me so that I might address the court. I stated that I had nothing to add. The uncle sitting behind gasped; how could I refrain from saying anything in defense of his nephew?! The judges rose and left the courtroom. We waited for the sentence. After a long hour, the judges returned to the hall. The presiding judge read the sentence. It opened with a brief description of the defendant's offenses. The judge mainly quoted the prosecutor's plea. In its ruling, the court confined itself to imposing a suspended sentence on the defendant. Before the judges left the courtroom, the presiding judge turned to me and suggested that I volunteer to serve during the coming year as a kind of probation

officer for the defendant. I agreed. Yaakov was released from the detention in which he had been held. I kept in touch with him for an entire year. He fulfilled all my expectations: he severed all contact with his former gang and began a new chapter in his life. At the end of the probation period, our contact ended. About twenty years later, I attended a conference held at a luxury hotel in Tel Aviv. A hotel employee, carrying suitcases in the lobby, stopped beside me and greeted me. At first, I did not recognize him. He helped me: "I'm Yaakov. Do you remember me? Married, two children, full-time job. I'm doing well".

Guillotine

It was the final round of the flight. The settlement's overseer had summoned the plane to spray a large plot of land. A completely routine mission for the veteran pilot, except that in the middle of the field stood two tall electricity poles, separate and far apart, and a power line stretched between them. The plane was supposed to fly beneath that wire in order to complete the spraying of the entire plot. In the field itself was a worker of the settlement, who from time to time lay down flat on the ground whenever the plane passed above him.

It happened on the final round. The pilot returned and passed under the wire. As he began to ascend, the wing of the plane severed the worker's neck, and his skull was hurled dozens of meters from where he had stood. The pilot was charged with causing death by negligence.

The aviation company approached me and asked that I defend him. I interviewed the pilot in my office. His explanations and the description he gave me did not satisfy me. I went out with him to the site. I asked the aviation company to fly a plane under similar conditions. I lay down on the ground as the plane passed over me. The roar of the propeller was immense, frightening. It was impossible to understand how the worker had been struck: had he lain down when the plane passed over him, the wing could not have hit him. Fact: during the previous flights he had not been hurt. It was unclear and incomprehensible why he did not throw himself down when the plane approached. It seemed to me to be unreasonable behavior. At first, I deemed it appropriate to hire a private investigator to find out whether the worker had previously suffered from hearing impairment or from suicidal thoughts? I received a negative answer to that. Another question arose concerning the pilot's ability to control the aircraft while approaching the wire and maneuvering beneath it. To deal with this question, I turned to the company and asked to be flown along the same route. The company acceded to my request. A plane and pilot were placed at my disposal. I flew the route again and again. I learned much from the flight and came to understand the pilot's considerations clearly.

At the first court session I asked the judge to agree to fly over the field to learn firsthand what had happened. The prosecutor objected and declared: there is no precedent in this

country for such a request. Nevertheless, the judge granted my motion. The aviation company provided a plane for the judge. The prosecutor declined the judge's invitation to join him. Before and during the flight, the pilot described all the maneuvers and considerations involved in such a flight.

After the conclusion of the trial, the defendant was acquitted of the charge.

Know the Witness: On the Interrogation of Witnesses¹

Already on my first day as a lawyer, I was required to make use of interrogation. As a novice attorney, this was a complex and difficult task for me. I set out on my way without any tools. Over time, I learned first of all that I must know myself, my abilities and my weaknesses and to engage only in an interrogation that I am capable of carrying out. I also learned that I must know the witness being examined: Language, profession, age, status, origin, religion. I must understand nonverbal behavior: facial expressions, movements of body parts, changes in speech during the course of questioning – manner, fluency, tone.

A witness may repress unpleasant information, or information that could implicate him. A witness may suffer from forgetfulness, or mix Imagination and conjecture Into his testimony. I had to become familiar with interrogation tactics, such as the choice of the order of questions. I learned that a tactic may be predetermined and carried out rigidly, determined tentatively, executed freely, or decided upon during the course of the interrogation itself.

I found that when there are several witnesses, it is preferable to choose the order in which they will testify. For example, calling witnesses of higher status first may make it easier for those of lower status to follow in their steps, and it is advisable to summon first those witnesses who show a willingness to cooperate.

Direct Examination

The purpose of the direct examination is to present to the court the testimony of the witness appearing on my behalf. A preliminary question is: which witnesses is it preferable to bring?

Over the years I have learned several things: Sometimes it is better to bring one witness rather than several – one witness may contradict himself; two may contradict each other.

¹ The law provides that in the examination of a witness in court, the court shall not permit questioning which, in its opinion, is irrelevant to the matter under discussion and unfair; and in particular, the court shall not permit questioning that involves insult, intimidation, deception, or humiliation unrelated to the matter under discussion.

It is preferable to bring an eyewitness rather than a hearsay witness. Positive testimony is preferable to negative testimony. It is better to bring a witness who has no personal interest than one who is a friend or relative.

Already in the first trials I conducted, I noticed that the witness's behavior on the stand was different from the witness's behavior when the witness sat across from me in my office. Incidentally, I myself had occasion to testify several times in certain cases, and to my surprise I discovered the same change in myself: I felt tension and excitement while standing on the witness stand. During the testimony of my witness, I must assist the witness so that the witness performs the witness's task properly. In the opening questions, I begin with simple ones concerning personal details, such as name, position, occupation. I explain to the witness the purpose of the examination and ask the witness to provide information that is easy for the witness to give. I strive to ask clear questions in order to receive clear answers. An example of a poor question: "Were you present at a traffic accident that occurred in Tel Aviv, on Hashmonaim Street, on Tuesday morning, between a car and a bicycle, when you were driving the car and the injured plaintiff was riding the bicycle?". What could possibly be understood from an answer of "yes" or "no"?!

Time and again I have learned how important it is to beware of unnecessary questions, as in this case:

The witness gave testimony that supported the plaintiff's version of events.

The plaintiff's attorney was not satisfied with this testimony and went on to ask:

"Are you absolutely sure about that?"

"Yes", the witness replied.

"Completely sure?" the attorney continued to press.

"Yes", the witness replied.

At this (unfortunate) stage, the attorney continued:

"Entirely? Without any doubt?"

The witness hesitated for a moment, nodded affirmatively, and answered:

"Without any doubt, because I asked my wife".

"Before you asked her, did you have any doubt?"

"Yes", the witness replied.

There are unnecessary questions, but at times there are also questions that should have been asked and were not.

To my shame, I must admit that I once took advantage of a police prosecutor's negligence in the following case.

Where Is the Dog?

A driver traveling on the road in front of my client Dr. Weissman's house, a veteran surgeon from Haifa, stopped his car with an emergency brake. The driver behind him pressed his own brake pedal but could not avoid colliding with the car ahead. A third driver, following the second, also stopped his car but "ran into" the rear of the second vehicle. None of the drivers was physically injured, but all three cars sustained damage. The first driver stated in his police interrogation that he had stopped his car in order to avoid hitting a dog that had run out from the garden onto the road. The case was heard before a magistrate. The prosecutor called the first driver to the witness stand and began the direct examination. The driver described his driving, said that he suddenly noticed a dog running out from the side of the road toward its center, and braked immediately to avoid hitting the dog. The prosecutor asked the driver to describe the damage to his car and to present to the court the receipts reflecting the repair costs. The prosecutor finished the examination, and the judge invited me to begin the cross-examination. I rose from my seat and informed the judge that I waived the cross-examination. The judge was puzzled. My client, Dr. Weissman, was puzzled as well. The police prosecutor felt at ease. The absence of a cross-examination was expected to confirm the truth of the witness's statements in the direct examination. The prosecutor called the second driver to the stand. The driver described his driving, the sudden stop of the car in front of him, his own immediate braking, his collision with the first car, and the impact of the third car against his rear. After the witness presented a receipt for the payment of his car's repair, the judge invited me to cross-examine the witness. Once again, I stated that I had no questions for the witness. The prosecutor then called the third driver. The driver described his driving, the sudden stop of the car in front of him, his immediate braking, and his collision with the rear of the second car. After presenting a receipt for his own repair costs, the judge invited me to cross-examine. Again, I announced that I had no questions. The prosecutor smiled with satisfaction and informed the judge that the presentation of the prosecution's witnesses was complete. The judge asked whether I wished to call the defendant to testify. I rose and replied, "There is no need. I ask that the defendant be acquitted, because not one of the witnesses was asked, and therefore none testified, that the dog which ran out from the side of the road came from the defendant's garden or belonged to the defendant". The defendant was acquitted, as the prosecutor's case failed due to a question that was never asked.

Cross-Examination

As a beginning attorney, the need to examine the opposing party's witnesses in a cross-examination brought with it challenges and hard complexities that, until that moment, I had neither known nor been required to face.

Cross-examination is a crucial skill in the courtroom. It is the process of questioning a witness who has been called by the opposing side, with the aim of challenging the witness's credibility, clarifying facts, or eliciting information that supports the examiner's case. It is an art that demands a deep understanding of the case, effective communication skills, psychological insight, an excellent memory, and above all, experience.

The Lazy Policeman

A large truck was involved in an accident. An insurance company assigned me to handle the damages claim filed against it. In such cases, which raised technical questions, I used to consult Mr. Eisinger, an excellent professional. He came back to me and remarked: "I know well the police sergeant major who is supposed to testify for the prosecution. He's an arrogant, conceited, and very lazy man. The prosecution's case is based on a defect in the Hydrovac section of the truck's tire. I guarantee that he did not bother to dismantle the tire and examine that part, but was satisfied with a general assumption about the cause of the accident. Entangle him in cross-examination about the Hydrovac".

I have no understanding, nor have I ever had any understanding, in the field of technology. Mr. Eisinger responded to my request, and shortly before the court hearing, he went down with me to a garage in the city to teach me the theory of tires in general and of the Hydrovac in particular. The hearing took place at the Haifa District Court before Judge Vinogradov. The police sergeant major took the witness stand to give his testimony. Attorney Moshe Gur, counsel for the prosecution, examined him in direct examination. Already at the beginning of the testimony, I was impressed by the arrogance with which the witness presented his status, his professionalism, and his experience. In fluent language, he expressed his opinion regarding the defendants' responsibility for the defect in the Hydrovac and consequently for the results of the accident. Attorney Gur completed the examination. The first question I presented to the witness at the beginning of the cross-examination was: "Please describe the malfunction that was in the Hydrovac". Judge Vinogradov did not permit the witness to answer. She turned to me impatiently:

"Mr. Carmi, this is a waste of time. You do not present yourself as an expert in tires or in the Hydrovac".

I replied: "Out of respect for the court, I went down yesterday to a garage and stayed there for eight hours to learn what was necessary about tires in general and about the Hydrovac in particular".

"Continue your examination", said the judge.

I repeated my question to the sergeant major: "Describe the malfunction that was in the Hydrovac".

"There is nothing to describe". It is complicated. There was a malfunction, and that is all".

I did not let go of him. I repeated my request once and again, and then he replied:

"It cannot be described in words. If there were a tire here, I could show it to you".

"Mr. Carmi", said the judge to me, "move on to other questions".

I did not answer her. I bent down, pulled a sack from under the table, took out from it a huge truck tire, and placed it on the witness stand. Last night I had taken a tire that I had borrowed from the garage, and early in the morning I had carried it into the courtroom.

The witness was astonished. He looked at the tire and remained silent.

I turned to him: "Here, there is a tire. Now describe the malfunction".

He was silent. I repeated my request.

"It cannot be explained without opening the tire", he replied.

"Then open it", I demanded.

"I do not have the necessary tools", he said.

I bent down once more and pulled from under the table a bag containing a bundle of tools that I had brought from the garage. The sergeant major looked at his attorney, at the tire, and at the tools, and remained silent.

I asked him to open the tire. He turned pale, remained silent, and did not move. Minutes passed. The witness was silent, the judge waited, and nothing happened. Then Attorney Gur rose from his seat and addressed the judge: "I request that the examination be stopped and the witness released. I ask to postpone the continuation of the hearing to allow me to consider how to proceed with the claim". The judge accepted the request. The hearing was stopped, and the witness hastened to leave the courtroom.

The entire claim was eventually dismissed for lack of evidence.

This hearing ended, but my connection with Attorney Gur did not. Toward evening, I left my office and boarded a bus to go home, on Mount Carmel. At the back of the bus sat Attorney Gur. He motioned for me to come to him and sit beside him. I gladly agreed. He was a generation older than I, worked at the leading law firm in the city, a respected man and a well-known professional.

"Look", he said, "I am about to leave the firm I am attached to and open an independent office. Would you like to join me?"

I was moved. I was then very young in the profession, perhaps two or three years after receiving my license to practice law. I agreed. Shortly afterward, we opened our partnership "Gur & Carmi, Attorneys at Law".

Five "Enemies" of the Cross-Examiner

- A judge who radiates impatience because of lack of time, or one who conveys an attitude of knowing everything, including how to conduct questions;
- An opposing attorney who sets traps for the cross-examiner during the direct or re-examination, or who tries to ruin the examination through repeated objections;
- The witness under questioning, if intelligent, honest, and truthful in the witness's testimony;
- The cross-examiner's client, who in foolishness failed to give a truthful account, thereby undermining the cross-examiner and the client;
- The cross-examiner, due to lack of knowledge and lack of experience.

Insights on Opening the Cross-Examination

More than once I have deliberated over the kind of questions it would be best to present to witnesses at the beginning of a cross-examination. Although every examination differs from another, with time I accumulated a few insights. Sometimes it is preferable to open directly with an "attack", provided that there is confidence that the witness has no way of retreat. For example: "You have previous convictions for perjury, do you not?" or "You told the court that you had never seen the knife and never touched it. Can you explain how your fingerprints were found on it?".

At times, however, it may be better to begin with a cautious opening, allowing the examiner to explore the witness's character before questioning. It is advisable to present short, leading questions that can be answered with "yes" or "no". Such questions limit the witness's ability to provide explanations that might harm the examiner's case. Among other things, I learned not to repeat a question once a desired answer had been obtained; not to attempt to refute what has not been proven; and not to ask unfocused questions. I found that the longer the testimony - the easier it is to find contradictions within its different parts. The greater the number of witnesses, the easier it becomes to find contradictions between the different testimonies. When the examiner encounters a boastful witness, it is sometimes proper not to restrain the witness but, on the contrary: to guide the witness through the examination toward exaggeration - to tempt and encourage until the content of the boastful's own testimony blows up in the witness's face and exposes an empty vessel.

Cross-examination can be a field of combat for both sides. When an attorney faces a clever and sharp-tongued witness, the attorney must be prepared for this possibility and even know when to retreat. Legal literature abounds with anecdotes:

Attorney: "There is no point in asking you further questions, since I foresee the villain written upon your face".

Witness: "Indeed, sir? I did not know that my face was a mirror".

Attorney: "Well then, sir, you have managed your case most skillfully".

Witness: "Many thanks, counselor. I would gladly return the compliment, but I swore to tell only the truth".

An attorney once questioned an elderly eyewitness regarding the sharpness of her vision.

Attorney: "Are you able to see me?".

Witness: "Yes".

Attorney: "How well are you able to see me?".

Witness: "Well enough to see that you are neither a Negro, nor an Indian, nor a gentleman".

And to conclude, one may recall the warning: "You can do anything with a bayonet, as long as you don't sit on it". An attorney must beware of self-harm through misuse of the bayonet of cross-examination.

The following anecdote illustrates how a 'cleverly' phrased question can cause a witness to stumble during cross-examination. In his book "The Court", Reindols recounts an experiment conducted by Judge Leibowitz with five lawyers. All five had smoked Camel cigarettes for many years. The judge asked them: "Is the man in the picture leading the camel, or riding on its back?" Two said the man was leading the camel; two said he was riding it. The fifth was correct: "No picture of a man appears on the package". Clearly, Leibowitz would have received different answers had he phrased the question as: "Who appears in the picture?".

Re-Examination

Re-examination is intended to clarify matters that remained unclear during cross-examination. Through the use of re-examination, I learned several things.

First, it is not advisable to try to improve answers that are already satisfactory, lest the witness retract them. There is justification for re-examination only if, during cross-examination, a misunderstanding arose that could harm the examiner's version of events. It is preferable to avoid asking questions to which I do not know the answers, or to which I do not know whether the witness knows the answers. It is better to be cautious when attempting to reconcile two contradictory versions given by the witness, since the witness may offer a third version. If my own witness has collapsed during cross-examination and become entangled in many contradictions, there is no reason to expect salvation in re-examination.

The Art of Oral Argument

Attorneys are always engaged in activities that affect the souls of others: clients, opposing counsel, judges, witnesses, government officials, businesspeople. Language is the attorneys' weapon. Through language, attorneys may persuade clients and judges; Through it, an attorney may subdue a false witness or an adversary.

A professional judge is, after all, made of flesh and blood; and as such, even if highly intelligent, remains susceptible to influence and persuasion. The importance of a good defense speech before sentencing cannot be overstated. The discipline of oratory is a deep and all-embracing art. One must learn how to compose an argument - to construct and organize it. One must learn to use the voice correctly and to modulate it according to circumstance. A lively delivery may capture the judge's attention no less than the content itself. The measured use of silence, of raised voice, of humor, or of emotional appeal yields great results when used with moderation, at the right time and place. An attorney should master the monologue, the dialogue, the speech, and the debate. It was Judge Zmora who explained: "The most beautiful of Goethe's poems are the shortest. True inspiration and noble poetry are found in the still, small voice and not in the abundance of words, and certainly not in the noise and clashing cymbals of rhyme".

More than once I have seen an attorney struck by fear, lacking verbal ability. Proper practice during one's studies could have prepared such a person and spared unnecessary suffering. Law faculties teach the 'characteristics of the rifle', yet when studies end, the student is thrown into the arena, into live fire, without proper training in the use of one's weapon. The student learns what may be asked, but not what should be asked, how to ask, when, and why. The distance between the legislator's word and the judge's word is like the distance between musical notes and their orchestral performance. Therefore, law faculties should teach the discipline of oratory, the arts of debate and presentation. The same applies to written arguments. A substantial part of the legal profession consists of drafting documents: statements of claim and defense, contracts, and correspondence. Proper writing means persuasion.

The judge is the attorney's "consumer". The attorney is expected to "market" the client's story to the judge. The marketing of any product is both a science and an art. Some people are born with this talent. Others must learn it. Judges, like all people, differ from one another. Accordingly, an attorney must adapt the presentation of a case to the "consumer" before whom the attorney appears. Acquaintance with the judge's personality is important and can be learned through personal experience or through reports from other attorneys.

The Robe

A criminal trial does not end with the defendant's conviction. Many of the defendants I represented admitted their guilt, yet I devoted considerable effort to the next stage - the argument for sentencing. In addition to presenting the circumstances that justify leniency, attention must also be paid to the manner in which the defendant's admission of guilt is presented.

I picked up Father Peter, the head of the church, in my car, and we drove to Jerusalem. At that time, I served as legal advisor to the church that stood on the shores of the Sea of Galilee. Over the years, through our many meetings, a close friendship developed between us. We spent long evenings together in his room, sipping the fine wine produced by the monks, enjoying the desserts he prepared generously, and covering wide ranges of discussion - religion, philosophy, society, and psychology. In all of them, he showed wisdom, knowledge, openness, and good spirit.

Before getting into the car that morning, I asked him to bring his red robe and place it on the back seat. Father Peter had several robes. I never remembered which was meant for what, but the red robe impressed me most. We set out on our long journey. At noon, Father Peter's trial was held at the Jerusalem Magistrate's Court. I had appeared with Father Peter in many other cases in courts throughout the country. Those hearings usually concerned the church's property. The church owned lands and various buildings, and from time to time disputes arose between it and the state or private entities. This time, the hearing was different. Some months earlier, Father Peter had struck a pedestrian with his car, and an indictment was filed against him.

Near Motza, before entering Jerusalem, I stopped by the roadside and asked Father Peter to get out of the car and put on the robe. He raised an eyebrow, but complied with my request. He trusted me. We got back in the car, continued, and arrived at the courthouse. I parked in the lot, and we entered the courtroom. The hall was packed. The judge sat at the front, finishing a previous case. The moment we crossed the threshold, every gaze turned toward us, or, to be precise, toward the priest wrapped in his red robe. The judge stopped speaking and lifted his eyes toward us. We walked quietly, slowly forward, the crowd made way for us. I went straight to the first row. Two people who were sitting in that row stood up and gave us their seats. We sat down. The judge finished the previous case and turned to me with a question. I rose and explained: "The head of the church has come to the court to plead guilty to the charge against him". I paused briefly and added: "The Reverend Father respectfully wishes not only to plead guilty, but also to express deep regret for the harm caused to an innocent pedestrian. The Reverend Father will ensure that the pedestrian is compensated for the damage suffered. The head of the church wishes to thank the honorable court for the opportunity to appear before it". I sat down. The judge hesitated for a moment. Then declared a recess and retired to his chambers. Afterward, a

court usher approached us and invited us to enter the judge's chambers. We entered. The judge turned to me and said that he had chosen to honor the priest by holding the hearing in his chambers. The hearing was brief. The sentence was light. Very light. We drove back to Tiberias.

Was the lenient sentence justified? In my view, yes: the priest admitted his guilt, he repented, he compensated the victim. Did the red robe play a role? Perhaps.

The Trial of the Major

My appearance as defense counsel in Perelman's case was a turning point in my life, not only in his. Major Perelman was driving a jeep along the main road in Haifa when he struck an elderly pedestrian who was crossing the street, knocking him to the ground. He was overcome by shock, slowed for a second, and then pressed the gas pedal and sped away. He glanced in the mirror, saw no person or vehicle behind him, and kept driving. Perelman left Haifa, continued south to the army camp at Atlit, parked the vehicle near a residential building, went into his room, and lay down on his bed. As mentioned, he saw no one when he looked in the mirror, but he did not know that there had indeed been a man standing on the sidewalk nearby who had memorized three digits from the jeep's license plate. Police forces were called to the scene of the accident. The elderly man, who was severely injured, was treated on the spot and evacuated to a nearby hospital. A police investigator took the bystander's testimony and received from him a description of the offending vehicle and the three digits of its plate. Records of thousands of vehicles, including hundreds of military jeeps, were carefully examined. The offending jeep was located within a short time, and police investigators reached Perelman.

Major Perelman denied any connection to the incident, claiming that the identification of the plate digits was mistaken. Meanwhile, the press in the country "celebrated" the affair. Huge headlines attacked, again and again for days, the officer who not only seriously injured an elderly pedestrian but also failed to stop and render aid, fled the scene, and refused to admit his guilt. A severe indictment was filed before the District Military Court by Attorney Kedmi (later a Supreme Court Justice). As the date of the trial approached, I was called to defend the accused. I arrived at the detention facility and met Perelman for the first time. In a series of meetings, I first sought to understand him as a person. He was married, devoted to his wife and children. His military record was highly impressive. He was an active combat soldier who took part in operations and battles, showing exceptional courage in various missions. Moreover, he revealed himself to me as a decent, principled, and honest man. All this did not fit the behavior attributed to him in this case. During our conversations, I gained his trust. He admitted to me that he had indeed struck the pedestrian, fled the scene, and that his version to the police investigators had been false.

My message to him was brief: I would agree to represent you on the condition that you confess to your guilt. I explained that his confession was owed not only to the victim and to society but also to himself. Fleeing the scene of the accident is a harmful act. Fleeing from responsibility would haunt him all his life, even if he were acquitted due to doubt and lack of evidence. Either way, he agreed to confess his guilt in court.

The court panel consisted of three military judges. Presiding was Lieutenant Colonel Hupert. I knew Hupert from previous cases. Heavyset, strict, and stern-faced man who resembled a Polish officer. He inspired fear not only in defendants but also in lawyers, and even in his fellow judges on the bench. The hearing opened with my announcement that the defendant wished to plead guilty to the charges against him. The defendant rose, gave his confession orally, and sat down. The prosecutor asked the court to convict the accused. I confirmed the defendant's consent. The court announced the conviction. The prosecutor requested a severe sentence. He detailed one by one the stages of the event and the criminal conduct of the accused.

I rose to reply. The courtroom was packed to capacity. As mentioned, the case had received extensive press coverage, condemnation, and harsh criticism. I refrained from addressing the details of the accident and its consequences. There was neither reason nor room to diminish their gravity. I focused my words on the defendant. In my many meetings with him in detention, I had the opportunity to study and know him. And what was no less important was that I had not only much to say, but also the way and the person to whom to say it. I refer to Judge Hupert, though the same applied to the other two judges on the panel. Hupert's uniform was not merely a garment or work attire. He was a man who breathed the uniform and lived the army. To that I directed my arguments. I presented them with a detailed account of the accused's long years of military service. His profession was bomb disposal. As his expertise grew, he was called to take part in increasingly complex operations and missions. He not only responded to requests but volunteered of his own accord for tasks that others feared to perform. I described an exceptional event: In a cave on the slopes of a mountain in the Galilee, a vast stockpile of explosives had been left from an earlier period. Above the site lay a settlement. It was necessary to remove the materials safely, lest an explosion cause great harm to the settlement. The accused volunteered to enter the cave and neutralize the materials so they could be removed without danger. Thus I presented to the judges the image of a soldier who, time and again, was ready to risk his life voluntarily: a man who, beneath the uniform, was not immune to failures and fears. On dozens, even hundreds of occasions in his military service, he had overcome fear and carried out his duties bravely and voluntarily. In this unfortunate event, he failed. At the end of my remarks, I told them: Perelman's eight-year-old daughter came home from school yesterday in tears. The children had mocked her: Your father is a coward. Your father is a coward. This morning, seeing her father in court, she told him: "Daddy", she asked, "you're not a coward, right?" Silence fell over the courtroom. I concluded: "The

defendant admits his guilt. The defendant repents. The defendant failed, but the defendant is not a coward".

The three judges withdrew to their chambers to write the verdict. I stepped outside. I remember the feeling to this day. Never before have I uttered a burning speech in such succession, with such flow and such fervor. In retrospect, I know that something within me had opened, a conduit of lava capable of touching receptors. I had never argued that way in any courtroom. It was new. Something long contained within me that suddenly burst open.

I returned to the courtroom. The judges resumed their seats. The defendant was asked to stand. Judge Hupert read the sentence: He imposed only three months' imprisonment, a suspended sentence, and a demotion in rank. The defendant returned to his family and to the army's embrace.

The Fear of the Audience

For the first time, I suffered from blackout anxiety at the age of ten. I was a fifth-grade student. The strict discipline of the Reali School in Haifa did not suit me. A system of sanctions directed the students' conduct. The system included "remarks" and "reprimands" for behavior, diligence, and orderliness. A pupil who "accumulated" six remarks received a reprimand. Whoever received three reprimands was expelled from the school. I, to my misfortune, had gathered a full handful of remarks and reprimands.

In Bible classes, pupils were required to prepare at home a summary of the previous lesson to ensure that the material had been properly absorbed. The assignment that day was to summarize a story about King David. The teacher entered the classroom; we rose from our seats. He sat down at his desk; we sat down as well. "Who didn't prepare the summary?" he called out. His eyes wandered right and left. I lowered my gaze so he wouldn't look at me. I waited. He opened the register and looked down the list of pupils. Silence. "Amnon", he lifted his eyes from the register and searched for me: "Did you prepare the summary?" "Yes", I whispered, hoping he would move on to the next pupil. "Come here and read your summary". In my schoolbag there was a notebook. The notebook was empty. Completely empty. No summary. "Come here", the teacher ordered. I looked at him, stunned. By that morning I already had five remarks for diligence and five for behavior. The exposure about to happen would immediately earn me both a diligence reprimand and a behavior reprimand. He did not relent: "Come here!" I stepped out from my place to the front of the classroom. The teacher sat to the right of his desk. Silence filled the room. "Amnon?" he asked, and then commanded, "Read what you wrote". I stood before the class, opened the empty notebook, fixed my eyes on the first blank page, and began to speak. I remembered the lesson from yesterday. In fact, already yesterday the biblical story had ignited my imagination. I began to tell the tale aloud. It's hard for me to define exactly what happened

to me. The fact is that, without thought, certainly without planning, the story flowed effortlessly from my mouth. The class was silent. The pupils listened, the teacher listened. Someone inside me did the work, as if without any intervention on my part. And then Avigdor sneezed. Avigdor was my good friend. He sat in the first row, directly in front of me. His sneeze was not only loud but sudden, and was immediately followed by two more sneezes. His neighbors laughed; he apologized and laughed too, then another pupil or two burst out laughing, and someone threw in a joke. The teacher did not react. He waited until the commotion subsided. I myself smiled, even enjoyed the mess. It seemed everyone had forgotten me, or maybe that's what I wanted. In any case, the teacher had not forgotten me. When the pupils quieted down, the teacher said: "Continue". Then it happened. It began small: I was calm, pleased with my fluent "reading" so far, and I intended to carry on just like that. But I couldn't remember the last sentence that had been interrupted by the turmoil. I tried to recall it. Anxiety began spreading inside me: I couldn't remember where I had stopped. Suddenly I was flooded with fog. It was as if everything in my mind had been sucked out. Panic gripped me. I must remember where I left off, I told myself. I felt stupidity. My eyes wandered over the empty page. I strained myself. My head was empty. Completely empty. A black screen covered my eyes. Seconds passed like hours. The classroom was silent. The pupils stared at me. The teacher waited, and then said: "Amnon, look at what you wrote. Read from the notebook". Automatically, I lifted the notebook, as if to seek help from the blank page. "Read!" commanded the teacher. I strained my eyes at the page, then mumbled: "The handwriting isn't clear, teacher". The teacher turned to Avigdor: "Go help Amnon". Avigdor jumped from his seat, approached me, bent over, looked at the empty page, then looked at me, and returned to his seat without a word. The teacher completely lost his patience: "Come here" he ordered. I went to him. "Show me where the handwriting isn't clear", he ordered. I placed the open notebook before him and pointed at the blank page. I received two reprimands: one for diligence and one for behavior, and was sent home. My parents were summoned to a meeting with the school principal.

At eighteen, I was struck a second time by the blackout phenomenon. During my military service, I was a cadet in a long training course. Beyond my duties in the regular schedule of study and drills, I volunteered to contribute to the company's social and cultural life. As Hanukkah approached, I was asked to organize a cultural evening at the base. I worked on it for many days. About five hundred soldiers gathered, treated to latkes, food, and drinks. Afterwards, they entered a large hall. From the various platoons, I recruited musicians, dancers, and amateur actors. The camp commander opened the event, greeted everyone, and spoke about the bravery of the Maccabees. The camp rabbi described the miracle of the oil jar. A band of guitarists played Hanukkah tunes. The audience accompanied the amateur performers with applause. Then it was my turn to speak on behalf of the course cadets. I climbed onto the stage, took the microphone in my hand, looked at the dozens of rows, at the hundreds of eyes of the soldiers before me, brought the microphone close to

my mouth , but no sound came out. The voice stuck in my throat. Many seconds passed. The message I had prepared for days and nights was suddenly wrapped in fog, as if my mind had emptied. A long minute passed; murmurs spread in the audience. The camp commander fixed his eyes on me. I stood there, stuck in front of everyone. I felt helplessness, paralysis, deep weakness. My immediate commander, who stood nearby, came over with a glass of water, placed his hand on my shoulder, and said, "Take a sip". I drank. He took the microphone from my hand and thanked me, on behalf of the command, for organizing the event. The audience applauded. I stepped down from the stage. The dread of blackout accompanied me for many years, and it unraveled with my teaching in academia.

Atmosphere of Discourse

Since I retired from the bench, my feet have not stepped across the threshold of courtrooms. Judges and attorneys who visit me at my home from time to time tell me, among other things, of the change that has taken place in the atmosphere of discourse conducted in many courtrooms: attorneys raise their voices, judges raise their voices, loud arguments are heard between attorneys and their colleagues, with barbs and the use of marketplace language. It is difficult to accept the existence of such conduct.

For nearly thirty years I conducted daily hearings in the courtroom, without raising my voice at an attorney or at a litigant. Never did an attorney dare to raise his voice in the courtroom or to interrupt my words or those of opposing counsel.

The culture of discourse in the country has changed over the years. I am compelled to lessen more and more my watching of television, in the disgraceful debates conducted by the people's elected representatives in the Knesset, and by hosts in programs in which the participants recite their messages without being aware that nothing can be understood when two or more speak simultaneously. Such discourse has, to my sorrow, also seeped into the courtroom. An attorney will do well to maintain composure and refrain from entering into a colleague's words. A judge will do well to restrain interruptions in the discourse conducted before the court, and may the cultured conduct of deliberations in the courtroom return.

"There Is a God"

A lawyer is meant to serve clients with "tools of the trade" that include argument and cross-examination. Yet the following bizarre case shows that sometimes these tools are not enough, and a client may require intervention from above.

My work as a lawyer focused mainly on representing insurance companies, but from time to time I volunteered to represent private clients of modest means. One of them was

Yitzhak from Tiberias, who was slightly injured in a car accident and sued the driver who had hit him for compensation.

Yitzhak was a street vendor who sold notions from a shabby suitcase he placed on the sidewalk at the central bus station in Tiberias. He was addicted to the national lottery. Every week he bought lottery tickets with the small change he gathered from his sales, and tested his luck in the Thursday draws held every week. One Friday morning, he appeared in my office, sat down across from me, and announced: "I won yesterday's first prize in the lottery". The prize amounted at the time to about 40,000 liras. I congratulated him warmly. He thanked me for the blessing and added, "But I don't have the winning ticket. I lost my ticket".

"How do you know your ticket won the draw?" I wondered.

He showed me a small slip of paper with a list of numbers. Yitzhak used to buy lottery tickets every week and record their numbers on a small note. The slip he held contained the numbers of the tickets he had bought the previous week and included the winning number. According to the lottery rules, the National Lottery was authorized to pay prizes only to those who physically held and presented the winning ticket. Yitzhak had come to me so that I would sue for the prize in his name. I immediately took the only two steps available to us. First, I filed a request for an injunction against the lottery authority, demanding that it not pay the prize to anyone presenting the lost ticket. Second, I prepared a "complaint" to the police regarding the "theft" of the ticket by whoever might present it. I waited for what was to come. A few weeks later, I learned that a woman living in a provincial town claimed to have the winning ticket. I immediately contacted the police and requested that she be investigated. She was summoned, questioned, and retracted her claim. Silence once again settled over this winning. Three months later, a citizen approached the lottery authority, presented the winning ticket, and demanded payment of the prize. I hastened to file a lawsuit in court, alleging that the citizen had stolen the ticket. Judge S. presided over the case. Yitzhak testified that he had purchased the ticket and showed the judge his slip of paper. The citizen claimed that he had bought the winning ticket and presented it. In cross-examination, I asked the defendant to explain his three-month silence. He replied: "I have three sons. They're all wolves. I refrained from telling them about the win. I decided to wait a few months, present the ticket quietly, and collect the money". At the end of the hearing, the judge ordered the lottery authority to transfer the money to that citizen, as he held the physical ticket.

That was only the beginning of the story.

The following Friday, Yitzhak appeared in my office. I asked him the reason for his arrival. He drank the coffee I offered him with pleasure, then lifted his eyes and declared: "There is a God!" He told me that Mr. T.K., the lawyer who had represented the citizen in the

lottery case, had returned home to Haifa from Tel Aviv the previous evening. During the drive, he veered off the road, crashed into an eucalyptus tree, and was killed instantly. I was saddened to hear of the death of that lawyer, whom I knew and respected. I refrained from commenting on the tragic news and on its connection to the existence of God. Yitzhak said goodbye to me and went on his way. A week passed, and on the next Friday morning Yitzhak appeared in my office. Again he sat down across from me and announced, "There is a God!" and told me that the winning citizen had been hospitalized and had died. "He got the money", Yitzhak said, "but didn't get to enjoy it!" He left my office contented. When, on the third Friday, he returned and sat before me again, I asked, "What happened this week?" He replied, "Haven't you heard? The judge suffered a heart attack and was taken to the hospital. There is a God!" When he entered my office on the fourth Friday, my heart pounded. He sat across from me, drew a lottery ticket from his pocket, placed it on my desk, and said: "Yesterday I won the first prize. This is the winning ticket. There is a God!"

Magistrate Judge

The Appointment

Nitza, the secretary, peeked into my office: "They called from the court. The President asked that you come to his chambers at eleven o'clock". It was Thursday, nine-thirty in the morning. I was sitting in my office in Haifa, writing an opinion for an insurance company.

A phone call from the President's chambers?!

I had never been summoned to the chambers of the President of the Court.

Strange. Embarrassing.

I put on a tie, headed to the courthouse, and reached the President's chambers. Judge Moshe Etsioni sat across a large desk and invited me to sit. He did not hesitate: "Carmi", he began, paused for a moment, and continued, "President Agranat called me this morning". Justice Agranat was an admired figure, our beloved lecturer at the Faculty of Law. Judge Etsioni continued, "President Agranat informed me that there is an urgent need to appoint a judge to the Magistrate Court in Safed". I waited. What did that have to do with me? Judge Etsioni continued, "Are you willing to serve as a magistrate judge?". I looked at him, stunned. I had never considered moving into the judiciary, certainly not at my young age and with my limited seniority as a lawyer. The question fell on me unexpectedly. He waited. My mind worked feverishly: I must answer. What does one answer to such a question? "Thank you very much", I replied, "I don't know. I did not expect anything like this. I never thought about it. I need to think about it. I need time". He was silent. I had to cut through the silence, I continued, "I have two partners. I have a partner at the office, and I have a partner at home, my wife. I must consult with them. I'll get back to you in a few months". He continued to remain silent. I added, "In any case, thank you very much for this honor". His response was brief: "President Agranat requests an answer by tomorrow morning. Come back tomorrow with a reply".

That evening I held two conversations. In the first, my partner, attorney Gur, expressed deep regret over the need to part ways with me but was willing to let go in light of the honor bestowed upon me. The conversation with Hanna, my wife, was even shorter: "Do what is good for you. I'll go with you anywhere". On Friday at noon, Judge Etsioni informed President Agranat that there was a new judge for Safed.

The continuation of the process was equally surreal. I was invited to appear before the Director of the Courts at the Ministry of Justice building in Jerusalem. After a brief introductory meeting, he invited me to join him upstairs to the top floor for an urgent

introductory meeting with the Minister of Justice, Dov Yosef. While climbing the stairs, he stopped for a moment, looked me over, sighed, and asked, "Perhaps we could increase your age by a few years?". "Impossible", I muttered. We entered the minister's office and sat across from him. He asked several questions and spoke with me in his South African accent. At the end of the conversation, he surprised me by saying that he was aware of my achievements as a champion in fencing, "but I suggest that you no longer participate in official competitions. It is not dignified for a judge to compete against other fencers". The meeting ended without giving me a chance to argue with him. We left, and a near date was set for my appearance before the appointments committee.

The beginning of that committee meeting was embarrassing. President Agranat, who presided over the meeting, asked me the first question: "Why do you want to be a judge?".

I wondered: Why do I want to be a judge? You are the one who caused me to be here!

I remained silent. Then Justice Zussman, a member of the committee and later President of the Supreme Court, intervened. "Carmi", he smiled at me, "don't be nervous. This is also the first question Judge Agranat asked me when I was a candidate for the bench". Then Zussman turned to the other committee members: "Show respect to Carmi, he is Israel's fencing champion". I do not know why the fact that I was an outstanding athlete was so important to Justice Zussman. The fact is that in several events and judicial gatherings in the coming years, he repeatedly praised my athletic achievements. I would have preferred that he praise my judicial work... I recovered and shared with the committee members my insight regarding a judge's function, both on the bench and outside the courtroom. It turned out that my message appealed to the committee members, and approval was granted for my appointment to serve as a judge in Israel.

Magistrate Judge in Safed

A tourist who wishes to become acquainted with the culture of a country frequented by visitors may find what a tourist seeks, among other things, by wandering among the hundreds of stalls placed in the markets of the city. A tourist who wishes to become acquainted with the legal culture of the visited society may find what he seeks by visiting the courtroom of a Magistrate Court. For seven years I served as a magistrate judge in the north. Each day, litigants and witnesses piled up stories and experiences of reality that at times surpassed all imagination.

January 1966. Safed. A cold and rainy winter. Snow, winds. We rented an apartment on the ground floor of an old building on the road leading up to the citadel overlooking the city.

On our first morning living in the city, each of us set out to our tasks: my wife to buy basic groceries for the home; I to the court. Already in our very first hour in Safed we experienced two meaningful incidents.

The shopkeeper on the street near our home had already heard apparently about the "new customer". In Safed of those days, news traveled by word of mouth very quickly. He received her with warm hospitality. She chose several items and approached the counter. The shopkeeper piled the items and stuffed them into a large bag. He handed her the bag: "This is a gift", he announced, "in honor of the new judge". My wife was upset. He insisted on refusing to accept payment. Only after she left the bag behind and was about to leave the shop did he relent and take the money.

I left the city toward Mount Canaan. The courthouse was housed in a building erected by the British during the Mandate and functioned as a police station. The police vacated space for the court on the first floor, consisting of three rooms - for the courtroom, for the judge's chambers, and a corner for the clerical office. This small place was my judicial quarters for seven years of judging in the city. I sat down in the chambers and began receiving the visitors who gathered to congratulate the new judge. The manager of the Egged bus company was among the first well-wishers. After introducing himself and offering congratulations, he placed a card on my desk.

"What is this?" I asked.

"This is a card for free travel on all routes in the country", he explained, and added, "this is arranged for all judges. After all, you must travel from place to place in the course of your work". I felt discomfort. I asked him to wait outside. He left. I called the Administration of the Courts. I told them about the card and asked whether the practice of free travel was accepted in the system. "Do not take the card!" I was told. I invited the bus company manager back into my office and returned the card to him.

From these two incidents I began to understand the status of a judge under the circumstances of place and time. A noticeable difference existed between the status of a magistrate judge in a city in the central part of the country and the status of such a judge in a city or town in the periphery. The Magistrate Judge in Safed in those days was, in effect, a "king" in the city and in the district. The magistrate judge was the sole judge, not only in the city itself, but in the entire region. This was an area that included cities, towns, kibbutzim, moshavim, and villages from Kiryat Shmona in the north to the outskirts of Tiberias in the south. The Magistrate Judge in Safed was authorized and compelled to preside over a wide variety of proceedings. The judicial schedule included traffic cases on Sundays, civil claims on Mondays and Tuesdays, criminal cases on Wednesdays and Thursdays, and a variety of additional judicial matters throughout the week. It is no wonder that the influence of the judge and the judge's rulings on the lives of the residents was

great, significant, and capable of affecting what was permitted and what was forbidden in the daily lives of the citizens.

Abuse

A case of child abuse was placed on my desk. My heart tightened already at the stage of reviewing the indictment: a father was charged with causing a severe burn on the arm of his ten-year-old daughter. The indictment detailed the facts: the father heated a knife in the oven and burned the arm of his daughter, Sara. I lifted my eyes toward the defendant's dock. Sitting there was a religious Jewish man, bearded, born in Morocco, about forty years old. On a back bench sat his wife, and next to her a girl who appeared to be the victim of the assault. I read the indictment to the defendant and requested his response. He admitted to the facts and to the charge and lowered his gaze. I convicted him.

"How did you do such a thing?!" I asked. "How does a person do such a thing to a child — to **your** child, or at all?!".

"It's a long story", he murmured.

"Tell me", I requested.

He slowly unfolded the story. "Every afternoon my children go out to play in the street. In the evening we tell them to come back home. From six o'clock in the evening everyone must be at home. It began a few months ago. My daughter Sara came home at six-thirty. My wife remarked to her that she had arrived late. The next day Sara was late again. My wife demanded that she come back on time. A few days later she came home at seven in the evening. This time my wife really scolded her. But in the following days as well, Sara continued to come home at seven. My wife asked me to intervene. I called Sara, shouted at her, threatened her, forbade her to go out in the afternoons for a week. Sara left the room in tears. The next day she went to school in the morning. In the afternoon the teacher phoned my wife and asked why Sara had not arrived at school. We turned to the police and reported that our daughter was missing. I walked the streets of the city until night. My wife called our daughter's friends. All night we sat and waited for Sara. The next day I traveled to the nearby communities around Safed and tried to find out if anyone had seen the girl or heard anything about her. We did not sleep that night. There was no information from the police either. On the third morning I boarded a bus and traveled to Tel Aviv. I got off at the last stop and walked toward the seashore. There, I had been told, there were groups of children. For long hours I walked there until, in the afternoon, I found Sara among many children. I approached her. She stood up without saying a word. I pulled her by the hand, and we began walking toward the bus station without speaking. We boarded a bus, and late that evening we arrived home. Sara went into her room. I went to the kitchen. I took

a knife, heated it on the stove, called the girl. She came into the kitchen. I took her hand and for a moment placed the knife on it". The father finished the story and sat down.

"Sara, come to me", I said to the girl who was sitting with her mother at the back of the courtroom. The girl rose, stood before me, and met my gaze. "Show me your arm", I asked. When she extended it, I noticed a small scar. "Does it hurt?" I asked.

"Not anymore", she smiled.

"Did you hear what your father told me?"

"Yes".

"What do you say?". She shrugged and remained silent. "Since then, do you come home on time?" I asked.

"Yes", she answered with a shy smile. I released the girl, who returned to her mother. "Do you have anything more to tell me?" I asked the father before pronouncing sentence.

"That's how it is with us", he whispered. He approached me and extended both his arms: scars marked them. "That's how my father raised us", he said, then sat down again. I returned to my chambers to write the sentence.

The thought about the responsibility of the judge and of the legislator toward different groups within a diverse population troubled me. Criminal law in Israel was at that time based on Western jurisprudence. What was permitted and forbidden in general, including in the field of education, had been established in the country by the British Mandatory ruler. I wondered whether, and to what extent, it was appropriate to apply Western educational culture uniformly to Eastern traditions and values.

Look for the Woman

Strange as it may sound, in one of the cases I heard during my tenure at the Magistrate Court in Safed, I was compelled to rely on an archaic provision of Ottoman-Turkish law².

Abdallah, a resident of a village in the Galilee, built a house across from the house of Subhi. At a certain stage of the construction he opened a window opposite the house of Subhi, the neighbor. Subhi complained that through this window Abdallah could look at Subhi's wife, something absolutely forbidden: "Where we come from, a man does not look at a

² In the first decade of the State of Israel, its legal system continued to preserve laws that had survived from the period of Ottoman rule, as well as laws ("ordinances") from the period of the Mandate administration.

woman, and a woman does not look at a man. When my wife steps out from the house into our courtyard, she is like on the palm of Abdallah's hand". Subhi demanded that Abdallah seal the window. Abdallah refused: "Sealing it will shut out light and air from the room". Subhi piled a mound of stones in front of the window. Abdallah sued him and demanded the removal of the stone mound.

To resolve the dispute, I relied on the "Majalla"³, compiled in Ottoman Turkey. The Majalla had been absorbed into the legal system in the country when the Ottoman Empire ruled here. Section 1202 of the Majalla stated: "Viewing the place of the women, such as the courtyard of a house, is considered a serious harm. Therefore, a new window that a person tears open in one's house, or a window of a newly built house, through which it is possible to look and see the place of the women of the neighbor whose house is adjacent, one is commanded to remove the harm by erecting a wall, such that it becomes impossible to see the place of the women. But one cannot be forced to seal the window specifically".

I ordered Subhi to remove the mound of stones he had erected, and I ordered Abdallah to block the window with a permanent covering that would make it impossible to see the defendant's courtyard through the window. Subhi complied and removed the mound of stones. Abdallah, however, refused to completely block the window and decided to leave a narrow slit "so that light and air could enter". Subhi approached the court and demanded enforcement of the order. Abdallah objected and declared: "I will sit in prison all my life and will not completely seal the window. I am not willing to live without light and air". I ordered Abdallah to be imprisoned until the court's decision was carried out.

The hearing took place before me in July 1968. In those days, this part of the Majalla was still in force in Israel. Yet in the body of the judgment I noted that under Israeli conditions this provision had become obsolete. In 1984 it was abolished by legislation of the Knesset.

Expert "Opinion"

A detainee, about fifty years old, was brought into the courtroom and sat down on the bench. A worn dress, a pair of sandals. A tired face, eyes wide open. She moved her head nervously from side to side. I called her name. She turned her face toward me for a moment, then went back to looking around.

³ *Majalla* (in its full name in Arabic and Ottoman Turkish - *مجلة الأحكام العدلية* (*Majallat al-Ahkām al-'Adliyya*) –The Book of Legal Rulings) is an Ottoman collection of civil laws that served as the civil code of the Ottoman Empire in the late nineteenth and early twentieth centuries. Source: Wikipedia.

The police officer reported: "The lady was wandering through the alleys of the Old City and bothering passersby. My attempts to get the detainee to talk and obtain details from her failed".

I asked her to stand. She continued sitting until the officer held her arm and lifted her up.

I asked for her name. I could not decipher her response. I continued asking questions and trying to get her to talk. My attempts failed. I ordered that she be sent for a psychiatric examination.

I often used this procedure to protect the rights of detainees and to prevent punitive proceedings as long as treatment could be offered. At the next hearing, an envelope was placed before me containing the opinion of the psychiatrist, Dr. A.G. I had become accustomed to being presented with documents full of waves of summaries, examinations, and diagnoses in an array of Latin terms. I removed the opinion from the envelope. The professional "opinion" consisted of a diagnosis summed up in only eleven words: "Aside from lice, I found nothing at all in her head".

A Disputed Picture

A woman and her husband, the defendant in this case, came to prostrate themselves at the grave of Rabbi Shimon bar Yochai on the outskirts of the city. A Safed painter happened to be there. The woman's appearance pleased him, and he wished to sketch her portrait on a sheet of paper. After completing his work, he presented the picture to the couple in order to take pride in it. The husband glanced at the picture and was offended: how had a strange man dared to apply his brush to his wife, to paint her, and perhaps even, heaven forbid, to show the image to others?! The husband asked to receive his painted wife from the painter. The latter refused to hand over his creation. A quarrel broke out between the two: one saying, She is all mine, and the other saying, she is all mine. They stood and argued until the picture fulfilled that which is said: "Let them divide it". The defendant seized one side of the picture, the painter held fast to the other, and the picture was torn in two. The defendant admitted the offense attributed to him. I convicted him according to his admission, and the remaining question was sentencing. Had the defendant's wife not served as the subject of the picture, I would not have hesitated to impose a harsher penalty for laying hands upon the painting.

But in this case the defendant's act had been preceded by a provocation by the painter, who, in fairness, should have asked permission before painting the defendant's wife. Since he had not done so, his disregard for the feelings of another drew forth the defendant's admittedly extreme reaction. Taking these circumstances into account, I somewhat eased his punishment.

Riots on the Field

On a Saturday in May 1968, as part of the State Cup football matches, Safed hosted on its field the Hapoel Be'er Sheva team. The two teams conducted a vigorous match. The lawful ninety-minute time ended without a decision, with a score of 1:1. After an additional thirty minutes, bringing the match to 120 minutes without resolution, the game was decided by penalty kicks, with a score of 5:4 in favor of Safed.

Near the conclusion of the match, a brawl broke out on the field, and as a result a player from the Safed team, known as the "king of goals" of his team, was brought to trial. After hearing a series of witnesses, I acquitted the defendant for lack of proof.

In the course of hearing this particular case, I found it appropriate to express sharp criticism of the failures of the sports institutions in Israel and of their indifference to the phenomenon of rioting across the country's football fields. I allowed myself to do so in light of my background, not only as a longtime athlete, but also as an active participant in the Israel Sports Association:

"Football matches, like all athletic competitions, are intended to provide enjoyment to players and spectators alike. Enjoyment means the pleasure of physical and intellectual competition, and the harmony of individual and team activity. Anyone who listened to the testimony regarding the progress of the football match under discussion in this trial, and who has observed matches on football fields throughout the country, felt revulsion at the manner in which it was conducted. I lament the helplessness of the officials responsible for managing the matches, for they seem unable to restore the noble character of this fine game. I believe the time has come for the governmental sports authority, or any other governmental body, to intervene in the matter of the riots and disorder that are so widespread on football fields, and to act for their prevention and eradication, for this is a matter of broad public concern and interest".

Half a century has passed, and nothing has changed.

The Handkerchief and the Holy Book

The defendant, a Muslim woman, took the witness stand in order to deny the claim of the plaintiff, her neighbor, who accused her of stealing six chickens. The defendant asserted that the six chickens were hers, and that the plaintiff had filed the suit merely to harass and trouble her.

The defendant rose from her seat and walked in measured steps toward the witness stand. The usher took the Qur'an from a drawer and placed it before her. I warned the defendant

to tell the truth and instructed her to place her hand on the book. She cast her eyes on the book, hesitated for a moment, then took a white handkerchief from her handbag and spread it over the cover of the book. I was favorably impressed by the sensitivity she displayed in keeping the holy book clean and honoring it. I was therefore surprised when the usher reached out, removed the handkerchief, and instructed the woman to place her hand directly on the book. The woman was embarrassed, muttered something unintelligible, returned the handkerchief to her bag, placed her hand on the book, and began answering the questions posed by the plaintiff's counsel. During a coffee break I held in my chambers afterward, the usher explained to me: "They believe that placing a handkerchief between the holy book and the hand nullifies the obligation to tell the truth".

A Cup of Coffee

The defendant was brought to trial for assaulting his wife. The couple had returned home from a hearing in a rabbinical court concerning their divorce. Upon arriving home, the defendant demanded that his wife prepare a cup of coffee for him. The wife refused but prepared a cup of coffee for herself. The defendant took the cup from her hand and began drinking the coffee. The wife snatched the mug from his hand and poured the coffee onto the ground. He kicked her: "I won't drink coffee, and the floor will drink coffee?!".

Mitigating Circumstances

The hearing in a criminal case reaches its final stage. The evidentiary proceedings and the arguments have concluded. The court convicts the defendant. The prosecutor presents arguments regarding the seriousness of the offense. Defense counsel presents to the judge the circumstances which, in counsel's view, should mitigate the punishment expected for the defendant. These are usually routine claims: age, health, a story of a hard life, an admission of guilt, and so on. Yet from time to time, arguments are raised that are not routine.

A defendant was brought to trial on a charge of assault. According to the prosecution, the defendant smashed a wine bottle on the head of his neighbor, causing injury. I read the indictment to the defendant and asked for his response. The defendant admitted the charge and was convicted. The prosecutor submitted a medical certificate describing the injury to the neighbor's scalp and requested that the defendant be sentenced to actual imprisonment. I turned to the defendant and asked why he had assaulted the neighbor and what he had to say in mitigation. These were the defendant's laconic answers:

"Correct. Brake bottle on his head. Why? What would you do, Mr. Judge?

The neighbor asks to come into my home: I agree.

Asks to eat from my plate: I agree.

Asks to rest on the bed in my bedroom: I agree.

F__ks my woman: bottle on the head".

The "Height" of the Punishment

The defendant was charged by the prosecution with failing, for the second time, to report for medical examinations prior to military service. The prosecutor rose, repeated the details of the indictment, gave a brief explanation of the elements of the offense, and sat down.

I asked the defendant to stand. He did not move.

I repeated my request that he stand.

He replied: "I'm standing".

I lowered my eyes toward him and apologized.

I read the indictment and asked for his response. He admitted the charge. I convinced him. After the prosecutor presented his arguments regarding the punishment, I asked the defendant why he had failed to report the second time. He answered that he had not appeared the second time because of what he experienced at the first appearance: "I reported the first time. The doctor put me on a height scale, slapped the top of my head, and said: go eat tomatoes. I got insulted, left, and went back home. Don't want to come anymore".

"Height scale?" I wondered. "What did the height scale show?"

"One meter forty", the defendant explained.

Double Burial

An elderly defendant (a Christian) was charged with burying his mother without a burial permit.

The defendant admitted the charge and explained: "My mother was 92. She died on Saturday morning. The office was closed. On Sunday the Christian doctor was on leave. Want to give respect to my mother. She can't be left like this". I turned to the prosecutor: "For this you bring a citizen to trial?!".

The prosecutor replied: "True, I didn't know. I agree to be lenient with the punishment, but I request that the defendant be given a suspended sentence, in case he buries a mother again without a permit".

Destruction of an Exhibit

Samir from the village of Judeida was charged with entering the home of Saleh and exposing his genital organ in the presence of all the members of the household. After sentencing, the prosecutor approached and requested, as is customary in dangerous-drug cases, to dispose of the exhibit.

I Am Not a Chicken

The quarrel between the husband and his wife began in the early evening hours and continued for hours. The husband refused to listen to his wife's arguments. The wife refused to yield to her husband, and whenever the heated exchange began to subside, one of them found it proper to ignite it again. Matters reached the point where, near midnight, the burly husband grabbed his wife by the arms, lifted her, carried her outside the house, pushed her into the chicken coop in the yard, locked the coop door, returned to the house, lay down to sleep, and enjoyed the quiet that at long last settled over the home. On the following morning the husband rose and released his wife. On the following night the wife approached her husband while he was deep asleep and injected him with a dose of poison sufficient to kill a horse. The husband was taken to the hospital, resuscitated, and treated. The wife was brought to trial, admitted, sought leniency, and said: "I am not a chicken!"

A Distorted Face

A courtroom hearing is, in a certain sense, a play. In the following play that unfolded before me, several actors took part. An Arab woman was charged with assaulting a neighbor. She testified in Arabic: "I was standing in my yard, the complainant was standing behind my back, and he was making faces at me like this". At this point the woman demonstrated a series of grimaces that distorted her face. The interpreter translated the testimony and demonstrated the grimaces before the court.

I asked the defendant: "How could you see these grimaces if he was making them behind your back?". The defendant replied: "The fact is, he made faces", and again demonstrated on her own face the series of ugly grimaces.

The interpreter translated the response, and again demonstrated these grimaces on his face.

I dictated the translated testimony to the clerk for the record, barely resisting the urge, as I dictated, to demonstrate the grimaces on my own face.

A similar case:

A defendant was brought to trial on a charge of assault. The police prosecutor called the complainant to the witness stand.

The complainant (an Arab woman): "The defendant pushed me".

The prosecutor asked the defendant's counsel to rise and stand in front of the complainant.

The prosecutor turned to the complainant: "Come, show us how he pushed you".

The witness approached the defense counsel and delivered a forceful shove to his chest.

During cross-examination, the defense counsel retaliated: "Show us the shove again". He asked the prosecutor to stand in front of her. The witness delivered a forceful shove to his chest.

The prosecutor, during re-examination, requested the court's permission to verify the push one final time. Defense counsel fled for his life.

The First Prostitute in Safed

month of August. The city's population doubles. Nightclubs open. Celebration, bands, and into the courtroom is brought the first prostitute in its history. The courtroom is full. Everyone has gathered to witness the marvel. The prostitute was charged with solicitation and harassment. She caught a ride and "latched onto" the driver. The driver rejected her advances. She reached out and unbuttoned his trousers, but he pushed her away. After his testimony in court, the defendant came up to the witness stand to give her own testimony. As she was speaking, a small child burst into the courtroom. The defendant stopped her testimony and scolded the child: "Out!". The child left, and she continued testifying. A few minutes later the child returned to the courtroom, crying and refusing to leave. The defendant stepped down from the stand, approached the child, pointed at the judge, and said to the child: "Here doctor. Mommy needs to get injection". The child heard "doctor" and ran outside. The defendant walked to the exit door, closed it for safety's sake, and returned to the stand to continue her testimony.

The Smart-Aleck Defendant

Yohanan was brought to trial on a charge of theft. The prosecution put an eyewitness on the stand who clearly linked the defendant to the offense. During cross-examination, the defendant contented himself with a single question: "Tell me, please, the one you saw, does he look like me, or do I look like him?". The witness was embarrassed. It was clear to him, as it was clear to me, that whether he answered "he looks like you" or "you look like him", the "record" would ultimately show: "resembles". Indeed, in summation Yohanan requested an acquittal: "The witness didn't identify me. He testified only to a resemblance...". I convicted him and sentenced him to imprisonment. I instructed the accompanying officer: "Take him to a prison resembling the one he sat in last year".

Yohanan returned to "visit" me again. The officer sought to arrest him on a series of break-ins committed in the city. At three o'clock in the morning Yohanan was caught with traces of candle wax on his clothing. In the arrest request the officer pointed to three grounds for his detention. The hearing proceeded as follows:

Prosecutor: "The suspect is a repeat offender".

Yohanan (with satisfaction): "Correct".

Prosecutor: "The suspect was found wandering at three in the morning with wax drippings on his clothes".

Yohanan: "Correct".

Prosecutor: "He used candles during the break-ins".

Yohanan: "Wait, wait. First, this night I took hard drugs, fell asleep, and the candle next to me dripped on me. Second, if I had been using candles, I would have kept my clothes from getting dirty. And third, during break-ins I usually use a flashlight".

Incidentally, from time to time mistakes may occur in the transcription of the record. This also happened in the following case: the defendant claimed he had been beaten by the investigator and had therefore confessed to the offense.

Prosecutor: "Isn't it true the investigator didn't beat you?".

Defendant: "No, beat me".

The typist accidentally omitted the comma when she recorded: "No beat me".

Busy Police Officers

An elderly man was brought to trial. A search of his home uncovered dozens of pornographic booklets. For twenty-four hours the police station in the town came to a standstill until the last officer finished examining the final booklet.

Punitive Casino

The discussion on determining the sentence of defendants convicted before me was sometimes conducted, strangely enough, along two parallel tracks - on both sides of my chamber door.

Inside the chamber, I conducted a lengthy proceeding.

Outside the chamber, beyond the door, Nitza, my clerk, and Sergeant Avramovich, the police prosecutor, conducted a quick gambling procedure.

Inside the chamber, I reviewed and weighed the circumstances relevant to the offense and to the defendant:

My consideration of the offense related to the manner in which it was carried out, the intent of the perpetrator, the provocation by the victim, the harm caused to the victim and to the public, the provisions of the law, and the seriousness of the act.

The discussion concerning the defendant himself related to his criminal record, his social and economic background, his age, health, and family circumstances. I also took into account any positive conduct on his part, his admission of guilt and remorse, if present, and his chances of rehabilitation.

While examining the materials in the file, I changed my mind from time to time, toward severity and toward leniency, until my mind settled and I formulated the sentence.

At that very same moment, Nitza and Avramovich, who had been present during the trial, conducted a parallel "sentencing" procedure beyond the door, in which they bet on the sentence that would be imposed.

In later years, when I learned of this gambling ritual, I was astonished to discover that, more often than not, they correctly guessed the sentence that was likely to be handed down by me. They did so in a quarter of the time I devoted to it. Their guesses were made without hesitation, spontaneously, without reviewing all the materials.

Apparently, they knew me better than I knew myself.

A Fencer Arrives in Safed

Throughout my previous work as an attorney, I devoted considerable time to my athletic pursuit - fencing. Every morning I began with basic fencing drills at home; afterward I went out for a several-kilometer run. In the evenings I went down to the fencing club in Haifa for training sessions and bouts with the club members. Most Saturdays were devoted to sporting meetings and competitions around the country. My dedication to this sport led to success in competitions and to winning the national championship.

The transition to the judicial bench and my "migration" to Safed cut short the daily routine to which I had become accustomed, but after a few weeks passed from the time I settled in Safed, I returned to my old hobby. In the center of town there was a sports club for youth and adults. One evening I appeared at the far end of the large hall in a fencing suit and with a sword, and began to train. Within minutes, teenagers approached me and watched me with interest. Between drills they gathered the courage to begin asking questions. All they knew about fencing came from movies. On the next training day additional curious onlookers gathered around me. Their curiosity offered an opportunity to develop fencing in the place. At my request, a number of fencers from Haifa came to the club one day. In the afternoon hours we held bouts while dozens of teenagers crowded around us. I

proposed to the club director to hire an instructor and open a fencing class. The director agreed. The response from the youth exceeded all expectations. Two or three months after I arrived in Safed, the first fencing class opened. The rumor spread through the city. Three additional clubs approached the municipality requesting to open fencing classes of their own. By the end of my first year in Safed, more than 500 teenagers were training in the city. I recruited instructors from among the fencers in Haifa. The parents who used to bring their children to the club were inspired by what they saw. Before long a group of ten to fifteen adults took shape: doctors, lawyers, artists, and others. They purchased fencing equipment. I volunteered to train them one evening a week. Professional coaches came from abroad, leading fencers joined for short visits, and I enjoyed friendly bouts with them.

In the next stage, I lifted my eyes beyond Safed.

I contacted Mr. Eli Shalev, head of the Merom HaGalil Regional Council. He received me warmly. Warmth was always stamped on his face and in his personality. He was easy to like. Yet his friendly manner did nothing to diminish his capability. With a strong, though not heavy hand, he worked tirelessly for the settlements of the Merom HaGalil area.

"How and why have I merited a visit from Your Honor?" he asked.

"I've come to speak with you about fencing", I said without preamble. He was puzzled. He had never heard of fencing and knew nothing about it. "I have an idea that may interest you", I continued, "but before that I'll explain something about the sport of fencing. It does not involve real fighting, Heaven forbid, but a sporting game. There is a strip marked on the floor, and on it two competitors stand. Each wears a mask and a thick jacket. Each holds a toy sword, and the match is conducted so that each tries to touch the opponent's jacket or to defend against touches with the sword. There is, of course, no danger in this 'fight', but it carries great value, not only physically and athletically, but in the educational aspect. Fencing encourages values such as respect, integrity, discipline, self-control, obedience, and adherence to sporting rules and to the decisions of the match judges. Fencers learn to respect their opponents, whether they win or lose. These values may exert a positive influence on the personal growth and development of the fencer, both in sport and in other aspects of life. Making this sport accessible to thousands of children in development towns may offer youth an engaging athletic pursuit and also instill important social values".

Eli, intelligent, practical, and quick-minded, responded: "What is the next step?". In the entire Galilee, until my arrival, there was not a single fencer, not one instructor, no fencing equipment, no protective clothing, and no funding.

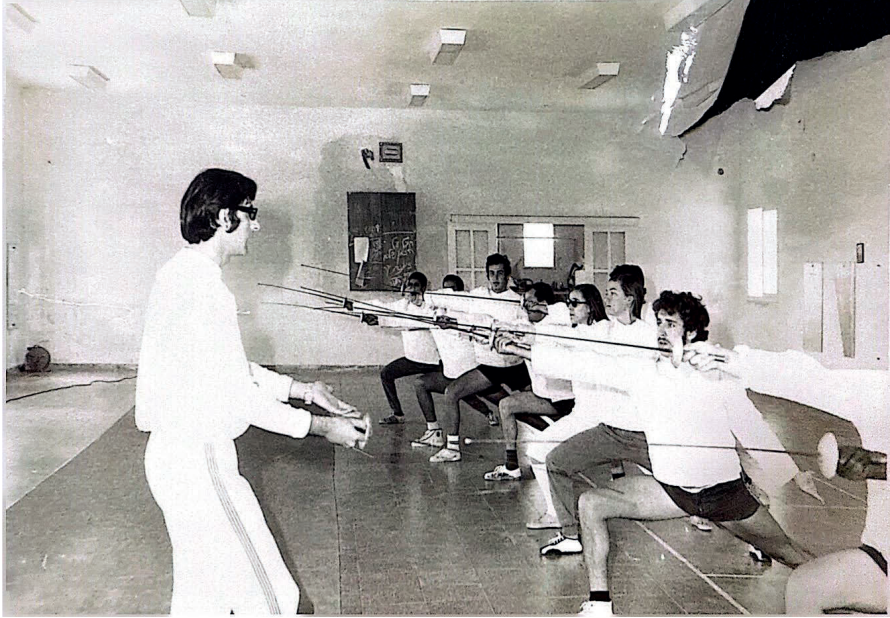
I traveled to Jerusalem. I arranged a meeting with the head of Israel's Sports Authority. Asael Ben-David was an energetic man, a doer, positive, with sound understanding in sports. He had never practiced fencing, but my message and its content spoke to him. After

several meetings, the realization of my vision was assured. Eli and Asael joined forces to cover the initial expenses of employing instructors and purchasing equipment and uniforms. I contacted fencers in central Israel and infected them with enthusiasm and willingness to enlist, some fully, some partially, in instructing the youth. Eli summoned the heads of the council's communities to his office. We presented to them the outline of the new project. All cooperated. I located an abandoned police building at a crossroads near Moshav Shefer in the Galilee. With the help of the regional council, the building was "commandeered" and the necessary funding for its restoration was secured. I recruited a senior coach from Haifa and ran the first year of training for would-be instructors. One of the graduates was Andrei Spitzer, of blessed memory, who was accepted as an instructor in subsequent groups. Andrei was murdered, as is known, in the Munich Olympic massacre.

The significant turning point came during a tour that Eli arranged for me around the regional council one day. During the drive we reached a hill near the border with Lebanon. "Look", he said, pointing to a row of abandoned buildings on the hill opposite us. "Prime Minister Levi Eshkol visited here a few years ago. The area was empty. Eshkol examined the site, turned to his entourage, and declared: 'I want to establish a settlement here'. He returned to Jerusalem, and his representatives established a settlement and even gave it a name: Biranit. To our disappointment the place remained uninhabited".

I placed my hand on his shoulder: "Eli, give me the settlement. I will establish in it a national academy for fencing instructors". Only someone like Eli could listen and respond: "Take the settlement. It's yours". Only in the State of Israel could such a thing happen. I took it.

I traveled to Asael. Only with Asael could this go through. He provided funding to invite Professor Garrett, president of the American Fencing Coaches Association, to head the academy. Funding was also allocated for opening and running a year-long course to train fencing instructors. At the completion of my seven years on the Safed Magistrate's Court, I moved to the court in Acre. The fencing mission I had undertaken came to an end. The academy was established and began operating. In the years that followed it held seven training cycles for hundreds of trainees. Thousands of fencers filled over a hundred clubs throughout the Galilee. Later these training programs were transferred to the Wingate Institute in central Israel.



The First Cohort of the Fencing Academy, Coach Andrei Spitzer

Magistrate in Acre

After seven years on the bench at the Safed Magistrate's Court, I was transferred to the Acre Magistrate's Court as the chief magistrate in the Acre-Nahariya area.

On Sunday morning I arrived at the courthouse, which was housed in an ancient building. Two judges served in this region at that time: Judge Falah in Acre and Judge Hermon in Nahariya. I took home with me a bundle of about thirty files that I was supposed to handle in court already the following day. I got into my car and drove to the Acre police station for a welcoming reception held for me by the senior staff. I parked my car in the fenced police parking lot, locked it, and headed toward the entrance. The station commander awaited me and escorted me to his office. I spent a pleasant hour in an introductory conversation, and we agreed on procedures for our joint work. When I went out toward the parking lot, I discovered that the car door was open and the bundle of files had disappeared. I had erred in leaving them in my car. I returned and informed the police commander of the break-in and theft. He summoned whomever he summoned. The Acre police went into action. I can imagine what pressure was exerted on people in the field and especially on people below the surface to prevent the disgrace of files being stolen from the police parking lot out of the car of a judge who was a guest of the police. Three hours later the bundle was returned to me.

Justice, Justice Shall You Pursue

A detainee was brought into the courtroom, accompanied by a police officer. Before he even managed to sit down, he burst out in a roar: "Where is justice? Where is the police? Where is the law?!"

The detainee had been brought to trial on a charge of attempted theft from a car. The car was parked on the beach in Acre. Its owner was swimming in the sea. The detainee opened the car door and reached toward a radio device resting on the seat. The owner of the car, a burly paratrooper, noticed the thief, leapt out of the water, charged at the detainee, knocked him to the ground, gave him a severe beating, and then drove him to the police station. The detainee was taken from the station to the courthouse, bleeding. The police officer seated him on the bench and tried to silence him, but the detainee continued to cry out: "Why isn't there police on the beach? How is it that anyone can take the law into their own hands?!".

A Thousand and One Nights

The large number of cases I heard as a judge afforded me, among other things, the opportunity occasionally to witness occurrences involving rare coincidences of events. Human nature impels us to search for explanations in order to give meaning to life, yet not every coincidence can or should be provided with a logical explanation.

The Magistrate's Court had once been located in the old quarter of Acre, not far from the boat pier. From time to time defendants were brought to trial on charges of stealing sand from the shoreline. Four people took part in the affair that was heard before me.

Participant A

Participant A lived in Acre. In the year preceding the present trial he had broken into a jewelry shop in Haifa. He planned the break-in for weeks beforehand. The plan included, among other things, surveillance, two or three visits to the place, observing the behavior of the shop owner and her assistant, and examining the security systems and the safe. The preparations proved worthwhile: the store was robbed. The police investigation produced nothing. The insurance company compensated the shop owner, and the burglar remained in possession of a substantial quantity of jewelry. He waited before selling his treasure in order to obscure his tracks.

Participant B

A year had passed since the burglary described above. A had completed additional criminal operations some successful (from his point of view), some failed. He felt that the time had come to try to get rid of the stolen jewelry from the previous robbery. To avoid risk, he decided to sell the jewelry one by one to individual consumers. This required effort and

time. His patience ran out, and at a certain stage he began to search for a buyer who would allow him to close a complete and perfect deal. A knew several such buyers he had met during his "work". At this stage, the second participant, Mr. B, enters.

B was a man in his forties. He lived in a rented apartment in Tirat HaCarmel. A had met him two years earlier in the Jalameh detention center. B had told him then that he had been arrested for illegal dealing. A called B and proposed they meet. The two met at a fish restaurant on the shoreline of Acre. A told B that he had some free jewelry available for sale. B asked for and received additional details. Not about the source of the jewelry but about their value and quantity. A pulled an envelope from his pocket and drew out several pieces of jewelry. They closed a deal: A would transfer twenty-five pieces of jewelry to B, and would receive fifty thousand shekels in cash. The two agreed to carry out the transaction on Tuesday night at ten o'clock, at the leftmost edge of the Acre shoreline. Both discussed further cooperation and parted with a handshake. A felt relieved and headed home. B took a taxi to his apartment in Tirat HaCarmel and called Inspector Yehezkel, his "employer". B was a police informant.

On Tuesday morning B met with Inspector Yehezkel and three other police officers in order to plan the capture of A and the jewelry that evening.

On Tuesday afternoon A removed the bag of jewelry from its hiding place, concealed it in the pocket of his coat, boarded a bus, traveled to Haifa, and from there continued to Acre. He arrived in Acre around nine in the evening. He went down to the beach and decided to wait for B at some distance from the spot they had agreed upon. He walked toward an abandoned hut on the right side of the beach, sat on an overturned crate near a mound of sand, and waited.

Around nine-thirty a car traveling on the road slowed and stopped at the leftmost end of the beach. The driver opened the door, got out, and scanned the area. He returned to the car, closed the door, and sat inside. Several minutes passed. A began to worry. B was supposed to arrive shortly. A did not want witnesses at the moment of the transaction. He looked suspiciously at the parked car. The meeting was set for ten. At ten-fifteen B still had not arrived. The driver got out of the car and looked around while pacing back and forth. A decided to withdraw from the deal and leave the area. He knelt on the sand, dug with his hands at the base of a large nearby mound of sand, thrust the bag of jewelry into it, and covered it with sand. The driver approached him and stopped him. He was a plainclothes police officer. He asked A for his details and searched his person. A understood that B had set him up. The search revealed nothing, since the jewelry was hidden in the sand mound. The officer released A, returned to his car, and drove away. A too left the area and headed toward the city.

Participant C

At midnight that night, C, a resident of Acre, arrived at the beach with a cart hitched to a donkey. C was a small independent contractor. From time to time C appropriated, without license, a strip of sand along the beach, dug it out, loads it, hauls it to his home, and either sells it or uses it for his work. On the previous night C had come near to an abandoned hut on the beach and for an hour dug and piled the sand into a mound. Now, on Tuesday, he arrived with his cart to load the mound of sand. Then drove his cart home. On Wednesday morning C unloaded the mound of sand into a lot behind his house. While working, his shovel struck a closed bag. C picked up the bag and saw what appeared to him to be "children's toys". After a quick glance he tossed the bag among the bushes at the edge of the yard, finished unloading the cart, and went into his house.

Participant D

On Friday noon of that same week, D held a party at his home. D was the owner of a small grocery store, married and father of three daughters. A month earlier Miriam, his partner, had given birth to Moshe, their fourth child. D's joy and pride knew no bounds: at last, a son. All the neighbors, near and far, were invited to the party. Miriam and her sister set a large table in the center of the living room and covered it with their finest dishes. After the meal, the men gathered in a sort of circle, passing the time with blessings, conversation, and drink. Among the guests in the circle was supposed to be C. Truth be told, D did not like C, and there were no neighborly relations between the families. Nevertheless, it was Miriam who noticed at the last minute that the neighbor C had not arrived, and she asked her husband to invite him. D left his guests for a moment, went to C's house, and invited him to the party. C thanked D and accepted the invitation. Since the invitation came at the last moment, he did not have time to go into town to buy a gift. He remembered the bag of "toys" he had thrown into the bushes. He went out to the yard, searched for and found the bag. He opened it, pulled out a gaudy, gleaming earring, put it in his pocket, tossed the bag aside, and went to D's home. Upon arriving he greeted the host, presented him with the "gift" for the baby boy, and joined the circle of celebrants. D thanked C but felt insulted: "Since when does one give jewelry to a male infant?!". He set the "toy" aside and continued speaking with the other guests. In the afternoon the guests began to leave, blessing the hosts and returning home. One of the neighbors said to D before leaving: "Keep the gift you got from the neighbor". "Why?" D asked in surprise. "Show it to me again", the neighbor requested. D searched, found, and handed him the "toy". The neighbor examined the jewelry. "I know jewelry. This is something expensive. Well done to your neighbor". "How expensive?" D wondered. "Hard to say. At least two thousand shekels", he replied and left. D, astonished, felt gratitude and even shame toward C for having belittled him and his gift. On Sunday morning D traveled to Tel Aviv. He walked the streets, entered a random jewelry store, showed the piece, and asked its value. The store owner looked at D, at his clothing, and at the jewelry. He went into a back room and asked his wife, who was sitting there, to call the police. Then he returned and began conversing with D. He gave him a price estimate, served him a cup of coffee, and asked whether he had more jewelry. A patrol car stopped at the entrance to the store. Two police officers entered. They identified themselves to D, "invited" him to join them in the patrol car, and took the piece

of jewelry with them. D, astonished, was detained that very day on suspicion of theft and was brought the following day to the court in Acre.”. Thus the entire scroll unfolded before me. At the end of the trial, D was acquitted, while A was arrested and put on trial at a court in Haifa.

A Thousand and One Nights!

District Court

A Welcome Reception

After nine years of serving as a judge in the Magistrates' Courts, I was summoned by the Appointments Committee to serve as a District Court judge in Haifa. On the morning of my first day at the court, I reported to the chambers of Judge Vinogradov. The meeting was brief: "Hello, Mr. Carmi. My preferred candidate was Magistrates' Court Judge Slutsky. He was not selected. I hope you will perform as required".

A heartwarming welcome.

The Serious Crimes Panel

Within a short time, I joined the panel adjudicating serious crimes, headed by the veteran judge Avraham Friedman. The panel was authorized to hear cases of murder, rape, and violent robbery in the Haifa District. In addition, this panel heard appeals from judgments of the Magistrates' Courts in the district.

Avraham Friedman was known as a decent, intelligent, wise, experienced, and courteous person. Many approached him outside working hours with requests for help beyond the field of law. I was impressed not only by his kindness and his willingness to assist anyone who turned to him, but also by the swiftness with which he extended that assistance.

The second partner was the veteran judge Zalman Yehudai. A middle-aged man who approached every task with seriousness and enthusiasm. For years we met several times a week, held earnest discussions about the evidence and the arguments, we reached agreements on acquittals or convictions and on the severity and nature of the sentences. Thursdays were devoted to hearing appeals from judgments of the Magistrates' Courts. On Thursday mornings we would meet in Judge Friedman's chambers, finalize our opinions, and then enter the courtroom to hear the parties' arguments. Each week, the appellants succeeded in changing our preliminary view in two or three cases. When Avraham retired, our team dissolved. A few years later Avraham fell ill and passed away. Yehudai retired as well, and I was invited to head a new panel adjudicating serious crimes.

Amos Baranes

In late 2002, I received the following letter from the Baranes family:

To Judges Friedman, Yehudai, and Carmi. For your information: the indictment has been annulled and the stain against Amos Baranes, the innocent man, has been erased, to which

[illegible]

Seemingly, the letter was sent to all three the judges. In fact, it was directed at me, since Judge Friedman had retired and Judge Yehudai had passed away.

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guilt. Later on, the President commuted his sentence to twelve years. After 8.5 years, with a one-third reduction, he was released. Baranes continued to claim his innocence. Three requests for a retrial were denied by Supreme Court justices, while a fourth request was granted by Justice Dalia Dorner. The case was transferred to the Nazareth District Court. The files relating to his case had disappeared, witnesses had died, and evidence was destroyed. It was not feasible to conduct a retrial, and thus Baranes was acquitted.

Did I "know" that Baranes murdered Rachel Heller when I signed the conviction? Did my fellow panel members "know" it? Did the dozen judges who rejected his claims "know" that he murdered Rachel? The answer is: no. Not one of us was present at the event that took place near the eucalyptus tree under whose shade the two had rested on that hard evening. The incriminating information was conveyed to the judges through a detailed confession written by Baranes, along with additional evidence indicating his guilt, and in the shadow of the negative impression he made during his testimony in court.

The law does not require to act on the basis of certainties. Even in our lives we do not operate on the basis of certainties. The meaning of the conviction was that we understand and infer, beyond any reasonable doubt, from the body of evidence presented before us, that Baranes murdered Rachel.

A Listening Heart

The people of Israel were in urgent need of the appointment of a Supreme Court Justice. In the absence of a judicial appointments committee, God took the task upon Himself, and after reviewing all potential candidates, chose Solomon. It cannot be ruled out that God was surprised by the king's refusal. The conversation that took place late at night in Gibeon between King Solomon and God enchanted me. It went approximately like this (based on I Kings, chapter 3, verse 9):

God: "Solomon, my son, I again ask you to accept the appointment".

Solomon: "My thanks to You, my God, but I cannot comply with Your request. True, You have made Your servant king in place of David my father, but I am but a young lad, I do not know how to go out or come in".

God: "If you consent, I shall grant you such honor that you will be unmatched in your generation".

Solomon: "I do not desire honor".

God: "I shall also grant you wealth".

Solomon: "I do not desire wealth".

God: "Do you desire women?".

Solomon: "My wives suffice for me".

God: "Then perhaps long days?".

(adding in a tone of despair): "Ask, Solomon, ask and request: what shall I give you?!". Solomon (shifting uncomfortably, pondering, closing his eyes and sinking into thought, then opening them):

"Grant Your servant a listening heart to judge Your people, to discern between good and evil".

God (exhausted from the argument but pleased): "Very well, here, I give you a wise and understanding heart".

And Solomon awoke, and behold, it was a dream, and he made a feast for all his servants.

I am but small. I am no king and no sage like Solomon or at all. Merely a judge. But I have ears, and I have a heart, and I have the willingness and need to use them to "discern between good and evil" and to assist all who are in need.

Picasso

It was an "ordinary" robbery case. After convicting the defendant, Yossi, all that remained was for me to sentence him. The prosecutor demanded that he be given a lengthy term of actual imprisonment. Despite his young age, he had already served prison sentences in the past for a long series of thefts and break-ins. In the detailed probation report submitted, the probation officer refrained from recommending the defendant's rehabilitation. I was about to write the sentence immediately and devote the rest of the day to another case. I turned to the defendant. I explained to him that I was about to impose a sentence upon him. I asked him what he had to say. He mumbled something in a faint voice. I looked at him. Something unsettled me. An ordinary boy. Not tall, not short, not handsome, not ugly. But there was something in his eyes that stopped me. I could not define that look. I informed the prosecutor that I would deliver the sentence the following week. I ordered the police officer to return the defendant to custody until the next session, and I turned to deal with another case. I took Yossi's file home for further review. My examination of his prior offenses sheet, the hearing transcript, and the probation officer's report revealed no new information. A similar situation repeated itself at the second session. The prosecutor and the probation officer did not change their positions. Many opportunities had been given to the defendant in the past, but his criminal behavior continued. I addressed him directly: "Yossi, what's going on? What shall we do with you?". He looked at me and remained silent. I asked him about his family, about himself. A tale of miserable life unfolded before me. But beyond that tale, what bothered me, or more precisely weighed upon me, was his look. I postponed the decision by another week. The same story was repeated at the third session. I then deviated from ordinary procedure. I brought Yossi into my chambers, sat him down in front of me, offered him a glass of water, and began

speaking to him as a father to his son. He looked at me with eyes full of trust, answered my questions comfortably, laid before me his offenses, his feelings, his suffering. He revealed himself to me as a smart, sensitive boy. After several meetings with him, I held a discussion with the prosecutor and the probation officer. I reported to them on my conversations with Yossi and received their cooperation. I informed Yossi that I was releasing him at this stage from the detention in which he had been held all that time, and required him to report to my chambers every Friday for a conversation with me. The prosecutor and the probation officer went on their way. In our weekly talks, Yossi poured out before me his personal troubles. I tried to advise, to guide, and mainly to listen. During one of the meetings Yossi told me of his father's passing. "What did your father leave you?" I asked him innocently. "He was an alcoholic", he replied, "he used drugs. He didn't have a penny to his name". Then he remembered: "Yes, he left me his prayer book". I asked him to bring me the prayer book at the next meeting. Yossi brought the prayer book and placed it carefully on my desk. "Is the prayer book important to you?" "Sure", he replied, "it's my father's prayer book". "I will keep the prayer book in my chambers", I said. "From now on, every Friday I will ask you to place your hand on your father's prayer book and confirm to me that during the past week you did not commit any offense. If you committed an offense, do not inform me of it, but do not place your hand on the prayer book". Yossi agreed. A month or two passed. Yossi continued to come every week. He set up a small clothing stall in the market, and for the first time formed a connection with Kochava, a pleasant and intelligent young woman. One Friday morning he came to me with a package wrapped in newspaper. "Judge", he addressed me with a trembling voice, "I must tell you something I never told you until today. It is the only thing I have not told you. Many years ago I broke into a house in a neighborhood on the Carmel. I stole jewelry and silverware. The police caught me. I received a light sentence because I was young. I sold the jewelry and the silverware and wasted the money. But one thing I kept and hid. I took it down from the wall. I want to feel good, to feel clean. So I am bringing it to you", he said, and placed the package on my desk. He went on his way, and I opened the package, removed the wrapping, unrolled the picture that was inside, and laid it before me: it was a painting of a nude woman. I was holding an original painting signed by Picasso.

I was faced with a dilemma. I did not want, and could not, continue to hold the painting in my hands. I approached a well-known rabbi in whom I had trust, and deposited the painting in his care. Some time later I learned that the homeowner had been located. He refused to take the painting back (perhaps because of the substantial compensation he had received from his insurance company).

At a later stage I decided to conclude Yossi's case. I sentenced him. I imposed a suspended sentence upon him with the prosecutor's consent. But our meetings continued. He matured. His relationship with Kochava strengthened. At a certain point I became involved in one of their crises: she wished to marry him. He agreed, but conditioned his consent on

her having sexual relations with him in order to ensure that she was able to bear children. She was willing, but recoiled from doing so before marriage, and asked me to approve it. I approved. The test succeeded, and the two of them invited me and my wife as guests of honor to their wedding. I recall my anxiety at a certain moment during the celebration, when the revelers lifted her and him up in the air in the dancing courtyard. I feared for the fetus's safety. My connection with the couple continued for some time. Yossi was fully rehabilitated.

A significant part of my work was devoted to the criminal adjudication of young people. The concept and mechanism of a "community judge" were not known then, certainly not codified, but I allowed myself to act somewhat as a community judge.

After delivering each sentence, I would delay the convicted young defendants before they left the courtroom, point to the door, and tell them: "This door will always be open for you. You may come to me without a police officer and ask for help if you encounter problems and hardships, provided that you come to me free of offenses".

Many young people returned to me, and I helped them through personal conversations and by solving problems.

Letters from Prison

Tal was tried three times for various offenses.

The first time, I let her off with a light sentence. Before she left the courtroom, I told her that she could come to the court if she needed help, on condition that she would not commit offenses. She listened quietly to my words, said nothing, turned around, and walked out.

A few months later she was brought before me for a new offense. After I convicted her, I imposed a suspended sentence. Before she left the courtroom I repeated the same invitation. Tal, as in the first time, looked at me, was silent, turned around, and left.

After some months she was brought back to me for the third time. The offense was more serious. Tal led a gang of thieves. One evening she entered a café, stole a set of keys from the table of the café owner, went to his apartment when he was not there, entered with her friends, and emptied the apartment. At the end of the hearing I convicted her and imposed an actual prison sentence. Before she was taken out of the courtroom by the police officers, I told her again that after completing her imprisonment, and on condition she would not commit offenses, she could return to me if she needed help. She looked at me, turned around, and left without response. I had a feeling of failure.

Some months later I received from her a letter from prison:

"It is hard for me to write, because in some place the shame exists. But despite this I decided to write to you as a person and not as a judge. I want to tell you what I have gone through until now, and what conclusions I have reached, and why... [after a detailed description, she added] I always remember the few conversations we had, and therefore I wrote specifically to you. I want to explain that I never came to you with a request on my behalf. I knew that my path was still not right. Today I hope that with all the powers within me I will be able to overcome, and I know that I will. Therefore, I find it proper to share with you my aspirations. You told me, when I came the first time to the court, that I have eyes like windows. There is in them much evil and much good. One is stronger than the other. I think that now the good is stronger. A new chapter in life is a hard thing, but I think of taking this step. I hope you will answer my letter and be able to give me fair advice".

I answered her, and thus a correspondence began between us. In the second letter Tal wrote:

"I was very happy to receive an answer to my letter. I want to ask: is it, formally, not customary to write to a judge? Perhaps because generally the relationship between a judge and a defendant is in some way a relationship of resentment toward the judge, or superiority of the judge toward the defendant? If it is not customary formally, then I do not wish to be a nuisance".

Among other things she wrote:

"It is true that I invested much effort in self-destruction. And invested all my strength in negative activity. I was angry at the whole world, blamed everyone. On some day I ask myself: it must have begun sometime, somewhere, on some day, and I do not remember. It seems to me that it is rooted in childhood. Now it sounds like blame or justification. But I think that a ruined family life is a foundation for imbalance and for many doubts in adolescence. A strong feeling of suspicion developed in me toward people, lack of trust, and a kind of indifference. There are things I could never talk about with any person. Inside me there is chaos. I need some guidance. I would be happy to receive an answer".

Of course I replied. In another letter she wrote:

"I think that correspondence between a judge and a defendant is not desirable at all times. But I think there are certain people who do not hold resentment toward the judge, and if there are judges who are able to help mentally, for in some place

that judge took an important place in their lives if they were sent to long imprisonment...".

A serious dilemma stood before me. A judge is not supposed to correspond with prisoners who were sentenced by him. Moreover: I knew that the prison authorities would examine my letters, and such a step on my part could be criticized by one authority or another and perhaps also reach the press. Only one reason could seemingly justify the correspondence: extending a hand of help to one who needed it. The correspondence continued even after I moved to serve in the District Court. My law clerk, Tami Ullman, "caught" from me the habit of offering help to those in need and continued the connection with Tal after her release from prison.

In the newspaper "Yedioth Ahronoth" one day an article was published under the headline: "The defendant understood the judge's heart", and under it was written:

"Before the judge of the Haifa District Court, Amnon Carmi, a young woman from Haifa was brought to trial, accused of breaking into an apartment and stealing from it, and causing injury to another young woman. In his sentence the judge took into account the defense attorney's arguments and imposed on the young woman only six months' imprisonment. As she left the courtroom she said: 'If there is such a judge in the country, I decide to be good like Rachel our Matriarch. He spoke nicely to me, understood me, and I saw in his eyes that he felt sorrow that he was sending me to prison'".

A defendant was brought to trial before me. After hearing the testimonies I convicted him, and sentenced him to one and a half years of actual imprisonment. His appeal to the Supreme Court was denied.

My personal connection with him began after I received from him a letter spreading over many pages. He did not ask anything but only: to correspond.

"I had to write to you in order to open the lock(!) of my heart before you, otherwise I would lose my sanity. It is very possible that I am bitter and very sad in my heart, that precisely a judge like you convicted me for no wrongdoing I did. Among many prisoners, whether they were sentenced by you or not, you are known as a thoughtful and compassionate judge, they call you a father, not a judge. Every guy who was sentenced by you, or who only heard that he would be sentenced by you, is extremely happy. At a very young age I was sent, by order of a judge, to four years in an institution for young offenders. At sixteen I began to work. At seventeen and a half I enlisted in the IDF. In the army, apparently, I did not manage well. I missed home and ran away from the unit for twenty days. I was sentenced to thirty-five days' imprisonment in Military Prison 6. From here the path to prison opened. I was

released bitter, angry, and disappointed at the whole world. I continued to serve a short period without the ability to adjust to the military framework. I felt like being in prison. I wanted to be free. I continued to roam wildly. Again I fled and again to prison. In my stupidity I fled for a long period, with childish thoughts that they would never catch me and thus I would be free. Eventually I was caught and was sentenced in a military court to a long period of thirty-three months of actual imprisonment. My dear sir! Prison opened new horizons for me, allowed me to understand life and reality. I was released by the Personnel Committee with a profile of 97, and a reserve booklet with three years of military service, as a regular soldier. I began to behave like a decent citizen. I serve in the reserves in a combat unit and enjoy my reserve service very much. I give all my soul. I participated in live-fire exercises and it was unbelievably fun. My dear sir! At the beginning of my release from prison I made a mistake. I was invited to take a ride to an outing with a certain fellow in his car. After about a year and a half I received an indictment about this incident and was sentenced to five months of actual imprisonment".

The prisoner continued to describe his story. He repeated his claim that I erred, and that he did not commit the offense for which he was again sent by me to long imprisonment:

"My wise and learned sir! Sometimes it happens that a person errs. I too erred in life, not only once. I do not know how it is with a judge and what happens. It may be that after the sentence a judge forgets himself, forgets the one who was tried before him, and has no pangs of conscience like an ordinary, simple person? Believe me, among many prisoners whether sentenced by you or not, you are known as a thoughtful and compassionate judge. They call you a father, not a judge. To our great sorrow, today the mills of justice in our country grind too fast, and without much justice. There are enough young men who have been sitting for years innocent, whom I personally know, and I know of a certain guy who committed a robbery, and someone else sits in his place. I would be very grateful if you answer this letter".

Another prisoner wrote:

"On the date... you convicted me and offered me the services of a probation officer, but I refused those services. You spoke to me like a father to his son who went astray, and explained to me that this was a golden opportunity, and that in your view I should accept it. After you succeeded in persuading me to agree, you encountered resistance on the part of the probation officer. She was disappointed with the way I had related to her attempts to help me. You asked her to try again to treat me".

The defendant described the devoted care the probation officer gave him. He informed me that he was accepted to studies in a college and was considered the best student in his class. At the end of the letter he wrote:

"I wrote this letter in order to thank Your Honor for being determined and firm in your view that if I received treatment from the probation officer, I could change, and I am happy that I did not disappoint you. I wish for every person who has childhood experiences as difficult as mine, that they be given such a wonderful opportunity as the one I was granted".

A prisoner whom I convicted and sent to prison wrote after his release:

"For many days I have debated whether to write these words or leave them in my heart. I decided to write and tell in the hope that you will understand me, and that it will also help me to pour out all the resentment that accumulated in me against the public and against the police".

He laid out his story in four dense pages and concluded:

"I have much more to write and tell about the disappointment I have towards all people and the police. But I am certain that Your Honor has more important things to read. What matters is that I learned many things from you, and this will remain in my head and heart for my entire life. And if my wife gives me a child, I believe I will have something to teach from what I learned from you, sir".

Thirty years after my personal community-oriented activity, the legal system in Israel began adopting this activity. Community courts were established as an alternative model for conducting criminal proceedings. At the foundation of the activity of community courts lies the perception that in order to bring about a reduction of the "revolving door" phenomenon of offenders committing criminal acts due to personal, social, and economic problems, it is necessary to provide treatment and rehabilitation to offenders and reintegrate them into society.

Rape cases were a different field in the judicial activity of the District Court.

Rape at High Altitude

A huge ship of the United States Sixth Fleet sailed regularly in the Mediterranean Sea. Once every six weeks it arrived at the port of Haifa and docked there for several days. This was a celebration for the shops throughout the city, and even more so for the sailors. On one of those days Johnny, too, had the chance to enjoy the celebration. He went down with hundreds of his friends to the pier and headed to one of the bars in the lower part of the

city to celebrate his leave by drinking alcohol. As later became clear, he drank several bottles of beer there. After some time he walked toward the Hadar HaCarmel neighborhood. There, in a local bar, he finished off additional bottles of beer. Afterwards he boarded a bus and reached the Carmel Center neighborhood at midnight. He located a bar situated on the ground floor of a tall residential building and treated himself to more bottles of beer. This alcoholic route was shared by Johnny and hundreds of his fellow sailors, who had dreamed of and planned such an outing during the long weeks of sailing and training in the open sea.

But what followed was unusual, harsh. Johnny left the bar, entered that same residential building, and climbed the stairs. He first went up to the roof of the building, took off his clothes, lowered himself over the railing and landed through an open window into an apartment on the sixth floor. He lingered briefly, exited through the window and lowered himself down to the complainant's apartment on the fifth floor of the same building. Beyond the window stood a bed in which the homeowner was lying. The owners of the apartment were an elderly couple in their eighties. For months they had planned to fly to visit their daughter in New York. One concern weighed heavily on them: avoiding flying together, lest some disaster strike and harm them both at once. Therefore, on the previous evening the husband had left for his trip, and his wife was due to fly the following morning. Johnny stood next to the bed and fixed his gaze on the woman. She opened her eyes and froze. Johnny approached her, swiftly removed the blanket that covered her. The woman began to scream. He ordered her to remove her robe, lunged at her, lay on top of her, slapped her, placed his hand over her mouth and warned her that he would kill her if she continued screaming. She fell silent. Johnny raped her violently. The pain caused her to erupt into another burst of screams. Johnny got up after satisfying himself, went out to the hallway, turned to the front door and opened it. Two police officers stood before him, grabbed him, handcuffed him, took him downstairs and placed him in a police patrol car. It was the neighbors on the sixth floor who had heard the woman's scream, called the police and summoned help. John was brought to the police station, placed in a holding cell, lay down and fell asleep. The investigators could not establish contact with him until he woke up 24 hours later. In his interrogation he claimed that he remembered nothing. The ship sailed away without John. An indictment for the crime of rape was filed against him. A lawyer on behalf of the United States Embassy represented him. John pleaded guilty, was convicted, and I sentenced him to seven years' imprisonment. The defendant appealed to the Supreme Court. The Court rejected the appeal regarding the conviction, but eased his sentence and reduced the prison term to thirty-three months of actual imprisonment.

Double Rape

One rape case arose from a traumatic encounter between two couples: Jews and Arabs. A Jewish man employed an Arab man as a gardener in the yard of his home. One morning, the gardener took advantage of the husband's absence. He entered the house, attacked the wife, and raped her. The husband's anger burned within him when he returned home and heard from his wife what had happened. He decided to take the law into his own hands. He investigated and found the address of the gardener's home in one of the villages, took advantage of his absence, entered the house, attacked his wife, and raped her.

The trial before me dealt with the indictment filed against the first man - the Jewish husband. After the evidence phase concluded, I convicted him and sentenced him to four years' imprisonment. The defendant appealed, and the Supreme Court reduced his sentence, setting the prison term at only two years. The justices explained the leniency by pointing to the deterioration in the mental state of the defendant's two children: the daughter, a soldier in the army, "showed serious difficulties in functioning during her military service". With the son, a twelfth-grade student, "there was a serious shift in his pattern of behavior".

This trial took place many decades ago. In those years, prison sentences for rape were lighter than they are today. Over the years, the Supreme Court has found it appropriate to increase the number of years of imprisonment for rape, in light of the rise in criminal incidents in this field and due to public demand for harsher punishment. The maximum sentence currently set by law for rape without aggravating circumstances stands at sixteen years' imprisonment. The minimum sentence imposed for this offense stands at four years' imprisonment.

On Failing to Conduct a Trial

A district psychiatrist was charged with taking bribes. The main argument of the prosecution against him focused on the claim that he had betrayed his position and issued false medical opinions to young men who used them to be released from military service. The young men appeared before him for an examination in his office at the hospital. When he realized their intention to obtain release from military service, he referred them to his private clinic. When they arrived there, and after about three minutes of interview, he gave them an opinion stating a certain psychiatric illness.

A central issue in the trial before me in the District Court was: whether a professional is capable of diagnosing and determining, within a few minutes, a particular mental illness. The defense brought about ten senior psychiatrists who answered this question in the

affirmative. The prosecution brought about ten senior psychiatrists who answered it in the negative. I was required to decide an issue in which I had no professional training.

At first sight, it might have been enough for me to decide that I could not reach a determination, which would have led to acquitting the defendant, since the burden of proving the defendant's guilt beyond a reasonable doubt rests on the prosecution. But the trial was much more complex. Many claims were raised for and against the defendant's conduct. The proceedings dragged on, hundreds of exhibits were submitted, dozens of witnesses from both sides took the witness stand. When the trial concluded, countless documents and testimonies were piled upon my desk. It was the only time I asked the President of the Court to relieve me of handling other cases and allow me to sit down, study the file, and begin writing the verdict. After about a month, I finished writing the judgment. Despite my negative impression of the defendant himself, I decided to acquit him for lack of evidence. I completed the writing of the judgment but decided to delay summoning the parties for its reading. I wanted to examine the decision for several days to be certain of it. Three days later, I returned to review the evidentiary material and wrote a new judgment in which I convicted the defendant. Again I waited, and returned to the file a third time, for a judgment in which I acquitted the defendant for lack of evidence. The prosecution filed an appeal to the Supreme Court. The Supreme Court convicted the defendant, and the case was returned to me for sentencing. In its decision, the Supreme Court included a remark: "The judge could not see the forest for the trees". Naturally, my heart burned both at the decision and at the remark. Over the years, the feeling grew within me that the Supreme Court had been right, that the conviction of the defendant was correct, and that I had erred in drawing my conclusions. I was a relatively young judge. I had not been trained to handle so many claims and so much evidence. In such situations, there ought to be a possibility of guidance for a young judge - not about what to decide, but about how to handle vast amounts of material. The judicial work in the Magistrates' Court is different: the events under discussion are usually small and brief - one or two witnesses for the prosecution, one or two witnesses for the defense; the judge is supposed to manage a small number of claims and exhibits. The transition of a Magistrates' Court judge to judging in the District Court is not simple. The scope of some of the cases is very large, sometimes truly enormous. It involves dozens or even hundreds of witnesses and the need to devote long hours to their testimony. Sometimes it involves thousands of documents and the need to study them. Skill is required to handle such quantities of material. I believe that the judicial administration must provide judges with professional training before they begin their service. It is also desirable to assign a senior colleague to assist a junior judge in taking the first steps along the difficult judicial path. Incidentally, a month after my appointment as a District Court judge, I approached Mr. Chaim Zadok, the Minister of Justice, and suggested creating a permanent training mechanism for new judges, including assigning them a mentoring judge.

Looking back, it is clear to me that I erred in handling this case. I treated all details equally; I gave primary and secondary details the same weight; I lost proportion and the ability to look at the totality of the evidence from above. I did not develop a proper and balanced perspective. The Supreme Court acted correctly in stabilizing the totality of the evidence and directing me toward the right path. The President of the District Court acted wrongly by placing such a heavy case in the hands of a young and inexperienced judge, and the judicial system erred by ignoring the need to train judges to confront and carry out such complex tasks.

Two criminals lie in wait for an elderly money changer, abduct him in their car, rob him of his money, murder him, throw his body on the seashore, and disappear. In time they are caught, arrested, and interrogated, yet they deny the charges.

The First Criminal's Story

For months he is held in Damon Prison, keeping silent. One day he informs the wardens that he is ready to give his version. The police investigators quickly drive him to the Haifa District Attorney's Office, take him up to the third floor of the building, and bring him into the prosecutor's office. She takes a pen and a notepad. he begins to speak, she begins to write down his statement. After two sentences he stops and announces that he wants to write his statement himself. She agrees. He receives the notepad from her, sits down at the desk, takes the pen, and begins to write. After two minutes he stops, orders the prosecutor to move to the other side of the desk, and demands that the accompanying police officer leave the room. All his requests are granted, since the prosecutor is interested in obtaining his statement, and because he is shackled at the legs anyway. He resumes writing, and stops, and demands that the prosecutor also leave and wait in the hallway. She hesitates, and eventually yields to his demand, steps out, and stands beyond the door. A few minutes later, a police officer walks through the hallway and asks the prosecutor the reason for leaving the room. Her explanation does not satisfy him, and he asks her to return to the office. She enters the room and finds on the floor a strip of metal, with which the detainee has opened his shackles, a scribbled sheet of paper, and an open window. The defendant has jumped out from a height of three stories and disappeared. An immediate chase after him fails, and only after several months he was caught and brought to the Jalameh detention facility. In the detention cell he meets several of his friends, who greet him joyfully. He glances around, walks over to a barred window, and looks out through it. "Friends", he asks, "how do you get out of here?". The friends shake their heads. He grabs the bars with both hands, bars installed in the window decades ago, pulls the bar with force. The bar comes out of its place, and the detainee leaps outside, crosses over a fence, and disappears, this time for good. Thus only the second detainee remains.

The Second Criminal's Story

Into the cell of the second detainee in the detention facility, an undercover police officer is placed in order to get him to talk. Since the detainee was from Haifa, they searched for and found a police officer from Hadera, in order to avoid the risk that the detainee might know him. The investigators are surprised when the police officer tells them, already after a short hour in the cell, that the detainee has confessed to him about the murder. To strengthen the evidence, the officer is sent again into the detention cell, but not before a listening device is installed in the cell. In a nearby cell, two investigators were sitting to set up the recording of the conversation between the police officer and the detainee. The police officer is returned to the cell, stays there for some time, and the device is activated.

During the trial, the following facts come to light:

In cross-examination it became clear that the undercover informant officer had been removed from all the courses and units in which he had served over the years. His personal file contained evaluations from his commanders whose essence was: completely unreliable.

As for the recordings presented to the court as proof of the defendant's confession to murder, it turned out that the recording device had been installed backwards, meaning: that throughout the night it did not record the conversation between the undercover officer and the detainee, but instead recorded the conversation that took place between the two investigators in the adjacent cell.

When these two facts became clear in court, the prosecutor rose and requested that the detainee be acquitted due to lack of evidence. I was compelled to announce the defendant's acquittal. Upon the delivery of the acquittal verdict, the large crowd of the detainee's family and all his friends burst out in a mighty, unified cry: "There is a God!!!". I leave the courtroom, shut myself in my chambers, and reflect on God, on justice, on the paradise of truth and righteousness, and on the two cherubs standing at the gate and preventing me from entering.

Throwing an African Overboard

In 1982, the ship Moran sailed from the port of Haifa to South Africa, carrying cargo, several passengers, and 24 crew members. The first defendant served as captain, and the second defendant served as third officer. During the voyage, the ship anchored in the port of Dar es Salaam. One day after the ship left that port, a stowaway African passenger was discovered on deck. The crew members fed him and brought him to the first defendant. The captain decided to provide the African with a raft and a life jacket and to lower him into the sea near the coast of Mozambique. The captain ordered the boatswain to build

the raft. The boatswain instructed three crew members to build it, but they refused. Additional crew members protested the intention to lower the African into the sea, yet the defendant did not retract his decision. Moreover, he announced that refusal amounted to mutiny. The raft was built, but the African refused to step onto it. The defendant left the bridge, approached the African who was sitting at the stern of the ship, and began beating him and whipping him with a rope. He then wrapped a rope around the African's neck and dragged him toward a rope ladder. A life jacket was placed on him, and he was lowered by force onto the raft. The ship left the area. The African's fate remains unknown.

The defendant claimed that he acted within his authority as captain. The Shipping Law provides that the captain is responsible for safety, that the crew is subordinate to his command, and that he may use any reasonable means under the circumstances to secure the safety of persons and the vessel, including the use of force toward any person on board. I did not ignore the words of the legislator, but I determined that the captain's discretion is neither arbitrary nor absolute, and that his actions are to be examined according to the standard of reasonableness. Indeed, the law and customary maritime practice require obedience to the captain, and the main reason is that the lives of the crew and the safety of the vessel depend largely on his judgment and decisions. The likelihood of assistance from external forces in times of distress is small due to the ship's presence at sea. Yet the life regime and the system of norms prevailing on board the ship are subject to the laws of the state. Therefore, seamen must not obey an order from a captain that is manifestly illegal. Both defendants were convicted. One of the captain's arguments was that the African had been a trespasser on the ship. The presence of a trespasser could have harmed the safety of the ship and its crew and their health. I rejected this claim and ruled that the captain is not entitled to deviate from the written law or from accepted standards of human conduct and from basic moral principles, without which life in human society cannot be conceived. Lowering the African into the sea endangered his life. At the end of the proceedings, the defendant was acquitted of the charge of knowingly endangering human life, since the intent to harm the African was not proven, but he was convicted of aggravated assault.

A Cruel Police Officer

"An act of villainy was committed in a police station". With these words I opened the sentence of the defendant, a police officer whom I sentenced to two years of actual imprisonment for the use of violence during the interrogation of a detainee in the police station.

A report was received at the police station about a break-in to an apartment and about a suspect present nearby. The defendant police officer was dispatched there, located the suspect, and arrested him. At that moment began a sequence of cruel acts of abuse toward the suspect, which lasted a long time and was stopped only thanks to the intervention of

another officer, when the suspect was close to fainting. The suspect testified before me that on the evening he was arrested, he was sitting on the balcony of his grandmother's apartment. The officer approached him, arrested him, and put him into the police car. Already on the way to the police station, while sitting in the back seat of the vehicle, the detainee absorbed severe blows from the officer. He repeatedly insisted that he was innocent. At the police station, the officer took him into a room and demanded that he speak. The officer struck the cabinet in the room with his fist and warned: "I'll do this to you and finish you", and also: "Do you see this bottle? If you don't talk, they'll shove it into you". Afterwards the victim was stripped, kicked, and beaten. A burning cigarette was pressed against his buttocks and burns were caused to him. A bottle was shoved into his buttocks and he was beaten with a ruler. In utter despair, the detainee decided to injure himself. He ran quickly toward a metal cabinet door and struck his head against it, but to no avail. He was stripped, laid on an iron bed, his hands were bound, and the neck of a bottle was pushed into his rectum. Only then, upon hearing his screams, did the abuse stop.

In the sentence I wrote: "The defendant has brought disgrace and shame upon himself and upon the police force in which he served and whose uniform he wore. The confinement of a lone individual by figures of authority in an interrogation room, accompanied by threats and torture, when he is powerless to contend with his captors-tormentors or resist them, are cruel acts of evil that the mind cannot tolerate", and I added: "Many police officers, indeed most of them, perform their duties properly. The defendant's offenses in this case and his conviction will bring all of them to a feeling of deep revulsion and complete condemnation, but this is not suffice. Those responsible for the police, for its image and integrity, must do everything in their power to eradicate such phenomena and prevent any chance or possibility of their recurrence. Moreover, it is difficult to imagine the harm that would result if the trust of the judiciary in the reliability of police investigators' work were to be shaken - harm to the police itself and harm to the rule of law in the state".

Upon the Seat of Judgment

Anxiety

In 1973, I published my book "Error and Falsehood in Law" after extensive research into rich legal literature dealing with wrongful criminal convictions.

In France, Dreyfus required 12 years of struggle and the fervor of Émile Zola in order to obtain the cleansing of his name. Over a period of some forty years, courts in England mistakenly convicted twenty-two defendants of murder, and courts in the United States mistakenly convicted seventy-four defendants of murder. In my book, I present the story of Walter Rowland.⁴

On October 19th, 1946, a man entered McDonald's shop at 3 Downing Street, Manchester, and bought a hammer. The buyer wrapped the hammer in newspaper and left. On the morning of the next day, a boy passing nearby found the body of Olivia Balchin. Near her crushed head lay a hammer wrapped in newspaper. On December 16th, Walter Rowland was convicted of the murder of Olivia. Before sentencing, Rowland was asked what he wished to say.

He replied: "I have never been a religious man, yet, as I have sat in this courtroom during these long hours, a doctrine I learned in my childhood has revived within me. I tell you, with complete seriousness, that before the throne of the Judge of Judges I shall be acquitted of this charge. Somewhere there is a man who knows that I stand here today an innocent man. The killing of this woman was a terrible crime, but a crime greater still is being committed here today, because someone who knows of that crime sees me judged today for an offense I did not commit. I fully believe that one day it will be proven that I am innocent of this crime, and the day will come when my trial will be quoted in the courts of this country as a testimony to what can happen to a man in a case of misidentification. I stand before what may befall me with courage and calm, which only a quiet conscience can awaken. That is all I have to say."

On January 22nd, 1947, a prisoner named David Ware delivered the following statement to his wardens: "'I, David Ware, desire to declare that I killed Olivia Balchin in Manchester with a hammer blow on Saturday, 19 October at ten o'clock at night. We spent the early evening at the cinema. I did not know her before that night. I agree

⁴ Amnon Carmi, "Error and Falsehood in Law" (1973): 11

that my declaration shall serve as evidence and be accepted as the truth'. On later dates, Ware added detailed statements regarding the murder.

On February 10th, 1947, the Court of Appeal rejected Rowland's request to bring Ware's testimony before the court, and denied his appeal. On February 27th, 1947, Rowland was executed, claiming his innocence until the very last moment.

The burden carried by Rowland is terrible. His desperate cry strikes at the foundations of personal security and shakes the routine of thought. I do not know, of course, whether Olivia was murdered by Rowland, by Ware, or by a third person, but this cry accompanied me in my ongoing struggle to seek truth and compelled me to do everything in my power not to sacrifice a human being upon the altar of error or falsehood.

Denial of Entry to the Garden of Eden of Truth

One of the first cases I heard in the Magistrates' Court concerned a lawsuit by an orchard owner in the Galilee. The plaintiff claimed damage to a structure in his orchard, caused by the defendant's herd of cows that had entered the orchard. The defendant argued that his cows had not entered the orchard, and that there was no structure at all in the orchard.

The plaintiff summoned as a witness a Bedouin boy from the area. The boy, of a dozen years, mounted the witness stand. Before his testimony began, I placed a Qur'an on the stand. I instructed the boy to place his palm on the cover of the holy book, and I warned him: "You must tell the truth, the whole truth, and nothing but the truth". He fixed his eyes on me and nodded. I found it appropriate to add a warning not written in the law books: "Know that if a false word comes out of your mouth, a disaster may befall a member of your family in the village". The boy swore as required, and in answer to the plaintiff's questions said that the defendant's herd of cows had entered the plaintiff's orchard, and had damaged a structure inside the orchard. Calmly and confidently, he continued responding to the questions of both plaintiff and defendant. After completing his testimony, he stepped down and went on his way. The boy left me with an impression of credibility. His story flowed smoothly, he did not hesitate for a moment, did not become confused, looked directly at the attorneys questioning him, and conveyed a full and accurate report.

The defendant brought to the stand his own witness: another Bedouin boy from the area, also about twelve years old. An inner feeling signaled to me that there was no point in paying much attention to this boy given the credible testimony of the first. Nevertheless, I found it proper to repeat the previous ritual of administering the oath to the boy. I placed the Qur'an on the stand, instructed the boy to place his palm on the cover of the holy book, and warned him as I had warned the first boy. I even added the previous warning, with

greater severity, about the disaster that might befall a member of his family if a false word left his mouth. The boy swore as required, and in response to the defendant's questions testified that the herd of cows had never entered the plaintiff's orchard. Moreover, he claimed that no structure existed anywhere in the orchard. The boy looked at me during his testimony and continued responding to the questions of plaintiff and defendant smoothly and with confidence. After completing his testimony, he stepped down and went on his way. I returned the Qur'an to its place and withdrew to my chambers to write the judgment. During the hearing at the courtroom I placed my trust in the testimony of the first boy. I was also impressed by the testimony of the second boy. A passage from the story of the Cherubim in the Book of Genesis came to mind: "So He drove out the man, and He placed at the east of the garden of Eden the cherubim, and a flaming sword which turned every way, to guard the way to the tree of life". I felt distress: these two Bedouin "Cherubim", with the flaming swords of their contradictory testimonies, barred me from entering my own Garden of Eden, from the task of seeking the way to the "Tree of Truth".

After the completion of the testimony of the parties and their witnesses, I took an unusual step: I informed both sides that we would go out that very day to the site. We drove and entered the orchard. There was no structure anywhere on the premises. We returned to the court. I dismissed the claim and ordered the plaintiff to pay legal costs. Nevertheless, the feeling of distress did not leave my heart, not then and not afterward.

Listening

The judicial role is to decide the dispute between the parties, a decision usually based on facts supplied to the judge through testimony given by witnesses. The judge is given the authority and the duty to listen, and the judge needs the ability to listen. Hearing is not enough. Of idol-worshippers it was said: "They have ears, but they hear not". Listening, unlike hearing, is active, it concerns a complex mental activity: the witness "speaks" with the witness's entire body, and enables the judge to absorb non-verbal messages as well. In active listening, the judge can hear and see simultaneously the witness's eyes, face, and movements, the judge can notice whether the witness is calm or tense, maintains eye contact, is pale or flushed, whether the tone of the voice matches its content, and whether verbal and non-verbal communication are consistent. Dynamic active listening may also create communication and encourage the delivery of evidence and arguments needed for decision-making.

Judges may find such listening difficult for various reasons - external ones such as different noises, or personal ones such as disabilities, impairments, or other difficulties judges may suffer from. Several countries allow deaf or blind judges to sit in judgment. When, in South Africa, the question of appointing a deaf and mute candidate to the bench arose, Justice Young supported the appointment and added humorously: "His deafness will be an

advantage to him, and his muteness will benefit all the other people present...". In New Zealand, the deaf and the blind were permitted to serve on juries as part of a demand for equal employment rights for persons with disabilities. Indeed, technological innovations and the recruitment of interpreters may support this approach. Judges can also use sign language and lip-reading. I myself believe that the rights of litigants should be preferred over those of candidates for judgeship who face a disability, just as it would be inconceivable to allow blind surgeons, bus drivers, or pilots to practice those professions.

As noted, listening is an essential component of effective communication. Active listening may improve the understanding of the thoughts and feelings of litigants and witnesses. Yet prolonged concentrated listening inevitably causes fatigue. I recall a public storm in South Africa in the following case: a defendant accused of rape was acquitted at trial. The shocked complainant claimed that the judge who heard the case fell asleep, slept, and even snored while she testified about the rape the defendant committed against her. The complainant's claims led to the convening of a judicial committee empowered to hear her grievance. It is no wonder that the public was stunned upon reading the committee's decision, which rejected the complainant's grievance and held: "There was no evidence that the judge's (sleepy...) condition affected his understanding of what transpired during the trial or his ruling".⁵

Judicial fatigue is sometimes the result of a heavy caseload. Justice Binyamin Cohen remarked in one of his judgments: "I do not know if I would have reached a more correct result had I thought a little more, until my mind became perfectly clear. But lately there is a noticeable fashion by the President of the Supreme Court, knocking⁶ on judges to hurry. I hurried, and here is the verdict...".

Justice Edna Bekenstein pointed to the practical inability to withstand the pressure: "Justice does not appear when sixty defendants come to court in one day. When sixty files are placed before the judge, and evidence is shown to the judge in the files, can one say that the judge delved into the evidence? It is an inhuman demand".

More than once a young judge would seek my advice regarding a dilemma that many of his colleagues also struggled with: "I enter my chambers or the courtroom and recoil at the sight of the heap of files lying on my desk. My dilemma is difficult: should I shorten the hearing of arguments by counsel and the testimony of witnesses in order to manage to hear more cases, or should I devote the necessary time to the full listening you speak of? To whom do I owe responsibility? To the litigants appearing before me today, or to the litigants in the many cases awaiting a hearing?".

⁵ The Daily Telegraph Newspaper, April 2005.

⁶ SIC (as in the Original).

I used to respond thus: "Your obligation is to devote the necessary time to the litigants before you. First of all, because it is owed to them. Second, and no less important, so that they, and all who will hear from them about what transpired in their trial, will sense and place trust in the doing of justice. 'Lightning-fast' proceedings may lead to the loss of trust in the judicial system. Speed, in this sense, is of the devil". There are not a few judges who accept upon themselves, by free choice or due to workload, long court days of eight and ten and twelve hours or more. In my opinion, listening cannot endure for such a long time. One cannot escape the conclusion that a judge conducting such a lengthy hearing is incapable of listening properly to the testimony and to the witnesses. The judge may hear them but does not listen to them.

The Prison of Personality: On the Difficulty of Assessing a Witness's Credibility

Aside from the challenges of noise - external and internal - fatigue, and overload, the judge also functions as a witness when observing a witness's appearance on the stand and attempting to interpret it. The judge is expected to extract from the testimony what is meaningful for the ruling. Yet it must be acknowledged that the material thus extracted reflects, among other things, the judge's own needs, aspirations, prejudices, and past experience. It was Anatole France who wrote that we are imprisoned within our own personality as in an eternal jail. Therefore, he argued, a literary critic ought to say: I am going to speak about myself in connection with Shakespeare. Similarly, a judge adjudicating a defendant is in effect saying: I am going to speak about myself in relation to the defendant. Jerome Frank noted that a judge's past participates in shaping that judge's impressions of various witnesses: women, bearded individuals, Italians, or plumbers.

A manslaughter case was tried in the Haifa District Court. Hananya Malka was the central prosecution witness. The judgment was expected to turn on the acceptance or rejection of his testimony. This central witness spent long hours on the stand, giving the panel of judges a good opportunity to ponder not only the content of his testimony but also his appearance and personality. Two members of the panel, both experienced and seasoned, summed up their impressions as follows:

Judge Dori: "In the testimony of Hananya Malka I was persuaded that he spoke the truth".

Judge Kassin: "I formed an extremely negative impression of the testimony of the witness Hananya Malka on the stand".

Assessing credibility is a difficult craft. Even an experienced judge faces obstacles that may impede this task. The notion that a judge comes to know a witness after a few minutes of observation is unfounded. It is true that a professional judge is expected to detect false

testimony better than an ordinary person. Judicial experience may assist in assessing witnesses' reliability, yet one must not ignore the fact that witnesses usually spend a relatively short time on the stand, making the detection of falsehood more difficult.

When evaluating the credibility of witnesses, various relevant factors must be considered: evidence supporting or contradicting the witness's account, the witness's sensory ability to perceive the subject of the testimony (distance, lighting conditions, and so forth), personal or emotional biases that may influence the witness's perception or testimony, whether the witness appears sincere or unreliable, what is known about the witness's past reliability. We tend to infer from the presence of one trait in a person the presence of accompanying traits. We tend to classify people as good or bad, and intuitively identify with individuals because of their gender, age, race, or religion, an instance of "projecting" the evaluator's traits onto the evaluated.

A study conducted in the United States among 118 judges of higher courts revealed their prejudices: 17% declared that women are inferior to men; 9% claimed that Jews have too much power; 36% stated that a Black person is inferior. Another American study indicated that 75% of "African American" defendants received actual prison sentences, while only 49% of similarly situated "white" defendants convicted of comparable offenses received such sentences.

Childhood experiences of poverty for example may influence a judge's decision-making. Judge Lindenstrauss described his childhood in an interview: "We were in an extremely difficult situation. I can understand what poverty is. Even as a judge, it affected me". How does such a statement align with the instruction: "Neither shalt thou countenance a poor man in his cause"?⁷ No person is immune to mistakes or prejudices. Judges, too, tend to classify people into types, which may at times mislead them in forming impressions of witnesses.

The Mustache

A suspect was charged with raping a tourist from Scandinavia. The complainant recounted what had happened to her, and three witnesses corroborated her testimony. The description was harrowing, and I could not avoid casting, from time to time, an angry glance at the accused. The accused sat there, half of the face covered by an enormous mustache. It seemed that this burly figure was listening with indifference to the sequence of testimonies. From time to time, he turned his head and glanced at the thin youth sitting nearby. I assumed that he had brought his child with him for some reason. When the evidentiary phase concluded, I called the accused by name to approach the witness stand

⁷ Exodus 23:3. The interpretation: the same judgment must be applied to every person, regardless of their personal circumstances.

and present his version of events. The youth rose and walked to the stand. The fifteen-year-old youth was the one who had assaulted the twenty-five-year-old complainant. The mustached burly figure was the police officer escorting the accused.

The Watch

The mother and daughter fought one another fiercely over ownership of a wristwatch. The mother, a heavyset woman of about sixty, claimed that one day, when she left her home to buy groceries at the market, the daughter had entered her house without permission. According to her, the daughter went into the kitchen, noticed the expensive watch the mother had forgotten to put on her wrist when leaving for the market, took it, and left before the mother returned home. The mother further related that she had purchased the watch at an expensive store in Cyprus during her visit there a decade earlier, that she used to wear the watch twenty-four hours a day, and that she did not remove it even when bathing.

The daughter, a young woman in her thirties, interrupted the mother's testimony several times, until I was forced to warn her that I would remove her from the courtroom if she continued to disrupt the proceedings. After the mother's testimony ended, the daughter took the witness stand. According to her, her late father had bought the watch in Jerusalem and had given it to her as a gift on her wedding day. She claimed that the mother had simply stolen the watch. There had been additional grounds for disputes between the two, and matters had deteriorated to a complete rupture. Neither of the two had receipts or other evidence. I was supposed to rule according to my impression of the parties before me. I tended to accept the mother's testimony, perhaps also due to the daughter's aggressive behavior, and I decided to award her the watch. The daughter leapt from her seat, uttered a curse, and stormed out of the courtroom. I called the mother to me to transfer the watch into her possession. The heavyset woman approached my bench slowly and extended her hand toward the watch. I looked at her hand, at her thick arms, and at the watch's strap.

"Put the watch on your wrist", I instructed her.

"Why?" she asked.

I repeated my demand. She placed the watch on the back of her hand. The two sides of the strap remained far apart. There was simply no way she could wear the watch on her wrist. She left the courtroom in disgrace. The watch was returned to her daughter.

Assessing the Credibility of Witnesses in Different Cultures

Judge Dr. Muhammad Ali related a story about an Egyptian papyrus from the year 900 BCE. The document detailed how one could identify a false witness suspected of murdering the king: if the witness rubbed a toe in the ground and twisted strands of hair - guilty...

I myself witnessed a similar incident in Africa. During one of my visits to the continent, I attended a trial held in a remote village. The local judge sat on a chair in a large open tent. The two litigants, brother and sister, stood before him, and each presented their testimony in turn. The hearing concerned a complaint by the young woman about an assault the brother had committed against her and the injuries she had sustained. The brother denied the accusation and claimed that it was the sister who had attacked him. When the testimonies concluded, the judge ruled in favor of the sister and ordered the brother to compensate her.

After the litigants left the scene, I asked the judge: "On what basis did you prefer the sister's testimony over that of the brother?". "It was clear to me that he was lying", the judge replied.

I wondered: "I listened to both of them. The testimonies were so brief. How could you discern that he was lying?". The judge answered: "The sand beneath his feet was wet. The young man knew he was lying and feared that I would discover it. The tension caused him to sweat".

A method for testing credibility is also described in the Book of Numbers: a husband suspects his wife of infidelity, but he has no evidence to prove it. The ritual used as a test for determining the truth is described: the husband brings his wife to the priest and presents him with an offering of barley flour. The priest takes holy water and mixes it with dust from the floor of the Tabernacle. He places the offering in the woman's hands. She is then called upon to swear to her fidelity to her husband. The priest writes the oath on a scroll, washes the ink into the water, and gives the woman this water to drink. If the woman is "innocent", she will not be harmed by drinking the water.

An Honest Mistake

I was teaching a course on the law of evidence at the Faculty of Law. At the beginning of a lecture on the reliability of eyewitnesses, I placed a large clock on my desk. I told the students that the clock I had brought from home had belonged to my great-grandfather. Eyes fastened upon the ornate clock. I began the lecture. The door to the room opened, a student hurried inside, and turned her flushed face toward me. "Sorry", she blurted, looked ahead, saw an empty seat at the end of the first row, and ran toward it. I looked at her without saying a word. She swept past my desk. Almost brushed against it. The large clock standing at the front edge of the desk fell to the floor with a crash. Alarmed students rose from their seats. The student stopped, turned around, and froze in place. I bent over the edge of the desk: shards of the clock were scattered across the floor. "Sorry", the student whispered, repeating her apology again and again. I instructed her to sit down and the students who had risen to return to their seats.

"What happened, happened", I said. "Let's not waste time. During the break we'll clean the floor. I'll check this evening at home whether I have insurance for the clock. The subject of today's class is..." and I began the lecture. Before the break, I instructed the students to describe the clock-falling incident briefly on a sheet of paper. I collected the pages, dismissed the students, and called in a custodian to clean the floor. After the break, the students returned to the classroom. During the break I had time to read their descriptions. The reports resembled one another: the student had run past the desk, brushed against the clock, and unintentionally caused it to fall to the floor.

I explained to the students: "The clock-falling incident was staged in cooperation with the student. She passed by the desk, and the moment she walked by and her body blocked your view of the clock, I pushed the clock forward and dropped it to the floor. The clock itself had no value. I had bought it in a flea market a week earlier. You were witnesses to the event. You all submitted written accounts that were incorrect. Not one of you saw the student knock over the clock. You assumed, in good faith, that she had passed by and touched it inadvertently, causing it to fall. Good faith is not ill will. An honest mistake is not a criminal offense. But an honest mistake can be fatal".

Telling Lies

Telling the truth in everyday life is a condition for the survival of human society, for it establishes trust and strengthens the relationships between individuals and the community. Yet under certain circumstances, telling lies is no less an essential condition for survival. Numerous studies indicate that an ordinary person "lies" many times a day. Lying is generally considered a complex behavior influenced by a combination of psychological, social, and ethical factors. People may lie to avoid punishment, to gain personal benefits, to protect their self-image, or to maintain social relationships. Emotions such as fear, shame, or anger may also lead people to lie.

Telling the truth is a condition for the conduct of legal proceedings. Decision-making is based on witnesses who are called to provide reliable information. Yet the personal, human need to lie is so strong that in some areas of law human society refrains from imposing sanctions for telling lies. In civil law, for example, one cannot file a tort claim for perjury, because the list of civil wrongs does not include such testimony. It is interesting to note that even the foundational document of the Ten Commandments does not include a commandment to tell the truth (the instruction "You shall not bear false witness against your neighbor" refers only to false testimony in a judicial context).

Thus the following was told about Judge Shemesh: at midday he concluded a case he had been conducting. The clerk who took the file was puzzled to find that the protocol pages were blank. When the clerk asked where the summary of the testimonies was, the judge

replied: "I did not deem it proper to record the testimony, in accordance with the verse: 'Keep thee far from a false matter'"...

A New York judge once remarked: "False testimony is embedded in ninety percent of the trials heard in this city". A well-known attorney wrote: "Most civil trials are decided by a balance of probabilities of false testimony". These statements are exaggerated, in my view, yet one cannot ignore the fact that lies are common in legal proceedings, and that the judicial mechanism is not perfect in detecting lies or identifying liars.

A Liar's Reputation

Not infrequently, a judge is supposed to preside over a defendant whom the judge has already judged in the past and whose deceitful claims the judge had previously rejected. Is that judge capable of weighing the habitual offender's claims in the new trial while ignoring the offender's earlier impression?

Three hundred years ago, in Germany, lived a nobleman named Karl Friedrich Hieronymus, better known by his appellation: Baron Münchhausen. The baron used to tell his companions about bizarre events in which he had been involved: riding on a cannonball, a journey to the moon, his horse being cut in two while he continued riding on its front half, and more. If the baron were summoned as a witness in a trial, could or should the reputation for fabrication that clung to him have influenced the judge's decision in the present hearing? Are judges capable of removing from consideration their prior knowledge about a witness's reliability? Are they permitted to rely on it? Incidentally, such a case indeed befell Baron Münchhausen. A group of distressed citizens approached a German court and sued the baron, claiming that he was spreading false stories. After hearing the prosecution witnesses, the baron took the stand, and in his testimony succeeded in persuading the judges that the purpose of his stories was merely to delight the listeners, nothing more. The court dismissed the lawsuit against him.

Unknowing

In the Middle Ages, the jury in England was composed only of witnesses who relied on personal information about the case under discussion. In contrast, the prevailing view today is that at the opening of a trial, the court must be in a state of complete lack of knowledge regarding the facts.

A state of "complete lack of knowledge" almost never exists. Every judicial proceeding involves the use of extra-record facts. Within every person, in a deep layer of the subconscious, there exist affinities and aversions, tendencies, instincts and feelings, habits and beliefs, needs, impulses, and prejudices. Prejudice is formed by factors of heredity, environmental influences and personal experiences. Complete release from prejudice for

the purpose of rendering an objective judgment is impossible, even if an effort is made toward such release.

Judge Cardozo maintained: "My duty as a judge may be to objectify in law, not my own aspirations and convictions and philosophies, but the aspirations and convictions and philosophies of the men and women of my time". But it was that same Cardozo who admitted: "We judges may try to see things as objectively as we please, none the less, we can never see them with any eyes except our own". Judge Agranat expressed the view: "A judge must conduct oneself with absolute neutrality, and even instill in the litigants the confidence that such neutrality has been maintained". This statement by Judge Agranat raises questions: Is the judge capable of controlling the subconscious? Should the public be aware that the judge has no control over the subconscious? The answers are not simple. Every person, including a judge, has a deep emotional identification with various objects. Identification is a complex psychological process that is difficult to eliminate. Perfect neutrality is impossible. Absolute neutrality belongs only to a dead person. Carr, in his book "What Is History", warned his readers against choosing the solution of closing one's eyes: "Not to investigate unconscious or unavowed motives is to work with one eye voluntarily shut".

Are judges willing and able to change their behavior? Attorney Lewicki recounted that President Shamgar once entered the chambers of Justice Dorner: "Look, there are some new panel heads here who say you are too assertive for them". Dorner replied: "I am who I am, and that's what there is. I'm fifty-nine years old, and even if I wanted to, I can no longer change". Indeed?

Intuition

The British writer Bertrand Russell described how a decision takes shape within his mind: "After I reflect upon a subject for a particular book, and after giving it some preliminary thought, I need a period of unconscious incubation, which cannot be hastened, and which deliberate thinking only hinders. After I have concentrated for some time with great intensity on a problem, and by doing so have planted it in my subconscious, it begins to germinate in the depths of the earth, until suddenly the solution appears with blinding clarity, and all that remains for me is to write down what has appeared to me as if in a revelation".

At times, a judge too is guided by a spontaneous intuition regarding the solution that seems called for, and only afterwards does the judge search in the law for the provision required to support that solution.

Intuition is an inner knowledge acquired through learning and past experience, or even through heredity. Justice Aharon Barak acknowledged in his book "Judicial Discretion": "At times the judge senses the desired result even before giving oneself an accounting as to the proper path one must take to reach the desired result". Justice Tirkel said in an interview: "My difficulty begins when the result I have reached does not please me as Yaakov Tirkel, as a person. And then I am prepared to do what is called 'somersaults in the air', to find another legal path that will lead me to a more just result". In one of his judgments, Tirkel wrote: "We carry upon our shoulders a heavy burden of responsibility. The light that guides us is not the light of the sun nor the light of the stars, which belong to all. It is only the light of the small torch in the hand of each one of us, illuminating one's path. The justice that the court performs and radiates must be human justice, not only the result of logical analysis but also emerging from the depths of the heart. Alas, the depths of the heart, and the good or the evil hidden there within each one of us, are not known to us, certainly not fully".

To this I would add: It is convenient to anchor decisions in intuition, yet it is necessary to examine it with awareness and reason, particularly since, in many cases, the source of the intuition is not known to us.

Memory

A judge's memory may participate in shaping the judge's decisions. Very often we do not remember an event but rather its interpretation. We may remember what we want to remember, what is convenient and pleasant to remember, or what accords with our views. For example: certain movements of a witness may arouse in the judge painful or pleasurable memories that can influence the judge's listening to the witness or the weight of the testimony. Memory is an amazing tool, but far from perfect. Numerous stories such as Akutagawa Ryūnosuke's "Rashōmon" or Asaf Inbari's "The Tank" attest to this.

In 1971 a car accident occurred. An indictment against a driver was filed in the District Court in June 1972. The hearing of witnesses lasted from 1973 to 1975, and the judgment in which the driver was convicted was rendered in 1976. Supreme Court Justice Alfred Witkon ruled (CrimA 188/77): "A conviction based entirely on the credibility of witnesses, and which was given after a long period of time, to the point where it may be assumed that the judge could no longer remember the judge's impressions of the witnesses, may raise the doubt whether the guilt of the accused was indeed proven. In such a case, it seems to me, it is proper to overturn a conviction". I too was aware of the possibility that in such complex cases that require hearing many witnesses over numerous sessions, memory would fail. Therefore, in addition to keeping a regular protocol and separate from it, I would keep a personal record during each session in which I noted my personal impression of each witness's credibility. This record, which I kept with me, helped me refresh my memory when the day came to write the judgment.

A Taxi Driver Against a Truck Driver

I was invited to give a lecture to the medical staff at a hospital in Jaffa. I arrived from Haifa to Tel Aviv by bus. I got into a taxi to reach Jaffa. On Herzl Street a truck hit the rear part of the taxi. Both vehicles stopped, both drivers got out, and the commotion began. I was aware that the "discussion" between them would be prolonged. I assumed that the continuation of the argument would take place after a year or two in court, and that one of the parties would summon me as a witness. Since I had nothing else to occupy myself with, I pulled out a pen and a sheet of paper from my bag, and put in writing the details of the event: the day, the hour, the blow, the braking, the damages, the arguments of the drivers, the involvement of the passersby. At a certain point the taxi driver returned to his seat in the taxi and continued driving me toward the hospital for the lecture. A year passed, I was not summoned to testify, and the entire incident vanished from my memory. One day I was "organizing" my bag and my documents, and that sheet I had filled in while sitting in the taxi came into my hands. I glanced at it before throwing it into the bin. I was surprised. Most of the details I had written down then were not remembered by me, and some of them were remembered differently. Additional similar experiences of reconstructing events, both in court and in everyday life, raised in me doubts regarding remembering and a warning regarding reliance on it.

My sister fell ill. In the last months of her life she was confined to her bed, and from time to time I visited her. In my childhood I kept a personal diary, and for years I recorded in it not only personal experiences but also occurrences in family life. Naturally I referred in my diary many times also to my sister (she was two years older than I). To my delight, my sick sister found great interest in recalling memories of seventy years and more, and thus I was able to spend with her the last weeks of her life. I raise this story here because of the wonder I felt regarding a person's memory. I would sit down next to my sister, open the diary, and read page after page, event after event. My sister would interrupt me from time to time and claim that that was not how things had been. She attributed events to different dates, she "moved" them to other places, she added details and omitted details, all in contradiction to the recording of the events in real time. At first I argued with her. I pointed in the diary to the dates: day, month, year. After several meetings I stopped arguing. I was certain that the "memory" that had been recorded and preserved in the diary was more accurate, but I spared her strength and accepted upon myself the rule of her personal history. The experience I accumulated in my meetings with my sister strengthened in me the need to exercise caution regarding the testimonies of witnesses in court and no less regarding reliance on my own personal memory.

What Did You Eat This Morning?

Twenty judges assembled at ten o'clock in the morning in the lecture hall at the hotel in Neve Ilan. The group included sitting judges who had taken a three-day leave in order to participate in a course on judicial psychology that I would occasionally conduct at the Institute for Judicial Training. I entered the hall, greeted the participants, distributed a questionnaire, and asked them to fill it out before the beginning of the first lecture. The questionnaire included nine questions:

Whom did you meet yesterday evening?
At what hour did you go to sleep last night?
At what hour did you wake up this morning?
What was the first sentence you said this morning?
What did you eat for breakfast?
At what hour did you leave home this morning?
Who was the first person you met upon your arrival this morning at the hotel?
What was said to you?
What did you answer?

The participants filled out the questionnaire and returned it to me. I introduced the first lecturer and left. On the following day I again distributed identical questionnaires to the participants, in which they were asked to answer the same questions regarding the previous day. I collected the questionnaires. During the day I compared each participant's answers to the same questions on the two days. Toward the evening of the day my lecture dealt with the assessment of testimony given in court. When I referred to the factor of human memory, I handed each participant the two questionnaires the participant had filled out, and asked them to compare the answers given to the same questions. To their surprise, they discovered changes in up to 50% of the answers. I must emphasize: these were reliable "witnesses", devoid of interests. Moreover: this concerned giving "testimony" about experiences that had occurred only one day earlier, whereas "ordinary" witnesses are asked to testify about events that happened months or years before their appearance in court. The purpose of the exercise was not to negate the value of testimony, but to awaken the insight that human memory is not free of errors, even the memory of judges.

Mark Twain wrote: "It's amazing the number of things I can remember, compared to the number of things I can remember that aren't so". To jurist Yehuda Weinstein is attributed the saying: "There are those with a marvelous memory who remember everything that happened, and there are those with an even more marvelous memory who remember even what did not happen". And there was one who testified about himself: "You never know how much a person cannot remember until the person is called as a witness". Even

when memory functions, there is a tendency to ignore information that arouses dissonance. The contradiction between an existing position and a new position creates mental tension. The dissonance interferes: the sharper the contradiction, the more reasoning is brought into play in order "to protect" the existing memory.

"A man convinced against his will, is of the same opinion still". (Samuel Butler)

Emotional Difficulty in Hearing

At times a judge must adjudicate cases that are emotionally difficult. Such was one of the murder cases I presided over, which dealt with a fatal separation.

After a period of being together, a young woman informed her boyfriend of her decision to break up with him. Decisions and events of this kind occur every day and usually end peacefully. They naturally involve heartbreak for one of the partners or for both, but they do not reach legal proceedings. The case brought before me was different. The stunned boyfriend refused to accept the "verdict". He tried again and again to persuade her to change her mind, but did not succeed. He tried to woo her from afar, to enlist mutual friends, but to no avail. Feelings of insult joined his unrequited love. He began sending her threats, and when these did not help, he would come to her from time to time and threaten her. The young woman was beside herself. She tried to calm his anger, to explain to him, to distance herself from him as much as she could. These attempts only enflamed his rage even more. When he learned that she had begun meeting another boy in the neighborhood, he burst into her home one evening, attacked her savagely, strangled her, and killed her. After hearing the evidence, both regarding the commission of the murder and regarding the sentencing considerations, I passed sentence. A police officer handcuffed the defendant and removed him from the courtroom. I closed the case, and the panel of judges left the courtroom. Apparently, the sad story had ended.

The next day I traveled with my wife from Haifa to Sde Boker to visit our daughter and granddaughter. It was Friday. I finished the work at the court, went up home, my wife joined me, and we set out. It was a long drive. The skies were overcast, the forecaster predicted rain. The drive lasted about five hours. After we passed Be'er Sheva, the rain began to fall, growing heavier toward evening. At eight we arrived in Sde Boker. We were welcomed with joy in the cabin where our daughter and granddaughter lived. Dinner was already prepared on the table, the Shabbat candles were lit, and a pleasant warmth spread around the table. And then the telephone rang. It was our youngest daughter, a young woman in her twenties, who lived with us in Haifa. "Dad", she whispered, "Shraga is here". My blood froze in my veins.

A year earlier Shraga, a young, pleasant fellow, had become close with her, and they began going out together. About a month ago she decided to break up with him. He would not accept it. He continued to pursue her, and when she did not respond to his advances, he began to threaten. My daughter updated me regularly about what was happening. I instructed her to be patient, not to inflame the situation, but to exercise caution. In the past two weeks the connection between them had been cut off. She had not heard from him anymore. Before the trip to Sde Boker, I had asked her to join us. She preferred to stay at home. I asked her to lock the apartment and to stay in contact with us. "Dad", she whispered now on the phone, "Shraga is here. He used the key I once gave him, and entered the apartment without notifying me beforehand". "Where is he now?" I asked. "In the bathroom". "All right", I said, "stay calm. Speak to him nicely and quietly. I am coming". "I am going to her", I told my wife, took the car keys, and left. Heavy rain beat on my head until I entered the car and closed the door. I set out. It was the hardest drive I had ever undertaken in my life. After several kilometers a storm began. The rain pounded on the roof of the car like hammers. The wipers flew right and left like beings struck by madness. The road was empty of vehicles, and the thick downpour completely covered the field of vision. I fixed my eyes on the front edge of the hood, and on what was supposed to be the road, but I did not see it. The road twisted, I ascended, descended, continued without noticing even the sides of the road. And then the mighty lightning struck down on the road before me. I was blinded. It was the only time in my life I had encountered such lightning. Fear seized me. Without knowing, I pressed the gas pedal and continued rushing forward. Those few minutes could have turned a person's hair white. Near Be'er Sheva, and later near Tel Aviv, the rain continued to fall, but it became possible to discern the road. I sped on, forward. My heart pounded, and this time not because of lightning and downpours but out of fear that something might happen to my daughter. Around one in the morning I approached the house. I limped with difficulty to the entrance. The door was not locked. I burst inside and found my daughter sitting in the living room on a chair near the table. "Where is he?" I asked. "He went upstairs to rest". "Are you all right?". "Yes. I did what you said". I hugged my daughter - alive, healthy, whole, present. I allowed myself to weep. On the following morning I set out back to Sde Boker. This time she agreed to join me.

Difficulty in Deciding

The South African judge Kincairney was known for understanding their inner state of all parties, agreeing with all arguments, and having difficulty reaching a decision and a ruling. He would write: "I think such and such... at any rate I think I think such and such". When one of his judgments reached the appellate court, Justice Young remarked: "Judge Kincairney determined such and such, albeit by a majority of one...".

It is sometimes difficult to reach a decision, yet a judge who is unable to reach decisions must vacate the position. I recall an experienced attorney who was appointed as a magistrate. After three months he submitted his resignation. He saw no difficulty in

conducting the proceedings in the courtroom, but failed in his attempts to reach a decision and a ruling.

Punishment

There are four different purposes for punishment: retribution, isolation, deterrence, rehabilitation.

Why is it so Difficult to Pass Sentence?

It is difficult because on the witness stand there is no "victim", but a human being who has been robbed or raped.

It is difficult because the one sitting in the defendant's dock is not a "robber" or a "rapist", but a human being who has been convicted of robbery or rape. Both of them stand before me, looking into my eyes, waiting for what I will say.

It is difficult because punishment requires the infliction of suffering.

It is difficult because my decision now will stir waves and destinies tomorrow and the day after.

And it is difficult because my sentence is myself.

On Determining the Severity of the Sentence

The legislator generally sets a framework of maximum penalties for various offenses. The Supreme Court provides general guidelines regarding the severity of punishments within this framework. Judges are expected to adopt these guidelines in passing sentences. Yet a wide margin of discretion remains in the hands of judges. Such a margin is highly significant for the defendant. Judges differ from one another: there are "lenient" judges, and there are "severe" ones. The severity of the sentence may depend on the personality of the judge. It is told of Judge Marvin Wiggins of Alabama, United States, who addressed the defendants in his courtroom and offered them to donate blood in exchange for a reduction of \$100 from the fines to be imposed on them. This was his announcement at the opening of the day's proceedings: "Good morning ladies and gentlemen. Outside the courtroom there is a blood drive. If you have no money, go outside, donate blood, and bring proof of the blood donation".

The methods and measures of punishment are diverse, ranging from warnings and fines and suspended sentences and similar sanctions, to actual imprisonment. Actual imprisonment differs in its nature, its essence, and especially the duration of time from any

other punishment. I always believed that a young judge should not sit in criminal proceedings without having visited, during training, the various prisons. The judge must learn and understand where, and for how long, those being sentenced are being sent.

At the Israeli Institute for Judicial Training I conducted training courses on psychology and law. Among other things, I carried out the following exercise.

I put in writing the summary of a robbery case I had adjudicated in the past while sitting as a judge in the Haifa District Court:

A defendant broke into the home of an elderly woman. He bound her, beat her, tore and robbed a piece of jewelry she wore around her neck, fled, and was caught. After hearing the evidence, I convicted the defendant of robbery. After hearing evidence and reviewing the probation officer's report, I sentenced the defendant to seven years' imprisonment. His appeal to the Supreme Court was denied, and he was sent to serve his sentence.

As stated, I put in writing the summary of the incident, the testimonies, and the arguments. I distributed the summary to the class of judges, but did not inform them of the seven-year sentence. The participants were asked to "sentence" the defendant freely, beginning with settling for a suspended sentence and ending with imposing an actual prison term of up to twenty years. I was not surprised that the thirty judges who participated in this exercise proposed different sentences. What surprised me, time and again, was the broad range of sentences - from a suspended sentence or actual imprisonment of one or two years, continuing with proposed sentences of four and eight and twelve years' imprisonment, and ending with sentences of sixteen and eighteen and even twenty years of actual imprisonment. These were not schoolchildren but sitting judges with ten or twenty years of seniority or more. The explanation for this is understood: each judge has different life experience, different personality, and different sensitivity.

Excessive Severity

It is difficult for a judge to prevent, in the judge's ruling, the involvement of subconscious, unconscious factors, some of which are rooted in primitive feelings of revenge or in deep feelings of guilt. Studies have shown, for example, that judges punish more severely people who are not similar to them, or that they are more sensitive to certain offenses than to others. As Jackson said: They punish most those they least resemble.

Severe sentencing may also be an expression of aggression toward others.

Only in the United States, or in the Guinness Book of Records, can such sentences be found:

A drug offender was sent to 1,605 years' imprisonment; a stock trader was sentenced to 3,000 years' imprisonment; a child kidnapper was sentenced to 5,000 years' imprisonment; the murderer of a police officer was sentenced to 10,000 years (the judge noted with regret that the death penalty had been abolished).

A study conducted in Israel regarding sentencing policy revealed a large gap between rulings of judges who adjudicated similar trials and similar offenses. For example: one judge tended to impose a suspended sentence on 52% of defendants, while a colleague did so for only 4% of defendants.

A Death Sentence

There are differences of opinion regarding the death penalty. The decision to abolish or to impose the death penalty depends on the values of society and its culture. Supporters of the death penalty justify it on the basis of considerations of retribution, public safety, and regard for the families of the victims. Its opponents point out that this is an irreversible punishment. If an innocent person is convicted and executed by mistake, there is no way to correct this grave injustice, and such things have occurred. Other arguments are that a death penalty violates basic human rights such as the right to life, that it is a punishment that contradicts ethical principles and promotes a culture of violence, and that the deterrent effect of the death penalty on crime rates is doubtful.

It was Maximilien Robespierre who declared in the French National Assembly (1791): "Human judgments are never so certain as to permit society to kill a human being judged by other human beings". The declaration did not help him: two years later he was sentenced to death, and his head was cut off.

At the University of Haifa I conducted a study on public attitudes regarding the imposition of a death penalty. It included hundreds of respondents from four population groups: adolescents (14-17), schoolteachers, students, and nurses.

The questionnaire referred to five serious offenses: "ordinary" murder, the murder of a prisoner by a prisoner, murder accompanied by rape, participation in genocide, and espionage.

In the first part of the study, the participants were asked whether a death penalty was deserved for offenders in each of these categories. In the second part they were asked whether they would be willing to **sign** death sentences that they themselves had "imposed". In the third part they were asked whether they would be prepared to **carry out** themselves the execution of those offenders.

From the results of the study I learned several interesting things:

The hands of adolescents were lighter than adults in determining, signing, and being willing to carry out the death penalty themselves; the hands of boys were lighter than those of girls.

As I had assumed, among all respondents there was a clear decline in the "enthusiasm" for a death penalty as they advanced from the declarative opinion toward the willingness to sign the sentence and to the willingness to carry out the execution in practice.

Thus, for example, the respondents answered the question whether they were willing to carry out with their own hands the death penalty for offenders:

Regarding an "ordinary" murderer: teachers: 0%. Nurses and students: 7%. Adolescents: 16%.

Regarding a participant in genocide: teachers 7%, nurses 28%, students 31%, children 73%.

The law in the State of Israel permits judges to impose a death penalty in extreme cases anchored in statute. An obligation of a judge to sign a death sentence for an offender places a heavy burden on the judge's shoulders. Thousands of innocent people have been executed throughout the world due to the weaknesses of human judgment. A rehearing of their cases did not restore them to life. In my service as a judge in the District Court and in the Military Court of Appeals, had I been required to sign a death sentence, my hand would have recoiled by force of a basic internal command of "You shall not murder".

The Babylonian Talmud states in Tractate Makkot (7a): "A Sanhedrin that executes one person in a week (seven years) is called destructive. Rabbi Tarfon and Rabbi Akiva say: had we been in the Sanhedrin, no person would ever have been executed".

"Mechanical" Sentencing

Artificial intelligence may assist the judicial system in various areas, perhaps also in the field of sentencing. Pressing a button may quickly provide a judge with extensive data and perform comparisons and calculations regarding punishments imposed for similar offenses and under similar conditions. Consideration must be given to the disadvantages and advantages of mechanical judgment. Human judgment may indeed be emotionally biased and lacking in objectivity, yet it incorporates ethical and moral considerations while taking into account principles of fairness, justice, and empathy. Mechanical judgment has greater difficulty coping with complex ethical dilemmas and considering broad social implications. Such judgment is devoid of emotions and biases, which makes it more objective. Combining human judgment and mechanical judgment may lead to better decision-making processes while leveraging the strengths of each approach and reducing their limitations.

Emotional Expressions in Judicial Decisions

Judicial decisions must be transparent and reasoned. They must relate to the subjects of the discussion with relevance and in comprehensible language. They are not intended to serve as preparation for articles in legal literature or to arouse attention and respect from the general public or from higher courts.

At first glance, judges are expected to formulate their decisions in a dry technical style, intended to reflect objective professional considerations. However, personal emotions exist even if they are concealed. Examining the expressions of judges in the sentences they wrote reveals their emotions. Thus, for example, a judge noted in his verdict: "The things we heard from the soldier about what transpired in the platoon astounded us as we have not been astounded in many years". It is evident that the judge here experienced a sense of unpleasant surprise, yet his reference to his earlier feelings was unnecessary, as it was irrelevant to the components of the offense.

The phenomenon of expressing judicial emotion appears more strongly in offenses of rape. It seems that blood and semen are the most dramatic liquids in criminal literature. Thus a judge writes in a sentence: "This is a case of brutal, horrific rape", "the appellant's actions are frightening". From other expressions one can extract emotions of anger, revulsion, and even real fear.

And there are also expressions reflecting the emotion of compassion. The roots of compassion are deep. The existence of this emotion is positive. Compassion is a noble trait, but it is good in moderation. At times the court must harden its heart. Compassion in the wrong place may become cruelty toward others.

The following case, dealing with "family honor", is remembered and engraved in my heart. The phenomenon of murdering women in the name of "family honor" is a troubling issue that exists in several Arab communities, although it is neither accepted nor supported by Islam.

The elderly defendant lived in a hut in a small Arab village in the Galilee. He was a known and respected figure among his community. His wife had died years earlier, his adult children had left home. Fatma, his only daughter, lived with him and cared for him. A rumor spread in the village regarding the daughter's behavior. One morning the father called her, turned, and left the hut. The daughter walked behind him. Both knew the meaning of the departure. The father walked on the narrow path that twisted and descended downward from the top of the mountain to the wadi. In the center of the ravine there was a deep well. The well was empty and dry at the end of the summer. The father signaled to the girl to slide down and descend into the depths of the well. "Father", she pleaded. He shook his head in refusal. She bent down, held the edge of the well with her hands, swung her legs

over, and began descending slowly downward. The father turned and began collecting large stones from the surroundings. He returned to the well, threw the stones downward, and stoned the weeping daughter until she breathed her last. The father climbed back up the mountain. He made his way to a nearby town. Upon arrival he went to the police station and informed the desk officer that he had killed his daughter. He was arrested, interrogated, and confessed to his guilt. An indictment for murder was filed against him, and the hearing was set before me. The man was brought by a police officer, sat in the defendant's dock, worn and stooped, and fixed his gaze on the floor. I read the indictment and asked for his response. He admitted to the facts and to his guilt. I convicted him of murdering his daughter. At the sentencing stage the prosecutor requested that the maximum penalty be imposed on him. The defendant did not respond. I turned to him: "I am about to impose on you a sentence for the murder of your daughter. Do you want to tell me anything?". He continued looking downward and was silent. "Do you want to tell me anything before the sentence?" I asked again. There was silence in the courtroom. He continued staring at the floor. Then he shifted in his place, raised his eyes, stood up, looked at me, and in a low voice said: "I have nothing to say. No punishment will bring back my beloved daughter. I have no life without Fatma". He sank into his seat and lowered his eyes. A broken vessel. I passed sentence. A surge of compassion filled my heart for the wretched girl who lost her life because of the accursed tradition of "family honor". The sight of the defendant's slumped shoulders as he walked out after the police officer, shackled at the feet, I accompanied with a heavy heart, for her, for him.

The Judge and the Media

The media has an essential role in safeguarding democracy by providing information and promoting transparency. It contributes to an informed, involved, and active citizenry, which is vital to the functioning and welfare of society. Judges are supposed to make decisions on the basis of evidence presented in court, yet it is impossible to ignore the influence of the media on their decision-making. I refer to publicity disseminated before the beginning of the trial and sometimes also during it. High-profile cases receive significant media attention, which can shape public opinion and may create biases. Such publicity may influence the judge's perception regarding the case and perhaps also to a ruling that aligns with public opinion.

The Trial of Moshe Katsav

Moshe Katsav was elected in the year 2000 to serve as President of the State of Israel. In 2007 the police began investigating complaints filed against him for committing offenses of rape, an indecent act, and sexual harassment of women who had been subordinate to him during his service as Minister of Tourism and as President of the State. Two years later

an indictment was filed, and the hearing of his trial began. In 2010 he was convicted, and his sentence was set at seven years' imprisonment. The Supreme Court rejected his appeal, and he served his sentence in prison until his release in 2016. The media in Israel covered the affair in abundant reports for two years during the investigation and until the defendant's conviction and the rejection of his appeal.

It is important to note: Katsav denied the allegations raised against him. After his release from prison, he published a book in which he complained about what had been done to him, which, according to him, was nothing less than an "execution". Alongside his criticism of the law-enforcement systems, Katsav directed harsh accusations toward the Israeli media, describing it as "intoxicated with power and filled with a sense of messianism, righteousness, and moral purity".

It is impossible to ignore the fact that the public in the country was exposed to continuous media coverage that detailed and emphasized the prosecution's claims more than the defense's claims. As I followed, like other citizens, these descriptions, I wondered whether the judges who heard the case were able to ignore the negative coverage supplied by the media and grant the defendant a sense of clean consideration of his version.

The Katsav Trial: First Questionnaire

During those years I initiated and conducted, from time to time, training courses for sitting judges within the framework of the Center for Judicial Education and Training. In one such training course, which dealt with psychological aspects of judging and the judge, I distributed a questionnaire among a group of 16 veteran judges who dealt mainly with criminal matters. The answers I received to four questions I posed are worthy of examination. I clarify: the questionnaire and discussion took place after the defendant's conviction. The group of respondents did not include the judges who sat in the Katsav trial.

Here are the questions, the answers, and my comments:

Question 1: Did you follow the media regarding Katsav in the past two years?

Answer: Yes (13), No (3).

Comment: The answer of the three minority judges requires examination: how was it practically possible to avoid exposure to the echoes of the affair, which vigorously occupied all media channels?

Question 2: Did the media create in you an impression regarding Katsav's guilt or innocence?

Answer: Yes (11), No (5).

Comment: The "admission" of most respondents regarding the influence of the media on their impression is embarrassing.

Question 3: Are you certain that you would have been able to ignore this impression had you been a member of the panel that judged Katsav?

Answer: Yes (10), No (5), Not in sentencing (1).

Comment: The "admission" of a significant portion of the respondents regarding their inability to ignore the media's influence on their impression is embarrassing.

Question 4: In your opinion, could the members of the panel that judged Katsav have ignored the influence of the media on their decision?

Answer: Yes (9), No (6).

Comment: The answer requires discussion of how one may contend with such an inability.

The answers to the next questionnaire were even more embarrassing.

The Katsav Trial: The Second Questionnaire

In the previous questionnaire the judges were asked to report on the degree of their impression from the media. The second questionnaire was designed to identify basic emotions that build impressions. I conducted this questionnaire as well within the framework of the Center for Judicial Education and Training, but it was distributed to other judges, and was conducted **before** the beginning of Katsav's trial. The thirteen sitting judges who responded to its questions did not include the judges who sat in the Katsav trial.

Question 1: What is your feeling toward Gila Katsav?

Most respondents (12) answered: compassion and pity.

Comment: Compassion and pity are emotions that reflect empathy and a sense of connection to a person in response to suffering, difficulties, or distressing circumstances that the person experiences. The process begins with the reception of information. In this case it is information supplied, almost entirely, by the media. One may assume that citizens have no tools enabling them to examine the truth of the information. The information received joins the totality of existing information and takes root. An empathetic response to the subject of the information is built upon the soil of the psyche and finds expression in the descriptors "compassion" and "pity". At this stage it is impossible to determine whether Gila Katsav was perceived as unfortunate because of her husband's guilt or because false accusations were cast upon him. The answer to this lies in the respondents' answers to the second question.

Question 2: What is your feeling toward Moshe Katsav?

Answers: disgust and repulsion (4), anger (4), aggressiveness (1), vague feeling (1), compassion (1).

Comment: Four respondents felt disgust toward Katsav. Disgust is an emotional reaction of revulsion toward morally harmful behavior. The shameful behavior attributed to Katsav aroused revulsion in their minds.

Four other respondents felt anger toward Katsav. Anger is a complex emotional state characterized by feelings of discomfort and frustration that arise in response to wrongdoing. I assume that the respondents, almost all of them, did not know Katsav personally. The primary or only information they had about him and the accusations against him originated from the media. It appears that the media succeeded in creating emotions of disgust and, following them, responses of aggressiveness, anger, and repulsion.

Question 3: What is your feeling toward the women who complained of being raped?

Answers: pain and insult, wretchedness (2), compassion (2), sympathy, identification (2), vague feeling (2), skepticism (1), lack of understanding of their behavior (1).

Comment: I assume that the respondents, almost all of them, did not know the complainants personally. The primary or only information they had about them and about their claims originated from the media. These answers include feelings and responses of empathy toward the complainants.

Question 4: Does it seem to you that the media's description in the Katsav affair might have influenced your position, had you been called to judge his case?

Answers: No (12), Yes (1).

Comment: I believe a judge is willing and able to contend with negative emotions. The question is to what extent they may succeed in carrying out this difficult task.

Question 5: How many years of imprisonment would you sentence Katsav to, were he convicted?

Answers: 3 (2), 7 (2), 10 (2), 15 (2), maximum (2).

Comment: Sentencing response is dictated to a considerable extent by each judge's background and personality. There is no substantial difference in the psychological processes of an "ordinary" citizen and those of a judge. The critical difference lies in the fact that the judge bears the responsibility of writing a verdict. For that purpose the judge must examine evidence, assess its truthfulness, and determine facts and to perform these tasks in a manner purified of prior unproven information and of psychological obstacles that may bias the judgment.

The respondents before me were not engaged in the case under discussion. They were "citizens" who responded to my invitation to participate in a "study", and reflected the behavior of a reasonable person, nothing more. But even an ordinary citizen is supposed to be cautious in receiving, interpreting, and adopting information that reaches the citizen from the media.

One may learn from this survey about the degree of power of the media. The respondents adopted for themselves the one-sided stance of the media. The information they absorbed aroused uncontrollable reactions of disgust and anger. A professional judge must be aware of the pitfalls that may prevent proper judicial decision-making, overcome them, and provide both parties with a sterile platform for presenting their claims.

One may argue, and rightly so, that in order to draw a general and valid conclusion about judges' ability to make decisions objectively in general, and in the face of biased media coverage in particular, a broad and representative sample is required. The examination I conducted within the framework of a study course dealing with this topic does not meet these requirements. Nevertheless, it is difficult to reconcile the findings I described above with the assumption, expectation, and aspiration that judges will be absolutely impartial, unaffected by the media and public moods, and will make decisions based solely on the information presented in the case before them.

Can Benjamin Netanyahu Expect a Fair Trial?

Does Mr. Benjamin Netanyahu have a chance that a judge will trust his testimony as a litigant or as a witness in any criminal or civil trial?

For the purpose of the discussion, I shall begin with two assumptions. First, there are those who believe that Bibi Netanyahu is not a reliable person. Second, most of those who believe this do not know him personally. What they "know" about him was offered to them by the media, and they have no way to verify the reliability of this "information". It is difficult to assess and determine the reliability of the media that serves us regarding the accuracy of the information presented and regarding the possible bias and professionalism of the reporters. It is not superfluous to note in this context the repeated studies of the Israel Democracy Institute, which show the low level of public trust in the media. Moreover, the trust we place in a person and in that person's testimony is not based solely on the logic of the messages conveyed, but also on our own psychological sense. Each of our personal past experiences forms this sense within us. At times it is difficult or even impossible to contend with this sense, particularly if it is not conscious to us. I assume that a judge who is called to adjudicate a case in which Benjamin Netanyahu is involved will strive to remove the influence of that sense from the judge's heart in order to grant his testimony the ordinary presumption of credibility. All with the awareness that the judge's

ability is limited. In conclusion, I believe that Netanyahu may expect that judges will endeavor to conduct a fair hearing in his trial.

The Judge and Others

It is important to understand the relationships between the judge and the surroundings - fellow judges, attorneys, litigants, and the general public.

A Single-Judge Sitting

A judge, in the course of regular service, usually functions alone. The term "alone" reflects, among other things, solitude. A broad audience stands before the judge or under the judge: the litigants, their representatives, witnesses, and even the public at large. The judge's decisions may affect this audience in one way or another. This influence requires the fulfillment of responsibility, whose heavy weight rests on the judge's shoulders. The decisions of a judge sitting alone are occasionally reviewed by judges in a higher court. Approval of the judge's rulings serves as guidance for the judge's future decisions. Reversal or modification of the ruling obliges the judge to recalculate the course, even if they are not acceptable to the judge. Such was the case, for example, in the matter below.

A applied to the court with a request to order his wife to refrain from causing the termination of the fetus that she was carrying in her womb. The couple had married fifteen years earlier, and two years later a daughter was born to them. At a later date the woman terminated a pregnancy with the husband's consent. From time to time disputes erupted between the couple. Following the most recent conflict, the woman decided to terminate the current pregnancy. In her argument before me the woman said that she did not want another child because she did not know how the attempt to preserve the peace of the home would end. The woman approached the Pregnancy Termination Committee, which approved the termination. The husband complained before me about the committee's refusal to allow him to appear and present his arguments. I was aware that the statute addressed only the woman's appearance before the committee. Nevertheless, I ruled that the husband had the right to appear before the committee and present his arguments. It is clear that the statute conditions the preservation of the pregnancy or its termination on the consent of the woman alone. Even so, I believed it important that the committee members be presented with a picture of all relevant circumstances, for there may be cases in which clarifying the full picture may contribute to a correct decision by the committee members. The woman appealed to the Supreme Court. Justices Shamgar and Ben-Itto accepted the appeal, contrary to the opinion of Justice M. Elon, and held that the husband had no right to appear before the committee members. With all due respect, to this day I believe that the ruling given by the two majority justices is mistaken. Nevertheless, I honored and accepted their opinion.

Relations Between Judge and Judge

Most of the judges in the country function as single judges in the cases they hear. What happens to judges when they operate jointly, or when they are "above" or "below" other judges - or, in brief: when honor meets honor, or collides with it?

A judge in a Family Court expressed her view of a certain judgment of the Supreme Court, calling it "a mass-casualty attack". The Commissioner for Complaints Against Judges, who examined a complaint submitted on this matter, determined that such a statement may be interpreted as showing contempt for the honor of the justices of the Supreme Court. I agree with this determination, and add that such a warning applies equally to disparaging remarks by judges in higher courts toward the rulings of judges in lower courts. For many years I adjudicated appeals on the rulings of Magistrates' Court judges in the district. Most of the appeals were dismissed by me, some were accepted. In all of them I conducted myself with respect toward the Magistrates' Court judges. I never felt any superiority toward them, nor allowed myself to belittle them or their judgments. Regrettably, I sometimes encountered different conduct on the part of other members of appellate panels, including some of the justices of the Supreme Court. For example: "The learned judge adopted, for some reason, a path of his own" (CA 125/74); or: "The literal interpretation that emerged from the workshop of the learned judge, with all due respect, is superficial" (CrimA (TA) 334/80). Such conduct of shaming judges of lower courts stems not only from deficient upbringing and manners but also from flawed psychological tendencies that warrant censure and treatment.

The Judge as a Member of a Judicial Panel

Hearings in appellate courts or in certain matters (such as serious criminal offenses) are conducted before panels of judges who are expected to issue a joint decision. Take, for example, a panel that is required to determine the sentence of a defendant who has been convicted. At the first stage, each member of the panel is expected to propose how many years of imprisonment, in that member's view, should be imposed on the convicted defendant. If the gap is small, it is easy to reach common ground. The greater the gap, the stronger the pressure to formulate an outcome acceptable to all members of the panel. Added to this difficulty are the personal tendencies of the panel members, such as a tendency toward domineering behavior in the chair of the panel or a tendency of a judge on the panel to display "independence" or to produce extreme decisions.

Rabbi Avraham of Slonim coined the wise saying: "It is easy for a person to yield before one greater than oneself; one is capable of yielding before one lesser than oneself - an act of humility; but it is difficult to yield before one's peer, who is equal in stature". As the head of a panel for many years, I proceeded as follows: I first asked for the views of my

colleagues, and only afterward expressed my own view. I did so to avoid influencing them, especially if they had little experience.

There may be several reasons why a judge consistently adopts a minority opinion. First of all, the tendency may stem from differences in legal interpretation, from personal beliefs, legal principles, or certain values. There are also psychological explanations: certain personality traits, such as independence or skepticism, may cause a judge to diverge consistently from the majority. A judge may oppose the views of the majority in order to maintain a sense of individuality, to protect a sense of personal freedom, or out of a desire to stand out or to be different from others. Justice Haim Cohen admitted: "I found myself, more than other judges, in the position of disagreeing with my colleagues, in a minority opinion. I do not know the reason for this. It may be that it is merely coincidental".

As one who knew Justice Haim Cohen personally, I believed it was not coincidental.

Judge - Audience

Anyone who expresses or symbolizes order evokes awe and respect toward such a person. Society generously grants judges halos of honor. The cultural tradition of the society nourishes this "honorific" load in many different ways. This includes, for example, the obligation to address the judge as "Your Honor". The use of legal jargon not understood by all, architectural effects in the courtroom and the elevated bench in the court hall, the attire and the theatrical procedures of the hearings.

The honor accorded to a judge may channel that judge's emotions in a negative direction. Somerset Maugham is credited with the remark that His Honor the judge ought to keep a roll of toilet paper on the bench to remind him that he is only a human being like all of us.

Judge - Attorney

Judicial ethics rules state that, when sitting in judgment, a judge shall treat those present before the court - litigants, their counsel, witnesses, and other persons in the courtroom - in a dignified manner, with forbearance, restraint, patience, and courtesy, and shall establish a calm atmosphere in the courtroom.

Complaints by Attorneys Against Judges

Again and again complaints are raised about judges "occupying themselves" with their mobile phones during the giving of testimony. The Commissioner for Complaints Against Judges addressed one such complaint as follows: "It is difficult to accept conduct of this sort, in which members of the panel are occupied, during the testimony of witnesses, with other matters, important as they may be, in a manner that appears as though their full

attention is not directed to the case before them, which, as stated, concerns matters of life and death. With all understanding for the considerable burden placed upon the shoulders of judges, this does not justify such conduct, which carries a potential for harming the standing of the court and the public's confidence in it. The use of a mobile device, carried out before the eyes of those present in the courtroom, who are unaware of the purpose for which it is being used, may lead them to view the judicial proceeding with disrespect, with all that this implies".

The Commissioner reports each year on justified complaints by attorneys regarding the conduct of judges. A district court judge acted with excessive force in attempting to persuade a petitioner to withdraw the petition. The judge threatened that if the petitioner did not do so, the judge would order her to pay costs in the amount of one hundred thousand shekels. The Commissioner ruled: "In this situation, the petitioner was, in practice, placed before a lack of choice other than to agree to what was proposed to her". A judge warned an attorney that she would fine him 5,000 shekels for every "irrelevant" question. An attorney explained his failure to appear for a hearing by stating that he required urgent medical treatment at the relevant time. The court demanded that the attorney provide a medical certificate to substantiate the claim. The Commissioner wrote: "One who sits in judgment must place trust in what is presented before the court by an attorney, absent evidence or reason to the contrary".

Barbs

Legal literature is replete with barbs exchanged between judges and attorneys. There may be various reasons for the exchange of barbs between people. Such conduct may, for example, reflect the establishment of dominance or superiority over others. It is told of Lord Hewart that he dismissed an appeal and explained his decision as follows: "Counsel for the appellant supported the appeal with six arguments. The first argument contains nothing. The remaining five arguments contain nothing. Nothing multiplied by six is nothing. The appeal is dismissed". A judge interrupted the argument of an attorney appearing before the court: "If that is the law, according to your contention, sir, I had better burn my law books". The attorney's reply was short: "Better that you read them, sir". I believe a peak was reached in the following exchange. It was Justice Taunton who remarked to a young attorney: "There is no point in your continuing with this argument, since your words go in one ear and out the other". "How unfortunate", replied the attorney, "that there is nothing there to stop them".

Judges and attorneys may resort to exchanging barbs as a means of expressing or releasing negative emotions such as anger, frustration, or resentment. Judges may feel discomfort or even hostility in the face of querulous, lengthy, or irrelevant arguments, and frustration arising from a sense that time is being wasted. A judge is, of course, empowered to interrupt an attorney who strays into irrelevant discourse or into questioning that does not

lead in any direction or toward any goal. Yet much time may pass before it becomes clear that the discourse or questioning is unnecessary.

It is told of Justice Kerr that defense attorneys were a nuisance to him. More than anything he hated long speeches. He ordered the removal of the attorneys' tables from the courtroom in order to prevent them from taking notes during the hearing. Martin Meir, in his book, quotes an address to a judge who frequently interfered with an examination being conducted by him: "Your Honor, I am sure that Your Honor is more knowledgeable than I in the law, knows better than I the plaintiff whom I represent, and knows better than I the plaintiff's arguments. But would Your Honor kindly allow me to earn my bread?".

It was told of a judge who sat in a shack and suffered from the terrific noise of litigants and witnesses waiting outside. At a certain point he erupted: "It is impossible to judge under such conditions. I have been conducting trials for four hours, I have already convicted six defendants without managing to hear a single word of what they tried to say to me...".

A personal experience. When I appeared as an attorney before the Supreme Court, Justice Olshan, the President of the Court, would occasionally doze while sitting in judgment. When I realized at some point that there was no one listening to me, I would move and drop a book from the edge of my table. The sound of the book hitting the floor would wake the judge and grant my arguments an attentive listener - until the next doze.

Retired Justice Zvi Tal wrote: "At times an attorney writes an enormous amount, and in the end there is no time to read it all. There are times when I read diagonally. One word in each line, until my eye catches the main point. Who can read so many pages?! In the midst of World War II Churchill asked not to be given any document exceeding a page and a half!".

Connections

Judges, almost all of them, practiced law before their appointment. It is clear that they previously had relationships, good or bad, with their colleagues. Maintaining such relationships after the appointment requires sensitivity and caution. Judicial ethics rules state: "Upon appointment, a judge is not required to sever social ties, including ties with attorneys. At the same time, a judge should exercise caution in social relationships and consider how people may interpret the judge's presence in the company of a particular person or in a particular social setting".

Nomi Levitsky recounts in her book "The Supremes": "Once a year the Hashin couple would host at their home some fifty to sixty friends, to celebrate both their birthdays with a cholent meal. In a family-like atmosphere, Supreme Court justices would dine together with leading attorneys and with the country's elite. Theodore Or next to Eli Hurwitz, the Beinisch couple together with the chair of Bank Leumi, as well as clients who had been

Hashin's during his work as an attorney". One judge recounted to me: "I would not, as a judge, accept an invitation to such an event, had it been sent to me".

Dragging On

It is impossible to ignore the blight of dragging that has characterized the judicial system for years. The courts do not meet the needs of the public. Many countries suffer from this disability: Justice delayed - justice denied. Already in our sources we learned of this danger: "A judge must render the judgment immediately once it has become clear to the judge, for if the judge torments the judgment and prolongs matters that are already evident in order to distress one of the litigants, this falls within 'You shall not do wrong'".⁸ A depressing passage appears in the Yalkut Shimoni, Parashat Mishpatim, section 349: a midrash on the Ten Martyrs: "Rabban Shimon ben Gamliel and Rabbi Yishmael were being led out to be executed. Rabban Shimon said to Rabbi Yishmael: 'Rabbi, my heart aches, for I do not know for what I am being executed?!'. Rabbi Yishmael said to him: 'In your lifetime, did anyone ever come before you for judgment or inquiry, and you kept that person waiting until you finished your cup, or until you tied your sandal, or until you wrapped your tallit?'. And the Torah said: 'If thou shalt afflict them, and if thou dost afflict I shall slay him. Whether the affliction be great or small'. And at this he said: 'Thou hast comforted me'".

The Israeli citizen does not receive an acceptable level of service from the prosecutorial and judicial authorities. The duration of criminal proceedings in Israel is double the global average. "Bottlenecks" in criminal cases prolong the handling of a case involving evidence to nearly three years. The pre-trial phase lasts about a year and a half. The evidentiary phase lasts nearly a year, and the sentencing phase an additional half year.

The State must resolve the social-moral dilemma posed by delays in hearing cases, whether by appointing more judges or by some other means, but not by turning the judge into a robot. A judge's diligence should be measured not by the number of cases completed, but by the quality of case management, and that quality depends, among other things, on proper listening. Work overload may compel judges to hasten hearings or cut them short to the point of impairing a proper judicial process. This phenomenon may occur in exceptional plea agreements in criminal proceedings and in excessive pressure toward settlements in civil cases.

I myself experienced an unprecedentedly shameful pressure when I represented an insurance company as an attorney in the following matter. Severe damage was caused to the cargo of a merchant ship that arrived at a port in Israel. Eight suppliers sued the insurance company for compensation. I advised the insurance company to reject the claims based on expert opinions by senior investigators who denied the company's liability. The

⁸ Shulchan Aruch, Choshen Mishpat, §17:11

case reached judicial proceedings. For over a year we were repeatedly summoned to pre-trial conferences in which the judge pressured the parties to reach a settlement. The judge's motive was clear: the damage was great, the number of witnesses was large, the anticipated hearings were expected to be long and complicated. The plaintiffs' representatives were willing to consider certain settlements, but I insisted on rejecting any settlement. One morning the judge summoned me to chambers. After I declined yet another proposal for settlement, the judge urged me: Carmi, accept this proposal, I will compensate you in the next case". I was astonished, refused, I left.

A few weeks after my appointment to the district court, I initiated a meeting with Mr. Zadok, the Minister of Justice. I set before him, orally and in writing, a series of proposals. Among other things: I proposed annual and daily training programs for judges on central issues and on matters of administration and efficiency, a sabbatical year designated for training, and the creation of a permanent training mechanism for new judges. I also addressed the need to stimulate motivation among judges in Israel. The proposals included, among other things, inviting judges to national ceremonies, to local public events, and to social-professional events such as the welcoming of new judges and new attorneys. By doing so I anticipated by a decade the establishment and operation of the Institute for Continuing Education of Judges. Some of these proposals were implemented over the forty years that have passed since.

Bioethics

A tiny idea popped into my mind out of the blue. I reached out, took hold of it, breathed life into it, and the unexpected occurred. The idea grew sinews and flesh, gathered interest and curiosity from all directions, absorbed and captivated me, and "enslaved" my entire being to its realization for a generation: a revolution in the educational methodology of bioethics.

Van Rensselaer Potter, an American biochemist and oncologist, began using in the 1970s the term "bioethics" in his writings as the study of ethical issues arising from advances in biology and medicine, especially those concerning human life and health. The field of bioethics has since developed, expanded, and intensified, and many of the ideas explored within it belong to the domains of medical ethics and health law ethics.

For decades I engaged in promoting this field through research, teaching, and organization, beginning with the failed attempt of "Operation" Dr. Yaros, to be recounted below, and culminating in my certification by UNESCO as responsible for advancing education in bioethics in medical schools worldwide. Looking back, my principal contribution to this field was the new method of teaching ethics that I conceived and developed, and which UNESCO adopted.

"Explain to us", medical students repeatedly approached me, "why must medical students listen to boring lectures on ethics? We came here to study and practice medicine, not philosophy". Such complaints I encountered during my visits to universities in Europe in the late twentieth century. It became clear that in most European medical schools over the previous two centuries, ethics instruction had been based on clergy and jurists who conveyed ethical principles to students through sermons or speeches.

I joined the students. I entered halls, listened to the sermons, admonitions, exhortations, and speeches, and witnessed the drowsy eyes and closed ears of the learners. The ethical principles were correct. Their implementation was necessary. Missing were the proper "messengers" who would transmit the messages in a manner that would ensure their absorption and realization. The penny dropped.

My "invention" was so simple: to replace the clergy and the jurists with "stories", and to transform the students' role and function from captive listeners into active decision-makers. The method I developed centered on the use of hundreds of real medical "cases" presenting ethical dilemmas, which I collected from senior physicians in many countries. These served as a basis for discussions and for decision-making by the students regarding current cases. Sermons and exhortations were abolished, ethics instructors who had

undergone proper training in workshops I conducted under UNESCO replaced the clergy and the jurists.

The "Medicine, Law and Halakha" Club

At the beginning of the 1980s, I established in Haifa a club for the general public in order to impart through it a general understanding of the connections between medicine, law, and ethics. The club operated for more than forty years and held hundreds of meetings for many participants. Each month I selected a particular topic. Three speakers were invited to the meeting: a physician, a jurist, and a rabbi. The audience was diverse: religious and secular, professionals and the general public. The speakers lectured voluntarily, and admission was free. Shlomo, the local rabbi, assisted me greatly. Two episodes connected to him remain in my memory.



The "Medicine, Law, and Halakha" Club

A Special Hair "Kippah"

At that time, I was active within the framework of Heidelberg University in Germany. Among other things, I collaborated with a Christian philosopher named Yaakov who taught there. Professor Yaakov accepted my invitation and visited Israel. One day he expressed a desire to visit a religious educational institution. I relayed his request to Rabbi Shlomo, who at that time served as head of such an institution. Thus, one morning I arrived with

Professor Yaakov at the institution. I knocked on the gate, Rabbi Shlomo opened it, and with the light of the eyes invited us to enter. Beyond the rabbi's shoulder I saw in the courtyard many boys wearing kippot and tzitzit. The Christian guest did not wear a kippah. I feared the reaction of the boys upon seeing a guest without a head covering. Rabbi Shlomo noticed my discomfort. "It's all right", he reassured me, "I see that our guest has hair. That hair is to be considered an appropriate head covering!".

May there be many rabbis like him.

The Parade of the Elephants

Rabbi Shlomo joined me in those years. It seems that I opened for him gateways into a liberal scientific world through books, films, meetings, and conversations. I fear that I drew him closer to a "foreign" culture when I enabled him to participate in scientific conferences, first in Israel and later also abroad. This brings me to the second episode.

In the city of Ghent in Belgium, a world conference in the field of medical law was held. I persuaded Rabbi Shlomo to prepare a lecture, to leave the country's borders for the first time, and to participate in the conference. His appearance aroused great interest among the participants, both because of the topic of his lecture and because of his black attire. And behold, in that very week a circus performance was taking place in the city. I told my friend about the circus. It turned out that he had never witnessed a circus before. After a slight hesitation, he accepted my invitation to join me and attend the event. The performances of the clowns, acrobats, and animals were routine, but at a certain point a procession of elephants was led into the center of the arena. Each elephant was guided by a young woman seated on its back. All of them, heaven help us, were half-naked. The parade was received by the local audience with enthusiastic applause. I was embarrassed. I had not anticipated such a procession. I hesitantly turned my gaze toward the rabbi who was sitting beside me. He did not lower his head downward. His eyes were fixed upward. I am not certain that they were focused solely on the elephants' trunks.

The Association for Medicine and Law

The relationship between lawyers and physicians is controversial. On the one hand, both, in the course of their private lives, need one another. On the other hand, in the course of their professional work, they find themselves drawn into rivalry and confrontation. I became acquainted with this rivalry the more I engaged in the field of medical law. Gradually, the idea took shape in my mind to take them out of the courtroom and the operating room, to bring them closer to one another, and to create a common roof that would invite them to a social encounter free of discord. I wished to build a venue and tools that would make it possible to create acquaintanceships, reduce frictions, moderate clashes, impart knowledge, and deepen understanding. Thus, in 1972 I founded the Association for Medicine and Law in Israel and served as president of the organization for

thirty years. The association grew steadily and at its peak numbered more than a thousand members. It held a wide variety of activities: social gatherings, cultural events, local, national, and international conferences, professional training programs, and trips in Israel and abroad. Within the framework of the association I initiated and operated the project "The Medal of Excellence for a Physician". This medal was awarded annually to a physician whose character, morality, patience, attitude toward the patient and the patient's family, and voluntary activities beyond and outside working hours were worthy of serving as an example to the public at large and to the community of physicians in particular.

Dr. Yaros: The International Institute That Never Was

In those days I conceived the idea of establishing an international research institute for medical law.

Mr. Yehuda Reuveni, the Galilee District Officer, connected me with Dr. Yaros. Dr. Erich Yaakov Yaros was born in 1892, immigrated to the Land of Israel in 1920, practiced medicine, and established the Mitzpeh HaYamim convalescent home near Rosh Pina. I met with him several times. He showed interest and enthusiasm for the idea of establishing the institute and requested that the institute bear his name. He undertook to finance the establishment of the institute and its operation. At the first stage, he asked me to travel abroad and recruit senior professionals for the institute's management. The journey, which lasted 17 days, enjoyed success along the way and failure at its end.

Yaros's Journey (August 1978)

I carried out the journey on a voluntary basis. Dr. Yaros financed its expenses.

At the close of each day, I recorded in my diary a summary of the events of the day's journey.

6.8. Lod Airport. I flew to Italy. I landed and traveled to the university in Rome. I held a meeting with Professor Sasso, president of the Italian Association for Medical Law. A smiling, plump, sociable person. He gave his consent for his association to cooperate with the institute, and that he would be counted among the members of the board. Evening fell, I hurried to the airport, boarded a plane for Belgium. I landed in Brussels, traveled to the Grand Palace Hotel for a meeting with Professor Ralf Dirkens, secretary-general of the World Association for Medical Law. I was received in a chilly atmosphere. Support for Israeli or Jewish activity had never enthused him. Toward the end of the meeting he agreed in principle to cooperation with the institute, but declined the invitation to be included as a board member.

7.8. I went to the airport in Brussels, flew to the airport in Copenhagen. I boarded a flight to Helsinki and continued on a flight to a provincial city. I met with Professor Hirvonen, a pathologist, head of the Department of Forensic Medicine at the University of Oulu. I was invited to his home; I met his wife, an attorney by profession, and their six-year-old "genius" daughter, astonishing in her piano and violin playing. The dinner included venison roast and a half-raw fish roast.

8.8. I visited the university and a courthouse; I concluded with Professor Hirvonen an agreement for his cooperation and that of his department with the institute. I traveled to the airport, landed in Helsinki. I boarded a plane and continued on my way to Sweden. At the Stockholm airport, Dr. Hedding awaited me, a judge of the Swedish Court of Appeals, who served as president of the Swedish Association for Medical Law. Despite some differences of view during our conversation, Judge Hedding agreed to cooperate with the institute.

9.8. I flew from Stockholm to London and from there to Belfast. At the airport, Dr. McClatchey, the secretary of the Northern Ireland Association for Medical Law, and the association's president, Dr. Marshall, awaited me. We conducted conversations over two days, in which their association's support for the institute was agreed upon.

11.8. I landed in London. I waited for hours at the airport because of a "French strike". Eventually the flight departed. I landed in Madrid at 02:00. At the airport, Dr. Cortés awaited me, president of the Spanish Society of Gynecology and the incoming president of the Spanish Association for Medical Law. We arrived at the hotel at 03:00 and held a conversation regarding his support for the institute.

12.8. I flew to New York and continued to Los Angeles.

13.8–14.8. I met with Professor Thomas Noguchi, head of the Los Angeles Institute of Forensic Medicine. For two days we held long conversations. He expressed desire and willingness for firm and genuine cooperation. At the end of the visit he suggested that I meet with Professor Eckert, president of the International Association of Legal Sciences and head of the Department of Forensic Medicine at Wichita University.

15.8. I flew from Los Angeles to Phoenix, from there to Amarillo, and from there to Wichita, to meet with Professor Eckert. I spent long hours in his home. I was surrounded by Herbert the dog and six additional dogs, three aquariums with fish, and four cats. The conversations with him were without doubt among the most important I conducted on this journey. He agreed to participate personally in the institute's board and to involve fully in our project the international organization he headed.

16.8. I flew to Oak Park. I met with the city manager and with members of the council, and informed them about the institute.

17.8. I visited the city council and met with the mayor and with the council members.

18.8. I flew from Oak Park to Pittsburgh, and from there to New York. I held meetings with Professor Arthur Schatz and with Beatrice Halperin, widow of Professor Halpern, who had been one of the great pathologists of his time in his country. We discussed her assistance in establishing a library in his name within the institute.

19.8. I held a working meeting in New York regarding support for the institute and flew to Switzerland.

20.8. In Zurich I held a working meeting with Professor Fazzi regarding support for the institute.

21.8. In Zurich I held a working meeting with Professor Hartmann regarding support for the institute.

22.8. I flew to Turkey. I held a working meeting with Professor Gureli regarding support for the institute.

23.8. A flight to Israel.

The leap-frogging journey was exhausting. The results promised a successful beginning for realizing the vision of establishing the institute. Several distinguished experts and important organizations were willing to assist and support the institute.

But within a few days the axe fell upon all I had built on this journey.

Dr. Yaros, the 92-year-old elder, fell and broke his hip, and was rushed to a hospital for treatment. The necessary surgical care was given to him, but his mental state deteriorated, and despite the devoted care he received, he passed away.

While he was alive, Dr. Yaros informed me that he had instructed in his will that his property be transferred to the institute after his death. Even then I felt discomfort. I believed that his wife, Ruth, whom I had known and liked, deserved to receive his property in due course. It was then that the decision crystallized in my mind that, if and when Dr. Yaros were to pass away, I would allocate from the property the institute would receive under the will a fitting sum that would grant his widow a dignified continuation of life.

It turns out that fate acted differently. A few months after Dr. Yaros's passing, we approached the court in order to execute the will. To our astonishment, we learned that

someone had submitted to the court a "revised" will, in which Dr. Yaros bequeathed all his property to his family. It is possible that his unstable mental state in his final days was exploited near the day of his death, and he was signed onto the new will. In light of this new information, I decided not to submit the original will to the court and to forgo the transfer of the property to the institute.

In the absence of the intended financial support, the vision of establishing the institute faded. This decision did not prevent me from continuing my efforts to establish such an international center, but I had to wait for it more than ten years.

The International Center in Haifa

"How much money are you asking for?" he asked.

Prof. Yehuda Hayut, President of the University of Haifa, responded to my request and set a time for a meeting in his office. He received me with warm benevolence. He used to receive every person warmly. A tall, handsome man, pleasant-tempered and possessing impressive managerial ability. Two days earlier, I had delivered to him a file containing a proposal and many background documents. Now I sat down across from him. The file I had sent him was resting before him on the desk. He did not ask for clarifications. He had studied the proposal thoroughly, and before I opened my mouth, he had already decided to approve my proposal to establish, within the university, an international center for health, law, and ethics. Such an institution did not exist until then, neither in Israel nor outside it.

"How much money are you asking for?" he asked.

I replied: "Nothing or a million".

He paused for a moment, smiled, and asked: "I understand 'a million'. But how 'nothing'?"

"I will look for and find what is needed, with help or without help", I answered. What followed was brief: the president approved the establishment of the center and granted financial support. In 1996, the center was established. The university allocated an office: three rooms, a computer, a printer, and telephones. I recruited a volunteer team: students, several physicians, nurses, and other prominent figures.

In the first two decades of its existence, many activities were held there. For the general public, a large and active club was created much larger than the "Medicine, Law, and Jewish Law" club I had founded about a decade earlier. Its administration held monthly events for years. Each event included a social gathering with refreshments and a lecture by a senior professional from the fields of medicine, law, or ethics. For the academic community, more

than ten departments were established and operated. Each department was headed by a senior professional, and hundreds of colleagues from that field worked to advance teaching, research, and conferences.

The International Chair in Bioethics

I sought to introduce the new educational methodology I had conceived also to the Medical School at the Technion in Haifa. I initiated meetings with its administration and enlisted the assistance of Professor Ciechanover, who taught at the school. Aaron Ciechanover is an Israeli biochemist who studied cyclic processes in the cell that enable the breakdown of proteins. Professor Ciechanover, like myself, was a member of the teaching staff at the Medical School at the Technion. The subjects of the lectures in the field of medical law interested him. The two of us approached the Dean of the Faculty of Medicine and asked to introduce the new methodology in his institution. We did not succeed in this. Routine teaching prevailed, and we were unable to change the conservative mode of instruction. It appears that established institutions and veteran lecturers were not prepared to adopt an innovative method of teaching. Professor Ciechanover, evidently, gave up, turned to his laboratory in a nearby building, and continued his research. He certainly did not regret doing so, for a few years later, in 2004, he was awarded the Nobel Prize in Chemistry for his research in that same laboratory. I myself understood that local schools would not be enthusiastic about adopting an innovative methodology, and that the Ministries of Education and Health or the Council for Higher Education would not intervene in the teaching programs of medical schools. Salvation could come, if at all, only from outside.

I considered approaching the international UNESCO organization and asked the advice of my friend from Switzerland, Professor Sartorius. Professor Norman Sartorius, a psychologist and psychiatrist, wrote and edited dozens of books and published many articles in leading journals worldwide. He was the decisive figure in these fields at the World Health Organization and served as President of the World Psychiatric Association. Within a few days, we recruited partners: Prof. Ahmad Okasha, director of a major psychiatric hospital in Cairo, Dr. Zeev Fluss, a senior jurist in the administration of the World Health Organization, Professor Miriam Kptler, a leading ethics scholar in the United States, and Professor Kotogian from Lebanon, from the administration of UNESCO itself. We formulated a document containing the new methodology and submitted it to UNESCO. The response was surprising: the UNESCO administration supported the program, decided to adopt it as the organization's methodology, to establish a Chair under my leadership, and to authorize it to introduce the new methodology in medical schools around the world.

During the first two decades after its establishment, the Chair flourished, grew, and became a significant organization in the field of bioethics worldwide. Two hundred and fifty units were established at universities on five continents. The Chair participated in

promoting hundreds of studies and books, in promoting global conferences, and in organizing an annual World Bioethics Day. A forum of teachers was established with more than one thousand teachers from all continents, thirty professional departments were created and led by senior bioethics experts, and seminars were held for training ethics teachers in teaching bioethics according to the new methodology. Upon the conclusion of the contractual relationship with UNESCO, the Chair signed a cooperation agreement with the World Medical Association.

Ethical Dilemmas

Bioethics is an integrated field of ethics and biology that deals with the ethical aspects of biology and medicine in general, and of professional health care in particular. Bioethics adopts for itself general moral principles and discusses them. The use of these principles occasionally entails coping when there is a conflict between two opposing ethical principles. Discussion of this coping requires weighing all the pro and con considerations in order to reach the appropriate decision. Thus, for example: the code of ethics of the World Medical Association obligates every physician to devote their life to the service of humanity on the one hand, and to the health of their patient on the other. These are, for example, two clear ethical principles that may sometimes come into conflict. Judaism, for example, consciously chose to prefer one principle over another in advance: "Two people were walking on a journey, and one of them had a flask of water. If both drink, they die. If one drinks, that one reaches settlement. Ben Petura expounded: 'It is better that both drink and die, and that one not witness the death of the other'. Until Rabbi Akiva came and taught: 'And your brother shall live with you - your life takes precedence over the life of your fellow'".⁹

The following story, which demonstrates a conflict between two ethical values, was told to me by Father Alastair Campbell, a lecturer in Christian ethics, who wrote on the subject in his book "Moral Dilemmas in Medicine".

The Priest

A pair of parents raised their disabled child with devotion and love. At a certain stage the son's condition worsened, to the point that it became necessary to hospitalize him in an appropriate institution. The parents made sure to visit their child every weekend. When the mother's health deteriorated, she ceased visiting her son, but the husband continued to visit him regularly. As time passed, the mother's medical condition declined, and when it became clear to her that her days were few, she asked her husband to bring the son home so that she could say goodbye to him. The father feared fulfilling her request,

⁹ Talmud, Tractate Bava Metzia

because the child's condition had deteriorated greatly, and this was evident also in his external appearance. The father was anxious that the son's appearance would cause deep sorrow in his wife's heart. In his distress the father turned to Mr. Campbell, presented to him the story and his concerns, and asked his advice. The priest and the father planned and carried out the following course of action: the father traveled and arrived at that institution. With the approval of the institution's director, he located another disabled child who resembled his son in external appearance. He drove the child to his home and presented him to his wife as their son, to her satisfaction. Afterwards, the father returned the boy to the institution. The mother died two or three days later. In his book, Campbell presented the dilemma to his readers and to himself: can such a ruse be justified? On the face of it, all participants in the ruse benefited from it: the mother, who did not recognize her son, derived satisfaction merely from the fulfillment of her request. The father derived satisfaction from the fact that his wife enjoyed the encounter. The unfamiliar child enjoyed the unexpected outing granted to him and the warm welcome he received. No harm was caused to the real son, since he was unaware of that event.

Campbell's decision and his reasoning were acceptable to me, but I could not avoid feeling discomfort both at the harm to the value of telling the truth and at the risk of an "easy" choice of similar solutions, which might extend beyond what is desirable and permissible.

Lies in Medicine

In medical ethics, the principle of truth-telling is highly valued. A physician is generally expected to be honest and transparent with a patient. However, there are situations in which not telling the full truth, or providing partial information, may be ethically justified. For example: when a patient's psychological or emotional well-being is at risk, when a patient lacks the ability to understand and make informed decisions, or when a patient explicitly requests not to receive information about certain aspects of the condition.

Dr. Tessa Chelouche referred to Dr. Bloch's confession in her book on bioethics in the Holocaust. Dr. Gottfried Bloch was a Jewish physician in a concentration camp. He knew about the gas chambers and the crematorium. He did not reveal the truth to his patients: "I often conveyed words of encouragement to my patients. I was, of course, aware of what was happening. Did I have a duty to inform them of it? How would that have helped? I withheld the truth from my patients and from the staff at the hospital".

Does a patient want to know everything one has?

Two of the founding figures of medicine in Israel expressed their views as follows:

Prof. Yosef Stein: "Anyone who thinks that a patient truly wants to know the truth of the facts is deceiving oneself and is utterly mistaken. I have never met a patient whose intention was to hear from me the truth in its entirety".

Professor de-Vries: "A friend of mine fell ill with cancer. He came to me and said: 'They found cancer in me, and I feel the metastases in my liver. I know it is too late for surgery, but since the physicians nonetheless advise operating, and my wife is also interested in it, I have decided to agree to be operated on'. Later they opened his abdomen and closed it. The next day I visited him. His words were: 'Do you know how lucky I am? They didn't find cancer in me!'. For about two weeks he felt well, and afterwards jaundice struck him. Then he said to me: 'What bad luck I have. Do you remember that ten years ago I had jaundice? And now, just when everything is working out so well, I get jaundice again'. Two days later he died. As a veteran physician I would say that I feel miserable and ashamed, because I live in perpetual paradox with my patients. The relationship between us is a shameful one. I knowingly lie to them, and they lie to me in "believing" me. We play together the drama of mutual deception".

I remember with pain the story of Dr. S., a dear friend of mine, who worked as a surgeon in a hospital in the south. Dr. S. was then in his fifties, married and a father of two sons. He was a tall, intelligent person, with a sense of self-confidence and humor, a lover of art and music. When he began to feel abdominal pain, he underwent tests in the local hospital. The tests did not yield a diagnosis, and the pain intensified. He decided to turn to a senior physician in a hospital in Jerusalem who had been his childhood friend. The latter performed more thorough tests and informed him that a mild inflammation had been diagnosed, and nothing more. The pain continued. He began to suspect his colleague, lest he had refrained from revealing the correct diagnosis. His attempts to pressure him to give him another, "correct", diagnosis failed. One day he went to the hospital and managed to reach one of the offices, pull out his personal file, and examine the document containing the diagnosis of his condition. In the evening he came to my home and presented it: a mesh of cancerous tumors with no possibility of any treatment. A terminal prognosis. He covered his face with his hands and began to sob. I sat facing him, I did not utter a word. Afterwards he rose, apologized, and left. The next evening he returned. We spoke a little, again he burst into tears. I spoke with him, to him. I tried to calm him until the crying stopped. This continued every evening, for several weeks, until he died. The story of Dr. S. left me with sadness because of the suffering of a friend, but also with understanding and awareness of how impossible it is to predict in advance the conduct of a person who finds oneself in distress.

Providing information to a patient may bring harm in its wake, create or intensify anxiety in the hearts of patients, or lead some of them to take their own lives. Emil Fischer, Nobel laureate in chemistry, demanded that his physicians inform him of the findings of the tests that had been performed on him. The physicians reported to him that cancer had been

found in his colon and that he needed to undergo urgent surgery. Fischer returned to his home, wrote a will, took poison, and took his own life. In the postmortem examination, no evidence of malignancy was found.

A study conducted in the United States sought to investigate the public's position regarding the justification of non-disclosure of information to a patient. Sixty-nine percent supported non-disclosure if the patient requested it. Sixty-eight percent justified non-disclosure of information that might cause the patient harm. Fifty-two percent justified non-disclosure of information that might cause the patient worry. Forty-nine percent supported non-disclosure if family members requested it. Thirty-eight percent justified non-disclosure if it was expected that the patient would refuse medical treatment as a result.¹⁰

To What Extent Does a Patient Want to Know Details About the Treatment Proposed?

The President's Commission in the United States quoted, in its report, a dialogue between a physician and a patient:¹¹

The physician attempted to begin with a detailed explanation, but the patient interrupted with a request: "Perhaps you could postpone giving the explanation until tomorrow?". The physician replied: "It may be possible to postpone giving the explanation until tomorrow, but I am obligated to provide you with this explanation. I want you to know that the risk is small. We are talking about a serious risk of one in a thousand. In addition, there are several secondary risks, but all of them can be managed. The major risks can also be managed, although they are not very likely. These are some of the risks: first of all, we must penetrate a blood vessel, and we may injure it. Such an injury would necessitate surgery, which could be difficult in itself. Second, it is possible that you may have arteriosclerosis, and a blockage may occur in the attempt to enter the arteries. Such a situation would require an additional surgery, and such surgery carries a low risk of a heart attack. Some patients are sensitive to the dye injected into the blood vessels, and they may suffer from shock. Shock can be managed with medication, but it is a serious condition. In addition, an irregular heartbeat may occur, and electrical shock would be required in the event of cardiac arrest. Of course, you will be under anesthesia and will not feel it. We may need to perform a lateral catheterization, which may cause perforation of the heart and bleeding. If blood enters the space between the heart and its covering, we will need to drain it".

The patient replied: "Listen, I do not remember anything of what you told me...".

¹⁰ Amnon Carmi, *Health and Law* (2013): 1165

¹¹ President's commission for the study of ethical problems. *Medicine and Biomedical and Behavioral Research*, vol. 1, (1982): 81.

A Patient's Right Over One's Body

In 1924, a patient named Schloendorff arrived at a hospital in New York for an examination due to abdominal discomfort. A physician examined the patient and told him that a tumor in the abdomen had to be removed. The patient objected and prohibited being anesthetized and operated on. The physician ignored this, anesthetized the patient, and removed the tumor. After recovering, the patient sued the hospital. The Jewish judge Benjamin Cardozo (later a Justice of the United States Supreme Court), accepted the claim, imposed liability on the hospital within whose walls the surgery had been performed, and ruled: "Every adult of sound mind has the right to determine what shall be done with one's own body, and a physician who performs an operation without the patient's consent commits an assault for which one is liable in damages".

The Schloendorff ruling, together with other similar decisions, contributed to the emergence of a general social movement that called for and worked toward promoting human rights in Western society. In this spirit, jurists developed the principle of "informed consent" and required physicians to provide patients with pre-treatment explanations that include diagnosis, prognosis, and alternatives. Giving such an explanation might have enabled cooperation between physician and patient, contributed to the quality of treatment, and granted the patient a sense of satisfaction for the respect of one's right. However, this principle, which was universally accepted as proper, did not materialize in practice. I had personal involvement in formulating the principle of "informed consent". UNESCO entrusted me with drafting the principle in an international document it issued on bioethics education. I also devoted myself to and authored many articles on this principle, and instructed students every year to implement the principle, which is meant to reflect protection of human rights at the highest level. But the time has come to acknowledge that the efforts of legislation and judicial rulings around the world are not bearing fruit due to society's failure to build mechanisms for its implementation. I regret having to acknowledge this failure in light of my personal investment in advancing the principle. A society that seeks to advance the protection of a patient's right must create appropriate mechanisms and not impose the legal and economic burden on physicians or hospitals. Physicians must be given reasonable time for explanations, or an explanatory system (separate from the treating physicians) should be created in hospitals. Sources of information must be developed and made available to citizens in general and to patients in particular, and patients must be required to equip themselves with information.

A Patient's Right to Refuse Treatment

Ethics committees in hospitals are authorized by law to instruct physicians to provide treatment to a patient against one's will in circumstances in which the patient faces serious danger and refuses medical treatment that must be given promptly.

In my capacity as chair of such an ethics committee, I handled a case in which I was asked by an individual to allow his spouse to die. The patient had been admitted to a hospital in central Israel in a very grave medical condition. She refused to receive the emergency medical treatment proposed by the physicians and asked to be allowed to die. Her spouse and daughter approached the hospital's ethics committee demanding that treatment be withheld. I convened a meeting of the committee members. Below is the original protocol as written.

Protocol of the Meeting of the Ethics Committee Regarding the Patient Dr. M.

Discussion of the request concerning the provision of medical treatment without consent under Section 15(2) of the Patient's Rights Law.

A. Carmi (Chair of the Committee): explains to the committee members what is stated in the law.

Dr. V. (Physician): "Dr. M. is suffering from an extensive cerebral stroke, proven by CT imaging of the brain. She has a deficit in the left visual field, paralysis of the left arm and leg in full form. There are also difficulties in swallowing and in speech, she is able to whisper a few words. She has awareness of her condition".

Dr. K (Physician): "A month ago Dr. M. had a myocardial infarction and underwent catheterization. As a result of the infarction there is a blood clot in the heart. Despite treatment with anticoagulants, during care the clot was thrown into the brain. There is an expectation that this will happen again. There is no treatment for this. At present she is in a condition of inability to clear respiratory secretions, to swallow, to cough, and to maintain open airways for oxygenation of the body, due to the large amount of secretions that are not being cleared. The required action: insertion of a tube into the trachea in order to clear the secretions and maintain clean airways. She has had a nasogastric tube for about ten days. The presence of the tube has caused severe inflammation in the mouth and esophagus. She is suffering from very severe pain and requires many painkillers. She needs a gastrostomy. She is refusing all treatment emphatically and says that she 'is dying to die'".

A. Carmi: "Is she in serious, irreversible medical danger if respiratory treatment is not provided?"

Dr. K.: "Yes".

Dr. V.: "Yes".

A. Carmi: "What is Dr. M.'s position?"

Dr. K.: "I explained to Dr. M., who is a physician, the implications. She replied: 'I am dying to die'".

Dr. V.: "She was with me a few days ago, and already then explicitly expressed the desire to die, and not to receive medical treatment".

A. Carmi: "If ventilation is initiated now, will it lead to a significant improvement in her condition?".

Dr. K.: "No, because ventilation is required over time. Ultimately, after insertion of the tube, a tracheostomy will need to be done. It is already infected".

Dr. V.: "From a neurological standpoint, no improvement is expected".

At this stage, Mr. A., the patient's spouse, and the daughter were brought into the room.

A. Carmi explained to them the function and authority of the committee and asked whether they knew Dr. M.'s wishes regarding medical treatment.

Mr. A.: "I have been married to her for 51 years. We always respected one another. We always wanted to help and contribute as much as possible. Her condition today is difficult. All the time she calls the staff and me and wants us to help her finish. She sees no benefit in treatment. She says: 'Enough. That's it, I don't want more'. I love her and respect her. She is a physician. She is not fearful. She knows she has no hope in life, only more suffering. She knows this is the end. I want to respect her, and I ask the committee to be humane and considerate. All her life she only gave. Now it is time for her to receive as well. I ask you to consider her wish. Do me a favor. Respect it. I survived the Holocaust, I experienced destruction and hunger. I raised children and grandchildren with her. I ask you to honor her wish".

The patient's daughter (crying): "She will not thank you if you do not respect her wish. I will never forgive you if you do not respect my mother".

The family members exited.

A. Carmi: "Have we been convinced that Dr. M. understands her medical condition, including the withholding of treatment?".

Dr. K.: "She understands her medical condition".

Rabbi L.: She fully understands her medical condition".

Dr. M. (Psychiatrist): "I understand from Mr. A. and from the patient that she understands her medical condition well and expects to be helped to die".

A. Carmi: "Has she been given the medical information required for obtaining informed consent?"

The committee members' response: "She was given the required information".

A. Carmi: "Is it expected that the proposed medical treatment will significantly improve the patient's medical condition?"

Dr. K.: "Insertion of the tube will improve lung ventilation, but not the medical condition from a cardiac or cerebral standpoint".

Dr. M.: "The prognosis of the cerebral infarction is poor. There is no possibility of rehabilitation".

Rabbi L.: "I cannot express an opinion when there are people more senior than I am".

The committee reached the conclusion that the proposed medical treatment is not expected to significantly improve the patient's medical condition.

A. Carmi: "No information has been presented to us indicating a reasonable basis to assume that after treatment is provided she would give retroactive consent. Since the patient is unconscious (sedated), we are unable to speak with her".

Committee Decision: There is no reasonable basis to assume that after medical treatment the patient would give retroactive consent. The committee does not approve providing medical treatment to the patient against her will.

Respect for Patients

Democratic society has determined, through international legislation, that the fundamental rights and freedoms of every person must be respected and upheld, and that the interests and well-being of the individual should take precedence over the exclusive interest of science or society. The term "dignity" signifies a minimal innate right belonging to every person. The concept marks the threshold below which the treatment of any person should never fall. However, there may be exceptional circumstances in which the interests of others, or of the community as a whole, are so important that harm to the interests of individuals becomes unavoidable.

Respect for Physicians

In 1897, the Cornell General Hospital in the United States formulated and published the "Rules for Patients". One of the rules states: "Patients must strictly comply with the rules

and regulations of the hospital, and follow all instructions given to them by their caregivers. If they do not do so, they shall be dismissed from the hospital".

Over the past hundred years, jurists have advanced human rights in general and patients' rights in particular. The principle of a patient's right over one's body and the rule of "informed consent" are examples of this important trend. The time has come for jurists and for the public at large to adopt similar consideration for the rights of physicians.

The Patient's Rights Law was enacted in Israel in 1996. The law obligates the caregiver to preserve the dignity of the patient at every stage of medical treatment. It would have been appropriate to legislate a provision obligating the patient to preserve the dignity of the physician at every stage of medical treatment. The law provides that a patient is entitled to receive proper medical care in terms of human interaction. It would have been appropriate to legislate a provision obligating the patient to treat the physician with similar respect. The law obligates the hospital director to appoint an employee who will be responsible for patients' rights. It would be appropriate to obligate the director to appoint an employee who will be responsible for physicians' rights. The law obligates the caregiver to provide the patient with the medical information reasonably required. I believe that there is room to obligate a patient to provide the physician with the information reasonably required for treatment. It is desirable that a patient return to the caregiver after completion of treatment in order to report on its success or failure, thereby assisting not only oneself but also other patients. A United States Court of Appeals ruled many years ago regarding the duty of a patient to provide the physician with accurate and complete information, including information about an unexpected development in one's condition. A shift of the social pendulum is needed toward the duties of the patient toward oneself, toward others, and toward those who provide care and remedy.

Dual Loyalty

Dual loyalty in the context of medical care exists when there are separate ethical interests that are difficult to reconcile with one another. Resolving situations of dual loyalty in medical treatment is complex and requires consideration of ethical principles, legal duties, professional guidelines, and individual circumstances.

First and foremost, there is a caregiver's duty of loyalty to the patient. The Code of Ethics of the World Health Organization states: "A physician's primary duty is to promote the health of the patient". This is a paramount duty of loyalty, but not the only one. A caregiver is expected to examine the circumstances of each case and determine treatment priorities accordingly. Dr. Tessa Chelouche describes in her book "Bioethics in the Holocaust" an extreme manifestation of the duty of loyalty. Of the 200,000 Jews who lived in the Łódź Ghetto, 900 survived by hiding in abandoned buildings. A woman hiding in a basement was bleeding severely while giving birth. Her husband approached a physician, but he refused

to assist and referred the husband to the midwife, Rachel Hirschenberg, a married woman and mother of a ten-year-old daughter. Movement in the ghetto at night was forbidden, and those who violated the curfew faced mortal danger. The husband approached the midwife at night, and she agreed, visited the woman in labor, and treated her. The following night Rachel decided to return and visit the patient again. Her daughter objected vehemently, not wanting her mother to endanger her life. The mother asked: "Do you not see something symbolic in this birth?". The daughter objected: "No. I see danger to your life, and I have no interest in symbolism. Do not leave me to die without you, and do not leave me to live without you. Do not go". The mother replied: "The Nazis took from us the right to conceive and give birth to children. I was trained to deliver babies, and children are the promise of life. They are the renewed birth of our people". Rachel set out, treated the woman giving birth, and, fortunately, returned safely to her daughter.

Loyalty to Other Patients

The ethical code of the World Health Organization imposes an additional duty on the physician: "A physician also bears responsibility to contribute to the health and well-being of the populations one serves and of society as a whole, including future generations".

A Pill in the Soup

Professor Yuzbenko, a senior psychiatrist from Poland, consulted with me and asked for my opinion regarding the following case.

A 46-year-old engineer suffered from a recurrent episode of paranoid schizophrenia. One morning he arrived at the emergency unit of a local psychiatric hospital and asked to be admitted to a closed ward. He reported delusional thoughts of persecution and described being attacked by cosmic rays sent at him from alien satellites, which caused him physical and mental paralysis. He reported hearing warning voices from those same beings and feeling the painful penetration of the rays into his body. A psychiatrist who spoke with him agreed to his request, ordered his admission to the closed ward, and prescribed treatment. From the very first day the patient refused to swallow the medications offered to him. He claimed that based on his extensive past experience he knew that his mental condition would improve within a few days, that he felt safe in the closed ward, in a room with sealed windows and a locked door, so that his persecutors could not reach him. He warned that his discharge might cause him to harm people outside in an uncontrolled manner. One of the caregivers suggested concealing medication in the soup served to the patient without his knowledge, in the hope that his resistance would weaken following ingestion of the medication.

I replied that this suggestion was, in my view, unacceptable. I noted that a patient who requests admission to a medical institution is expected to accept the treatment offered.

One is, of course, entitled to refuse treatment, but one is not entitled to compel the institution or caregivers to provide treatment against their judgment. If one is dissatisfied, one must leave the institution. Moreover, a patient is not entitled to occupy a room, a bed, and caregivers' attention at the expense of another potential patient who cannot benefit from hospitalization because the space and staff are being "taken up" by the refusing patient.

Loyalty of the Military Physician

A military physician is obligated to loyalty toward the army, at times even more than to other objects of loyalty. Thus, for example, a civilian physician who faces a choice and decides, for medical reasons, to give priority to treating a severely wounded enemy combatant over a lightly wounded local civilian bears no liability for such a decision. A military physician faced with a similar choice may be charged with an offense when the lightly wounded person is a member of the army's forces.

The Syrian Officer

In 1973, the Syrian and Egyptian forces attacked Israel, and the "Yom Kippur" War broke out, in which thousands of soldiers were killed. A year later, I held an international conference in Haifa on medical law and ethics. After an introductory lecture, I opened the discussion to questions and answers. At a certain point, one of the participants asked to share his story with the audience.

"I struggled for a long time with an ethical dilemma of life and death that I had encountered. I would like to raise this question here for discussion. I am a surgeon by profession. When the war broke out a year ago, I was drafted as a reservist and assigned to an army emergency clinic in the north of the country. The staff available to me was limited, the workload was heavy due to the stream of wounded soldiers who required treatment. One day, after finishing treatment on one of the wounded, I left the operating room and found, near the entrance, two wounded men lying on two stretchers. I bent down and examined them. It was immediately clear that both were suffering from extremely severe injuries, and both needed immediate emergency treatment and a complex surgery. I was the only physician present. It was an emergency. There was no one to consult, and no time for consultation. Choosing one of the wounded essentially meant that the other would likely die. I had to reach a decision, and immediately. There was only one difference between the two: one was an Israeli officer, the other a Syrian officer. I ordered the Israeli officer to be brought in and began treating him. The surgery was difficult and long, and it ended successfully. I stepped outside, exhausted. The Syrian officer had died, to my sorrow. After the war, I was released from duty and returned to my regular work at the hospital. Throughout that time, the question of whether I had acted

correctly in the choice I made continued to trouble me. I found no rest for my soul. The image of the Syrian officer did not leave my memory. Finally, I decided to approach the Chief Rabbi, Rabbi Goren, and he invited me to his home. I went to him, told him about the case and my dilemma. The rabbi listened with great attention. I finished. The Rabbi closed his eyes, sank into thought, and remained silent. Then he rose from his seat, went to the bookshelf, took out a volume, leafed through its pages until he stopped and studied a page or two. At a certain point he began to speak. The explanation was long, the message was short: my choice had been the correct choice. I returned home. It was the first night on which I was granted a peaceful sleep. This morning I found myself sitting here in this hall, among many professionals who came from various countries. It is important for me to ask and to know how many of you would have acted as I did?"

A significant number of the participants raised their hands. I asked: "Who would not have acted that way?". One participant stood up, introduced himself as a physician from England, and said: "I would have tossed a coin and chosen in that manner the wounded soldier to be treated by me".

The opening session ended. The participants went outside for a coffee break and used the break to continue the discussion of this difficult and moving dilemma.

Quite a number of physicians encounter the dilemma of dual loyalty in their daily lives in relation to their family members. Choosing the medical profession obligates a person to devote time to treating patients. However, loyalty to one's family members also obligates one to allot time to fulfilling duties toward a spouse, children, parents, and other relatives.

Medical Confidentiality

Confidentiality is a key concept in medical ethics. It plays an important role in maintaining trust between caregivers and patients. Medical confidentiality refers to the ethical and legal obligation of healthcare providers to safeguard a patient's privacy and to ensure that one's personal and medical information is not disclosed to others without one's consent. This confidentiality applies to all aspects of medical care, including medical history, diagnoses, treatment plans, test results, and any other information obtained during treatment. Maintaining this trust enables patients to disclose sensitive information without fearing that it will be conveyed to anyone without their permission.

This is the rule, but maintaining confidentiality is not an absolute command. A careful balance must be struck between preserving confidentiality and the need to breach it in order to promote the patient's well-being or the safety and security of others.

Criminal Patients

Several considerations support maintaining confidentiality when it is requested by criminal patients. First, so that they will not be deterred from seeking psychological help. Second, so that they will not be deterred from revealing incriminating details. Third, in the absence of mutual trust, the quality of care provided to the patient will be impaired. A patient's sharing of one's criminal thoughts with a caregiver is itself a kind of cry for help and a request for assistance in gaining control over the violence rising within.

The Tarasoff Case

Poddar was an Indian student studying at the University of California. In the fall of 1968, he met Tatiana Tarasoff, and began dating her. When Tatiana told him that she was seeing other men, he began to pursue her. He became depressed and neglected his studies and his health. He began receiving treatment at a hospital from Lawrence Moore, a psychologist in the student health services. During the course of treatment, Poddar stated to Moore his intention to kill Tatiana. Moore notified the campus police that Poddar was suffering from severe paranoid schizophrenia. Poddar was arrested but released shortly thereafter based on a conflicting assessment. Tatiana and her parents were not given any warning. On October 27, 1969, Poddar killed Tatiana by stabbing her. He was convicted of second-degree murder, but the conviction was overturned due to procedural errors. Tatiana's parents sued Moore and additional university employees for failing to warn them of Poddar's intent. The Supreme Court of California held that a mental health professional has a duty not only toward a patient but also toward individuals who are specifically threatened by that patient. This ruling has since been adopted by most states in the United States and has had significant influence in other countries as well.

Christodoulou, a colleague from Greece, reported a similar incident. A man was engaged in a love affair with a 35-year-old woman. Because of several bouts of jealousy on the man's part (apparently pathological in nature), the woman decided to end the relationship. The man, who was accustomed to meeting with a psychiatrist, informed him during one of the visits that he possessed a gun and that his next visit would be to his former partner, whom he intended to kill. He added and warned that this information was protected by the duty of confidentiality between patient and physician. The psychiatrist decided that in this case a breach of confidentiality was required, and informed the woman and the police. The man was summoned to the police and questioned. He denied having any harmful intentions. Afterwards he followed the woman, approached her, shot her with his gun, and murdered her. The psychiatrist had both the right and the duty to provide the information to the police. Unfortunately, this did not prevent the lady's murder.

The Bus Driver

I collaborated with Professor Moussawi from Morocco and Professor Arboleda-Flórez from Canada in writing two books in the field of bioethics and psychiatry. Professor Moussawi consulted with me regarding the following case.

A married man and father of three worked as a bus driver on an intercity mountainous route. During a visit to a physician, the driver complained that for five months, since his mother's death, he had been experiencing episodes of accelerated heartbeats. In the emergency room it was found that his cardiac condition was normal, yet due to the stress he was feeling he was advised to take a leave of absence. When he returned from his leave, he again suffered from the same symptoms, especially when driving in mountainous areas. He feared that he might not remain sufficiently cautious while driving and could fall into a ravine. He believed that his symptoms stemmed from heart disease and refused to take psychiatric medication or receive psychological treatment.

I was asked whether the physician should have informed the employer of the driver's health condition. I believed that, on the one hand, the physician's primary responsibility is toward the patient. However, the physician also bears a duty toward the passengers. It is reasonable to assume that a severe anxiety episode could impair his ability to drive safely. If his mental condition could lead to the death or injury of passengers, the physician bears responsibility toward the community as well. Therefore, it would have been advisable to make every effort to persuade the driver to seek further treatment. If the patient were to refuse all treatment and his condition were to continue deteriorating, the occupational physician of the company should be notified, so that this individual could again be informed of the danger of driving a bus under such circumstances.

Disclosure to the Husband

Professor Arboleda-Flórez referred to me another dilemma concerning the right to privacy.

A 35-year-old married woman visited a family physician and complained of discharge and itching in the genital area and around the anus. After examining her and sending her for laboratory tests, the physician scheduled another appointment and asked her to come with her husband. When the couple returned, he informed them that the woman had contracted a sexually transmitted infectious disease and advised them to refrain from sexual contact. The information caused a deep family rift, and the couple divorced.

I was asked whether the physician had acted appropriately. I replied that the basic assumption underlying the principle of confidentiality is that the physician does not disclose to a third party matters the patient has conveyed. The physician acted rashly. He

should have met with the woman privately, informed her of the diagnosis, and obtained her permission before disclosing the information to the husband.

Confidentiality and Politicians

Professor Arboleda-Flórez also consulted with me regarding the duty of confidentiality in relation to politicians.

An elderly female politician had developed Lou Gehrig's disease. This form of sclerosis affects the motor nerve cells of most of the voluntary muscles through which the brain controls movement. She had at most one year left to live. She forbade her physician from revealing her condition even to her husband or her family, given the sensitive political situation and the potential consequences of such disclosure. I was asked: whether the physician should have reported the patient's illness to her family and to the community?

I replied that when dealing with a neurological disease that does not impair cognitive functioning, the principle of confidentiality must be adhered to strictly. However, the physician would have been expected to discuss with the patient the implications of her decision and to explain that as her end approached, it would become impossible to conceal the facts, and she would need to attend to her personal and political affairs as her condition worsened.

Bioethics: Medical Students

The International Organization of Medical Students encourages short-term student exchanges between hospitals in different continents in order to broaden their education. The organization sought my involvement in preparing a guidance booklet that would help students cope with the ethical dilemmas they may encounter within a different social and cultural setting. Presented here are several stories from actual cases that found their way into the booklet I edited, together with comments and guidelines for action.

Removing the Husband

A medical student from the West arrived at a hospital in the United Arab Emirates. A veiled woman came for prenatal follow-up together with her husband. The student turned to the woman and asked whether she felt fetal movements.

The husband replied that his wife felt the baby's movements regularly.

The student asked the woman whether she had experienced any bleeding. The husband answered in the negative.

The student addressed the woman with additional questions, the husband answered all of them, and his wife confirmed each of his responses with a nod of her head, showing no discomfort.

At this point, the student asked the husband to step out of the room so that she could speak with the woman alone.

Removing the Mother

A trainee from the West arrived at a clinic in Morocco as part of the project. A mother and her unmarried daughter came to the clinic for a consultation.

The daughter had been suffering for several days from abdominal pain. In order to clarify with the daughter the possibility of pregnancy, the mother was asked to leave the room. The trainee asked the daughter about her sexual history. The inquiry was conducted in the presence of two students.

Grandmother's Remedy

In a community of rural Indigenous people, a trainee examined a patient who complained of pain in the leg. The trainee examined the leg and discovered a purulent wound. He noticed a dark ointment that had been applied to the wound. The patient explained that his grandmother had prepared an ointment from plants and applied it to the wound. The trainee told the patient that the ointment would not help, and that immediate antibiotic treatment was required. He prescribed antibiotic tablets for the patient and instructed him to swallow two tablets each day.

“Shooting from the Hip”

A student was functioning in a surgical ward. The student accompanied the local physician during the examination of a postoperative patient. A surgical drain needed to be removed from the operative site. The student was familiar with this procedure and had seen drains removed many times before. The physician had to leave the patient in order to attend to an emergency. She instructed the student to remove the drain. The student had never removed a drain before.

The first three cases illustrate responses by students that do not correspond to the culture of the host country. In the fourth, the trainee's conduct violated a serious prohibition. Removing the husband from the room was inappropriate in light of the woman's lack of objection to her partner answering the physician's questions on her behalf. Removing the mother from the room could have aroused suspicion that the daughter had something to hide, and there was no justification for the presence of two additional men during the

inquiry. In the case of the rural patient, it is likely that he would not use the medication prescribed, resulting in treatment failure. It is also probable that his relationship with the medical system was harmed. The trainee should have recognized the patient's approach to treatment and discussed with him an approach consistent with his values and the culture in which he lived, for example, continuing to apply his grandmother's ointment while maintaining cleanliness and dressing the wound, along with an explanation of the purpose of the additional antibiotic treatment. In the case of the drain removal, the student knew the prohibition against performing a new medical procedure without supervision, even if instructed to do so by a supervisor, and should have told the supervisor so and offered to perform the procedure under supervision. And more generally, if patients do not appear distressed and the conduct is acceptable in the culture in question, one should not impose a personal or cultural perspective on their behavior.

Bioethics for Children

The age range of medical students worldwide generally spans from twenty to thirty. Most of them encounter the principles and dilemmas of medical ethics for the first time in medical school. Many struggle to absorb ethical norms in medicine due to a lack of preparation and emotional readiness to embrace such values. They come to me captive to the norms they bring "from home". Norms of ethical behavior in society are acquired at a young age and during the early years of a child's life at home, in kindergarten, in school, and in youth movements. The student arrives at medical studies carrying these norms. Therefore, I believed that ethics education should begin at the earliest possible ages, and I sought to put this belief into practice.

I assembled and led in Italy and Israel a group of educators and ethicists who prepared teaching programs for kindergarten and school children on basic ethical dilemmas. Each instructional unit included a story and an activity suited to one of four defined age groups, as well as teaching materials for staff on how to present the story and use the accompanying materials. We published books containing hundreds of such stories. The International Chair in Bioethics mentioned above distributed them to all who were interested and encouraged the establishment of training courses for teachers and kindergarten teachers around the world. The stories were based on ethical principles presented by UNESCO in an international declaration.¹² One of these principles, for example, was non-discrimination. The following two stories were part of the teaching program. The first was intended for a group of children aged 11–14.

¹² International Declaration on Bioethics and Human Rights
<https://www.unesco.org/en/ethics-science-technology/bioethics-and-human-rights>

The Trip That Was Not Taken

By Claudio Todesco

An art teacher planned a class project that included studying the architectural structure of an old castle located about fifty kilometers from the school. The students were enthusiastic and worked hard on the topic for about two months. When the date of the trip arrived, the teacher faced a dilemma. The castle stood on a rock, and the final part of the route to reach it required walking along a narrow, steep, and uneven path. Among the students in the class was a girl with a disability who used a wheelchair. Reaching and ascending to the castle was impossible for her. The girl's father refused to accept her exclusion from the activity and regarded it as discrimination. The teacher explained that he had chosen this particular castle because it was a typical example of medieval architecture, because it suited the curriculum, and because it could be visited within one day at a low cost appropriate for the families' budgets. The girl's father insisted that his daughter had the right to participate in the educational activity, especially since she had been involved in preparing for it. The father proposed that the class visit another castle, located farther away. It turned out, that visiting the more distant castle would require significantly higher expenses for all families, because it necessitated an overnight hotel stay. Some families could not afford the increased costs, and some students might have been excluded and disadvantaged for economic reasons.

The students in the ethics class were asked to discuss the dilemma and propose how the school should act in this case.

The Story for the 3-5 Age Group:

Partush Has No Friends

By Hanna Carmi

In the kindergarten there is a child named Partush. The children call him "Partush the Hippo", because Partush is as fat as a hippopotamus. His name is different and strange, and he himself is different as well. He has a special chair, big and heavy, because he cannot sit on the small regular chairs, and he has already broken a few of them while sitting on them.

When everyone is running or climbing trees or playing ball, he sits aside, alone. Most of the time he stays in the kindergarten, drawing. Partush loves to draw more than anything else. His drawings are beautiful. He draws flowers, animals, and children playing. Din and Shon, two children in the kindergarten, teased him and called him "Hippo" or "Piji", and they asked him to do things he could not do: to run, to climb a ladder, or to jump on a trampoline. Partush was unable to do any of those things. He would stare at the floor, and his eyes were wet with tears.

One day, Partush did not come to kindergarten, not the next day, and not afterward.

Racheli, the kindergarten teacher, called his parents to find out what had happened to Partush. His mother told her that he was staying in his bed, sad and hardly speaking. The doctor examined him and found no illness. The doctor thinks, Partush's mother said, that Partush does not want to go to kindergarten because he feels miserable there. There are children who insult him every time they see him. Racheli told the children why Partush was not coming to kindergarten. Udi suggested visiting him. He would prepare for him a picture album with drawings made by the children. He would hang on the walls of the kindergarten all of Partush's drawings. Racheli and the children decided to visit Partush at home. The teacher and the children gathered near Partush's house. They knocked on the door. Partush's mother opened the door and was very surprised. "Partush", she called, "look who has come to visit you". Partush sat up in bed, and all the children crowded into his room holding a sign that read: "Partush, we love you, come back to kindergarten". They gave him the beautiful album they had prepared. Partush could not believe his eyes. Never before had any of the children come to his home. He quickly got out of bed, got dressed, and joined the children. "Mom", he said excitedly, "they want me, they love me". He returned with the children to kindergarten. When he saw his drawings hanging on the wall, his eyes filled with tears. "Why are you crying?" Hagit asked. "Because I am happy", he replied. "Happy and crying?" Hagit asked. "Yes", Racheli answered, "sometimes we cry when we are happy".

Medical Law

Junior Instructor

For seventy years I was involved, partially or fully, in training and teaching. After basic training in the army, I completed a course for signal sergeant operators and was assigned to a base as an instructor in the subsequent course. I was eighteen years old. I was given a platoon of thirty eighth-grade graduates. I feared that I would not be able to "take control" of such a large number of trainees my own age. I decided to make use of my athletic abilities in preparation for the first encounter with them. On the first day I instructed them to report early in the morning to the parade ground for a "light" morning run. We set out from military training base 7, near Sarafand (Tzrifin), running south along the side of the intercity road. Before Ramla we turned right and continued toward Rishon LeZion. After five kilometers I ordered to turn around and return. We reached the camp, back at the parade ground. Only four trainees survived the run with me. An hour later the trainees assembled in the classroom. I was supposed to teach Morse code, in which the alphabet is represented by dashes and dots. After a general introduction, I presented the new language on the board one symbol at a time: A - dot and dash; B - dash and three dots and so on. I asked them to practice using this language again and again. Very quickly I sensed movement and motion in the classroom - restlessness, murmuring, loss of attention. How does one continue? I tried a teaching method of "almonds and raisins". I divided the class into two groups. I announced that at the end of the lesson I would present questions to each group on the material studied. The group that won would receive a prize. The announcement bore fruit. The tedious memorization of the new letters received a burst of energy. The lesson ended with an enthusiastic competition between the two groups. During the break I went to the canteen counter and bought a package of wafers. I distributed the wafers to the trainees of the winning group at the beginning of the following lesson. The trainees asked to repeat a similar competition in every lesson. A week later I was told that other instructors in nearby classrooms had adopted this "method" for themselves. The canteen management willingly increased the purchase of wafers...

Thirty years later I was entrusted by UNESCO's world organization with promoting the teaching of ethics in medical schools around the world. The customary teaching of ethics through rote memorization of accepted ethical rules did not seem effective to me. I turned to the "raisins": I provided students with case stories involving medical/ethical dilemmas that arouse interest and thought. Stories and wafers help create pleasant and effective learning.

First Encounter with Medical Law

In 1965 I was appointed a magistrate judge in the Galilee District. A number of the city's dignitaries visited me on the morning of the first day in order to congratulate me. Nurse Zehava Avi Natan, head of the School of Nursing in Safed, was one of them. In addition to her words of congratulations, she asked that I visit the School of Nursing and lecture the students on the legal aspects involved in the nurse's work. A few days later, the director of the hospital in Safed approached me with a request to lecture physicians on the legal implications of the physician's work. The connection between law and medicine, or between law and nursing, was unfamiliar to me. Moreover, in those days these subjects had not been the focus of in-depth research or wide recognition in Israeli law. I began to examine the subject. The first sources of inquiry were a small number of local court judgments and sparse Mandatory legislation. Having no alternative, I turned to rich sources of information that were anchored in professional literature and case law from the United States, England, and several other countries. These external sources, which I drew from the rich library of the University of Haifa, aroused in me interest and a willingness to learn, to delve deeper, and thereafter to examine how these insights might be implemented in local legislation and case law. In 1971, after four years of research, I published my first book: "Medicine and Law". Moshe Etzioni, Justice of the Supreme Court, noted in the book's foreword: "This book, rich in scope and quality, is the first in the field of the interrelations between law and medicine to be published in this country".

Concurrently with writing the book, I volunteered to teach nursing law at the School of Nursing in Safed and to deliver a series of lectures to the physicians of the local hospital. Two years later I began teaching medicine and law at the medical school of the Technion in Haifa. The book served for teaching and study in these courses.

This was the first link in a chain of publications that served as primary sources in the field of health and law in Israel. I was involved in the publication of 45 books: I wrote ten books of my own, edited an additional 22 books, and contributed forewords and chapters to 13 additional books. I will note by way of example one of the books: "Health and Law" (2003; second edition, 2013). Writing the book took four years. The book is considered a cornerstone and a primary source in the professional field of health and law in Israel. In its two volumes and nearly two thousand pages, the book included references to 565 books, 2,555 articles, 3,175 court judgments, and 3,433 statutory provisions. Justice Aharon Barak concluded the foreword he wrote to the book as follows: "Warm congratulations to Professor Carmi, who succeeded in producing such a monumental enterprise, and congratulations to the State of Israel that this important work was written within it".

Teaching at the Hebrew Technion

In 1973, the first year of the Technion's medical school in Haifa was inaugurated. At the initiative of the dean, Professor David Erlich, I was invited to be counted among the faculty members. Over the following sixteen years, I taught courses in medical law and medical ethics to hundreds of students.

University of Haifa

My "home university" was the University of Haifa. The beginning of my path at this university was in the mid-1970s. I sought to introduce the fields of medical law and ethics into the various teaching programs. Concurrently with the realization of this objective, a more important decision ripened in my heart: to establish a faculty of law at the university. I was aware of the internal and external difficulties involved in this. The internal difficulties stemmed from the university's poor economic situation, which has accompanied and continues to accompany this institution from its establishment to this day. The external difficulties stemmed from the expected opposition on the part of the law faculties of the universities of Jerusalem and Tel Aviv to the establishment of a competing institution, and from the reluctance of the public and of the state authorities to the establishment of an additional law school. I employed two tools - external and internal- to contend with these difficulties. Within the framework of the university's department of external studies, I initiated courses in various fields of law. Judges and academic lecturers prepared teaching programs and taught courses on a variety of subjects. The many registrants for the courses benefited and received certificates of participation, even though these certificates had no academic value. In order to overcome the aforementioned external difficulty, I established a public committee of fifty senior legal professionals and academics from Haifa and from across the country, who began to act toward the establishment of the faculty. Significant momentum occurred when Justice Aharon Barak and Professor Yitzhak Zamir were authorized by the Council for Higher Education to build a curriculum for the faculty. I joined the two of them, and in meetings we held over the course of months we built a program and an initial infrastructure was established. The faculty was inaugurated under the leadership of the first dean, Professor Zamir. I acceded to his request and decided to conclude my service as a judge at the Haifa District Court and to move to full-time teaching at the new faculty as an associate professor, a rank that was conferred upon me by the university senate. In the faculty's early years, I participated actively in its administration. I devoted special attention to the teaching of medical law and ethics and built a special course of study for physicians.

I also became involved in additional activities for the benefit of the university and its welfare. I served as a member of the executive committee and of the board of trustees. I established the university's Friends Association and served for years as its president. I

built an ethics framework, operated the disciplinary authorities, established the International Center for Health, Law, and Ethics, and directed it for twenty years.

Continuing Studies in Tel Aviv

In 1986, I was invited to lecture on medical law at the Faculty of Medicine of Tel Aviv University. After one year of teaching, the faculty decided to establish a special division for medicine and law, and I was appointed head of the division. I conducted a large number of courses within the framework of the division, which gained a respected standing within the faculty.

The Law School in Safed

I concluded my teaching at the Faculty of Law of the University of Haifa and continued to direct the International Center for Health, Law, and Ethics at the university. Professor Baruch Nevo, formerly head of the Department of Psychology at the University of Haifa, who served as president of the Academic College of Safed, approached me and told me of his desire to establish a law school at the college and asked that I head it. "No more, my friend", I replied to him, "I have finished my part in teaching law in this current round of life". My refusal was unequivocal. He raised his hands and gave up. A month later he returned to me and renewed his request. "Look", I replied, "look at my large and spacious office, at the large center that I direct, at the wonderful staff at my disposal. One would have to be crazy to leave everything and move to a college in Safed". He gave up. After another month he returned to me: "I want to tell you about what is happening in the Galilee". He laid out before me his experiences: leaving the routine academic environment, the encounter with a population so different in the periphery, the pioneering activity. His excitement was contagious. It is difficult for me to understand how, in that meeting, and in several additional meetings, he succeeded in pulling me out of the comfortable and pleasant lair at the University of Haifa and setting out on a new and complex adventure.

At the age of 33 I arrived in Safed as a magistrate judge. At the age of 73 I returned to Safed as the dean of a law school that I was to establish and direct. Within three months I built a curriculum for three and a half years. A teaching staff was recruited, and dozens of students enrolled for the first academic year. After several years of operation, I transferred the management to those who came after me and returned to Haifa. The Council for Higher Education granted its approval to this institution, and many of its graduates now serve as lawyers throughout the country.

Naturally, I derived satisfaction from the establishment and management of this additional project in my life. However, in retrospect, a sense of missed opportunity also remained with me. I have always had, and still have, an insight regarding the essence of the legal

profession and regarding the functioning of the lawyer. I hoped to build a school that would educate and train a generation of lawyers imbued with integrity, knowledge, and responsibility. The opening was promising. I did not suffice with the presentation of matriculation grades or psychometric test scores of applicants for the purpose of their admission. I established an admissions committee that included a senior psychologist, a senior lecturer, and myself. We interviewed hundreds of candidates and conducted conversations of many hours with each one of them. We wanted to ensure that the students intended to devote most of their time to their studies. We did not agree to admit candidates who worked full-time or whose daily schedule did not allow them to relate to their studies seriously. The interviews also enabled us to examine whether it was possible to assist candidates financially or to refer them to remedial studies. We allowed ourselves not to accept candidates who seemed to us problematic in terms of their personality. Did the good intentions prove themselves? At the end of the first semester, the first examinations were held. The format was common to all the schools at the college. Students were summoned to the examination hall, the examiners distributed the questionnaires and "invigilated" them. A week before the examinations, I entered the classroom and shared a proposal with the students: I would distribute the examination papers and leave. No invigilators would remain in the classroom, on the condition that you commit that there will be no cheating. A discussion took place in the classroom. The representative of the student committee informed me that most of the students opposed my proposal. Most of them did not trust themselves or their peers. The following year such an attempt again failed. I did not repeat the attempt again. Where did I err?

Medical Law Studies in Hungary

For many years I taught a course in medical law at the medical school in Debrecen, Hungary. The Faculty of Medicine conducted a program of instruction in the English language for hundreds of foreign students who chose to come there because of the high level of studies. The student body included, among others, Israeli and Palestinian students. In the first year of teaching, the Palestinian students informed the administration that they would not attend my classes. The response of the dean, Professor Borish, was unequivocal: attendance was required. The Palestinian students attended the classes, and I succeeded in building and maintaining with them a positive and pleasant relationship. After several years of conducting the courses, I was awarded the title of Doctor Honoris Causa of the school.

I also had another connection with the University of Medicine and Health Professions in Budapest named after the Jewish physician Ignaz Semmelweis.¹³ Researchers at this university customarily translated into Hungarian my articles in the field of medical law. The

¹³ Semmelweis discovered in the mid-nineteenth century that washing hands with a disinfectant in maternity wards greatly reduces the infection of women in childbirth with sepsis.

university customarily awarded each year a certificate of appreciation to a selected international scientist. I had the honor of receiving the award in one of the years.

I and Upon Me

A Sense of Responsibility

From early childhood I experienced a deep and enduring sense of responsibility. A feeling of moral obligation to carry out tasks under different circumstances and at different times, and to be responsible for the consequences arising from them. I do not know why or how this trait of mission without a sender was imprinted in me. No one ever asked me or instructed me to feel this way or to act in this way. I "sent" myself. I did not share this feeling with others. I am not proud of it, not even privately. I do not complain about its burden, even though I sacrificed years and much labor to its fulfillment. My choice of certain occupations at one period or another of my life was made by virtue of my need to realize and express this feeling.

My father built our home on the summit of an isolated hill in the Carmel Mountains. There were a few scattered houses in the area and few children. I was about ten years old when, during the Second World War, Italian planes bombed sites in Israel, including the Carmel Mountains. In the afternoons I used to wander alone through the mountains and valleys. In one of the wadis, west of our home, I discovered an abandoned cave deep in the mountainside. It appeared that in the past the cave had served as shelter for Bedouin goat herds. The cave was spacious, and from its inner rear side one could crawl into additional sub-caves. In addition to the bombings by the Italian planes, rumors and fears intensified in the country in view of the advance of the German army in North Africa toward Egypt and the Land of Israel. The Jewish community began to prepare itself for the dangers that were expected. I was aware of these rumors and fears. I felt that I had to take care of the family. I decided that if the war reached our land, I would take my family down to the cave and there we would all hide. For many weeks I went down to the wadi and prepared the cave: I cleaned it, improved access to the area beyond it, rolled rocks to its entrance, from time to time took cans of preserved food from our kitchen, and buried them in the cave.

The Italians stopped bombing the country, the German army was defeated at the Battle of El Alamein. I abandoned the cave, but the sense of responsibility did not abandon me.

When I turned thirteen, I began to write a diary. I took an empty notebook and a pen and began fulfilling the "mission". A deep sense of responsibility impelled me to put into writing what was happening in the country.

In January 1946 I "conducted a conversation" at length in the diary with Ernest Bevin, the foreign secretary of England. I was fourteen years old, he was sixty-four. But the gaps of

age and status did not trouble me and did not deter me. "The two of us" discussed the issue of the immigration of Holocaust refugees to the Land of Israel.

Bevin opposed the pressure of the refugees and declared:

"The Jews insist too much, they want to obtain too much, without waiting in line like everyone else".

I responded sharply:

"The skies darkened. The certificates are exhausted. Those one thousand five hundred refugees per month will no longer come by legal means. But do not despair. A ship has just arrived bringing us 915 immigrant brothers". "The British government claims that this is a violation of the law", I taunted Bevin. "This is not a violation of the law when war refugees come to us".

I explained to him: "A violation of international law is when human beings are abandoned to death, but not when they are helped".

I also complained bitterly to members of his government: "It is not we who violate the law but you. You violate the law. Your promises are worth the dust carried by the wind. Where is the national home you promised us?! Woe to us that we believed you, plunderers!".

In December 1946 I added:

"The first Hanukkah after the world war has passed. In grief and dark sorrow we remember the millions of our brothers and sisters who died sanctifying the Name. O Lord! Take vengeance on the nations, for they have laid waste¹⁴ Jacob".

A month later I returned to Bevin:

"Balfour Declaration Day. Last night Jews blew up all the railway lines in about one hundred places. The community shows the English that it will not be able to endure, and if the English justify this by saying that they do not want to give us the land because of their fear of the Arabs, we will show them that from us they will suffer more".

The harsh clashes that occurred in those days between the Haganah and the Irgun weighed heavily upon me:

¹⁴ Thus it was originally written

"In Haifa and in Tel Aviv commanders of the People's Guard were beaten, and the beaters were beaten. When I think about it, my head simply explodes!! So small a part of our people is in the Land of Israel. Jews beat Jews, to the joy of the Arabs and the English and the other foes of Israel, and our meager strength in any case goes on and turns into nothing".

The Mathematics Teacher and a Family in the Underground

At the beginning of the school year, the class was divided in mathematics lessons into two: Teacher Mayer instructed those with "mathematical" minds, while we, the "humanities" students, were assigned Teacher Orshevsky. He was a native of Russia, a man with a pleasant demeanor, easy with people, who looked at life, at the profession, and at us with calmness and patience. It seemed that all he wanted was to get through the lesson quietly, peacefully. We too wanted quiet and peace. Mathematics was the last thing that interested us. We quickly reached a common understanding with him. During the first half of each lesson we let him talk about numbers and equations, while some of us listened and others quietly occupied themselves at their desks with other matters. In the second half of the lesson the teacher earned enthusiastic attention: he unfolded before us a detective plot, chapter by chapter. He was an excellent storyteller, and every week we awaited the continuation of the story with eager anticipation. At the end of the school year the teacher reached the final, reassuring chapter of the story, in which the criminal was revealed and caught, to our satisfaction. The complete lack of any knowledge of mathematics did not hinder us later in life, but the teacher's lessons left us with a sweet memory.

Another sweet memory of the teacher is engraved in my heart. That year, in the late evening hours, I wandered the streets and pasted on house walls notices of the underground movement against British rule. A prison sentence awaited anyone caught by the secret police. I moved carefully from street to street so as not to take risks and run into passersby. One evening I passed from a side street toward Horev Square on Mount Carmel and encountered an elderly man walking slowly toward me in the darkness. There was no longer time for me to escape when I noticed him. He came closer and looked at me. I stood facing him, in one hand the bucket and the brush, in the other a bundle of notices. I recognized him: Teacher Orshevsky. He fixed his eyes on me, on the bucket and the brush, raised his arm, and with his broad palm stroked my head. "It's important", he said. Then he went on his way.

I was required to keep this activity of pasting notices secret. I remember that one night I finished the task, hid the empty bucket and the brush in a hiding place, and returned home. I tried to enter and slip into my room without waking the family. In the corridor my mother was standing. She had waited for me the entire evening. She took my hand, led me to the bathroom, pointed to spots of glue that remained on my trousers: "You must be careful. If

policemen notice those spots, they will arrest you". In time it became clear to me that the other members of the family as well: my father, my mother, and my sister had also been recruited to the underground, were active in it, and each kept the secret from the others.

When my sister, Yehida by name, reached the age of sixteen, she left her studies at school and enlisted in the "Haganah" as a courier. Every day she would go out to deliver mail and secret material to members of the underground in Haifa. She did not report her enlistment to our parents. One evening she received an envelope, bearing the name Avishai. She was told to pass the envelope to another female courier, who was supposed to deliver the envelope to the commander. Yehida did not know who Avishai was.

One day she visited my father at his office. She was astonished when she saw on his desk the envelope she had carried a few days earlier, bearing the name Avishai. My father told her that Avishai was his code name as a commander in the underground.

My mother too "suffered" from keeping secrets. Nearly a year passed from the time Eichmann the persecutor was captured in Argentina until he was brought to trial in Israel. During this period Eichmann was interrogated, but in addition a team of investigators was recruited for the purpose of collecting, studying, and preparing the evidence for the trial. This involved thousands of documents, most of them written in German. For many days my mother "disappeared" from home. At nine in the morning she would get into a taxi that arrived from somewhere, took her to some place, and returned her home toward evening. We had no idea as to the meaning of these outings, but we were accustomed not to ask questions. Years passed before I understood that she probably filled some role at the detention facility at Jalameh, where Eichmann's investigators were employed. My mother was born and grew up in Berlin until she immigrated to the country as a pioneer at the age of twenty-two. She wrote and published for decades hundreds of articles in leading journals in the country, and translated German literature into Hebrew. I assume that at the beginning of her volunteering with the investigation team she was sworn to secrecy. To my regret and to her credit, I must say that she never revealed to me anything about her activity in that detention facility.

At the age of fifteen I began to participate in training camps: submachine guns, grenades, field training, and a great deal of hand-to-hand combat. When the war broke out in Haifa, we found ourselves armed with clubs, lying on the slope of the mountain, looking toward a large Arab neighborhood in the wadi, and waiting for an attack from that direction.

Judge, Lift Up Your Eyes

In May 1948 David Ben-Gurion proclaimed the establishment of the state. The IDF prepared for a war for survival in the face of the invasion of Arab armies into the country. In June, seventh-grade students who had reached the age of seventeen were called upon

to leave school and enlist. I was sixteen. I presented myself as seventeen and enlisted. The army was ready to close its eyes and accept anyone. A classmate of mine, who was indeed seventeen but was disabled and paralyzed in his right hand, declared full health and was enlisted as well. After basic training I completed a course for signal-unit instructors, graduated as an outstanding trainee, and was posted to Bahad 7 (training base) as an instructor.

A significant portion of the trainees were young soldiers who had recently arrived as new immigrants from the East. I labored to help them cope with their difficulties. Their adjustment to the language, to the local culture, and to the demands of the army was slow and arduous, and the commanding and judicial manner in which they were treated outraged me. In my distress I sent an article to the IDF newspaper "Bamachaneh". In May 1950 the article was published, containing a sharp bill of indictment that I wrote against the army's judicial system. The headline emblazoned above the article read: "Judge, Lift Up Your Eyes!" and this was the text of the indictment, word for word:

Judge, lift up your eyes!

I address all those commanders to whom the army has entrusted the authority of battalion and company commanders, supreme authority, pronouncing law and judgment. Month follows month, the seasons of the year pass, and you recline as always in your chair behind the desk, leafing through complaint forms filled with petty crimes of a rebellious spirit. The longer your term of judging extends, the shorter the course of justice becomes. You have already memorized the laws and their clauses by heart, and you imagine to yourself: "In just a little while, not a trace of bias will remain in my rulings".

One after another the "criminals" enter your room. You quickly read out the soldier's name, his number, and his offense. "Do you plead guilty?". You do not even raise your eyes. Your pen glides swiftly over the incriminating form.

It is quite likely that you have not noticed that, in your most recent judgments, the soldiers do not answer your questions well, stammering and erring not a little. You have not paid particular attention to their place of origin or to their level of education. In your eyes, the crime remains - the same crime, and the punishment - the same punishment. The color of the skin and the culture of the deserter on the "Burma" road changed nothing.

Last night a soldier stood before you charged with not lying in his bed at lights-out. You imposed on him imprisonment and a monetary fine. Had you lifted your eyes to him, you might have been somewhat astonished at how his face contorted as he "chewed" the Hebrew words so foreign to him. Had you not been so afraid of "bias",

you might perhaps have been struck with amazement at the manner in which he accepted the verdict and left the room.

Once outside, he glanced right and left and realized that the place was foreign to him, and that he himself was in the position of a stranger. Fate brought me there, and that soldier, who found himself in the situation of hundreds and thousands of his comrades, poured out his bitterness to me: "I wanna be a good soldier. But what can you do - they don't wanna. No wanna - no need [and his voice trembled slightly, out of proportion to his massive body]. In Iraq I was not free. But always when the Arabs screwed us over, I thought: never mind. I'll escape to the Land, to my country, and there I'll be liberated and free. What is this? Is this 'free'? I am not smart. I don't know [he meant to say: remember] always when lights-out is. For this 'trial'? By my life, I will go back to Iraq. I hate the Jews. From now on I truly hate the Jews".

It was clear to me that this was only a momentary outburst of rage, which would fade with time. But must we plant helpless rage in the heart of the new soldier?

The next day I met a second soldier coming out of his trial, his eyes filled with tears. "I'm not used to this... I'm not used to things like this", he sobbed in his new language. Once he calmed down, he told me of his "crime": his neighbor in formation had chatted. The commander suspected him and summoned him to trial. "I went after the formation to the commander and said sorry, even though I didn't do anything, but he wouldn't believe. I don't care about the money. I'll go and work in the city and give the commander a hundred times the money, just don't write me a trial. Why this? I never trial".

Too many, far too many are the examples to be spread out on this canvas, and too bitter to present. From where shall we elicit human emotion, a mere pinch of familial warmth? Community How is a judge to judge without knowing the habits of the one judged, without knowing how the verdict will engrave its mark upon the accused?

This alone I ask of you, commander: lift your eyes from the complaint form during the trial, and know who stands before you!

Something like an earthquake befell those at the camp a day after the article was published. The soldiers expressed satisfaction and pride, while the camp commander found it hard to swallow the publication. To the credit of the IDF journal it must be said that the sharp "bill of indictment" was published immediately, without correction, despite the fact that the judicial system was attacked in it by a young private of eighteen. It could not then have been foreseen that fate would later place me, during my reserve service, as a judge on the Military Court of Appeals and as the person responsible for the training of judges in the IDF.

Throughout all my years of service as a judge, I endeavored to fulfill the demand of that young soldier to lift up my eyes and know who stands before me.



Col. Carmi, Head of Judicial Training in the IDF

(On the left, Col. Carmi; on the right, Chief of Staff of the IDF, Moshe Levy)

Responsibility to the People

I read the story of the Revelation at Mount Sinai repeatedly in my youth. It was as though I accompanied Moses as he descended from the heights of the mountain to face the multitude, the heavy tablets in his arms, the heavy responsibility upon his shoulders. To this day, I have been unable to understand my sense of affinity with the figure of Moses, to the point of identification. In this biblical portrayal, I experienced, more than at any other stance in my life, the feeling of responsibility. Responsibility toward society, despite the profound disappointment in the conduct of the people. Twenty-one years old I was when I gave expression to my feelings in a poem I wrote:

Antiphonal Voice¹⁵

¹⁵ The expression is taken from Exodus 34:1

Antiphonal voice I hear, antiphonal voice far in the ravine,
with heavy tablets of stone, down the mountainside I wander.
A wind of heights and majesty plays upon my ears,
A devouring fire, a fire engraving upon my heart signs, signs.

Antiphonal voice I hear, antiphonal voice rising in the ravine,
A thirsty people gathers in the wadi, with parched lips.
A thirsty people cries out for water, and with me - the tablets of Shaddai,
Lava pours from the abyss, a sea of fire and flames.

The weight of eternity in stone - a monument, or a sign unto life?
The weight of eternity in stone - shackles or hidden redemption?
A nation blinded by devouring fire stretches its hand to Shaddai,
oh tablets, tablets of God, oh a gift so fearsome.

There - in the mist of above, the winds will yet rage,
and opposite, a people calls to me,
antiphonal voice rising in the ravine.
Shall I rebel against You, God, and shatter the tablets?
...Or shall I bow my head in silence, and descend to my brothers?

Responsibility as a Jurist, as a Judge

Justice Shamgar, who served as President of the Supreme Court some forty years ago, led Israel's judicial system with a firm hand and earned great public esteem. At a certain stage, he took an initiative and drafted a kind of code or bylaws for the judges' organization in the country. He circulated the document among the judges and invited representatives of the judiciary to approve and adopt the bylaws. Thus, six or seven "representatives" of the district and magistrate courts came to a meeting in his chambers. Justice Shamgar presented the document to us, added his explanations, and asked for our approval. Most of the provisions were acceptable to us, and we were inclined to approve them. One clause, troubled us: the bylaws designated Shamgar as president of the organization by virtue of his position as President of the Supreme Court. Shamgar's request to approve this clause was met with silence. The members of the delegation felt respect toward him, and presumably feared raising an objection before him or against him. I broke the silence and said that we believed the leadership of the organization must be determined through free elections. I argued that every judge should be allowed to present oneself as a candidate for the position in question, as is done in any other organization. A general silence filled the room. My colleagues lowered their gaze. Shamgar wondered and asked, "Why?". He was convinced that he deserved as the originator of the idea and as one who was about to bestow a "gift" upon the community of judges to stand at the head of that community and

lead it. "Why?" he asked again. Once more, silence prevailed. All eyes turned toward me. My brief answer put an end to the entire plan, and to my standing in Shamgar's eyes. "You see", I said, "we are deeply grateful for your initiative. We greatly appreciate and respect you, but an organization of judges, like any other organization, is entitled and indeed obligated to choose its representatives in a democratic manner". Shamgar closed the meeting, and we returned to our respective districts. The issue of judicial organization was postponed for several years.

Upon reaching the age of sixty, and after completing twenty-six years in the judicial system, I wished to move from judging to full-time teaching in academia. I exercised my right to retire from the system and sent a letter to President Shamgar requesting approval of my retirement.

He did not attempt to stand in my way...

The sense of responsibility accompanied me in the tasks I carried out, in the organizations I managed, and above all in my service as a judge. Throughout all my years on the bench, I felt and accorded the role profound respect. This feeling did not stem from a love of power or personal vanity. Perhaps the priest in the Temple felt thus when performing his service. To be a judge did not, in my conception, amount merely to rendering correct decisions. I was not prepared to adopt Ahad Ha'am's saying: "Be a Jew in your home and a human being when you go out". To my mind, a judge is a judge, is a judge - when seated on the bench and when descending from it.

I gave expression to this commitment even in the following trivial procedure: I made a habit of taking a biscuit in my chambers before the start of a lengthy hearing in the courtroom. I did not allow myself to reach a point where a bodily sensation, even mild hunger, might distract my attention from the conduct of the hearing. The biscuit, as it were, enshrined the basic right of the litigants to enjoy the court's fullest attention.

My involvement in the world of law was very long: for seven years I practiced as an attorney. For twenty-six years I served as a judge. Fifty years I taught law in academia. My sense of responsibility compelled me to volunteer and to leave my mark in legislation as well. In 1976, I chaired an advisory committee to the Knesset for drafting a new version of the Scouts Ordinance. In 1977, I chaired an advisory committee to the Knesset for drafting a new version of the Education Ordinance. In 1987, I drafted the Medical Information Bill. I served as chair of committees that submitted the Medical Confidentiality Bill and the Medical Research Bill, and I regularly submitted legislative proposals to the Attorney General and to the directors-general of government ministries.

Responsibility as a Lecturer

I taught in schools of medicine, nursing, and law in Israel and abroad for more than fifty years. I was never late for lectures. The "patent" for this was very simple: to arrive ten minutes early and wait.

I acted thus out of ethical and of-the-soul considerations. First and foremost, because of a sense of responsibility. Punctuality is professional and respectful conduct. I value the time and efforts of others. I seek to spare others inconvenience. Beyond that, punctuality enables me to manage time efficiently and to contribute to my professional and personal success. Adherence to a timetable afforded me satisfaction, which contributed only positively to my mental well-being. Adherence to a timetable afforded me satisfaction, which contributed positively to the health of my soul.

My principled approach to examinations and examinees was to fortify, not to fail. To prepare examinees for examinations as a stage of learning, and to pose questions that responsibly and fairly summarize the core of the material examined. I invested work and effort in the evaluation of seminar papers and doctoral dissertations. I removed all other work from my desk in order to devote proper attention to the reading and study of the papers and to the writing of detailed evaluations.

Responsibility to the Community

From time to time, I was called upon to stand at the head of associations that worked for the benefit of communities in need of support. I managed an association combating drug abuse. My fondness for dogs made it easier for me to agree to serve as chair of an animal welfare association. However, the distress of people suffering from mental illness in general, and of the mental health hospitals in particular, concerned and troubled me more than anything else, and I sought to lend a hand and assist as much as possible. I served voluntarily as chair of the public boards of three such hospitals—in Acre, Tirat Carmel, and Be'er Ya'akov. In earlier years, I had researched legal and ethical aspects in the field of psychiatry. Now, I formed and maintained personal connections with patients through one-on-one meetings. Among other things, I labored to build bridges between the "healthy" and those who were ill. Looking someone in the eyes is an important part of human communication. Many people find it difficult to meet the gaze and look a person with mental illness in the eyes. Some carry preconceived notions about mental illness, which lead them to feelings of fear or alienation. For others, an encounter with people suffering from mental illness may arouse feelings of helplessness or an inability to help. In the following words, I sought to convey a desperate plea from patients for the creation of human connection.

Understand

They have already taken everything from me.

Everything.

They have taken from me all that hovers on the other side.

They have taken from me what they call freedom,
and do not know what it is.

They have taken from me will, they have taken from me momentum,
everything.

Bound.

I am bound to the bed,
the bed is bound to the floor,
the floor is bound to the ward,
the ward is bound to the fences,
and I
am forbidden
to run toward the horizon.
To run
in the desert,
on a grassy field,
along a seashore,
on a playground -
with a child whose tiny palm rests in my palm,
and to shout
without fearing a pointing finger: an abnormal cry.

They have taken
being a girl and giving birth to a child and raising a child,
they have taken the trusting gaze of a stranger into my eyes,
not a gaze that slips aside
even before it is born.

So be it.

Let everything be so, but that gaze.

Transmit to me a full eye transmission.

At least that.

At least -

The terror of leprosy and the shame of guilt
do not weigh into my hands.

Since reaching adulthood, I have divided my time between my routine work and volunteer activity. Each day included a dual set of activities. The main part of the day was devoted to my routine work, the remainder of the day was devoted to volunteer activities. Over the course of my life, I established many organizations in Israel and around the world, which I managed without receiving any benefit, while maintaining meticulous adherence to ethical management principles.

Not a few mayors have been convicted of corruption offenses. The accumulation of immense power on the one hand and the absence of strict oversight on the other led even decent people to be drawn to the brink of the abyss. Such a tempting pit exists due to a situation that allows a mayor to appoint “their people” to senior positions, even if they are not suited for them. I am not familiar with mayors, and certainly there are not many, who took a path like the one chosen by Amram Mitzna. After being elected mayor of Haifa, he relinquished a position of power that enabled him to appoint his people to the chairmanships of the many boards that operated within the municipality. One day he summoned me to his office, informed me of his decision to establish an independent committee of public figures, and to entrust to it the screening of candidates for the chairmanships of the municipal boards and for membership in them. Mitzna asked me to stand at the head of the committee and to select two additional candidates for membership in it. I selected two members for the committee and we began to work. The committee examined more than one hundred candidates in dozens of meetings, and from time to time delivered its decisions to the city administration. Matters proceeded smoothly until the discussion of a candidate for the management of a board of special importance. We chose a suitable candidate, and among others rejected a candidate recommended by the ruling party in the municipality. The city administration canceled our selection and appointed the party-recommended candidate. I informed Mitzna of the immediate resignation of all three of us. Mitzna convened the city administration, held a discussion in which the administration retracted its previous decision and approved the decision of our committee. We withdrew our resignation and continued our routine work. In due course elections for the mayoralty were held. Another mayor was elected, and the existence of our committee came to an end.

Responsibility as an Editor

I arrived at the Hebrew University of Jerusalem. I was 19 years old, and it was self-evident to me to establish and edit, for the first time at this institution, a student journal, a generation after its founding. I gathered around me a core group of young students, most of them my age, who committed themselves to the task: Shlomo Levin, later Deputy President of the Supreme Court, Chava Lazarus, later a recipient of the Israel Prize, Shlomo Avineri, later a recipient of the Israel Prize, Dan Miron, later the well-known literary scholar, Elyakim Haetzni, later a Member of Knesset, Yaakov Papo and Yossi Stern, who contributed their works to the journal, the poet Yitzhak Shalev, Didi Menussi, Yehuda Blum, later Israel’s

Ambassador to the United Nations, Zvika Yaffe, Chair of the Student Union, Avraham Katz, later a Member of Knesset, Aviv Ekroni, the poet, Yechiel Amitai the writer, Israel Gur and others. I prepared and edited the first issue within a few months. My father, who managed an insurance company, "recruited" advertisements among the company's clients and covered the cost of publication, and the university's students were, for the first time, granted their own bulletin at a price of 150 prutot. Concurrently with this activity, I established and edited a bimonthly newsletter, "Dapim LaStudent" ("Pages for the Student"). The newsletter enjoyed active participation by writers and had wide circulation among students (at cost price of 100 prutot per issue).

I have no idea why I took it upon myself, throughout my entire life, to engage in the editing of periodicals. No one asked me to do so. I did not see a model or an example that captured my imagination and my energy. I found myself in various realms in which no periodicals existed. In a retrospective survey, I recall at least eight periodicals in Israel and abroad that I established, edited, and operated on a voluntary basis:

- The newsletter "Dapim" of the Student Federation at the Hebrew University, and "Eshkol", a national journal of students in Israel;
- The international quarterly Medicine and Law, which published more than 1,500 articles by leading scholars from around the world;
- A journal of the International Organization of Judges for Judicial Education;
- The medico-legal section of the global publishing house Springer-Verlag;
- The "Medicine and Law" column in "Michtav LaChaver", the bulletin of the Israel Medical Association, in which I published approximately two hundred articles over 27 years;
- A journal of the Israeli Association for Medicine and Law;
- The field of medical law in Israel in the global encyclopedia of Wolters Kluwer.

Indian Curiosity

In March 2017 I held the 12th World Conference of the UNESCO Chair in Bioethics at the luxurious Raphael Hotel in the city of Limassol, Cyprus. The scientific program included more than 300 lectures. As president of the conference, I was immersed in its ongoing management from morning until night, yet I did not forgo my daily physical training even for the three days of the conference. Thus, at six o'clock in the morning I would present myself on the seashore near the hotel for a brisk five-kilometer walk. The area was empty, the conference participants were still enjoying their sleep.

As I descended to the beach on the morning of the third day, a person approached me and asked after my well-being. It was the president of the Indian Medical Association, who was participating in the conference.

"I watched you during the conference. I wanted to speak with you, but you were busy and 'occupied' from morning until evening. Yesterday I noticed that you walk along the beach in the mornings, and I decided to take advantage of this opportunity to speak with you".

"I'm sorry", I replied politely but firmly, "that is not possible. I do not give up my morning exercise".

"Then I will join you on the walk, if you agree".

"I walk fast", I warned.

"I will try. I am younger than you", he smiled.

We began to walk. He did not waste time: "During the first two days of the conference I followed you. I felt a need to ask you: how does it happen that so many people connect with you? What do you do for that purpose? I myself am involved with various organizations, and I try to learn everything related to this".

"This is a bit excessive", I thought to myself. "A person who stands at the head of a huge organization of more than 300,000 physicians gives up morning sleep and races along the seashore in order to learn from me why a few dozens or hundreds of people choose to join me?".

I replied that I had no answer to that. My companion continued walking beside me, and after a few minutes broke the silence: "Try nevertheless to answer me".

"Go and ask them", I evaded.

"I asked", he replied, "and I also received answers. But it is important for me to hear your personal insight".

I did not wish to offend him, especially since I felt that his intention was sincere.

"I assume that building of the personal connection contributes to this", I replied.

"My 'audiences' are different: at the university these are the students. In court these are the litigants and the lawyers. In the various organizations these are the active members and the audiences. Toward them, toward all of them, I take the same approach: I respect them, I listen attentively to their messages and opinions, I try to reach my decisions in good faith, and I explain to them the reasons for my decisions. When I manage institutions and organizations, I am not a politician, I do not conduct 'internal' discussions or secret deals. I encourage initiatives and delegate authority. In the projects that I initiate and promote, I obligate myself to carry out tasks voluntarily, before and beyond those imposed upon

others". I explained to him that "far-fetched" projects that I had conceived were ultimately built on a simple, logical basis, and were accepted thanks to conditions that called out for their realization. Thus, for example, the project of "World Bioethics Day" was created; thus the innovative method of teaching ethics through "stories" of medical cases was adopted; thus ethical education for children based on the analysis of stories was absorbed, and thus journals were published for local and global organizations that were in such need of them. I finished, dozed inwardly, and thought: "This is such a banal answer".

"Is it difficult for you?" he asked.

"Sometimes it is exhausting", I replied, "but for the most part it comes naturally, flowing, self-evident". At the end of the walk we returned and went up to our rooms in the hotel.

I hope that the walk contributed to his physical fitness.

On Organization, Yekke Traits, and Determination

I was born in Berlin to a Yekke family and grew up in an unmistakably Yekke atmosphere. Precision and punctuality are deeply ingrained in German culture. Yekkes regard punctuality as a sign of respect for professionalism, reliability, and integrity. They tend to plan their schedules meticulously in order to ensure that they can meet their commitments without delay and avoid wasting their own time and that of others.

For many years I organized hundreds of conferences: local, national, and international. Among other things, careful attention must be given to the proper planning of the schedule of each conference and to adherence to it. Not a few conferences held in Israel do not begin on time and do not end on time. This phenomenon is familiar in Israeli culture of gatherings, and therefore it does not arouse resentment or criticism among lecturers and audiences. The conferences that I organized always began on time.

For decades I held monthly conferences for members of the Association for Medicine and Law at the same hotel in Haifa. Each such conference included a social gathering with coffee and cake at seven thirty in the evening. At ten minutes to eight the members were asked to enter the hall for the main lecture. At eight o'clock I opened each conference. More than two hundred such conferences were conducted by me. Not once was there a delay in their opening.

The following incident comes to mind.

In the framework of my role as president of the Friends Association of the University of Haifa, I held each year a festive, full-day conference. The conference held that year revolved around the story of Joseph the Righteous and his brothers. A group of senior

lecturers from across the country was supposed to survey the topic from all its aspects. I invited the chief rabbi of one of the cities to open the conference.

An audience of four hundred participants filled the main hall at the university. The team of lecturers was invited to sit in the front row. At five minutes to nine in the morning I went up onto the stage. The rabbi who had been invited and had promised in advance to arrive at eight thirty did not arrive. Sitting next to me was the first lecturer, Amos Gilad, then a major general in the IDF.

"What will you do, wait for the rabbi?" he asked. "An uncomfortable situation".

"Nothing uncomfortable", I said, "the conference was set for nine o'clock in the morning. The conference will open at nine o'clock in the morning".

And so it was. At nine o'clock I took the microphone, greeted those present, and began the introductory lecture. At twenty past nine the door at the back opened, and the rabbi entered the hall, accompanied by two or three of his aides. The rabbi stood and looked at me. It seemed that he was waiting for me to greet him and invite him to the stage. I continued my lecture without interruption. He advanced slowly down the aisle until he reached the front row. I continued speaking. He sat down and waited. I finished, and invited him to come up to the stage and welcome those present.

Amos Gilad, who was sitting next to me, leaned toward me and whispered:

"Well done. In the IDF they should learn from you how to run conferences".

A Conference in Germany

The "Max Planck" Research Institute in Freiburg Germany is regarded as an international leader in the field of forensic medicine. During my term as president of the World Association for Medical Law, I was invited to participate there in a ceremonial event and to deliver a lecture to the research staff. I landed in Freiburg on the preceding evening, and at eight o'clock on the morning of the following day the head of the institute came to the hotel to drive me there. At eight thirty we arrived at the institute. The lecture was scheduled for nine o'clock. He parked the car at the front of the building, walked with me to the entrance, and led me inside toward his chambers. We passed halls and laboratories on both sides of the long corridor. He paused beside one of the doorways and pointed to it: "This is where you are supposed to give the lecture". We went in. It was a spacious lecture room. At the front of the room stood a lectern, surrounded by chairs arranged in a semicircle. About thirty large, wide, black chairs. He pointed to the lectern: "You will lecture here". He then asked whether the lectern suited me, and whether I wished to leave my lecture notes on it. I replied that I liked the room, that the lectern suited me, and that I had

nothing to leave on it, since I customarily lecture freely, without papers. He suggested that we continue to his office and enjoy a cup of coffee before the event. I went out and followed him. I felt a sense of unease. The time was a quarter to nine. I was supposed to lecture in fifteen minutes. The lecture room was empty. The corridor was empty. We entered the pleasant chambers. The secretary received us warmly and placed cups of coffee on the table. While sipping, my eyes wandered to the bookcase opposite me. I was pleased to discover two or three familiar books in the field of forensic medicine. The host exchanged a few words with the secretary, then glanced at his wristwatch. "Two minutes to nine", he said. "Are you ready to go?". I rose. He turned toward the door and went out into the corridor. I followed him. He reached the lecture room. The corridor was empty. The door of the room was open. He went in, I followed him, I entered. Lecturers in suits filled all the chairs arranged in a semicircle. We walked forward toward the lectern. All those present rose from their seats and applauded in our honor. The director thanked them and asked them to sit down. He introduced me to them and invited me to come up to the lectern and deliver the lecture.

To this day I remember my astonishment. To this day it is hard for me to understand how and when they managed to fill all the chairs. To this day I am filled with admiration for the precision. For the responsibility.

An International Organization of Judges

Dr. Shlomo Levin, a Justice of the Supreme Court of Israel (ret.), conceived in 1990 the idea of establishing an international organization for the training of judges. Shlomo and I studied together at the Faculty of Law at the Hebrew University, and he was a member of the editorial board of the student newspaper that I edited. He approached me and asked for my assistance. We established the organization. Shlomo served as its president, and I as its secretary general. The response of judges around the world was positive. More than one hundred judicial training institutes joined the organization. The day-to-day management of the organization was carried out by me, subject to Shlomo's guidance. I founded the organization's journal, established an academic committee within it, and held an international seminar on ethics for judges. Every two years we held international conferences of the organization, with the participation of hundreds of senior judges.

The World Association for Medical Law

In 1968, the Belgian professor of law Ralf Dirkens conceived the idea of establishing a world organization for medical law. He gathered around him a small group of academics and, in 1970, held the first international conference. Two years later I joined this organization as an ordinary member. The organization held world conferences once every three years. Not long after I joined, I conceived the idea of publishing an international journal on medical law, the first of its kind in the world. The scholarly development of medical law was still in

its infancy. The realization of the idea appeared fanciful to the members of the organization's leadership: there was no funding, there was no editorial system, there was no potential readership. In 1980 I published the first issue of *Medicine and Law*. I edited this quarterly for thirty years.

In 1978 elections for the presidency of the organization were to be held. My name was included on the list of candidates. Professor Dirkens asked to meet with me. I held him in great esteem. He was undoubtedly a leading figure in the field of medical law. I had met with Dirkens on several occasions in the past, but no personal relationship had developed between us. I always sensed the existence of a kind of barrier of cool politeness. Not really cold, but cool. The meeting, which took place on the second floor of a hotel in the city of Ghent on the banks of the river, is etched in my memory to this day. We sat in the evening at the back of the dining room, near the window. Professor Dirkens opened the meeting with a lengthy review of the organization, its goals, and its activities. I waited patiently. When he finished the review, he continued: "I asked to meet with you to tell you that I will oppose your candidacy". I was unprepared not only for the opposition itself, but even more so - for the wording. After a brief silence, I asked, "Why?". He replied, "You are Jewish". I was stunned. I had not prepared myself for such a statement. He added quietly: "I want you to understand: this is not personal. But I cannot allow a Jew to serve as president of our organization. I expect you to accept this". I remained silent, I did not argue with him. He was the one who had founded the organization, he managed the organization. I went up to my room. I did not fall asleep, burdened by an oppressive feeling: I was staying in a building standing on European soil, soil on which, only a few years earlier, millions had been slaughtered because of their Jewishness. Now, on that same soil, a ban was being imposed on a person because of being Jewish. I felt a storm in my heart. I did not sleep. On the morning of the following day, a decision formed in my heart not to give up. One must not give up. I went to the organization's secretariat and submitted my candidacy for the presidency. Two months later the elections were held. Dirkens activated his connections, and another candidate, Dr. Hedding, a judge of an appellate court in Sweden, won the position. Two years later Hedding resigned, and elections were held again. Judge Hedding proposed my candidacy. Professor Dirkens objected. The members of the council elected me despite his opposition. I served as president of the World Association for the next twenty years.

Fencing

On September 1 1939, Nazi Germany launched a world war.

The chair of the Maccabi organization in Israel called my father, the chair of the Maccabi branch in Haifa: "A couple of refugees has arrived from Europe by ship at the port of Haifa, destitute. The husband was a well-known fencer in Hungary. Can you take care of them?". My father replied affirmatively and traveled to the port that very day to collect them. That

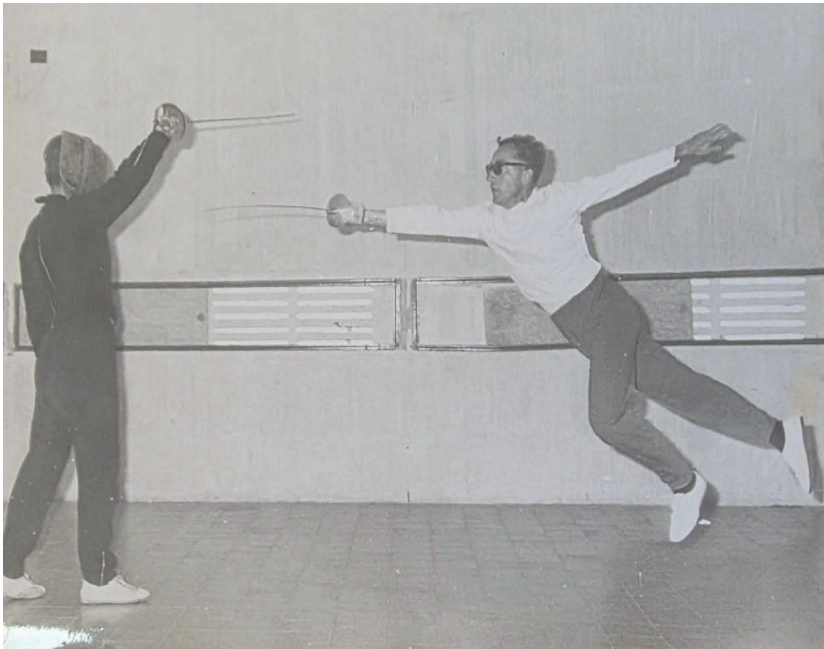
evening they arrived at our home. My parents allotted them a room in our apartment, where they lived during the first months. Over the next two years my father rented an apartment for them. In the meantime my mother took care of their integration into the country. She "bestowed" them new names: Magda from Vienna became Ahuva, and Pista from Hungary became Yitzhak. Owing to Yitzhak's sporting background, he was appointed a physical education teacher at one of the city's schools. Already in the first months after his arrival, Yitzhak began training my nine-year-old sister in fencing. I was then seven years old. I was jealous of her and demanded that he train me as well. I could barely manage to carry the foil, but I did not give up. My mother called her friends on Mount Carmel and persuaded them to send their children to a fencing class under Yitzhak's guidance. For this purpose she rented a small hall for him in the Carmel Center. Thus Yitzhak Klein advanced fencing training in Haifa. Thus, too, a path opened for me that became a significant part of my life. More and more children joined the club. After some time the club began to hold competitions. Similar clubs operated in several cities in the country, making it possible to hold national competitions. A number of Jewish fencers who had won national and international championships immigrated to Israel and enriched the clubs and their level. The Carmi family became a family of fencers. My sister won the national championship, my brother Eran was a leading fencer, my daughters Nurit and Tamar were outstanding fencers and my son Udi (Yehuda) even reached the final of a world championship fencing competition.



The Coach Giving Amnon and His Sister Their First Lesson in the Yard

My connection with the sport of fencing was long-standing. In my youth I specialized in the foil and usually won first places. Later, upon my return to Haifa after completing my university studies, I returned to fencing. An excellent fencing club operated in Haifa. The club's sabre fencers were the best in the country and included outstanding Jewish fencers who had immigrated after the establishment of the state. I took a liking to the sabre and

began training in it. I devoted time and effort to advancing. Within a single year I rose from membership in the sixth-ranked group in the club to the second group. I was not born with a talent for fencing. But I was endowed with Yekke traits - perseverance and maximal investment. I organized my daily schedule in those years accordingly. Early in the morning I practiced fencing at home. Afterwards I went out for a long run. I trained at the club several days a week. On weekends I participated in competitions throughout the country. In 1961 I won first place in the national championship. In the years that followed I continued to compete and to win many medals and trophies. It was the Minister of Justice who cut short this journey of success in its prime, in anticipation of my appointment to the bench, a story I have told separately.



The Dutch Coach Van Oberen Coaching Carmi



The Israel National Fencing Team



Carmi in White Uniform



Carmi in Black Uniform

Chair of the Fencing Association

The Sports Federation served as a framework for various sports branches in Israel. One of these branches was the Israel Fencing Association. At a certain point I was asked to manage this branch. Fulfilling the role required participation, as the branch's representative, in meetings held by the federation's management. I was exposed to an uncomfortable atmosphere that prevailed there among the representatives of the Hapoel and Maccabi associations. One of the common failings of the Sports Federation in those years was connected to the participation of Israeli athletes in competitions abroad. Trips abroad were, in those years, fertile ground for the "compensation" of the functionaries, and ahead of each such trip the members of the managements of these sports bodies compensated one another with "gifts", at the expense of the athletes and at the expense of the public. Nor was that all, the selection of athletes sent to competitions abroad was carried out by the functionaries through similar "agreements". The dispatch of an athlete affiliated with one center "justified" the dispatch of an additional athlete from a rival center. The fencing branch did not join in all these dealings. Ahead of each competition abroad I ensured that national preparatory competitions were held. Our delegations included only the winners of the preparatory competitions. Moreover, the officials who accompanied the teams abroad were chosen according to professional criteria: only the coaches of the selected fencers traveled abroad as escorts. My clash with the Sports Federation's management occurred in connection with one of the competitions abroad. Preparatory competitions were held in Israel. A fencer from Hapoel won first place and was supposed to travel to the competition abroad. Maccabi officials demanded that I add a Maccabi fencer for the sake of balance. "Not on my watch", I informed. I rejected further pressures, and then the Maccabi officials decided to finance the trip of a Maccabi fencer at their own expense. The Sports Federation's management approved this decision. I immediately announced my resignation from the chairmanship of the Fencing Association. The following day the press launched a vigorous campaign against the federation's decision. The federation convened an emergency meeting, withdrew its intervention, and I returned to managing the association. In due course I was awarded the title "Sports Official of the Decade".

The Abduction

Joseph Finder describes in his book the following phenomenon: "In situations of hostile takeover, when our lives are in danger, the brain operates at peak intensity. The amygdala, located in the brain, sends a signal, and the body begins to pump dopamine, adrenaline, and cortisol. Then everything seems to shift into slow motion. Focus sharpens, and suddenly one begins to absorb far more stimuli than usual. Neurologists call this tachypsychia. Others call it the fight-or-flight response".

The World Youth Fencing Championship took place in Turkey. As head of the Israeli delegation, I led our young athletes there. The general security atmosphere at that time was tense, and our own security personnel accompanied the delegation, which was housed in a separate hotel, far from the competition venue. Every morning our fencers were transported from the hotel, escorted by Turkish security personnel, on their way to the hall. At that time I was serving as vice-chair of the Asian Fencing Organization. An Iranian colonel was then serving as chair of the organization, and another Iranian representative, Medani by name, served as the organization's secretary general. On the occasion of the opening of the games, the Turkish hosts invited the heads of the organization and the heads of the delegations to a festive evening in a hall in the city center. The Iranian colonel delivered the opening remarks, and I, as his deputy, welcomed the hosts and the guests.

At the end of the evening I went out with my friend Medani to the open area outside the building. Medani himself was a sabre fencer, and more than once I had enjoyed friendly bouts with him. He stopped a taxi for me and gave the driver the address of my hotel. I sat down in the back seat. Medani wished me good night, thanked the driver, and added: "Take good care of my Israeli friend". In doing so, my good friend unknowingly sealed my fate for the coming hours. The driver set off toward my hotel. It was midnight. I was tired. I had spent most of the day at the competition hall. The drive back to the hotel was supposed to last about twenty minutes. I closed my eyes and dozed lightly. The drive continued. Suddenly I heard the driver speaking on the phone with someone. I opened my eyes, looked outside, and noticed that the taxi had returned to the same plaza from which we had departed. The driver slowed down and stopped the taxi. The front right door opened, and a large man entered, sat down next to the driver, and spoke with him in Turkish. He closed the door, and the taxi began to drive. In the first minutes I suspected nothing. It was convenient for me to assume that the driver had decided to take advantage of the trip to give a ride to a friend. I became awake. I looked outside. We were driving in the city center. I recognized some of the streets. But the minutes passed, we moved into what appeared to be the outskirts of the city, and then the "guest" opened his mouth and asked me in English whether I was Israeli. I remained silent, alert. He turned his head toward me and repeated his question. In that second I understood that I had been abducted. "Yes", I answered, "why do you ask?". He asked for my name. I gave it. He said something to the driver, and the two fell silent. The taxi sped toward the outskirts of the city. "What do you do?" he asked. Without planning, and perhaps more accurately, without awareness of planning, I replied: "I am a policeman. I am a police officer". He burst into loud laughter. "You are not a policeman". "I am a policeman", I said quietly. "What are you doing in Turkey?" he asked. "I am heading a delegation of police officers from Israel. We came for a working meeting with the heads of the Turkish police". "When? Where?" he asked. "This evening". I named the hall in which the event had taken place. He continued asking questions and occasionally exchanged words in Turkish with the driver. I looked out through the window. Despair. Vast agricultural areas, no houses, no lights. I considered the

possibility of opening the taxi door, jumping out, and running. I rejected the idea. They would most likely pursue me by car and eliminate me. My salvation came from a completely unexpected place. At some point, when I answered his question about my place of residence in Israel and mentioned the city of Haifa, he blurted out that he had a photograph of the Port of Haifa. "Is the port visible in the picture?" I asked. He answered in the affirmative. I said that this was interesting and important. He began to ask another question, but I interrupted him and began to build an entire story: "You know, the British ruled Israel before the establishment of the state. In 1935 they built the port in Haifa. Inside the port they built deep bunkers and hid large quantities of military equipment in them. In 1948 the British left Haifa and the country. To this day not a single person knows what lies beneath the water in the port. The picture you have in your hand is worth millions. I know someone at the Israeli embassy who would be willing to pay you a fortune into your hands for the photograph". The story sounded far-fetched. But perhaps my calm and confident voice ignited his imagination. He instructed the driver to stop, turned toward me, fixed his eyes on me, continued describing the photograph he had in his home, and began asking for details of the contact person at the embassy. "Listen", I cut him off, "let's conclude a deal. I will take you tomorrow morning to the embassy, you will bring the picture, we will ask for five hundred thousand euros for the photograph, you will receive the money, we will receive the picture, and we will also thank you. At long last we will have a picture of the Port of Haifa". He instructed the driver to drive to the hotel. We arrived at the hotel at one o'clock at night. The man instructed me to present myself at seven in the morning on the other side of the hotel, in an empty area, about twenty meters north of the entrance to the building, so that we could travel together to the embassy. I wished him good night and entered the hotel. I woke our security personnel and reported the incident to them. They immediately contacted the local police. The next morning snipers positioned themselves on the roof of the hotel. I was instructed to present myself at seven o'clock outside the hotel. The task assigned to me was to see and remember the taxi's license number. They also instructed me not to stand outside the hotel's perimeter, as demanded by the abductor, but to present myself directly opposite the hotel roof. At ten past seven the taxi appeared, with the same man and driver. It slowed down. The man gestured to me with his hand to walk up the road northward, as he had demanded the previous night, and the taxi continued driving and disappeared. I did not move from my place and waited. The taxi turned around somewhere, returned and came toward me, slowed slightly, and the man again gestured for me to move up the road. I did not move. The taxi continued on its way, disappeared, and never returned. I went back into the hotel and gave the taxi number to the security personnel. Two days later we returned to Israel. Several months later an official from the Ministry of Foreign Affairs informed me of the continuation of the handling of the affair. The taxi driver was located and arrested thanks to the taxi number I had provided. He denied all guilt and any connection to the incident. Police "treatment" forced him to open his mouth and betray the man, who, as I was told, was a dangerous criminal well known to the police.

Health

The field of medical law in general, and the legal aspects of medical malpractice in particular, was neglected in Israel in the 1960s. Over the course of many decades I built and developed this field in many and varied ways: research, books, teaching, conferences and organizations. In parallel with my contribution to medicine, medicine contributed its share to my health and to my life. Like any person, I underwent various medical treatments and required assistance in hospitals. At the age of twelve, I rode my bicycle down from a side road onto a main road. A motorcycle driven by a British soldier struck me. I was thrown a distance of several meters, the bicycle was split in two. I was taken to the hospital. I was injured in my head, my kidneys, and my legs. I remember one night when my father sat by my bed and for hours said, and said again: "You will live. You will live". Later I was told that the hospital director had informed him that same evening that my condition had deteriorated and had become critical. Another memory was sweet: the British soldier visited me in the hospital and gave me a large box of chocolates.

At the age of fifteen I required a tonsil operation. Anesthesia in those days was administered by means of a gas mask. I was not anxious about the operation itself, but I feared that it would begin before I had entered full anesthesia. I "recruited" for myself a procedure of counting aloud. At that time I used to record my experiences in a personal diary. One day after the operation I recorded this adventure in the diary. The following passage is taken verbatim from the diary.

An operation was performed on my throat. On Thursday morning I came to the hospital. I put on pajamas and entered the operating room. There were a doctor and two nurses there. They seated me on a high chair and bound my legs and my hands with leather straps. The doctor explained to me how to breathe the anesthesia and covered my face with a mask. When they began to administer the anesthetic substance, I began to count slowly. When I reached twenty, the doctor said, "Good". I continued counting. From "thirty" onward I began to hear myself speaking. I reached fifty. I heard a counting voice echoing in a large, empty hall. Each breath of the anesthetic substance increased the fog and the confusion within me. I wanted to stop counting, and yet, because of fear of pain that I might feel while still conscious, or out of stubbornness and a desire to achieve a "record", I continued. I reached seventy. I said, "Seventy. Or eighty". The doctor intervened: "No, my dear. It's only seventy". I insisted: "It's eighty. You don't know". The doctor asked, "I don't know?". "Of course", I replied, and continued counting, while he burst out laughing and translated the argument to the nurses in German. I reached ninety. I asked teasingly, "Is that correct?". "Yes", said the doctor, "yes?" I wondered. Only a moment earlier he had claimed that it was only seventy. I took a long breath. A strange sensation, as if someone had struck my head, and

consciousness was leaving me, but without any pain. The room did not spin, and the walls did not dance, as I had read in books. Simply dullness, pleasant dullness to some extent spreading through the body. Consciousness left me. I began to dream a nightmare whose content I do not remember. Only one thing do I remember: the dream was filled with screams and shouts. I opened my eyes and coughed, and blood flowed from my nose and my throat. The next day, when I told the doctor about the dream, he said that during the operation I had been quiet and had not uttered any scream. He also said that he had telephoned my mother and told her that I had behaved bravely the entire time, and that I had not shame my father...

The doctor was a Yekke. Reverence for masculinity was part of German culture. One does not complain of pain. "A man does not cry". I myself absorbed this ignoble bias. I am capable of shedding tears while watching a romantic film, but when a dentist extracted all my natural teeth over the course of two consecutive hours in preparation for the implantation of replacement teeth, I uttered not a sound. Then too, I did not shame my father.

Problematic Anesthesia

As stated, about fifty years ago, close to the establishment of the medical school at the Hebrew Technion in Haifa, I was called by Professor Ehrlich, the first dean, to teach ethics and medical law. For nearly twenty years I taught there, until I moved on to teach at the Universities of Haifa and Tel Aviv. A not insignificant portion of my students advanced and assumed senior positions in Israeli medicine. The doctrines of medical law and ethics were then in their first steps in Israel. Physicians who arrived in the country from Germany brought with them a tradition of authoritative/medical treatment of the patient, in contrast to the liberal conception of medicine in the United States. The Israeli discussion of the patient's right over their own body had only just begun. The Patient's Rights Law was enacted by the Knesset two decades later. I myself was raised on the knees of German culture. However, when I began to research, examine, and weigh the foundations of the new medical law in the country, I preferred the American conception. The specific subject of "informed consent" was a cornerstone of this tradition. I worked extensively to promote the patient's right over their own body. As I noted, when UNESCO created the curriculum for the teaching of ethics worldwide, I was asked to formulate in this document the ethical rule of informed consent. Many years passed. The rule of "informed consent" was absorbed into international legislation and adopted by many states. This rule obligates caregivers to provide patients with adequate medical information and to treat them only after the latter understand the explanation and sign the consent form. This message is included in all the teaching programs of medical schools. The following embarrassing

experience showed me that I did not always succeed in conveying this message to my students.

One day I required a colonoscopy examination. After the necessary preparations, I lay down in the operating room. A physician and a nurse stood beside me and waited for the anesthesiologist, who had not yet finished his work in a nearby room. He arrived with considerable delay and approached me. A red-haired man in his fifties, smiling, energetic, pleasant. He apologized for the delay and began to speak about the previous treatment, but after the second or third sentence he cut off his flow of speech, fixed a prolonged gaze on my face, and stammered: "Aren't you Professor Carmi?". I answered in the affirmative. "You surely don't remember me", he cried, "you were my teacher in the ethics course!". It was no wonder that I did not remember him. A generation had passed since he had sat on the school bench. He connected the injection of the anesthetic substance to my right arm, but did not calm down. While treating me, he enthusiastically brought up his memories of the stories and cases that I had brought to the students in that course. I hoped that his excitement would not disrupt the required treatment. I began to feel a sense of blurring, but suddenly he stopped and cried out: "Shame! I forgot to give you an explanation about the anesthesia and to have you sign the consent form!". He hurried to a nearby table, pulled out a consent form, approached me, shoved a pen into the palm of my left hand, grasped the hand and produced a scribble of the pen on the form he held. An explanation, if such was given, I did not hear. The anesthesia worked as required, the examination passed successfully, but my teaching about the duty to explain to the patient and about having the patient sign as a sign of understanding and consent failed, at least in what this student remembered from the lesson.

Negligence

It is difficult to understand the intense involvement of the fields of medicine and law throughout my life. Is there a higher power or "logical" life circumstances that predetermined, or determined at all, the involvement of these fields in my life? The faculty of medicine did not accept me as a student of medical studies. But I was the first, the pioneer, who brought the messages of law to the community of physicians in Israel, and who brought the messages of medicine to the community of jurists in Israel.

I, who engaged in legal analysis of medical treatment, was transported by ambulance to a medical operating room because of excruciating pains in my abdomen. I required urgent surgery. I was asked by a physician whether I suffered from any allergy. I informed him that I have an allergy to iodine. The physician said that despite this, an iodinated contrast agent must be injected in order to perform imaging, since it is impossible to diagnose the cause of the pain without imaging. The nurse began to inject the iodinated contrast into my arm.

Within seconds I felt severe shaking, intense cold seized me, teeth chattering, spasms and contractions throughout the body. I cried out for help. The nurse announced that the physician was not present. I demanded that the injection of the contrast be stopped. She pulled out the needle. The shaking ceased, but the abdominal pain intensified. I asked for medication to relieve the pain. The nurse apologized: "The physician stepped out. He will return in an hour and a half". The physician returned and performed imaging without contrast material. A rapid result: intestinal obstruction. Urgent surgery is required. It was Friday evening. One must not fall ill and arrive at hospitals on Friday evenings: there is no full, skilled medical staff. I am rushed to the operating room and anesthetized. A resident physician opens the abdomen and pulls out the intestines. He attempts unsuccessfully to open and separate the twisted intestine. The complication is too difficult for him. It is resolved with a knife: he cuts the twisted segment on both sides, connects the two remaining parts of the intestine, sutures them to one another, and concludes by closing the abdomen. I am transferred to the ward. Influenza spreads in the hospital. After two days I contract the illness, and after two additional days a severe pneumonia develops. I suffer from high fever, deep coughing, breathing difficulties. A week later the head of the department passes through my room, examines me, and discovers an infection between the abdominal sutures. He utters a curse apparently directed at the surgeon. He summons a team of physicians and conducts a discussion beside my bed. I am rushed to another abdominal surgery. The malfunction was treated, but during the additional treatment I was caused an intestinal hernia. An additional stay in the hospital is imposed on me for the purpose of rehabilitation from the two surgeries. During the additional stay I was granted another "therapeutic" experience. I awoke one morning and found my left hand covered with blisters. It turned out that on the previous evening, a trainee nurse forgot to remove a rubber band from my arm. Over the next three months I underwent painful treatment of the hand due to the severe burns caused by the rubber band that had been left on my arm.

Important: despite all these experiences, and before and after all of them, I must acknowledge and give thanks: the hospital staff saved my life. I would not have survived without the treatment at the hospital.

Smoking and Dogs

Smoking and dogs came together in a strange way in the course of my life.

Smoking

The first cigarette reached my mouth at the age of fifteen. I was recruited for guard duty at an underground radio station of the Haganah. The risk was great. Prolonged imprisonment awaited the station's operators and guards if they were discovered by the British Mandate police. The emotional tension involved in this activity was heavy. At the end of the first day's shift, I went down to the neighborhood grocery store and bought a

pack of cigarettes and a box of matches. That was the first cigarette I put to my mouth. At sixteen I enlisted in the IDF and continued to smoke like most of the soldiers. For thirty years I went on smoking. In the course of my travels abroad I reached, among other places, Cuba, purchased cigars, and continued to enjoy them after my return home as well. After my marriage I tried to limit my smoking to outside our apartment, since the smell was unpleasant to my wife. She also believed, rightly, that smoking harms health, but she failed in repeated attempts to persuade me to stop smoking altogether.

Dogs

Dogs have drawn my eyes and my heart since childhood. To this day I feel gratitude to the writer Jack London, who granted me his moving story about White Fang. Again and again I read about the adventures of that dog and wove it into my childhood dreams. In the second year of my university studies I lived in student dormitories at Camp Allenby in Jerusalem. The special sense of smell of stray dogs prompted them to come to me. A tiny abandoned puppy attached itself to me on the very first day and consented to settle in my room. Shortly thereafter I earned the trust of a boxer dog. The name I gave my dog was Nili, in memory of the group of fighters at the end of the Ottoman period in the country. I tried to train Nili as a guard dog that would protect me in time of need. At a more advanced stage I invited the building superintendent to me, dressed him in a thick coat, put a stick in his hand, went with Nili toward an open field, and asked him to attack me, as it were. I expected the dog to charge at him and defend me. The man raised his voice and stick at me. The dog tucked her tail between her legs and fled for her life across the field, returning home only late in the evening. I did not trouble her again with such training. The attraction of stray dogs to me, and mine to them, continued even after my marriage. One dog that I picked up near the city hospital was described by my wife as the ugliest creature she had ever seen. The dog episode came to an end after one morning when my wife pulled a scrawny dog out of the wardrobe, where I had housed it and what it had left there during the night.

Dogs and Smoking

Years passed. We moved from Jerusalem to Haifa. We raised four children. On one of the Saturdays I was walking with my ten-year-old daughter in a pine grove on Mount Carmel. At the edge of the grove stood about a dozen women and men in a circle, holding dogs on leashes. At the center of the circle stood a trainer who was giving the participants a lesson in dog training. We watched with great interest the training of the dogs and their owners. From the outskirts of the grove three visitors approached: a man, a woman, and a girl. The woman led a blackish dog on a leash she held in her hand. They stopped near us. I petted the little dog, who wagged its tail happily. I asked the woman whether they had come to train the dog. She replied in the negative and explained that they were about to travel abroad and wanted to give the dog away. They were looking for a reliable family that would

care devotedly for the dog. I said that I was willing to take it. My ten-year-old daughter intervened: "Dad, you know Mom won't allow a dog in the house!". "She will allow it", I answered, without any basis for this statement. But the dog's owner was doubtful and asked that I give details about my work, about our family, about the devotion we could show the dog. I answered as best I could. Apparently I convinced her, and she handed the leash to me. I took the little dog in my arms, hugged it, and the three went on their way. We set off for home. My daughter asked, "What will you do? Mom won't let it into the house!". "We'll see", I said, though no idea occurred to me. We arrived home. I handed the little dog to my daughter and asked her to hide beyond the entrance. I knocked on the door, my wife opened. I said to her, "Do you remember that once you told me you would fulfill any request in the world if I decided to stop smoking?". She answered in the affirmative. "Do you stand by that today as well?", I asked. "Of course. But what is the matter?". I called to my daughter. She came. "This is a deal you won't be able to refuse", I said. "A puppy in exchange for stopping smoking". The dog was adopted by us. To this day I enjoy the smell of tobacco when I pass by someone who is smoking. But a cigarette has not entered my mouth from then until this very day.

My Travels Around the World

"Grandfather", asked Aviv, my seven-year-old grandson, "which countries have you been to?".

In the living room, opposite the dining table, a huge map of all the countries of the world hung on the wall. With the help of Lior, his older brother, little Aviv had learned not only the names and the locations of all the countries. He also knew how to point, without hesitation, to seas and rivers and mountains and deserts. I placed a sheet of paper and a pen on the table, and Aviv began calling out the names of the countries. I wrote down the names of those I had visited. I may have disappointed him: he had expected the summary to include all the countries, or at least most of them. The count came to only seventy.

"How many flights have you taken?" he asked.

"Maybe a thousand".

Aviv was satisfied. He would have something to tell at school the next day.

The stories that follow were experienced by me on some of those flights.

Switzerland

The Rector of the University of Zurich organized an international conference on issues of medical law. I was invited to deliver a lecture. The conference took place from Monday to Friday. I was asked to chair a session of the conference scheduled for Tuesday. The session included six speakers from different countries, among them a professor from Sudan. Shortly before the session was to begin, the Rector approached me and told me that the Sudanese lecturer had refused to speak in a session chaired by an Israeli. The Rector suggested that when it came time for the Sudanese speaker to deliver his lecture, I should leave the hall, another lecturer would chair the session, and during that interval the Rector would honor me with a cup of coffee with him at the bar. I was inclined to reject the proposal, but I found it appropriate to seek the opinion of the Ministry of Foreign Affairs in Jerusalem so as not to cause harm to Israel's foreign relations. I called the Ministry of Foreign Affairs and reported the Rector's request. I was told that it was advisable to accept his proposal, though the final decision was left in my hands. I returned to the Rector, thanked him for the kind invitation, added that I would be pleased to have coffee with him at any other time during the week, but refused to abandon my place as chair of the session. The Rector thanked me weakly, and it is hardly necessary to note that I was not invited by

him for a cup of coffee or at all throughout the entire week. At the appointed hour I entered the hall, took my place on the stage, announced the opening of the session, and invited the speakers to present their lectures in accordance with the program. The Sudanese lecturer stood by the entrance to the hall. When it was his turn to speak, I called out his name. He remained standing at the entrance. I called his name again and invited him to deliver his lecture. He refused to enter. I brought the next speaker to the podium. The Sudanese professor abandoned the hall.

That Tuesday evening I met Professor Shapiro at the hotel bar. Professor Hillel Shapiro was considered one of the world's leading forensic pathologists and served as Chief Pathologist of South Africa. Professor Milton Halperin, Chief Pathologist from the United States, also Jewish, joined us. The two heard my story and committed it to memory. On Wednesday, the Rector met with the Sudanese professor and "compensated" him by including him as an additional speaker in the prestigious closing session that was to conclude the conference on Friday. Two senior lecturers chaired the session in accordance with the original program: Professor Shapiro and Professor Halperin. Both refused to alter the program and prevented the Sudanese professor from taking the podium. The Rector did not dare to argue with them. The Sudanese professor returned to his country empty-handed, just as he had arrived.

South Africa

The Hand of Fate

During my visits to South Africa, I would visit and stay at the home of Professor Shapiro and his wife, Sonia, who worked at a school in Johannesburg. In the evenings I spent in their home, I held long conversations with Sonia, a woman of great knowledge and insight. At one of our meetings, she told me that at this stage of her life she had resolved to write a book that would reflect her perspective and reflections on human life. A year earlier, she had decided to gather and study the best information required for this purpose. She contacted a senior professor at the university and arranged to meet with him once a week. At each such meeting, she received from him six(!) books selected by him. In the mornings she worked at the school as usual, and every evening she began and completed the reading of one of the six books. She followed this routine for an entire year. During that visit, she told me that the period of preparation had come to an end, and that the time had arrived to begin writing the book. In the course of our conversation, she remarked that writing at home would present difficulties because of the need to attend to the routine demands of the household. I suggested that she come to our home in Haifa. She gladly accepted the invitation, and shortly thereafter flew to Israel and arrived at our home. We set aside a room for her in the apartment. Her daily routine was structured: every morning she rose, ate breakfast, and then took a bus to the seashore. She spent the day writing, returned for dinner, and after a brief conversation went to bed. Sonia spent about a month in this way

in our home. Before she left, she told me that her prolonged stay by the sea had prompted her to write entirely different things, and that the writing of the book would begin only after her return home. She landed in Johannesburg, and late in the evening secluded herself in her study. She placed a glass of water on her desk, turned on the desk lamp, opened a new writing pad, and took the pen in her hand. On the morning of the following day, the housekeeper found her sitting in the chair, her head resting on the new pad, the pen in her hand. She had breathed her last before managing to write even a single word in her book of life about human life. A month later, Professor Shapiro sent me a letter and an envelope. In his letter, he informed me of his wife's passing. In the envelope, I found a collection of poems in her handwriting and a note addressed to me. In the note she wrote that these were poems she had composed while staying in our home. She asked for my opinion of the poems, and at the bottom of the note added: "Please place this manuscript in a safe. The subjects are drawn from my inner life, and they should be regarded as strictly confidential at this stage". The note and the poems are kept by me, as she requested.

A One-of-a-Kind Sister

Yehida, my sister, worked as a secretary at the Israeli consulate in South Africa. In late April 1975, a terrorist infiltrated the embassy, murdered the security officer, confined the embassy staff in one of the rooms, and began conducting negotiations with the Israeli ambassador, who was outside the building. The negotiations were conducted through my sister Yehida, who at that time was in the office together with Ofer, her young son. She stood beside an open window on an upper floor of the building, next to the terrorist, who used her as the channel of communication with the ambassador. The negotiations lasted for hours, and the terrorist announced his intention to murder the remaining staff as well if his demands were not met. At a certain point, security personnel managed to penetrate the embassy and arrest the terrorist. He was brought to trial, convicted, and sentenced to imprisonment. All the details of the incident were conveyed to me throughout the entire night as I remained close to the telephone. On the morning of the following day, I expressed the pain of my heart in a written message that I sent to Yehida:

How good it is that I have a sister.

What tension, what pain, what fear.

A report of a break-in. Are you inside or not inside? I am consumed by dread. Then: word that you are inside, and my world collapses. And another piece of news - the child is inside too, and the barrier of tears is breached. Then fragments of reports: gunfire, wounded, an ultimatum, and worst of all: preparations for a breach, for the elimination of the terrorist. Hope gives way to despair: after all, we know full well that Israelis never surrender to an ultimatum, and our bitter experience has taught us what the expected results of an attempted breach are. The hours pass, the night

goes by, you are inside, and I am with you, writhing, suffering, praying and afraid, terribly, terribly afraid that I will lose you. Strange. It never occurred to me that you were so dear to me. Two... three... four... every quarter hour - a news flash, a pendulum of terror, swinging between hope and despair. And then, at five, the redeeming message: you and Ofer are outside. My heart bursts into song and soars aloft: a sister was born to me today. How good it is that I have a sister.

Bophuthatswana

Hula Hula

Bophuthatswana, one of South Africa's protectorate states, attracted a number of white scientists with democratic leanings to serve as a teaching staff at the black university in the capital city of Mmabatho. Among those who arrived was Carmen Nathan, a professor of law at the Wits University in Johannesburg, who volunteered to lecture regularly at the Faculty of Law. I was invited to lecture at that faculty, and in the course of this, warm relations were forged between me and the faculty members and students. During my vacations in the years that followed, I lectured at this faculty on a voluntary basis.

At a certain point, I proposed to the university administration that an international academic center for medical law be established there. The center was established thanks to the support of the Office of the President. This was Mangope, the charismatic president of the protectorate state. Mangope was the chief of the leading tribe in the country, an intelligent and wise man, endowed with innate qualities of leadership. He was revered by the country's inhabitants, managed foreign relations with prudence, established and operated a legislature and a government, and entrusted the judiciary to white jurists trained in Western law.

The following event is etched in my memory.

The country was celebrating the tenth anniversary of its founding. A huge crowd filled the stadium in the capital. Bands appeared on the stage one after another. The sun blazed, the heat made sitting extremely difficult. For three years the country had suffered from drought; water sources had dried up, and the land was parched. Then, suddenly, the president rose from his seat. The commotion ceased. He stood there, looked at the crowd, silent. The crowd fell silent. Thousands of men, women, and children fixed their gaze on the president and waited. Absolute silence prevailed throughout the stadium. After long minutes, the president whispered into the microphone in his hand: Hula (rain) and fell silent. After a minute he said again: Hula. He raised his voice: Hula. He raised it further: Hula. Then he continued, repeating it again and again without stopping. I felt a shiver when a drop of water dripped onto the hat I was wearing. I turned to my wife. She stared at me with frightened eyes as drops of rain began to fall on her hat as well. A cloud drifted in,

drew closer, and covered the stadium. A light rain washed over us all. The first rain after three years. The astonishment of the crowd turned the silence into commotion, and then into a roar and jubilant cries of the president's name. The light rain ceased after a few minutes. The residents gradually vacated their seats and made their way home, celebrating their admiration for their president.

Unbelievable, yet true.

My Brother the President

The president learned of my volunteer work already in the first year of my visits to the country. Many foreigners would arrive in the protectorate, offer their "wares", and charge handsomely for them. Few came in order to contribute their share voluntarily for the benefit of the inhabitants. From the second year onward, he would invite me to his palace and hold long conversations with me on matters of law and society. The idea of establishing an international center at the university in the capital of his state appealed to him, and he decided to adopt it. During the organizational preparations for establishing the center, the financial aspect was also discussed. Thus, in January of each year, I would visit the palace, and the president would transfer to the center a check in the amount of one million rand to cover its operating expenses.

The personal bond between the president and me was formed when he invited me to his chambers in the palace for a private conversation and asked for my consent to become, from that time on, his brother. I was, of course, surprised and asked for further details. After I gave my consent, a festive ceremony was held, and I was declared, at the palace and throughout the country, to be the president's brother. The center was established and began its activities. At first, its work focused on publishing the journal that had been transferred from Germany. Additional activities were planned and carried out, and the dramatic leap occurred after I succeeded in securing a decision by the world Association for medical law to hold its next world congress at the center. There is no need to elaborate on the pride of the president, his government, and the citizens of the country: hundreds of leading professionals from around the world landed in Mmabatho, the capital of the state, and paid it great honor during a week of discussions and ceremonies.

In 1994, Bophuthatswana ceased to exist as a protectorate and became part of the territory of South Africa under the government of Nelson Mandela. The center ceased to function, a significant portion of the "white" lecturers left or were removed from the universities. I transferred the publication of the journal back to the University of Haifa.

Front Door

As recalled, Professor Carmen Nathan was a senior lecturer at a university in Johannesburg. She had also been active for decades in the struggle of Black South Africans against the apartheid regime. When the Faculty of Law was established in the protectorate state of Bophuthatswana, Carmen offered her services. The university accepted her gladly. She became a central figure among the faculty members. Over the years, a personal relationship developed between her and Mangope, the president of the state. She was appointed his legal adviser, and her standing grew considerably. She devoted most of her time to extensive activity in the protectorate: she forged connections with heads of government ministries, proposed improvements, and initiated changes in legislation. I was present at a not insignificant number of her meetings and was impressed by the respect accorded to her by officeholders. Nevertheless, I felt that a barrier remained between her and her interlocutors. She was white, they were Black, with all that this implied. Her great contribution stemmed from the moral conviction that dwelt deep in her heart regarding equality and human dignity. But she was not a warm, affectionate woman. In my mind, I pictured her as someone unloading relief packages from a truck for those in need, handing them out voluntarily and free of charge, yet maintaining a frozen expression. She could not shed her white skin. She could not offer an embrace, therefore, she did not receive one.

At a certain point, Carmen decided to transfer her residence to Mmabatho and to settle there fully, among its citizens. She purchased a plot of land, engaged the services of a local architect, and held countless discussions about the exterior of the building, and no less so about the interior of the house: it was meant to be an African home. The rooms of the house, its furnishings, and its utensils all had to bear an indigenous imprint. At an advanced stage, she began to consider the design of the front door. The leading architect in South Africa resided in Pretoria. Carmen traveled to him, held discussions with him about the character of the door and its components, and engaged his services. She chose a design of a heavy, tall, wide door, dark brown in color. Engraved upon the door were to be ethereal figures drawn from the local indigenous culture. Work on this door lasted three months.

In August of that year, I arrived in Mmabatho. Carmen received the key to her house. I accompanied her. "This is not merely the entry into a new home", she said with excitement. "I understand", I replied. "I know, this house is your passport to this country". We passed through the gate of the fence, she pulled out a large metal key from her bag and inserted it into the door's lock. The key slid in easily. She turned it, grasped the heavy handle in her hand, and pressed it downward. Her hand slipped, the handle sprang back up and Carmen collapsed. She fell to the ground, uttered a groan, and fell silent. She died on the spot of cardiac arrest.

On the grass lay before me pale, white features above the collar of a black shirt.

The black house in Bophuthatswana did not receive the white admirer from South Africa.

Safari

I remove the robe, the suit, replace the pressed trousers with short khaki pants, my imagination casts off my age and carries me back to the sweetness of childhood dreams. I came to South Africa several times in order to enjoy time on safari. My longing for a jungle environment stemmed from experiences I had absorbed in childhood. From the moment I learned to read, my favorite books were adventure stories in general, and books about jungles, forests, and animals in particular. Those stories mingled with my blood, and the dreams merged with my daily wanderings, unaccompanied in the Carmel Mountains and in the valleys, a staff in my hand and a pocketknife in my pocket. I was and lived Tarzan and Robinson Crusoe and Friday, and with the help of Jules Verne I traveled through outer space above and dove into the depths of the sea below. Above all, I yearned to feel the dense forests and to roam among trees and within thick vegetation. I immersed myself completely in the adventures of Tarzan, flew with him from one treetop to another, and my ears attuned to the calls of monkeys, the murmur of birds, and the roars of the lion. I carry in my memory to this day the apprehension that swelled in my heart as I approached the end of reading a book of Tarzan's adventures, and the surge of joy upon reading the final line at the bottom of the last page of each book: "ended, yet unfinished", which assured me that the next day I would hurry to the library and ask for the next volume of the Tarzan series. Those memories, the echoes of those dreams, the scents of groves and dense vegetation, have remained in the depths of my soul. They were the driving force that brought me back, every year or two, to the safari regions of Africa.

The First Safari

At a quarter to six in the morning, a knock on the bungalow door woke me.

The previous evening I had landed at the airport in Johannesburg, transferred to a secondary airfield, boarded a tiny plane that flew me toward the reserve. A driver who was waiting for me picked me up and took me onto a jeep that raced for two hours along a clayey road to the longed-for destination. Seven bungalow cabins stood in a circle around a beautiful central structure, all of them set in the very heart of dense forest. Exhausted from my long journey, I lay down on a wide bed, above which hung a broad mosquito net that protected me from swarms of mosquitoes, and I fell asleep.

I awoke and stepped out of the bungalow. A guard carrying a rifle on his shoulder led me along a winding path to the central building. A group of other tourists, dressed in khaki and wearing brimmed hats, were sipping their morning tea. We set out, climbed in, and boarded a Land Rover. Because of my age, I was honored with a seat next to the driver. At

the front of the vehicle stood the tracker (spotter). The other tourists sat behind on three benches, and we were on our way. The vehicle drove straight into the thick of the terrain. The tracker focused his gaze on the road and its edges as the vehicle advanced, searching for traces of animals that had roamed the area during the night. Many tracks remained on the surface of the road. The tracker weighed the options and chose the animal that would be the subject of the day's tracking, and instructed the driver to set out in pursuit of those tracks. The terrain was uneven, marked by ascents and descents, bumps and rocks. The vehicle bounced, and I gripped the handles tightly so as not to be thrown from it. There were mornings when we "hunted" encounters with three or four animals. On other days, the "hunt" ended without any animals at all, but in all of them I enjoyed the thrilling experience of a journey through the jungle. Around nine o'clock we returned to the reserve and enjoyed breakfast out in nature. At eleven, anyone who wished was invited to a walking tour in the field. Most of the guests preferred to rest. I joined a tracker who was armed with a hunting rifle, and we began to walk along the paths. Conducting oneself on such a walk is entirely different. Traveling by vehicle involves no danger. Predatory animals had grown accustomed to the presence of the heavy vehicle and regarded those seated in it as an integral part of the "animal", like the wheels or the engine. Lions would walk beside the vehicle within arm's reach, without concern on their part or on ours. Walking on foot deep in the terrain was another matter altogether. Before setting out, the tracker instructed and warned me not to make a sound throughout the walk. He demonstrated several hand gestures with which he would direct my behavior. His senses of smell and hearing guided him. A particular gust of wind carrying the scent of one animal or another was enough for him to instruct me to stop, to wait, or to change direction. I recall a frightening moment already on the first day of the safari. We emerged from a bend in a dense thicket and found ourselves facing, at a distance of several dozen meters, four buffalo. A buffalo does graze on grass, but it can be dangerous and violent if it senses a threat to itself, especially if a calf is standing nearby. "Stop", the tracker instructed with his raised arm. I stopped. A large buffalo looked at us. We stood there, looking at it, and it looking at us. It stood upright, raised its heavy head bearing its horns, and moved its large hoof forward. "Lie down", the tracker signaled with a hand movement and lay down on the ground. I lay down beside him. The buffalo moved forward and stopped again, still watching us. "Run?" I whispered. "That won't help", he replied. "He's much faster than we are. Lie still, keep quiet, and do what I do". A few minutes passed until the buffalo tired of watching us. It turned its head toward its companions, moved back, and began grazing again. We crawled backward, entered the thicket, stood up, and withdrew. That night, when I lay down to sleep beneath the mosquito net in the bungalow, I added this episode to the collection of my jungle dreams. At midday we enjoyed a light meal and lay down to rest. In the afternoon, the Land Rover took us far out to a large lake. We sat on the lake's edge, watched with interest the gliding and the interactions of the hippopotamuses, and retreated whenever one of them emerged onto the shore, angry at the intrusion of human beings into its private domain. As evening fell, we enjoyed a dinner prepared by the local

chef. The nighttime experience was no less captivating. I sat on a lounge chair at the entrance to the bungalow and fed my ears and my soul on the many and varied sounds of animals. At night, real life in the safari begins. I drank in the sounds, the calls, the howls, and the scents rising from the darkness, merging into the music of the jungle that filled my soul to the brim.

Lion

At the conclusion of my series of lectures in Bophuthatswana, I arranged a visit to one of the safari reserves in the country. I ordered a taxi, got in with my wife, and we set off. During the drive, the driver reassured us: there are no lions and no predatory animals in this reserve. After about an hour we arrived at the entrance to the reserve. The safari manager came out of his office in the building, welcomed us, and led us to one of the reserve's vehicles. We sat in the back, the reserve driver took his seat at the wheel, and set off. The dirt road wound its way between thorny acacia trees and shrubs, climbing hills between one plain and another. We enjoyed watching the wild terrain despite the bouncing and jolting of the vehicle. At a certain point, the vehicle began to descend from the hilltops. The descent grew steep. We gripped the seats in front of us to steady ourselves. At the bottom of the valley the car leveled out and came to a stop. The engine shut down. At first we did not notice, but we grew uneasy after the driver's repeated, unsuccessful attempts to restart it. The driver paused for a moment, then opened the front door, got out, went to the rear of the vehicle, and tried to push it forward. The vehicle did not move. We looked outside and, for the first time, saw that the vehicle was lodged in a pool of murky water. The driver removed his shoes, stripped off his shirt and trousers, entered the mire, and tried to force the vehicle forward. It did not budge. The driver looked at me and hesitated. I understood. Without a word, I removed my shoes, took off my jacket and trousers, and went out to help him. Together we tried to push the heavy vehicle forward. It sank in the mire, motionless. I returned to the vehicle. The driver also went back to his seat. It quickly became clear that he had no radio and that it was impossible to summon help. I asked him to walk to the entrance of the reserve to call for assistance. He refused outright. His answer stunned me: "I'm afraid of camels". "There are no camels here!" I explained. He would not leave the vehicle. It was clear to my wife and me that we had to reach the entrance to the reserve. With no alternative, we set out, the two of us alone. The road was long. Several kilometers through dense vegetation in the heat of a scorching summer day. The only consolation that sustained us was the assurance that the area was free of predatory animals. And so we walked along the winding path, dragging our feet, ascending and descending. This happened after about two hours of walking across a straight, open plain. From time to time I would turn my gaze to the right and left to reassure myself that we were moving in the right direction. Suddenly I froze in my tracks. Facing us, atop a small hill, at a distance of several dozen meters, was a gaze returned to mine: a lion. A huge lion. I felt terror. How could this be? We had been promised that there

were no lions in this reserve! I decided not to tell my wife what I had seen, lest she suffer a heart attack. But she anticipated me and whispered, "Amnon, do you see what I see?!". I collected myself. "Keep walking slowly", I said, "and don't look at him". We continued walking. He remained where he was, half-seated, following us with his gaze. We went on. He turned his head in our direction, but did not rise from his place. Only later, further along the path, did I notice an electrified wire fence separating our dirt road from the enclosure in which the lion was staying. In retrospect, we were told that the lion and his pack were staying in a closed compound beyond the bounds of our reserve. At the end of the harrowing walk we reached the reserve gate. The manager sent a rescue vehicle and apologized: "Our vehicles always get stuck in that cursed mire".

The Hippopotamus

A year later I returned to Bophuthatswana to teach at the university. My plan to return and visit the safari fell through, as the reserve had been placed under closure for the coming two months. During one of my meetings with the President of Bophuthatswana, I told him of my disappointment. A day or two later, the safari manager informed me that the reserve would be opened especially for me. It was a government-run safari, vast in size comparable to the area of the State of Israel. The President's car drove me to the reserve. The reserve inspector removed the locks from the entrance gate, and the driver took me inside, to one of the safari centers near a large lake. I got out of the car. The driver took a folded tent from the back, opened it, and pitched it near the lakeshore. The driver explained that the reserve was "clear" of predatory animals, but I was warned not to approach herds of antelope or buffalo. After providing further general instructions, he left, and I remained alone in the entire area. The only item I took with me was a small radio receiver. I sat beneath the branches of a nearby tree, overcome by a strange sensation. An immense expanse all around me, a large lake before me, gentle rays of sunlight above, the rustle of animals mingling with the breeze. It was an abrupt transition from the bustle of the university I had left only a few hours earlier to the very heart of untamed nature. Thus began my stay in a solitude unlike any I had known, in the company of animals and plants, for several days. Already on the first night I underwent an experience. It was preceded by a pleasant evening sitting near the waters of the lake. When the breeze turned cool, I entered the tent, lay down on the bedding that had been brought with it, and drifted into a pleasant sleep. In the middle of the night I awoke to a powerful blow to my arm. Something or someone had struck the outer wall of the tent's canvas close to my body. I struck back outward and fell asleep again. In the morning I stepped out of the tent and noticed enormous footprints along its edge. It turned out that I had "earned" a visit from a hippopotamus that had emerged from the forest and made its way toward the lake. At midday each day, two staff members arrived by jeep to check on me. They supplied me with food and drink, asked after my well-being, and took away the trash. During those days

I walked long distances along the paths, encountered animals grazing contentedly in the open areas, and experienced the safari at its very best.

Canada

My wife and I joined a group that set out on a trip to Canada. One day we arrived at a hostel in a wooded area. We settled into our rooms, and in the afternoon the guide screened a film for us about Canada's grizzly bears and laid out the route map for the following day. One of the travelers asked the guide whether there were bears in the forest. The guide replied in the affirmative and added: "We'll be walking on a marked tourist trail. Bears don't use that trail, and in any case, bears are afraid of humans and keep away from them unless they are attacked".

At six in the morning I got up and set out on my usual morning walk. Before me stretched a forest. A large sign of the Canadian Tourism Office stood at its entrance, and the instructions on it emphasized the need to stay on the trail marked in red and not to deviate from it. I entered the forest, began to walk, and was immediately captivated by its charm. A light morning breeze stirred the treetops. I inhaled deeply the scent of the dense vegetation at the base of the trees and listened with pleasure to the chirping of the birds. I looked at my watch. I allowed myself another twenty-five minutes before completing the first half of the walk and turning back toward the hostel. But the schedule was disrupted when I approached a stream that crossed the trail. I had not been aware of its existence. It was not a river, nor even a large stream. It was just a rivulet about three meters wide. A wooden bridge spanned the flowing water, with railings along its sides. I first noticed the stream when I was about thirty meters away from it. I stopped for a moment, then immediately continued walking, deciding to cross it and proceed walking. When I was about ten meters away, I stopped, because I saw him standing opposite me on the other side of the bridge. A grizzly bear. In the past I had seen bears in zoos at even closer range, but a fence had separated us. Here there was no fence. Only a tiny stream. In the first moment my breath caught. But I quickly calmed down. The guide's explanation echoed in my mind: "Bears are afraid of humans and keep away from them, unless they are attacked". I calmed down, because I had no intention of attacking him. I continued to look at him. A brown bear, cloaked in fur, small ears, slightly taller than me, standing on his hind legs, a long snout and two eyes fixed on me. The bear did not move. After a minute or two I decided to continue walking, assuming he would retreat. I stepped forward. The bear looked at me and did not move. I stopped. After a few more steps toward the stream I stopped altogether, because the bear began walking toward me. I glanced back: the path behind me was empty. Ahead, the bear had reached the bridge. I turned around and began to walk back. I looked back again. My breath caught: the bear had crossed the bridge and was following me at a distance of about twenty meters. I kept walking. I did not look back anymore. I did not need to, because I could smell him, I could feel him at the nape of my

neck. Eventually I reached the hostel, still alive and breathing. I glanced back: the bear had stopped and was looking in my direction. I approached the front desk and announced, "There's a bear outside". "What?" asked the clerk. "There's a bear outside", I repeated. He picked up the telephone receiver, dialed, spoke with someone, and turned back to me. "We'll take care of it", he said indifferently. I waited. A few minutes later, a man in uniform with a rifle slung over his shoulder came down the stairs and went outside. The clerk explained to me: "No problem. Joe will chase the bear away from here". He said this and returned to his paperwork. I went upstairs to my room. My wife woke up. "What's going on? What's happening?".

"Bear morning", I replied.

Azerbaijan

The Hair Museum

I visited Azerbaijan several times. The first visit took place at the invitation and under the auspices of Professor Yusifli, the chief pathologist of the Government of Azerbaijan. Yusifli was, if I am not mistaken, the only scientist in the world who established and ran a museum of human head hair. He would travel around the world, meet celebrities selected by him, and ask their permission to pluck two or three hairs from their heads in order to fix them in the hair collection at his institute. I do not know whether he conducted any tests or experiments on the collected hairs. Yusifli invited me to visit his museum. With fear and trembling, he asked my permission to pluck three hairs from my head as a contribution to his collection. I agreed, and I am proud that an important, albeit tiny, part of my head is on display in such an important scientific museum.

A Fate-Deciding Decision

Professor Yusifli enjoyed close ties with the heads of government. He joined the leadership of the World Association for Medical Law, which I headed, and established with me a scientific and social relationship. During those years, Yusifli suffered from a heart condition. The treatments he underwent were of no avail, and at a certain point his physicians told him that all options had been exhausted and that his death was approaching. Local doctors noted that it was indeed possible to attempt a complex operation, but that the risk involved was great, and they were unwilling to perform it. Professor Yusifli asked me to assist him. I contacted Dr. Kishon, a senior physician in Israel, and sought his advice. Dr. Kishon reviewed the entire set of documents I forwarded to him, consulted with his colleagues, and ultimately informed me that the operation could be performed at the hospital where he worked, but warned that the risk of failure of the operation and of the patient's death

remained high. I conveyed the message to Yusufli. He came back to me: "You will decide whether to agree to the operation". I could not evade responsibility. I consulted once again with a group of Israeli physicians. Afterwards, I returned to Yusufli and suggested that he undergo the operation. He agreed and underwent surgery, and after a long rehabilitation returned alive to his homeland.

Cuba

Close Hosting

As part of my role in the fencing federation, I flew to Cuba. This took place during the period of Fidel Castro's rule. An official car picked me up at the airport and drove me to the hotel. I went up to my room, carrying with me a suitcase and the instructions and warnings I had received from the Ministry of Foreign Affairs in Jerusalem. I opened the door to my room. A local newspaper was spread across the entrance to the room on the floor. On the front page there was an article topped by a headline in red: "American Spy Captured and to Be Put on Trial". A pleasant reception. I settled into the room. I unpacked my belongings and placed my diary on the writing desk. During my travels I was accustomed to writing the day's experiences in my diary. I had been warned in advance back home that there would be hidden cameras in my room, and that among the Cuban security personnel there were also those who were proficient in Hebrew. Before leaving the hotel each morning, I left the diary open on the writing desk. I wanted to spare them the trouble of searching for the diary in the closet. When I returned to my room in the evenings, the diary was never in the place where I had left it in the morning. On the second day of my stay in Cuba, when I returned to the room toward evening, a female "cleaner" emerged from the bathroom, a cleaning cloth in hand, and with a slight smile asked me whether I wanted anything. "No, thank you", I replied. She fixed her eyes on mine: "Perhaps after all you need something?". I replied in the negative. She shrugged her shoulders and turned to leave the room. I did not undergo another similar experience in my room, but I did have an unpleasant experience the following day. Around midday, the driver from the Israeli consulate arrived and picked me up for a sightseeing drive outside the city. I sat next to him in the official car, and we set out. Near the exit from the city, the driver looked in the mirror and remarked: "Do you see their car driving behind us?". I turned my head to look at it. He explained: "They will accompany us throughout the entire drive in order to supervise us". We continued driving. I enjoyed what I saw outside the car and the explanations the driver lavished on me. And then it happened. Already from a distance I noticed a large truck parked ahead of us on the right side of the road, and the truck driver who had climbed down from the cab, gone to the rear of the truck, and begun to attend to the left tire. My driver veered toward the middle of the road in order to pass safely by the truck. Suddenly there was an explosion. The huge tire burst, the truck driver was hurled aside, injured, and

fell onto the road. "Stop", I shouted automatically, in order to get out and check whether it was possible to help the driver. "Under no circumstances", my driver shouted, and pressed the gas pedal. "It's impossible to know what we might get ourselves into if we stay there". We continued driving, and along the way I received another lesson about the regime. In the evening, after a full and oppressive day, I "released" the two drivers to their homes - the one from the embassy car and the one from the Cuban security vehicle - and went up to my room.

Russia

A Visit to a Spacecraft

Professor Yuri Sergeyev served as head of the Russian organization for medical law and as a member of the executive board of the World Association for Medical Law. His command of the English language was very poor. Already at our first meeting, a bond of friendship was formed between the two of us. At every meeting he would make a habit of promising that as early as the following day he would begin studying English, so that at our next meeting we would be able to converse freely. This, of course, never happened, and the one who saved the situation was his wife, who had a good command of the language and served us faithfully as an interpreter. Our meetings took place mainly within the framework of the organization's world conferences, at which the cooperation between us was excellent. Yuri, like many people of authority in Russia, enjoyed a dacha (a country house) that he maintained outside Moscow, and he invited me and my wife to stay there with them. However, the most fascinating visit with which he favored us was to the Russian Astronautics Center. Yuri was the brother of the Minister of Defense of Russia. On that visit, his brother arranged for us a visit to that institute which, to the best of my recollection, was located outside the city. We arrived there with Yuri, underwent a series of inspections, and entered the buildings of this guarded institute. The visit was fascinating. The astronauts were at work, undergoing training in the various rooms and halls. The climax of the visit came when I was invited to climb up, enter, and sit inside a spacecraft. Since the spacecraft remained in place and did not set out into space, I was forced to make do with a brief stay inside it, to my great disappointment as an avid reader of Jules Verne.

Italy

I Slept in the Pope's Bed

Yes, I slept in the Pope's bed, but not together with him.

I was invited to give a lecture at a university in Sicily. The organizers arranged everything, including flights to Rome and from there to Sicily, a reception at the airport, transportation to the city center, and from there to a luxury hotel. But there a great embarrassment occurred. The reservation of the room for me was apparently not in order, the designated hotel was full to capacity, and it was not possible to obtain even a single room. The organizers apologized and drove me to another location. During the drive, which lasted about thirty minutes, they explained to me that the building in which I would be staying for the next two days was a hotel intended for the accommodation of special guests. A few weeks earlier, for example, the Pope had paid a visit to Sicily and had stayed at this hotel. The hotel manager received me kindly. He carried my bag in his hands, led me up the stairs to the second floor, passed through a short corridor, pushed open a wide entrance door, and brought me into a room. "This is the Pope's room", he declared with pride. I entered after him. A large room, almost empty. A table, a large desk lamp, a chair, a window covered by a curtain, a large wide bed covered with a blanket and on it a white pillow. Opposite, a white wall and an iron cross hanging high in its center. After dinner with representatives of the university at a nearby restaurant, I returned to my room and the Pope's and lay down to sleep. The modesty and simplicity of the place impressed me. I cast a glance at the cross opposite me, which was the only decoration on the wall. I reflected on the coincidence of the shared presence in this room - of Jesus, deceased, and myself, members of the ancient Jewish people - until I drifted into a pleasant sleep. I assume that the Pope thought about matters far more important before he said his prayers and fell asleep in our bed a few weeks earlier.

Friday Evening at the Vatican

The Vatican administration initiated a gathering of senior representatives of several religions for a joint discussion on advancing patients' rights worldwide. The discussions took place on Thursday and Friday and were chaired by senior Vatican officials. I was invited to represent and present the Jewish perspective. The conference concluded on Friday afternoon, and a senior prelate invited the participants to a formal dinner within the Vatican complex. At the beginning of the event, the prelate, who was seated on a dais at the head of the hall, asked that I sit beside him. The prelate opened the meal by welcoming the many representatives of the different religions and then offered a prayer. At the conclusion of the prayer, he hesitated for a moment, turned his head toward me, and whispered, "Perhaps you would also like to offer a blessing to those present?". I had not

prepared myself to sit at the head of the table beside him, let alone to speak. "Today is Friday evening", I said. "It is customary among us to recite Kiddush in honor of the Sabbath. Would you allow me to offer this blessing?". "Of course", he replied enthusiastically. I put on a kippah, recited Kiddush according to Jewish tradition, and concluded with "Amen". All those present responded with "Amen", before the waiters served the first courses.

Taiwan

An Explosive Envelope

The administration of the International Fencing Federation held its annual congress in Monaco. One of the issues discussed that year was a request by the Taiwan National Fencing Association to be admitted as a member of the organization, despite strong opposition from China. I was invited to take part in the discussions by virtue of my position as Chairman of the Israel Fencing Association. I arrived in Monaco a day before the congress. Accompanying me was Johan, an Israeli fencing coach. After dinner at the hotel, we went out for a short walk. We passed by a casino, and Johan suggested that we go in. I refused. "We are representatives of the state. Our place is not in a casino". Johan persisted and urged that we go in, if only for a short time. He promised he would play roulette only once. I relented. We went inside. Johan made his way straight to the roulette. A crowd of gamblers had gathered around it. Johan placed a chip on number 18. The dealer spun the wheel, the ball circled and came to rest on 7. Johan asked to play another round. "I really feel that the ball will stop on 18 next time". I refused. "A word is a word", I said. The dealer spun the wheel for the next round. We approached the door and went out as the dealer announced the winning number of the next round: 18.

The following morning we arrived at the conference hall. At the appointed hour the discussions began. The congress dealt with sport, but the discussions were conducted by politicians. As noted, a central issue on the agenda was Taiwan's request to be admitted as a member of the world organization. Near the entrance to the hall, a young man stopped us and asked to speak with me. He introduced himself as the chairman of the Taiwan Fencing Association and asked for my support in the vote that was about to take place. I made it clear to him that international politics did not interest me, and that I believed all fencers and all national fencing associations should come together in one world organization. The hall was full. The discussion was brief. The chairman of the world federation allowed the representatives of China and Taiwan to present their positions. Immediately thereafter, the vote took place. The decision had been formulated in advance behind closed doors at the initiative of the Chinese delegation. The majority of participants rejected the request of the Taiwanese delegation. I voted in favor of the Taiwanese fencers, left the hall, and headed to the hotel to collect my belongings and travel to the airport. The receptionist handed me a receipt, then and then remembered and remarked, "I think there

is an envelope here for you". He turned around, took an envelope from an open drawer, and handed it to me. I was puzzled. Who could have known that I was staying at this hotel? It was a white, long, sealed envelope, with no address or any other marking, except for my full name. I stepped aside with the intention of opening it, and stopped. The envelope contained a hard object. I pressed my fingers against both sides of the envelope and felt something hard, metallic. I feared it might contain an explosive. That year, terrorist organizations had flooded Europe with a wave of explosive mailings. I returned to the receptionist. I showed him the envelope, warned him that it might contain an explosive, and asked him to call the police. The receptionist summoned a local police officer. I showed the officer the envelope and expressed my concern that it might contain an explosive. He asked me to hand him the envelope so that he could open it and see what was inside. I refused. I asked that he take me to the police station. The station was nearby. The station commander justified my concern and refrained from opening the envelope, but explained that there was no laboratory at his small station. He took the envelope in order to send it to a police laboratory in a nearby city. He asked that I provide an address to which the envelope could be returned after the examination. I gave him the address of my journalist friend, Ankie Spitzer, who had attended the congress. I returned to my country. Several weeks later, Ankie arrived in Israel and handed me the envelope. It had been opened and contained a warm letter of thanks, signed by the chairman of the Taiwan Fencing Association whom I had met at the congress. It also contained a small, gilded metal medallion bearing the name of that association, beautiful, but not explosive.

The Taiwanese Unit within the Chair

For twenty years I served as head of UNESCO's International Chair in Bioethics. The Chair promoted ethics education in medical schools around the world. It approached academic institutions and offered them the establishment of ethics centers (units) to be accredited by UNESCO in order to advance this goal. More than two hundred such centers were established across the five continents. In China, for example, a dozen such centers were established. At a certain stage, my friend Professor Daniel Fu, dean of a medical faculty in Taiwan, established such a center at his university and at five additional medical schools. Despite the tensions prevailing between China and Taiwan, I succeeded in fostering cooperation among representatives of all the units. At some point, representatives of China in the UNESCO administration in Paris became aware of the centers in Taiwan. Presumably, politics within UNESCO prevails over values of ethics and education. The representatives of the Chinese government resented the cooperation with the Taiwanese. The UNESCO administration compelled me to close the centers at their medical faculties. At a later stage, the relationship between the Chair and UNESCO came to an end, and an agreement for close cooperation was concluded between the Chair and the World Medical Association. The connection with the medical schools in Taiwan was renewed, and it was once again possible to teach ethics in that country.

China

Negotiations, Chinese Style

As head of the International Chair in Bioethics, I received an official request from China to hold one of the Chair's global conferences in that country. In the West, there is sharp criticism regarding the ethical aspects of medical treatment in China, and therefore the Chinese had an interest in hosting a world conference on ethics in their country. After several months of negotiations, I set out for China. The Chinese know how to "pad" negotiations when they have a strong interest in them. I landed there on a Sunday. A large delegation of dignitaries welcomed me at the airport and escorted me to the VIP lounge. Warm words of welcome and coffee were served, until one of them went to retrieve my suitcase, and I was taken to a luxurious hotel in the city center. Anna, a pleasant interpreter who spoke fluent English, was assigned to me. The week-long visit opened with a minor mishap. As I was descending the staircase in the hotel, I stumbled and fell. Anna hurried over, supported me, and helped me to my feet. I felt pain in my arm, but I reassured her and returned to my room. When I took off my jacket, I noticed a bleeding wound on my left arm. I called Anna and asked her to go down to a pharmacy and bring me adhesive bandage. I forbade her to report the fall to the head of the Chinese delegation. I sat down and waited for her. After about fifteen minutes, the door burst open: the head of the delegation and all its members rushed to me. At the end of the procession trailed Anna, who had broken her promise. The head of the delegation, a veteran physician, examined my arm and insisted that I accompany him to a nearby hospital to receive a tetanus shot. He was not willing to accept my refusal. This was an opportunity to observe medical treatment in China when one has "connections". The entire group, with me in the middle, arrived at the hospital. The hospital director was summoned and joined us within a few minutes. A line of doctors and nurses stood in a circle around us, while the senior nurse was honored with administering the injection. After the wound was treated and bandaged, I was returned to the hotel.

Over the next four days, four daily meetings were held with the participation of representatives of four bodies: the government, the province, the party, and the conference company. Each day, from morning until evening, about twenty representatives of one of the bodies met with me, and in this manner all the relevant details were discussed and agreed upon. All except for one detail: I was not prepared to comply with the demand of the manager of the conference company for a written commitment from the Chair that at least 400 guests from abroad would register for the conference. I demanded that he be satisfied with the official documents I had provided him regarding participation in the previous three conferences (between 500 and 1,500 participants at each conference). At eight o'clock on Friday morning, the manager of the conference company appeared at the

hotel and repeated his demand for a written commitment from the Chair. I refused. It was a strange negotiation. We sat facing one another in silence. At some point he shook himself and said, "You know?" he said, "I have come to know you over the course of this entire week. You are an honest and trustworthy person. I trust you. I am prepared to waive a written commitment from your organization. I am willing to be satisfied with your personal commitment". "Thank you for the trust", I replied, "but I am not prepared to give such a commitment". We continued to sit and wait. At around eleven o'clock I said to him: "A taxi is scheduled to take me to the airport at twelve. I am prepared to sign the agreement without this commitment. I respect any decision you make, but it is important for you to know: if you do not sign the agreement without this commitment, I will hold the world conference in another country". He rose from his seat and extended his hand: "I am prepared to sign the agreement without the commitment. Do not commit, but just tell me orally that, in your opinion, at least four hundred registrants from abroad will participate in the conference". I refused. He sat down, I sat down opposite him. We both remained silent. At twelve o'clock the taxi arrived. I stood up, took my bag in one hand, shook his hand with the other, got into the taxi, and drove to the airport. A week later I traveled to Europe, held discussions with representatives of a conference company, and signed an agreement without any commitment on our part. The conference was held in Cyprus with great success. Seven hundred registrants took part.

A New Spirit?

A year later I was invited to China to speak at a ceremony held on the occasion of the opening of a department for teaching medical law at a leading university. Two hours before the ceremony, a meeting was scheduled for me in a faculty room with a group of lecturers in the field of the social sciences. Several participants voiced sharp criticism of UNESCO's Universal Declaration on Human Rights. One female professor found it difficult to understand - and certainly to accept - the West's objection to harvesting organs for transplantation from the bodies of prisoners prior to their execution. She argued: "It concerns prisoners who have been convicted of committing the most serious offenses. In the United States, such offenders are executed, and their bodies are buried in the ground. Here, they are given the right to repay their debt to society and to save human lives by donating their hearts before their death". I saw little prospect in arguing with her. The dean came to my aid and asked whether I would be interested in meeting with students. I replied in the affirmative. "Do they speak English?" I asked. "Of course", he replied. We set out toward a lecture hall. We entered. It was a large hall in a theater-style arrangement, accommodating about two hundred male and female students. At the front of the hall stood the surprised lecturer. The dean introduced me to the lecturer and to the students and told them that I was prepared to answer questions. He then sat down on a chair in the first row. The lecturer sat down beside him. I addressed the students directly. I introduced

myself, briefly told them about the purpose of my visit to the university, about my special interest in medical law and medical ethics, about my willingness to discuss any legal topic and to answer questions. A female student raised her hand: "We talk a great deal about patients' rights over their bodies. What can you tell us about that?". I was surprised both by her perfect command of English and, in particular, by her audacity in raising such a question in the presence of the dean. I thanked the student and set out before her UNESCO's liberal position on this issue. A wave of hands was raised among the audience. Question followed question. A free atmosphere prevailed, marked by identification with universal ethical values and self-criticism. Just like a discussion with students in a lecture hall in New York, Paris, or Tel Aviv. Upon my return to my country, I carried in my heart the burden of the closed shutters in the faculty room and the joy of the open windows in the lecture hall.

Jerusalem

With a Spoon to the Brain

Friedrich Rothschild invited me one evening to his home. At the time he was still living in an apartment in a multi-story building in the center of Jerusalem. "I want to show you something", he said on the phone.

I readily accepted his invitation. I used to see him frequently during that period. The two of us were interested in human evolution: he from a biological point of departure, I from a social one. My friend, who had reached advanced age, found himself at that time standing at an intellectual crossroads.

Professor Friedrich Rothschild was born in 1899 in Germany. In 1923 he completed his medical studies and specialized in psychiatry. In 1933 he lost his position at a psychiatric institution in Frankfurt because of the Nazi regime. During the following two years he devoted himself to writing his book "Symbolic Aspects of Brain Structure". He then immigrated to Israel, and from 1948 until his retirement he taught and researched brain function at the medical school of the Hebrew University of Jerusalem. During this period he published in Europe and the United States books and articles, the fruits of his research in the field of the brain.

My personal acquaintance with Professor Rothschild began at a stage when he had ceased to believe in and rely on a certain part of his conception. He expressed this in one of our meetings in eight words: "I do not understand how the brain works". This "incomprehensible" brain continued to function on Professor Rothschild's shoulders, but he directed his attention in another, completely different direction.

Thus, one day he placed before me a thick folder containing hundreds of pages. "This is a book whose writing I have completed. It deals with subjects we have discussed. I ask that you write a foreword for the book". The title of the book was: "Creation and Evolution: Evolution as Inner Adaptation to God". My initial impression was that the great expert in brain research had surrendered and raised his hands upward in a plea for assistance from a higher power. Presumably, my insight was superficial. The evolution described in Rothschild's book is extra-worldly and supra-temporal. Studying the book took several months until I grasped the depth of his doctrine, which dealt with the meaningful connection between God and the cosmos. I accepted his invitation and wrote a foreword to the book.

"I want to show you something", he now said on the phone. I entered his room. He invited me to sit by the table in the center of the room. "I'll be right back", he said, and went out to the kitchen. After a few minutes he returned, placed on the table two cups of steaming tea, two plates with slices of apple cake, two small forks, and a spoon. "Listen", he said after sitting down, "you have surely heard about Uri Geller's performances and about spoon-bending". I nodded in agreement. "This matter, of the connection between spirituality and physicality, is far more complex. It's not a circus. This week I tried it on spoons. I want you to see this". I examined his face, his eyes. I wondered whether he was "putting me on". He ignored me, took the spoon in his right hand, raised it in front of his eyes, and fixed a prolonged gaze upon it. Silence. I became caught up in his tension and directed my gaze at the spoon. His hand trembled slightly. A minute passed, two minutes passed, three. Nothing happened. He sighed, placed the spoon on the table. "Yesterday the spoon bent", he said. We turned to the tea and the cake. I felt anger toward the spoon for having spoiled my friend's evening.

The Jules Verne Center

At the end of the description of my travels, I wish to tell of the dreamlike center that I established many years ago in Switzerland.

The center was built by me near the village of Zermatt and is located within an abandoned mine in a valley, close to the foothills of Mount Matterhorn in the canton of Valais in southwestern Switzerland, about ten kilometers from the border with Italy. The location was chosen by me for several reasons: The starting point of the excursions offered by the center was convenient due to its geographical location. In addition, it was convenient to carry out excavation in the valley in order to embed within it the underground system for the excursions beneath the surface of the ground. It was also convenient to build on the nearby Mount Matterhorn the observatory that enables journeys into space (3,820 meters).

The Tours

Three times a year (in the spring, summer, and autumn months), the center conducts twenty-four journeys. Each journey is planned and carried out according to one of the books by Jules Verne. On each tour, the travelers are guided along the route described in the specific book, dine at restaurants, and stay overnight in hotels mentioned in the books. During each tour, the travelers meet characters who portray the heroes of the books. Simultaneous translation of the books, which are sold in six languages, is offered to the travelers. The center's facilities also offer the travelers a bookstore that markets Jules Verne's books in the various languages, a shop selling travel equipment, and a cinema hall that screens a variety of films based on Jules Verne's books.

Tour Routes (According to the Books):

The Archipelago on Fire (Greece)

The Flag of the Fatherland (Facing the Flag) (North Carolina, Bermuda Islands)

Michael Strogoff (Russia)

The Young Captain (United States, Africa)

20,000 Leagues Under the Sea (United States)

Along the Orinoco (The Mighty Orinoco) (South America)

Around the World in Eighty Days (Around the world)

The Castle in the Carpathians (Austria, Hungary)

From the Earth to the Moon (General)

Two Years on a Desert Island (Two Years' Vacation) (General)

The Mysterious Man (General)

The Officer and the Count (South America)

A City in the Heart of the Desert (Africa)

The Heroes of the Moon (Around the Moon) (General)

The Buried Treasure (The Begum's Fortune) (General)

The Meteor Hunters (United States)

A Bold Journey by Balloon (Five Weeks in a Balloon) (England, Africa)

The Mysterious Sailor (Germany)

The Steam House (India)

The Black Child (The Black Indies) (Scotland)

The Slave Ship (General)

The Kees Brothers (New Zealand, Tasmania)

The Rebel's Revenge (General)

The Voyages of Captain Hatteras (General)

The center also operates the International Jules Verne Club. Membership in the club is granted to anyone who has actually participated in at least one tour of the center.

A club member is entitled to the following privileges:

A discount on the cost of participation in the center's tours.

Discounts on the purchase of products in the center's shops.

A club membership card.

A certificate of participation in each tour.

A free copy of the center's monthly newsletter.

Clarification:

Indeed, I planned, established, and ran this delightful center, but only **in my imagination**. As a child, I immersed myself deeply in the enchanting books of the Swiss writer. Together with him I wandered across the globe, on distant continents, across oceans, into outer space, and beneath the surface of the earth. I devoured his stories by day and took part personally in the adventures in my dreams at night. I lived Jules Verne.

I grew up, my head cleared, but the taste remained in my mouth. I felt a need to honor Jules Verne and to give him to others. At first I did so in my own home: in the evenings I would sit on the beds of my small children and quench their thirst before sleep with the

stories of Jules Verne. I expanded, added, shortened, changed, invented, and nourished them with sweet Vernean portions. And then, in another chapter of my life, when I found myself involved in the establishment and management of organizations and institutions, the idea of founding a "Jules Verne Center" arose in me. I assume that even today one could approach a large travel company and propose the establishment of such a center and club. I myself have grown old and no longer have the strength to realize such a project. But who knows? Perhaps one of the readers of my book will be infected by my enthusiasm and consider bringing the idea to life.

The copyright is offered with love.

Pine Trees

Ninety years ago, when we came to our home on Mount Carmel, my father purchased pine saplings, and together we planted them in the yard behind the house. The Carmel hills were then, as they are now, covered with pine trees, but the saplings we planted were ours, and throughout all the years we lived in that house we cared for them and took pleasure in their rapid growth. Our children, who were born and grew up in that house, used to sit in the shade of those trees, climb them, and enjoy their pinecones.

Years passed, the house was sold, but recently I wished to return and see those pine trees. My grandson drove me to the house. I took my walking stick and, with slow steps, entered the yard and went around to the back of the house. I approached them. They are still standing there, quietly.

Elderly like me.

Bent like me.

Waiting patiently, like me.

The sweet, sticky scent intoxicates me. I sat down beside the large pine at the edge of the garden and leaned my back against its trunk. Birds were chirping on a thick side branch above my head. In my childhood I used to climb up, sit on that branch, and sink into my dreams. My daughter, too, in her own childhood, used to climb up, sit on that branch, and sink into her dreams.

"Do you remember?" I whisper.

A light wind blows over me and over it. Dry pine needles fall from above.

A neighbor who lives in the ground-floor apartment approaches, greets me, and invites me for a cup of coffee in his home.

He extended his hand and helped me to stand.

"The tree has finished its role", he said as we walked.

"Winter is approaching. The wind may knock it down and cause damage to the building. The gardener will cut it down next week".

I took my walking stick and walked after him.

I did not take leave of the tree. I could not bear to raise my eyes toward it.

The gardener will cut it down next week.

Winter is approaching.

The book is dedicated to my wife, Hanna, who edited its first version.

Hanna has been a partner in my life's journey for seventy years now. Near the beginning of the path, when the judicial appointment was offered to me, I asked for her consent. "Do what is good for you. I am going with you wherever you go", she replied. Hanna has played an active role in my life alongside her many pursuits. She is an educator and a professional in the field of geography, a poet who has published several volumes of poetry, and a painter whose works have been exhibited in solo exhibitions and in group exhibitions. Together we established a beloved family, children, grandchildren, and great-grandchildren.

Expression of Gratitude

I wish to express my thanks and appreciation to the book's editor, Ms. Ayelet Hering.

Ayelet is endowed with all the qualities required for carrying out the difficult and complex task of editing a book. She is blessed with a broad understanding of literature and language. She identifies the book's target audience in order to adapt the style and the messages appropriately. She has the ability to communicate and to work cooperatively in an effective manner. She knew how to convey criticism constructively and to suggest improvements without undermining my motivation. The editing of the book by Ms. Ayelet Hering was efficient and pleasant.



Between the Scales

The book by Judge (ret.) **Professor Amnon Carmi** is a multifaceted biographical document in which the author recounts dozens of personal stories that unfolded over the course of his life. The stories and anecdotes shed light on what takes place behind the scenes of the person seated on the judicial bench. The stories bring to the surface the difficult dilemmas with which a judge grapples and reveal his deliberations prior to rendering judgment: How should one deal with error and falsehood on the witness stand? What role do prejudices play in determining credibility? How can personal emotions be restrained when sentencing offenders?

In his book, Judge Carmi describes the tense atmosphere of discourse that prevails in the courtroom. He traces the debates among judges and the confrontations between attorneys. He surveys the malaise of protracted proceedings in the handling of cases and discusses the distortion of justice resulting from the influence of the media.

Judge (ret.) **Professor Amnon Carmi** looks back and unfolds the winding course of his life from childhood to advanced age: attorney, judge, academic researcher, teacher, and athlete. His influence is evident in every field in which he was engaged. As a judge, he delves into the recesses of the subconscious and reflects on the place of emotions and the impact of prejudices. As an attorney, later dean of a law school, he offers lawyers practical advice on the preparation and management of cases in the courts. As a researcher, he laid the foundations of medical law. As a teacher, he was authorized by UNESCO to promote ethics education in medical schools around the world. Over the course of his life, Carmi served as president of the International Chair in Bioethics, president of the World Association for Medical Law, and secretary-general of the International Organization for the Training of Judges. Carmi embodies the scholar-practitioner: he edited and authored more than forty books, and in his youth was an outstanding fencer and served as chairman of the Israel Fencing Association.