INTRODUCTION TO ISRAELI LAW AND SOCIETY:
ANCIENT PEOPLES AND NEWCOMERS IN THE START-UP NATION (48872)

Dr. Daniel Ohana and Prof. Bryan Schwartz

E-mail: Daniel.Ohana@mail.huji.ac.il
Phone: 052-5410673 (Office hours: By appointment)
May 1 – May 23, 2019
60 Academic Hours, 4 Academic Credits

SEMINAR SYLLABUS

Seminar Description and Objectives
The three-week seminar aims to provide Canadian business and law students with an overview of the contemporary Israeli legal system, while enabling them to discover the major social and economic challenges that Israel has grappled with in recent years. The seminar includes introductory classes designed to provide general knowledge of Israel's high-tech economy and the basic concepts and institutional framework of Israeli law and government. It also includes classes which focus on more specific issues, featuring guest lectures by leading academics and experienced practitioners, who will supply students with information on the latest developments in their fields of expertise. Areas of academic interest covered will include constitutional law, international law, Jewish law, minority rights law, and counter-terrorism law.

In the course of the program, students will also participate in field trips to sites such as the Knesset, the Supreme Court, and the Yad Vashem Holocaust Museum. In addition, students will have the opportunity to visit hi-tech entrepreneurship hubs and meet start-up innovators working in Jerusalem and Tel Aviv.
Assessment

Students are required to take a four-hour exam at the end of the seminar. The grade for the seminar will be determined on the basis of the final exam only. Class attendance and participation in all field trips is mandatory. Students who do not regularly attend class will not receive credit for the course.

Readings

The seminar is conducted exclusively in English; proficiency in spoken or written Hebrew is not a prerequisite for participation in the program. Israeli statutes and Supreme Court decisions relevant to the topics taught in class are often available online in English translation. The list of scholarly articles compiled for the seminar summarizes, in English, leading court cases and legal doctrines.

An online site administered by the International Rothberg School is available to enable easy interaction between students and the academic coordinator throughout the course of the program. By accessing the site, students will be able to obtain general information and announcements about the program. Background material and course readings will be posted online in the period leading up to the seminar, so as to give students the opportunity to familiarize themselves in advance with the various topics addressed in the course of the program.

Items marked with an asterisk are required readings. Students are expected to complete the required readings before class and be prepared to discuss them.

Course Outline and Seminar Readings List

Wednesday, May 1, 2019

- Financial Registration
- Campus Tour
- Orientation

Thursday, May 2, 2019

13:00-16:30 (4 academic hours)    Law Faculty, Room 306

Introduction to Israel as a Society and State

Guest speaker: Dr. David Mendelsson, Senior Lecturer, Rothberg International School, Hebrew University

17:00-18:30 (2 academic hours)    Law Faculty, Room 306

Historical Background and Sources of Israeli Law
• Menachem Mautner, Law and the Culture of Israel 40-44 (2011).
• (*) HCJ 5/48 Lion v. Gubernick, 1 P.D. 58.
• (*) HCJ 73/53 Kol Ha’am v. Minister of the Interior, 7 P.D. 871.
• CA 113/40 Sherman v. Danovitz, 7 P.L.R. 363.
• PCA 30/39 Ayoub v. Farouqi, 8 P.L.R. 116.
• CA 29/47 London Society for Promoting Christianity among the Jews v. Orr, 14 P.L.R. 218
• Cr. A 112/50 Yosifof v. The Attorney General, 5 P.D. 481.

**Friday, May 3, 2019**

**8:30-10:00 (2 academic hours)  Law Faculty, Room 406**

**The Israeli Court System and Process of Appointment of Judges and Attorney General**

• Yael Levy Ariel, Judicial Diversity in Israel: An Empirical Study of Judges, Lawyers and Law Students Faculty of Laws, University College London, Thesis Submitted for the degree of PhD (April 2018).

**10:30-12:00 (2 academic hours)  Law Faculty, Room 406**

**Judicial Review in the High Court of Justice**

• (*) HCJ 910/86 Ressler v. Minister of Defence 42(2) P.D. 441.
• HCJ 4797/07 Association for Civil Rights in Israel v. Airports Authority (2015).

Sunday, May 5, 2019

➢ 9:00-10:30 (2 academic hours) Law Faculty, Room 306

Jewish and Religious Law in the Israeli Legal System

Guest speaker: Dr. Benny Porat, Faculty of Law, Hebrew University of Jerusalem

➢ 10:45-12:15 (2 academic hours) Law Faculty, Room 306

The Constitutional Revolution

• (*) HCJ 98/69 Bergman v. Minister of Finance 23(1) P.D. 693
• (*) HCJ 6821/93 United Mizrachi Bank v. Migdal Cooperative 49(4) P.D. 221.
• Hanna Lerner, Making Constitutions in Deeply Divided Societies 51-80 (Cambridge University Press, 2011).

➢ 12:30-14:00 (2 academic hours) Law Faculty, Room 315

Special Event: Meeting and group discussion with Nisreen Alyan, Adv. together with students involved in the Multiculturalism and Diversity Clinic at the Clinical Legal Education Center, Faculty of Law of the Hebrew University of Jerusalem

➢ 14:30-16:00 (2 academic hours) Law Faculty, Room 402

Current Trends in the Jurisprudence of the Israeli High Court of Justice

• (*) HCJ 7146/12 Adam v. The Knesset (2013).
• HCJ 4374/15 Movement for Quality of Government v. Prime Minister (2016).
• (*) HCJ 3429/11 Alumni Association of the Arab Orthodox School in Haifa v. Minister of Finance (2012).

Monday May 6, 2019

➢ 10:30-12:00 (2 academic hours)  Law Faculty, Room 302
The Nature of Jewish Law
Prof. Bryan Schwartz, University of Manitoba Law Faculty.

➢ 13:00-18:00  
Field Trip: Yad Vashem Holocaust Museum

Tuesday, May 7, 2019  Law Faculty, Room 310

➢ 10:00-14:00 (4 academic hours)
The Challenges of Defining Israel as a Jewish and Democratic State from a Constitutional Law Perspective
PART I
Basic Law: Israel as the Nation-State of the Jewish People

• Ruth Gavison, "Constitutional Anchoring of Israel's Vision: Recommendations Submitted to the Minister of Justice" (2013).
• Mordechai Kremnitzer and Amir Fuchs, Basic Law: Israel as the Nation State of the Jewish People – A Danger to the Zionist Enterprise, Israel Democracy Institute (May 2014).
• Aviad Bakshi, "Basic Law Proposal: Israel as the Nation State of the Jewish People – The Liberal Justifications" Institute for Zionist Strategies (October 2013).
PART II

Religion, State and Jewish Identity: Key Issues and Recent Challenges

- Aviad Bakshi and Gideon Sapir, "Israel as a Nation-State in Supreme Court Rulings" Fania Oz-Salzberger and Yedidia Z. Stern (eds) The Israeli Nation-State: Political, Constitutional, and Cultural Challenges 164-190 (2014)

PART III

The Disqualification of Political Actors Hostile to the Jewish and Democratic Character of the State of Israel

- (*) EA 23/84 Neiman v. Chairman of the Central Elections Committee, 39(2) P.D. 225.
Wednesday, May 8, 2019

Memorial Day: NO CLASS

Thursday, May 9, 2019

Independence Day: NO CLASS

Friday, May 10, 2019

Extra-Curricular Trip: Masada and Dead Sea

Sunday, May 12, 2019

➢ 8:30-11:30 (4 academic hours) Law Faculty, Room 310

International Law Issues pertaining to the Arab-Israeli Conflict

Guest speaker: Prof. Guy Harpaz, Faculty of Law, Hebrew University of Jerusalem


➢ 13:00-17:00 (4 academic hours) Room TBA

The Israeli-Palestinian Conflict from the Perspective of International Criminal Law

• Amichai Cohen and Yuval Shani, "Israel's Military Advocate General Terminates 'Black Friday' and Other Investigations: Initial Observations" Lawfare (August 27, 2018).

Monday, May 13, 2019

9:00-12:30 (4 academic hours)    Law Faculty, Room 302

Legal Aspects of Countering Terrorism

• (*) HCJ 5100/94 Public Committee against Torture v. The State of Israel, P.D. 53(4) 817.
• Guy Harpaz, "Being Unfaithful to One's Own Principles: The Israeli Supreme Court and House Demolitions in the Occupied Palestinian Territories" 47 Israel Law Review 401 (2014).
• Yuval Shany, "Back to the Ticking-Bomb Doctrine" Lawfare (December 27, 2017).
• Yuval Shany and Mordechai Kremnitzer, "Two Small Steps on the Long Road to Suppressing Unlawful Security Interrogations in Israel" Lawfare (March 6, 2018).
• Mordechai Kremnitzer and Yuval Shany, ‘Special Interrogations,’ Confessions and the Duma Arson Attack” Lawfare (July 9, 2018).

13:00-16:00

Field Trip: Visit to Knesset (Israeli Parliament)

Please note:

1. You must abide by the Knesset’s dress code:
Visitors should note that in accordance with the Knesset dress code, entrance to the Knesset is permitted only in dignified and appropriate attire (no tank/spaghetti tops, crop tops, clothing with political slogans, shorts or ¾–length trousers, ripped trousers, short skirts and dresses, tracksuits or sweatpants, flip-flops, or clogs). These rules apply to all visitors ages 14 and up. Guests under age 18 on official Visitors Center tours may wear tracksuits or sweatpants.

2. The Knesset does not allow visitors to bring in belongings larger than small wallets and purses. Please do not bring bags, backpacks, or laptops. Please bring along your passports.

16:00-18:00

Field Trip: Visit to Supreme Court – Meeting with the Honorable Justice Alex Stein

Tuesday, May 14, 2019

8:30-12:00 (4 academic hours)  Law Faculty, Room 306

The Rise of the Israeli Knowledge Economy and the Challenges Ahead


12:30-14:00

Field Trip: JEST Hub Hi-Tech Entrepreneurship Center in East Jerusalem

15:00-16:30

Field Trip: HUstart – Hebrew University Entrepreneurship Center, Givat Ram Campus

18:00-19:30 (2 academic hours)

Guest Lecture: Dori Weiss, CEO BrainWatch Company, MBA Program – Marketing, Entrepreneurship and Strategy, Hebrew University of Jerusalem
Wednesday, May 15, 2019

- **10:00-11:30 (2 academic hours)**
  Legal issues pertaining to the LGBT community in Israel

- **12:00-13:30**
  **Field Trip:** Tel Aviv/Yaffo: Visit to Peres Center for Innovation and Peace

- **13:30-15:00 (2 academic hours)**
  Legal issues pertaining to Asylum seekers in Israel
  **Guest Lecture:** Tal Steiner, Adv., The Hotline Center for Refugees and Migrants

- **18:30-20:00**
  **Special Meeting:** Adi Zamir, Co-Founder of WMN – Working Space and Ecosystem for Women-Led Entrepreneurial Ventures

Monday, May 20, 2019

- **9:00-10:30 (2 academic hours) Law Faculty, Room 302**
  The Status of the Arabic Language under Israeli Law
  - (*) HCJ 4112/99 Adalah – The Legal Center for Arab Minority Rights in Israel v. City of Tel-Aviv Jaffe.

Monday, May 20, 2019

- **10:45-12:15 (2 academic hours) Law Faculty, Room 302**
  Legal Issues relating to the Bedouin in Israel
  - Havatzelet Yahel, "Land Disputes between the Negev Bedouin and Israel" Israel Studies 11(1) 1-22 (2006).
  - CA 9535/06 Abu-Massad v. The Water Commissioner.
  - (*)HCJ 2887/04 Abu-Madigam v. Israel Land Administration.
  - (*) PCA 3094/11 Al-Qi'an v. State of Israel.
  - (*) CA 218/74 Al-Huashela v. State of Israel.
  - State of Israel, Regularization of Bedouin Communities in Israel, Summary of the Public Hearing on the Draft Law and recommendations for policy and for
amendments to the Draft Presented to the Cabinet by Ze'ev B. Begin (January 23, 2013).

Tuesday, May 21, 2019

➢ 9:00-10:30 (2 academic hours)  
Law Faculty, Room 306

Integrating the Ultra-Orthodox Community into the Israeli Society and Economy

Guest speaker: Dr. Gilad Malach, Israel Democracy Institute

➢ 11:00-14:30 (4 academic hours)  
Law Faculty, Room 310

The Right to Equality and the Military Draft Deferment for Ultra-Orthodox Jews

• (*) HCJ 910/86 Ressler v. Minister of Defence 42(2) P.D. 441.
• (*) HCJ 3267/97 Rubinstein v. Minister of Defence 52(5) P.D. 481.
• HCJ 4124/00 Orman Yekutieli v. The Minister of Religious Affairs (2014).
• Ruth Levush, "Israel: High Court Strikes Down Draft Exemption for Ultra-Orthodox" Library of Congress: Global Legal Monitor (Sept. 25, 2017) available online:  

➢ 15:30-17:00 (2 academic hours)  
Room TBA

Race, Racism and Law in Israel

Guest speaker: Aweke Kobi Zena, Adv., Head of the Unit for Coordinating the Struggle against Racism, Israel Ministry of Justice

Wednesday, May 22, 2019  
Law Faculty, Room 310

➢ 10:00-11:30 (2 academic hours)  

The Protection of Minority Rights and the Integration of Ethiopians in Israel

Guest speaker: Fentahun Assefa-Dawit, Executive Director of Tebeka: Legal Aid Organization for Ethiopian-Israelis

Thursday, May 23, 2019

FINAL EXAM

10:30-14:30