

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

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Office hours: by appointment

May 4 – May 22, 2014

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, often 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 business law, Jewish law, human rights law, minority rights law, immigrant and refugee law, and international law.

In the course of the program, students will also participate in field trips to sites such as the Supreme Court of Israel and the Yad Vashem Holocaust Museum. In addition, students will visit the offices of various international business enterprises and have the opportunity to meet young start-up entrepreneurs and innovators working in 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 read the required readings before class and be prepared to discuss them.

Course Outline

Sunday, May 4, 2014

- Financial Registration
- Setting-Up Computer Account

Monday, May 5, 2014

FIELD TRIP – SUPREME COURT AND YAD VASHEM (9:30-16:30)

Tuesday, May 6, 2014

YOM HA'ATSMAUT (INDEPENDENCE DAY) – NO CLASS

Wednesday, May 7, 2014 (8:30-12:00)

1. **Introduction to Israel as a Society and State (4 academic hours)**

Guest speaker: Dr. David Mendelsson, head of Israel Studies at the **Hebrew Union College**-Jewish Institute of Religion in Jerusalem

Wednesday, May 7, 2014 (13:00-18:00)

2. **Historical Background and Sources of Israeli Law (2 academic hours)**

- Daniel Friedmann, “The Effect of Foreign Law on the Law of Israel: Remnants of the Ottoman Period” 10 *Israel Law Review* 92 (1975).
- Daniel Friedmann, “Infusion of the Common Law into the Legal System of Israel” 10 *Israel Law Review* 324 (1975).
- Daniel Friedmann, “Independent Development of Israeli Law” 10 *Israel Law Review* 515 (1975).
- (*) 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.

3. **The Israeli Court System (2 academic hours)**

- (*) Suzie Navot, *The Constitutional Law of Israel* 137-150 (Hague: Kluwer, 2007).

4. The Process of Judicial Review (2 academic hours)

- (*) Suzie Navot, *The Constitutional Law of Israel* 150-167 (Hague: Kluwer, 2007).
- (*) HCJ 910/86 Ressler v. Minister of Defence 42(2) P.D. 441.
- HCJ 428/86 Barzilai v. Government of Israel 40(3) P.D. 505.
- Yoav Dotan, "Constitutional Adjudication and Political Accountability: Comparative Analysis and the Peculiarity of Israel" in Gideon Sapir, Daphne Barak-Erez and Aharon Barak (eds) *Israeli Constitutional Law in the Making* 91 (Oxford: Hart, 2013)
- Joshua Segev, "Justifying Judicial Review: The Changing Methodology of the Israeli Supreme Court" in Gideon Sapir, Daphne Barak-Erez and Aharon Barak (eds) *Israeli Constitutional Law in the Making* 105 (Oxford: Hart, 2013)
- Ori Aronson, "The Democratic Case for Diffuse Judicial Review in Israel" in Gideon Sapir, Daphne Barak-Erez and Aharon Barak (eds) *Israeli Constitutional Law in the Making* 121 (Oxford: Hart, 2013).

Thursday May 8, 2014 (12:00-18:00)

6. The Constitutional Revolution and the Protection of Individual Rights in Israeli Law (3 academic hours)

- (*) HCJ 98/69 Bergman v. Minister of Finance 23(1) P.D. 693
- (*) HCJ 6821/93 United Mizrahi Bank v. Migdal Cooperative Village 49(4) P.D. 221.
- (*) HCJ 7146/12 Adam v. The Knesset
- Daphne Barak-Erez, "From an Unwritten to a Written Constitution: The Israeli Challenge in American Perspective" 26 *Columbia Human Rights Law Review* (1995) 309.
- Tsvi Kahana, "Majestic Constitutionalism? The Notwithstanding Mechanism in Israel" in Gideon Sapir, Daphne Barak-Erez and Aharon Barak (eds) *Israeli Constitutional Law in the Making* 73 (Oxford: Hart, 2013).

7. **The Israeli Electoral System and the Relationship Between the Executive and Legislative Branches (3 academic hours)**

- (*) Suzie Navot, *The Constitutional Law of Israel* 98-109 (Hague: Kluwer, 2007).
- (*) EA 23/84 Neiman v. Chairman of the Central Elections Committee, 39(2) P.D. 225.
- Suzie Navot, "Fighting Terrorism in the Political Arena: The Banning of Political Parties" 14 *Party Politics* 745-762 (2008).
- Chaim Gans, "Jewish and Democratic: Three Zionisms and Post-Zionism" in Gideon Sapir, Daphne Barak-Erez and Aharon Barak (eds) *Israeli Constitutional Law in the Making* 473 (Oxford: Hart, 2013).
- Aviad Bakshi and Gideon Sapir, "A Jewish Nation-State: A Discussion in Light of the Family Reunification Case" in Gideon Sapir, Daphne Barak-Erez and Aharon Barak (eds) *Israeli Constitutional Law in the Making* 484 (Oxford: Hart, 2013)

Friday, May 9, 2014: FIELD TRIP TO MASADA, EIN GEDI & DEAD SEA

Sunday, May 11, 2014 – NO CLASS

Monday, May 12, 2014 (8:30-12:00) (4 academic hours)

8. **International Law**

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

Tuesday, May 13, 2014 (10:30-12:30) (2 academic hours)

9. **Immigration and Refugee Law in Israel: Current Challenges and Responses**

Guest speaker: Joel Yossef Moss, Hebrew Immigrant Aid Society, former member of the Immigration and Refugee Board of Canada.

Tuesday, May 13, 2014 (13:00-16:30) (4 academic hours)

10. **The Rise of the Israeli Knowledge Economy and the Challenges Ahead**

Guest speaker: David Rosenberg, business journalist and author of *Israel: The Knowledge Economy and its Costs* (Forthcoming: Palgrave Macmillan, 2015).

Wednesday, May 14, 2014 (8:30-10:00) (2 academic hours)

11. Jewish and Religious Law in the Israeli Legal System

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

Wednesday, May 14, 2014 (10:00-18:45)

FIELD TRIP TO TEL AVIV – VISIT OF AFRICAN REFUGEE DEVELOPMENT CENTER AND TEL AVIV "START-UP CITY" TOUR

Thursday, May 15, 2014 (10:00-13:00)

FIELD TRIP – OFFICES OF JERUSALEM VENTURE PARTNERS

Thursday, May 15, 2014 (14:00-17:30)

12. Legal Aspects of Countering Terrorism

- (*) HCJ 5100/94 Public Committee against Torture v. The State of Israel, P.D. 53(4) 817.
- (*) HCJ 769/02 Public Committee against Torture v. The Government of Israel.
- (*) HCJ 7052/ 03 Adalah Legal Center for Arab Minority Rights in Israel v. Minister of Interior.
- Mordechai Kremnitzer and Re'em Segev, "The Legality of Interrogational Torture: A Question of Proper Authorization or a Substantive Moral Issue?" 34 *Israel Law Review* 509 (2000).
- David Kretzmer, "Targeted Killings of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence" 16 *European Journal of International Law* 171 (2005)
- Daphne Barak-Erez, Israel: Citizenship and Immigration Law in the Vise of Security, Nationality, and Human Rights 6 *International Journal of Constitutional Law* 184 (2008).

Sunday, May 18, 2014 (11:00-12:30) (2 academic hours)

13. 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

Sunday, May 18, 2014 (14:00-15:30) (2 academic hours)

14. Israel as a Start-Up Nation: “The Lifecycle of an Israeli Start-Up: From Boom to Bust to Boom Over and Over”

Guest speaker: Avner Halperin, CEO of *EarlySense* and Adjunct Lecturer, Rothberg International School, Hebrew University of Jerusalem.

Monday, May 19, 2014 (9:00-12:30) (4 academic hours)

15. The Right to Equality and the Arab Minority in Israel

- (*) HCJ 6698/95 Kaadan v. Israel Lands Administration, P.D. 54(1) 258.
- (*) HCJ 727/00 Committee of Heads of Local Arab Councils in Israel v. Ministry of Construction and Housing, P.D. 56(2) 79.
- (*) HCJ 1113/99 Adalah Legal Center for Arab Minority Rights in Israel v. Minister of Religious Affairs, P.D. 54(2) 164.
- (*) HCJ 11163/03 Supreme Monitoring Committee for Arab Affairs v. Prime Minister of Israel.
- Ilan Saban, “Minority Rights in Deeply Divided Societies: A Framework for Analysis and the Case of the Arab-Palestinian Minority in Israel” 36 *New York Journal of International Law & Politics* 885 (2004).

Monday, May 19, 2014 (13:00-14:30) (2 academic hours)

16. Integrating the Arab Minority into Israeli Economic and Social Life

Guest speaker: Aiman Saif, Head of the Authority for the Economic Development of the Arab, Druze and Circassian Sectors, Prime Minister's Office

Tuesday, May 20, 2014 (13:00-14:30) (2 academic hours)

17. **Integrating the Ultra-Orthodox into the Israeli Society and Economy**

Guest speaker: Dr. Gilad Malach, School for Public Policy at the Hebrew University of Jerusalem.

(* Aharon Rose, "The Haredim - a Defense" Azure 25 (2006).

Tuesday, May 20, 2014 (15:00-18:30) (4 academic hours)

18. **The Right to Equality and the Military Draft Deferment for the Ultra-Orthodox**

- (*) Ruth Levush, "Israel: Supreme Court Decision Invalidating the Law on Haredi Military Draft Postponment" Library of Congress: Current Legal Topics (March 2012) available online: <http://www.loc.gov/law/help/haredi-military-draft.php>
- (*) 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 6298/07 Ressler v. The Knesset.
- (*) HCJ 4124/00 Ornan Yekutieli v. The Minister of Religious Affairs.
- HCJ 746/07 Naomi Ragen v. Ministry of Transport.
- HCJ 1067/08 Noar Kehalacha v. Ministry of Education.

Wednesday, May 21, 2014 – STUDY DAY – NO CLASS

Thursday May 22, 2014 – FINAL EXAM