



# האוניברסיטה העברית בירושלים

## THE HEBREW UNIVERSITY OF JERUSALEM



Faculty of Law

Rothberg International School  
Department of Summer Courses  
and Special Programs

הפקולטה למשפטים

ביה"ס לתלמידים מחו"ל ע"ש רוטברג  
המחלקה לקורסי קיץ  
ותוכניות מיוחדות

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

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May 1 – May 19, 2016

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 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 YadVashem Holocaust Museum. In addition, students will have the opportunity to visit the offices of international high-tech business enterprises and meet young start-up 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 and Seminar Readings List

### **Sunday, May 1, 2016**

- Financial Registration
- Campus Tour
- Orientation
- Setting Up Computer Account

### **Monday, May 2, 2016 (9:00-12:30)**

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

Guest speaker: Dr. Ophir Yarden, Jewish and Israel Studies

Brigham Young University – Jerusalem Center

### **Monday, May 2, 2016 (13:00-14:30)**

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).
- Assaf Likhovski, Law and Identity in Mandate Palestine 21-45, 61-83 (2006).
- 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

**Monday, May 2, 2016 (15:00-16:30)**

The Israeli Court System and Judicial Appointment Process (2 academic hours)

- (\*) Suzie Navot, *The Constitutional Law of Israel* 137-167 (Hague: Kluwer, 2007).

**Tuesday, May 3, 2016 (9:30-13:00)**

**FIELD TRIP – KNESSET (Israeli Parliament)**

**Tuesday May 3, 2016 (13:30-18:00)**

Judicial Review and the Constitutional Revolution (5 academic hours)

- (\*) Suzie Navot, *The Constitution of Israel* 1-47, 193-219 (Hart, 2014).
- (\*) 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.
- (\*) 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.
- (\*) HCJ 5239/11 Avneri v. The Knesset.
- Ruth Levush, " Israel: New Basic Law on Requirements for Approval of Territorial Concessions" Library of Congress: Global Legal Monitor (May 22, 2014)available online at:  
[http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_1205403990\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_1205403990_text)
- [YoavDotan, "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 \(Hart, 2013\).](#)
- 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 (Hart, 2013).

**Wednesday, May 4, 2016 (10:30-12:00) (2 academic hours)**

**Special Address by Dean of the Faculty of Law, Professor Yuval Shany**

*"Between Idealism and Realism:  
The Unique Challenges Faced by Israel in Securing Human Rights"*

**Wednesday, May 4, 2016 (12:00-13:30)**

Basic Law Proposal: Israel as the Nation-State of the Jewish People (2 academic hours)

- AviadBakshi, "Basic Law Proposal: Israel as the Nation State of the Jewish People –The Liberal Justification" The Institute for Zionist Strategies (October 2013) available at: [http://www.izs.org.il/eng/?father\\_id=205&catid=451](http://www.izs.org.il/eng/?father_id=205&catid=451)
- MordechaiKremnitzer 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), available at: <http://en.idi.org.il/analysis/articles/basic-law-israel-as-the-nation-state-of-the-jewish-people/>
- [ChaimGans, "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 \(Oxford: Hart, 2013\).](#)
- [AviadBakshi 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 \(Oxford: Hart, 2013\)](#)

**Wednesday, May 4, 2016 (13:30-15:00)**

Jewish and Religious Law in the Israeli Legal System (2 academic hours)

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

**Wednesday, May 4, 2016 (15:00-18:30)**

**FIELD TRIP – SUPREME COURT + MEETING WITH JUSTICE NEAL HENDEL**

**Thursday, May 5, 2016 (10:30-12:00)**

The Israeli Electoral System and the Disqualification of Political Parties Hostile to Jewish and Democratic Character of the State of Israel (2 academic hours)

- (\*) Suzie Navot, *The Constitution of Israel* 93-109 (Hart, 2014)
- (\*) 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).

**Thursday, May 5, 2016 (12:00-13:30)**

The Challenges of Defining Israel as a Jewish and Democratic State from a Constitutional Law Perspective (2 academic hours)

Guest speaker: Prof. Ruth Gavison, Faculty of Law, Hebrew University of Jerusalem

- Ruth Gavison, "Constitutional Anchoring of Israel's Vision: Recommendations Submitted to the Minister of Justice", available at: <http://marginalia.lareviewofbooks.org/defining-israel-forum-recent-attempts-determine-israels-character/>

**Thursday, May 5, 2016 (13:45-15:30)**

SPECIAL EVENT: "THE GATEKEEPERS" A DOCUMENTARY ABOUT THE ISRAELI SECURITY SERVICES. (2 academic hours)

**Thursday, May 5, 2016 (15:45-17:15)**

Legal Aspects of Countering Terrorism(Part I) – Interrogation Techniques and Human Rights Violations(2 academic hours)

- (\*) HCJ 5100/94 Public Committee against Torture v. The State of Israel, P.D. 53(4) 817.
- 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).

**Friday, May 6, 2016**

NO CLASS: EXTRA-CURRICULAR TRIP TO EIN GEDI AND THE  
DEAD SEA

**Sunday, May 8, 2016 (8:30-11:45)**

International Law Issues pertaining to the Arab-Israeli Conflict (4academic hours)

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

(\*) Guy Harpaz and Yuval Shany, "The Israel Supreme Court and the Incremental Expansion of the Scope of Discretion under Belligerent Occupation Law", 43 Israel Law Review 514 (2010).

**Sunday, May 8, 2016 (13:30-15:00)**

Cybersecurity and International Law (2 academic hours)

Guest speaker: Cedric Sabbah, Adv., Israel Ministry of Justice, Office of the Deputy  
Attorney General (International law); Director, Cybersecurity and IT law section.

**Sunday, May 8, 2016 (15:15-16:45)**

Legal Aspects of Countering Terrorism(Part II) – House Demolition as a Strategy of Counter-Terrorism (2 academic hours)

- 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).

**Monday, May 9, 2016 (9:00-10:30)**

SPECIAL EVENT: "SILICON WADI" A DOCUMENTARY ABOUT ISRAELI HIGH-TECH ENTREPRENEURS. (2 academic hours)

**Monday, May 9, 2016 (10:30-14:00)**

The Rise of the Israeli Knowledge Economy and the Challenges Ahead (4 academic hours)

Guest speaker: David Rosenberg, business journalist and author of *Israel: The Knowledge Economy and its Costs* (Forthcoming: Palgrave Macmillan, 2017).

**Monday, May 9, 2016 (14:30-16:00)**

High-Tech, Start-Ups and Venture Capital: The Legal Landscape (2 academic hours)

Guest speaker: Barry Levenfeld, Adv. Yigal Arnon & Co. Law Firm; Lecturer on High-Tech Corporate Finance at the Faculty of Law, Hebrew University of Jerusalem.

**Monday, May 9, 2016 (16:00-21:00)**

**FIELD TRIP TO TEL AVIV: VISIT TO SOSA TLV INNOVATION WORK SPACE FOR HIGH-TECH START-UPS**

**Tuesday, May 10, 2016 (10:30-14:00)**

**FIELD TRIP – OFFICES OF JERUSALEM VENTURE PARTNERS**

Guest speaker: Wendy Singer, Executive Director, Start-Up Nation Central

**Wednesday, May 11, 2016 (12:00-16:00)**

**FIELD TRIP – YAD VASHEM HOLOCAUST MUSEUM**



**Thursday, May 12, 2016**

**INDEPENDENCE DAY – NO CLASS**

**Sunday, May 15, 2016(12:00-13:30)**

The Israel-Palestinian Conflict from the Perspective of International Economic Law  
(2 academic hours)

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

**Sunday, May 15, 2016 (14:00-15:30)**

The Israeli-Palestinian Conflict from the perspective of International Criminal Law (2 academic hours)

- Eugene Kontorovich, 'Israel/Palestine – The ICC's Uncharted Territory' (2013) 11 *Journal of International Criminal Justice* 979.
- Yael Ronen, 'ICC Jurisdiction over Acts Committed in the Gaza Strip: Art. 12(3) of the ICC Statute and Non-state Entities' (2010) 8 *Journal of International Criminal Justice* 8.
- Yael Ronen, 'Israel, Palestine and the ICC – Territory Uncharted but Not Unknown' (2014) 12 *Journal of International Criminal Justice* 7.
- Yuval Shany, 'In Defence of a Functional Interpretation of Article 12(3) of the Rome Statute' (2010) 8 *Journal of International Criminal Justice* 329.

**Monday, May 16, 2016 (12:45-14:15)**

The Right to Equality and the Arab Minority in Israel (2 academic hours)

- (\*) 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.
- (\*) HCJ 4296/08 Wael v. National and Water Sewage Authority.
- • 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 16, 2016 (14:30-16:00) (2 academic hours)**

**Special Event: Meeting and group discussion with Inbar Peled, 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.**

**Monday, May 16, 2016 (16:30-18:00)**

**Integrating the Arab Minority into Israeli Economic and Social Life (2 academic hours)**

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 17, 2016 (12:00-13:30)**

Integrating the Ultra-Orthodox Community into Israeli Society and Economy (2 academic hours)

Guest speaker: Dr. Gilad Malach, Israel Democracy Institute

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

**Tuesday, May 17, 2016 (14:00-17:00)**

The Right to Equality and the Military Draft Deferment for Ultra-Orthodox Jews (4 academic hours)

- (\*) Ruth Levush, "Israel: Supreme Court Decision Invalidating the Law on Haredi Military Draft Postponement" Library of Congress: Current Legal Topics (March 2012) available online: <http://www.loc.gov/law/help/haredi-military-draft.php>
- (\*) H CJ 910/86 Ressler v. Minister of Defence 42(2) P.D. 441.
- (\*) H CJ 3267/97 Rubinstein v. Minister of Defence 52(5) P.D. 481.
- (\*) H CJ 4124/00 Ornan Yekutieli v. The Minister of Religious Affairs.
- H CJ 6298/07 Ressler v. Minister of Defense.

**Wednesday, May 18, 2016**

STUDY DAY – NO CLASS

**Thursday, May 19, 2016 (10:30-14:30)**

FINAL EXAM