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

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 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 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
- Setting Up Computer Account

Thursday, May 2, 2019 (13:00-16:30) (4 academic hours)

Introduction to Israel as a Society and State

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

Thursday, May 2, 2019 (17:00-18:30) (2 academic hours)

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.
- 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)

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


Friday, May 3, 2019 (10:30-12:00) (2 academic hours)

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)

Jewish and Religious Law in the Israeli Legal System

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

Sunday, May 5, 2019 (10:45-12:15) (2 academic hours)

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.
Sunday, May 5, 2019 (12:30-14:00) (2 academic hours)

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

Sunday, May 5, 2019 (14:30-16:00) (2 academic hours)

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

- (*) HCJ 7146/12 Adam v. The Knesset (2013).
- (*) 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)

The Nature of Jewish Law

Prof. Bryan Schwartz, University of Manitoba Law Faculty.

Monday May 6, 2019 (13:00-18:00)

FIELD TRIP ─ YAD VASHEM HOLOCAUST MUSEUM
Tuesday, May 7, 2019 (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).

PART II – Religion, State and Jewish Identity: Key Issues and Recent Challenges

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 TO MASADA AND DEAD SEA

Sunday, May 12, 2019 (8:30-12:00) (4 academic hours)
International Law Issues pertaining to the Arab-Israeli Conflict

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

Sunday, May 12, 2019 (13:00-17:00) (4 academic hours)

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


Monday, May 13, 2019 (9:00-12:30) (4 academic hours)

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).

Monday, May 13, 2019 (13:00-16:00)

FIELD TRIP: VISIT TO KNESSET (ISRAELI PARLIAMENT)

Monday, May 13, 2019 (16:00-18:00)

VISIT TO SUPREME COURT – MEETING WITH THE HONOURABLE JUSTICE ALEX STEIN

Tuesday, May 14, 2019 (8:30-12:00) (4 academic hours)

The Rise of the Israeli Knowledge Economy and the Challenges Ahead


Tuesday, May 14, 2019 (12:30-14:00)

FIELD TRIP: JESTHUB HI-TECH ENTREPRENEURSHIP CENTER IN EAST JERUSALEM
Tuesday, May 14, 2019 (15:00-16:30)

FIELD TRIP: HUSTART – HEBREW UNIVERSITY ENTREPRENEURSHIP CENTER, GIVAT RAM CAMPUS

Wednesday, May 15, 2019 (12:00-13:30)

FIELD TRIP – TEL AVIV/YAFFO: VISIT TO PERES CENTER FOR INNOVATION AND PEACE

Wednesday, May 15, 2019 (14:00-15:30) (2 academic hours)
Legal issues pertaining to the LGBT community in Israel

GUEST LECTURE: HAGAI ALKALY, ADV. THE AGUDA – AN ORGANIZATION FOR THE EMPOWERMENT OF THE LESBIAN, GAY, BISEXUAL AND TRANSGENDER COMMUNITY IN ISRAEL

Wednesday, May 15, 2019 (16:00-17:30) (2 academic hours)
Legal issues pertaining to Asylum seekers in Israel

GUEST LECTURE: TAL STEINER, ADV. THE HOTLINE CENTER FOR REFUGEE AND MIGRANTS

Wednesday, May 15, 2019 (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)
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 Jaffa.
Monday, May 20, 2019 (10:45-12:15) (2 academic hours)

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 (12:00-13:30) (2 academic hours)

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

Guest speaker: Dr. Gilad Malach, Israel Democracy Institute

Tuesday, May 21, 2019 (14:00-17:30) (4 academic hours)

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.

Wednesday, May 22, 2019 (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)