Course Description

This course is designed to introduce students to Israeli constitutional law on normative and institutional levels. The course will cover the theory and history of Israeli constitutional law, the development and practice of judicial review, the power of, and limitations on judicial power, the allocation of powers among the legislative, executive, and judicial branches, and the central role of the Supreme Court. The course is composed of three sections: a) Theory & History; b) Israel’s Bill of Rights; c) Constitutional Dilemmas.

The course includes lectures and active discussions. Attendance is mandatory. Students are expected to come to class having completed the readings for the class and be prepared to discuss them (literature marked as ‘additional reading’ is not obligatory unless discussed in class).
Course Goals

The course’s goal is to provide the students with familiarity with the features and normative framework of Israeli constitutional law and to provide the students with basic tools for a rational analysis of issues related to constitutional law.

Grading

Exam – 90%

Class Presentation and Reflection – 10%

Starting from week 6 you will be assigned to groups of 5-6 students, and you will be asked to present a topic, selected in advance, from the syllabus. Each week two groups will present the assigned topic. The presentation shall be of 10-15 minutes, which is 5% of the class grade. Following the presentation, each student shall submit via email a reflection paper discussing the topic presented either by the student group or the other group. The reflection paper shall be up to 1 page (font Times New Roman size 12 double space) and submitted as a Word document. The reflection memo is 5% of the class grade.

Lecturer Office Hours

By appointment  dana.wolf@runi.ac.il

Tutor Office Hours

By appointment  Noa.Shamir@runi.ac.il

Teaching Assistant

Adv. Noa Shamir

Additional Notes

Israeli decisions are rendered in Hebrew but there are a number of authorized translations in English on the Israel Supreme Court website: https://supreme.court.gov.il/
Some Supreme Court decisions are summarized in English in Bulletins on Constitutional Case-Law published by the Venice Commission, the Council of Europe, which are available in the library.

The Benjamin N. Cardozo School of Law of Yeshiva University has launched the Israeli Supreme Court Project (ISCP), the core of which is the translation into English and dissemination of key opinions of the Israeli Supreme Court: http://versa.cardozo.yu.edu/opinions


The Basic Laws are published in English on the Knesset website: https://m.knesset.gov.il/en/activity/pages/basiclaws.aspx

There are several English law reviews in Israel: Israel Law Review, Israel Yearbook on Human Rights, Tel-Aviv University Studies in Law, and Theoretical Inquiries in Law. Another publication is Justice, published by the International Association of Jewish Lawyers and Jurists. These journals are available online or through legal databases such as LexisNexis.

The main books that will accompany us during the semester are: Suzie Navot, The Constitutional Law of Israel (2007) and Suzie Navot, The Constitution of Israel – A Contextual Analysis (2014).

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**Reading List**

**Section I: Theory & History**

1. **Introduction and Basic Constitutional Principles (October 30, 2022)**

**Additional Reading:**

2. **Historical Background (November 6, 2022)**


Additional Reading:


3. **The Constitutional Revolution (November 13, 2022)**

- Basic Law: Freedom of Occupation
- Basic Law: Human Dignity and Liberty

Additional Reading:


4. **Judicial Review (November 20, 2022)**

- Mizrahi Bank case, para. 88-89, Shamgar C.J.; para. 80, Barak C.J.

Additional Reading:
Section II: Israel’s Bill of Rights

5. Freedom of/from Religion (November 27, 2022)

- David Ben-Gurion for the Jewish Agency Executive, Status-Quo Agreement, June 19, 1947, in Israel in the Middle East 58-59.
- Haim Cohn, Religious Freedom and Religious Coercion in the State of Israel, in Israel Among the Nations 79-85, 93-96, 100-106.

Additional Reading:


6. Freedom of Speech (December 4, 2022)

- Navot, The Constitutional Law of Israel 234-242
- HCJ 73/53 Kol Ha’am v. Minister of Interior, 7(2) PD 871 (1953) (excerpts).

Additional reading:


7. Equal Protection (December 11, 2022)

- Navot, The Constitution of Israel 233-244.
8. **Human Dignity (December 18, 2022)**

- Navot, The Constitution of Israel

**Additional reading:**

**Section III: Constitutional Dilemmas**

9. **Jewish and Democratic (December 25, 2022)**

- Channel 4 News, Israel Approve Law to Become a Jewish Nation State (July 19, 2018), available at https://www.youtube.com/watch?v=mNWykMEBIK8 (watch until minute 2:59)
- Navot Suzie, *A new chapter in Israel’s “constitution”: Israel as the Nation State of the Jewish People*, available at https://doi.org/10.17176/20180727-124823-0.
- HCJ 3648/97 Stamka v. Minister of Interior, PD 53(2) para 1–27 of Justice Cheshin,
- HCJ 6698/95 Ka’adan v. Israel Lands Administration, PD 34(1) 258.

**Additional Reading:**
- Gila Stopler, *National Identity and Religion – State Relations: Israel in Comparative Perspective*, in Israeli Constitutional Law in The Making 267–284 (Gideon Sapir, ...
10+11. Human Rights in Time of Emergency (January 1, 2023, & January 8, 2023)


Additional Reading:
- Yuval Shani on Human Rights and Counter-Terrorism in Israel, IDI (April 6, 2013), available at
  https://www.youtube.com/watch?v=1hEWHzYQcA8&list=PLmCtYOSs2DQwsBdAPbmXuHPITbs1O9a4g&index=21

12. The Rule of Law and Human Rights in the West Bank and Gaza (January 15, 2023)

- David Kretzmer, The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories (2002)

Additional Reading:
- One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank, The

13. **13. Conclusion (January 22, 2023)**