Course Description

*Israeli Law and Legal System* will introduce you to the history of Israeli legal system and to the interaction between societal and legal forces and their influence in shaping the Israeli society. The legal system belongs to the family of mixed jurisdictions combining characteristics from the Common Law and the Civil Law, with its unique history and characteristics. The course highlights the revolutionary changes in the legal system since the independence of the state in 1948. The following subjects will be discussed: The absence of a single-document written Constitution, The "Basic Laws" that are of a higher normative status. The Supreme Court and it's function as The High Court of Justice and as the centrality of the judiciary. The Structure of the court system, which combines the general court system and the specialized courts; Among those, a special attention will be given to the study of the religious court, its centrality in the life of Israelis and in the shaping of the laws of personal status, such as the absence of civil marriage and divorce and the position of women in Israeli society.

**Required books:** (available for purchase in the University Bookstore).


**Course Requirements**

Students are expected to do the reading for each class in advance and come to class prepared so the can participate and contribute to the discussion and to the understanding of the topics.

**Grades will be bases on the following:**

1. Class attendance and participation: this in particular will be taken into account in decision on a borderline grades. (up to 10%)
2. Students are required to submit by email to the lecture on the Monday prior to each class s short summary of the main arguments or issues discussed from the reading list. Each week the students will be given the material for submission for the following class (20%).
3. End-of-term exam or submission of essay (6,000 words) (70%)
Bibliography (a tentative list)

Introduction


Religion and the Law


A New Covenant on Religion and State, (highlights areas of conflict between religious and civil matters. (will be distributed in class)

Human rights


Yashuvi, Naama,, The State of Human Rights in Israel: 2002, the Information Center at ACRI The Association for Civil Rights in Israel. (will be distributed in class)


Women and the law


**The Arab community In Israel**

Kedar Alexandre (Sandy) "Land Settlement in the Negev in International Law Perspective", Adalah Newsletter, volume 8, December 2004.

[http://www.adalah.org/newsletter/eng/dec04/ar1.pdf](http://www.adalah.org/newsletter/eng/dec04/ar1.pdf)


**Judaism and Democracy**


Landau Asher Felix, (1993) *The Jerusalem Post Law Reports*, The Magness Press, the Hebrew University, Jerusalem. (Short extracts of 10 cases reported by the Jerusalem Post that have some implications on social process). (will be distributed in class)

**Additional materials**, for students who would like to further their knowledge.


**Constitution for Israel**, A Joint project of the Knesset and the Jewish Agency for Israel, North America by the Israeli American Forum, Can be found in the Knesset Internet Site in the English Language.
The Declaration of Independence, the State of Israel. Can be found in the Knesset Internet Site in the English Language. www.Knesset.gov.il


Ruttner Aria, "The Sanctity of Criminal Law: Thoughts and reflections on wrongful conviction in Israel. Crime, Law & Society (will be distributed in class)

Shannon Ishiyama Smithey, Judges As Constitution Makers: Strategic Assertions of Judicial Authority, University of Pittsburgh (will be distributed in class)


Useful Internet Sites

The kenesset (Parliament) www.knesset.gov.il
The Judicial Authority www.court.gov.il
The Israel Bar Association
Israel Democracy Institute wwwidi.co.il
Israel Center for Human Rights
Guide to Law Online - Israel
Lexis