

**University of California Los Angeles, Political Science.**

**Dr. Nahshon Perez**

**Winter 2008.**

**Democracy and Human Rights in Israel.**

### **Course Description**

This course aims to discuss the status of democracy and human rights in Israel. The first two classes will concisely present the basic laws and political structure of Israel. Following this short introduction, we shall examine more closely several aspects of the Israeli political system, including the freedom of religion, minority rights, the right of return, social and economic rights (*vis-à-vis* the changes transpiring in Israel in this context), security and human rights and several others. The method and readings of the course will include both readings from Israel studies and from political theory. The aim is to acquaint the students with both sufficient knowledge about Israel, and with critical normative tools that would enable reflection about Israel.

### **Class Policies:**

Maintaining an environment conducive to civil discourse and the free exchange of ideas is vital to the learning process, particularly since we will be engaging issues that are often controversial and which students may have strong personal opinions about. So I expect students to act in a respectful, civil, tolerant and collegial manner. I consider this absolutely fundamental and ask you to adhere to the following classroom policies:

- no shouts, uncalled remarks, or prolonged speeches.
- no prolonged private conversations
- turn off cell phones and pagers
- please do not get up in the middle of class unless it is necessary. This is not only disruptive but shows a lack of respect for others in the class
- please be on time for class.

**Late Exams and Incompletes:** Late exams / papers will **not** be accepted

## Course Requirements

There will be one 'take home' exam (20%, week 5), one paper (20%, around the 12 pages limit), one final exam (40%), and 2 journal entries (20%) - which are short - 2 pages critical notes referring to the course readings (10% each). Items in the reading list marked with \* are *not* eligible for journal entries.

Except for the final exam, all requirements should be typed (font 12, double spaced).

I expect students to read the requested readings from week to week, and to participate in the classroom in an adequate fashion. Classroom participation may be counted for class grade in some cases (in cases of classroom conduct which is either excellent or below expected standards).

The students might be interested in current events in Israel, for which the English version of *Haaretz* daily is a good source: <http://www.haaretz.com/>

A good online source for social and economic issues (including raw data) in Israel is: <http://www.adva.org/default.asp?lang=en>

Another good online source for information about Israel is: <http://www.jewishvirtuallibrary.org/jsource/index.html>

## Required Book.

Mahler, Gregory. *Politics and Government in Israel, the Maturation of a Modern State* (Rowman & Littlefield, 2004).

Recommended: Arian, Asher. *Politics in Israel: The Second Republic* (second edition), (Washington: CQ Press, 2005).

## Course Readings.

**Week 1:** Introduction to Israel (history, society and political system).

1. Israel, introduction.
2. Israel, Introduction part 2

Readings: G. Mahler. *Politics and Government in Israel* chapters: 1-5, 7. \*

## Week 2: Democracy and Rights.

1. Democracy.  
Bobbio, Norberto, *The Future of Democracy* (Cambridge: Polity, 1987), pp: 23-42.
2. Rights.

Harel, Alon, "Theories of Rights" in the *Blackwell Guide to the Philosophy of Law and Legal Theory*, ed. William A. Edmundson, (Blackwell: 2004), pp: 191-207.

Shue, H. *Basic Rights*. (Princeton U.P: 1980), pp: 35-64.

### **Week 3: Democracy, Rights and Security.**

1. Barak, Aharon, "A Judge on Judging: the Role of A Supreme Court in a Democracy", *Harvard Law Review*, Vol. 116, No. 1. (Nov., 2002), pp: 16-163, (please read pages 148-160 **only**). \*
2. Dershowitz, A. *Why Terrorism Works* (New Haven: Yale U.P.), pp: 165- 222.
3. Walzer, Michael, "Political Action: the Problem of Dirty Hands", *Philosophy and Public Affairs*, Vol. 2, No. 2. (Winter, 1973), pp. 160-180.

### **Week 4: Religious Freedom**

1. Durham, W. Cole Jr. "Perspectives on Religious Liberty: A Comparative Framework" in John D. van der Vyver & John Witte Jr. (eds) *Religious Human Rights in Global Perspective: Legal Perspectives*, (Boston: Martinus Nijhoff, 1996), pp: 1-44.
2. Kymlicka, Will, "Two Models of Pluralism and Tolerance", in *Toleration, an Elusive Virtue*, (ed), D. Heyd, (Princeton: Princeton UP, 1996), pp: 81-105.
3. Cohen, Asher and Susser, Bernard, "From Accommodation to Decision: Transformations in Israel's Religio-Political Life", *Journal of Church and State*. Autumn 1996, Vol. 38, No. 4, pp. 817-839.
4. Neuberger, Benjamin, "Religion and State in Europe and Israel", *Israel Affairs*, Winter 1999, Vol. 6 Issue 2, pp: 65-85. \*

### **Week 5: Social and Economic Rights.**

1. Gavison, Ruth, "On the relationships between civil and political rights, and social and economic rights" in *The Globalization of Human Rights* (eds) Jean-Marc Coicaud, Anne-Marie Gardner, Michael W. Doyle, (Tokyo: the U.N University Press, 2003), pp: 23-56.
2. Arian, Asher. *Politics in Israel: The Second Republic* (second edition), (Washington: CQ Press, 2005), chapter 3, pp: 48-82. \*

3. Shalev, Michael. (1999). "Have Globalization and Liberalization "Normalized" Israel's Political Economy?" *Israel Affairs* 5, no. 2-3: 121-155. \*

### **Week 6: Same Sex Couples and Rights in Israel.**

Harel, Alon, "The Rise and Fall of the Israeli Gay Legal Revolution", 31 *Columbia Human Rights L. Rev.* 443-471 (2000).

Walker, Brian, "Social Movements as Nationalisms or, On the Very Idea of a Queer Nation", in *Rethinking Nationalism*, (eds) Couture et. al. *Canadian Journal of Philosophy, Supplementary Volume 22*, Calgary: University of Calgary Press, 1998, pp: 505-547.

### **Week 7: The Law of Return.**

1. Kasher, A. "Justice and Affirmative Action: Naturalization and the Law of Return", in *Israel Yearbook of Human Rights*, vol. 15 (1985) pp: 101-112.

2. Gans, Chaim, "Nationalism and Immigration", *Ethical Theory and Moral Practice*, Vol. 1 no. 2 (1998), pp: 159-180.

3. Alexander Yakobson and Amnon Rubinstein, "Democratic Norms, Diasporas, and Israel's Law of Return". Article can be viewed at:

<http://www.ajc.org/site/apps/nl/content3.asp?c=ijITI2PHKoG&b=846567&ct=875523>

Please also refer to the exact phrasing of the law of return at:

[http://www.jewishvirtuallibrary.org/jsourc/Politics/Other\\_Law\\_Law\\_of\\_Return.html](http://www.jewishvirtuallibrary.org/jsourc/Politics/Other_Law_Law_of_Return.html)

And:

<http://www.jewishvirtuallibrary.org/jsourc/Politics/return.html>

### **Week 8: Minority Rights (1)**

1. Peled, Yoav, "Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State", *APSR*, Vol. 86, No. 2. (Jun., 1992), pp. 432-443.

2. Smootha, Sami, "The Model of Ethnic Democracy: Israel as a Jewish and Democratic State." *Nations and Nationalism* 8, 4 (October 2002), pp: 475-503.

3. Kymlicka, Will. *Multicultural Citizenship*. (Oxford U.P. 1995), chapter 5.

### **Week 9: Minority Rights (2)**

1. Okin, Susan , "Is Multiculturalism Bad For Women?", in *Is Multiculturalism Bad For Women?*, (eds), J. Cohen, M. Howard, M. Nussbaum, (Princeton: Princeton University Press, 1999), pp: 7-24.
2. Spinner-Halev, Jeff,. "Feminism, Multiculturalism, Oppression, and the State" *Ethics*, 112, (2001), 84-113.
3. Perez, Nahshon, "Should Multiculturalists Oppress the Oppressed?", *Critical Review of International Social and Political Philosophy*, Vol. 5, Issue 3, (2002), pp: 51-79.

**Week 10: Israel and Democracy.**

1. Gavison, Ruth, "Jewish and Democratic? A Rejoinder to the "Ethnic Democracy" Debate", *Israel Studies* - Volume 4, Number 1, Spring 1999, pp. 44-72.
2. Dowty, Alan. "Is Israel Democratic? Substance and Semantics in the "Ethnic Democracy" Debate". *Israel Studies* - Volume 4, Number 2, Fall 1999, pp. 1-15. \*

Please also refer to the following: [www.freedomhouse.org](http://www.freedomhouse.org) the essay about Israel.