

The Role of the Israeli Supreme Court in Society & Democracy

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Overview:

The Israeli Supreme Court is unique in that it operated without any written constitution from 1948 until 1992, then going through an unorthodox "constitutional revolution" in which the Court awarded a constitutional status to newly-enacted "basic laws" while also establishing its own power of judicial review by invalidation of "unconstitutional" legislation. Accordingly, The Court has been playing a particularly dominant role in constructing fundamental constitutional concepts given the lack of a full scale formal written constitution to date. The Israeli Supreme Court has additional unique roles given the complex political and social realities of Israel as a relatively young Jewish and Democratic State with very complex society that includes secular and religious people, Jewish majority and Palestinian indigenous minority, not to mention the complexities of the territories in the West Bank and Gaza. In our course, we will analyze, through case studies and discussions, the role of the Israeli Supreme Court in bridging the gap between law and society and in protecting democracy. The course contains **Five Parts**:

Part I: Introduction: This part provides the general theoretical framework concerning the role of supreme courts in democracies generally and in Israel particularly.

Part II: Bridging the Gap between Law and Society: This part will clarify and demonstrate several interpretation tools that were used by the Supreme Court to develop the Israeli law and provide current answers to new and difficult questions in modern society.

Part III: Protecting Formal Democracy: In this part we will mainly discuss the governance structure of the main three Israeli Institutes: The Knesset, The Government and the Judiciary. We will discuss separation of power issues and the relations between these authorities and the complex Israeli debates and realities in these regards.

Part IV: Protecting Substantive Democracy - Human Rights: We will begin this part by understanding the wide range of views on the definition of Israel as Jewish and Democratic State. We will see how this definition influenced the scope and protection of human rights. We will discuss issues of Freedom of Religion, Human Dignity and Liberty, Equality, Freedom of Speech and the Arab Minority individual and collective rights.

Part V: Conclusion: In this part we will summarize and conclude some conclusions through open discussion of three different proposed constitutions for Israel.

Readings:

Each week an announcement will be posted to the course website @ CourseWorks indicating the specific items required for the upcoming class meeting. In some cases, you will be referred to specific page numbers within the reading items. This means that only those assigned excerpts will be mandatory. The items marked (**) are elective readings that would enrich your knowledge.

All reading materials are available on the course website and are hyperlinked to this Syllabus. Please follow the site to track possible changes in our schedule.

The Israeli Supreme Court decisions are rendered in Hebrew, but important decisions are translated into English, and are available here:

<http://versa.cardozo.yu.edu/>

The Basic Laws (Israel's Constitution) are published in English on the Knesset's (the Israeli parliament) website, here: http://www.knesset.gov.il/description/eng/eng_mimshal_yesod1.htm.

A useful general introduction in English to Israeli constitutional law can be found in the following books:

- AHARON BARAK, THE JUDGE IN A DEMOCRACY (PRINCETON UNIVERSITY PRESS, 2006)
- ASSAF MEYDANI, THE ISRAELI SUPREME COURT AND THE HUMAN RIGHTS REVOLUTION: COURTS AS AGENDA SETTERS (CAMBRIDGE UNIVERSITY PRESS, 2011).
- AMNON RUBINSTEIN AND ALEX YAKOBSON, ISRAEL AND THE FAMILY OF NATIONS: THE JEWISH NATION-STATE AND HUMAN RIGHTS (2008)
- SUZIE NAVOT, THE CONSTITUTIONAL LAW OF ISRAEL (2007)
- ISRAELI CONSTITUTIONAL LAW IN THE MAKING (EDITED BY: GIDEON SAPIR, DAPHNA BARAK EREZ, AHARON BARAK (2013).

Method of Evaluation: Attendance, reading of assigned materials, and active participation in class discussions – 15%. Final Paper: 85%.

Part I: Introduction

Class 1: Theoretical Framework

1. Aharon Barak, Foreword: [A Judge on Judging: The Role of a Supreme Court in a Democracy](#), 116 Harvard Law Review 16, 27- 53 (2002).
2. Ruth Gavison, [The Role of Courts in Rifted Democracies](#), 33 Isr. L. Rev. 216-258 (1999).
3. (**) Robert Bork, [Barak's Rule](#), 27 AZURE 125 (2007).
4. (**) Richard Posner, [Enlightened Despot](#), The New Republic, April 23 2007, at 53.
5. (**) Barak Medina, [Four Myths of Judicial Review: A Response to Richard Posner's Critique of Aharon Barak's Judicial Activism](#), 49 Harvard ILJ Online (August 16, 2007).

Part II: Bridging the Gap Between Law and Society

Class 2: Purposive Interpretation of Law: Theory and Case Studies

1. AAA 3782/12 [Tel Aviv-Jaffa District Commander v. Israel Internet Association](#) (2013).
2. HCJ 3045/05 [Ben-Ari v. Director of Population Administration](#) (2006).
3. (**) HCJ 2599/00 [Yated v. Ministry of Education](#) (2002).
4. (**) Aharon Barak, Purposive Interpretation in Law (2007) 85-96.

Part III: Protecting Formal Democracy: The Rule of People

Class 3: The Legislature: Election and Authority

1. SUZIE NAVOT, THE CONSTITUTIONAL LAW OF ISRAEL (2007) p. 98-107.
2. HCJ 3267/97, 715/98 [Ressler & Rubinstein V. Minister of Defense](#) (1998), President Barak Judgment, Paragraphs 19- 43 (p. 25-65).
3. CA 6821/93 [United Mizrahi Bank v. Migdal Cooperative Bank](#) (1995), President Shamgar J. Paragraphs 32-36 (p. 67 – P.82); President Barak J. Para 5-18 (P. 169-190) & Para 38-43 (P. 221-228), Justice Cheshin J., Paragraphs 26-29 (p. 362- 365).
4. (**)HCJ 4885/03 [Israel Poultry Farmers Association v. Government of Israel](#) , Justice Beinisch J. Para 14-31 (p. 403-428)(2004).
5. (**) Michal Shamir, Keren Weinsahl Margel, Disqualification of Political Party Lists & Candidates for the Knesset – Were the 2003 Elections Unique? In The Elections in Israel 2003 (Edited By Alan Arian, Michal Shamir).

Class 4: The Government: Powers and Limitations

1. HCJ 2605/05 [Academic Center of Law and Business V. Minister of Finance](#) (2009), President Beinisch Judgement, Paragraphs 22-30, 63 (p. 59-69).
2. HCJ 5100/94 [Public Committee Against Torture V. Israel](#) (1999), Paragraphs 18-32 (P. 15-29).
3. HCJ 3094/93 [The Movement for Quality in Government v. State of Israel](#) (1993), Para 9-21 (P. 16-28)
4. (**) HCJ 5261/04 [Fuchs v. Prime Minister](#) (2004), Paragraphs 15-31, P. 476-491.
5. (**) HCJ 5167/00 [Weiss v. Prime Minister](#) (2001).

Class 5: The Judiciary: Judicial Review & Rule of Law

1. CA 6821/93 [United Mizrahi Bank v. Migdal Cooperative Bank](#) (1995), President Shamgar, par. 88-90 (p. 159-161), President Barak, Par. 74-82 (P. 260-277) & Par. 96-98 (P. 292-297).
2. Ariel Bendor, **The Purpose of the Israeli Constitution**, in Gideon Sapir et al., eds, *Israeli Constitutional Law in the Making* 41-58 (A&C Black, 2014)
3. Alon Harel, **The Right to Judicial Review: The Israeli Case** in Gideon Sapir et al., eds, *Israeli Constitutional Law in the Making* 25-40 (A&C Black, 2014)
4. (**) HCJ 3429/11 [Alumni Association of the Arab Orthodox School in Haifa V. Minister of Finance](#) (2012).

Part IV: Protecting Substantive Democracy: Human Rights

Class 6: Israel as Jewish and Democratic State

1. Sammy Smooha, "Ethnic Democracy: Israel as an Archetype", *Israel Studies* 2, 2 (Fall 1997): 198-241
2. (**)Chaim Ganz, **Jewish and Democratic: Three Zionisms and Post Zionism** in Gideon Sapir et al., eds, *Israeli Constitutional Law in the Making* 473-485 (A&C Black, 2014)

Class 7: Freedom of Religion

1. **HCJ 5016/96 [Horev V. Minister of Transportation](#) (1997), Para 49-68 (P. 192-215).**
2. HCJ 5026/04 [Design 22 Shark Deluxe Furniture Ltd. v. Rosenzweig](#) (2005)
3. CA 6024/97 [Shavit v. Rishon Lezion Jewish Burial Society](#) (1999), Cheshin J. Para 17-22.
4. (**) HCJ 153/87 [Shakdiel v. Minister of Religious Affairs](#) (1988), Judge Elon, Para 15-25 (P. 21-P.35), Barak J., Para 1-10 (P. 75-85).

Class 8: Human Dignity & Liberty

1. HCJ 366/03 [Commitment to Peace and Social Justice Society V. Minister of Finance](#) (2005).
2. (**) Aharon Barak, [Human Dignity: The Constitutional Value and the Constitutional Right](#) (2015), P. 280-307.

Class 9: Equality

1. HCJ 4124/00 [Yekutieli v. Minister of Religious Affairs](#) (2010), President Beinisch, Para 1, 29-42 (P. 6, 32-49).
2. HCJ 4541/94 [Miller v. Minister of Defence](#) (1995), Dorner J. (P. 39-60).
3. HCJ 6698/05 [Adel Ka'adan & Iman Ka'adan V. Israel Land Administration & Others](#) (2000), Para 13-40 (P. 10-34).
4. (**) HCJ 1113/99 [Adalah Legal Center for Arab Minority Rights in Israel v. Minister of Religious Affairs](#) (2000).
5. (**) HCJ 453/94 [Israel Women's Network v. Government of Israel](#) (1994).

Class 10: Freedom of Speech

1. HCJ 10203/03 [Hamifkad Haleumi v. Attorney General](#) (2008), Naor J., Para 1, 8, 19-60 (P. 10, 34-71).
2. HCJ 5432/03 [SHIN, Israeli Movement for Equal Representation of Women v. Council for Cable TV and Satellite Broadcasting](#) (2004)
3. (**) HCJ 806/88 [Universal City Studios v. Films and Plays Censorship Board](#) (1989).
4. (**) HCJ 680/88 [Schnitzer v. Chief Military Censor](#) (1989).

Class 11: The Arab Minority Individual & Collective Rights

1. HCJ 11163/03 [Supreme Monitoring Committee for Arab Affairs in Israel and others v. Prime Minister of Israel](#) (2006), President Barak J. Para 12-29 (P. 120-134), Joubran J. p. 192-195.
2. HCJ 4112/99, [Adalah, et. al. v. The Municipality of Tel Aviv-Jaffa \(2002\)](#). (Partial Translation by Oxford).
3. **HCJ 7052/03 [Adalah Legal Center for Arab Minority Rights in Israel v. Minister of Interior](#)**, president Barak J. Para 17-53 (p. 30-72), Vice President Emiritus Cheshin, Para 46-70 (P. 158-177), Para 91-97 (p. 191-195).
4. (**) Ilan Saban, [After the Storm? The Israeli Supreme Court and the Arab-Palestinian Minority in the Aftermath of October 2000](#), *Israel Affairs*,14:4, 623 — 639 (208).

Part V: Conclusion

Class 12: Concluding Remarks on the Role of the Israeli Supreme Court in Society & Democracy

1. Assaf Meydani, The Israeli Supreme Court and The Human Rights Revolution: Courts as Agenda Setters 106-167 (2011).

Class 13: Proposed Constitutions for Israel

1. [The Israel Democracy Institute: Constitution By Consensus](#) (2007)
2. [The Institute for Zionist Strategies, A Constitution for Israel](#) (2006)
3. [Adalah, The Democratic Constitution](#) (March 2007)

Washington University in St. Louis School of Law
Spring 2018

I. COURSE TITLE: Comparative Constitutional Law

Semester & Year: [Spring 2018](#)

Course Start and End Dates: 1/16/2018 – 5/4/2018.

Meeting Days and Times: Wednesdays, 3:08-5:00.

Building and Room: AB Law Bldg / 201.

II. INSTRUCTOR:

Name: Prof. Rifat Azam

Email: razam@wustl.edu

Office Hours: By appointment at Anheuser-Busch Hall, Room 543.

Phone: (314) 935-3377 (O); 646-664-7229 (M);

Assistant: Andrea Donze - (314) 935-6422.

III. COURSE DESCRIPTION:

The course will cover a series of topics arising in the comparative study of constitutional systems. In many countries in the world, constitutional law has become a booming, ambitious, politically alive field, through which courts with constitutional jurisdiction have become aggressive players in new forms of politics. We are witnessing (as various authors call it) “the rise of world constitutionalism,” “the inevitable globalization of constitutional law,” “migration of constitutional ideas,” “constitutional engagement in a transnational era,” “global expansion of judicial power,” “governing with judges,” or simply the creation of “courtocracies”. We will concentrate on the study and comparison of the constitutional law of the United States, Israel and other countries such as Canada and Germany.

In the first part of the course, we will introduce and analyze basic questions of comparative constitutional law (CCL): What is CCL? Why to study it? Critiques of CCL? What is constitution and constitutionalism and the role of courts in the field? Substantial discussion will be devoted to the varying foundations and structures of judicial review of the constitutionality of law, e.g., how are courts that engage in constitutional review structured, how are their judges appointed, what is the source of their authority to engage in constitutional review. In the second part, we will examine and compare several case studies on constitutional protection of human rights, including: freedom of religion, freedom of speech, abortion, and equality and group rights. The third part of the course will explore recent trends in the field, especially the globalization and internationalization of constitutionalism, and conclude some conclusions about comparative constitutional law, the role of courts in constitutionalism, with some emphasis on the United States and the Israeli Supreme Courts.

Through all critical discussions during this course we will try to reach some insights and conclusions on two main themes: First, the role of comparative study of constitutions and constitutionalism. Second, the role of courts in democracy.

IV. LEARNING OUTCOMES:

Students completing this instructional offering are expected to:

1. Demonstrate a knowledge of substantive legal doctrine fundamental to this course (e.g., case law, legal concepts, legal principles, regulations and statutes).
2. Identify legal issues and apply legal reasoning and analysis to solve problems in a logical and structured manner to issues covered in this course.
3. 3. Communicate orally or in writing, or both, the legal reasoning and analysis regarding issues covered in this course.
4. Demonstrate a proficiency in reading critically the materials assigned for this course.

V. REQUIRED TEXTS AND MATERIALS:

Vicki Jackson, Mark Tushnet, Comparative Constitutional Law (3rd ed., Foundation Press, University Casebook Series, 2014)

Oxford Handbook of Comparative Constitutional Law, edited by M. Rosenfeld and A. Sajo, Oxford: Oxford University Press, 2012

The Israeli Supreme Court decisions are rendered in Hebrew, but important decisions are translated into English, and are available here:

<http://versa.cardozo.yu.edu/>

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http://www.knesset.gov.il/description/eng/eng_mimshal_yesod1.htm.

A useful general introduction in English to Israeli constitutional law can be found in the following books:

- AHARON BARAK, THE JUDGE IN A DEMOCRACY (PRINCETON UNIVERSITY PRESS, 2006)
- ASSAF MEYDANI, THE ISRAELI SUPREME COURT AND THE HUMAN RIGHTS REVOLUTION: COURTS AS AGENDA SETTERS (CAMBRIDGE UNIVERSITY PRESS, 2011).
- AMNON RUBINSTEIN AND ALEX YAKOBSON, ISRAEL AND THE FAMILY OF NATIONS: THE JEWISH NATION-STATE AND HUMAN RIGHTS (2008)
- SUZIE NAVOT, THE CONSTITUTIONAL LAW OF ISRAEL (2007)
- ISRAELI CONSTITUTIONAL LAW IN THE MAKING (EDITED BY: GIDEON SAPIR, DAPHNA BARAK EREZ, AHARON BARAK (2013).

Each week an announcement will be posted to the course website indicating the specific items required for the upcoming class meeting. In some cases, you will be referred to specific page numbers within the reading items. This means that only those assigned excerpts will be mandatory. The items marked (**) are elective readings that would enrich your knowledge. Please follow the site to track possible changes in our schedule.

VI. COURSE REQUIREMENTS:

A. General

All students are required to read the reading assignment. All students are expected to attend class and contribute to class discussion. I will call upon students randomly in order to move along the discussion, but I prefer an interested and engaged crowd. Class readings and discussions constitute an important part of the course grading.

I encourage you to ask as many questions as you can in class. No question is insignificant. If, due to time constraints, I cannot answer your questions in class, please feel free to meet with me after class or at any other time that is mutually convenient. You also should feel free to email me any of your questions.

Note that all of the rules and policies of the Law School and the University are in effect in this class. Please completely familiarize yourself with all rules and policies governing student conduct and responsibilities.

I hope you enjoy learning this course as much as I enjoy teaching it! I look forward to meeting each one of you individually before the semester is over.

B. Attendance Policy:

Regular class attendance and preparation are required. Students should notify the professor by email of the reason for any class absence.

C. Credit Hour Requirements:

Out-of-Classroom Expectations: Students are expected to read all assigned materials and be prepared for all classes. ABA Standard 310 requires “not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week or the equivalent amount of work over a different amount of time” for each credit hour awarded. This course is designed to meet this requirement, and each student is expected to spend on average no less than two hours of out-of-class time for each one hour of in-class time, per credit hour.

VII. COURSE Assessment and Grading:

All students will be required to submit a research paper for assessment.

Grading will follow the school policies: <https://law.wustl.edu/registrar/pages.aspx?id=2129>

Grading Scale: 4.30 – 2.50 (formerly 100 - 70), translated to letter grades of A+ - F, per the Conversion scale below.

Conversion Scale:

A+ = 4.30 – 4.00 (100 – 95)

A = 3.94 – 3.76 (94 – 91)

A- = 3.70 – 3.58 (90 – 88)

B+ = 3.52 – 3.34 (87 – 84)

B = 3.28 – 3.16 (83 - 81)

B- = 3.10 – 3.04 (80 – 79)

C+ = 2.98 – 2.92 (78 – 77)

C = 2.86 – 2.80 (76 – 75)

D = 2.74 (74)

F = 2.68 – 2.50 (73 – 70)

VIII. COURSE SCHEDULE AND TOPIC OUTLINE:

Class schedule subject to modification, but not without prior notification.

Part I: Introduction & Basic Questions

Class 1: Comparative Constitutional Law: What? Why? Typology? Critique?

1. Jackson & Tushnet, Comparative Constitutional Law, Chapter II: What is Comparative Constitutional Law
2. Michel Rosenfeld, Comparative Constitutional Analysis in United States Adjudication and Scholarship, In Oxford Handbook of Comparative Constitutional Law.
3. ** Frankenberg, Critical Comparisons: Re-thinking Comparative Law, 26 Harvard Int'l L J (1985), 411-455

Class 2: Constitutions and Constitutionalism

1. Jackson & Tushnet, Comparative Constitutional Law: Chapter III (Constitutions and Constitutionalism).
2. Mark Tushnet, Constitution In Oxford Handbook of Comparative Constitutional Law.
3. Dieter Grimm, Types of Constitutions In Oxford Handbook of Comparative Constitutional Law.
4. Stephen Holmes, Constitutions and Constitutionalism In Oxford Handbook of Comparative Constitutional Law.

5. ** Menachem Hofnung, [The Unintended Consequences of Unplanned Constitutional Reform: Constitutional Politics in Israel](#), 44 American Journal of Comparative Law 585-604(1996).

Class 3: Constitutionalism and Courts

1. Jackson & Tushnet, Comparative Constitutional Law: Chapter VI (Courts and Constitutionalism: Subsections A, B, C, E).
2. Jack Knight, Lee Epstein, INSTITUTIONALIZING CONSTITUTIONAL DEMOCRACY: A STRATEGIC ANALYSIS OF THE ROLE OF COURTS In Politics from Anarchy to Democracy, ed., I. Morris J. Oppenheimer & K.E. Soltan. Stanford University Press, 2004.
3. Staudt, Nancy, Barry Friedman & Lee Epstein. 2008. [“On the Role of Ideological Homogeneity in Generating Consequential Constitutional Decisions.”](#) *University of Pennsylvania Journal of Constitutional Law* 10: 361-386.
4. ** Aharon Barak, Foreword: [A Judge on Judging: The Role of a Supreme Court in a Democracy](#), 116 Harvard Law Review 16, 27- 53 (2002).
5. ** Ruth Gavison, [The Role of Courts in Rifted Democracies](#), 33 Isr. L. Rev. 216-258 (1999).

Class 4: Judicial Review

1. Mark Tushnet, Marbury v. Madison around the World, 71 Tenn. L. Rev. 251 (2004).
2. CA 6821/93 [United Mizrahi Bank v. Migdal Cooperative Bank](#) (1995), President Shamgar, Par. 32-36 (p. 67 – P.82), par. 88-90 (p. 159-161); President Barak, Par. 5-18 (P. 169-190), Para 38-43 (P. 221-228), Par. 74-82 (P. 260-277) & Par. 96-98 (P. 292-297); Justice Cheshin J., Paragraphs 26-29 (p. 362- 365).
3. ** John Hart Ely, Democracy and Distrust, 73-84, 86-95, 97-101 (1980).

Part II: Case Studies: Human Rights

Class 5: Freedom of Religion

1. Jackson & Tushnet, Comparative Constitutional Law: Chapter X
2. András Sajó and Renáta Uitz, Freedom of Religion In Oxford Handbook of Comparative Constitutional Law.
3. HCJ 5016/96 [Horev V. Minister of Transportation](#) (1997), Para 49-68 (P. 192-215).
4. HCJ 5026/04 [Design 22 Shark Deluxe Furniture Ltd. v. Rosenzweig](#) (2005)
5. CA 6024/97 [Shavit v. Rishon Lezion Jewish Burial Society](#) (1999), Cheshin J. Para 17-22.

Class 6: Freedom of Speech I

1. Jackson & Tushnet, Comparative Constitutional Law: Chapter XI
2. Eric Barendt, Freedom of Expression In Oxford Handbook of Comparative Constitutional Law.
3. Michael Rosenfeld, *Hate Speech in Constitutional Jurisprudence: a Comparative Analysis*, 24 Cardozo. L. Rev. 1523 (2003)
4. ** Justin A. Giordano, *The United States Constitution's First Amendment vs. The Canadian Charter of Rights and Freedoms: A Comparative Analysis of Obscenity and Pornography as Forms of Expression*, 26 N.C. Cent. L. J. 71 (2004)

Class 7: Freedom of Speech II

5. P. Lahav, American Influence on Israel Jurisprudence of Free Speech, 9 Hastings Constitutional L.Q. (1981-1982), pp: 23-37;
6. HCJ 10203/03 [Hamifkad Haleumi v. Attorney General](#) (2008), Naor J., Para 1, 8, 19-60 (P. 10, 34-71).
7. HCJ 5432/03 [SHIN, Israeli Movement for Equal Representation of Women v. Council for Cable TV and Satellite Broadcasting](#) (2004)
8. *** Amnon Reichman, "Criminalizing Religiously Offensive Satire: Free Speech, Human Dignity and Comparative Law" in Ivan Hare and James Weinstein (eds.), *EXTREME SPEECH AND DEMOCRACY* (Oxford University Press, 2009) 331-354.

Class 8: Abortion

1. Jackson & Tushnet, Comparative Constitutional Law: Chapter I
2. Reva B. Siege, The Constitutionalization of Abortion In Oxford Handbook of Comparative Constitutional Law.
3. *** Dieter Grimm, "[The Protective Function of the State](#)";

Class 9: Equality

1. Susanne Baer, Equality In Oxford Handbook of Comparative Constitutional Law.
2. Vicki C. Jackson, *Transnational Discourse, Relational Authority and the US Court: Gender Equality*, 37 Loy. L. A. L. Rev. 271 (2003), 271-282, 345-361.
3. HCJ 4124/00 [Yekutieli v. Minister of Religious Affairs](#) (2010), President Beinisch, Para 1, 29-42 (P. 6, 32-49).
4. HCJ 4541/94 [Miller v. Minister of Defence](#) (1995), Dorner J. (P. 39-60).
5. HCJ 6698/05 [Aadel Ka'adan & Iman Ka'adan V. Israel Land Administration & Others](#) (2000), Para 13-40 (P. 10-34).
6. ** Ahmad Chehab, [The Failures of Liberal Constitutionalism in Israel](#) (2011).

Class 10: Group Rights

1. Sujit Choudhry, Group Rights in Comparative Constitutional Law: Culture, Economics, or Political Power? In Oxford Handbook of Comparative Constitutional Law.
2. HCJ 4112/99, [Adalah, et. al. v. The Municipality of Tel Aviv-Jaffa \(2002\)](#). (Partial Translation by Oxford).
3. Sammy Smooha, "[Ethnic Democracy: Israel as an Archetype](#)", *Israel Studies* 2, 2 (Fall 1997): 198-241
4. ** Ilan Saban, Appropriate Representation of Minorities: Canada's two Types Structure and the Arab Israeli Minority in Israel, 24 Penn St. Int'l L. Rev. 563 (2006).

Part III: Conclusions

Class 11: Global Constitutionalism

1. Wen-Chen Chang and Jiunn-Rong Yeh, Internationalization of Constitutional Law In Oxford Handbook of Comparative Constitutional Law.
2. David S. Law, Mila Versteeg, The Evolution and Ideology of Global Constitutionalism, 99 Cal. L. Rev. 1163 (2011).
3. ** Dieter Grimm, "[The Achievement of Constitutionalism and its Prospects in a Changed World](#)".

Class 12: The Role of Courts

1. Epstein, Lee, Jack Knight, & Olga Shvetsova. 2001. "[The Role of Constitutional Courts in the Establishment and Maintenance of Democratic Systems of Government.](#)" *Law & Society Review* 35: 117-164
2. ** Assaf Meydani, The Israeli Supreme Court and The Human Rights Revolution: Courts as Agenda Setters 106-167 (2011).

Class 13: The Role of Comparative Constitutional Law

1. David Fontana, [The Rise and Fall of Comparative Constitutional Law in the Postwar Era](#), 36 Yael J. Int'l L. 1 (2011).
2. ** Amnon Reichman, "[The Dimensions of Law: Judicial Craft, Its Public Perception and the Role of the Scholar](#)" 95 CAL L REV 1619-1675 (2007).