Syllabus

ISRAEL AS A JEWISH AND DEMOCRATIC STATE - 62809

Last update 15-04-2014

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: Law

Academic year: 3

Semester: 2nd Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Prof. Ruth Gavison

Coordinator Email: ruth.gavison@mail.huji.ac.il

Coordinator Office Hours: By appointment

Teaching Staff:
  Prof Ruth Gavison
**Course/Module description:**
The topic of Israel as a Jewish and democratic state is both complex and fascinating. The dual terminology is used in Israel law, yet it remains extremely politically laden, and questions over its interpretation and practical application to concrete circumstances remains shrouded in obscurity. Our discussion of this topic during the course will assume three basic factors: state; democratic; Jewish. The first part of the course will discuss the general issues involved with defining the state as both Jewish and democratic, from historic, philosophical, and sociological perspectives. In this framework we will discuss the claim that "Jewish" and "democratic" are irreconcilable, addressing the two main contexts of the claim: The inner-Jewish context, and the Jewish-Arab context. The second half of the course will relate to concrete issues that the definition of the state and Jewish and democratic bear upon, such as the allocation of land, the Law of Return, the question of education, and so on.

**Course/Module aims:**
The aim of the course is to give students tools for deepening their thinking into the core definition of the State and the way in which this definition receives concrete expression. The particular set-up of Israel is in a sense unique, yet in other senses it draws from the universal concepts of political thought, and the course will seek to see how universal democratic ideals merge with the distinctly Jewish nature of Israel to define the state.

**Learning outcomes - On successful completion of this module, students should be able to:**
* Describe and explain the terms "Jewish" and "democratic" in relation to the State of Israel.
* Analyze the question of how these elements combine with one another, or how (and whether) they can be reconciled.
* Understand how the two elements, with the tension between them, bear on practical issues in Israel and in Israeli law.
* Discuss the different options available for the definition of Israel in the future.
* Assess the strength of arguments raised by different sides of the public debate over issues studied in the course.

**Attendance requirements(%):**
100%

**Teaching arrangement and method of instruction:** Frontal Lecture.
Course/Module Content:
1. Introduction: The Jewish and Democratic State as a political idea and legal entity.
2. The nationalistic movement in Palestine and the history of the Arab-Israeli conflict.
3. Constitutional anchor of the State
5. Jewish State: Definitions and justifications.
6. Claims of inherent conflict between the Jewish and Democratic nature of the State.
7. Influences of the Arab-Israeli conflict and alternative models for the State.
8. The Demos: the Law of Return
9. Demographics and land allocation: Land policy in Israel (history, property and planning).
11. The public domain in the Jewish and democratic State of Israel.
12. Religion and State: Practical Issues
13. Education in the Jewish and democratic State: Between mutual citizenship and multiculturalism.

Required Reading:
- מבוא: מדינה יהודית ודמוקרטית כרעיון פוליטי וכמושג משפטי, אלכסנדר יעקובסון, "מתפוררות, בשיתוף פעולה" ההברא הישראלי, מלחמת העבירות על המ法人, קומס, דניש, 2008, 18 (40).
- אבישי מרגלית ומשה הלברטל, "ליברליזם והזכות לתרבות" (2008).

* עיון חוקתי לזהות המדינה, ד sayısı חדש ומחודש ל prm המדינית, יוני 2008.

* ALAN DOWTY ISRAEL / PALESTINE, Chapter Two: The Jewish Story, Chapter Three: The Arab Story 45-68 (Cambridge 2005).
משערים כי 4: מדריך דמוקרטיה: אופיונס והזרקות

משערים כי 5: מדריך יהודית: אופיונס והזרקות


משערים כי 7: השלב-cat המ媭וק והרמות יהודית ודמוקרטיה

* Oren Yiftachel, Ethnocracy - Land and Identity Politics in Israel/Palestine 87-100 (2006).


* Dan Ernst, the meaning and liberal justifications of Israel's law of return, 42 Isr. L. Rev. 564, 564-576 (2009).

* M. Ernst, the meaning and liberal justifications of Israel's law of return, 42 Isr. L. Rev. 564, 564-576 (2009).


שעור מס' 10: היחס בין הקואליציה לקואליציה: 2 נושאים להיחי התשובה

14.6.12.


שעור מס' 12: דת ודמוקרטיות

וחוק הכותב לקבורה אזרחית לפי החוק התשנ"ו-1996

וחוק שיפוט בתי דין רבניים ( %+50), תש"ו-1953

*סטירא ושירפמן, מסגרת יהודיות לדתות שונות בישראל, פרק ג (עמי 37-52). נחלת אלקטרונית

אמנת גביזון-מדן: פרק רביעי, סעיף ד (עמי 265-269). אפיפיטי גביזון-מדן, אשת הcratchה ברגס

טלקטרונית. כן.
Additional Reading Material:

Course/Module evaluation:
End of year written/oral examination 80 %
Presentation 0 %
Participation in Tutorials 0 %
Project work 0 %
Assignments 20 %
Reports 0 %
Research project 0 %
Quizzes 0 %
Other 0 %

Additional information: