



# *The Hebrew University of Jerusalem*

## *Syllabus*

### *Legislation and education as tools for social change - 62299*

*Last update 05-04-2021*

*HU Credits:* 2

*Degree/Cycle:* 1st degree (Bachelor)

*Responsible Department:* Law

*Academic year:* 0

*Semester:* 2nd Semester

*Teaching Languages:* Hebrew

*Campus:* Mt. Scopus

*Course/Module Coordinator:* Adv. Rahel Gershuni

*Coordinator Email:* [rachelle.gershuni@mail.huji.ac.il](mailto:rachelle.gershuni@mail.huji.ac.il)

*Coordinator Office Hours:*

---

Teaching Staff:

Rahel Gershuni

Course/Module description:

The course explores how legislation and education contributed or failed to contribute towards implementing social change in a number of areas and for example: the fight against trafficking in person, prohibition in the United States, the criminalizing of clients of prostitution, the prohibition of smoking in public places, the prohibition of polygamy. We will also explore social changes in the process of happening and the place of leadership in effecting social change

Course/Module aims:

To give an understanding of the processes which contribute to social changes by means of legislation and education. The course will begin with a theoretical analysis of issues and continue with analysis of specific cases in which legislation and education played a part in social change. We will also examine topics which are on the cusp of social change.

Learning outcomes - On successful completion of this module, students should be able to:

Students should succeed in deepening their understanding about the contributions of legislation and education to social change and even to be better able to contribute to a specific form of social change in future.

To this end, instead of an examination, the students will be asked to practice what they learn by means of a paper with a detailed program for a given social change they would like to see by means of the use of legislation and education as complementary tools.

Attendance requirements(%):

At least 80% of lessons

Teaching arrangement and method of instruction: As a rule the lecturer will present each topic. Afterwards there will be a dialogue with students and sometimes there will be panels in which students will participate. Regarding certain topics, two students will be asked to present before the class.

In addition, leaders in various areas will be invited to appear before the class.

Course/Module Content:

- 
1. what is social justice?
  2. Criminal Legislation as a tool for social change
  3. Education as a tool for social change
  4. The fight against trafficking in persons as a laboratory for social change.
  5. The prohibition of alcohol, smoking and drugs. Is it legitimate for the state to prohibit the use and sale of these substances if they only harm the consumer?
  6. The criminalization of clients of prostitution – a forum for discussion of basic values
  7. The prohibition of polygamy – gaps between different communities
  8. Is it legitimate to legislate customs of a minority? of a majority? Cases in point – the prohibition of transportation on the sabbath; prohibition of full face covering.
  9. Is it legitimate for the State to prohibit actions done with the consent of both parties?
  10. Reconciliation among populations – how to effect change. Models of Rwanda, South Africa and Germany – Israel will be used.
  - 11/ Reconciliation among populations – how to effect change (continued)
  - 12-14 The contribution of leadership.
- This part will include inviting various leaders to appear before the class and if time allows giving students the chance to present the topics of their final papers.

#### Required Reading:

##### *I. The criminal law as a tool for social change:*

1. Kahan, Dan M, "Gentle Nudges and Hard Shoves: Solving the Sticky Norm Problem" (2000) Faculty Scholarship Series 108 (Yale University Law School).

##### *II. Education as a tool for social change*

1. Selected readings from Plato's Republic.
2. Selected readings from Plato's Laws.

##### *III. Trafficking in Persons as a Laboratory for Social Change*

1. Criminal Law, amendment 56 from 2000 section 203A
  2. Trafficking in Persons Law (legislative amendments) 2006-5767/
  3. State Attorney's Guideline 2.2
  4. Crim. App. 11196/02 Michael Frudental v. State of Israel
  5. Government Resolution 2806 from 1 December 2002 – the establishment of a shelter for victims of trafficking for prostitution.
  6. Government Resolution 63 from 21 of May 2006 – the establishment of a permanent committee of directors general and the appointment of a government coordinator.
- Government
7. Resolution 2670 from 2 December 2007 – national plans to fight trafficking in

---

persons and the establishment of rehabilitation frameworks for victims of trafficking for slavery and forced labour.

#### *IV. Prohibition in the United States*

*Kahan ibid*

#### *V. Criminalization of Clients of Trafficking*

1. Two private bills criminalizing clients of prostitution submitted on 20 of March 2017 – by MP Aliza Lavi and MP Shuli Mualam.

2. The Knesset, The Center for Research and Information, "Survey of public opinion on the topic of criminalization of clients of prostitution" submitted to the Parliamentary subcommittee on the fight against trafficking in persons, 11 October 2007.

#### *VI. The prohibition of smoking*

1. The Law Prohibiting Smoking in Public Places, 5743-1983

2. The Activities of the Public Committee to Examine Ways to Restrict Smoking and Decrease its Damage, 2009 (submitted to the Knesset State Control Committee)

3. The Knesset, Bill Prohibiting Smoking in Public Places, 5743-1983 (first reading), 11 July 1983.

4. The Knesset, Bill Prohibiting Smoking in Public Places, 5743-1983 (second and third readings), 26 July 1983

5. Bill Restricting Smoking in Public Places (Amendment 2) (preventing smoking in public places and exposure to smoking), 5767 – 2007.

6. The Law to Restrict Smoking in Public Places and Exposure to Smoking, 5767

#### *VII. The Prohibition on Polygamy*

1. Section 176 of the Criminal Law 5737 – 1977

2. Section 181 of the Criminal Code Ordinance, 1936

3. The Law Amending the Criminal Law (Polygamy), 5717- 1957.

4. Guidelines of the Attorney General 4.1112 from 23 January 2017.

5. Polygamy in the Bedouin Population of Israel, The Research and Information Center of the Knesset, submitted to the Committee for the Promotion of the Status of Women, 2006.

6. Polygamy in the Bedouin Population of Israel, the Research and Information Center of the Knesset, submitted to the Committee for the Promotion of the Status of Women, 2013.

#### *VIII. Prohibition of Early Marriages*

1. Age of Marriage Law, 5710 – 1950.

2. Age of Marriage Law, (Amendment 6)' 5774 – 2013.

3. State Attorney Guideline 2.20.

#### *IX. Leadership*

Read one of the following:

1. Nelson Mandela, *Long Walk to Freedom*, Abacus (London, 1995).

2. Mahatma Gandhi, *The Story of My Experiments with Truth*, at [http://wikilivres.ca/wiki/An\\_Autobiography\\_or\\_The\\_Story\\_of\\_my\\_Experiments\\_with\\_Truth](http://wikilivres.ca/wiki/An_Autobiography_or_The_Story_of_my_Experiments_with_Truth)

3. Martin Luther King, *I Have a Dream*, ed. James M. Washington, Harper (San

---

Francisco, 1992).

4. Leadership, by Rudolph Guliani

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 0 %

Presentation 0 %

Participation in Tutorials 15 %

Project work 80 %

Assignments 5 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information: