
האוניברסיטה העברית בירושלים

סילבוס

מבוא למשפט אמריקאי - 62613

תאריך עדכון אחרון 18-11-2024

נקודות זכות באוניברסיטה העברית: 2

תואר: בוגר

היחידה האקדמית שאחראית על הקורס: משפטים

השנה הראשונה בתואר בה ניתן ללמוד את הקורס: 0

סמסטר: סמסטר א'

שפת ההוראה: אנגלית

קמפוס: הר הצופים

מורה אחראי על הקורס (רכז): Judge David Richman

דוא"ל של המורה האחראי על הקורס: lddo.schejter@mail.huji.ac.il

I will arrange a convenient time for office hours after our שעות קבלה של רכז הקורס: first class.

תאור כללי של הקורס:

This course was originally designed to provide an overview of the American legal system. Before the 2016 Presidential Election, the Covid Pandemic and the 2020 Presidential Election, the course focused on the judicial process in the U.S. with particular emphasis on the United States Supreme Court's decisions related to judicial review, federalism, privacy, abortion, same sex marriage and freedom of religion.

The chaotic times in the U.S. since 2016 have resulted in a deep political divide. This course is not about the political divide, but it has given rise to new legal issues that have become frontpage news. It is not possible to study all those issues in this very short course, but for now I plan to touch on some of them, for example, constitutional right to abortion, presidential immunity, gun control, free speech on campus and affirmative action. The impending Trump trials may also return to the news, and I hope there will be time to discuss that news without neglecting basics.

In the political campaign of 2016 then candidate Trump promised that his appointees to the Supreme Court would interpret the law, not make it. He also wanted Justices who would overrule Roe v Wade, a case establishing a constitutional right to abortion. In the summer of 2022, the Supreme Court overruled the nearly fifty-year-old Roe decision. That 6-3 decision, with three of the majority votes being cast by Trump's appointees, had a tremendous impact on the U.S. legal and political worlds including the U.S mid-term elections in 2020. It is a major issue in the upcoming presidential election of 2024. Roe raised questions about the proper method of interpreting the constitution. It was a battle between Justices who prefer an originalist approach and those who believe in a pragmatic approach, or living constitution. You will learn about those approaches and ultimately form your own opinion on which you prefer.

Please do not expect to leave this course knowing all that American Law students learn about U.S. Constitutional Law. Still, my goal is to have you learn the important basics and to appreciate the difficult task judges and lawyers have protecting the rule of law, even more so at this time of a deeply divided America.

מטרות הקורס:

תוצרי למידה

בסיומו של קורס זה, סטודנטים יהיו מסוגלים:

To become familiar with the concepts of American constitutional law and to be able to apply them to real and hypothetical facts situations.

דרישות נוכחות (%) :

שיטת ההוראה בקורס :

רשימת נושאים / תכנית הלימודים בקורס :

The following is the schedule for the course, but as noted above it is subject to change. The assigned readings will be found below.

*October 29: Introductory Lesson
November 5: First Amendment and Free Speech
November 12: First Amendment and Free Speech (cont.)
November 19: Development of a Constitutional Right of Privacy
November 26: Right of Privacy (cont.)
December 3: The Second Amendment and Right to Bear Arms
December 10: Second Amendment (cont.)
December 17: Fourth And Fifth Amendments
December 24: NO CLASS (Vacation)
December 31: Fourth and Fifth Amendments (cont.)
January 7: Fourteenth Amendment (Substantive due process)
January 14: Fourteenth Amendment (Equal protection)
January 21: Presidential Immunity
January 28: T/B/D (maybe First Amendment and Religion)
February 4: T/B/D (maybe Commerce Clause)*

חומר חובה לקריאה:

The reading material will consist of outlines I have created and will load on the school website (Moodle) for the various topics of the US Constitution that I plan to discuss. The topics, and the order in which I plan to discuss them, are listed below. The Socratic teaching method is used in most American law schools, and I will use it in class. I will be counting on you to participate in class discussion as much as possible. To do that intelligently you should read the outlines BEFORE class. The outlines give basic explanations of the topics and constitutional amendments being discussed, and contain excerpts from the leading U.S. Supreme Court cases on the topics. At first these cases may seem difficult for non-native English speakers, but do not worry. I will review the cases in class and proceed at a pace that seems comfortable for the class. Hopefully, the material will be manageable and interesting for Israeli students. To help you get through the outlines, I have inserted color highlighting using the following approaches:

*Green highlighting identifies the topic and subtopics of the outlines.
Yellow highlighting indicates the important points of the cases that you should*

understand and be able to apply. And in many places, the yellow highlighting is my commentary on those points.

Blue highlighting sets forth questions about the cases that you should try to answer. I suggest making notes as you read and writing down the answers as we will go over those questions in class. You should be prepared to discuss the cases and those question in the class, and class participation will factor into my grading. But I understand given the political and military situation that attendance at class may not be within your control and I will take that into account.

חומר לקריאה נוספת:

מרכיבי הציון הסופי :

מבחן מסכם בכתב/בחינה בעל פה 100 %

מידע נוסף / הערות:

The exam questions, either essay or short answer, will be written in English. However, you may write your answers in either Hebrew or English. Hopefully the examination will put a premium on knowledge and analysis without causing any disadvantage to students due to language difficulties. If you take the exam in English, the course will count toward your English course quota. We will discuss the form of the examination in class so that the actual examination will not come as a surprise. I will follow the grading policies of the law school. I will base the exam questions on issues we have discussed in class. **EXPERIENCE HAS SHOWN THAT GENERALLY THOSE WHO ATTEND CLASS DO BETTER ON THE EXAM THAN THOSE WHO DO NOT.**