

Date: \_\_September 8, 2024



## Tentative Syllabus - Tentative Teaching Program for the Course

# Constitutional Law

**Prof. Ittai Bar-Siman-Tov | Faculty of Law**

Course No: 999176-01 | Constitutional Law-2

<b>Course Type:</b>	<u>class</u>
<b>Scope of credits:</b>	<u>1</u>
<b>Year of study:</b>	<u>1<sup>st</sup></u>
<b>Semester:</b>	<u>1<sup>st</sup> (fall)</u>
<b>Day &amp; Time:</b>	<u>Wednesday, 16-17</u>
<b>Reception Time:</b>	<u>after class and by appointment</u>
<b>Lecturer Email:</b>	<u>Ittai.Bar-Siman-Tov@biu.ac.il</u>
<b>Moodle Site:</b>	<u>    </u>



## Course description and learning goals

### Course Abstract ([expand](#))

Constitutional law is the field of law that regulates the activity of government institutions as well as the relationship between them and the individual. Constitutional law, therefore, applies to two main inter-connected facets: First, constitutional law deals with the institutional structure of government bodies, their powers, authorities and the relationships between them. Second, constitutional law deals with individual rights, mainly vis-à-vis the government's authorities.

The course consists of four main parts. The first part deals with a theoretical introduction, the constitutional revolution of the 1990s and the developments that have since taken place. The second part discusses judicial review (threshold justiciability grounds; constitutional judicial review and the constitutional analysis of laws that violate constitutional rights; judicial review of the legislative process and methodology for determining the validity of laws based on procedural defects in their enactment process); The third part deals with institutional constitutional law and government authorities (the Knesset, the executive; and the judiciary). Whereas the fourth part focuses on specific constitutional rights (human dignity, equality, freedom of expression, freedom of occupation, etc).

### Learning objectives ([expand](#))

The students would gain the knowledge of the main issues of constitutional law in Israel; acquire the ability to critically assess the arguments from both sides in some of the most hotly debated issues in Israel in the past years; and to form a balanced and informed independent opinion on these issues. The students would additionally gain the skills to analyze cases that involve constitutional and procedural challenges to the validity of laws and basic laws, and learn the type of thinking and methodology of constitutional analysis.

### Knowledge

The students would gain knowledge of all the subjects mentioned above: basic concepts of constitutional law and theory; the constitutional revolution of the 1990s; developments that have since taken place; judicial review of various types and models (threshold justiciability grounds; constitutional judicial review and the constitutional analysis of laws that violate constitutional rights; judicial review of the legislative process and methodology for determining the validity of laws based on procedural defects in their enactment process); institutional constitutional law and government authorities (the Knesset, the executive; and the judiciary); and specific constitutional rights (human dignity, equality, freedom of expression, freedom of occupation, etc).

### Skills

Students would gain the skills to analyze cases that involve constitutional and procedural challenges to the validity of laws and basic laws, and learn the type of thinking and methodology of constitutional analysis. Students would additionally acquire the skills to make legal,

constitutional and normative arguments for both sides, and to critically analyze such arguments. Students would acquire the ability to respectfully listen, and consider, arguments from both sides.



### Active learning – planning the course of the lessons:([expand](#))

Read/view required	Active learning	Lesson topic	Lesson No.
	Class discussion/ student presentations	Introduction- basic concepts in constitutional law and theory	1
	Class discussion/ student presentations	Israel's constitutional history; the constitutional revolution (enactment of Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation; Bank Hamizrachi case)	2
	Class discussion/ student presentations	Developments since the Mizrahi Bank	3
	Class discussion/ student presentations	Judicial review: Introduction & Justices' approaches to judicial review and its justifications; threshold justiciability grounds – part 1;	4
	Class discussion/ student presentations	Judicial review: threshold justiciability grounds – part 2;	5
	Class discussion/ student presentations	Judicial review: constitutional judicial review and the constitutional analysis of laws that violate constitutional rights – part 1	6
	Class discussion/ student presentations	Judicial review: constitutional judicial review and the constitutional analysis of laws that violate constitutional rights – part 2	7
	Class discussion/ student presentations	Judicial review: judicial review of the legislative process and methodology for determining the validity of laws based on procedural defects in their enactment process	8
	Class discussion/ student presentations	Judicial review: judicial review of basic laws	9
	Class discussion/ student presentations	institutional constitutional law and government authorities: the Knesset	10
	Class discussion/ student presentations	institutional constitutional law and government authorities: the executive and the judiciary	11
	Class discussion/ student presentations	constitutional rights- part 1	12
	Class discussion/ student presentations	constitutional rights- part 2	13
	Class discussion/ student presentations	conclusion	14

(In a course that lasts a whole year, the additional sessions should be added)

\* There may be changes in the syllabus depending on learning progress and effectiveness



## **Final grade**

### **Components of the score:**

- **Formative assessment** – 20%.

**Concluding Test** – 80%; open books.