11:30-13:30 Session 9: Emergency Constitutions

Chair: Hillel Sommer, IDC Herzliya

Daphne Barak-Erez, Tel Aviv University

The National Security Constitution and the Israeli Condition

Rivka Weill, IDC Herzliya War and Peace and Other Sundry Matters

Barak Medina, Hebrew University
The Role of the Legislature in Determining Legitimate
Responses to Security Threats: The Case of Israel

Respondent: Adam Tomkins, Glasgow University

13:30-15:00 Lunch

15:00–17:00 Session 10: A Constitution in a Nation State

Chair: Ruth Gavison, Hebrew University

Chaim Gans, Tel Aviv University
Jewish and Democratic: Three Zionisms and the Post-Zionist Critique

Gila Stopler, Academic Center of Law & Business The role of the Israeli Supreme Court in Maintaining Religious Pluralism

Aviad Bakshi, Bar-Ilan University

A Jewish Nation State and the Family Reunification
Case

Respondent: Michel Rosenfeld, Cardozo Law School

17:00-17:30 Concluding Remarks

Aharon Barak, IDC Herzliya Loraine Weinrib, University of Toronto The sessions will take place at:

May 22 at Bar-Ilan University, Faculty of Law building 305, Moot Court Hall 11.

May 23 at Tel Aviv University, The Buchmann Faculty of Law, Trubowicz Building, Sonia Kossoy Conference Room (Room 307, Third Floor).

May 24 at The Interdisciplinary Center (IDC) Herzliya, School of Sustainability and School of Economics Building, Room E103

Administrative Organization:

Sylvie Lipskier

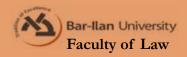
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May 22-24, 2011

Bar-Ilan University, Tel Aviv University, The Interdisciplinary Center (IDC), Israel

Organizers:

Prof. Gideon Sapir Prof. Daphne Barak-Erez Prof. Aharon Barak

The conference sessions will be held in English

SUNDAY, MAY 22, 2011, BAR-ILAN UNIVERSITY

10:30-11:00 Greetings

Gideon Sapir, Bar-Ilan University Arie Reich, Dean, Faculty of Law, Bar-Ilan University

11:00-13:00 Session 1: Constitution Making

Chair: Yedidia Stern, Bar-Ilan University, The Israel Democracy Institute

Menachem Mautner, Tel Aviv University
'A Bridge too Far': Thoughts on the Rise of the New Administrative and Constitutional Jurisprudence in Israel

Tsvi Kahana, Queen's University Who Framed the Constitution? – Constitutionalism, Dialogue, and the Framing Effect

Respondents: **Sanford Levinson**, University of Texas **Susanna Mancini**, University of Bologna

13:00-14:30 Lunch

14:30-16:30 Session 2: Constitutional Law in an Age of Globalization

Chair: Yaffa Zilbershats, Bar-Ilan University

Moshe Cohen-Eliya, Academic Center of Law & Business The Israeli Case of a Transformative Constitution

Iddo Porat, Academic Center of Law & Business The Use of Foreign Law in Israeli Constitutional Adjudication

Margit Cohn, Hebrew University Proportionality in Israel and Beyond: Four Aspects

Respondent: Vicki Jackson, Georgetown University

16:30-17:00 Coffee Break

17:00-19:00 Session 3: Why a Constitution?

Chair: Yitzhak Benbaji, Bar-Ilan University

Alon Harel, Hebrew University

The Right to Judicial Review: The Israeli Case

Ariel Bendor, Bar-Ilan University

The Purpose of the Israeli Constitution

Gideon Sapir, Bar-Ilan University Why a Constitution?

Respondent: Jeremy Waldron, NewYork University

MONDAY, MAY 23, 2011, TEL AVIV UNIVERSITY

8:30-9:00 Greetings

Daphne Barak-Erez, Tel Aviv University Hanoch Dagan, Dean, Faculty of Law, Tel Aviv University

9:00-11:00 Session 4: Institutional Models of JR

Chair: Claude Klein, Hebrew University

Yoav Dotan, Hebrew University Constitutional Adjudication and Political Accountability – Comparative Analysis and the Peculiarity of Israel

Joshua Segev, Netanya Academic College Justifying Judicial Review: The Changing Methodology of the Israeli Supreme Court

Ori Aronson, Bar-Ilan University

Between Diffuse and Concentrated Judicial Review: An Israeli Hybrid and Its Alternatives

Respondent: Victor Ferreres-Comella, Pompeu Fabra University

11:00-11:30 Coffee Break

11:30-13:30 Session 5: Unemunerated Rights and Constitutional Interpretation

Chair: Amnon Rubinstein, IDC Herzliya

Frances Raday, College of Management The Missing Rights of the Israeli Constitution

Tamar Hostovsky-Brandes, Ono Academic College Human Dignity as a Central Pillar in Constitutional Rights Jurisprudence in Israel: Definitions and Parameters

Sharon Weintal, Netanya Academic College The Inherent Authority of Judges in a "Three-Track Democracy"

Respondent: **David Fontana**, George Washington University

13:30-15:00 Lunch

15:00-17:00 Session 6: Constitutional Balancing

Chair: **Yofi Tirosh**, Tel Aviv University **Mordechai Kremnitzer**, Hebrew University, The Israel

Democracy Institute

Constitutional Proportionality – Curbing a "Wild Horse"?

Yaacov Ben-Shemesh, Ono Academic College The Deficiencies of Balancing: Restricting Speech due to Offense to Feelings

Yossi Nehushtan, College of Management Offensive Expression: The Limits of Neutral Balancing Tests

Respondent: Sujit Choudhry, Toronto University

17:00-17:30 Coffee Break

17:30-19:30 Session 7: Social Rights

Chair: Guy Mundlak, Tel Aviv University

Aeyal Gross, Tel Aviv University
In Search of the Right to Health in Israeli
Constitutional Law

Neta Ziv, Tel Aviv University Constitutional Review of "eligibility conditions" in Social Rights Litigation

Amir Paz-Fuchs, Ono Academic College The Fiscal Objection to Social Welfare Rights – A Closer Look

Respondent: Mark Tushnet, Harvard University

TUESDAY, MAY 24, 2011, IDC HERZLIYA

8:45-9:00 Greetings

Aharon Barak, IDC Herzliya Yishai Beer, Dean, Law School, IDC Herzliya

9:00-11:00 Session 8: Constitutional Law and Private Law

Chair: Amnon Lehavi, IDC Herzliya Aharon Barak, IDC Herzliya Constitutional Rights and Private Law

Amnon Reichman, Haifa University Constitutional Rights in Private Law: In Support for Non-Applicability

Michal Tamir, Shaarei-Mishpat Academic College Human Rights in Israeli Private Law

Respondent: Stephen Gardbaum, UCLA

11:00-11:30 Coffee Break