

Center for Comparative Constitutionalism
The University of Chicago

Presents a conference:

**CONSTITUTIONALISM IN THE MIDDLE EAST:
ISRAELI & PALESTINIAN PERSPECTIVES**

January 23-25, 2004

University of Chicago Law School, Room II

Co-sponsored by the
Center for International Studies Norman Wait Harris Memorial Foundation Fund

Conference is Free and Open to the Public

Friday, January 23

1:30 - 2:00 pm **Opening Remarks**

Martha Nussbaum, Coordinator, Center for Comparative Constitutionalism
/ Ernst Freund Distinguished Service Professor of Law and Ethics,
University of Chicago

Saul Levmore, Dean and William B. Graham Professor of Law, University
of Chicago Law School

2:00 - 3:30 pm **Constitutionalism and Structure**

Chair: **Geoffrey Stone**, Harry Kalven, Jr. Distinguished Service Professor, Law
School and the College, University of Chicago

Panelists: **Ariel Bendor**, Dean of Law, University of Haifa Mount Carmel

"The Israeli Constitutionalism: Between Legal Formalism and Judicial
Activism"

Eli Salzberger, Professor of Law, University of Haifa Mount Carmel

"On The Supreme Court of Israel, Democracy and Separation of Powers"

Iris Marion Young, Professor of Political Science, University of Chicago

"Self-determination as Non-Domination: Implications for the Context of
Palestine/Israel"

4:00 pm **Keynote Address**

"When Two Rights Conflict: The Right of Return and the Right to Freedom"

Sari Nusseibeh, President, Al-Quds University

Former PLO Commissioner for Jerusalem Affairs

Introduction: **Martha Nussbaum**, Ernst Freund Distinguished Service Professor of
Law and Ethics, University of Chicago

Saturday, January 24

9:30 - 11:00 am **Constitutionalism and Equality**

Chair: *Charles Larmore*, Chester D. Tripp Professor in the Humanities, Professor of Philosophy and of Political Science, University of Chicago

Panelists: **Rashid Khalidi**, Edward Said Professor of Arab Studies, Columbia University

“Constitutionalism and Democracy in the Middle East: Historical Insights”

Gary Jacobsohn, Woodrow Wilson Professor of Government, Dept. of Political Science, Williams College

“Complex Revolution and the Challenge of Constitutional Closure in Israel”

Yael Tamir, Knesset Member / Professor of Philosophy, Tel Aviv University
Sex equality and the limits of legislation in the absence of means of enforcement

Cass R. Sunstein, Karl Llewelyn Distinguished Service Professor of Law, University of Chicago

Will discuss the anti-caste principle

11:30 - 1:00 pm **Constitutionalism and Religion**

Chair: *Jacob Levy*, Assistant Professor of Political Science and the College, University of Chicago

Panelists: **Michael Karayanni**, Professor of Law, Hebrew University of Jerusalem
“Multiculturalism and Group Rights: The Case of the Palestinian-Arab Community in Israel”

Ulrich Preuss, Professor of Law and Politics, Free University Berlin / Judge at the Constitutional Court of the *Land Bremen*

“Religion and Politics and the Constitutional Patterns of their Mutual Accommodation”

Marwan Dalal, Attorney, Adalah: The Legal Center for Arab Minority Rights in Israel

“Israel’s Law of Citizenship: Concepts and Meanings”

2:00 - 3:30 pm **Constitutionalism and Liberty**

Chair: *The Hon. Diane Wood*, U.S. Court of Appeals for the Seventh Circuit and Senior Lecturer, University of Chicago Law School

Panelists: **Yoseph Edrey**, Professor of Law, University of Haifa Mount Carmel
“The Economic Aspects of the Israeli Constitution; The Constitutional Aspects of the Israeli Economic System”

Fania Oz-Salzberger, Professor of Law, University of Haifa Mount Carmel
“The Scope and Limits of Israel’s Constitutional Instincts: An Intellectual History”

Hassan Jabareen, General Director, Adalah: The Legal Center for Arab Minority Rights in Israel

Will discuss 2002 amendments to Section 7A - Basic Law: The Knesset, which prohibit candidates and political parties from running for election if their goals or actions “deny the existence of the state of Israel as a Jewish and democratic state” or “support armed struggle of an enemy state or of a terrorist organization against the state of Israel”

3:30 - 4:45 pm

Social and Economic Rights

Chair: *Cass R. Sunstein*, Karl Llewelyn Distinguished Service Professor of Law, University of Chicago

Addresses by:

The Hon. Albie Sachs, Constitutional Court of South Africa

Will discuss the role of the South African Constitution in making progress possible on the delineation of social and economic rights

Yael Tamir, Knesset Member / Professor of Philosophy, Tel Aviv University

5:00 pm

Keynote Address

“The Origins of American Constitutionalism”

Gordon Wood, Alva O. Way University Professor and Professor of History, Brown University

Introduction by: *Richard Saller*, Provost and Edward L. Ryerson Distinguished Service Professor, Departments of History and Classics, University of Chicago

Sunday, January 25

10:00 - Noon

Comparative Panel

Chair: *Derek Jinks*, Visiting Professor of Law, University of Chicago

Panelists: **The Hon. Z.M. Yacoob**, Constitutional Court of South Africa

“Issues and Debates in the South African Constitutional Negotiations in the Context of the Apartheid Evil and the Struggle for Democracy”

The Hon. Michael Kirby, High Court of Australia

Charles Taylor, Board of Trustees Professor of Law and Philosophy, Northwestern Univ. Law School

Will discuss the role of the Canadian constitution in an era of extreme political differences

Ulrich Preuss, Professor of Law and Politics, Free University Berlin / Judge at the Constitutional Court of the *Land Bremen*

Noon - 12:30

Final Comments

Discussion led by:

Martha Nussbaum, Coordinator, Center for Comparative Constitutionalism / Ernst Freund Distinguished Service Professor of Law and Ethics, University of Chicago

Cass R. Sunstein, Karl Llewelyn Distinguished Service Professor of Law, University of Chicago