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Israeli Supreme Court Project at Cardozo Law Passes 10 Year Milestone

Cardozo Israeli Supreme Court Project

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Israeli Supreme Court Project at Cardozo Law Passes 10 Year Milestone

Unique Scholarly Program Translated More than 400 Supreme Court Decisions for Judges, Scholars and University Courses

April will mark ten years for a project at Cardozo School of Law unlike any in the world. The Israeli Supreme Court Project (ISCP) has provided lawyers, judges, political scientists and historians with invaluable resources on issues that have shaped democracy in Israel. The ISCP has translated over 400 opinions of the Court into English from the original Hebrew. These translations are archived on the website Versa as a repository, where relevant articles are also published in a blog devoted to current cases on the docket. They are studied by scholars, laypeople and U.S. Supreme Court Justices, and they are used as part of the curriculum in courses at American undergraduate universities. They bear important ideas and theories on democracies and legal doctrine around the world.

At a time when the 75-year-old nation of Israel confronts a watershed moment about the fundamental relationship of its highest court to the rest of the government, there is much to be valued and shared with the rest of the world. Israel is seeking to determine the answer to the question, can a democratic country move to fundamentally restrict the power of its highest Court?

The ISCP has been at the forefront of the unique initiative that enables courts around the world to share ideas that underlie legal theory and shape modern democratic issues. At the core of this independent academic non-profit is the belief that the world benefits from understanding how Israeli law grapples with universal issues of national security versus free speech, state and global order and the recent battle over who is entitled to interpret the constitutionality of laws.

The Israeli Supreme Court is at the center of a battle over the balance of power that will impact the Court's survival. Courts and governments around the world are taking notice, as many other western democracies face similar challenges. It is critical to recognize, as the ISCP does, that this is an illustrious court, respected and cited by justices of the U.S. Supreme Court and other courts around the world for its critical jurisprudence in family law, bioethics, intellectual property as well as its balancing of state security with individual rights. "The Israeli Supreme Court is dealing with all those issues and producing fascinating and important jurisprudence," said Professor Suzanne Stone, co-director of the project. "The ISCP has established itself as a valuable resource, and its academic credentials are completely apolitical, which is reflected by the composition of its advisory board."

“The works of the ISCP are used in undergraduate colleges throughout the United States to help students learn from primary sources and come directly into contact with the critical issues of Israeli democracy,” said Professor Ari Mermelstein, who teaches Jewish Studies at Yeshiva University and plays a critical role in running the program. Readings from ISCP are on the syllabus of courses at Brandeis, UCLA, Boston University, Texas A & M, Columbia and Berkeley. Students are reading classic and contemporary cases. “Students will read those opinions and gain a deeper understanding of the fundamental challenges facing modern democracies, and it’s also how they will shape their views of Israel,” concluded Mermelstein.

Here, for example, is an excerpt of the translation of one classic case that established the rights of a free press, made available in English translation through the work of ISCP:

“In an autocratic regime, the ruler is looked upon as a superman and as one who knows, therefore, what is good and what is bad for his subjects. Accordingly, it is forbidden openly to criticize the political acts of the ruler, and whoever desires to draw his attention to some mistake he has made has to do so by way of direct application to him... A very important part of the tasks of democracy is to make it possible for those feelings (of the common person) to come out into the open and be solved in a legal way fixed in advance, and the feelings are plain enough even to the ordinary man, even though he is not expert in the scientific analysis of the causes and their solution. 'A man's heart feels the bitterness of his own soul'; and if the ordinary man does not know how to put things right, he certainly knows what it is that needs putting right.”

In addition to translations, the ISCP provides a forum for scholarly panels at Cardozo, with members of courts from around the world, including Israel, the U.S., world courts and European courts.

Suzanne Last Stone, co-director of the ISCP, is University Professor of Jewish Law and Contemporary Civilization, Professor of Law and Director of the Center for Jewish Law and Contemporary Civilization.

Michel Rosenfeld, Co-Director of the ISCP, is University Professor of Law and Comparative Democracy, Justice Sydney L. Robins Professor of Human Rights, and Director of the Program on Global and Comparative Constitutional Theory at Cardozo.

Ari Mermelstein, Associate Professor of Bible at Yeshiva University, serves as the assistant director of the ISCP.

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