

Prof. Marie-Claire Foblets  
Director, MPI for Social Anthropology  
Halle (Saale)

6 February 2024

Dear Marie-Claire,

Thank you again for our zoom meeting of 31 January and for your willingness and openness to the idea of welcoming us and our fellows in the LL.M program for a summer-course.

Pursuant to your request, please find below a description of our program. It includes (a) its substance and objectives; (b) the current fellows; (c) the faculty; (d) the curriculum; (e) the syllabi; and (f) select readings in English that the students are required to read and discuss during the first two semesters.

This letter ends with some thoughts about the summer school and the hope that we will be able to indeed make it happen and expose our students to its potential benefits.

## MUSSA: LAW AND OTHER LANGUAGES FOR A JUST SOCIETY IN ISRAEL

- **GENERAL: SUBSTANCE AND OBJECTIVES**

“MUSSA - Law and Other Languages” is a unique LL.M program initiated and run jointly by The Van Leer Jerusalem Institute and the Emile Zola Chair for Human Rights and Intercultural Dialogue at the Striks Faculty of Law, the College of Management Academic Studies.

The program grew out of the realization that the crisis of liberal democracies (in Israel and elsewhere) requires a response: the crisis does not require us to give up on liberal values, and primarily human rights, but it does necessitate critical reflection on the reasons for the crisis with a view of rectifying shortcomings. This is particularly required in deeply diversified societies (along ethnic, religious, national, and economic parameters) such as the Israeli society, where liberalism, while ostensibly neutral is perceived as serving the interest of one group, a group that has been losing its hegemonic status (though not its material advantages) over the past two decades. Indeed, the divide in Israel is so deep as to threaten the bases of the social contract on which the state and its institutions are built. The so called “judicial overhaul” in Israel, underscores this analysis. The challenge is to see whether despite these differences a common language can be developed. This is the challenge the program is designed to meet. It is to reinvent liberalism for the 21<sup>st</sup> century.

“MUSSA” thus aims to re-examine the role of law – and legal language - in the light of the crisis of liberalism in Israel and elsewhere in the hitherto liberal world.

The dominant legal language in Israel today identifies with liberal reason and gives precedence to a purely liberal approach that prioritizes the values of individualism, the rule of law and liberty. Given that the Israeli society is deeply divided and polarized, this identification generates resentment and opposition, and law and legal institutions fail to serve as a common ground. The premise of “MUSSA” is that law is fundamentally connected to other languages and fields of content – to social, ideological, economic, and emotional languages - and that it is necessary to delve into them to generate a new, richer, and more nuanced legal discourse, one that would take these differences into account. The program, thus, seeks to re-examine the fundamental values

of liberalism, to re-examine the role of law in the diverse Israeli society, which is characterized by different conceptions of justice, and to offer new directions for a shared life in Israel, without abandoning the values of liberalism, but with the understanding that they can no longer be a common starting point for all.

The program opened in 2020/21. It is a one-year LL.M program (no thesis), comprising two semesters in Israel and a summer-school abroad. It offers a unique space for conversation and for the exercise of legal and political imagination grounded in texts, while cultivating a young generation of lawyers and jurists who will reframe the deep diversity that characterizes Israeli society in a constructive way that offers a new horizon to all sectors of society, instead of reproducing existing tensions by destructive action.

- **THE FELLOWS**

The program admits a small (on average 12 fellows each year), high-quality group of young lawyers, attorneys and jurists from all sectors of Israeli society: ultra-orthodox Jews, settlers, secular as well as traditionalists Jews (Mizrahi and Ashkenazi) and Palestinians (Muslims and Christians) from the center and from the periphery, from the extreme right to the radical left. The fellows are all deeply engaged in social activity in a variety of forms, and have a deep commitment to the prosperity of a diverse Israeli society, through legal tools. The fellows, selected pursuant to a rigorous admission process, all receive full tuition scholarships.

- **The Program's Fourth Cohort Fellows (2023-2024)**

This year 14 fellows were admitted. Due to war-related reasons, 11 fellows have actually begun their studies. Due to this change, a relatively large number of them currently work as lawyers in the public service. Below is a list of their names followed by a brief professional background.

**Yuval Amir**, holds an L.L.B. in Law and Middle Eastern Studies from the Hebrew University of Jerusalem. Currently serves as the Chief Legal Assistant to the Legal Advisor of the Ministry of Finance.

**Helal Samer Alosh**, holds an LL. B from the College of Law and Business, and a B.A in Social Sciences from the Open University of Israel. He currently works as judicial law clerk at the regional Labor Court in the Tel Aviv District.

**Matat Arbiv**, holds an L.L.B. in Law and a B.A. in Economy and Philosophy, from the Hebrew University of Jerusalem. Worked as a Legal assistant at the Legal department of the Civil Service Commotion. Currently, works as legal assistant for the Vice president of the Jerusalem Magistrate's Court.

**Aya Back**, holds an L.L.B. in Law from Tel Aviv University (TAU). During her studies was a member of the "Jurisprudence, Society and Culture law review" and a member of TAU's Clinical Law Program on Workers' Rights. She did a pre-internship at the Legal Team of Channel 12 news (the largest broadcaster in Israel) and her Internship at the criminal division of the State Attorney's office. Currently, she is the Editor-in-Chief of *Giborim*, a news-documentary Israeli Television program.

**Tzion Darbow**, holds an L.L.B. in Law and Government, Diplomacy and Strategy (B.A) from IDC Herzliya – Reichman University. She works at the economic department at the state attorney's office.

**Neta Katz**, holds an LL.B. from Ono Academic College (Ultra-orthodox track) with high honors. He is a partner in K.F.K. law firm which specializes in civil litigation, and real estate.

**Linor Maya Kerem**, holds an L.L.B. from the Sapir Academic College. She interned at the legal consultancy for the Knesset's economic committee; worked as a legal assistant in the legal consultancy for the finance committee of the Knesset. Currently, she is a practicing lawyer.





**Reut Kleinberger**, holds an LL.B from the Hebrew University of Jerusalem with a minor in Middle Eastern studies. Working in '*Kayama*', the Impact Academic Centre of Haifa University, and as a private attorney dedicated to challenging the rabbinical monopoly in Israel.

**Igal Lavi**, holds an LL.B from Bar Ilan University. He Served as a parliamentary advisor to MK Michael Biton, currently works at the litigation department of a private law firm and will soon start working as an assistant to District Court Judge Hadas Ovadia.

**Orit Lavi Nesiel**, graduated with honors (2020) LL.B from the Ono Academic College Faculty of Law Lawyer and works at Ben Tzur Korbe Law Offices, Jerusalem; Mediator, specializing in civil and criminal litigation. For many years, she worked as a journalist, news anchor and presently hosts current affairs programs on Israeli TV channels.

**Shalev Simhi**, holds an LL.B from the Hebrew University of Jerusalem. He is currently studying for the Israeli bar exams scheduled to take place in March 2024.

- **THE FACULTY**

The faculty includes academics from law, sociology, political science, history and literature. The students are thus exposed to law and other disciplinary languages. Indeed, many of the courses/ seminars/ colloquia are built as modules, each led by a different professor. The common denominator of the faculty is their excellence and prominence in their respective fields.

The faculty this year includes, inter alios, [Prof. Orna Ben-Naftali](#) and [Prof. Shai Lavi](#) (co- directors of the program); [Prof. Michal Ben-Naftali](#); [Dr. Yaacov Ben-Shemesh](#); [Dr. Yael Berda](#); [Prof. Yishai Blank](#); [Dr. Avinoam Cohen](#); [Prof. Hillel Cohen](#); [Prof. Dani Filc](#); [Dr. Yochi Fischer](#); [Prof. Eva Illouz](#); [Prof. Menachem Mautner](#); [Prof. Nissim Mizrahi](#); [Prof. Zvi Triger](#), and [Dr. Raef Zreik](#).

- **THE CURRICULUM**

The LL.M Program consists of 36 credits. During the first and second semester, the program comprises the following courses/seminars/colloquium:

- **The Crisis of Liberalism and the Rule of Law**, [Prof. Orna Ben-Naftali](#) and [Prof. Shai Lavi](#) An annual seminar divided into six modules each led by a different professor and from different disciplines
  - (a) Hatred and Society, [Prof. Eva Illouz](#)
  - (b) The Challenge of Shared Living In a Reality of Deep Diversity, [Prof. Nissim Mizrahi](#)
  - (c) Conservatism in law, [Dr. Yaacov Ben-Shemesh](#)
  - (d) On History, Narratives and Conflict: The Case of Israel-Palestine, or: What Historians do?, [Prof. Hillel Cohen](#)
  - (e) The Populist Challenge to Liberal Democracy, [Prof. Dani Filc](#)
  - (f) Interlinguistic Translation, [Prof. Michal Ben-Naftali](#)
- **Law at the Junction on Identity Conflicts**, [Dr. Avinoam Cohen](#), an annual colloquium consisting of 2 components: the first concerns the study of a variety of such conflicts. This component is being taught by various academic experts and practitioners. The second component is methodologically based on PBL (Problem-based learning) model. Each year the fellows choose a theme (e.g., Community; Ethnicity) and, working in teams, define one problem the theme brings up and try to devise an agreed solution to it.



- Law as a Split Language, [Prof. Shai Lavi](#) (a course) •
- Liberalism and Liberalism in Israel, [Prof. Menachem Mautner](#) (a course) •
- Classic Liberalism and its Critique, [Dr. Raef Zreik](#) (a course) •
- Law and Culture and the Culture of Law: Issues in the Sociology of Law: Space, Citizenship, and Political Imagination, [Dr. Yael Berda](#) (a course) •
- Spatial and Political Imagination, [Prof. Yishai Blank](#) (a course) •
- Sanctity and Secularity, [Dr. Yochi Fischer](#) (a course) •
- What is "the Canon"? (And how and by whom is it determined), [Prof. Zvi Triger](#) (a course) •

The Program further includes a 24-hour retreat in Israel, comprising guided tours in two museums (one Palestinian, one Jewish) and space and time for discussions not otherwise possible during the routine meetings.

The program culminates in a summer school abroad.

- **THE SYLLABI**

The syllabi include many texts in Hebrew and in English. Class discussions are based on the texts. Below please find a selection of the English texts:

- **Hatred and Society**, [Prof. Eva Illouz](#)
  - [Racism and Hatred](#)
    - Nirenberg, David. Communities of Violence: Persecution of Minorities in the Middle Ages. Princeton: Princeton University Press, 2015. (Recommended chapter: "Introduction")
    - Dower, John W. War without Mercy Race and Power in the Pacific War. 7th printing, corr. By the author. New York: Pantheon Books, 1993. (Chapter 1: "Patterns of a Race War"; Chapter 3: "War Hates and War Crimes")
  - [A Moral Perspective on Hatred](#)
    - Hamilton, Richard Paul. "Hatred as a Burdened Virtue." In: Noell Birondo (ed.), The Moral Psychology of Hate. Lanham: Rowman & Littlefield Publishers. 2021. Pp. 235-250
    - Fischer, Agneta, Eran Halperin, Daphna Canetti, and Alba Jasini. "Why we hate." Emotion Review 10, no. 4 (2018): 309-320.
  - [Revenge and Morality](#)

- Bass, Gary Jonathan. Stay the Hand of Vengeance: The Politics of War Crimes Tribunals. Revised edition. Princeton: Princeton University Press, 2014. (Chapters: "Introduction", "Epilogue: Do War Crimes Tribunals Work?")
- Sherman, Nancy. "Revenge and demonization." In May, Larry, and Emily Crookston (eds.). War: Essays in Political Philosophy. 1st ed. pp. 289-305 New York: Cambridge University Press, 2008.
- Simone de Beauvoir. Philosophical Writings. Beauvoir Series. Urbana: University of Illinois Press. 2004. (Chapter 8: "An Eye for an Eye")
- Nationalism, Gender and Conflict
  - Wimmer, Andreas. Waves of War: Nationalism, State Formation, and Ethnic Exclusion in the Modern World. Cambridge Studies in Comparative Politics. Cambridge: Cambridge University Press, 2012. doi:10.1017/CBO9781139198318. ("Introduction and Summary", pp. 1-36)
  - Yuval-Davis, Nira. Gender and Nation. London: Sage, 1997. (Chapter 5: "Gendered Military, Gendered Wars")
- **The Challenge of Shared Living In a Reality of Deep Diversity, Prof. Nissim Mizrachi**
  - Galston, William A. 1995. "Two Concepts of Liberalism". *Ethics*, 105(3), 516–534.
  - Comaroff, John L., and Jean Comaroff 2004. "Criminal Justice, Cultural Justice: The Limits of Liberalism and the Pragmatics of Difference in the New South Africa". *American Ethnologist* 31(2):188-204.
  - Sadeh, K (forthcoming). "Cultural Brokerage and Translation of Human Rights in the Face of Cultural Opposition: A Case of Deliberative Activism in Israel" *Journal of Human Rights*
  - Mizrachi, Nissim 2014. "Translating Disability in a Muslim Community: A Case of Modular Translation". *Culture, Medicine, and Psychiatry*, 38(1), 133-159.
  - Mizrachi, N. and Weiss, E. (2020). "'We do not want to assimilate!': Rethinking the Role of Group Boundaries in Peace Initiatives between Muslims and Jews in Israel and in the West Bank". *European Journal of Cultural and Political Sociology* 9(2), 172-197.
  - Weiss, E. and Mizrachi, N. (2019). "A Time for Peace: Divergent Temporalities in Jewish-Palestinian Peace Initiatives". *HAU: Journal of Ethnographic Theory* 9(3), 565-578.
- **On History, Narratives and Conflict: The Case of Israel-Palestine, or: What Historians do?, Prof. Hillel Cohen**
  - Dana, Tariq, and Ali Jarbawi. "A century of settler colonialism in Palestine: Zionism's entangled project." *Brown J. World Aff.* 24 (2017), pp 1-5.
  - Mohammed M Hafez, "Moral Agents, Immoral Violence: Mechanisms of Moral Disengagement in Palestinian Suicide Terrorism", in J. Victoroff (Ed.), *Tangled Roots: Social and Psychological Factors in the Genesis of Terrorism*, IOS Press, 2006.
- **The Populist Challenge to Liberal Democracy, Prof. Dani Filc**



- Kalb, 2011, Headlines of nation, subtexts of Class Working-Class Populism and the Return of the Repressed in neoliberal Europe, Introduction, pages 1-36
- Oswald, Michael, Mario Schäfer, and Elena Broda. "The New Age of Populism: Reapproaching a Diffuse Concept." The Palgrave Handbook of Populism (2022): 3-27.
- Thomas Frank 2020 People without power, pages 1-33 and chapter 8
- Camila Vergara, Populism as Plebeian Politics: Inequality, Domination, and Popular Empowerment, The Journal of Political Philosophy: Volume 28, Number 2, 2020, pp. 222–246
  
- **Interlinguistic Translation, [Prof. Michal Ben-Naftali](#)**
  - Paul Ricoeur, Sur la traduction
  - Julia Kristeva, Etrangers a nous-memes
  - Jacques Derrida, Of Hospitality
  - Chiara Alfano, Derrida Reads Shakespeare
  
- **Law as a Split Language, [Prof. Shai Lavi](#) (a course)**
  - Robert Cover, Nomos and Narrative
  - Hannah Arendt, excerpts from The Human Condition
  - Hannah Arendt, excerpts from Crises of the Republic
  - Hannah Arendt, "Reflections on Little Rock"
  - Immanuel Kant, The Metaphysics of Morals
  - John Austin, "The Province of Jurisprudence Determined" in Lloyd's Introduction to Jurisprudence, (London: Sweet and Maxwell, 2001), pp 242-254
  - Thomas Aquinas, "Summa Theologica" in Lloyd's Introduction to Jurisprudence, (London: Sweet and Maxwell, 2001), pp 142-146.
  - T. Kronman, "Precedent and Tradition", 99 Yale L. J. 1029 (1990).
  - Aristotle, Ethics
  
- **Liberalism and Liberalism in Israel, [Prof. Menachem Mautner](#) (a course)**
  - John Stuart Mill, On Liberty
  - Mark Lilla, The Stillborn God (2007) 3-9, 73-93, 296-309
  - John Rawls, Political Liberalism (1993) 212-227, 247-254
  - John Rawls, On My Religion, in A Brief Inquiry into the Meaning of Sin and Faith (Thomas Nagel ed., 2009) 259
  
- **Classic Liberalism and its Critique, [Dr. Raef Zreik](#) (a course)**
  - Thomas Hobbs, Leviathan
  - John Locke, Second Treatise of Government
  - John Locke, "A Treatise on Tolerance", from Treatises on Tolerance
  - John Stuart Mill, "On Liberty"
  - Immanuel Kant, What is Enlightenment?
  - Bhikhu Parekh "Rethinking Multiculturalism" Harvard University Press, chapter 5 142-162
  - Karl Marx, On The Jewish Question
  - Edmund Burke, Reflections on the Revolution in France



- [Hannah Arendt, The Origins of Totalitarianism](#)
- Jeremy Bentham, "Nonsense Upon Stilts" or Anarchical Fallacies at: [http://fs2.american.edu/dfagel/www/Class%20Readings/Bentham/AnarchicalFallacies\\_excerpt.pdf](http://fs2.american.edu/dfagel/www/Class%20Readings/Bentham/AnarchicalFallacies_excerpt.pdf)
- **Law and Culture and the Culture of Law: Issues in the Sociology of Law: Space, Citizenship, and Political Imagination, [Dr. Yael Berda](#) (a course)**
  - Ewick, P., & Silbey, S. S. (1991). Conformity, contestation, and resistance: An account of legal consciousness. *New Eng. L. Rev.*, 26, 731.
  - Shamir, R. (2005). Without borders? Notes on globalization as a mobility regime. *Sociological theory*, 23(2), 197-217.
  - Das, V. (2004). The signature of the state: The paradox of illegality. *Anthropology in the Margins of the State*.
  - [DeGooyer, S., Hunt, A., Maxwell, L., & Moyn, S. \(2018\). The right to have rights. Verso Books. read introduction](#)
  - Moyn, Samuel. *Not Enough: Human Rights in an Unequal World*, Cambridge, MA and London, England: Harvard University Press, 2018 read introduction.
- **Sanctity and Secularity, [Dr. Yochi Fischer](#) (a course)**
  - John Locke, "A Treatise on Tolerance", from *Treatises on Tolerance*
  - Immanuel Kant, *What is Enlightenment?*
  - Olympe de Gouges, *The Declaration of the Rights of Woman*
  - Edward Said, *Orientalism*
  - Jose Casanova, "Private and Public Religions"
  - Anderson Benedict, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*
  - Robert N. Bellah *Civil Religion in America*
- **What is "the Canon"? (And how and by whom is it determined), [Prof. Zvi Triger](#) (a course)**
  - Toni Morrison, Banquet speech, the Nobel Foundation
  - Andrei Platonov, "The Fierce and Beautiful World", 1937
  - Isaac Bashevis Singer, *Yentl the Yeshiva Boy*
  - Eugène Ionesco, *Rhinoceros* (French: *Rhinocéros*) a play
  - Friedrich Dürrenmatt: *Greek looking for Greek woman. A prose comedy. 13th edition, Diogenes TB 22514, Zurich 1992 (first edition 1955)*
  - Franz Kafka, "In the Penal Colony" ("In der Strafkolonie")
  - [Shirley Jackson, "The Lottery"](#)
  - Kenzaburo Oe, *Shiku*
  - Nawal El Saadawi, *Woman At Point Zero*
  - Susan Sontag, *Illness as Metaphor*
  - Martha C. Nussbaum, *Poetic Justice: The Literary Imagination and Public Life*
  - Martha C. Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*

## THE SUMMER-COURSE

Over the past few years, we participated in the summer school of the European Academy of HR/EUI/ Firenze. This year, however, they decided to change the format into a moot court exercise – a format that is less attractive for us, and at any rate one to which they admit no more than 5 participants from each state. For us, a critical point is to have our group experience the summer course as a group: being abroad together provides an added dimension to the process by which this very diversified group of individuals becomes a community.

In the light of the program and its objectives, we thought that the work being done at the MPI Law and Anthropology Department, with its emphasis on socio-legal strategies for accommodating diversity and for understanding the role(s) of memory in post-traumatic societies, is a perfect fit for our program's summer-course.

We are, naturally, very happy that you welcomed the idea (especially in these times in the academic world), proposed a hosting venue, as well as interaction with other students/ young researchers/ post-docs. Etc.

Structurally what we have in mind is a 6-day course, comprising 4 days of classes (6 academic hours each) and 2 days guided excursions in Berlin (perhaps including Wansee). We are very flexible and open to any other proposals/ combinations. We would very much appreciate your input as to the lecturers and subjects and your assistance in securing the hospitality of the Harnack-Hous.

We hope the above gives you an idea of the LL.M. program, its substantive contents and its current fellows. Should you require any additional information, please let us know. We very much look forward to hearing from you and finalizing the summer course. Of course, dates are of the essence (e.g., Prof. Anne Peters agreed to give a class (on the case-law of the ECtHR and the ECJ on religious slaughter) but that would depend, of course, on the dates. Further, as you pointed out, much depends on finding suitable housing: we will be 11 students – who, if need be, can stay two in a room/suit - and 2 professors). As we said during our zoom meeting, we are very flexible on that as well – any week between the second week of July and early September is good for us).

Thanking you very much for your warm welcome, and waiting to hear from you,

Orna and Shai