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THE DARK SIDE OF BOYCOTTS

Technological changes and social media have facilitated the cooperation necessary for organizing boycotts, thus making them more prevalent than ever before. According to conventional legal wisdom, a boycott is a legitimate and non-violent tool for achieving social change, and as such it is a protected form of expression. Hence, with very few exceptions – such as the Law Preventing Harm to the State of Israel by Means of Boycott – boycotting is permitted in Israel with almost no legal restrictions. The purpose of this article is to challenge the conventional wisdom by reviewing the ethical and sociological literature that highlights the tension between boycotts and official decision-making procedures in a democracy.

We dispute the image of boycotts as mere speech and argue that boycotting also involves the use of force. We further argue that certain types of boycotts - such as punitive and political boycotts - constitute a collective exercise of power that is in tension with formal punitive procedures and political decision-making in a democratic state. Thus, a punitive boycott should be viewed as a form of lynch justice. Furthermore, under certain circumstances, the uncontrolled exercise of boycotts is liable to undermine state's (justified) monopoly over criminal punishment. Political boycotts might also challenge democratic society by imposing partisan and unbalanced political change while militating against the public interest in deliberating competing ideas. After highlighting some of the boycotts' negative effects, we offer initial thoughts on how, and to what extent, boycotts should be legally regulated.

legal proceedings are not only venues of formal adjudication, but also – perhaps more importantly – a space for human recognition. Designing an exemption mechanism in a manner that respects the dignity of the underprivileged is, therefore, not only an institutional necessity, but also a moral imperative for a justice system that wants to remain humane. When conceived not as charity but as an integral component of equality, the exemption from court fees could serve as a vital bridge from marginalization to participation, from rejection to recognition, and from silence to voice.

ASSAF TABEKA & OR DAFOS

EXEMPTION FROM COURT FEES: THEORETICAL AND
EMPIRICAL ANALYSIS

This article explores the mechanism for exemption from court fees in civil proceedings in Israel. While this procedure may appear technical and marginal, it actually has profound implications on social justice, substantive equality, and human rights. The article examines the exemption from three perspectives – theoretical, empirical, and normative – and intends to present a new understanding of its role and purpose within the Israeli legal system. This discussion is of both academic and public significance as it touches upon the constitutional right of access to courts and, in particular, the ability of impoverished individuals to have their day in court.

The first chapter analyzes the essence of the exemption and explains the institutional and social rationales of its existence. Following a comprehensive conceptual analysis of its normative foundations, the article presents a critical examination that exposes conceptual and legal flaws embedded in the current exemption framework. The second chapter presents the first empirical study of its kind in Israel, examining all published decisions on exemption requests issued by Israeli Magistrates', District, and Supreme Courts between January 1st, 2010, and January 1st, 2024. The findings reveal consistently low exemption approval rates, as well as judicial patterns that create tangible barriers, practically denying court access for economically disadvantaged litigants. The third and final chapter outlines a series of normative reform suggestions, grounded in the belief that a more just and humane exemption mechanism can and should be established.

The article intends to remind us that behind seemingly technical legal questions stand actual human beings. For them, the exemption from court fees is not merely a bureaucratic procedure, but often their sole opportunity to be heard and assert their rights. For those with limited power, the very ability to enter the courthouse may get them across the thin line between utter helplessness and hope. As shown in this article,

RABEEA ASSY

DO IT YOURSELF? THE IMPACT OF LEGAL REPRESENTATION ON OUTCOMES: TRAFFIC COURTS AS A CASE STUDY

This article examines the impact of legal representation on the outcome of legal proceedings involving fineable traffic offenses. It found that legal representation significantly increased the chances of defendants reaching a plea bargain and succeeding in cancelling traffic points. At the same time, represented defendants paid higher fines than defendants who represented themselves. Since points are presumably the main reason why defendants contest fineable traffic tickets, the results of the study show that, generally, legal representation has a positive effect on the outcome of traffic proceedings.

This findings of this study are unique in a number of ways. Unlike previous observational studies, this study was able to significantly reduce the risks associated with selection bias, thus producing more reliable findings. In addition, as compared with earlier studies the population of litigants examined in this study was more diverse and representative of the general population, thus enhancing the generalizability of its findings. Furthermore, the effect of representation was examined under conditions in which legal representation is not expected to confer a specific advantage, when taking into account the simplicity of the procedures examined, the lack of need for significant legal knowledge, and the relatively minor implications of the proceedings. The odds of reaching a plea bargain to cancel traffic points is 94.7% on average, regardless of the type of representation. The effect of representation is therefore robust and surprising, and is expected to be much stronger in proceedings requiring significant legal knowledge. An incidental finding - that the mere filing of a request for trial almost always led to cancellation of the points - is in itself dramatic.

MATANEL BARELI

THE HISTORY OF THE “RULE OF LAW” CONCEPT IN ISRAEL: BETWEEN FORMALISM AND SUBSTANCE; BETWEEN RESTRAINT AND ACTIVISM

This article suggests that understanding the transformations of Israeli public law over recent decades requires a thorough examination of the evolving concept of the “rule of law” as reflected in Supreme Court judgments and in academic legal scholarship. To substantiate this assertion, the article surveys the theoretical discussion of the concept of the “rule of law”, and in the light of that, it proceeds to analyze the way in which the concept functions in Israeli public law from two perspectives. The first perspective traces an evolution in the Supreme Court’s interpretation of the concept of the “rule of law” highlighting the shift from a formal to a substantive interpretation. The second perspective examines the way in which the Supreme Court has invoked the “rule of law” when effectuating constitutional changes in recent decades. The analysis reveals that juxtaposing these processes has dramatically transformed the concept of the “rule of law”. From a principle designed to limit and restrain judicial power, underscoring the court's subordination to the law, it has developed into a mechanism that facilitates the expansion of judicial authority over other branches of government, particularly in terms of subjecting the legislature to judiciary oversight. Finally, the article argues that the “rule of law” is a multifaceted concept that conveys a rhetorical message of formalism and restraint while at the same time, because of its theoretical ambiguity and inherent tension, can be utilized as a tool for expanding judicial power vis a vis other government authorities.