

ISRAEL LAW REVIEW

Hebrew University  Faculty of Law

Editors' Introduction

Articles

The Status of Arabic in Israel:
Reflections on the Power to Produce Social Change
Ilan Saban and Mohammad Amara

Foundations in Germany and Israel: An Analysis of the Legal Framework
Pablo Lerner

The Criminal Responsibility of Psychopathic Offenders
Maya Mei-Tal

Interpretation in Law: Chief Justice Barak's Theory
Gabriela Shalev

Case Notes

Takings and the Requirement of "Ongoing Public Purpose": The Effect of
Constitutionalization of the Right of Property on the Law of Takings
(*Karasik v. The State of Israel, Israel Land Authority*)
Danielle Marx

Judicial Review of the Detention Conditions of Suspected Terrorists
(*Center for Defense of the Individual v. IDF Commander in the West Bank and
Yassin v. Commander of Kziot Military Camp*)
Leora Dahan

Book Reviews

The Jewish Law Annual
Shmuel Shilo

Article Submissions

The *Israel Law Review*, established in 1966, is a peer-reviewed journal published by the Law Faculty of the Hebrew University of Jerusalem. We accept unsolicited articles for submission dealing with Israeli law, Israeli criminal justice, and cultural and interdisciplinary academic research on Israeli law. Exclusive submission is required. Please contact us for submission guidelines and format or visit our website at <http://mishpatim.mscc.huji.ac.il/r>.

Subscription

The *Israel Law Review* is printed three times annually. The domestic subscription rate is 175 New Israeli Sheqels. The foreign subscription rate is \$52 US, which includes airmail.

Disclaimer

The opinions expressed in articles are those of the signed authors and do not reflect necessarily the views of the Hebrew University of Jerusalem nor of the Israel Law Review Association.

Copyright

All rights reserved. Permission to copy should be obtained through the Israel Law Review.

For more information, please contact us.

Israel Law Review

Faculty of Law
Hebrew University of Jerusalem
Mt. Scopus
91905 Jerusalem
ISRAEL

Tel: 972-2-588-2520

Fax: 972-2-588-2565

E-mail: msilr@mscc.huji.ac.il

ISSN 0021-2237

To be cited as: Is.L.R.

ISRAEL LAW REVIEW

VOLUME 36
NUMBER 2
2002



HEBREW UNIVERSITY OF JERUSALEM
FACULTY OF LAW
© Israel Law Review 2004

Israel Law Review

Editorial Board

Editors-in-Chief

Barak Medina

David Weisburd

Managing Editor

Marne J. Rochester

Michele Manspeizer

Copy Editor

Fayge Cohen

Editorial Board

Miriam Ajzenstadt

Alon Harel

Guy Pessach

Yaron Ezrahi

Moshe Hirsch

Shmuel Shilo

Miriam Gur-Arye

Daphna Lewinson-Zamir

Celia Wasserstein Fassberg

Book Review Editors

Miriam Ajzenstadt

Guy Pessach

Student Editors

Barak Ariel

Liron Hacoheh

Adi Libson

Rina Arnonwicz

Hana Herbst

Mohammed Wattad

Anat Eban

Adi Libovitz

Yossi Zvitia

International Academic Board

Michael Joachim Bonell, University of Rome, La Sapienza, Italy

Irwin Cotler, McGill University, Canada

Ruth Deech, Master of St. Anne's, University of Oxford, England

Françoise Dreyfus, University of Paris, Sorbonne, France

Bruce Elman, University of Alberta, Canada

Malcolm M. Feeley, University of California, Berkeley, U.S.A.

Marc Galanter, University of Wisconsin, U.S.A.

Antonio Gambaro, University of Milan, Italy

Shael Herman, Tulane University, U.S.A.

Jeffrey Jowell, University College London, England

Catherine MacKinnon, University of Michigan, U.S.A.

Basil S. Markesinis, University of Oxford, England

Judith Resnik, Yale University, U.S.A.

H. G. Schermers, Juridisch Studicentrum "Hugo De Groot," Leiden, Holland

Alan Schwartz, Yale University, U.S.A.

Ernest Weinrib, University of Toronto, Canada

Manfred Weiss, Johann Goethe University of Frankfurt, Germany

Michael Zander, London School of Economics, England

Printed by Art Plus, Jerusalem

ISRAEL LAW REVIEW

Hebrew University  Faculty of Law

CONTENTS

Editors' Introduction

Articles

- The Status of Arabic in Israel: Reflections on the Power to Produce Social Change **Ilan Saban and Mohammad Amara** 5
- Foundations in Germany and Israel: An Analysis of the Legal Framework **Pablo Lerner** 41
- The Criminal Responsibility of Psychopathic Offenders **Maya Mei-Tal** 103
- Interpretation in Law: Chief Justice Barak's Theory **Gabriela Shalev** 123

Case Notes

- Takings and the Requirement of "Ongoing Public Purpose": The Effect of Constitutionalization of the Right of Property on the Law of Takings (*Karasik v. The State of Israel, Israel Land Authority*) **Danielle Marx** 149
- Judicial Review of the Detention Conditions of Suspected Terrorists (*Center for Defense of the Individual v. IDF Commander in the West Bank and Yassin v. Commander of Kziot Military Camp*) **Leora Dahan** 159

Book Reviews

- The Jewish Law Annual* **Shmuel Shilo** 173

Acknowledgements

The *Israel Law Review* gratefully acknowledges the very generous financial assistance provided by:

The P.E.F. Israel Endowment Funds, in memory of its founder and first president, Judge Julian W. Mack

A Permanent Endowment Fund established by Abraham D. Slavitt of Norwalk, Connecticut, U.S.A., in memory of his beloved wife, Jennie A. Slavitt

The *Israel Law Review* also gratefully acknowledges the financial assistance of the following institutions:

Faculty of Law, The Hebrew University of Jerusalem

Ministry of Justice of Israel

The Bernard Lazare Fund

The Nicholas Rosenbaum Endowment Fund

The S.A. Schonbrunn Research Endowment Fund

British Friends Legal Group