

“THE EMPERORS’ NEW CLOTHES”
CONSTRUCTING PROFESIONALISM: THE CASE OF THE
ISRAELI JUDICIARY

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ABSTRACT

During the last two decades the Israeli legal field underwent massive internal transformations. The thesis offers a new understanding of these transformations using the theoretical lenses of the sociology of the professions. It ties together seemingly unrelated phenomena that have arisen in the Israeli legal field in the 1980s and the 1990s and attempts to explain them as originating from a common origin: the professionalization of the judiciary. The thesis maintains that events such as the shift in judicial nomination patterns, the introduction of Judicial Ethics Rules, the discursive shift in judicial disqualification cases, the establishment of the Institute of Judicial Training for Judges, and the serious rupture between the bar and the judiciary, are not isolated phenomena that happened to coincide, but different aspects of the professionalization process. The paper is organized around the following claim: In the first decades of its existence, the Israeli judiciary perceived itself and was perceived by the public at large as part of the legal profession. The judiciary shared with the bar common professional interests and a similar liberal and individualistic ideology, which was opposed to the prevalent collective ideology. However, as a result of general cultural transformations within the Israeli society beginning in the early 1970s, the judiciary, led by the Supreme Court, gradually ceased to share interests with the lawyers and began to develop its own independent professional identity. These tendencies intensified at the beginning of the 1980s and culminated in the mid-1980s, when we can observe a concentration of a large number of practices aimed at detaching the judiciary from the rest of the legal profession. This thesis traces and examines these practices and mechanisms that the Court used to construct its distinct collective-identity, focusing on the production of exclusive knowledge through judicial disqualification, and analyses the different reactions and counter reactions to the professional project of the Court.

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