Dear Profs Bendor and Alberstein,

Many thanks for the opportunity to review your fascinating ISF grant proposal. There can be little doubt that the topic is a highly compelling one to address in the Israeli context. Your proposed study’s contemporary relevance is clearly indicated in your documentation. This relevance, as you show, is not simply to academic debate, but also to juridical practice and policymaking and debate. Clearly, your own backgrounds and experience mean you are eminently qualified and, doubtless, uniquely placed to be the PIs leading it.

These are key strengths of the proposal as are the breadth of your material you propose to grapple with and the breadth and interdisciplinary character of your proposed research methods. All of this leaves me certain that a compelling case for supporting your research can be made, notwithstanding some of the suggested changes and points for reflection I present both as comments within the main documents and below here summarily.

* Clarity of aims and hypotheses: It feels, at times, that your hypotheses are presented in practice as assumptions, even sounding in places like indisputable facts, though you acknowledge they are controversial. This may lead to charges that the hypotheses are not being tested, or even that they are, perhaps ,not hypotheses at all. This can be remedied by being clearer/more explicit on the terms you use and the study’s aims, as I try to suggest in the detailed notes.
* Presentation of the proposed study’s originality and innovation: This point follows on from the above, in that it at times seems unclear or inconsistently presented whether your study would break new empirical and theoretical ground and/or in what way. You at times seem to lean toward suggesting it would be a simply descriptive account that just supplements others. Since originality and innovation is a key criterion in the assessment, I feel the proposal needs to be much clearer on how it is in that regard. I am sure you know how and in what way it will break new ground, but the way you convey this in the proposal needs to be sharper and more explicit, I feel.
* Clarity about analytical tools and methods: You mention the role of data analysis, but there seems little detail on the practicalities of this, such as the kind of software might you use, what quantitative and qualitative methods will be exploited or, if you are not yet sure, who will identify them and within what rough timeframe.
* Clarity of terminology: Sometimes, terms are simply presented, though with a relevant citation, but they feel too central to the study for you not to provide much more explicit definitions yourselves. The key ones I’m thinking of here are “institutional pragmatic realism” and “hyper-realism.” One can guess at their meaning and observe how they have been used in the past, but it’s best not to leave it to the assessors’ guesswork, especially if you have your own particular take on them.
* Manageability of data: I indicate some areas where I wonder how manageable your tasks will be, such as coding aspects of judicial documents and debates right back to Israel’s foundation, given the limit on your timeframe and personnel availability. Could you be more explicit on that to allay any potential fears you are taking on too much at times?
* Clarity on the role of the interviewing tasks in the overall study: There is no doubt that the interviews you propose will produce interesting results, but I’m not sure you have been explicit enough about how this task will serve the overall project aims. Please consider being more explicit on this, again to pre-empt any doubts arising.
* Level of detail in PI profiles: The PI profiles need to be fuller in detail as to the relevant research you have conducted and your media/academic profiles, e.g., Who interviews you on these topics? Who seeks your expert opinion? Which have your papers have generated debate in related fields? Your personal qualities as proposed PIs need to be trumpeted, as an assessor will see these as pre-requisites to everything else being sound.
* Clarity over the relation between Israeli and international trends: I’d suggest being explicit over the relationship between the debate on these matters in Israel and elsewhere, especially as you draw on US debates to set the scene. I suggest this because they seem saliently live issues in Israel, leading to visceral politicking, so could you provide more contextualizing of the Israeli situation internationally? Focussing the study on Israel and the direct implications for the country will be advantageous in an application to the ISF, which has made itself clear on the importance of that.
* Dealing with political sensitivities: I think the section that addresses ethics needs to be fuller and more explicit on how practical you will deal with/manage situations in which the visceral sensibilities on either side on these matters might come to the fore, especially since you propose interviewing so past and present high-ranking figures socially. How will the investigators manage this? How do you foresee guiding them?

The formal requirements of the submission, in terms of the one-page length of the abstract and five-page-maximum for the bibliography have been met as drafted, so no concerns arise there. If additional material arising out of any of my suggestions is needed, this could be done economically, since much is a question of re-presenting things a little more clearly than adding. At most, I foresee one page to the main body of the proposal as such and, if felt prudent, some of the description of the debates around legal norms could be shortened to compensate.

I wish you the very best with your proposal as there seem fewer more vital issues to address in Israel (and elsewhere) and fewer people (if any at all) better placed to break new ground in tackling them. If we can clarify anything or help further, please let us know.

Notes from Susan:

To add to what John has written:
1.It is not clear how the three prongs of your research (which is very ambitious)—case analysis focusing on pragmatic realism (“First, from a doctrinal-descriptive approach, the study will provide an empirical and analytical account of the doctrinal realism in contemporary Israeli Supreme Court decisions in public law.”), the analysis of the judicial reform in the context of public law (“Second, the study will present Israel’s legal hyper-realism, mainly through contextualizing and reframing the debate on legal reforms”), and developing a novel analytical analytical-normative understanding of Israeli public law (“Third, from a theoretical perspective, this study aims to develop a novel analytical-normative perception of Israeli public law in light of institutional legal realism. The study will provide a data-driven framework for understanding contemporary jurisprudential and constitutional debates”).

Perhaps more definitions of terminology (as noted in the proposal) will help. Also, the scientific background gives considerable attention to the political process and debate around the reforms without clearly addressing how these reflect Israel’s hyper-realism (a term that needs definition).

The scientific background section does not seem to address the third prong of the research.

2. The reviewers of the original proposal were concerned about innovativeness and the proposed project’s contribution to the field. The project’s novel contribution to the field perhaps needs more emphasis.