

**Legal Framing and Judicial Policy Making:
Former Intelligence Collaborators, Present Asylum Seekers
at the Israeli High Court of Justice**

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This paper asks if a state's legal framing encourages courts to act as effective policy-makers? While previous academic studies mostly demonstrated how courts can serve as policy makers by making statutory interpretation and writing authoritative decisions, little attention has been paid to the way court may shape policy in complex and sensitive cases, where it intentionally refrains from making binding decisions. Inspired by Critical Frame Analysis, we examine the way legal framing of a phenomenon over repeated legal cases helps the court to shape directly or indirectly a detailed policy without making any explicit final binding ruling against the elected authorities. The case study presented here is the Israel immigration policy towards Palestinian asylum seekers because of intelligence related collaboration . About 800 petitions have been submitted to the Israeli High Court of Justice over the past two decades. The policy shaped through court's deliberations was officially published in 2015 and it reflects practices previously invented or approved by the court in its "non-decision" decisions.