

## 4. DEMONSTRATION

H.C. 148/79\*

a. ZVI SA'AR et al.

v.

MINISTER OF THE INTERIOR AND THE POLICE et al.

In the Supreme Court Sitting as a High Court of Justice

Landau D.P., Shamgar J., Barak J.

Z. Sa'ar for the petitioners

M. Shaked, Senior Deputy State Attorney, for the respondents

JUDGMENTBarak J.:

1. The petitioners are representatives of "The National Combative Committee for Homeless Young Couples". On 26 February 1979, they applied to Respondent No. 2 in a request to hold a procession of homeless young couples in Jerusalem. The said procession was supposed to take place on 20 March 1979 and the requested route proceeded from the Menorah Square via Bezalel Street, Ben Zvi Avenue and Rupin Avenue to the Knesset Precincts. At the Knesset Precincts a "gathering" was to take place and thereafter dispersal. The subject of the procession is "the shortage of housing for young couples and citizens in general throughout the state." Respondent No. 2 refused the application on 4 March 1979. The petition to this Court was filed as against that refusal. On 15 March 1979 a hearing was held on the motion to grant an order nisi, to which a representative of the Attorney

\* (1979) 34 P.D. (2) 169

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General was summoned. Before that hearing a notice was submitted on behalf of the respondents. In that notice we were informed that the refusal of Respondent No. 2 was founded in a fear entertained by the respondents that the requested procession would result in breach of the public order, violence, breach of the peace and unlawful action, in light of experience drawn from a similar demonstration that took place approximately a month previously. Nevertheless it was noted that the respondents were willing "to come to terms with the petitioners and, so as not to circumscribe their wish to give their position public expression, to allow them to hold an assembly, without a procession, and not in the Knesset Precincts." The petitioners did not accept this proposal. This Court issued on that occasion an order nisi directing the respondents to come and show cause why they would not grant the petitioners a permit to hold the procession as requested. After the issue of that order, and before a hearing was held on it, the petitioners received permission from the empowered Knesset officer to demonstrate opposite the Knesset building. A further proposal by Respondent No. 2, to the effect that the petitioners submit a new application for a procession along "a short and reasonable route" was rejected by the petitioners. At the time of the hearing before us the respondents repeated their principled position -- the reasons of which will become apparent below -- against granting the requested permit. Notwithstanding they repeated their proposals that the petitioners be satisfied with a rally at the Menorah Square and without a procession, or with a procession proceeding from Ben Zvi Avenue via Rupin Avenue to the Knesset Precincts, that is, without a

rally at Menorah Square and without a procession through Bezalel Street. These latter proposals were not agreed to by the petitioners, who insisted on their original request, with a change in the date of the procession and assembly.

2. It is well-known that the law of the State of Israel recognizes fundamental civil liberties, as is customary in enlightened states. These liberties include the liberties of assembly and procession. Whether we regard these as independent liberties or as aspects of the freedom of expression -- and there is no need for us to decide that question -- a high degree of importance attaches to them in fashioning the character of our democratic regime. The holding of an assembly and procession is one of the means at the disposal of members of the public to express their opinions on affairs of state, a means that is at times more effective and concrete than other means of expression (see Douglas J. in Alderley v. State of Florida 385 US 39 (1966), at 385). In the words of Lord Denning M.R. in Hubbard v. Pitt ((1975) 3 WLR 201, at 212), in relation to the right of assembly and demonstration:

"These are rights which it is in the public interest that individuals should possess; and, indeed, that they should exercise without impediment so long as no wrongful act is done. It is often the only means by which grievances can be brought to the knowledge of those in authority -- at any rate with such impact as to gain a remedy....

Such is the right of assembly. So also is the right to meet together, to go in procession, to demonstrate and to protest on matters of public concern."

Nevertheless, the liberties of assembly and procession are not unlimited. They are relative, and not absolute, liberties.

My right to hold an assembly and procession does not imply that I am entitled to encroach upon my neighbor's property without his consent, or that I may cause violence and breach of the public peace. As is the case with respect to other liberties, here too the wish of the individual -- and of individuals -- to express their opinions by means of assembly and procession must be balanced against the wish of the individual to protect his wellbeing and property and the wish of the public to maintain public order and security. Without order there can be no liberty. The freedom of assembly does not imply the disavowal of all public order, and the freedom of procession does not imply the freedom of riot. In a landmark decision on this issue in the USA, Hague v. Committee for Industrial Organization (307 US 496 (1939))

Justice Roberts held (at 515) that:

"The privilege of a citizen of the United States to use the streets and parks for communication of views on national questions may be regulated in the interest of all; it is not absolute, but relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order; but it must not, in the guise of regulation, be abridged or denied."

3. The restrictions imposed upon the liberties of assembly and procession derive from the spheres of both private and public law. They are designed to protect recognized liberties of the individual with respect to use of his property and his bodily integrity, on the one hand, and to protect the public order and security, on the other. Thus, for example, my right to hold an assembly or procession does not entitle me to trespass on my neighbor's property (see Harrison v. Duke of Rutland [1893] 1

Q.B. 142). The freedoms of assembly and procession cannot be invoked to justify perpetration of a nuisance on an individual, that is, a substantial interference with another person's reasonable use of land (see Lowdens v. Keareney [1902] 2 I.R. 82). Restrictions on the freedom of assembly and procession do not ensue only from the perspective of one or another individual who has suffered injury. They ensue also from the perspective of the public interest which is reflected inter alia in several provisions of the criminal law that are designed to protect the public (see, e.g., sections 151, 152 of the Penal Law, 1977). Among the restrictions that are recognized in Israel -- and this matter is received from the time of the Mandate -- there is one that derives from the requirement to obtain a permit to convene an assembly or hold a procession prior to the event. This duty of licensing is found in section 24(3) of the Police Ordinance, 1926, which provided that the Commander of the District Police:

"may also, on being satisfied that it is intended by any person or class of persons to form a procession which will, in the judgment of the district commissioner, if uncontrolled, be likely to cause a breach of the peace, require, by a general or special notice, that the person convening or collecting such procession shall apply for a license to the District Commissioner."

This provision was amended in 1934, and it subsequently provided (in section 34(1)) that the Commander of the District Police:

"may if in his opinion it is necessary so to do for the maintenance of public security or public order require by general or special public notice that any person desiring to convene, organise or hold within his district any meeting or procession shall apply in writing not less than three days...before the day of the proposed meeting or procession to the District

Commissioner for a license to hold such meeting or procession."

The terms "meeting" and "procession" were also defined in that amendment. This regulation has not undergone substantive change to this very day. In place of the District Commissioner we now read the Commander of the District Police (see Transfer of Powers (District Commissioners and District Officers) Law, 1964 and Notice of Appointment of District Commanders to Bear the Powers of the District Commissioner, 1090 Y.P. (1964) 1311. General notices have been issued on behalf of the District Commanders, and published in Yalkut HaPirsumim, according to which any person who wishes to organize or hold an assembly out of doors must receive a permit: see, e.g., "Notice as to Licensing of Processions & Out-of-Door Assemblies in the Southern District" 1645 Y.P. (1970) 2548.

4. It follows that the statutory law in the State of Israel is that together with recognition of the freedoms of assembly and procession as fundamental civil liberties various restrictions are imposed on these liberties, including the requirement to obtain a permit before holding an "assembly" or "procession", in accord with the definition of these terms in section 83 of the Police Ordinance [New Version]. Regulation of this sort can be found in a large number of states. In the well-known words of Chief Justice Hughes in Cox v. State of New Hampshire 312 US 569 at 574:

"Civil liberties, as guaranteed by the constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses. The authority of a municipality to impose regulations

in order to assure the safety and convenience of the people in the use of public highways has never been regarded as inconsistent with civil liberties but rather as one of the means of safeguarding the good order upon which they ultimately depend.

It follows from the aforesaid that the main question to be answered is: which considerations must be weighed by the District Police Commander -- who is the authority empowered to grant or deny a permit -- and, was the decision in the present instance made in accord with considerations that ought properly to have been weighed? There is no need to discuss in this case the discretion of the Knesset Speaker to grant permission to hold an assembly or procession in the Knesset, since, as aforementioned, such permission was granted (section 7(b) of the Knesset Building and Precincts Law, 1968).

5. The authority to issue a permit for holding an "assembly" or "procession", or to refuse to do so, is found in section 85 of the Police Ordinance [New Version] which provides:

85. The District Commissioner, upon the application of any person for a licence made in consequence of any notice published under the provisions of section 84, may --

- (1) grant such licence, or
- (2) grant such licence subject to the giving of bonds or to such conditions or other restrictions as he may think fit to impose, such conditions or restrictions being endorsed on the licence, or
- (3) refuse to grant such licence.

This provision does not determine which considerations must be taken into account by the Commissioner -- that is, the Commander of the District Police -- with respect to granting or refusing the license. This has been criticized (see Libai, The Right to Assemble and to Demonstrate in Israel, 2 Iyunei Mishpat

54, 58). Despite the absence of statutory guidelines in section 85 of the Police Ordinance, it is clear that the Commissioner may not take into account any and all considerations that occur to him. The exercise of discretion in the present instance is subject to the substantive and procedural rules that apply to the exercise of administrative discretion. In our matter this means that the discretion must be exercised within the limits of the purpose for which the same discretion was granted (see DN 16/61 Company Registrar v. Kardosh 16 P.D. (2) 1209). That purpose can be learned from section 84 of the Police Ordinance [New Version] -- previously section 34(1) of the Police Ordinance as amended in 1934 and section 35 of the Police Ordinance as amended in 1937, as cited above -- which determines the considerations that must guide the District Police Commander when publishing a general or special notice as to the need to obtain a license before holding an assembly or procession. As already mentioned that consideration consists in the District Police Commander being of the opinion that "it is necessary to do so for the maintenance of public security or public order." The Commissioner must similarly consider within the limits of this purpose whether a license should be granted (with or without conditions) or refused in a concrete instance. In other words: the Commissioner must consider whether or not the granting of a permit -- with or without conditions -- would be detrimental to the public security or public order. It should be noted that this exercise of power by the Commissioner is not an act of grace towards the permit applicant. The citizen has a fundamental right to hold an



assembly or demonstration, but that right may be restricted, and in the present matter it may be denied if the Commissioner is of the opinion that holding the assembly would be detrimental to public security or order. The Commissioner must therefore consider the special circumstances of this case, and determine whether or not in his opinion the holding of an assembly and procession as requested by its organisers would indeed violate the public security or public order. If the Commissioner is of the opinion that such violation will occur -- he shall refuse to grant the license; if he is of the opinion that such violation will not occur -- he shall grant the license; if he is of the opinion that the public security and public order can be maintained by granting a license subject to certain conditions -- he shall grant the permit subject to the relevant conditions.

With this purpose in mind we can review the considerations that guided Respondent No. 2 -- that is, the Commissioner -- in refusing the petitioners' application in the case before us. Three reasons were given as central in his deliberations, and we shall examine each separately.

6. The principle consideration that affected the decision of Respondent No. 2 was the fear that the demonstration would cause a breach of the public order, breach of the peace and unlawful actions. This fear is based on the experience of a similar procession that the petitioners organised and held in Tel Aviv on 20 February 1979, the events of which were specified in the respondents' affidavit-in-reply. It appears that the atmosphere became heated at the Tel Aviv procession and a number of demonstrators tried to enter the Ministry of Housing but were

prevented from doing so by a chain of policemen who were posted at the place. In the course of the procession, public statement was made to the effect that this was just the beginning of activity and that the organisers intended to go to Jerusalem and lay siege to the Knesset. The petitioners repeated similar statements in a notice that they published in preparation for the procession in Jerusalem.

It appears to me that had Respondent No. 2 refused to grant a permit for holding the procession on a route that passes through the area of the government buildings, on the ground that such procession in Jerusalem would cause a breach of the public peace -- as did the attempt to enter the Ministry of Housing in Tel Aviv only one month previously -- that consideration would have been well-founded and would have justified a refusal to grant a permit. The right of procession does not encompass a right of unlawful entry into a government office. But that was not the case, for Respondent No.2 in fact agreed to grant a permit for a procession from Ben Zvi Avenue via Rupin Avenue and the area of the government buildings to the Knesset Precincts. As already mentioned, the Speaker of the Knesset agreed to the holding of an assembly at the Knesset Precincts. Likewise Respondent No. 2 agreed to the holding of an assembly at the Menorah Square. It follows that the matter remaining in dispute related to the holding of a procession on Bezalel Street (without an assembly at the Menorah Square). No argument was made to us that the holding of a procession at precisely this segment of the route might cause violence, or that violence would occur there,

or that it would aggravate the violence. This argument could have been made if, for example, it had been claimed that there were government offices on Bezalel Street which would have become a target for the marchers' violence. As aforesaid, these arguments were not made to us. To the contrary: Respondent No. 2 agrees that the petitioners proceed towards the Knesset via a route that passes specifically in the vicinity of the government buildings. We have already stressed that neither the grant of a permit nor the refusal to grant a permit is an act of grace. Since Respondent No. 2 agreed to grant a permit for holding the procession from Ben Zvi Avenue to the Knesset Precincts, that implies that in considering his general responsibility for public security and public order he reached the conclusion that there was no fear that they would be violated by an anticipated act of violence on the part of the demonstrators on this route. In these circumstances I cannot see any logical reason to refuse to allow the procession to be held specifically on Bezalel Street.

Moreover: even if the holding of the procession precisely on Bezalel Street would have created a fear of public disturbance, such fear would not have been sufficient in itself to deny the right of procession on Bezalel Street. It seems to me that the police must raise the burden of showing that the danger of such disturbance is a substantial one. The police can raise that burden by relying on recent experience or information as to the present. In the case before us, the police do not have any indications as to such substantial danger. As we have seen, except for the attempt to enter the Ministry of Housing in Tel Aviv, the procession in Tel Aviv passed peacefully, and its

organisers indeed tried to calm the heated tempers.

7. (a) Another consideration that Respondent No. 2 took into account when he refused to grant the petitioners' application was that:

"under present conditions any assembly of people in Israel requires protection from terrorist acts. It is particularly difficult to protect participants and onlookers in Jerusalem, which is a focus of terrorist acts and attempts because of its special circumstances. It is even more difficult to protect a procession. Moreover, the Jerusalem residents have been disturbed time and time again in their everyday lives and their freedom of movement because of important events and V.I.P. visits.

The requested demonstration, if approved, would require the closing of central streets and significant changes in traffic arrangements over a large area that includes part of the city center. These would have imposed a heavy burden on the police, who would have to allocate a large force for that purpose which, in turn, would require special preparations, as well as on a large part of the Jerusalem public, including both owners of private cars and persons who use public transportation."

There are two elements in this consideration: the one, the undue disruption of the traffic arrangements in Jerusalem, and the disturbance to private car owners and persons who use public transportation; the other, the need for police reinforcements as regards both the control of orderly traffic and the security needs of the event itself. We shall discuss these elements separately.

(b) The "traffic" consideration -- that is, disruption of traffic arrangements -- is a consideration that ought properly be taken into account by Respondent No. 2 before forming his position as to the granting of a permit to hold an assembly or

procession or its refusal. This consideration certainly falls within the scope of "the public order" that Respondent No. 2 may and must take into account (see Blasi, Prior Restraint of Demonstrations, 68 Michigan L.R. 1481 (1970) and Note, Regulation of Demonstrations, 80 H.L.R. 1773, 1775 (1966)). In the words of Justice Goldberg in Cox v. State of Louisiana 379 US 536, 554 (1965):

"The rights of free speech and assembly, while fundamental in our democratic society, still do not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time. The constitutional guarantee of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy. The control of travel on the streets is a clear example of governmental responsibility to insure this necessary order. A restriction in that relation, designed to promote the public convenience in the interest of all, and not susceptible to abuses of discriminatory application, cannot be disregarded by the attempted exercise of some civil right which, in other circumstances, would be entitled to protection."

In applying the "traffic" consideration, the interests of the citizens who wish to hold an assembly or procession must always be balanced against the interests of the citizens whose right of passage is violated by an assembly or procession. Just as my right to demonstrate on a city street is limited by my neighbor's right to pass freely on that street, so too is my neighbor's right to walk on a city street limited by my right to hold an assembly or procession. The roads and streets were designed for walking and driving, but that is not their sole purpose. They were also intended for processions, marches, funerals and similar

such events. The argument that "the Jerusalem residents have been disturbed time and time again in their everyday lives and their freedom of movement because of important events and V.I.P. visits" is not sufficient to deny the right of procession on a city street. The residents of a city -- and especially those of a capital -- must assume the inconvenience that is caused by public and official events, and these cannot limit the right of the citizen to demonstrate. An organized society cannot accommodate a rule of "all or nothing". It is based on "give and take" and the balancing of varied interests. We are, therefore, faced with a factual situation that requires a balance between different uses of public wayfares. The fact that an assembly or procession causes a degree of disturbance to the road traffic is not cause to disallow entirely an assembly or procession. Respondent No. 2 may exercise his discretion and impose restrictions and limitations to minimize as much as possible the inconvenience caused to the general public. Thus, for instance, it is reasonable to restrict the hours of the assembly or procession so that they are not held at a busy time of the day. Similarly, it is reasonable to determine restrictions as to the course of the procession and the manner in which it proceeds.

8. Respondent No. 2 has been charged by the legislature with the balancing of the various interests, and we shall not intervene so long as he has taken into account proper considerations and given them proper weight. But if the deliberations of Respondent No. 2 are touched with lack of good faith, arbitrariness, discrimination or unreasonableness -- we shall not hesitate to intervene. In the case before us the

controversy is focused entirely on the holding of the procession on Bezalel Street. On the one hand it is clear that the holding of the procession on this street will cause a certain disturbance to motor vehicle traffic at the time the procession takes place and will disrupt the traffic for some time. On the other hand, to disallow the procession precisely on this street frustrates one of the main components of the procession -- calling the attention of passers-by to the subject of the demonstration. The proposed alternative -- a march through Ben Zvi and Rupin Avenues -- is not a proper substitute from the demonstrators' point of view, because it amounts to marching through an unbuilt area. Where the respondents must balance the temporary inconvenience to the traffic in this short segment of Bezalel Street and the substantive impact on a fundamental component of the procession, it appears to us that the proper balance must be found in granting a permit for the procession while taking all necessary measures to minimize the extent of the impact on the traffic. Thus, for example, it could be determined that the procession be held during hours when the traffic is not busy and in only one lane, leaving the other open to cars.

(c) A secondary consideration taken into account by Respondent No. 2 was that the holding of an assembly and procession along the route requested by the petitioners "would impose a heavy burden on the police, who would have to allocate a large force for that purpose which, in turn, would require special preparations". Indeed the force at the disposal of the police is limited, and must be allocated according to an order of

preferences determined by the responsible officers in accord with their general responsibility under the Police Ordinance (cf. HC 222/68 Hugim Le'umiyim v. Minister of Police 24 P.D.(2) 141, 166-68). Notwithstanding, the determination of such order of preferences may not be arbitrary, discriminatory or unreasonable. In determining it room must be made for the right of demonstration. Furthermore: it is not proper that one demonstration be given the necessary police force while another be not, for no other reason than the ideologically different subjects of the demonstrations. The police has no authority over ideology. It must allocate its forces according to need and not opinion. The argument that the holding of the procession along the requested route "would impose a heavy burden on the police, who would have to allocate a large force for that purpose, which, in turn, would require special preparations" is not a proper argument. The duty of the police is to allocate the manpower necessary for maintaining daily order, which also includes various processions and demonstrations. The duty of the police is to allocate manpower for maintaining the democratic order, which includes the right to demonstrate, and it is the duty of the police to make special preparations in such respect and the "heavy burden" is no reason not to do so. The question that the police must ask itself is whether it can handle all the demands of a given moment. We did not hear any argument, nor was any evidence produced to show that the police are not able to do so.

Before concluding, it seems necessary to emphasise that we are dealing with a police discretion that must balance between public and individual needs, between public order and public



security, on the one hand, and the civil right of demonstration, on the other. Such balance must take into account the full scope of the diverse considerations and may not be partial. Such balance is not a static matter but must always be made in accord with the real conditions pertaining at the time of the decision.

The consequence is that we make absolute the order nisi in the sense that we order Respondent No. 2 to grant the petitioners a permit, under conditions that shall be determined, to hold a procession that will convene at the Menorah Square and proceed from there via Bezalel Street, Ben Zvi Avenue and Rupin Avenue to the Knesset Precincts. The respondents will bear petitioners' expenses to the total sum of IL 1,500.

Landau D.P.: I concur.

My esteemed colleague, Justice Barak, has explained clearly the principles that must guide the Commander of the District Police in his deliberations as to granting a license to hold a procession (without conditions or subject to conditions or other restrictions) or refusing to do so. As to the implementation of those principles in the present circumstances, I wish to add some comments:

I too am of the opinion that the "traffic" consideration cannot outweigh the petitioners' right to hold a procession so as to bring their grievances to the knowledge of the public. They chose from the very start a route that does not pass through the main streets of the city. Even the short route that they propose -- from the Menorah Square via Bezalel Street, Ben Zvi Avenue and

Rupin Avenue to the Knesset Precincts -- will surely entail disturbances to public transportation and private vehicle traffic. The traffic disturbance at the Menorah Square and Bezalel Street, including the need to close neighboring streets temporarily, could be reduced by conditions determining that the procession be held at hours when the traffic is not heavy and that the time for convening the procession at the Menorah Square be shortened, together with other conditions for maintaining the order of the procession such as were imposed on a similar procession that the petitioners held in Tel Aviv under license. It appears to me that if we had approved the traffic consideration as a legitimate factor in the circumstances of the present case, we would have, in effect, put an end to the right to demonstrate in the streets of Jerusalem, since every procession involves a traffic disturbance and in any event the streets of the city are becoming congested with private vehicles that, unfortunately, increase in number month by month.

The respondents suggest that the petitioners limit the procession to Ben Zvi and Rupin Avenues. But this is an unbuilt area in which there is no point to demonstrate if the objective is to arouse public attention. By the way I shall remark that the holding of the procession along Ben Zvi and Rupin Avenues might itself cause a disturbance to the flow of fast-moving vehicles there, and also endanger the marchers themselves. At the hearing of the petition I suggested an alternative route -- from Bezalel Street via the tunnel that crosses beneath Ben Zvi Avenue to Sacher Park and from there straight up to the Knesset Precincts, but my suggestion was not heeded.

The respondents stressed in their reply the fear of breach of the public peace if the petitioners' procession were allowed. They say that even if the organisers do their best to maintain order, events might get out of their control if they are joined by others whose hearts rejoice at any street commotion. This fear should not be made light of, and I consider it to be the central issue in this petition. But after much deliberation I have not found in it sufficient cause to reject the petitioner's application. As regards the events of the procession that they organised in Tel Aviv, my esteemed colleague has already mentioned that Petitioner No. 1, who was the main speaker there, did his best throughout the demonstration and procession (despite his fiery public speech) to comply with police instructions and to calm the tempers, as recorded in the police report that was submitted to us. The incident in front of the Ministry of Housing consisted in a number of people attempting to enter the building and being prevented from doing so by a chain of policemen who were posted in front of the building. The report did not say that the incident became violent. According to a flier that was distributed among the demonstrators there, the purpose of the demonstration in Jerusalem was to "lay siege to the Knesset and the Government Offices in the city". But my esteemed colleague has already noted that the police are in fact willing to allow the demonstrators to march in the vicinity of the government buildings, and they received a permit from the Knesset Speaker to demonstrate opposite the Knesset Building. It appears to me too that on the evidence submitted to us the danger of

breach of the public peace at the Menorah Square and on Bezalel Street is not sufficiently substantial to deny the petitioners their request. In this respect too the practical meaning of the stringent attitude taken by the police in this petition would be to lay down a rule that prohibits henceforth any demonstration on a social problem that occupies the public in any place within the built-up area of the city of Jerusalem.

As regards the argument that the police will have to make special preparations for this demonstration and to allocate a large force of manpower, my esteemed colleague has already explained that despite the entailed difficulty and even though the police are more than fully occupied with maintaining order at various state events (and I might add: at demonstrations held these very days with and without licenses), such is the hard duty of the police and the petitioners will not be deprived of their civil right to demonstrate because of the many state events and ceremonies.

Nevertheless I wish to add a warning: the petitioners are undertaking a heavy responsibility to maintain the order of their demonstration and not to incite the crowds. As remarked by my esteemed colleague, the matter before us is not static and the question can always be reexamined in view of experience gained from past happenings. If, heaven forbid, the fear of the police will be, indeed, vindicated in this case, that might affect future attitudes towards the licensing of demonstrations and their prohibition in times of social tension.

Shamgar J: I concur.

Decided as aforesaid in the opinion of Barak J.  
Judgment given on 31 May 1979.