

Jewish Law in Israel: State, Law, and Religion

Authors : Yuval Sinai

Abstract : As part of the historical, religious and cultural heritage of the Jewish people, Jewish law is part of the legal system in Israel, which is a Jewish and democratic state. The proper degree of use of Jewish law in judicial decisions is an issue that crops up in Israeli law from time to time. This was a burning question in the 1980s in the wake of the enactment of the Foundations of Law Act 1980, which declared Jewish heritage a supplementary legal method to Israeli law. The enactment of the Basic Law: Human Dignity and Liberty 1992, which decreed that the basic Israeli legal principles must be interpreted in light of the values of a Jewish and democratic state, marks a significant change in the impact of Judaism in the law created and applied by the courts. Both of these legislative developments revived the initiative to grant a central status to Jewish law within the state law. How should Jewish law be applied in Israel's secular courts? This is not a simple question. It is not merely a question of identifying the relevant rule of Jewish law or tracing its development from the Talmud to modern times. Nor is it the same as asking how a rabbinic court would handle the issue. It is a matter of delicate judgment to distill out of the often conflicting Jewish law sources a rule that will fit into the existing framework of Israeli law so as to advance a policy that will best promote the interests of Israel's society. We shall point out the occasional tensions between Jewish religious law and secular law, and introduce opinions as to how reconciliation of the two can best be achieved in light of Jewish legal tradition and in light of the reality in the modern State of Israel.

Keywords : law and politics, law and religion, comparative law, law and society

Conference Title : ICLP 2023 : International Conference on Law and Politics

Conference Location : Rome, Italy

Conference Dates : October 09-10, 2023