D'VAR TORAH
Linking Torah to Modern Israel
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Tetzaveh   "You Shall Command"

וְנָשָׂא אַהֲרֹן אֶת שְׁמוֹת בְּנֵי יִשְׂרָאֵל בְּחֹשֶׁן הַמִּשְׁפָּט עַל לִבּוֹ בְּבֹאוֹ אֶל הַקֹּדֶשׁ

Exodus 28:29 *Aaron shall carry the names of the children of Israel in the breastpiece of decision over his heart when he enters the holy [place]…*

The week's narrative continues detailing the building of the mikdash, adding instructions for creating sacred vestments to be worn by Aaron, the High Priest. Listed among these special garments is a Choshen Mishpat - a 'breastpiece of judgment'. This mysterious device enabled the priest to render decisions according to the will of G-d. In the absence of the ancient Temple and priesthood, a representation of the breastplate described in Tetzaveh now adorns the Torah.

Israel's judicial system has evolved over many centuries. By the end of Mishnaic times (early 3rd century), the template for modern Western jurisprudence was already in place. In the days leading up to Israel's independence, David Ben-Gurion assigned legal domain—both secular and religious. Needing to gather a broad range of support and presuming that religious concerns would prove insignificant compared to the enormity of establishing governing policies, Ben-Gurion left jurisdiction concerning marriage and divorce, burials, conversion, kosher certification, and supervision of holy sites to rabbinic leaders. Not unlike the ancient priests, these leaders then, and now, consider their decisions as G-d's will. Since the early days of statehood, the Chief Rabbinates of Israel - both Ashkenazi and Sephardi - have stood as the heads of religious law.

For civil matters, Israel adjudicates through magistrates' courts, district courts (5 geographical divisions), and the Supreme Court (the jurisdiction of which extends over the entire country) presided over by 12 judges. Additionally, special courts oversee labor disputes and military matters. One judge hears cases brought before district courts unless the offenses are more serious, in which case three judges preside and deciding. In Israel cases are not brought before a jury of peers.

From the ancient breast piece to Ben-Gurion, governance of Israeli society was once, and continues to be, a balance between understanding the will of the Divine and the will of community leaders to determine what is just and fair for all peoples within the land of Israel.

Discussion Questions:
Israel is a nation founded on democratic principles. How is this exemplified in the judicial system? Use the Ministry of Foreign Affairs website for guidance. Additionally, you can read about the health of Israel's democracy in the paper by Shmuel Sandler and Efraim Inbar, "The Fading Left and Israel's Flourishing Democracy" in Middle East Forum, August 16, 2012

Should Israel succeed in passing a nationality law, what might be some of the resulting implications? Read: Vice President of Israel Democracy Institute's Yedida Z. Stern, "Is "Israeli" a Nationality?" and Mordechai Kremnizter and Amir Fuchs, "Basic Law: Nation State? Only a Constitution Can Guarantee Israel's National Character."

Discuss the efforts of Amnon Rubinstein, an Israeli lawyer and former member of Knesset, who worked on the editorial board of the Ha'aretz newspaper and as a professor and Dean of the faculty of law at Tel Aviv University. While a member of Knesset, Rubinstein introduced the legislation that would become the Basic Law: Human Dignity and Liberty. For additional material that explores civil liberties in Israel we suggest CIE's eBook for learners of all ages: Israel's National Security and Civil Liberties available for purchase and download.

Elections in Israel reflect Israel's democratic nature. The following link provides one example of how a representative of a minority in Israel ran on the religious Zionist party's slate: JTA "First Muslim to Run for Jewish Home Slate, Anett Haskia is a Rarity Among Arab-Israelis" Ben Sales, Jan 19, 2015 2:10pm

Additional Resources:
Israel Ministry of Foreign Affairs: The Judiciary: The Court System
The Basic Law for Human Dignity and Liberty