

## **Multiculturalism in Israeli Family Law – Between Civil Law and Jewish Law**

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*Abstract*

In the past half century a large body of literature has been written concerning the concept of multiculturalism. In the research literature it is often argued that most of the countries in the world are multicultural. Israeli society is also, since its origins, a multicultural society, comprised of different cultural and ethnic groups.

Without a doubt, the central tension in Israel exists between the secular group, which strives to shape the character of the State of Israel and its laws in the light of Western liberal political theory, due to the strengthening of liberal values among leading groups in Israeli society, and various religious sects, which strive to shape the character of the state as reflected in the Halacha and Jewish culture.

In my lecture I intend to present a comparative legal analysis between civil law and Jewish law regarding selected fundamental questions in the field of marital partnership and laws pertaining to parents and children – such as issues of ir/regulating conjugal relations between partners; the right of a woman to decide on termination of pregnancy without the consent of her partner; the right/obligation of procreation etc.

The lecture will conclude by exposing the differences in perspective which are at the foundation of these two competing legal systems – the claim that civil family law are founded on a discourse of rights which places human beings at their center, while Halachic family law are founded on a discourse of obligations which places God and his commandments in the center. The differences in these views also raise the question of the scope and legality of issues pertaining to intimate relations. The Jewish Halacha strives to determine codes for human lives in general, including the most intimate relations. On the other hand, civil law in Israel, like other liberal-modern legal systems, strives to set a minimal framework for public regulations. This is especially evident regarding events which take place in the home – if one's home is one's fortress, then it is not appropriate for the legal system to regulate his relationship, especially when the subject is the intimate relations which take place in the bedroom.