

RAV YAAKOV ARIEL: TORAH AS THE BACKBONE OF THE IDENTITY OF THE STATE OF ISRAEL

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What should the legal system look like in a Jewish state? To what extent should Torah be infused into the identity of the State of Israel? Rav Yaakov Ariel discusses these questions in an article that appears in the first volume of *Techumin* (pp. 319-328), and that deals primarily with the prohibition of adjudicating a case in front of a secular court. While most of the article discusses the technical and halachic aspects of the prohibition, Rav Ariel devotes a considerable amount of space to emphasizing how essential it is that society function based on the principles of the Torah.

Rav Ariel writes (pg. 319):

It befits the State of Israel, as the State of the Jewish People, to be governed by Torah law. Just as we would never consider the possibility of a Jewish State without the Hebrew language as its official language, or without the Jewish Calendar with its Shabbasos and holidays ... so too it is impossible to have a Jewish state without Torah law ... Out of love of the State, the ambition of a good Jew must be to return Torah law to its honorable stature in the State of Israel

Why is a Torah judicial system so essential to the fabric of the Jewish state? To answer this question, Rav

Ariel takes a step back and explains the Torah perspective regarding life as a member of society.

Life as a member of society has a G-dly destiny and a G-dly order. The human judge derives his value system and his judicial logic and authority from the Creator of the world, the One who fashioned man in His image for the sake of living a life of justice and truth. The significance of living properly as a member of society according to the laws of the Torah can be seen in numerous sources. Rabbi Akiva says, “And you shall love your friend as you love yourself — this is a great principle of Torah.” And Hillel said to the convert, “Do not do to your friend what you would not want done to you, this is the entire Torah and the rest is its commentary, go and learn.” And immediately after the Ten Commandments the Torah begins with the mitzvos of monetary law to emphasize that they were also given at Har Sinai ... It is G-dly justice that determines, in great wisdom, what is an individual’s rights or obligations.

Rav Ariel puts forward two practical suggestions. First, he argues, the law must grant rabbinic courts the same authority as it grants the secular courts.



Rav Yaakov Ariel
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Second, “Anyone who values the honor of G-d, of the Torah, and of the Jewish People, must turn to a rabbinic court, whenever possible, to address any monetary matter that may arise.”

Rav Ariel concludes his article with the prophecy of Yeshayahu:

וְאֶשְׁיְבָהּ שִׁפְטֵיךָ כְּבָרְאֵשׁנָה וְיִעֲצִיבְךָ כְּבַתְחֻלָּה
אֶחָרֵי כֵן יִקְרָא לְךָ עִיר הַצְדִּיק קְרִיָה נְאֻמָּנָה.

I will restore your magistrates as of old, and your counselors as of yore. After that you shall be called “City of Righteousness, Faithful City.”

Yeshayahu 1:26