What Makes Religious Tribunals “Religious”? A Lesson from Israeli Rabbinical Courts

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Notoriously, according to Israeli law married couples must adjudicate at least part of their divorce in front of religious courts and according to religious norms. But what exactly makes an adjudication religious? And what counts as a religious norm? In place of a pure conceptual analysis, I will utilize case law of Israeli Rabbinical Courts to offer a preliminary typology of at least three senses of this ‘religiosity’: one that relates to the source of the norms, one that relates to the nature of the adjudicator’s authority, and one that relates to the purpose and function of the adjudication. This typology, I will argue, might enable us to better address other pressing issues in contemporary family law, from the proper regulation of faith-based arbitration to the appropriate understanding of reproductive rights debates.