

From the J-Vault: The Modern Bet Din

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Yesterday **we noted Presidential candidate Herman Cain's objection** to the practice of Islam in America because Shari'a is a system of laws -- just like Halakhah. Today, a closer look at a publication that was linked in that blog post, demonstrating that American religious communities have been engaging with religious law alongside secular law for generations.

This week, from the J-Vault: *The Modern Bet Din* (1938)

Writing in Jewish Social Service Quarterly (predecessor to the **Journal of Jewish Communal Service**), William I. Boxerman describes the establishment of a Jewish court of arbitration in Baltimore:

Perhaps never was the need greater for eliminating from the regular courts such controversies as tend to bring discredit upon the Jewish people as a whole. For, with the rising tide of anti-Semitism, our defamers seize readily upon incidents which support their stereotypes of the Jew as an undesirable citizen...

...Furthermore, a Jewish court meets other definite needs in the community. Often the problems presented should not come into the regular courts because they concern Jewish tradition, religious observances, etc., which cannot be understood easily by a non-Jewish judge or jury... Sometimes, too, the courts offer no relief for the aggrieved individual because the offense against him is not punishable under the law; whereas in the Jewish court, which is not limited in its scope by the statutes, he may find a ready remedy...

...The value of the Jewish Court in providing an emotional outlet for individuals who feel themselves wronged should not be overlooked. The award actually entered in a case is sometimes not nearly so important to the client as the opportunity for expressing his feelings, for having himself declared to be in the right and thus vindicated before an impartial body...

...Because of the expense involved, many individuals with rightful claims cannot file suit in the established courts... The cost of the litigation in such a case would be prohibitive. Many clients cannot even advance the necessary attorney's fees. These claims, however, may be heard in the Jewish Court without charge...

...The procedure is informal; the arbitrators in each case may make and adopt their own rules. This individualized treatment has worked very

satisfactorily. Litigants and their witnesses testify under oath; it has been found that the psychological effect of taking, an oath is even more important when the rest of the proceedings take place in an informal atmosphere. During the progress of the hearing, the arbitrators may interrupt as often as they wish in order to ask questions, to clarify points, or to elicit pertinent facts from the witnesses... The participants may speak either in English or in Yiddish... Since the hearing is not open to the general public, an individual need have no hesitation about discussing details which he would be reluctant to relate before outsiders.

The court does not adhere to the rules of evidence. This adds to the informality. Hearsay evidence, unsupported statements, and beliefs, all of which are taboo in the law courts, may be introduced. Lawyers may represent their clients before the court, but the absence of legal "red tape" has sometimes proved annoying to them. In one hearing, an attorney could hardly control his wrath because the arbitrator repeatedly reminded him that he could not "object" to hearsay evidence.

Boxerman goes on to provide examples of cases brought before the court. Download the publication if you want to hear the description beginning:

"Galician swine, trying to cheat us on the dead!"
 "Roumanian *schnorrers*! We don't owe you a cent!"

Download this publication.

