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ARTICLE

# Bridging justice: Arabic language and Islamic sources in Israeli courts – a study of judicial pluralism

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**Abstract**
This study examines Israeli judges' incorporation of the Arabic language and Islamic religious sources in court rulings within Israel and the West Bank military courts. Analysing seventy-eight judicial decisions (1997–2024) and interviews with legal professionals, we identify six themes motivating this practice: persuasion, authority reinforcement, cultural bridging, mutual respect, substantiation and alternative reasoning. Both Arab and Jewish judges employ this approach across criminal, family and civil law cases. This linguistic and cultural integration enhances court decision legitimacy among Arabic-speaking litigants and fosters intercultural understanding within the legal system. The study contributes to discussions on legal pluralism, judicial behaviour and the role of language in multicultural judicial systems, illuminating how the Israeli legal system navigates its multicultural reality and the interplay between law, language and cultural identity.

**Keywords:** legal pluralism; judicial behaviour; multicultural jurisprudence; Arabic language; Islamic law; cultural bridging; legal legitimacy

## 1 Introduction

The role of language in legal systems extends beyond mere communication; it serves as a fundamental tool for constructing meaning, shaping social reality and establishing authority (Conley and O'Barr 2005). In multicultural societies, the use of different languages within the courtroom can act as a bridge between cultures and enhance access to justice (Berk-Seligson 2017). This study examines a unique phenomenon within the Israeli legal system: the incorporation of Arabic language and Islamic religious sources in court rulings by both Arab and Jewish judges in Israeli courts and the West Bank military courts.

Israel presents a compelling case study for this phenomenon due to its complex linguistic and cultural landscape. Despite the passage of the Basic Law: Israel as the Nation-State of the Jewish People in 2018, which established Hebrew as the sole official language, Arabic continues to hold a 'special status' in the country (Saba and Amara 2002). This linguistic duality reflects the complex multicultural fabric of Israeli society, where approximately twenty-one per cent of the population are Arab citizens (Central Bureau of Statistics 2021).

As mentioned above, the 2018 Nation-State Law significantly altered the legal status of Arabic in Israel. Prior to this law, Arabic held official language status alongside Hebrew, a legacy from the British Mandate period incorporated into Israeli law upon the state's establishment in 1948. The new law states in Section 4(a) that 'Hebrew is the State language', while Section 4(b) stipulates that

'The Arabic language has a special status in the State; arrangements regarding the use of Arabic in state institutions or vis-à-vis them will be set by law.' This change has created a complex legal landscape for Arabic usage in courts, potentially affecting judicial practices and justice perceptions among Arabic-speaking litigants. The occupation of the West Bank, which has been under Israeli military control since 1967, adds another layer of complexity to this linguistic landscape. While Hebrew is the primary language of the occupying force, Arabic remains the dominant language of the local Palestinian population. This creates a unique judicial environment in which language choice can have significant implications for the perception of justice and the legitimacy of court rulings (Hajjar 2005).

Our research investigates how and why judges in these contexts choose to incorporate the Arabic language and Islamic sources in their rulings. We posit that this practice goes beyond mere translation or cultural acknowledgment; it serves as a strategic tool for enhancing judicial legitimacy, fostering intercultural understanding and navigating the complex socio-political landscape of Israel and the West Bank.

It is important to note that in most cases where Islamic sources were incorporated, the use of Qur'anic verses and Hadiths served a broad cultural or moral purpose, rather than constituting in-depth theological or jurisprudential analysis based on Islamic legal schools (madhāhib). No references were found to classical Sharia doctrines or detailed discussions of legal opinions from different Islamic jurisprudential traditions. Typically, Islamic references were employed to strengthen moral or cultural arguments within judicial reasoning rather than to derive binding legal conclusions.

### 1.1 Research questions

This study seeks to answer the following research questions:

1. How and why do Israeli judges incorporate the Arabic language and Islamic religious sources into their rulings in both Israeli courts and the West Bank military courts?
2. What are the primary motivations behind the use of the Arabic language and Islamic sources by both Arab and Jewish judges in various legal contexts (criminal, family and civil law cases)?
3. How does this practice impact the Israeli legal system's perceived legitimacy and intercultural understanding among Arabic-speaking litigants?
4. What are the broader implications of this practice for legal pluralism and multicultural jurisprudence in Israel and other similar contexts?

Through a comprehensive analysis of seventy-eight court decisions spanning from 1997 to 2024, supplemented by interviews with judges and lawyers, we identify six primary themes underlying this judicial practice: persuasion, authority reinforcement, cultural bridging, mutual respect, substantiation and alternative reasoning. These themes provide a framework for understanding the multi-faceted motivations and implications of linguistic and cultural integration in legal discourse.

This study contributes to several interconnected fields of scholarly inquiry. It adds to the growing body of literature on legal pluralism and multicultural jurisprudence (Menski 2006; Shachar 2001), provides insights into judicial behaviour and decision-making processes in culturally diverse contexts (Sherry 1988; Baum 2006) and engages with broader discussions on the role of language and culture in shaping legal outcomes and perceptions of justice (Mertz 2007). By examining this unique aspect of the Israeli legal system, we aim to shed light on the complex interplay between law, language and cultural identity in diverse societies. Our findings have implications not only for understanding the Israeli context but also for broader debates about judicial practices in multicultural democracies worldwide.

## 2 Literature review

The intersection of language, culture and law in multicultural societies has garnered increasing scholarly attention in recent decades. This review examines four key areas relevant to our study: legal pluralism in multicultural societies, the role of language in legal settings, judicial behaviour in diverse cultural contexts and the specific case of Arabic in the Israeli legal system.

### *2.1 Legal pluralism in multicultural societies*

Legal pluralism, defined as the co-existence of multiple legal systems within a single social field, has become a prominent framework for understanding complex legal landscapes in diverse societies (Merry 1988; Griffiths 1986). In multicultural contexts, this often manifests as the interaction between state law and various cultural or religious legal traditions (Menski 2006). Shachar (2001) proposes a model of 'transformative accommodation', where different legal systems can co-exist and mutually influence each other. This framework is particularly relevant to our study, as it provides a theoretical basis for understanding how Israeli courts might integrate Islamic sources while maintaining the primacy of state law. Sagiv (2015) argues that cultural competence among judges is increasingly critical in multicultural societies, as they must navigate both legal principles and cultural contexts, including linguistic nuances.

In the Israeli context, Barzilai (2003) examines the tensions between the Jewish character of the state and its democratic principles, highlighting the challenges faced by the Israeli legal system in balancing these competing demands, particularly concerning its Arab minority. Jabareen (2014) further explores this tension through an analysis of the complex status of Arab citizens in Israel's ethnocratic regime.

### *2.2 Language in legal settings*

The role of language in legal proceedings has been extensively studied, particularly in multilingual societies. Berk-Seligson's (2017) seminal work on bilingual courtrooms highlights how language choice and interpretation can significantly impact legal outcomes. Gibbons (1999) explores how linguistic diversity in courtrooms affects the perceived fairness and legitimacy of legal proceedings, particularly in cases involving minority groups. Matoesian (2001) argues that language in courtrooms is not merely a neutral medium of communication but a tool for constructing legal realities. In addition, Conley and O'Barr (2005) underscore how linguistic choices in legal settings can reinforce or challenge existing power structures within the legal system. This perspective is crucial for understanding how the use of Arabic in Israeli courts might shape perceptions of legitimacy and authority.

In the specific context of Israel, Saba and Amara 2002 provide an essential examination of the legal status of Arabic and its implications for the rights of Arab citizens. Mendel (2014) further explores the linguistic landscape of Israel, analysing the historical and political factors that have shaped the status of Arabic in Israeli society and law.

### *2.3 Judicial behaviour in diverse cultural contexts*

Research on judicial behaviour has increasingly focused on how judges' cultural backgrounds and the cultural context of cases influence decision-making. Sherry (1988) argues that judges' personal experiences and cultural perspectives inevitably shape their jurisprudence, a perspective that is critical for our analysis of both Arab and Jewish judges' use of Arabic and Islamic sources. Resnik's (1988) exploration of how judges navigate their roles as neutral arbiters and cultural mediators in diverse societies provides a framework for understanding how judges in our study use language and cultural references as tools for managing complex multicultural disputes. In the Israeli context, Shamir (1990) examines how Arab judges in Israel negotiate their dual identities as Arabs

and representatives of the Israeli state through an analysis of the Israeli Supreme Court's landmark cases. Barak-Erez (2003) further explores the role of Israeli courts in mediating conflicts between different cultural and religious groups, particularly in relation to the application of international legal norms.

### 2.4 The specific case of Arabic in the Israeli legal system

While the literature above provides valuable insights, a gap exists in understanding how judges in multicultural societies proactively use minority languages and religious sources in their rulings. More recently, Wattad (2021) has examined the legal status of Arabic in Israel, particularly in light of the Nation-State Law, offering important context for understanding the current legal landscape in which judges operate. Our study addresses this gap by examining the specific case of Arabic and Islamic sources in Israeli courts, contributing to broader discussions on legal pluralism, judicial behaviour and the role of language in multicultural legal systems. By focusing on judges' active incorporation of Arabic and Islamic sources, we aim to shed light on an understudied aspect of judicial practice in diverse societies.

In recent years, a growing body of critical legal scholarship has focused on the constrained status of the Arabic language in Israel and on the broader structural limitations surrounding language rights. For instance, Efron and Wattad (2022) examined the shifting status of Arabic in light of the Nation-State Law and its symbolic and practical impact on the Arab minority. Pinto (2007) emphasised the intrinsic cultural value of Arabic beyond pragmatic concerns, and further argued for the constitutional recognition of language rights as fundamental rights (Pinto 2014). Totry-Jubran (2023) provided an updated analysis of the restricted collective rights of Palestinian Arab citizens, including linguistic rights, within the constitutional system of Israel. This growing scholarship highlights the persistent gap between partial symbolic recognition of Arabic and the entrenched institutional preference for Hebrew within Israeli public law.

In summary, this study deepens the existing scholarly discourse in several respects. First, it provides rare empirical documentation of how judges actively incorporate language and culture into judicial practice, moving beyond rhetorical or theoretical discussions and illustrating the real-world application of legal pluralism. Second, it demonstrates how the integration of cultural and religious references – such as Qur'anic verses and Hadiths – occurs within a secular judicial framework, carefully balancing the recognition of minority identities with institutional neutrality. Third, it highlights the inherent complexity of these practices: while they enhance perceptions of legitimacy and accessibility for minority communities, they also raise critical questions about the appropriate boundaries of cultural and religious references in democratic legal systems. In doing so, this article offers a unique contribution to the understanding of the interplay between language, culture and law in multicultural and politically sensitive contexts.

## 3 Methodology

This study employed a mixed-methods approach, combining quantitative content analysis of court decisions with qualitative interviews with judges and lawyers. Our research was conducted between April and July 2024.

### 3.1 Data collection

We examined two publicly accessible legal databases: Nevo and the Supreme Court website. As these databases do not support Arabic text searches, we used Hebrew translations of Arabic terms as keywords to identify relevant cases. The search terms included:

1. 'Qur'an' and its variations (e.g. 'the Qur'an', 'in the Qur'an', 'Qur'anic')
2. 'Surah' and its variations (e.g. 'the Surah', 'in Surah')
3. 'Prophet' and its variations (e.g. 'the Prophet', 'to the Prophet')
4. 'Muhammad' and its variations

In addition to database searches, we directly contacted several Arabic-speaking judges who provided judicial decisions that incorporated the use of the Arabic language. This approach allowed us to capture decisions that might not have been indexed in the public databases using our search terms.

Our search yielded seventy-eight judicial decisions from 1997 to 2024 that incorporated Arabic text in some form. These decisions were categorised as follows:

| Category | Number of decisions |
|---|---|
| Direct Arabic quotations | Fifty-seven |
| Arabic text translated into Hebrew | Eleven |
| Arabic transliterated into Hebrew characters | Ten |

These decisions were authored by twenty-eight Israeli judges: seven military judges in the West Bank (including two of Arab origin) and twenty-one judges in Israel (including seven of Arab origin). The decisions were further categorised by court type.

In selecting the judicial decisions, we included all rulings issued during the study period that met the defined criteria of explicit incorporation of the Arabic language or Islamic sources within the judges' reasoning. Decisions were systematically identified through major legal databases (such as Nevo and Takdin) using relevant Hebrew search terms. Every decision meeting the criteria was included in the dataset, without additional qualitative or selective filtering. Nevertheless, as not all court decisions are fully published, it is possible that some relevant cases were not captured. This limitation suggests that our sample primarily reflects decisions that were publicly accessible and available for review.

Throughout data collection and interviews, we carefully documented the positionality and background of the judges who incorporated Arabic and Islamic sources. Of the twenty-eight judges whose rulings were analysed, nine were of Arab origin and nineteen were Jewish. Among the Arab judges, three were Muslim, four were Druze and two were Christian. None of the Jewish judges had formal training in Islamic law, although several had acquired significant knowledge of the Arabic language and culture through their academic or professional experiences. Regarding parallel usage of Jewish religious and cultural sources, we identified several cases where Jewish judges employed references from Jewish tradition, particularly in rulings involving explicitly religious or culturally sensitive issues (Fig. 1).

Figure 2 illustrates the annual number of judicial decisions that incorporated the use of the Arabic language in Israeli courts from 1997 to 2024. The graph shows a clear upward trend in the use of Arabic in judicial decisions over time, with notable increases in recent years. The data for 2024 is partial, covering only up to July of that year, yet they still shows a significant number of cases. This trend suggests a growing recognition and application of the Arabic language in the Israeli judicial system, reflecting an evolving approach to linguistic and cultural diversity in legal proceedings.

### 3.2 Content analysis

We conducted a thorough content analysis of these seventy-eight decisions, identifying patterns in the use of the Arabic language and Islamic sources. This analysis led to the development of six thematic categories explaining the motivations behind the incorporation of Arabic in judicial

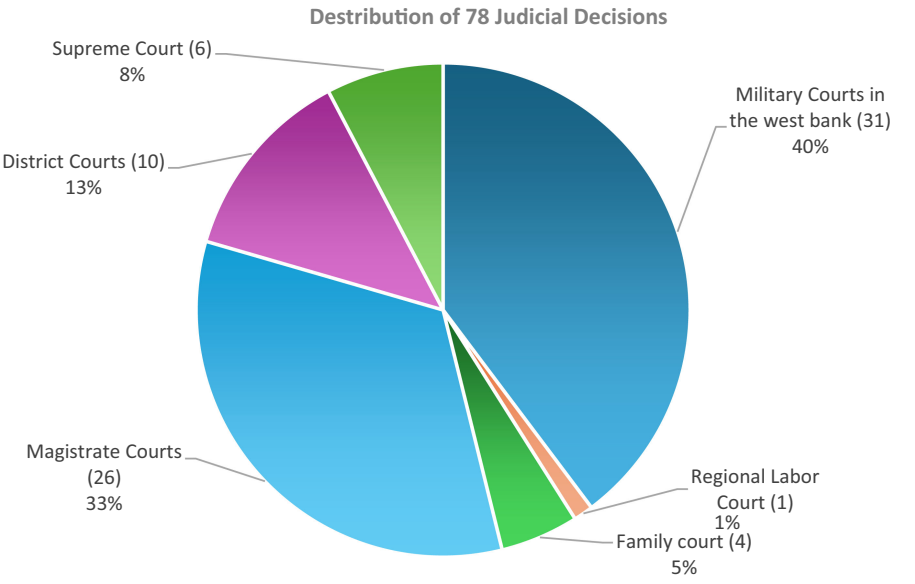


**Figure 1.** Distribution of Arabic language use in Israeli court decisions (1997–2024).

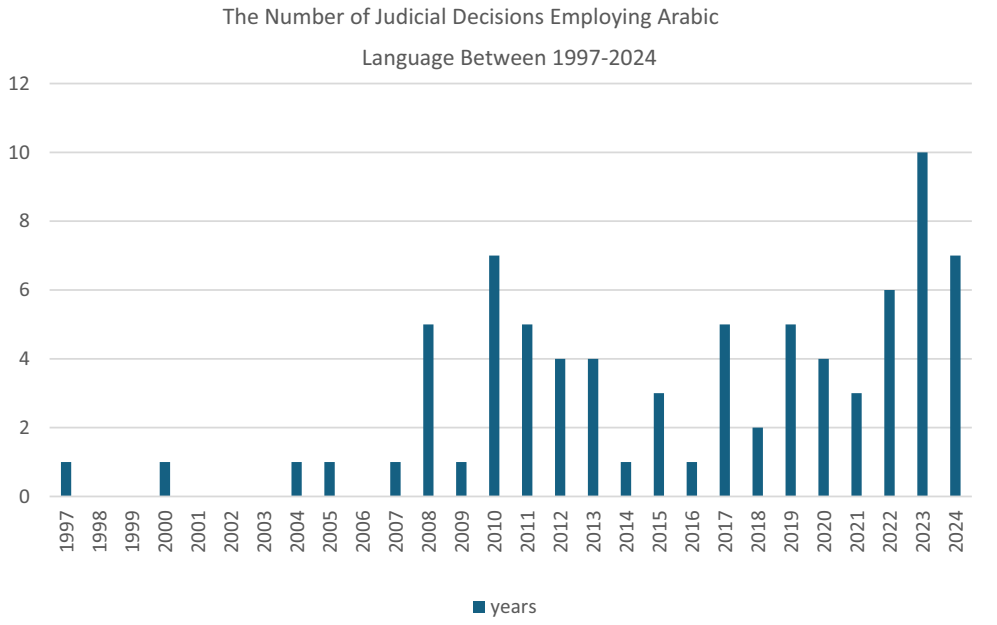


**Figure 2.** Frequency of judicial decisions employing the Arabic language in Israeli courts (1997–2024).

decisions. These categories encompass (a) persuasion, (b) authority reinforcement, (c) cultural bridging, (d) mutual respect, (e) substantiation and (f) alternative reasoning. Each theme represents a distinct aspect of how judges strategically employ Arabic and Islamic references to enhance their rulings' effectiveness, legitimacy and cultural relevance within Israel's diverse legal landscape. It is important to note that some of these themes could have been merged theoretically. However, despite certain similarities between these themes, we decided to maintain their separation.

This distinction allows us to highlight subtle and sometimes hidden motives behind the use of Arabic in the judicial system. Consolidating or merging themes might have dulled the critical nuances of this practice, especially from the perspective of Arabic speakers. Moreover, our interviews with judges and lawyers reinforced the decision to adhere to these six distinct themes, as they emphasised the importance of each one separately. This approach enables us to present a more accurate and comprehensive picture of the phenomenon under study.

### 3.3 Interviews

To complement our content analysis and gain deeper insights into the motivations and perceptions surrounding this practice, we conducted semi-structured interviews with key stakeholders:

1. Judges: We interviewed five judges who had incorporated Arabic in their rulings. These interviews were conducted informally to elicit their perspectives on their choice to use Arabic in their decisions.
2. Lawyers: We interviewed six lawyers who regularly appear in Israeli courts and the West Bank military courts. The interviews with lawyers focused on their perceptions of the impact and significance of the use of the Arabic language in court decisions.

All interviews were conducted in strict adherence to established ethical guidelines in the field. The data collection period spanned from August to October 2024. Interview durations ranged from twenty to thirty minutes. While most interviews were conducted in person, a subset was carried out through video conferencing software to accommodate participants' preferences and logistical constraints. Irrespective of the mode of conduct, all interviews rigorously adhered to recognised ethical standards. This approach allowed us to gather rich, qualitative data that provided valuable context and depth to our quantitative findings, offering a more comprehensive understanding of the phenomenon under study.

### 3.4 Data analysis

We employed a qualitative thematic analysis approach to analyse both the court decisions and interview transcripts. This involved coding the data according to our six identified themes and any emerging patterns. We paid particular attention to the context in which Arabic was used, the type of sources cited (e.g. Qur'anic verses, cultural sayings) and the apparent purpose of the Arabic inclusion.

### 3.5 Limitations of the study

This study, while insightful, has notable limitations. Our methodology, relying on public databases and direct judge contact, may introduce sample bias. The 1997–2024 timeframe, though extensive, may not fully capture historical trends or recent developments. By focusing on Israeli and the West Bank military courts, we potentially overlooked unique practices in other jurisdictions like rabbinical courts, as well as quasi-judicial bodies.

The limited interview sample may not represent the full spectrum of legal perspectives. Researchers' viewpoints inherently influence our thematic analysis, and Arabic nuances may have been lost in translation. While we draw some international comparisons, a comprehensive cross-national analysis was beyond our scope. Lastly, our focus on written decisions may not fully reflect the oral proceedings' dynamics. These limitations contextualise our findings and indicate areas for future research.

## 4 Results

Our analysis of seventy-eight judicial decisions spanning from 1997 to 2024, complemented by interviews with judges and lawyers, revealed six primary themes in the use of the Arabic language and Islamic sources in Israeli court rulings. These themes illustrate distinct aspects of this judicial practice, reflecting the complex interplay between law, language and culture in Israel's diverse society. We will explore each theme with specific examples from various areas of law, demonstrating the multi-faceted nature of this phenomenon.

### *4.1 Theme of persuasion*

The theme of persuasion emerges as a dominant narrative in our findings, illustrating how judges leverage their Arabic language skills to enhance the credibility and depth of their legal reasoning. This approach is particularly salient in cases where linguistic nuances play a crucial role in interpretation. Our analysis reveals a sophisticated use of the Arabic language and cultural references that transcends mere translation, serving instead as a strategic tool to engage with Arabic-speaking litigants and reinforce the legitimacy of court rulings. This practice, observed across various levels of the Israeli court system, demonstrates a nuanced approach to addressing the linguistic and cultural diversity within Israel's legal landscape.

A notable example of this linguistic prowess is found in a case adjudicated by Judge Ehsan Halabi involving a dispute over the accurate translation of potentially incriminating statements. Judge Halabi provided an exhaustive analysis of the Arabic text in question, demonstrating not only a commitment to precise interpretation but also an acute awareness of the cultural and linguistic complexities inherent in such cases. The judge's detailed examination of specific Arabic words and phrases, including "شرايين" (arteries), "هيهُم" (here they are) and "قِيد" (limited or handcuffs), showcased a level of linguistic expertise that extends beyond routine translation. This meticulous approach serves a dual purpose: ensuring accurate legal interpretation while affirming the court's dedication to understanding and respecting the nuances of the Arabic language.[1]

The strategic use of Arabic extends beyond literal translation to include cultural references and proverbs, as exemplified by Judge Amir Dahan's ruling in a civil dispute. By employing an Arabic proverb to underscore the importance of credibility in court testimony – "لا يستقيم الظل والعود أعوج" ('the shadow cannot be straight if the tent pole casting that shadow is not straight itself') – Judge Dahan demonstrated not just linguistic competence but also a deep appreciation for Arabic cultural wisdom. This integration of cultural elements into legal reasoning serves to bridge potential gaps between the formal legal system and the cultural understanding of justice among Arabic-speaking litigants.[2]

Our interviews with legal professionals corroborated and expanded upon these observations from court rulings. A seasoned lawyer emphasised the positive impact of this practice, stating, 'The use of Arabic in court rulings, similar to the use of Jewish Torah scriptures, is commendable and adds a dimension of persuasion. It leaves an impression of consideration for Muslim customs and beliefs. This certainly affects people who are devout in their religion' (Lawyer A, interview, July 2024). This perspective underscores the potential of Arabic usage to resonate with Muslim litigants, potentially increasing the persuasive power of legal arguments.

Furthermore, the view expressed by Judge B that 'the integration of the Arabic language should be "part of the legal culture" in the State of Israel' (Judge B, interview, June 2024) points to a broader recognition within the judicial system of the importance of linguistic and cultural inclusivity. This sentiment reflects an evolving understanding of the role of language in shaping legal outcomes and perceptions of justice in a multicultural society.

[1] *State of Israel v. Yousef Diab*, Criminal Case No. 36862-10-23 (Haifa) (2023).

[2] *MS v. Phoenix Insurance Company Ltd*, Civil Case No. 22952-03-20 (Tel Aviv) (2023).

In conclusion, the strategic use of Arabic in Israeli court rulings represents a sophisticated approach to enhancing the persuasive power of legal decisions and their cultural resonance. By demonstrating linguistic expertise, cultural sensitivity and a commitment to precise interpretation, judges can bridge potential gaps between the formal legal system and diverse linguistic communities, contributing to a more inclusive and culturally responsive legal system in Israel's multicultural context.

### 4.2 The theme of authority reinforcement

The theme of authority reinforcement reveals an intriguing intersection of religious text and secular law in the Israeli judicial system. This practice, particularly prevalent in cases involving serious crimes, demonstrates how judges strategically employ Qur'anic verses and Islamic traditions to underscore the gravity of offenses and reinforce the wisdom behind legal prohibitions. This approach creates a dual framework of authority – rooted in both state law and deeply held religious beliefs – that enhances the court's legitimacy and the impact of its rulings.

A striking example is found in a series of sixteen verdicts related to intentional homicide cases in the West Bank military courts. Judges consistently cited a powerful Qur'anic verse (Surat Al-Ma'idah 5:32):

'من اجل ذلك كتبنا على بني إسرائيل انه من قتل نفسا بغير نفس او فساد في الارض فكأنما قتل الناس جميعا ومن احياها فكأنما احيا الناس جميعا'

'Therefore, We decreed for the Children of Israel that whosoever kills a soul for other than manslaughter or corruption in the land, it shall be as if he killed all mankind, and whoso saves the life of one, it shall be as if he saved the life of all mankind.' (Various decisions, Military Courts of Samaria and Judea, 2008–2024)

The consistency of this practice suggests a deliberate strategy to reinforce the court's authority by appealing to religious and cultural values deeply embedded in the community.

The effectiveness of this approach is corroborated by legal professionals. Attorney D emphasised the impact of Qur'anic citations on Muslim defendants: 'Quoting from a Quranic source has a strong influence on a believing Muslim defendant. It is well known that the words of the Quran are considered 'مسلمات' [musallamat], meaning principles whose truth is undisputed' (Interview, August 2024). This observation underscores the potency of religious references in reinforcing legal authority, particularly with devout Muslim litigants.

The use of Islamic sources also extends to other areas of criminal law. In a theft case, Military Judge Kamal Zuheraldin invoked a Hadith advocating respect towards private property: 'Taking a person's property and harming their body constitutes a severe violation of the sacred values of bodily integrity and property … values that transcend religions, countries, and cultures. Thus, for example, the Prophet Muhammad, peace be upon him, commanded the believers by the word of God:

"(والسارق والسارقة فاقطعوا أيديهما جزاء بما كسبوا نكلا من الله والله عزيز حكيم (القرآن الكريم سورة المائدة 38'

"As for male and female thieves, cut off their hands for what they have done—a deterrent from Allah. And Allah is Almighty, All-Wise"' (The Holy Qur'an, Surat Al-Ma'idah 38).[3]

This approach is another example of the strategy of reinforcing the relevant legal prohibition through an appeal to the defendant's cultural and religious values.

[3]*Military prosecution v. Sultan Zubeidat*, Case No. 6296/21 (2023).

In the case of Farhan Adwan,[4] convicted of three murders, the judges emphasised the need for punishment reflecting each loss of life, citing the Qur'an in much the same way as in the Military Court decisions discussed above: '. . . We decreed upon the Children of Israel that whoever kills a soul . . . it is as if he had slain mankind entirely. And whoever saves one – it is as if he had saved mankind entirely' (Surah Al-Ma'idah, verse 32). They further stated, 'Three acts of murder before us, three acts separate from each other, in place, time, and identity of the victims . . . there is no place for the defense attorneys' argument that all life imprisonments should be served concurrently!' This reference conveyed that both law and religion prohibit murder, reinforcing the court's decision with secular and religious authority.

The impact of this practice extends beyond immediate parties. Judge C noted that the use of Arabic and Islamic references enhances trust among litigants and their representatives: 'I have often encountered statements from lawyers appearing before me, telling Arab clients that the judge is a judge who understands 'فهمان' – '[fahman] because of his knowledge of the Arabic language' (Interview, August 2024). This suggests that the judicial use of Arabic and Islamic sources builds trust and credibility within the Arab community.

Judges have sometimes used Islamic sources to justify departures from standard sentencing practices. Judge Alon Infeld deviated from a plea bargain involving Arab minors, imposing a harsher sentence and citing Islamic sources: 'The Prophet taught us that if it becomes clear that blood money is not enough to protect the public, severe punishment should be taken, as "the laws of retaliation and blood money are the main basis for protection and security in life, and they deter wise people."'[5] This demonstrates how judges use religious texts to reinforce legal arguments and connect with Muslim defendants and the broader community, even when imposing severe sentences.[6]

The consistent and strategic use of the Arabic language and Islamic sources in Israeli court rulings represents a sophisticated approach to reinforcing judicial authority in a multicultural context. By interweaving secular legal principles with religious and cultural references, judges create a multi-faceted framework of authority that resonates with diverse communities. This practice enhances the persuasive power of legal decisions and builds trust and credibility in the legal system among Arab and Muslim citizens. The incorporation of Arabic and Islamic elements into legal reasoning appears to be a deliberate and effective strategy for reinforcing the authority and legitimacy of the Israeli courts in a complex, multicultural society.

### 4.3 Theme of cultural bridging

The theme of cultural bridging illuminates how judges strategically employ Arabic and Islamic sources to connect with litigants across cultural divides, fostering understanding and potentially increasing the perceived legitimacy of the court. This practice demonstrates judges' efforts to create meaningful connections with Arab and Muslim litigants within Israel's multicultural legal system. A poignant example is evident in a case adjudicated by Military Judge Amer involving a Palestinian defendant accused of attempted murder. The judge extensively quoted Qur'anic passages about repentance and rehabilitation:

'وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَـهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِى حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ وَمَن يَفْعَلْ ذَلِكَ يَلْقَ أَثَاماً يُضَاعَفْ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَيَخْلُدْ فِيهِ مُهَاناً* إِلَّا مَن تَابَ وَآمَنَ وَعَمِلَ عَمَلاً صَالِحاً فَأُوْلَئِكَ يُبَدِّلُ اللَّهُ سَيِّئَاتِهِمْ حَسَنَاتٍ وَكَانَ اللَّهُ غَفُوراً رَّحِيما'.

[4]*State of Israel v. Adwan Yahya Farrakhan*, Criminal Case No. 127-09 (Nazareth) (2010).
[5]*State of Israel v. John Doe*, Criminal Case No. 515/08, 2015).
[6]*State of Israel v. Abu Kaf*, Criminal Case No. 27700-02-18 (Beer Sheva) (2019).

> 'They are those who do not invoke any other god besides Allah, nor take a human life—made sacred by Allah—except with legal right,1 nor commit fornication. And whoever does any of this will face the penalty' (The Holy Qur'an, Surat Al-Furqan 68–70).[7]

In his acquittal verdict, Judge Amer explained: 'I believe it is a good message for every Palestinian resident of the area who decided for whatever reason to choose an act "for Satan" . . . to harm innocent people. The message is: There is a way back that grants protection even from conviction for one of the most serious offenses in the law book. The way back is the right one, not only according to the law applicable in the area but also according to the religion of Islam.' This reference represented a thoughtful attempt to communicate complex legal concepts within a cultural framework familiar to the defendant and the broader Palestinian community.

Legal officials corroborate the effectiveness of this approach. Attorney E emphasised the impact of judges using Arabic in court: 'The use of Arabic language gives a sense of a judge who "understands the matter" and is close to the defendant's culture. He understands him, his background, what he did. It's not technical. It's much deeper' (Interview, July 2024). This observation underscores how the use of Arabic serves as a tool for deeper cultural connection between the court and Arab litigants.

Judge Menachem Klein's approach in civil cases further illustrates this cultural bridging technique. When dismissing tort claims involving fatalities, Klein sought Islamic sources to bridge the cultural gap between the plaintiffs' world and applicable law, offering consolation where legal remedies were unavailable. He began these rulings with a Qur'anic verse: 'Wherever you may be, death will overtake you, even if you should be within towers of lofty construction. But if good comes to them, they say, "This is from Allah"; and if evil befalls them, they say, "This is from you." Say, "All [things] are from Allah." So what is [the matter] with those people that they can hardly understand any statement?' (Qur'an 4:78). Klein emphasised the comforting message: 'I saw fit to open the judgment with the Prophet's words, to try to console the plaintiff and explain that "it's all from Allah"'.[8] This approach aims to create a shared language, reducing potential cultural alienation between different linguistic and religious communities and demonstrating the judge's empathy and cultural sensitivity.

In another instance, Justice Klein addressed a tort claim filed by a student against his school for failing to protect him from abusive treatment. He cited a Qur'anic verse (Surah Fussilat – Verse 34) that prohibits raising one's hand against another:

> 'ال تستوي الحسنة وال السيئة ادفع بالتي هي احسن فاذا الذي بينك وبينه عداوة كانه ولي حميم'
>
> (سورة فصلت-34)
>
> 'Good and evil cannot be equal. Respond to evil with what is best, then the one you are in a feud with will be like a close friend' (The Holy Qur'an, Surat Fussilat 34).[9]

This use of Islamic scripture in an educational context demonstrates the broad applicability of cultural bridging techniques.

The consistent use of the Arabic language and Islamic sources in Israeli court rulings represents a sophisticated approach to cultural bridging in a multicultural legal context. By interweaving secular legal principles with religious and cultural references, judges create a framework for

[7] *Military Prosecution v. Mutaz Berri*, Case No. 6294/20 (2022).

[8] *John Doe v. Nazareth Hospital* I.M.M.S. EMMS, Tort Case No. 9460-08-16 (Tel Aviv) (2020); *S.J. v. Clalit Health – Meir Hospital*, Tort Case No. 47209-10-14 (Tel Aviv) (2022).

[9] *John Doe v. Sandela Elementary School Companies et al*, Civil Case No. 66743-11-19 (Tel Aviv) (2022).

communication that resonates with diverse communities, enhancing the accessibility of legal decisions and building trust in the legal system among Arab and Muslim citizens.

This approach acknowledges the complex cultural landscape of Israeli society and demonstrates the judiciary's commitment to creating a more inclusive legal environment. By fostering cultural understanding and shared values, judges may enhance the perceived legitimacy of the court among minority communities, potentially leading to greater acceptance of legal outcomes and improved access to justice in Israel's diverse society.

### 4.4 Theme of mutual respect

The theme of mutual respect illustrates how judges use the Arabic language and cultural references to acknowledge and honour the cultural identity of Arab litigants, even when legal decisions are not in their favour. This practice serves as a powerful tool for building trust and fostering inclusivity within the Israeli legal system.

A poignant example involves an Arab family who lost a child in a traffic accident. Judge Yosef Elron concluded his decision with a reference to a song by the beloved Arab singer Fairouz: 'As a speaker of Arabic, I could not help but be reminded of this singer's immortal song "Habaytak" – "I loved you", and to feel the pain of the deceased's parents, who unfortunately will not get to sing this song to their beloved. May her memory be blessed!'.[10] This cultural nod demonstrated deep empathy and respect for the family's background, potentially softening the emotional impact of the legal decision.

The significance of this practice is emphasised by legal professionals. Attorney F highlighted both its impact and scarcity: 'The use of the Arabic language respects me and my clients. Therefore, it's disappointing that it's very rare.' He further noted its broader implications, particularly in military courts: 'Judgments of military courts that reference the Arabic language receive resonance within the Palestinian lawyers' legal community and are forwarded to the Prisoners' Affairs Committee in the Palestinian Authority.' This observation underscores the far-reaching effects of incorporating Arabic in court rulings, influencing perceptions of the Israeli legal system within Palestinian society.

Another example comes from Judge Muhammad Haj Yahya's ruling in a criminal case against a Jewish man for illegal panhandling at the Western Wall. While acquitting the defendant, Judge Yahya added: 'As noted by the Supreme Court in the Moshia case, panhandling and receiving donations is an issue that crosses legal boundaries and has religious and social aspects, depending on place and circumstances … The Quran states: 'وَأَمَّا ٱلسَّآئِلَ فَلَا تَنْهَرْ' (Surah Ad-Duha, verse 10), which loosely translates to: "And do not repel the petitioner"'.[11]

These examples illustrate how incorporating the Arabic language and cultural references demonstrates mutual respect between the litigants and the judiciary. By acknowledging the linguistic and cultural background of Arab litigants, judges create a more inclusive legal environment, enhancing the perceived fairness of the legal process and contributing to a broader sense of cultural recognition within Israel's diverse society. However, as Attorney F's comments suggest, there is a desire for more consistent application of this approach, indicating potential for further development within the Israeli legal system. Our interviews further demonstrated the importance of linguistic incorporation from the perspective of litigants and lawyers. A senior lawyer explained: 'using Arabic increases trust that the judge genuinely understands and respects my clients.' Similarly, a litigant remarked that Arabic use 'made me feel my voice was truly heard and my culture was genuinely respected'.

[10]*Hussein Habibala v. Northern District Prosecutor's Office*, Civil Case No.7118/20 (2022).

[11]*State of Israel v. Eliezer Mushaya*, Criminal Case No. 29661-12-17 (Jerusalem) (2022).

### 4.5 Theme of substantiation

The theme of substantiation highlights how judges strategically employ their Arabic language skills and Islamic sources to strengthen their legal arguments, particularly in cases involving contract interpretation or the analysis of evidence presented in Arabic. This practice demonstrates judges' linguistic and cultural competence while enhancing the credibility and persuasiveness of their rulings.

Judge Klein's approach in a personal injury case exemplifies this theme. Klein creatively used a Qur'anic verse about truthfulness to substantiate his reasoning for finding a witness unreliable:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَى أَنفُسِكُمْ أَوِ الْوَالِدَيْنِ وَالْأَقْرَبِينَ إِنْ يَكُنْ غَنِيًّا

أَوْ فَقِيرًا فَاللَّهُ أَوْلَى بِهِمَا فَلَا تَتَّبِعُوا الْهَوَى أَنْ تَعْدِلُوا وَإِنْ تَلْوُوا أَوْ تُعْرِضُوا فَإِنَّ اهههههكَانَ بِمَا تَعْمَلُونَ خَبِيرًا

> 'O believers! Stand firm for justice as witnesses for Allah even if it is against yourselves, your parents, or close relatives. Be they rich or poor, Allah is best to ensure their interests. So do not let your desires cause you to deviate "from justice". If you distort the testimony or refuse to give it, then know that Allah is certainly All-Aware of what you do' (The Holy Qur'an, Surah An-Nisa 135).[12]

This innovative approach adds a cultural dimension to the legal analysis, potentially making the decision more impactful for Muslim litigants.

In another case, Judge Klein used Islamic sources to challenge a plaintiff's claims. In a car accident lawsuit, he rejected a plaintiff's assertion that Ramadan fasting prevented her from seeking immediate medical attention. Klein cited the Qur'an (Surah Al-Baqarah, Verse 185) to demonstrate that Islam permits breaking the fast for health reasons: 'The month of Ramadan [is that] in which was revealed the Qur'an . . . So whoever sights [the new moon of] the month, let him fast it; and whoever is ill or on a journey – then an equal number of other days. Allah intends for your ease and does not intend for your hardship . . . '. Klein argued that if her injury was severe, Islamic law would have allowed her to seek medical help. This Qur'anic reference substantiated his legal decision within a cultural context familiar to the plaintiff.[13]

Using Arabic and Islamic sources in legal substantiation is part of a broader trend in judicial reasoning. Judge I noted that the use of the Arabic language 'aligns well with a general trend of strengthening legal reasoning through tables, diagrams, and images to support the legal outcome' (Interview, August 2024). This perspective situates the practice within a larger context of evolving judicial approaches aimed at enhancing the clarity and persuasiveness of legal arguments. By incorporating the Arabic language and Islamic sources, judges add depth and nuance to their legal reasoning. This approach demonstrates respect for the cultural background of Arab and Muslim litigants, provides a familiar framework for understanding complex legal concepts, and strengthens arguments by grounding them in culturally relevant sources.

The integration of Arabic and Islamic elements into legal substantiation represents a sophisticated approach to judicial decision-making in a multicultural context. It reflects an understanding that effective legal reasoning must sometimes engage with the cultural and religious frameworks that inform litigants' worldviews. As demonstrated by the cases cited and the insights from judges, this practice has the potential to enhance the perceived legitimacy and fairness of legal decisions among diverse communities within Israeli society.

[12]*A.H. v. Phoenix Insurance Company Ltd*, Tort Case No. 3067-06-20 (Tel Aviv) (2023).

[13]*Abeer Sosa v. Clal Insurance Company Ltd*, Tort Case No. 39747-01-11 (Tel Aviv) (2013).

### 4.6 Theme of alternative reasoning

The theme of alternative reasoning reveals how judges sometimes step beyond strict legal interpretation to offer culturally resonant alternatives or additional perspectives on conflict resolution. This approach demonstrates judicial flexibility and opens new avenues for legal argumentation and dispute resolution.

Justice Rubinstein exemplified this approach in a contentious divorce case by citing a Qur'anic verse suggesting the appointment of family arbiters: 'I will recall that even in the Quran (Surah 2, 178 and according to another numbering 177) the possibility of converting blood revenge in the case of murder into monetary "blood money" was established: "O believers! Retaliation is prescribed for you in cases of murder: a free man for a free man, a slave for a slave, and a female for a female. But if the offender is pardoned by the victim's guardian, then blood-money should be decided fairly, and payment should be made courteously. This is a concession and mercy from your Lord. But whoever transgresses after that will suffer a painful punishment."'[14] While not binding in Israeli law, this reference offered a culturally familiar alternative dispute resolution method, potentially encouraging mediation outside the courtroom.

A practising lawyer highlighted the impact of this approach: 'When judges use Arabic or cite Islamic sources, it opens up new avenues for argument. It allows us to present alternative interpretations that might be more relatable to our clients, potentially leading to more satisfactory resolutions' (Interview, August 2024). This perspective underscores how incorporating Arabic and Islamic sources can expand legal reasoning and facilitate culturally appropriate outcomes.

The Israeli judiciary has also used this method in relation to religious analysis. In a domestic violence case, the court used alternative reasoning to address misinterpretations of religious law. The judges extensively quoted and interpreted Qur'anic verses to refute the claim that Islam permits wife-beating:

> 'This does not refer to beating a woman ... but to educational actions, in private, and only towards the rebellious ... The accepted interpretation is to treat even a rebellious wife in an educational manner – to frighten her and abandon her in her room, not to strike her ...'.

This religious analysis affirmed that the appellant's actions were forbidden by both Islam and secular law, while also building trust with the Muslim community, particularly women.[15]

These examples illustrate how the use of the Arabic language and Islamic sources in Israeli court decisions goes beyond linguistic ornamentation. By offering alternative perspectives on conflict resolution and legal interpretation, judges create a more nuanced and culturally sensitive legal discourse. This practice enhances the persuasiveness and authority of rulings, bridges cultural gaps, demonstrates respect for linguistic and cultural diversity and provides culturally relevant alternatives to traditional legal reasoning.

The theme of alternative reasoning reflects the complex, multicultural reality of Israeli society and the judiciary's efforts to navigate this diverse landscape. By incorporating culturally resonant alternatives into their decisions, judges enhance the legitimacy of court rulings among Arabic-speaking litigants and foster intercultural understanding within the legal system. While this approach raises questions about the boundaries between secular and religious law in a predominantly Jewish state, it ultimately contributes to a more inclusive and responsive judicial process in Israel's multicultural society. Beyond thematic analysis, the dataset was also examined across different court types to assess whether variations existed in the use of the Arabic language and Islamic sources. An examination of the decisions revealed no substantial differences in the frequency or nature of such usage. Judges in civil, criminal, religious and military courts incorporated linguistic and cultural elements in a broadly similar manner, adapting their use

[14] *State of Israel v. Salam al-Turi*, Detention Case No. 5886/10 (2010).

[15] *R. J. v. State of Israel*, Criminal Case No. 1493/99 (Jerusalem) (2000).

according to the case's subject matter and the litigants' background. Nonetheless, family courts and religious tribunals displayed a slightly greater tendency to reference religious sources alongside legal texts, particularly in matters involving personal status or family law.

## 5 Discussion

The integration of the Arabic language and Islamic sources in Israeli court rulings represents a unique phenomenon of cultural accommodation within the Israeli legal system. This practice transcends the technical use of language, functioning as a strategic tool for enhancing judicial legitimacy, fostering intercultural understanding and navigating the complex socio-political landscape of Israel and the West Bank. We will examine the multi-faceted dimensions of this practice, linking the six themes identified in the findings to broader theoretical frameworks of legal pluralism, cultural competence and judicial behaviour.

### *5.1 Judicial pluralism and transformative accommodation*

The six themes – persuasion, authority reinforcement, cultural bridging, mutual respect, substantiation and alternative reasoning – reflect an emerging form of judicial pluralism within the Israeli legal system. This aligns with Shachar's (2001) model of 'transformative accommodation', wherein different legal and cultural systems co-exist and mutually influence each other within a single jurisdiction. By incorporating the Arabic language and Islamic sources into their rulings, Israeli judges are actively engaging in legal hybridisation, creating a discourse that respects the cultural identities of Arabic-speaking litigants while maintaining the primacy of state law.

This practice also demonstrates a high level of cultural competence among Israeli judges, both Arab and Jewish. As Resnik (1988) suggests, judges in multicultural societies often serve as cultural mediators, and our findings indicate that Israeli judges are embracing this role. They employ their linguistic and cultural knowledge not only to enhance communication but also to bridge cultural divides, reinforcing the legitimacy of their rulings among diverse populations. This strategic use of language goes beyond mere translation; it enters the realm of cultural interpretation and mediation, crucial in a society as linguistically and culturally fragmented as Israel.

While existing literature extensively discusses legal pluralism in multicultural contexts, there is a noticeable gap in research on how judges actively integrate languages and cultural sources into their rulings. This study fills that gap by providing an in-depth analysis of the use of the Arabic language and Islamic sources in the Israeli legal system, offering new insights into how such integration operates within the framework of legal pluralism.

These findings contribute cautiously to broader theoretical debates about legal pluralism and minority rights in multicultural democratic states. As John Griffiths (1986) has suggested, legal pluralism may not merely reflect the co-existence of multiple normative orders but may also reveal the hierarchical structuring of those orders according to dominant power relations. The selective incorporation of minority linguistic and religious symbols observed in our study may exemplify this dynamic: while the Arabic language and Islamic references appear to signal cultural recognition, they may simultaneously operate within frameworks that largely sustain the primacy of the dominant legal and institutional order. Thus, our findings suggest a nuanced understanding of how symbolic accommodations can affirm minority identity while potentially reinforcing existing socio-legal hierarchies.

### *5.2 Legitimacy and perceptions of justice*

The use of Arabic and Islamic sources in judicial rulings may significantly impact how justice is perceived, particularly among Arab citizens and Palestinians. Berk-Seligson (2017) argues that

language use in legal settings can shape perceptions of fairness and justice. In the Israeli context, the incorporation of familiar linguistic and cultural elements likely enhances the perceived legitimacy and accessibility of the legal process for Arabic-speaking litigants. This is particularly relevant in military courts in the West Bank, where the power dynamics between occupier and occupied are pronounced.

However, alongside the advantages of Arabic incorporation outlined above, one should also acknowledge potential critical aspects of this practice. The significant power disparities between Arab Israeli citizens and Palestinian residents of the West Bank may affect how this judicial practice is interpreted. It is possible that, in some contexts, the use of the Arabic language and religious sources in courts could be perceived by some Palestinian litigants not only as cultural bridging but also as indirectly reinforcing judicial or governmental authority. Further research would be beneficial to examine this issue more thoroughly and gain a nuanced understanding.

Furthermore, this practice raises questions about the boundaries between secular and religious law in a Jewish-majority state. While the integration of Islamic sources may enhance legitimacy among Muslim litigants, it could be viewed as problematic by those who advocate for a strict separation of religion and state. This tension mirrors broader challenges within Israeli society regarding the balance between Israel's identity as a Jewish state and its democratic principles (Barzilai 2003). The deliberate use of religious texts in legal reasoning may also raise concerns about legal certainty, as it introduces non-state legal norms into the formal judicial process.

More broadly, the findings reflect the inherent tension in the Israeli legal system between a formal commitment to secularism and the practical accommodation of religious multiculturalism. The selective incorporation of Islamic sources into civil judicial reasoning may serve as an act of cultural inclusion, yet it also raises concerns about blurring the boundaries between religious and secular law. This phenomenon highlights the delicate balancing act between recognising religious symbols and maintaining principles of state neutrality, a challenge faced by democratic states navigating religious diversity. Building on these findings regarding legitimacy and perceptions of justice, we turn next to explore the strategic dimensions of judicial behaviour in multicultural contexts.

### 5.3 Judicial behaviour and strategic judging

Our findings contribute to the broader literature on judicial behaviour in culturally diverse contexts. The deliberate use of Arabic and Islamic sources by both Arab and Jewish judges suggests a conscious effort to adapt their judicial reasoning to the cultural context of the cases before them. This aligns with Sherry's (1988) argument that judges' personal experiences and cultural backgrounds inevitably shape their jurisprudence. Moreover, our study demonstrates that Israeli judges engage in what Baum (2006) terms 'strategic judging', tailoring their rulings to resonate with the cultural and religious sensibilities of litigants to enhance the acceptance and effectiveness of their decisions.

The varied uses of Arabic and Islamic sources – from linguistic clarifications to offering culturally resonant alternatives for conflict resolution – indicate a sophisticated and context-sensitive approach to judicial decision-making. This practice can be seen as a form of cultural pragmatism, where judges strategically utilise linguistic and cultural references to build trust and legitimacy in a multicultural legal setting. The fact that both Arab and Jewish judges engage in this practice across different areas of law and at various levels of the court system suggests a systemic approach to dealing with linguistic and cultural diversity in Israel's legal system.

### 5.4 The broader implications for legal pluralism and multicultural jurisprudence

The incorporation of the Arabic language and Islamic sources in Israeli courts provides valuable insights into the broader dynamics of legal pluralism and multicultural jurisprudence. It demonstrates a pragmatic approach to acknowledging cultural diversity within a unified legal framework, offering a potential model for other multicultural democracies grappling with similar challenges. However, it also raises critical questions about the limits of cultural accommodation within a state legal system.

For instance, how far should judges go in integrating non-state legal traditions or cultural norms into their rulings? What are the implications for legal uniformity and the rule of law? These questions echo debates within the field of legal pluralism about the balance between recognising cultural diversity and maintaining legal coherence (Menski 2006). While the Israeli experience offers a pragmatic solution, it also highlights the potential risks of legal fragmentation and the need for clear boundaries between secular law and religious or cultural norms.

Comparing the Israeli practice to bilingual and multicultural legal practices in other jurisdictions, such as the USA, reveals key differences in the extent and purpose of linguistic integration. In US courts – particularly in states with large Spanish-speaking populations – judges occasionally incorporate Spanish terms or cultural references into their rulings. However, this practice is typically limited to rhetorical flourishes, whereas in Israel, the use of Arabic and Islamic sources is more substantive and integral to the judicial reasoning process, a contrast that underscores the innovative nature of the Israeli approach. Language and culture are not merely peripheral elements, but rather central components of the judicial discourse.

While the integration of Arabic language and Islamic sources in Israeli court rulings appears to offer several benefits, it is essential to acknowledge potential criticisms of this practice. While this integration appears beneficial, it can also be argued that the use of Arabic and Islamic sources in Israeli courts is superficial and potentially misleading. This perspective suggests that a more comprehensive use of Arabic, especially in military courts, is necessary to truly enhance access to justice for Arabic-speaking litigants. Such critiques highlight the complexity of linguistic and cultural integration in legal systems and underscore the need for ongoing evaluation of these practices.

Future research could explore how the Arabic language and Islamic source integration evolves over time within different types of courts, and how litigants perceive these practices. Longitudinal studies could examine whether the symbolic use of cultural and religious references leads to substantive changes in perceptions of legitimacy, access to justice or legal outcomes among Arabic-speaking populations. Additionally, comparative studies across jurisdictions facing similar multicultural challenges could shed further light on the dynamics of linguistic and cultural accommodation within secular legal frameworks. Addressing these questions would deepen understanding of the promises and perils inherent in judicial multiculturalism.

## 6 Conclusion

The integration of the Arabic language and Islamic sources in Israeli court rulings represents a sophisticated judicial strategy for navigating the complexities of a multicultural society. By examining the six themes – persuasion, authority reinforcement, cultural bridging, mutual respect, substantiation and alternative reasoning – this study demonstrates that the use of Arabic in court rulings serves multiple purposes, from enhancing the legitimacy of judicial decisions to fostering intercultural understanding. This practice reflects an evolving form of judicial pluralism that aligns with Shachar's (2001) concept of 'transformative accommodation', whereby legal and cultural systems co-exist and influence each other. By incorporating the Arabic language and Islamic sources, Israeli judges are not merely acknowledging cultural diversity but actively engaging with it, creating a hybrid legal discourse that respects the cultural identities of litigants while maintaining the primacy of state law.

The implications of this practice extend beyond the Israeli context. It highlights the potential benefits of integrating language and culture into judicial processes, particularly in enhancing perceptions of fairness and legitimacy among minority populations. However, it also raises important questions about the boundaries of cultural accommodation within a state legal system. In a society where the separation between religion and state is already a contentious issue, the deliberate use of religious texts in legal reasoning may further complicate this balance.

As multicultural societies continue to grapple with the challenges of legal pluralism, the Israeli experience offers valuable insights into culturally responsive judicial practices. It suggests that linguistic and cultural integration can play a crucial role in enhancing judicial legitimacy and intercultural understanding, but it also underscores the importance of carefully delineating the boundaries of such practices to maintain the integrity and coherence of the legal system.

This study opens several avenues for future research, including longitudinal studies to track the evolution of this practice over time, comparative analyses with other multicultural legal systems and investigations into how these judicial practices are perceived by different segments of Israeli society. To conclude, the integration of the Arabic language and Islamic sources in Israeli court rulings represents a complex and nuanced approach to multicultural justice, offering important lessons for other societies navigating the intersection of law, language and culture.

In an increasingly interconnected world, the ability of legal systems to respectfully engage with cultural and linguistic diversity will be critical to maintaining the legitimacy and vitality of democratic institutions. The Israeli experience offers both a model and a cautionary tale in this regard, reminding us that true inclusion requires both symbolic recognition and substantive equality.

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## Appendix A

### *Interview protocol*

The following protocol was used for semi-structured interviews with judges and lawyers:

1. Introduction and consent
2. Background questions (e.g. years of experience, types of cases handled)
3. General perceptions of language use in Israeli courts
4. Specific experiences with the use of Arabic language in court rulings
5. Motivations for using Arabic and Islamic sources (for judges)
6. Perceived impacts of Arabic use on litigants and case outcomes
7. Challenges and considerations in incorporating Arabic and Islamic sources
8. Views on the future of this practice in the Israeli legal system
9. Any additional comments or insights

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