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URI YADIN—IN MEMORIAM

We regret to inform our readers of the death of Professor Uri Yadin, for many years a member of the Editorial Board of the Israel Law Review and its Chairman for a number of years. Professor Yadin made an immeasurable contribution to the development of the Review. Following are excerpts from the eulogy delivered by Professor Izhak Englard, Dean of the Faculty of Law at the Hebrew University of Jerusalem, at the Memorial gathering held at the Faculty on January 1, 1986.

A central figure of the generation of men who laid the foundations of Israeli law is no longer with us.

It is quite impossible to imagine the new legislation of Israel without the crucial contribution made by Professor Uri Yadin since the establishment of the State of Israel. First as Director of the Department for Legislation and later as Chief of Legislative Planning in the Ministry of Justice, he shaped Israeli legislation. His personal impact on the law was enormous and almost beyond grasp, from the drafting of the first constitutional laws of the State and through the preparation of a comprehensive private law code in his final years.

The crown of learning complemented his immense practical achievements. He served as a teacher in the Faculty of Law almost from its founding. He authored several books and scores of articles, and edited a number of books as well as periodicals.

He had unbounded energy in the field of law. In 1951 he was responsible

for establishing the research unit in Israeli law at Harvard University. He was among the founders of the Institute for Legislative Research and Comparative Law at our own Faculty of Law, and served as its first director for many years. He represented the State of Israel in numerous important international conferences where international conventions were formulated, to which Israel became a party. He was widely renowned as a prominent exponent of Israeli legal scholarship and was a member of various international associations of comparative law. He was invited to lecture at many outstanding universities. Only the severe and protracted illness from which he suffered in the final years of his life, brought his fruitful professional work to a halt.

Professor Yadin was born as Rudolf Heinsheimer in 1908 in Baden-Baden to a cultured Jewish family in south-west Germany. His father was a physician, but the name Heinsheimer was already well-known in legal circles due to his uncle, Karl Heinsheimer, who was professor of law at the renowned University of Heidelberg. Uri Yadin studied law in Geneva, Munich, Heidelberg and Berlin, and received his doctorate from the University of Heidelberg. His doctoral thesis dealt with the question of the legal personality of a commercial partnership. Up to the rise of the Nazi regime, he served as an assistant at the University of Berlin and came in contact with some of the great figures in law, among them Max Rheinstein, Martin Wolff and Arthur Nussbaum. When the Nazis came to power in 1933 he left Germany and came to Palestine, and one can image the tremendous effort which this cultural uprooting entailed. He began to study Hebrew, took his bar exams, received his licence to practice law and worked as a salaried employee in one of the large law firms of that time (Zmorah, Rosenblut, Korngold, Bar-Shira), opened his own office during the Second World War and, with the establishment of the State of Israel, was recruited into government service. His achievements testify that he found his metier in the art and science of legislation.

Prof. Yadin's approach, which left so indelible a mark on Israeli law, was unique and unswerving. He liked simplicity; his thinking was straightforward, without casuistry or pedantry. In legislative drafting he loathed cumbersome wording (how un-Germanic!) and strove to give only the essentials, without any explanatory details. This not infrequently gave rise to criticism, but he was confident in his approach, relying on the creative function of the courts. He often responded to those who demanded greater detail: the courts will determine the solution.

It is appropriate to mention here a passage which appears in the introduction to the bill on the Law of Succession: "the law . . . will serve somewhat like a net with large lattices, and it will be the task of the judge to

complete the work of the legislation—to fill in the lattices with finer and more closely woven threads”.

In his outlook he was liberal, tolerant and humanist. In one of his more ideological articles, he wrote regarding the relationship of law and morality: “It is my opinion that the law should not interfere in matters dealing with man’s obligations to his conscience, to his inner convictions, or to his God. The law is called upon to act when we are concerned with man’s obligations to his fellow-men or to society. There is neither need nor justification for the law to compel a person to be perfect in his moral-religious behaviour, or to concern itself with the salvation of his soul; suffice it for the law to concern itself with the common good and require the individual to fulfil his social duties. However, where a duty toward society exists, let not the law stand aside and leave its enforcement to religious, moral or social pressures; when such a duty exists, the law is commanded to define it and ensure, through its own means, that the duty is enforced”.¹

Uri Yadin was a congenial man of broad education, possessed of a fine sense of humour and irony, as one who has experienced a lot and seen a lot, one with a great deal of experience and perhaps not a few disappointments. Honest in his endeavours, he was a man of truth.

We mourn the passing of a great man, an outstanding jurist, and an ardent Zionist. May his memory be blessed.

¹ “The Bad and the Good Samaritan” (1970) 2 *Mishpatim* 252 at 257.