

Supreme Court of Israel, Affaire 'Ministry of the Interior v. Brill', no. 7368/22.

(Civil marriage, confessional marriage, marriage celebrated abroad)

Marriages in Israel are regulated by rules inherited from the times of the Ottoman Empire and the British Mandate, with laws according to which the State must grant each religious community exclusive competence in certain matters, including marriages. To marry in Israel, therefore, one must go through religious institutions (Jewish, Christian, Druze or Muslim).

In December 2020, at the height of the COVID-19 pandemic, several Israeli couples got married through an online procedure, regulated by the [laws of Utah](#), in the USA, whereby the two bride and groom were in Israel, while the celebrant was in the United States; having received the marriage certificate from Utah, the newlyweds asked the competent office of the Israeli Ministry of the Interior (the Population and Immigration Authority) to register the marriage; the request, however, was at first accepted, but immediately the Ministry of the Interior, through its own circular, ordered the suspension of these registrations, announcing a legal investigation of the matter: this official opinion, made public, states that the applicable *lex loci* is that of the place where the nubendi are located, and not that of where the celebrant is located, so that 'American' civil marriages would not be registrable in Israel.

Against this strict provision, the District Court of Lod intervened, which, in a ruling dated [March 8, 2022](#), stated that only the validity of the documentation provided by the bride and groom is relevant, and therefore, the Ministry of the Interior is obliged to register the civil marriages of couples who married during civil services celebrated abroad.

Against this decision, the Ministry of the Interior appealed to the Supreme Court, which ruled on [March 7, 2023](#), confirming the appealed sentence: marriages celebrated online according to Utah law are to be considered, to all intents and purposes, marriages celebrated abroad, and must therefore be registered by the Israeli civil registrar, as was already ascertained in the Funk Schlesinger vs. Minister of the Interior case (High Court of Justice 143/62, PD 17225/1963).

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