

# **Fifty Years of Implementation of the National Insurance Law: the Celebrations Will Take Place in the Court**

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Looking at the role of the law in governing the field of social security, the article indicates a significant change that has taken place since the enactment of the National Insurance Law in 1954 and the current state of affairs. Upon the establishment of the state and in the decades that followed, the law reflected prior agreements between the social partners and the state. Litigation was focused on day-to-day questions of implementation and interpretation. Fifty years later, omnibus legislation that reformed the social security system wholesale, towards a model that resonates better with a liberal-residual model of the welfare state, sought to bypass deliberations in civil society and the halls of the legislature. To overcome the democratic deficit that pervaded the rapid transformation, human rights organizations, professionals, academics and even political parties sought the involvement of the court in establishing the limits of reform. This designates a process of juridification, in which legal norms substitute social and political norms. The article critically assesses the vices and virtues of intense juridification, the agents who developed it, the courts' response and the actual outcomes. The article was originally written for a volume that marked the 50th year National Insurance Law, and is being reprinted with an aftermath that re-visits the lasting implications and outcomes of juridification in the decade that passed since the significant years of retrenchment circa 2003-2005.

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