Reimagining Accountability for Minors: Insights from Jewish Law for The Common Law System

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Abstract

This article compares the treatment of minors under Jewish law and English common law in regards to accountability for harm caused by their actions. While common law generally holds minors accountable for their harmful acts, Jewish law does not require compensation from minors, as they lack the requisite mental capacity. This article examines the ambiguity in the definition of minors in Jewish law and explores the need to balance the protection of minors with compensation for victims.

The article argues that the common law can benefit from adopting a more nuanced approach to accountability, one that considers the developmental stages of minors and the social context in which they act. By examining the principles and mechanisms of accountability in Jewish law, the article proposes a framework for accountability that is sensitive to the needs of minors and their victims.

The article suggests that the common law can learn from Jewish law's approach to accountability, which takes into account the social and psychological contexts in which minors act. By contributing to ongoing debates about the appropriate scope of accountability for minors in the common law, the article aims to provide a framework that balances the needs of minors and their victims.

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