The discussion on the legal status of pornography in Israel required a reference to comparative law already in its early years. In order to interpret the laconic language of section 214, the courts referred to English case law - initially in accordance with the provisions of Article 46 of the King's Order in Council, but also even after the abolition of the formal link to English Common Law, it continued to play a significant role in Israel’s legal discourse due to the historical connection between English and Israeli criminal law and a general sense of identification with Common Law. American law became part of the legal discourse as part of the general trend in recent decades by Israeli courts to move towards American law, a process that is inevitable in the light of the centrality of freedom of expression in the legal discourse. Apart from the interpretative relationship between the two legal systems, one can clearly identify a trend by Israeli law to ‘align itself’ with developments in parallel legal systems as set out in the previous chapter and as will be described below.

The publication and display of obscene materials was first made illegal in England by the Obscene Publications Act 1857 which outlawed the sale or distribution of obscene materials. The law did not define “obscene” which was only given a concrete definition about a decade later in the well known R v Hicklin judgement. The case deals with one Henry Scott who distributed pamphlets criticizing the Catholic Church. The pamphlets included a detailed description of actions in respect of which Catholic faithful had confessed to a priest. The pamphlets were classified as obscene and the police were ordered to confiscate them.