

Israel Democracy or Theocracy Lesson One

Reading One

The issue of religion and state in Israel is one of the most burning social issues in the country today. While Jewish ethnic conflict no longer constitutes a source of concern for most social scientists, the tensions generated by conflicting positions on the basic nature of the state pose perhaps the greatest internal threat to Israel's stability. What should be the supreme authority: the will of the people as expressed through laws passed by a democratically elected Knesset and interpreted by the judiciary, or the will of God as passed down through sacred writings and interpreted by orthodox rabbis and religious courts?

As a Jewish state, should Israeli culture and society conform with "halacha" (Jewish law) whenever possible or should society be essentially secular but rely on Jewish tradition for its values, symbols and ceremonies, or should Israeli society be as similar as possible to other western countries?

The answers to these questions are crucial in determining laws of marriage and divorce, the status of women, the definition of a Jew and hence the major criteria for joining Israeli society, the character and desirability of a constitution, regulations for the operation of businesses and services, the nature of the school system, and many other important aspects of Israeli society.

Reading Two

In the 19th century, a current in Judaism supporting a return to Zion grew in popularity. In the 1890s, Theodor Herzl infused Zionism with a new ideology and practical urgency, leading to the First Zionist Congress at Basel in 1897, which created the World Zionist Organization (WZO). Herzl's aim was to initiate necessary preparatory steps for the attainment of a Jewish state. Herzl's attempts to reach a political agreement with the Ottoman rulers of Palestine were unsuccessful and other governmental support was sought. The WZO supported small-scale settlement in Palestine and focused on strengthening Jewish feeling and consciousness and on building a worldwide federation

Reading Three

Religious Zionists-Mizrachi- are Orthodox Jews who form a faction within the Zionist movement that justifies Zionist efforts to build a Jewish state in the land of Israel on the basis of Judaism.

The main ideologue of modern religious Zionism was Rabbi Abraham Isaac Kook justified Zionism according Jewish law and urged young religious Jews to support efforts to settle the land, and the secular Labour Zionists to give more consideration to Judaism.

Rav Kook saw Zionism as a part of a divine scheme which would result in the resettlement of the Jewish people in its homeland.

Reading Four

The *Agudat Israel* had its beginnings at a conference that took place in 1912 at Kattowitz. The Tenth World Zionist Congress had recently defeated a resolution

proposed by the Mizrahi religious Zionist faction requesting equal support for religious schools. As a result several prominent Mizrahi supporters had withdrawn from the Zionist movement and allied themselves with the forces that would constitute the *Aguddat Israel*. During the First World War the centre of the movement shifted from Russia to Frankfurt, Germany.

Active in the *Aguddah* were several Hasidic groups, alongside advocates of Lithuanian-style *yeshivahs*, and even a Labour wing that called for the establishment of strictly religious agricultural settlements in Palestine, outside the framework of the Zionist movement.

The *Aguddat Israel* wielded considerable political power, sending representatives to the Polish parliament.

Reading Four

Under Turkish rule, religious communities or "millets" were given their own jurisdiction over religious affairs and matters of personal status such as marriage, divorce and inheritance. This system was continued under the British Mandate in Palestine after World War I. The British recognized a Chief Rabbinate, Rabbinical Council and Rabbinical Courts, all comprised of orthodox Jews, as the sole authorities on issues of Jewish law, and invested them with exclusive jurisdiction over Jews in matters of marriage and divorce, alimony and confirmation of wills. Thus, in these areas, Jewish law, which was given an orthodox interpretation, became binding on the Jews of Palestine with the exception of those who held foreign nationality and could contract civil marriages before consular officers.

Reading Five

Rav Kook was appointed the Ashkenazi Rabbi of Jerusalem, and soon after, as first Ashkenazi Chief Rabbi of Palestine in 1921. Kook founded a yeshiva, *Mercaz HaRav Kook* (popularly known as "Mercaz haRav"), in Jerusalem in 1924. He was a master of Halakha in the strictest sense, while at the same time possessing an unusual openness to new ideas.. Kook tried to build and maintain channels of communication and political alliances between the various Jewish sectors, including the secular Jewish Zionist leadership, the Religious Zionists, and more traditional non-Zionist Orthodox Jews. Kook also opposed the secular spirit of the Hatikvah anthem, and penned another anthem with a more religious theme entitled haEmunah.

Wikipedia

Reading Six

Avrohaom Tehomi was an officer of the Haganah, he served under the leadership of Yitzhak Ben-Zvi, who would in 1952 become the second president of Israel. On June 30, 1924, Tehomi shot and killed Jewish Dutch poet, novelist and diplomat Jacob Israel de Haan, who was living in Jerusalem as a journalist. De Haan had come to Israel as an ardent Zionist, but he had become increasingly critical of the Zionist organizations as he favored a negotiated solution to the struggle between Jews and Arabs.

The murder shocked Israel and Europe, but the killer and his motive were not discovered. Sixty years later, after two journalists had succeeded in finding him, T'homi readily admitted his action in an interview for Israeli TV and openly stated: "I have done what the Haganah decided had to be done. And nothing was done without the order of Yitzhak Ben-Zvi. I have no regrets because he [de Haan] wanted to destroy our whole idea of Zionism." *Wikipedia*

Reading Seven

The "Tehran Children" is the name used to refer to a group of Polish Jewish children, mainly orphans, who escaped the Nazi German occupation of Poland. This group of children found temporary refuge in orphanages and shelters in the Soviet Union, and was later evacuated with several hundred adults to Tehran, Iran, before finally reaching Palestine in 1943.

In the 1950s, 1,033 children of Yemenite immigrant families disappeared. In most instances, the parents claim that they were told their children were ill and required hospitalization. Upon later visiting the hospital, it is claimed that the parents were told that their children had died though no bodies were presented or graves which have later proven to be empty in many cases were shown to the parents. Those who believe the theory contend that the Israeli government as well as other organizations in Israel kidnapped the children and gave them for adoption.¹

In 2001 a seven-year public inquiry commission concluded that the accusations that Yemenite children were kidnapped are not true.

Reading Eight

In 1947, David Ben Gurion and the religious parties reached an agreement, which included an understanding that matters of personal status in Israel would continue to be determined by the existing religious authorities. This arrangement has been termed the status quo agreement and has been maintained despite numerous changes of government since. In 1953, rabbinical courts were established with jurisdiction over matters of marriage and divorces of *all* Jews in Israel, nationals and residents. (section 1) It was also provided that marriages and divorces of Jews in Israel would be conducted according to the law of the Torah. (section 2) Since 1953, the rabbinate has only approved religious marriages in Israel conducted in accordance with the Orthodox interpretation of *halakha*. The only exception to these arrangements was that marriages entered into abroad would be recognized in Israel as valid.

It is the Rabbinate which defines a person's Jewish status, and hence membership in the Jewish confessional community and the reach of its jurisdiction. It applies a strict *halakhic* interpretation as to membership of the Jewish community.

Reading Nine

On January 25, 1949 the elections for the first Israeli legislature, the 120 member Knesset took place. The election formula was based on proportional representation in the Knesset in accordance with a percentage of the popular vote. The Labor Zionists took 57 seats, General Zionists and Begins Revisionists 31 seats and the Religious Block 16 seats. Ben Gurion formed a coalition excluding only the Communists and Begins Revisionists (but not the General Zionists). Sensing the broad coalition would

not last long Be Gurion forged a strategic alliance with the religious parties, especially Mizrachi. *Faith and Fate*

Reading Ten

Ben Gurion was also convinced that numbers and powers of the religious parties would wane in time as the magic of secularism and socialism would attract their young in ever increasing numbers.

Reading Eleven

The arguments in favor of a constitution The need for a document that would bind all the state institutions, including the legislature, and would serve as the basis for the rules by which the state functions; the need to respect resolution 181 of the United Nations General Assembly of November 29, 1947. The fact that most states have constitutions; the educational and cultural value that is embodied in a constitution, to the light of which the younger generation can be educated and which serves as the state's visiting card; the value of a constitution in advancing the "melting pot" process; and the value of a constitution as an expression of the revolution that took place in the life of the Jewish people.

The arguments against a constitution The main arguments put forward by those opposed to the constitution, headed by David Ben-Gurion and the religious parties, were: the idea of the constitution developed in previous centuries, against the background of social and economic struggles that no longer exist; despite and perhaps even because of the absence of a written constitution in Great Britain, the rule of law and democracy there are solid, and civil freedoms are upheld; the Proclamation of Independence includes within it the basic principles of any progressive constitution, and the Transition Law of 1949, where only a minority of the Jewish people is in Israel, and the state does not have the right to adopt a constitution that will bind the millions that have not yet arrived; because of the nature and special problems of the state, it is difficult to reach a consensus regarding the spiritual principles which are to shape the image of the people and the essence of its life, and the debate about the constitution could lead to a cultural war between the religious and secular communities; the State of Israel is in the midst of a continuous process of change and crystallization, and this does not go together with a rigid constitution.

The Harari Proposal At the end of the debate, on June 13, 1950, the Knesset decided to adopt a resolution known as "the Harari proposal. According to this proposal "the First Knesset assigns to the Constitution, Law and Justice Committee the preparation of a proposed constitution for the state. The constitution will be made up of chapters, each of which will constitute a separate basic law. *Jewish Virtual Library*

Reading Twelve

In 1951, Ben-Gurion challenged the Orthodox by presenting to the Knesset a series of secularist bills, among them, an amendment to the Compulsory Military Service Law that abolished the exemption granted to religious females. Orthodox young women

would, under the amendment, serve in military offices, farm settlements, hospitals, and other social and national welfare positions. The amendment offended Orthodox views of female modesty. Minister of Social Welfare Rabbi Yitzchak Meir Levin of Agudat Israel warned the Knesset that any amendment to the Military Service Law that infringed on the rights of the Orthodox would be disobeyed, even at the risk of imprisonment or execution. The Chief Rabbinate threatened that "the rabbinical court would ban the military amendment, a world wide day of fast would be proclaimed in protest, and Orthodox Jewry would 'fill the prisons in Israel with their daughters rather than comply with the law. *Religion in Israel*

Reading Thirteen

Ben-Gurion also had to deal with the question of military service for Orthodox males who were studying in a yeshiva (talmudic academy). He solved this by entering into an informal agreement with Chief Rabbi Yitzchak Ha-Levi Herzog. Under this agreement those attending yeshivot were deferred as long as they remained full-time students. This understanding, based on instructions originally issued by Ben-Gurion, became standard government policy, although it never formally became law. In actual practice, the great majority—it has been estimated at about 90 percent—of yeshiva students at some point in their lives do some form of national service. *Jerusalem Post*

Reading Fourteen

Regarding Ben Gurion's question of how to bridge the wide gap between the two factions of the Yishuv, the chareidim and the secular public, and to effect a workable coexistence, the Chazan Ish replied with a parable brought from Chazal (*Sanhedrin 32b*):

"Two wagons, one heavily laden and the other empty, meet upon a narrow path [some say, bridge]. Who must make way for whom? It makes sense that the empty one should turn aside and let the full one go first. Our wagon is full of Torah and mitzvos which have been piled upon it for millennia, ever since the giving of the Torah at Sinai. As for your wagon, it is empty, for you only began to load it [with Zionism] fifty years ago. If so, and if you are truly looking for a solution, then reason dictates that you step aside and give us the right of way.