A More Jewish and Democratic State of Israel

View PDF



Rabbi Dr. Hadar Lipshits heads the public committee for Ne'emanei Torah Va'Avodah on Jewish religious service (2005). He is also a member of the committee on the subject of civics in the Ministry of Education. Dr. Lipshits, together with Rabbi Ilai Ofran, the rabbi of Kibbutz Yavne, leads the project "Or Hadash" (New Light) of Ne’emanei Torah vaAvodah on the democratization of religious services in Israel. This document is a platform that the movement hopes will be adopted by the heads of the political parties in Israel. This article appears in issue 14 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

The Orthodox-secular rift has threatened the Zionist movement from its outset. To facilitate cooperation despite the deep differences, the "status quo" was established, so that it would not be necessary to deal comprehensively with the place of religion in Zionism and the State of Israel. Piece by piece, various "arrangements" were established in order to avoid making fundamental decisions.

We wish to present a new message: Polar ideologies will be replaced by a wide national consensus. From right and left, from Meretz to the National Religious there will be agreement of a basic principle of intensifying the Jewish identity of the State of Israel out of free choice and not coercion. On many questions of religion and state there is agreement in principle of more than three quarters of the Jews in Israel. The working plan presented below is intended to offer a new agenda for the relationship between religion and the state, rebuilding this relationship on the basis of widespread agreement in principle.

Instead of the tension between loyalty to tradition and reaction to progress, a new plan is presented here. Progress will foster tradition—the Jewish Scriptures encourage progress. The protests for social justice in the summer of 2011 were described in the report of the Trachtenberg Committee—which was constituted in

their wake—as encouraging participative democracy. We believe that nurturing participative democracy through communities will make the Israeli society more Jewish and more faithful to tradition. Social pluralism will lead to a flourishing Jewish tradition, imbued with the value of the dignity of each human being specifically, and democracy in general. These values are essential in reinforcing the base of democracy in Israel.

Renewal of the Jewish character of Israel necessitates changes in all sectors of society. We are not making accusations against any sector of the Jewish people. The Zionist majority in the state must assist the ultra-Orthodox minority to renew the learning of core subjects, the obligation to teach practical skills so that its children will be able to participate in ensuring the physical existence of the Jewish people. The Zionist majority should call for intensified Bible studies in the various educational systems, leading to more meaningful participation in the Jewish heritage.

Introduction

The Zionist movement has been headed by "secular" leaders since Herzl's time. Many ultra-Orthodox were opposed to the movement. The religious Zionist movement, established by "Mizrachi," was a bridge between the Zionist faction and ultra-Orthodox community. The vast majority of the religious Zionists in Israel, during the British Mandate and after the establishment of the State, were active participants in building the country, in its defense, in immigration and in settlement.

The leadership of pre-State Israel and the ultra-Orthodox Agudat Israel political party did not integrate in the pre-State institutions, and the ultra-Orthodox remained outside the mainstream. In their opposition to the secular leadership, they rejected modernity and progress in ultra-Orthodox education. The boys' educational institutions, from haderim to yeshivas, turned their backs on the basic requirement to teach an occupation and to teach skills that enable one to make a living. On the other hand, study of the Jewish traditions was neglected in the pre-State secular schools. In the words of one of the leaders of a secular party: "We wanted to bring up skeptics, and we brought up ignoramuses."

The Zionist leadership entrusted the National Religious sector, in its various forms, to set up the religious and rabbinical establishments in Israel. The heads of the rabbinical establishment declared its responsibility for all of Israel's citizens, but those carrying out the work were members of political parties. The party administration made its impression on the basic structure of the rabbinical

establishment of Israel from the beginning.

The crises of Jewish identity, the ultra-Orthodox isolationism, and the decline of the religious establishment all merged together. The rabbinical establishment that was controlled by the political party bowed to the ultra-Orthodox parties and their functionaries. It was not able to inspire a generation seeking its roots. The growth of the ultra-Orthodox population in recent generations has led to abject poverty among them. The increase in magnitude of an education system which does not prepare its graduates to earn a living and support families has become a threat to Israel's growth and prosperity.

However, this crisis offers an opportunity to take a new direction. The ultra-Orthodox community is ready to recognize, in view of spreading poverty, "that a father should teach his son a livelihood" and progress is essential. The vulnerability of religious Zionism brought about the realization that Jewish tradition cannot be placed in the hands of the political parties. In fact, ignorance of Judaism has led to a thirst for knowledge in secular society. This brought about a demand for books from the traditional Jewish library.

Our basic premise is that the Torah was given to all Jews. We hope it will become the common property of all the people. Moreover, the responsibility of participating in the day-to-day existence of the individual, the family, the people, and the State belongs to all sectors of society. The study of the Torah should be the right of everyone and learning an occupation should be expected of all sectors.

From a Political Institution to a Civil Society

The Jewish nation consists of many ethnic groups, with no single religious leader of them all. Diversity and pluralism are its most outstanding characteristics. The religious leadership draws its strength from Jewish communities everywhere. Historically, each community appointed a rabbi spiritually suited to its members. The democratic and pluralistic character of the Jewish people was expressed in its rabbis.

However, after the founding of the State of Israel, the rabbinical establishment was based on a central authority. The Minister of Religion became the main factor in choosing the rabbis of towns and settlements in Israel. However, a religious leadership drawing its strength from politicians and political party sectors cannot be a source of inspiration for general society. The main democratic principle, according to which the leadership draws its authority from society, was neglected.

The central leadership, the government, the Knesset and the law courts, made decisions on religion: the best conversion methods, the most suitable kashruth certificates, the suitability—or unsuitability—of rabbis to serve communities. The political system's decisions were reached, as usual, by distasteful bargaining and not by persuasion, influence, and discussion. Shamefully, the discussions on the content of religion too often led to a distancing between the Jews in the Diaspora and in Israel. The damage to Israel, the Jewish people and religion as a result of the political influence on the religious system was obvious.

We recommend reversing the system and turning over control to the community: leadership and Jewish culture, financial resources, and authority should all be turned over to the general public. Each community will receive a budget according to the number of registered members who pay a voluntary religious levy (as done in some European countries). The community will plan its activities and the level of Jewish practice consistent with its members and its chosen leadership. The rabbis will be employees of the community, as has been the practice in the Diaspora for generations, and not government or local authority employees.

Matters requiring a broader forum than the community, such as kashruth, marriage, and conversion, will be carried out by voluntary community associations. The public and not the government will determine kashruth standards and conversion principles. The state will grant a number of communal associations (the larger ones) licenses for kashruth, marriage, and conversion. The general public will supervise, resolve, and authorize the various bodies to implement whatever necessary.

The range of tasks to be carried out by the communities are described below.

Community

1. A minimum number of people who are interested may be registered as a community and receive budgets according to the number of members.
2. The conditions to becoming a community are holding at least a weekly meeting and promoting mutual activities according to the Jewish tradition, such as prayer, Torah study, and Kabbalat Shabbat. Each community will decide on its character, and there will be no limitations regarding the religious, the ultra-Orthodox, or secular, ethnic groups, or other streams. Each community will decide on its character as it chooses.
3. Communities may become associations. Licenses to grant kashruth certificates, marriage ceremonies, and conversions will be granted to the largest

communities.
4. The state will finance the community activities, but not control them. A regulator, and not a director, will prevent exploitation of the communities.

Rabbinical Authority

1. Every community can decide whether to employ a rabbi and the scope of that rabbi’s position.
2. The rabbi will be employed by the community, in accordance with an agreement between them.

Spreading of the Torah

1. Budgets for Yeshivas and Kollels will be transferred, in the main, to the various communities.
2. The communities will decide on the best ways, according to their understanding, to spread Torah among their members and the general public.

Kashruth

1. The state will grant licenses to issue kashruth certificates to a number of the larger communal associations.
2. The communal associations will select a "Kashruth Committee," which will decide on the kashruth policy of the association and will supervise its activities. [1]
3. The kashruth certificates will be issued by the various associations throughout the country.
4. Profits from the kashruth certification will be transferred to the communities, to develop and expand their activities.

Marriage and Divorce

1. The state will issue permits to grant marriage licenses to a number of the larger community associations.
2. Each couple may choose under which association's auspices to hold its wedding, not limited to the couple's place of residence.

Conversion

1. The state will issue licenses to grant conversion certificates to the largest community associations.
2. Each community association will establish a national conversion system.
3. These conversion systems will set up learning institutions and religious law

courts which will carry out conversions according to their own policies.

Immediate reforms

Since the Mandate period, the religious establishment was developed with disregard for the local communities. Restoring authority to the communities will require a period of transition. Listed below are changes regarding religion and the state which should be carried out immediately. We believe that within a year it is feasible and essential to improve the religious establishment in Israel. These changes will increase the respect for the Torah and its followers.

Rabbinate

Before the transition to communities a number of outstanding distortions in the Israeli rabbinical establishment should be annulled.

Termination of the ethnic duplication

1. The Israel law calls for ethnic duplication in the rabbinical positions as well as in the various rabbinical bodies (the Chief Rabbis' Council, the body that elects the chief rabbis). All ethnic considerations in rabbinical positions should be cancelled immediately.
2. Only one Chief Rabbi should be in office, regardless of ethnic origin.
3. The president of the rabbinical court will be elected by a committee for the appointment of rabbinical judges.

Time limits in appointing rabbis

1. The appointment of rabbis will be limited to seven-year terms.
2. At the end of the term, the election committee will decide (by a majority of two-thirds) whether the rabbi should continue in the position. If the rabbi's term is not extended, the position will be open to other candidates.
3. Term limitations will apply to all categories of rabbis: neighborhood rabbis, community rabbis, area council and local council rabbis and municipal rabbis.

Council for Higher Religious Education

1. A council for higher religious education will be established, similar to the Council for Higher Education.
2. The goal of the council will be to extend Torah study to all sectors of the population. A budget for this purpose will be granted for a limited period.
3. The council members will be elected from various bodies—the central and local government, the Council for Higher Education and municipal rabbis. The goal of

the selection will be to prevent sectorial control of the council.
4. The council will be in charge of deciding the guidelines for the religious education systems' budget.
5. The budget for Torah education will be granted mainly to those who have served in the army.

Kashruth

The word "kashruth" has regrettably become a synonym for shady deals. At a cost to the majority of Israelis who request kosher food and the rabbis who assist them, the various ultra-Orthodox (Badatz) certifications are raking in a fortune, sometimes assisted by the Israeli rabbinical administration in ways that are certainly not "kosher." We have presented a comprehensive proposal for a kashruth system supervised by the community associations, the profits of which will be directed to their wellbeing. Here we will propose principles which can immediately facilitate the struggle against the corruption existing in the present system.

Transparency

1. Each kashruth entity, official or not, will be required to publish its kashruth regulations on an internet site accessible to the public.
2. Each kashruth entity will be obliged to publish the regulations governing its tariffs and the price charged to each supervised entity.
3. All payments for kashruth certificates will be made directly to the kashruth entity and not to the kashruth supervisor.

Non-profit entities

Private companies will not be allowed to issue kashruth certificates, supervise kashruth etc. An ultra-Orthodox entity which wishes to issue kashruth certificates will be required to register as a non-profit association with full transparency.

The Rabbinical Courts

The political party control of religious services to the public and the hegemony of the ultra-Orthodox parties in the rabbinical establishment are seen predominantly in the rabbinical courts. To our sorrow, we cannot state that the many complaints directed towards the system are groundless. A number of immediate steps can be taken, which will contribute to the dignity of the religious courts.

General Education for Rabbinical Court Judges

The rabbinical courts deal mainly with disputes between married couples. Very often complaints are made that in these courts women are discriminated against. It is also maintained that some of the rabbinical judges are not anchored in the real world. The concepts and world views of those appearing before them are not understood by the judges, who come from a completely different background. On the other hand, there are complaints that the civil judges are detached from the Jewish sources. The following is therefore proposed:

1. Only rabbinical judges with a certain standard of general education will be appointed.
2. Only rabbinical judges with a certain standard of education in Judaism (such as Hebrew law) will be appointed.

Increased Representation of Women in the Rabbinical Courts

In principle, halakha adjudicators do not allow women to act as rabbinical judges. This causes a feeling of alienation in the women who appear before "a man's world" in the courts. To balance this situation it is proposed to ensure a majority for women in the committee for the appointment of rabbinical judges. Our proposal is based on halakha and is intended to improve the status of women. The integration of women in the system, even if they do not preside as rabbinical judges, will improve the attitude of the women appearing in court and will advance the dignity of the court, the Torah and its implementers. The Committee for the Appointment of Rabbinical Judges will consist of: [2]
a. The Justice Minister
b. The President of the Rabbinical Court and the Chief Rabbi One rabbinical judge
c. A female minister (or deputy minister) chosen by the government.
d. Two female members of the Knesset.
e. Two female rabbinical pleaders.
The rabbinical judges will be elected by a majority of seven of the committee members. A female rabbinical pleader will be chosen as the director of the rabbinical court. Approximately half of the rabbinical courts' area secretaries will be female.

Marriage and Divorce

1. Regional marriage registers will be set up.
2. The possibility of civil marriages will be advanced, based on the proposal of Rabbi Bakshi-Doron.

Conversion

The concentration of the conversion system in the hands of one central entity exposes the system to pressure from the ultra-Orthodox. Therefore the conversion process should be decentralized, as follows:

1. Three rabbis from each local committee will be authorized to sign conversion certificates. The "Tzohar Law"—drawn up by an independent group of the younger generation of advanced thinking rabbis—is more extreme, as it permits all municipality rabbis to convert. We have limited this to three rabbis.
2. A convert, like any other Jew, will be able to register for marriage in any place of his choosing.

[1] Some have observed: who will be responsible for the kashruth of the certificate? Kashruth supervision, like all quality control, requires specific expertise and specialization. The sages, who said "go out and see how the people behave," have already replied to this question. To ensure that the relevant experts will be responsible for kashruth one must trust in the wisdom of the people. A license to confer a kashruth certificate will be granted only to a limited number of kashruth associations, chosen by the members of the communities. It is a given that an expert will head the association. The U.S. OU organization is an example. Not only a bureaucratic system, chosen and controlled by government, local authorities and legislators, which organize and arbitrate, can be responsible for food kashruth.
Moreover, the marketplace today, with its many tens of ultra-orthodox courts, some tiny, each of which grants certificates to its followers, will be replaced by a limited number of associations, controlled by the general public transparently. Not only will respect for the Torah increase, but also observance of the commandments.
[2] The committee members at present are: the Justice Minister and an additional minister chosen by the government, the two chief rabbis and two rabbinical judges, two Knesset members and two members of the Lawyers' Bureau. At the time of writing (April, 2012) there is no woman among the twelve committee members.