**FOLLOW THE MAJORITY**

ISRAEL JEWISH and DEMOCRATIC

SEPARATION of RELIGION FROM the STATE

**Daniel A. Dottan**

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Translation from the Hebrew

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**A view that presupposes an almighty supreme power**

**cannot delve deeply into the truth.**

**This book is dedicated to my wife Esther,**

**and my children, my granddaughters and my grandsons,**

 **for a better future in Israel.**

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**Preface**

*To keep Israeli sovereignty sound, education of all youth in democratic principles and human and civil rights in Israel is urgently needed.*

This book, *Follow the Majority,* takes up current issues in civil and citizens’ rights in the nation and society of Israel. Its purpose is to place national problems to the center of the stage in order to solve them in concrete, appropriate, and democratic ways. I wrote the book to inspire discussion and awareness among its readers, Arab and Jewish, in Israel and in the Diaspora, and thereby to promote political reform, regeneration and belonging, and the creation of a new path for the sake of future generations.

I wrote the book out of concern and a sense of responsibility for the young generation. We, born in the previous century, treated democracy in Israel as something strong and self-evident. But now we can see that this is not the case. We failed to establish broad enough foundations for democracy or to educate the well enough to instill democracy’s principles in all strata of society. We did not adequately defend civil rights and women’s rights. If our children and the State of Israel are to flourish, I believe, it will depend on the extent of your involvement, support, and perseverance in the causes that I raise here. This book is a product of my faith in freedom of speech, freedom of opinion, and freedom of conscience, and of my understanding that any change, once proposed in the legislature, can be carried out lawfully, democratically, and properly.

The clash between Jewish (Hebrew Law –*HaMishpat HaIvri*) law and Israeli law is prominent among the topics I address in this book. I explain why one normative system—Israeli law—should be given preference, ensuring certain and consistent personal rights under law. In the course of my discussion, I elaborate on ancient rulings and customs that no longer suit the times and propose ways to change this. I show how the exclusivity of Orthodox conversion as the only permissible path may cause millions of Jews to be lost to intermarriage and force entire communities out of the Jewish core family. With the help of a complementary solution to halakhic national (religious) conversion—state national (civic) conversion—most of Diaspora Jewry will remain one with the Jewish nation. Dissolving the Chief Rabbinate and the religious councils, now government monopolies, will make possible fair privatization and a response to the public’s needs. To integrate Judaism and democracy, religion and state should be separated, thus possibly helping to narrow disunity and schisms within the Jewish nation.

In this book, I also relate to an Israeli education system that has disintegrated into autonomous fiefdoms, describing the damage that this modus operandi has caused—deeply dividing Israeli society and establishing of mutually hostile ghettos. This stands in stark contrast to the uniform State education system that nurtured solidarity and recognition of the other and that has suffered from neglect since its introduction when the new state was formed. I discuss the damage the Council of Torah Scholars and the Council of Sages cause ultra-Orthodox youth and, in fact, most ultra-Orthodox population groups, in particular, the infringement of their fundamental rights—to comprehensive education, independence, and freedom of choice—and the cumulative damage arising from their exclusion from the reality of today’s Israel. Importantly, rather than simply recounting these ailments, I also propose solutions. These include a way to prevent the fragmentation of votes in Knesset elections (four of which evolved into dangerous adventures), the proliferation of factions, and the resulting unrestrained, indeed, lawless, conduct among members of the Knesset.

It is increasingly feared that Israeli society is on the road to anarchy and loss of sovereignty. A compromise among the camps is essential—a pragmatic compromise to produce political reform that will lead to a change in voters’ electoral habits; the kind of reform that some Western democracies adopted as early as the last century. Throughout this book, I will specify laws currently in effect, examine their roots, identify their problematic nature, and propose solutions.

Israel’s governments, one after another, have failed to offer real solutions to the national issues on the public agenda; instead, they ignore them. For several decades now, critical matters have been left unresolved: the absence of a civil marriage option for those seeking one; ongoing and growing contempt of the Knesset (examples abound, such as the “stinking maneuver” of 1990 and MK Orly Levi-Abekasis’s defection from her party in 2020 to join the government, and more); bloated budgets for religious councils; and the aberrant status of the Chief Rabbinate. The pernicious effects of all these are accumulating steadily. To all this can be added the deficiencies of the autonomous independent religious education system and the essentially totalitarian regime of the twin councils of Torah sages, whose pronouncements control the lives of a million citizens. At least some of these citizens are imploring us to help, to assure their rights, and to grant them a democratic system.

My basis argument is that legislation is needed to separate religion from the state. Imposition of religious law through the legislature is poorly suited to Israel’s Jewish society because it contravenes basic rights. The Orthodox establishment is undermining the foundations of the state, steering Jewish society toward halakhic state rule by exploiting the tragedy-fraught national memory. At many levels, the democratic model has not yet attained legitimacy in the traditional religious sector, and remains illegitimate in the ultra-Orthodox sector.

“The State of Israel for the People of Israel in accordance with the Torah of Israel” is an adage disseminated in hundreds of kollels, (girls’ high schools), synagogues, and exorbitant yeshivot where the vital currents of Torah flow unabated. What should be done to attain “a State of Israel for the People of Israel in accordance with the Torah of Democracy?” During two millennia of exile and incessant yearning to hear the footsteps of the Messiah, no one prophesied—or could even imagine—the creation a democratic Jewish state with a Jewish majority that did not reflect the law of Torah and the Great Sanhedrin. Seven decades after the State of Israel came into being, the disputes and schisms among the religious, secular, ultra-Orthodox, and Arab parties are threatening the country’s stability more than ever.

Jewishness is not cast in one piece. The new Israeliness, and the history of political Zionism, did not sanctify a new and fashionable religion. Israeliness embraced the legacy of past generations in a warm bear hug. It adopted the Jewish festivals, the Hebrew language, and the Jewish bookcase; it linked the history of exile and the tragedy of the Holocaust to the national reality with bonds of education and collective consciousness. Israeliness or secular Jewishness expresses the growth of a community that adhered to Jewish culture without a prayer book, a prayer shawl, or tefillin, and without a house of prayer. Millions of secular Jews, in Israel and the Diaspora, are firmly tethered to the Jewish culture, raising their children on its legacy with no connection to religious rites. Instead of the Sanhedrin and its meeting place at the Jerusalem Temple, Israel’s founding generation chose democracy, a legislature, and Israeli law.

The waning of religious observance and the disengagement from rabbinical Judaism among much of Jewry in Israel and abroad is an evolutionary process that has been accelerating for some 150 years. Among the nations of the world, only in the Jewish nation does 50 percent, even more, of its offspring live outside their homeland. In 2019, according to the Israel population registry, Israel was home to 6.6 million Jews and some 400,000 other Jews who are not considered Jewish “according to halakha,” as defined by the Orthodox Rabbinate, without a word in protest uttered by Israel’s governments or Jewish society about this designation.

To tackle the question of conversion and the risk of schism and spiritual disaster, the kaleidoscopic Jewish mosaic requires that bridges be built and the ranks become unified between Diaspora Jewry and the million or so Israeli Jewish émigrés (*yordim*) whose halakhic status is in doubt due to marrying out of the religion. The State of Israel and the leaders of Diaspora Jewry face great challenges to redefine the national identity. It is their responsibility to join in a meta-historical and fateful partnership to warmly embrace the collective, in Israel and the Diaspora, for the sake of future generations. In today’s reality of our twenty-first century, we need to respect the freedom of conscience and religion of all streams of Judaism.

The contention that abolishing coercive imposition of halakhic laws in Israel will inevitably cause a national schism is specious. In the Western Europe and North African lands of exile, both before and even after the Emancipation granting Jews equal rights, Jews acted of their own volition to circumcise their sons, marry under a *chuppah* (canopy) according to the traditional rite, and worship publicly in synagogues, despite persecutions and hostile regimes that encouraged or forced them to assimilate.

At the political level, the fragmentation of voters’ ballots across multiple short-lived parties is leading Israeli society and the Knesset toward a loss of control over the state. We must undertake a serious re-examination of how to protect the rights of citizens and ensure the provision of services that the state must legally provide. To ensure sovereign rights—civil and citizen—a political platform, representing a consensual arrangement between the legislator and the electorate defining and securing the underlying foundations of the rules of the game, is essential. The combination of citizens who lack a roadmap, a compass, and awareness of their rights and obligations, along with a government that exempts itself from any accountability for its actions, will inevitably lead to the loss of control and, worse still, the loss of Israeli sovereignty in favor of hostile foreign elements.

I began to write this book in June 2016. About a year later, I dropped the project and went back to growing alfalfa. The manuscript was nearly completed after those four Knesset election campaigns and the Black Flags protest against then Prime Minister Benjamin Netanyahu. When my work in the fields was done, I went back and edited the manuscript once and for all.

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