



Jewish Influence on Secular Society

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Judaism and Democracy

from Jerusalem Center for Public Affairs

Judaism and Democracy: The Reality
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This is a crucial time for shaping Israel's democracy, just as it is for rebuilding Israel's economy. The extreme right has precipitated a struggle over democracy while the left has embarked on a struggle over the place of Judaism in the state. These extremists are distorting Jewish tradition to serve their own partisan goals. The far right claims that Judaism is antithetical to democracy, so therefore proposes to jettison democratic institutions in the Jewish state. Perversely, the far left agrees with the right's premise, and thus concludes that Israel should abandon Judaism. There is great irony in this since in the Western world, especially the United States, it is accepted that the Bible and ancient Israel were sources of democracy, no less, if not more than the Greeks, and with good reason. Part of this paradox can be resolved by a proper understanding of what constitutes democracy.

Two Dimensions of Democracy

In the recent debates in Israel, democracy seems to have been equated almost exclusively with pluralism and with its most individualistic variety at that. That is only half the story. Democracy can be understood as having at least two dimensions: 1) self-government, that is to say, meaningful participation of individual citizens in the establishment of the polity in which they live and in its subsequent governance; 2) pluralism, that is to say, the right of every individual to develop for him or herself a way of life and a set of beliefs and opinions appropriate to it, consistent with agreed upon common norms, and to live accordingly, with minimum interference on the part of others, including and especially, on the part of government.

Both of these dimensions combine issues of liberty and equality, the twin pillars of democracy. Neither self-government nor pluralism, nor for that matter, liberty and equality, are absolute. Living in society requires the tempering of all in the face of the realities of the human condition but, for those who believe in them, they remain not only basic aspirations but basic requirements for the good society.

Judaism and Pluralism

In some respects the relationship between Judaism and democracy is least strong in connection with pluralism. Judaism is emphatically pluralistic when it comes to recognition of the separate identity of different nations. The biblical vision, regularly reaffirmed in the Jewish political tradition, is that the nations and peoples of the world have a right to exist and be autonomous under God. In this sense Judaism, unlike Christianity and Islam, is not ecumenical. It does not seek a single world state, an ecumene, in which all national and religious differences



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are obliterated. Quite to the contrary, the Jewish vision of the messianic world order is one in which all nations recognize the sovereignty of God but retain their separate national and perhaps even religious characteristics, if monotheistic. This is a view reiterated by the prophets of ancient Israel, canonized in the Bible. It is equally a tenet of modern Zionism, which offered a socialist or secularist variant for God's sovereignty, which while untraditional, follows the sense of the tradition in this respect.

Judaism is not pluralistic when it comes to recognizing paganism among the nations -- it does not believe that anything and everything goes in such matters -- and classical Judaism does not accept a pluralism that rejects the Torah. The question in both cases is one of interpretation. Jewish monotheism is very strict indeed on the religious level. Rejecting the one God is not acceptable human behavior.

In fact, Judaism recognizes that humans do have the freedom to choose, even in the matter of belief in one God, but are subject to God's response as He chooses if they choose incorrectly. At the same time Jews were not called upon by their religion to be God's policemen in this matter, except among themselves. With regard to the nations, that was God's business. This is a crucial distinction, one which Judaism is careful to draw. There are many things in this world which, according to Jewish tradition should be extirpated, but it is not our responsibility to do God's work in doing so.

On the other hand, a choice against God represented freedom to stay outside of the moral order, not to be democratically accepted as part of it. Such freedom is like the freedom of states in international relations; it is anarchy, not order, while democracy implicitly and explicitly reflects the existence of order.

This short article cannot do justice to the problem of pluralism within Judaism. It is accepted that there is one Torah binding on all Jews, and a clear *halakhic* tradition growing out of the Torah. Still, at the very least, regional and local differences in customary observance are recognized as legitimate -- some even say binding. Moreover, since the middle ages, it has been difficult to overrule local rabbinical courts on any *halakhic* matter. In civil matters which are equally within the province of the Torah and its *halakhah* in traditional Judaism, there is even greater latitude. Suffice it to say that Jewish tradition recognizes that within the four ells of Torah there is considerable room. Moreover, any honest look at Jewish constitutional history clearly reveals that the interpretation of Torah itself has changed greatly from epoch to epoch. In other words, there have been a series of reconstitutions, the very fact of whose existence suggests the possibility of a real degree of pluralism in such matters. My colleague, Professor Stuart Cohen, and I have traced these reconstitutions in considerable detail in our recent book, *The Jewish Polity*.

Contemporary Orthodoxy, with its effort to develop a monolithic approach to *halakhic* and religious matters, is just as erroneous as contemporary liberal Judaism which claims that there is no legitimate authority in Jewish life, that any Jew can do whatever he or she wants to in matters *halakhic* and religious. In fact, even the most monistic Orthodox recognize a certain pluralism within *halakhah*. That is why today we have a Chief Rabbinate, the Moetzet Gedolai Ha-Torah (Agudath Israel's Council of Torah Greats), the Moetzet Hakhmei HaTorah (the Sephardic Council of Torah Sages), and the various *batei din* (religious courts) of the extreme ultras. Whatever the fights among their members and partisans, the legitimacy of all is more or less mutually recognized.

In sum, Judaism accepts a degree of pluralism for Jews within the framework of Torah but not outside of it. With regard to democracy and pluralism, then, the relationship between Judaism and democracy is a qualified positive.



Judaism and Self-Government

When it comes to democracy as self-government, the relationship is very positive indeed. The classic Jewish political tradition of the Bible makes it clear that sovereignty is God's but that day-to-day governance is in the hands of the people within the framework of the Divine constitution. God and the people established an initial relationship through covenant, and God played the major role in setting forth the constitution, especially the religious and moral constitution of the people.

In political matters, the Torah makes it clear that there is no single preferred regime (not even the Davidic monarchy which later came to be preferred by many, especially after it no longer existed), and that it is up to the people to establish appropriate political systems which must meet the appropriate moral, social, and religious requirements. Thus an acceptable political system must be just and pursue justice; it must provide for the care of the less fortunate (the Biblical "widows and orphans"); and it must maintain the religious constitution of the Jewish people, however interpreted by the judges of the time. It must also be republican, rooted in popular consent and involving the people in governance.

Let me reiterate: there is no doubt about the republican character of the classic Jewish polity, nor has there been throughout Jewish history. The particular character of Jewish republicanism had a certain aristocratic tinge because of the prominent role it gave to notables from leading families, and priests, prophets, and sages who had responsibilities for interpreting the Torah, all of whom had to share power in some way. This led to the frequent appearance of oligarchic rule in the ancient Jewish polity and in diaspora Jewish communities, as degenerated forms of aristocratic republicanism, but in every case the regime remained republican. According to the Torah and *halakhically*, it must be constituted by all of the people, including women and children, and it may be changed by the people. Whatever the problematics of counting women in a *minyan* for prayer, the Bible makes it clear that they were required to be present and counted at the great constitutional ceremonies establishing the *edah* (the Jewish polity) its covenants, and its subsidiary *kehillot*.

In all of Jewish history, with the possible exception of small shuls here and there, there are no cases of autocracy, of one-man rule, certainly none beyond the arena of the local community. The one possible exception was Herod, who was imposed upon us by the Romans. He was given power through nominally legitimate processes and then usurped that power to eliminate the other instruments which shared power with the king within the constitution.

This leads to the other dimension of Jewish republicanism, namely, that in the traditional constitution and throughout Jewish history power has always been divided among three domains, known in traditional Hebrew as *ketarim* (crowns): that of Torah, responsible for communicating God's word to the people and interpreting the Torah as constitution to them; Kehunah (priesthood), responsible for being a conduit from the people to God; and Malkhut, which may be best translated as civil rule, responsible for the day-to-day business of civil governance in the *edah*. While there have been struggles for power among these *ketarim* and times in which one was stronger than the other, all three, and particularly Torah and Malkhut, have always been actively present in the governance of every Jewish polity from the local arena to the people as a whole. The relationship between Judaism and democracy has to be judged whole, not just in connection with specific religious laws, and it must be judged in light of this classical and continuing division of powers.

Thus when it comes to the popular constitution of the polity, the responsibility of the governors to govern, and a proper separation and distribution of powers among the governors -- the three great criteria for democracy -- Judaism passes every test. The proof of the pudding is that in Western civilization the Bible is considered the foundation of democratic republicanism and has been so treated by democratic reformers throughout the history of the Western world. The strong biblical base of American democracy, which grew out of the Protestant Reformation in Europe and which remains vital today is a case in point. Our weakness has been in the inventing of



appropriate institutions for the successful implementation of these principles. Sometimes we did and sometimes we did not.

Democracy, Liberty and Equality

This brings us back to questions of liberty and equality. The Bible is a major source of teaching about liberty and equality for all of humanity; it should not be less than that for Jews. The Bible emphasizes communal liberty and what the Puritans in the sixteenth century defined as federal liberty, that is to say, the liberty to live up to the terms of the covenant (federal, from the Latin *foedus* meaning covenant), rather than individual liberty.

Communal liberty stands in contrast to atomistic individualism as the highest good. The Jews, like the Swiss, have emphasized individual liberty within the community, not apart from it. This approach differs from the radical individualism espoused by many in the contemporary Western world. Hence those espousing the latter will inevitably accuse Judaism of being undemocratic. Here we have a confrontation between different understandings of what constitutes liberty and, by extension, democracy. Despite its claims, radical individualism is not the only starting point for defining democracy.

We are helped in this by examining the concept of federal liberty. Federal liberty can be interpreted rather narrowly as some would have it or it can be interpreted more broadly. It can be interpreted as having to do primarily with religious observance, as the Puritans did in the past and many of the ultra-Orthodox do today, or it may be interpreted as having to do with the maintenance of constitutional liberties, as the U.S. Supreme Court has interpreted it with regard to racial and gender discrimination. In both cases, judges have relied upon the principle of federal liberty to modify what would otherwise be in their eyes, unbridled individualism.

Federal liberty in this sense stands in contrast to natural liberty, that is to say, the right of every individual to do as he or she pleases, restrained only by nature. The latter is only possible outside of society. Otherwise it is both self and socially destructive to the highest degree. Governments, including and especially democratic governments, are instituted to overcome the deficiencies of natural liberty which lead to anarchy and the war of all against all, whereby the strongest win at the expense of all others. So, if the biblical teaching stands in opposition to unbridled individualism, that is a sign that it is among the best friends of true liberty which is based on restraining natural liberty through covenant.

So, too, with equality. The biblical teaching is concerned with maximizing the basic equality of all members of the polity through sabbatical and jubilee legislation and other equalization measures. On the other hand, Jewish tradition does not insist upon pure equality, only upon basic equality, understanding the difference.

Were all this simply a matter of biblical teachings, we might say that Judaism has a classic tradition in harmony with democracy but that it has long since disappeared. That is emphatically not the case. There is a Jewish political tradition which has persisted as an integral part of Jewish tradition in which all of these principles have found expression throughout Jewish history, while the Jews were in their land and in the diaspora, not without struggle and not perfectly by any means any more than can be said of any other people, but in real ways. We at the Jerusalem Center for Public Affairs have been exploring that tradition since our founding and have compiled detailed evidence for its existence and influence, citing chapter and verse. We have published the results of our investigations under the best academic auspices and in more general form, making them available to a variety of audiences. Moreover, anticipating public concern with this issue by nearly a decade, we secured a commission from the Ministry of Education to prepare a course for high school students on the subject, emphasizing the importance of the Jewish political tradition in helping students to become better citizens of Israel. For us, the tradition offers standards of evaluation of Israel's political institutions and behavior in proper democratic fashion. That course is now being tested in the schools.



Both those on the right and those on the left who denigrate and deny the relationship between Judaism and democracy not only do both a great disservice but are simply wrong. Each is trying to manipulate one or the other for their own ends. Unlike them, I would submit that Israel would be well served to carefully consider the Jewish political tradition. We can learn much from it in the matter of building a good polity and society.

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From Netivot Shalom

Judaism and Democracy:
Incompatible or Complementary?
By Dr. Lucian Lazar

"At each point that democracy contradicts Judaism, I choose Judaism." When I heard that the first time, I treated it as an irresponsible political statement. However, after it began to appear with increasing frequency, also on the lips of leaders who identify themselves as religious, and even spiritual, I felt that the foundations of my beliefs and opinions were crumbling. I asked myself if the values I was raised on at home and at my yeshiva, which I have studied and follow in my own way, are somehow mistaken? Could it be that they stand in contradiction to the sources of Jewish tradition?

I was born and raised in France, and I lived throughout the critical time of political struggle around fascism and totalitarianism in the 1930's. I was also there during the dark years of Nazi occupation. My conclusion from the sum of life's experiences is crystal clear: the rights and duties of the Jewish citizen in a democratic society exert a dear cost in Jewish identity. But Jews have near total control and responsibility over that cost. Assimilation is possible, but not inevitable. We have the final say. On the other hand, denial of those rights and responsibilities means denial of Jewish existence. As a Jew I have no existence in an undemocratic society. Therefore my choice is between the risks of living in a democracy, and destruction. Of course the destruction is forced upon me, and I have no control over it. The risks however, are up to me, thanks to the rights accorded me under democracy.

My world view was based on Judaism and democracy. Not only is it impossible for there to be a contradiction between them, it is rather true to say that Judaism and an undemocratic regime are absolutely incompatible.

During these days we hear more and more voices, from the camp with a claim to religious authenticity and authority, pointing at supposed conflicts between Judaism and democracy. Public servants from religious parties express resistance to suggestions for basic laws on equality before the law. And no voice is heard from any rabbinical authority denouncing or contradicting those who seek to torpedo legislation aimed at equality. How can this be?

Jews living abroad continue to struggle for the principle and practice of equality by the state. They understand that they will be among the victims of any regime that takes away equality under the law, that anti-democratic movements tend to be anti-Semitic as well. Can it be that what is good in general for the countries of the world is somehow not good for us, in the State of Israel? Did we establish a Jewish state in order to have an undemocratic regime, one that discriminates between its citizens, a regime that if it were to exist anywhere else in the world would be accused of anti-Semitism?!?

In my confusion I turned to Rabbi Menahem Alon's book *Hebrew Jurisprudence*, the chapter on "public regulations." (p. 558). It seems that there is no question of Judaism and democracy that includes a contradiction in values, even if certain decisions taken by democratic institutions seem to contradict Jewish values.

Before looking at the "public regulations," it is worth noting that democratic regimes were not in existence in biblical times, or during the time of the Mishna and Gemara. Reference to democracy does not exist in halakha until the 10th Century. It is true that some aspects of democracies do exist, such as equality before the law. That principle was formulated in earliest times: "And therefore man was created alone..." But the form of government in which authority resided with the people did not exist. And so writes Rabbi Alon:



A deep and crucial change took place towards the end of the 10th Century, with the rise in power of the Jewish community. This community was a social unit, and it encompassed in its authority and supervision all areas of its members activities, and it was within the Kehila that the social and spiritual fabric of life was woven. It has a great deal of autonomy: internal leadership institutions that were made up of appointed and elected officials; it supplied the educational and social needs of its members; there was a court with judicial authority in civil law and to a limited degree even criminal law.

The Kehila also imposed and collected taxes for the state and for the needs of the community services. The regulation of these diverse functions and positions came through regulations decided upon by the Kehila. These tremendous changes in the scope of legislation presented halakhic sages with many fundamental legal difficulties, that could not be explained within the framework of existing halakha. We can't, for example, find any reference in Talmudic halakha to a discussion on the source of legitimacy for the public to enact regulations.

From that point onwards, over hundreds of years, Jewish law developed to include the legitimacy of the public to enact regulations that acquire the authority of toranic law (Din Torah), when and if they were enacted by majority opinion and require the opposing minority to follow them as well. The public is represented by representatives, whose composition and manner of selection vary from place to place. "It was permissible for those regulations to include orders opposed to existing halakha." (ibid. p. 595) "But it was forbidden to pass regulations that were opposed to basic principles at the foundation of the entire Jewish judicial system, such as the principle of equality before the law, the principle of defending the rights the weak and minorities, and so on." (ibid. p. 615)

Based on the arguments above, it seems that democracy has deep roots in halakha. Its principles and implementation were formulated hundreds of years before Locke and Montesquieu developed their version of modern Western democracy. In sum, the democratic form of government is most explicitly the choice and invention of Jewish sages and scholars versed in all aspects of Jewish law. If it was thus for the autonomous Jewish kehilot, then it is even more true for the Jewish State. A halakhic state is a state where, in accordance with halakha, authority resides in the elected representatives of the people. Anyone trying to impose an alternate form of government, or to give the responsibility of governing and legislating to an external source, removes himself from Jewish law and rebels against Torah opinion.

Here, in Israel the authority to legislate laws is in the hands of elected parliamentarians, and the authority to rule is in the hands of the legal government. That is what halakha says. Whosoever rises and preaches a doctrine of disobedience of a legitimate authority, on the grounds that such and such an order is in violation of halakha, is destroying with his own hands the basis of halakha and the sources of legitimate authority, and turning his back on Jewish tradition. Instead of acting as the authentic representative of the Torah, he is actually representing a version that distorts our true heritage, or on the other hand hiding a political motivation behind the supposed learned opinion of scholars. Because, there is no alternative to respecting the law as implemented by the government and its representatives. Only they have the legitimacy of Jewish law and the authority to rule in the name of the Torah.

Beyond this preliminary conclusion, which states that there cannot be any contradiction between Judaism and democracy, there is yet another conclusion arising from a perusal of "public regulations." The revolutionary innovations undertaken by Torah scholars starting from the 10th Century show that the face of Judaism underwent a comprehensive change. The world of yesterday became blurred; the growing separation dividing the Muslim world from the Christian world, the collapse of central authority, the rise of feudalism, the hegemony of the Church in Christian lands, the spread of violence concurrent with the crusades, all led to a need to revolutionise the practices of the Jewish people. Sages then met the challenge successfully. Will we do the same?



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From JewishIndy

The Dichotomy of Democracy and Judaism

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Israel's most fundamental dilemma—almost never discussed in a candid and philosophic manner—is the dichotomy of Democracy and Judaism. Having dealt with this dichotomy in several books, here I will only touch on Israel's democratic quagmire.

Israel's ruling elites—politicians and judges, academics and journalists—boast that Israel is the only Democracy in the Middle East. This boast is quite understandable, for it is precisely Israel's democratic reputation that endows its government with legitimacy and Israel's intellectual elites with respectability. It seems never to have occurred to her policy-makers and opinion-makers that showcasing Israel as a democracy increases Israel-bashing on the one hand, and Israel's territorial shrinkage on the other! Bear with me as I explode some myths.

Beginning on the surface, it's obvious that the tendency of politicians in any democracy is to speak in a manner calculated to win the approval of the voters. This democratic tendency corresponds to Israel's notorious efforts to win the approval of the nations.

Israel is the only nation preoccupied with "**hasbara**" or information campaigns to solidify Israel's existence and reputation as a democracy. Here is a nation that has periodic multiparty elections where Arabs have their own representatives in the Knesset. But here is also a nation where left-wing professors can blatantly identify with Israel's enemies with impunity!

Israel is so egalitarian that its Supreme Court has ruled, in effect, that disloyal citizens are entitled to the political rights of loyal citizens. Israel is so liberal or permissive that its government often refrains from retaliating against Arab stone-throwers and terrorists. The elites can rightly boast of Israeli democracy—unrivaled in its indiscriminate egalitarianism and libertarianism!

Of course, we must bear in mind that Democracy is the religion of the modern age, that politicians across the political spectrum are forever burning incense to this secular religion—more immune to questioning than any revealed religion. Still, the frequency with which Israel's elites speak glowingly of Israeli democracy is amazing. They obviously believe that showcasing Israeli democracy will garner support abroad and simultaneously diminish anti-Semitism. For these cognoscenti, Israel's **democratic** reputation is more important than her **Jewish** reputation. No wonder, since they obviously believe that Israel's Jewish reputation incites anti-Semitism. *This prompts Israel's ruling elites to diminish Israel's Jewish character.*

Since Democracy today is the standard of what is acceptable, Israel's yearning for acceptance by the democratic world magnifies her fear of pursuing national security policies that may cast doubt on Israel's democratic credentials. Hence, Israel's government



unwittingly imposes on itself the necessity of pursuing a policy of self-restraint against Arab terrorists. But this means—and no one dares say—*Jews are being sacrificed on the altar of Democracy!*

Summing up, since Israel's elites believe that the legitimacy of Israel's government and their own prestige depend primarily on Israel's democratic reputation, ***they will be all the more inclined to pursue policies dangerous to Jewish life and detrimental to Israel's Jewish character.***

A subtle way of diminishing Israel's Jewish character is to propagate former Supreme Court president Aharon Barak's disingenuous contention that Judaism and Democracy are compatible. Israel's Illuminati mindlessly purveyed this falsehood while warning the public that "Arab demography"—a euphemism for the democratic principle of "one adult/one vote"—endangers Israel's survival as a Jewish state!

Of course, Judge Barak's obscurantism regarding Judaism and Democracy facilitates the anti-Zionist goal of transforming Israel into "a state of its citizens" or multicultural society. But the fulfillment of this goal requires, to ***begin with***, Israel's replay of retreat from Gaza, i.e., retreat from Judea and Samaria. ***The government's abandoning Israel's heartland is therefore motivated not simply by a desire for peace—as is commonly thought—but also by a desire to dilute Israel's Jewish character.***

How? Erase the historical memory of Jews by surrendering patriarchal Jewish land.

At first blush it may seem this conclusion is contradicted by Binyamin Netanyahu's insistence that the Palestinian Authority recognize Israel as a Jewish state. But for this secular prime minister, a Jewish state is little more than a haven for Jews. Notice how impatient he is to surrender Judea and Samaria, land inseparable from the teachings of Israel's prophets and sages. Those teachings are very much the well-spring of Jewish consciousness, which will evaporate if Judea and Samaria are Islamized. Follow Netanyahu's road map to peace and in one or two generations Israel will be little more than a subject for antiquarians. Yes, but at last Israel, or what's left of it, will have "a place among the nations"—the title of one of Netanyahu's books!

But what am I saying! Will any Jews want to remain in this Israel? Of course not! Will this new Israel be a democracy? Of course not! And so, notwithstanding the learned Judge Aharon Barak, Israel will be neither Jewish nor democratic! It will simply cease to exist.

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