

DEMOCRACY
HALACHA



Daat Emet

Did you know that according to Halacha **you may kill secular Jews?**

- You're kidding! Where's that written?

- **In the Shulchan Aruch, Yoreh Deah, paragraph 158b.**

- Oh, but that's no longer valid!

- **All Halacha is valid and obligates all Jews, now and forever.**

- Doesn't matter. No one does it anyway.

- **True; major rabbis have ruled that since in our times Divine supervision is not apparent, killing secular Jews may be seen as an act of destruction and violence. Therefore there's no choice but to bring secular Jews closer to religion through pleasantries.**

- Really? Exactly which rabbis?

- **The Chazon Ish, in the book Yoreh Deah on the laws of ritual slaughter, paragraph two, section 16.**

- The same rabbi a street in Bnei-Brak is named after?

- **And one in Jerusalem as well. Incidentally, according to Halacha a woman may not testify and she is the property of her father or her husband; Charity may not be given to a secular Jew, nor can he be treated with loving-kindness, nor may his lost items be returned to him.**

- Yeh, but nowadays you won't find people who think that way.

- **Unfortunately, a huge number of people still live lives ruled absolutely by Halacha, and they think that way, whether they mean to or not.**

- What do you have against them? Why create schism???

- **Pay attention: I'm not creating schism, I'm simply pointing out schisms which are already there, a split for which Halacha, absolute and uncompromising, is responsible. Halacha does not allow for orthodox religious Jews living side-by-side with non-religious or non-orthodox Jews. In Halacha, serving G-d is the ultimate value and not human life. In the halachic world view human life is of no value unless it is the life of a religious Jew who lives according to Halacha.**

- Aren't you exaggerating?

- **The biggest problem is that most secular Jews don't know this and don't understand how deep the split runs.**

- So what can we do?

Daat Emet



Daat Emet was founded in 1998 and has over 500 members, activists, and supporters, including many academics and formerly and currently religious Jews. The organization's goal is to safeguard Israeli democracy and advance the causes of humanism, equality, and individual and cultural liberties in the State of Israel and amongst the Jewish community world-wide. We believe the following activities will help us realize our goals:

1. Explaining the democratic world view and encouraging people to follow it.
2. Raising a public call for the separation of religion and State as an essential means of safeguarding Israeli democracy.
3. Discussing the true values of the orthodox-Jewish religion, secret and public, and fighting those values which oppose humanistic, free, and equal values.
4. Creating a dialog with the religious and Charedi public to show it that the commandments by which it lives are not Divine, and thus to free it from the chains of Halacha.

A struggle between two ideologies!

It is generally supposed that the widening social division between secular and non-orthodox Jews on one side and the Charedi/orthodox-religious publics on the other side, is a struggle between two different groups with different lifestyles. **Daat Emet claims that this is a struggle between two opposing ideologies which cannot co-exist for long.** The democratic world view is pluralistic in its nature, and therefore is tolerant of many different world views, lifestyles and ideas. On the other hand, the Halacha, which holds total say over the lives of Orthodox Jews, absolutely rejects the right of any Jew's right to run his life based on his own wants. This world view is so different from the democratic concept that many secular and non-orthodox Jews find it hard to understand.

Secular Jews should not be automatically categorized as democratic nor Charedi Jews as anti-democratic. There are Charedi who have internalized liberal ideas and many secular Jews, consciously or through ignorance, who maintain the Halachic-religious world view, and even insist on allowing orthodox religious institutions to have sway over civilian life in such areas as marriage, burial, kashrut and giur. Also, the social and political behavior of the Charedi is not because they are evil, **but because most Charedi are prisoners of the Halachic world view** which they did not choose and from which they cannot free themselves, both intellectually and practically.

Yaron Yadan, **founder and Chairman of Daat Emet**, was raised as a secular Jew and turned religious at age 17. For the next 17 years he immersed himself in the study of Halacha and became a rabbi and the head of a Charedi kollel. During these years he studied Halachic issues intensely, and slowly discovered contradictions, errors, and many unrealistic descriptions in the Halacha. He asked major rabbis for answers, but received only partial and evasive answers. At the end of a long process he once again turned secular, founded Daat Emet, and continues to investigate the Talmud and Scriptures.



What is the Halacha?

“It was customary in Israel to kill those who reject the Torah and Jewish prophecy. If one had power to kill them with a foil he did so in public, and if not, he acted against them with cunning, until he caused them to be killed. How? If he saw one of them fall into a well and the ladder was in the well, first he removed the ladder and said, ‘I must take my son down off the roof, I’ll bring it back’ or some such thing.” **Shulchan Aruch, Yoreh Deah, 158:2**

HALACHA
EQUALITY

“One does not help a gentile woman give birth on the Sabbath, even if it involves no violation of the Sabbath.” **Shulchan Aruch, Orach Chayim, 330:2**

“A woman is invalid [to testify].” **Shulchan Aruch Choshen Mishpat, Laws of Testimony, 35:14**

Halachic beliefs have two main sources: The Written and the Oral Torahs. The Written Torah includes the Pentateuch (Genesis, Exodus, Leviticus, Numbers, and Deuteronomy) and the Oral Torah includes the Mishnah, the Talmud, the aggadic midrashim (which belong to the Oral Torah but are not part of Halacha), halachic books and responsa. The Scriptural Prophets and the Writings serve as a halachic source, similar to the Oral Torah.

Sages wrote the Mishnah and Talmud. The Mishnah is a collection organized by halachic rulings, completed in the third century. The Babylonian and Palestinian Talmuds (the Gemara) are commentary on both the Torah and the Mishnah, written in the fifth century. Halachic literature also includes later commentaries than the Mishnah and Gemara, for example, Maimonides’ Mishnah Torah and Rabbi Yosef Karo’s Shulchan Aruch, which serves as a summary of all the commands and halachot in the Mishnah and Gemara.

The halachic system of laws is very wide and touches upon almost every aspect of a believing Jew’s life: what he or she is permitted and what he is forbidden to eat, when and how he or she is permitted and forbidden to have sex, and so on, in many cases down to the smallest details: for example, according to the Shulchan Aruch (Orach Chaim 2:4) one should first put on the right shoe, then the left, then tie the left, and finally tie the right.

Following the sources in the orthodox Jewish religion!

According to the Orthodox Jewish faith, during the Sinai Revelation God gave Moses not only the Written Torah, but also the Oral Torah. But, as opposed to the Written Torah, **all the commands, commandments, and halachot in the Oral Torah were passed down orally from generation to generation until the Sages wrote them down as the Mishnah and Gemara.** The Orthodox Jewish faith maintains that the source of most commands and prohibitions in the Mishnah and Gemara is **divine** and therefore all Jews must accept them all as they are, with no restrictions. Orthodox Judaism forbids any change, modernization, or reform of Halacha. As a result, **a vast public still lives according to the world view of the Sages, who lived in the first centuries CE, and so hold many values opposed to the values of equality and humanism which were solidified and rooted in the centuries which have passed since then.**

The Halacha's view of secular and non-orthodox Jews!

The purpose of creation — the meaning of life — according to Halacha is the fulfillment of commandments and the study of Torah. These activities hasten Redemption and one who does not fulfill them delays the redemption of the world. In Halacha there are harsh words for those Jews who do not fulfill Torah and the commandments of the Halacha. Therefore many **Orthodox Jews in our days live according to a world view which holds that a human being's life is of no value unless he or she is a Jew who fulfills the commandments of the Halacha.**

This view, which finds expression in Charedi books and newspapers and in Halachic pronouncements, **practically prevents any chance of co-existence** between the Charedi/religious Jews and Jews who live a non-Orthodox lifestyle.

The Halacha's view of the State of Israel!

Halacha does not accept any legal system but itself. It is for this reason that Charedi leaders objected to the founding of the State of Israel and view it as a desecration of G-d's name because it was based on democratic laws. **The Halachic world view cannot accept that the State of Israel is a liberal democracy.** Therefore Charedi leaders consistently and relentlessly attempt to delegitimize democratic Israeli institutions and to instill religious/Halachic values into all areas of life and culture in the State of Israel.

The Charedi political parties do play the democratic game since it benefits them, but they are not democratic and do not accept the democratic principle. Their make-up and the way in which their members vote in governmental institutions is decided solely by rabbinical leaders. And, though it appears they are chosen democratically, they do not honestly represent their electorate — none of the Charedi political parties has a kneset member who is either a woman or a non-observant Jew.

"...Blood [donation] which comes from [a person who consumes] forbidden foods can have a negative influence on the one who gets the blood, leading to cruelty and arrogance." **Rabbi Ovadiah Yosef, Yabi'ah Omer responsa part 8, Choshen Mishpat 11**

"...And we pray to the Master of the world to free us from the curse of this new democracy, which is just like a cancer. Only the holy Torah is true democracy." **Rabbi Elazar min haShach OBM (leader of the Lithuanian-Charedi Jews) in his book of letters and essays, part five, 5755**



"We must remember one basic thing—the whole Knesset is against the Torah. The very fact that people get up and declare themselves 'legislators' is in itself against the Divine Torah...Even if the Knesset voted in favor of fulfilling the commandments, it's against the Torah...All laws people have invented, in a majority vote this way or that, are against the Torah. ...our representatives in the Knesset are our lobbyists, [and though they are members of Knesset] this is not any sort of recognition of the entity known as the 'legislative house'." **Rabbi Chaim Shaul Karlitz (an important rabbi of the Lithuanian-Charedi Jews) in the Ya'ted Ne'eman newspaper, May 31, 2000**

“A person who rejects the divinity of Torah, informers and apostates are not included in the community of Israel and there is no need for witnesses nor for warning nor for judges. Rather, anyone who kills one of them does a great good deed and removes an obstacle.”

Maimonides, Laws of Apostates, 3:2

“[The Chazon Ish’s] outlook was that there is no such thing as ‘coexistence’ between those loyal to the holy Torah and the secular state. Zionism and Judaism are enemies.” **Ya’ted Ne’eman, Holy Sabbath Supplement, October 30, 1998**

HA CHAZON ISH PLURALISM

So what’s the problem?

There are two main problems: **1.** Since the Charedi and orthodox-religious publics, even if they wanted to, can’t accept those Jews who are different because of their dependence on Halacha, **co-existence is impossible except where the secular-democratic residents are the majority.** We are undergoing a process wherein secular Jews and orthodox-observant Jews are separating from each other. The State of Israel, which was meant to gather in Jews from the Diaspora, is becoming a place where there are separate neighborhoods for those who observe commandments and for those who do not. **This trend, of two groups with a common past but no common vision of the future living in the same country, is a worrisome and potentially destructive phenomenon.**

2. The private education networks in the Charedi sectors teach hundreds of thousands of students to believe absolutely in Halacha and to blindly follow **their rabbis who oppose the democratic principle.** These networks graduate tens of thousands of students a year who deny the legitimacy of democracy and its institutions because of an absolute and uncompromising demand. In many cases they also have no knowledge or skill with which to support themselves or their families. Their numbers are steadily growing, and in 2001 they accounted for one-fifth of all elementary school students in Israel (Shachar Ilan, Ha’Aretz newspaper, April 15, 2001). **Within a few years the electoral and political power of the anti-democratic camp will threaten the existence of Israeli democracy, its institutions and the Israeli free cultural life.**

What can be done?

Daat Emet is working to prepare Jews of all sectors for **co-existence based on the principles of democracy, liberalism, tolerance, and respect for the rights of others.** It does not fight the Charedi, religious, or Jewish culture — only the orthodox-halachic world view. The organization is active on two parallel fronts:

Advocacy in the secular world: Activities include conferences and lectures throughout Israel and the writing and publication of essays **whose goal is to encourage an awareness of democracy, free thought, and the threats which face both.** The goal of these activities is to raise public support and create an environment which will prepare the way for a separation of state and religion. Similarly, Daat Emet works to reveal to the secular public the orthodox-Jewish religion looming from Halacha, all its commandments and prohibitions, unknown to them. Daat Emet educates secular “rabbis”, who participate in different forums and answer the claims of outreach professionals and other orthodox rabbis about the veracity of the Sages’ words.

Advocacy in the Charedi and religious world: The Halachic leadership attempts to isolate the Charedi public from outside world views and free opinions. Daat Emet approaches this public through a **series of pamphlets** which are distributed by mail, the internet, and handed out in public places, yeshivas and kollels. Since its founding, Daat Emet has published a great many pamphlets and essays; millions of copies have been distributed and created a storm in the Charedi and religious community. **The pamphlets deal with factual contradictions in Halacha and the Scriptures, contradictions which prove that these sources are not Divine creations given to Moses at Sinai (for God cannot err)** but human creations formed in accordance with the world view of its creators in the different periods of times in which they lived.

Even though the Charedi leaders published severe warnings calling for the destruction of the pamphlets, Daat Emet receives thousands of responses — letters, telephone messages and emails — from rabbis, kollel and yeshiva students, and Charedi and religious people throughout the country, who want to argue, get more information, and even get details about secular life. **We believe that the public debate begun in the Charedi and religious world through the pamphlets will, eventually, lead to a change in the Jewish-Orthodox view and allow co-existence between Jews of differing faiths, beliefs, and lifestyles.**

Towards a **Jewish and democratic state!**

Daat Emet believes that the activity on the two fronts: preparing the way for coexistence and tolerance and for the need to separate state and religion will lead to the establishment of a democratic state based on a Jewish-Israeli culture.

Separating the state and religion does not mean giving up Judaism, just that it is not the state's business to provide for or interfere with its citizens' beliefs, which are the private privilege of each citizen. **When state and religion are separated there will be no problem in establishing a democratic Israeli state with a Jewish character and culture.** Once there is no compulsion, intolerance, division, and religious arrogance, Israel will become a place where Judaism can be shaped and solidified as a culture with the continuing use of Jewish symbols: language, customs, holidays, legends, historical documents and the literary and artistic treasures of all times.

Judaism as a culture will be formed in Israel and abroad according to the spirit of the times and the creative power of its people, will be open to new ideas, and will be able to redefine its relationship with other cultures and world views. Thus it will be able to strengthen the Jewish people and its land, **for instead of a small group of rabbis determining the nature of Judaism, all Jews, in Israel and all around the world, will jointly shape their culture.**



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