

A Constitution for Israel?

The State of Israel, its Declaration of Independence asserts, is the birth place of the Jewish people and the place where their "spiritual, religious, and political identity was shaped." It is the place where they "first obtained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books."

On May 14, 1948/ 5 Iyar, 5708, the Jewish People's Council, noting the "natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State," assembled and declared "the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel." It is to be, among other things, based "on freedom, justice and peace as envisaged by the prophets of Israel."

Early attempts to draft a constitution failed. Instead, the Knesset drafted a resolution charging its Law Committee with the duty of preparing a draft constitution composed of individual chapters, or "basic laws." While the Knesset has since passed a number of such Basic Laws, they have not, cumulatively or in part, been imbued with constitutional authority.

Without constitutional guidance, Israel's Supreme Court has attempted to shape Israeli society primarily through the vision of the members of the Supreme Court, which it states is guided by "enlightened and progressive" views. Its opinions, however, are often largely at odds with the Jewish values to which large segments of the state aspire. The Jewish people of Israel must feel that their disputes will be resolved by a court that gives due deference to the Jewish values of the state. Jews throughout the world share these concerns and worry about the steady erosion of the Jewish underpinnings of the state.

Recent initiatives to formulate an Israeli constitution have gained support in many quarters. The Orthodox Union views these efforts with both interest and deep concern. We fear

that the time is not presently ripe for Israeli society to undertake the vigorous debate necessary to write and adopt a constitution. Any such efforts must seek to address the inherent societal divides and preserve the Jewish values of the state.

We believe that, at a minimum, an Israeli constitution should:

1. unequivocally affirm the State of Israel's character as a Jewish state that is the national home of the Jewish people;
2. affirm and strengthen the bond between the state of Israel and Jewish communities in the Diaspora and encourage the ingathering of exiles and Jewish settlement of the land;
3. affirm the role of traditional Judaism in the public realm and within state institutions in a manner that assures the continued unity of the Jewish people through the preservation of traditional Jewish principles of law, and gives full expression, in all aspects of society, to the bond between the state of Israel and Jewish heritage, culture and values; and
4. set reasonable procedures for the appointment of judges to the Supreme Court by or subject to the approval of the Knesset, and expressly establish the limits of the courts' authority.

Accordingly, we resolve that:

- The Orthodox Union shall support those individuals and organizations seeking to ensure that any constitution adopted by the State of Israel includes these principles.
- The Orthodox Union shall advocate for these principles in its contacts with Israeli officials, members of Knesset; the media and individuals working toward the adoption of an Israeli constitution.
- The Orthodox Union shall oppose efforts to establish a constitution that does not incorporate these principles.