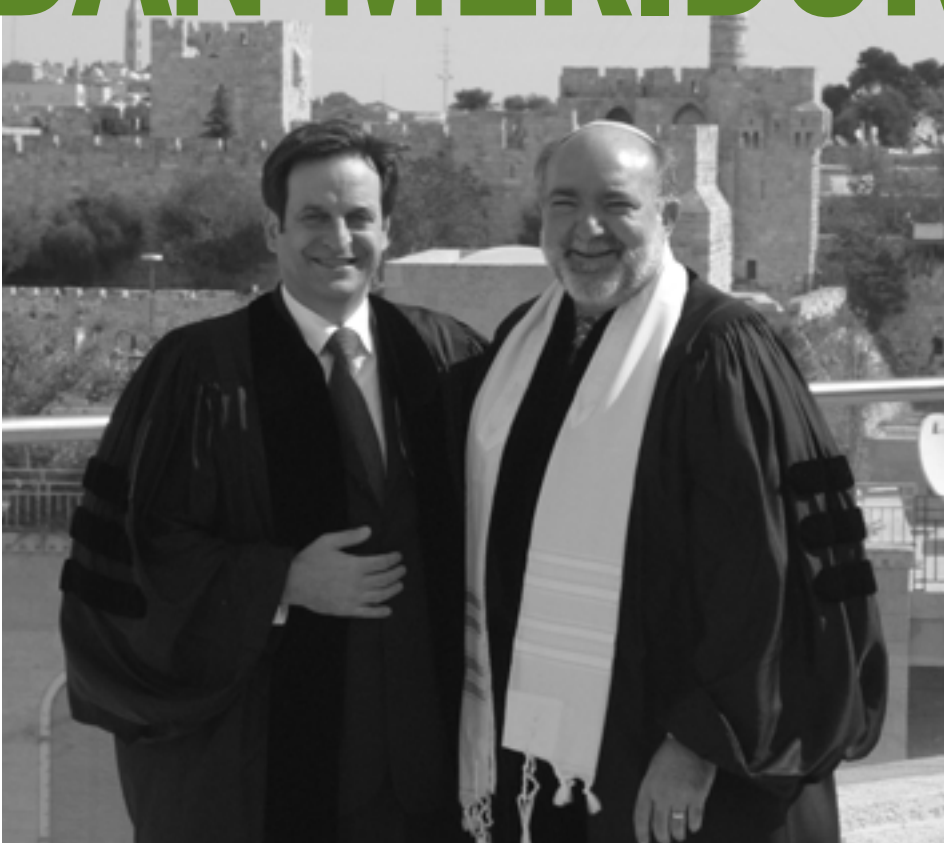


DAN MERIDOR



The honorary degree of Doctor of Humane Letters was presented to Dan Meridor (left), long-time member of the Knesset, former Minister of Justice and Minister of Finance, and currently Chairperson of the Jerusalem Fund. Meridor advanced human rights in Israel and paved the way for Israel's 'constitutional revolution,' whereby the Supreme Court was empowered to apply judicial review to laws passed by the Knesset. He initiated important structural reforms in the economy and promoted Israel's long-term national security and the parliamentary regulation of its foreign policy. His love for Jerusalem and the Jewish people, both in Israel and the Diaspora, have made him a spokesman for this cultural and pluralistic city.

I would like to begin by thanking you for this honor. I also want to thank you because on such a beautiful day you allowed me to come to the most beautiful place on earth – Jerusalem – where we stand facing its walls, enjoying together the words of Jewish wisdom pronounced by your graduates. I am truly humbled by your kindness.

Today we commemorate ten years after the assassination of Prime Minister Yitzhak Rabin. This was a terrible and saddening event in our history, a dreadful disgrace that will remain in our

memories forever, a disgrace even greater than the political assassination that took place here 2,581 years ago, when Ismael Ben Netania murdered Gdalyahu Ben Ahikam. Why even more? Because 2,581 years ago it was the murder of a ruler appointed by the king of Babylon; in the case of Rabin, however, it was a Jew, a citizen of the State of Israel, who murdered a Prime Minister that had been democratically elected by the people. And even worse is that the murderer was not disturbed or insane. He was a sane, evil person. He justified his deed and considered himself acting in his

right to kill by his interpretation of *din rodef*, the religious license to kill a fellow Jew in order to save the many from the one; and he committed the murder deliberately. He said: “The justification is religious. This Prime Minister has violated a religious command and I was commanded to stop him.”

It is for this reason that I decided today to talk about the conflict between religion and democracy, which we find so difficult to talk about. But this is the sad truth that this scoundrel has forced us to face.

Even before Rabin's assassination, immediately after the signing of the Oslo Agreement, we heard similar arguments. Not a legitimate claim, which I also made, to the effect that the Agreement is not good, that it is damaging, that the parties to it are committing a harmful act by executing it; but rather a completely different claim. The Agreement is not legitimate. Why? Because it commands us to commit acts that are contrary to religious precepts. It surrenders parts of the land of Israel to outsiders, and this is a contravention of a Godly commandment. We all remember the demonstrations of “This Is Our Land;” this was their motto.

Just recently, during the difficult moments we experienced with the disengagement, some people sang the same tune: the disengagement is forbidden by religion. We heard leaders, rabbis who called for not going through with the disengagement; we even heard them call for policemen and soldiers not to follow orders because they violated a mandate from God. The allegation was that “the government and the Knesset (that represent the majority of the people of Israel) do not have the power to make decisions about Israel's boundaries, give up lands, divide it into parts.” At the end of the day, we felt relieved when it became apparent that only a few abided by these religious commands. The decision was reached, the law of the Knesset was honored, the disengagement took place, and the voice of the majority was heard.

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The explanation by the government was the same explanation voiced by many others. The justification was that “the majority decided; honor the decision of the majority; do not place religious commandments against the decision of the majority.” We should delve deeper into this claim and say something important about it. Because, in my opinion, this is not the end of the story; it is, perhaps, the end of the beginning. The ordeals are still before us.

We are talking about the essence of democracy. The rule of the majority is a fundamental milestone of democracy. The majority has the power to decide. This is what Exodus calls “follow the majority.” But are we, the Jews, really willing to say that the law must always be honored? What about the laws of the evil in the countries of the world? A law that discriminates, a law that steals, a law that does wrong? Is the law truly above all? Isn't there a system of values above the laws, to which laws subject themselves? This was the ruling of the Nuremberg Trials: the law is not above all, there is something above the law. There are values higher than the law; a law that denies those values, that acts against them, is worthless. There is no doubt that the decision of the majority is an essential condition for democracy, but it is not a condition that is sufficient for democracy. Another condition, as essential, is human rights.

The liberal approach that guides our nation maintains that “the state was created for the individual, not the individual for the state.” Rights are not bestowed upon the individual by the state; the individual inherited them by virtue of creation. On the contrary: by coming together to form a society where they will develop, individuals are willing to relinquish some of their rights by saying to the majority “you can decide for us; not about everything, but about some things.”

There is no doubt that if a law were passed by the Knesset tomorrow that I am not allowed to eat *kosher* food, that law should not be honored. A law that dictates that I cannot put on *tefillin* is a law that should not be honored. We did not empower the majority to make such decisions.

In many countries of the democratic world, there is usually a consensus: the Constitution is above the law. Thirteen years ago, here in Israel, we were fortunate to enact what we called the “constitutional revolution” and determined that the law is not above all. This tension between what the majority is allowed to do and what it is not empowered to do is what defines democracy. Not everything is in the hands of the majority. We should say: religious matters usually affect the individual; the majority does not have the power to force religious

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precepts upon the individual or to violate religious commands. This is usually customary in the democratic world.

In a democracy, the majority can decide on matters such as national borders, the land, war, and peace. These are not matters for religion. The majority cannot decide whether I will adhere to religious precepts in the way I eat, in the way I relate to other people, in the way I pray. If there is someone who says that in matters of war, peace, and national borders, religion is above the precepts of the majority, that person takes us from democracy to theocracy, from a liberal regime to pure fundamentalism.

This is a very important distinction that must be taught. It is not mandatory that there be a conflict between religion and democracy in these matters. It all depends on religious interpretation. A believer who thinks that, according to religion, matters of war, peace and national borders are decided by the majority, should not be conflicted. Only those who believe that, according to religion, the majority does not have the right to decide, but it is rather the rabbis who should decide, are in conflict with democracy. Democracy should not yield in this matter. It should not be nice or agreeable. It must stand firm.

We must now defend democracy more than ever before. For decades there was no controversy about these fundamental concepts. The power of the Knesset was clear. People did not scream “there is no Jewish majority” or “we need a referendum.” The Knesset decided and we accepted. Then, suddenly, a question arose: “Where does the power come from?” For many years the Supreme Court decided and its rulings were honored. When it ruled that Ben Gurion should not decide about security matters on his own, and the Supreme Court and the people said “we shall determine the balance between security and human rights,” Ben Gurion lowered his head and accepted. When the Supreme Court ordered Menachem Begin to evacuate Elon Moreh, his precious settlement, he submitted and accepted.

Something has changed in Israeli society. Many of us thought that democracy was guaranteed, that it is not necessary to protect it, that it will sort itself out. No longer. If we want a free, democratic state that upholds equality between its citizens, we cannot trust that things will sort themselves out. It is a struggle. For democracy to protect us, we must protect democracy. ■