

Tel Aviv University
Asa Kasher
Professor Emeritus from the Chair of Professional Ethics and Philosophy of Practice
and Professor Emeritus of Philosophy
Ramat-Aviv, Tel-Aviv 67798 * Kasher@post.tau.ac.il

29 January 2016

Dictum

A Law Proposal for the Handling of Harmful Cults has been brought to my attention and I was asked to provide my opinion of it.

The following are, concisely, the main points of my opinion:

1. The law proposal is incompatible with the moral and judicial fundamental principles of the State of Israel, both as a Democratic State and as a Jewish State, the Nation-State of the Jewish people.
2. A Democratic State effectively protects the Freedom of Religion and Freedom of Assembly of its citizens. Any restriction imposed on the Freedom of Religion or Freedom of Assembly must stand and pass the most rigorous tests of proper purpose and strict proportionality.
3. A violation of the law within a religious denomination or civilian organization calls for the appropriate and standard handling by law enforcement authorities. Any practical step taken beyond the actions of the police and the State Attorney, based on a suspicion that a certain criminal offense was perpetrated, is unacceptable.
4. Preventing criminal offenses in a religious denomination or civilian organization is not proper purpose for imposing legal restrictions on the general operation of a religious denomination or civilian organization.
5. Punishing the heads of a religious denomination or civilian organization that a criminal offense was perpetrated within their framework and the confiscation of their property, without themselves being directly related to the offense, is an injury to the Freedom of Religion and Freedom of Assembly above and beyond the strictly proportional means of acting against the offense perpetrated within this framework.
6. The Nation-State of the Jewish People must keep in its manner of conduct the memory of the actions committed through the history of the Jewish People to restrict the activities of the Jews, whether in religious denominations or civilian organizations. If we heard today of legislation in any state that might create a legal framework that could potentially be used to restrict the activity of Jewish religious denominations or Jewish civilian organizations, many of us – perhaps even the Israeli State institutions – would have justifiably object to it.
7. The proposed law creates a mechanism that can be used improperly to harm the Freedom of Religion and the Freedom of Assembly of selected Minority Groups.
8. The law is faulty not only in its main concept but also in each one of its clauses. I shall give one example: The law calls for the appointment of a guardian to any person under the influence of a group defined as a “Harmful Cult”, without any relation to an offense committed as far as a minor (for example) is concerned. If the influence is translated to being a vegetarian or a vegan or to wearing modest clothing, it is still enough of a cause to break the family relations and appoint a guardian. This is a result of the proposed law which cannot be tolerated.
9. Therefore, it is my opinion that it will not be appropriate to accept this law proposal. I hope the Ministers' Committee for Legislative Matters will decide against it.

Professor Asa Kasher