

CHURCH, STATE AND ISRAEL

The question is asked of Jews: "If you are so strong for church-state separation in the United States, why don't you favor church-state separation in Israel?"

One standard answer has been: "As a practical matter, there are many different religious groups in America. Church-state separation is needed to prevent divisiveness, and to prevent one group from thrusting their religious beliefs down the throats of another group. In a religiously homogeneous country like Israel, church-state separation is not so vital."

However, it is not longer a state secret that Israel is not a religiously homogeneous country. In a recent issue of the Jerusalem Post, Mark Segal wrote: "It used to be said that religion -- old-time religion, -- that is -- was the unifying cement of Jewish peoplehood. Today it would be truer to say that the main source of division among the people is organized Orthodoxy."

That is a slanted viewpoint, of course. Segal's critics would say that the main source of division is non-Orthodoxy. But divisions there are, between the more Orthodox and the less Orthodox, between the Ashkenazi and Sephardi rabbinates, and so forth. The point is that these divisions become particularly heated and disruptive when one group attempts to transform its beliefs into government law for everybody.

Ora Namir, Chairman of the Knesset Education Committee, just viewed with alarm what she called the recent "conquest" of the Education Ministry by religious officials. About one third of Israel's children are sent by their parents to religious schools; about two thirds are sent by their parents to secular schools. "The religious minority," said Namir, "should not be allowed to dominate a system responsible for the education of the country's children, the majority of whom are not religious."

The latest controversy was around a new law which would exempt a woman from military service if she declares that she observes kashrut and the Sabbath. This law was passed to please Agudat Yisrael, which said it would not support the government without such a law. Another controversy has swirled around whether the government should exclude from the "law of return" the children of mothers who had been converted to Judaism by non-Orthodox rabbis.

These controversies point up the practical problem that exists when there is not separation of church and state. The ultimate question is: "Who are the experts? Who can determine the right or wrong laws for a society? The body of the Talmud demonstrates that even the most learned rabbis can disagree sharply about the application of law. Contemporary rabbinic exchanges strengthen the point.

When it comes to civil government, there are no experts. There is only the will of the people. Or there is usurpation of that will.

That is why church-state separation is a critical principle for America: not just because there are so many religions, but because a modern state can operate as a democracy only if it recognizes no experts, of any kind, as final authority. At best, people will come to their political debates under the civilizing influence of religion -- and their own private behavior will follow the laws of their own private religious conscience. But that is another matter.

As for Israel, it will not come to separation of religion and state if Judaism will sufficiently shape the people, who shape the laws -- but as a modern democracy, it will inevitably come to a separation of "church" and state. That will be one of the consequences of peace and stability.