

RELIGIOUS CONFLICT

The religious conscience has always posed the toughest kinds of tests for democratic life. One need only look at San Francisco -- or Israel -- in past weeks.

In San Francisco, a group of Protestant fundamentalists gathered to broadcast their message, which was a familiar one: people will be saved only if they become Christian in fact as well as name. That means, among other things, that people refrain from those activities which the bible designates as "sinful."

San Francisco is reputed to be a national capitol of such sinfulness: indulgence in drugs and alcohol, moral permissiveness, unsanctified sexual cohabitation -- which, in the fundamentalist catalogue, is not restricted to, but includes homosexuality. Reacting to the latter aspect of that message, a number of gay groups came to Union Square to vocally protest against the fundamentalist rally there. Some suggested strongly that these evangelical groups be prevented from broadcasting their message.

Well, people have an absolute right to believe that homosexuality is sinful; and people have an absolute right to believe that those who hold such a belief are bigoted. And, according to our laws, everyone has almost an absolute right to publicly express *any* belief they hold. The idea is that conflicting beliefs should be pitted against each other in open debate, and may the better belief win -- the problem being that, by definition, religious belief is undebateable.

A key to the riddle may be found in civil rights experience. Before the Civil War, Southern religious ministers were using the scriptures to support the oppression of blacks; and Northern religious ministers were using the same scriptures to oppose the oppression of blacks. There is, of course, no way to reconcile such a clash of religious belief in the "open marketplace of ideas."

However, in modern America, especially after World War II, the matter was put on another plane. Racial oppression was ruled out of order because it was contrary to constitutional law, and to the purposes and practicalities of our civil society. Now, those matters *are* debatable. And, after the debate, the laws passed to prohibit racial discrimination did not say a word about what people should *believe*. The purport of the laws was that you could not violate a person's rights because of group affiliation, even if you hated that group, which you had an absolute right to do.

Thus, the First Amendment said that the expression of all religious belief is protected; and in the same breath says that no partisan religious belief is to be directly established as law for everybody. It has often been said that this concept is particularly necessary in a religiously mixed country like America. However, a large number of Israelis have been saying that the First Amendment concept should be applied more often to Israel which is, within certain bounds, also religiously mixed -- and in which certain fundamentalist religious parties have sometimes been directly making civil law for everybody.

There is the current controversy in Israel over whether the law of return should be amended by the government to exclude converts to Judaism under the auspices of Reform or Conservative rabbis. But, as the noted Orthodox rabbi, David Hartman, writes: "It is not through (politics) that we must convince Jews that (conversion) should be according to Halacha, but rather through the patient process of education ..."

Thus does Rabbi Hartman strike the simple First Amendment note, wherever it may be applied: religious groups must be free to publicly express their beliefs, without interference, in the pursuit of converts; the civil state machinery must *not* be used by them to directly impose those religious beliefs on others.