

RESPECTING Pluralism in the Jewish State

by Rabbi Uri Regev



As a state that is both Jewish and democratic, Israel is unique in the world. A noted rabbi explores the struggle to balance faith, government, and the religious rights of all Israelis.

When the Israeli government began the disengagement from Gaza last summer, a wide circle of rabbis ruled that the action was illegitimate and prohibited by *halacha*, Jewish law—which forbids the handover of Israeli territory to non-Jews, an action that would endanger Jewish lives. They urged soldiers to ignore their officers’ orders, and some even prescribed going AWOL.

The position of these rabbis—including many from the mainstream rabbinic establishment and some who serve in public offices funded by the state—is rooted in a highly disturbing ideology. Their thinking is revealed in the words of former Chief Rabbi of Israel Avraham Shapiro:

The “only limit, in terms of the Jewish law, to the authority of the elected members of the Knesset is that they may not make any decisions in contravention to the *halacha*.”

Fortunately for all, very few heeded these rabbis. But the fierce battle over the disengagement has been a wake-up call. And the situation has further sensitized the world to the tension that exists in Israel not only between religion and state—but also between religion and democracy.

Such tensions are not surprising given the role religion plays in Israel, where the coalition government comprises parties across the religious spectrum, and political support is secured through promises of religious legislation and excessive funding. And although Israeli and Diaspora leaders have long refused to acknowledge this clash, it is far from new.

On the one hand, Israel's founding vision is very clear: "The State of Israel will be rooted in the precepts of Liberty, Justice, and Peace according to the vision of the prophets of Israel, will uphold full social and political equality to all its citizens without distinction of religion, race, or gender, will ensure freedom of religion, [and] conscience...." On the other hand, the reality, as regulated by the Knesset, reflects a wide gap between these unequivocal values and the legal status of religious freedom in Israel, especially—and ironically—for Jews.

The main area where this gap is evident is in personal status issues, namely marriage and divorce. Civil marriage does not exist in Israel, and the law gives exclusive jurisdiction over marriage and divorce of all Jews in Israel to the Orthodox rabbinic courts. Weddings performed by Reform and Conservative rabbis aren't recognized by the state. The result is not only that individuals are denied the freedom to choose their own type of wedding ceremony, but also that hundreds of thousands of Israeli citizens are denied the basic civil right to marry and start families.

This is especially a problem for new Russian immigrants, who are often the children or grandchildren of mixed marriages. They are eligible to come to Israel and receive citizenship under the Law of Return, but since the Orthodox rabbinate does not recognize them as Jews, they have no legal recourse to marriage in Israel.

It also affects Reform and Conservative "Jews by choice" who, following protracted legal battles, are now recognized as Jews by the State of Israel under the Law of Return, but are similarly denied the right to marry because the Orthodox rabbinate refuses to recognize them as Jews.

Many other areas of life in Israel are affected by this alliance of religion and state—be it the prohibition of public transportation on *Shabbat*, the problem many women have obtaining a divorce through the rabbinic courts, mass exemption from military service for yeshiva students, discriminatory state funding for Orthodox institutions, and more.

Yet even as the Knesset and government sanction these discriminatory practices, polls consistently show that a clear majority of Israelis support the Declaration of Independence principles previously cited and favor religious freedom, civil marriages, equal status for Reform and Conservative Judaism, public transportation on *Shabbat*, and an end to army exemptions for yeshiva students.

In the past decade the battle to expand religious freedom and equality has intensified, with concerted efforts being made to bridge the gap between the unrealized promises of the Declaration of Independence and the present reality. In a recent Supreme Court victory, the chief justice made a critical statement, rejecting the state's claim that the Orthodox rabbinate should have the sole authority to decide who is a Jew in Israel: "The state claims that... in Israel there is only one religious Jewish community, headed by the Chief Rabbinate... [this perception] has no place in the State of Israel.... Israel is not the State of the 'Jewish community.' Israel is the state of the Jewish people. Within Judaism there are different streams.... Each and every Jew in Israel—as well as each and every non-Jewish person—is entitled to freedom of religion, conscience, and association."

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If the State of Israel were to see itself as the State of the Jewish People, respectful and representative of its religious diversity, then much of this tension would disappear and the country could be truly Jewish and democratic. An Israel that takes its lead from our prophets—Isaiah, Amos, and Micah, those great proponents of social responsibility and righteousness—would be far more Jewish and just. And a Judaism infused with the values of democracy would be far more appealing and relevant to masses of Israelis who today feel alienated and disenfranchised from their Jewish heritage.

This should not be seen as an internal debate for Israelis alone, nor should it be reduced to a political conflict. This is the issue that will ultimately decide the character of the State of Israel and its relationship with world Jewry.

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