

Religion and Democracy in Israel

BY JACK J. COHEN

In 1948, the Jewish community in Eretz Yisrael committed itself to the cause of democracy. The State of Israel, which had been authorized by the United Nations, granted automatic citizenship to all its residents, Jews and non-Jews alike, who were prepared to accept it. Under Israeli law, every citizen is theoretically entitled to full equality and the right to participate in all facets of government.

Jews, of course, like majorities everywhere, will seek to retain their hold on the reins of power, but they are duty-bound to protect the right of Arabs and other minorities to compete for political leadership and to benefit fairly from all the services the state has to offer. It is to be expected that Israel's religious and ethnic minorities will also demand to serve in government positions and to compete, without discrimination, for employment in all enterprises. Thus far, Israel's record in these matters has

been spotty. It could not have been otherwise, given the circumstances under which Israel came into existence and that have prevailed ever since.

The adoption of democracy marked a break from the halakic conception of Jewish polity and sovereignty. The rule of rabbis and scholars of rabbinic law has given way to the rule of the entire citizenry. But this revolution in the conception and practice of authority is incomplete and has left the country in a condition of great confusion.

A Biblical Perspective

The problem was posed simply by Yeshaia Leibowitz in the aftermath of the establishment of the State of Israel. He asked, "Is society a religious problem? Do the needs of a society and its organization constitute a religious enterprise? Is there a dogmatic quality in religion which imposes on its members a particular point of view regard-

Jack Cohen is the Emeritus Director of the Hillel Foundation of the Hebrew University. He served as Rabbi of the Society for the Advancement of Judaism prior to making aliyah in 1959. This article is an altered form of a paper that he delivered in 1995 before the Rainbow Club, a Jewish-Christian theological discussion group that meets monthly in Jerusalem.

ing questions of society and state?"¹ Halakhists and anti-halakhists have been unable to resolve this ideological dispute, and they continue to hide behind the fortresses of their respective ill-defined rhetorics. I suggest that the problem of religion and democracy in Israel has to be seen as the renewal of a biblical perspective on the nature and destiny of the Jewish people.

In order to understand the course of events in Israel, we must once again ask the biblical questions that exercised our ancestors as they endeavored to settle into the soil of Eretz Yisrael and to construct here a new people and a new society and culture. Who and what is a Jew, and how do we perceive the identity and role of the Jewish people among the nations? What is the basis of the Jewish claim to Eretz Yisrael? What are the borders of the land?

In what sense is Israel a Holy Land? Who determines its holiness, in view of the rival claims of Jews, Christians, and Moslems to so many sites and structures? Within the Jewish community, to cite just one example of the problem, the Western Wall is governed by rules promulgated by the Ministry of Religions, but to many Jews these rules are a desecration of its historical significance. Can holiness like that of Jerusalem be shared? Can the question be decided by democratic procedure? It seems to me that when holiness is at stake, votes are irrelevant.

What should be the guidelines for relations between Jews and non-Jews within the Jewish State and between

Israel and its neighboring states? What steps have to be taken in order to bring Israel's social democracy into line with its political democracy? What should be the role of Israel's religious leaders in efforts toward equalizing the political, economic, and social level of Arabs with that of the Jewish majority?

How should Jews today understand God, humanity, and the cosmos? Can or should there be one theology for all Jews? What rituals, worship, and symbols should distinguish the Jewish people? Should those symbols also serve as the official marks of Israel identity? What are the ethical values that should guide Jewish behavior?

Judaism and Israelism

The foregoing questions are now raised in the new setting of a multi-ethnic and multi-religious democracy. In the biblical era, the Israelites never regarded the peoples of Canaan as their partners in the construction of a state. Today, Israel's Arabs and other minorities are, by law and by the democratic sensibilities of enlightened Jews, considered to be equal participants in the determination of Israel's political future.

At the present juncture in history, the Jewishness of the State of Israel dominates its emerging, pluralistic culture. However, as time goes on, the distinction between Judaism and Israelism will become increasingly apparent. The Jewishness of Israel will become less a matter of law and more an expression of the cultural ethos of the Jewish majority.

As Israel's minorities become more

accepted and self-confident, they will strive to put a rein on conscious or thoughtless legal and social discrimination against them. And if, as all signs indicate, the Jewish majority adheres to its democratic commitment, Arab ethnicism and Moslem, Christian and Druse religiosity will play more vigorous and visible political and cultural roles. As long as Jews retain their majority status, they will exercise political control and wield cultural influence, but Arabs will eventually occupy high governmental and diplomatic posts.

This slow but inevitable outcome of the democratic process does not necessarily contradict the assertion of Rabbi Yehudah Leib Maimon, Israel's first Minister of Religious Affairs, who stated that law in Israel "...must be founded on Torah and the Jewish tradition."² Presumably, the application of Jewish law in Israel's public life will be determined by the natural will of the Jewish majority. That will, in turn, will be formed by the maturation of the Jews and Arabs in apprehending the values and ways of democracy.

Concurrently, as a result of the interaction of Jews and non-Jews in the daily affairs of life, a new Israeli cultural language and style will gradually emerge. This Israelism of the future has already sprung baby roots in dietary habits, semantic borrowings between Arabic and Hebrew, musical and literary novelty, and a growing recognition that being an Israeli is not identical with being a Jew.

On their part, Arab citizens of Israel realize that they carry additional

cultural baggage to that in their Palestinian valise. A more intensive study of religion and democracy in Israel would have to treat the Arab dimension fully. But space precludes fulfilling that obligation here.

The Impact of Emancipation and Enlightenment

In order for Israel's democracy to fulfill its mandate, Jews will have to respond creatively to the continuing revolution in Jewish existence in the wake of the Emancipation and Enlightenment. The former has generated a new form of Jewish nationalism and the need to establish unprecedented forms of polity. The latter has undermined the ideological foundations on which halakhic nomocracy rested for two millenia.

Menahem Elon is one scholar who understands the problem in all its facets. His masterful exploration of Jewish jurisprudence leaves us with the following question: Is the collective will of our people strong enough and the minds of Jews in sufficient agreement to insure at least a common national-religious core of the halakhah as a matter of personal commitment?³ Note that he speaks of "personal commitment" rather than the authority of the halakhah. The desperate efforts of traditional Jews to restore the halakhah as the basis of the Jewish-led government in Israel are noteworthy for their passion. But while political conditions give halakhic loyalists an occasional victory, the war has long been lost. The question is no longer, how can the halakhah regain its authority, but what in this vast heri-

tage should and can be salvaged for adaptation to Israel's democracy?

Non-halakhic Jews have the power to push Israel's democracy in any direction they wish. But in what sense will Israel be Jewish for them? The early Zionist settlers thought that they could dispense with the traditions of their pious forbears and create a Judaism of their own. The halakhah would continue to atrophy. The Zionist roots would be traced back to the Bible and the natural life it depicts. Jewish nationhood would be restored, and the ersatz culture of minority existence in foreign lands would be superseded. Clearly, this perception of Jewish history prevented the creative elements of pioneering Zionism from reaching their potential. The Zionist leaders recognized the importance of the Bible, but they never grasped its lessons for nation-building.

The Bible and Nation-Building

By the time that biblical authors began to record the history of the Hebrews, the people of Israel had evolved a noteworthy culture. This is evident in the biblical reflections on Israel's proto-history, the stories of the patriarchs, and the account of the settlement of Canaan. Today, we tend to suppress the fact that modern Israel also has a proto-history. Before the State of Israel was declared, several generations of Jews had embarked on new social experiments including the kibbutz, moshav, and Histadrut, had revived Hebrew as a spoken language, had instituted a modern educational network, had enunciated a revised set of prophetic ethical values, and had

begun both to fashion an indigenous aesthetic culture and to reinterpret Jewish spirituality in the key of "secular humanism."

A minority of the people, who remained loyal to the halakhic tradition, restored practices that are applicable only on the soil of Eretz Yisrael. They also succeeded in establishing their own effective educational system. Noteworthy, too, is the fact that the traditionalists were aided in their efforts by the secularist majority who, despite their rejection of the halakhah, regarded the former as partners in the rebuilding of a national Jewish life.

Current Issues

Israel's 1948 decision for democracy has never been seriously challenged, but its parameters are unclear in four main areas:

- The scope of human, civil, and national rights.
- The nature of religious freedom and the propriety of religious establishment.
- The electoral system. [I shall not examine this issue in this paper.]
- The respective powers of legislative, executive, and judicial authorities.

When viewed in the biblical perspective, these current problems recall what happened once before as the Hebrews evolved from patriarchy to monarchy. Political and spiritual leaders were in constant tension in trying to set the moral foundations of the state and in determining in whose hands power should reside and what

should be its limits. This struggle for power has now resumed and involves, as it did in ancient times, the necessity of reckoning with the needs of non-Jewish inhabitants of Eretz Yisrael.

Authority and power are clearly spiritual, as well as political and technical concerns. One illustration of this assertion will have to suffice. At one of the Clinton-Rabin press conferences, a journalist from a fundamentalist Christian paper asked the president: "In view of what the Bible has to say about God's gift of the Holy Land to the Jews, is the Israeli government acting properly in turning over large tracts of land to the Palestinians and to Jordan?" Clinton dodged the question by claiming that it belonged in Rabin's court. In his response, Rabin did not cast doubt on the assumption that any soil on our planet belongs to its settlers by divine fiat. When political stakes are high, a secularist like Rabin will not muddy the waters by asserting his belief that the Bible is, after all, man-made. Recourse to historical revelation or to sacred history is one of the popular ways of supporting national claims to land. This is one more instance that problems need to be seen, as in the Bible, as neither religious nor secular, but as spiritual in a uniquely Jewish way.

The Complexity of Identity

Jews and Arabs in Israel are engaged in sorting out the tangled threads of their religions and nationalities. The problem is more complicated than in biblical times because of the spread of freedom and the availability of many

new theological and spiritual options. We Jews no longer have an either/or choice, such as Joshua offered our ancestors — either the old-time religion of their Hebrew origins or the new Mosaic dispensation. Further, the identity of the Jewish people cannot be equivalent to the State of Israel. Jewry remains a trans-territorial people, united by bonds of fate, religion, and culture. However, to depict the Jewish condition in this way is merely to state the problem.

Israel and Jewish identity cannot be identical, any more than the identity of Israel's Arabs can be synonymous with their Israeli citizenship. A new international Jewish covenant will have to be created to take account of the widely-scattered Jewish communities, especially those seeking to survive as minorities in the free world.

Israel's Arabs, meanwhile, have to grapple with their minority status in a Jewishly-dominated democratic state. They, too, have to examine their national and religious roots as Christians, Moslems, and Druse. What constitutes Arabism and Palestinianism, and how are Arab citizens of Israel to regard their identity as Israelis? To complicate matters, Arabs have to determine how far they wish to follow the path of westernization, which has made deep inroads into their traditional life-style. For instance, Moslem Arabs have to choose between Islamic fundamentalism and a secularized Islam. The former is antithetical to democracy, and the latter leaves them with an Arab nationalism of insecure spiritual roots. Christian Arab Israelis are

equally uncertain about the meaning of their Palestinianism and their Israelism. Can their Christian beliefs contribute to their identity as Palestinian Arabs and as Israelis? And how are they to relate to the democratic ethos? These are issues of which Israeli Jews must be aware.

Halakhah and Democratic Rights in the Jewish State

Israel is hard put to adjust its Jewish purpose to its democratic avowal. The noted writer A. B. Yehoshua, for example, argues that Israel must remain both Jewish and democratic. But since he maintains that the symbols of the state must express its Jewishness, does not this preclude equal citizenship for Arab and other minorities?⁴ It is true that similar contradictions are to be found in many democratic countries, where the sancta of religious majorities are the official state symbols, but the question still remains as to the consistency of such use of symbols with the principle of equality. Minorities are denied the spiritual motivation to identify with the states in which they are citizens. They cannot honestly pledge allegiance to a flag or sing a national hymn which implies that they are aliens. Yehoshua and many Israelis have not yet fully grasped the implications of pluralism for state nationalism. They seem unable to overcome their paternalistic stance toward non-Jewish citizens. However, it must be admitted that their position is strengthened by the ethnic uniformity of most of the surrounding Arab

states.

Here are just a few of the questions that flow from the effort to preserve the State of Israel as both Jewish and democratic: What are to be the features of the public domain? Should transportation on sacred days be limited because of halakhic demands? Should it be restricted as a gesture to the sensitivity of the Orthodox? Should commercial entertainment be available on Jewish religious holidays? Who is to decide these matters? Are non-observant Jews to be completely free to create their own patterns—including raising, importing, and preparing non-kosher meat—anywhere in the country where law permits the establishment of commercial enterprises? What is to be permitted to non-Jews? There is already a status quo in some of these areas, but the questions are bound to persist as long as halakhic and non-halakhic Jews disagree as vehemently as they do.

How much of the halakhah can or should be adapted to Israel's legislative, judicial, and administrative practices? There are those—Itzhak Engelard is a case in point—who argue that halakhists should not secularize Jewish law by making it subservient to democratic procedures. Others, from the Orthodox Menahem Elon to the humanist Haim Cohn, claim that such adaptation is to be expected in a modern Jewish state.⁵

Acutely difficult are the laws of personal status. This area is well-known and needs no elaboration here. For political considerations, Israel's founding fathers handed virtually complete authority over matters of

marriage, divorce, and conversion to the Orthodox establishment. Adjustments are beginning to be made in these areas in response to the demands of non-Orthodox Jews for equal status. Liberalization of laws affecting women is proceeding at a slower pace. But if democracy is carried to its moral conclusion and civil marriage is permitted, we might witness an irrevocable split in Jewish ranks. Neither halakhists nor democratic-minded Israelis seem to have an answer to this challenge. The halakhists are trapped by the limits of the halakhic system, and the democrats have been unable to cope with the complexities of fashioning a new Jewish identity under freedom. The outcome is uncertain, but only disestablishment and some sort of compromise can guarantee the future of a united Jewish people.

The Abrahamic Religions and the Spiritual Agenda

Democratic notions of authority, polity, decision-making, pluralism, this-worldliness, freedom, and equality have had a marked impact on Judaism and Christianity and, to a lesser extent, on Islam. Equally, we should not overlook the seeds of democratic ideas that are scattered in each of the Abrahamic religions. On the whole, however, it is the historical religions which have to come to terms with political and social democracy. If I read democracy right, it eschews all exclusivism, claims of absolute truth or goodness, and entitles each person to follow his or her conscience and spiritual or aesthetic taste in worship and religious observance. Perhaps

most important, democracy encourages individuality and creativity that, in many instances, is still suspect in the three religions.

The central biblical concern, the quest for God, has naturally been affected under democracy. Thus, major denominations have surrendered claims that their supernatural revelations are authoritative for all people. Democracy might be defined not only as a political doctrine and method of rule, but also as a critique of traditional religions' conceptions of polity, and as a counter or supplementary spiritual culture. At the same time, this new spirituality has its own limitations that stem from failure to appreciate the life-enhancing elements in the historical religions.

Democracy in a New Biblical Era

Democracy and religion need each other in the formulation of ethical values for the 21st century. Democracy frees the imagination, but religion is needed to prevent the human mind from losing touch with moral responsibility. The possibility that we will destroy ourselves, and the earth with us, is frighteningly real. In the Tower of Babel myth, man is depicted as trying to acquire divine power. In our current attempt to master the art of ultimate destructiveness, we seem to worship Satan. Freedom has been distorted into exaggerated permissiveness, and science is often twisted into scientism. The response to these and other abasements of human worth must not be a wholesale, thoughtless return to theological and ethical sys-

tems that were responsible for monstrous suffering in the past. Rather, religionists and democrats together must refine old values and seek new standards for the unification of humanity.

Israelis, I repeat, have to regard themselves as facing a new biblical era. They will have to reconstruct the Jewish people on its native soil, but this time without falling into the trap of ethnocentrism. They will have to learn how to update the universal vision of the prophets so that the revitalization of the Jewish nation can be a blessing to all the peoples of the Middle East and to all peoples.

In Israel, all the Abrahamic religions, while remaining particular in form, must abandon whatever remnants of chauvinism they still possess. The democratic state we share must guarantee freedom for and from religious and anti-religious ideas and practices and must encourage open debate about their respective validity

and worth. At the same time, while deepening ethnic and religious ties, all citizens of Israel must seek areas of commonality which will characterize their identity as Israelis and justify Israel's statehood. The state must implement its purpose as the Jewish homeland, but it can be considered democratic only if its minority groups can come to regard it as the locale of their fulfillment, individually and as members of historical communities.

-
1. "Religion and State," in *Jewish Religion and the State of Israel* (in Hebrew) (Jerusalem: World Zionist Organization, 5711), 101.
 2. "The Renewal of the Sanhedrin," in *Jewish Religion*, 39.
 3. *Jewish Law: History, Sources and Principles* (in Hebrew), 3 vols. (Jerusalem: Magnes Press, 1973).
 4. "Am Yisrael," in *Mussaf HaAretz*, 27 December, 1995.
 5. See my essay, "Is the Halakhah Viable—A View from Jerusalem," in *Jewish Civilization: Essays and Studies*, ed. Ronald Brauner, (Philadelphia: Reconstructionist Rabbinical College, 1979), 1: 179-198.