

Among the many problems confronting the State of Israel, those involving the relationship between state and religion have become especially troublesome in recent times. *TRADITION* presents two opposing approaches represented here by internationally renowned Jewish scholars and thinkers. Professor Leibowitz's article appeared in *Baderekh* and has been translated from the Hebrew by Mr. David Landau.

Professor Leibowitz, of the Department of Chemistry at Hebrew University, is a leading thinker and the author of numerous important studies on Jewish religious thought.

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A. General Principles

(1) The state has no intrinsic value; only an instrumental value. This principle is common to both the religious (theocentric) approach and the humanist (anthropocentric) approach. Attributing to the state an intrinsic value is the essence of the fascist approach.

The state itself is the enemy of the individual, since it is—by its very nature—an apparatus of power and coercion. Being an apparatus of this kind, it can neither realize nor embody “values” (in every sense of the term “value”): things of value are only achieved by men and not by the “state” (i.e. the governmental apparatus), and to achieve them men struggle among themselves within the framework of the state. There is not—nor can there be—unanimity among men concerning “values”: thus the state serves as an arena for internal struggles.

The only reason, the only justification, for the existence of the state is the need it fulfills. This “need” exists on two levels: the existence of the individual (“Were it not for fear of the government men would swallow each other alive”); and the

existence of "The Nation." All power and all authority of the state beyond the fulfillment of these vital needs is tyranny, since all authority (in any regime) is converted immediately from a means to an end, and is exploited by the rulers (in every conceivable regime) to strengthen their own rule. The essence of democracy is the limitation of governmental authority to the minimum required to fulfill the vital needs of the citizens. In other words—democracy means defending the individual from the power of his state.

(2) A "nation" is not a given natural entity, but an entity created by consciousness. Therefore there are no criteria of "nation" which are applicable to every unit of people which existed in history or exist today as "nations." Not all "nations" are distinguishable by the same type of identification marks—biological origin, territory, language, religion, political framework, way of life, tradition, etc.; cf. the Swedish "nation," the German "nation," the American "nation," the (classical) Greek "nation," the Arab "nation," the Jewish "nation." Each "nation" is defined by certain elements of its existence and its consciousness. Sometimes these elements are specific to a particular nation and do not form part of the definition of other nations. Thus, the relationship of the state to the nation is not the same in every nation. There is no meaning to the terms "a normal nation" or "a normal state"; each "nation" has its own norm, and the same applies to the form of its state.

(3) The two levels of needs which the state fulfills [see (1) above] are really one and the same: if there exists a national consciousness, then the existence of the nation becomes the personal need of the individual, who sees himself as part of that nation. Thus, the basis and justification for the existence of the state are anthropocentric — it exists for the sake of the individual, and it is led and guided by the individual's needs and their fulfillment. However, opinions vary as to *what* the supreme human interest is: from the viewpoint of the humanist approach, it is embodied in the "Rights of Man" (see The American Declaration of Independence); from the viewpoint of the Fascist approach (wittingly, or — as in some cases — unwittingly) it is embodied in the apparatus of authority which man establishes

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— the state.

(4) The historical Jewish Nation — as a unit which maintained the continuity of its existence and its own identity throughout the evolution of time — was not identified as a national entity by criteria of race, nor of territory, nor language, nor political structure. As long as the very existence of the Jewish Nation was not problematical — either to Jews or to Gentiles — the only definition of the continuous existence and identity of the Jewish Nation was its Judaism. This was embodied, empirically speaking, in the Torah and *Mitzvot*, the crystallized form of which is the Halakhah. By this definition, the Jewish Nation is a group of people who have the obligation to observe Torah and *Mitzvot*; the Halakhah rules who is bound by this obligation — whether by birth (and the obligation is not voided if a Jew refuses to abide by it), or by a free-will decision to join the Jewish Nation by acceptance of the yoke of Torah and *Mitzvot*.

(5) The motif of the pattern of life laid down by the Halakhah for individual and community is not anthropocentric but theocentric. (See the first paragraphy of the *Shulchan Arukh, Orakh Chaim*: “He should be strong as a lion to rise up in the morning for the service of God.”) It does not recognize the rights of man, but only the duties of man towards God.

Even the network of *Mitzvot* between man and his fellow-man — and these include *Mitzvot* between man and society, man and the nation, and man and the state — were not instituted from a humanist motivation. Human reality — both individual and collective — is viewed not *per se*, but from the viewpoint of the service of God. That which from an anthropocentric angle is seen as the ends of the state and the needs and interests of the individual related to it, is seen from the religious viewpoint as only the means to an end.

This leads to a basically critical approach to the state, even though its existence is recognized as essential. The conflict between religion — in the sense of Judaism of Torah and *Mitzvot* — and state, is of the essence of both religion and the state. Every state — and this includes the state of the Jewish Nation as it in fact existed in the past, as it exists at present, and as it

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will exist in the future, excluding the Messianic-Utopian state — must by definition be secular. Never throughout history did the Jewish Nation have a “Torah state”: at various periods it had states wherein those who observed the Torah fought battles for the Torah — from spiritual-educational struggles to bloody civil wars.

Both during the Biblical period and during the Second Temple, the histories of the Jewish states were mainly the histories of struggles between religion and the state apparatus, even when that apparatus itself was created by religious inspiration. The vital religious importance of the historical Kingdoms of Israel was in that they served as arenas in which battles for Torah and *Mitzvot* were fought out — *a fortiori* this should apply to the State of Israel today, which was not created by any religious impetus, but by a secular nationalist movement in the Jewish Nation. Therefore, to present the State of Israel as a politico-religious symbiosis is absurd.

(6) The dualism “national-religious” is not maintainable unless one or both of the terms are falsified, i.e. either “national” must be distorted from its purely secular meaning, widespread at least since the French Revolution, and must be given a meaning directed at the traditional term “the Community of Israel” — in which case it becomes synonymous with “religious” and is superfluous; or else “religious” must be distorted from its true meaning denoting the system of the Halakhah — and must be made to mean merely an accessory of national-political life — in which case it is valueless.

B. Religion and State in Israel

The problem of “state and religion” — which is in fact the problem of the future character of the Jewish Nation and Judaism — is not raised by the official existence of the State of Israel, but by the administrative and legal disputes between the various partners in the executive and judicial apparatus of the State. The two great states of values, the religious and the humanist, the open conflict between which moulds the character of the individual and his society, are not represented by two

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camps fighting for these values. The "religious" camp does not fight for the Torah, the "secular" camp does not fight for man: they both fight for the state; the nationalist passion which is common to both sides leads to the situation wherein the state — which is only the external trappings of some content of intrinsic value — takes the place of that content itself.

A basis was found for running the state by a clerical-atheistic coalition, independent of the substance of the political reality: it was agreed that the state was to be secular, but that it was to be "known in public" (*Yadu'a Ba-tzibbur*) as religious. This agreement is offensive both to religious and to humanitarian values. From the religious viewpoint, it leads to profanation of God, contempt for the Torah and the downfall of religion; from the humanist viewpoint, it leads to the corruption of public life; from the viewpoint of any sensitive person, it leads to the corruption of the people by lies and hypocrisy.

The State of Israel was established in 1948 by the common actions, common efforts and common sacrifices of both religious and irreligious Jews as a state of secular character. It has remained of secular character, and it will continue perforce to be of secular character — until a spiritual and social metamorphosis of revolutionary dimensions overtakes the people who live in it. The secularism of this state is not the product of any conscious intent but of its essential reality: it was not established on the strength of the Torah, nor from any impetus of the Torah, nor by the guidance of the Torah or by its commands, nor is it run according to the Torah.

The principle that "the State of Israel as a state rules by secular law and not by Halakhah" is recognized by all — including the religious — as operating with regard to the procedures, government and administration, in which official religious Jewry has taken an active part since the establishment of the State. Whether we define ourselves as "religious" or as "irreligious," all of us set up together this state as Jewish patriots, and Jewish patriotism — like all patriotism — is a secular human trait with no religious or holy content. Holiness only exists in keeping the Torah and observing the *Mitzvot* — "and you shall be holy to your Lord."

We have no right to connect the establishment of this State of Israel with religious concepts of Messianic redemption, which entail the idea of the religious salvation of the world, or at least of the Jewish People. One must not affix a religious halo to a politico-historical event, and one must not view the very existence of this state as a religious phenomenon.

From the viewpoint of religious faith and conviction this state is the State of Israel (just as the kingdoms of Jeroboam, Ahab, Menashe and Herod were in their time the Israelite State); and the Jew — even the religious Jew — cannot and must not cut his tie with this state, even though it is at present a secular state, i.e. based on the rebellion of the people against the Torah. One must not cut this tie, just as one cannot and must not cut one's tie with one's parents if they are criminals or with one's son if he erred from the true path. However, while fully recognizing the legitimacy of the existence of this state, one must hold out, in place of its present character and the character of its society, the character of a religious state and society, i.e. a state and society where the Torah is sole authority. There must be none of this infiltrating religious showpieces by administrative means into the secular reality, while recognizing the authority of the secular government over them.

C. The Religious Need for Separation of Religion from the State

The demand for the separation of religion from the existing secular state stems from the vital religious need to prevent religion from becoming a means for supplying politico-social requirements, to prevent religion from becoming a department of a secular government, a function of governmental administrative bureaucracy which "supports" religion and religious institutions not out of any religious motivation, but as a concession to particular pressure-groups out of transient and shifting interests of political power. Religion under the patronage of an irreligious government is the very antithesis of religion: it prevents the possibility of religious education and influence on the public and on the country's mores.

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From the religious viewpoint there could be no worse than an atheist-clerical regime. What have we here? A state secular in its essence and irreligious in most of its outward manifestations, which recognizes religious institutions as governmental institutions, supports them with its funds, and imposes on its citizens by administrative means not religion, but particular religious services, arbitrarily selected according to party-political agreements — and all this while stressing its non-recognition of Torah and *Mitzvot* (“a state ruled by law, not by Halakhah”); a rabbinate “under the auspices,” which receives its appointment, its authority and its salary from a government of irreligious people, and limits itself accordingly to the range of activities which this government lays down for it within the framework of the administrative service of the state.

“A religion whose standing in the state is similar to that of the police, the sanitation authorities, the post office or the customs . . . there could be no worse abasement of religion; nothing weakens the strength and influence and persuasiveness of religion and prevents the winning of hearts more than religious institutions which are kept by a secular state, more than investing secular functions with an official religious aura, than religious laws included like aberrations in a code of secular legislation; than a secular government which imposes an arbitrary selection of religious practices on the public without obliging itself or the public to recognize the authority of religion; than religion not for holy motives but for political convenience.

All this is a falsification of reality, a perversion of social truth and religious truth and a source of intellectual and emotional corruption. The secular state and secular society must be brought to declare themselves openly, without a fraudulent religious front — and then it will be clear whether they have anything to offer as a Jewish state and a Jewish society. And the Jewish religion must be brought to declare itself without the administrative cover of a secular government — and only then will its true power be revealed and it will be able to become an educative and influential force.”

These words were written more than ten years ago (in a discussion about separation of religion from the state, which was

fought out on the pages of the periodical *B'terem* during 1959-60), and they have proved their truth since then to a terrifying degree. The Jewish religion does not exist within the State of Israel and among its people as a spiritual factor and an independent public force, but as one section of the administrative apparatus of the secular government. While sympathy for the demand for separation of religion from state as a *religious* demand grows deeper and more widespread among observant Jews, the religious establishment (the rabbinate and the religious parties) continue to hang on to the coat-tails of the secular regime, and in exchange for the right to be recognized as a partner in this regime they continue to cover up the abasements and denigrations which the Jewish religion receives daily at the hands of the government, the administration and the judicature of the regime which controls the religion of Israel in the State of Israel, and which exploits it for its own ends and benefits — “supports” it as a kept woman is supported.

In this atmosphere of lies and hypocrisy all concepts are forged and falsified. In the political and social reality in Israel today, religion does not present itself as a force for a change in values and for the shaping of private and public life according to its own all-embracing scale of values. On the contrary, it is careful to appear as an inseparable part of the secular regime, and to act in the name of that regime and under the authority which that regime gives it. It makes its demands only with regard to particular details within the general framework of the secular law and the secular life of the State and of society; these demands are divorced from the overall programme of life which the Torah lays down, and they seem strange, illogical and unjust against the background of the totality of secular life. To the majority of the people, these demands are uncomprehended and incomprehensible, since they are put forward within the framework of the laws and regulations of a secular regime, and therefore they produce only mockery and anger. The form which religion has taken on in the reality of the Israeli State and society gives it the appearance of petty interferences, hindrances and pin-pricks against the “normal” — i.e. secular — fabric of life, and not that of an alternative way of life. Therefore it is

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both hated and despised.

The truth is that religion lacks all power in the State of Israel and in its society and lacks all real influence in shaping their character. Yet there are large segments of the public who feel that they are subject to "religious coercion." The "religious laws" in the State are enacted by a secular authority in the form which suits it best (out of governmental interests). They lack all religious meaning, and in most cases their content — which from a formal viewpoint is religious — in fact goes against the clearly stated rules of the Halakhah. The truth is that they constitute secular governmental coercion of religion, and at the same time they provide ammunition for anti-religious elements to arouse irritation and ire against religion — and no doubt this is the intention of those secular groups in the government (particularly Mapai) who oppose the separation of religion from the State.

D. The "Religious" Laws are in fact Secular Laws

The very best example of this situation is the *Shabbat* — the central institution of the Jewish religion and of Jewish religious life. In the present situation, when religion is supposed to be a part of the State, the *Shabbat* is deliberately profaned by the State. The Shabbat Law is in fact the Shabbat Profanation Law. This Law recognizes the right of every individual to profane the *Shabbat*, for instance, by riding; and the police and judicial apparatus of the State have often been used in defense of this right against those who sought to deny it — and this is the apparatus of the regime with which representatives of official religious Jewry cooperate in practice, and for whose actions they share responsibility. The prohibition which the secular regime imposes in certain places (only in those places, and not in others) on public transport on *Shabbat*, is no more than a bribe to Orthodox Jews to look the other way. This prohibition also lacks all religious meaning: the *Halakhot* of *Shabbat* contain no such ridiculous commandment which permits Jews to travel on *Shabbat*, but forbids buses to operate on *Shabbat*. The hypocrisy of this arrangement, which is insisted upon by the religious establishment, denigrates the honour of religion and makes the

religious stand laughable.

The same applies to the train service. Here an explicit agreement exists between the "religious" and the "secular," whereby, to keep up the pretense of *Shabbat* observance, the trains do not run passenger services openly, but all the maintenance and repair work which a railway system requires are done particularly on *Shabbat*. Recently, a railway bridge was deliberately constructed on *Shabbat* "so as not to disrupt weekday traffic." The National Religious Party cabinet ministers fulfilled their religious obligations (after the event) by a protest, but, of course, they continue to hold office in the government responsible for this act, i.e. to share the responsibility — from both a legal and moral standpoint — for wicked profanation of the *Shabbat*.

It must be stressed that no law of the secular authority — whatever its content — can have any religious meaning, since it does not emanate from the force of the Torah. A law enacted by the Knesset — which is not a religiously motivated assembly — (*Kenessiah Le'shem Shamayim*) — and which is enforced by the government which does not recognize the authority of the Halakhah, is by definition a secular law. The same applies to every administrative institution appointed by the secular regime: "The agent of a man is like the man himself." The rabbinate, appointed by the secular regime according to a secular law, which receives its salary from this regime and which acts within the framework of the authority which this regime allows it, is not a Torah institution but one of the branches of the secular administration, and its decisions and legal verdicts have no religious meaning. Let us just imagine what the religious significance and historic value to Judaism of Elijah the Prophet would have been, had he been the Minister of Religious Affairs or the Chief Rabbi of Jezebel's government! (There is no intention here of comparing Golda to Jezebel, Dr. Warhaftig or Rabbis Unterman and Nissim to Elijah the Prophet.)

But with regard to the *Shabbat*, which is (and this must be stressed repeatedly) central and basic to the character of the Jewish state and Jewish society from the standpoint of religious life, religious Judaism, — through its dovetailing into the secular governmental apparatus and through taking its authority

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from it — has suffered a terrible defeat, not only on the moral and philosophical plane, but also on the social plane and on the practical plane of the lives of observant Jews and the conditions in which they live. Under the cover which establishment Orthodoxy gives to the government, the administration and the judicial process of the secular regime by actively cooperating with it — and thus also sharing its responsibility — this regime is creating in the state a social and economic fabric of society which limits the horizons of religious Jews, curtails their chance of entering certain professions or services, shuts sources of income in their faces, and pushes them into a corner of the socio-economic set-up. Hundreds of factories in all sectors of production operate on *Shabbat* with government permit, and are thus barred to Jews who observe *Shabbat*, and who are faced with an attempt to dissuade them from their beliefs and their religion; this is also the case in the mines, in the transport services — the trains, the ports, the shipping lines, airfields, airlines — and broadcasting services. Apart from the rare cases of “necessity of life” (for which provision can be found within the framework of the Halakhah), the permits for work on *Shabbat* are issued “on economic grounds” — i.e. for reason of financial profit. Just as in the Middle Ages the Gentile governments could set aside certain “Jewish trades” by barring Jews from all other sources of income, so too in the State of Israel certain “trades for *Shabbat*-observers” are being set aside — commerce, the free professions, clerical work in certain sectors (not all). In other words: a social-vocational ghetto for religious Jews is in the process of being created. The case has already occurred of an immigrant from Russia, an electronic engineer by profession, who had succeeded by great personal sacrifice in working at his profession for many years in that country and under that regime without transgressing the *Shabbat* — who was sentenced to unemployment in Israel because of his refusal to work on *Shabbat*.

Faced with these facts, we cannot but ask: which standard is more reprehensible — the brazen impudence of the irreligious who complain about “religious coercion” in the State of Israel, or the low and shameful standard of the “religious” leaders who continue to be partners in this government.

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E. Releasing Religion from its Subservience to the Political Regime

At the present time, the idea of "the rule of the Torah" in the State is unreal and has no meaning. This is not the problem of the State of Israel but the problem of the spiritual-cultural structure of the Jewish People; at any rate, it is a problem for generations. At present, the task incumbent on religious Jewry is not to restore to the Torah its position of authority over the Jewish People, a position which has been smashed in recent generations, but — as a first stage in the renaissance of Torah Judaism — to restore to the Torah its dignity which it has lost thanks to the shameful stand of religious Jewry in the State of Israel. The first condition for this is the separation of religion from the state, in other words: the removal of religion from its integration in the secular administrative apparatus and from its subservience to the secular regime, and its conversion into an active independent force. The immediate fruits of separation would be a great improvement in the internal organization of religious Jewry and in the orientation of its relations with the secular governmental establishment of the State.

Here are some examples:

The religious institutions would be the property of the religious community and would operate according to religious considerations and out of the interests of religion, and not to fit a framework laid down for them by the secular authority. There would be no appointments to religious posts by governmental agencies which do not consider themselves bound by the Torah. Religious concerns and institutions of religion will not be run by departments of state or their agencies. A rabbinate would arise which would serve religious Jewry; and not a rabbinate "under the auspices" — one of the most despicable institutions in the history of the Jewish People. A rabbinate would arise which would be the representative and the leader of the religious community, and not a governmental department of what is in fact a secular state: a rabbinate which would be permitted to express itself and make its voice heard on every subject and every public issue on which it has something to say

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from the standpoint of the Torah and the Halakhah, and not only on those issues which the secular authority assigns to it. The voice of the Torah and the authoritative opinion of the Halakhah would make themselves heard at every place and on every issue — whether or not those who hear the voice are prepared to obey it. The current dreadful situation would cease whereby the rabbinate — as a State-bureaucratic institution — is obliged to refrain from voicing its opinion on the question of secular and religious education, which is the foremost religious problem, and to be silent when cases come to light of the enticement of Jewish children away from their religion by inducements or coercion. There would no longer be frictions and arguments between the religious functionaries of an atheistic government — between the “Minister for Religious Affairs” and the “Chief Rabbi” — who dispute among themselves not over Torah passages or Halakhic decisions, but over the division of the pathetically little powers bestowed on them by the secular regime.

Who is to maintain the religious institutions which the religious community needs? The answer is clear: first and foremost the religious community itself, with its own resources, as it did in all ages and in all places for as long as organized religious Jewish communities have existed on earth. Of course, this requires sacrifices, but the Orthodox Jewish community has always — and in all places — borne these sacrifices as self-understood and as an integral part of its religious existence. Even the poorest community in some outlying village in Yemen or Morocco, or in the caves of Libya, maintained from its own resources — without the help of the United Jewish Appeal or contributions from the Imam or the Sultan — its rabbis, its *shochtim*, its synagogues, its graveyards, etc., and never complained. Only in the State of Israel, which has turned religion into a departmental service of the secular government, has the Orthodox community become corrupted and become used to receiving funds for maintaining its religious institutions from the secular authority, and in this way making its very existence dependent on this authority. There can be no doubt that, after an initial period of confusion which would follow the separation

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of religion from the state, the former glory would be restored, and the religious community would once again support its own institutions as religious institutions which religious people maintain out of their own free will. The honour of the Torah and the honour of those who maintain it would be restored and would rise again, after having sunk to the lowest depths through their dependence on the bounty of the secular state.

On this issue one may allow oneself to draw comparisons from the unsacred to the sacred, from the Gentiles to Israel — from the scorn and contempt which was the lot of the Catholic Church and clergy in France in the nineteenth century, after the Napoleonic Concordate which made them into services or servants of the state, and the rise in their honour and influence in the twentieth century, after the separation of church and state, when all the Church institutions and their staff were sentenced to subsist on the support and donations of believers alone.

There is room for research as to whether the Jewish religious institutions in the secular State of Israel must, or may — from a halakhic standpoint — receive financial support from the state's coffers. The present writer feels that Orthodox Jewry — for the sake of the honour of the Torah — would have to refuse to accept such support. If the religious community, after due consideration, decided otherwise, then this same support would be given them even after the separation of religion from the state, by their rights as a group of taxpayers and loyal citizens who share in the state's burdens.

The religious councils would be elected by all the religious Jews who are interested in them and in their activities. They would not be agents of the "Ministry for Religious Affairs," which is itself a secular authority. The abolition of the Ministry for Religious Affairs would free Judaism and religious Jews from the religious nightmare — which official religious Jewry today passes over in silence — of the institutions of other religions (some of which are defined as idolatry according to strict Halakhah) being maintained by Jewish money. If there were no longer a Ministry for Religious Affairs, and Jewish religious institutions were no longer maintained by government funds, then our democratic state would be exempt from the obligation

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to maintain other religious institutions: all the religions would maintain their own institutions.

C. Would Civil Marriage Split the People?

Concerning the problem of personal status, which is currently posed as the central problem in the relations between state and religion, the following was written twelve years ago:

The contention that the State's recognition of civil marriages would split the Jewish People into two nations who would be unable to intermarry is based on a false premise. It is false to suggest that such recognition would mean the end of the institution of *kiddushin*. Anyone so suggesting is ignoring — deliberately or through ignorance — the fact that hundreds of thousands of religious Jews in the West live their married lives in the holiness and purity of Torah Law under the authority of state laws which recognize civil marriage and divorce and even insist on them. An observant Jew will continue to marry with *chuppah* and *kiddushin* (according to Jewish Law), and if he must divorce, he will do this, too, according to the law of Moses and Israel. Those who rebel against religion will make do with registering their "marriage" or "divorce" in a government office to be set up by law. Here the two vital terms are set in inverted commas, since from a religious standpoint it would appear there is no marriage at all, but simply fornication with an unmarried woman, and thus it follows that the problem of divorce does not arise. Where there has been no (religious) marriage, there can be no *mamzerut* — a child born out of wedlock is not forbidden to marry a Jew. We have yet to see the institutes of Torah learning making a serious attempt to decide the halakhic implications of "civil marriages" — whether in fact they have any halakhic significance at all. It is difficult to think that a woman who has sexual relations with a man in reliance on a registration in a government office would be considered by the Halakhah a married woman, since the couple expressly signified their intention not to contract a marriage according to the Jewish Law.*

*For conflicting Halakhic opinions, see Rabbi Gershuni's article, Rabbi Bleich's "Survey of Recent Halakhic Periodical Literature" in this issue.—Ed.

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This situation, which would reduce the danger of *mamzerut* to a minimum, would be an enormous *improvement* on the existing state law of Marriage and Divorce, which is no more than a law for the multiplication of *mamzerim* in Israel. For the prohibition of adultery, which applies to physiological facts affecting only the parties involved, cannot be justified on moral or social ground and is only a strict *religious* injunction: therefore, in wide sections of the public where the force of religious law has waned — and this includes many quite respectable people — adultery is not considered wrong. The upshot is that those who impose *kiddushin* on a public which does not subscribe to its sole validity, flagrantly transgress the commandment of “Before a blind man, you shall not put a stumbling block,” and through coercing the observance of the injunction against cohabiting with an unmarried woman — the transgression of which does *not* produce *mamzerim* — they cause many people to transgress a commandment the punishment for which is *korut* or death.

However, there can be no hope of the rabbinical institutions giving this issue objective thought, since they themselves are interested parties — just as one cannot hope for the rulers of the Histadrut and its parties to give objective thought to the problem of removing the country’s health services from the control of the Histadrut.

Moreover, the fear that a split in the nation would follow the abolition of the law of marriage and divorce is risible — and perhaps insincere — in the face of the reality which already exists today: can a man and a woman live as a couple, if one of them considers himself/herself bound by the Torah laws of marital purity, while the other does not recognize them or does not live by them? Are not these injunctions, the punishment for which is *korut* immeasurably more severe than the injunction against cohabiting with an unmarried woman, or than the very slight fear of *mamzerut*?

Closely connected with the above subject is that of Who is a Jew? — a problem which could only have been carried on the basis of the inclusion of religion within the sphere of authority of the secular state. We have witnessed how shifting, changing

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governmental coalition interests lead at one time to an attempt to destroy the historical-moral significance of belonging to the Jewish Nation, and at other times to the cessation of such attempts; i.e. how religion becomes a card in the game of political interests. Were it not for the subservience of religion to the secular governmental authority, the problem would not exist: if Israel's *de facto* secularism were formally recognized *de jure*, the problem would never arise, for a secular state does not determine the "Jewishness" or "non-Jewishness" of its citizens. It only recognizes "citizens" and "non-citizens," and the concept "Jewish" would remain with its historical-traditional connotation."

Today, twelve years later, the time has come for a fundamental examination of the slogan "national unity," without making it a sacred cow, and for a reasoned consideration of the danger of "splitting the Nation" which the religious cry out, and which those of the irreligious who oppose the separation of religion from the state, for fear of such a split, repeat after them. In the histories of all nations, of all societies and of all cultures, no object of value (in every sense of the word value) has ever been achieved through "national unity": every object of value has only been achieved through splits and internal struggles, which reached the proportions of bloody civil wars. "National unity" only exists against the background of a common desire to seek plunder and pillage; real values — as opposed to the Fascist value of the state *per se* — split nations. The greatest figure in English history was Oliver Cromwell, in American history — Abraham Lincoln; both of them leaders of civil wars. The history of the Jewish Nation is replete with internal struggles and splits, particularly against a religious backdrop; because of religion whole segments of the Nation left the Nation, or were removed from it. Today too, it would seem, we stand before a decision: a content of value or a governmental framework — which is preferable?

Behind the smoke-screen of the pseudo-Judaism of the State of Israel there is an ongoing process of the eradication of the historical character of the Jewish Nation, i.e. a process of turning it into another nation: a son of this nation will no longer

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be identified by his Judaism, but by his identity card, signed by a clerk of the Ministry of the Interior of the State of Israel. Since there is no copyright on the use of the name "Jewish," it is quite possible that this nation, too, will be called "Jewish" (although it will probably prefer to be called "Israeli" or "Hebrew"). But it is clear that it will not be the continuation of the historical Jewish Nation, just as the Greek nation of our day is not the historical continuation of the ancient Greek nation. Since a part (the minority) of the Jews will maintain the historical continuity, it is possible that we shall arrive perforce at a split into two nations, separated from each other not only by non-intermarriage, and going each its own way in history, with a feeling of deep mutual animosity.

Among the portents of the approaching split: — the wave of hatred for Judaism and for the observant community, which is growing ever stronger in the secular community — hatred which is more emotional than rational, i.e. extremely deepseated. It is widespread among the youth who received a nationalist-secular education on the one hand, and among the intelligentsia and university-trained people on the other. The obstinate insistence of religious Judaism on continuing to exist annoys the irreligious inasmuch as it interferes with the formation of the non-Jewish "Israeli" nation; to this there is sometimes added — unconsciously — the psychological factor of a bad conscience. The annoyance which turns to hatred finds expression in public utterances, in public arguments, in the Knesset and in the press, and even in the formulation and reasoning of the decisions of courts in Israel.

One of the absurd arguments in this debate is the contention made in the name of progress, of morality, of humanism and of the rights of man, which are crushed beneath the archaic, barbaric and enslaving Halakhah. The falsity — conscious or unconscious — in this contention stands out particularly when the contention is mouthed by those who raise the banner of the "nation" and the "state" as superhuman values. All morality or humanism involves viewing the individual human being as the supreme value, and recognizing his right to be master of himself, his life and his actions — to the extent that he does not infringe

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the same rights of his fellow-man. He who argues for the right of a superhuman entity, the "nation" or the "state," to force the individual to join the army and to be killed for this entity — how can he dare to speak in the name of morality or humanism? How great is the deception — deception of others or self-deception — in moral indignation at the Halakhah which limits the individual's freedom in sexual matters, when this indignation is accompanied by the recognition of the right of the "nation" or the "state" to widow a man's wife and orphan his children! In the socio-political reality of today, a man cannot be a moralist or a humanist unless he is an anarchist, a pacifist and a cosmopolite. A nationalist and a patriot is neither moral nor a humanist, inasmuch as he subjugates man — the real, living, individual man — to an abstract authority. In this he is like one who subjugates man to religion, except that the religious limits and constricts the freedom and rights of the individual by the recognition of his duty towards the Torah, while the nationalist patriot — by the Fascist values of sovereignty and power.

With regard to the opposition towards the Torah's marital prohibitions (an *aguna* [woman whose husband's whereabouts are unknown], a divorcee to a *cohen*, a woman requiring *Yibum* or *Halitza* [from her dead husband's brother], *Mamzerim*), it should be pointed out that this opposition is usually accompanied by recognition of other marital prohibitions — those which are accepted, for some reason, among the Gentiles, such as marriage between brother and sister, marriage of a married woman, polygamy, and such like, even though these, too, represent a limitation on the freedom of the individual in the most intimate part of his life, without any rational or moral reasoning. It appears, therefore, that what is accepted among the non-Jews is good for the State of Israel too, and only that which is based solely on Judaism is wrong.

It must be highly doubtful whether it is possible to maintain forever the unity of the nation which is split and divided from all these aspects.

But the march of history along a particular path is not dictated by necessity, and certainly not dictated by logic; it is directed by the decisions and determinations of human beings

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in each generation. Therefore, we cannot know if this split is in fact decreed to be our lot in the future. At the moment, it is our duty to deal with ephemeral affairs — with the problems of our own generation, and to try to open the door to other possible courses of development more desirable to us. The separation of religion from the state would mean both clearing the air and preparing the ground for these possibilities to take root.

The separation of religion from the state would not entail pushing religion into a corner of the state and of society, or the truncation of Orthodox Judaism from political reality. On the contrary: the separation of religion from the state means the beginning of the great confrontation between Judaism and secularism within the Jewish Nation and within its state and the beginning of the struggle between them for the conquest of the nation. Religion, which serves today as one of the administrative functions of the secular state, has no say except in those sectors of public life which the secular authority permits it to deal with. A religion which was independent would be the fundamental opposition to the secular regime in the state, an opposition which demands a clear and explicit alternative — in all fields of life in the state and in its society.