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Democracy, Religion, and the Zionist Future of Israel

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IT IS THE THESIS OF THIS ARTICLE THAT religious (halakhic) authority in Israel is not only undermining democracy, but, also, threatening the Zionist nature of the Jewish state. We will first examine the interface between the ideological assumptions of democracy as against those of halakhah and then comment on the implications of the current evolving relationship between religion and the state for future Zionist cultural development.

I

"Government of the people, by the people, for the people" has become the acccepted political norm to which the free world subscribes. The purpose of democracy has been defined as "a form of government in which the rulers are fully responsible to the ruled in order to realize self-respect for everybody."[1] This concept of self-respect is inseparable from the idea of self-fulfillment and we find a classic statement of it in the Declaration of Indpendence of the United States.

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights,that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed . . .

Democracy as it is understood today is based on a number of assumptions, among which are:[2]

1. *A Guarantee of Individual Liberties*

In his essay, "On Liberty," John Stuart Mill identifies three areas in which individual liberty constitutes a prerequisite for a free society.

> — liberty of conscience, thought and feeling; absolute freedom of opinion and sentiment on all subjects, . . . the liberty of expressing and publishing opinions . . .

1. William H. Riker, *Democracy in the United States* (New York: Macmillan, 1953), p. 34.
2. I have adapted in part the summary of Zechariah Goren, "*Al Haḥiloniut Ve-al Maskanot Pedagogiot Aḥadot Hanovot Mimena,*" (Some Pedagogical Conclusions Stemming from Secularism) *Oranim: Sugiot Ḥinukh VeHora-a* (Oranim Teachers Seminary, 1982), pp. 177-185.

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— liberty of tastes and pursuits; of framing the plan of our life to suit our own character . . .

— liberty of combination among individuals; freedom to unite for any purpose not involving harm to others.

No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified.[3]

2. *Truth As Relative.*

There is no one absolute truth. Hence, there is no justification for any kind of coercion. The principle of tolerance and pluralism in no way negates the right of individuals to believe and act and preach according to their understanding of "truth," on condition that they in no way detract from the rights of others to believe in, and propagate, contrary views.

3. *Rational Thinking*

Rationality is the guiding principle of human action. This does not imply that humans are, by nature, entirely creatures of reason. Reason and intellect are to be mobilized in order to regulate emotions and in order to promote both the welfare of the individual and the public as a whole.

4. *The Negation of Supra-Human Authority*

There is no Supra-Human authority which grants special rights to some form of government (e.g., the divine right of Kings) or system of law (e.g., Divine Revelation). Hence, it is necessary to separate political authority from religious authority. Government is secular, i.e., of this world, and its legitimacy derives from human and not supra-human frames of reference.

This does not negate the possibility (or even desirability) of ideological and moral values stemming from religious belief (the "Judaeo-Christian" ethic). However, no idea, dogma or doctrine, in and of itself, constitutes authority.

The American motto, "In God We Trust," has not been interpreted as granting divine authority to any individual or political institution where public affairs are concerned. Similarly, the closing paragraph of Israel's Declaration of Independence reads: . . . . "Placing our trust in the Almighty (*Zur Israel*) we affix our signatures to this Proclamation." In addition to being a formulation acceptable to all the signatories, the reference to *Zur Israel* (referred to as the Almighty in the official English translation) satisfied a similar need for a consensus value expression.

While religion may be perceived as contributing to the value consensus of society and the state, it is the function of the democratic political process (and not of any authority purporting to represent divine revealed

3. John Stuart Mill, "On Liberty" (1859), in Max Lerner, ed., *The Essential Works of John Stuart Mill* (New York: Bantam Books, 1961), pp. 265-266.

truth) to determine *public norms*. Furthermore, it is incumbent upon the political process to determine such norms without infringing on individual liberties.

Prophetically, John Stuart Mill wrote:

> The great writers to whom the world owes what religious liberty it possesses, have mostly asserted freedom of conscience as an indefeasible right, and denied absolutely that a human being is accountable to others for his religious belief. Yet so natural to mankind is intolerance in whatever they really care about,that religious freedom has hardly anywhere been practically realized, except where religious indifference, which dislikes to have its peace disturbed by theological quarrels, has added its weight to the scale . . .[4]

Democracy, Liberty and Judaism

Modern democracy is the outcome of social and political processes which characterize the modern age. It has no basis in Judaism. Judaism was never democratic, just as no other traditional society had democratic government in the modern sense of universal suffrage and guaranteed civil liberties. In ancient Israel, authority was (divinely) vested in the King, the Priesthood and the "true" prophet. After the destruction of the Temple, the Rabbis emerged as an aristocracy (at times hreditary, at times of merit) which collectively determined *halakhah* and what became normative Judaism up to the Emancipation.

This is not to deny that the religio-cultural legacy of Israel was particularly rich in ideas and ideals which could constitute an ideological value-infrasturcture for the development of democracy. For example, the separate delegation of divine authority to prophets, priests and Kings is reminiscent of (without necessarily paralleling) the separation of powers in the modern democratic state. During the period of the Second Temple we also have a certain degree of pluralism (not necessarily accompanied by mutual tolerance): Pharisees and Sadducees, the House of Hillel and the House of Shammai.

Rabbinic tradition interpreted the ambiguous biblical passage in Exodus 23:2 as an injunction to take one's lead from majority opinion. The Ethics of the Fathers (*Avot* 1:1) specifically states that it is man's task to set limits to (i.e., interpret) the Torah. The Rabbis even tell the tale of God Himself descending from on high to help decide a dispute regarding the ritual purity of an oven. A majority of the Rabbis disagree with the Divine decision even though God makes miracles happen to prove His point. In the end, God recognizes that His rule is in heaven and that He must leave the interpretation of His will to the Rabbis (note: the Rabbis —

4. Ibid., p. 261.

not the people).[5] The modern Jew can surely find much that is positive in this aspect of the rabbinic tradition. But it is not democracy.

The Inherent Equality of all Human Beings

Values such as the equal, intrinsic worth of all human beings can be derived from the Book of Genesis: "And God created man in His image, in the image of God He created him; male and female He created them" (Gen.1:27).

In Judaism we find evidence that at least some of the Rabbis felt the tensions inherent in the Tradition regarding intrinsic human worth. The rejoicing of Israel as the waters of the Red Sea engulf Pharaoh's host evokes God's response in the Talmud: "The work of My hands is drowning in the sea, and you desire to sing songs!" (*Sanhedrin* 39b). In the same context, we have the custom of pouring out a drop of wine for each of the ten plagues that were visited upon Egypt. Surely this human sensitivity to the suffering of one's foes represents a value-orientation of universal and not just Jewish significance. There is much in the social ambience of Jewish tradition which is compatible with democracy and the spirit of democracy. However, we must refrain from confusing our proclivity to the democratic spirit, our tradition of messianic longing for a just world, with the norms of modern political democracy.

The Concept of Freedom

The idea of freedom is a seminal contribution of Judaism to human society. The right to self-determination of all peoples, of freedom from subjugation to another people, are ideas that draw their inspiration from Moses' demand: "Let my People go!"

But Freedom as a symbol is shared by two rather different concepts. The modern one is based on the secular, humanistic, anthropocentric view of humankind — man inherently free and as the measure of all things. The traditional Jewish concept is conditional on the acceptance of theocentric obligations within the framework of a covenant whose purpose is "world-mending" (*tikkun olam*). Individual self-fulfillment has no meaning in isolation from a life of fulfilling the *mizvot*. Are these two concepts of freedom, in fact, antithetical? As we will see, this is an open question in terms of modern Jewish thought and in terms of Israeli political practice. Certainly some creative *drash* (interpretation) is needed. In any case, it is hardly tenable to claim simplistically that as pioneers of the freedom-idea the People of Israel laid the groundwork for the future emergence of democracy.

5. *Baba Mezia Nun-Tet* (59); Ch. N. Bialik and Y. Ch. Revnitzky, *Sefer HaAggada* (Tel Aviv: Dvir, 1951), p. 171 — No. 98.

Democracy and Halakhah

For some 1700 years, from the destruction of the Second Temple and until the Emancipation, normative Jewish behaviour in all matters, sacred and profane, individual and communal, was determined by the halakhah. A line of authoritative interpretation generally accepted by Jews everywhere extends from Beit Hillel to our own day. The essential truth of this generalizaiton overshadows the relatively insignificant nuances between Sephardic and Ashkenazic Jewry. Above all, the Rabbis arrogated to themselves the authority of kings, priests and prophets. "On the day that the Temple was destroyed, prophecy was taken from the prophets and given to the Rabbis" *(Baba Batra 2)*.

Shneur Kopelevitch, a militant activist in the cause of Israeli secularism has emphasized the anti-democratic nature of halakhah, stemming as it does from rabbinic interpretation of divinely ordained immutable and absolute truth.[6] Its features are:

1. The hierarchic nature of halakhah. Different status and laws govern Priests (*Kohanim*), Levites and Israelites,
2. The rights and obligations of Jews and non-Jews are not the same. There is also a basis for relating differently to different peoples.
3. The different status of men and women.

Hence, halakhah is not compatible with the modern idea of equality before the law. Neither are halakhic decisions made in democratically constituted forums.

We must not confuse the basic incompatibility of the halakhah with the *exacerbations* of the problem caused by the increasing rigidity of the halakhic process itself — especially within Israel's obscurantist religious establishment. Had the halakhah retained its original flexibility, the conflict between it and democracy would perhaps have remained latent for a longer period. But the evolution of the halakhic process itself has gone in the direction of increasing codification (*Shulḥan Arukh*). As a result of the Emancipation we have the birth of modern ultra-Orthodoxy (Ḥatam Sofer: "*Ḥadash assur min HaTorah*"), which has effectively prevented adequate creative exegesis in our time.

Halakhah and the Modern State

The controversy regarding the possibility of governing a modern state according to the precepts of halakhah exists within the camp of observant Jews as well as between the religious parties and the actively secular. A most comprehensive and aggressive statement from the secular point of view has been made by Gershon Weiler, whose thesis is that halakhah has always presupposed limited Jewish autonomy and, hence, is not

6. Kopelevitch grew up in an Orthodox home and, after the Six Day War, joined a secular kibbuẓ. He is an instructor of Judaica at Oranim, the Teachers Seminary of the kibbuẓ movement, as well as a frequent lecturer on subjects cognate to this article.

a viable framework for the functioning of a modern Jewish state. Weiler takes great pains to differentiate between an autonomous Jewish *society* and an independent Jewish *state*.[7] The Orthodox iconoclast, Professor Yeshayahu Leibowitz, argues in favor of the separation between religion and the state because it is demeaning for the halakhah to be juxtaposed with the secular legal system of the state.[8]

II

The Secular Roots of the State of Israel

The modern Nation-States emerged from traditional feudal society. An important corollary of the elimination or, at least, the transfer of authority to the Nation State was the demand that the Jews divest themselves of their traditional society. This "emancipation" of the Jews from the authority of the halakhah in their daily lives exposed them to those same influences which had engendered secular humanism and the Enlightenment from the end of the fifteenth century onwards.

The modern Zionist movement, ideologically, was conceived in the womb of the Jewish Enlightenment of the 19th century and became possible only when a critical mass of the Jewish people rejected the authority of halakhah and its Rabbinical interpreters. The political Zionist vision as embodied in the Basle Platform of the first Zionist Congress (1897) was the establishment of a western, liberal secular state. Aḥad Ha-Am railed against the concept of a state for the Jews "like all the nations" but in no way did he suggest that the Jewish values which he hoped to nurture should be expressed by authoritative halakhic norms. Within Orthodox Judaism, religious Zionism emerged and joined the Zionist movement. But the final aim that it envisioned — the Torah State — was incompatible with the vision of secular Zionism.[9] Even so, religious Zionism remained a small minority within Orthodox Judaism before the Holocaust.

The Labor Zionist movement, in particular, rejected the passive nature of the traditional Jewish community in the light of the crisis which began to engulf the Jewish people towards the end of the nineteenth century. It also rejected the oligarchy of the *shtetl*, based as it was on the power elite of *parnasim* and *ḥakhamim*. The founding generation of the future Jewish State consciously opted for a new Jewish society based on the equal worth of all as a central value and democracy as a concomitant principle.

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7. Gershon Weiler, *Jewish Theocracy* (Hebrew) (Tel Aviv: Am Oved, 1976).

8. Yeshayahu Leibowitz, *Judaism, The Jewish People, and the State of Israel* (Hebrew) (Jerusalem: Schocken, 1976), pp. 155-191.

9. See, for example: Yosef Tirosh, ed., *Religious Zionism: An Anthology*, (Jerusalem: World Zionist Organization, 1975), pp. 11-34, and, also, "*LeOfia shel Medinat HaTorah*" (The Nature of the Torah State) in *HaZionut Hadatit Ve-Hamedinah* (Religious Zionism and the State), (Jerusalem: World Zionist Organizaion, 1978). The writer, Yehuda Leib Cohen-Maimon, was Chief Ashkenazic Rabbi.

Above all, the Labor Zionist *ḥaluẓim* saw themselves as being "called" — in the prophetic sense — to realize the vision of social justice in the Jewish National Home. The renewal of prophecy by Man, not God, expressed the total rejection of halakhic authority.

Religion and the Limits of Democracy in Israel

The Declaration of Independence of the State of Israel says:

> The State of Israel will . . . foster the development of the country for the benefit of all inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, lamguage, education and culture. . .

The State of Israel was intended to be governed by law, democratically enacted. It was not intended to be a "Torah State." However, the spirit of the Declaration of Independence has been realized only partially by Israel's legislative process. In a large measure that spirit has been stymied by the religious parties which hold the balance of power or are perceived as potentially holding the balance of power by the major political parties. There has been creeping expansion of the "status quo" (exclusive rabbinical jurisdiction in matters of personal status, extensive curbs on public and private amenities available on Shabbat) as inherited from the British Mandatory government which, in turn, had adapted the Ottoman Empire's policy of internal religious autonomy. The political situation in Israel has resulted in granting a new lease on life to an authoritarian vestige from pre-modern times. Laws limiting archeological and pathological research have been enacted. Regulations forbidding abortion have been tightened. The net result has been the curbing of individual liberties to the extent of religious coercion. No civil, Reform or Conservative marriages, divorces or conversions are recognized. No public transportation is allowed on the Shabbat (except in the Haifa area where it existed before 1948).

A number of additional reasons have given momentum to the creeping expansion of religious legislation. The passing of the founding generation after the Six Day War was complemented by the emergence of a generation outside of the tradition of pioneering Labor Zionism. While outwardly secular in behaviour, this generation (to a large extent the offspring of parents of Asian-African background) is prepared to accept passively the legitimacy of some of the religious legislation. The dismantling of Labor Zionist schools in the early Fifties in favor of a system of "general" education within the framework of Ben-Gurion's "Statism" policy resulted in a general loss of Labor Zionist élan. On the other hand, a new generation of Religious Zionists arose from the Religious public schools and the Yeshivot which became the backbone of the *Gush Emunim*

movement. They see certain questions of public policy (the borders of Erez Israel) as "beyond" the democratic process.

The end result of these social and political changes has been *the emergence of a partial consensus on a national level that certain areas are legitimately exempt from the democratic process.* Moreover, civil liberties in the Western tradition are not always understood as being an integral part of the democratic process. All Israelis are deprived of certain liberties by law (e.g., civil marriage for reasons of conscience). Certain groups face more discrimination in varying degrees — e.g., Arabs, Reform and Conservative Jews, various Christian groups.

III

Can Democratic Norms and Non-Democratic Norms Coexist?

Contradictory norms can generally co-exist if they are not on the same political plane. There is rarely a conflict for an American Jew who takes upon himself the life of an observant Jew — subject to halakhic authority — and is at the same time an American citizen who demands and enjoys all democratic prerogatives inherent in such status. At the political level of the state such a dichotomy is more problematic.

The amibiguous message which the young Israeli gets is something like this: There are certain areas which are outside of the law as understood in democratic process. The definition of such "extra-territorial" status is ultimately a matter of political clout at the critical moment. The authority within the area outside of democracy is that of *poskei halakhah* and their authority is absolute even if differing rabbinical bodies differ radically in their attitude to the State. And, so, halakhic authority can be the basis for the Greater Israel movement and the Jewish "underground" on one hand, while, on the other extreme, halakhic authority negates the very existence of the Jewish State (Neturei Karta). This analysis provides an understanding of the ideological roots of "Kahanism." Rabbi Meir Kahana's basic contention is that, within the Jewish State, the basic rights of the Arabs are not equivalent to those of the Jews.

In effect, in Israel everyone has the democratic right to organize for the purpose of substituting halakhic authority in place of the democratic process and/or curtailing civil liberties in the name of the halakhah. The Knesset can attempt to pass legislation limiting the right of those who would formally propagate racism to participate in the democratic process. But if the purpose of what can be interpreted by some as racism is the fulfillment of a particular halakhic interpretation regarding Erez Israel, or the status of Ethiopian Jews then is it racism or is it halakhic interpretation of God's will? In the long run, the central question facing Israeli society is can two diametrically opposed norms — western democracy and halakhic authoritariansim — coexist in the same body politic?

Unfortunately, in the short history of democracy, all of the precedents where such coexistence was attempted, have been failures. Furthermore, the attempt to maintain different criteria in terms of basic rights for different groups of inhabitants of the same body politic, or even the attempt to maintain equal but separate status, has inevitably proved nonviable. The frictions generated by the coexistence of incompatible political norms inexorably leads to violence. The classic case is the American Civil War. At Gettysburg, Abraham Lincoln had no doubt regarding the fundamental question at issue.

> Fourscore and seven years ago, our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation — or any nation, so conceived and so dedicated — can long endure . . .

A society and economy based on slavery could not exist within a political framework which espoused the value of individual freedom. Lincoln's belief in democracy was vindicated, but at a terrible price. Moreover, it has taken more than an additional century for American blacks to begin reaping the benefits of what was theoretically promised in the Declaration of Independence in 1776. The formulators of the Declaration (Jefferson) were not necessarily talking about the rights of their slaves (or of their wives and daughters). But, surely, of all people, we Jews, on the basis of our historical experience of several millenia, know how words (even those of the Torah) can change their operative meaning with the passing of time.

If we examine Lincoln's proposition within the general context of this century we have no cause for optimism. Although a doctrine of Apartheid can be viewed as an anachronism, the fact remains that most people do not live under democratic regimes. Nor is democracy perceived as the wave of the future. In many instances the attempts to substitute democracy for traditional authoritarian regimes (Russia, China) have failed and non-traditional, but no less authoritarian, regimes have emerged. The failure of democracy in Germany after the First World War resulted in the monstrosity of the Third Reich. Most of Africa and Latin America are governed by non-democratic regimes. Of the major third world powers, only Japan and India can be said to be in the democratic camp. Certainly, in the Middle East, only Israel (in spite of the flaws which constitute the subject of this article) deviates from the authoritarian norms of the region. However, are we justified in assuming that Israel, the Jewish State, is different? "We Jews have always been different" and so we will succeed in grafting elements of divine authority onto a democratic polity, even if it has not worked elsewhere.

Our political capabilities have not been tested for more than 1800 years (since the revolt of Bar Kochba). Our "track record," politically, during the 250 years spanning the latter part of the Hasmonean Dynasty

and culminating in Bar Kochba's revolt is hardly encouraging. The sages commented that social strife and moral depravity were central causes for the destruction of both the First and Second Temples. Worst of all was the blind hatred engendered by the civil war that paralleled the revolt against the Romans.

> Why was the First Temple destroyed? Because of three things — idolatry (materialism), adultery and bloodshed. But the Second Temple — in which Torah was studied and mizvot observed and charity dispensed — why was it destroyed? Because of blind hatred. Thus we learn that blind hatred is equal to the three transgressions of idolatry, adultery and bloodshed taken together.[10]

Unfortunately, a considerable part of our political tradition was shaped by fanatic devotion to an absolute truth without any tolerance for deviation from divinely ordained norms. This is the political tradition which legitimates the total legal disenfranchisement of Conservative and Reform Judaism in Israel — better no norms than avowedly deviant norms regarding the interpretation of Judaism. Nor can we ignore the political implications of the biblical concepts of *Herem* (the total elimination of a people and their culture as described in the Book of Joshua) and the mizvah of annihilating Amalek. The direct or indirect appeal to such elements in the Jewish tradition comprises part of the "ideology" of nationalist religious extremism and widespread intolerance in Israel today regarding our relationship with the Arabs.

Political Options for the Jewish State

Modern Israel is politically rooted in the tradition of western democracy but, as a Jewish state, it confronts the relationship between State and religion. Nevertheless, fifteen percent of its citizens are non-Jewish. Furthermore, a small but vocal Jewish religious minority either rejects the state outright (Neturei Karta) or rejects the Zionist rationale for the state's legitimacy as a Jewish state (Agudat Israel).

What, then, is the commitment of the state to Judaism? What is Jewish tradition and who decides on the paths of its further evolution. (The Orthodox would deny evolution and substitute the term elucidation or interpretation.) A significant number of Israeli Jews affirm the responsibility of the state somehow to further Jewish values while they reject, on a personal and/or public level, the authority of the halakhic process to determine personal and/or public behavioral norms stemming from Jewish values. In 1958, David Ben Gurion was queried by youth movement members on the place of religion in the State of Israel. The question was asked within the context of the "Who is a Jew" controversy. The reply was:

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10. *Yoma Tet* (9), *Sefer HaAggadah*, p. 145 — No. 4 (my translation — M. L.). "*Sinat Hinam*" has been translated as "blind hatred."

> If you wish to know what is the legal status of religion in the state then I advise you to refer the question to a lawyer. I will summarize what the relationship should be:
>
> 1) The possibility for every religious Jew to live according to his belief and to educate his children in that spirit.
>
> 2) Freedom of conscience for every individual to act as he wishes in his private life.
>
> 3) The bequeathing of the Hebrew cultural legacy, especially Bible and Legends (Aggadah) to the younger generation.
>
> 4) The celebration *(hagigat shabatot)* of the Sabbath[11] and the festivals of Israel *(moadei Israel)*.[12]

We might say that this constitutes a minimum answer. A generation has now passed and it would be difficult to claim that this basic minimum has been realized. More to the point, this minimum can no longer be considered adequate.

The Separation of Religion from the State — An Option?

The ideological roots of separation between religion and the state in modern democracy are the secularism and humanism discussed at the outset of this essay. Any political process which imposes a religious position on its individual citizens violates freedom of conscience, a basic civil right. On the other hand, the state is the guarantor of another civil right — freedom of association for those who would voluntarily unite for any purpose which does not constitute an infraction of the law and which cannot be construed as violating the public order. In Israel, the religious establishment has not hesitated to use its political leverage to impose laws which, in effect, impinge on the individual citizen's freedom of conscience. Moreover, the religious establishment has done all in its power to limit freedom of association insofar as other trends of Judaism are concerned, (political pressure to forbid building permits, hate propaganda in the press, total exclusion from the budget of the Ministry of Religion).

Social Process versus Religious Legislation

Martin Buber believed that the Jewish nature of the Jewish state would be determined by the nature of *voluntary community* within the state — not by the degree of ritual observance or by state legislation. His vision of "a renewal of society through a renewal of its cell-tissue"[13] led him to focus on the potential of collective villages (the kibbuẓim) for spearheading a social process which would create a Hebrew humanist society.[14]

11. Ben Gurion's use of the term, *hagigah* (celebration), instead of the term, *shmirah* (observance), in referring to Shabbat and the Festivals can hardly be accidental.

12. This statement appears in a symposium on the place of Judaism in the State. David Ben Gurion, "The Place of Religion in our State," *Petaḥim*, (January 1985): 33 (translation — M. L.).

13. Martin Buber, *Paths in Utopia* (Boston: Beacon Press, 1958), Foreword.

14. Ibid., Epilogue, p. 139 and Martin Buber, "Hebew Humanism" (1942), *Israel and the World* (New York: Schocken, 1963), p. 240.

The theme of social-educational process as distinct from political process has appeared at many junctures in Zionist history: Aḥad Ha-am versus Herzl, A.D. Gordon versus Ber Borochov, Chaim Weizman versus Vladimir Jabotinsky. But in the past history of the Zionist movement the issues were not argued within a politically independent state. In addition, historical priorities within Zionism were such that the question of the Jewish nature of the Jewish state was left to an indefinite future date. But in the last twenty years the question has become a major focus of conflict within Israeli society. What concerns us here is not the growing religious fundamentalism in alliance with nationalism. Rather, our subject is a less well known and as yet amorphous trend actively to seek alternative paths to revivify Jewish commitment. This grass-roots phenomenon has led to a new-old perception of the relevance of the ideas of Buber, Aḥad Ha-am and A.D. Gordon as cultural, rather than political, Zionists.

In order for nascent trends in cultural Zionism to bear fruit, the separation of religion from the state may not only be an option in order to ensure Israel's democratic character — it may be a necessity if Israel is to serve the Zionist aim of enabling Judaism to express itself creatively within the context of modernity.

IV

Israel as a Zionist State: Renewal or Halakhic Continuity

We have already pointed out that there are differences of opinion regarding the *ability* of the halakhah to provide a legal framework and legislative guidelines for a modern democratic state. But it would seem that the more central question *from a Zionist point of view* is: What right does the religious Establishment have to determine Jewish norms in the National Home of *all* the Jewish people according to theocentric absolutist and, hence, non-democratic principles? Only 15% of the electorate casts its ballots for the religious parties even though twice that number may be observant. But all of the major parties have been willing to trade off the basic civil rights and liberties of at least part of the citizens in order not to alienate those who might give them the balance of power.

Moreover, *If Zionism means a commitment to ensure the continued creativity of the Jewish people in the modern age, and if Israel's Zionist purpose is to constitute a means to that end, then legally straitjacketing the Jewish National Home into the halakhic mold is, in effect, a betrayal of that Zionism.* Unfortunately, the major Israeli political parties of today function, ideologically, on the basis of political Zionism alone — i.e., ensuring the physical existence of the State "like all the Nations." Religious Zionism (or even non- or anti-Zionist religion) remains the legitimate arbiter of Israel's cultural fate as determined by secular law of the Jewish state.

Ideological Sources for Cultural Zionism

Are there ideological sources for cultural Zionism outside of Orthodoxy — foci of commitment to the renewal of the Jewish heritage without *a priori* halakhic limitations?

We tend to forget that over a period of a century and a half the Jewish people has developed alternatives to halakhah as the basis of legitimate authority in Judaism. During this time two movements arose which rejected the priestly-rabbinic monopoly and declared that emancipation implied the renewal of prophecy and an age of *Tikkun Olam* (world-mending) mediated by the free will of humankind. Both of these movements are a part of the post-emancipatory Jewish heritage which assimilated democratic values and norms of civil and political behaviour.

From the first half of the nineteenth century, the Reform movement claimed that, in order to stem mass assimilation and in order to adapt to changed socio-political circumstances, rabbinic Judaism would have to be re-formed both in substance and in process. Three generations later, at the beginning of the twentieth century there arose the pioneering Labor Zionist movement which rejected traditional Jewish society as a whole and opted for self-realizaion by building a society based on the prophetic vision of social justice in Erez Israel.

The ideological roots of these two movements differ. The Reform movement drew on liberalism and humanism in its approach to Judaism and rejected the Jewish particularism which led to Zionism. The Labor Zionist movement rejected religion, as such, and utilized various socialist rationales, in part utopian, in part Marxist, as guidelines for its version of building the Jewish National Home. Reform Judaism and Labor Zionism were both movements of *Tikkun* and, in a sense, mirror images of each other: Reform affirmed religion while demanding fundamental changes within it but rejected community and peoplehood; Labor Zionism affirmed Jewish peoplehood and community but demanded fundamental changes in its ecology while rejecting religion. Complex historical circumstances beyond the scope of this essay prevented these two movements from becoming alternatives to rabbinic Judaism in Israel.[15] But today we are witnessing an as yet inchoate groping of elements from both of these movements in the direction of a synthesis.[16] Within non-

15. Michael Langer, "Reform Judaism and Zionism as Responses to the Modern Age" in M. L., ed., *A Reform Zionist Perspective: Judaism and Community in the Modern Age,* (New York: UAHC, Youth Division, 1977), pp. 3-17. An abridged version appeared in *Midstream* (23, no. 4, April 1977).

16. The establishment of two Reform kibbuzim, Yahel and Lotan, as well as a Conservative kibbuz, Hanaton, with the active assistance of the United Kibbuz Movement is one example of this synthesis. The integration of a small Reform Zionist Youth movement within the Israeli Scout Movement (Zofei-Telem) is also indicative.

On the urban scene, the proliferation of Judaism modules in the secular school system (generally with a Conservative orientation) is another phenomenon with a potential for long

establishment Labor Zionism voices are being raised demanding cultural initiatives and denying the inherited *status quo* of exclusive Rabbinic legitimacy.[17]

In short, for the first time we are witnessing a potential challenge to Rabbinic Judaism in Israel on the ideological basis of a cultural Zionism, which has an avowed commitment to Judaism and its symbols and which intends to interpret that tradition and its symbols outside of the halakhic process. This new cultural Zionism perceives modern Jewish and Zionist thought and literature to be the latest accretion of source material for Judaism. No source — from the Bible to the contemporary (and very definitely including all of the Rabbinic literature) — is foreign to the modern Israeli Jew. But authority stems from individual conscience and contemporary community. This approach has been developed by a group of second- and third-generation Israelis centered in the Oranim Teachers seminary of the Kibbuẓ movement. However, in affirming their commitment to Jewish symbols, this new cultural Zionism has as yet not come to grips with the question of God — whether as being or as symbol. Nor has it really confronted the difference between *inculcating knowledge and an attachment* to Judaism and its symbols as distinct from *educating to commitment*. What is needed is: *a committed alternative cultural Zionism, identifying with all of the major symbols of Judaism, freely drawing on all of the sources — classical and modern — and compatible with norms of democracy. The task of such an alternative cultural Zionism (a committed alternative to Orthodox Zionism) is to evolve Jewish norms during the coming generation which can be meaningful to significant numbers of Jewish Israelis.* Hopefully, we have that much time.

If the Zionist purpose of the State of Israel is to constitute the framework within which Jewish tradition is to be renewed, then equal encouragement, or at least full freedom must be given by the State to all trends of Zionistically oriented Judaism. It is within this context that the delegitimization of Reform, Reconstructionist and Conservative Judaism is not only a blemish on Israel's democracy but is retrogressive in relation to the Dec-

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term impact. North American *olim*, many from Conservative, Reform and/or Labor Zionist backgrounds, have been prominent in initiating this trend.

Two periodicals, *Shdemot*, the intellectual journal of the Kibbuẓ movement, and, in particular, *Petaḥim*, Quarterly of Jewish Thought, are in part devoted to discussing the issues dealt with in this article. *Shdemot*, with a different but related content, also appears in English.

17. Yariv Ben Ahron, "*Al Shloshah Shlabim B'Darko Shel Am Israel: Me-samkhut Rabanit LeRibonut Leumit*" (Three Stages in Jewish History: From Rabbinic Authority to National Sovereignty), *Shdemot* (Sept. 1980, No. 76) and, also, *Shorshei Yenikah*, (the Roots of Sustensance) (Tel Aviv: Efal Leadership Training Institute, United Kibbuẓ Movement, 1984).

Ari Elon, "*Higiyu Shamayim Ad Nefesh*" (The Heavens are Drowning My Soul), *Shdemot* (June 1980, No. 75): 11.

Michael Langer, "Our Ideological Approach to Socialism and Judaism," *Shdemot* (English) (1978, No. 10): 59.

Beeri Zimmerman, "*Oz L'Midrash B'Et Poranut*" (The Courage to Interpret in a Time of Trouble), *Shdemot* (no. 92, Winter 1984/1985): 16.

laration of Independence. *It is, in essence, an anti-Zionist act which attempts to throttle the potential creativity of alternative cultural Zionisms.*

Clearly, halakhic Judaism remains a legitimate and important trend within Judaism. Orthodox Zionism as a way of life has demonstrated its vitality — which is not meant to imply endorsement of its policies by this writer. It is the democratic right of those who are observant, in the traditional sense, to live in communities or neighborhoods where the law will protect them from those who would violate the Shabbat norms which they have chosen for themselves. It is *not* their democratic right to arrogate to themselves the position of exclusive arbiters of Judaism in the Jewish state — a state whose Zionist purpose it is to be a National Home for *all* of the Jewish people.

Zeev Falk, who is an observant Jew and a Professor of Law at the Hebrew University, has felt that the *legal* problem regarding the status of alternative trends Judaism is secondary.

> The fundamental problem is spiritual . . . We need pluralism by virtue of our recognition that we are in the midst of a crisis so deep that only by mobilizing all our resources, everyone in his own way competing to overcome that crisis . . . only by utilizing all our strengths do we have any chance of overcoming that crisis.[18]

If the state as a Zionist state has a commitment to encourage the unhampered and even freely competing alternative trends in Judaism then, surely, the normative educational curriculum, formal and /or informal, has the responsibility to expose the younger generation to all of the options, present and potential. Unfortunately, the fuzziness of most of the teachers' Jewish identity, as well as the fear of political repercussions, has neutralized the general (non-religious) educational system in Israel. In spite of a few promising steps it is questionable whether Israel's educaional system, in and of itself, can grapple with the problem of Jewish Zionist identity and democracy in an integrated way. Perhaps the KibbuzMovement, if it will at least in part overcome the problem of its own Jewish identity, might provide a lead.[19]

The Religious educational system constitutes a particular problem. Insofar as it is committed to inculcating halakhah as an absolute value, we have a situation where a substantial minority of students are being educated to a value system which differs from that of the majority. *Gush Emunim* has been one of the results of this process. The burgeoning independent educational system of Agudat Israel (propelled by a birth rate almost three times higher than the Jewish average) is a time-bomb whose consequences it is difficult to predict. In short, the educational system (reflecting socio-political realities) is creating a situation where two societies,

18. Zeev Falk, Remarks in "Symposium on Religious Pluralism in the State of Israel," *Petaḥim*, (Sept. 1981): 20. The entire symposium is relevant to this article.

19. See footnote 17, Beeri Zimmerman above, and, also, Shalom Lilker, *Kibbuz Judaism, A New Tradition in the Making* (New York: Herzl Press, 1982).

increasingly militant, will co-exist within the same body politic with the potential results alluded to above. If alternative forms of cultural Zionism do not strike root in Israel within the next half-generation it may be too late and the effect on Israeli society and Israel as a Jewish state may be irreversible.

In Summary

The western democratic tradition of civil rights and liberties that guarantees freedom of religion and conscience has not been realized in Israel in spite of Israel's Declaration of Independence which is, however, declarative only and not legally binding. The separation of religion from the state would further Jewish pluralism in Israel. It would make halakhic authority an option for those individuals and groups who wish it. Such separation of religion from the state is necessary if Israel is to realize its Zionist destiny as a crucible for the development of new ways in Judaism compatible with modern thought as understood by the humanist tradition of the western world. We cannot afford to have Rabbinic Judaism (and a particularly recalcitrant variety at that) neutralizing the Jewish state as an instrument for Judaism to confront modernity.

Ultimately, the realization of the idea of the Jewish state, the development of meaningful Jewish content for this and future generations, is not something that can be legislated. Rather, as Buber and the Labor Zionist pioneers recognized seventy years ago, this is the task of committed social process, of community and perhaps of a community of communities based on free will and conscious of their Zionist *Shliḥut* (mission).

The sooner that religion and state are separated the better for the renewal of cultural Zionism. The sooner we renew a pluralistic cultural Zionism the greater the prospect that the unique venture in human history which began some four thousand years ago with the call to Abraham to go forth unto the Land, will generate a call that can be heard by this generation as well.