

**Excerpts from David Rosen's Presentation on  
"Pluralism, Religion and State in Israel"  
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The idea that the interests of democratic society and even Religion itself can only be served by the total separation of Religion from State, naturally tends to be proffered by those for whom the USA serves both as model and point of reference.

However aside from the fact that even in the case of the USA, there is not absolute total separation of Religion and State (e.g., military chaplaincy), the cases of the UK and most Scandinavian countries for example that do not have such separation would appear to refute this assumption, notwithstanding the great merits of the American system.

In the case of Israel, for as long as it defines itself as a Jewish State, it affirms an inextricable relationship between Religion and State. This should not at all necessarily pose a problem for the democratic character of the State.

The fact that it does, is primarily the result of the exclusive role of Religion in matters of personal status and above all, the overwhelming politicization of Religion in Israel. There are of course additional socio-cultural factors.

While Israel maintained the Turkish millet system that affords "recognized religious communities" their autonomy and exclusive control over their communities in matters of personal status (i.e., marriage and divorce), it has not provided any facility for civil marriage outside the framework of these religious authorities. However as a modern state, Israel is obliged to recognize marriages conducted under the authority of another state. As a result, every year hundreds if not thousands of Israelis travel to Cyprus or wherever, for a civil marriage by the local authorities which is subsequently registered with the Israeli Ministry of Interior. It has also been possible in the past to similarly register a couple "married-by-mail" from Paraguay.

Aside from the ludicrousness of it all, this situation is of course an affront against the citizens' democratic freedom of choice. Moreover not only are people from different religious affiliations or backgrounds prevented from getting married to each other, but Traditions lay down laws that do not allow the marriage of certain persons within that self-same community, e.g., in Jewish law, the prohibition of the marriage of a Cohen to a divorcee. Not least of all, in this day and age, not everyone wants a religious marriage. To force a couple with no positive sentiment for religious tradition to have to go through a traditional religious ceremony, generally just causes greater alienation from that Tradition and often turns the ceremony into an embarrassment, if not a farce. This is especially so when the religious authority performing the marriage is often culturally and mentally far removed from the couple, their families and friends.

This situation then, is not only bad for Democracy, it is bad for Religion.

There is thus a crucial need to end the monopoly of the Chief Rabbinate of Jewish marriage and introduce civil marriage, allowing couples to make their preferred choices accordingly. (It seems to me however that it would be most important for the

State to encourage a “get” – a religious divorce, when couples decide to legally separate, thus preventing the problem of “Mamzerut”, of children born to second marriages which would be considered adulterous in Jewish law if there has not been a religious divorce from the first partner).

The politicization of religion in Israel also leads to disturbing discrimination and injustice.

I leave aside here, the vexed and complex problems related to the Law of Return, the definition of Jewish identity, and whether the State should at all be involved in such definition. Neither will I go into the dubious question of whether categories of religious definition should continue to appear on identity cards (security interests, being the most common justification for such).

Arguably, the most significant abuse of the politicization of religion is in the Ministry of Religious Affairs. The institutionalization of religion in Israel means that this Ministry receives a very large budget for the purpose of providing for the religious needs of the various communities in Israel. However the politicization of the Ministry not only leads to substantial fiscal misappropriation of which we have recently read in the press, but to shocking discrimination against the non-Jewish population of Israel that is almost 20% of the citizenry. Never has the allocation of the budget of the Ministry of Religious Affairs for Muslims and Christians in Israel ever reached as much as much as 2% of its annual budget!

It is not only democratic equity but also the integrity of Religion that would be served by the abolition of Ministry of Religious Affairs. The operation and servicing of Religious Courts should be placed under the authority of the Ministry of Justice and Municipalities and Regional Councils should be responsible for providing religious buildings and services according to local needs.

What is needed for the well-being of both Democracy and Religion in Israel is not the separation of Religion from State, as much as the depoliticization of Religion. This will facilitate the healthy organic and pluralistic growth of religious life in Israel through voluntary associations and institutions that will reflect and cater to the needs and choices of its citizens.