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## Norman Lamm

I proceed on the premise that Israel should be a Jewish state and not merely a state of the Jews. This assumption is no longer self-understood. Thus, there has been much talk recently, especially by some leftist intellectuals, about radically changing the emerging collective character of the state to make it thoroughly secularist by, among other things, doing away with “Hatikva,” abolishing the Law of Return, abrogating all “religious legislation,” and disestablishing the official rabbinate—all this as befitting the new “post-Zionist” period.

Let us put the problem in biblical perspective. The Tora speaks of God’s three covenants: With Noah, with Abraham and with Moses. The first was the covenant with humanity at large—the universal dimension of Judaism. The second was with Abraham and his posterity. Here the Almighty promised to be the God of the Children of Abraham and vouchsafed to them their perpetuity as a people, and the Land of Israel. The third was the

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Tora itself—the full range of religious obligations and spiritual privileges incumbent upon Jews by virtue of their birth into the people of Israel. It is understood that each successive covenant included that which preceded it. Thus, to be a Jew in the fullest sense, one must be committed not only to the laws of the Tora but, as well, to Israel—people and land—and to all humanity, as part of the unique covenantal commitment to the Creator.

From this point of view, a Jew who lives ethically and morally, but is divorced from the Jewish community and the Land of Israel, is a good human being but a poor Jew. One who adds to this his national-ethnic loyalties as a Jew is still an incomplete Jew. And one who observes the commandments but fails to identify with his people and homeland, or is delinquent as a moral human being—is doing the unthinkable. Such a Jew, who observes the covenant of Moses but betrays his obligations under the national and the universal covenants, is living a contradiction.

Complications, however, arise when transposing from the individual to the state and society. To put it into modern terms, a state that does not abide by the Noahide (that is, universal) covenant is not a civilized state, for that covenant implies the security of its citizens and their fundamental human rights. The Abrahamic, or national-ethnic, covenant includes such things as culture, history, traditions and the whole idiom of public life and discourse—all of which unify a people and make it distinct from other political-cultural entities. The Mosaic covenant addresses not only laws but the spirit as well, and because it requires will as well as conduct, it is primarily addressed to individuals. Individuals may or may not accept upon themselves this third covenant, but to insist that the collectivity do so regardless of the will of the majority of its citizens implies a degree of coercion that contradicts the fundamentally voluntaristic nature of the Mosaic covenant (based, as it is, upon freedom of the will) and is inconsistent with the democratic nature of the modern state. Note that this limitation issues not primarily from any political theory, whether that of democracy or any other, but is immanent in the nature of the Mosaic covenant, which addresses the heart and mind and will of individuals: “I have set before you life and death,

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blessing and curse; therefore choose life, that both you and your seed shall live.” (Deuteronomy 30:19) To choose means that I must choose, out of freedom, and without any external compulsion. It is only when the great majority of the society accepts upon itself the obligations of this covenant that it applies in large measure to the state as well. Until such time, the state must refrain from imposing any transcendent or metaphysical vision upon its citizens.

Applying these criteria to the State of Israel, two consequences follow: First, that it must abide by the Abrahamic covenant, that which gives it its national character; and second, that it must not force upon its citizens the Mosaic covenant.

It is here that a good deal of analytic and sensitive disentanglement becomes critical. Where does culture end and religion begin? What is the boundary between national traditions and halacha? What, in other words, is Abrahamic and what is Mosaic?

Of one thing I am not at all in doubt, and that is that the call by the apostles of post-Zionism is nothing more than the old Canaanite dish warmed over. Its program of dejudaization of Israel is a recipe for national disaster. A number of years ago I was invited to address a seminar of the World Union of Jewish Students in Helsinki. At the main session, a leading proponent of these ideas declared that he was not a Jew, but a member of the Hebrew nation. “You are a French national,” he said to no one in particular, “and you are an English national, and you”—pointing to me—“are an American national. I am a Hebrew national.” My response was more or less this: “Mr. A., in the country I come from, ‘Hebrew National’ is the name of a firm that manufactures kosher baloney, and while what you are proposing is baloney, I am certain it isn’t kosher.”

With a modicum of good will on all sides, abjuring baloney whether kosher or non-kosher, and keeping the extremes marginalized, the problem is not insoluble. The state must be culturally Jewish. True, Jewish culture is deeply bound up with religion, and the excision of all religious dimensions results in a truncated and anomalous culture. But it is possible—and has proven so for most of the state’s fifty years—to develop a Jewish national

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character without overly interfering in the life and happiness of individual citizens. The secular majority must agree that it abides by the Abrahamic covenant, while the religious segment must declare that despite its profound commitment to the Mosaic covenant, it will not seek to impose it by law on the rest of the population. Kashrut in the army and all public institutions does not curb the freedom of or interfere with the private lives of individual Israelis, so long as the conduct of their own kitchens is outside the realm of Israeli law. The Sabbath as a day of rest for the Israeli public is a legitimate expression of the Abrahamic covenant, while insisting on imposing Mosaic-halachic Shabbat restrictions on individuals is beyond the competence of government. The Bar-Ilan Street imbroglio in Jerusalem should not and need not become the symbol of despair in resolving the often thorny issues of locating the borderlines between the two realms. As in every society, there must be a degree of “give and take” in order to establish criteria that everyone can live with, and in order that no one be able to impose unconditional surrender on the other.

The second consequence for the State of Israel—that of refraining from imposing the Mosaic covenant—implies that if the concept of the Abrahamic covenant is accepted by Israel, the religious groups must agree to refrain from most religious legislation. It is clear to me that were it not for the legislation fought for by the religious-Zionist groups early in the state’s life, Israel today would be totally deracinated and unrecognizable as a Jewish entity. They established the stream of national-religious education, along with so much else of what is now recognized as the underpinning of the Jewish character of the state. But further legislation at this juncture can only prove counterproductive. Religious Jews must be sensitive to the feelings—justified or unjustified—of large numbers of citizens and act accordingly. They must also be aware of the anomaly of numbers of their fellow Orthodox Jews who do not recognize the legitimacy of the state and yet make demands upon it.

The knottiest question of all is that of “personal status” legislation—marriage, divorce and conversion. Here the private and the public merge, because the prospect of prohibited intermarriage among Jews is daunting. The lives

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and happiness of our children and their children for generations to come are at stake. Hence, while I hope that the most lenient decisions of halacha will prevail, I am well aware of the limits placed on the interpreters of halacha. Rabbis, unlike parliamentarians, are not free to legislate their wishes untrammelled by law and precedent. These three items, therefore, should be considered as Abrahamic rather than Mosaic, insofar as the state is concerned.

Finally, there should be no misunderstanding as to the ultimate aspiration of religious Jews. Assent to the proposition that the Mosaic covenant should not be imposed by coercion on the country does not by any means imply that religiously observant Jews do not care about other Jews, or that they despair of the acceptance by all Jews of Tora and halacha. It does mean that all the efforts that, for the first half-century of Israel's existence, went into religious legislation must now go into education in the broadest sense, so that ultimately all Jews will return to Judaism—the *teshuvat hatzibur* (“repentance of the public”) for which every truly religious Jew hopes and strives. This aspiration remains one of the pillars of the Messianic redemption. But until he comes, we must make do with aspiration and inspiration, not legislation.

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