

RELIGION-STATE SEPARATION  
A Rabbis' Roundtable



Illustrator/David Plunkert

The *NCJW Journal* asked four progressive rabbis to share their views about religion-state separation. Some spoke of the Founding Fathers, others invoked Pharaoh's excesses, but each addressed the importance of the First Amendment and its twofold guarantee of religious liberty and religion-state separation, which for more than two centuries has allowed American Jewish life to thrive while protecting all religious minorities.



**RABBI MARLA J. FELDMAN**  
Director, Commission on Social  
Action of Reform Judaism

The genius of nascent American democracy was the recognition that the tyranny of the monarchy could be replaced by the tyranny of the majority. Our founders tempered that

risk by limiting the power of the majority through the Bill of Rights. The religion clauses, freedom from government-imposed religion and freedom to practice one's religion, made possible the success of the Jewish community in the United States.

In recent years we have seen these religion clauses used to pit one group against another. For example, some argue that limits imposed upon their public profession of faith violate their rights, while we would argue that prayer imposed in a governmental setting like a public school is

an impermissible establishment of religion. Similarly, “pharmacy refusal” cases pit the religious rights of pharmacists against the rights of customers with different religious views. Whichever side we choose, we should acknowledge the fundamental rights at stake for both parties.

In weighing these challenging issues, we should remember the fear of majoritarian oppression that informed the framers of our Constitution. Whether the issue is the corruption of science to further religion, use of public funds to promote one faith over another, or the power of the majority to strip the rights of the minority, the tyranny of the majority remains a valid concern in the 21st century.



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I have been disturbed, over the past few years, at the breakdown in the constitutional boundaries between church and state: Legislators increasingly act at the behest of well-organized religious groups, while government agencies steer substantial funding to religiously-based social service and security initiatives. As the framers recognized, these incursions threaten the proper functioning of both government and religion. Legislators who feel bound by a particular religious group’s strictures are less likely to make laws in the national interest; religious

institutions dependent on government dollars may censor themselves, or otherwise compromise their faith, to ensure continued funding.

As a rabbi, I am also committed to advocating for laws that reflect my understanding of Jewish law and belief. I hope that other religious leaders and communities will similarly speak out of their own ethical frameworks. Within the marketplace of ideas, a multiplicity of religious, ethical, and political viewpoints will ideally produce a better set of laws than a single point of view ever could. Like the biblical prophets, we inspire and goad those in power into doing what is right. We should not, however, confuse this prophetic role with a mandate for legislative control, nor should we allow partisan or financial concerns to compromise our moral imperative.



**RABBI IRWIN KULA**  
President of CLAL—The National  
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and Leadership  
Author, *Yearnings: Embracing the  
Sacred Messiness of Life*

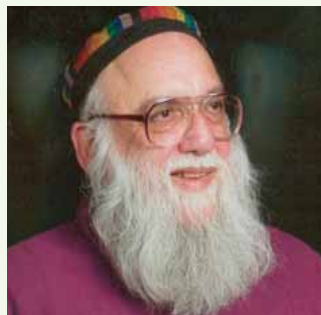
The separation of church and state, one of the great innovations in governing, has historically protected both religion and state from their worst impulses to abuse power. But the relationship between religion and state, like all living relationships, is always shifting. Yet today’s debates are increasingly shrill and too often steered by fundamentalist religious conservatives’

overreaching attempts to legislate their views and by equally fundamentalist liberals’ dismissal of religion. This is bad faith and bad for America.

As we renegotiate the line between religion and state, we must address the left’s historically legitimate fears of religious coercion and the right’s legitimate claim of the richness of religious wisdom.

We need a third way to approach church-state separation. We need more openness to public expression of religious wisdom about the profound debates in society (in a language accessible to all Americans, regardless of religious affiliation), and we need stricter institutional boundaries between religion and state to ensure religious liberty.

Paradoxically, the expansion of religious liberty requires greater inclusiveness and respect for religious expression in the public square, and the openness to greater religious expression in the public square requires stricter institutional boundaries. Jews, victims of religious coercion and possessors of a great wisdom tradition, know both these truths. We have an interest in this third way.



**RABBI ARTHUR WASKOW**  
Co-author, *The Tent of Abraham:  
Stories of Hope and Peace for Jews,  
Christians, and Muslims*  
Founder and Director,  
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One of God’s most creative creations was the First Amend-

ment. It exemplifies *tzimtzum* — the inward contraction of Infinite Holiness through which, according to Lurianic Kabbalah, God left space for the world to emerge.

In this case, God contracted two aspects of the Godself: the Godly power of control, so as to prevent the US government from taking on Pharaoh’s power to control all life, including speech and conscience; and the Godly urge toward community and compassion, thus preventing good-hearted religious communities from drowning out others’ convictions in order to control the state in accord with their own version of compassion.

Pharaoh gets addicted to his own unaccountable power. To begin with, Pharaoh hardens his own heart. Then he becomes addicted to hard-heartedness; so God — that is, reality — takes over and hardens his heart. He is unable to turn back even when his own advisers warn him that he is ruining his own country.

Today both Godly impulses are out of control: The right-wing religious seek to impose their own versions of compassion (especially about sex and family) on the rest of us, and the government seeks to rule like Pharaoh.

Time to revive God’s shofar-call of the First Amendment!

➤ Rabbi Marla J. Feldman will be the scholar in residence at NCJW’s 44th National Convention (Chicago, March 9–11). Find out more at [www.ncjw.org](http://www.ncjw.org).