

State and Religion in Israel

State and Religion in Israel begins with a philosophical analysis of the two main questions regarding the role of religion in liberal states: Should such states institute a “Wall of Separation” between state and religion? Should they offer religious practices and religious communities special protection? Gideon Sapir and Daniel Statman argue that liberalism is not committed to Separation, but is committed to granting religion a unique protection, albeit a narrower one than often assumed. They then use Israel as a case study for their conclusions. Although Israel is defined as a Jewish state, its Jewish identity need not be interpreted religiously, requiring that it subjects itself to the dictates of Jewish law (Halakha). The authors test this view by critically examining important topics relevant to state and religion in Israel: marriage and divorce, the drafting of yeshiva students into the army, the character of the Sabbath, and more.

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State and Religion in Israel

A Philosophical-Legal Inquiry

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CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
 978-1-107-15082-9 — State and Religion in Israel
 Gideon Sapir, Daniel Statman
 Frontmatter
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CAMBRIDGE
 UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
 One Liberty Plaza, 20th Floor, New York, NY 10006, USA
 477 Williamstown Road, Port Melbourne, VIC 3207, Australia
 314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
 New Delhi – 110025, India
 79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107150829

DOI: 10.1017/9781316584620

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First published 2019

Printed and bound in Great Britain by Clays Ltd, Elcograf S.p.A.

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

NAMES: Sapir, Gideon, author. | Statman, Daniel, author.

TITLE: State and religion in Israel : a philosophical-legal inquiry / Gideon Sapir, Daniel Statman.

DESCRIPTION: First edition. | New York : Cambridge University Press, [2019] | Includes bibliographical references.

IDENTIFIERS: LCCN 2018027885 | ISBN 9781107150829 (hardback : alk. paper)

SUBJECTS: LCSH: Judaism and state-Israel-Philosophy. | Religion and state-Israel-Philosophy. | Democracy-Religious aspects-Judaism. | Israel-Politics and government. | Jewish philosophy-Israel-History-21st century.

CLASSIFICATION: LCC BM 538.S7 S27 2018 | DDC 322/.1095694-dc23

LC record available at <https://lcn.loc.gov/2018027885>

ISBN 978-1-107-15082-9 Hardback

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Cambridge University Press
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For Sarit
G.S
For Yuval
D.S

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Preface

This book has a double purpose: to defend a general theory about the role of religion in liberal states and to use this theory to analyze and evaluate the relations between state and religion in Israel. Logically, these purposes are independent. Some readers might accept our general proposal about the role of religion in liberal states but object to the way we apply it to the case of Israel, while others might reject our proposal and yet – for different reasons – agree with our practical recommendations with regard to Israel. We, of course, hope to convince the readers to accept our views on both levels.

The first step in the long process that eventually led to the writing of this book was a joint paper that we published in Hebrew in *Bar-Ilan Law Studies* in 2004 on freedom of and freedom from religion. That paper paved the way for another one that we published in the same journal, about the legitimacy of government actions based on religious considerations. With both papers on our table, we thought of adding to them some other papers that each of us had published on his own in this field, and in this way to create a comprehensive work on the relations between state and religion in Israel. At that time, we thought that this would be a simple copy-and-paste operation, but it very soon became clear that the project was far more complex and that we would have to rethink and rewrite most of our earlier work on the topic. It took us several years to complete the manuscript, which was published in 2014 by the University of Haifa Press and Yediot Ahronoth Books.

We are very grateful to friends and colleagues who were kind enough to read and comment on the Hebrew version: Ori Aronson, Yuval Eylon, Iddo Landau, Barak Medina, and Saul Smilansky.

In preparing the English version for Cambridge University Press, we made quite a lot of revisions, including the insertion of new material, in particular a new chapter on the character of the *Sabbath* in Israel. We believe that these revisions have enhanced the quality of the manuscript, making its arguments tighter and clearer.

Many research assistants helped us along the way, and we owe a debt of gratitude to all of them. Special thanks go to Anat Shapira for her invaluable assistance in the last (and crucial) stage of preparing the English version for submission.

Danny's mother, Dr. Stella Statman, went well beyond her motherly duties in helping us prepare the English version. She read the entire text twice, correcting mistakes and suggesting revisions concerning both style and content. Her linguistic depth, wisdom, and philosophical understanding are present in each page of the book.

Finally, we wish to thank the staff at Cambridge University Press, especially our editor, Beatrice Rehl, and content manager, Katherine Barbaro, as well as Harsha Vardhanan, our project manager at SPI Global.