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Comparing Ideas of Separation of Church and State to the Three Abrahamic Religions

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As part of the Hartman Fellowship for Emerging Jewish Thought Leaders, fellows were given a deceptively simple task: write a short persuasive essay or create a persuasive piece of multimedia that grapples with big Jewish ideas. The fellows proved themselves equal to the challenge and responded with an array of remarkable and powerful projects on a vast array of subjects, representing a wide array of political positions. We have highlighted a number of the pieces which showed particular originality or writing and production excellence.

Comparing Ideas of Separation of Church and State to the Three Abrahamic Religions

Throughout the duration of the Hartman Fellowship, many complex and fascinating contradictions pertaining to American law and society have been brought to my attention. The one that has stuck with me the most is the paradox of the Separation of Church and State. This concept—although at the forefront of American politics and society—is never mentioned in the Constitution. In fact, it was penned by Thomas Jefferson in a private letter to the Danbury Baptists Association, as they—like many immigrants to America—had fled the persecution of the Church of England. I kept wondering: What happens when our first amendment rights and this staple of American politics clash?

To start, I believe I must define what the Separation of Church and State denotes. It implies that the justification of laws, punishments, and regulations of governments cannot be based in the bible. However, this ideology does not infer that the laws that are found in a religion or bible are inherently invalid. For example: murder is illegal both in religion and in American law. Now that I have defined what the Separation of Church and State truly means, we can proceed.

In Judaism there is a specific story that comes to mind, Tanur Shel Akhnai. This story refers to a time when a snake died in a communal oven and the village wondered if the oven was still kosher. In typical Jewish fashion, the top two rabbis of the time, Rabbi Eliezer and Rabbi Yehoshua, did not agree with each other. Rabbi Eliezer said that the oven was not kosher, while Rabbi Yehoshua argued that it was. While Rabbi Yehoshua had the support of the other Rabbis in the village, Rabbi Eliezer had the support of Heaven. In order to prove that he was correct, Rabbi Eliezer claimed that the carob tree would move 100-400 cubits (depending on which source you refer to), the river would flow backwards instead of forwards, and the walls of the house of learning would cave in but not fall. Just as Rabbi Eliezer claimed, all these events occurred, but the dissenting Rabbi Yehoshua fought back by stating that these events did not equate to valid halakhic proof. Finally, Rabbi Eliezer said that Heaven supported his opinion, and a divine voice emerged and supported Rabbi Eliezer. Once again, Rabbi Eliezer was sure that he was correct until Rabbi Yehoshua stood up and said “It [the law] is not in Heaven” (Devarim 30:12) and “After a majority to incline” (Exodus 23:2), which implies that the mundane laws of our world are for the majority of the people to make, not the Heavens. In conclusion, this story promotes ideas of democracy and sets a precedent in Judaism that supports the Separation of Church and State in both the Talmud and the Torah.

Next, we will delve into Christianity and both its similarities and differences between the Judaic approach to the Separation of Church and State. The case for Separation of Church and State is made in John 18:36 in which Jesus claims, “My kingdom is not of this world.” Now, I am no Christian theologian nor am I qualified to interpret a bible I have never read, so I sought someone who could. According to Bishop Charles J. Ellicott, this verse has two meanings: One, that Jesus is not a king in a political aspect, as he owns no

land and commands no armies; two, that Jesus's power and command, when on Earth, lies within the confines of morality and personal responsibility, and his kingship is granted and remains in Heaven. The explanation that can be interpreted is that since Jesus's kingdom and his laws are not of this world, then it is up to the individual, not a secular government, to fulfill them. Although the history of the world does not support this notion of Separation of Church and State for Christianity, the case is made in their Bible. However, it is to be noted that while a case for Separation of Church and State is found within this text, it differs from the Jewish interpretation through its support of divine right and theocracy in Heaven, whereas Judaism supports neither.

Finally, we will discuss the traditional Sharia Law from the Quran and Hadith (the Sunna). I would first like to clarify that each Islamic country interprets and implements Sharia Law differently in today's world. In the most basic sense, Sharia Law is the societal, behavioral, and legal laws given to Mohammed by Allah in the Quran and Hadith. Sharia Law differs from the Judaic and Christian examples because it is meant to be implemented in every aspect of life. For example, one can still practice Sharia Law in the US as well as any other non-Islamic country because it is not just legal or behavioral laws; it encompasses all aspects of life, even how one conducts their business and gives to charity. The simple answer is that traditional Sharia Law does not support the Separation of Church and State, but in today's world some Islamic countries are attempting to find a semblance of balance between the two. Approximately 32 of the 53 Islamic countries that have implemented one form of Sharia Law or another have "dual legal systems," which means that they apply secular laws and have separate religious courts for personal issues such as family, financial, marriage, child custody etc. where Sharia Law is followed and applied. So, while traditional Sharia Law does not support the Separation of Church and State, the majority of Islamic countries are trying to find ways to balance these contrasting ideas.

The three Abrahamic religions contain many similarities and differences between their approaches to the Separation of Church and State. However, whether they support or contradict those ideas is irrelevant to their place in America. This is the inherent contradiction of freedom of religion, expression, and thought. Because, Americans have a right to their religious beliefs—even if those beliefs contrast with the foundation of American rights and government—and no one can take that right away.

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