

RELIGION AND DEMOCRACY IN ISRAEL¹

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Judaism and Democracy

This paper is concerned with exploring the influence of the Jewish religion (hereafter religion or Judaism) on democracy in Israeli society. The aphorism that is so often heard in American constitutional law courses -- "the Constitution is what the Supreme Court says it is" -- is not quite true. By the same token, the aphorism that "Judaism is what 'the rabbis' say it is" is also not quite true. But there is enough truth in both these statements to caution us against seeking to understand the imperatives of either system without recognizing that each is subject to new interpretation by its authoritative interpreters.

Statements by religious spokesmen about democracy generally refer to the formal properties of the system -- majority rule and some guarantee of individual rights. Although some religious leaders have interpreted Judaism as incompatible with democracy, others view the two systems as totally harmonious.² Obviously, if

the Knesset were to pass a law contrary to halakha (Jewish law) a religious Jew, by definition, would feel obliged to follow the dictates of halakha rather than the law of the Knesset. But, as Haim David Levy, the present chief rabbi of Tel-Aviv has suggested, this is a purely hypothetical situation and he finds difficulty of conceiving that such a situation could arise.³ I agree although not for the same reasons the author suggests. In order for such a situation to arise two conditions would have to be met. The Knesset would have to pass such a law with all the consequences involved in deliberately defying the religious tradition and the religious elite. In other words, not only would the present political constellation have to change, but the whole climate of attitudes toward Judaism, to be discussed below, would have to change. Secondly, all rabbis of scholarly stature would have to declare the law to be contrary to halakha, with all the consequences that such a defiance of the authority of the state would entail. But let us assume that this did occur. All it would do is establish a situation which is no different, in theory, from a situation that arises when an individual is faced with a contradiction between positive law and his own moral convictions. The democratic system is in no danger as long as this sort of thing doesn't happen too often or

too many people don't find the law incompatible with their moral conscience. There is no major or peculiar incompatibility between halakha and democracy in practice, because Jewish law is subject to interpretation.

Conflict does occur, however, when we come to assess the role of religion in forming public attitudes and values which serve as preconditions to the functioning of a democratic system. The following is a list of such attitudes or values which, one might anticipate, are also influenced by ones's religious commitment.

-Basic respect for law and authority. Democracy places more limited means of coercive control in the hands of its political elite than does an authoritative system of government. Respect for law or the willingness of the citizenry to voluntarily acquiesce to laws which they do not personally favor is probably more important to the survival of a democracy than it is to other systems of government.

-A large measure of tolerance for the opinions of others, regardless of how sharply one disagrees with these opinions and without regard to the type of person expressing the opinion.

-Relatively great concern about the process of the political system and relatively less concern about the outcome or output

of the system.

-As an extension of the previous point, high commitment to what Robert Bellah calls a liberal constitutional regime rather than to a republic.⁴ In other words, low commitment to the notion that the state has a role to play in shaping the moral character of its citizens or in achieving some other preordained goal. A belief, instead, that the function of government is to serve the needs of its citizens as the citizens define their needs.

-Given the presence in Israel of national and religious minorities who are self-conscious concerning their collective identity, a special tolerance toward non-Jews and some recognition of their group as well as their individual rights.

Other things being equal, high religious commitment is probably correlated with a respect for law and authority. That, at least, is my impression. Whether this is empirically so, under what circumstances it is more or less so, and if so to what is it attributable awaits further study. If true, it may be accounted for by a generalized respect for law and authority which is a by-product of religious socialization but it may also stem from the relatively greater success of religious institutions in socializing their youth to the value of respect for law and authority (in other words, secular institutions seek

the same goal but religious institutions socialize their youth more effectively), or it may stem from one or more other factors. Whatever the reasons, respect for authority and the rule of law which is an important condition for the development of a stable democratic system is, in my opinion, strengthened by religious commitment⁵.

That is not true of the remaining values. Commitment to Judaism does not encourage a respect for the opinions of others or the rights of other to express themselves freely when such expression is contrary to basic beliefs of Judaism, especially when those who express this opinion are non-religious Jews. This is not only because expressions of such beliefs -- for example, denial of the existence of God -- is contrary to Jewish law, though this has led to demands for the censoring of plays.⁶ It is deeper than that. The religious believer, other things being equal, is accustomed to the notion that there is an absolute truth, that right and wrong, morality and immorality, good and evil, are absolutes that are readily distinguishable. It is, therefore, folly to permit the expression of ideas and values which one knows to be wrong, immoral or harmful, especially when such notions are expressed by secularists, whose indifference if not antagonism to basic religious values suggests that they or

their intent may be evil. According to a leader of the National Religious Party, art has a purpose but instead of fulfilling that purpose the theater, television and press disseminate material offensive to religion and harmful to Israel's security. Everything published or presented to the public "must be in accordance with moral and educational standards", he argued on the floor of the Knesset.⁷

This is related to a conviction that is central in the thinking of religious Jews -- the notion that a proper state is one that shapes the moral outlook of its citizens. It is therefore incumbent upon the state to adopt measures that will further this goal. A religious world view socializes the Jew to the notion that the ideal state, the proper Jewish state, is not simply an instrument to serve a variety of interests or needs of the population but a framework which assists the Jew in his moral and spiritual elevation. This attitude is shared by all religious Jews, non-Zionists as well as Zionists.

The state, therefore, has a purpose. The religious Jew, to return to Bellah' distinction noted above, favors a republic not a constitutional democracy. It is, therefore, insufficient, as far as religious Jews are concerned, to be told that the Government has adopted some law in accordance with "due

process", i.e. proper procedures or that the majority of the population in addition to a majority of the Knesset favor a particular law. From a religious point of view Israel has a special purpose and no government and no majority has the authority to override that purpose. Thus, according to a resolution adopted by the Council of Jewish Settlements in Judea, Samaria and Gaza, if Israel should surrender sovereignty over Judea or Samaria it would:

represent a prima facie annulment of the State of Israel as a Zionist Jewish state whose purpose is to bring Jews to the sovereign Land of Israel and not, perish the thought, to remove them from the land of Israel and replace them with a foreign sovereignty.⁸

The idea of a republican rather than a constitutional democracy, the vision of a moral state rather than one which simply services its citizens' needs is a Zionist no less than a Jewish ideal. Both Israel as a Zionist state and Israel as a Jewish state imply limitations on democracy. The notion that Israel has a moral purpose which Knesset law cannot overrule is not confined to the religious population.⁹ Thus, for example, the decision of the Knesset to prohibit parties which advocate abolishing the Jewish nature of the state was passed with

virtually no public protest.

However, it remains true that religious Jews interpret the consequences of Israel's condition as an ideological state more broadly than do non-religious Jews. To put it another way: the policy consequences of Israel being a Jewish state are much broader from the point of view of the religious Jew, than are the consequences of Israel's being a Zionist state to the secular Jew.

But the most serious conflict between attitudes necessary for the maintenance of a stable democratic society in Israel and attitudes fostered by high religious commitment has to do with the rights of Arabs. Judaism in Israel has become increasingly particularistic and ethnocentric. It promotes little tolerance for the individual rights of non-Jewish citizens, and even less for group rights of minorities. In the mind of most religiously committed Jews, the Arabs represent a danger and a security threat and strong measures, including a denial of their civil rights is justified.¹⁰ I would summarize the dominant tendency as one that grudgingly acknowledges the right of non-Jews to live in Israel, to live their private lives in accordance with their religious or cultural norms but only insofar as this has no influence on other Jews or on the public life of the state. Even

this tendency stretches the limits of halakhic tolerance, as the halakha is understood by many rabbinic sages. An article in Tkhumim, the most distinguished annual dealing with matters of Jewish law and public issues from an Orthodox perspective published a learned essay on the status of Moslems in Israel according to Jewish law.¹¹ The author seems to phrase himself carefully and there is no trace of polemic in the tone of the article, a fact that makes the conclusions all the more striking. According to the writer, under the ideal conditions envisioned by Jewish law, non-Jews in the Land of Israel ought to live in servitude to Jews. In fact, their very right to live in the Land of Israel is problematic. A Jew is permitted though not required to save non-Jews if their lives are in danger. However, they ought not to benefit from free public services. These, the author stresses, are basic principles according to which we want to build our society. The halakhic imperative to subjugate non-Jews living under Jewish rule may be relaxed because of political constraints, but we ought never lose sight of the ideal society to which Israel should aspire. However, the editor of the volume challenged the author's understanding of halakha in a note to the article.¹²

The de-emphasis on universal standards of morality on the

part of many rabbinical leaders extends beyond the Jewish-Arab dispute. For example, the then chief rabbi of Ramat-Gan, in a letter to the national Religious Party daily Hatzofeh, decried the practice of childless Israeli couples adopting Brazilian children who then undergo conversion. Such children, he wrote, will be raised as Israelis but not all of them will identify with the Jews. "After all, it is clear that children inherit characteristics from their parents." He then cited proof texts to prove that non-Jews are not blessed with the quality of mercy with which Jews are blessed, but on the contrary are cruel by their very nature.¹³

What we have described here are attitudes and values that derive from a religious perspective. Behind them lies a world-view which is formed, in part, by basic halakhic notions that divide the world into right and wrong, good and evil, pure and impure. True, these attitudes and values do not carry the force of halakhic norms. They don't obligate anybody to observe them or follow them. Indeed, they are rarely articulated. They are conveyed by indirection and in a matter of fact manner, as basic assumptions not only of Judaism but of human nature and the cosmos. But for that very reason, they are more difficult to challenge and are more readily dispersed among population groups

-- especially poorly educated Jews of Sephardi background who are not punctilious in observing halakhic norms but who do internalize many presuppositions of the religious tradition as they are conveyed by the present religious elite.

On the other hand, attitudes and values are amenable to development and change without having to overcome legalistic hurdles. Indeed attitudes and values concerning the Jewish tradition have undergone dramatic change as I have tried to show elsewhere.¹⁴ The question is why has Israeli Judaism undergone a transformation in the direction of particularism and ethnocentrism rather than moralism, universalism, and political liberalism -- in other words why has Israeli Judaism undergone a transformation that makes it appear less rather than more compatible with the preconditions for a stable democratic society?

Religious Changes in Israeli Life

The transformation of Judaism in Israel can only be understood as the result of two processes that are probably interrelated. The first is the growing deference of the non-religious population to the religious elite's definition of

Judaism, the Jewish tradition and the Jewish religion. The second is the changes that have taken place in the religious elite's own definition of Judaism. Both processes are easy enough to demonstrate but rather difficult to account for.

The Rise of the Religious Elite

Secular Zionists, in the past, asserted their own definitions of Judaism in contrast to the definitions of both religious Zionists and religious anti-Zionists.¹⁵ Indeed, it was clear to Ahad Ha'Am and his leading disciples that the appropriate custodians of the Jewish tradition were Jewish scholars and Hebrew writers rather than rabbis.¹⁶ This point of view was inevitable since, in their eyes, the Jewish tradition was a national rather than a religious one. But the efforts to transfer custody of the tradition from the rabbis failed. That failure has been especially noticeable since 1967.

The influence of the rabbis has come at the expense of custom (community practice) and the role of Judaic scholars.¹⁷ This is true among both the religious as well as the non-religious population. It is especially prevalent among those aligned with the political right. They perceive religious Jews

as political allies and religion as a powerful instrument to legitimate their national-political demands. Disproportionate numbers of Sephardi Jews, the bulk of those who define themselves as masorati'im (traditional in their religious orientation), share this mood. But they include some who define themselves as hiloni (secular) as well. Ariel Sharon, the favorite political leader of the radical right, is quoted as saying, "I am proud to be a Jew but sorry that I am not religious."¹⁸

In the last few years, as divisions between doves and hawks have sharpened, one hears non-religious as well as religious leaders affirm that fidelity to religion and loyalty to the state are associated. For example, Prime Minister Yitzhak Shamir was quoted as saying:

The left today is not what it once was. In the past, social and economic issues were its major concern. Today, its concern is zealotry for political surrender and, on the other hand, war against religion. It is only natural that someone whose stance is opposed to the Land of Israel will also oppose the Torah of Israel.¹⁹

The deference accorded to religion by secular elements of the population has strengthened the religious elite (i.e.

rabbinical leaders) at the expense of other religious spokesmen, intellectuals and even politicians, who were more sensitive to currents within the non-religious world in general as well as in Israeli society. Religious spokesmen need no longer concern themselves with secular alternatives to the religious tradition, they need no longer respond to alternate conceptions of Judaism that stress universalist or ethical components within that tradition. Secular Judaism no longer poses an ideology which competes with religious Judaism. Therefore, those most capable of leading the battle against the competition, politicians but especially religious intellectuals, find that their influence has declined and the balance of authority within the religious world has shifted in favor of the rabbinical elite who by virtue of their narrow training, career opportunities, and significant referents, tend to be more particularistic and xenophobic.

The Transformation of Israeli Judaism

The Jewish tradition over which the rabbis reign is not, as we noted, the same tradition over which they held sway in the past. This process has taken place independently of the influence of the rabbinical elite. The tradition has been

nationalized, among both non-religious as well as religious-Zionists, through a selective interpretation of sacred texts and of Jewish history. Emphasis is given to the sanctity and centrality of eretz yisrael, the Land of Israel. In the past, Zionists celebrated their radical departure from the the Jewish tradition in their efforts to reclaim and settle the Land. Today, Israelis celebrate their continuity with the tradition in this regard. What is all the more remarkable is that eretz yisrael has come to symbolize both loyalty to the State of Israel as well as loyalty to Judaism. Baruch Kimmerling points out that the term eretz yisrael has increasingly replaced the term State of Israel in the pronouncements of national leaders, especially those on the political right.²⁰ To be a good Jew means to live in the Land of Israel under conditions of Jewish autonomy.

The nationalization of the Jewish tradition means its particularization as well. I don't wish to argue that this is a distortion of the Jewish past. I suspect that the effort to interpret Judaism as moralistic and universalistic, an effort that is basic to the American Jews' understanding of Judaism, is less faithful than is the Israeli version to what Jews throughout the ages understood as their tradition.²¹ But the

present interpretation also contrasts with the Zionist effort to "normalize" Jewish existence. Classical Zionists suggested that antisemitism was a consequence of the peculiar condition of the Jews as perennial "guests" or "strangers" in countries not their own. It was not, they claimed, the result of any special animus toward Jews as such. Zionists believed that once the Jews had a country of their own, their condition would be normalized and antisemitism would disappear. The Zionists were aware of the fact that this cornerstone of their credo contradicted traditional Jewish conceptions of antisemitism.

Israeli Jews no longer, for the most part, believe this to be true. Antisemitism, they are likely to believe, is endemic. "The world is all against us" as the refrain of a popular song went, suggests that there is nothing that Jews in general or Israelis in particular can do to resolve the problem. The Jew is special because he is hated and he is hated because he is special. This is the lesson of Jewish history and it serves to anchor the state of Israel within the currents of Jewish life. In summary, Zionism, the ideology of Jewish nationalism has been transformed and integrated into the Jewish tradition. The tradition, in turn, has been nationalized. Erik Cohen describes this trend as:

a reorientation of the basic principles of legitimation of Israel: a trend away from secular Zionism, especially its pioneering-socialist variety, towards a neo-traditionalist Jewish nationalism which, while it reinforces the primordial links among Jews both within Israel and the diaspora, de-emphasizes the modern, civil character of the state.²²

The rise of particularism has implications for the interpretation of ethics and morality as well. Emphasis on law (and ritual) means a de-emphasis on the centrality of ethics. But, in addition, religious Jews in Israel have redefined "morality" in particularistic rather than universalistic terms. According to the rabbi who pioneered the establishment of extremist education within the religious-Zionist school system, Jews are enjoined to maintain themselves in isolation from other peoples. Foreign culture is a particular anathema when its standards are used to criticize Jews.²³ "Between the Torah of Israel and atheist humanism there is no connection"; there is no place in Judaism for "a humanistic attitude in determining responses to hostile behavior of the Arab population" says another. According to a leader of Jewish settlers on the West Bank:

Jewish national morality is distinct from universal morality. Notions of universal or absolute justice may be good for Finland or Australia but not here, not with us.²⁴

Ideological Convergence Among Religious Parties

It is customary to distinguish between two segments of the religious population in Israel. One is the haredi, often referred to as the ultra-Orthodox who look to the past as a source of legitimacy and are hostile to Zionism, the ideology of Jewish nationalism --i.e., an ideology that conceives of the Jews as a people defined by a national rather than a religious essence and that aspires to the normalization of Jewish life. The other strand is associated in the public mind with Gush Emunim -- ultra-nationalistic and preoccupied with the political and religious consequences of their belief that Jews are living in a messianic age, i.e., a period of imminent redemption.

If we identify the two strands as distinct movements and then look at the more extreme elements in each strand we will find that the two share little in common. The most extreme haredim are hostile to the State of Israel. Even among less extreme haredim, those who define themselves as loyal citizens

of Israel, there is a tradition of political passivity with respect to non-Jews, an anxiety about antagonizing the nations of the world, and a desire to find a peaceful accommodation with the Arabs, even if it requires surrendering territory which Israel has held since 1967.

Within the other strand, among many of the most extreme ultra-nationalist messianists, opposition to any surrender of territory, retaining the Greater Land of Israel under Jewish sovereignty and settling the length and breadth of the land with Jewish settlers, supercedes every other religious obligation. Belief in the imminent coming of the messiah encourages activity of the most extreme form. "I am not afraid of any death penalty, because the messiah will arrive shortly," proclaims Rafi Solomon, charged with an attempt at the indiscriminate murder of two Arabs.²⁵ Nationalism within this ideological camp "is the highest form of religion."²⁶ This allows compromise on virtually every other religio-political demand. In order to further their cause religious ultra-nationalists have not only formed alliances with secular Jewish nationalists, but they have justified this alliance as the fulfillment of a positive religious commandment. Religious Jews who are active in ultra-nationalist non-religious parties, and they include a number of

prominent rabbis, tend to be most moderate in the "religious" (as opposed to the "nationalist") demands they make of the Israeli polity. Indeed, these demands never exceed that which the secular members of these parties have been willing to concede.

One could, therefore, make a good case for distinguishing between two religious groupings and argue that they have virtually nothing in common with one another at the political level.

The alternate argument, and one offered here, is that the two religious strands are converging. This convergence is not evident in the assertions of the extremists and ideological purists in each camp but rather in its effect on the larger population of religious Jews who were heretofore readily identifiable as either haredi or religious-Zionist. Today, one can point to the emergence of new groups and/or changes in the ideology of established religious parties which integrate both strands.

Support for this approach is found in the growing usage of a label that was invented, as a derogatory term less than ten years ago -- haredi-leumi (a nationalist haredi). To the best of my knowledge, the term was first used by a moderate, anti-haredi

leader of the religious-Zionist youth movement, Bnei Akiva. He was very concerned with the growth of haredi tendencies within his movement and unhappy, though perhaps less distressed, by the emergence of ultra-nationalist tendencies as well. The term haredi-leumi was certainly intended as a term of opprobrium. The term is now born with pride by a growing number of religious schools, by a rapidly growing religious youth movement, Ezra, who recently adopted this label, and by an increasing number of religious Jews who, according to a poll conducted by the religious weekly Erev Shabbat, decline to identify themselves as either haredi or religious-Zionist but prefer to be called haredi leumi.

No less persuasive are developments among religious parties in Israel. Of the four religious parties which won seats in the twelfth Knesset elections (November, 1988), three were identified in the media as haredi. Nominally, all of them might be properly called anti-Zionist. Together, these parties won 13 seats. Eleven of the 13 seats, however, went to two parties whose platform and/or constituents and /or leadership was especially close to the leading secular nationalist party of the right, (the Likud). The largest of these parties is Shas. It increased its number of seats from four to six in the elections.

While its platform did not call for the annexation of the occupied territories, its television campaign was critical of the Israeli government for not adopting harsher measures in the suppression of the intifada. Despite the pundits' predictions, generous promises by Labor with regard to religious legislation but especially its promises of public funds and political appointments led Shas leaders to seriously consider joining a Labor led coalition following the election. However, demonstrations by Shas' own supporters and a reminder that the party leadership had explicitly promised, during the campaign, that it would not join with Labor rather than the Likud, restrained the party leaders from taking this step.

The next largest haredi party, Agudat Israel, increased the number of its seats from two to five. While Agudat Israel is reputed to be virulently anti-Zionist, it happily accepted the support of two important groups whose religiously based opposition to any Israeli withdrawal from the occupied territories equals that of Gush Emunim. These two groups do not view the state of Israel, or the present era, in the same messianic and apocalyptic terms as Gush Emunim's spiritual leaders, nor do they attribute the same metaphysical significance to events which began a century ago when non-

religious settlers initiated the present Zionist settlement of the land, but they are no less adamant about the religious imperative of maintaining Jewish sovereignty over the territories. When the Likud-Labor alliance broke up and Agudat Israel agreed to form a coalition with Labor, two of its parliamentary representatives bolted, thereby sabotaging Labor's hope to form a government under its leadership.

The growth of haredi parties and their ability to attract voters from non-haredi segments of the population has been accompanied, at the ideological no less than the pragmatic level, by their de facto adoption of a nationalistic orientation and the muting of their ideological objections to Zionism²⁷ although this tendency does not encompass all haredim.

At the religious-Zionist end of the continuum, the National Religious Party and its constituents, heretofore characterized by religious moderation, by an accommodationist rather than a rejectionist orientation toward modernity and secular culture, shows increasing signs of rejecting modernity and asserting a rather reactionary interpretation of the religious tradition. This is evident in the increased allocation of school time to study of sacred text in religious-Zionist schools, in increasing insistence upon separating the sexes in institutions identified

with religious-Zionism and in the increased emphasis on religious observance by many religious-Zionists. Whereas The National Religious Party's platform on the future of the territories has been increasingly radicalized and now virtually mirrors that of Gush Emunim, it, and other institutions of the religious-Zionist camp adopt "religious" stances in other matters which increasingly resemble those of the haredim. Thus, the counterpart to the nationalization of the haredim is the haredization of the religious-Zionists.

In summary, the argument presented here is that it there is less and less point in distinguishing among the segments of religious Jewry, at least for purposes of assessing its impact on democratic ideas and structures within Israeli society. This does not mean that all religious Jewry or all the religious parties are cut of one cloth. There are different orientations which one can distinguish among parties, among groups within the different parties and among individual political and religious leaders. The argument, here, however, is that these differences are not reflected in the traditional distinction between religious-Zionist and haredi and that one can identify a mainstream within religious Jewry in Israel, whose core assumptions, attitudes and values are in many cases in conflict

with the system of assumptions, attitudes and values that undergird a stable democratic polity.

However, it is also worth noting that the religious parties have been effected by the democratic structure of Israeli political life. Slightly less than 20 percent of Israeli Jews define themselves as dati, i.e. religious. (Roughly a third of them are haredi.) The majority of Israeli Jews, unlike, for example the masses of Moslems, are not "religious" in belief or behavior although many, probably most of them, harbor a feeling of sympathy for the religious tradition. Indeed, when asked about their religious identification between 35 to 40 percent prefer to define themselves as "traditional" rather than "secular". Many are distressed, though not to the point of doing much about it, by the ignorance of religious rite and custom which they find among their own children. But even this general mood is often accompanied by anti-clerical feeling. Under the circumstances, religious leaders are reluctant to demand the total imposition of Jewish law, even if they might harbor the hope for such an eventuality. What they have called for, in more outspoken terms, is the maintenance of what is called a "Jewish street", i.e. the conduct of public life in accordance with Jewish law. In fact, they have been more anxious to maintain

victories they have already secured rather than expand the scope of religious law.

The key demands of the religious parties in the 1988 Knesset elections, were, in fact, defensive demands. In many instances, the religious parties simply sought to retain the fruits of legislative and administrative victories they had secured in the past. The most important of these included Sabbath closing laws passed by municipal councils which a 1988 court decision held invalid because the Knesset had never explicitly empowered local councils to pass such laws. Closely related was the demand for the expansion of the authority of rabbinical courts in matters of personal status (especially marriage and divorce), an authority which has undergone some erosion by virtue of decisions by secular courts. (The legal status of the latter is superior to the former.) However, for the haredi parties, two of the three in particular, the most important defensive demand was the continuing assurance that yeshiva (pl: yeshivot) students (students at schools for advanced religious study which means virtually all haredi youth) would continue to benefit from draft exemptions as long as they are enrolled in yeshivot.

A second type of demand included increased benefits, or

what the religious parties called "equalizing" public funding for their educational and philanthropic institutions. The haredi parties also called for greater housing benefits for young couples and Shas was especially interested in government recognition of its schools as an independent system eligible for public funding but administrative autonomy. These demands, while marginally burdensome to the Israeli tax payer, hardly presaged an onslaught on the democratic structure of the Israeli polity or, for that matter, on individual religious freedoms.

An effort to expand religious influence in Israeli society was reflected in two types of demands. One was of a generally symbolic nature. For example, amending the "Law of Return" to preclude recognition by the State of Israel of non-Orthodox conversions performed abroad (popularly known as the "Who is a Jew?" law), would have affected no more than a handful of Israelis but was of great symbolic importance because it would have established the authority of Orthodox rabbis in determining whom the State of Israel recognizes as a Jew. The second type of demand was in the area of culture and education. Proposals in this regard were rather vague. They included the demand that the government ought to do something about introducing more Jewish (read religious) education. The National Religious Party also

talked about the need for more national (read ultra-nationalist) education. There were also hints at the need to preserve Israeli culture against negative influences (an allusion to pornography and probably to anti-religious and/or anti-nationalist expressions as well). Opposition to the construction of the "Mormon University" (in fact, a branch of Brigham Young University) on Mount Scopus in Jerusalem also falls into this category. These demands, it should be noted, were phrased very carefully, generally in a positive rather than a negative vein, under category headings that talked about the need for the unity of the Jewish people. Except for the proposal to amend the "Who Is a Jew?" law, these demands were quickly surrendered in the negotiations over the establishment of a coalition government following the election. Furthermore, although Agudat Israel and to some extent the National Religious Party did feel strongly about the need to amend the "Who Is a Jew?" law, neither of them conditioned their joining the government on a change in the law. It might be argued that such surrender was necessary because once the two major parties, Likud and Labor had agreed to form a unity government, the bargaining position of the religious parties was severely reduced. However, following the dissolution of the unity government the religious parties again held the

balance of power. Most of them refused an alliance with the left despite evidence that the Labor Party would concede to virtually any demand they made. Their demands from the Likud were fairly modest in the realm of legislation. No amendment to the Who is a Jew law, no banning of the Mormon University, no censorship of pornography, no changes in the secular school system -- but a law banning the sale of pork, a law placing some minor limitations on how a woman can request a legal abortion (it is not clear that the law will have any effect on the number of legal abortions performed in Israel), a law permitting local municipal councils to determine whether places of entertainment may or may not open on the Sabbath (a law whose impact may be to extend the number of such places now open), and a law banning lascivious advertisements.

How are we to account for the generally moderate nature of the demands which the religious parties raised? Part of the reason rests on the importance which some of the religious parties now place on their "nationalist" agenda -- an agenda which, by their definition is, of course, "religious". Nevertheless, they are sufficiently sensitive to the distinction between "national" and "religious" in the eyes of the secular public to avoid jeopardizing their "nationalist" agenda by

emphasis on their "religious" agenda. Even if one accepts that settling and/or annexing or at least refusing to surrender parts of the Greater Land of Israel is a "religious" issue, the emphasis on this issue rather than others suggests an order of priorities.

Secondly, at least two of the religious parties, Shas and Agudat Israel increasingly attract non-religious voters. Shas' attraction to ethnic non-religious voters is well known but the fact that Agudat Israel has become an increasingly attractive option to voters of low socio-economic status has received less attention.²⁸ The success which both these parties had in attracting such voters, the fact that these parties became outlets for social protest among some non-religious Jews, may have led the parties themselves to temper the narrowly religious focus of their demands.

Third, more active participation in the democratic process may have sensitized party leaders to the fact that excessive demands in the area of religious legislation threaten them with public backlash whose shadow, even now, looms on the horizon. The religious parties are aware of their minority position in Israeli society and are anxious to avoid confrontations with the non-religious majority at both the political as well as the

social level -- a confrontation which they can only lose.

Finally, benefits from public funds which the leaders of the secular parties have showered on the haredi parties may be the most important factor in moderating demands for religious legislation. Large segments of haredi society benefit from these funds and are unwilling to jeopardize them by raising demands which the majority will refuse to meet. It is especially dangerous for a religious party to raise demands of a religious nature that go unmet. They then stand charged with a willingness to compromise religious principle for the material benefits to be derived from participation in a governing coalition. They may prefer, therefore, to moderate their demands to begin with.

Can Democracy Survive in a Jewish State?

The answer to the question can democracy survive in a Jewish state is that of course it can assuming we are flexible about what we mean by democracy and what we mean by a Jewish state. If democracy means a state without moral purpose, one that functions simply to attend to the interests of its citizens as they define them, to provide services which its citizens demand without an effort to further some ultimate vision of the

good society and the good citizen -- than democracy is incompatible with a Jewish state, or a Zionist state or any other kind of ideological state. I don't think such a state can survive -- but that is another question entirely. If by a Jewish state we mean a theocratic state, one ruled by a religious elite or even one in which the laws are subject to the approval of a religious elite, or a state in which the Torah is the ultimate constitutional authority than democracy and a Jewish state are also incompatible.

But if by democracy we mean majority rule, individual liberties, and minority rights guaranteed by law within a set of parameters that are derived from a reasonable understanding of Judaism and the Jewish tradition -- democracy and a Jewish state are not incompatible, although accommodating these two values may require painful compromises for those committed in good faith to only one or the other value. Separation of religion and state is no solution because a Jewish state is, by definition, one in which religion plays a public role and is accorded public status.

The resolution lies in an accommodation that by definition is less than perfect. The route to that accommodation rests in part on good faith of all the parties to find such an

accommodation and no less important in the definition which is accorded to democracy but especially to Judaism. It should be clear from this, that everyone has a stake in how everyone else defines these conceptions.

Policy Recommendations

This paper has argued that Judaism, as it is presently perceived, in Israel, does not reinforce attitudes and values that undergird a democratic system. This stems in part from tendencies that are inherent within Judaism and democracy and in part from particular perceptions of Judaism and of democracy. There are, therefore, three areas in which recommendations are appropriate.

First, recommendations that would encourage the political elite to make accommodations necessary in order to maintain a society that is both as Jewish as is possible within the parameters of a democratic society and that is as democratic as possible within the parameters of a Jewish state. I emphasize the political elite because I think that this is the most that one can hope for.

Religious leaders must understand that whatever "ultimate"

hopes or "messianic" visions they may harbor about the ultimate constitution of Israeli society, reference to a Torah state or a state ruled by halakha suggests a very limited commitment to a democratic society. Even if they don't mean what they say, and I strongly suggest that they do not, they are socializing their youth to anti-democratic values, raising false expectations about the nature of the political system, and casting doubts upon the Jewish commitments of those who eschew this value. Religious leaders should be encouraged to consider how meaningless this slogan has been to them, in the past, and whether they would not do better to either abandon the notion or rephrase it so that their public understands that it is not a program for implementation in the here and now. Studies of what "a state in accordance with halakha" has meant in the past to religious leaders in Israel, how distinguished rabbis as well as politicians have reinterpreted this "principle" may be of some help in this regard. But it is equally important for non-religious leaders to indicate that while no one would deny the right of religious Jews to express their hope for an halakhic state, the expression of such a hope is offensive to the non-religious and casts grave doubts about the willingness of religious Jews to arrive at a basic accommodation with the non-

religious.

Political elites who define themselves as secular must appreciate that privatization of religion is a peculiarly Protestant notion that is simply inapplicable in the case of Judaism -- unless, of course, they are prepared to surrender the notion of a Jewish state.

The framework of accommodation, therefore, includes the surrender by the religious of the ambition to realize a state in accordance with halakha and the recognition by the non-religious that a Jewish state means that the Jewish religion will be reflected in the public life of the society; that Jewish law will in one form or another find expression in public law. Within this framework, political negotiations based upon everyone's sense of what is fair and just and on the relative balance of political power which each side possesses can take place. It would be inappropriate to try and elaborate what such a settlement would ultimately look like.

The second set of recommendations deal with perceptions of democracy and of Judaism. The effort to define democracy in the most libertarian of terms -- the definition which Ze'ev Sternhall, for example offers of democracy as a system of government which places the individual and not collective goals

at the center of its concern or the essence of democracy as "the rights of humans to be masters of themselves...the expression of man's recognition that all sources of political, social and moral authority inhere in man himself" and that "society and state exist in order to serve the individual...and are never ends in themselves" [Ze'ev Sternhall, "The Battle for Intellectual Control," Politika, no. 18, in Hebrew (December, 1987), pp. 2-5] presents the democratic system in sharp conflict with Judaism or any religious system of life. Therefore, it is important to reinforce perceptions of democracy that emphasize group as well as individual interests, that comprehend minorities in cultural, ethnic, religious, and perhaps even national terms rather than simply as a set of individuals organized on an ad hoc basis in order to secure a particular right. And finally, as we have pointed out, it is important to stress that the stability of a democracy depends, among other factors, on a sense of moral order and moral vision which the members of that society share.

The third set of recommendations deals with perceptions of Judaism. I have argued, in this paper, that Israelis define Judaism in narrow, particularistic and nationalistic terms but that this is only one alternative conception of Judaism. How can

perceptions of Judaism, on the part of Israelis in general and the religious public in particular be transformed so that they are more compatible with a democratic society?

The presence of Conservative and Reform Judaism in Israel would probably contribute to that end. Forced to articulate their perception of Judaism in ideological terms and compete with alternate conceptions of Judaism, we may find that Orthodoxy in Israel comes to resemble more closely Orthodox Judaism in the United States and Western Europe. (This is not the place to describe the salutary effect that such a development would have on Conservative and Reform Judaism in the United States if they were forced to formulate their Jewish conceptions, as they would in Israel, with greater fidelity to sacred text). There is also little doubt that the particularization of Judaism in the hands of the religious elite, and the acquiescence of the religious public in this narrowing of Jewish vision finds support in the failure of other alternatives -- the bankruptcy of secular Zionism as a system of ideas and behavior being the most important. The emergence of any alternative definition of Judaism, which demonstrates both intellectual vigor and the capacity to inspire a way of life, would generate a new breed of religious thinkers who would be

forced to confront these new developments.

Endnotes

Parts of this paper will appear in revised form in a forthcoming essay, "Religious Fundamentalism and the Israeli Polity". I have also drawn upon material from my book co-authored with Steven M. Kohn, Two Worlds of Judaism: The Israeli and American Jewish Experience (New Haven: Yale University Press, 1990).

The late Rabbi Meir Kahane was not a great rabbinical scholar but he anchored himself in rabbinical tradition and certainly represented one stream within the Jewish tradition. According to Kahane: "The liberal west speaks about the rule of democracy, of the authority of the majority, while Judaism speaks of the Divine truth that is immutable and not subject to the ballot box or to majority error. The liberal west speaks about the absolute equality of all people while Judaism speaks of spiritual status, of the chosenness of the Jew from above all other people, of the special and exclusive relationship between G-d and Israel." Meir Kahane, Uncomfortable Questions For Comfortable Jews (Secaucus, N.J.: Lyle Stuart, 1987), p. 159.

Other rabbis, less politically extreme than Kahane, express opinions that range along a wide spectrum. I am indebted to my colleague Asher Cohen who located many such sources, only a few of which are cited here. Zvi Weinman, writes that even if all the Knesset members were religiously observant Jews, the democratic system is tainted because it can in theory decide matters contrary to the Torah. Zvi Weinman, "Religious Legislation -- A Negative View," T'khumin, vol. VII, in Hebrew, 1986, p. 521. (T'khumin is the most highly regarded periodical dealing with problems of society and the Jewish community from the perspective of Jewish law). But according to another distinguished rabbi, "the democratic approach, whose substance is consideration for the will of the people, their demands and

ir needs, is among the foundation stones of Israeli halakha." Nathan Zvi Friedman, "Notes on Democracy and Halakha," T'khumin, vol. IV, in Hebrew, 1984 p. 255. Eliezer Schweid concludes his discussion of Rabbi Chaim Hirshenson's ideas about a Democratic state according to halakha with the observation that "the political system that the Torah intended is democratic in its basis". Eliezer weid, Democracy and Halakha: Reflections on the Teachings of Rabbi Chaim Hirshenson (Jerusalem: Magnes Press, in Hebrew, 1978), p. 75. Finally, to Rabbi Sol Roth "it is clear that the fundamental principles of democracy, namely, representative government and rule by majority, inhere in a Jewish tradition." Halakhah and Politics: The Jewish Idea of a State (New York: Ktav, 1988), p. 141.

Haim David Halevy, Dat V'Medina [Religion and State] (Tel-Aviv: Arzi Printers, in Hebrew, 1969), 49-60.

Bellah distinguishes between liberal constitutionalism built on the notion that "a good society result from the actions of citizens motivated by self interest alone when those actions are organized through proper mechanisms," and a republic which "has an ethical, educational, even ritual role..." Robert Bellah, "Religion and the Legitimation of the American Republic," in Robert Bellah and Phillip Hammond, Varieties of Civil Religion (New York: Harper and Row, 1980), p. 9. The concept and its application to Israeli society is discussed more fully in Charles S. Liebman and Eliezer Don-Yehiya, "The Dilemma of Reconciling Traditional Culture and Political Needs: Civil Religion In Israel," Comparative Politics (October, 1983), pp. 53-66.

On the topic of the lack of respect for the authority of law in Israel see Ehud Sprinzak, Every Whatsoever Is Right In His Own Eyes: Illegalism in Israeli Society (Tel-Aviv: Sifriat Poalim, in Hebrew, 1986).

The effort, for example, to remove or at least censor the play, The Messiah, because of its denunciations of heresy is described in Uri Huppert Back to the Ghetto: Zionism in Retreat (Buffalo,

.: Prometheus Books, 1988). Although the book is a polemic, extremely one-sided, and misleading in many respects, the treatment of this incident is, to the best of my knowledge, an accurate one. On the other hand, the Minister of Interior Aryeh Deri, a leader of Shas, a Sephardi haredi party, the most ostensibly "primitive" of all religious parties, abolished the censorship of plays in an order issued August, 1989.

The speech by Rabbi Haim Druckman was reprinted in Nekudah, March 2, 1983 and is described in Charles S. Liebman, "Jewish Ultra-Nationalism in Israel: Converging Strands," in William Frankel (ed.), Survey of Jewish Affairs, 1985 (London: Associated University Presses, 1985), pp. 28-50.

The statement was issued November 4, 1985, reprinted in Davar, November 22, 1985 and translated into English in International Center for peace in the Middle East, Israel Press Briefs, 40 (December 5), p. 17. There are many similar statements.

In addition to Sprinzak, op.cit. see Boaz Evron, A National Reckoning (Tel-Aviv: Dvir, in Hebrew 1988), pp. 392-395.

Religion acts independently of education and ethnicity in the formation of Jewish attitudes toward Arabs. The religious Jew is more likely to harbor prejudice and less likely to respect the political rights of Arabs. Ephraim Yuchtman-Yaar's chapter, "The Israeli Public and the Intifada: Attitude Change or Entrenchment?" in this volume, provides additional documentation to a phenomenon which is supported by every survey of Israeli public opinion with which I am familiar.

Elisha Aviner, "The Status of Ishmaelites in the State of Israel According to Halakha," Tkumin (Hebrew), 8 (1987), pp. 337-359.

Overtone of this attitude in the political realm are to be found in an incident that occurred during the tense days preceding the January 15, 1991 deadline for an Iraqi withdrawal from Kuwait.

General Secretary of the National Religious Party demanded that in the event that Israel calls for a U.S.-Iraqi conflict, activists from the Peace Now movement not be arrested. He indicated that the Palestinian population in the West Bank and Gaza might respond to this by heightening the intifada. In such a case the Israeli army would have to resort to harsh measures and Peace Now activists, according to the General Secretary, would be unwilling to participate in such measures and might create a false impression in the world media. (Haaretz, January 11, 1991, p.3.). Underlying this demand, in my opinion, was the belief (hope, fear) among some Israelis and Palestinians, that a U.S.-Iraqi war would serve as the pretext for the Israeli army to undertake a massive expulsion of Palestinians.

Hatzofeh (June 20, 1988), p.4. I have deliberately eschewed citing individuals known for their political extremism or forums which encourage the expression of extremist positions. Among the most notorious in this regard are the anthologies Tzfiya, three of which have appeared to date. In the latest issue a rabbi from Merkaz Harav writes on the differences between Jews and non-Jews. (David Baum, "Israel is Called -- 'Man'" Tzfiya, in Hebrew, 3, n.d., pp. 45-73). After bringing proof text he concludes that, "...non-Jews are considered as animals...the status of non-Jews in Jewish law resembles the status of animals and there is generally no distinction between them" (p. 61.) A number of articles in the anthology are overtly racist, some of them written by rabbis of some distinction. The most depressing aspect is not that there are learned rabbis who hold such views but that the religious establishment finds no cause to condemn them.

See, Attitudes Toward Jewish-Gentile Relations... and Charles S. Liebman and Steven M. Cohen, Worlds of Judaism: The Jewish Experience in Israel and the United States (New Haven: Yale University Press, 1990).

Ehud Luz, Parallels Meet: Religion and Nationalism in the Early Zionist Movement, 1882-1904

Philadelphia: Jewish Publication Society, 1988).

See for example, Haim Nahman Bialik, "HaSefer HaIvri," in The Collected Work of H.N. Bialik (Tel Aviv: Dvir, ninth ed., 1947, in Hebrew), pp. 194-201. The Jews were not unique in this regard. Anthony Smith describes "the new priesthood" as the "secular intellectuals committed to critical course" and the blueprint of a new society formed by "the romantic vision of the scholar-intellectual, redefining the community as a 'nation' whose keys are unlocked by the 'scientific' disciplines of archeology, history, philology, anthropology and sociology..." Anthony Smith The Origin of Nations (Oxford: Basil Blackwell, 1986), p. 161.

See, for example, Yosef Dan, "The Hegemony of the Black Hats," Politika, no. 29, in Hebrew (November, 1989), pp. 12-15.

Maariv "Weekend Supplement", (March 10, 1986), p. 12.

Maariv (December 20, 1987 p. 6.

Baruch Kimmerling, "Between the Primordial and the Civil Definition of the Collective Identity: tz Israel or the State of Israel?", Erik Cohen, Moshe Lissak and Uri Almagor (eds.), Comparative Social Dynamics: Essays in Honor of S.N. Eisenstadt (Boulder: Westview Press, 1985), pp. 262-83.

I explore this notion in greater detail in "Ritual and Ceremonial in the Reconstruction of American Judaism," Ezra Mendelson (ed.), Studies in Contemporary Jewry VI (New York: Oxford University Press, 1990), pp. 272-283.

Erik Cohen, "Citizenship, Nationality and Religion in Israel and Thailand," in Baruch Kimmerling cit., p. 70.

Charles S. Liebman, "Jewish Ultra-Nationalism in Israel: Converging Strands," op. cit.

Ibid., p. 46

Yediot Aharonot, (July 6, 1989), p. 17.

Gideon Aran, From Religious Zionist to A Zionist Religion: The Origin and Culture of Gush Emuni
essianic Movement in Modern Israel. (Hebrew University Ph.D. dissertation, in Hebrew, 1987), p.

Yosef Fund, Agudat Israel Confronting Zionism and the State of Israel -- Ideology and Policy
r-Ilan University, Ph.D. dissertation, in Hebrew, 1989).

Eliezer Don-Yehiya, "Religion and Ethnicity in Israeli Politics: The Religious Parties and the
ctions to the 12th Knesset," Medina Mimshal Vihasim Benleumiym no. 32 (Spring, 1990 in Hebrew),
11-54 develops this point in some detail. See also U.O.Schmelz, Sergio DellaPergola and Uri
er, "Ethnic Differences Among Israeli Jews: A New Look," David Singer (ed.), American Jewish Yea
k 90 (Philadelphia: Jewish Publication Society, 1990), pp. 3-206. The point is made in a passing
erence on p. 101.