

**Discourse of Religion on Politics in Israel:
The Compatibility of Judaism and Democracy**

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INTRODUCTION

As far back as 1897, organized by Theodore Herzl, Jewish people around the world dreamed of having their own state – a state to live in with Judaism as the prevailing theme. Along side these efforts, there have been others in recent centuries that have fought for the separation of religion and state. In 1948, the dream came true with the creation of Israel. To this day, however, the role and compatibility of religion and politics has remained a strong focal point of countless debates, particularly between the religious and non-religious members of a particular society. In this paper, I examine the role Judaism has and does play in Israeli politics, and its compatibility with democracy – whether or not democracy really works in Israel. More precisely, I look at the history of religion and politics – the conflicts, the framework, the Cabinet, and its affect on civil liberties – in Israel.

Religion and Politics

As defined by Charles Liebman in his book *Religion, Democracy, and Israeli Society*, “religion and politics deals with socio-political issues related to religion and the organizations, political parties, and interest groups concerned with these issues” (1). Once these political institutions are developed, each one is likely to establish its own interests and legitimate them in religious terms. This means that while it may not be clear how these interests relate to the religious values or needs of the religious population, it can be clearly seen in terms of how it relates to the organization’s own needs. Nevertheless, the organization will “claim that its demands are legitimate because it is defending a religious community” (Liebman 1-2). While this may seem unfair to the

common person, in fact the same sort of behavior is perpetuated by secular organizations, the salient difference being that they legitimate their behavior in different terms. Still, it remains quite clear that the very act of participating in the political arena has some degree of influence on religion. First, by a religious group participating in politics, a “religious elite” is created. This is done not to make the religious leaders more powerful, but rather, to make the political leaders of the religious groups more powerful.

Furthermore, as Liebman points out, the more important question becomes how religion, “viewed as an aspect of culture, influences the broader political culture and public policy” (2). And of course, the reverse question can be asked – how does public policy and political culture affect religion?

Looking at specific examples, one can see how different religions influence political culture. The Catholic Church, for example, is opposed to abortion – they contend that the fetus should be treated just as any other human would be treated. Jews forbid manual labor, among other things, on the Sabbath. Both Muslims and Jews do not allow the eating of pig’s meat. As a result, Catholics oppose legalizing abortion, Muslim and Jewish restaurants don’t serve pork, and Jewish establishments are closed on the Sabbath. There is a large degree of commonality within Judaism, Islam, and Catholicism. All three religions stress the obligation of the state to help prevent the individual from sinning. Obviously, though, one’s commitment to his religion is going to help anticipate one’s political beliefs.

There is yet another way religion can influence politics. “Religion not only projects ideas about what is right and what is wrong, it projects images or conceptions about the nature of the world” (4). This means that without even knowing it, whether one

is religious or not, these conceptions will break through our culture and as a result, help shape our thinking. When people feel disgust at something that is done, or on the contrary, happiness, it can be said that these feelings are “transmitted and reinforced” by religious norms, and only help to illustrate these so-called conceptions (5). Additionally, religion can influence society “not only by what it says but by how it is structured; its hierarchical structure” (9). This structure projected in the church helps influence perceptions of how one ought to be governed.

Of course the opposite case may also be true – religion can be affected by the political culture. Generally speaking, those who believe this tend to be the less religious. Often times, it was accepted by both the religious as well as the simple believers that the hand of G-d could explain most things. Others were called “academic reductionists” (11) – those who explained all religious phenomenon as affected or caused by a non-religious cause.

Religion in the State

With all of these factors in mind, it is important to look further at the relationship between religion and politics, in regard to the state. Demands made by religious citizens often only benefit the interests of one particular group. Of course, there are many different versions of the religion-state relationship. Often those who promote the strict separation of religion and state are themselves anti-religious. However, in cases when the Jews, Muslims, or Christians are the majority, sentiments of separation are voiced by “minority religions who fear discrimination by the dominant [one]” (15). Obviously,

there are many reasons behind the beliefs of both sides – those against separation, and those who support it. I will address this topic in more detail later in the paper.

First, though, it is necessary to look at religion's basic role in the Jewish State – in particular, in modern Israel. Israel is a very interesting country in which to observe the role of religion in politics, since it is strikingly different than most Western democracies. While the way in which Israel is run makes it a democracy, its population groups are decidedly non-Western.

Based on Israel's history, the role of religion is clearly an important one. In 1948, Israel gained its independence, just three years after the end of the Nazi Holocaust. "The period 1945 to 1967," however, "saw a change in Jewish fortunes from victims to victors" (Sharkansky 6). Believers viewed these events as redemption, while even the non-religious and anti-religious saw parallels with the Hebrew Bible. Israel's Declaration of Independence characterized the state as Jewish and guaranteed equality to all Israelis, regardless of ethnicity, religion, or sex. "More clearly than any other major religion, Judaism combines ethnicity with doctrines in ways that challenge simple description" (6). All Jews are made to feel at home in Israel, whether they are atheists or agnostics, religious or anti-religious.

The Jewish Bible brings forth infinite disputes and leaves them unresolved. The trials and tribulations, tales and truths conveyed in the Jewish Bible were transmitted orally, written, and rewritten over many years. One such story details the Jews' plight into the Promised Land, and how they had to "accommodate themselves to foreign neighbors and outsiders more powerful than themselves. Jewish survival has been maximized by

intellectual flexibility, creativity, and a capacity to deal with ambiguities and uncertainties” (8).

Jewish doctrines, rituals, and governance issues have changed – sometimes significantly – since the biblical period. If one looks at the history of Jewish communal government, he or she can see that “in different periods and countries” there were “varieties of self-rule, dependence on, and autonomy from Gentile authorities” (8). As a result, modern Jews have learned to adjust to the cultures that they live in.

Of course, there are many different varieties of Jews. In America, the majority of Jews can be classified as Conservative or Reform (8). In Israel, however, these categorizations are generally not used; rather, there are the religious and non-religious. The degree to which the non-religious Jews in Israel practice, however, is much different than that of the typical non-religious Jew in America. For example, many of them follow Sabbath and dietary laws, but still are not as “religious” as those who consider themselves Orthodox.

Obviously, in Israel, the Jews constitute the largest portion of the population. They make up approximately eighty-three percent of the population, and an even larger percentage of the parliament (known as the Knesset, which will be further discussed later) (9). The other seventeen percent of the population includes Muslims, Christians, and Druze. Since there are so many different types of Jews, much dispute is raised in regards to religion, ethnicity, and politics. While there are many aspects that are cause for debate, there is one that I intend to focus on: which aspects of religious law should be enforced by the state? This includes the observance of the Sabbath, the sale of non-

kosher food, the who should be considered a Jew controversy, as well as that of who should perform marriages and divorces.

In order to begin to answer that question, it is important to note that, sometimes, religion is “simply the expression of ethno-national and even class differences” (Liebman 20). This means that, according to Liebman, religion often promotes and strengthens respect for law and authority. At the same time, though, he stresses that religion does not promote other essential values that lead to a democratic society. First, democracy “presupposes a large measure of tolerance for the opinions of others” (21). Religion, on the other hand, stresses intolerance for those beliefs that contradict the beliefs of the religion. Secondly, religion which “asserts absolute notions concerning what is right and what is true socializes its adherents to a polarized and dichotomized world” (21). And finally, religion is less concerned about the political process of the political system and more about the outcome or output of that system.

POLITICAL SYSTEMS AND RELIGIOUS ESTABLISHMENTS

The political system and the religious establishment have thus far existed together in Israel, albeit sometimes uncomfortably, under what has been called the “status quo” (Birnbaum 27). This status quo was made up of laws and their meanings that helped to build Orthodox Judaism a place in Israel. Even though Israel is not a theocracy, religion plays an important role in the state. As discussed later in this paper, Israel “continued, in a modified form, the millet system of the Ottoman Empire” (Edelman 206). Obviously, if it were up to the extremely religious fanatics, Israel would in fact be a theocracy. It is important here to distinguish between the “rule of law” adhered to by the secularists, and

the “rule of the Torah,” or religious law. Furthermore, the term “freedom of conscience,” as used in Israel, can be seen in direct contradiction to the same term as it is used in the United States. Depending on who is using the term – secularists or religious parties – this term can mean different things. For the secularists, it refers to the “freedom from religious infringement upon the lives of the secular population” (Birnbaum 28). As for the religious, the term refers to a Jew “safeguarding his freedom of conscience only if he lives in obedience of the Torah law” (28).

Conflict and Compromise

Thus, the status quo has been introduced in order to reduce the amount of fighting between the secular and the religious. It becomes obvious, though, that the religious parties have a disproportionate influence in the Knesset, in relationship to their minority status. In order to understand why this is so, it is necessary to look at the structure of the Israeli Cabinet and its history.

Two organizations laid the groundwork for the independence of the State of Israel: the Knesset Israel and the Zionist Organization. “The character of government, together with the political party system, the electoral system, and party relationships was inherited by the new state from its predecessors” (29). In turn, Israel’s political and constitutional development has been greatly affected by this legacy. The religious establishment left to Israel by its precursors can be seen as yet another legacy. As a result, this system of government and religious establishment are “deeply entrenched in the new state.” The main characteristic of the Israeli government, then, is the interdependence between the government and the religious establishment (30).

Importance of Compromise

In any society, it is virtually impossible to have everyone agree on something. However, as Ervin Birnbaum points out in *The Politics of Compromise: State and Religion in Israel*, “a two party-system cannot avoid compromise any more than a multi-party system, but it usually manages to submerge the differences within the party” (31). In the long run, a multi-party system is likely to form a blurred image of authority. There are no clear-cut policies, and there is no direct approach to issues. This, then, is perhaps the “principal feature of the politics of compromise in Israel” (31).

CONSTITUTIONAL BASIS OF THE CABINET AND RELIGION

To evaluate the Israeli political system it is necessary to examine the basic elements that have helped form its “politics of compromise.” While Israel doesn’t have an actual written constitution, the religious groups have asserted that the Torah should be the so-called constitution of the country. As a result, “political realities in the form of party disagreements have imposed a sort of immobility on the structure of the government and religion in the state” (75). Although ordinary laws do not explicitly regulate religion, the British Mandatory administration – as Birnbaum calls it – passed to Israel an extended body of law.

Legal Framework of the Cabinet

Transition Law 5709-1949 briefly discusses the legal framework of government in Israel. This law served as the legal basis for the functioning of the Legislature, the

President, and the Government (76). The Israeli government is made up of the Prime Minister, and many people under him called Ministers. Furthermore, the Declaration of the Establishment of the State of Israel stated that “The State of Israel...will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions” (79). Religious communities were given special privileges as a result of the British Mandate. In regards to personal status laws, the religious courts of each group had sole responsibility.

The Pre-State Era

During the Ottoman Empire, a millet system was used as the basis for government. Religion, as opposed to citizenship, nationality, or race, served as the basis for identification. When Israel began, this millet system was transferred from the British, and helped make Israel a religious state (80-1). In the Millet system, the government “maintained formal links with the institutional organs of fourteen religious denominations, and legally subjects individuals to religious rules by vesting the religious courts of those religions with the authority to resolve certain matters” (Edelman 206).

Judaism and Zionism in the Pre-State Era

The modern notion of Zionism was brought about in the latter part of the nineteenth century, but was mainly denounced by the religious community. Orthodox Jews believed that the Jewish people’s return to the land of Israel would occur only with the coming of Messiah:

Their daily prayers contained passages that affirmed their faith in the promise G-d had made to the Jewish people at the time they were chosen to receive His law, a promise that He would send a Messiah as part of His plan for the Jews and for humanity and that the coming of the Messiah would be accompanied by the establishment for all time of a Jewish dominion in the land of Israel (Tessler 254).

As a result, according to the Orthodox, the Jewish people needed to await the coming of the Messiah.

Many of these Orthodox Jews saw contradictions in the notion of modern Zionism. The only way modern Zionism made sense, they thought, was if one trusted in G-d. With that in mind, they didn't understand how someone who trusted in G-d could not accept the notion that they needed to wait for the coming of Messiah for the state of Israel to be created. Thus, modern Zionism was "denounced as heretical by Orthodox Jews" (265).

To the further dismay of the Orthodox Jews, many European Jews embraced a new definition of Judaism. More important than historic religious attachments were modern concepts of citizenships. To these European Jews, the notion of religion was a matter to be dealt with in the confines of your own home – it wasn't a public issue. Thus, the "distinction between Jew and non-Jew was regarded as having no legitimate importance" (265).

Unfortunately, though, it was a major wave of anti-Semitism that caused this conflict to be resolved. "Anti-Jewish outbursts in Western Europe toward the end of the nineteenth century...provided the impetus for the birth of modern Zionism...and transforming it into an international network" with a large following (265-6).

Even with this newfound reason to get along, many pious Jews still considered the notion of modern Zionism heresy. The emergence of the modern political Zionism made

it necessary to address this problem, as well as many others. Nevertheless, there were religious Jews who took part in the new movement, and as such, they formulated the response to the pious Jews. It was their contention that “there was no contradiction between ancient Jewish beliefs about the coming of the Messiah and the founding of a modern political movement dedicated to the reconstruction of a Jewish homeland in Eretz Yisrael (the land of Israel).” Many of the so-called religious Zionists were members of yet another political party – Mizrahi. And “within a decade, Mizrahi was an important partner within the coalition of political parties governing the Zionist organization” (266).

Rabbi Avraham Kook became the leading fighter for the Mizrahi movement, and it was he who was responsible for explaining their position. He submitted to the public that it was not the Jewish people who began the Zionist movement, but rather, it was G-d himself. He also concluded that the Jewish community in Israel would eventually follow religious law in order to govern. This was all expressed in order for Kook to convince the naysayers, that in fact, modern political Zionism went right along with those who believed in the coming of the Messiah.

Still within the Zionist organization there was disagreement. Up for debate was the “degree to which the Zionist community should have an identifiably Jewish character or, alternatively, should be a political community like any other, one that just happened to have a Jewish majority” (267). The religious argued that the state should be uniquely and identifiably Jewish, while the non-religious thought it should resemble all the other progressive polities of the world.

And while everyone agreed that the “national home under construction in Palestine should have a meaningful Jewish identity, there continued to be disagreement

about the practical implications of this consensus” (268). Religious Zionists wanted a state that was Jewish from every aspect – religious, spiritual, sociological and demographic. As a result, they argued, the rule of law should be according to Jewish law, as opposed to secular law.

Others saw things quite differently. Religion, they contended, was an extremely private matter, as was the degree to which one chose to observe. The state could be “adequately expressed in cultural and nationalist terms” (268). Nevertheless, though, it is important to note that these non-religious Zionists did not advocate secularism, nor did they advocate a theocracy. Instead, they placed emphasis on:

...The revival of Hebrew as a national language; ties to the land of Israel, including a rejection of early proposals to establish a Jewish national home somewhere other than Palestine; institutionalized connection between the land and Jewish citizens of other countries; and the use of names and symbols that established an affinity between the modern Zionist polity and the ancient Hebrew commonwealths (268-9).

As with many issues within Zionism, this one has never been fully resolved. To this day, the definition of a Jewish state remains debatable. Furthermore, it was this debate that served as the primary reason why no Constitution was ever adapted in Israel. In order to appease the Orthodox members of society, the Agudah – a major religious party – was promised control in four areas: respect for Jewish dietary regulations; observance of Jewish law in matters of marriage and divorce; public financing for religious educational institutions; and, finally, public observance of the Sabbath and other Jewish holidays. Nevertheless, “Aguda did not recognize Israel as *the* Jewish state.” They continued “to see modern Zionism as irrelevant from a religious point of view” (270). Instead, for them, Israel was simply *a* Jewish state.

The Rabbinical Council

Within the religious body in Israel, the Rabbinical Council is at the top of the pyramid. It has “extensive powers of supervision over local rabbinical offices” (Birnbaum 82). Since the religious groups often go to the Chief Rabbi for advice, the Rabbinical Council has extreme influence on political life. The Knesset eventually “converted the religious courts into judicial organs of the state and their judges into state officials” (82). Laws regarding marriage and divorce, and other laws guaranteeing rabbinical jurisdiction, are considered to be the greatest accomplishment of the religious groups. These laws will be discussed in detail later.

THE POLITICAL BASIS OF THE CABINET AND RELIGION

First, however, it is important to look at the political basis of the Cabinet and religion. Israel is a parliamentary democracy. The only “opportunity the people have to exercise their sovereignty is at times of election” (87). This idea is taken from the French Constitution of 1958, which states, “National sovereignty belongs to the people, who exercise it through their representatives and by way of referendum.” In Israel, however, this may be less fact than fiction. The Cabinet is constantly subjected to parliamentary inspection. Nevertheless, the Cabinet holds complete control of Parliament and of the State.

The Cabinet in the Political System

Complete power in Israel’s political system is invested in the Cabinet. It “prepares, initiates, and pilots legislation in the Knesset, determines the agenda of the

Knesset, formulates foreign and military policy, and controls the economy, budget, and finance” (89). Basically, it leads to a Cabinet coalition of many parties. Every party in Israel knows just how powerful the Cabinet is, and as a result, each strives to gain Cabinet status. Since the Cabinet is so prominent and important, almost any issue it deals with is potentially explosive.

Formation of the Cabinet

The formation of the government was based on the articles of the Transition Law. Even though it is the President’s legal right to choose the Prime Minister, the legislature has the power to agree with or refuse his nomination. In such cases that the legislature doesn’t agree, negotiations take place. “To avoid the...long stretches when the nation had no executive authority...an amendment setting a time limit for these negotiations was adopted” (94).

The formation of the Cabinet is done in several stages: a government resigns as a result of a government crisis; party leaders and the President consult; the President appoints a Prime Minister designate; the Prime Minister designate and the potential coalition partners hold interparty negotiations; the results of the negotiations are presented in a document called the Basic Principles of the Government Program; the coalition is presented to the Knesset; the Knesset debates; and Knesset takes a vote of confidence (94-5). As Birnbaum further states, there are three main objectives that are used when negotiating a new government: (1) to secure the most and the best portfolios; (2) to have as many party goals embodied in the government program as possible; and (3) to secure coalition agreements.

It is the Prime Minister's role to plan the Cabinet. If the Prime Minister resigns, the entire government is automatically resigned. According to some people, it is his decision whom his coalition partners will be. However, according to Birnbaum, this is only partially true: "the Prime Minister's choice is limited by the councils of his own party as well as by the availability of parties that are ready to strike a satisfactory bargain with him" (96).

The Cabinet Ministers generally fall into two categories: members or non-members of the Knesset. In the first twelve governments there were very few Members who were not part of the Knesset; however, by the thirteenth government there were many. In order to "balance the composition of the Cabinet to the satisfaction of its partners and yet to maintain power and control over it, [groups] devised ingenious techniques" (99), such as splitting and abolishing Ministries, shifting Ministry departments, and even mollifying the unhappy by appointing Deputy Ministers.

RELIGION IN THE POLITICAL SYSTEM

Religion and Politics Cannot be Separated

Now that we have examined the basis of the Cabinet, we can begin to look more closely at the issue of religion and politics. Of course, the fundamental nature of religion and politics is similar. As I stated earlier, Israeli politics are very much related to religion – many religious doctrines and general ideas of Judaism are applied to politics in Israel. For example, the Jewish population in Israel, as a whole, does not agree on who in fact is a Jew. Disagreement is also found in the issue of who performs conversions. This issue has proven to be one of the largest arguments between the religious and non-religious

Jews in Israel. As a result, I will address it further on in the paper. Nevertheless, it is important to remember that “it is the Holy Land...and the Jews are currently in charge, and Jewish sacred texts include numerous reports and discussions where these overlaps between politics and religion are especially apparent, but they appear wherever G-d and government claim adherents” (Sharkansky 4).

Religion and its Relevance for Politics

The start of politically relevant religious events can be dated back to the invasion led by Joshua. The story is taken from the Bible, and is thus religious, but it is political in that it “describes ethnic rivalry and the conquest of territory. The control of territory by a religious or ethnic community is by nature associated with government and politics, as is the manner in which authorities rule the territory” (Sharkansky 5). Additionally, the Bible helps shape current politics and religion. With that come many disputes that are fueled by the Holocaust and the establishment of Israel. Of course, a moderate degree of conflict is necessary if not beneficial to a state or society. “Chronic dispute,” however, “may be endemic to Judaism [since] the term ‘Jews’ includes individuals with a wide variety of beliefs and practices” (10).

Furthermore, as Ira Sharkansky points out in *The Politics of Religion and the Religion of Politics*, the legalism of Judaism in and of itself causes political dispute. Religious law undoubtedly governs what the religious can and cannot do, which in turn creates “demands for secular authorities to use religious laws in their regulations. As such, Judaism’s overlap between doctrine and ethnicity justifies religious symbolism for virtually every Israeli political issue” (10). For example, even the use of the Hebrew

language, some argue, may be considered a religious act. Nevertheless, all Jews in Israel – including the non-religious – use it.

Perhaps the greatest explanation behind the interrelation of politics and religion in Israel is the fact that the two are so similar in regards to their underlying characteristics. While I won't go into detail about each, here is a list of some basic similarities: both have a wide loyalty base; both are organized; both use doctrines to attract people and distinguish themselves from other groups; both doctrines are only loosely held; both deal with both ordinary as well as lofty problems; both have affiliation passed on through family; both groups' leaders are extremely creative; both are dynamic; both have their everyday and their extremist elements; and, one can be substituted for the other, relatively credibly (11-14, 17).

A problem that arises in politics is ambiguity. "The varied messages in religious doctrines support a wide range of political movements – the political right, left, and center each have their religious voters who call upon their view of [G-d]" (19). Voters are never sure which campaign promises will actually be kept. As a result, ambiguity causes the stress of not knowing your own or your adversary's limits. In religion, a similar situation arises: those with "well-established faiths...must study for years to learn the acceptable interpretations of ambiguous or contradictory doctrines" (20).

Ministry of Religious Affairs

The religious legal affairs of the state are handled by the Ministry of Religious affairs. They hold power in regards to religious sects, jurisdiction of religious courts, and registration of marriages and divorces. It was the first "instrument established by the

state to carry out major functions of religious life on a governmental level” (112). One job of this Ministry is to supervise – in conjunction with the Knesset – *kashrus* (dietary-law observance) in the army hospitals and the import of meat. The “religious minority is an area of concern to the Ministry of Religious Affairs” (113). Of course, there is much hostility from the secular parties who clamor for its complete abolishment.

As Birnbaum states:

All of the statutorily recognized religious institutions have legal ties with the Ministry of Religious Affairs. The budgetary allocations, payment of salaries...and even institutional policies are directed or channeled through the Ministry. This, however, ought not be taken as an indication that the Rabbinical Council is subordinate to the Ministry. They are recognized as autonomous organizations with their own sphere of action. Their existence lends an aura of ‘religious presence’ to the state and affects its political climate (113).

RELIGION AND STATE IN ISRAEL

Coalition Governments

It is important here to briefly discuss the powerful impact of the religious parties on political life in Israel. The main reason it has gained such prominence is because of the coalition government. “The religious militants, through the medium of their political parties, managed to take advantage of the system of coalition government by extracting concessions on their behalf.” As a result, these parties became a “force in the political arena of the state with which both their friends and foes must reckon” (116).

The coalition politics that the religious groups have entered into have enabled them the opportunity to embody religious standards into the general state laws. This power has been used primarily at the Cabinet level. Basically, from this attained power it can be inferred that it will only lead to “further violation of the democratic system

through governmental interference with the private actions of individuals – actions that would have no direct bearing on the public good” (253).

At the onset of the Sixth election on November 2, 1965, the religious parties began with what then was their most serious demands to date: “a strict Sabbath observance law, a restrictive anatomy and pathology law, a higher budgetary allowance for religious education, and the closing of the Port Ashdod on Shabbas” (254). Furthermore, the National Religious Party (NRP) wanted cafes, pharmacies, restaurants, beaches, etc., all to be forced to close on Shabbas as well. A compromise was reached and introduced in the Work Hours and Rest Law, which “prohibited the operation of any plant on Shabbas, even in irreligious settlements, unless classified as essential by the Minister in charge” (256). During the Sixth Knesset, the NRP succeeded in attaining most of their demands, despite the fact they actually lost votes and had to give up one of their Knesset seats. As Birnbaum points out, “the cleavage between the religious and the nonreligious was as great as ever, and there was, as yet, no end to the erosion of individual freedom of the nonobservant” population (259).

Problems and Prospects for Solutions

“A significant aspect of the religious problem in Israel is the ability of the religious parties, with the backing of only fifteen percent of the electorate, to impose the rule of the Torah on the [community at large]” (269). It is interesting to note that while there is really no explanation as to why eighty-five percent of the population in Israel submits itself to religious laws that are not, according to them, in “harmony with the outlook of modern man” (269), they still do. However, the dislike felt by the secular for

the religious Jew in Israel may not, in fact, carry over to the institution of religion.

Currently, many working-class Israelis are searching for proof that in fact religion and democracy, and religion and progress, are in fact compatible.

ISRAELI POLITICS

Israeli Society and Government

In describing Israeli politics, Ira Sharkansky notes:

Social scientists have emphasized the coexistence of sharp dispute and social cohesion among the Jewish majority. The elements that produce this strange combination include the ideological cleavages of...religiosity versus secularists, and a shared history of Jews having to stand together against non-Jewish adversaries (Sharkansky 76).

Israel is considered a democracy because of its free and open elections, and its peaceful transfer of power from one government to another. Nevertheless, there are many problems that distinguish Israel from other Western democracies. They include: terror attacks, war, unsettled boundaries, and the scars of the Holocaust, among many other problems. In fact, “as a percentage of gross national product, Israel’s annual financial outlays on security are five to ten times greater than other democracies” (77).

At the same time, democratic societies need religion in order to “sustain the social order” (Birnbaum 77). Still, though, basically all of the data collected shows that the more religious segment of the population shows the least connection to democratic values, whereas the least religious show the strongest commitment to them. I agree with Charles Birnbaum when he states that “every Israeli ought to give greater weight to a moral authority or ethical code outside the elected system of government than to the decisions of any institution” (77-8). A religious Jew, as such, is restricted and bound by

halacha (religious law). Furthermore, it is very hard to believe that the Knesset would pass a law contrary to all rabbinical voices in Israel.

Some contend that the attempt by the religious to enforce or introduce religious law is counter-democratic. However, this charge seems unfounded. They are not trying to impose religious law in the private domain. Furthermore, while “some religious parties would welcome a constitutional upheaval which would substitute religious law for Knesset legislation, no religious party seeks to generate such an upheaval” (79).

Basically, there are some who may view democracy and religion as incompatible; however, the two may in fact be harmonious. While they may be compatible, it is difficult to “reconcile the conception of majority rule at the theoretical level with a Jewish state which is governed in accordance with Jewish law” (81). The real conflict between Judaism and democracy is not in the legislation; rather, it is in the “role of the Jewish tradition in shaping attitudes and values which serve as preconditions to the functioning of a democratic society” (82).

The Status Quo

At this point, it is necessary to look at the origins and development of the status quo in Israel that I briefly mentioned earlier. It is generally believed that a letter sent by three members of the Jewish Agency Executive to the Agudat Israel in June 1947 led to the establishment of the status quo. The letter stipulates principles in four areas to guide policy and action: *kashrus*, Shabbas, education, and personal status. I will examine closely the latter. As the letter stated:

All the members of the Executive appreciate the seriousness of the problem and the major difficulties involved, and all those represented by

the Jewish Agency will do everything possible to meet the profound need of the religious in this regard, so as to prevent division of the people (Don-Yehiya 41).

When Israel first won her independence, it was unclear as to whether or not the status quo principle would be accepted.

The defensive strategy used by the religious groups following the establishment of the state contained three components: (1) “unification of the various groups within the religious camp for the sake of the joint struggle; (2) efforts to achieve positions of political influence and to participate in dialogue, cooperation, and decision-making; and (3) official, explicit acceptance of the status quo” (44). Generally speaking, one of the main issues that led to controversy was the status quo. In particular, issues involving marriage and divorce and a person’s Jewish status, caused problems.

The “Who is a Jew?” question never really had to be answered before the creation of a Jewish state. As a result, there was no status quo on which to base an answer. The State of Israel had to “set forth rules for recording information concerning people’s nationality in the Population Registry and on identity cards” (72). The Ministry of the Interior offered the following instructions:

Any person declaring in good faith that he is a Jew shall be registered as a Jew and no additional proof shall be required. If both members of a married couple declare that their child is Jewish, this declaration shall be regarded as though it were the legal declaration of the child itself...The registering official needs not to be concerned over the fact that according to the law of the Torah the child has the same status as its mother...The parents declaration that their child is Jewish suffices to register him as Jewish (Goldman 67).

Based on these instructions, anyone who didn’t identify with a faith other than Judaism could identify himself or herself as Jewish, regardless of his or her true origin. Behind this matter “lurked the burning question of what was to be considered constitutive of

Jewish nationality” (68). Interestingly, the head of the Ministry where the original instructions came from, Mr. Bar-Yehuda, added the following: “Our registrars do not determine what the law of the Torah is...we just deal with the question of nationality” (68). So, the question actually became whether or not Jewish nationality could be separated from Jewish religion.

Another important part of this debate is the religious aspect. Orthodox Jews base their understanding of who is a Jew on *halacha*, or religious law. Anyone whose birth mother is Jewish, or who takes part in an Orthodox conversion, is considered Jewish based on *halacha*. Secular Jews, on the other hand, base their understanding on a sociological definition: if you consider yourself Jewish, then you are Jewish (Edelman 218). For mainly political reasons, the Israeli government has never made an official ruling, and as a result, to this day, the controversy remains unresolved.

Another issue that came about as a result of the status quo was the Marriage and Divorce Bill. Obviously, members of the religious parties see the issue in the religious context – they accept the *halacha*, and would have the State enforce them. Because of this, a “divorce decree granted by a civil court might be regarded as perfectly valid by the husband, whereas the wife might consider herself bound not to remarry until she were granted a religious divorce” (Birnbaum 75). Furthermore, the religious Knesset members insisted that the rabbinical jurisdiction over the laws of marriage and divorce apply not only to the religious Jews, but also to the entire Jewish community.

Opposition has been varied. Sometimes though, the basis for the opposition was simple discomfort. For example, an appeal to the principle of the equality of woman was pointed out. Along the same lines, many women claimed to feel extremely

uncomfortable appearing before the rabbinic courts. Also, many people contended that the *halachas* of marriage and divorce were “archaic and not justifiable in contemporary usage” (76).

Today, the law in Israel in regards to marriage and divorce our based on religious law. In fact, if a non-religious person gets married in a non-religious ceremony in Israel, it is not considered valid. Moreover, however, if the same couple were to get married in a different country in a non-religious wedding, their marriage would in fact be accepted in Israel. Furthermore, a divorce must be done religiously as well – the people getting divorced must get a religious document entitled a *get* (literally, an agreement).

These cases demonstrate that “political developments that have had major impact on the status and power of religious parties have not produced far-reaching changes in the religious status-quo” (Don-Yehiya 88). The main point to remember is that the courts in Israel do not recognize the status quo principle, unless it is a case that is explicitly stated in Knesset legislation.

RELIGIOUS VS. NON-RELIGIOUS: ORIGINS OF ANIMOSITY

One of the main reasons for argument within Israel, as stated previously, is the discrepancy between religious and non-religious Jews. At the onset of Israel’s independence in 1948, Orthodox Judaism was considered the official, state-recognized and supported religion for the nation’s Jewish citizens. It is the Orthodox citizens within Israel who intend on keeping the status quo alive and well. At the same time, the non-religious Jews in Israel try their best to “promote religious pluralism” (Edelman 204). Stuck in the middle of this disagreement between the religious and non-religious about

how the State of Israel should be run are the civil courts, headed by the Supreme Court. As Martin Edelman points out in *A Portion of Animosity: The Politics of the Disestablishment of Religion in Israel*, “the High Court has become the premier institution articulating and attempting to implement the values of individualism and pluralism associated with the new, Americanized, political culture” (204). Undoubtedly, it is at least partly the Americanization of Israel’s political structure that has caused this serious divide.

Since Israel’s inception, the term “Jewish State” has been one of much controversy within the state. What is more decisive, and a lot clearer, though, is that the “first twenty five years of the State were marked by a collectivist political culture.” If centered on a collectivist ethos, the state would be concentrated on an “overt sense of common interest and neighborly obligation.” If dominated by an individualistic ethos, “individuals are expected to be self reliant” (205). Based on these descriptions, then, the State of Israel can be divided into two republics – the first and the second. The first Israeli republic [1948-1973] maintained the collectivist ethos, whereas the second Israeli republic [1992-present] maintains an individualistic one.

The first twenty-five years of Israel’s existence, it was lead by the Mapai party, which later became known as the Labor party. They “measured a person on the basis of the deeds that he/she performed for the collective,” as opposed to for themselves. This was characteristic of the collectivist’s ideals of the first Israeli republic. For these people, good policies were important in order to maintain the good of society:

Individuals within the dominant group are expected to subordinate their individual aspirations and values to the communal norms, and members of other groups within society are expected to accommodate their needs/aspirations to the larger societal good (206).

In order to institutionalize its values, the Mapai party utilized its political clout. As such, they realized that it was important not to make the Orthodox Jews feel alienated. In order to maintain a good feeling between the party and the Orthodox community, the party instituted many compromises that enabled the Orthodox Jews to secure vital communal interests (206).

A Ministry of Religious Affairs was set up, through which all recognized religions would receive state funding on a proportional basis. As a result, since Jews make up approximately eighty-three percent of the population, they have received a majority of the money. Furthermore, as a result of the status quo, only Orthodox Judaism was recognized and provided the benefits of the state (207).

Nevertheless, “over time, demographic, political, economic, and educational changes eroded the dominant political culture of the ‘first republic,’ thereby shifting power to other social groupings” (207). This led to the rise of the second republic, characterized by a deep focus on individualism. For these people, good policy enabled independence. The State is there to facilitate the individual, and help people attain their individual rights.

In the mid-eighties, the Labor and Likud held essentially equal seats on the Knesset, which meant issues needed consensus from both sides. This led to minor parties, in particular the Orthodox Jews, having a strong position in the Government. The nineties, on the other hand, have been spotted with much change in the way the Government is run. This shift from the “first to the second Israeli republic corresponded with increased judicial activism” (208). The High Court in Israel was exercising similar

power to that of the Supreme Court in America. In toe with the second Israeli republic, civil courts were now basing decisions on principles of individual rights.

This so-called Americanization of Israeli politics went even further, when in 1995 “the Justices took the revolutionary step of declaring that Israel no longer lacked a written constitution” (209). The Eleven Basic Laws that the Knesset often based its decisions on would serve as the nation’s new constitution. Additionally, the Justices would have the authority to enforce these laws just like the American method of judicial review.

The Supreme Court is no longer viewed as non-partisan, though. And this lack of non-partisanship went even beyond the Jews in Israel. “By refusing to curtail governmental restrictions on the human rights of the Palestinians in the Occupied Areas, the Court was legitimizing suppression” (210).

Furthermore, Orthodox Jews began to view the “constitutional revolution” as a direct threat to their religious ideals. But, even though the majority of Israelis are not Orthodox, current civic culture is largely shaped by it. The Orthodox minority posses a strong control over electoral agencies as a result of the status quo. For the non-religious sector of society, the civil courts remained the only protection they had. Israel’s Supreme Court has done its best to appease the general public, and constrain the Ministry of Religious Affairs, which is largely controlled by an Orthodox party.

Nevertheless, no matter how hard the secular try, the Orthodox possess strong administrative power. In many cases, the Orthodox Jews are seen as resisting the Americanization of Israel. Additionally, the courts do not allow the Ministry of Religious Affairs or the Religious Councils become “exclusive orthodox preserves” (210-11).

As mentioned earlier, Orthodox political parties, as a result of the religious status quo, largely control the Ministry of Religious Affairs. They also largely control the Ministry of Education. This control results in a disproportionate channeling of money to religious groups.

Since the ultra-Orthodox Jews see many Supreme Court rulings as a threat, they run their own schools and communal organizations. As in the past, they also have a disproportionate amount of money given to them. Still, many ultra-Orthodox Jews refuse to participate in such secular institutions as National Service and the IDF (military). In 1998, through, the group was dealt a heavy blow, when the High Court ruled that full-time yeshiva students could not legally be allowed to defer military drafting (213-15).

Thus, it can be explicitly seen why the Orthodox have come to disdain the Supreme Court since the start of the second Israeli republic. In 1999, the Shas party “launched a major campaign against the Supreme Court’s rulings which impinged upon religious matters” (216). It remains debatable whether or not the campaign attained its goals.

In the end:

By proclaiming its intention to utilize the Basic Laws as a formal, superior, constitution, the Supreme Court made it much more difficult for the Orthodox to utilize the political processes to sustain their position. The net result is that the Orthodox groups feel that the Supreme Court is making it increasingly impossible for them to retain their accustomed place in Israeli society and even less likely for them ever to achieve their ultimate objective – a Jewish State firmly based upon an Orthodox understanding of halacha (223).
in Knesset legislation.

CONCLUSIONS

Are There Solutions to the Religion and State Problem?

“The fear that Israel may become a theocracy through the imposition of religious law by legislative or institutional means has been somewhat lessened in recent years” (Birnbaum 288). Some of the “remedies” mentioned previously may help improve the situation. Nevertheless, “reform of religious law, both plausible and viewed favorably by most parties concerned, is at best a tedious and slow process that may produce satisfactory results if accompanied by an easing of political aggressiveness by the religious parties” (289). The suggestion that the religious parties should withdraw from politics is purely theoretical, and would never happen – such an idea is beyond hopeful on the part of the non-religious groups. Additionally, a declaration of separation of religion and state in Israel would prove futile – the configuration of the political forces encourages the religious parties involvement at too high a level for this to happen. In order for the so-called deterioration of democracy in Israel to stop, “radical changes need to be made in the Cabinet formation and functioning” (209).

Truth be told, Israel’s location on the map may be one of its greatest assets as far as stabilizing the internal government is concerned. Nevertheless, “outside motivations may need to be replaced by inner drives and constructive attitudes to the government” (293). That means a few changes would need to take place, such as the depoliticising of the civil service, electoral reform, and party amalgamation and polarization.

Overall, the threat of Israel becoming a theocracy as a result of religious law has unquestionably dwindled. Some of the solutions I have presented in this paper to Israel’s religious “problem” may even help the situation. Nevertheless, the suggestion that the religious parties withdraw from the political realm is purely speculative, and would never really happen. Furthermore, the contention of the separation of religion and state, as

prescribed by many of the secular Jews in Israel, would in fact not solve the problem either. Such a declaration would “be an empty gesture as long as the configuration of political forces encourages the religious parties to play a crucial role in the dynamics of coalition government” (290). In order for the democratic process in Israel to remain intact, radical changes may need to be introduced at the Cabinet level.

As mentioned earlier, the Nazi Holocaust served as the impetus for the need of a homeland, after six million Jews were viciously murdered. Thus, “a chief motivation for the creation of Israel can be found outside the territorial boundaries of the state” (291). Likewise, a “study of coalition government in Israel indicates that inner tensions and personality conflicts could rip the...state apart were it not for the threat to Israel’s survival by neighboring Arab states” (291).

Some contend further that “clamping down on the civil service by eliminating patronage and neutralizing it politically would go a long way toward minimizing the destructive effects of coalition bargaining” (292). Furthermore, there are those who believe reforming the electoral system in Israel will have problems. Former Prime Minister David Ben Gurion proposed the following: numerous single member constituencies with majority representation should replace the system of Proportional Representation, where the whole country is one constituency. However, its practical application faces many difficulties. First, an absolute majority is necessary to amend electoral law. Second, if a two-party system were created in Israel, a permanent religious government might be created. Third, the proposed change does not guarantee the evolution of a two-party system. And finally, the two-party system has no inherent merit (294).

There are also those in Israel – in particular, the responsible political leadership – who have placed hope in the idea that progressive mergers between parties will lead to the eventual polarization of the political forces. This trend, however, has been accompanied by depolarization. This phenomenon, though, accompanied by other favorable trends, could prove very beneficial to the foundation of democracy in Israel.

Are Judaism and Democracy Compatible?

In the end, a single question remains: what makes democracy work in Israel? Perhaps the most telling answer may be in the people's will to survive, and the moral basis on which the country was founded. Democracy itself “pre-supposes a moral basis and background” and it is “moral before it is political” (Witt 7). Without this virtue, the people living in a Democracy will fall, regardless of the status of the State. As Rabbi Louis Witt so aptly puts it in his *Judaism and Democracy*, “democracy is, after all, not primarily political...a man craves to be free not merely as a citizen, but as a personality...he craves to live his own life in his own way. The democratic state insures such freedom” (8), regardless of how religious or irreligious one may be.

Along these lines, then, democracy is the epitome of Judaism. Judaism strives for, and has these same goals, in mind. As such, it may be impossible to separate religion and democracy entirely, if at all. The conclusion, then, is that the two are mutually beneficial and in fact, partly one in the same. While they may be separated to a degree, they depend on each other, particularly in a Jewish state, to work properly. If one were missing, who knows if a democratic Israel would still be around today?

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