

**THE FLOERSHEIMER INSTITUTE FOR POLICY STUDIES**

**The Religious-Secular Divide  
in the Eyes of  
Israel's Leaders and Opinion Makers**

**Laura Zarembski**

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### **About the Research**

This study examines the religious-secular divide through the perspective of leaders and opinion makers in Israel. Conducted through a series of interviews, the research identifies the red lines of each community and the primary causes, as seen by the leadership, for the increased alienation among the religious and secular communities over the past several decades. Leaders and opinion makers point to fear, growing insecurities, as well as declining commonality between and increased segregation amongst the communities as the primary causes of the divide and discuss how each impacts religious-secular relations. The research also examines the foremost specific issues - namely military exemptions and marriage and divorce laws - and exogenous variables - namely the media, Israel's security reality, and the Supreme Court - and looks at how each impacts the divide. Finally, this study presents the leaders' and opinion makers' perceptions of their own role in the religious-secular divide, their suggestions for alleviating it, and the commonalities and differences in their visions for Israel's future.

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## Introduction

The relationship between Israel's religious and secular communities has become increasingly tenuous over the past several decades. Violent protests, angry exchanges, and glaring headlines all mark what seems to be a growing religious-secular divide. Yet studies reveal that the religious practice of Israelis over the past twenty-five years has remained steady. The 1993 Guttman report, for example, claims that "Israelis were far more traditional in their behaviors and beliefs than had heretofore been imagined and, in the words of the report itself, 'the rhetoric of polarization' within Israeli society between observant and nonobservant was exaggerated, at least from a behavioral point of view."<sup>1</sup> Thus the question arises, if religious practice has remained consistent and its polarization is exaggerated, what is the cause of the sense of increased religious-secular alienation felt throughout society and noted in the various social media? What is the root of the growing polarization between the religious and secular populations within Israeli society if it cannot be laid to behavioral causes?

This study aims to examine the non-behavioral causes exacerbating religious-secular relations – and widening the religious-secular divide – through the perspective of Israel's leaders and opinion makers. The leadership perspective on this subject provides a highly focused view of a national issue, involving numerous segments of Israeli society. It makes use of the reciprocal relationship between a nation's leadership and the public at large to understand the scope of the issue. The leadership is either actively or passively chosen to represent a certain group and therefore its message often expresses the views of the group it represents. On the other hand, the leadership influences its constituents. Its message, respected by the group it leads, can either magnify

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<sup>1</sup> Leibman, Charles S. & Katz, Elihu. *The Jewishness of Israelis: Responses to the Guttman Report* (New York: State University of New York Press, 1997).

or abate an issue. Using the leadership perspective to explore the religious-secular divide, this study seeks to understand the nature of the conflict while examining the concerns and suggestions of potential mitigators themselves.

Research reveals a hierarchy of variables contributing to the divide. They differ in their degree of impact. The most important among these variables are the underlying factors that foster a growing sense of alienation and conflict between the religious and secular communities. They are, namely, fear, growing insecurity within the communities, and declining commonality and increased segregation between them. These factors are subtle in terms of current religious-secular interaction, yet are the mainstay of the divide. As long as these factors are not addressed, the divide itself will not be alleviated. Second in terms of impact are the specific social issues seen to be most detrimental to religious-secular relations. These issues, namely the military deferments granted to yeshiva students and the status of marriage and divorce law in Israel, have been inaccurately labeled the cause of the divide. They are, rather, manifestations of it. However, they bring with them intense emotions that feed back into religious-secular tensions in Israel and thus affect the divide. Finally, there are primary exogenous variables that also affect the divide at this time: the media, Israel's security situation, and the Supreme Court. While external to the divide, these factors each independently influence relations between the religious and secular in Israel. In addressing Israel's security situation, this study makes general observations relating to the influence of changing military circumstances on Israel's religious-secular divide as well as those specific to the Al-Aqsa Intifada.

This paper is the first in a two-part study that examines the religious-secular divide. It focuses on the perspective of the leadership, as understood by the researcher, identifying the primary concerns and misconceptions expressed by the various parties and pointing out areas of agreement among the religious and secular leaders and opinion makers in their general concerns and approaches to the specific issues, without carrying out an in-depth analysis of their views. The point of this approach is the goal of the research itself. By presenting the perspectives without commentary, this paper seeks to facilitate dialogue among the leadership and identify an expanded negotiating space in which the various communities can maneuver in a policy-oriented dialogue. As a result, rather than being a solely academic exercise, this paper seeks to provide a tangible jumping-off point from which leaders and policy makers



can alleviate the discord at the heart of Israeli society and thus allow Israel to meet the future as a more unified body. The second part of this study, more academic in nature, will provide analyses, answer the questions raised in the first part and present the policy recommendations of the researcher addressed to the current divide.

Research for this paper was conducted through a series of interviews. The questions asked ranged from those probing into the individual leader's perspective to those aimed at eliciting responses to the remarks of other respondents. The leaders selected for this study represent the major communities of Israeli Jewish society and are leading figures in the country's politics, arts, and media. The participating leaders are, in alphabetical order: Shulamit Aloni, former Minister of Education and Communication and the Arts, Science, and Technology; Rabbi Yehuda Amital, Rosh Yeshiva of Yeshivat Har Etzion; Rabbi Eliezer Ben Dan-Dahan, Director of the Rabbinical Courts of Israel; MK Naomi Chazan, Meretz; Rabbi She'ar Yashuv Cohen, Chief Rabbi of Haifa; Professor Stuart Cohen, military historian; Amnon Dankner, journalist and Editor in Chief for Maariv newspaper; Ilana Dayan, TV news anchor for Channel 1 and leading news anchor designate for Israel's first cable news channel; MK Haim Meir Druckman, National Religious Party; Minister Benny Elon, Minister of Tourism, Ihud Leumi-Yisrael Beiteinue; Rabbi Aaron Feldman, Rosh Yeshiva of Yeshivat Ner Israel and President of Yeshivat Be'er haTorah; Professor Ruth Gavizon, Professor of Law and former Chairperson of the Israel Democracy Institute; Moshe Grylak, journalist and Editor for haMishpacha newspaper; Mayor Mordechai Karelitz, Mayor of Bene Beraq; Rabbi Aaron Lopiansky, former section head at Yeshivat Meir; MK Tommy Lapid, Shinui; Nadia Matar, founder of the Women for Israel's Tomorrow; Rabbi Menachem Porush, Chairman of Central Agudat Yisrael in Jerusalem; MK Avraham Ravitz, Yahadut HaTorah; Rabbi Uri Regev, Executive Director and Counsel of the Israel Religious Action Center; Jonathan Rosenblum, Chairman of Jewish Media Resources; Professor Alice Shalvi, Rector of The Schechter Institute for Jewish Studies; Shimon Shetreet, Senior Deputy Mayor of Jerusalem; Avraham B. Yehoshua, novelist. A more detailed description of each leader can be found in Appendix I.

While research for this paper involved representatives from every segment of Israeli Jewish society, discussion focuses on those communities revealed to be principally involved in the religious-secular divide, namely the Ultra-Orthodox

*(Haredi)*, Religious Zionist (*Dati Leumi*), National Secular (*Hiloni Leumi*), and Liberal Secular (*Hiloni Liberali*) communities. The other communities of note in Israeli Jewish society, namely the Traditional (*Masorti*) and Alternative Religious communities, are marginal to current religious-secular relations, having an impact on the divide only in specific areas. They are thus discussed in the paper only in contexts applicable to them.

# 1 Defining the Divisions

Differences within both the religious and secular communities make for the existence of several categories of “religious” and “secular” within Israeli society today. For the purpose of this paper, Israeli society will be divided into six main categories. The term “secular community” refers to those members of the Jewish population of Israel who downplay or deny any connection between Jewish ritual and divine commandment. Members of this community either dissociate themselves from Jewish ritual entirely or adhere to it primarily for its culture value rather than as a religious requirement. The secular community can be divided into two major groups, the Liberal Secular and the National Secular. The Liberal Secular group stresses the overriding importance of Israel as a liberal democracy. It includes those Israelis who affirm the cultural value of Jewish tradition while rejecting any religious obligation associated with its practice, as well as the anti-religious segment of Israeli society that views religion with animosity and feels anger towards those who practice it. The National Secular affirms the cultural and historical value of Jewish tradition rather than its divine origin yet stresses the importance of maintaining the tradition while preserving Israel as a democracy.

The “religious community” is defined as including those members of Jewish Israeli society who practice Jewish religious ritual out of the belief that it is divinely ordained and for whom Jewish law and the biblical commandments serve as the primary source of decision making.<sup>2</sup> This community is also divided into two major groups – the Religious Zionists and the Ultra-Orthodox. The Religious Zionist community gives its allegiance to the State of Israel on the basis of religious belief. It perceives modern Israel as a reflection of the continuing covenant between God and the Jewish people and

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<sup>2</sup> Zarembski, Laura. “Israel’s Religious Right: Not a Monolith,” *The Middle East Quarterly*. June 2000.

recognizes the authority currently governing Israel in that light.<sup>3</sup> Moreover, the Religious Zionist community is heavily integrated into general society, seeking to attain knowledge both through religious study and openness to the outside world. The Ultra-Orthodox community, on the other hand, rejects any religious significance attached to the existence of the state. To its way of thinking, the modern State of Israel will only achieve a sacred aspect after the arrival of the Messiah.<sup>4</sup> Knowledge in this community is primarily sought through religious study and religious life alone. Within religious practice, the Haredi community applies stringencies (*chumrot*) on the basic commandments in order to ensure adherence to the religious law and similarly applies such stringencies to dealing with the outside world in order to ensure protection from negative influences.

The “traditional” community is strongly guided by Jewish traditions and guards many of the religious observances out of deference to religious command. It does not, however, put Jewish law in the forefront of everyday decision making as does the religious community.<sup>5</sup> This primarily Sephardi community comprises approximately 36 percent of Israel’s population,<sup>6</sup> yet is much less vocal on issues relating to religious-secular relations for two reasons. First, while large in number the community remains politically unorganized, blunting any public stance it might wish to take.<sup>7</sup> Second, as it occupies the middle ground, it often sympathizes with both the secular and the religious communities on specific issues related to the divide. However, bound to religious tradition, it remains silent out of a respect for the religious community and a desire not to be perceived as anti-religious.<sup>8</sup>

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<sup>3</sup> Ibid., p. 23.

<sup>4</sup> Ibid., p. 24.

<sup>5</sup> Zarembski, p. 23.

<sup>6</sup> Soffer, Oren and Korenstein, Aliza. *Ethnocentricity, Citizenship, and the Rule of Law in Israel* (Tel Aviv: The Israeli Institute for Economic and Social Research, 1998), p. 12.

<sup>7</sup> Interview with Prof. Shimon Shetreet, December 16, 2001.

<sup>8</sup> Ibid.

Finally, the Alternative Religious communities, or Conservative and Reform movements, provide an alternative outlet for religious practice.<sup>9</sup> Small in number – only a few thousand dues-paying synagogue members within the Reform community<sup>10</sup> – it is substantially supported by Jewish communities abroad, namely in the United States. It is not, however, considered part of the Israeli mainstream. Therefore, the Alternative Religious communities also do not play a significant role in the religious-secular conflict. Nonetheless, interaction between the Liberal Secular community and the leadership of the Alternative Religious community puts the latter in a well-placed position to help us further understand the divide. In addition, the focus of the Alternative Religious community on issues relating to religion and state, gives the community a voice in a key aspect of the divide – the vision of Israel’s future.

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<sup>9</sup> Note: The underlying principles of these communities are considered non-Halachic, i.e. against religious law, by the traditional religious communities both in Israel and abroad. They are therefore not considered part of the “religious community.”

<sup>10</sup> Interview with Rabbi Uri Regev, November 28, 2001.

## 2 Understanding the Other: the Underlying Factors

Discussion of current religious-secular relations begins with identifying the red lines of each community. Research reveals distinct priorities of each community that guide the direction of the conflict but which have been obscured by assumptions and misperceptions over the past several decades. As with all red lines, these concerns must be recognized and respected in order to forge a lasting positive relationship between the various communities. To the Haredi (Ultra-Orthodox) community, education is the primary concern<sup>11</sup> as educational institutions are the basis of the Haredi way of life.<sup>12</sup> MK Avraham Ravitz of the Haredi Yahadut haTorah Party says that allowing people who wish to learn in yeshivas (institutions of higher religious education) is the top priority for the Haredi community.<sup>13</sup> Bene Beraq Mayor Rabbi Moredechai Karelitz also cites education as the top priority.<sup>14</sup> Chairman of Jewish Media Resources and Haredi newspaper columnist Jonathan Rosenblum explains that “yeshivas are the anchor of Haredi society” over which the Haredi community is “willing to go to war.”<sup>15</sup> The idea of education as the top priority was echoed by all Haredi leaders interviewed for this paper. It is seen as a continuation from their life in Europe, which they long to protect, and the passing of the torch of Jewish learning from one generation to the next for the sake of the Jewish people.<sup>16</sup> For the Religious Zionist community and part of the National Secular community, maintaining the Jewish identity of the State is the primary concern. Perceiving a decline of Jewish identity in the secular

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<sup>11</sup> Interview with Rabbi Moredechai Karelitz, July 31, 2001.

<sup>12</sup> Interview with Jonathan Rosenblum, June 13, 2001.

<sup>13</sup> Interview with MK Avraham Ravitz, June 27, 2001.

<sup>14</sup> Karelitz, July 31, 2001.

<sup>15</sup> Rosenblum, June 13, 2001.

<sup>16</sup> Karelitz, July 31, 2001.

population, they are concerned that it will leave its mark on the character of the state as a whole. Thus, the struggle to maintain the “Jewishness” of Israel is of supreme importance. Finally, for the Liberal Secular community and part of the National Secular community, maintaining certain basic freedoms and equalities in society is the first priority. While most of these freedoms are spelled out in what one secular leader called “the most important piece of legislation ever enacted in Israel,” namely The Basic Law: Human Dignity and Freedom, they are not guaranteed in a formal constitution or bill of rights, thus causing the secular community to be that much more sensitive to perceived encroachments of these rights.

These concerns in themselves only express the priorities of each community. What have negatively affected the religious-secular relationship are underlying factors that have to do with the characteristics of each community and with changes in these communities and in Israeli society at large over the past twenty-five years. These underlying factors are the primary cause of the religious-secular divide today.

## **Fearing the Other**

The most significant underlying factor is fear, the cause of which varies from community to community. Fear is hardening the positions of each community, encouraging its alienation from the others.

### ***Fear within the Haredi community***

For the Haredi community, fear consists of the fear of outside influence as well as a basic fear of compromise. The former, fear of outside influence, was the reason for the creation of the Haredi movement. To protect religious life during the secular Enlightenment, a part of the Jewish community closed itself off to the outside world and has remained closed ever since, viewing all external elements with suspicion.<sup>17</sup> Fear of outside influence remains strong today. The Haredi community perceives itself as being under siege, seeing outside society as trying to destroy its way of life. This is particularly

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<sup>17</sup> Interview with Rabbi Aaron Lopiansky, March 12, 2001.

pronounced in Israel, where secular Judaism is the predominant culture. Rabbi Aaron Feldman, President of Yeshivat Be'er haTorah in Jerusalem, explains that Haredi Judaism believes it is viewed by others as an illegitimate expression of Judaism. "There is an attempt to water down the Haredi society in hopes that it would disappear."<sup>18</sup> As a result the Haredi community has become much more reluctant to interact with non-Haredi society.<sup>19</sup>

This perception and fear has important implications on Israeli policy-making. It is the lens through which cutbacks in military deferments for yeshiva students and interference with the Haredi educational system is viewed. Moreover, leaders suggest that any policy proposal affecting Haredi society must be perceived as having originated, in part or in full, within the Haredi community. Anything else will be viewed as a threat, naturally limiting its potential success.

The second fear of the Haredi community concerns the Israeli policy-making process itself. "If you give them a finger they will take a hand" is the perception with which the Haredi leadership currently approaches policy debate.<sup>20</sup> This perspective is based on a zero-sum notion of negotiations in which compromise is defeat, and revealing an underbelly of weakness that remains forever exposed. Fear of being forced to concede issues of critical importance (or cross its "red lines of negotiation") if it yields on issues of lesser importance, prevents compromises that might otherwise be possible. This is particularly true regarding such issues as Haredi economic integration. According to Rosenblum, to be successful in negotiations with the Haredi community, there must be a clear differentiation between the "carrot and stick" approaches. The carrot approach, or positive incentives, will on the whole be much more successful than the stick, or threats.

### ***Fear within the Religious Zionist community***

The fear of the Religious Zionist community is the fear that Israel will lose its Jewish character. The perceived growing "secularization" of the Israeli community unnerves many religious leaders and their constituents who fear that the state will follow in its wake. The perceived secularization of the

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<sup>18</sup> Interview with Rabbi Aaron Feldman, July 7, 2001.

<sup>19</sup> Rosenblum, June 13, 2001.

<sup>20</sup> Interview with Rabbi She'ar-Yashuv Cohen, March 7, 2001.



country increases the sense of alienation felt by the religious towards the secular community.<sup>21</sup> According to Rabbi Yehuda Amital, head of Yeshivat Har Etzion, the history of Israel is rife with issues that have aggravated relations between the religious and secular communities – the existence and conduct of religious political parties, Haredi draft deferments and state subsidies, and religious legislation perceived by the secular as religious coercion – but now emotions have risen with the new fear within the religious community that the Jewish identity of the state is being lost.<sup>22</sup> Nadia Matar, co-founder of Women for Israel’s Tomorrow, echoes this view explaining that there is no divide between the religious and secular in Israel but rather between those who seek to maintain the Jewish character of Israel and those who seek to create a “secular revolution.”<sup>23</sup>

Magnifying this fear for the Religious Zionist community is a perceived decline in the secular community’s commitment to the land itself. This is a consequence of the mending of the religious-secular divide, which made itself felt in the pre-state period. Mandatory Palestine’s first Chief Rabbi, Avraham Yitzhak Kook, whose writings continue to exert a great influence on the Religious Zionist community, emphasized the common religious and secular commitment to the Land and interpreted the settlement of Palestine by secular Zionists as a religious act contributing to messianic redemption.<sup>24</sup> Yet the issue of land for peace that came up under the Oslo process seems to have contributed to the religious community’s feeling that the Land is beginning to mean less to the secular community, heightening its fear that the Jewish nature of the state is being jeopardized. This is especially true with regard to what was perceived as the “peace at any price” policy of the Barak administration equated by the religious community with a willingness on the part of the secular community to give away large amounts of territory in return for an uncertain peace. While the Liberal Secular and not the National Secular community is blamed,<sup>25</sup> the tendency is not to differentiate when the secular

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<sup>21</sup> Ravitz, June 27, 2001.

<sup>22</sup> Interview with Rabbi Yehuda Amital, March 12, 2001.

<sup>23</sup> Interview with Nadia Matar, March 5, 2001.

<sup>24</sup> Zarembski, p. 25

<sup>25</sup> Ironically, MK Tommy Lapid, perceived as one of the staunchest members of the Liberal Secular community, asserts his Jewish identity through his deep love of the Land and his dedication to Israel. Interview with MK Tommy Lapid, June 18, 2001.

community is lambasted in this regard. On the other hand, as will be discussed later in the paper, the security situation under the current Al-Aqsa Intifada, which has heightened conservatism in the Israeli public with regard to territorial concessions, has helped alleviate the religious-secular divide.

### *Fear within the Secular community*

For the secular community there is a fear of increased religious coercion – a fear growing out of the feeling that such coercion already exists, the result of guarantees made by David Ben-Gurion when the state was established. These guarantees comprise the current religious status quo in Israel and include autonomous religious education systems, the jurisdiction of rabbinical courts on matters of personal status, the establishment of the Sabbath as the official day of rest, and the observance of religious dietary laws in all public kitchens. According to media personality Amnon Dankner, secular society fears a “religious takeover.”<sup>26</sup> This notion was echoed by Rabbi She'ar-Yashuv Cohen, Chief Rabbi of Haifa, who explained that there is a sense within the secular community that with the decline of secular Zionism, Israel is in danger of becoming increasingly theocratic, with life inside the country increasingly governed by religious law.<sup>27</sup> The secular community feels that it is faced with a choice – either to reject outright any form of religion in society or run the risk of increasing religious restrictions placed upon them through legislation and imposed on everyone.<sup>28</sup>

According to secular and alternative religious leaders, the secular community’s fear of increased coercion is magnified by the absence of a written constitution.<sup>29</sup> There is no basic bill of rights in Israel and thus civil rights are not perceived as absolute. Alongside the Haredi feeling that their community is under siege by a secular society and state, secular leaders such as Meretz founder Shulamit Aloni perceive the rights of Israel’s citizens as being under attack by the religious political parties in their effort to pass religious legislation.<sup>30</sup> This notion was reiterated by Reform Rabbi Uri Regev, Director

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<sup>26</sup> Interview with Amnon Dankner, March 26, 2001.

<sup>27</sup> S.Y. Cohen, March 7, 2001.

<sup>28</sup> S.Y. Cohen, March 7, 2001.

<sup>29</sup> Aloni, March 18, 2001. Regev, November 28, 2001.

<sup>30</sup> Interview with MK Naomi Chazan, March 28, 2001.

of the Israel Religious Action Committee, who explained, “[There is a] growing sense of besiegement on the part of the secular, a growing sense of an assault on democracy.”<sup>31</sup> According to MK Tommy Lapid of the Shinui Party, “if Israel doesn’t find a solution for the problem, [it] will have Israel living in the Middle Ages.”<sup>32</sup>

### ***Changes Exacerbating Fear***

While fear is the primary underlying factor, its impact on religious-secular relations has been exacerbated by changes within the various communities. First, the increase in political power of the religious parties has increased the fear of religious coercion. At this point, with religious parties holding 28 seats in the Knesset after the 1999 elections, up from 23 seats in the 1996 elections, they wield unprecedented power. The secular community thus fears that the balance that surrounds the religious status quo is in jeopardy.<sup>33</sup> Moreover, the 1977 move by the Haredi political parties to join the Begin government rather than remaining outside as they had since the establishment of the State (expressing the rejection of the Zionist establishment) changed the Haredi relationship to the Religious Zionist community by turning the Haredi parties into competitors rather than allies. The move also allowed the Haredi parties to begin using their political clout to obtain benefits for their specific constituencies. The religious parties, according to media personality Ilana Dayan, used their political power in such a way that they seemed to be “blackmailing” the government on behalf of their own communities rather than working for the common national good. Moreover, the structure of Israel’s political system has given the religious parties disproportionate political power, relative to the size of their constituencies, in terms of forming coalitions, bringing down governments, etc. This perceived misuse of political power by the religious parties sullied their image in the eyes of the secular community.<sup>34</sup> Prof. Alice Shalvi, noted feminist, leader of the Conservative movement, and Rector of the Schechter Institute for Jewish Studies, reiterates this notion, explaining that the seeming exploitation of power by religious

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<sup>31</sup> Regev, November 28, 2001.

<sup>32</sup> Lapid, June 18, 2001.

<sup>33</sup> Amital, March 12, 2001; Dankner, March 26, 2001.

<sup>34</sup> Interview with Ilana Dayan, June 17, 2001.

parties for the sake of their own constituencies has created a sense of antipathy for religion and the religious community that formerly did not exist.<sup>35</sup>

Ironically, the Haredi community sees itself as a minority receiving unequal treatment vis-a-vis other minority communities in Israel. They perceive the secular community as making every effort to protect the rights of other minorities while attempting to limit the rights of the religious community. Secular leaders admit to a double standard in treating the religious community differently from the other minorities of Israel. They point to the disproportionate political power of the religious community, which appears threatening to the secular community, as the cause.<sup>36</sup>

## **Growing Insecurity about Identity**

This feeling touches upon a second underlying factor contributing to the increased religious-secular divide over the past twenty-five years – the growing insecurity within the various communities. The insecurity of the secular community stems from an eroded sense of identity, growing personal insecurity, and insecurity about Israel as a democracy compared with Western democracies. Amnon Dankner, a secular journalist, points to the disintegration of the identity of Israel's secular community as the primary cause of the religious-secular divide; Jewish culture as the basis of identity is being discarded in practical terms, leaving a void in secular culture and society.<sup>37</sup> This identity crisis creates a sense of insecurity and causes a backlash against the religious community, which is perceived as being solid in its identity and sense of self.<sup>38</sup>

### ***The Secular Identity Crisis***

The need to ask about secular identity, according to law professor and former Chairperson of the Israel Democracy Institute, Professor Ruth Gavizon, in

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<sup>35</sup> Interview with Prof. Alice Shalvi, March 5, 2001.

<sup>36</sup> Dayan, June 17, 2001.

<sup>37</sup> Dankner, March 26, 2001.

<sup>38</sup> Dayan, June 17, 2001.

itself indicates that a problem exists within the community.<sup>39</sup> The sense of Jewishness deriving simply from living in Israel is no longer sufficient to shape the identity of the secular community. It must now, according to many secular leaders, go beyond the Land, drawing upon Jewish history and tradition. The inability to derive a sense of identity from the Land alone seems to be associated with the possibility of territorial concessions: If the Land can be given away, what does that mean for our sense of self? Upon what then do we (the secular community) base our sense of self? In addition, Gavizon explains that the nature of Israel as a country and its location in the heart of the Arab Middle East, naturally causes the population to reflect on why it lives in Israel and to examine repeatedly its identity.<sup>40</sup>

Secular identity, according to the majority of the secular leaders interviewed, cannot derive from pride in Israeli achievements but must rather come from pride in the Israeli heritage. The question, however, is what the Israeli heritage entails. “If it means something that is more than territory, then it means something that is Jewish.”<sup>41</sup> Secular leaders explain the crisis in secular identity as a product of a deficient educational system that has slowly moved away from teaching Jewish culture as a national heritage rather than solely as a religious experience.<sup>42</sup> A significant portion of the secular and alternative religious leaders stressed the need to increase Jewish and Israeli education in public schools as a means of fortifying the identity of Israel’s youth.<sup>43</sup>

Damaging as well to the religious-secular relationship is the secular perception that the crisis in secular identity and the concomitant insecurity are positive in the eyes of the religious community, giving the religious community leverage in the cultural conflict with secular society in Israel. Lack of Jewish education among the secular community is seen as “a mistake [for] which the religious sector in Israel is presumably grateful because it encourages the inferiority complex of the secular towards the religious in another regard.”<sup>44</sup> In reality, however, the religious leadership fears that the declining Jewish identity of the

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<sup>39</sup> Interview with Professor Ruth Gavizon, June 15, 2001.

<sup>40</sup> Ibid.

<sup>41</sup> Dayan, June 17, 2001.

<sup>42</sup> Dankner, March 26, 2001.

<sup>43</sup> Dankner, March 26, 2001. Shalvi, March 5, 2001. Dayan, June 17, 2001.

<sup>44</sup> Dayan, June 17, 2001.

secular community, marked in part by a lack of Jewish education, will encourage a further erosion of the Jewish identity of the state.

### ***Secular Insecurity about Israel as a Democracy***

A second cause of insecurity within the secular community concerns Israel's identity relative to Western democracies. Identifying with Western democracies, the Liberal Secular community has begun comparing Israel as a liberal democracy to those countries with which it feels close, such as the United States and Great Britain. In turn, it perceives the religious community as making Israel less Western-like, "stain[ing] the vision of an enlightened Western Israel,"<sup>45</sup> and obstructing the path to true liberalism. As a reaction, the secular community attempts to dissociate itself from the religious community. This increases the divide. In a critique of their own community, as stated earlier, secular leaders note that if Israel were a true liberal democracy the right for the religious to live as they wish to would be encouraged as well.<sup>46</sup> The religious community has taken note of this disparity and points to it as an injustice.

The solution, according to Dayan, is for Israel to affirm its right to create a democracy unique to itself, to tailor its democratic vision to accommodate various features of Israel, including its Jewish population, history, and character, to the extent the public deems appropriate, and to create the democracy best suited to itself.<sup>47</sup> In order to do so, however, a process of self-evaluation is necessary. Yet the current religious-secular divide hinders the honest reflection necessary for such an evaluation.

### ***Haredi Insecurities***

Insecurities also exist within the Haredi community. There is a marked increase in materialistic desires of the younger Haredi population, brought on by the increase in available goods. It is a point of great concern to the older

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<sup>45</sup> Ibid.

<sup>46</sup> Aloni, in noting the markings of a true democracy explains, "No democratic state has the right to interfere, coerce, or dictate anything in terms of the way religious practice is concerned." See Footnote 146. Aloni, modifications of Nov. 1, 2001.

<sup>47</sup> Dayan, June 17, 2001. Modified November 5, 2001.

members of the community; According to Feldman, increased materialism is seen to occur in tandem with a decline in spirituality.<sup>48</sup> Moreover, fearing that this could encourage greater interaction between the Haredi and secular worlds, or more importantly, jealousy of the former vis-a-vis the latter, increased separation is sought. Ironically enough, secular leaders have recognized these insecurities as well. Dankner suggests that Haredi insecurities deriving from limited economic circumstances and ignorance about advances in the outside world relative to the secular community spark anger in the Haredi world which is projected onto the non-Haredi society.<sup>49</sup>

## **Decreased Sense of Commonality**

Changes in society have decreased the sense of commonality between the religious and secular communities. This is primarily felt in the issues of land and civic responsibility and is contributing to the perception that Israel's Haredi, Religious Zionist, and secular communities are independent units rather than parts of a larger whole.

### ***Land and the Divide***

The issue of land, which, as stated earlier, was the common denominator between the secular and Religious Zionist communities, is now being perceived as a divider. A sense of lessened commitment to the Land as a result of the Oslo process has created a sense of schism in the religious community vis-a-vis the secular community. On the other hand, the Religious Zionist community, which was once perceived by secular society as a possible bridge between it and the world of the Haredim, is now alienated, seen as, for the most part, totally committed to Gush Emunim and the settlements in the West Bank and Gaza.<sup>50</sup> Particularly for the Liberal Secular segment of society, the Religious Zionist community is no longer the middleman.

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<sup>48</sup> Feldman, July 7, 2001.

<sup>49</sup> Dankner, March 26, 2001.

<sup>50</sup> Dayan, June 17, 2001.

It is important to note, however, that on some levels the Religious Zionist community continues to maintain positive relations with the secular community, on the basis of the commonality that still exists between it and secular society. Lapid, labeled as anti-religious, explains that every society has religious people who conduct their affairs within the parameters of society. “The Datei Leumi (Religious Zionist) community are good Zionists, good Israelis, good soldiers, productive citizens and don’t ask for themselves any special advantages.”<sup>51</sup> Differences of opinion remain, he states, between him and the Religious Zionist community but they are “legitimate disputes.”<sup>52</sup>

### ***Citizenship and Civic Responsibility***

There is also a lack of commonality in the way citizenship and civic responsibility are defined. While the secular leadership emphasized the importance of the State, Haredi leaders emphasized the importance of the Land and its Jewish population. The secular leadership explains that citizenship is defined in a democracy by the reciprocal relations between the state and the civil community.<sup>53</sup> “The purpose of the state is for the state to serve the people. The people don’t need to serve the state. But if I want the state to take care of me,” according to Aloni, “I must take care of the state.” Thus loyalty to the state is expressed by obeying the laws and contributing to the well being of the civil community.<sup>54</sup> Contributions to the state are seen in activities such as military service and economic integration, which, it should be noted, also fulfills one’s Jewish obligations.<sup>55</sup> This is a definition that leans heavily on the reaction against military deferments for yeshiva students, discussed in further detail later on, as military service is seen here as a declaration of loyalty to the state. For the Haredi community, however, there is a clear distinction between the State of Israel and the Land and people of Israel. The holiness of the Land itself makes it a requirement or a positive action to dwell in the Land. The obligations to the state are to obey its laws, as in any other state, unless they violate Jewish law, and to contribute to its people.<sup>56</sup> Because Israel is the home

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<sup>51</sup> Lapid, June 18, 2001.

<sup>52</sup> Ibid.

<sup>53</sup> Aloni, March 18, 2001. Modified November 1, 2001.

<sup>54</sup> Ibid.

<sup>55</sup> Aloni, March 18, 2001.

<sup>56</sup> Ravitz, June 27, 2001.



of a significant proportion of the Jewish people, the Haredi community is additionally concerned about the well being of the state and thus contributes to its defense through the prayer and religious study that it believes will bring divine protection to the Jewish people as a whole.<sup>57</sup> It is important to note, however, that the Haredi community as a whole tends not to call themselves Israelis but rather supporters of Israel as a means of clarifying their relationship to the state.<sup>58</sup>

### **Increased Segregation**

A second underlying factor brought about by changes within Israeli society and contributing to the religious-secular divide is the increased segregation of society. According to Minister Benny Elon, Israeli society has become segregated in every area of life, including the most basic social arenas such as the educational system, residential neighborhoods, and the military.<sup>59</sup> This segregation has not divided the religious and the secular but rather the Haredi, the Religious Zionists, and the secular from one another. According to MK Haim Druckman of the National Religious Party, on the cause of the divide, “There are bad relations because there are no relations.”<sup>60</sup>

While segregation serves in part to protect religious observance in areas where it is very difficult in terms of rules of modesty, communal prayer, and religious education, it takes its toll by reducing familiarity of the various segments of society with one another. Israel’s paramount segregation, which has increased in recent decades, not only perpetuates the ignorance of the various communities about each other but also substitutes complete discord for the notion of a religious spectrum within Israel.

Increased segregation can be seen in three primary areas of Israeli society: the educational system, residential neighborhoods, and the army.

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<sup>57</sup> Interview with Rabbi Menachem Porush, April 16, 2001.

<sup>58</sup> Ravitz, June 27, 2001.

<sup>59</sup> Interview with Minister Benny Elon, March 1, 2001.

<sup>60</sup> Interview with MK Haim Druckman, July 1, 2001.

### ***Segregation in Education***

Israel's educational system is currently divided into the Haredi, state religious, and general state systems. The teaching of religious texts and emphasis on Jewish culture have gradually declined within the general state system over the past four decades,<sup>61</sup> creating a previously unknown sense of estrangement between pupils in the general state system and pupils in the state religious and Haredi systems. Talmud, for example, which is taught intensively as a required subject in the religious schools for boys (though less so in girls' schools) and which was once taught as an elective subject in the general state schools, has notably disappeared from general state schools.<sup>62</sup> According to Shalvi, an increase in religious education in the general school system would combat ignorance and the sense of alienation felt by the secular towards the religious.<sup>63</sup>

### ***Segregation in Neighborhoods***

In terms of residential neighborhoods, buildings and areas that were once "mixed" are now completely segregated.<sup>64</sup> Leasors now screen for Haredi, Religious Zionist, or secular couples depending on their preference and contractors develop areas with homogenous populations in mind. This trend not only divides the country, but equates the "foreigner", i.e. someone living outside a specific area, with someone belonging to a different religious category. This contributes directly to the sense of alienation currently fueling the divide.

### ***Segregation in Military Service***

Finally, the army, as will be discussed in greater detail below in the section on military exemptions, was once the medium looked to to achieve national integration. Today, it too has become highly segregated. The vast majority of the secular community serves through full three-year integrated service. The majority of Haredim obtain military exemptions or indefinite deferments and

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<sup>61</sup> Dankner, March 26, 2001.

<sup>62</sup> Shalvi, March 5, 2001.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

do not serve in the army. Many female members of the Religious Zionist community do national community service rather than integrated army service. Male inductees within the Religious Zionist community choose between full three year integrated service, the *Mechina* program, which offers a one-year deferment from the army for combined higher religious study and physical/ideological/religious preparation for the army followed by full integrated service, and the *Hesder* program, a combined five-year program of religious study and active duty. While the latter is seen as the best option for providing the practical support required for religious soldiers, at this point, it severely limits the interaction between religious and secular soldiers. For example, a *Hesder* soldier enters basic training with a platoon of *Hesder* soldiers, the unit of 40 men with whom he will train most closely and achieve the greatest sense of camaraderie.<sup>65</sup> While interaction between *Hesder* and non-religious soldiers does take place at the company level (the military unit comprising of three platoons), it is significantly more limited than in a regular platoon or a platoon of half *Hesder* soldiers and half three-year inductees. This, in turn, limits the type of familiarity and integration between religious and non-religious soldiers that the army was once able to provide.

### ***The Traditional Community and the Trend of Segregation***

Interestingly, the traditional community appears to be much less effected by the increased segregation of Israeli society. It continues to live, work, and serve with various members of the population irrespective of their religious standing. This is in large part the result of a combination, noted by former Religious Affairs Minister Shimon Shetreet, who was raised in the traditional community, of a strong sense of identity with a strong tradition of tolerance.<sup>66</sup> Running against mainstream tendencies, this maintained integration of the traditional communities has most likely kept the divide from attaining its full measure.

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<sup>65</sup> This applies to the infantry branches of the Israeli army.

<sup>66</sup> Shetreet, December 16, 2001.

### 3 Specific Issues in the Forefront of the Divide

The erosion of religious-secular relations has transformed marginal policy issues into matters of principle. Mistakenly labeled the cause of the divide, these issues and the emotional debate surrounding them shift the focus away from the source of the problem, highlighting the outwards signs of alienation rather than the roots of it. This is recognized by a number of the leaders interviewed who stress the pointlessness of addressing specific issues related to the divide before the real factors contributing to alienation are addressed.<sup>67</sup> Distortions resulting from the divide also prevent these issues from being addressed effectively. Leaders explain that it is impossible to manage policy in a coherent manner that provides for the welfare of the state when the divide transforms policy issues into arenas where points are scored in the religious-secular conflict.<sup>68</sup> The religious-secular divide is therefore an obstacle to sound policy-making.

Yet specific policy issues are part of the religious-secular divide in that the divide perverts them, radicalizing the reaction of the religious and secular communities to these issues and exacerbating tensions. Furthermore, while matters of policy are viewed as part of the divide, these issues exacerbate feelings of discrimination and contribute to misunderstanding. It is the overwhelming consensus among the religious and secular leadership that military deferment and marriage and divorce law are the main issues currently eating away at religious-secular relations. On the level of policy decision-making these issues should be addressed within the framework of national policy-making. However, they will be discussed here as irritants at

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<sup>67</sup> Dankner, March 26, 2001. In this reference Dankner specifically noted fear and lack of identity as the primary sources of alienation.

<sup>68</sup> Dayan, June 17, 2001.

work in the divide that must be examined to understand the full scope of the current religious-secular relations.

## **Military Exemptions**

The issue of military exemption strikes the major chords of secular and Haredi ideology. For the majority of secular Israel (both Liberal Secular and National Secular) national conscription lies at the heart of Israel's basic ethos.<sup>69</sup> From the inception of the IDF, Israel's military was to be the protector of the state and also the mechanism for social engineering. According to military expert Stuart Cohen of Bar-Ilan University, "[Ben-Gurion] envisioned the IDF as a bonding institution within which Israel's otherwise fractured society could be homogenized and welded into a single whole." Yet at the same time as the IDF was being formed, Ben-Gurion granted military deferments to a select number of yeshiva students as a means of rebuilding the scholarly foundation of the Jewish community destroyed in the Holocaust and bringing the religious parties into the political fold.<sup>70</sup>

### ***Are Haredi Recruits Needed?***

In dealing with the issue of military deferment and its impact on religious-secular relations, one must grapple with two distinct questions: the military need for the service of yeshiva students and the social need. Regarding the former, there is little justification for changing current deferment policy for yeshiva students.<sup>71</sup> The army does not, at the present time, suffer from a shortage of troops, as indicated by the ease with which potential conscripts, i.e. new immigrants, are released and the recent suggestions to shorten the period of service, particularly for women.<sup>72</sup> Soldiers who are in demand are those with a high degree of technical training or policing experience, neither of which the Haredi population can provide

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<sup>69</sup> Ibid.

<sup>70</sup> Cohen, Stuart. *The Scroll and the Sword* (Amsterdam, The Netherlands: Harwood Academic Publishers, 1997).

<sup>71</sup> Interview with Prof. Stuart Cohen, June 26, 2001.

<sup>72</sup> Ibid.

without high cost to the military. Moreover, Haredi induction would not, according to Prof. Cohen, do much to relieve the burden on reserve troops. Induction could theoretically create a domino effect by shifting reserve troops into areas where they are more needed. However, according to Cohen, this process would be likely to run out of steam before making a significant contribution.<sup>73</sup>

Furthermore, the unique costs involved in providing for Haredi soldiers in the IDF would itself be a burden on the military. In shaping the military, Ben-Gurion emphasized the need not only to incorporate all soldiers into the system but also to provide for their special requirements. For the Haredim, the problems of military life include the close interaction between men and women and inadequate levels of Sabbath and *kashrut* observance.<sup>74</sup> The increase of rabbinical supervision to ensure the higher *kashrut* standards and provisions for Sabbath observance and the creation of the more modest environment necessary for Haredi service would all create financial and social strains on the military structure. The issue of modesty would most likely demand a “woman-free” environment, something particularly problematic at a time when women are demanding increased visibility in military service.<sup>75</sup>

### ***The Secular Perspective***

The absence of military need is acknowledged, at least in part, by secular leaders. Nonetheless, the social impact of deferments/exemptions of such magnitude creates an acute social need for induction. Secular leaders see service as a declaration – a declaration of allegiance to the state and of equality amongst its citizens. Military service is a basic part of secular identity. In light of Ben-Gurion’s goal to homogenize the state through national conscription, Haredi non-service is seen not only a rejection of the state but also of the secular population itself. Thus, for leaders such as Dayan, while it is unclear to what extent Haredi participation would make a practical military difference, the impact of participation would lie in “rhetorical terms and feelings of collective effort to keep the country together and keep its borders.”<sup>76</sup>

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<sup>73</sup> Ibid.

<sup>74</sup> Ravitz, June 27, 2001.

<sup>75</sup> S. Cohen, June 26, 2001.

<sup>76</sup> Dayan, June 17, 2001.

For secular leaders, Haredi non-service also represents a basic discrimination making the issue of military deferments and exemptions a highly emotional one in the public arena. Differentiating between segments of society in regard to military service in effect makes a distinction between the value of their respective lives. The Haredi population is seen as avoiding the personal risk involved in military service and being immune to the potential tragedy of a fallen loved one, which the rest of Israel's Jewish population must endure to defend the state.<sup>77</sup> According to Lapid, "Refusal to serve in the army means that my sons should live while your sons go and defend the country. My sons will pray for you and you go and die for the country."<sup>78</sup> Discrimination is also manifested in getting started in life: conscripts have to delay joining the workforce or getting a university education until after their service while yeshiva students with deferments learn in a yeshiva until they choose to do otherwise.<sup>79</sup> For Lapid, Haredi military non-service is "the most irritating factor" in the religious-secular dichotomy which he perceives in Israel today and is an "inequality that is unbelievable."<sup>80</sup>

Anger over non-service has increased with the growing number of military deferments. Currently, Haredi military deferments account for 8% of the draft, and the number is projected to rise to 11% by the end of the current decade.<sup>81</sup> The increase has magnified the sense of discrimination and heightened the sense that the majority of Haredim do not participate in defending the country. Deferments are now being interpreted as a way of avoiding national service rather than as a means to produce great Torah scholars.<sup>82</sup>

### ***The Haredi Perspective***

The Haredi perspective on military service is also shaped by its ethos. The original goal of homogenization sought by Ben-Gurion is the antithesis of a community founded on the principal of insularity as a means of protection and survival. It represents a contrast of objectives and is violently opposed by the

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<sup>77</sup> Lapid, June 18, 2001.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> S. Cohen, June 26, 2001. Modified on October 25, 2001.

<sup>82</sup> Shalvi, July 12, 2001.

Haredi community, which sees service as a means to dilute their culture. In a manifestation of the fear described earlier, Haredi leaders believe that “there is an attempt to water down Haredi society in hopes that it would disappear. Because secular Zionists would like to eradicate the culture of the Torah community, the army is looked at as a vehicle to do this.”<sup>83</sup> According to Feldman, if “Torah Judaism” were accepted as a legitimate form of Judaism, the Haredi community would not be afraid to send their children to the army.<sup>84</sup> Yet, there is a clear sense that religious standards cannot be maintained in the army. Simply put by Feldman, “one cannot maintain one’s cultural integrity in the army.”<sup>85</sup>

Military service is especially disconcerting to members of the Haredi community because it is required at an age deemed critical for religious learning. Education – the highest priority of the Haredi world – is threatened by the interruption of military service, particularly at an age when students are at the peak of their religious learning and most vulnerable to outside influences. Several Haredi leaders have noted that concern about service would lessen if the age of service were higher and thus potential conscripts would be more secure in their identity. As Feldman explained, “At the age of 24 one is not afraid from a religious standpoint for his son to go to the army.”<sup>86</sup>

Yet interviews reveal that the main reason for non-service revolves around the importance of yeshivas within the Haredi community. Seen a red line within the community, yeshivas are at the epicenter of Haredi identity. Religious learning is the pinnacle of Jewish tradition and yeshiva students are seen as bearing the torch of this tradition.<sup>87</sup> Their responsibility is unrelenting, notwithstanding government demands, especially given the fact that the state is not deemed holy. Yet they do see themselves as contributing to the state, and more importantly the Jewish people, through spiritual protection. By ensuring the spiritual well being of the country, they ensure divine protection<sup>88</sup> – the most important form of protection for a religious society. Moreover, religious law classifies religious learning as a religious requirement for all

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<sup>83</sup> Feldman, July 7, 2001. Modified October 24, 2001.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Karelitz, July 31, 2001.

<sup>88</sup> Ravitz, June 27, 2001.



members of the Jewish people. The Haredi community feels that it must make up the deficit that results from Jews who neglect their responsibility. They are thus required to engage in fulltime learning to provide such protection despite any desire they may have to join the workforce or attend university. In this sense, they see no discrimination, as they too forgo other options to defend the state and the Jewish people. The difference does not involve duty but rather the definition of defense. From a religious perspective, spiritual defense is vital; without it the physical defense of the country would fail.

As a result of social norms, deep shame is associated with leaving yeshiva learning for army service. It represents a disavowal of the ideals and identity of the community; a repudiation of the idea that divine protection of Israel through the relationship God has with the Jewish people, a commitment set out through the Torah and its commandments, is secondary to the physical protection and not the other way around. Thus, most Haredi males engage in yeshiva learning. The communal stigma associated with leaving the yeshiva stems from a sense of failure or lack of motivation.<sup>89</sup> Pressures not to serve, and the stigma associated with enlisting, have grown with the increased self-assertion and articulation of rights in the Haredi community that have accompanied increasing political power.<sup>90</sup> Where previously Haredim acknowledged the problem associated with non-service, increased political power has made the community more vocal and insistent on its right to receive exemptions in order to devote itself to their responsibility of Jewish learning.<sup>91</sup>

The existing framework for Haredi soldiers within the military, Nahal Haredi, is seen by the Haredi community as a place for yeshiva dropouts to go.<sup>92</sup> For those unable to succeed in their primary duty of religious learning, Nahal Haredi is perceived as a channel for training in responsibility and discipline.<sup>93</sup> Thus it is accepted by some major Haredi rabbinical authorities, such as Rabbi Aaron Lieb Stienman, yet is very small in number of enlistees.

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<sup>89</sup> Ibid.

<sup>90</sup> S. Cohen, June 26, 2001.

<sup>91</sup> Ibid.

<sup>92</sup> Feldman, July 7, 2001.

<sup>93</sup> Ibid.

### ***The Economic Consequences***

The high percentage of men in the Haredi world learning in yeshivas is recognized as an impediment to the progress of economic life by secular, Alternative Religious, and Haredi<sup>94</sup> leaders alike. To qualify men for deferments yeshiva study must be fulltime, thus making students ineligible for work. They receive government subsidies that, taken together with nonparticipation in economic life cost the Israeli economy approximately 3.5 billion shekels a year.<sup>95</sup> According to Shalvi, the heavy subsidization of yeshivas and yeshiva students is a major reason for the resentment among the secular population towards the Haredi community, as students are seen as living off the government without contributing to the country.<sup>96</sup> Once again, the degree of resentment is said to have increased in parallel with the number of deferments issued.

Haredi leaders explain that because of non-service and subsequent disqualification from participating in economic life, there is a sense of being trapped: Haredim are unable to work without completing their military service. Yet service jeopardizes their identity and culture.<sup>97</sup> They are faulted for not working and are unable to provide financially for themselves and their community.<sup>98</sup> Both religious and secular leaders recognize that the current system represents a self-sustaining cycle of dependency.<sup>99</sup> According to Rosenblum, the question surrounding economic activity is whether a structure can be created that would allow for the natural need of the community to increase internal sources of support rather than external.<sup>100</sup>

### ***The Tal Solution***

The solution proposed by the Tal Commission is somewhat problematic. Though it provides a solution for the economic side of the problem, it

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<sup>94</sup> Ravitz, June 27, 2001.

<sup>95</sup> Ilan, Shahr. *Draft Deferments for Yeshiva Students* (Jerusalem: The Floersheimer Institute for Policy Studies, 1999).

<sup>96</sup> Shalvi, March 5, 2001.

<sup>97</sup> Rosenblum, June 13, 2001.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid. Dayan, June 17, 2001.

<sup>100</sup> Rosenblum, June 13, 2001. Modified October 18, 2001.

exacerbates the social side. Not doing military service, and then leaving the yeshiva early, a young Haredi male would begin earning a livelihood at a much earlier age than the average Israeli.<sup>101</sup> According to Dayan, “On the one hand [Haredim] are not a burden, on the other hand it increases discrimination.”<sup>102</sup> According to Lapid, “If Haredim entered the economic sphere barriers would reduce. But the way they want to remove barriers, through the Tal Commission, is unjust and unacceptable. [Yeshiva students] are free from serving in the army and have one year free from yeshiva or army to decide what they want to do with their life – [something] a secular boy is never allowed to do.”<sup>103</sup> From the Haredi point of view, many leaders see the Tal Commission recommendations as oriented toward the “ultimate assimilation,”<sup>104</sup> jeopardizing the yeshiva institution itself.

### *The Option of National Service*

The solution of compulsory national service was suggested by a number of leaders, creating a system in which each draft-age individual could contribute to the country by working in his/her own community in the way he/she is most inclined. According to Shalvi, “Every citizen – male and female, Jewish or non-Jewish – should do some form of national service. The form of national service should depend on one’s ability and one’s world outlook ... It would equalize all citizens and remove some of the terrible resentment that exists.”<sup>105</sup> This option underscores the fact that the debate about military exemptions is based on different definitions of service, ranging from national service to military service and spiritual service.

For some, the option of national service is a solution to issues raised by conscientious objectors. National service can be a new way to declare allegiance to the state,<sup>106</sup> a new way to create equality while not demanding military involvement, for universal service is seen as an infringement of civil rights.<sup>107</sup> Ironically, Shalvi and Ravitz agree that compulsory military service

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<sup>101</sup> Dayan, June 17, 2001. Modified November 5, 2001.

<sup>102</sup> Ibid.

<sup>103</sup> Lapid, June 18, 2001.

<sup>104</sup> Feldman, July 7, 2001.

<sup>105</sup> Shalvi, July 12, 2001.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

is an infringement of civil rights. According to Ravitz, “Joining the army is not the only way to say to oneself, I’m part of Israel, I’m part of the Jewish people – [such a] declaration is a militaristic kind of regime.”<sup>108</sup>

For others, national service is simply a way of minimizing the sense of discrimination felt by the secular community while showing sensitivity to the fears and concerns of the Haredi community. Yet serious concerns remain within the Haredi community regarding national service. National service would continue to remove students from yeshiva learning at a critical age and is seen as putting a strain on the yeshiva structure and system. Moreover, national service is seen as even worse than military service by Haredi leaders since the tasks would likely be menial rather than vital as many are in the military. To agree to performing such tasks would send out the wrong message about the study of Torah, to wit, that painting garbage cans is more important than Torah learning.<sup>109</sup> “Painting garbage cans can never be more important than Torah learning while it is theoretically possible to argue that in certain circumstances military service would be.”<sup>110</sup>

### ***The Religious Zionist and Traditional Opinions***

The Religious Zionist and traditional communities remain on the fringes of the debate over military deferment because of the difficult position in which they find themselves. Leaders of the former feel that it is a religious obligation to serve in the army<sup>111</sup> in addition to religious learning, and in part also express concern over the problem of inequality. Yet they also acknowledge the difficulty in maintaining high religious standards,<sup>112</sup> pointing to such issues as the permissive atmosphere and the close intermingling of male and female soldiers as particularly problematic. The traditional community also serves in the army while maintaining religious observance. However, their silence on the issue is the result of a sense of solidarity with the religious community and a feeling that a stance against deferments would be considered

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<sup>108</sup> Ravitz, June 27, 2001.

<sup>109</sup> Rosenblum, June 13, 2001. Modified October 18, 2001.

<sup>110</sup> Ibid.

<sup>111</sup> Elon, March 1, 2001.

<sup>112</sup> S. Cohen, June 26, 2001.

anti-religious.<sup>113</sup> Thus, while acting as a bridge between the religious and secular worlds in the army, these communities remain somewhat mute in the policy debate and conflict.

## Marriage and Divorce in Israel

The current system of marriage and divorce in Israel is governed by religious law. Carried over as part of the system of personal status law established in Palestine during Ottoman rule, it accords the authorities of each religion autonomous control over marriage and divorce in their own community. The system dictates that a person must marry according to the religious law and authority of his/her religion; For the Jewish population, this means that marriage and divorce are governed by Jewish law, otherwise known as *Halacha*.

### *The Laws*

Objections of the secular leadership surrounding marriage laws primarily concern the restrictions imposed by religion on whom a person can and cannot marry.<sup>114</sup> According to Halacha, a Jew may not marry the following:<sup>115</sup> a) a non-Jew; b) a *mamzer* (offspring of an adulterous or incestuous union); c) a married person until both Jewish and civil divorce proceedings have been completed; d) his/her own divorced spouse after remarriage to another individual and the latter's death or divorce; e) a widow of a childless husband who is survived by a brother, until after the *chalitzah* ceremony is performed; f) a person with whom he/she has committed adultery; g) relatives (primary and secondary incest). Finally, (g) A *Kohen* (priest) cannot marry a divorced woman, a *chlutzah*-widow, a convert, a *zonah* (a woman whose sexual relationships violated Jewish law), or a *chalalah* (a Levirite widow.) Religious

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<sup>113</sup> Shetreet, December 16, 2001.

<sup>114</sup> Lapid and Shalvi also mentioned the unfairness of not allowing Conservative and Reform marriages in Israel.

<sup>115</sup> Lamm, Maurice. *The Jewish Way in Love and Marriage* (New York: Jonathan David Publishers, Inc.: 1980)

divorce law requires a man to give his wife a *get*, or Jewish writ of divorce, and for his wife to accept the writ in order for the divorce to be granted.

### ***The Debate over Marriage Laws***

The secular and Alternative Religious communities perceive the current system of marriage as a form of religious coercion<sup>116</sup> – restricting choice and limiting civil rights, particularly women’s rights.<sup>117</sup> The system bars people from living freely, creating friction between the religious and secular communities. The prohibitions against marrying a non-Jew and limiting whom a *Kohen* may/may not marry are noted as the source of the greatest tension in Israel’s marriage system as a whole. According to Dayan, “The inability to marry a *Kohen* ... the guy she loves, because it was written 5000 years ago that a *Kohen* can’t marry a divorced woman – that’s the kind of stuff that people resent.”<sup>118</sup>

From the standpoint of most religious and traditional leaders interviewed, and certain National Secular leaders, maintaining Israel’s current system of marriage and divorce is critical and prevents another, more serious divide from developing within the Jewish people. According to Rabbi Eliyahu Ben-Dahan, General Director of the Rabbinical Courts of Israel, “Without a religious system of divorce, there would be an increase in the divide because one part [of the population] would not marry the other part because they don’t know the [religious validity] of the marriage of the parents.”<sup>119</sup> Transitioning to a civil system of marriage would have a similar effect, as the religious lineage of parents married under the civil system would become harder to trace. As a result, the religious community would only be able to marry those individuals who grew up with parents who were religious at the time of their marriage.

Yet, in response, Alternative Religious leaders insist that the danger of potentially increasing the religious-secular divide by going over to a civil system is not great enough to justify the civil rights problems created by an exclusively religious system. According to Regev, “In the meantime, in order

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<sup>116</sup> Aloni, March 18, 2001. Chazan, March 21, 2001. Regev, November 28, 2001.

<sup>117</sup> Aloni, March 18, 2001 as modified November 1, 2001. Lapid, June 18, 2001. Shalvi, July 12, 2001.

<sup>118</sup> Dayan, June 17, 2001.

<sup>119</sup> Interview with Rabbi Eliyahu Ben-Dahan, July 18, 2001.

to worry about his grandson being able to marry my granddaughter, [the system is] victimizing hundreds of thousands who currently cannot marry.”<sup>120</sup>

The debate over marriage and divorce law is consequentially linked to the debate over the vision for Israel as a state. Maintaining the law under a Halachic system is considered important for maintaining the integrity of Israel as a Jewish state. Instituting a civil system is seen as necessary to ensure Israel’s position as a liberal democracy. The result of the debate will be determined by the social vision of the state. The debate is also connected to the uncertainty surrounding the identity of Israel’s citizens. Thus, the question of identity must be answered before the debate can be resolved. A religious society demands a religious system, a liberal democratic society demands a civil system, and a democracy tailored to Israel seems to demand a system tailored to the state. At this point, however, a number of secular leaders believe that the uncertain identity of the secular community means uncertainty as to the system of marriage and divorce they desire to govern them.<sup>121</sup>

### ***Concerns over Divorce Laws***

Questions about divorce laws, on the other hand, reveal deep frustration with the establishment rather than with the law itself. According to both religious and secular leaders there is a gap in understanding between the judges on the religious courts (the *dayanim*) and the majority of the people entering the court. From the public’s standpoint, Ben-Dahan remarked, “most people are secular and the system is a religious system. [It’s] not easy to take secular people who come to the rabbinical court when they don’t understand the system, don’t believe in the system, sometimes don’t accept the system.”<sup>122</sup> And from the standpoint of the Dayanim? “Rabbis are Halachic in [their] life behavior not like the secular – it is not easy for Dayanim to bridge between their life and the lives of those who come to them.”<sup>123</sup> Shalvi notes an effort by Ben-Dahan to reduce this gap by appointing younger judges more experienced

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<sup>120</sup> Regev, November 28, 2001. Regev suggests instituting a civil system, in addition to a religious one, with both keeping accurate records in order to facilitate marriages between communities.

<sup>121</sup> Dayan, June 17, 2001.

<sup>122</sup> Ben-Dahan, July 18, 2001.

<sup>123</sup> Ibid.

in general society through such institutions as the military. Regardless, Shalvi explains, progressive thinkers amongst Dayanim are not respected.<sup>124</sup>

The religious court system also dictates that Dayanim all be male, something the secular leadership identifies as another cause of the gap in understanding, this time between men and women. According to the secular leadership, the result is less of an understanding of and insensitivity to “women’s issues.” According to Shalvi, “As long as courts remain all male, there is almost a built-in discrimination against women.”<sup>125</sup> To address this matter Ben-Dahan introduced women pleaders, called *To’anut*, into the court system, who represent female litigants before the court in order that they not be alone or intimidated in the all-male environment.

In several regards, Ben-Dahan has been recognized by secular leaders as making a serious effort to rectify flaws in the system.<sup>126</sup> Ben-Dahan himself sees the Rabbinical court system as a means to improve religious-secular relations, because of the high level of interaction between religious and secular people under the current system. “If secular [people] come they can see that the Dayanim only want to help them. People think Dayanim are against them ... it’s not true ... We can’t change Halacha because we believe its divine, but we can make new bills to address the problems that litigants are dealing with.”<sup>127</sup>

### ***Specific Problems in the System: Restrictions, Domestic Violence, and Agunot***

Leaders also point to specific problems within the current system of marriage and divorce. The greatest problem identified in the current marriage law, as stated earlier, is the inability of a person to marry anyone he/she wishes to, seen as an obstruction of basic freedoms. Secular leaders underscore this problem by pointing to the growing number of Israelis who leave the country to wed and return as a married couple – a loophole through which civil

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<sup>124</sup> Shalvi, July 12, 2001.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ben-Dahan, July 18, 2001.



marriages are recognized in Israel.<sup>128</sup> The other options that remain for secular couples that do not wish to marry under the religious system are either to not get married or to get married under the Conservative or Reform systems, though the ceremony would not be legally recognized by the state. Avoidance of the religious system is often motivated by restrictions in the system and, more importantly for the religious leadership, concerns about the divorce system should the marriage need to be terminated.<sup>129</sup>

Specific problems regarding the system of marriage are overshadowed by two specific problems, repeatedly mentioned in interviews by the secular and Alternative Religious leadership, concerning the current system of divorce in Israel: domestic violence and the issues of *agunot*. The religious system is perceived as inept at dealing with domestic violence. Rather, it keeps a woman hostage to her abuser, i.e. her husband, until he grants her a *get*. It forbids the use of judicial precedent, a matter particularly problematic when tackling the issue of violence.<sup>130</sup> Judges on the religious court are seen by the secular and Alternative Religious leadership as ignorant about the issue of domestic violence. “They don’t understand what domestic violence is, that abuse is not necessarily physical but also psychological.”<sup>131</sup> The secular and Alternative Religious leadership asserts that courts answer claims of domestic abuse by invoking the religious commandment of *Shalom Bayit*, or domestic tranquility, urging the couple to go home and try to patch up their marriage rather than terminating it. According to Dayan, “The problem of battered women, who experience violence on the part of their husbands and come to the Rabbinat [is that] they want a divorce. The common response of Dayanim would be *Shalom Bayit* ... [They] don’t have *Shalom Bayit*. [They] will never have it...I can sense the abyss between them.”<sup>132</sup> Ben-Dahan rejects the accusation that the religious court system handles cases of domestic violence inadequately in the name of *Shalom Bayit*. He admits that *Shalom Bayit* was used as a panacea in cases of abuse twenty-five years ago, but not today. He states that in the year 2000, only 15% of all cases submitted to the court seeking recourse to *Shalom Bayit* were accepted. The other 85% were thrown out of court on the

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<sup>128</sup> Dayan, June 17, 2001. Shalvi, July 12, 2001. Gavizon, June 15, 2001.

<sup>129</sup> Dayan, June 17, 2001.

<sup>130</sup> Shalvi, July 12, 2001.

<sup>131</sup> Ibid.

<sup>132</sup> Dayan, June 17, 2001.

grounds that the appeal to Shalom Bayit was not legitimate.<sup>133</sup> Ben-Dahan demands that in “every case in which there is violence by a husband against a wife, because it is forbidden by Halacha, [the court] forces the husband to give a *get*.”<sup>134</sup> The problem, he explains, lies in proving abuse in court. In order to do so, the court currently asks the children and/or neighbors to testify, and checks if a police complaint has been filed by the wife against the husband.<sup>135</sup>

The issue of *agunot*, or women for whom the rabbinical courts have ruled that a *get* be granted but whose husbands refuse to comply, is the second problem identified by the secular leadership. Under the current system, *agunot* are still considered married. Therefore they can't remarry. Yet practically speaking, the *agunah* is not in a marital relationship. However, were she to enter another relationship, any child conceived before the previous marriage had been terminated would be considered a *mamzer*, a classification with harsh religious consequences, including the prohibition to marry any Jew other than another *mamzer*.

### ***Leadership Suggestions***

In order, to tackle concerns over Israel's system of marriage, some secular and Alternative Religious leaders suggest incorporating civil marriage into Israeli law, at least for those people who are unable to marry under the religious system.<sup>136</sup> Yet, ironically, some religious and even secular leaders see the loophole of marriage outside the country as sufficient for those who desire/need to wed outside the religious structure.<sup>137</sup> According to author A.B. Yehoshua, “The problem of marriage is [currently] overcome by various tricks such as marrying outside the country ... In the future [a couple] will have to fax to Cyprus or abroad, do the paperwork over telecommunication, and then have the party in Israel.”<sup>138</sup>

The problems with the divorce system, on the other hand, are attributed to the gap in understanding between the establishment and the public and the result,

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<sup>133</sup> Ben-Dahan, July 18, 2001.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Lapid, June 18, 2001. Shalvi, July 12, 2001.

<sup>137</sup> Interview with A.B. Yehoshua, July 3, 2001.

<sup>138</sup> Ibid.

at least in part, of the current system of training Dayanim. Before becoming a judge on a religious court, the candidate must study for at least ten years in a yeshiva and pass five written tests and one oral exam on matters of religious law.<sup>139</sup> Yet there is no formal education on social issues affecting marriage and divorce. Since becoming General Director, Ben-Dahan has introduced an annual four-day conference in which Dayanim attend lectures on issues affecting divorce, ranging from drug abuse, social security, etc. Yet, this method of educating Dayanim who come from a different society and have a different perspective from the majority of litigants on social issues is insufficient to close the gap in understanding. The solution, according to Shalvi? The system “needs a real process of education of the rabbis in particular, the Dayanim, to bring about a change.”<sup>140</sup>

According to Shalvi, options also exist to address both the issues of domestic violence and *agunot* under a Halachic system, but are not taken up because of the inflexibility of the establishment rather than because of the rules of the Halachic system. Shalvi identifies five Halachic options that are available to the court yet used to little or no extent. First, a policy of prenuptial agreements that would require all couples who come to the Rabbinat to register for marriage to sign an agreement guaranteeing the granting/accepting of a *get* should divorce be sought by at least one party. In circumstances where the agreement is ignored, a fine would be exacted and, if unfulfilled, the cause would then be transferred to the civil courts for breach of contract. Second, a *get al tanai* is a document that acts as a surrogate *get*, given to a woman in the event that her husband will go missing for a specified number of years. This ensures that a man cannot disappear while holding his wife hostage within marriage. The third and fourth options, a *hiyuv get*, in which the court orders the granting of a *get*, and the subsequent *kefiyat get*, in which the court coerces the husband to give a *get* through various means such as imprisonment or confiscating his driving and/or professional license, are suggested particularly in cases of abuse. These latter three options are already being used to some degree by the court system. Yet with particular regard to the *kefiyat get*, both religious and secular leaders agree that they are not being used enough.<sup>141</sup> The

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<sup>139</sup> Ben-Dahan, July 18, 2001

<sup>140</sup> Shalvi, July 12, 2001.

<sup>141</sup> According to Ben-Dahan, there were eight or nine men imprisoned under this policy at the time of this interview and over 100 such cases since 1984. Ben-Dahan, July 18, 2001.

fifth option is annulment, or invalidation of the marriage. Shalvi emphasizes that this last policy of annulment was used by Chief Rabbi of Haifa Cohen on the halachic grounds of *mekach Ta'ut*, an instance of purchasing goods under mistaken identity. A marriage in which the husband was known to have a serious problem of abuse prior to the marriage, of which the wife was unaware, can be deemed an acquisition established under mistaken identity. It can be assumed that the wife would not have married her husband if she had known that he was mentally inclined to abuse or had a criminal history and thus the marriage can be considered void. This decision by Cohen, however, Shalvi explains, caused tremendous resentment among other Dayanim and has not been repeated since.<sup>142</sup>

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<sup>142</sup> Shalvi, July 12, 2001. Modified and confirmed by Cohen, January 2, 2001.

## 4 Visions of the State

The religious-secular relationship plays itself out in the context of vision of what the state should be. While this vision is to some extent in a constant state of flux, the leaders interviewed expressed an urgent need to clarify it at this point. Israel's identity, its leaders believe, needs nurturing.<sup>143</sup>

### The Need for Clarification

Clarification of the country's identity is necessary to move into the future, to channel Israel's laws and governing bodies in the direction seen as proper by the nation. According to former General Security Services Director, Ami Ayalon, the matter must be addressed concurrently with such traditional high-priority issues as national security. While previously problems were approached in a linear manner, first defense, then peace, and then questions of identity, such as the religious-secular divide, the last can no longer be postponed. Not until Israel deals with questions of identity can it deal with the questions of peace and security.<sup>144</sup> According to Dayan, paraphrasing Ayalon's on this subject, "Not until we really deal with questions of who we really are, can we be able to deal with questions of peace and security. Not until Israel knows to what extent we are democratic and to what extent we are a Jewish state can we really decide what we go to war for, what are the boundaries of the State of Israel, where Israel can compromise, on what Israel is willing to

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<sup>143</sup> Gavizon, June 15, 2001.

<sup>144</sup> Dayan paraphrasing from her interview with Ayalon; Dayan, June 17, 2001.

fight the ‘total war.’ It is not a linear process but must be dealt with simultaneously.”<sup>145</sup>

## **Leadership Consensus and Disagreement**

There is a general consensus among the leadership interviewed for the Jewish character of the state and a collective desire to maintain it. The differences however, lie in views of how “Jewish character” should be defined, how it should be preserved, and how it should be harmonized with the idea of Israel as a democracy. Interestingly, this debate is not clearly divided along religious and secular lines. Democracy is recognized by many leaders – both religious and secular – to mean the protection of all of Israel’s minorities, including the religious population, and the opportunity for the minorities to bear influence on the majority. Israel’s democracy can be strengthened by the manner in which it relates to the religious community as one of its minority groups, by expanding its notion of pluralism.<sup>146</sup>

Israel’s democracy, according to the above leaders, resides in its democratic system and institutions. In the eyes of these leaders, democracy has to do with the way laws are passed as well as with the laws themselves. Any bill can be brought to the floor of the Knesset, whether inspired by a friend or a Torah law, and it is up to members of the Knesset, representing the people, to decide whether or not to enact it.<sup>147</sup> According to Yehoshua, “The State is not dominated by religion, it’s dominated by the Knesset.”<sup>148</sup> In order for Israel to strike a balance between its identity as a democracy and as a Jewish state it must tailor the concept of democracy to its own unique nature. To do so, secular leaders of the above type, who maintain that the secular population has not reflected upon whether or not it truly wants to live in a totally secular society nor “give themselves the true account of what that really means,”<sup>149</sup> must do so outside of the context of the religious-secular conflict. In response to the question, “Must the religious be seen as an obstacle to secular

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<sup>145</sup> Dayan, June 17, 2001.

<sup>146</sup> Ibid.

<sup>147</sup> Druckman, July 1, 2001.

<sup>148</sup> Yehoshua, July 3, 2001.

<sup>149</sup> Dayan, June 17, 2001.

liberalism/liberal democracy?” Dayan explains, “Yes. By definition they are. They wouldn’t deny it. They are an obstacle on the way to a liberal Israel. But who says we have to be liberal in the nineteenth century sense of liberalism? Who says we have to be liberal in the sense that America is a liberal place? Maybe we can be an Israeli version of liberalism.”<sup>150</sup>

For the other camp, Israel’s Jewish character must be achieved through its general culture rather than legislation. Aloni, for example, declares that it is vital to preserve the Jewish character, or what she terms the “Hebrew identity,” of the state.<sup>151</sup> She explains that the majority of the secular community reveres the Jewish narrative and tradition and sees Judaism as “a basic element of the state.”<sup>152</sup> Yet preserving Israel’s democracy means allowing the secular as well as the religious community to live in the manner they so choose. This is a moral imperative of any democracy. “No democratic state has the right to interfere, coerce, or dictate anything in terms of the way religious practice is concerned.”<sup>153</sup> According to Lapid, “The problem is the restriction of civil rights in the country to an extent which is totally unacceptable in other Western societies.”<sup>154</sup> Lapid uses religious marriage and divorce law to exemplify the way religion is currently being used as an impediment to civil liberties in Israel.

## **Preserving Israel’s Jewish Identity**

To maintain Israel’s identity as a Jewish state, the majority of the religious and traditional leadership, and some of the secular, affirm the importance of preserving the status quo, or at least its four safeguards, consisting of the guarantee for autonomous educational systems, Halachic authority in personal status law, the establishment of the Sabbath as the official day of rest, and the enforcement of religious dietary laws in all public kitchens. For Rabbi Menachem Porush, a vocal leader of the Haredi community, the legislative precedent for preserving religious life in Israel resides in these four religious

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<sup>150</sup> Ibid.

<sup>151</sup> Aloni, March 18, 2001.

<sup>152</sup> Ibid.

<sup>153</sup> Aloni, modification November 1, 2001.

<sup>154</sup> Lapid, June 18, 2001.

safeguards,<sup>155</sup> making them the primary channel through which to protect religious life in Israel<sup>156</sup> as well as define its Jewish character. According to Elon, religious legislation is the means by which the Jewish atmosphere in Israel is created.<sup>157</sup> However, for a number of secular and Alternative Religious leaders, the status quo is “contrary to basic human and civil rights.”<sup>158</sup> Preservation of the Jewish character of Israel should be achieved instead by having the “rhythm of Israel” reflect the “rhythm of Judaism” – the public calendar echoing the Jewish calendar in terms of public holidays, the public day of rest echoing the Jewish day of rest (Sabbath), the language of the state being the same as the religious language (Hebrew), and the narrative of Israel’s history being the Jewish narrative.<sup>159</sup> Aloni also explains that maintaining a Jewish army, police, and government creates Jewish jurisdiction over the state. It is the result of this Jewish jurisdiction that makes her adamant in her insistence on maintaining full civil rights in Israel for this is dictated by what she terms to be “Jewish values.”<sup>160</sup> Regev echoes this idea. “‘Zion shall be returned through justice and those who return to it through righteousness.’ ...To me these very visions have been adopted by the Declaration of Independence, that in a very non-Halachic and non-theocratic yet very Jewish way has presented a dream of a state based on the precepts of liberty, justice, peace, etc.”<sup>161</sup> Shalvi, on a practical level, goes even further. She believes that while Jewish law should not be enforced through legislation, the educational system and various social media should be utilized to heighten Jewish identity. In her opinion, the study of Bible and Jewish history should be increased in public schools and Jewish dietary laws observed at all public functions.<sup>162</sup> Finally, Yehoshua believes that as a part of Israeli culture, religious institutions should be funded as part of the backing for Israeli culture as a whole, just as other Western societies, such as Great Britain, fund their religious institutions as expressions of national culture.<sup>163</sup>

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<sup>155</sup> For personal status law, Porush specifically mentioned marriage and divorce law.

<sup>156</sup> Porush, April 16, 2001.

<sup>157</sup> Elon, March 1, 2001.

<sup>158</sup> Regev, November 28, 2001.

<sup>159</sup> Aloni, March 18, 2001.

<sup>160</sup> Ibid.

<sup>161</sup> Regev, November 28, 2001.

<sup>162</sup> Shalvi, March 5, 2001.

<sup>163</sup> Yehoshua, July 3, 2001.



Ironically, in the context of the current conflict, the funding of religious institutions, such as yeshivas, is seen more as a victory for the Haredi community than an expression of national interests.

## 5 Exogenous Variables Influencing the Divide

The religious-secular divide is mainly influenced by three exogenous variables: the media, Israel's security problems, and the Supreme Court. External to the religious-secular relationship, each variable affects the current conflict by the way it expresses itself unto Israeli society.

### The Mass Media

Religious and secular leaders alike were forthcoming about the negative effect they perceive the media as having on the religious-secular divide, attributed to the distortion of its role. Most forthcoming in this criticism are the media personalities themselves. According to one journalist, the proper role of the media is to inform the public and air issues affecting society as a whole.<sup>164</sup> While the media do this to some extent, leaders see other elements coloring the way the news is presented to the Israeli public. With regard to the presentation of issues relating to religious-secular relations, a distinction should be made, according to some of the leaders interviewed, between television and print,<sup>165</sup> with a more forgiving attitude shown toward the former. The negative influence of television is a byproduct of the shortcomings of the medium itself. Limited by short time segments, and guided by "what sells," television addresses issues in a sensationalist manner, devoid of any social and historical context.<sup>166</sup> The result is an incomplete or unfair picture. According to Dayan, "[Television] looks for drama much more than the process and incremental way things happen and the deeper thought and perspective...TV is bad for

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<sup>164</sup> Dayan, June 17, 2001.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

social processes because it doesn't want to deal with processes."<sup>167</sup> Regarding the secular print media, however, there is a general negative consensus, with presentation of the news seen as being influenced by a private agenda, born out of a liberal democratic perspective. Dankner's opinion of the Israeli media: "I don't think highly of it. The media is in the hands of a small group of secular leftists who claim to be liberal but aren't really. They increase hatred and increase the [religious-secular] divide. The group is full of hatred and fear to people not like them – white secular Jews. They are guards on crumbling walls of an old establishment."<sup>168</sup>

### ***Implications of Media Bias***

The bias of the media is expressed through the unfavorable representation of the other community,<sup>169</sup> exacerbating secular frustration vis-a-vis the religious population, and vice versa. Leaders, particularly from the religious community, point to different standards in describing events that involve religious people and those that do not. As Druckman points out, "For example ... if a religious Jew does something wrong, its all over the headlines [that he's religious.] You wouldn't find in the headlines, 'a Yemenite does...' or 'a Moroccan does...' The fact is that someone does it. The fact that a religious Jew is specified in the headlines creates an attitude that [religious Jews] are fakers, liars, and stealers."<sup>170</sup> Thus, according to religious leaders, the media creates a negative way of thinking and feeling about the religious community.<sup>171</sup> Similarly, the reporting of the Haredi press increases tensions by presenting issues in a manner that demonizes secular people. The impact of such negative representation is particularly acute under the circumstances of the Haredi community's intense segregation. According to Haredi journalist Moshe Grylak, "If Haredim live in a community and never encounter members of the secular community and read only *Ha-Modia*, *Yated [Ne'eman]*, and *Ha-Mishpacha*, [members of the secular community] all seem to them like demons."<sup>172</sup>

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<sup>167</sup> Ibid.

<sup>168</sup> Dankner, March 26, 2001.

<sup>169</sup> Feldman, July 7, 2001.

<sup>170</sup> Druckman, July 1, 2001.

<sup>171</sup> Ibid.

<sup>172</sup> Interview with Moshe Grylak, December 12, 2001.

Finally, the perceived media bias creates a backlash in each community, angered by a sense of misrepresentation. Among the religious, fears are heightened as a secular agenda is suspected in this powerful social medium. Moreover, the agenda of the media is assumed to be shared by the secular community at large, thus exacerbating tensions and magnifying the fear that the Jewish character of the state is being threatened. Among the secular, a sense of rejection and frustration is fostered as the Haredi media is seen as the sole news source for the Haredi population, guaranteeing its aversion not only to secular society but also to its members.

## **Israel's Security Situation**

Security problems play a marked yet superficial role in the religious-secular divide. An increase in military tensions heightens the sense of unity among the population by creating a common cause to which the various Jewish segments of the population can temporarily rally. The sense of decreased commonality that underlies the divide is suppressed by the security situation, as commitment to the Land, which once was the key to diminishing religious-secular tensions, comes to the fore once again. In addition, the identity crisis of the secular community, another underlying factor in the divide, is overcome by an infusion of self-confidence. The identity of "Not Arab", insufficient in the long term,<sup>173</sup> is sufficient to help the secular community define itself in the short term. More confident in its identity, the secular community is willing to join forces with the religious. The current Al-Aqsa Intifada is a case in point. As stated earlier, under the "land for peace" policy created through the Oslo Accords, religious-secular tensions rose. The religious community viewed the secular population as less committed to the land. This was especially true under what was perceived as the "peace at any price" policy of the Barak administration; the religious community perceived the secular population as willing to exchange large amounts of territory for an uncertain peace. The secular community, on the other hand, felt alienated from the religious population because of what it perceived as an uncompromising desire to settle territories beyond Israel's green line.<sup>174</sup> Yet under the current military tensions

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<sup>173</sup> Gavizon, June 15, 2001.

<sup>174</sup> Dayan, June 17, 2001.

created by the Al-Aqsa Intifada, religious-secular tensions have been abated and the population feels increasingly united under a common policy, or is at least in general agreement over a common enemy.

Owing to the traditional primacy of Israel's defense in the national agenda, an increase in military tensions overrides all other issues, including those which exacerbate religious-secular relations. "The question of how much of a religious-secular divide there is, is a function of the other issues we have on the agenda."<sup>175</sup> For example, "when we have an Intifada we forget about the heavy load that almost killed [Prime Minister Ehud] Barak's government in the beginning of his term. No one even heard about it last week. It's not a function of [Prime Minister] Arik Sharon being more confident – it's a function of Israel having a war now."<sup>176</sup> Echoing a similar view, Yehoshua states, "The current military situation ... is calming the religious-secular conflict because just before the Intifada the main issue was [Aryeh] Deri and Shas – now its totally forgotten because Israel is in a war and nobody is thinking about Deri or Shas."<sup>177</sup>

The security situation even affects the specific issues relating to the divide. Both the need for Haredi cooperation and the Haredi willingness to cooperate could change with the development of a serious military emergency. The need for Haredi participation could become actual due to an increase in the demand for soldiers, regardless of their position or ability.<sup>178</sup> Should this be the case, the reaction among the Haredi community would vary.<sup>179</sup> For some, their obligation to the state would be seen as continuing to provide for divine protection during the war, which would mean the continuation of religious learning. For others, however, in cases of a *matzav hayrum*, or emergency situation, in which the Ministry of Defense would be authorized to suspend deferments, they would join. "Some would join – if there were a war or sometime when he couldn't study, [the yeshiva student] would go and do different jobs and would help his country in times of crisis."<sup>180</sup> Some would rather go to jail than serve. Others would go willingly. The latter would be the

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<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

<sup>177</sup> Yehoshua, July 3, 2001.

<sup>178</sup> S. Cohen, June 26, 2001.

<sup>179</sup> Ravitz, June 27, 2001.

<sup>180</sup> Ibid.

case, Ravitz stresses, if religious leaders (“*Gedolim*”) gave their approval.<sup>181</sup> The current Al-Aqsa Intifada underscores this as well. While not considered an emergency situation, military tensions are bad enough to inspire some leaders within the Haredi community to suggest that yeshiva students obtain basic military training during their yeshiva vacation, a period that usually amounts to about two months time.<sup>182</sup>

### ***The Significance of Unity under Threat***

The fact that the vast majority of Israel’s public still rallies around the state when it is in jeopardy, and shares a commitment to the country, should be noted. Unity, however, should not and cannot be sustained by threat alone. The impact of a deteriorating security situation is superficial in the sense that while it overrides or papers over the underlying factors in the divide, it does not treat or alleviate them. A shared sense of concern for the existence of the state and a strengthened secular identity defined by a “what-not” is sufficient as long as it is constantly being nurtured by an existential threat. To heal the divide to the point that unity can exist without external threat, underlying factors must be addressed in a more pointed manner. Strengthening commonality and identity, in addition to addressing fears, social segregation, and other insecurities of the religious and secular populations, is the only way to begin the process of achieving real unity.

### **The Supreme Court**

The third exogenous factor affecting the religious-secular divide is the Supreme Court. Mentioned less in interviews than the other two variables, the Court was identified by some leaders as pushing the Israeli public into a space that it is not yet ready to enter. “The Supreme Court ... is trying to impose a liberal bill of rights and a liberal vision on the life of Israelis which many people feel is premature...Aaron Barak is a pragmatic jurist who knows whatever you achieve you achieve. *Dunam Achrei Dunam*. The need to conquer the territory as you run, as you go forward. Barak tries to conquer

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<sup>181</sup> Ibid.

<sup>182</sup> Rosenblum, June 13, 2001.

more and more acres of liberalism for Israel in the day to day worries.”<sup>183</sup> To encourage Israel to move in the direction it deems best for the state, the Supreme Court is making aggressive decisions that are not necessarily in keeping with what the leadership see as best for the Israeli public at this time. Differences with the Court, particularly among the secular leadership, are not necessarily about their decisions but rather about their premature timing and unpropitious settings,<sup>184</sup> which increases tensions in the public.

Some leaders of the Secular Liberal and Alternative Religious communities disagree, however, seeing the Supreme Court as the sole defender of Israel’s civil rights and liberties in a country without a constitution. These leaders see the Supreme Court as preserving the identity of Israel as a democracy within the given framework by creating a system of checks and balances as it were vis-a-vis the Orthodox establishment.<sup>185</sup> The upshot of all of this, however, is that the Supreme Court is perceived as taking sides in the religious-secular conflict rather than maintaining the position of an impartial body.

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<sup>183</sup> Dayan, June 17, 2001.

<sup>184</sup> Ibid.

<sup>185</sup> Regev, November 28, 2001.

## 6 Role of the Leadership

The leadership interviewed also identify themselves as a factor increasing the divide. This expresses itself on two levels. The first relates to the interaction between leaders, or lack of interaction, and the aggressive way leaders interact with one another. The cause seems to revolve around image building. To preserve one's image as a true figurehead, according to some of those interviewed, leaders cling to their respective camps, exhibiting little flexibility, openness to discussion, or cooperation. Again, this seems to be linked more to image than actual sentiment. According to Feldman, "Religious and secular leaders would never work together ... It would be political suicide for religious leaders to say they agree with secular leaders. The reality is that leaders agree on neutral issues that don't have religious involvement."<sup>186</sup>

Second, the leadership aggravates the divide on the public level by contributing to the negative atmosphere and provoking their constituents. Some leaders interviewed called upon themselves and others in positions of leadership to use their public standing to alleviate the divide. "Leaders have a responsibility to help the situation."<sup>187</sup> Currently, it is believed, leaders are using the media readily available to their constituents, namely the news media for the secular and the pulpit for the religious, in a manner that deepens the divide. Yet it is believed that their obligation is to use these media to lessen the divide rather than exacerbate it. According to Druckman, "The secular leadership have the privilege to use the media whenever they want. Unfortunately there are some leaders that are always speaking against religious Jews ... Leaders can use the media to improve relations ... If leaders wouldn't [air] negative opinions publicly it would help. Some religious leaders don't think enough about who their words are going to be heard by. [They] don't

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<sup>186</sup> Feldman, July 7, 2001.

<sup>187</sup> Druckman, July 1, 2001.



think enough about their expressions. It is not only what you say but how you say it. Religious leaders sometimes don't think too much about how to express themselves. It plays a role the religious-secular relationship.”<sup>188</sup>

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<sup>188</sup> Ibid.

## 7 Working within the System

There is a significant consensus amongst the leadership interviewed about the need to make changes within the current system rather than revolutionizing it.<sup>189</sup> The extent the leadership is willing to expand the boundaries of the current system differs of course. Those for whom the system fits in well with his/her vision of Israel, desire subtle changes; those for whom the system does not, seek much more significant ones. Yet, at this juncture, very few leaders want a complete overhaul of the system. “I am not a revolutionary,” says Lapid in reference to the system of marriage and divorce in Israel. “I want to change the system by giving all the parties concerned a free choice. This is not revolution but evolution.”<sup>190</sup> As stated earlier in reference to the activities of the Supreme Court, there seems to be an understanding as to what the Israeli public is ready for, what is best for the welfare of the state. To the majority of the interviewed leaders, this means working aggressively within the system to improve it rather than radically transforming it.

Certain realities, such as difference in perspective, are accepted as given by the leadership. They must therefore work within the Israeli reality and improve upon it rather than create a different reality. This is seen in general terms of religious-secular relations as well as with regard to more specific issues. Feldman says, “There is a different definition of Judaism between the religious and secular. You can’t change definitions, but you can change mutual tolerance.”<sup>191</sup>

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<sup>189</sup> The one glaring exception to this is Rabbi Regev, who states, “The status quo is contrary to basic human and civil rights and cannot be defended and cannot be tolerated.” Regev, November, 28, 2001.

<sup>190</sup> Lapid, June 18, 2001. Modified September 30, 2001.

<sup>191</sup> Feldman, July 7, 2001.

## Leadership Suggestions for Change

Several examples were given and several suggestions made as ways of working within the system. Improvements already made in the system include Ben-Dahan's introduction of *To'anut*,<sup>192</sup> or female pleaders, into the court, educational conferences for Dayanim, and the creation of Tzohar,<sup>193</sup> an organization of young rabbis trying to work within the Halachic framework to make the marriage process more friendly and flexible. By inviting couples in, explaining concepts and exchanging ideas for personalizing the marriage service, the leadership believes that this organization is changing the attitudes of the public to the religious system of marriage and improving the status-quo.<sup>194</sup>

In terms of future improvements, the use of Israel's educational system(s) is once again emphasized as a way to increase tolerance and strengthen identity. Certain leaders ask why a curriculum of tolerance can be introduced into the schools aimed at improving relations between Jews and Arabs, in order to tone down the Israeli-Arab conflict, and not for different religious and secular groups in order to alleviate the religious-secular divide.<sup>195</sup> Moreover, the teaching of Jewish texts and emphasis on Jewish culture is seen as a way to tackle the issue of secular insecurities and identity. The teaching of these subjects has gradually declined within the general state system over the past four decades,<sup>196</sup> exacerbating the sense of estrangement of pupils in the general state system from pupils in the religious school systems. Many secular leaders believe that an increase in Jewish studies in the general state system would alleviate the sense of alienation felt by the secular towards the religious.<sup>197</sup>

The system of divorce inspired the most aggressive suggestions, though still within the existing system. As noted earlier, several secular and Alternative Religious leaders call for civil marriages for those unable to marry under the current religious structure.<sup>198</sup>

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<sup>192</sup> Ben-Dahan, July 7, 2001. Shalvi, July 12, 2001.

<sup>193</sup> Druckman, July 1, 2001. Shalvi, July 12, 2001.

<sup>194</sup> Druckman, July 1, 2001.

<sup>195</sup> Feldman, July 7, 2001.

<sup>196</sup> Dankner, March 26, 2001.

<sup>197</sup> Shalvi, March 5, 2001. Dankner, March 26, 2001

<sup>198</sup> Lapid, June 18, 2001. Shalvi, July 12, 2001.

## **Reasons for Avoiding Revolution**

It is preferable to work within the system rather than revolutionizing it for two main reasons. First, current religious-secular tensions, as stated earlier prevent true clarity in policy-making. The divide transforms decisions meant to benefit the public into competitions for religious or secular gains. Second, in its national development Israel is at a stage of reflection and evaluation. Owing to the impact such policies have on the nature and character of the state, Israel must ask probing questions through a national dialogue concerning the character of the state before sweeping transformations are made. For the time being, the current system is perceived as a type of middle ground where all segments of Israeli Jewish society can coexist.

## Conclusion

The religious-secular divide is at a critical juncture. Various social forces dictate that it will either deteriorate or improve. The vast majority of the leaders interviewed clearly desire the latter. Yet to achieve this goal, the government, national leadership, and various social media must step forward and assume an active role. The effort begins with dialogue and then moves to intelligent policy-making. Yet where shall the conversation begin? As with any negotiation, the exchange must commence with an acknowledgment of the red lines of each community. Doing so will alleviate some of the sense of threat and expand the negotiating space needed to formulate national policy. However, as mentioned by many of the leaders interviewed, the divide itself must be curtailed in order to promote national welfare. This means understanding the underlying factors and exogenous variables contributing to the divide and addressing them accordingly. Doing so, however, opens up a whole new set of questions. How can Israel use its various institutions to address the underlying factors of fear, insecurity, declining commonality, and segregation at the heart of the divide? How, if at all, can a sense of commonality and familiarity be strengthened among Israel's Jewish population without increasing the perceived threat of encroachment in the various communities? How can the effort to better define the vision of Israel's future proceed as a positive-sum endeavor rather than a zero-sum game? This study reveals the greatest consensus among the leadership on the need to salvage Israel's Jewish identity and to strengthen it. Weakened identity and new insecurities in secular Israel are exacerbating tensions. Strengthened Jewish identity can cause the commonality between religious and secular Israel to re-emerge. But what does this mean on a practical level? How can the Jewish character of the state and the Jewish identity of its population be heightened without increasing the sense of religious coercion already contributing to the divide? All of these questions demand answers. Some suggestions have been made in the previous pages. Part Two of this study will specifically address these questions and offer policy recommendations. Yet at this point the various

communities, guided by their leaders, are not ready for solutions – they are barely ready for dialogue. The body of opinion presented in this paper can serve to facilitate this initial step – the necessary dialogue – by providing a window through which to view the perspective of the other side. Now each side must talk to the other. Various forums, academic and social for the public and informal roundtables for the leadership, can be utilized for such discourse. Willingness to listen and recognition of the other’s perspective need not be mistaken for agreement. Rather it can be thought of as the first step in a process of alleviating one of the most harmful divides within society and provide the environment needed to make beneficial policy and create a more cohesive society. Only then can the search for solutions alleviating the divide bear fruit.

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## Appendix I: List of Study Participants

*in alphabetical order*

*Shulamit Aloni*, founder of the Meretz political party, founder of the Civil Rights Movement, former Minister of Education, former Minister of Communications and the Arts, Science and Technology, Israel Prize winner.

*Yehuda Amital*, founder of the first Hesder group at Yeshivat ha-Darom, founder and current Rosh Yeshiva of Yeshivat Hesder Har Etzion, co-founder of the Meimad political party.

*Eliezer Ben-Dahan*, Director of the Rabbinical Courts of Israel.

*Naomi Chazan*, Deputy Speaker of the Knesset and Member of Knesset (Meretz), former Head of the Truman Research Institute for the Advancement of Peace, co-founder of the Israel Women's Network.

*She'ar-Yashuv Cohen*, Chief Rabbi of Haifa, President of the Rabbinical Courts of Haifa, founder and President of Ariel Institutions, Prize for Tolerance winner.

*Stuart Cohen*, author, Chairman of the Academic Council of the Begin-Sadat Center for Strategic Studies, Dean of Students and Professor of Political Science (Bar-Ilan University).

*Amnon Dankner*, Editor in Chief of *Maariv* newspaper, journalist.

*Ilana Dayan*, TV news anchor (Channel 1), leading news anchor designate of Israel's first cable channel (launch date summer 2002), former anchor of *Uvda*.



*Haim Meir Druckman*, Member of Knesset (National Religious Party), former Deputy Minister of Religious Affairs, Rosh Yeshiva of Yeshivat Mercatz Shapira, Chairman of the Israeli Center for Benei Akiva Yeshivot.

*Benny Elon*, Minister of Tourism and Member of Knesset (Ihud Leumi-Yisrael Beiteinu), Rosh Yeshiva of Yeshivat Beit Oron.

*Aaron Feldman*, President of Yeshivat Be'er haTorah (Jerusalem, Israel), Rosh Yeshiva of Yeshivat Ner Israel (Baltimore, MD, USA), author.

*Ruth Gavizon*, scholar, former Chairperson of the Israel Democracy Institute, Professor of Law.

*Moshe Grylak*, Editor and journalist for Ha-Mishpacha newspaper, author.

*Mordechai Karelitz*, Mayor of Bene Beraq, member of the Board of Directors of the Local Government Economic Services of the Local Authority, member of the Tal Commission, rabbi.

*Aaron Lopiansky*, Rosh Yeshiva of Yeshiva Gedolah of Greater Washington (Silver Spring, MD, Israel), former section head at Yeshivat Meir (Jerusalem, Israel).

*Tommy Lapid*, founder and current Head of the Shinui political party, former General Director of the Israel Broadcasting Authority, journalist.

*Nadia Matar*, founder of Women for Israel's Tomorrow.

*Menachem Porush*, Chairman of Central Agudat Yisrael in Jerusalem, correspondent for the *Jewish Press*, founder and Chairman of Children's Town, former Deputy Minister of Labor and Social Welfare, former Member of Knesset (Agudat Israel)

*Avraham Ravitz*, Deputy Minister of Education and Member of Knesset (Yahadut haTorah), rabbi.

*Uri Regev*, Executive Director and Counsel of the Israel Religious Action Center, first Israeli born rabbi ordained by the Hebrew Union College-Jewish Institute of Religion in Jerusalem, attorney.

*Jonathan Rosenblum*, Chairman of Jewish Media Resources, newspaper columnist for *The Jerusalem Post* and correspondent for *The Jewish Observer*, Director of Am Echad.

*Alice Shalvi*, Rector of The Schechter Institute for Jewish Studies, co-founder of the Israel Women's Network, founder of the Department of English at Ben-Gurion University of the Negev.

*Shimon Shetreet*, Senior Deputy Mayor of Jerusalem, former Minister of Religious Affairs, former Minister of the Economy, Professor of Law.

*Avraham B. (A.B.) Yehoshua*, novelist, playwright, Professor of Literature, Israel Prize winner.

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