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## ISRAEL AT FIFTY: SOME REALITIES AND PROBLEMS OF DIVERSITY OF EXPRESSION

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**The Realities of Pluralism in Israel / Democratic Consent and its Contradictions / Acceptable, Different Understandings of Democracy / The Special Tensions of Israeli Democracy / The Partial Breakdown of the Present Social Contract / Ideological Secularism Versus a Secularism of Convenience / The Shifting Balance of Energy in the Jewish People / The Undermining of Consociational Democracy / Israel's Collective Memory Holds**

### The Realities of Pluralism in Israel

Amidst the perennial controversy over official recognition of American-style religious pluralism in Israel, we frequently overlook Israel's own pluralist reality. Israel is a pluralist democracy but in a different way than the United States. American pluralism is fluid, with most people having a maximum amount of choice as to where and how they wish to fit into American society. The hard-line distinctions in American life brought from the Old World, those of race and ethnicity, are rapidly diminishing in importance and the latter may even be disappearing for most groups. Pluralism in Israel, on the other hand, rests on a more permanent base for reasons of history, ideology, and belief. To begin with, Israel contains two principal peoples — Jewish and Arab — and several ethno-religious communities — Druze, Circassians, Armenians, Greek Orthodox Christians, etc. — whose existence long antedates the state and whose

ties stretch far beyond the state's boundaries, whatever they may be.

Economically, the state is divided into three sectors: government, public (once mostly Histadrut), and private. Politically it is divided among four camps: three Zionist camps — the Labor camp, the national camp, and the religious camp (part of which is ambivalent about political Zionism) — plus an Arab camp that is non-Zionist. Its Jewish population identifies with one or another of five religious postures: folk religion, civil religion, religious Zionist (national religious), ultra-Orthodox (divided into Litvak-rooted *mitnagdim* who control the yeshiva world, a dozen hassidic groups, and a new group of Sephardic haredim), and traditional but non-Orthodox. We will not even begin to go into the many countries-of-origin from which its people have come, but there are at least seven principal groupings that must be considered: Eastern Europe, Western Europe, the

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former Soviet Union, the English-speaking world, Latin America, the Balkans and the European Mediterranean, and the Muslim states of Africa and Asia.

All of these differences and divisions are somehow accommodated within Israel's polity and civil society. People from outside who claim that Israel is not "pluralistic" either are unfamiliar with the Israeli reality or have an axe to grind. This article will discuss some of the ways in which a democratic polity such as Israel's must build consensus in light of the particular complexities of its pluralism.

### **Democratic Consent and its Contradictions**

How does a democracy resolve its contradictions? Without confronting this question it is difficult to consider the problem of pluralism, especially in Israel.

We may begin by stipulating two points: one, that a modern democratic polity rests on the consent of its citizens and must, if it is to be a democratic polity. Indeed, as we have seen in the past decade in various parts of the world, any kind of modern polity has to have sufficient consent on the part of its citizens for its regime to survive.

Second, inevitably there are problems in governing any polity, no matter how democratic, that challenge democracy itself. Without considering the special situation of Israel, we have at least three "normal" contradictions that generate tensions for democracy. First, we have tensions inherent in human nature, namely that, although democracy rests on consent, there is some need for the possibility of coercion to keep civil society in order. Second, although democracy rests on freedom, there are, at the very least, issues of safety or security which at some point necessitate restrictions on the freedom of individuals.

These are problems that markets face as well. However efficient the market, not everybody perceives their self-interest rightly, nor is everybody willing to abide by the rules. The same thing is true in democratic states. However far one might get with voluntary cooperation on the part of 90 percent or more of the population, there will be some who will not play by the rules and whom the 90 percent must be able to coerce, at least in the hope that the very threat of coercion will keep them in line even without its use.

The third normal tension is the fact that democracy has two dimensions. Democracy involves self-government through cooperative action and modern democracy also emphasizes the protection of individual rights. This means that there are two faces of democracy that have to be considered. To think of democracy only as a matter of individual rights, as has frequently become

the case with contemporary democratic theorists, ignores one face.

In addition, we have the special tensions which Israeli democracy faces. One set arises from Israel's being a state of Jews that seeks in some way to be a Jewish state and must confront Judaism. A second is the fact that it is a state that has to confront the situation of two peoples claiming the same land, each of whose claims are fundamentally exclusive, even if one people, and now maybe both, have reached a position where most of them recognize their inability to exercise that fundamentally exclusivist claim in practice.

With regard to the normal tensions, it seems that the twentieth century has learned a lesson from the experiences of the nineteenth century, that even democratic societies need government. In the nineteenth century a view emerged that "society" could exist without government if it were properly formed. The active efforts to form societies on that basis led, instead, to the worst forms of totalitarianism through which we learned how incorrect that theory was. Today, we are more prepared to go back to pre-nineteenth century theories of one kind or another — that every society inevitably must be a polity or a civil society. I make a distinction between polity and civil society here because in polities, in the original sense of the term, there was no distinction between the governmental and the social; a proper polity was a seamless web. (This is the understanding in classic Greek thought; whether it was the case in practice in all Greek cities is a different question.)

### **Acceptable, Different Understandings of Democracy**

In the seventeenth and eighteenth centuries, political philosophers came to redefine the polity as civil society, based on the idea that every just or legitimate society is established through one or more political compacts which provide for a governmental dimension, but also guarantee space for individuals to be free of government, for a private dimension within the framework of civil society. This combination of emphasizing the political frame of social organization along with the existence of private space is one of the major revolutions brought by modern political thought.

In the nineteenth century the stylish ideologies took matters a step further, rejecting even that degree of authority. Marxism saw government — the state — as something that would wither away once the revolution of the proletariat was accomplished. Anarchism saw the state as inevitably evil because it interfered with the true goodness of human nature and prevented that true goodness from coming out. Laissez-faire saw in the

workings of the market a replacement for government. Every single ideology of significance in the nineteenth century can be said to have looked to the automatic society, to a society that would function without coercive institutions of government. All of those ideologies have failed as satisfactory vehicles for establishing political order and safety, security and rights, so that we have to agree on the need for government.

There is a special problem here with regard to dealing with the normal contradictions and that is: what understanding of democracy do we use? I would suggest that there are at least three understandings of democracy prevalent in the contemporary world. One is collectivist democracy. Since the 1960s it has been called participatory democracy. Everybody sits around and collectively reaches some kind of a consensus in decision-making. In Israel this is the form of democracy of the kibbutzim.

The second is Jacobin democracy. It is essentially an application of Rousseauian concepts of the general will with the added dimension that if the general will is not to be determined by 50 percent plus one vote — and the reason it cannot be is that a state cannot rely upon popular majorities to be right — then the state needs a guiding elite that will define the general will for all. That is the position the original Jacobins took during the French Revolution. As the late Israeli historian Jacob Talmon and others have appropriately and effectively argued, this view has served as the basis for organizing totalitarian states.

The third is what I would call, after the writings of the founders of the United States, federal democracy. Here I use federal not only in its eighteenth century sense of constitutional power-sharing but in its seventeenth century sense of covenant. Federal democracy is democracy which is established through a covenant or compact that secures both government and the diffusion and noncentralization of power. Federal democracy rests on an understanding that there is no general will or permanent majority in civil society but, rather, that all members of the body politic have a variety of interests and concerns which converge and diverge at different times, under different conditions. In any polity, everybody is part of minorities for some purposes and majorities for others. Majorities are essentially coalitions of minorities that change from time to time, fairly frequently on some issues. Therefore, any efforts to make decisions on a collectivist basis or through a guiding elite are bound to injure the democratic rights of some significant segment of the population. We rarely articulate these different understandings of democracy sufficiently in our discussions

of democracy; we usually leave these as unstated premises, which is why people often talk past each other on these matters.

### The Special Tensions of Israeli Democracy

Turning now to the special tensions of Israel, let me start with the problems of state, democracy, Jews, and Judaism. The most concrete and pressing questions confronting us are: What should be the place of Judaism in Israel's public square? What is the relationship between individual liberty and the desire to maintain a Jewish content in the public space of the state? What about the Law of Return as a barrier to being a fully democratic state?

The real problem in confronting these issues is not the fact of a Jewish state but the lack of consensus within the Jewish state as to what a Jewish state should be. This was demonstrated in the last elections. Mistaking opposition to the ultra-Orthodox definition of what a Jewish state should be for opposition to the idea altogether, the parties of the left either directly or inadvertently pressed for the idea that the time had come to transform Israel into a "civil society" which for them seems to mean elimination of the special Jewishness of the state on the grounds that it was undemocratic. The election results and the explanations that accompanied them offered by Jews of all stripes throughout Israeli society left no doubt that while they might not agree on exactly how, the vast majority expected Israel to be a Jewish state. Indeed, that was the reason for its very being in the eyes of the vast majority of Israeli Jews. It is within that framework that the dispute about what kind of Jewish state and how to be a Jewish state take place.

Were there a substantial consensus about what Judaism should be, I do not think Israel would have problems of Judaism and democracy. Indeed, we would not have any insurmountable problems in reconciling the governance of the state and *halakhah* (Jewish law). There are people of impeccable *halakhic* credentials — for example, Rabbi Chaim Hirschenson — who, on paper, did a fine job of reconciling a modern state with a full, one might even say ultra-Orthodox, understanding of *halakhah* eighty years ago. The problem is that there was no such agreement then nor is there today.

Nor is the Law of Return a problem, per se. Every state recognizes certain privileged people, born outside of its boundaries, who are entitled to automatic citizenship. For example, the children of American citizens born outside of the United States are American citizens entitled to American passports and can go to the United States freely, while their peers, who were born in the

same place at the same time but do not have that status, cannot do so. France holds to the principle that one can never cease to be a French citizen or a national. French people born outside of France even elect two senators to the French national legislature. Other countries take the same position. So this problem, to the extent that it exists, is the lack of consensus with regard to the need or the desirability of such an arrangement for Jews as Jews.

Much the same thing is true with regard to the question of democracy and the two peoples in the land. Here I think the lack of consensus is based upon a failure of will or a failure to adapt to reality in two critical groups. Let me make it clear; I do not refer to the lack of consensus between Jews and Arabs — a consensus between Jews and Arabs has only begun to form, if that — but to the lack of consensus within Israel with regard to what position Jews should take vis-a-vis the Arabs, the Palestinians, the other people in the land. This lack of consensus is a relatively new thing. There was a far greater consensus with regard to what to do with the Arab inhabitants of the land before 1967 than subsequently. The consensus underwent several changes over the years, but the fact that those who were outside the consensus, such as Brit Shalom and, at certain times, Hashomer Hatzair or the haredim, were so clearly so, was a sign that the consensus was very broad indeed. This consensus was shattered after the 1967 war, certainly since 1973.

I think that there is a failure of will on the part of those who see in continuation of the protracted conflict something that is to be very much feared and avoided for a whole host of reasons, unlike their parents' generation, more of whom were prepared to enter into an intense and protracted conflict to achieve their Zionist vision, while they are not. On the other hand, there is a lack of adaptation on the part of those who may have the will but who have not adapted their views to the changed situations that have developed. This leads to a breakdown in the consensus within the Jewish population of Israel with regard to how to proceed.

### **The Partial Breakdown of the Present Social Contract**

This now brings us back to the question of internal Israeli society again — to the present social contract and why it seems to be breaking down — perhaps not entirely, but at least partially. What did the original compact of 1948 include of particular relevance to us here? We can list five elements:

1) The status quo in sharing public space between Orthodox and non-Orthodox.

2) Part of the compact was not insisting upon a strictly religious or *halakhic* definition of who is a Jew, but developing a quasi-religious, quasi-national one that is built upon certain initial premises to which Jews of all orientations agree, associated with the religious understanding.

3) The agreement that, with the exception of certain yeshiva students, no matter how one views the other issues in society, one carries out one's security obligations. One serves in the military; one participates in the defense of the country.

4) The agreement that, where different visions are involved, there should be a consociational sharing in institutions. The Zionist idea itself increasingly became the faith of the fathers but remained a faith. Essentially this meant that the system of proportionality would be maintained. Each different movement with its ideology and constituencies would fight in the accepted, agreed-upon political arenas, would win whatever percentage of public support it could in those arenas, would enter into coalitions or not accordingly, and would, in return, get some equivalent share of the common enterprise. That is the basis of consociational sharing.

5) There was a general agreement that we would recall the Second Commonwealth and its failures and that we would not repeat the same mistakes. David Ben-Gurion and Menachem Begin both drew special lessons from that experience. Ben-Gurion emphasized the lesson that Israel could not afford to get into conflict with the major power in whose sphere of influence it was located, in our times the United States, the way ancient Judea came into conflict with Rome. Begin emphasized a different lesson, namely that Jews could not allow themselves to fall into civil war as had happened in the period from the Hasmonean kings through the Great Revolt. Both these lessons actually were accepted by all parties, as witnessed by the acceptance of the decision to ally Israel with the United States on the part of the Israeli parties of the left, and the Irgun Zvai Leumi's acceptance of Begin's decision first not to fire back during the Altalena affair and then to allow the Etzel to be disbanded and to join in the normal political processes, even though for him and his colleagues there was great provocation and he was under some pressure not to do so.

What has happened to this original compact of 1948? With regard to the religious status quo and sharing public space, there has been increasing rejection in two directions. One is the rejection by the ultra-Orthodox. Since their numbers have increased and, in general, they have gained strength, they now expect a

larger share of the national pie based upon what Mordechai Rotenberg and others have described, drawing from a traditional idea, as the Issachar-Zevulun transfer. (In the Midrash, Issachar is portrayed as one who devotes his life to studying Torah with Zevulun devoting his to business, using the proceeds to support Issachar who shares the Divine merit he earns for studying Torah with Zevulun.) In other words, they see themselves as the guardians of Torah which keeps Israel alive and they think that the rest of the state should simply support them, their institutions, and their people. They also demand the same level of observance statewide that they always have. On that basis, I believe they are prepared to maintain civil peace. I will come back to why that makes a difference now when it did not make a difference in 1948, since in principle they probably did not see matters much differently fifty years ago.

### **Ideological Secularism Versus a Secularism of Convenience**

On the other side is the rejection of the old status quo by a new generation of Israelis who are looking for the normal pleasures and conveniences of Western hedonistic society. Characteristic of the general population of the generation of 1948 that accepted the religious status quo was that more of them were more ideologically secular than most of the people who oppose it today. They may have been more ideologically secular but most also had a deeper understanding of what the sharing of public space was about because from their "old country" origins they knew what being Jewish was about in a traditional sense even if they personally had rejected Jewish religious tradition, and second, they had an appreciation for the ancillary values of a real *yom menucha* (day of rest) and of the *moadim* (cycle of Jewish holidays) that reflected the tradition. They were, indeed, in many cases interested in maintaining both through reinterpretation of the tradition, by pouring new wine into old bottles. Their models were Ahad Ha'am, Haim Nachman Bialik, and Berl Katznelson, the cultural leaders of the pre-state Yishuv.

The present generation is probably much less secularist in an ideological way. Most of them even own up to a belief in God and revelation, as recent polls show. But they want their conveniences like just about everybody else in the Western world these days. And if they want to have their conveniences on Sabbaths and holidays, they do not want to be restricted because of some status quo that requires them to share public space in a way that those conveniences are somehow limited or made unattainable. This is a more

serious assault on the status quo, one which almost inevitably disrupts the previous arrangements.

The best comparison I can think of is what happened in those Western societies at the end of the nineteenth century in which Reformed Protestantism had a very strong hold and required closing down commercial and recreational activities for the Lord's Day — "blue laws," as they were called in the United States. When there was no longer a consensus around those laws — and most of the time they were not even enacted into law until there was no longer a consensus to sustain them on a voluntary basis — then the Protestant fundamentalists managed to secure such legislation during a period of transition. Legislation did not really work, because unless there is a consensus, one cannot successfully impose such things by law in a free society.

The second element in the breakdown is the ultra-Orthodox stance on the who is a Jew and conversion issues. In fact, their attack in the first instance was generated from outside the state. Those inside the state who originally generated this attack, in my opinion, did it as a smokescreen to get more money in the Issachar-Zevulun transfer. But when the Lubavitcher Rebbe started, he had a different agenda in mind.

### **The Shifting Balance of Energy in the Jewish People**

What is important about this, again, is not the issue itself but the shifting balance of energy in the Jewish people which is a very serious issue. With the demise of energetic Zionism, the locus of ideological energy has been shifted to fundamentalist Orthodoxy, just as ideological energy in much of the world has flowed to fundamentalist religion in general for the last decades. This is not necessarily an inevitable or enduring phenomenon, but for the moment almost the only people who have ideological energy in Jewish life today are the fundamentalists.

Second, there is demographic energy. This is even more apparent in Jewish life than the ideological question. The only people who are reproducing themselves today in substantial numbers are the Orthodox and ultra-Orthodox. In the diaspora there is negative population growth and while in non-Orthodox Israel there still is some population growth, it does not compare.

This kind of energy also affects the tide of events. As we know, most human events are not shaped by vast majorities that are relatively inert, but by energetic minorities. We have here a very energetic minority and it is energetic on two of the most crucial fronts of Jewish life at any time, namely the ideological and the

demographic. So it means something when an assault on the status quo comes from that quarter. The counteroffensive from Conservative and Reform leadership in the United States via the conversion issue only sharpens the conflict.

Third, meanwhile, the number of haredi yeshiva students exempted or essentially exempted from military service has grown from approximately 400 when the exemption was enacted fifty years ago to well over 20,000, a significant number in Israel's manpower calculations. The haredi leadership tries to convince every young member of their community to go study and stay out of the army. In addition, in the decades from the Lebanese War to the Oslo agreements, there developed a small but growing group on the Israeli left who refused to serve in Lebanon or in the territories on grounds of principle or conscience. While progress in the peace process eliminated this group as a vocal factor in Israeli society, it could be revived were the right situation to arise.

The peace process, coupled with growing individualism in Israeli society, has led other Israeli youth to try to avoid their compulsory military service, something that the growth in Israel's population and the reconfiguring of the IDF has made more possible. There is still a very strong consensus with regard to carrying out security obligations, but there is no question that it is not the essentially universal consensus that we had come to know.

#### **The Undermining of Consociational Democracy**

Fourth, there is a great decline in, indeed virtual disappearance of, the consociational bridge that provided a linkage between the contentious groups that comprised the Zionist movement and later the State of Israel. This is partly due to the challenges to Zionism as the faith of the fathers from both the extreme right and the extreme left, and partly to the natural transition from ideological to territorial democracy as the immigrant generations who built Israel have given way to native-born generations whose ties are to the place, not to one or another Zionist ideology, the specific programs of most of which have been rendered irrelevant by the passage of time in any case.

Paradoxically, this has led to an intensification of the confrontation in the realm of ideas. The consociational bridge could maintain itself as long as most people in the country fit into one or another of the camps and parties that comprised the consociational system. They could then either coalesce with other parties of their camp or oppose those of different

ideologies, but the lines were clearly drawn and there was no floating population to be wooed in any camp.

Today almost the only people who find themselves at ease in this kind of framework are the Orthodox and ultra-Orthodox, the religious camp in its broadest sense, and perhaps some elements of the far left and far right but I am not even sure about them. Most Israelis today, however they vote, Labor or Likud, do not identify themselves heart and soul with some camp. They are not tied into the institutions of that camp except in a residual way. They do not live their lives within the framework of that camp as had been the case up until the mid to late 1960s. Therefore, the consociational bridge is no longer available, while at the same time the willingness to share, to communicate in the realm of ideas, remains strong, which means they are likely to come into conflict more frequently.

#### **Israel's Collective Memory Holds**

Finally, the collective recollection of the failures of the Second Commonwealth is still holding. It is extremely significant with regard to the compact that holds Israel together that at those moments when violent confrontation has crossed certain red lines, it has immediately ceased and pulled back. After the murder of Emil Grunzweig, the demonstrations stopped almost immediately on both sides. When the burning of bus stops led to reciprocal violence against synagogues and yeshivot, again there was a full stop. After the Rabin assassination, there was a sharp pulling back. Everybody stopped, even the people we would think of as being outside the consensus were stopped by their leaders. These to me are signs of this collective memory, so to speak, and it is still holding.

This means that there are still some elements of the original compact that are holding, but there are so many that are not that the others are likely to erode if there is not a restoration or a renegotiation of the compact, transforming it into a covenant of peace and mutual responsibility, one that both recognizes the diversity of expression within Israel and also a common framework needed to contain that diversity and maintain the sense of commonwealth that has been one of the most visible and most attractive aspects of Israel during its first fifty years.

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