Peter Lintl

The Haredim as a Challenge for the Jewish State

The Culture War over Israel's Identity

SWP

- A culture war is being waged in Israel: over the identity of the state, its guiding principles, the relationship between religion and the state, and generally over the question of what it means to be Jewish in the "Jewish State".
- The Ultra-Orthodox community or Haredim are pitted against the rest of the Israeli population. The former has tripled in size from four to 12 percent of the total since 1980, and is projected to grow to over 20 percent by 2040. That projection has considerable consequences for the debate.
- The worldview of the Haredim is often diametrically opposed to that of the majority of the population. They accept only the Torah and religious laws *(halakha)* as the basis of Jewish life and Jewish identity, are critical of democratic principles, rely on hierarchical social structures with rabbis at the apex, and are largely a-Zionist.
- The Haredim nevertheless depend on the state and its institutions for safeguarding their lifeworld. Their (growing) "community of learners" of Torah students, who are exempt from military service and refrain from paid work, has to be funded; and their education system (a central pillar of ultra-Orthodoxy) has to be protected from external interventions. These can only be achieved by participation in the democratic process.
- Haredi parties are therefore caught between withdrawal and influence. Whilst protecting their community, they try to both combat tendencies that run counter to their conception of Jewishness as "defenders of the Jewish character of the state", and to gain more importance within state and society for principles of religious law. This impetus to shape affairs is recent.
- The Haredim are changing both state and society, and they in turn are changed by them. Responses from within the community to this fact range from calls for isolation to those for integration within the state to those for taking it over.
- For Israel's international partners, the Haredim's growing influence will necessarily mean more negotiation, especially where liberal and emancipatory issues are at stake.

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Table of Contents

Issues and Conclusions

The Haredim as a Challenge for the Jewish State. The Culture War over Israel's Identity

Since the early 2000s, a domestic confrontation (which has accompanied the state since its foundation) has intensified: the fight over the identity of Israel. Especially among Jewish Israelis, a "culture war" has developed, which gains trenchancy from the way in which normative questions are quickly linked to fundamental debates over the identity of the state. President Reuven Rivlin views this in the context of the emergence of a "new Israeli order": for him, secular Zionism has lost its cohesive power, and Israel's four "tribes" — secular and religious Zionists, Israeli Arabs and the ultra-Orthodox — are therefore negotiating a new social order. The focal point of these debates continues to be the meaning of Israel as a "Jewish state".

The ultra-Orthodox or Haredim have a special role in these confrontations: within Israel's already deeply divided society, they are the only Jewish movement that is not based on Zionism. They view themselves as non-modern, traditional Jews who represent authentic Jewishness.

This leads to tensions with both the state and mainstream society. On the one hand, the Haredim consider the state a threat to their identity. On the other hand, it serves them, as it does their Jewish fellow citizens, as a screen onto which to project their worldview. This has been evident in the political sphere particularly since the turn of the millennium, when confrontations over the special rights of the Haredim — such as their exemption from military service, and their educational autonomy — began to occupy the courts and enter into election campaigns. Simultaneously, the Haredim have steadily been driving out religious Zionists from their role as "preservers of the Jewish identity of the state". Instead, the Haredim now try to entrench their own understanding of religious orthodox principles within the state.

This aspiration to shape affairs is new and turns the Haredim into exposed actors in a culture war that is not exclusively about them, but that is, often, about their influence and status within the state. This is particularly significant because the Ultra-Orthodox share of the Israeli population is rising disproportion-

ately since they traditionally have large families: from four percent in 1980 to 12 percent today. By 2040 it is expected to grow to over 20 percent.

What do these developments mean for Israel? How are the Haredim changing politics, the economy and society, and what goals do they set themselves? What specifically do these confrontations concerning the identity of the state revolve around? What are the limits of ultra-Orthodox politics? And how is the growing importance of the Haredim within the state changing their community?

Three areas of conflict are particularly relevant within this process of negotiation. First, the *Jewish identity of the state*, the new self-image of the Haredim, and the active shaping of the state by their political parties. This shaping consists inter alia of preventing or neutralising any form of normative (and especially liberal) constitution of the state or its key institutions that runs counter to the Haredi perspective. Here, the Haredim focus on pushing back the substantive liberal aspects of Israeli democracy in favour of a procedural democracy without normative basis. They also claim the prerogative to interpret the *relationship between religion and state*. This can be seen in their efforts to pre-empt any liberalisation or secularisation, and also their continuous attempt to push through their own convictions — for instance as concerns resting on the Shabbat or the question of who is recognised as a Jew in Israel.

The second area of conflict is the *special rights of the Haredim community*. A large part of the Israeli population criticises the privileged treatment they receive at the expense of the majority. This particularly concerns their exemption from military service and the state subsidies for about 50 percent of ultra-Orthodox adult males who are not engaged in paid work because of their Torah studies. For the Haredim, these are key elements of their milieu that must be protected against state intervention. The conflicts arising from this have repeatedly led to coalition crises or even new elections, but they also relate to the culture war and the associated question of which norms the state should use to set its priorities.

The third area of conflict is primarily extra-parliamentary and concerns *issues of public normativity*. When Haredim move into non-ultra-Orthodox neighbourhoods, this often leads to the inhabitants being pushed out and changes the function of public spaces — for instance when leisure facilities are replaced by religious facilities. Furthermore, there are confrontations over the restrictive rules within the ultra-Orthodox

community regarding women, which are forced out of the public sphere in Haredim-dominated areas.

The Haredim themselves are caught in a bind: on the one hand, they are trying to change the state; on the other, they fear being changed themselves by becoming entangled in politics and mainstream society. Their responses to this dilemma vary. Some call for isolation, others for integration into the state, and yet others for taking over the state.

Where precisely the growing influence of the Haredim will lead remains to be seen. It is already clear, however, that the ultra-Orthodox catalyse those trends in Israel that weaken liberal conceptions of the state in favour of religious conceptions. This is evident inter alia in their efforts to replace the democratic quest for consensus with the rigid implementation of majority decisions. In coalitions dominated by the conservative right this is especially obvious.

The growing power of the Haredim will have only indirect consequences on foreign policy. Apart from the diaspora, other countries are simply of no consequence for the fundamentally community-minded ultra-Orthodox. Relations with the Jewish community in the US will presumably continue to deteriorate since its majority is liberal and/or belongs to the Reform movement. It is also likely that the Haredim will support rightwing/conservative positions concerning the Palestinian territories — though for pragmatic rather than religious reasons.

For Israel's partners, in the medium term the more significant participation of the Haredim in politics and society will mean that wherever issues of interest for the Haredim are touched upon, identifying common values and goals will become (even) more of a feat. On a variety of topics, dialogue will also become noticeably more difficult, especially where liberal and emancipatory policies are concerned.

Israel's Culture War: Genesis and Lines of Conflict

Israel is currently engaged in a conflict over its identity. At stake is the issue of which norms and values should determine the nature of the state.[1] The hegemony of secular Zionism is being eroded, and the composition of the population is changing in favour of the ultra-Orthodox. In Israel, a majority of whose inhabitants considers it a Jewish state, this demographic shift has consequences for its self-image: which conception of Jewishness (religious, national or cultural-philosophical) should play what part in the state? And what does it even mean to declare that the state is Jewish?[2]

The process of differentiation and secularisation of the Jewish people throughout the so-called long nineteenth century created different Jewish identities: inter alia, progressive and reform; national; and also ultra-Orthodox. Since then, there has been disagreement as to whether "being Jewish" should be considered primarily a national and political, cultural and philosophical or religious phenomenon, and as to how religious tradition should be dealt with: should it be secularised, reformed or retained unchanged? These disputed issues ignited the so-called Jewish *Kulturkampf* (culture war), a term borrowed

from a Christian German context that has for some time also been used in the Jewish context.[3] In Israel the word is now used for the ongoing conflicts over these issues.

Over time, the expression "culture war' has become more widely applied. Especially in the wake of the so-called *cultural turn*,[4] it is now used in social sciences as part of conflict analysis to emphasise that not only class issues but also the worldview and cultural practices specific to a milieu can be constitutive for social conflicts.[5] The concept of *cultural wars* as commonly understood in the US (not to be confused with Huntingdon's "Clash of Civilisations") also articulates these developments.[6] While the expression *culture war* is rarely employed entirely outside a religious context, today it often refers to confrontations over norms, values, and practices that are linked to the development of social-moral and political camps.

In Israel, the well-established contentious issues are at stake, albeit under different circumstances and intensified for the state as a whole. The force of the Israeli culture war is linked to the changing hegemonies within the state and the accompanying political logic. When the state of Israel was founded, social-democratic republicanism predominated, favouring a system of government based on consociational democracy, within which the Labour Party tried to

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1 Yaacov Yadgar, *Israel's Jewish Identity Crisis: State and Politics in the Middle East* (Cambridge: Cambridge University Press, 2020); Simon Rabinovitch, *Defining Israel: The Jewish State, Democracy, and the Law* (Cincinnati: Hebrew Union College Press, 2018).

2 Menachem Mautner, "Protection of Liberal Rights amidst a 'War of Cultures' (Kulturkampf) between Secular and Religious Groups", *Israel Yearbook on Human Rights* 48 (2018): 125—60; Gideon Katz, "The Israeli Kulturkampf", *Israel Affairs* 14, no. 2 (2008): 237—54; Steffen Hagemann, *Kulturkampf in Israel? Jüdische Identität und religionspolitische Konfliktfelder* (Gütersloh: Bertelsmann Stiftung, 2015). Omar Kamil, "Rabbi Ovadia Yosef and his "Culture War" in Israel", *Middle East Review of International Affairs*. 4, No. 4 (2000); Natan Sznaider disagrees: "Das Phantom des Kulturkampfs", *Jüdische Allgemeine*, 16 November 2010.

3 Shmuel Feiner, "A European Enlightenment in the Promised Land? The Jewish Kulturkampf at the Turn of the Twentieth Century", *The European Legacy — Toward New Paradigms* 25 (2020): 1—12.

4 Michael Hechter, "From Class to Culture", *American Journal of Sociology* 110, no. 2 (2004): 400—45.

5 M. Rainer Lepsius, "Kulturelle Dimension der sozialen Schichtung", in idem., *Interessen, Ideen und Institutionen* (Opladen: Westdeutscher Verlag, 1990), 96—116.

6 James Davison Hunter, *Culture Wars: The Struggle to Define America* (New York: Basic Books, 1992).

integrate minorities through compromise.[7] The most far-reaching compromise was the so-called Status Quo Agreement: in return for Haredim not internationally opposing the creation of the Zionist state, they were accorded religious-orthodox minimum standards within the state. These included religious personal status law (e.g. marriage, divorce, burials), kosher food in public institutions, the Shabbat as day of rest in Israel, and extensive autonomy in matters of education.[8]

The culture war has become the second most important domestic line of conflict.

Likud's 1977 election victory put an end not only to the social democratic era but also to the system's character as a consociational democracy. Since then, a competitive democracy has emerged within a two-bloc system in which parties that tend to be secular, leftwing (the 'doves' in the peace process) and liberal face the rather conservative to illiberal, religious and rightwing parties ('hawks'). Competitive democracy does not aim for compromise but for asserting one's own interests, and thus exacerbates social tensions. To this day, the predominant line of conflict in political structuring and coalition building is how each bloc handles the occupied Palestinian territories. The left-leaning parliamentary parties call for Israel to withdraw from the occupied territories, the rightwing parties reject this.[9]

Since the millennium, the contentious issues of the Israeli culture war have become the second most important *line of conflict*.

Here, as the Israeli political scientists Asher Cohen and Bernard Susser observe, the nature and identity of the Israeli state are negotiated with increasing stridency,[10] while positions on the relationship between state and religion are escalating: both the secu-

lar and the religious camp increasingly seek to impose their own worldview as the only normatively right and legally binding one. This turn away from compromise is also mirrored in social trends.[11] The (shrinking) secular majority[12] is increasingly disengaging from traditional religious practices such as the Shabbat rest and dietary laws (kashrut) while state, society and public standards are simultaneously being "religionised" or "Haredised". There are even Hebrew neologisms for this process: *ha'data'ah* (religionisation) and *hitcharedut* (Haredisation).

This shows that the culture war is being waged especially, though not exclusively, between the growing group of Haredim and secular Zionist mainstream society.[13] In 2017 77 percent of those surveyed considered this tension to be the most acute conflict between Jews.[14] Ninety percent of secular Israelis believe that religion and state should be kept separate,[15] whereas 82 percent of Haredim expect the state to promote religious values and convictions.[16] Such conflicts over hegemony often cause anxieties: large parts of Israeli society feel that the Haredim have too great an influence over their lives. The legal scholar Mordechai Kremnitzer even talks of a "hegemonial minority".[17]

7 This was the case exclusively for Jewish Israelis, not Arab Israelis.

8 Eliezer Don-Yehiya, *Religion and Political Accomodation in Israel* (Jerusalem: The Floersheimer Institute for Political Studies, 1999).

9 Peter Lintl, "Understanding Coalition Formation in Israel Party Positions and Cleavages in Light of the 2015 Elections", *Orient — German Journal for Politics, Economics and Culture of the Middle East* 56, no. 3 (2015): 27—35.

10 Asher Cohen and Bernard Susser, *Israel and the Politics of Jewish Identity: The Secular-Religious* (Baltimore: John Hopkins University Press, 2000).

11 Guy Ben-Porat, *Between State and Synagogue: The Secularization of Contemporary Israel* (Cambridge: Cambridge University Press, 2013); Yoav Peled, *The Religionization of Israeli Society* (London: Taylor & Francis, 2018); Shoshana Kordova, "Haredization — In Israel, Gentrification Is about Religion, Not Class", *Tablet Magazine*, 7 January 2011, https://tinyurl.com/y2hsvhds (accessed 18 June 2020).

12 According to a poll by the *Haaretz* newspaper, 56 percent of Jewish Israelis see themselves as secular. Chemi Shalev, "Haaretz Poll: For Rosh Hashanah, a Picture of Israel's Muddled Jewish Soul", *Haaretz*, 9 September 2018, https://tinyurl.com/yd8lo2pe (accessed 18 June 2020).

13 For an excellent take, see also: Eik Dödtmann, *Die Charedim in Israel im 21. Jahrhundert. Der Status quo zwischen Staat und Ultraorthodoxie* (Berlin: be.bra, 2021, forthcoming).

14 "2018 Israel Religion & State Index", *Hiddush News*, 5 September 2018, https://tinyurl.com/ycjhfmsf (accessed 30 September 2020).

15 Rafi Smith and Olga Paniel, *The 2017 Israel Religion & State Index* (Hiddush, 2017), http://rrfei.org/wp-content/uploads/2017/09/IRSI-2017-Final.pdf (accessed 30 September 2020).

16 Pew Research Center, *Israel's Religiously Divided Society* (New York, 2016), 195, https://www.pewforum.org/2016/03/08/israels-religiously-divided-society/pf_2016-03-08_israel-01-06/ (accessed 30 September 2020).

17 Mordechai Kremnitzer, *70 Years of Status Quo* (Jerusalem: The Israel Democracy Institute [IDI], 2 July 2017 [Hebr.]), https://www.idi.org.il/events/15975 (accessed 18 June 2020).

Figure 1

Birth rates of Israeli women, 1979–2017
by religious identity
Number of children per woman; average values for two years

Jewish women		Arab women	
ultra-Orthodox	traditional	Muslim	
Orthodox	secular	Christian*	
Jewish women overall			
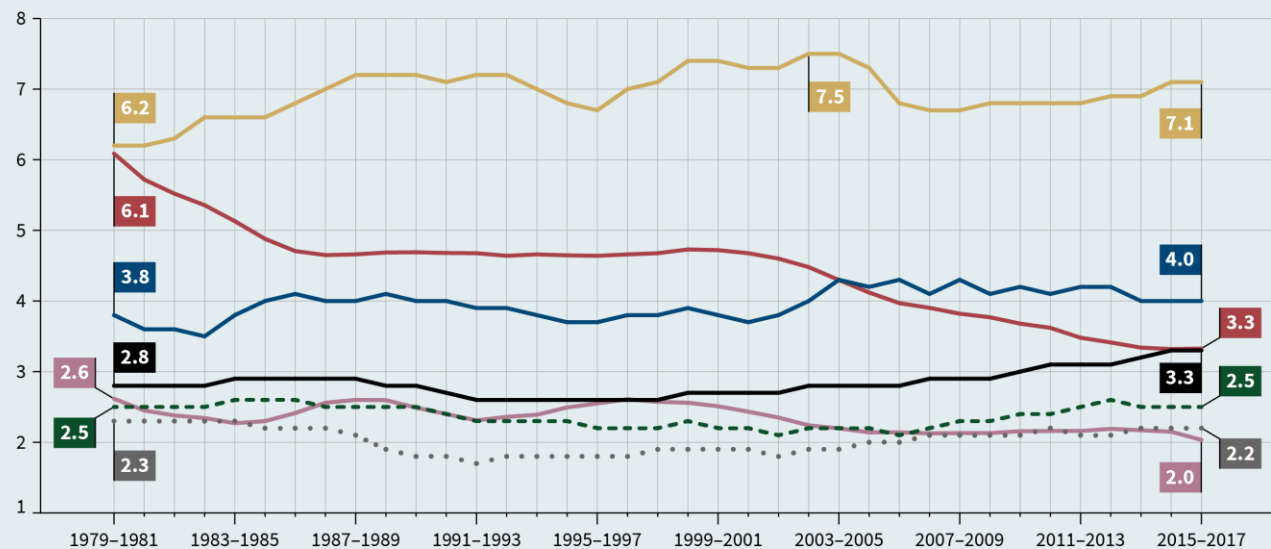
* Only 77.5% of Christian women are also Arabs; the remainder are from other ethnic groups.

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Sources: Ahmad Hleihel, *Fertility among Jewish Women in Israel, by Level of Religiosity, 1979–2017*, Working Paper Series no. 101 (Jerusalem: Central Bureau of Statistics [CBS] — Senior Department of Demography and Census, November 2017) [Hebr.], https://www.cbs.gov.il/he/publications/DocLib/pw/pw101/pw101.pdf (accessed 19 October 2020); *Total Fertility Rates by Mother's Religion 1948–2018* (Jerusalem: CBS, 2019), https://tinyurl.com/tq4dhcp (accessed 19 October 2020).

A large majority also complains about the unfair distribution of burdens and duties. Ninety percent of those surveyed in a poll saw the Haredim as an economic burden.[18] According to a study by Haifa University, Israel is moving towards becoming a "religious state";[19] concerns about a "takeover by the ultra-Orthodox" or a "Jewish version of Iran"[20] or even the "obliteration"[21] of secular Israelis are consequently growing.

Whilst the Haredim welcome the demographic development, they reject such scenarios as unwarranted,[22] seeing them as yet another attempt to turn the Haredim away from their principles and rob them of their identity.[23] From their perspective, Israel is governed by a coercive secular regime.[24] The Haredim allay the fears of the secular population. Knesset member Yitzhak Pindrus, for instance, emphasises

18 Shmuel Rosner and John Ruskay, eds., *Jerusalem and the Jewish People: Unity and Division*, (Jerusalem: Jewish People Policy Institute, 2017), https://tinyurl.com/yajf2ago (accessed 18 June 2020).
19 Yevgenia Bistrov and Arnon Sofer, *Israel. Demography 2010–2030: On the Way to a Religious State* (Haifa: University of Haifa, 2012).
20 Yossi Klein Halevi, *Jewish Identities in Post-Rabin Israel* (New York: The American Jewish Committee, 1998), 1.
21 Ariana Melamed, "Television 2018: Orthodox Halachic Judaism, Haredisation, presented by Guy Pines and Oded

Ben-Ami", *Haaretz*, 3 January 2018 [Hebr.], https://tinyurl.com/y2jwmmjs (accessed 18 June 2020).
22 Eliyahu Ackerman, "Once again the Haredim are to blame", *Mishpacha*, 4 June 2016 [Hebr.], https://tinyurl.com/ybgcn6gc (accessed 18 June 2020).
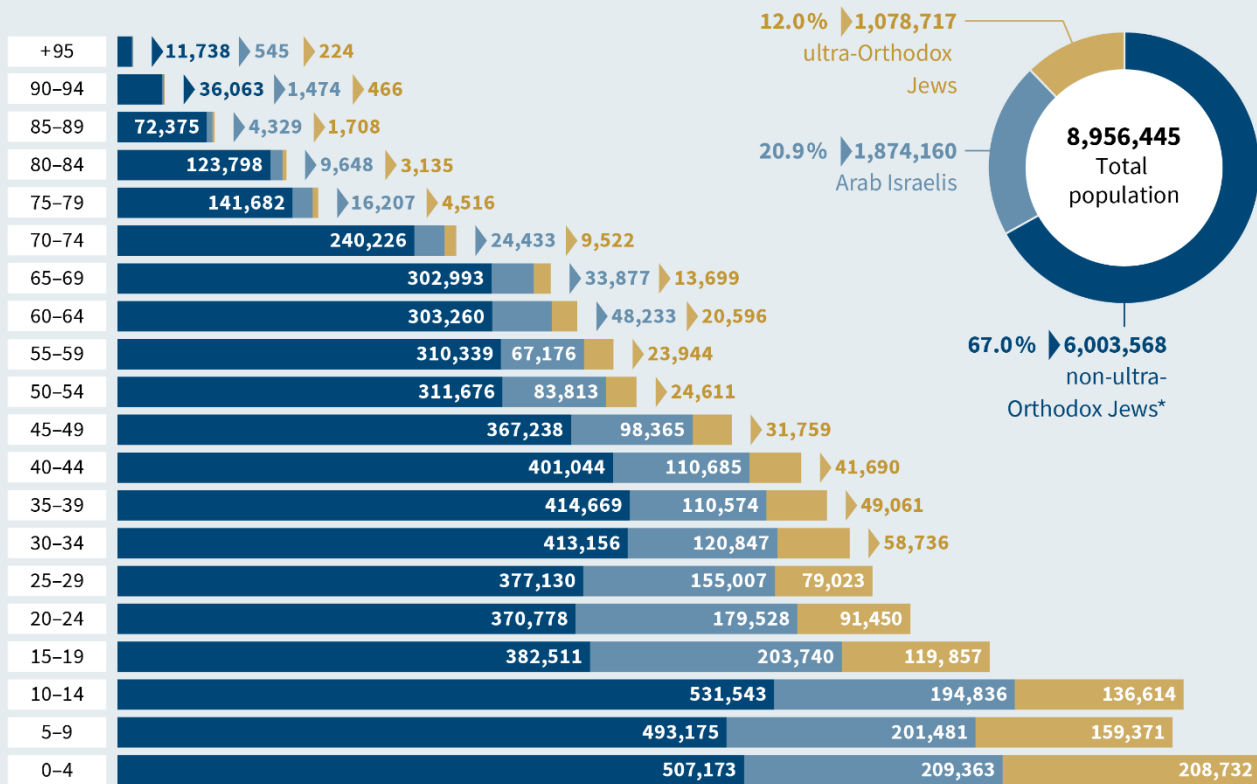**23** Jaarimu Sod Institute, ed., "They Have Taken Crafty Counsel against thy People. On the Government's Secret Plan to Change the Identity of the Ultra-Orthodox Community" (Jerusalem, 2018) [Hebr.], https://tinyurl.com/y7hz45qj (accessed 18 June 2020).
24 Shmuel Rosner and Camil Fuchs, *#IsraeliJudaism: Portrait of a Cultural Revolution* (Jerusalem: The Jewish People Policy Institute, 2019), 143.

Figure 2

Israel's population by age and community in 2018
Absolute figures and percentages

+95	11,738	545	224
90–94	36,063	1,474	466
85–89	72,375	4,329	1,708
80–84	123,798	9,648	3,135
75–79	141,682	16,207	4,516
70–74	240,226	24,433	9,522
65–69	302,993	33,877	13,699
60–64	303,260	48,233	20,596
55–59	310,339	67,176	23,944
50–54	311,676	83,813	24,611
45–49	367,238	98,365	31,759
40–44	401,044	110,685	41,690
35–39	414,669	110,574	49,061
30–34	413,156	120,847	58,736
25–29	377,130	155,007	79,023
20–24	370,778	179,528	91,450
15–19	382,511	203,740	119,857
10–14	531,543	194,836	136,614
5–9	493,175	201,481	159,371
0–4	507,173	209,363	208,732

12.0% ▸ **1,078,717**
ultra-Orthodox Jews

8,956,445 Total population

20.9% ▸ **1,874,160**
Arab Israelis

67.0% ▸ **6,003,568**
non-ultra-Orthodox Jews*

* The Category **non-ultra-Orthodox Jews** as used in statistics by the Israel Central Bureau includes people who have immigrated under the right of return but are not recognised as Jewish in Israel.

Rounded figures – totals may not tally

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Source: Table A/3: *Population 1, by Population Group, Age and Gender, 2018* (Jerusalem: Israel Democracy Institute, 2018) [Hebr.], https://www.idi.org.il/media/11668/a0318.xlsx (accessed 19 October 2020).

that the Haredim are primarily concerned with themselves since they constantly have to worry that funding for their schools might be discontinued.[25] However, that is not entirely true. Moshe Gafni, chairman of the ultra-Orthodox party Degel HaTorah, concedes that there is a struggle over the relationship between religion and state, and warns that Israel is developing into a non-Jewish state.[26]

Demography as a Key to Power?

With an average of 7.1 children per woman, the Haredim are the fastest growing population segment in Israel by some way. And Israel already easily tops all other OECD countries with an average birth rate of 3.1 children per woman.[27]

There were about 35,000 to 45,000 Haredim[28] in Israel when it was founded in 1948; seventy years later, with consistently high birth rates, they are one

25 Personal interview with Yitzhak Pindrus, 6 May 2018.
26 Shirit Avitan Cohen, "I don't want a halakhic state, I want the Status Quo", *Makor Rishon*, 30 August 2019 [Hebr.], https://tinyurl.com/y24on7cx (accessed 18 June 2020).
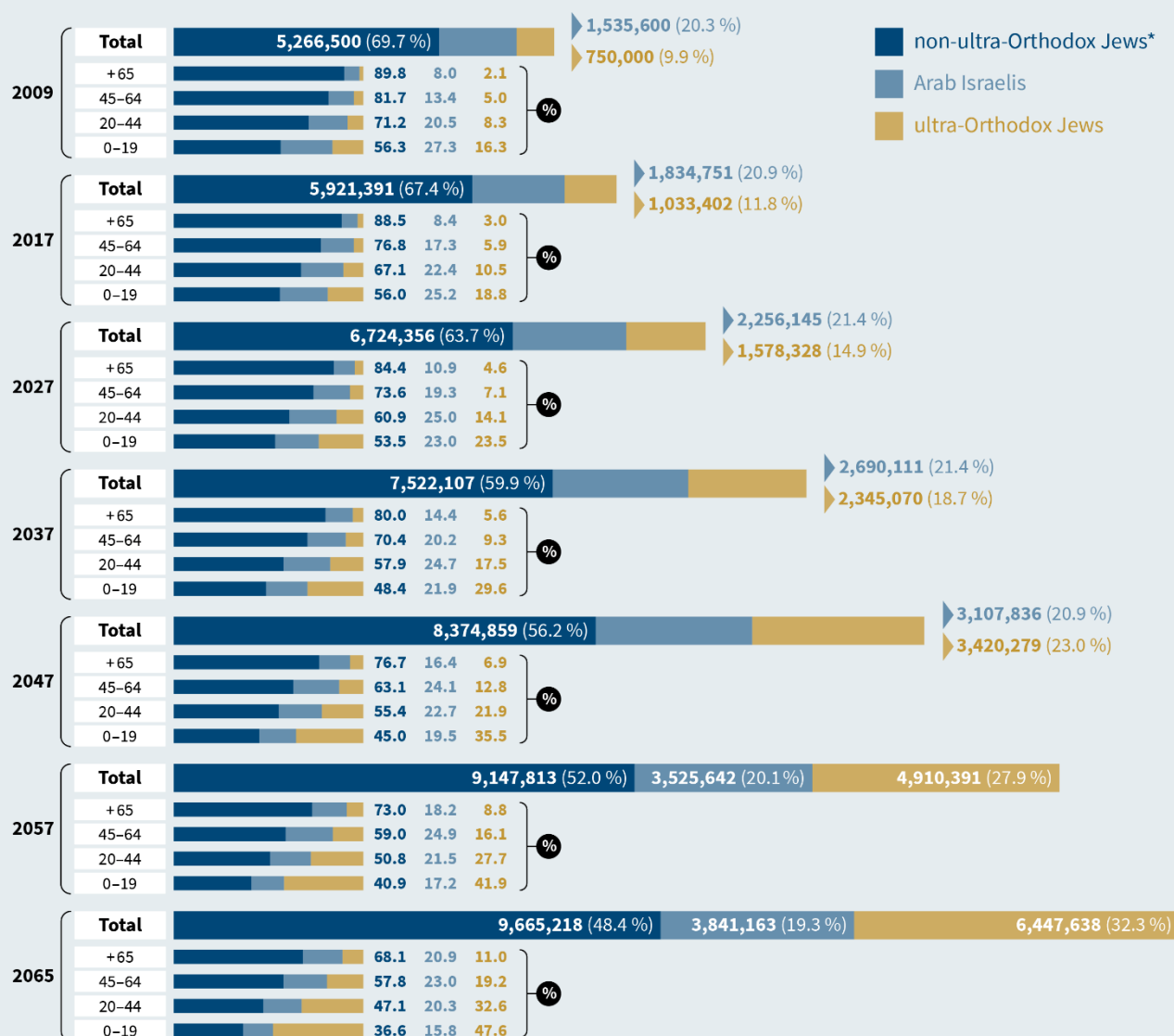
27 OECD Data, "Population", in *OECD Data Website*, 2019, https://data.oecd.org/pop/population.htm (accessed 22 June 2020).
28 Alon Tal, *The Land Is Full* (New Haven: Yale University Press, 2016), 138.

Figure 3

Population development in Israel by population group and age
2009, 2017 and growth forecast for 2027 to 2065
Absolute figures and percentages

Legend: non-ultra-Orthodox Jews* ■ | Arab Israelis ■ | ultra-Orthodox Jews ■

2009

	non-ultra-Orthodox Jews*	Arab Israelis	ultra-Orthodox Jews
Total	5,266,500 (69.7 %)	1,535,600 (20.3 %)	750,000 (9.9 %)
+65	89.8	8.0	2.1
45–64	81.7	13.4	5.0
20–44	71.2	20.5	8.3
0–19	56.3	27.3	16.3

2017

	non-ultra-Orthodox Jews*	Arab Israelis	ultra-Orthodox Jews
Total	5,921,391 (67.4 %)	1,834,751 (20.9 %)	1,033,402 (11.8 %)
+65	88.5	8.4	3.0
45–64	76.8	17.3	5.9
20–44	67.1	22.4	10.5
0–19	56.0	25.2	18.8

2027

	non-ultra-Orthodox Jews*	Arab Israelis	ultra-Orthodox Jews
Total	6,724,356 (63.7 %)	2,256,145 (21.4 %)	1,578,328 (14.9 %)
+65	84.4	10.9	4.6
45–64	73.6	19.3	7.1
20–44	60.9	25.0	14.1
0–19	53.5	23.0	23.5

2037

	non-ultra-Orthodox Jews*	Arab Israelis	ultra-Orthodox Jews
Total	7,522,107 (59.9 %)	2,690,111 (21.4 %)	2,345,070 (18.7 %)
+65	80.0	14.4	5.6
45–64	70.4	20.2	9.3
20–44	57.9	24.7	17.5
0–19	48.4	21.9	29.6

2047

	non-ultra-Orthodox Jews*	Arab Israelis	ultra-Orthodox Jews
Total	8,374,859 (56.2 %)	3,107,836 (20.9 %)	3,420,279 (23.0 %)
+65	76.7	16.4	6.9
45–64	63.1	24.1	12.8
20–44	55.4	22.7	21.9
0–19	45.0	19.5	35.5

2057

	non-ultra-Orthodox Jews*	Arab Israelis	ultra-Orthodox Jews
Total	9,147,813 (52.0 %)	3,525,642 (20.1 %)	4,910,391 (27.9 %)
+65	73.0	18.2	8.8
45–64	59.0	24.9	16.1
20–44	50.8	21.5	27.7
0–19	40.9	17.2	41.9

2065

	non-ultra-Orthodox Jews*	Arab Israelis	ultra-Orthodox Jews
Total	9,665,218 (48.4 %)	3,841,163 (19.3 %)	6,447,638 (32.3 %)
+65	68.1	20.9	11.0
45–64	57.8	23.0	19.2
20–44	47.1	20.3	32.6
0–19	36.6	15.8	47.6

* The Category **non-ultra-Orthodox Jews** as used in statistics by the Israel Central Bureau includes people who have immigrated under the right of return but are not recognised as Jewish in Israel.

Rounded figures – totals may not tally

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Source: Table A/1: *Population Estimates by Population Group and Age, Estimate 2009 und Forecast 2017–2065* (Jerusalem: Israel Democracy Institute, 2018) [Hebr.], https://www.idi.org.il/media/13661/d0219.xlsx (accessed 19 October 2020).

million. That makes them about 12 percent of the total population. Migration waves do influence the number of Haredim as well, but far fewer immigrants have been integrated in the ultra-Orthodox community than into the national religious, traditional religious or secular communities. The statistics also show there is potential for further growth: the younger the population group, the larger the proportion of Haredim.

Forecasts therefore assume a largely unchecked continuation of this trend.[29] According to Israel's Central Bureau of Statistics, the number of Haredim could more than double by 2037, to 2.3 million, if the birth rate stays roughly at the level of the past 40 years. Every fourth Jewish Israeli (24 percent) would then be ultra-Orthodox. Their share in the overall population would be 19 percent. By 2065 the Haredim could even total almost 6.5 million of the 20 million Israelis.[30]

Not all Haredim lastingly stay true to their origins. More recent studies claim that between ten and 18 percent of ultra-Orthodox Jews of an age cohort leave their community.[31] Whether this will really put the brakes on the demographic development of the Haredim remains to be seen. Thus far, these arguments are gainsaid by the fact that the demographic development of the Haredim has occurred exactly as the Central Bureau of Statistics first calculated in 2012.

The general trend, however, will continue — and thus too the need, both macro-economic and socio-political, to integrate the ultra-Orthodox more closely into Israeli society than has been the case thus far. Conversely, however, this integration also means that their convictions will increasingly enter into society, which will intensify the normative issue in the culture war. To overstate it: the majority can only hope that the Haredim will adapt. Conversely, Haredi efforts to make the state more religious are in themselves a sign that they are prepared to integrate into

the state and open their community up to it.[32] In that sense, the political and societal conflicts currently taking place in Israel really are the contractions of a "new Israeli order", in which the Haredim continue to gain in importance.

29 Uzi Rebhun et al., *Demographic Trends in Israel* (Jerusalem: The Metzilah Center, 2009); Bistrov and Sofer, *Israel. Demography 2012–2030* (see note 19); Dan Ben David, ed., *State of the Nation Report. Society, Economy and Policy in Israel 2009* (Jerusalem: Taub Center, 2010), 222 ff.

30 Arie Paltiel et al., "Longterm population projection 2009−2059", Senior Department of Demography and Census of the CBS [Hebr.], https://tinyurl.com/y8qh56zg (accessed 18 June 2020); Sophia Peran, "Forecast of Population Development 2015−2065", Senior Department of Demography and Census of the CBS, 2018 [Hebr.], https://tinyurl.com/y6yvyb9d (accessed 18 June 2020).

31 Alex Weinreb and Nachum Blass, *Trends in Religiosity among Jewish Population in Israel* (Jerusalem: Taub Center, May 2018), https://tinyurl.com/y5rs8ra7 (accessed 18 June 2020); Dan Ben-David, *Survey/In Israel they learn book-keeping* (Tel Aviv: Shoresh Institute, 2019), 2 f. [Hebr.], https://tinyurl.com/y2ta9jy2 (accessed 18 June 2020).

32 Aharon Rose, "In a Permanent Spiritual Oscillation", *Eretz Acheret*, July 2001 [Hebr.], https://tinyurl.com/y3lcx5zd (accessed 18 June 2020).

Who Are the Haredim? Their Identity and Fundamental Convictions

Alongside the religious Zionists, the Haredim are one of the two main branches of Orthodox Judaism in Israel. The ultra-Orthodox include the two traditions of European (Ashkenazi) origin — the so-called "Lithuanians" and the Hasidic Jews — as well as the non-European, Sephardic Haredi. Within these three main groups are multiple subgroups — especially among the Hasidic Jews. There is also a small minority of explicitly anti-Zionist groups, such as Edah HaChareidis and Neturei Karta, which reject the state of Israel, do not vote, and refuse all state funding.[33] The clear majority (more than 90 percent) of Haredim, however, is a-Zionist. In practical terms, this means that they are neutral towards Zionism up to a point and welcome the existence of the state, but reject any influence over their way of life. Politically, the Haredim are organised into parties that correspond to their main religious currents. The party of the Hasidic Haredim, Agudat Yisrael, has formed a parliamentary group with Degel HaTorah (the party of the "Lithuanians"), United Torah Judaism (UTJ); the Sephardic Haredim have joined together in Shas. Support within the ultra-Orthodox community is high: they are community parties par excellence.[34] Voting for the ultra-Orthodox parties among the Haredim progressively declined from 93.3 percent in 1999 to 82.9 in 2015 (and participation in elections from 91.8 percent to 84.4 percent), which is linked to the afore-mentioned

shifts in diversification and integration. However, after intensive election campaigns, in the elections of April and September 2019, the parties were once again able to garner over 90 percent of the ultra-Orthodox vote.[35] Despite many internal differences, this remarkably high level of approval enables them to be largely united in public.

They combine a critical view of modern values, norms and political principles, and reject all non-Jewish influence. This attitude sets the Haredim apart from all other Jewish movements. What is key for the ultra-Orthodox is a worldview based on the laws revealed by God (the halakha) and their traditional interpretation (for instance in the Talmud). The rules and laws derived from these often concern the minutest details of life and are, for the Haredim, an expression of their alliance with God and the basis for existence of the Jewish people. Conforming to them is thus "the essence of the nation's task, purpose and right to exist".[36]

The Haredim see themselves as the last current in Judaism that exclusively adheres to values from Jewish tradition and religious principles. They tend to equate ultra-orthodoxy with Jewishness: for them, all other variants are illegitimate deviations, and rejected.

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33 There are also Haredi fringe groups located at the margins of society, such as Breslav or Habad Hasidim, which are not necessarily represented by the Haredi parties. Especially Habadniks are known to vote for extreme right-wing religious parties like Otzma Yehudit.

34 On their genesis, see Daniel Mahla, *Orthodox Judaism and the Politics of Religion: From Prewar Europe to the State of Israel* (New York: Cambridge University Press, 2020), 159–84.

35 Andrea Tavkov, "Haredim only vote for ultra-Orthodox parties? Forget it, the world has moved on since 1999", *Globes*, 1 April 2019 [Hebr.], https://tinyurl.com/y4s5zf28 (accessed 18 June 2020); Shahar Ilan, "A Bonus for the Haredim Due to High Election Participation: 2 Mandates", *Calcalist*, 24 February 2020 [Hebr.], https://tinyurl.com/yyh4z5rw (accessed 18 June 2020).

36 Rabbi Shmuel Jakobovits, *Jewish Solidarity: Antidote to Assimilation. Selected Essays of a Haredi Spokesman* (Jerusalem: The Harav Lord Jakobovits Torah Institute of Contemporary Issues, 2004), 21.

Torah Studies, Segregation and Strict Hierarchies

The lived practice of Torah studies is the basis of ultra-Orthodox society. It is the predominant part of its education system, which — though state financed — only marginally takes into account in its religious schools secular subjects such as mathematics, Hebrew, geography or the natural sciences.[37] In fact, state inspections of curricula are widely obstructed by the Haredim. This is remarkable and internationally unique: the state pays for religious private schools but has virtually no influence over the content of their lessons.[38] Moreover, although the schools and textbooks do impart solidarity with Jewish fellow citizens as Jews, they also depict them as a potential threat to ultra-Orthodox identity.[39] This striking educational autonomy was pushed through by the Haredi parties.

Relying on those parties' political influence is also the extent to which adult ultra-Orthodox men can pursue Torah studies, ideally fulltime — an ideal that has crystallised under the premise of *torato omanuto* (roughly: the Torah is his calling). Post-Holocaust generations — the Holocaust having decimated the Haredim to a vanishingly small minority — have continued with the self-image of being the last preservers of Jewish tradition and divine truth. The reconstruction of the world destroyed during the Holocaust was placed under the leitmotif: "We have nothing left but the Torah."[40] To this day, the focus of the parties' political efforts is therefore on maintaining and expanding a society that revolves around

studying the Torah. This "society of learners"[41] is the framework of the Haredi world, but also results in around 50 percent of ultra-Orthodox men choosing to be out of work and dependent on state support.

> **Protecting the ultra-Orthodox world is one of the main goals of political efforts.**

The separate school system is also a means of "cultural entrenchment", as one of the leading experts on the Haredim, Benjamin Brown, calls it.[42] What underpins this isolation in a refuge from the outside world is the worry that modern secular Israeli culture and its protagonists could negatively influence the ultra-Orthodox community. For instance, the non-Orthodox conception of freedom is seen as an estrangement from religious laws, which can threaten the integrity of the community.

The majority of Haredim therefore prefer to live in areas that, inter alia, strictly respect the Shabbat, have kosher food on sale, and renounce the (in their eyes) morally dubious services of cinema, theatre, and the like. Perspectives on sexuality and gender roles are also extremely restrictive. Contact between men and women is strictly regulated and minimised as much as possible.

How large the gap can be between the Haredim and the rest of Israeli society has been demonstrated during the Covid pandemic. When the military organised the lockdown in the ultra-Orthodox town of Bnei Brak in spring 2020, soldiers were given Yiddish-Hebrew dictionaries since still not all Haredim speak Modern Hebrew well.[43] In autumn 2020, infection rates are rising particularly in ultra-Orthodox communities. Their members live partly in isolation, but space is limited. The combination of mistrust of the state authorities with the necessity (considered existential by the Haredim) to continue studying the Torah and visiting the synagogue is precisely what created situations in which large num-

37 Mirjam Künkler and Hanna Lerner, "A Private Matter? Religious Education and Democracy in Indonesia and Israel", *British Journal of Religious Education* 38, no. 3 (2016): 279 – 307 (292).

38 Gila Stopler, "The Ultra-Orthodox Community in Israel and the Right to an Exclusively Religious Education", in Susanna Mancini et al., *Constitutional Secularism in an Age of Religious Revival* (Oxford: Oxford University Press, 2014), 311 – 25.

39 Eldad J. Pardo and Tehila Gamliel, *Haredi Textbooks in Israel. Reinforcing the Barricades* (Jerusalem: IDI, 2017).

40 Benjamin Brown, "From political separatism to cultural entrenchment — Chazon Ish and the formation of Haredi Judaism in Eretz Israel", in Mordechai Bar-On and Zvi Zameret, *On Both Sides of the Bridge. Religion and State in the Early Years of Israel* (Jerusalem: Yad Yitzhak Ben Tzvi, 2002), 363 – 412 (398 f.) [Hebr.].

41 Menachem Friedman, "The Ultra-Orthodox and Israeli Society", in *Whither Israel? The Domestic Challenges*, ed. Keith Kyle and Joel Peters (London: I. B. Tauris, 1994), 177 – 201 (185).

42 Brown, "From political separatism" (see note 40).

43 Yaniv Kubovich, "Israel Gives Yiddish Dictionaries to Soldiers Posted in Haredi Coronavirus Hot Spot", *Haaretz*, 5 April 2020, https://tinyurl.com/txr966h (accessed 18 June 2020).

bers of people came into contact with each other without following health precautions.

In a society where conformity of one's actions to religious laws is decisive in every situation, rabbis have a key role. A handful of leading rabbis — the so-called poskim (deciders) — function as guides on unresolved questions, but also as advisors on daily matters (e.g. on marriage, profession, health, finances, or the use of modern technologies such as the Internet or smartphones). They also have to answer more fundamental questions pertaining to modern science, e.g. whether dinosaurs are kosher (no)[44] and whether Haredim are allowed to believe in the Copernican system (yes).[45] The poskim's answers are not always unequivocal, and their verdicts are not always able to halt developments within ultra-Orthodox society. For example, Internet user numbers are growing constantly despite the rabbis' many warnings about its dangers for the spiritual integrity of the community: while in 2008 only 28 percent of Haredim stated that they surf the Internet, 11 years later it was already 49 percent.[46] But despite the fact that not all warnings and restrictions are implemented, rabbis' decisions are believed to set the norm for both the public and private lives of the Haredim. According to a poll, 77 percent follow rabbinical directives, even when they contradict their own convictions.[47]

Politics is not exempt from this — on the contrary. A small circle of rabbis who possess so-called "Knowledge of the Torah" (Da'at Torah)[48] functions as a final recourse for all Haredi political decisions. They have the last word in the "Council of Great Torah Sages" (for Agudat Yisrael and Degel HaTorah) and the "Coun-

cil of the Torah Sages" (for Shas) over all political activities by the parties. But here too the hierarchical structure ultimately depends on voluntariness and the pressure towards social conformity; beyond that, there are no means to enforce the rabbis' verdicts.

44   Ari L. Goldman, "Religion Notes", *The New York Times*, 14 August 1993, https://www.nytimes.com/1993/08/14/us/religion-notes.html (accessed 18 June 2020).

45   Josh Waxman, "Is Rav Kanievsky Now a Heliocentrist?" Parashablog, 18 August 2009, http://parsha.blogspot.com/2009/08/is-rav-kanievsky-now-heliocentrist.html?m=1 (accessed 18 June 2020).

46   Gilad Malach and Lee Cahaner, 2*019 Statistical Report on Ultra-Orthodox Society in Israel: Highlights* (Jerusalem: IDI, 2020), https://en.idi.org.il/articles/29348 (accessed 18 June 2020).

47   Shaharit, *Political Possibilities. Mapping a Common Good Majority* (Tel Aviv, 2019), https://tinyurl.com/yyl3vupy (accessed 18 June 2020).

48   Benjamin Brown, "The Da'at Torah Doctrine: Three Phases", in Yehyada Amir, *The Path of the Spirit. The Eliezer Schweid Jubilee*, vol. 2 (Jerusalem: Van Leer, 2005), 537−600 [Hebr.].

Jewish and/or Democratic? The Haredi Political Worldview Confronts Israel's Self-Image

The relationship between the Haredim and Israel as a Jewish and democratic state is complex. It moves between a theoretical theological perspective of rejection and pragmatic adaptation, between criticism of the state order and values of Zionist mainstream society and continuing integration into the Israeli state. Both elements — the Jewish and the democratic — pose a challenge for the ultra-Orthodox. From their perspective, the fundamental question is how the state behaves towards Jewish tradition. In this respect, there is a clear trend: theoretical arguments for rejecting the state are being eclipsed. Instead, the state — which allows Jews a religious life after all — is increasingly viewed in a positive light

A Jewish State?

To be a genuinely Jewish state in the eyes of the Haredim, Israel would have to be built on the principles of the Torah and halakha, in other words, be quasi theocratic. Haredi leaders had demanded this before the foundation of Israel — knowing full well that their request would be rejected.[49] But since the state is not halakhic, the Haredim must, to this day, deal with a state that does not correspond to their interpretation of Jewishness. In the ultra-Orthodox worldview (hashkafa), there are three predominant ways of accounting for this situation. First: the state is a

modern Zionist enterprise aiming to transform the Jewish people "into a people like all other peoples" and to end the exile imposed by God through an act of human self-empowerment. The state of Israel is thus based on a heretical interpretation of Judaism, an abandoning of God and Torah.[50] Two: the state is a purely bureaucratic apparatus, which is evaluated positively or negatively depending on its behaviour towards the Haredim or Judaism.[51] This conception also emphasises their distance to the state and is often paraphrased as a spiritual continuation of Jewish exile ("exile in the Holy Land").[52] Third: the state, while having no theological significance, is recognised as a state for and by Jews, which increases its utilitarian relevance. It can be a "safe haven" and allow the Jewish people to maintain the foundations of Jewish tradition and religious laws.[53] The expecta-

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49 Moshe Blau, "Programme of ultra-Orthodox Demands Concerning the Constitution of the Jewish State", in Isaac Levin, *Material for the Preparation of a Constitution for the Jewish State on a Religious Basis* (New York, 1948), 22−27 [Hebr.].

50 Joseph Friedensohn, "A Concise History of Agudath Israel", in *Yaakov Rosenheim Memorial Anthology* (New York: Orthodox Library, 1968), 23; Rabbi Elhonon Wasserman, *Epoch of the Messiah* (Jerusalem: Ohr Elchonon Publications, 1977).

51 The leading Rabbi of early statehood, "Chason Ish", particularly embodied this view; see Brown, "From Political Separatism" (see note 40).

52 Moshe Scheinfeld, *The Exile of the Divine Presence in Israel*, October 1948 [Hebr.], https://tinyurl.com/yxzu4qr7 (accessed 18 June 2020).

53 The prominent Lithuanian-Jewish rabbi Menachem Shach (1898−2001) emphasised: "An individual who defiles the Shabbat may have excuses. […] But what about those who have all the means of the state at their disposal? […] Are we not talking about free Jews here, in our state, the state of

tion that the state will implement religious principles tends to rise accordingly.

These three approaches are not mutually exclusive; rather, they are weighted according to the context. For the mainstream among the Haredim, criticism of the state is theologically justified, but has become noticeably blurred to a sort of "non-Zionist Zionism"[54] that allows them to support the state and simultaneously keep their ideological distance. The Mizrahi Haredim of Shas are particularly successful in uniting statehood, a limited acceptance of Zionism and the fundamentals of ultra-Orthodoxy.[55] Today, the most mordant criticism is aimed at the secular government and political attempts to exert influence over the ultra-Orthodox. The Haredim no longer feel that their very existence is threatened, but they still view themselves as a population under "external governance".[56]

Despite all political rapprochement, the demarcation from the Jewish-Zionist mainstream society remains in place: a clear majority of ultra-Orthodox do not describe themselves as Zionists, and only a third identify with the state.[57] Simultaneously as many as 65 percent now consider the state of Israel important for the long-term survival of the Jewish people,[58] and 89 percent believe there is an obligation on the Haredim to help shape the state's Jewish character.[59]

A Democratic State?

The situation is similar as regards Israel's democratic system. De facto, the Haredim accept democracy as a political system, but primarily for pragmatic reasons. From a religious-law perspective, they are sceptical

about democratic principles. "Democracy", as Menachem Shach (1898–2001) wrote, who was probably the most influential rabbi in the history of Israel, "is *treif* [unkosher], and its intent is to uproot the people of Israel from its tradition".[60] From an ultra-Orthodox/halakhic perspective, this is entirely consistent: democratic principles cannot be relevant in a Jewish community that is guided by rabbis. "Every government", an ultra-Orthodox author declared when Israel was created, "that boasts its sovereignty and legislative authority over the Torah is illegal, even if it was voted in by the whole people."[61]

Nevertheless, Haredi majority leaders and their political parties participate in the Israeli parliament — only the strictly anti-Zionist minority has remained outside — so as to influence the way in which the state decides the fate of the Haredim.[62] They operate within the political system, even though they consider it illegitimate, to avert greater damage for the community. 'The Haredi general public plays the democratic game in its 'foreign relations' with the non-Haredi general public because it has no choice, but it does so ex post facto and not a priori", Benjamin Brown writes. "It neither espouses any principles from democracy nor tries to adopt it."[63] The ultra-Orthodox journalist Eli Lipshitz confirmed this view in December 2019, writing, "The Haredim are not democrats, and they are definitely not liberals."[64]

The Haredi approach to democracy is utilitarian. Despite their pragmatism, whenever democracy contradicts ultra-Orthodox principles or even questions the sovereignty of the Torah, they set clear boundaries. In a word: liberal values such as equality, freedom or individual autonomy are irreconcilable with focusing on a Torah-based collective that trusts in the advice of rabbis. When asked whether the state should be Jewish or democratic, or which of the two attributes they would prefer, 84 percent of Haredim answer "Jewish". Twelve percent favour "Jewish and

Israel?" Elazar Menachem Shach, *Michtavim uMaamarim*, vols. 1 and 2 (Bnei Brak: no publ., 1987/88), p. לו [Hebr.].

54 Benjamin Brown, "Part Two: Haredi Judaism and the State", in Yedidia Stern et al., *When Judaism Meets the State* (Jerusalem: IDI, 2015), 79–268 (100) [Hebr.].

55 Nissim Leon, *Mizrahi Ultra-Orthodox Judaism and Nationalism in Israel* (Jerusalem: Van Leer, 2016) [Hebr.]

56 Jakobovits, *Jewish Solidarity* (see note 36), 67.

57 A further third does not identify with the state while the final third is ambivalent. Shaharit, *Survey of the Ultra-orthodox Community* (Tel Aviv, 2014), https://tinyurl.com/yxp9fduc (accessed 18 June 2020).

58 That figure is over 90 percent for all other Jewish currents in Israel: Pew Research Center, *Israel's Religiously Divided Society* (see note 16).

59 Shaharit, *Political Possibilities* (see note 47).

60 Elazar Menachem Shach, *Michtavim uMaamarim*, vol. 5 (Bnei Brak: no publ., 1994/5), קכב [Hebr.].

61 Scheinfeld, *The Exile* (see note 52).

62 Rafael Grozovsky, *The Problems of Time* (Bnei Brak: Nezach, 1959), 15 [Hebr.].

63 Benjamin Brown, *Trembling at the Word of the People Haredi Critique of Israeli Democracy* (Jerusalem: IDI, 2012), 40 f. [Hebr.].

64 Eli Lipshitz, "The Attitude of the Haredim towards the State of Israel: A Road Map", *Zarich Iyun*, December 2019 [Hebr.], https://tinyurl.com/y5a7cfov (accessed 18 June 2020).

democratic" and only two percent "democratic".[65] In a different survey, more than 80 percent declared themselves in favour of halakha as the legal basis for the state;[66] in a further poll, it was even 86 percent.[67] Moreover, 83 percent believe that halakha should prevail over democracy in areas of contention.[68]

Focusing on the Jewish Identity of the State

What to do, then? The issue of what use to make of the state is a dilemma for the Haredim. Their interpretation of Jewish tradition provides no answer. The ideal of a state based on Torah and halakha is no immediate political goal for two reasons. First, as a minority, the Haredim are aware that they could not push this ideal through politically, and they do not want to impose the halakhic lifestyle on the secular population. From the perspective of the ultra-Orthodox elite, that would be neither practical nor moral nor legitimate under religious law.[69] The Haredim do not consider it their political task to get secular Jews to "return" to religion, at least not at the moment.[70] Moshe Gafni (UTJ) confirmed this in the Knesset: "I want the state of Israel to become a halakhic state. But I know that I don't want it now."[71] Second, the Torah Sages have made no declarations as to what the state of Israel ought to look like if the minority was the majority and vice versa. They have developed no political utopia for it. This is mostly due to the fact that the rabbis consider modern concepts such as ideology and statehood untranslatable into the logic of the halakha, which was shaped by Jewish exile, and perceive any attempt in this direction to be

heretical.[72] In a rare statement, Rabbi Horowitz from the Torah Council of Agudat Yisrael has publicly declared that he was glad that the Haredim were not the majority in Israel since he did not know how to administer a state whilst also having the responsibility of adhering to the Torah.[73]

Yet the growth of Haredi political power has advanced their own integration into the state and political system. This has changed their perception of their role within the state. They increasingly view themselves as the guardians of the Jewish identity of the state and its Jewish citizens — a role from which they have effectively displaced the religious Zionist parties. Since the turn of the millennium, but especially since the 2010s, the Haredim's will to shape the Jewish religious aspects of state identity has been noticeably growing. "We are here," in the words of Knesset member Yaakov Asher (UTJ) in 2017, "to safeguard the Jewish character of the state."[74] Gafni also acknowledges "a dramatic change. We no longer focus only on ourselves, everything is of interest to us now […]. We cannot withdraw from law-making and government decisions that might ultimately hurt the state of Israel as a Jewish state."[75] The most assertive recent formulation of this aspiration was by Moshe Abutbol (Shas) in May 2020. During a memorial session for Theodor Herzl, founder of political Zionism, he stated in Parliament: "What is really important to us Haredim is the Jewish character of the state, which should not only be a Jewish state but a Jewish state according to our worldview."[76]

The "Jewish character of the state" covers a broad spectrum, ranging from details of personal conduct to

65 *Israeli Democracy Index 2018* (Jerusalem: IDI, 2019), 72 ff., https://tinyurl.com/y24fc9l9 (accessed 18 June 2020).

66 Shaharit, *Survey of the Ultra-orthodox Community* (see note 57).

67 Pew Research Center, "Large Divide among Jews on Whether Halakha Should be State Law" (New York, 1 March 2016), https://tinyurl.com/yx9vcnzj (accessed 18 June 2020).

68 Idem., *Israel's Religiously Divided Society* (see note 16).

69 Brown, *Trembling at the Word of the People* (see note 63), 44.

70 Yated Neeman Editorial, "Chareidi Politics Is Just Politics by Chareidim", *Chareidi*, 7 July 2004, https://tinyurl.com/y2cfg7yj (accessed 18 June 2020).

71 20th Knesset, *281st Session*, 29 November 2017 [Hebr.], https://tinyurl.com/y2782fgm (accessed 18 June 2020).

72 Benjamin Brown, "Deducing God's Will from Reality — the Controversy over the Value of History in Determining the Direction of Judaism", in *One Hundred Years of Religious Zionism*, ed. Avi Sagi and Dov Schwartz, vol. 3 (Jerusalem: Bar Ilan University Press, 2002), 77−106 (94) [Hebr.].

73 Mendi Grossman, "The Bostoner Admor: I Am Afraid of a Halakhic State", *Maariv*, 3 March 2015 [Hebr.], http://tinyurl.com/oh5j54f (accessed 18 June 2020).

74 Jakov Grudka, "The Supermarket Storm. 'A Secular Man Cried on the Phone to Me'", *BeChadrei Haredim*, 28 December 2017 [Hebr.], https://tinyurl.com/y3fzu635 (accessed 18 June 2020).

75 Gafni in conversation with Cohen, "I don't Want a Halakhic State" (see note 26).

76 Ari Kalman, "Golan to Abutbol: 'If it Was Up to the Haredim — the State Would Not Have Neen Founded", *BeChadrei Haredim*, 4 May 2020 [Hebr.], https://www.bhol.co.il/news/1097007 (accessed 18 June 2020).

fundamental features of the constitution. Yet the ultra-Orthodox perspective is not revolutionary.[77] What is currently at stake is not the realisation of an ultra-Orthodox state, but a process of transformation, albeit without a clearly defined goal that might guide Haredi actions. Since the Torah state remains a theoretical abstraction, the Haredim's will to shape the state is limited to embedding religious principles and religious life even more firmly in it than before.

77 This change corresponds to the transition from "world creator" to "world transformer" as described by Almond et al. in their categorisation of strict religious movements. Gabriel A. Almond et al., *Strong Religion. The Rise of Fundamentalisms around the World* (Chicago: Chicago University Press, 2003), 145−90.

Objectives and Strategies of the Ultra-Orthodox Parties

Three topics are the focus of ultra-Orthodox politics. First, traditional clientele politics, in this case essentially to fund the Haredi community and protect it from the state. This is carried out primarily through coalition agreements[78], legal amendments and motions, combined with the strategic filling of political posts. This has been particularly obvious in the government that has been in office since 2020: alongside the Interior Ministry, the Ministry of Housing and Construction and the Ministry of Religious Services, the Haredim secured the posts of deputy minister in the Ministries of Finance, Social Affairs, Education, and Transport and Road Safety. Some of these deputy positions are explicitly connected to responsibility for ultra-Orthodox affairs — which further drives their autonomy within the state. Traditionally, the chair of the Knesset finance committee is also Haredi.

The second subject is the relationship between state and religion and the Jewish identity of the state, which was first referred to in a coalition agreement in 2001. The Status Quo is treated in great detail each time. Haredi efforts to assert their own prerogative to interpret this issue can be seen, inter alia, in several clauses on the Shabbat (usually concerning trading, traffic, work activities), dietary laws (kashrut), conversion, and the role of Rabbinate courts. Moreover, since 1992 there has been a clause in every coalition agreement instituting unanimous decision-making within the coalition for all matters concerning religion and the state, which de facto accords the Haredim a right of veto. They have also succeeded in establishing hegemony in the important religious institutions. All facilites that determine religious life within the state of Israel to a greater or lesser degree are dominated by Haredim.[79]

The third subject is relatively recent and concerns the adaptation of frameworks in the public sphere to ultra-Orthodox needs. Since 2006 there have also been clauses in the coalition agreements specifying that interference with the ultra-Orthodox lifestyle must be avoided, and that neighbourhoods must be expressly designated for ultra-Orthodox communities or new towns must be built for them. These include a clause that first appeared in a coalition agreement in 2015 imposing the creation of places of work that are adapted to the specific religious needs of the Haredim.[80] Additionally, the most recent legislative period saw a large number of further proposals,[81] such as the binding obligation to designate an eruv (an area in which carrying objects outside of the home is allowed on the Shabbat), motions concerning so-called Shabbat elevators (which automatically stop at every floor on Shabbat) or on the possibility of gender segregation in facilities and at events. A further sign of the changing social composition are draft laws for public centres, stipends and memorial days honouring deceased Torah Sages or for establishing a "Torah House" in Jerusalem. In future, there will no doubt be, alongside the many public amenities named after prominent Zionists (the Shimon Peres Centre, Ben Gurion Airport, etc.), an Ovadia Yosef or Menachem Shach Centre for the dissemination of Torah knowledge.

78 All coalition agreements can be found [in Hebr.] on the Knesset website: https://tinyurl.com/y2s79avh (accessed 18 June 2020).

79 Dana Blandner and Itzhak Galnoor, *The Handbook of Israel's Political System* (Cambridge: Cambridge University Press, 2018), 747 ff.

80 Likud and United Torah Judaism, *Coalition Agreement on Forming the 34th Government of the State of Israel*, 2015 [Hebr.], https://tinyurl.com/y444zz9f (accessed 18 June 2020).

81 Instead of listing all legislative clauses separately here, I will reference the website https://mishmar.org.il/, where draft laws [in Hebrew] can be found organised by topic, person, party, etc.

The Key Position of Ultra-Orthodox Parties in the Political System

Decisive for the Haredim's influence is the key position they have occupied since the 1990s between the leftwing bloc and the rightwing bloc. Although they only have about 10 to 15 percent of Knesset mandates, this position accords them disproportionally great influence and turns them into kingmakers. This is possible because the crucial line of conflict — how to deal with the occupied Palestinian territories — is of secondary importance for Haredi parties. The Haredim evade this question in favour of political flexibility. "Nobody knows," according to UTJ Chair Litzman in a 2017 interview, "whether I'm for a territorial compromise, or Eretz Yisrael Hashlema [Greater Israel], or if I support a two-state solution."[82]

Even though the Haredim tend to lean towards the positions of the Israeli right, they also back centre-left governments. Since 1990 all three of the governments not led by Likud came to power with the votes of the Haredim. However, this is also true for most of the Likud governments. Overall, the Haredim were not in government for only about five years since 1990; but they have participated in eight out of ten coalitions.

Such involvement is essential for the ultra-Orthodox, whose structures depend on the government's policies. Funding and autonomy of their religious schools — the core of Haredi cultural identity — can only be secured through participation in government. This is also the case for their exemption from military service. A certain amount of political flexibility to protect their community is therefore necessary.

Neverthless, since 2015 there has been a shift to the right among Haredi parties. They identified with the political right especially in the election campaigns of 2019 and 2020.[83] That may limit future coalition building; however, given the rightwing/conservative majority that has consolidated in Israel in the past 20 years, a continuation of Haredi participation in government is likely.

Regardless, in the culture war, the lines of conflict are different. When aspects of the culture war came to dominate election campaigns, the Haredim found themselves in the opposition.

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82 Michael Tuchfeld, "I Won't Say No to a Coalition with Gabbai", *Makor Rishon*, 10 November 2017 [Hebr.].
83 Thus the Shas chairman can be seen alongside Netanyahu on an election poster.

Areas of Conflict in the Culture War

No Norms from outside the Torah: Against the Constitution and Supreme Court

After 70 years of statehood, Israel still has no constitution. The key issue of contention is that a constitution is supposed to "articulate principles and values in which a society believes and which it wants to live by". This has so far failed in Israel due to "differing views on the desired character of the state of Israel as a Jewish state".[84]

The Haredi parties have always rejected a constitution. No other issue presents the ideological divergence between the Haredim and mainstream society so clearly. Ultra-Orthodox politicians emphasise that only the Torah can serve as a constitution: "Constitutions made by humans have no place in Israel. If it contradicts Israel's Torah, it is inadmissible, and if it is identical with Israel's Torah, it is superfluous."[85] This opinion from 1950 has outlived every discussion about a constitution.

The conflict was evident during the three years (2003−2005) that the committee tasked with preparing a constitution met. The Haredim representative, Avraham Ravitz, questioned both the principle of popular sovereignty[86] and the definition of Israel as "Jewish and democratic".[87] The resistance of the Haredim was ultimately decisive in the failure of the draft constitutions.[88] Given the hopelessness of the enterprise, no further efforts have been made since.

The Haredim are also critical of adopted "basic laws" which are akin to a constitution in nature. The Supreme Court extrapolated a right to judicial review from the basic laws "Human Dignity and Liberty" and "Freedom of Occupation", passed in 1992, which makes constitutional lawsuits admissible. Given the fact that both these laws are classical liberal laws and that the Court bases many of its decisions partly on normative and emancipatory deliberations,[89] this has led to conflict between the Haredim and the Court. And it is not the only such conflict.

While the Court often takes the cultural particularities of the Haredim into consideration, in many cases it also upholds complaints by institutions against ultra-Orthodox practices, special rights or norms based on their influence. Thus the Supreme Court is fundamentally responsible for the fact that the exemption from military service enjoyed by the Haredim has no legal basis. It has variously ruled that the budgeting of ultra-Orthodox schools or their pupils violates the principle of equality, that the financing of the Haredi education system must be made conditional on its adherence to a core curriculum, and that the powers of Rabbinate courts must be limited. The Court has further allowed the import of pork, upgraded the legal status of non-Orthodox Jewish religious movements, and adopted several decisions in favour of gender equality. On a number of occasions, it has also allowed the opening of shops and leisure facilities on the Shabbat.

84 "The Knesset as constitutive authority: constitution and basic laws", on the Knesset website [Hebr.], https://tinyurl.com/y42wlve8 (accessed 18 June 2020).

85 Meir-David Levonstein, *113th session of the First Knesset, 7–8 February 1950*, 744 [Hebr.].

86 Abraham Ravitz, *Protocol of the Constitution Committee/6523//Protocol no. 21 as of 1 June 2003*, 28 [Hebr.].

87 Idem., *Protocol of the Constitution Committee/6465//Protocol no. 11 as of 18 May 2003*, 13 [Hebr.].

88 Gideon Alon, "A Constitution for Israel? Not with This Coalition", *Haaretz*, 18 January 2005, https://tinyurl.com/y44uappe (accessed 18 June 2020).

89 Menachem Mautner, *Law and the Culture of Israel* (Oxford: Oxford University Press, 2011), 143−57.

Zionism or halakha: what is the basis of Jewishness?

Individual judges' liberal interpretations of the law on the identity of the state have also contributed to exacerbating the conflict. For instance, the Court's long-time chair Aharon Barak has declared that the Jewish character of the state should not be understood to be religious. Rather, it is the "common universal rights of a democratic society, which developed in the Jewish tradition" that make the state Jewish.[90]

In response to the "liberal terror"[91] — as one ultra-Orthodox newspaper dubbed it — the Haredim in collaboration with rightwing-conservative parliamentary parties have for some time been trying to limit the powers of the Court. The most significant motion is a repeatedly tabled amendment to the basic law, known as the "Override Clause" (Pisgat HaHitgabrut), which would enable parliament to nullify by its own votes Supreme Court decisions and thus the Court's status as the constitutional court.[92] Some variants of the Override Clause would go as far as to render Court verdicts about decisions taken by the executive impossible, and thus largely suspend the separation of powers.[93] There were heated debates on this during the last legislative period in particular. However, the plan foundered due to Kulanu, a temporary Likud splinter party.[94]

From the Haredi perspective, the Override Clause cuts an overconfident liberal Court down to size. As staunch critics of a democracy that is liberal at its core, and in the absence of a religious state, they are working towards an interpretation of democracy that follows purely procedural and majoritarian principles.

Despite their generally hostile attitude towards constitutional state laws, the Haredim first submitted their own proposals for basic laws in the 2010s. These concerned compulsory Torah studies for everyone and permanently anchoring the Status Quo in the relationship between the ultra-Orthodox and the state. The Haredim even ultimately agreed to the so-called nation-state law,[95] which defines Israel as a Jewish nation-state, after they had been assured that it would have no negative consequences on the Status Quo. An extra-parliamentary motion by an ultra-Orthodox think tank for embedding the sovereignty of the Torah in basic law[96] was mostly symbolic in nature — nevertheless, this too is a sign of advancing political integration. In other words, beyond attempts to neutralise any normative legal definition of the constitutional state that contradicts the ultra-Orthodox worldview, the Haredim have taken the first steps to embed their own interpretation of Jewishness in Israel's constitutional make up.

Custodians of the Relationship between Religion and the State: Conversion and Shabbat Rest

The issue of "Jewishness" is closely linked to the question of who is considered a Jew in Israel, and which institution has the right to decide. Under the so-called right to return and its secular-Zionist logic, anyone can immigrate who has one Jewish parent or grandparent. A Jewish spouse also confers that right. Under religious law, however, only those who have a Jewish mother or who convert to Judaism are defined as Jews. This means that not everyone who immigrates to Israel as a Jew is also recognised as such in the religious sense, a fact that causes problems with marriages, divorces, births and deaths, since Israel has no legislation on civil personal status like marriage or divorce. It particularly concerns immigrants from the

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90   Aharon Barak, *Constitutional Revolution*, 31 f., quoted: Steven V. Mazie, *Israel's Higher Law. Religion and Liberal Democracy in the Jewish State* (Oxford: Lexington Books, 2006), 37.

91   Israel Cohen, "A Harsh Attack on the Supreme Court in the Haredi Press: 'Liberal Terror'", *Kikar HaShabbat*, 13 September 2017 [Hebr.], https://tinyurl.com/y2s79avh (accessed 18 June 2020).

92   Michael Malchieli, "Basic Law Proposal on Human Dignity and Liberty (Correction — Override clause)", 12 March 2018, https://tinyurl.com/y8ucpnn7 (accessed 18 June 2020).

93   Alon Harel, "The Israeli Override Clause and the Future of Israeli Democracy", *Verfassungsblog*, 15 May 2018, https://tinyurl.com/y7gvuhk7 (accessed 18 June 2020).

94   Peter Lintl, "Israel on Its Way to a Majoritarian System? The Current Government's Fight against Principles of Liberal Democracy, the 'Constitutional Revolution' and the Supreme Court", *Israeli European Policy Network Papers 2018*, https://tinyurl.com/yd33fh85 (accessed 18 June 2020).

95   Peter Lintl and Stefan Wolfrum, *Israel's Nation-State Law. Netanyahu Government Lays the Foundations for a Majoritarian System*, SWP Comment 41/2018 (Berlin: Stiftung Wissenschaft und Politik, October 2018), https://www.swp-berlin.org/en/publication/israels-nation-state-law/ (accessed 15 October 2020).

96   HaRav Lord Jakobvits Torah Institute of Contemporary Research, *Basic Law Proposal: The Sovereignty of the Torah* (Jerusalem, 2004/5) [Hebr.], https://tinyurl.com/qwfb2ua (accessed 18 June 2020).

Soviet Union, Ethiopia and the USA (who came into the country after converting to Reform Judaism, conversions not recognised in Israel). There are now about 400,000 (4.5 percent) so-called "non-Jewish Jews"[97] in Israel. According to a report by the Prime Minister's office, that figures is expected to rise to 500,000 in the next decade.[98]

It is often difficult to convert to Judaism since Israel only recognises the Orthodox conversion. This consists of a multi-year process during which potential converts and their families have to conduct their lives according to halakha and finally pass an exam in front of one of the Rabbinate courts, which are predominantly filled with ultra-Orthodox judges.[99] A simplification of conversion has so far failed due to the resistance of the Haredim, who use all means open to them — bills, ministerial decrees, the Chief Rabbinate and the Great Rabbinical Court.

Perhaps the biggest controversy in this area was triggered in the 2000s by the attempt to offer a simplified conversion process via a state agency (Maarach HaGiur). Staffed with national-religious rabbis, this authority did not report to the Chief Rabbinate but to the prime minister.[100] The project's explicit goal — its declared "national mission" — was to convert as many "non-Jewish Jewish" immigrants as possible.[101] After harsh criticism from the Haredim, the Great Rabbinical Court annulled thousands of these conversions in 2008 on the basis of a single case, from which the rabbis extrapolated that all conversions by the authority were questionable.[102] The presiding judge insisted that this decision was necessary because, he claimed, those conversions would have

endangered Israel as a Jewish state. Not Zionism (meaning the logic of the nation-state) but halakha was the basis of Jewishness, he stated.[103]

This decision was annulled by the (secular) Supreme Court for procedural errors,[104] but it had consequences nevertheless: despite being state employees, some rabbis continued to refuse to recognise those conversions and privileged the decision of the Great Rabbinical Court over that of the Supreme Court.[105]

The government again attempted to simplify the conversion process when the Haredim were in opposition from 2013 to 2015. It passed a law to add local rabbinical tribunals that were not exclusively staffed by ultra-Orthodox judges to the four state conversion courts (which answer directly to the two Chief Rabbis). The Chief Rabbis subsequently declared that strictly halakhic criteria continued to be decisive and that they had the authority to prevent simplified conversions.[106] The law was then changed in their direction during the next legislative period, when the Haredim were in government again.[107]

On this issue, the ultra-Orthodox claim to power also stretches beyond Israel. The rabbinical courts only recognise a very limited number of conversion courts outside of Israel. This regularly leads to crises, inter alia with Jewish communities in the USA, which are predominantly made up of Reform Jews.

Religious principles are gradually finding their way into the state.

The issue of how to keep the Shabbat in Israel is no less controversial. According to surveys, a stable majority of 60 to 78 percent of all Jewish Israelis want to allow cafés, restaurants, shops, etc. to open and

97   Asher Cohen and Bernard Susser, "Jews and Others: Non-Jewish Jews in Israel", *Israel Affairs* 15, no. 1 (2009): 52–65.

98   Moshe Nissim, *Conversion in Israel. Report and Recommendations* (Jerusalem: State of Israel, 2018), 65 f. [Hebr.], https://tinyurl.com/yx8h5u84 (accessed 18 June 2020).

99   ITIM, *Guide to Converting to Judaism in Israel* (Jerusalem, n. d.), https://www.itim.org.il/en/itim-guide-to-converting-to-judaism-in-israel/ (accessed 18 June 2020).

100   Netanel Fisher, *The Challenge of Conversion in Israel* (Jerusalem: IDI, 2015), 77 [Hebr.].

101   Michal Kravel-Tovi, "'National Mission': Biopolitics, Non-Jewish Immigration and Jewish Conversion Policy in Contemporary Israel", *Ethnic and Racial Studies* 35, no. 4 (2012): 737–56 (747).

102   Netanel Fisher, "A Jewish State? Controversial Conversions and the Dispute over Israel's Jewish Character", *Contemporary Jewry* 33, no. 3 (2013): 217–40 (234).

103   Yair Ettinger, "Rabbinical Judge Defends His Record as Acting for the Greater Jewish Good", *Haaretz*, 26 March 2012, https://tinyurl.com/y753p6pp (accessed 18 June 2020).

104   Nathan Jeffay, "Israeli State Validates 40.000 Conversions", *The Jewish Chronicle*, 10 May 2012, https://tinyurl.com/y4d8a6bs (accessed 18 June 2020).

105   Netanel Fisher, "Israeli Halakha: The Chief Rabbinate's Conversion-to-Judaism Policy 1948–2018", *Modern Judaism — A Journal of Jewish Ideas and Experience* 39, no. 1 (2019): 61–92 (80).

106   Jewish Telegraphic Agency (JTA), "Israel Chief Rabbi Vows to Defy Conversion Law", *Forward.com*, 20 February 2015, https://tinyurl.com/yab77h2a (accessed 18 June 2020).

107   Prime Minister's Office, "Correction of a Government Decree — Local Conversion Boards", 5 July 2015 [Hebr.], https://tinyurl.com/y9yl8d75 (accessed 18 June 2020).

local public transport to run on the Shabbat.[108] Among secular Jews, the approval rate is usually over 90 percent. The diametrical opposite is true of the Haredim: in all surveys, at least 90 percent reject Shabbat opening.[109]

Yet in the past few decades, certain sectors have been liberalised: cinemas, leisure parks, cafés, restaurants and even zoos have successively opened on Shabbat as well — at least in towns with secular majorities.[110] The Haredim are fighting back, using state legislation.

For instance, in 2014 when the secular city of Tel Aviv passed a bylaw to relax Shabbat opening times for supermarkets and kiosks, a lawsuit was filed by representatives of smaller shopkeepers, who feared losing clients to the large supermarkets since they themselves could not manage all the opening times. The Supreme Court confirmed the bylaw, pointing out that municipal regulations need to adapt to everyday life.[111] As a result, the ultra-Orthodox side tabled several motions to amend existing legal regulations. Finally, under pressure from the ultra-Orthodox a law was adopted empowering the Minister of the Interior — who is often from Shas — to override or reject bylaws concerning opening times.[112]

The attempt in 2019 by Tel Aviv to operate public and free bus lines on the Shabbat was similarly attacked. To date, only paying public transport is forbidden on the Shabbat.[113] Moshe Gafni (UTJ) subsequently announced that he would introduce a law in the next coalition government prohibiting all local public transport on the Shabbat.[114]

To what extent the state allows building works on the Shabbat is another contentious issue. In government, the subject has repeatedly led to crises. Most recently, the trigger was work on the rail network, which was necessary for maintenance, according to the rail operator.[115] The newspaper *Haaretz* claimed that the operator had proceeded in this manner for 20 years[116] — and that this had been tacitly tolerated by the Haredim. However, when reports appeared on ultra-Orthodox websites claiming that work continued on the Shabbat despite alleged orders to stop,[117] ultra-Orthodox leaders came under pressure. The result was a coalition crisis.[118] Health Minister Yaakov Litzman (UTJ) resigned in protest. The crisis was not defused until working-hours legislation was amended so that every decision to do with allowing work on the Shabbat had to take into consideration the following issues: is there an alternative to working on the Shabbat; and what does religious tradition say? Potential harm to resident communities also had to be considered. While this amendment to the law is ultimately cosmetic, it does show how religious principles are gradually entering the state.

Defending their Community under Pressure: Military Service and the Education System amidst Demographic Change

Since 1992 the debate over the ultra-Orthodox exemption from military service has regularly caused politi-

108 *Times of Israel* (TOI), Staff, "Most Israelis Support Shabbat Buses, Including Likud Voters, 'Traditional' Jews", *Times of Israel*, 10 December 2019, https://tinyurl.com/y4b73lgz (accessed 18 June 2020).

109 IDI, "Religion and State: Israelis Seek Change in Existing Arrangements", Press Release (Jerusalem, 13 August 2019), https://en.idi.org.il/articles/28411 (accessed 18 June 2020).

110 Gilad Wiener and Shuki Friedman, *Local Shabbat* (Jerusalem: IDI, 2018) [Hebr.], https://www.idi.org.il/books/24865 (accessed 18 June 2020).

111 Revital Hovel, "'Live and Let Live': Israel's Top Court Allows Tel Aviv Stores to Operate on Shabbat in Landmark Ruling", *Haaretz*, 26 October 2017, https://tinyurl.com/y249blv2 (accessed 18 June 2020).

112 Lahav Harkov, "Knesset Passes Contentious Shabbat Law by One Vote after All-nighter", *Jerusalem Post*, 9 January 2018, https://tinyurl.com/yy7httfe (accessed 18 June 2020).

113 TOI Staff, "Buses Overflow as Tel Aviv Launches Public Transportation on Shabbat", *Times of Israel*, 23 November 2019, https://tinyurl.com/y2tjxscm (accessed 18 June 2020).

114 Idem., "Ultra-Orthodox MK Says He'll Demand Law Banning Public Transportation on Shabbat", *Times of Israel*, 26 February 2020, https://tinyurl.com/yxo3xgar (accessed 18 June 2020).

115 Aaron Rabinowitz, "Ultra-Orthodox Minister to Quit over Shabbat Work Dispute", *Haaretz*, 24 November 2017, https://tinyurl.com/y4f46luw (accessed 18 June 2020).

116 Lee Yaron, "Why the Political Crisis? Railway Work on Shabbat Has Been Routine for Years", *Haaretz*, 4 September 2016, https://tinyurl.com/y5ud24o2 (accessed 18 June 2020).

117 Ja'akov Grudka, "Katz's Strategy: The Rail Operator Will Work on Saturdays, But the Information Will Be Kept from the Media", *BeChadrei Haredim*, 3 December 2017 [Hebr.], https://tinyurl.com/y4cbwf4q (accessed 18 June 2020).

118 Anshel Pfeffer, "Israel's Shabbat Wars Are a Symptom of a Much Deeper Crisis among ultra-Orthodox Jews", *Haaretz*, 26 November 2017, https://tinyurl.com/y4hckmp4 (accessed 18 June 2020).

cal crises, dominated election campaigns and even led to the failure of a coalition in 2012. After the creation of the state of Israel, David Ben Gurion had exempted all ultra-Orthodox women and up to 400 Torah students from military service so as to win over ultra-Orthodox Jews for his first coalition government. The numbers of exempted men were continually raised until Menachem Being made all fulltime Torah students not liable to military service in 1977 — a concession to Agudat Yisrael in return for its entry into his Likud-led coalition.[119] Due to the steadily growing Haredi population, the state has lost more and more recruits. Originally, the exemption from military service concerned 3.1 percent of all men of applicable age; in 1977 it was 8 percent; and in 2019 16 percent.[120]

This became a political issue around the turn of the millennium, though interestingly not primarily because of a lack of recruits or a potential impact on Israel's ability to defend itself. Instead, the debate concerned unequal burden sharing.[121] The ultra-Orthodox objection to military service questions one of the fundamental agreements of Jewish Israelis: the social contract of the Zionist mainstream society, which views itself as a nation under arms. The debate therefore also has to do with issues of Israeli identity, citizens' duties and societal solidarity.[122]

And once again the majorities are almost mirror images of each other. While over the past 20 years a continuous and clear majority (just under 80 percent) of Jewish Israelis have called for compulsory military service for the Haredim,[123] 78 percent of Haredim

rejected the idea in 2017, only five percent approved and 12 percent approved on the condition that no Torah students would be drafted.[124] Again and again the argument was advanced that military service was only being urged to force Israeli habits on young ultra-Orthodox Jews.[125]

What is more important: the state or tradition?

For Zionists military service is part of the raison d'être of a state that was founded to guarantee the safety of the Jewish people. Yet the Haredim insist that obeying the commandments and preserving tradition are more important than the state. They absolutely spurn the Zionist disdain (Shlilat HaGalut) for the pre-state Jewish exile culture, which for the Haredim is defining. During a hearing, a lawyer for the ultra-Orthodox parties articulated it thus: "If you see the state as the ultimate refuge, if you [...] view existing Israeli culture as superior to the despicable and dark culture of thousands of years, you cannot understand why the physical defence of your home country is not the most important of principles."[126]

In many ways, the political confrontation over military service is paradigmatic of the means by which the Haredim successfully defend their community, and of the reasons that make it so difficult to push through decisions against them — even if there was the theoretical parliamentary majority to do so. After Ehud Barak had taken up office in 1999 under the slogan "Am Echad, Gius Echad" (One People, One Military Service) with a view to obliging the Haredim to serve in the army, he found himself depending on their parties to form a coalition. The compromise solution (the "Tal" Law) clearly accommodated the ultra-Orthodox, but it was finally not adopted since the coalition broke apart after two years for other reasons. Likud under Ariel Sharon, previously in opposition, formed a new coalition with the Haredim

119 Report by Judge Zvi A. Tal, "Chapter 2: Yeshiva Lessons — the Historical Background of the Concept of Yeshiva", *Panel on Formulating an Appropriate Clarification of the Issue of Compulsory Military Service for Yeshiva Students* [Hebr.], https:// tinyurl.com/y6n3ob23 (accessed 18 June 2020).
120 Gilad Malach, Doron Cohen and Haim Zicherman, *Master Plan for Ultra-Orthodox Employment* (Jerusalem: IDI, 2016), 29.
121 Udi Spiegel, "Haredim, 'the People' and 'the People's Army': The Discourse on 'Recruiting the Haredim for Military Service' as an Expression of the Struggle to Maintain Israel's Collective Identity", *Politika: The Israeli Journal of Political Science & International Relations,* (Summer 2007): 67—91 (75 f.) [Hebr.].
122 Ibid., 75 ff.
123 Asher Arian, *Israeli Public Opinion on National Security 1999*, Memorandum no. 53 (Tel Aviv: Jaffee Center for Strategic Studies [JCSS], July 1999), 40, https://tinyurl.com/ y568bcak (accessed 18 June 2020); Jeremy Sharon, "Four

Out of Five Israeli Jews Want Haredim to Serve in Army", *Jerusalem Post*, 6 March 2018, https://tinyurl.com/y3bkgdb6 (accessed 18 June 2020).
124 David Rosenberg, "Poll: Haredim Oppose IDF Draft — and Shaming of Haredi Soldiers", *Israel National News*, 17 February 2017, https://tinyurl.com/y2ymoeho (accessed 18 June 2020).
125 15th Knesset, *Protocol of the 126th session*, 3 July 2000 [Hebr.], https://tinyurl.com/yyntzabc (accessed 18 June 2020).
126 *Report under the Chairmanship of Judge Zvi A. Tal* (see note 119).

and adopted more or less precisely the Tal Law that it had previously vehemently rejected.[127]

However, that was not the end of the story. While the law created the basis for recruiting Haredim into the army, it contained no coercive measures for Torah students, in a concession to the demands of ultra-Orthodox parties. This meant that until 2007 hardly any ultra-Orthodox served. Several lawsuits were subsequently filed against the Tal Law, including by the Movement for Quality of Governance. After the court had allowed several transition periods for an amendment of the law, it finally ruled in 2012 that due to the unchanged situation, there was still no equality in military service in terms of the principle of equality, and demanded legal regulations.[128] This led to the Haredim being squeezed out of government from 2013 to 2015. They had barely become part of a coalition again, when the stricter legislation passed in their absence was largely struck down. Since the current rules have, in turn, been nullified by the Supreme Court, further conflict between the Haredim and the Court is inevitable.

Two observations should be made in this context, which raise the question as to whether the confrontations over military service are not in fact a form of shadow boxing. The number of drafted ultra-Orthodox recruits has steadily been increased since 2007, but never above 10 percent (a maximum of 2,850) of the age group. The objective set by the legislative in 2012 of 5,200 per annum was never attained. Moreover, according to an investigative report, in the past few years the army has frequently quoted inflated figures on recruited members, and recorded many of them as Haredim when they were more likely religious Zionists.[129] For — and this is the second observation — the army leadership seems rather reluctant to enforce military service on the Haredim. The hurdles and costs of integrating the ultra-Orthodox into army service are high, and incorporating a population group against its will is virtually impossible anyway.[130] It is also questionable whether ultra-Orthodox recruits are truly required from a security perspective, or whether numbers are sufficient without them.

As regards the Haredi education system, two areas are socially controversial: first, the status of the religious schools as (partly) state-financed institutions that simultaneously enjoy teaching autonomy with limited secular references;[131] and second, state benefits for adult fulltime Torah students, and the economic consequences for the state of their deliberate joblessness.

When a lawsuit was brought before the Supreme Court by a secular non-governmental organisation in 1999 to implement the government's duty of supervision over ultra-Orthodox schools, it triggered a conflict about the school system[132] that subsequently unfolded much like the conflict over exemption from military service. The Supreme Court ordered the Ministry of Education to set out a core curriculum for secular subjects (mathematics, English, Hebrew, natural sciences, etc.).[133] Initially, any decisions were delayed because there were ultra-Orthodox members of government.[134]

After several litigations and postponements, the Court reached a verdict that forced the government to implement a core curriculum. Under pressure from the ultra-Orthodox parties, the law on "educational

127 Ironically enough the new leaders of the Labour party, now in opposition, claimed that the law they helped to draft has always been flawed and thus categorically rejected it. For the parliamentary discussion, see: 15th Knesset, *Protocol of the 334th Session*, 23 July 2002 [Hebr.], https://tinyurl.com/y3zmz9mc (accessed 18 June 2020).

128 Ruth Levush, *Israeli Supreme Court Decision Invalidating the Law on Haredi Military Draft Postponement* (Washington, D.C.: The Law Library of Congress, Global Legal Research Center, March 2012), https://tinyurl.com/yyojkzk2 (accessed 6 September 2020).

129 Aaron Rabinowitz, "Integration of Ultra-Orthodox Population Is Sputtering, Notably among Men", *Haaretz*, 23 December 2019, https://tinyurl.com/t8uz8oy (accessed 17 June 2020).

130 Spiegel, "Haredim, 'the People' and 'the People's Army'" (see note 121).

131 Etti Weißblai, *Core Subjects in the Ultra-Orthodox Education System* (Knesset Information Service, 30 July 2012), 6 [Hebr.], https://tinyurl.com/ya5539kc (accessed 21 October 2020).

132 Asher Maoz, "Religious Education in Israel", *University of Detroit Mercy Law Review* 83, no. 5 (2006): 5679 — 728 (715), https://tinyurl.com/y6x9g4v6 (accessed 20 October 2020).

133 Lotem Perry-Hazan, "Court-led Educational Reforms in Political Third Rails: Lessons from the Litigation over Ultra-religious Jewish Schools in Israel", *Journal of Education Policy* 30 (2015): 713 — 46.

134 Asher Maoz, "Religious Education in Israel", in *The Routledge International Handbook of Religious Education*, ed. Derek H. Davis and Elena Miroshnikova (London and New York: Routledge, 2013), 166 — 74 (172).

Figure 4

Employment rates 1995–2018
Gainful employment of men aged 25 to 64
Percentage figures
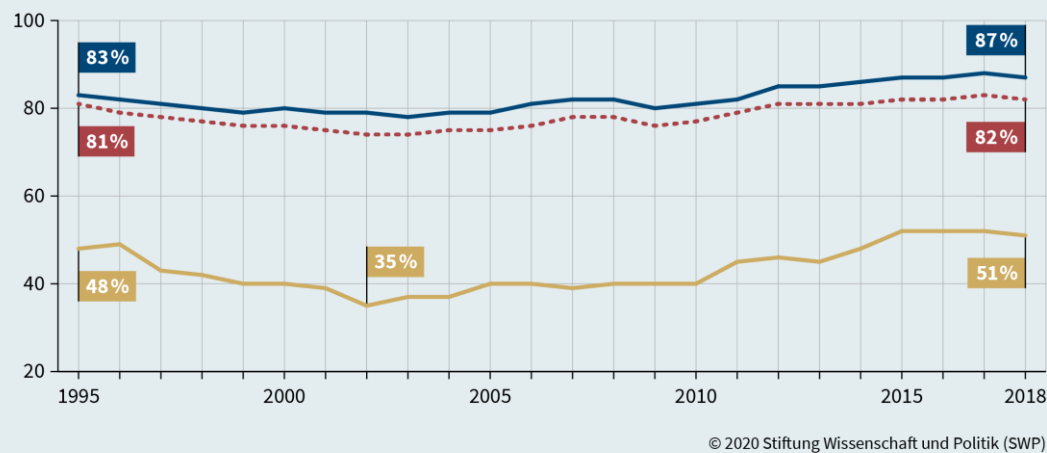
Source: table D/2: *Employment of 25 to 64 –year-olds by population group and gender, 1995–2008* (Jerusalem: Israel Democracy Institute) [Hebr.], https://www.idi.org.il/media/13661/d0219.xlsx (accessed 19 October 2020).

establishments of unique cultures"[135] was passed in 2008, which justifies new exemptions for their schools. During the Haredim's years in opposition from 2013 to 2015, the discussion was reignited. On the urging of the secular party Yesh Atid, a core curriculum with secular subjects was indeed implemented, with sanctions for noncompliance. The government also cut funding for ultra-Orthodox schools and students by about 50 percent and rescinded related special laws. When the Haredim re-entered government in 2015, they put the clock back again: the vast majority of obligations for a core curriculum have since been abrogated for all ultra-Orthodox schools, and funding has attained the status quo ante again.[136]

Closely connected to this is the debate about ultra-Orthodox men who devote themselves exclusively to religious studies and receive a state subsidy for it. According to the prime minister's office, the income of these so-called kollel students corresponds to about 80 to 110 percent of the minimum wage. A substantial part comes out of the government's coffers; the

rest is financed privately.[137] Today around 50 percent of ultra-Orthodox men depend on this aid, which means that the proportion of those in work has risen markedly since its nadir in 2002 (35 percent) but is still very low.[138] However, even if a higher percentage of Haredim worked, the absolute number of kollel students would nonetheless rise. From 2013 to 2018 alone, it rose by 30,000 to over 85,000.[139]

Employment rates among ultra-Orthodox women are appreciably higher; during the same period, they rose from 51 to 73 percent.[140] However, both rates are in sharp contrast to the employment rates of non-ultra-Orthodox Jewish men (86.5 percent) and women

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135 Knesset, "Law on Unique Culture Education Establishments", in *Law Book 2173 – Knesset Israel*, 30 July 2008 [Hebr.], https://tinyurl.com/y2hp22k4 (accessed 18 June 2020).
136 "Israel Votes to Effectively Cancel Core Curriculum for Ultra-Orthodox Schools", *Haaretz.com*, 2 August 2016, https://tinyurl.com/y69e24nm (accessed 18 June 2020).

137 Hagai Levin, *The ultra-Orthodox sector* (Jerusalem: Prime Minister's Office, 2009), 40 ff. [Hebr.], https://tinyurl.com/y8bzbgxx (accessed 18 June 2020).
138 Exemption from military service applies to fulltime Torah students up to the age of 24. If young men abandon their fulltime studies before then, they can be drafted. This is a disincentive for gainful employment in this age group.
139 Lee Cahaner and Gilad Malach, "Education", in *Statistical Report on Ultra-Orthodox Society in Israel* (Jerusalem: IDI, 2020), https://tinyurl.com/yxqdsp2a (accessed 18 June 2020).
140 Meir Azankurt, *Employment Rates of the Ultra-Orthodox: Description of the Government's Objectives and Data Development of the Past Few Years* (Jerusalem: Knesset Academic Service, December 2018), 5 [Hebr.], https://tinyurl.com/yxshoupp (accessed 18 June 2020).

(81 percent) in Israel. Among other things, this has consequences for the lives of the Haredim. More than half (52.6 percent) live in poverty (national average: 21.9 percent).[141] Along with the Haredim's low uptake of gainful employment, their inadequate training makes them ill-prepared for the job market and means that they primarily find work in the low-pay sector[142] or part-time jobs.[143] Having large families exacerbates the problem. According to an OECD study, ultra-Orthodox families with more than six children (average: 7.1) usually live below the poverty threshold even with median income levels and two earners — in other words, they are *working poor*.[144]

The continuing inclusion of the Haredim comes with a cost for mainstream society.

All of the above leads to social controversies. A majority of Israelis views the Haredim as a financial burden. In a recurrent survey, the Haredim are consistently named the group that contributes the least to Israeli society.[145]

Economic assessments also ring a warning bell. In its 2011 annual report, the state auditor estimated the total costs of the low employment rate to the Israeli economy to be four billion shekel (NIS) every year — about one billion euros.[146] In July 2019 the Ministry of Labour expected the low employment rates of the Haredim to cost the economy 40 billion NIS per annum by 2030 (for a gross domestic product of 1,174 billion NIS), assuming circumstances remained un-

changed — extrapolated for 2065, it expects the cost to be over 400 billion NIS per annum.[147] In the long term, the Israeli Central Bank even fears that the nation might go bankrupt.[148]

Given this, there have been repeated political attempts to encourage the ultra-Orthodox to take up paid work through a mixture of negative incentives (reduction of child support, income supplements and other benefits) and positive incentives (negative income tax, special work programmes, day care for children). However, sufficient room to manoeuvre politically only exists when the Haredim are not in government. It is therefore not surprising that the government has fallen far short of its target, formulated in 2010, of getting 63 percent of male Haredim into work by 2020.[149]

Yet there is a positive trend in the employment rate. This is also due to developments in the ultra-Orthodox community: its difficult economic situation; a number of ultra-Orthodox sham students in religious schools (so-called *dropouts*); the increasing integration of the ultra-Orthodox into society; and a lessening of the feeling of existential threat have all resulted in a rethink within the ultra-Orthodox community. Whereas, in 2008, the director of a network of religious schools still declared that "the Jewish people and the world exist because of the Torah. [...] Work is not an option",[150] this perspective has become relativised. Rabbis give young men looking for work their approval, sometimes openly, sometimes tacitly. Ultra-Orthodox parties now even call for the introduction of quotas for the Haredim in certain sectors.[151] However, they insist that workplaces must be

141 Nitsa (Kaliner) Kasir and Dmitri Romanov, *Quality of Life among Israel's Population Groups* (Jerusalem: The Haredi Institute for Public Affairs, 2019), 114−21, https://tinyurl.com/y4u3xm8d (accessed 18 June 2020).

142 Eitan Regev, *Patterns of Haredi Integration in the Labor Market* (Jerusalem: Taub Center for Social Policy Studies in Israel, 23 December 2017), 33.

143 Malach, Cohen and Zicherman, *Master Plan* (see note 120), 92.

144 OECD, *Economic Survey: Israel* (Paris, March 2019), 42 f., https://tinyurl.com/y539r28q (accessed 18 June 2020).

145 Shmuel Rosner and Noah Slepkov, eds., *2020 Pluralism Index* (Jerusalem: The Jewish People Policy Institute, 2020), https://tinyurl.com/yxgjye4z (accessed 18 June 2020).

146 State Auditor, "Government measures to promote the integration of the ultra-Orthodox sectors into the workforce", in *Annual Report of the State Auditor no. 62 for the Year 2011,* 1037−1074 (1037 and 1042) [Hebr.], https://tinyurl.com/yawual6j (accessed 18 June 2020).

147 Shahar Ilan, "Exclusion of Haredi Jews from Workforce Could Cost Israeli Market over $100 Billion a Year, Official Says", *Ctech-Website*, 14 July 2019, https://tinyurl.com/yytc2gwk (accessed 18 June 2020).

148 Assaf Geva, "Demographic Changes and Their Impact on Tax Aggregates [for the Years 2014−2059]" (Jerusalem: Israeli Central Bank, 2015), 13 [Hebr.], https://tinyurl.com/ycqdnfv8 (accessed 18 June 2020).

149 Prime Minister's Office, "Setting of Government Employment Targets 2010−2020 — Government Resolution no. 1994", 15 July 2010 [Hebr.], https://tinyurl.com/ybk9mmh6 (accessed 18 June 2020).

150 Yair Ettinger, "'Work Is Not an Option'", *Haaretz*, 4 November 2008, https://www.haaretz.com/1.5054494 (accessed 18 June 2020).

151 Tali Cheruti-Sover, "How Many Haredim Work for the State? Nobody Knows", *The Marker*, 11 December 2018 [Hebr.], https://tinyurl.com/y2z5fjwl (accessed 18 June 2020).

adapted to the community's needs. The ongoing integration of the Haredim clearly comes with a cost for mainstream society.

Confrontations over the Public Sphere

Hitcharedut − Haredisation. This term is used in Israel to group together developments (and conflicts) connected to the fact that the ultra-Orthodox are leaving their customary districts and moving into non-Haredi areas. Until the late 1980s, most Haredim lived in Bnei Brak and Jerusalem (where about 40 percent of them still live today). However, demographic growth led to an ultra-Orthodox housing crisis. Until 2035, there will be a shortfall of 200,000 housing units for Haredi families, according to the Ministry of Housing and Construction.[152]

Two possible solutions exist. One, building new ultra-Orthodox towns that are specifically designed for the needs of the Haredim and serve as a refuge from non-ultra-Orthodox society. The most prominent examples are the three towns of Beitar Illit (ca. 65,000 inhabitants), Modi'in Illit (75,000) and Elad (50,000), where the ideal of a spatial and social-moral separation from the rest of society has been taken into account. Beitar Illit even advertised itself as the first town created for the ultra-Orthodox since "territorial separation is the most appropriate approach to maintaining an independent lifestyle".[153] This avoids confrontations between the Haredim and other religious currents; however, the number of working Haredim unequivocally correlates with the heterogeneity of the areas in which they live. In other words, the more homogenous local society is, the lower the percentage of those in work, the greater the poverty, and the more religious the canon of subjects offered at schools.[154]

The second solution is to settle the ultra-Orthodox outside of their customary neighbourhoods or towns. Examples can be found in Ashdod, Netanya, Arad, Beit Shemesh, Safed, and Jerusalem. However, this often causes conflict with the long-established

inhabitants over issues of integration, participation and public normativity.

In Israel gentrification is often not to do with class but with religion.

These conflicts follow two, usually interlocked, patterns.[155] To begin with, the new arrivals largely seek to separate themselves from the surrounding society, sometimes by erecting dividing walls, fences and screens to keep the outside world out of sight.[156] Simultaneously, efforts are made to extend the separated space. This is backed by local politicians and national legislation enabling the Haredim to demand that municipal councils part-finance their schools,[157] which slowly expands their sphere of influence. The publication of an investment plan on an ultra-Orthodox website caused a stir, which stated that "the ultra-Orthodox public no longer hides its intent of taking over secular neighbourhoods with a view to Haredising them".[158]

In many neighbourhoods, long-standing residents are indeed being displaced. A study of Jerusalem concludes that moving-away rates in a neighbourhood accelerate when the ultra-Orthodox population reaches about 12 percent.[159] At that point social pressure grows to change one's own perception of norms, and the structure of the neighbourhood changes. Facilities such as cafés, restaurants or cinemas lose customers and often have to close; simultaneously many companies avoid violating the ultra-Orthodox codex for fear of protests, vandalism

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152 Ministry of Housing and Construction, *Government Construction Plan for Housing for the Ultra-Orthodox Sector* (December 2019), 24 [Hebr.], https://tinyurl.com/y7qsthh4 (accessed 18 June 2020).

153 Town Council Beitar Illit, "Plan Outline", town council's website, https://tinyurl.com/y8jkn9b6 (accessed 18 June 2020 via archive.org).

154 Regev, *Patterns of Haredi Integration* (see note 142).

155 Yosseph Shilhav, "The Emergence of Ultra-Orthodox Neighborhoods in Israeli Urban Centers", in *Local Communities and the Israeli Polity,* ed. Efraim Ben-Zadok (Albany: State University of New York Press, 1993), 157−87.

156 Lauren E. Bohn, "Jerusalem's Secular Minority Battles to Hold Its Own", *Times of Israel*, 11 November 2012, https://tinyurl.com/y25spt4b (accessed 18 June 2020).

157 Mazal Mualem, "Likud Mayors Complain to Netanyahu about Shas Control of Municipal Budgets", *Haaretz*, 10 February 2010, https://www.haaretz.com/1.5027833 (accessed 18 June 2020).

158 Originally published on the no longer extant website "ladaat.net", and republished on: *BeChadrei Haredim*: "War over the House: Control over Secular Neighbourhoods", 3 November 2010 [Hebr.], https://tinyurl.com/y39wtfow (accessed 18 June 2020).

159 Adi Finkelstein, *Tipping Points and the Local Housing Market: Dynamics of Segregation and Integration in Jerusalem*, M.A. Thesis (Jerusalem: Hebrew University, 2018).

or boycott by the Haredim, which would cause considerable economic loss. For the journalist Shoshana Kordova, gentrification in Israel is not about class, but about religion[160] — which emphasises the significance of the culture war as a social conflict.

The presence of women in the public sphere is particularly controversial. Wherever ultra-Orthodox communities establish themselves, public images of women are spraypainted over, posters call on women to refrain from wearing revealing clothing, and women may be assigned their own pavements. In extreme cases, they may even be attacked for non-compliance with the rules. This process has become known in Israel as hadarat nashim (exclusion of women from the public sphere).

The government's aspiration to integrate the Haredim clears the path for gender segregation.

Gender segregation has found its way into many areas, ranging from (so-called mehadrin) buses to cemeteries, private clinics, workplaces, public events and EL AL aircraft.[161] And yet 79 percent of Jewish Israelis reject gender segregation in public spaces.[162] There have been successful lawsuits against many of these practices; nevertheless, it is noticeable that gender segregation is gaining ground despite the verdicts: for example by insisting that it is voluntary or sidestepping the issue by using private providers.[163] This process is being consolidated by the growing importance of the Haredim as potential customers: advertising strategies as well as companies' business premises are adapted to the preferred gender roles of the ultra-Orthodox. IKEA, for example, has produced

a catalogue specifically for the Haredim, which only features ultra-Orthodox men.[164]

Simultaneously the government's wish for integration of the Haredim clears the path for gender segregation. This is particularly true during military service and in facilities for professional training, such as universities or colleges. They offer programmes which exclude women as students, teachers and lecturers so as to facilitate access to a professional qualification for ultra-Orthodox men. Almost all academic institutions now have areas that are segregated by gender, including entrances, corridors and library times.[165] The army has banned female soldiers from certain military bases, which only wives are now allowed to access.[166] In some cases, the Haredim refused to participate in military events because female singers were booked to perform.[167]

In sum, it is clear that these clashing conceptions of norms bring with them an enormous potential for conflict. This is particularly difficult where processes of displacement are triggered, perceived red lines are crossed, or fundamental rights are violated. Inversely, it is obvious that where integration is desired, concessions have to be made to the Haredi conceptions of norms. The growing presence of the Haredim in Israeli society changes — almost automatically — norms of behaviour in the public sphere, and requires constant weighing up of the price that secular mainstream society is willing to pay for the integration of the Haredim.

160   Kordova, "Haredization" (see note 11).

161   Instead of many individual references, see Orly Erez-Likhovski and Riki Shapira-Rosenberg, *Excluded, for God's Sake: Gender Segregation and the Exclusion of Women in the Public Sphere in Israel 2013–2014* (Jerusalem: Israel Religious Action Center [IRAC], Israel Movement for Reform and Progressive Judaism, 2015), https://tinyurl.com/y4oz8gek (accessed 6 September 2020).

162   Pew Research Center, *Israel's Religiously Divided Society* (see note 16).

163   Allison Kaplan Sommer, "From Tel Aviv to El Al, Israel Is Backsliding on Gender Segregation", *Haaretz*, 25 June 2018, https://tinyurl.com/ycs36smt (accessed 18 June 2020).

164   TOI Staff, "IKEA Issues Catalog for Haredim — with No Photos of Women", *Times of Israel*, 15 February 2017, https://tinyurl.com/y8huyjqr (accessed 18 June 2020).

165   Or Kashti, "Dress Codes and Separate Entrances: Gender Segregation in Israeli Universities Expands beyond the Classroom", *Haaretz*, 27 July 2018, https://tinyurl.com/y3czh5fj (accessed 18 June 2020).

166   Amos Harel, "IDF Is Not Waiting for the New Recruit Law", *Haaretz*, 2 January 2014 [Hebr.], https://tinyurl.com/y445f4pn (accessed 18 June 2020).

167   Kobi Nahsoni, "Haredi Soldier Warns: We'll Leave IDF over Women's Singing", *Ynetnews*, 4 January 2012, https://tinyurl.com/y63khdto (accessed 18 June 2020).

Digression: The Conflict with the Palestinians

Haredi parties were long open to the idea of peace negotiations in the conflict with the Palestinians. Only during the past few years have they moved further to the right on this issue.

The reticent position of the Haredim — especially the Lithuanians — is based on a theological premise from the time of Jewish exile, stipulating that Jews should not rebel "against the peoples of the world".[168] Translated into actual politics, this meant respecting the United Nations (as representative of the "peoples of the world") and especially the USA as the leading power. In this context, Rabbi Shach was explicitly critical of the building of settlements and the annexation of East Jerusalem. He also backed the principle of "land for peace", basing himself on the religious commandment to protect life (Pikuah Nefesh) — he was therefore willing to cede territories.[169] The longtime spiritual leader of Shas, Ovadia Yosef, also supported this principle and facilitated a coalition between Shas and Labour to adopt the Oslo Accords.[170] The Hasidic rabbis and the Agudat Yisrael party do not have a unified opinion on this matter, but a majority tends towards a rightwing/conservative position.

The Haredim are moving to the right on the territorial issue.

However, during this unresolved conflict, the Haredim have moved to the right, in keeping with large parts of Israeli society. Additionally, after the deaths of the influential rabbis Shach (2001) and Yosef (2013), settlements for the Haredim were built or substantially expanded in the West Bank. Haredi cities are now the fastest growing settlements in the Occupied Territories. Shas in particular has had an ideological volte-face. Even though the issue of how to deal with the West Bank is still not its primary preoccupation, it supports Netanyahu and now advocates an expansion of Israeli sovereignty over the Jordan Valley.[171]

The parliamentary group United Torah Judaism currently excludes the possibility of returning territories since prospects for peace with the Palestinians are poor and distrust is enormous.[172] However, this is not a rejection of the principle if the cession of land can protect Jewish life, as Knesset member Yaakov Asher explained in 2019.[173] In many respects, the influential UTJ chairman and Knesset doyen Moshe Gafni in particular follows in the tradition of Rabbi Shach as regards the conflict. He has not shunned contact with the Left, either.[174] Some of his stances would be unimaginable for rightwing politicians. "The Palestinians" he said in 2017, "were here before us [...], we have expelled them."[175] However, he too

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168 Aviezer Ravitzky, *Messianism, Zionism and Jewish Religious Radicalism* (Chicago: Chicago University Press, 1996), 211–35.

169 Eliezer Menachem Shach, *Michtavim uMaamarim*, vol. 1/2 (Bnei Brak: no publ., 1987/88 [5748]). See the letters with the numbers ‏ו, ז, ט‎ [Hebr.].

170 Shas made the Oslo Accords possible by abstaining.

171 Hadaschot Kipa, "Shas Will Support Transfer of Sovereignty over Jordan Valley and Settlement of Judea and Samaria", *Kipa*, 22 January 2020 [Hebr.], https://tinyurl.com/vc9sc8a (accessed 18 June 2020).

172 Uri Kalman, "The Political Commitment of United Torah Judaism Leaders for the Ultra-Orthodox Public", *BeChadrei Haredim*, 3 September 2019 [Hebr.], https://www.bhol.co.il/news/1028460 (accessed 18 June 2020).

173 David Ben-Bassat, "Interview with Yaakov Asher", *haNivcharim*, 14 April 2019 [Hebr.], https://tinyurl.com/y8cmosp9 (accessed 18 June 2020) [as of 17:40].

174 Yotam Berger and Noa Shpigel, "Gafni: I Tend to the Left, But I Have No Wish to be Associated with Reform Judaism", *Haaretz*, 12 June 2017 [Hebr.], https://tinyurl.com/yyr6qxqq (accessed 18 June 2020).

175 Yakov Dagan, "Gafni: I Tend to the Left — the Palestinians Were Here before Us", *Aktualik*, 12 June 2017 [Hebr.], https://tinyurl.com/y6xgjfbd (accessed 18 June 2020).

recognises that the international situation has changed, especially since Donald Trump took office. In this context, the halakhic commandment not to rebel against the peoples of the world suggests a less conciliatory attitude towards the Palestinians.[176] In the new coalition agreement, the Haredi parties even assure Netanyahu of their support should he decide to annex Palestinian territories. However, according to media reports, it was Gafni who was responsible for the proviso that the explicit consent of the USA must be obtained before any such annexation.[177]

Apart from the territorial issue, the Haredi parties have for the most part good relations with the Israeli Arab parties. They even cooperate on various legal initiatives on religious, social or milieu-specific subjects.[178] At times, this is downright staged: in a speech that has since become well-known, Israel Eichler (UTJ), speaking in Arabic, expresses his solidarity with Israeli Arabs and in turn receives the thanks of the Arab Knesset member Ahmad Tibi in Yiddish.[179]

What remains unclear is how the Haredim might position themselves in the future regarding the conflict with the Palestinians. There is a noticeable discrepancy between political elites and their voters, whose views are much more radical: 59 percent want to see the Arabs expelled from Israel.[180] Among other things, this seems to be a generational issue. The trend among the Haredim as in all of Jewish-Israeli society is: the younger, the further to the right.[181] This can be seen in parliament too. The youngest Degel HaTorah delegate, Yitzhak Pindrus, positions himself noticeably further to the right than his older colleagues.

176 Cohen, "I Don't Want a Halakhic State" (see note 26).

177 Avi Rabina, "On Gafni's Demand: Yahadut HaTorah Integrates Proviso into Sovereignty Clause", *Kikar HaShabbat*, 18 May 2020 [Hebr.], https://tinyurl.com/yxous6e2 (accessed 18 June 2020).

178 Cohen, "I Don't Want a Halakhic State" (see note 26).

179 Adam Soclof, "Haredi Knesset Member Protests in Arabic; Arab MK Offers Yiddish 'Thank You'", *Jewish Telegraphic Agency*, 1 August 2013, https://tinyurl.com/ycsp6map (accessed 18 June 2020).

180 Pew Research Center, *Israel's Religiously Divided Society* (see note 16).

181 Shahar Ilan, "Demography Has an Impact: Israeli Youth Is More Rightwing and More Religious", *Calcalist*, 8 September 2019 [Hebr.], https://tinyurl.com/y4pwucmb (accessed 18 June 2020).

The Future of Ultra-Orthodox Society

The Haredisation lamented by mainstream society has its symmetry on the ultra-Orthodox side, which one might call "Israelisation".[182] Since the turn of the millennium, this shift can be observed in part of the ultra-Orthodox population — the so-called new Haredim — for instance, participation in cultural events, visits to cafés and shopping centres, or moving into mixed neighbourhoods. The employment rate among these men has risen, as has their willingness to accept secular subjects alongside Torah studies, to aim for academic degrees, to do military service and to use the Internet. Changes in this group are mainly — if not exclusively — responsible for the fact that unemployment among Haredi men has dropped to 50 percent since 2002 and, in parallel, the rate of full-time adult Torah students has declined as well.

Yet the "new" Haredim are by no means homogenous. Rather, they are a loose association of different actors united primarily by the desire for change. Estimates of group size vary accordingly, ranging from eight to 30 percent of the ultra-Orthodox population.[183]

The New Haredim have adapted to the circumstances.

In some quarters, these signs are interpreted as the long-awaited transformation or modernisation of the Haredim. Academic and social commentators doubt that the Haredi social model in Israel is sustainable in the long term. Sooner or later, they claim, economic constraints and the processes of social integration will lead to a fundamental change in the Haredim. However, for the large majority of New Haredim the facts do not bear this out. The changes seem essentially due to the circumstances: their relative poverty; the loss of the ideal that everyone can become a prominent Torah sage; the realisation that the state of Israel is not an existential threat; and certainly also the (partly enforced) opening-up through government measures or the Internet.

And yet this group remains to a very large extent a part of the ultra-Orthodox world (only two to seven percent demand a radical break).[184] Its members continue to see Torah students as the social elite and accept the rabbis' claim to leadership. Even those who are critical are still caught in the patterns of the community: a head of a Haredi campus at an Israeli university, who thoroughly condemned the Haredi way of leadership, still hoped for his sons to become leading Torah scholars.[185] It is not a crisis of faith either.[186] Numerous women among the new Haredim

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182 Mendi Großman, "Detailed Survey: the Haredim on the Internet and Their Relationship with the State," *Kikar HaShabbat*, 10 September 2019 [Hebr.], https://tinyurl.com/y2nnrxzb (accessed 18 June 2020).

183 Haim Dayan, "Beyond the 'Principle of Mediocrity': The Self-rejuvenating Haredi (Ultra-Orthodox) Stream and Its Social-ethical Challenges", *Research on ultra-Orthodox Society*, no. 5 (2017): 1—34 (19) [Hebr.]; Gilad Malach et al., "Elements of Modern Life or 'Modern Ultra-Orthodoxy'? Numerical Assessment of Modernization Processes in Ultra-Orthodox Society", *Democratic Culture*/תרבות דמוקרטית 17 (2017): 19—51 (42) [Hebr.]; Reuven Gal, *What Happens in Ultra-Orthodox Households?* (Haifa: Mosad Shmuel Neeman, April 2018), 9 [Hebr.], https://tinyurl.com/y9nnfh63 (accessed 18 June 2020).

184 Malach et al., "Elements of Modern Life" (see note 183).

185 Personal interview, 22 October 2018.

186 Mati Horowitz, "20 Years after the Invention of the New Haredim: Whither Now?" *Kikar HaShabat*, 11 July 2017 [Hebr.], https://tinyurl.com/y2nnrxzb (accessed 18 June 2020).

are not interested in changes to gender segregation or other gender-specific ultra-Orthodox practices.[187]

Nevertheless, the rabbis — and through them, leading politicians — regard these developments critically, often even as a danger to the community's integrity. To date, no well-known rabbi has sided with the new Haredim, even though the elite have made the first concessions towards exercising a profession and even stronger incorporation of secular subjects into the school curriculum. Without their support, however, the situation is difficult for the group.

Nevertheless there is an unanswered question here: how sustainable will the rabbis' authority be in the future? After the deaths of the outstanding leading figures Shach and Yosef, several rabbis claimed the role of leader, which has led to authority conflicts and splinter groups. The authority of the rabbinical Da'at Torah has been suffering ever since.

The greatest challenge, however, comes from the Internet and new media.[188] Due to the opportunities offered here for (relatively) uncensored expression,[189] a sort of ultra-Orthodox public sphere has been created, in which political onions can be formulated. Despite the primacy of the rabbis' opinions, the past few years have seen the first cases of agenda-setting in the media, to which ultra-Orthodox politicians have been forced to react. Examples include the above-mentioned works carried out by the Israeli state railways on the Shabbat. This process of transition was captured in actu in a 2017 interview — which is thus a remarkable testimony of it — with the UTJ Knesset member Menachem Moses, who criticised the process to ultra-Orthodox journalists: "I cannot accept that you're dictating the agenda to us. We have an agenda, given to us by the Council of Torah Sages."[190]

Political Developments within the Ultra-Orthodox Community

Beyond this, a further shift expresses itself in political differentiation on the issue of the role that the Haredim should play within the state. While the sizes of the respective groups cannot be precisely known, three main trends[191] can be heuristically identified in surveys and from analysing statements: isolation, integration, takeover.

With likely more than 50 percent, the largest but shrinking camp follows the classical ultra-Orthodox model of isolation: no secular education system, hardly any Internet but for the most part kosher telephones (with various restrictions on surfing the Internet and installing apps) and concentrating on a secluded lifestyle. The conviction in this camp is essentially that the Haredim should only conceive of politics as an instrument to defend their milieu and, where necessary, to maintain "Jewish-religious minimum standards" within the state, and that they should otherwise distance themselves from state and society. According to ultra-Orthodox author and political advisor Avraham Kroiser, this would remain the case even if the ultra-Orthodox should one day be the majority of the population.[192] From this perspective, social peace is safeguarded by neither side — the ultra-Orthodox on one side and all remaining Jewish Israelis on the other — intervening in the other's autonomy.[193] Hence serious proposals repeatedly emanate from this camp for minimising potential conflict by striving for substantial structural or even political autonomy for the Haredim within the state.[194] That does not mean that this group would not theoretically prefer a halakhic state as well — but it is a fairly distant hope rather than a political programme.

The other two groups, integration and takeover, mainly came into being with the growing involvement of the Haredim in public life. They resemble

187 Michal Lev, "Ultra-Orthodox Women Do Not Need Rescuing", *Haaretz*, 2 September 2019 [Hebr.], https://tinyurl.com/y36j3xqf (accessed 18 June 2020).

188 Yoel Cohen, "The Media Challenge to Haredi Rabbinic Authority", *ESSACHESS. Journal for Communication Studies* 10, no. 2(20) (2017): 113—28.

189 Many examples of voluntary self-censorship remain. See on this point: Eli Palei, "Who Shapes Public Opinion?" *Zarich Iyun*, December 2019, https://tinyurl.com/y64a2fbx; Mordecai Plaut, "Why We Censor", *Deiah veDibur*, 21 December 2005, https://tinyurl.com/yxl46lp3 (accessed 18 June 2020).

190 Yakov Grodka, "Moses Revealed in Interview with 'BeChadrei'", *Bechadrei Haredim*, 11 December 2017 [Hebr.], https://tinyurl.com/y5z7689j (accessed 18 June 2020).

191 This differentiation is based on background talks, an analysis of media articles and columns, discussions on social media, and various surveys, especially by Shaharit and Lee Cahaner.

192 Avraham Kroiser, "Living together", *Tzarich Iyun*, 18 March 2018 [Hebr.], https://tinyurl.com/y9aht5k6 (accessed 18 June 2020).

193 Jakobovits, *Jewish Solidarity* (see note 36).

194 Israel Cohen, "HaModia: Establishing an Ultra-Orthodox Autonomy That Is Not Dependent on Israel", *Kikar HaShabbat*, 10 April 2013 [Hebr.], https://tinyurl.com/ybbbsvan (accessed 18 June 2020).

each other in many respects, especially as regards their openness on questions of training and parenting, non-ultra-Orthodox literature and entertainment, or gainful employment. But there is a difference on political issues.

The first group sees itself increasingly as a part of the state and advocates social and political integration. One of its leaders calls for transforming "Torah extremism" into a Torah-based conservatism that permits a careful integration into the state[195] but that also has to face up to citizens' responsibilities. Hence what is required from Haredi parliamentary representatives is politics for the common good, not only community politics.[196] For this group, integration goes hand in hand with recognising democratic principles and the diversity of opinion.

The other group, however, has come to the diametrically opposite conclusion, and advocates a "takeover" of the state.[197] Yes, it declares, political integration is necessary, but rather in the sense of the Haredim influencing the state and its norms. While this group does not aggressively address the concept of the "halakhic state", it does attempt to derive a political vision from the widely shared — if abstract — utopia of a religious state. There will be, according to one commentator on social media, a hard-fought war over normativity in the public sphere; for only if everyone keeps to religious minimum standards can the Haredim participate in public life at all.[198] Another representative of this group has discussed the Haredim having every right to develop an ultra-Orthodox version of the state, even if it runs counter to the conceptions of other citizens — after all, that is politics. He therefore demands that ultra-Orthodox politicians work to Haredise the public sphere, be it by applying

the "morals of the prophets" and principles of social justice, by partially validating religious laws in public, or even by full control of the public sphere through halakha.[199] Yet others insist that they first need to gain an understanding of how a state might be run from an ultra-Orthodox perspective before being able to conceive of the state as a political programme.[200]

Which camp will prevail? Will there be rabbis who formulate halakhic positions for integration and takeover? These issues will decide the continued development of the Haredim within the state and society — which will in turn have consequences for all of Israel.

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195 Yehoshua Pfeffer, "Toward a Conservative Chareidi-ism", *Ḥakirah, the Flatbush Journal of Jewish Law and Thought* 23 (Herbst 2017): 17–42, https://tinyurl.com/y42ltglb (accessed 18 June 2020).

196 Eli Lipshitz, "Integration with Responsibility: A Recipe for Disaster", *Tzarich Iyun*, 23 August 2019 [Hebr.], https://tinyurl.com/y35t5knr (accessed 18 June 2020); Yehoshua Pfeffer, "Charedi Politics: Between Poland and Jerusalem", *Tzarich Iyun*, Juli 2019, https://tinyurl.com/y2opdk7d (accessed 18 June 2020).

197 Shaharit puts the group wishing to "take over" the state at 21.6 percent of the Haredim. Shaharit, *Survey of the Ultra-orthodox Community* (see note 57).

198 https://tinyurl.com/y3d2b8jg. The contribution by Jechsekiel R. can be found among the comments on the original posting.

199 David Fischhof, "'What Makes you Jews?' — A Politics of Solidarity", *Tzarich Iyun*, 26 December 2019 [Hebr.], https://tinyurl.com/yyflfhap (accessed 18 June 2020).

200 Raheli Ibenboim, "One Day This Will Be an Ultra-Orthodox State", *Kikar haShabbat*, 2 November 2014 [Hebr.], https://tinyurl.com/ycdurx77 (accessed 18 June 2020).

Conclusions

The Haredim are changing the state of Israel — at times consciously and proactively, at other times simply by their physical presence in places where they were not previously present. Their way of life is increasingly impacting on the whole of society: since substantial numbers of men do not work, since only a few serve in the military, and since the Haredim have a different consumer culture than the rest of Israelis and the market is now adapting to it.

All these facets are part of the Israeli culture war, which is fought over municipal politics as much as over principles concerning the identity of the state. This analysis has explored three areas of conflict to illustrate this.

The first area concerns the *Jewish identity of the state*. Here, the ultra-Orthodox parties have developed, especially since the turn of the millennium, a new self-image as defenders of Israel's Jewish character. This is expressed, first, in attempts to prevent the state and its institutions from being legally decided by norms that contradict the Haredi worldview. The Haredim try to neutralise such projects, as can be seen in the debate over the constitution and basic laws, but also in their request for establishing a procedure that would allow Parliament to overrule the Supreme Court, which they perceive as too liberal. This is an attempt to push back the substantive liberal character of Israeli democracy in favour of a purely procedural democracy without normative foundations. Second, the Haredim have been trying — with some success — to obtain political hegemony over the *relationship between religion and politics*. As has been shown with the examples of Shabbat rest and conversion, they manage to impose their political convictions, often even against majorities, and/or prevent further liberalisation.

The second area of conflict concerns the *special rights of the ultra-Orthodox community* to protect itself from the influence of the state, especially as regards military service, ultra-Orthodox schooling and the gainful employment of ultra-Orthodox men (from which about 50 percent of them refrain in favour of lifelong Torah studies). This leads to political con-frontations not only over issues of fair drafting and fair distribution, but also over the economic consequences for the state unless and until the percentage of Haredim in paid work rises markedly. Thus far, the Haredim have protected these special rights with remarkable success. But, as has also become clear, this success exclusively depends on their participation in government.

The final area of conflict concerns *normativity in the public sphere*. The greater the ultra-Orthodox share of the population, the more the public sphere becomes an arena for confrontations over issues of identity and lifestyles. The examples analysed — the so-called Haredisation of residential neighbourhoods, and the debate about the role and public visibility of women — show how society is changed simply by the presence of Haredim: in mixed parts of town, non-ultra-Orthodox inhabitants are often pushed out, entertainment and cultural facilities are replaced by facilities of the Ultra-Orthodox community, and women are restricted in their freedom of movement.

By their nature, the Haredim are a challenge to the Zionist self-image of the Jewish state: they put religious laws, instead of the nation, at the heart of Jewishness. Consequently even smaller conflicts quickly take on fundamental proportions since they become linked to both questions about the "right" way of life and issues of self-image, identity and the character of the state. This is also evident in attempts to settle conflicts by law: for the Haredim, state courts sui generis are a normative problem since their adjudications are not based on the halakha. The issue of the correct interpretation of Jewishness therefore permeates all areas of conflict.

A further conclusion of this analysis is that mainstream society is faced with a sort of aporia: if it does not try to integrate the Haredim, the conflict over their special rights will be exacerbated. If it does try to integrate the Haredim, this conversely means that Haredi norms will increasingly find their way into the life of society as a whole.

The hope that the Haredim might change after continuing integration, and might adapt to main-

stream society has only been partly fulfilled. The clearest transformation can be seen in the phenomenon of the so-called new Haredim — a heterogeneous branch that is open to gainful employment, secular education and participation in Israeli society. However, these trends are rarely accompanied by a fundamental shift in their ultra-Orthodox worldview. Nevertheless, there are divergent attitudes to the role of the ultra-Orthodox within the state. While the majority of the new Haredim continues to advocate isolation as a model for life, thus following the rabbis' instructions, two (sub)currents call for stronger involvement in the state. One is for integration and for moderating the "Torah extremism" adjured by some rabbis; the other supports a resolute politicisation of the ultra-Orthodox worldview in the sense of an ultra-Orthodox conception of the state. However, both groups still await backing from the rabbis.

In the context of the Haredim's dynamic population growth, their intrasocietal developments will be decisive for the future of Israel. According to Neri Horowitz of the Israel Democracy Institute, the issues are therefore not only how many Haredim there will be, but also which kind of ultra-Orthodoxy they will practice.[201]

This also affects the extent to which their parties can still function as a unified bloc, and how the voting behaviour of the Haredim might develop. Furthermore, a not unlikely scenario is that the social conflict between the Haredim and the rest of Israeli society becomes so dominant that it replaces the other line of conflict — confrontation with the Palestinians. This would presumably lose the Haredi parties their key position as kingmakers of politically diverse coalitions. The culture war would thus gather momentum.

What is clear already is that the fear of a religious takeover, let alone an "Israeli version of Iran", is not justified despite all demographic projections. However, there is a persuasive case to be made for two parallel developments. One, Israel is likely to experience more pronounced pillarisation, with new secular and ultra-Orthodox regions and neighbourhoods. Two, the country will become more conservative and religious under the influence of the Haredim. This can be seen not only in politics, but also in public life. It is all part of the birthing pains of the "new

Israeli order". Its process of negotiation will accompany us for a few more years.

Abbreviations

CBS	Central Bureau of Statistics (Jerusalem)
IDF	Israel Defence Forces
IDI	The Israel Democracy Institute (Jerusalem)
IRAC	Israel Religious Action Center (Jerusalem)
JCSS	Jaffee Center for Strategic Studies (Tel Aviv)
JTA	Jewish Telegraphic Agency
NIS	New Israeli Shekel
OECD	Organisation for Economic Co-operation and Development
TOI	Times of Israel
UTJ	United Torah Judaism

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201 Meirav Arlosorov, "15 — 18 Percent Leave the Ultra-Orthodox World — But That Won't Save the Israeli Economy", *The Marker*, 11 November 2019 [Hebr.], https://tinyurl.com/yc8x65fz (accessed 18 June 2020).