



Policy Paper 146

MAMLAKHTIYUT IN
ISRAEL'S CULTURAL POLICY

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ABSTRACT

In Israel, the relationship between the state and the domain of culture and the arts has been badly shaken in recent years: the validity of the fundamental axioms and principles that shaped this relationship for decades has been called into question, while alternative approaches and principles are advanced in their stead. The public discussion of the topic raises various issues associated with Israeli governments' cultural policy. Its focus, however, is on state funding as a key element of the authorities' involvement in the cultural domain, exemplified chiefly in the relationship between the state, as the financial prop of cultural institutions and artistic activity, and freedom of expression in culture and the arts, and the tension between the two. *Mamlakhtiyut* is often understood to refer to the view that the actions of state institutions and agencies and implementation and fulfillment of their obligations to the public should be in accordance with the fundamental principles of Israel as a Jewish and democratic state and not be conducted on the basis of partisan interests or ideology. How that should be understood with regard to culture policy is a central concern of the present study.

The policy study presented here examines the various justifications for the state's involvement in cultural matters and sketches out the principles that guide this involvement in light of those justifications. The inquiry is based on both a theoretical foundation and comparative research. This investigation is a precondition for the consolidation of cultural policy. Its importance is magnified by the main lineaments of

the public discussion of the matter in recent years. Building on these justifications and principles, an outline of principles that should guide the state's involvement in culture and the arts, including funding, is proposed. Recommendations are offered to help policymakers and public bodies active in this field establish, consolidate, and periodically update cultural policy.

The study is grounded on the idea that Israel is a Jewish and democratic state. As a liberal democracy resting on the principles enunciated in its Proclamation of Independence, Israel is committed to the fundamental values of the democratic system, namely, human rights and the rule of law. Freedom of expression is a key element of the human rights that liberal democracies uphold. Freedom of expression makes it possible to realize human dignity and autonomy, to entertain diverse opinions, and to conduct a democratic discourse.

When there are grounds for fearing that freedom of expression may be abused or that it may threaten social values, it is the duty of the law, especially criminal law, as enforced by the relevant agencies and courts, to find the appropriate balance. Criminal law serves as an instrument to express society's core values and to defend it and its members from harm. This includes protecting society's most cherished symbols. In Israel, for example, the core values are protected by the ban on desecration of the flag and national symbols; the ban on incitement to racism, violence, and terrorism; and the ban on support for terrorism against the State of Israel.

As the study shows, culture is a central channel for the realization of freedom of expression in a society. In addition to their providing a beneficial social good merely by existing, culture and the arts must have freedom of expression in order to fulfill their purpose and role in the marketplace of ideas and outlooks and allow the self-fulfillment of individuals and groups. A central component of cultural freedom of expression is the freedom to interpret a work.

An economic and institutional analysis reveals that by its very nature culture requires economic assistance, to guarantee the underlying institutions, to promote cultural literacy, and to ensure diverse fields of culture, as well as to safeguard the cultural rights of sectors for whom the consumption-based market provides no answer.

As a result of the social value of culture, its importance, and society's interest in preserving it, along with its need for public assistance, mechanisms to assist the cultural domain have been recognized as among the functions of the modern state. Culture is distinguished from other major venues of expression by its structural weakness vis-à-vis the authorities. In other words, the very inclusion of support for culture among the roles of the state, along with culture's dependence on the government and its agencies, generates the fear that cultural activities will be trimmed to accommodate the authorities' expectations, triggering mechanisms of self-censorship and laying the basis for art as propaganda.

The call for nonpartisanship and neutrality refers to the expectation that the authorities will respect the country's fundamental principles, in keeping with the idea of *mamlakhtiyut*, and will not exploit their power to promote a particular ideology and political opinion. Consequently, given that economic assistance to culture and the arts is an essential measure for guaranteeing the right to free expression, the authorities' grant of such assistance is subject to the principles that apply to the relationship between the government and freedom of expression. State financial support for the arts must be evaluated not only against the principle of equality, but also in light of the results of the authorities' actions and the criteria for preventing any damage to freedom of expression.

When the authorities provide funding to cultural endeavors, they are fulfilling an essential public function, because of the needs of culture, the importance of guaranteeing it, and the public interest in its existence. When they do so they are committed to the essence of what culture is and

must work the same way as when they engage in their other functions, based on the public expectation that they will behave in a neutral and nonpartisan fashion. That is, when they fund culture and the arts they must respect the country's values, including freedom of expression, and must not favor any particular ideology or political opinion.

The values of the liberal democratic state mandate that the government agencies that fund culture and that define the conditions for its existence and promotion avoid, as much as possible, any interpretation of artistic works and steer clear of government decisions based on the works' content. This approach is essential because of the field's reliance on public support, because of the fear that these decisions may be exploited to advance an ideology or keep the current regime in power, and because of the immense damage that results from self-censorship. Nor is it the funding authorities' place to prevent an abuse of the freedom of artistic expression that some view as undermining national values. That is the role of criminal law, the police, and the courts, which interpret expressions of every type, including cultural expression, and inspect their inherent threat, if any, to the country's cherished values.

This key distinction between criminal law as the defender of the country's core values and symbols, such as the national flag, and the role of separate government agencies that fund artistic expression without screening their content, is grounded in the legal systems of liberal democracies and should continue to be followed in Israel.

In a broader perspective that goes beyond the bare issue of funding, too, the institutional approach adopted in various countries with regard to culture policy frequently involves the creation of a "space" between the arts and the authorities, in order to ensure that they remain at arm's length from each other. This separation may be achieved by the establishment of agencies that are independent of the government, to some degree or other, or by means of decentralization and collaboration with the public and professionals. In Israel, the institutional model used

for cultural policy and financial support of cultural institutions is based on the combination of a public entity that has only limited powers and standing with powers vested in the government authorities. As this study discusses at length, the Israeli model does not guarantee that the arm's length principle will be respected, does not ensure that the public body is independent and professional, as is standard in other major democracies, and avoids decentralization and cooperation with the public. What is more, the state authorities do not follow a clearly defined and publicly known policy on culture, and there is no public discussion of cultural policy in Israel.

The policy recommendations enumerated below focus on the primary stratum derived from the principles that apply to the relationship between the state and the domain of culture, as discussed in the study. They propose tools to facilitate the consolidation of a *mamlakhti* cultural policy for state institutions, compatible with the basic values of the State of Israel as a democratic and Jewish state, along with a basis for a public discussion and extensive citizen participation. All of this aims at guaranteeing the conditions for a vital world of culture and the arts, which dialogue with, listen to, and respect the multiple groups that make up Israeli society and its identity. The recommendations pursue two main goals: first, generating a broad and systematic public discourse about culture and the arts, including public involvement and societal literacy; second, effecting changes in the government's involvement in culture and the arts and setting limits to its intervention.

The recommendations, which are addressed to the government and to civic bodies and cultural institutions, are presented in four groups:

(1) Recommendations that focus on the importance of an ongoing public discussion of culture and the arts and the existence of a culture policy, and propose that they focus on the main issues, as follows: the essence of the right to culture; the role of the government in this domain and the meaning of the *mamlakhtiyut* required of it; aspects of multiculturalism,

pluralism and common identity; enhancing the understanding and links between culture and the arts on the one hand and the indices of democracy and other civic benefits, as social cohesion.

(2) Recommendations for expanding education in culture and the arts and enhancing cultural literacy, reflecting their benefits, calling on those responsible for cultural policy in Israel to place special emphasis on the expansion of education in culture and cultural literacy, similar to the emphases found in the cultural policy of other countries.

(3) Recommendations to boost the status of the Israel Arts Council in matters of cultural policy and revising its activities so that they comply with the principles mandated by the essence of culture and the arts, because of the importance of maintaining the arm's length principle in that domain, as is standard in other countries with a similar regime. These recommendations consist of recommendations for the short term, as part of the institutional configuration and structure of the authority that exist today, the Israel Council for Culture and the Arts; and recommendations for the middle term, which presume a reform in the institutional structure, status, and powers of the Israel Council for Culture and the Arts. These recommendations are meant to guarantee a better fit in the relations between the authorities and the domain of culture; to provide an appropriate response to society's needs and to the development of the field; to enhance the Council's independence, professionalism, and public obligation to its mission; and to ensure the representation of various sectors of Israeli society and the expansion of civic involvement in it.

(4) Recommendations meant to diversify the sources of public funding for culture and the arts. It is proposed that direct public funding continue to be the main source of funds, in light of this method's advantages in an overall perspective of what culture needs to flourish in society and the possibilities it offers for solutions to the diverse needs, the diverse forms of culture, and the diverse sectors of the population. However,

additional measures are proposed that could reduce the dependence of those engaged in culture and the arts on the allocations and judgment of the ministerial bureaus and public agencies that provide direct funding, while creating a solid base for the work of cultural institutions and artists.

In addition to the theoretical grounding that this study provides for the essential public discussion of the topic, the recommendations endeavor to lay practical foundations for developing culture and the arts in Israel, promoting cultural policy and funding, increasing public involvement, and augmenting cultural literacy. This foundation is necessary because of the great importance of guaranteeing that culture and the arts remain vital, vibrant, active, and authentic, implementing freedom of expression and serving as a key element of Israeli society and of Israel's existence as a Jewish and democratic state.