

Ultra-Orthodox Jews in the Public Space





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Editor:
Daniel Statman

Text Editor (Hebrew): Anat Bernstein
Series & Cover Design: AlfaBees Studio
Typesetting: Ronit Gilad
Printed by Graphos Print, Jerusalem

Cover photo: Ezra Landau

ISBN: 978-965-342-450-1

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Printed in Israel

The Israel Democracy Institute

4 Pinsker St., P.O.B. 4702, Jerusalem 9104602

Tel: (972)-2-5300-800

Website: <http://en.idi.org.il>

Online Book Store: en.idi.org.il/publications

E-mail: orders@idi.org.il

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Justifying the Required Reforms to Haredi Society

Daniel Statman

Much of the debate about the policies and reforms of Israel's 37th government, established in late 2022, has concerned the state's treatment of Haredi (ultra-Orthodox Jewish) society. The war that began on October 7 brought this issue to the fore, by highlighting the inequality in the bloody toll that military service exacts from the rest of society, but not from the Haredim. This chapter focuses on the urgent need for changing the rules that govern the relations between the state and the Haredim,

and deals with the arguments raised by the Haredim which purport to show that such changes are unjust.

Before I delve into the heart of the matter, I should point out a major obstacle to any critical discussion of Haredi society—namely, other Jews' hostility toward that sector. A survey conducted in July 2021 painted a concerning picture of the attitudes toward Haredim. It found that while only 2% of Haredim said that they hated secular Israelis, 38% of secular respondents reported that they hated the Haredim. This shows that the common complaint by the Haredim that they are objects of hatred is not mere paranoia. Quite naturally, this hostility is manifested in the real world, too; in the job market, for example, Haredi men and women face various sorts of discrimination both during hiring processes and then in the workplace itself. These facts fuel the suspicion that the criticism of Haredi society is motivated by prejudice rather than by the ethical or pragmatic arguments put forward. One suspects that these arguments are merely rationalizations of an ingrained animosity toward Haredim.

Similarly, discussions about the Haredim and what is referred to as the “public space” are frequently based on anti-Haredi assumptions, especially the assumption that the public space is inherently secular. From a liberal point of view, however, the public space should in fact be neutral, neither secular nor religious. City squares, parks, playgrounds, beaches, and the like are open to all citizens and should respect everyone's beliefs, interests, and values. Even though such places are always within the jurisdiction of some local authority, they do not belong to the authority or its residents, in the sense that “outsiders” cannot use them. With regard to beaches, for example, the coastal strip does not belong to the cities and towns situated along it, but to all Israeli citizens. While the Tel Aviv municipality has a special status with regard to the beaches in its jurisdiction—it licenses businesses on the beach, and so on—they do not “belong” to Tel Aviv. They are not a “liberal space” or “secular space,”

just as they are not a “religious space.” They are a public resource, and their use and the access to them must be shared fairly among all citizens.

Nevertheless, the existence of widespread animosity toward the Haredim does not mean that they should not be criticized, nor does it grant them a sweeping exemption from addressing such criticism. Of course, the critics must make sure that their claims are sincere, from a moral or pragmatic perspective, and the Haredim must pay attention to these claims and weigh them seriously, unless they have grounds for thinking their motivation illegitimate. My hope is that the ideas presented here will be seen as prompted by a sincere concern for Israeli society, including the Haredim as members of that society, and by distress about the injustice of the current arrangements between the Haredi sector and the state.

1. The Challenge

What are the main problems with Haredi society in Israel and with its relations with the state (or its relations with non-Haredi Israeli citizens)? I propose to distinguish between two categories of problems. The first is that the Haredi way of life harms, or threatens to harm, all citizens. The main argument put forward in this regard is economic. If there is no significant reduction in the average fertility rate in the Haredi public (6.6 live births per Haredi woman in 2021), and no real growth in the Haredi participation rate in the workforce, then within two or three decades there will be a huge decline in the level of services that Israel can provide its citizens. Here, the charge against the Haredim is that their way of life—large families, on the one hand, and low labor productivity, on the other—is harming the country’s economy, with far-reaching implications for all Israeli citizens. One possible effect of this economic deterioration is increased emigration by better-off non-Haredi Israelis, which would

only exacerbate the socioeconomic crisis and further accelerate the flight abroad.

The second category of problems is that the Haredi way of life and worldview are morally problematic, especially when it comes to their *de facto* sweeping exemption from military service. Regarding the Haredi worldview, a survey conducted a few years ago showed that the Haredi commitment to fundamental democratic values is weak. Many Haredim do not agree with the statement that the Knesset has the authority to decide on matters concerning religion and state: 69% of Haredi respondents said that only rabbis can make such decisions. Even more worrisome is the Haredi attitude toward the Arab citizens of Israel: 76% of Haredim believe that Jews should enjoy more rights than Arabs, and 66% think that Jewish localities should receive more state funds than Arab ones.

The differentiation between these two types of arguments against the Haredi public is not clear-cut, and some claims may fall into both categories. Consider, for example, the economic argument. One way to interpret it is as mentioned above, namely, that if there is no change in the Haredi lifestyle, the entire country will suffer socioeconomic decline. But it can also be viewed as a moral argument, namely, that a situation in which the Haredim choose not to work or to work much less than others, pay lower taxes, and receive larger transfer payments is patently unjust. Similarly, the anti-Arab discrimination that the Haredim support is not only immoral but also dangerous: Should the Haredim gain the political power to implement it, the already precarious relations between Jews and Arabs in Israel would be undermined, leading to additional rounds of violence such as those that erupted in October 2000 and in May 2021.

For those who believe in the importance of exhausting every possibility for reaching a peace agreement with the Palestinians and who think that

the continued occupation is both harmful and unjust, there is another reason to be concerned by the growing size of Haredi society: Because it is much more right-wing today than it was in the past and its “natural” political partner is now the right-wing bloc, the growth of Haredi society makes the chances of an arrangement with the Palestinians even more remote, and, as noted above, undercuts possibilities for forging partnerships and mutual respect with the Arab citizens of Israel.

According to the more pessimistic forecasts, if the state does not implement far-reaching changes in its policies toward the Haredim in the coming decades, it will deteriorate economically and morally and become less democratic. Because this will be a slow and gradual process, there will not be a specific moment when it is clear that the country is on the brink of the abyss and must slam on the brakes. Instead, by the time the true scope of the decline is evident it will be too late to repair the situation.

I cannot go into the details of such policy changes here. I will say only that they must combine positive incentives with disincentives—chiefly economic, such as stipends for vocational training, on the one hand, and elimination of child allowances, on the other—with intervention in the Haredi education system, first of all by making the funding of schools conditional on the teaching of core subjects such as English, mathematics, computers, and civics. In contrast to the hesitant and incomplete steps taken in the past, what is required are extensive and consistent measures that aim to produce a situation in which the Haredi sector’s participation in the workforce and its tax contributions are proportional to those of non-Haredim, that the transfer payments they receive are not larger than those paid to non-Haredim, and that they demonstrate a commitment to democratic values and democratic institutions that is as firm as that held by non-Haredim.

I do not hold out great hopes that the Haredim will agree to such steps of their own accord, or even to moderate versions of them, as they aim at a deep change in Haredi society. This explicit statement of the goal of the steps I have listed will surely generate furious opposition from the Haredim, not only because they will see it as directed against their interests, but also because they will think it *unfair*. This is because of what they see as the arrogant assumptions of the secular liberal camp, according to which justice is wholly on the liberal side, and thus the liberals have the right to impose sweeping changes on Haredi society. An incidental proof of the ultra-Orthodox sense that the secular do not respect the Haredi way of life was provided by a survey conducted in 2021, which found that an overwhelming majority of Haredim (82%) believe that there is considerable or very considerable anti-religious coercion in Israel.

This Haredi argument can be understood in two ways. The first is that the Haredim and the secular hold worldviews that are based on different axioms, and the secular have no basis for thinking that theirs are more rational or credible. Consequently, the secular attempt to change the Haredi way of life has no moral justification. The second is that the liberal-secular project of employing political power to change the Haredim is incompatible with the fundamental premises of liberalism and thus exposes the liberals' hypocrisy. Liberalism advocates tolerance of worldviews or lifestyles that do not coincide with those of the majority. Liberals are committed to a regime in which every individual and every group can "write their own life story," even if that story does not please others. Hence liberalism connotes political neutrality: the liberal state is supposed to be neutral with regard to conflicting conceptions of the good and has an obligation to create a public space in which individuals and groups that hold different conceptions can live together in peace and mutual respect. Accordingly, liberalism should demand tolerance of the

Haredi way of life and is incompatible with attempts to transform it. The failure of liberals to apply the ideal of tolerance to the Haredim exposes, according to this argument, their hypocrisy and their lack of genuine commitment to their own professed principles.

2. Justifications of the Proposed Measures

How can these Haredi charges be answered? My first response concerns the harm that the Haredi way of life is liable to wreak on Israeli society within two or three decades, unless significant reforms are introduced. As explained above, the combination of a high birthrate with limited workforce participation and low labor productivity threatens catastrophe for the Israeli economy. Even if we set aside considerations of fairness, Israeli society cannot continue on the current path in such circumstances. The decline in the level of services to citizens in education, healthcare, infrastructure, and more, will be unbearable.

It could perhaps be argued that such long-term predictions are not reliable because the situation may change swiftly and in unexpected directions. Political, economic, technological, and social changes, both international and local, could confound the forecasters. Hence, concerns over potential damage to the economy and society two or three decades down the road do not justify interfering with the Haredi way of life today. I have three answers to this argument. First, the timescale involved is not so long; it is normal for countries to rely on twenty- or thirty-year predictions when they plan ahead. Second, even though it is difficult to predict exactly when, and at what speed, the feared economic collapse will take place, there is no doubt that, if the current trends continue, only a miracle can prevent it. Third, even if unanticipated events occur in the next two decades or so, there is no reason to assume that they will *avert*

the collapse rather than accelerate it; droughts, epidemics, or wars might have a negative effect on the Israeli economy and further undermine its ability to support the Haredi way of life. Given the current progress of global warming, a pessimistic outlook seems to be more warranted.

At this point, the Haredim are likely to assert that, in their view, decreased participation in Torah study would be far more damaging than the harm to the economy caused by continued support of their way of life. However, the predicted harm to the economy will affect not only non-Haredi society but the Haredim as well, because if the country's economy deteriorates, then they too will suffer. In the absence of a miracle, in another two or three decades the Haredi way of life will result in profound and chronic poverty among the Haredim, along with an insoluble housing crisis. And just as the Haredim do not rely on miracles in matters of health that affect themselves and their children but make full use of modern medicine, neither should they should rely on miracles to rescue their economic future. Moreover, the country's economic decline will strike particularly hard at the Haredim, who depend more than others on the public systems of healthcare, education, transportation, and so on.

I differentiated above between two types of arguments against the Haredim: those that focus on the socioeconomic damage to the country caused by perpetuation of the Haredi way of life; and those focusing on the anti-democratic and anti-liberal attitudes that go with it. So far, I have been surveying the socioeconomic arguments; now I move on to the moral arguments.

The Haredim believe that the secular have no right to draw on their secular moral principles in order to impose restrictions and changes on Haredi society. One way to understand this objection is by assuming moral relativism: If morality lacks an objective basis, then secular liberals cannot morally criticize the Haredim. However, if no norms are objectively valid, then, just as the secular have no firm basis for criticizing

the Haredim, neither do the latter have grounds on which to criticize the secular for the supposed unfairness of their intention to reduce the size of Haredi families or to enforce a secular curriculum in Haredi schools. If the Haredim want to protest against such steps, they must assume universally valid moral principles; but by doing so, they expose themselves to moral criticism as well.

There is a more promising way to interpret the Haredi position, namely, that it is unfair for the secular majority to use its political power to enforce its values on the Haredim. But the Haredim have no standing to make this argument. A vast majority of Haredim believe that there is little or no religious coercion in Israel and see nothing problematic in the fact that the state imposes religious norms on its secular citizens, particularly with regard to marriage and divorce. If we add to this the fact that an overwhelming majority of Haredim believe that only rabbis should make decisions on matters of religion and state, the implication is that a majority of the Haredim support a state of affairs in which rabbis impose their values on the secular. If so, they can hardly complain when the secular do the same and impose *their* values on the Haredim.

The Haredi argument could also be conceptualized as being based on the moral neutrality of liberalism. As noted, a liberal regime minimizes its intervention in the ethical choices of its citizens, even when these choices are perceived as mistaken or morally problematic. From this it ostensibly follows that the state should not interfere with the Haredi way of life. In response to this argument, it should first be noted that even a liberal regime is not totally indifferent to the content of its citizens' choices. When citizens hold positions that contradict fundamental liberal values—for example, if they promote racism—then the liberal state has the right to react; it may, for instance, decline to fund educational institutions that teach such undesirable ideas. Second, the Haredim should be the first to recognize the legitimacy of political action aimed at promoting values

in which the majority believe, inasmuch as they maintain that Israel (as a Jewish state) should promote what they see as Jewish values. Once they concede that Israel may deviate from neutrality and favor Jewish values (as defined by the Haredim), they cannot complain when the state deviates from its neutrality in order to advance *liberal* values.

Arguments based on lack of standing have only limited force, however. They can show only that specific plaintiffs lack the right to file specific claims, but not that the arguments are unjustified in and of themselves. How, then, can the proposed reforms to the Haredi way of life be justified? Do they not violate the fundamental principles of liberalism, which require tolerance and acceptance of different worldviews and lifestyles unless they are clearly dangerous and harmful?

Here I believe that we should draw a distinction between first-order questions, such as how social resources should be distributed or what ought to be taught in public schools, and second-order questions concerning the way in which disagreements on such questions should be decided. In democratic societies, citizens disagree about many issues, but there is a consensus that a majority decision is usually the fair way to reach an acceptable resolution. In normal circumstances, when some position is voted down (by parliament, the government, the city council, and so on), those who hold it cannot complain that they were treated unfairly. When the rules are fair, no group can complain when a decision goes against it in a particular case, since in other cases the procedure may work in its favor.

Our ability to agree on rules for deciding disagreements on first-order questions has to do with our ability to take a step back from our actual position and reflect on how society should decide such matters. This “stepping back” is similar to John Rawls’s fundamental idea that basic social rules should be constructed from behind a “veil of ignorance,” in

an imaginary situation in which human beings do not know whether they will be rich or poor, members of the majority or minority group, supporters or opponents of abortion, believers in God or atheists. According to Rawls, in this situation, the rules that people support cannot be tailored in advance to favor one position or one group and consequently will be fair.

A liberal regime, like any regime, cannot avoid taking a stand on controversial issues, such as which educational or cultural institutions will enjoy state support, whether childbearing will be encouraged or discouraged, who should be exempted from military service, and so on. It cannot be condemned for doing so. Condemnation would be appropriate only if the decisions taken were made on the basis of unfair rules or, as we will soon see, if they involve the denial of basic rights.

This is easy to understand if we look at disagreements about the use of public funds. Some believe that the state should invest more funding in the settlements in the West Bank, while others are opposed; some believe that the state should invest more in theaters, while others disagree; some support increasing the subsidy for Jewish studies in the state school system, while others object to the idea; some want to increase the support for yeshiva students, others do not. In all these cases, if the adversaries take a step back from the immediate issue and ask themselves what form of decision is fair, they would most probably agree on majority rule.

I assume—although I have no empirical support for this—that if the Haredim were asked, regardless of the Israeli case, whether they support the democratic form of government, in which, among other things, decisions are made by the majority, they would answer in the affirmative. They would also support the idea that all the citizens of any country in the world should have an equal say in political decisions, and that all the residents of a municipality or a condominium, in Israel or abroad,

should have the same voice in decisions about managing their city or their building. I assume that they would support this system not only out of self-interest—to the extent that they perceive such an arrangement as beneficial for themselves—but also out of recognition that it is fair. That is, I assume that if the Haredim took a step back from the debates about the current arrangement in Israel and asked themselves the general philosophical question of what second-order rules for decision-making they favor, they, too, would opt for majority rule, as well as the system of rights intended to balance it and to protect the minority.

Thus, I think that the best interpretation of the Haredi objection to the above reforms is that it is based on the assumed violation of the rights of the Haredim—specifically, the right to religious freedom and the right to culture. Correspondingly, we have two arguments to address: first, that these reforms would make it difficult for the Haredim to observe Jewish religious law (*halakhah*); and second, that they undermine the ability of Haredi society to preserve its culture.

If we look at the Haredim before Israel was founded or at Haredi communities abroad today, we can see how baseless these charges are. The Haredim abroad never claim that the countries in which they live violate their freedom of religion or their right to culture because they do not fund their educational institutions or do not provide stipends to yeshiva students. Similarly, the fact that most Haredi men abroad hold paying jobs does not detract from their way of life and is not perceived by them as doing so. It follows that a commitment to a Haredi way of life does not require the current Israeli paradigm of a high birthrate, low workforce participation, and so on. No doubt the proposed reforms would lead to changes in Haredi society. But surely the right to culture does not entitle groups to preserve their way of life at a particular point in time indefinitely.

We mentioned at the outset the Haredi claim that what really motivates the calls for reforms to the Haredi way of life and to the state support for Haredi society is deep hostility toward the Haredim. I wish to make two points in response. First, the prediction that if the Haredi sector does not change Israel will face a grave economic crisis in the next two or three decades is so solidly grounded that there is no need to attribute hatred to those who worry about this scenario and who support steps to prevent it. The same applies to the moral arguments about the unjust division of resources and burdens. The unfairness of the current situation, in which the Haredim contribute much less in tax payments than other Israelis and have much lower labor productivity, is so obvious that, again, there is no reason to denounce those who recognize it as being motivated by hate.

Here too, were the Haredim to take a step back, they could imagine situations in which an analogous state of affairs would infuriate them. Suppose that a condominium, in Israel or abroad, has five Haredi families and two non-Haredi families, and that there are no laws that define their obligations toward one another. Assume further that the Haredi families set up a roster for cleaning the stairwell or decide to pay a cleaner, but the other families refuse to participate on the grounds that sweeping and mopping is incompatible with their culture, or refuse to pay the cleaner because they have other economic priorities. I am certain that the Haredi families would be furious with these neighbors—and not because of any hatred or prejudice against them. Rather, their reaction would stem from the fundamental sense that free-riding is unfair—precisely the sense that feeds secular objections to the distribution of burdens and resources between the Haredim and others in Israel today.

Another Haredi argument is that the Haredim do in fact contribute to society—by preserving and developing its Jewish character. Consequently, the argument continues, even if the Haredi contribution

is negative from a solely economic perspective, their overall contribution is positive, and thus it is fair for the state to support their way of life. However, the impression is that the Haredim contribute mainly to the *Haredi* way of life, which they view as the only authentic form of Jewish life, but contribute very little to the Jewish life of others. What is worse, the message they broadcast to other Jews is one of alienation and illegitimacy—a message that weakens rather than enforces the link between non-Haredim and Jewish tradition.

A final argument is that the Haredim contribute to Israeli society in ways that cannot be measured in concrete socioeconomic terms: For example, they contribute to national security not by bearing arms but by their Torah study. This contribution is not given to rational computation or scientific measurement, but its existence is an essential pillar of the Haredi worldview and the secular must respect it.

One problem with this argument is that it seems inconsistent. On the one hand, Torah study is presented as having a real causal impact on the world, for example on security, an influence that is supposedly on a par with that of tanks and warplanes. On the other hand, the Haredim expect the state to take concrete steps to protect its citizens, including its Haredi citizens, against missiles and terrorist attacks. Similarly, Torah study, prayer, and observance of the precepts are viewed as contributing to health, but when the Haredim have a real medical problem they go to the hospital. The Haredi inconsistency is manifested in the fact that when it comes to their *contribution* to defense and healthcare, they depend on the somewhat mysterious causal contribution of Torah study, but when they themselves *need* these goods—defense, medical care, and the like—they turn to the normal modes of scientific causality and employ the standard means of the real world to ensure their health and security.

3. Conclusion

Recent studies have shown the very limited success of the steps taken in Israel over the last twenty years to integrate the Haredim into the labor market, draft them into military service, introduce core subjects into their school curricula, and increase their labor productivity. They have also highlighted the profound alienation of Haredim from democratic institutions and their tendency toward ultra-nationalist, racist, and discriminatory attitudes, especially against the Arab citizens of Israel. In view of this, and given the high birth rate among Haredi women, the forecast for twenty or thirty years' time is worrisome. If significant and consistent steps are not taken to promote major changes in Haredi society, Israel will face a severe socioeconomic crisis, a decline in the status of its democratic institutions, and mounting injustice due to the spread of anti-democratic and anti-liberal ideas and the growing unfairness in the distribution of resources and burdens between the Haredim and the rest of the population.

It currently appears that the Haredi leadership is not prepared to cooperate in introducing reforms that might prevent this crisis. Demands for steps such as a significant cut in state funding for yeshivot, the introduction of secular subjects in Haredi schools, the enlistment of young Haredi men into the army, a significant rise in the percentage of Haredi men in the workforce, and a reduction in the birth rate are perceived as religious persecution and as fundamentally unjust. The main purpose of this article has been to address this perception and to show that such measures are legitimate and would in fact make Israel more prosperous and more just.



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