

## The Background to the Writing of the Covenant

Before the establishment of the state and in the early years after its founding there prevailed a *status quo arrangement*, an accepted framework for relations between the religiously observant and the secular in the State of Israel. **This framework regarded the issues that the sides agreed upon to be of overriding importance, and the disputes between them – secondary.** Groups that considered the disputes to be primary and the common ground to be of only secondary importance were effectively marginalized.

Complex processes within Israeli society and its political system, changes in the relations between the state and the Jewish Diaspora, and changes in Western society as a whole have undermined the common framework, deepened the internal rift and seriously impaired accepted conflict resolution mechanisms. At the same time, the practice of turning to the courts to resolve disputes and to increase judicial involvement in shaping relations between the groups has intensified. **Attempts to decide definitively between sides have replaced the practice of reconciling differences between them, and the divide, rather than being remedied, has deepened.** Attempts at conflict resolution have been isolated, e.g., the Ne'eman Committee on the authority to perform conversions, and the Tzameret Committee regarding public transportation on the Sabbath in Jerusalem. These attempts were not always successful. Public trust in government institutions – the Knesset, the government and the judiciary – began to erode.

Many began to feel the need to construct **a new framework agreement between factions of the Jewish public in Israel.** Many groups and prominent individuals have tried to sketch the outline of such an agreement. All these attempts attest to the need for an accepted arrangement, one not contingent upon

opportunistic power plays or *quid pro quo* alone, and which would not undermine our ability to grapple jointly with the existential problems of our society and country. A stable arrangement is needed to order the totality of relations between Torah and state and among the diverse groups that call Israel home: the religiously observant, the traditional and the free thinkers in all their diversity.

The covenant is, among other things, a product of learning from the experience of others – where they succeeded and where they were less successful. No doubt the covenant has its flaws as well, but it also has advantages, which this document seeks to elucidate.

In the covenant we strove, despite our highly different backgrounds, to create first and foremost a document that is the result not of the political balance of power at a given moment, but of a sober recognition of the necessity for all parties to live and act together, to preserve that which already exists and to emphasize the common ground. If the project succeeds, it can lay the groundwork for a fundamental trust among all groups. Such trust ensures a collective recognition of the need to maintain the joint framework, whose very existence allows every group to uphold its particular ideals, while all groups continue to clarify the arguments among them. The trust that developed between the two of us inspired a willingness in each of us to insist only on that which is absolutely necessary for his or her existence, and to forgo the rest for the sake of consensus. In this manner we were able to reach agreement on numerous issues on both the general and the specific levels, to penetrate to their core, and to elucidate them to the finest detail, concealing nothing.

The process we underwent during our partnership differed from the processes experienced by other, parallel groups that have addressed the relations between secularists-traditionalists-religiously observant. In order to forge a broad consensus to

fashion a final document binding on everyone, as many groups and subgroups as possible need to participate extensively. Extensive participation, however, creates inefficiency, obstructs progress, leads people to further entrench themselves in their original stances and tends to produce ill-defined solutions – solutions that are semantic rather than substantive, and are liable to skirt the most painful issues in the short term while jeopardizing the stability of the entire covenant in the medium and long terms. For this reason we chose to work in a two-person format. This allowed us to overcome the above drawbacks with relative ease. With all the distance between our worldviews on every conceivable subject and between the fundamental sources to which we feel committed, there is no question that it was beyond our power to give expression to all of the groups we would like to be partners in the covenant; and without a broad consensus in favor of the covenant, we have accomplished nothing. Consequently, after a preliminary formulation of our proposals, we presented them, chapter by chapter, to a broad discussion group where various sectors were represented. After listening to participants' feedback, we adapted the specifics of our proposals accordingly. We hope that in so doing we were able to compensate to a large degree for the intrinsic drawback of our basic method, that of working only as a pair.

Nonetheless, we cannot entirely escape a major drawback of our method: Important groups in Israeli society were partner to our proposal only very partially. Among these are the ultra-Orthodox public on the one hand and the Reform and Conservative on the other, along with the large traditional public, new immigrant groups and others. We sought to the best of our abilities not to shortchange these groups and to take into account that which they hold dear; however this cannot be compared to an authentic representation of these groups in their own right.

We are acutely aware that some groups will be unable to express active support for the covenant where it conflicts with their principles, but we will do our best to facilitate their willingness not to oppose it openly.

In the State of Israel it is difficult to divorce the internal-Jewish problem, which we have focused on almost exclusively, from the problem of the state's treatment of its non-Jewish citizens, specifically of the large Arab minority. We have preferred to address only the internal Jewish question, by crafting a living framework for a single people. A dialogue conducted only between the two of us is not the proper framework in which to discuss the question of the relations between Jews and non-Jews in the State of Israel. Notwithstanding this fact, however, in the course of our work we also touched on points that have an impact on the non-Jewish public in Israel, and we have made every effort to respect them and their beliefs, without discriminating against them or patronizing them in any way.

**Regarding the structure of our work:** The division of the covenant into chapters was designed not only for convenience and clarity, but in order to emphasize that every chapter can stand on its own independently of the concurrent acceptance of the other issues, although we would certainly prefer to reach a global agreement. But what holds true with regard to accepting one chapter without the others certainly does not hold true regarding the possibility of accepting only part of a chapter (the “easy” part), while rejecting other sections (the “hard” parts). **The acceptance of some of the provisions of the arrangement on a given issue and rejection of others divests the covenant of its meaning.** Our joint proposal with its separate explanations is also designed to stress that we have no intention of consolidating all the diverse sectors of the Jewish people into a single unit.

**The way of law must be one, while value systems and lifestyles will remain different and variegated, each in its own way.** The profound disagreement between value systems may be explored in greater depth and even expanded through genuine methods of elucidation, but without the need to defeat and dominate the other side.

**The need for a covenant of this type existed in the past as well. But now, in light of our existential distress and the growing concern that the powers of discord will overcome the defenders of the common interest and unity among the Jewish people as a whole and within the State of Israel in particular, what was formerly a need for a new social covenant has become an absolute necessity. Quite possibly, the time is ripe to aim for a broad consensus in favor of the covenant, with its main points and principles.**