

Education for Autonomy, Education for Culture: The Case of Ultra-Orthodox Jews in Israel

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“To the right or to the left” (Duet. 17:11). Even if they tell you that right is left and left right, obey them.

Rashi

The Amidah opens with God of Abraham, God of Isaac, and God of Jacob — not God of Abraham, Isaac and Jacob — *because each patriarch sought and served God in his own way and did not accept blindly the God of his ancestors.*

— Baal Shem Tov

Political theorists often argue that education for autonomy is one of the central goals of schooling in a liberal society. In order to participate meaningfully and effectively in a democratic society a person must have the ability to deliberate critically, to develop and communicate her particular conception of the good, and to act upon this conception. However, individual autonomy is not the only virtue that the citizens of a liberal state promote and pursue. The question posed in this essay is whether a liberal state that fosters autonomy can also accommodate communities that value group solidarity and adherence to traditions over autonomous action. Israel exhibits this tension in an especially stark form since its political project of being a liberal and democratic society is challenged by its identity as a Jewish state.

The educational system in Israel was set up in part as an effort to accommodate the diverse interests of its different citizens. Schools are divided into four groups. The two school systems that actively develop the Zionist civic religion of Israel are the secular state schools (Mamlakhti), attended by the majority of pupils and the state religious schools (Malakhti Dati), which emphasize Jewish studies, tradition and observance. Arab and Druze schools (Mamlakhti Aravit) hold instruction in Arabic and focus specifically on Palestinian and Druze history, religion and culture. Finally, there are the independent schools (Hinuch Atzma'i) or “Unofficial recognized” orthodox schools. Under the auspices of these independent orthodox schools, Israel provides a state-funded education that develops religious literacy and communal commitment and downplays individual autonomy in life choices.

Is there a place for a state-sponsored comprehensive religious education in a modern liberal state? Through careful consideration of what is necessary for an education to foster autonomy, I conclude that in the case of Israel there is. The public subsidy of an ultra-orthodox school system is consistent with the state’s liberal pursuits — one of these pursuits being the development of autonomous citizens. This is the case because there is a particular tradition of critical thinking that is latent in the Haredi (ultra-Orthodox Jewish) culture. As the two introductory quotes suggest, ultra-orthodox Jews value obedience to the Law, however this obedience is an internal willing of the individual agent. Orthodox Judaism is consistent with the achievement of autonomy when autonomy is to be understood in the closely etymological sense of the word: self-governance. Though the ultra-orthodox Jew

leads an insular and restrictive lifestyle, it is the general Haredi canon that he has accepted this lifestyle of adherence to the law through his own agency and by his own will.

On a final note, the purpose of this essay is not to regard the Jewish orthodox tradition as more liberal than other religious orthodox forms. Rather, I argue using Israel as an example, that certain comprehensive educational systems can fit within a liberal state's aims. The essay is meant to be a springboard for the systematic distinction between those aspects of an illiberal culture that should be respected and those that are oppressive to its members. The essay thus is meant to suggest a more inclusive conception of autonomous agency — one that better informs the interests of members of liberal-pluralist societies.

EDUCATION IN LIBERAL DEMOCRACIES

Education is one of the most important functions of a polity. Through education, a state is able to cultivate a collective identity, to provide its youngest citizens with the proper knowledge and skills that may lead to fulfilling futures of their choosing, and to allow adult citizens to fulfill their own life plans which often include the rearing of children in the way they best see fit. According to John Dewey,

Education, in its broadest sense, is the means of this social continuity of life...Beings who are born not only unaware of, but quite indifferent to, the aims and habits of the social group have to be rendered cognizant of them and actively interested. Education, and education alone, spans the gap.

Through education, an individual first comes into contact with the language, the beliefs, and the commitments of her community. The values fostered in education constitute a large portion of the moral and theoretical context in which she will ultimately unravel what makes up her personhood. Education is seen as an opportunity both to provide the content for and to ensure the permanence of an individual's connection with her nation, her culture and her family.

On this account, it is no wonder why so many different groups take an invested interest in a child's education. When evaluating the legitimacy of any form of education, it is important to consider what Rob Reich terms the "trilogy of interests in education" — the interests of the state, the parent, and the child. While the three parties might struggle with what they believe is in the best interest of the child with regard to her education, each party wishes for the child to develop a minimal degree of autonomy. I use Reich's minimalist conception of autonomy as referring simply to the "capacity of the child to develop into an independent adult who can seek and promote his or her own interests, as he or she understands them, and who can participate, if he or she chooses, in political dialogue with others." Tension arises however if the child is born into a fundamentalist culture where the project of autonomy is not a priority. Liberals worry that religiously fundamentalist education poses a challenge to the development of the child's autonomy. I consider the validity of this claim in the context of the ultra-Orthodox Jewish school system, where the state's and parents' interests in cultural survival have provided an illiberal group total control over the child's education.

In the first section, I discuss the illiberal tendencies of Haredi Judaism in order to understand later exactly where the notion of autonomy applies within the

commitment of the state and the cultural group. In section two, I present an overview of the Israeli educational system and how Israel has gone about protecting the right to culture for the Haredi Jews. In the third section, I explore whether the right to culture, even an illiberal culture, is something that a liberal state should pay attention to. I also provide a model for how the right to culture fits in with autonomy. Finally, I evaluate whether the Haredi community should justifiably control its own educational system. I conclude ultimately that the Haredi community can provide an education that is consistent with its own traditional values while simultaneously fostering autonomy. Only when the autonomy of the child is being respected and developed can a comprehensively religious education be justifiably supported by a liberal society.

ILLIBERAL AND UNDEMOCRATIC TENDENCIES OF THE HAREDI JEWS

Baruch Susser has stated that “the Bible has been seen as justifying every form of government from anarchism to theocracy to liberal democracy.” However at its traditional and most brute level, Judaism is neither liberal nor democratic. Judaism is not democratic, just as no Western religion is “democratic” in our modern sense of the term. In Judaism there is one binding law — the Halakhic code of the Torah. The Haredi see Jewish existence as significant only when identified with the Torah and its commandments. The Haredi Jews generally do not take their religious practices to be based primarily on the emotional or mystical experience of the individual believer, but instead on a normative and systematic arrangement of an entire life course. The religious law is not necessarily intolerant but better referred to as all encompassing. Everything in the Haredi’s daily life is described to him in detail within the wealth of literature spanning thousands of years from the commandments of the Torah to the guidelines that Maimonides set forth. Even if we do not take this comprehensive system, replete with civic laws and ethical codes, to be “antidemocratic,” to a large extent it makes the democratic process empty of content with many of the main issues already closed off to debate due to the infallible nature of divine law. Rabbi Aharon Levy explains: “The Halakha does not offer itself to Jews as a non-binding invitation so that each person can consider whether to accept or reject it.”

All religious political parties in Israel oppose a state constitution since they claim the Torah is the exclusive constitution of the Jewish people and should not be replaced by a secular one. Though the conception of a covenant between God and His people can be seen as curbing arbitrary government and forming a contractual tradition in which devotion and obligation to the divine are an autonomous choice rather than an imposition, a constitution based on liberal-democratic principles fundamentally undermines the ultra-Orthodox Jewish political project. A constitution would not only undermine the Torah’s authority, it would also undermine the legality of the religious laws that have been instituted into secular society, such as those of personal status and marriage.

Two challenges to liberalism present themselves in the face of a fundamentalist religious minority in a liberal state. The first challenge is procedural. The legitimacy of the state as a democracy is founded on the fact that its individual members vote

freely and independently. With a substantial percentage of the population voting as a faction (as often happens in Haredi populations), the democratic nature of the election seems to be undermined. The second challenge is about the liberal obligations the state has to its citizens — more specifically to the healthy development of its children into functioning citizens. Are the children who are educated exclusively within the illiberal values of the Haredi school system being denied a proper education? In order for Israel to succeed in its liberal project it must confront both these dilemmas. However, in light of the essay's focus on the interests of the Haredi child, I concern myself here only with the latter question.

THE INDEPENDENT SCHOOL SYSTEM IN ISRAEL: EDUCATION FOR CULTURE

Israel's aim in its Jewish education is to foster a particular national identity and to create a powerful reason for its citizens to continue it. The Israeli policy on how to deal with the independent religious schools is conflicted; the same law that was passed to protect the right to minority culture justifies the need for reforming the Ultra-Orthodox independent school system to be part of the general educational system. The government has attempted to put restrictions on the independent schools through the State Education Law (1953). Clause Thirty-Two specifies the prerequisite to open an unofficial recognized school that includes "the basic program" consisting of "a number of hours accorded to subjects that are compulsory for every educational institution." This core program is supposed to include such subjects as science, math, history and civics that are mandatory for all school systems — secular or religious. However, the autonomy and integrity of the independent schools are protected in the same 1953 Law in which it ensures the right of the child who belongs to a minority community or special population "to maintain his culture, practice his religion, and the use of his language" (Clause 30).

Since the most important value in Haredi identity is the study of the Torah, education is central not only to the maintenance of the culture but in the everyday practice of it. Haredi education is a process of religious self-elevation that extends far beyond the legal age of compulsory education. No secular subjects are taught beyond remedial arithmetic and from the age of twelve, Haredi boys are exclusively limited to intensive religious study. The Haredi educational system is instrumental in impressing traditional Jewish values on its young as well as in keeping out other detrimental influences prevalent in modern society. The Haredi educational system has been criticized for its sequestering affect on the young Haredi student, not preparing him "for absorption into the varied professional system of modern society (not to mention the spiritual world of that society)." As a young Haredi student devotes himself to his Torah Study, he develops a comprehensive orientation and spiritual readiness to fulfill the ideals prevalent only in the Haredi society. With the territorial concentration of certain neighborhoods, Haredi communities can ward off external influences by controlling the associations the children form in their schools and social lives.

A proponent of the Haredi cause might argue that it is true that the Haredi child has a set of life options available to him that is different from that of his secular counterpart. It would be difficult for him to become a successful physicist with his

limited education; but it would also be quite difficult for a Kibbutznik (a child from a secular socialist communal background) to become a prominent rabbi in Mea Shearim. Both cases are plausible; however, the given educations of both the Kibbutznik and the Haredi Jew have made certain life options more plausible than others. Although he might not be prepared to easily adjust to secular Israeli society, in order to navigate and participate in the familiar social and economic institutions of his more insular society (the Haredi community) intensive religious training is helpful. The Haredi-proponent retort suffices if it is shown that the child of the ultra-Orthodox community is given the freedom to think about becoming a physicist or a Kibbutznik or a soldier. The problem with the Haredi education does not necessarily lie with the lack of marketable abilities the child will receive. Though having certain cognitive skills is necessary, the prime issue with the child's education is that he must be able to conceive of choosing a different kind of life in the first place. In order for the child to develop into a capable and independent adult, a certain kind of autonomy must be developed even in the most comprehensive circumstances.

The only way, then, that the state would be able to provide for the child's interest of autonomy while still making room for such a comprehensive cultural context as that of the Haredi Jews would be to strip the notion of autonomy to its bare minimum form. This next section pares down the liberal conception of autonomy to one that heeds the liberal values of a democratic state and the religious and cultural interests of Ultra-Orthodox religious groups.

MINIMAL AUTONOMY AND THE RIGHT TO ONE'S OWN CULTURE

In its charter as a liberal and a Jewish state, Israel has made the commitment to protect both its individual citizens as well as certain cultural groups that provide the state with purpose and identity. The state in this case might potentially opt for a less civic-minded educational system in order to protect the traditions of a particular collective group. The state of Israel has both a commitment to and a self-regarding interest in the survival of the Haredi cultural group. A liberal state's interest in ensuring the cultural survival of a group would be trumped, however, if the child and the parent do not share that interest. This is because liberal states have a primary stake in protecting the interests of its individual citizens — which are of course those same parents and children. Margalit and Halbertal have argued that every individual has a right to culture and “not just any culture but their own.” The right to culture is manifested as a right to a live one's own comprehensive way of life without interference and have it be recognized and supported by the general society and by the state. Margalit's and Halbertal's insistence on a right to one's *own* culture (rather than a right to any culture) is a communitarian spin on the liberal value of choice.

Borrowing from Meir Dan Cohen's distinction, there can be two different models of choice — the “choice as choosing” and “choice as willing.” Giving one model precedence over the other creates differing interpretations about what it means to be autonomous. The “choice as choosing” model is a sort of secular humanist vision of options — a smorgasbord of more or less eligible options that one can measure and then select on the basis of particular tastes, preferences, and values.

The “choice as willing” model expresses a categorical rather than a preferential valuation. When a person makes a choice under this second model, she has found her choice, by virtue of its uniqueness, not to be threatened by its competition with other options. This second model is the one doing the work for Margalit and Halbertal’s argument. It better describes the kind of choice the Haredi Jew feels he is making.

As Rashi’s commentary in the essay’s opening suggests, there is for the Orthodox Jew no “free market” of ideas and values that one can choose. In order to respect the Torah and its commandments, one must follow the present dictates of rabbinical authority. A Haredi Jew is not going to experience himself as actively choosing Halakha above other legitimate lifestyles, and he would not expect or even want the Israeli government to provide that choice framework for him. The Haredi Jew follows the Halakha because he wills it as imperative. The first model of choice implies that our commitments can be seen as detachable: a person chooses on what won out in the market of viable options and if something better comes along at a later date, the person must find it only reasonable to reconsider her choice as a mistake. A person has faith, however, not because she sees it as a more preferential option than the alternatives. A person has faith because (she knows that) God exists.

It is true, as Eamonn Callan has put it, that detachability of commitment is not the same as superficiality. One could see the first model of choice as a mere recognition that what is “categorically valued might not be categorically valuable.” A Haredi Jew who feels unconditionally tied to his religion should still be able to see how others would not have such sentiments and still lead good lives. However, it is still not clear why a Haredi Jew who has accepted her cultural identity or religious affiliation as categorically valuable should be seen as any less autonomous than the atheist Kibbutznik who has come to accept through her upbringing and experience the notion that faith cannot be categorically valuable. Both have come to understand their religious commitments in the context of their community and theological training. These commitments in part were formed in them prior to their active choosing, but it still remains within the limit of autonomous willing to still identify with these particular commitments in adulthood. To clump together the two models, choosing and willing, misrepresents the situation from the perspective of each. The Kibbutznik is actually choosing among an array of eligible options precisely because she has accepted her position as a secular humanist — a position that she has found herself in and willed to make her own. Altogether, it is important to remember that both choosing and willing are a product of individual volition. I do not argue here for group rights that in any way trump those of the individual. Instead I am asserting the view that the individual’s right to culture makes room for cultural and group interests in a liberal framework.

The interest in autonomy is therefore embedded in cultural group interest. One’s cultural identification must come about autonomously be it through choosing or willing. If autonomy is to be seen as self-governance, its development becomes one of the requisite elements for independent adulthood that Reich argues all three parties are interested in — the parents, the state, and the child. I would like to extend this interest in autonomy to include the interest of the cultural group. The child must

develop two different capacities to become autonomous — superceding “ethical servility” (borrowing the term from Eamonn Callan) and the capacity to be politically autonomous. Ethical servility entails a person’s submission to the will of others and being either unwilling or incapacitated to make decisions for oneself. Political autonomy is the ability to come to political decisions on one’s own critically informed deliberation. From the liberal state’s viewpoint, political autonomy is a necessary component of good citizenship. The only way one can be independent, self-sufficient, and especially productive, is to be autonomous in one’s decision-making processes.

One might argue that Haredi parents place too little value on autonomy in their understanding of the good life and hence stunt the child’s development into an autonomous adult. However autonomy is necessary for a real commitment and identity to the group. A primary interest of the cultural group is its own survival and flourishing. Individual members of a culture would not be satisfied to know that their way of life is protected and will endure only until their death. They want their children to feel intimately connected to the long and rich tradition that has rectified their own lives. To ensure its own permanence the cultural group would want to encourage certain skills of argumentation and critical thinking in the event that one of its members encounters an ideological opponent. The group would also want to develop in its members’ bureaucratic savvy, understanding of the governmental system, and the importance and utility of certain civic opportunities — such as voting, letter writing, and picketing — to advance its own ends in society.

The Haredi community is disproportionately politically active. Ninety seven percent of the Haredi population votes, and ninety nine percent of this population’s voting choices are the same — whatever its religious leaders endorse. Though representing less than seven percent of the population, ultra-Orthodox parties hold fifteen percent of Knesset (Israeli Parliament) seats. One can say that members of a fundamentalist group that take advantage of some of these political tactics is politically autonomous as a group while its individual members are servile. I would argue, however, that the individual members experience their effectiveness and envision themselves using these political means to further their own goods which parallel those of their groups. The individuals in the Haredi community have apparently recognized the importance of their participation as citizens of the state.

When it comes to ethical servility of the Haredi Jew, it would be helpful to use the distinction Reich makes between the capacity for autonomy and the condition of autonomy. People should be allowed to forgo certain kinds of autonomy in instances that result from their own genuine non-coercive deliberation. A person who elects to join the army might be giving up certain autonomous conditions of his life, however his autonomy is not permanently disrupted. As long as he is not losing his ability to think critically about his desires and preferences, his capacity for autonomy is still there and active. Though it might seem that the devout man has lost his autonomy, the devotee might frequently and autonomously reaffirm his decision to lead and obedient life.

Ultimately, in the Ultra-orthodox community there are substantive choices to be made and the child is gaining the skills necessary to be an independent and

autonomous member of his society. Tradition of controversy and dispute over interpretation of the text runs deep in the Jewish culture. A Midrash suggests that disputes arose from design not misfortune: God deliberately made the halakha open to differing interpretations and rulings, supplying Moses with forty-nine possible reasons on each side. The record of debate and dissent within the Talmud makes each view more accessible and inspires an ethic of discussion. Actual halakhic decision making employs criteria such as majority rule and textual consistency, instead of heavenly voices or considerations of virtue.

The opening lines of the essay quoting Rashi and Baal Shem Tov present the discrepancy in the Jewish tradition on the issue of autonomy and life choices. Sentiments might converge if we understand autonomous choice as a willing of one's identity. As Rashi pronounces, obedience and conformity to set traditions are seen as integral to the flourishing of this conservative culture. When one identifies with the Haredi Community, one sees oneself as accepting all the ordinances that come with it. However, as Shem Tov intimates, there is a belief within Ultra-Orthodox Jewry that demands this acceptance to be autonomous. Though modern liberal values such as cultural pluralism and sovereignty of the people are not fostered within the Yeshiva, critical thinking and debate are integral to the talmudic education. The Haredi education has the potential to foster amongst its students autonomy albeit a quite limited one when compared to secular school systems. Furthermore, the Yeshiva suitably provides the Haredi children with the proper vocabulary, critical thinking skills and religious understanding to further their status within their community. The educational and cultural ideal of the ultra-Orthodox is not that of autonomy, but of community and Jewish values. However, a necessary part communal values in general and Jewish values in particular is the respect of the individual as a willing member.

For response see essay by Levinson