

Conflict Management of Religious Issues: The Israeli Case in a Comparative Perspective

ELIEZER DON-YEHIYA

Problems of religion and state are among the most controversial issues in Israeli politics. They reflect profound differences in worldviews and ways of life in Jewish society in Israel. Nevertheless, the political system has generally managed to resolve conflicts over religious issues by peaceful means without undermining its basic stability, unity and democratic nature.

The Israeli case is, of course, not unique. Religious cleavages are to be found in almost every democratic country, and in some they have served as a source of heated political conflict. Nevertheless, in most cases religious controversies did not become a major factor of instability within democratic regimes. To a large extent, this can be explained by the patterns of conflict management in the religious area. In this essay, I will elaborate on this issue by comparing the resolution of religious conflicts in Israel and in some of the other Western countries. I will also compare patterns of conflict management in the religious area with those that are applied to other controversial issues in Israel.

Political scientists tend to deal with the issue of religious conflict and political stability within the more general framework of societal cleavages and the management of political controversies. For Robert Dahl and Arend Lijphart, religious controversies can be seen as part of a broader category of conflicts resulting from the division of society into rival sub-cultures.

Dahl argues that, 'In general, conflicts involving subcultures rarely seem to be handled – for long – by the normal political processes employed in other kinds of issues. For this sort of conflict is too explosive to be managed by ordinary parliamentary opposition, bargaining, campaigning, and winning elections'.¹

What are the alternative ways to deal with conflicts involving rival sub-cultures? Dahl points to six methods that are actually used in the management of such conflicts. Lijphart integrates three of them into a

Eliezer Don-Yehiya is Professor of Political Studies at Bar-Ilan University.

special pattern of elite behaviour, which he terms 'the politics of accommodation'. This pattern is based on the willingness of political leaders representing rival groups to co-operate in a common effort to settle their differences on an agreed basis. The term 'accommodation' refers to the 'settlement of divisive issues and conflicts where only a minimal consensus exists'.²

The accommodationist solutions indicated by Dahl are proportionality, autonomy and 'mutual veto'. Proportionality is the allocation of public positions and resources among various groups in accordance with their relative numerical power. Autonomy is the recognized right of every subculture to conduct its own affairs and institutions, especially in educational and cultural matters, according to its values and way of life. Mutual veto is the recognized power of each of the contending parties 'to veto changes in the status quo involving his subculture'.³ A fourth accommodationist practice, indicated by Lijphart, is the tendency to form grand coalitions in which all or most influential segments in society are represented. The 'politics of accommodation' explains the existence of a special kind of 'fragmented, but stable democracies', which Lijphart terms 'consociational democracies'.

To what extent and in what conditions have accommodationist practices actually been used in dealing with religious conflicts? Dahl cites cases from Holland, Belgium and the United States as examples for the application of such methods to the resolution of internal conflicts. However, he does not distinguish in this regard between various countries or areas of conflict.

Like Dahl, Lijphart does not differentiate between religious conflicts and other sources of controversy. Unlike Dahl, he does make a clear-cut distinction between different kinds of democratic regimes according to the nature of their social structure and patterns of conflict management. Thus, Lijphart sets aside a number of West European countries – Holland, Belgium, Austria and Switzerland – as 'consociational democracies'.⁴ Later, Lijphart even further emphasizes the distinction between various sorts of democratic regimes in his new classification of Western democracies into two 'ideal types' of 'consensus' and 'majoritarian' political systems.⁵ In contrast to his first model, this new one puts the emphasis on the formal structure of the regime, thereby focusing even more on the distinction between different kinds of democratic systems.

The Israeli case demonstrates that in studying patterns of conflict management, we should compare not only different countries, but also different sorts of conflict within the same country. Indeed, in recent years, Lijphart himself seems to turn his attention from the investigation of various kinds of regime to the exploration of a certain sort of conflict, namely ethnic conflict. However, he does not engage in a comparative

study of ethnic and other sorts of conflict. In fact, he implies that the same methods that are used in resolving conflicts within consociational democracies are, or can be, applied to the management of ethnic conflicts. He terms these devices a 'power sharing system', but it is in fact a different name for 'consociational democracy'.⁶ As my main concern here is with religious conflicts, I will point to the unique nature of these conflicts by comparing their management with the management of other controversial issues, especially in Israel.

Israel is not a consociational democracy in the full sense of the term. The consociational model has been applied only partially and inconsistently to most areas of controversy or group relations. True, in the pre-State Yishuv society, accommodationist methods were applied to most areas of conflict and group relations. Thus, the central organs of the Zionist movement and the Yishuv society were grand coalitions that included all Zionist groups except the Revisionists. Public resources were allocated on the basis of proportionality, known as the 'key-party system'. Autonomy was granted not only to religious education, but also to a Zionist socialist system of education – the 'Labour trend'.⁷

However, since the establishment of the State of Israel, there has been a marked decline in the use of accommodationist methods in most areas of conflict regulation and group relations. Thus, most Israeli governments were not based on grand coalitions, and the autonomous system of the Labour trend in education was canceled with the enactment of the Law of State Education in 1953.

There are also areas in which the consociational model has never been applied in a full and consistent way. This is clearly the case with regard to the Israeli Arab community. The Arabs have their own educational and cultural institutions, but they are not entitled to autonomy in the management of these institutions. No Arab was ever appointed a minister in an Israeli government and the Arabs are getting much less than their proportional share in the allocation of public resources. There has recently been a considerable improvement in this regard. However, the very definition of Israel as a Jewish state precludes the full integration of the Israeli Arab community into the politics of accommodation in Israel.⁸

The consociational model has been applied only in a limited and partial way to the area of inter-ethnic relations within Israeli Jewish society. Particularly salient is the fact that the autonomy principle, which plays an important role in the religious area, was not applied to the ethnic sphere. This situation has been changing in recent years. The most important development in this regard is the establishment and growth of an educational system affiliated with Shas, the party of religiously traditional Sephardim. This educational system and other ethnic institutions influenced by Shas have autonomous status and

receive their proportional share of state financing. However, the application of the principles of autonomy and proportionality to Shas institutions is related to the fact that these institutions, like Shas itself, represent a combination of both the religious and ethnic cleavages in Israeli society. This combination of the religious and ethnic factors has also played a major role in the impressive electoral achievements of Shas. It should be noted that in contrast to the religious cleavage, the ethnic cleavage had been characterized by a low degree of political institutionalization before the establishment of Shas in 1983. This has been changed with the rise of Shas as a party, which represents both cleavages – religious and ethnic. To a large extent, then, it is the religious factor that legitimizes the political institutionalization of the ethnic cleavage, as well as the application of accommodationist practices to the area of ethnic relations.

The fact that ethnicity per se has rarely been a basis for the politics of accommodation has its origins in the Israeli version of the 'melting pot' ideology, which prevailed mainly in the early years of independence. This ideology was not willing to grant legitimacy to the ethnic divide, and therefore it rejected the use of accommodationist practices in dealing with ethnic issues. Instead, Israeli political leaders strove to confront these issues with a deliberate effort to blur the cultural distinctions between the various ethnic communities. This policy, which was initiated and directed by Ben-Gurion, set as its aim 'the blending of the exiles'.⁹ It is the Israeli version of the 'assimilation' solution, which according to Dahl is one of the methods used in dealing with conflicts between subcultures.¹⁰ Such a solution cannot, of course, be integrated within the consociational model, which assumes recognition of the legitimacy of differences between subcultures.

It can be concluded that religious issues constitute the main area in which consociational methods of conflict resolution continue to be applied in a consistent manner. The consociational model has been the main key to the success of the Israeli political system in peacefully overcoming the profound divisions in the religious domain and maintaining unity, stability, and the democratic nature of the system.

It has been noted that grand coalitions are not a common feature of Israeli politics. Nevertheless, accommodationist considerations did play a significant role in the formation of governmental coalitions. This has been clearly manifested in the pattern of the 'stable coalition' between secular and religious parties. According to Nordlinger, a 'stable coalition' that includes representatives of opposing sub-cultures is a salient method of resolving conflicts in 'deeply divided societies'.¹¹ In Israel, religious parties have been included in nearly all governmental coalitions. These parties were kept in the government, even when a winning coalition could be formed without their support.

Conflicts over religious education were resolved in Israel on the basis of granting religious schools a vast degree of autonomy in conducting their own affairs, and allocating them governmental resources according to their proportional share of students. The systems of religious education have retained their autonomy even after the enactment of the Law of State Education. Many other controversial issues in the area of religion and state, like legislation on marital matters or public observance of the Sabbath and the 'Who is a Jew' problem, have been resolved on the basis of the mutual veto principle, known in Israel as the 'status quo solution'.

The status quo principle reflects the attempt to neutralize the explosive political potential of controversial matters by avoiding a decision on these matters. In Israel, some of the practices that are preserved by the status quo principle were introduced in the pre-State area. A prime example is the authority of the religious courts in Israel in matters of personal status, which is based on the legal system introduced in Palestine by the Ottoman rulers and subsequently adopted by the British Mandatory government. In many cases, the status quo principle is used to preserve political accommodations reached in negotiations between religious and secular leaders.

In Israel, the status quo principle does not prevent conflicts over religious issues. In fact, the interpretation of the status quo may itself be a source of confrontation between rival parties. In many disputes between religious and secular political groups, both sides claim to be defending the status quo and argue that the other side is trying to violate it. This was the case in the disputes over Sabbath television broadcasts and the 'Who is a Jew' question. Nevertheless, the status quo principle is usually effective at dealing with confrontations over issues of religion and state. It helps mitigate the conflicts and makes it easier for the disputants to negotiate and to reach an agreement.

THE POLITICS OF ACCOMMODATION IN ISRAEL: THE DYNAMIC DIMENSION

One of the most important conclusions to be drawn from the Israeli case is that the consociational model as presented by Lijphart is too static, and more emphasis should be placed on the dynamic dimension of this model. Thus, the status quo principle, which serves as the cornerstone for the politics of accommodation in Israel, is really a dynamic principle that allows for development and change. In Israel, the status quo principle does not prevent changes in the existing situation; it merely limits them, restrains them, and prevents them from attaining public legitimacy and official validation by means of legislation. Therefore, the term 'status quo' is, in a way, a misnomer. It is essentially a flexible,

dynamic system that adapts itself to new circumstances and conditions, but enables the parties involved to ignore *de facto* changes by withholding from them official recognition and public legitimacy.

The changes in the area of religion and state are due to various factors, and especially to demographic changes in the size and composition of the population and cultural changes in the values and ways of life of the society. In Israel, most of the changes in the religious area are marginal and gradual and do not involve explicit revisions of existing laws and regulations. However, sometimes the rival parties realize the need to introduce legal changes, which are based on compromises and can serve as a basis for a renewed status quo. Large-scale demographic changes caused by mass immigration in the early years of Israel's independence were the main factor behind the education crisis, which undermined the accommodations reached in this area during the Yishuv period. The crisis led to the establishment of new accommodations that were more in line with the new situation, and served as a basis for a renewed status quo in education, which holds to this day.

In this respect, Israel is different from the consociational democracies in Western Europe. These countries, too, were divided over the issue of religious education. However, unlike Israel, the West European countries have a fairly static population, the vast majority of whom have already been integrated in the various political sub-cultures. Therefore, the educational disputes in these countries were focused on government funding for religious schools and public supervision of them. In contrast, in the 'expanding society' of the Yishuv and the State of Israel, the competition between the political camps to recruit students for their schools was particularly important. This competition was most intense in the struggles over the education of immigrant children in the early years of the state.¹²

Pressures to change accommodations and practices in the religious domain in Israel were also exerted in recent years, since large numbers of immigrants arrived from Russia and the other countries of the former Soviet Union. The predominantly secular makeup of this wave of immigration is one of the main causes of the increase in violations of regulations regarding Sabbath observance and kashrut. Thus, many non-Kosher shops that sell pork were opened, in contradiction to local by-laws which forbid the selling of pork. Almost all the owners of these shops, and many of their clients, are Russian immigrants. The large percentage of non-Jewish persons among these immigrants also generated pressures on the status quo accommodations regarding marriage and divorce.

Demographic developments have also affected the emergence of changes in the religious status quo in the opposite direction. Thus, there

are increased pressures to close roads to all kinds of traffic on the Sabbath and Jewish festivals. Most of the changes of this sort characterize the cities of Jerusalem and Bnei Brak and are the result of population fluctuations that have led to the 'haredization' of streets and residential areas.

Although demographic changes may affect processes of cultural and political change, these processes also have other causes, such as socioeconomic changes and outside cultural influences. These changes, too, may affect the religious status quo in different directions. For example, the closing of streets to traffic on the Sabbath is related to the greater willingness within Israeli society to accept ideological and social pluralism. This includes respect for the right of distinct groups in the population, such as observant Jews, to live in their own residential areas in accordance with their own values and ways of life. However, most of the changes in the status quo accommodations concerning Sabbath observance have been manifested in the growing opposition to regulations and practices that forbid public transportation on the Sabbath or the opening of cinemas and other places of entertainment on this day.

In many cases, this opposition leads to violations of regulations and by-laws designed for public observance of the Sabbath. To a large extent, changes of this sort reflect the growing impact of liberal and individual tendencies on Israeli Jews, manifested in their unwillingness to accept restrictions on individual freedoms for ideological or religious reasons. Other factors behind such changes are economic developments, changes in patterns of leisure culture, a rise in the standard of living, and increasing consumption of entertainment and recreational services. These processes bolster the unwillingness to accept the enforcement of restrictions grounded in the religious status quo agreements, especially those related to public observance of the Sabbath.

It can be concluded that changes in the role of religion in Israeli public life have been in various, and sometimes in opposing, directions. Some of them favour one of the contending sides while others favour its rival. This is related to one of the significant conclusions to be drawn from the Israeli case. This case demonstrates the substantial differences in the direction, scope, and pace of developments between different kinds of controversies regarding issues of religion and state. These differences concern the nature of the disputed subject, the distribution of opinions on the subject, the sources of power and influence of the various parties to the conflict, and the intensity of their positions.

The investigation of religious conflicts in Israel shows that the intensity factor is of special importance.¹³ The more resolute and vehement a particular side is, the more likely it is to win. This in no way contradicts consociational principles, which are based not necessarily on

reciprocity and symmetry, but rather on the political leaders' awareness of the dangers to the stability and unity of the system that would result from unrestrained conflict. This awareness is shared by the leaders of the different groups and motivates them to conduct dialogue and to cooperate in an effort to achieve consensual accommodations. However, the side with the more intense position has an edge in the bargaining process because its adversary is more willing to compromise and make concessions.

Intensity is affected by various factors. Especially important is the sense that one is standing guard and waging a defensive campaign against threats to sanctified values and ways of life or to its status and vital interests. This can explain the success of the religious circles in defending religious education and in preventing the conscription of yeshiva students and religious women. It also explains the success of the opponents of Orthodoxy in issues that they consider especially important, such as the struggle by the Reform and Conservative movements against the amendment of the 'Who is a Jew' clause.

The changes that occurred in the religious sphere frequently involved the eruption or intensification of disputes and conflicts in this area. Recently, such conflicts have also to do with signs of growing antagonism in the overall pattern of relations between the religious and secular Jews in Israeli society. This is manifested in various ways, such as acrimonious condemnations of religious people and religious institutions in the mass media, public protest against the establishment of synagogues and religious schools in predominant secular neighborhoods, etc. One of the main factors behind this development is the fact that many secular Jews are worried about what they perceive as the growing social and political power of the religious groups.

The great electoral achievement of the religious parties in the 1996 Knesset elections (in which they increased their parliamentary share from 16 to 23 Knesset seats), was in itself one of the major sources of the secular Jews' anxiety. The electoral success of the religious parties has been perceived as an indication of the growing impact of religion on wide circles in Israeli society. It is interesting to note that the further increase in the overall electoral power of the religious parties in the 1999 elections to the 15th Knesset did not have a similar effect on the secular groups in Israel. The reason is that although the religious parties increased their parliamentary representation by 4 Knesset seats to 27 Knesset members, their power has been actually weakened due to the electoral failure of their political ally, Benjamin Netanyahu, who lost the premiership to Ehud Barak.

Other factors that exacerbate relations between religious and secular Jews are the 'expansionist' activities of religious groups within territorial areas or segments of population that had been considered as

predominantly non-orthodox. Of special importance in this respect are the activities of Shas within the Sephardic sector and the deep penetration of the 'repentance movement' into this sector. There is also the growing involvement of the Haredim in Israeli politics and their territorial expansion into previously non-Haredi environments. All this has resulted in confrontations over living space and allocation of resources in the local and national sphere.

A special factor that has increased animosity between the Haredim and secular Jews is the continued exemption of Haredi yeshiva students from military service. Although this has been a controversial issue for many years, secular opposition to this arrangement has been growing in recent years. This is due to two main factors. The first is the growing number of yeshiva students who are exempted from military service. The second factor is the growing share of the Haredim in the allocation of public resources, while they continue to be exempt from what most Israelis perceive as the prime national obligation of military service.

The developments presented above put much stress on the prevailing system of political accommodation in the area of religion and state in Israel. In the last elections to the 15th Knesset, this was manifested in the electoral success of Meretz and Shinui – two parties that challenge the politics of accommodation in the religious sphere. Especially remarkable is the electoral achievement of Shinui – a new party, which ran its election campaign under the banner, 'Stop the Haredim', and won 6 Knesset seats.

RELIGION AND STATE IN ISRAEL: THE SURVIVAL OF CONSOCIATIONALISM

There are students of Israeli politics who argue that the changes that occurred in Israeli society and politics indicate that the consociational model is no longer applicable for the management of religious conflicts in Israeli politics. These authors claim that Israel has been moving in recent years from 'the politics of accommodation' in the religious sphere to 'the politics of decision'.¹⁴

It is, however, significant to distinguish between changes within the prevailing system of political accommodation (or the exertion of pressures on its operation), and the breaking of this system and its replacement by an alternative system of conflict management. At this point, the dynamic nature of the religious status quo should be reiterated. The 'politics of accommodation' are not 'politics of immobilism'. Demographic changes as well as other sources of social and political change exert heavy pressures on the prevailing system of political accommodation in the religious sphere, and may cause changes in certain arrangements and practices in this area. These changes,

however, do not amount to the breaking down of the system, as long as they are not comprehensive and radical and they do not preclude the continuity of dialogue and co-operation between the contending parties.

This is partly explained by the fact that pressures from one side frequently counter pressures on the prevailing system from the other side. These may be the products of social and political processes of change in the opposite direction or the result of deliberate efforts to counterbalance the pressures on the system. Thus, the mass immigration from the former Soviet Union has increased the share of the secular segment in Israeli society. However, it did not result in a far reaching change in the balance of power between religious and secular Jews in Israel, which might have seriously threatened the accommodationist system in the religious area. The reason is that the increase in the Israeli secular population due to the Russian immigration has been countered by social and political changes within the veteran population that greatly increased the power of the religious sector. This is evident by the impressive electoral achievements of the religious parties in the 1996 and 1999 Knesset elections.

True the political achievements of the religious sector, and particularly its Haredi wing, did become one of the factors in the worsening of relations between religious and secular Jews in Israeli society. This development, which has been indicated above, may put pressure on the system of political accommodation in the religious sphere. However, a distinction should be made in this regard between relations on the mass level and on the level of the political elite. Tensions and animosities between social groups should not necessarily preclude political co-operation and compromises between political elites representing different and hostile social groups. On the contrary, sharp tensions grounded in societal cleavages may well serve as a motivating force for dialogue and co-operation in the political sphere in order to counter the destabilizing effects of the fragmented social structure. Indeed, this combination of social fragmentation and political co-operation is, according to Lijphart, the essence of the consociational model.

There are, of course, limits to the willingness and ability of political leaders to accommodate their differences in the face of deep divisions and growing tensions within society. However, it is evident from the Israeli experience, as well as that of other nations, that the political elites of opposing groups can co-operate in a common effort to overcome or neutralize the divisive potential of the fragmented social structure.

There are, to be sure, in Jewish Israeli society those who are willing to overturn the prevailing system of conflict management in the religious sphere. If they had their way, they would have replaced the accommodationist politics in this sphere with the 'politics of decision',

even if it were to lead to a severe social and political crisis. The results of the 1999 elections indicate that there has been, indeed, an increase in the electoral and parliamentary base of these circles in Jewish society. This is manifested in the electoral achievements of Shinui, and to a lesser extent, of Meretz. However, even in the newly elected 15th Knesset, the anti-accommodationist approach has received the support of only a minority of Knesset members.

There are also indications that following the elections, there has been a kind of retreat to a more conciliatory style of politics in the religious sphere and other areas of contention. Prime Minister-elect, Ehud Barak, declared his intention to be the 'Prime Minister of all'. Other political leaders of the religious and secular groups also voiced public declarations in this 'spirit of accommodation'. The accommodationist pattern of politics has also been manifested in the process of coalition formation. Barak expressed his willingness to form a broad coalition and leaders of religious and secular parties showed much interest in getting into such a coalition. It may well be that despite his efforts, Barak will not be able to form a broad coalition. However, it seems that even a narrowly based coalition will not change the religious status quo in a radical way.

At this point it should be mentioned that even the Labour-led coalition formed after the 1992 elections did not introduce far-reaching changes in the religious status quo in favour of the secular position. On the other hand, the impressive electoral achievement of the religious parties and the concomitant increase in their bargaining power after the 1996 elections did not result in the introduction of new religious legislation.

There have indeed been significant changes in the Israeli legal and political systems and also in the patterns of conflict and co-operation that characterize these systems. One of these changes is the enactment in 1992 of the two Basic Laws: 'Human Dignity and Liberty'¹⁵ and 'Freedom of Employment'.¹⁶ These laws are unique in the sense that any regular law considered by the Supreme Court to be incompatible with them is denied legal validity. Indeed, the adoption of the 1992 Basic Laws was interpreted as an indication that Israel has been moving from its flexible consociational system to a more rigid and formal system of decision making. This means that it is becoming more and more difficult to resolve conflicts on the basis of negotiation, bargaining and informal agreements.¹⁷

This claim is based mainly on the interpretation of Supreme Court Chief Justice Aharon Barak, who insists that the introduction of the 1992 Basic Laws signifies a 'constitutional revolution' in the Israeli legal and political system.¹⁸ By this he means that these laws should be considered as essential first components of a written constitution, which

is in the process of being drafted. The politics of accommodation in the religious sphere were indeed one of the main causes for the lack of a formal constitution in Israel. This is because in the face of deep differences regarding the identity of the state and society, and the role of religion in public life, the strategy adopted was to avoid as much as possible making decisions on fundamental issues in this area. Therefore, the adoption of a formal constitution could have indicated the decline of consociationalism.

Nevertheless, the view that Israel is in the process of a 'constitutional revolution' has been forcefully challenged by some of the leading figures in the Israeli legal profession.¹⁹ Recent developments have had the effect of supporting and strengthening this view. Contrary to Barak's expectations, the 1992 Basic Laws were not followed by other laws of the same sort. Moreover, one of these laws, the Basic Law: Freedom of Occupation, was amended so as to enable the Knesset to pass laws which are incompatible with the Basic Law, provided that this incompatibility will be stated explicitly in those laws.

This legal amendment was designed to overcome a Supreme Court ruling that the Knesset law forbidding the import of non-Kosher meat is incompatible with the Basic Law: The Freedom of Occupation. The legal measures that were meant to protect the prevailing status quo from interference by the Supreme Court were supported by a vast Knesset majority of right-wing and left-wing representatives. Moreover, from the very beginning, the adoption of the two Basic Laws by the Knesset was based on the understanding that they would not infringe on the religious status quo. This was explicitly stated in the case of the Basic Law: Human Dignity and Liberty'. Paragraph 10 of the law maintains that, 'This Basic Law can not invalidate any law that was in power before its introduction'.

From all of the above, we can conclude that the developments in the legal area did not lead to a radical change in the patterns of conflict management and decision making in the area of religion and state. This is true even in regard to a significant structural change such as the introduction of direct election of the prime minister in the new Basic Law: The Government, which was adopted in 1992 and first came into effect in the 1996 elections.

Writing before the Knesset decided to adopt the proposed electoral reform, Lijphart had argued that such a radical change would signify Israel's moving from a nearly pure type of 'consensus democracy' to a more 'majoritarian' system of government.²⁰ There are two points to be made in this regard. First, Lijphart referred to an earlier version of the law, which would have concentrated far more power in the hands of the prime minister and made it practically impossible for the Knesset to vote him out of office. In contrast, according to the law currently in effect,

the Prime Minister is still dependent on the support of a winning coalition in order to keep his office. This leaves much power in the hands of the smaller parties, and especially the religious parties.

The second and more important point is that 'consensus democracy' is not the same as 'consociational democracy'.²¹ The first term refers mainly to the structural-formal characteristics of the political regime, such as proportional elections, multi-party system and coalition government. In contrast, the term 'consociational democracy' places the emphasis on informal agreements that result from deliberate efforts of political leaders to settle the differences between the sub-cultures they represent in a peaceful way.

The informal features of consociational politics account for the fact that consociational politics may characterize a certain area of conflict and decision making, while being largely absent from other areas. Thus, in Israel, the politics of accommodation are mainly applied to issues of religion and state, while in other controversial areas decisions are often made according to the principle of majority rule. A case in point is the policies of the Rabin government. This government used its one vote majority to impose a unilateral decision on the very controversial issue of the Oslo Accords. This kind of behaviour clearly deviated from the pattern of accommodationist politics. However, there is no room for the conclusion that the Rabin government violated consociational principles 'in every conceivable way'.²²

It should be noted that differences and controversies on foreign and defence issues are especially difficult to handle by accommodationist practices. Thus, the autonomy principle is not applicable to the management of internal conflicts in this area. The application of the proportional method to the resolution of conflicts over matters of policy making is possible in theory, but quite difficult in practice. Even more problematic is the application of the status quo principle to the management of internal controversies over matters of foreign and defence policy. The main problem here is the need to respond to pressures exerted from the dynamic international environment. Changes in this environment may pose new external threats to national security, exacerbate existing ones, or create new opportunities for attainment of peace. All this might make it very difficult to avoid making decisions in order to overcome internal differences. It may also turn out to be a barrier against the making of decisions based on compromise and mutual concessions.

Admittedly, for the religious opponents of the Oslo agreements, the issue at stake was not only political, but also religious. It is also true that for this reason, they regarded the policies of the Rabin government as a blunt violation of the consociational tradition in the religious sphere, which was one of the main factors behind their fierce opposition to that

government. Nevertheless, the issue was not perceived in this way by the initiators and supporters of the Oslo peace process. In contrast to their religious opponents, the Labour leaders perceived the peace process in purely political terms and dealt with it in very different way than with issues of religion and state. While they were determined to continue with the peace process without any consideration to the criticism of right wing parties, the Labour leaders were responsive to the claims of the religious parties regarding violations of the religious status quo through Supreme Court rulings.

All of this notwithstanding, the differences over the territorial issue did play a significant role in the worsening of relations between the religious community and the left wing circles in Israel. The tension has been further aggravated by the political support that was lent to the right wing camp and its leader Benjamin Netanyahu by almost all of the Israeli religious community. However, this overlapping of the religious and ideological cleavages should not be taken as indicating a severe crisis of consociational politics in Israel. It should be noted that Lijphart developed the consociational model in order to account for the existence of overlapping and mutually reinforcing cleavages in certain stable democracies. As the political leaders of the rival groups realize the divisive potential of the societal cleavages, they engage in a deliberate effort to counteract the destabilizing effects of the fragmented social structure by means of co-operation, negotiation and compromises.

It can be concluded then that the application of the consociational model in the area of religion and state in Israel has been exposed to heavy pressures, but by and large consociationalism in this area has managed to survive. This is not the case in other areas of controversy within Israeli society and politics. In most of these areas there has been a marked decline in consociational patterns of conflict management and decision making. In this regard, the Israeli case is quite similar to those of some West European countries in which consociationalism, too, is in a process of decline. The main cause for this decline in Israel, as well as in Western Europe, is not the exacerbation of tensions and controversies between different segments of society, but rather the mitigation and moderation of differences and controversies. This can account for the fact that while consociational practices have declined in most areas of Israeli society and politics, they have largely survived in the sphere of religion and state. The reason for this is that with the probable exception of the territorial issue, the religious cleavage is the only one to retain its highly divisive potential, and therefore it especially needs management by consociational methods.

Two main questions arise in this regard. The first one refers to the difference between the religious factor and other sources of cleavage and division in society. The second question has to do with the fact that

contrary to the situation in Israel, the decline of consociationalism in West European countries has also been salient in the religious area. In order to deal with the above questions, we have to discuss in general terms the unique nature of the religious issue in Israel.

THE RELIGIOUS CLEAVAGE AND OTHER SOURCES OF CONFLICT

The politics of accommodation is not limited to the religious domain. Accommodationist practices are quite frequently applied in the area of ethnic relations. In Israel, as in other countries divided along ethnic lines, the ethnic factor plays a considerable role in the allocation of public resources and representation in governmental positions. However, the consociational model tends to be applied in a wider and more consistent manner in the religious area. In this area, not only problems of representation and allocation of resources, but also other important issues are resolved on the basis of negotiations and compromises. Most important in this respect are the status quo principle and other strategies of avoiding explicit and clear-cut decisions, particularly when they involve the enactment of parliamentary laws. This is especially the case in a country like Israel, where problems of religion and state continue to be a central controversial issue.

This centrality can be explained by the nature of religious conflicts, which are inclined to involve fundamental values and basic beliefs of an absolute nature, and therefore it is very difficult to resolve them through unilateral decisions. True, adherents of 'secular values' may also claim an absoluteness to their positions. However, often the main adversary of such 'secular religions' is traditional religion. Therefore, the clashes over values and attitudes of a secular nature may also have the dimension of religious conflict.

In Israel, during the Yishuv period, Zionist socialism was a comprehensive system of values and symbols that sought to replace traditional Jewish religion as the main source of solidarity and unity for the Jewish people. This kind of 'civil religion' served as a basis for a community of believers – the Zionist Labour movement – that established a very developed network of institutions in all spheres of activity and especially in the educational and cultural domain.²³ The Labour movement claimed and achieved for its educational institutions the same autonomous status and proportional allocation of resources that was granted to the religious system of education. However, this did not prevent clashes between the Labour movement and the religious camp over the mobilization of students to their rival systems of education. The conflict greatly intensified during the early years of Israel's independence, due to the fierce competition between the two communities of believers over the political socialization of the mass immigration.

The Israeli case demonstrates another reason for the fact that the politics of accommodation is especially prevalent in dealing with religious conflicts. The fierce conflict over the education of the immigrants' children was resolved by a political arrangement that led to the abolition of the autonomous system of Labour education, while the religious educational systems largely retained their autonomy and their proportional share in the allocation of resources. One of the reasons for this development was the decline of Zionist socialism as a kind of secular religion. The abolition of the 'Labour trend' in education further enhanced this decline of Zionist socialism.

The Israeli case, and others as well, seem to indicate that the survival capacity of secular religions tends to be lower than that of traditional religions, which have been proven more successful in retaining the devotion and loyalty of their adherents. This is especially true in democratic regimes, in which secular religions cannot rely on the political power of a totalitarian system of government to preserve their hold on society. The declining role of secular religion or 'total ideology' in Western democratic countries means that there is no vital need to resort to accommodationist devices in order to settle intensive ideological conflicts.

There has also been a marked decline in the intensity of conflict over religious issues in many Western countries, which is due in part to processes of secularization. As a result, there has been a considerable weakening of sub-cultural loyalties based on support or opposition to traditional religion. This process of 'de-pillarization' led, in turn, to a marked decline in the role of accommodationist politics in the consociational countries of Western Europe.²⁴ However, the decline of religious conflicts in these countries can be attributed, to a large measure, to the application of consociational methods to the management of conflicts in the religious sphere. In this way, the success of consociationalism was actually a significant factor in its own decline in Western Europe. It is instructive at this point to compare patterns of conflict management of religious issues in Israel and in some of the Western countries.

ISRAEL AND WESTERN EUROPE

Israel has not been exposed to secularization to the same extent as Western Europe. In some respects there is even a counter trend of de-secularization in this country. This is one of the reasons for the significant difference between Israel and the West European countries in terms of the role of religion in their political systems. Most important in this respect is the fact that in Israel there is a much wider use of accommodationist devices in religious politics. In contrast to Western

European countries, a solution to the education problem in Israel was not enough to calm tensions between the religious and secular camps. Other issues involving the role of religion in state and society remain a source of intensive conflict in Israeli politics.

Lijphart presents the educational agreement in Holland as the cornerstone for politics of accommodation in that country, and a key factor in stabilizing the relations between the various segments that differ in their religious attitudes. 'The relative peace among the religious blocks in Holland... must be attributed, to a large extent, to the pacific settlement of the school issue'.²⁵

There are definite similarities between the political conflicts over education and religion in Israel and in West European countries, especially Holland and Belgium. For instance, the methods commonly used to resolve such conflicts in Israel and in such other countries are based on the principles of autonomy, proportional funding, and the status quo. Like in Western Europe, resolution of the educational issue in Jewish society was a precondition for peaceful coexistence and political co-operation between the secular and religious segments. The issue of religious education was the first major area of controversy at the inception of the Zionist movement, and later it became the first controversial issue to be settled by accommodationist methods. Conflicts over religious education played a major role in the establishment of religious parties in Jewish society, as well as in Holland and Belgium.

The dispute over education in Israel is not merely over ideological principles; it also reflects a power struggle between political camps over the socialization of citizens within their organizational frameworks. In this respect, too, Israel resembles consociational democracies such as Holland and Belgium.

There are also marked differences between the political role of the education issue in religious conflicts in Israel and in the West European countries. The education issue was a decisive factor in the relations between the religious and secular camps in Belgium, Holland and France. Therefore, resolution of this issue substantially diminished the conflict between the political camps, and even served to weaken the basis for their continued existence as distinct and organized political sub-cultures. According to John Frears, in France 'the notion of Catholicism as a separate and hostile sub-culture would have disappeared long ago, were it not for the periodic disputes about state aid to Church schools'.²⁶ Lorwin maintains that the Belgian Schools Pact of 1958 impaired the political consolidation of the Catholic camp there, despite state recognition and funding of Catholic schools, because it 'removed the strongest argument for separate Catholic political action and for Catholic political unity'.²⁷ Lijphart notes that 'Once this

question [of religious schools] is resolved, religious cleavages lose much of their political salience'.²⁶ Though religious issues continue to be a factor in Dutch politics, they are not divisive enough to undermine political stability. 'Other differences have not disappeared, but they are only minor irritants'.

In contrast to other Western countries, within Israeli Jewish society there have been many other issues besides education that have become a source of major conflict between the religious and secular political camps. Therefore, the resolution of the education question in Israel has not significantly reduced the salience of the religious factor in Israeli politics.

This unique role of religion in Israeli society and politics reflects the special nature of the Jewish religion. Unlike other religions, Judaism includes a large number of practical precepts, aspires to guide all aspects of individual and public life, and has a historical affinity between religious and national existence. Therefore, many religious issues besides education are subjects of heated controversy in Israeli politics. Among them, there are problems unique to Israel, such as the 'Who is a Jew' question, matters of Kashrut and Sabbath observance, conscription of yeshiva students and religious women, the status of non-orthodox Jewish movements and the role of Jewish law in Israeli legislation. Since the Six Day War, the religious dimension has also been prominent in debates over issues of foreign and defence policy, particularly those related to the Arab-Israeli conflict, such as the question of the occupied territories and the peace process.

The self-definition of Israel as a Jewish state and the central role of religion in Jewish history and culture would make it very difficult for many Jews to identify with Israel were it to become a completely secular state, cut off from any attachment to the Jewish religious tradition. Many people who are not strict about observing religious precepts in their private lives recognize the need to give religion a position of influence in the country's public life. These people wish to express and give content to the Jewish identity of Israel by maintaining the important role of religious values and symbols in its national culture and political life.

Consequently, religious parties in Israel, unlike those in Western Europe, do not limit themselves to a defensive role in issues of religion and state. Therefore, they cannot settle for autonomous status and government funding for religious institutions, services, and education. The aim of these parties is to ensure a central role for religious tradition in shaping Israeli society and to leave the imprint of religious Judaism on the state as a whole.

ISRAEL AND THE UNITED STATES

The claim that accommodationist methods of conflict management are especially appropriate to dealing with issues of religion and state raises the question: How do we account for the fact that such methods have generally not been applied to the management of religious issues in some Western democracies? In this regard the most obvious example seems to be the way religious issues are confronted in the United States.

The interesting point is that despite very marked differences, there are certain common elements in the ways that the United States and Israel deal with religious differences within their societies. To a large degree, these common elements are also shared by the consociational democracies of Western Europe. The most striking similarity between the patterns of conflict management in Israel and in the United States is the tendency in both countries to avoid direct political confrontations over religious issues as much as possible, by taking these issues out of the regular political process. This is done in three major ways:

- * A national agreement to stabilize and consolidate existing arrangements in the religious sphere;
- * The formulation of differing attitudes in this area in non-ideological terms as disagreements over matters of interpretation and application;
- * The non-involvement of national political institutions in the management and resolution of controversial religious issues.

The tendency to stabilize and consolidate political arrangements in the religious sphere, thereby avoiding the need to reopen them for a debate and decision, is manifested in both the status quo solution in Israel and the First Amendment to the American Constitution. It is true that the First Amendment is part of a formal constitution, while many of the status quo accommodations do not have even the legal status of a regular law. However, in Israel the religious status quo does have the status of a basic constitutional principle, although this position does not rely on the legally binding power of a written constitution.

It should be noted that the consensus in American society on the religious articles of the first amendment is based to a large extent on the willingness of the Americans to accept constitutional principles and to avoid opening them up to debate and criticism.²⁹ In this way, the American practice is not so different from the mutual agreement to avoid introduction of changes in the religious status quo in Israel. The difference is that the status quo in Israel has been generally acknowledged as an accepted means for avoiding religious conflict, while the first amendment fulfills this same function in the United State largely due to the broader consensus on the American Constitution.

Just as the agreement on the religious status quo in Israel does not preclude the rise of conflicts in this area, so the consensus on the

religious articles of the First Amendment in the United States does not preclude conflicts over issues of religion and state.³⁰ However, in the United States, like in Israel, controversies over the role of religion in public life have been largely neutralized by formulating them in legal, constitutional terms that reflect differing interpretations of the constitution, or the status quo.

There is still a marked difference in this respect between the United States and Israel. The formulation of religious issues in legal terms has been greatly enhanced and made much easier in the United States through the recognition of a supposedly non-political institution – the judicial system, particularly the Federal Supreme Court – as the authorized interpreter of the constitution, including its religious articles. In this way, the Supreme Court has assumed the role of an arbiter in controversial issues of religion and state, thereby taking these issues, in a way, out of politics.

In Israel, as well as in the consociational democracies of Western Europe, political institutions at the national level may also avoid involvement in controversial religious issues by delegating them to local authorities, administrative bodies, or ad-hoc committees. However, such practices can be much more effective if they are based on wide public agreement to treat them as legal issues to be decided by the judicial system, as is generally the case with regard to issues of religion and state in the United States. By contrast, there has been no such agreement concerning the management of religious issues in Israel. Instead, controversies in this area, which often involve differing interpretations of the status quo, are resolved by deliberations, bargaining and agreements – many of them of an informal nature – between representatives of the opposing parties at the national or local level.

True, the Israeli Supreme Court has also been involved in controversies on religious issues. In certain cases, this involvement played a role in neutralizing the political impact of religious issues. However, in many of the cases, the intervention of the Israeli Supreme Court in religious affairs resulted in the intensification and further politicization of the conflict, rather than its resolution. This has to do with a basic difference between the two political systems. In the United States, the role of the Supreme Court in the resolution of religious controversies is based on its recognition as the authorized interpreter of the constitution. In the absence of a written constitution in Israel, the Court's decisions on religious matters are open not only to criticism but also to challenge and counteraction on the side of dissatisfied parties, who seek to abolish the Court's verdicts by resorting to parliamentary legislation.

Even more important is the fact that in contrast to the United States, in Israel the involvement of the Supreme Court in religious issues is not based on a widely accepted legal norm or practice that is recognized as

the guiding principle in this sphere. Moreover, in Israel, the decisions of the Supreme Court on religious matters often stand in open contradiction to the accepted guiding principle for dealing with religious issues in the Israeli polity, which is the status quo. It should be noted that the Supreme Court is not willing to grant recognition and legitimization to the status quo, unless it is grounded in a parliamentary legislation. As many of the status quo arrangements are based on informal agreements or secondary legislation, the intervention of the Supreme Court has quite often resulted in the abolition of these arrangements. This, in turn, gave rise to the reopening of conflicts and to attempts at legislation that is aimed at restoring the original status quo, which had been harmed by the intervention of the Supreme Court.

There is a basic difference between the role of the Supreme Court in the United States and in Israel. While not all Americans agree with the way the Supreme Court interprets the religious clauses of the constitution, most of them accept his authority on these matters. By contrast, in Israel the very legitimacy of judicial involvement in the religious sphere has been put into question and has turned into a controversial issue.³¹

All of this is related to the most fundamental difference between the American and the Israeli systems, which is their contrasting concepts of the proper relationship between religion and the state. While the notion of separation of religion and state is not explicit in the American Constitution, a consensus has been formed on interpreting the First Amendment as implying this notion. This process has been greatly enhanced by decisions of the Supreme Court, but it also has reflected the growing acceptance of separation as the most appropriate solution for religious conflicts within American society.

In the American case, religious conflicts are avoided, or resolved, on the basis of the agreement to treat religious concerns and institutions as private matters of the individual, or voluntary community, to be kept separate from the public sphere of government, legislation and politics. Therefore, controversies over the actual implementation of the separatist model are treated as constitutional issues, to be resolved by the judicial system. By contrast, most Israeli Jewish citizens consider religion an essential component of national life, which must not be limited to the private sphere. This means that, in Israel, separation cannot be an agreed solution to religious controversies.

CONCLUSION: MODELS OF MANAGEMENT OF RELIGIOUS CONFLICTS

The American model of separation has not been accepted in Israel, nor in most West European democracies. In these countries, relations

between religion and state are resolved on the basis of various kinds of accommodations. Nevertheless, there are also differences in this regard between Israel and the West European countries, as well as among these countries themselves.

We propose a distinction between two 'ideal types' of separation and accommodation, which leaves room for another subdivision between an active and comprehensive system of accommodation and a more passive and limited form of it. The first kind is best exemplified by the Israeli case, while the consociational democracies of Western Europe are good examples of the other kind of political accommodation. In the West European consociational democracies, the accommodationist practices have been efficient to the point that they have generally prevented the need for an active use of conflict regulation methods in order to resolve or restrain intensive controversies on religious issues. To a large extent this is related to processes of secularization and de-pillarization within these countries. In Israel, on the other hand, there has been a continued active resort to various methods of political accommodation in order to resolve or restrain conflicts over religious issues. This has to do with the special nature of the religious issue in Israel – a point discussed above.

How can we account for the difference between the American model and other patterns of dealing with religious conflicts in Western democracies? It can be argued that religious divisions in the American population did not give rise to the formation of distinct and well-organized subcultures; therefore, it was not necessary to accommodate the different values and interests by way of agreements based on proportionality, autonomy and status quo.

However, this begs the question as to why religious divisions in the United States did not result in the formation of distinct and segmented subcultures, like in Israel and a great part of West Europe. Students of West European systems have noticed that the segmented structure of some of these countries is the result, rather than the cause, of intensive conflicts, mainly on issues of religion and education.³² To a large extent, the same can be said of the formation of segmented religious subcultures in the Yishuv, which was a kind of defensive reaction to the processes of secularization and modernization in the general society, and particularly to the danger of secular education.

Why, then, did conflicts of this kind not arise in the United State or not give rise to the formation of religious parties with distinct subcultures? This issue has been a subject for much discussion in the academic literature. There are those who point to the difference between countries with a large Catholic population and those with a dominant Protestant one, as was the United States in its early years. To this we should add the nature of the United States as a pluralistic new nation of

immigrants from various countries and ethnic origins, who affiliate with different religious denominations. In this situation, the only way to form an integrated nation was by avoiding identification of the American state with any of its various religious or ethnic groups. This goal was efficiently served by the separation of religion from the state.

In this respect, the Israeli situation is diametrically opposed to that of the United States. This is because the self-definition of Israel as a Jewish state has been a major motivating force in the use of the Jewish religion as a source of national solidarity and political legitimization. In this way, the religious status quo in Israel can also be seen as reflecting a basic consensus among the Jewish population on the Jewish identity of Israel and the need to assert it by granting the Jewish religion a role in the public life of the state.

This argument notwithstanding, there are also fairly large circles in Israel that advocate the separation of religion and state. Even many who reject this idea disagree with the religious parties and their supporters on the desired nature and extent of the link between religion and state and the means of preserving the Jewish identity of Israel. This is the reason that while the status quo and other accommodationist devices are based on a basic sense of Jewish solidarity, they also serve as a means to avoid or restrain conflicts resulting from differing interpretations of Judaism.

NOTES

The central arguments of this article are largely based on the conclusions of a 1999 study, *Religion and Political Accommodation in Israel*, sponsored by the Floersheimer Institute for Policy Studies.

1. Robert A. Dahl, 'Some Explanations', in R.A. Dahl (ed.), *Political Oppositions in Western Democracies*, New Haven: Yale University Press, 1966, p.358.
2. Arend Lijphart, *The Politics of Accommodation*, Berkeley: University of California Press, 1968, p.103.
3. Dahl, 'Some Explanations', p.358.
4. Arend Lijphart, 'Consociational Democracy', *World Politics*, Vol. 21, No. 2 (1969), pp.207-225.
5. Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Democracy in Twenty-One Countries*, New Haven: Yale University Press, 1984.
6. Arend Lijphart, 'The Power-Sharing Approach', in Joseph V. Montville (ed.), *Conflict and Peacemaking in Multiethnic Societies*, New York: Macmillan, 1990, pp.107-114. There are, nevertheless, authors who make a distinction between 'consociationalism' and 'power-sharing'. See Paul Dixon, 'Consociationalism and the Northern Ireland Process: The Glass Half Full or Half Empty?', *Nationalism and Ethnic Politics*, Vol. 3, No. 3 (1997), pp.21-23.
7. See Eliezer Don-Yehiya, 'Conflict and Cooperation between Political Camps: The Religious Camp and the Labour Movement and Education Crisis in Israel', Ph.D. dissertation, The Hebrew University of Jerusalem, 1977 (Hebrew).
8. See Sammy Smooha, 'Ethnic Democracy: Israel as an Archetype', *Israel Studies*, Vol. 2, No. 2 (1998), pp.198-241; Eliezer Don-Yehiya and Bernard Susser, 'Nationalism vs. Democracy: Israel as a Deviant Case', *Tarbut Democratit*, Vol. 1, No. 1 (1999), pp.9-22.

9. See Eliezer Don-Yehiya, 'Political Religion in a New State: Ben-Gurion's Mamlachtiyut', in Noah Lukes and Ilan Troen (eds.), *Israel's First Decade of Independence*, Albany: State University of New York Press, 1995, pp.171-192.
10. Dahl, 'Some Explanations', p.358.
11. Eric Nordlinger, *Conflict Regulation in Deeply Divided Societies*, Cambridge: Harvard University Press, 1972, pp.21-33.
12. See Don-Yehiya, *Conflict and Cooperation*.
13. On the importance of the intensity factor for democratic theory, see Robert A. Dahl, *A Preface to Democratic Theory*, Chicago: University of Chicago Press, 1956, pp.48-49.
14. Asher Cohen and Bernard Susser, 'From Accommodation to Decision: The Transformation of Israel's Religio-Political Life', *Journal of Church and State*, Vol. 38, No. 4, 1996, pp.817-839. See also the article by Reuven Y. Hazan in this volume.
15. *Sefer Ha-hukim* (Book of Israeli Laws), Jerusalem, 1992, p.150.
16. *Ibid.*, p.114.
17. Cohen and Susser, 'From Accommodation to Decision', pp.826-830.
18. Aharon Barak, 'The Constitutional Revolution: Protected Human Rights', *Mishpat u-Mimshal*, Vol. 1, No. 1 (1992), pp.9-35.
19. See Ruth Gavison, *Ha-mahapeha Ha-hukatit (The Constitutional Revolution)*, Jerusalem, Israel Democracy Institute, 1998.
20. Arend Lijphart, 'Israeli Democracy and Democratic Reform in Comparative Perspective', in Ehud Sprinzak and Larry Diamond (eds.), *Israeli Democracy under Stress*, Boulder: Lynne Rienner, 1993, pp.107-123.
21. Arend Lijphart, 'Democratic Political Systems: Types, Cases, Causes and Consequences', *Theoretical Politics*, Vol. 1, No. 1 (1989), pp.39-40.
22. Cohen and Susser, 'From Accommodation to Decision', p.838.
23. Charles Liebman and Eliezer Don-Yehiya, *Civil Religion in Israel: Traditional Judaism and Political Culture in the Jewish State*, Berkeley: University of California Press, 1983.
24. On the decline of consociationalism in Holland and Belgium, see A. Bax, *Modernization and Cleavage in Dutch Society*, Groningen, Rijks Universiteit, 1988; Kris Deschouwer, 'The Decline of Consociationalism and the Reluctant Modernisation of Belgian Mass Parties', in Richard S. Katz and Peter Mair (eds.), *How Parties Organize: Change and Adaptation in Party Organizations in Western Europe*, London: Sage, 1994, pp.80-108.
25. Lijphart, *The Politics of Accommodation*, p.118.
26. John Frears, 'Conflict in France: The Decline and Fall of a Stereotype', *Political Studies*, Vol. 20, No. 1 (1972), pp.31-41.
27. Val R. Lorwin, 'Segmented Pluralism', *Comparative Politics*, Vol. 3, No. 2 (1970/71), pp.141-175.
28. Lijphart, *The Politics of Accommodation*, p.118.
29. According to Dahl, 'An understanding quickly developed that all controversies, particularly constitutional controversies, must take for granted the overriding legitimacy of the constitution and the superiority of American institutions'. Robert A. Dahl, 'The American Oppositions: Affirmation and Denial', in Dahl (ed.), *Political Oppositions in Western Democracies*, p.37.
30. See among others, William H. Marnell, *The First Amendment: The History of Religious Freedom in America*, Garden City, Doubleday, 1964; A. James Reichley, *Religion in American Public Life*, Washington: Brookings Institute, 1985, pp.115-167.
31. A noted example is the huge demonstration against the Supreme Court held in 1999, which was attended by more than 300,000 religious Jews.
32. Brian Barry, 'The Consociational Model and its Dangers,' *European Journal of Political Research*, Vol. 3, No. 4 (1975), pp.407-408.

