Religiously Oriented Universities in Israel

Asher Maoz*
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Abstract

This paper examines the phenomenon of religiously oriented institutions of higher education in Israel. The paper examines the difficulty in defining a university as a “religious institution”, from religious, scientific and legal perspectives. It argues that a religious university is problematic from a religious perspective, by putting its emphasis on general, or ”secular”, studies, and by having to face Biblical criticism, which often contradicts religious beliefs and precepts. A religious university is problematic scientifically as well, to the extent that study and research may be subjected to religious restrictions. Finally, the university being ”religious”, affects the social fabric of the university and the character of its teachers and students. Moreover, restrictions of admittance on religious grounds constitute discrimination, which may bring the institute into conflict with state law, which prohibits discrimination. The article tests these assumptions by examining the history and internal conflicts at Bar-Ilan University, the only religious university in Israel. It tells the story of the university against the background of the changes in religious Zionism in Israel. It traces the murder of Prime Minister Rabin by a former student of Bar-Ilan as an event that shattered the university and brought about soul searching on the part of the religious Zionist movement as a whole. In addition to Bar-Ilan University, the paper examines all other religious institutions of higher education, at the university level, both Jewish and Arab. The paper examines ”non-recognized” religious institutions of higher education. Some of these institutions, though not recognized by the Council of Higher Education, confer academic degrees that are recognized by various Arab universities. Finally, the paper examines problem of accrediting studies at yeshivot (religious academies for Judaic studies) for academic purposes. It notes that various American universities confer academic credits for such studies and mentions the failed attempt to recognize rabbinical ordination as equivalent to an academic degree.
ORGANIZZAZIONI DI TENDENZA E FORMAZIONE UNIVERSITARIA

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a cura di Antonio G. Chizzoniti

ASHER MAOZ

RELIGIOUSLY ORIENTED UNIVERSITIES IN ISRAEL

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1. Religiously oriented education

The State of Israel recognizes the status of religious schools at all levels, from kindergarten to high school, as well as institutions for the training of school and kindergarten teachers. The education system includes both religious and non-religious State schools. While religious texts, such as the Bible and Oral Law, are taught in all schools, religious State schools may enrich their curriculum further to reflect their way of life, including «religious observance and a religious atmosphere within the institution». Restrictions are imposed by law on the appointment of teachers and inspectors. A Council of Religious State Education, separate from the Council of State Edu-

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2 Section 1 of the State Education Law, defining the «supplementary programme for a religious State-educational institution». See, further, M. Dagan et al., Guidelines for State-Religious Education Policy, Jerusalem, 1996.
cation, supervises these schools. The council «may, on religious grounds only, disqualify a person for appointment or further service as a principal, inspector or teacher at a religious State-educational institution»³. At the same time, no restrictions relating to secular background or lifestyle apply to students and their families, save for the school's right to insist on the students maintaining religious conduct within school⁴. A special Religious Education Division operates within the Ministry of Education.

Arab State schools operate in Arab towns and villages and in city quarters with large Arab populations. These are not formally religious schools, but under the provisions of State Education Law they adapt their curriculum to the religion of the student body, whether Muslim or Christian. Schools operating in Druze villages adapt their curriculum to that population. The Regulations of State Education (Consultative Council for Arab Education), 1996, created a council with whose mission it was to examine the status of education in the Arab sector and to recommend steps necessary for its advancement and full integration into the state education system. The law charged the council with the formulation of an educational and pedagogical policy that would ensure the equal

³ Section 18 of the State Education Law.
⁴ A survey conducted in State religious schools in Tel-Aviv, several years ago revealed that as many as one quarter of the student body come from non-religious families; J. Galanz, *The Other Child in Class, Students From a Non-Religious Home in a Religious School*, Ramat-Gan, 1981, p. 80 (Hebrew). At the same time, in another study, the author suggests that non-religious parents be requested to cooperate in respecting religious values at home and in observing religious precepts that are maintained at school; J. Galanz, *Students from a Non-Religious Home at a Religious School (Comparative Study)*, Jerusalem, 1988 (Hebrew). It has been further suggested that «since it is impossible to insulate completely the religious nature of a school from the religious nature of its student body, the preservation of a given school's religious way of life may justify restricting the number of non-religious students in the school». Goldstein, *Multiculturalism, supra*, note 1, at 133, f.n. 7.
status of Arab citizens, taking into account their linguistic and cultural individuality and their heritage.

The main language of instruction in these schools is Arabic, and Arab culture is being taught. The use of Arabic represents a characteristic of cultural autonomy, the language being related to cultural, historical, and religious attributes of the Arab minority in Israel.

In the year 2000, the State Education Law was amended and it decreed that among the objectives of education was learning of «the language, culture, history, heritage, and unique tradition of the Arab population and of other population groups in Israel, and recognition of the equal rights of all citizens of Israel». It was also stated that the objective of State education was «to educate people to love others, their nation, and their country, to be loyal citizens of the State of Israel, to respect their parents and family, their heritage, their cultural identity, and their language».

Another course of action available to parents is based on section 5 of the State Education Law, which charges the Minister of Education to establish a «supplementary programme» to the prescribed curriculum of every official educational institution encompassing one quarter of the total curriculum. In a religious State-educational institution this must be «one of the special programmes designed for such school».

Additionally, the law allows the parents of three quarters of the students in a class to demand from the Minister of Education and Culture the establishment of a special supplementary programme. Beyond that, parents may

7 See section 6 of the State Education Law and section 2 of State Education Regulations (Supplementary programme), 1953.
demand the Minister's approval for an additional curriculum above the prescribed teaching hours to be financed by the parents or by the local council.

Under this aegis, parents joined together to create schools with an enhanced programme of Jewish studies. These schools, the first of which was founded in 1976, are known under the name "Tali" (Hebrew initials for "enhanced programme of Jewish studies"), operate with the sponsorship of the Schechter Institute for Jewish Studies, which provides pedagogical and educational support with a conservative orientation. In the early 1990s, the Ministry of Education adopted the Tali network in an effort to encourage Jewish education within non-religious State schools. A special inspector charged with the task of supervising the system was appointed within the Ministry. Moreover, until last year, special State resources were made available to Tali which became a semi official stream within the State schools. At present, some fifty schools belong to the Tali system. In most cases the entire school belongs to the system; in some cases only individual classes. In addition some fifty kindergartens belong to the network.

The program defines its mission as "providing Jewish, Zionist, and democratic education in an open atmosphere and in the spirit of the time, with the cooperation of parents and educators. The education aspires to form a broad-minded personality, whose outlook contains layers of both the Jewish and general cultures". The curriculum includes prayer, welcoming the Sabbath, the weekly Torah portion, holidays, and sources of the Jewish tradition as well as both Jewish and universal values. There are some

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8 Section 8 of the law.
9 On the Schechter Institute for Jewish Studies see infra, pp. 239 ss.
10 From a memo of the General Manager of the Ministry of Education and Culture, from May 1, 2003.
11 See www.tali.org.il.
other State schools that do not belong to an official religious stream but emphasize religious studies.

In 1991 the Ministry of Education and Culture appointed a committee to evaluate the condition of Jewish studies in State schools. The committee submitted its report three years later. The committee directed its recommendations to the general rather than the religious public, «which regard Judaism as a national pluralistic culture, in process of formation». This culture contains «national-religious» motifs, including «personal and social moral values derived from the Jewish tradition, from the Zionist ethos, and from generally human ideologies and moral theories». The committee explicitly did not address its recommendations to the «national-religious or the independent ultra-Orthodox trends, which are defined by their nexus to a cultural system with an integrated world view and respond to a clear spiritual and civic authority».

The committee decried the «continuing decline in the prestige of Jewish studies in the general State education», and determined that «we should strive to teach the subjects of Judaism in a way that emphasizes their humanistic character, imparts culture and values, and provides tools for constructing an outlook».

After receiving the report, the Ministry of Education established an office for the implementation of the committee’s report, together with a report by a steering committee created by the Minister «for the purpose of developing a comprehensive programme for inculcating in the students a citizenship that will serve as a common ethical and behavioral foundation for all citizens of the State». The Ministry explained the common enterprise of the two reports as a result of the fact that «the common starting point of both is the existence of the State of Israel as a Jewish and democratic State». Dozens of private non-

profit organizations have been established to promote a Jewish pluralistic education in the State schools even before the committee's report was submitted, and more energetically after it. Part of the organizations are secular, others belong to progressive religious movements. Schools ended their contacts with these organizations following the instructions of the Ministry of Education.\(^{14}\)

Alongside the State schools are schools recognized by the State\(^{15}\). Most of them are religious, both Jewish and Christian. The latter include schools that operated by the Greek-Catholic Malachite Church, the Latin Patriarch, and the Anglican Church. Muslim and Druze students also study in these schools, and at times they form a substantial proportion of the student body. Nevertheless, while the percentage of Christian students who attend private schools reaches 42% of all students in the Christian population, only 15% of Druze students and 1% of Muslim students attend these schools.

Recognized Jewish schools are ultra-Orthodox. They receive partial State funding and are obligated to the basic curriculum prescribed by the Ministry of Education, supplemented by religious studies and supervised by inspectors from the Religious Education Division. However two of the recognized chains – both Jewish Orthodox – receive full State funding by law. This is a result of historical as well as political realities, and it is covered by a spe-


\(^{15}\) These are «[an] educational institution which the Minister by declaration published in «Reshumot» [Official Gazette], has declared to be a recognized educational institution»; Compulsory Education Law, 1949, 3 L.S.I. 125, sec. 1. For the difference between State educational institutions and recognized institutions see H.C.J. 8437/99, Chain of Lubavitch Kindergartens in the Holy Land v. Minister of Education, 54(3) P.D. (Piskei Din = Law Reports of the Supreme Court), 69 (in Hebrew).
cial statutory provision. The recognized Church schools also receive financial support from the State.

A third category includes schools that are neither State nor recognized schools, but regarding which the Minister of Education has decreed that parents of children attending them are exempt from the obligation «to ensure that such child or adolescent attends a recognized educational institute»17. These schools, known as «non-recognized» or «exempt» institutions, tend to be ultra-Orthodox. Over the years, «exempt» schools managed to receive State funding, which reached the level of 65% of the funding received by State schools.

School funding in Israel generated heated political and legal controversies. Additionally, there were complaints that the State neglected its obligation to provide adequate education to students because ultra-Orthodox institutions declined to teach «secular» subjects18.

The question of the autonomy of private schools, especially of religious schools, and of the extent of the supervision that can be exercise over them, has come before courts. In the Jabareen case19, the issue was the refusal of

16 The Budgetary Principles Law, 1985, as amended in 1992, mandates «equitable tests for the disbursement of the amount allocated in the budget for the support of public institutions». The law defines a «public institution» as «an entity that is not one of the State's institutions operated for an educational purpose...». Nevertheless, the law explicitly states that this regulation does not apply to government support of the two Orthodox chains of schools. The Supreme Court has ruled recently that «the Budgetary Principle Law explicitly establishes the discrimination in the funding of the Torah educational chains and thereby facilitates an unequal distribution of government support». HCJ 2828/02, Elarphan Society vs. Minister of Education. http://62.90.71.124/files/02/280/028/112/02028280.112.HTM.

17 Compulsory Education Law, 1949, sec. 5(a).


19 HCJ 4298/93, Jabareen vs. Minister of Education, P.D. 48(5) 199.
the St. Joseph high school, owned by the Greek-Catholic Malechite community, to enroll a female Muslim student unless she agreed to attend school bare headed and to participate in co-educational physical education activities wearing a gym suit. The school is managed by the Church and has educated the community’s priests in the past. Over the years it has opened its gates to students of other communities, and today most of the students do not belong to the Greek-Catholic community; in fact, a third are Muslims. Church schools in Israel operate under the rules of the Education Ordinance enacted by the British Mandatory government in 1933, which remains valid in the State of Israel.

The ordinance recognizes as community schools «any school of which the proprietor is a community... organized under the Religious Communities (Organization) Ordinance or exercising jurisdiction in accordance with... the Palestine Order in Council». The ordinance grants broad autonomy to these schools. Among others, the Ministry of Education is not entitled «to demand any change in the curriculum or internal administration of the school».

The Israeli legislator refrained from applying the Inspection of Schools Law, 1969, which entitles the Minister of Education to issue directives to the owner of the school so as to ensure that the education provided at the school is based on the principles of the State Education Law. The Ministry of Education pursued a stated policy of «broad discretion and freedom of choice for schools, consistent with the special needs of each community served by the school», especially «for private schools serving a recognized ethnic community in Israel».

20 It was under this ordinance that the organization of religious communities was made possible.
21 This legislation recognizes a series of religious communities and grants their courts judicial authority in matters of personal status. See A. Maoz, Matrimonio e divorzio nel diritto israeliano, in ÌDaimonÌ, 2002, n. 2, p. 222.
In the Jabareen case, the Supreme Court indicated that if this had been a State school, the student would have been entitled to cover her head, because «it is right to grant every student the freedom to express in his dress the principles of his religion. Rules regarding the uniformity of dress should not prevail over the student’s freedom of religion». But the situation was different in the case of a private school belonging to a religious community, which is by definition entitled to reject students who are not part of the community. In this case, «the requirement for uniform dress and conduct reflects educational considerations related to the character and essence of the school as an institution of that religious community. The uniform dress and conduct serve as a common denominator that allows all the students – Christians of the Greek-Catholic community and Christians of other communities, Christians and non-Christians – to lead a common life within the school, based on religious and ethnic pluralism. Injury to the uniform dress and conduct will harm the character and the unique quality of the school, which will lead to injury to the unique setting and the (moderate) religious spirit that is prevalent in the school». The Court made it clear, however, that «the educational autonomy of a “community school” is not absolute», and that if the school’s decision had not been substantively just, and «if these reasons had been based on uniformity as an independent value, I would have been ready to rule that the freedom of religion of the appellant outweighs them».

Recently, these issues were discussed extensive in a Jerusalem District Court ruling\(^{22}\). The case involved an ultra-Orthodox school (Talmud Torah), an «exempt institution» with a student body from Chassidic families, which refused to admit students of the Lubavitch Chassidic persuasion. The school offered two reasons: first, the appellants and their parents believe that the Lubavitch Rebbe

\(^{22}\) Administrative Appeal 1320/03, Alkeslasi vs. City of Betar Illit, unpublished.
was the Messiah, «which is contrary to the fundamental faith of the Chassidic group»; second, the language of instruction at Talmud Torah was Yiddish, not Hebrew, a language that the appellants did not master. Nevertheless, the local council offered to admit the students within the framework of the Lubavitch track operating in the school, but this offer was rejected by the parents.

In a comprehensive ruling, the Court discussed the status of private schools that function as «exempt institutions», and the extent of state oversight exercised over these schools. «The existence of private schools alongside the official ones is one of identifying marks of participatory democracy. This type of regime encourages community action and makes it possible for the community to manage its affairs as it best understands, among others by operating educational institutions. Private schools answer the need to ensure the continued existence of singular settings within a multi-cultural society, thereby also promoting the personal autonomy of individuals as expressed in their ability to exercise control over their education. The attempt to dictate the content and method of education is liable to create opposition by causing injury to this autonomy. Imposing a uniform educational policy may harm the special needs of various communities and their desire to preserve an independent culture and identity. It can be said that a complete rejection of private schools is liable to injure human dignity and in certain circumstances even the fabric of democratic life. Additionally, such rejection injures the right of the minority to organize as a community where such a right is recognized». This is especially true «when a community with unique characteristics, including religious ones, exists».

At the same time, the Court pointed out that «it is necessary to examine not only the contribution of a unique education system to the preservation of the tradition and culture of a minority group, but also the abilities that its graduates bring to the labor market and the opportunities open to them for creative involvement with society at large. It follows that a solution is needed that prevents the
involuntary disintegration of minority groups but at the same time protects their members and affords them sufficient mobility to migrate toward the majority if they so desire». Consequently, it is necessary «to ensure equality. Equality must exist both in the condition of the community vis-à-vis the general public and vis-à-vis other communities, and in the conditions under which it is possible to join the community». Nevertheless, «it is necessary to safeguard a certain minimum level and compliance with borderline requirements of openness, equality, and variety». The Court ruled that the school in question, part of a separate community education system, was exempt from the uniform curriculum of the Ministry of Education so that it may promote the cultural values of the community, «but the institution is subject a the basic kernel of social values» and it is not immune from State supervision. The Court ruled that the Ministry of Education must verify that the institution complies with the said minimum conditions before recognizing it as an «exempt institution» and must supervise implementation. The Court added that «the level of supervision does not depend on the values of the supervised entities. Supervision and its extent are determined by the values that society is interested in promoting». These values apply also to schools to whose budget the State does not contribute. The Court charged the school in question to establish clear rules, to be supervised by the Ministry of Education, that would prevent discrimination in student admissions. In this regard, the Court ruled that students who seek to be admitted to an «exempt institution» and who can overcome the «language barrier and are willing to accept the school's customs and rules cannot be disqualified because of their parents' world view».

This decision seems far-reaching in the Israeli reality where there is no actual supervision of «exempt institution» except for safety and sanitary conditions. Although the Ministry of Education dispatches a supervisor to submit a pedagogical evaluation and to approve the curricu-
lum, in practice the Ministry does not exercise any supervision of «exempt institutions».

Recently, the Ministry of Education adopted a core curriculum that must be taught at all elementary educational institutions to make them eligible for State funding. The policy was adopted after repeated criticism by the Supreme Court. However, the policy was met by sharp criticism on the part of the Orthodox community, and the feasibility of its implementation is in doubt.

Secondary schools are generally operated by the local councils but enjoy State funding. There are also private high schools, many of them religious, Jewish and Christian.

In 1968 the school system underwent a major reform. From a dual system of eight years of elementary education and four years of high school it turned into a triple system comprising of six years elementary school, 3 years of intermediate school (junior high school), and three years of high school.\(^2\)

2. Religious universities

2.1. The intrinsic contradiction of religious universities

In higher education things are more complicated. When referring to a religious university in Israel, the intention is usually Bar Ilan University. But whether religiously, scientifically, or legally, the definition of a university as a «religious institution» cannot be taken for granted and in fact presents a sleuth of problems.

Religious academies for Judaic studies, Yeshiva (Yeshivot, in the plural) in Hebrew, have been part of the Jewish community since antiquity, and documented evidence of

Yeshiva goes back at least two thousand years. The Yeshiva is an institution for Judaic studies, in which young males devote long years to the full-time study of Torah. The classical Yeshiva curriculum did not include general secular studies. In the modern period, in response to the emancipation, the Yeshivas also became bastions of Jewish tradition and traditional Jewish learning, protecting Jewish youth against the influence of the enlightenment. Studies in the Yeshiva were conducted for their own sake, lacking temporal motivations such as training students for a profession or a position. Their overall aim was to provide its students with a broad education in religious Judaic studies, with the focus on the study of the Talmud. Although some students did (and still do) train themselves for certification as rabbis or Dayanim (judges in religious courts), this was at their own initiative and not in concert with the Yeshiva’s curriculum.

This trend changed following the emancipation, when special academies for the training of rabbis were established. Another innovation in the classical Yeshiva format in the wake of the emancipation was introduced in Germany during the mid 19th century. For the first time general studies were incorporated in the Yeshiva curriculum — an expression of the growing importance ascribed by the Jewish communities to general secular studies, and testimony to the penetration of the values of the emancipation and of the Enlightenment into the Jewish communities. In Europe this became part of a comprehensive ideology, which stressed the intrinsic importance of general secular studies alongside Judaic studies. This trend continued to develop, striking even deeper roots in the United States and Israel, with the establishment of Yeshiva high schools (Yeshivot Ketanot – Junior Yeshivas), in which the day is divided between classical Jewish studies and general studies oriented toward the matriculation examinations, which qualify students for continued academic studies and for professional participation in all walks of life. Notwithstanding these developments, a religious university is still problematic from a religious perspective.
First, the emphasis is primarily on general studies, Judaic studies being subsidiary to the professional-academic path chosen by the student. Second, there are individual fields of study that are religiously problematic, such as evolution or the study of fine arts. Ironically, the most serious problem is posed precisely by studies in Judaism, e.g., the Bible and Talmud, because the style of study is primarily by means of scientific text analysis, i.e., Biblical criticism, which often contradicts religious beliefs and precepts.

A religious university is problematic scientifically as well to the extent that study and research may be subjected to religious restrictions, which in turn extends to and affects the social fabric of the university and the character of its teachers and students. A university that limits its student body and its research core exclusively to religious students and lecturers, of necessity impairs its academic level. Furthermore, restrictions of this kind constitute discrimination on the basis of religion or religious beliefs, which may bring the institute into conflict with State law, which prohibits discrimination.

The establishment of Yeshiva University (or Yeshiva-College as it was initially called) in the United States in 1928 heralded a new era in the relations between the Yeshiva and academia. The college was established under the auspices of a Yeshiva and was intended to supplement the education of the Yeshiva students. As such the «College» factor played second fiddle to the «Yeshiva» factor.

2.2. Bar Ilan University

Bar Ilan University was founded as a religious university, but unlike Yeshiva University, was not associated with any Yeshiva. It was established in 1955 by the Mizrachi...
movement convention in the United States (in Israel the Mizrachi party subsequently became part of the National Religious party [NRP]), as an academic institution not receiving State funding. As a religious university it endorsed and promoted the intensification of the involvement and incorporation of Religious-Zionist Judaism within the life of the State and the creation of a religious-Zionist community living in harmony with the secular-Zionist society. The institution intended to promote and nurture the incorporation of the university into the Jewish world, with the aim of creating an overall synthesis between the secular and the sacred, and integrating Jewish studies with general secular knowledge in the broadest sense. Accordingly, in its early years Bar Ilan required a longer period for completing a bachelor's degree, given the broad course load in Jewish studies, obligatory for all students, including those studying sciences.

In 1973 the Institution for Advanced Torah Studies was established. Its aim was to «cultivate and nurture researchers and scientists who are also Jewish scholars of a high caliber». The institution is actually a Yeshiva or Kollel [a Kollel is the traditional term used for a Yeshiva in which the student body consists mainly of married men, avrechim] whose students simultaneously study at Bar Ilan University, all students having committed to a minimum quota of weekly hours in the Yeshiva, in addition to their regular studies. In 1976 a religious academy for women was established, operating in a similar format.

Since its inception, Bar Ilan University has encountered numerous problems, many of which directly resulted from concrete expressions and upshots of its being a religious university. First, its establishment was a challenge to the hegemony of the Hebrew University, the only university at that time (alongside the Technion in Haifa and the Weizmann Institute in Rechovot). Second, the management board of the university consisted primarily of members of the National Religious party, who sought to control the academic aspects of the university, including the appointment of lecturers, to ensure its religious
style. There were also attempts to delegitimize the University on the part of the regular Yeshivas associated with the National Religious party and its rabbis. This occurred against what they perceived as Bar Ilan's departure from a strictly religious life style, and perhaps even a distortion of it, the appointment of secular lecturers, and the admittance of secularly-oriented students. The discrediting of perceived secular tendencies extended to the dismissal of lecturers' employment in response to allegedly «unorthodox» views expressed in their writings and lectures. At the same time, Bar Ilan's religious orientation and the involvement of non-academics in the formulation of its particular character undermined its academic reputation and jeopardized its recognition as a university by the Council for Higher Education, which was established to supervise the recognition of new universities. Notably, as opposed to Catholic universities in the United States, clerics never taught at Bar Ilan, not even subjects related to religion, such as Judaism, Bible, and Talmud. Even so, during its first years, almost the entire academic core was identified with the National Religious Zionist current, which was also true of the student body. The university itself enforced a religious conduct within its precincts. For example, teachers as well as students wore skullcaps on university premises. Regarding the academic staff, this meant leading a religious life style off campus as well. Moreover, the university's founders did not view the religious commitment of its teachers and students purely as a personal commitment to a religious life style. They were involved in the creation of a community of teachers and students steeped in and committed to Torah and Judaism in addition to being people of science. To the present day this goal occupies a prominent place in the university's regulations.

As the university grew and developed academically its character changed. Growing size meant an expanded teaching staff, which dictated the employment of non-observant lecturers. This was viewed as a necessary evil, so adequate religious candidates were preferred over their
secular counterparts. Non-observant faculty was generally employed as external lecturers, not being an integral part of the institute and not receiving tenure. Closing the regular academic-professional track to secular academic staff was achieved by the «suitability to the institution» requirement, which still appears in the university regulations. Over time however, secular lecturers also began to receive tenure-track appointments, so much so that the large number of secular lecturers began threatening the religious life style of the university. Rectors were forced to issue guidelines directing academic staff to wear skullcaps on campus. In the first years this guideline was compulsory, but over time the guideline has become more of a request than a demand. At the same time bareheaded lecturers on campus, even during lectures, have become more commonplace. There is also the subtle issue of campus parking permits. In the early days, in isolated cases of rumors concerning cars with Bar Ilan parking stickers traveling on the Sabbath, offending owners would forfeit their parking stickers. This policy became impractical with the increasing numbers of non-observant lecturers, who by current assessment constitute between a third and one half of the academic core. The standard Bar Ilan parking sticker bears the university logo which includes an image of the Torah (Scroll of the Law [Bible]), but the university issued «logoless» parking stickers for staff who traveled on the Sabbath. A few years ago however this practice was discontinued, perhaps because the university administration realized that it was somewhat contrived.

The employment of secular staff, especially core staff, is and remains a bone of contention. This is especially true regarding the appointment of secular staff to high-ranking administrative positions. But in fact, the taboo on secular management positions too was broken a few years ago when a non-religious staff member was appointed Dean of the Law School. His election to this office triggered a storm in the university senate, but the challenge to his election was shelved.
As for the students, the assessment is that the secular students currently outnumber the religious ones. Accurate figures are naturally difficult to determine, but the salient features are the identity of the schools from which students come, the percentage of male students wearing skullcaps, and to a lesser extent the dress style of female students.

As recently as 10-20 years ago, representatives of the National Religious party and the University Trustees Board demanded a cap on the number of secular students and staff members at Bar-Ilan. In the mid 1980s, the university president was Rabbi professor Emanuel Rackman, now serving as the University Chancellor, and he too noted that «there should be a definite religious majority among the students». Administrative preference for religious students is still accepted policy. The religious character of the student population is ensured, *inter alia*, by admission preference to religious students, particularly graduates of Yeshivas and other Jewish studies institutions. Even so, the religious nature of the university, until recently dictated to staff and students alike, has now passed into the domain of persuasion. In years past, at the beginning of the academic year the Dean of the students would send a letter to the students on behalf of the university administration stating that «Ours is a university with a distinct character, both in its academic realm and in the realm of its communal and cultural activities. This distinctiveness is also the reason for compulsory Jewish studies for all students at the rate of one quarter of the academic hours».

In the message sent last year the Dean added: «As a religious university our university promotes openness... The university feels that it must contribute to the Jewish character of Israeli society in accordance with the values of peace and tolerance. These are the principles that prompted Bar Ilan University to open its gates to students who do not conduct a religious life style, all of whom are warmly welcomed».
Even so, the Dean requested that the students recognize the unique character of the university and relate to it «with appropriate deference and respect». The students were asked «to maintain the dignity of the place» and to cover their heads during classes devoted to Judaic studies and while working in Jewish studies libraries. Female students were asked to dress modestly in a manner «that would not violate the distinct atmosphere of the institution and the feelings of many of those present».

This request is somewhat milder than the university regulations themselves, which still contain the unconditional requirement for «students to cover their heads and modest dress for male and female students».

The disciplinary regulations of the university compel staff members «to maintain the dignity of the university, having consideration for its fundamental principles as an institution that endorses a religious life style. Such consideration includes, inter alia, observance of traditional Jewish customs such as modest and appropriate dress, covering the head on campus and on public appearances in its name».

Bar Ilan University experienced political upheavals similar to those experienced by its patron, the National Religious Zionist movement. Historically, Mizrachi, the ideological forebear of the National Religious party, was considered moderate both politically and in its approach to security issues. But following Israel's victory in the 1967 War that brought centrally important territories in the religious and national history of the Jewish people under Israeli control, there was an ideological turnabout, primarily among the younger generation. The territories of the West Bank, also referred to by their historical names – Judea and Samaria – were originally settled by members of the Gush Emunim (Block of the Faithful) movement. Representing the younger generation of the National Religious Youth, Gush Emunim became the vanguard of a new uncompromising («hawkish») security-political line within the NRP and in Israeli society as a whole. The new direction in which they lead the NRP was largely animated
by the attribution of messianic import to what they referred to as the «liberation» of large segments of the historical homeland (Eretz Yisrael), including sites of paramount religious importance, such as the Temple Mount and the burial sites of the forefathers and mothers of the Jewish people (The Cave of Machpela and Rachel's Tomb). The religious importance ascribed to the «liberation» of the historical homeland was subsumed within a nationalist «right-wing» ideology, and the NRP moved politically from the moderate center of the political map to its right. The reorientation of large segments of the religious youth, spearheaded by movements such as Gush Emunim, was translated into fundamental and security based opposition to any political settlement with the Palestinians, which involved relinquishing of Israeli control over Judea and Samaria, as embodied inter alia in the Oslo accords. The ideology of keeping «the whole Eretz Yisrael» under Israeli control penetrated deeply into the student body of the national-religious Bar Ilan University and into part of the academic core. Many of its students were deeply involved in protesting and undermining the political line lead by Shimon Peres and Prime Minister Yitzchak Rabin who had signed agreements that involved withdrawal from «the territories».

These developments culminated in what was perhaps the ultimate trauma for the Religious-Zionist movement in general and Bar Ilan specifically, when in 1995 a Bar Ilan law student, Yigal Amir, assassinated Prime Minister Rabin at the end of a mass assembly in support of peace. Amir’s association with the Religious Zionist movement as a whole and his specific connection to Bar Ilan University triggered a process of ideological stocktaking and rethinking that changed the character of the university. The university administration initiated a campaign for the inculcation of values of tolerance and democracy among the students, combined with activities promoting dialogue between the religious and secular student populations. These activities, which happened to coincide with the demographic changes in the university, included the «Program for Dialogue and
Solidarity between Religious and Secular Jews». «Established by Bar Ilan students in 1991-1992, the program was adopted by the administration in the wake of Rabin's assassination. It consists of weekly workshops, a weekend seminar each semester, and combined off-campus activities that include meetings with representatives of the ultra-Orthodox (Haredi) segments. Participants in the program are exempted from one general elective course and from the exam in basic concepts in Judaism. The course is in high demand, and participants are chosen on the basis of their motivation as well as their ability to participate in joint projects. Research so far indicates that participation in the program has lead to increased tolerance and the narrowing of ideological gaps between participants and on the campus in general. The university leadership expressed hope that the hundreds of graduates of the program every year would contribute as a group to the promotion of tolerance on the national level as well. The university administration has invested a substantial effort in developing the program, setting its sights on an enrollment of 2000 students per year, a significant portion of the student population of 25,000.

An equally significant change occurred when Bar Ilan University, under the auspices of the Jewish Agency and in coordination with the Progressive (Reform) movement in Israel, established a teachers training program for schools of the Progressive movement. This change is particularly significant given the unrelenting battle being waged by the university's founders, the NRP, against recognition of the Reform movement in Israel.

2.3. Religiously oriented universities. The legal implications

The Council for Higher Education Law enacted, by the Israeli Parliament – the Knesset – in 1955\textsuperscript{26}, established

the Council for Higher Education as «the State institution for matters of higher education in the State». The Council, chaired by the Minister of Education, is appointed by the President of the State upon the government’s recommendation. At least two thirds of its members must be persons with stature in the field of higher education appointed after consultation with the institutions of higher education and giving adequate representation to the various institutions. The Council was entrusted with the task of recognizing an institution «as an institution of higher education». The decision of the Council requires the approval of the government. The law empowered the Council to prescribe the rules «for the recognition of institutions of higher education, in addition to the requirements of the appropriate scientific standard». The law provided, however, that «those rules shall not limit the freedom of opinion and conscience». The law stipulated, moreover, that a recognized institution «shall be at liberty to conduct its academic and administrative affairs... as it may think fit», including «the determination of a programme of research and teaching, the appointment and promotion of teachers... and any other scientific, pedagogic or economic activity». But the Council for Higher Education established a rule governing the recognition of institutions of higher education, stating that «with respect to the student admissions and academic stuff appointments, the institute of higher education shall not discriminate between candidates exclusively by reason of their race, sex, religion, nationality, or social status». This provision is known as rule 9 of the Rules of the Council for Higher Education (Recognition of Institutions), 1964. To this day, four decades after the promulgation of the rules, there is no binding interpretation of it\(^\text{27}\). My request for enlightenment from the Council for Higher Education regarding the cor-

rect interpretation did not merit a substantive response. My impression is that both parties – the Council as well as Bar Ilan University – prefer a vague rule of imprecise import. The rule was actually addressed on one occasion by the Supreme Court, when the Israeli Students’ Union relied upon it in a petition against a provision of the Bar Ilan law faculty stipulating that «preference for admission will be given to graduates of Higher Yeshivot». The Students’ Union claimed that the provision was discriminatory on the basis of social status. The Court rejected the claim, holding that graduates of Yeshivot, like the graduates of a secular institution, do not constitute «a special social class». In its petition, the Union did not claim that the provision was discriminatory on a religious basis, presumably because it was representing a candidate who had been rejected despite being a graduate of a Yeshiva high school. During the proceeding, however, it claimed that the preference of Yeshiva graduates constituted discrimination «on the basis of gender and perhaps also religion, because needless to say, neither women nor non-Jews are part of the population of the higher Yeshivot». The Court rejected this claim too, holding that the rule prohibited discrimination based «exclusively on gender... etc.». However, the rule does not prohibit indirect discrimination which is the result of «facts, circumstances, or requirements, bearing no trace of illegal discrimination». The Court noted that the declared goal of the Bar Ilan law faculty was «the revival of religious Jewish law, by training jurists conversant in both Jewish law and general law and capable of conducting research in both realms». As such, discrimination in favor of Yeshiva graduates constitutes «preference on an exclusively academic basis, which is both relevant and desirable, given that it serves the declared goal of the faculty». In this context the Court mentioned the Council of Higher Education Law,

which stipulates that a recognized institution is «at liberty to conduct its academic and administrative affairs... as it may think fit» including «the determination of a program of research and teaching». However, according to university regulations in all faculties «preference shall be given to candidates with a broad background in Jewish studies» in view of «the distinct character of the university and its emphasis on basic studies of Judaism and the Jewish heritage», which apparently exceeds the scope of the section cited by the Supreme Court in support of its position.

The question is whether the section cited by the Supreme Court prohibits the preference of religious students and lecturers. Prima facie, the answer should be negative. Just as discrimination «by reason of race» is discrimination between different races, and discrimination «by reason of nationality» is discrimination between different nationalities, so too it would seem that «discrimination by reason of religion» is discrimination between different religions, and not between degrees of religiosity. Indeed, it has been submitted that «there is no obstacle before an institution of higher education to formulate, among its objectives, activities that promote a religious or other social and political conception. Objectives of this nature can justify, to some degree, the formulation of additional characteristics having to do with the appointment of academic faculty and student admissions»29.

Nonetheless, in his book «The Constitutional Law of the State of Israel», prof. Amnon Rubinstein interprets this section as follows: «There cannot be an institution of higher education which is not free and open to all, and recognition could not be extended to a university exclusively for women, or a religious university which is restricted to teachers and students of a particular religion, or which gives preference to religious students»30. Dr.

29 Har-Zahav and Medina, supra, note 27.
Menachem Klein, who researched the history of Bar Ilan University, noted that the rule was worded precisely in order to prevent the discriminative policy then practiced by Bar Ilan, which accepted only religious students and lecturers, and not in order to prevent theoretical discrimination between members of different religions31.

But, as stated above, both Bar Ilan University and the Council for Higher Education have so far preferred to avoid any confrontation over the operation of the rule, despite the actual preference given to religious lecturers and students.

2.4. Other religiously oriented institutions of higher learning

Bar-Ilan University represents the Orthodox stream in Judaism. Two additional central streams are also represented by institutions for higher learning in Israel.

The Schechter Institute of Jewish Studies operates the Graduate School of Advanced Jewish Studies, which awards its graduates an M.A. Degree granted by the Conservative Jewish Theological Seminary (JTS) in New York32. The institute, which operates in coordination with the Rabbinical School, defines itself as a religious institution, and the Rabbinical School requests that its candidates be committed to Jewish law and lead a religious lifestyle. The Schechter Institute applied to the Council of Higher Education for recognition as an institution of higher education, and its application is in the final stages of review. When approved, the Schechter Institute will function as an Israeli institution of higher education.

The Reform movement is represented by the Hebrew Union College (HUC), which defines itself as «a religious

31 Supra, note 3.
32 See http://www.schechter.edu/
and scholarly learning community» 33. It is connected to three similar institutions operating in the United States, the best known of which is the Hebrew Union College at Cincinnati, Ohio, established in 1875. The other two institutes were established in New York and Los Angeles. The Israeli extension of the Hebrew Union College was founded in 1963 as a post-doctoral school for archaeological and biblical studies. About 30 years ago it set up a rabbinical training program for rabbis who would function within Reform communities in Israel. The four-year program admits holders of bachelors degrees in Judaic studies who must be simultaneously studying for a masters degree in Judaic studies in an Israeli university. Until recently, graduates of the program received a masters degree in Judaic studies from one of the American colleges, in addition to the Israeli university degree. The American degree is no longer granted. The institution views its goal as «the formulation of methodology reflecting a broadly based humanistic conception, deeply rooted in the Jewish tradition and heritage, capable of confronting the challenges facing the Jewish people and Israeli society at the dawn of the twenty first century». The syllabus also includes dialogue with other streams in Judaism (Orthodox and Conservative), as well as the study of the foundations of Christianity, Islam and Eastern religions. A representative of the Rabbinical Council of the Progressive movement in Israel participates in the Admissions Committee for the Program and in the College Ordination Committee.

In addition, all rabbinical, cantorial, and Jewish education students of the sister colleges in the United States must spend their first year of graduate studies on the Jerusalem campus.

The Schechter Institution also runs a one-year program for rabbinical students of the Jewish Theological Seminary and the University of Judaism in the United States, and a

33 See http://www.huc.edu/about/center-je.shtml
two-year program for students of the Seminario Rabinico in Latin America.

Both male and female candidates are admitted to the Schechter Institution and to the Rabbinical Program of HUC, since unlike Orthodox Judaism, both the Conservative and the Reform movements allow women to serve as rabbis.

An additional religiously oriented institution of higher education is the Israeli branch of Touro College. Touro College is a «Jewish-sponsored independent institution of higher and professional education» established in New York in 1971. In its Statement of Mission the College describes itself as «an independent institution of higher and professional education under Jewish sponsorship, established to perpetuate and enrich the Jewish heritage and to serve the larger community in keeping with the Judaic commitment to social justice, intellectual pursuit, and service to humanity». The College curriculum emphasizes Judaic studies and ethics and purports «to serve the diverse components of the Jewish community» and «to strengthen Jewish life and perpetuate Jewish tradition».

The College's orientation is Orthodox. There are separate colleges for men and women. Touro also offers several graduate programs.

Several years ago Touro College established a branch in Israel – the Touro College Israel (TCI). It caters to English-speaking students who can gain credits toward studies at Touro College in the US.

TCI states that it makes «special efforts to create a learning environment in which observant Jews can achieve their goal of attaining a higher education in a suitable environment which is sensitive to their needs». Classes are separate for men and women.

TCI also a branch of its graduate school of Jewish studies in Israel, leading to a masters degree. Most of the

34 http://www.touro.edu/
35 http://www.touro.edu/israel/
students in the masters program are Israeli. They are required to have a profound background in Judaic studies. Almost all students and faculty are religious, although there is no such official pre-requisite. A substantial proportion of the students body are Yeshiva graduates or graduates of religious colleges for women.

Students obtain an American degree conferred by the parent campus in New York. Applications by Tel to the Council of Higher Education for recognition of its graduate school of Jewish studies and of its undergraduate business school are in the final stages of review. When approved, Tel will function as an Israeli institution of higher education independent from its parent college in the US.

2.5. Israeli Arab universities

At the beginning of the academic year 2003/4, the Mar Elias Campus (MEUC) opened in Ibillin in the Galilee. The campus has been accredited by the Higher Learning Commission for the North Central Association of Colleges and Schools in the US as a branch of the University of Indianapolis, and approved by the Council of Higher Education to operate as such. The Mar Elias Campus was established by a Melkite Catholic priest who acts as its president. It bears the name of the Prophet Elijah and is described by its founders as «a Christian-Arab-Israeli University». Its declared mission is «to help students gain a deeper understanding of the teachings of the Christian faith and the role of religion in society». The core requirements for degree programs include a compulsory course in Christianity. The institute conducts studies leading to a B.A. degree in communication, environmental science and chemistry, and computer science. It also plans to establish departments in Holy Land studies and in theology. Despite being a Christian university, it is also open to Muslim, Druze, and Jewish students. Jewish instructors make up about a quarter of its faculty. The university’s bulletin states that «[its] curriculum reflects a commitment to ecu-
menism and is constructed in such a manner as to be inclusive of the three monotheistic religions as represented by the population existing in Israel/Palestine». Its founders entertain the vision that Mar Elias Campus will become a regional university serving students from the West Bank and from neighboring Arab countries. At present plans are under way to open in Israel a branch of the Al Ahliyya Amman University, the first private university in Jordan. Although this is not intended to be a religious university, lectures will be conducted in Arabic. There is an intention to open a department of Arabic and Islam at a later stage. According to the initiators, the student body will come from Israel and from the Arab world. The Israeli Minister of Education pledged her support, and the initiators plan to submit their program for the approval of the Council for Higher Education.

3. Teachers’ training colleges

In the past, teachers’ training colleges – known as teachers’ seminars, or institutions for the training of school and kindergarten teachers – did not confer academic degrees upon their graduates but teachers’ certificates that enabled graduates to teach in kindergarten and elementary schools. Non-academic seminars still operate a 3-year program. Similar to elementary and high schools, they are divided into State training institutions (18 institutions operating at present), religious State training institutions (13), and Orthodox State financed and supervised institutions (28). There is also an institution for training teachers for Jewish humanistic education, and there are two religious State institutions and one Orthodox institution training teachers for Jewish schools in the Diaspora.

In 1995 the Council for Higher Education Law was amended to grant recognition to academic colleges that are not universities and authorize them to confer academic degrees. Since then most of the State teachers training institutions and religious State training institutions underwent upgrading and were recognized as academic colleges by the Council for Higher Education. As a result they may confer B.Ed. (Bachelor of Education) and B.Ed.Tech degrees after four years of training. These degrees qualify graduates to teach from kindergarten through intermediate school. Some colleges were authorized to confer other bachelors degrees, such as B.A. and B.Tech. Others may confer degrees such as B.Sc. in collaboration with recognized universities. Five colleges were authorized to confer the M.Ed. degrees. One college is authorized to confer a masters degree in physical education, M.P.E. These institutions operate under the dual supervision of the Council for Higher Education and of the Ministry of Education. One training institution for teachers, belonging to the Lubavitch Hassidic movement, introduced a four year program leading to a certificate that is regarded by the Ministry of Education as equivalent to a bachelors degree for purposes of teacher compensation, although the institute refuses to apply to the Council for Higher Education Law for formal recognition for ideological reasons.

Some colleges cater to the religious population, both Jewish and non-Jewish, and train teachers for their respective religious schools. Thus, some religiously oriented teachers’ colleges are institutions of higher education. Their religious affiliations vary according to the nature of the schools they service. Jewish religiously oriented colleges vary in their affiliation and character from national-religious to ultra-Orthodox (Haredi) institutions. One college is even affiliated with a Yesiva. The religious colleges insist on a commitment to lead a religious way of life, by

37 See Har-Zahav & Medina, supra, note 27.
both students and faculty. Several of the colleges are for women only.

Some general teachers’ colleges have special programs for training teachers for Arab schools. One college has a special program for Bedouin students. Most of these colleges are located in areas with substantial Arab population. There are two recognized Arab teachers’ training colleges educating teachers for Muslim schools. The oldest recognized Arab college is the Academic Arab College for Education in Israel located in Haifa. The other is the Al-Quasemi Academic College of Education\(^{38}\), in the town of Baaka al Garabiea, authorized to train students for teaching in high schools. The college is unique, having been established in 1990, at the local mosque, as a religious institute, «The College for Sharyia and Islamic Studies», dedicated to training teachers of Islamic religion and Arabic. Since 1997 it expanded its curriculum and it is also training teachers for mathematics, computers, and English, as well as kindergarten teachers. In 2003 the college obtained formal recognition from the Council for Higher Education, and is authorized to award B.Ed. degrees for kindergarten, elementary school, and high school teachers, specializing in Islamic religion, Arabic language and literature, mathematics, computers, and English, as well as for early childhood teachers.

All students in both Arab colleges are Muslim, although there are Jewish teachers on their faculty.

Naturally, the teachers’ colleges present a challenge to the condition set by the Council for Higher Education prohibiting discrimination in the admission of students and the appointment of academic staff by reason of race, sex, religion, nationality, or social status. In the beginning, before granting recognition to teachers’ training institutions, both religious and non-religious, the council insisted that the institutions sign a pledge to abide by this rule. The rule was to apply even to an Orthodox teachers’

\(^{38}\) See http://www.isc.ac.il
training institution for women. In short order, the council renounced this unrealistic demand, which served merely as lip service.

In this context, prof. Rubinstein, who served as Minister of Education and chair of the Council for Higher Education *ex officio*, writes that

the Council for Higher Education allows a distinction in the acceptance of students into teachers’ training institutions on the basis of gender, religion, or particular nationality, if the institution was approved as having particular characteristics, for example, a college for female teachers\textsuperscript{39}.

An exception to this exception is the Jerusalem College of Technology. The women-only institute has been recognized as a teachers’ college, but it also operates a college of technology that confers upon its male-only graduates a B.Sc. degree. The college makes Judaic studies a mandatory part of its curriculum, in both the teachers’ training program and the technological studies.

4. Non-recognized institutions of higher education

Alongside the recognized institutions of higher education, there are also non-recognized institutions, and colleges recognized by foreign academic institutions. For example, «The Preaching and Islamic Subjects College» in Um-el-Fahm, the largest Arab town in Israel, confers degrees that are recognized by the Palestinian universities, the Arab European universities, the Muslim Universities Union, and the Palestinian Ministry of Higher Education. This college stated its objective of training teachers to teach the Muslim religion, ordaining leaders of religious prayers in the mosques (*Imams*) and preachers, and preparing students for higher studies and research in Islamic studies.

\textsuperscript{39} Supra, note 6.
Another institute, «The Dialogue College for Islamic Studies», has been established last year in the Arab town of Tira. The founders stated the objective of the college to be the teaching of Islamic law (Sharia), in light of the phenomenon of repentance among the Muslim population. The institute is not recognized and confers no degrees, academic or other. Another institute, the Center of Islamic Culture, operates at the Al-Ramah Mosque in the Galilee, but has no academic aspirations.

During his pilgrimage to the Holy Land in 1964, Pope Paul VI founded the Tantur Ecumenical Institute in Jerusalem. Its establishment was proposed at the Second Vatican Council in the early 1960s, and observers from other Churches joined the Roman Catholics in this venture. The institute defines itself as a residential learning community rather than a venue for a series of academic courses. It hosts Orthodox, Protestant, Anglican, and Roman Catholic participants, but Jews and Muslims can also join its various academic activities.

5. Between Yeshiva and academia

5.1. Accredited academic studies at Yeshivot

Several US institutions of higher education grant Israeli Yeshiva students a limited number of credits for courses taken at the Yeshiva.

Yeshiva University (Yu) of New York, a Jewish Orthodox University, established the special S. Daniel Abraham Israel Program\footnote{http://www.yu.edu/jip} to this end. More than 500 young men and women study every year under the program at 40 Yeshivot and women's religious schools in Israel, including Bar Ilan University. The program is supervised by Yu staff at the Yu Caroline and Joseph S. Gruss Institute in Jerusalem. Students enrolled in the Israel Program are considered

\footnote{http://law.bepress.com/taulwps/art46}
YU undergraduate students in New York and are eligible for all applicable State and federal financial aid programs. Men studying at a Yeshiva can gain up to 32 credits corresponding to a full academic year at Yeshiva College at YU. Women studying at an accredited religious institute can gain credits for up to two years of studies at Stern College for Women at YU. The reason for the discrepancy is that, unlike women's colleges, the Yeshivot are not accredited by the Council of Higher Education in Israel.

Nevertheless, teachers of Oral Law and Jewish philosophy, who studied at least four years at a senior Yeshiva but do not hold university degrees, can nevertheless earn salaries equivalent to those of teachers with bachelors, masters, or even Ph.D. degrees if they are ordained rabbis holding a certificate from the Chief Rabbinate of Israel confirming that they have «Rabbinical high education» or have been approved as judges of a Rabbinical court. Alternatively, he should graduate from an approved higher Torah college for the training of male teachers of the Bible and of the Oral Law.

Women teachers holding a bachelors degree who teach the Bible, Oral Law, and Jewish philosophy may earn salaries equivalent to those of teachers with masters degrees, if they publish religious scholarly works.

5.2. Rabbinical ordination as equivalent to academic degrees

Several private bills have been introduced to the Knesset to recognize rabbinical ordination as equivalent to an academic degree for the purpose of qualification for public office. A bill to this effect41, submitted by member of the Knesset (MK) Abraham Ravitz, states that «Rabbinical ordination, which was recognized by the Chief Rabbinate Council of Israel, will be considered as equivalent to an

academic degree whenever such a degree is required as a condition of employment in public office», except when «by law, the public office requires an academic degree in a specific field». The bill also proposes that persons thus ordained be eligible to serve as directors of government enterprises, although the law of government enterprises specifies that candidates for such positions «need degrees in economics, business administration, law, accounting, public administration, engineering, or labor studies, or an academic degree, or to have completed other higher education in the main area of activity of the enterprise». The explanation that accompanies the bill states: «An academic degree is a common condition of employment in senior public positions. The requirement is that the candidate have an advanced degree and experience. Often the area in which the candidate has acquired his education is not emphasized. For this reason, candidates who devoted their time to the study of Torah and were ordained as rabbis should not be disqualified out of hand. Recognition of rabbinical ordination as equivalent to an academic degree will end this discrimination and expand the pool of qualified candidates for public office. For the same reason it is proposed to allow ordained rabbis to serve as directors of government enterprises, similarly to holders of academic degrees in economics, business administration, law, accounting, public administration, engineering, or labor studies».

The bill did not pass the preliminary reading and was resubmitted two years later by MKs Ravitz and Ofer Hugi, both from ultra-Orthodox parties. A certain variation of the bill was proposed by MK Alexander Lubotz-

42 Ibid., p. 4735.
43 Bills can be submitted to the Knesset by the government or by MKs. All bills are approved by three readings, but whereas the government's bills are sent directly to the first reading, bills proposed by MKs are submitted to a preliminary debate. If the plenum of the Knesset approves it, the bill is sent to the committee that prepares it for the first reading.
ky, who had served as a professor of mathematics at the Hebrew University before being elected to the Knesset\textsuperscript{45}. In his proposal, «Rabbinical ordination recognized by the Chief Rabbinate Council is recognized as equivalent to an academic degree wherever such a degree is required as a condition of employment in public office provided that the candidate holds a baccalaureate or a certificate recognized as equivalent to it by the Civil Service Commission»\textsuperscript{46}. In the accompanying explanations, MK Lubotzky says: «...when the degree is a general requirement, which proves intellectual capability, it is proposed to make ordained rabbis equal to holders of academic degrees... Recognition of the Rabbinate’s certificate will expand the pool of qualified candidates for public office; it will also contribute to the integration of graduates of Yeshivot into the labor force».

There was much criticism of the bills in the Knesset. Some MKs perceived it as an attempt to «change the entire professional system in the State of Israel into a religious, Halachic system»\textsuperscript{47}. There were MKs who agreed to authorize rabbis to serve as public directors, but proposed to do so explicitly and not by making their degrees equivalent to academic degrees\textsuperscript{48}. However, the bills had the support of the government and passed the preliminary reading; but they did not become law because the Constitution, Law and Justice Committee and the Education and Culture Committee, where they were routed for processing, did not complete their work before the end of the Knesset’s term.

\textsuperscript{45} Bill for equating rabbinical ordination with academic degree, 176 Knesset Proceedings, 1998, p. 10339.
\textsuperscript{46} In his original bill, MK Ravitz also proposed to recognize rabbinical ordination as equivalent to BA and MA degrees. 176 Knesset Proceedings, 1998, p. 10082.
\textsuperscript{47} 171 Knesset Proceedings, p. 4705.
\textsuperscript{48} 176 Knesset Proceedings, p. 10084.
5.3. A Council for higher Torah education

Four bills were introduced to the Knesset proposing the establishment a council for Yeshivot similar in essence to the Council for Higher Education. Two of these bills, submitted in 1981 and 1990, called for a «Council for Yeshivot and Torah Schools». An additional bill was introduced in 1990, calling for a «Council for Higher Yeshivot». The last bill was introduced in 2000 and it called for a «Council for Higher Torah Education». The bills were intended to establish standards for State funding of the Yeshivot, similar to those of institutions of higher learning, because for a long time this field was not properly regulated. Nevertheless, to enjoy this type of funding, a Yeshiva would have to obtain the recognition of the council according to rules that were to be established. Some of the proposals addressed also women’s institutes of post-baccalaureate learning. The proposals were opposed by ultra-Orthodox MKs and were not approved. These MKs did not wish to have the Yeshivot subjected to rules established by the council, despite the fact that the proposals made it possible for Yeshivot that did not seek recognition to continue operating, and according to some of the proposals, to even continue enjoying State support based on existing practices. The Minister for Religious Affairs best explained the opposition to the proposals: «The world of Torah lives by and feeds on spiritual-religious independence, and it is unthinkable that an external entity should impose on it any conduct whatever» 49.

49 176 Knesset Proceedings, p. 10084.