

## **Safe Haven? The Autonomy of the Ultra-Orthodox Community Through the Focal Points of the Israeli Law**

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The Israeli ultra-Orthodox community has struggled, ever since the State of Israel was established, for cultural, social and legal autonomy. In some cases, these struggles have moved from the general public and political spheres into the legal sphere. Wherever the ultra-Orthodox community has sought after legal recognition for its autonomy, Israeli law has for the most part rejected these claims, excluding claims related to spatial segregation on behalf of the ultra-Orthodox community, with an emphasis on land allocation for segregated settlement. This has required the recognition of legitimate systems to permit these segregated communities to exclude non-ultra-Orthodox members.

This article points out that the normative basis of Israeli law's regard for the ultra-Orthodox community is a foundational pluralism that recognizes the right of non-liberal communities to abide by their non-liberal internal norms. However, adopting a foundational pluralistic conception as a basis for policy towards non-liberal communities requires adherence to three conditions: 1) that internal community norms not be externalized into the general society; 2) that any harm to the individual members of the autonomous community be kept limited; and 3) that the extent of the state's support to the community in implementing its members' shared conception of the good be subject to examination and revision. Regrettably, Israeli law addresses and insists on only the first, but has given up on the other two, thus expressing only a partial adoption of the foundational pluralistic conception.

This article points to the problems arising from the partial adoption of a foundational pluralistic conception, primarily two: first, Israeli law's disregard of the possible harm to individual members' autonomy caused by the implementation of such a policy, and second, the failure to distinguish between the various ultra-Orthodox communities in accordance with their unique characteristics. In light of these inadequacies, the article argues that as long as Israeli law seeks to establish a comprehensive policy for dealing with the ultra-Orthodox community and all its demands for autonomy, it must establish its policy on a foundational conception of pluralism, while adhering to its three conditions.