FREEDOM OF RELIGION, SECURITY AND THE LAW

KEY CHALLENGES FOR A PLURALISTIC SOCIETY

Edited by

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ROUTLEDGE

PREFACE

Natascia Marchei and Daniela Milani

The collective work "Freedom of Religion, Security and the Law: Key Challenges for a Pluralistic Society" was produced as part of the PriMED Project (Prevention and Interaction in the Trans-Mediterranean area), funded in Italy by the Ministry of University and Research (MUR). [1]

Starting from the research and the scientific outcomes developed within the PriMED project, the volume takes these findings into account. In particular, it offers a new key to understanding how to manage the processes of integration of religious diversity in multifaith societies.

The chapters selected are the results of the main lectures held at the PriMED high training course for public administration and public security operators organized by the editors, where each contribution has been discussed thoroughly with the participants, and the leading international experts.

Moreover, the editors have contacted other authors not participating in the workshop able to provide additional contributions not previously covered to enlarge the scope and the appealing of the book.

From this perspective, the title of the book, which refers to the complex relationship between the right to religious freedom and security, immediately discloses the assumptions on which the work is based.

In recent decades, and particularly since September 2001, the right to religious freedom, which has always been widely protected due to its centrality in the processes of the development of the human self, has come up against a significant challenge in terms of security, or rather in the subjectively and publicly perceived feelings of insecurity.

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[1] The project that won the call for applications launched by MIUR for the establishment of Italian university networks implementing cooperation agreements between Italian universities and those of countries belonging to the Organisation of Islamic Cooperation ID 82382 (National Project Coordinator Prof. Roberto Mazzola, University of Eastern Piedmont).

These concepts of security (here understood as public order in the substantive sense), safety and orderly civil life, are in fact being increasingly used by legal systems to limit religious freedom and are seen as an objective to which all States must aspire, even to the extent of placing restrictions on fundamental freedoms, both inside and outside the borders of Europe.

It is unsurprising, given this context, that OSCE, in 2019, deemed it necessary to issue guidelines to precisely regulate the relationship, within the European territory, between religious freedom and security (the introduction to the book by Silvio Ferrari is dedicated to the examination of the important document "Freedom of Religion or Belief, and Security: OSCE/ODIHR Policy Guidance").

These guidelines reveal the importance of avoiding simplistic conclusions and unfounded prejudices about freedom of religion and belief, and of limiting restrictive or repressive interventions to situations of genuine danger.

Given these premises, the book, following the introduction by Silvio Ferrari, opens with a number of case studies from European and non-European countries where the management of religious pluralism, including and especially from the point of view of security, is particularly complex. This is the case in Israel, Turkey and Egypt, as studied by Myriam Lucia Di Marco, Sibel İnceoglu and Laure Guirguis.

The focus of this volume then shifts to the Italian situation. The contributions published in this section deal with specific issues concerning the relationship between religious freedom and security in Italy, starting with the controversial notion of radicalisation and moving on to consider the questions posed by the opening up of places of worship, freedom of public expression, radicalisation in penal institutions and immigration law (with contributions by Negri, Marchei, Pasquali, Milani and Ceserani).

The third part of the volume focuses on the legal status of Islam in Italy and addresses some particularly relevant issues concerning the difficult process of Islamic integration in this country. The contributions published in this section focus on the relationship between Italian law and Islamic law, focusing in particular on important issues such as democracy, human rights and social organisation in the light of the principles and foundations of Islam (with contributions by Cuciniello, Cianitto, Alicino and Angelucci).

Finally, the book closes with Roberto Mazzola's considerations on the content and implementation of the PriMED project which, in taking stock

of the experience and with an eye to the future, offers a new key to under-standing how to manage the processes of integration of religious diversity in multifaith societies.

The editors would like to thank Alessandro Negri, Tania Pagotto, Larisa Anastasia Bulgar and Margherita Del Deo for their valuable contribution to the publication of the book.

Introduction

FREEDOM OF RELIGION OR BELIEF, AND SECURITY: THE OSCE/ODIHR GUIDELINES

Silvio Ferrari

I shall present the document on "Freedom of Religion or Belief and Security", recently published by the OSCE,[1] in three steps. First, I shall place the document in its context; second, I shall devote some time to explaining the notion of comprehensive security as developed by the OSCE; and finally I shall make a few considerations concerning its application to freedom of religion or belief.

First, the political and cultural context. If I were to name the two global processes that currently most affect freedom of religion or belief all over the world, I would cite the nationalisation of religion and also its securitization. Leaving aside the first process for the moment and focusing on the second, it can be seen that in many countries religions are seen as a potential danger to security. This view is supported by the fact that religiously inspired violence and terrorism have unfortunately become more and more frequent in many parts of the world. One may ask how sincere the religious motivations of the perpetrators of these violent acts are, but it is undeniable that they are often justified via a reference to religion. In this perspective, some limited restrictions of freedom of religion are seen as a reasonable price to pay in order to maintain personal and societal security. Let me give a couple of examples. Violent antisemitism is growing in a country and a government spokesperson suggests that Jews should refrain from wearing the kippà in public to avoid becoming the target of religious violence. It is a reasonable and well-intended proposal, but at the same time is a limitation of the freedom of Jews to manifest their religious faith. In another country, some places of worship are deemed to be places where religious radicalism is preached and taught. To contrast this dangerous drift, people attending religious services in those places are subjected to security screenings that go from identification to body searching and also affect the peaceful believers (who are likely to be the majority) who wish to access that place of worship

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[1] OSCE/ODIHR, *Freedom of Religion or Belief and Security: Policy Guidance*, 2019, available at https://www.osce.org/odihr/429389.

without any intention of perpetrating crimes. Who could question the reasonableness of these measures, which aim at granting security for all? At the same time, they entail a limitation of freedom of religion that in the long run will be internalised and accepted as a matter of fact. These examples do not come from totalitarian or authoritarian States that do not care about human rights. They are taken from the daily life of democratic States – and this is the most worrying element of the picture. Security and freedom of religion or belief are on a collision course even in countries that prize human rights and sincerely try to implement them. This is why we need to pay close attention to how to defuse the potential clash between freedom of religion (or belief) and security in contemporary society.

I assume here that it is unnecessary to dwell too much on the meaning, content and role of the right to freedom of religion or belief. It is a right that covers both the internal and external dimensions of human life. I have the right to adopt and change my religion – this is a matter for my conscience and nobody else's – and I have the right to manifest my religion or belief through worship, observance, practice, teaching and many other activities.[2] Moreover, it is both an individual and a collective right. Each individual is entitled to enjoy freedom of religion or belief irrespective of his or her race, sex, colour, social origin or nationality and each religious or belief community has the right to define autonomously its internal organisation, provided it is not against the constitutional order of a country. The increasing religious diversity and the growing public role religions have acquired in many countries raise new issues but we all have an idea of what freedom of religion or belief means.

When we come to security, things are a little more complex. First of all, security is a polysemic word that has many and different meanings. We speak of national security, State security, public security, international security, military security and so on; and each of these expressions has different implications. Second, there is a question that needs to be answered before we start considering the relationship between security and freedom of religion or belief: is security a human right? While the answer is a definitive *yes* when we speak of freedom of religion or belief, the answer is *no* when we speak of State, national, international, or military security. They may represent, in some cases, legitimate limitations to the enjoyment of human

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[2] The manifestation of religious or other beliefs can, however, be restricted by States. These restrictions must have a legitimate aim, e.g., the protection of public safety, order, health or morals, or the rights and freedoms of others. These restrictions should not be directed against a particular religion. International human rights standards do not allow for the restriction of the right to manifest one's religion or belief based upon the grounds of "national security" (see OSCE/ODIHR, 2014, p. 58).

rights but nothing more. However, other dimensions of security need to be taken into consideration. Take, for example, Art. 12 of the South African constitution. It declares, "Everyone has the right to freedom and security of the person, which includes the right […] to be free from all forms of violence from other public or private sources". The security of the person is a human right that States have the obligation to uphold.[3] From this perspective national, State and military security are tools to grant personal and community security, which are at the very core of today's concept of security.[4] As underlined in many UN documents, the notion of security needs to be re-conceptualized "in a fundamental way by: (i) moving away from the traditional, state-centric conception of security that focused primarily on the safety of states from military aggression, to one that concentrates on the security of individuals, their protection and empowerment" (United Nations Trust Fund for Human Security, 2009, ch. 1, s. 1.1).

I believe that addressing the relationship between freedom of religion or belief and the security of the person as a relationship between two human rights provides us with a better way to deal with the potential conflicts between these rights. When a State enacts legal provisions that limit freedom of religion or belief in the name of security, the first question is not whether they are legitimate restrictions to the liberty of an individual or a community. Rather, it is whether the State security they invoke is really necessary to ensure the security of the person that is at the centre of the notion of security. From this perspective, the relationship between freedom of religion or belief and security cannot be reduced to a matter of restricting, when necessary, the enjoyment of the former right in the name of one of the multiple dimensions of the latter right. It is a matter of conceiving and implementing both freedom of religion or belief and security of the person in a way that corresponds to the primary role of each human right, which is the upholding of human dignity.

OSCE was the first security organisation that conceived of and adopted a multi-dimensional concept of comprehensive security. In this perspective, security is comprised of three equally important dimensions: politico-

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[3] States, through their police services in particular, have a duty to protect all individuals within their jurisdictions from terrorism, as part of their human rights obligations to guarantee the right to life, the right to security and other human rights and fundamental freedoms (see OSCE/ODIHR, 2014, p. 19).

[4] I do not support a conception of security as a meta-right or foundational right upon which all other rights, including freedom of religion or belief, depend. I am in favor of "an understanding of security that remains rooted in tangible harms and proportionate risks to safety" (Crawford, 2014, p. 516). Within these limits, I argue that it is possible to speak of security of the person as a human right to which the other dimensions of security are subordinated.

military, economic and environmental, and human rights. This concept propounds the idea that the protection of human rights and fundamental freedoms, and economic and environmental governance, is as important for the sustainability of peace and security as is politico-military co-operation. Security cannot be attained if these three goals are not pursued and accomplished simultaneously.[5]

When we come to the interconnections between security and freedom of religion or belief, the OSCE document I am presenting offers three guiding principles that provide a sound framework for addressing what I call *hotspots*, that is, the circumstances that make a conflict between these two rights more likely to develop. The first principle concerns learning. Religious illiteracy is increasing, particularly amongst the younger generations, and we are in need of educational programs that foster the knowledge of different religions and their social manifestations. However, these programs are not enough if they are not supported by the awareness that religious diversity (or diversity of belief) is a permanent feature of our societies. Therefore, learning to live peacefully in a religiously diverse environment is not enough. We also need to understand how to make use of this diversity to build a cohesive and inclusive framework of "living together". This second type of learning, however, is not only a matter of knowledge. It requires – and this is the second guiding principle – *engagement*. Without engaging personally in a dialogue that takes seriously our different *Weltanschauungen*, knowledge alone is unable to create mutual respect. Finally, learning and engagement require a favourable environment, that can be built through political and legal measures that generate confidence and trust through the recognition of rights: granting the right to freedom of religion or belief is the first and most important of these measures.

These guiding principles allow us to address the four case studies considered in the document. They concern conversion, religious extremism, worship and meeting places, and registration of religious organisations. I shall focus on the first and the last of them.

From a legal point of view, conversion may have two different meanings. It may indicate the act through which one adopts, changes or leaves a religion or a belief, and this is an individual right that is absolute and cannot be limited or restricted. The same word may designate the act of converting somebody, that is persuading a person to adopt, change, or leave his or her religion or belief, and this is a right that in a few well-defined cases can be subjected to some limitations. In general, when converting a

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[5] The OSCE approach also involves multi-stakeholder co-operation at all levels in order to meet security threats and challenges (see OSCE/ODIHR, 2014, p. 17).

person implies some forms of coercive persuasion – which may be violent or non-violent – both freedom of religion or belief and personal security may be jeopardized. Short of this, proselytism and missionary activities are a manifestation of the right of freedom of religion or belief that cannot be limited for security reasons. Accordingly, the OSCE document concludes that "the state has a duty to provide a legal and social framework in which the rights […] to engage in non-coercive persuasion can be freely and fully exercised", including the State duty "to protect individuals and communities engaging in non-coercive persuasion from violence, intimidation, harassment and discrimination" (OSCE/ODIHR, 2019, p. 67).

The registration of a religious or belief organisation is far from being a technicality that is only of concern to lawyers. It may be a matter of life or death for the whole organisation as simple operations such as opening a bank account or renting a room for prayer meetings may depend on registration. This is why obtaining legal status in a form that allows the basic activities of religious or belief organisations is considered to be part of the right to collective and institutional freedom of religion or belief. The picture becomes more problematic when discussing so-called "extremist" religious organisations. Are they not a danger to security (including personal security) that requires that they are put in a position to do no harm? The answer to this question is based on the distinction between extremism and violent extremism. As long as they are not translated into violent acts or incitement to violence or discrimination, extremist views are a manifestation of freedom of expression that should be countered on its own ground, that is by opposing ideas to ideas. Only when extremist ideas are translated into violence or incitement to violence do they become a threat to the security of a person or a community. Therefore, the OSCE document recommends that the OSCE participating States "ensure that security-related measures address behaviour rather than opinions or beliefs and distinguish between violent extremism and 'extremism'" (OSCE/ODIHR, 2019, p. 32).

However, these recommendations are not directed only to States. Religious or belief communities, civil society organisations and the media "have important roles to play in the interface between freedom of religion or belief and security" (OSCE/ODIHR, 2019, p. 26). They bear the responsibility for creating a cultural and social environment grounded on responsibility and commitment, two virtues that are indispensable in harmonising freedom and security. For this reason, they are the recipients of specific recommendations that aim at enhancing their capacity to generate civic values and attitudes that support the State's political and legal activity.

It is time to conclude. The road toward the harmonisation of freedom of religion or belief and security is long and somewhat difficult. We need to

go patiently through a process of trial and error that teaches us how to deal with the most difficult situations. The OSCE document is a step forward in the right direction.

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Part 1

FREEDOM OF RELIGION AND SECURITY: CASE STUDIES

Chapter 1

THE RIGHT TO RELIGIOUS FREEDOM IN ISRAEL: A RESOURCE OR A CONDEMNATION?

Myriam Lucia Di Marco

SUMMARY: 1. Historical and documental origin. – 2. The definition of the state and extremism. – 3. Three fields of extremist action: political, educational, civic. – 4. Outlook.

1. Historical and documental origin

Despite being considered an unquestionable and founding right for the State of Israel, the right to religious freedom has no specific reference in Basic Law; not even in the laws "Human Dignity and Liberty" and "Freedom of Occupation" enacted in 1992 during the government of Prime Minister Yitzhak Rabin (assassinated three years later), which was considered to have resolved the legislative gap with regard to human rights and the rights of the citizen set out in the 1948 Declaration of Independence. The overall protection of religious freedom in force in Israel, in fact, dates back even before the foundation of the country: to the "Constitution of Mandatory Palestine", formally known as the "Palestine Order in Council" issued on 10 August 1922 and published two weeks after the approval of the Mandate for Palestine by the League of Nations. While the initial considerations made it clear that the civil and religious rights of the existing non-Jewish communities in Palestine would not be affected, part VIII, Art. 83 highlighted the issue of freedom of conscience: "[a]ll persons in Palestine shall enjoy full liberty of conscience, and the free exercise of their forms of worship subject only to the maintenance of public order and morals. Each religious community recognized by the Government shall enjoy autonomy for the internal affairs of the community subject to the provisions of any Ordinance or Order issued by the High Commissioner" (The Palestine Order in Council, 1922). In this case, freedom of conscience includes freedom of religion (Cohn, 2001, p. 293). Why, then, is this lacking in the legislation of the modern state of Israel?

The inspirational words of the founder of contemporary political Zionism, Theodor Herzl, in which he affirmed his desire to guarantee equal

rights to those of different religions and nationalities in the future state (Herzl, 2003), served as a guideline for the drafting of Israel's Declaration of Independence, its original founding document: "The State of Israel (...) will be based on freedom, justice and peace (...); it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience" (Declaration of Establishment of State of Israel). A document that recounts both the positive history of the Jewish diaspora, in contact for centuries with European culture during the years of patriotism and nationalism, and the negative history of violence, pogroms, and deportations (Medoff, 2009; Schoeps, 2013). A document, an ambition, a kind of programme without legal constraints (Cohn, 2001, 291), which, however, was intended to be based not only on ideology but on a practical necessity. In 1948, the territory was divided into many denominations and different legal structures, resulting in a multicultural society that was difficult to administer without allowing room for autonomy of behaviour. The clearest examples of this forced *status quo* at the time of the foundation can be identified in the failure of different factions to agree on a single constitution for the state and in the *millet* legal system, taken over from the Ottoman Empire. The absence of a Constitution highlighted the problem of an increasingly diverse society in the territory (Vercelli, 2008) but also of the relationship between the state and representatives of the Orthodox Jewish community, for whom only the Torah was to be considered as the constitution of Israel (Rabello, 2011, p. 560; Vercelli, 2008, p. 47); an intricate relationship that to this day displays encroachments of religious practice into civilian life or inequalities in the allocation of funds for their activities compared to other religious denominations. The constitutional gap was partly bridged by the Harari resolution issued two years after the establishment of the state (in June 1950), which proposed a phased constitution with the enactment of the aforementioned Basic Laws (Rabello, 2011, p. 560) and the ultimate action of which was "Israel as the Nation-State of the Jewish People" in July 2018. The second approach, on the other hand, reflected the legal system established by the Ottoman Empire in which the personal sphere of the individual, such as marriage, divorce, and related matters such as inheritance, was managed by religious courts: in this way, Israel protected the religious minorities in the territory and avoided conflict with the Jewish majority. Rabbinical courts were thus reserved for Jewish citizens and residents with the Chief Rabbinate Council in Jerusalem (the highest halachic and spiritual institution of the state) as their reference (Rabello, 2011, p. 577), Shariya courts for Muslim citizens and residents, the Druze courts, the Christian and Bahai courts (Groppi, 2006, p. 242).

Israel had to confront its dual nature from its very foundation: on the one hand, openness to multiple denominations in order to express the founders' desire for a state based on tolerance and equality for all; and on the other, to accommodate the conviction of Jewish religious and political factions who advanced an idea of a messianic Israel. Here we have an internal conflict from the very beginning between *chilonim* (secular) and *datim* (observant). To avoid further conflicts, an attempt was made to not explicitly address the right to religious freedom, which was however considered an integral part of the established tradition of common law, implemented through legal decisions and actions (Cohn, 2001, p. 193). An example of the discussions that have taken place in the legal field of the relationship between Israel and Freedom of religion can be found in the minutes of the "Constitution, law and justice Committee" during the sixteenth Knesset (2003-2006) published on its website. In these minutes, the subject is dealt with considering minorities and their status within Israel and the maintenance of its Jewish-democratic character. Ruth Gavison suggested, in fact, that Israel "suffers from all three types of religious tensions and the Committee's solutions must take each of them into account" (a nation with one dominant religion – Turkey, a nation with current cultural friction – Germany, a nation with conflicts between religions over places, traditions and meaning) (The Knesset, 2014a).

In the end, the conflict was also external: the neighbouring Arab States considered its origin illegitimate and declared it so to Israel the day after the proclamation.

In short, the dual nature of Israel, condensed into the definition of a "Jewish and democratic" state in Basic Law "The Knesset" of 1958, generated and still generates acts of extremism and violence from two factions considered to be opposites: Jews who are distinguished into Orthodox, ultra-Orthodox Jews (who demonstrate against the "secular state" of Israel which stops the era of the Messiah, prefer the rise of the Palestinian state) and the right-wing extremist nationalist Jews (who perpetrate terrorist acts with victims, due to of their idea of "Greater Israel", without any possibility of collaboration with the Palestinian people, they do not want a "democratic state" near a Palestinian State); and the Arabs living in the West Bank (against the idea of a "Jewish state").

2. The definition of the state and extremism

If religious freedom is a fundamental right, "a right in which all others are singularly encompassed" (Dalla Torre, 2002, pp. 92-93), and is the "main test case for assessing the overall human rights situation in a given country"

(Giovanni Paolo II, 1991), then it is necessary to affirm that, thanks to the balance that the Supreme Court seeks to promote and to its consolidation in legal practice (Lerner, 2013, p. 238; Sapir, 2019, pp. 250-265; Bakshi, 2018, pp. 159-185), Israel has a democratic system that generally respects the religious freedom of its citizens (Levy, 2016, p. 88): each denomination has the freedom to organise its own education and social system, the freedom to meet and to express its beliefs. Its legal system is incomplete given the value of Jewish tradition as a subsidiary source of law (Ferrari, 2002, p. 54). However, this value consistently reflects the "Jewish" character of the State of Israel from its foundation to the present day: it was established and defined in the Declaration of Independence as a "Jewish state" which guarantees respect and equality to all citizens and is therefore considered "democratic" (Gavison, 2018, pp. 131-157). Jewish tradition is seen as both a moral compass for guidance and an important interpretive key. All of the *Basic Laws* were established with this aim in mind: "in order to establish in a Basic Law the values of the State of Israel as a Jewish and Democratic state".

Groups of ultra-Orthodox and Orthodox Jews do not accept the "national" and "secular" aspect of this interpretation: an Israel that does not conform to halachic precepts is "a setback in the work of redeeming the world" (Ferrari, 2002, pp. 64-65) and the right to freedom *from* religion, included in freedom *of* religion, is conceived as heresy and betrayal of one's Jewishness (Cohn, 2001, p. 297). By not acknowledging the state thus conceived as *de jure* but only *de facto* and placing it in the sphere of the profane (Ravitzky, 2007, p. 208; Pedahzur, 2002, pp. 19-20), some members of the Orthodox community have, since 1948, been promoting and pushing a form of religious coercion on the lives of the Israeli population by holding important and influential positions in the political system (Cohn, 2001, pp. 311-324; Sapir, 2019, pp. 163-249; Cohen-Almagor, 2017, pp. 250-265) and, in some cases (political extremists), taking this coercion to extremes by means of hate speech in sermons in synagogues and religious schools.[1] This hatred is directed against the state and consequently against Arab residents, by wishing to continue building settlements in the West Bank according to the Old Testament (which states that God gave the Jewish people the whole earth) (Guiora, 2014, p. 106; Grief, 2008).

The second faction manifesting acts of radicalisation concerns some Arabs living in the West Bank: crushed by the ideologies of neighbouring Arab countries from the very beginning of their existence (from pan-Arabism to the crumbling of Arab nationalism with the defeat in the 1967 Six-Day

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[1] See Guiora, 2014, pp. 123-126, for the power of hate speech in the context of extremism in Israel.

War) (Alimi, 2007, pp. 35-46; Charif, 2018; Ghanem, 2013) and dragged into debate by European powers and world organisations without tangible results, the Palestinians generally find themselves in a political limbo with a political elite fragmented into different parties and groups on either side.

3. Three fields of extremist action: political, educational, civic

Since the foundation of the state of Israel, both factions have acted and continue to act on three levels, according to opposing visions, but with the same violent results: political-parliamentary, educational and social-civil. At the parliamentary level, Israel was confronted with parties running for the Knesset elections that were already opposed to its Jewish character some ten years after its foundation. On the Arab side, for example, there was the "Socialist List", a mainly Arab left-wing list that ran for the sixth Knesset in 1965 and rejected the Jewish character of the state in its programme. Although it did not threaten state security, the Central Elections Committee (CEC) disqualified the list from running in the elections (Pedahzur, 2002, pp. 36-37). As a result of this episode (which showed the clear rejection of a Jewish state on the Arab side) and subsequent historical and political events (the victory in the 1967 Six-Day War, the 1973 Yom Kippur War, and the 1977 victory of the Likud party) Israeli society changed profoundly from the Seventies onwards, facilitating the emergence of political extremism: the Kach party, led by Rabbi Meir Kahane, was the most racist and undemocratic party that the Israeli system had ever experienced. Their programme aimed at eliminating all Arabs residing both in Israel and in the occupied territories in order to achieve a "Jewish democracy" by giving the Torah greater prominence in politics (Marzano, 2018, pp. 164-170). Supported by various Sephardic and Ashkenazi religious leaders (including the settlers who, in the meantime, were extending their settlements and spreading terror), they entered Parliament in 1984 but were banned four years later following the amendment to Art. 7 of the Basic Law "The Knesset" introduced in 1987 (Pedahzur, 2002, pp. 36-37). Amendment 7A set out three points on which a party might be excluded from participating in elections: denial of the existence of the State of Israel as a Jewish and democratic state; incitement to racism; and support for the armed struggle, by a hostile state or terrorist organisation against the State of Israel (Basic Law: "The Knesset – 1958"). The first reason for exclusion is, therefore, the denial of the State of Israel as defined, followed immediately by racism and support for the armed struggle: if one negates the first point, the other two follow accordingly (racism here referring to Jewish extremism, and armed struggle referring in general to Arabs and neighbouring states for non-

recognition of the existence of the State of Israel). Acceptance of the "Jewish and democratic" state is therefore closely linked to the prevention of radicalisation and violence. The three points were consolidated at the legislative level with the "Parties Law" of 1992 (Pedahzur, 2002, p. 58). However, the discussion about the ever-closer link between the state and the Jewish people did not fade with the demise of Kahane's party. On the contrary, the right-wing parties (Marzano, 2018, p. 167) engaged in a programme of struggle against the Arabs, encouraging such in sermons in synagogues and schools (Marzano, 2018, p. 183), and culminating in the assassination of Prime Minister Yitzhak Rabin on 4 November 1995, after the signing of the Oslo Accords, by a Bar-Ilan University student, Yigal Amir, who had become radicalised in the shadow of extremist religious movements. This consolidated by the second part of the first faction, the right-wing extremist nationalist Jews, the idea that the most effective and immediate method to stop any peace agreement with the Palestinians was cruel violence.

The events listed (the Kach party, the Oslo Accords, the Intifada, the continued colonisation of the territories, and the assassination of Rabin) persuaded the government to reform the education system, the second area of action by the two factions that provoked extremism. Since the beginning of the Nineties the government has focused on "democratic education" (rather than on the study of Jewish tradition and its political workings) (Pedahzur, 2002, pp. 108-115), yet neither Orthodox nor Palestinian Arab schools have allowed its "invasion" into the school curriculum. Israel's school education system was consolidated in its fragmentation,[2] so much so that when the liberal parties proposed a basic state curriculum as a requirement for schools to qualify for funding, the parties of the religious right succeeded in enacting a law affirming the "recognition of the importance of the rights of special communities" ensuring adequate education and funding for them, by invoking the right to religious freedom as understood as the right to culture and the teaching of one's values by virtue of the specificity and particularity of their religious community and which the State should not be able to hinder or threaten. The law passed in the Knesset four days before the Supreme Court ruling (which ruled in favour of the liberals), and therefore it was no longer possible to introduce any further proposal (Sapir, 2019, pp. 190-196).

The funding of Orthodox religious schools, therefore, remained as such, without any conditions, limits, and, above all, State control (a second at-

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[2] The educational system is divided into four areas: state schools, attended by the majority of pupils; state religious schools, which emphasise Jewish studies; Arab and Druze state schools, promoting their history, religion and culture; private schools (Cf. Israel Ministry of Foreign Affairs. "Education: Primary and Secondary").

tempt was made in 2016 with a law imposing at least 11 hours of a basic curriculum in schools, but it never came into force (Langar, 2018, pp. 61-62)). This control also remained minimal for other religious education establishments, such as the Arab and Druze schools. The fragmentation of the education system had an impact on Israeli civil society, which for many scholars simply did not exist (Pedahzur, 2002, p. 70; Peters, 2019; Kook, 2019, pp. 119-133; Cohen-Almagor, 2017), consisting as it did of a Jewish majority, calculated by the Bureau of Statistics at 82.7% of the population and not uniform within itself (being subdivided into Ultra-Orthodox, Orthodox, Religious, Secular, Reformed, etc.) and the remaining 17.3% made up of Arabs and non-Jews in general who struggled to integrate into the public life of the state, dominated as it was by Jewish elements and symbols (Sapir, 2019, pp. 270-271) and excluded from compulsory military service for religious and nationalistic reasons (Sapir, 2019, pp. 213-234; Pedahzur, 2002, p. 106). This non-integration of the minority should not be surprising: many minorities, even in European countries, who did not adhere to the Christian faith, were until recently "forced" not to work on Sundays or on Christian holidays. The problem is that the minority in Israel was and is indigenous, and its unwillingness to integrate and willingness to promote a struggle against the state, generated and generates ever more disintegration. Since the Nineties, the parties in the municipal councils of the major Arab cities concentrated in northern Israel have not recognised the very existence of the state and the Jewish people (Levy, 2016, p. 91). The lack of education, which should promote and create a spirit of community and civil culture, still prevents younger generations from achieving the social integration and cohesion necessary to avoid conflict between the majority and religious minorities. Indeed, failing to address the root of these problems (of which we have briefly summarised three), has led to an increase in violence from both sides (Jews and Arabs) since the beginning of the millennium, beginning with the second Intifada, followed by the "knife intifada" and the now daily violence of murders and attacks against the population due to the policy of annexing territories supported by recent right-wing governments (Marzano, 2018, pp. 198-205).

   This situation has created a paradoxical one, which is even more pronounced today: the state of Israel, which promotes rights and equality – including religious freedom – to all resident citizens as enshrined both in its founding charter and in its legislation –, must limit these rights with military force in order to defend itself against those who do not share and promote them.[3] Moreover, it must also limit nationalistic and religious ex-

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[3] National security for the survival over the state taking precedence over rights is not

tremism, which uses religious freedom as leverage to gain ever greater advantages and promote inequalities and disparities (Pedahzur, 2002, p. 130; see also Peters-Geist Pinfold, pp. 185-198).

4. Outlook

Despite the drift towards violence by some factions, we see some elements of positive renewal in recent years both in recent governments and in Israeli society itself.

The last governments generally tried to promote a society of dialogue and "coexistence" on several fronts, promoted thanks to the rights it defends (a webpage of the Ministry of Foreign Affairs is dedicated to the series of events related to possible "Co-existence in Israel"), especially the right to freedom of religion and conscience. An example is the annual meeting where the Presidents of Israel meet with the Israel Church leaders. In the last one, at the Basilica of the Annunciation in Nazareth President Isaac Herzog said (both in Hebrew and Arabic): "All religious communities and faiths are an inseparable part of the State of Israel, and the State of Israel is committed to guaranteeing the freedom of faith and worship of all of them" (Israel Ministry of Foreign Affairs, 2021). The last government Bennett-Lapid, formed on 13 June 2021 based on an agreement between Naftali Bennett (Leader of The New Right) and Yair Lapid (leader of Yesh Atid), reflects an interesting attempt at a coexistence between different political sensitivities, including seven parties from different factions (from the far left to the far right). It was the first coalition to have included an Arab party. It had in its agenda the desire to include religion more in the country's civil and military life of the country(Sales, 2021; Scheer, 2021) and to resume dialogue with the Palestinians (Nirenstein, 2021). Furthermore, Bennett assured that "freedom of worship on the Temple Mount will also be fully preserved for Muslims as well, who will soon be marking the fast of the Day of Arafah and the Eid al-Adha" (Toi, 2021). Although this government dissolved after almost a year, fell from the retreat of two ministers due to identity problems with the government (Toi, 2022; Keller-Lynn –

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a new aspect in the history of Israel. Born under a "state of emergency" and maintaining the "Defence Emergency Regulations" 1945 until 2016, Israel has always been primarily concerned with defending itself against the threat to its very existence from neighbouring countries. Many regulations were removed under the new Anti-Terrorism Act of 2016, but it is still considered essentially anti-Arab by the media: the Minister of Defence can order the seizure of an organisation's assets even before it has been indicted as a terrorist group; there is no distinction between soldiers and civilians; those who are against the occupation of the territories are accused of incitement (cf. Cook, 2016).