

Transcript

Sacred and secular

Leonard Hammer

Leonard Hammer:

I'm Dr Leonard Hammer. I lecture at Hebrew University Rothberg International School, and also visiting professor at University of Arizona in Tucson, in the United States. I do a lot of work in freedom of religion and conscience, a lot of publications in international law and international human rights. The past seven to eight years I've been focusing on-- along actually with a partner from the United States, a professor in the United States-- on issues of holy places, sacred space, focusing particularly on my region in Israel, Israel and Palestine, and sort of analysing ways in which the holy places, sacred space, can be protected or not protected, the legal analysis as well as, of course, social and political aspects.

Freedom of religion and conscience is seminal in Israel for two reasons. One is that Israel was founded as a Jewish state after the end of World War 2, and actually stated as such in the Declaration of Independence. By the same token, of course, there's a very strong Israeli-Arab minority of both Christians and Muslims. And there's no doubt that there's obviously clashes. You can't avoid it sometimes in a social level. So as a result, the Declaration of Independence in Israel, for example, provides it as it being a Jewish state, but also provides protections of freedom of religion and conscience for the minorities that exist in Israel.

And what's interesting in Israel is that you have both clashes between the Israeli-Arab minority, with regard to their assertion of their rights, correctly so, as well as within the Jewish majority of clashes between, if you will, the Jewish majority of those who observe or those who don't observe-- those who have particular levels of observance, if you will.

So, for example, Israel allows for-- provides for, in their context of freedom of religion, a closure-- if you're a Muslim, of course you don't have to work on Friday. If you're Christian you don't have to work on Sunday. By the way, in Israel, Sunday is a working day. [LAUGHS] Just so you know. And on Saturday, of course, that's the declared day of it being a religious day. So you might not have buses working on Saturday. You have, of course, government closures-- you know, government offices being closed. A lot of other businesses will be closed. And that creates kind of a clash between individuals who say, well, you know, I don't want to observe the Sabbath. I want to be able to ride a bus. Why do I have to be forced to take a cab, or drive a car, or if I can't afford it, what do I do on that type of day?

And there's a lot of kind of interesting-- how can I say it? Forms of compromises that are worked out whereby, OK, well, this area will allow to have buses to run, or this area will have the theatres open, or, I quote, [SPEAKING FOREIGN LANGUAGE] places of enjoyment. So on Saturday they'll have, like, cafes are allowed to be open, or restaurants are allowed to be open. But of course other institutions or other offices will be closed, if you will, forced to be closed. And the notion is, as kind of a public policy compromise, to say as well, we want to have our populace to have a day off from work. We're kind of forcing you not to work that day. But by the same token, we also recognise that people have to get around and continue their daily activities and such.

We've also had other clashes with regard to, if you will, a more ultra-orthodox type of population, whereby they'd say, well, you know, we don't want to even have any cars driving through our

neighbourhood on the Sabbath, on the day of Sabbath. And then people who drive cars say, well, we have to get out of the city. We want to go visit my father, or my brother, or my uncle, whatever. And they work out different compromises of closing it at different times, and mandate areas that they can only drive through certain roads, or certain areas, depending on the importance of it being a major road artery or what have you. So--

Interviewer:

Can you think of some examples, perhaps in an employment context, about how the diversity of religions are dealt with?

Leonard Hammer:

Diversity of religions are dealt with in the employment context by-- the law provides-- well, I should say, it's also based on very strong socialist principles, the state itself. So the protection that are engaged for employment-- protections that are engaged for employees, I should say, for workers-- are quite strong. Israel signed a whole bunch of International Labor Organization conventions. And yes, it's very strong in place, a notion of protecting the worker and protecting the employee.

As a result-- and in the laws themselves. As a result if you are, for example, a Muslim individual who doesn't want to work on a Friday, because that is your day of worship, your day of rest-- yeah, you're allowed to do that. You're entitled not to work that day. Same with if you're a Christian, and you say, look, this is my day of rest. Sunday is my day of rest. And I don't want to work that day. You're by law required to-- the employer is required to respect that type of request that you make.

So there are protections in place, but of course you're going to always have clashes and such. I should add as an overlay in the Israeli context-- because it's quite tense, as you can well imagine, the overlay, of course, of national security, public order, or things like that, whereby, for example, on a Friday-- let's say end of Ramadan, end of the traditional month of fasting. So you could have a [INAUDIBLE] where individuals want to go, for example, to the Temple Mount. The police might limit-- and they do limit-- individuals coming. They don't have 100,000 people visiting all at once in the Temple Mount, by way of example. So they will, on the basis of public order or national security, impose certain forms of limitations or restrictions. But overall-- and this is based on international reports as well-- we're not too bad with [INAUDIBLE] freedom of religion and conscience. It's just a matter of working out the nuances and keeping everybody happy.