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# THE HABIMA THEATER: KEEPING THE CURTAIN UP - A CASE STUDY IN THEATER REVIVAL

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## Abstract

HaBima Theatre, the Israeli National Theater, holds a position of significant cultural importance. However, it has faced recurring financial crises throughout its history. Past solutions, sometimes relying on external support, may have inadvertently contributed to future problems. In 2019, the theater was on the verge of closing due to insolvency. To prevent this, the Municipality of Tel Aviv-Jaffa agreed to take over the theater's management, as a municipal corporation under specific conditions: non-commitment to past debts, implementation of stricter financial controls, continued government support, and a joint recovery plan. After a year and a half, with a significant effort by various stakeholders, a final plan was drawn up. The process of absorbing the theater as a municipal company included drafting agreements with employees, securing government funding, and creating a framework for a "debt-free" municipal company. This case study suggests that the solution adopted, emphasizing strong municipal oversight and cooperation, is likely to become a turning point to ensure the continuity and growth of the theater. Although delays occurred during the negotiations, transparency, and trust ultimately led to a way forward for HaBima Theater under a new municipal management.

**Keywords:** Theater Management; Municipality Corporation; Collaboration; Employment Agreements; Recovery Plan.

## Introduction

HaBima Theatre has been operating continuously since its establishment in 1917, where it functioned as a Jewish dramatic studio within a state-sponsored academic framework in Moscow. Even then, its actors were committed to the national-cultural idea (Moss & Caplan, 2023; Ronen, 2017). In 1928, some theater members arrived at the port of Jaffa, and have been operating in Israel ever since. In 1958, the government declared HaBima Theater to be the national theater of Israel (Israel Government, 1958), decision 22, pp. 42-43 of the protocol dated October 12, 1958<sup>2</sup>.

In 1969, following financial and managerial challenges, the state implemented a trust-based governance structure (replacing the prior actor-led collective) to optimizing management and foster the development of the national theater (Supreme Court, Civil Appeal 9420/04, 2005).

HaBima National Theater's financial crisis deepened in 1995, reaching a critical point with NIS 28 million in creditor obligations. The board of trustees resigned that August and the District Court appointed a public trustee to oversee a recovery plan (Tel Aviv District Court 10417/95, 1995). This plan included a government loan of NIS 28 million, deficit reduction, salary expense cuts, and a corporation restructuring to a Public Benefit Company

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<sup>2</sup> "To bestow upon HABIMA THEATER an honorary state title: 'National Theater,' to distinguish it from other theaters and to enable it to fulfill central national-cultural goals."

(P.B.C - a corporation created to generate social and public good and to operate responsibly and sustainably manner) (The Public Trustee v. Yaakov Agmon, Civil Appeal 9420/04, 2005). However, challenges arose by 2005 due to government funding cuts and incomplete plan implementation, forcing new debt repayment arrangements that included burdensome interest.

From 2004 to 2011, following District Court rulings and appeals to the Supreme Court regarding the corporate and legal structure (District Court, BSA 13415/04, 2004; The Public Trustee v. Yaakov Agmon, 2005; Attorney General v. The Public Trustee, 2008), the dedication deed was approved. Ultimately, in June 2011, the HaBima National Theater Ltd. (P.B.C) Corporation was established and in March 2012 a board of directors was appointed, and the theater began its activity in its new form in January 2013.

Despite all the above, HaBima Theater accumulated significant debts to various creditors and substantially breach its obligations after several years of activity. A petition for the liquidation of HaBima Theater was filed in the Tel Aviv District Court on September 12, 2019, by one of the suppliers claiming a debt of approximately 2.8 million NIS (Tel Aviv District Court, File No. 30593-09-19).

On November 25, 2019, the court ordered a stay of legal proceedings against the company and appointed attorney Dorit Levy Tyller and CPA Chen Bardichev as trustees for the company. The court authorized the trustees to manage the theater and instructed them to formulate a recovery plan for the company.

A report by the trustees submitted to the Tel Aviv-Yafo District Court in 2019 outlined a history of financial difficulties at HaBima National Theater. Despite artistic achievements, the report detailed decades of mismanagement, deficits, and accumulated debt. These issues resulted in chronic cash flow problems that became embedded within the theater's operational structure. Government interventions, including loans and grants, were implemented alongside restructuring efforts. However, these measures provided only temporary relief and failed to address the underlying causes of the theater's financial woes. (Attorney Levy Tyller & Accountant Bardichev, First Report by the Trustees Submitted to the Tel Aviv-Yafo District Court, 2019).

## **Literature review**

### **Negotiation Management**

Negotiation is a two-way communication process aimed at reaching an agreement to resolve an existing problem or conflict, create something new, and/or achieve something from someone else (Churchman, 1995; De Dreu & Gelfand, 2008; De Dreu, 2010; Gan, 2017; Lewicki, Barry & Saunders, 2015; Purdy, 2014).

While negotiation is typically conducted according to stated goals, the parties' interests are the true drivers of the negotiation process. A solution and an agreement are possible only when the interests of all parties are met. Hence, a crucial need to recognize and identify the interests (objective and subjective) of the negotiating parties and to understand them. (Arvanitis, 2022; Galin, 2008; Noam & Radai, 2004).

Negotiation theory distinguishes between concepts of integrative negotiation (emphasize cooperation, problem-solving, and communication, openness between the parties to reach an optimal solution) versus divisive/normative negotiation (emphasize on maximizing profit for one side at the expense of the other, the resources available for negotiation are defined fixed, and limited and frames the conflict as a zero-sum game). This approach has a character of struggle for positions, suspicion, poor and closed communication, hiding information, emphasis on difference, aggression, power games, and mistrust (Mannix, Neale & Overbeck, 2011; Purdy, 2014).

Further to these approaches, the idea of win-win and "enlarging the pie" developed, strengthening the cooperative element to a combination of elements from game theory, insights from the field of social psychology and creativity (Arvanitis, 2022; Hunsaker, 2017; Li et al., 2018; Korobkin, 2024; Olekalns, Brett & Weingart, 2003). In all approaches, the negotiation is seen as a process of decision-making, during the interaction between the parties, but each school (of the two main ones) emphasizes different aspects of this process (Gaffal & Padilla 2024; Galin, 2008; Noam & Radai, 2004).

Negotiation scholars analyze negotiation success by examining whether an agreement is reached, and if so, according to several key criteria (Galin, 2008; Harinck & De Dreu, 2004; Noam & Radai, 2004) as detailed:

- Cost/benefit – what is the cost of the agreement reached compared to the benefit that will accrue to the parties from it?
- Is the agreement the best outcome for both parties and is it biased to one side?
- What is the relative achievement of each of the parties about the initial goals and relation to the concession limits outlined at the beginning of the road?
- Durability of the agreement over time.

The negotiation theory emphasizes external negotiation strategies, but practice reveals the importance of "internal" negotiations (Behfar et al., 2008; Korobkin, 2024). These internal negotiations involve management, shareholders, staff, and the negotiation team itself. A key tension arises when a single entity negotiates for the organization. The management delegates authority, but negotiators hold crucial information (Behfar, Friedman & Brett, 2008; Sánchez-Anguix et al., 2013). This asymmetry creates a complex negotiation dynamic within the organization.

To reduce this tension, the following rules must be observed:

- Accurate, detailed definition of the required achievements, refinement of the mandate for the team, policy lines, "red lines" that must not be compromised, etc.
- Common preparation process with all the internal stakeholders.
- A clear and regulated communication protocol between all the parties, formal and informal information, and regular updates, so that the organization's management regularly knows the stages of the process, the compromises and concessions (or insistence) during it and, does not "meet" the process only at the beginning and at the end of it.
- Coordination and unity of interests between the members of the negotiation team among themselves.
- Careful planning of negotiation meetings, aligning participants with the strategy and tactical moves to be employed, and meticulous internal coordination. Leveraging interpersonal relationships within the team and between teams is essential (Behfar, Friedman & Brett, 2008; Gaffal & Padilla, 2024; Kern, Brett, & Weingart 2005).

## **Work Relationships**

Labor relations are a relationship shared by three main parties: the employees and their representatives (such as committees and trade unions), employers and bodies that represent them and their interests, and on the third side the state through its regulatory institutions and relevant interests. The main goals of the trade union are the protection of the workers' needs, job security, working conditions, and their rights. Trade unions achieve their goals mainly through collective bargaining with employers, during which wage levels and working conditions are determined (Galin, 2008; Leiserson, 2023; McAleve & Lawlor, 2023).

Collective bargaining in Israel is conducted according to the Law on Collective Agreements 1957<sup>3</sup>. The law establishes some basic rules regarding labor relations and collective agreements that deal with employee rights, employment conditions, and the rights and obligations of the parties to the agreement. Two types of collective agreements can be distinguished: a general collective agreement, which applies to a specific industry or the entire workforce, and a special collective agreement, which only concerns a specific employer or workplace.

The workers' organizations have an essential role in regulating labor relations through the litigation between organized groups of workers and an employer or a group of employers on issues of wages, hours, and working conditions (Galín, 1977; Leiserson, 2023). Despite claims about the monopolistic power of labor unions and their alleged cartel-like behavior at odds with "free market" principles, research indicates that labor unions intervene not as an external disruptive force but as a negotiating party representing the shared interests of many (Galín, 2008; Noam & Radai, 2004).

Labor unions have a mutual interest in the success of negotiations alongside other parties. Without the employer's success, there would be no jobs available, and in the absence of those, beyond the direct harm to workers, labor unions cannot exist. Collective bargaining is preferable to individual bargaining as it enables more effective bargaining from a stronger position of power on the part of the workers/union on the one hand, and an agreement with a single entity and saving of effort and time by the employer on the other (Galín, 1977).

## **National Theater**

In many countries around the world, the theaters, along with museums, orchestras, ballet companies, opera houses, and others, fall under the category of "National Institutions". These institutions encompass cultural treasures, traditions, and artistic expressions that are central to the nation's cultural history. (Harel, 2020). Like Israel, many countries have a designated "National Theater" as part of these national institutions. These theaters play a significant role in preserving and promoting the nation's cultural heritage, fostering artistic expression, forming a shared national consciousness and, serving as a hub for cultural engagement for citizens and visitors alike (Holdsworth, 2010; Yona & Shem Tov, 2016; Wilmer, 2008).

Most of the National Theaters established in the 17th and 18th centuries were founded by absolute rulers, such as the "Comédie Française" in Paris (by King Louis XIV in 1680) and the "Borgtheater" established in Vienna (by Empress Maria Theresa in 1741) (Wilmer, 2009; Zer-Zion, 2017). At the end of the 18th century, along with the national awakening and the "Spring of Nations" - there was also a "flourishing" of National Theaters joined the national trends as another expression of nationalism in addition to the redrawing of national borders and Ideological struggles (Soderna, 2018). From the late 19th century and with even greater momentum in the 20th century, the concept of National Theaters expanded beyond its European origins, embracing a wider range of political, geographical, linguistic, and artistic dimensions. (Zer-Zion, 2017). The concept of "National Theater" is deeply rooted in European tradition, emerging as a distinct form of civic institution during the 18th and 19th centuries. These theaters catered to the growing middle class and played a significant role in shaping national identity and cultural expression like a common language, promoting the

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<sup>3</sup> A Collective Agreement is an agreement between an employer or an employer's organization and an employee organization that is made and submitted for registration by with this law, on matters of hiring or terminating employment, working conditions, labor relations, rights and obligations of the organization's parties to the agreement, or in some of these matters – "Nevo":  
([https://www.nevo.co.il/law\\_html/law01/114\\_001.htm#Seif33](https://www.nevo.co.il/law_html/law01/114_001.htm#Seif33))

national language and a stimulator of local playwriting (Balme, 2024; Harel, 2020; Holdsworth, 2014; Ther, 2014).

The professional literature on the Israeli National Theater, HaBima Theater, also demonstrates a direct connection to what has been said about National Theaters in general.

The founding manifesto of HaBima Theater referred, among other things, to Hebrew-speaking theater, embodying the myths and historical heroes of the Jewish people and being an institution for moral education alongside an artistic (Kaynar, 1998; Keener-Kissinger, 2017).

## **Case Study**

### **Conduct During the Period of Trustees**

Following a liquidation application, the Tel Aviv District Court appointed trustees (Advocate Levi Tyller and CPA Berdichev), in November 2019 (Power Dialing Ltd. v. The National Theater HaBima Ltd, 2019). The trustees addressed immediate concerns and challenges: securing delayed state funding, financing wages through loans, and assessing the theater's dire financial state. An initial action plan, approved by the court in December 2019, focused on revenue maximization, reduced discounts, managerial appointment, maintaining performances, and meeting payroll obligations as reported in the first report on behalf of the trustees submitted to the Tel Aviv-Yafo District Court (Levy Tyller & Berdichev, 2019). Concurrently, a court-ordered process for collecting creditor claims commenced (Tel Aviv District Court, file no. 32 of December 8, 2019).

Upon completion of the initial three-month period, in February 2020, the trustees presented a comprehensive report to the court (Attorney Levi Tyller & CPA Berdichev, second report of the trustees and request for approval of a recovery plan, 2020). This report detailed a two-phased recovery plan: one for 2020 and another for 2021 and beyond.

Phase 1 (2020) focused on cost-saving measures, budget balancing, and securing government support. Phase 2 (2021 and Beyond) aimed to solidify operational efficiency, financial responsibility, and resource mobilization

To carry out the revival of the theater, the trustees understood beyond any doubt that this process necessitates collaboration with key public stakeholders, including the government, the municipal authority, and other statutory bodies. The objective is to secure their commitment and participation in sharing responsibility for the theater's governance and establishing a framework that enables the theater's continued operation without repeating the "past ills" outlined earlier.

In parallel with the two-phase recovery plan, the trustees formulated a debt settlement agreement that was approved by the court in response to hundreds of creditor claims totaling approximately 100 million NIS, On September 13, 2020 (Power Dialing Ltd. v. The National Theater HaBima Ltd, 2019). The proposal was subject to a double suspensive condition: an agreement for the continued operation of the theater between the state and the Tel Aviv-Yafo Municipality, which was in the process of being formulated at the time, and an agreement between the trustees and the Tel Aviv-Yafo Municipality for the transfer of all company assets to a new corporation to be established by the municipality.

In March 2020, less than four months after the appointment of the trustees, the COVID-19 pandemic broke out, leading to the closure of the theater along with the entire cultural scene in Israel and around the world (Government of Israel, 2020). Theater employees were sent on unpaid leave, except for a small core group, and the theater resumed partial operations by government regulations only in April 2021, a year after its doors were closed.

### **The Tel Aviv-Yafo Municipality gets involved**

The trustees, in their quest to find a sustainable solution for the theater's continued operation as mentioned above under the guidance of the court together with the Ministry of Culture & Sport and the Ministry of Finance, reached out to Tel Aviv-Yafo Mayor Ron Huldai. The aim was to check the possibility of the municipality taking on responsibility for the National Theatre's operations, as the only sustainable solution to prevent its closure.

Driven by a sense of national responsibility, recognizing that closing a national theater would be an irreparable act, understanding that no other entity, public or private, is capable or willing to take on the responsibility of continuing its operation, and acknowledging that Tel Aviv-Yafo serves as, among other things, the cultural center of the State of Israel, the Mayor, in principle and subject several conditions, agreed to accept responsibility for the continued operation of the theater.

The municipality established a task force, led by the author of this article, to comprehensively analyze the implications of absorbing the theater under its responsibility. This team examined legal, corporate, financial, and human resource considerations. Key areas of focus included agreements with the state, trustees, and employees, exploring alternative organizational structures, assessing financial viability, and addressing tax consequences. Recognizing the interconnected nature of these aspects, the municipality emphasized a holistic approach, where the successful completion of a channel of action to the satisfaction of the municipality, is contingent upon the completion of all others. Since its establishment, the task force along with other professionals in various fields has held dozens of meetings and devoted hundreds of hours to learning, discussions, deliberation, and drafting agreements.

### **Legal, corporate structure, and corporate governance**

After studying the theater's legal structure and incorporation documents over the years (as described in the background section), learning from the legal and corporate structures of other theaters in the country, and consulting with professionals a solution was formulated to establish a **new municipal corporation** (Public Benefit Company), that would absorb the theater's activities and continue to operate it on an ongoing basis.

Leveraging the municipality's longstanding experience and knowledge in managing its subsidiaries and existing control mechanisms (approval of an annual and multi-year work plan, periodic status discussions, budget approval, adoption by the theater of the municipal work procedures and practices, audits, board presence, etc.), in the end, will prevent the theater from reaching insolvency and bankruptcy again.

The establishment of the corporation, its underlying rationale, and the incorporation documents were approved at a Tel Aviv-Yafo City Council meeting on March 15, 2021 (Tel Aviv-Yafo Municipality, 2021). This approval came only after the completion of the final steps in the process, as detailed below. This adherence to the principle of interdependence among all channels of action ensured that they formed a cohesive whole.

Following the approval of the Minister of Interior in November 2021 for the establishment of the corporation, the relevant documents were submitted to the Registrar of Associations to register the new corporation as a Public Benefit Company. This completed the process, and the company was officially established. The required bodies were formed (Board of Directors, Board Committees, internal auditor, legal advisor, etc.), and the company commenced operations in its new structure on January 1, 2022.

### **Agreement between the Government Ministries and the municipality**

On January 15, 2021, following internal discussions, the municipality outlined its position to the Ministry of Culture & Sport and Finance. This position included debt



forgiveness, continued national theater status under municipal management, sustained government funding, a potential building renovation contingent on funding (focusing on safety), and a modification to allow for a Public Benefit Company.

Based on these principles, negotiations were opened with representatives of the Ministry of Culture and Sports, from March to June 2020. During June 2020, differences of opinion emerged between the groups that could not be resolved at the team level. Therefore, after the involvement of the Director General of the Ministry of Culture and Sports and the Director General of the Municipality, resolving the disputes and establishing agreed principles, the teams returned to their work guided by the amounts obtained. Following the approval of a draft contract in August 2020, a formal agreement established the dissolution of the HaBima National Theater Corporation (PCB) and its replacement with a new debt-free corporation (excluding creditor arrangement obligations). The municipality will create this new corporation, which will inherit the theater's rights and obligations arising from the creditors' arrangement. The agreement guarantees artistic freedom and continued state funding (tied to performance) for five years.

The draft agreement was presented for approval at the City Council meeting on March 15, 2021. The official agreement was signed on April 19, 2021, and its application comes into effect upon completion of operations in the other channels.

### **Agreement between the trustees and the municipality**

Due to the minimal disagreements between the trustees and the municipality, quite quickly a draft agreement was formulated based on the following points:

- The new corporation will acquire all the assets and activities of the HaBima Theater.
- The Tel Aviv-Yafo Municipality will not assume any debts or obligations of any kind related to the "old" theater or its creditors.
- The new corporation will pay a fee of 1.5% of the total annual turnover of the new theater, for 10 years (the payment for creditors).
- The new corporation will honor pending orders, subscriptions, and tickets that were purchased already.
- Effective from the establishment date of the new corporation, there will be a complete severance of employer-employee relationships between the old theater & trustees, and all employees and actors of the old theater.
- The new corporation, upon its establishment, shall have the free discretion to employ any of the theater employees who were employed in the "old" theater.

Like the agreement with the state described above, the draft agreement was presented for approval at the City Council meeting on March 15, 2021. The official agreement was signed on April 22, 2021, and its application comes into effect upon completion of operations in the other channels.

### **Economic Assessment and Business Plan**

Following a negotiation breakthrough in August 2020, the municipality contracted an external economic consulting firm to deliver a combined economic report and business plan. Their report identified inefficiencies: overstaffing, high production costs, and declining financial performance. A projected annual shortfall of 6 million NIS necessitated a business plan focusing on cost reduction (labor and production), increased government support through strategic utilization of available programs, diversified revenue streams (rentals, donations), demand-based pricing, and stricter spending controls (Hefetz, 2020).

The report outlines two main action channels to address the theater's financial challenges: expense reduction (Labor and operating expenses) and revenue enhancement. Increasing revenue can only be achieved over a longer period and requires significant effort.

Revenue growth can be partially achieved by the impact of investments (such as technological advancements), while another potential growth may only materialize after at least one or two years when the theater resumes its operations and meets the criteria for increased government support. Furthermore, revenue streams can be augmented by efforts to promote the theater's venues and expand donor support.

Therefore, achieving a balanced budget through revenue growth will take time and may not be fulfilled in the coming years.

Since the theater, in its new configuration under a municipal corporation, is required to present a balanced budget from the very first day, there was no other option but to turn to expenditure items as the primary and immediate source for balancing the projected budget.

The expenditure budget is comprised of three primary cost categories: labor expenditures, operational outlays, and production costs. Reducing operational and production costs is a result of implementing efficiency programs and adopting a new mindset compared to the theater's previous practices. However, this process also takes time, and the benefits will only be realized after a period of operation and testing.

Therefore, considering all the above, and with great reluctance, a significant portion of the reductions and the basis for a balanced budget were placed on employee and actor salaries, especially considering the historically "generous" salary and remuneration packages that were entrenched at the theater until now. This assumption served as the basis for employment agreements with the actors and employees, as will be described in the following paragraphs.

### **Salary Agreements - General Overview**

At the end of 2019, when the theater's management was transferred to the trustees, the theater employed approximately 230 actors (including around 55 resident acting company - "house troupe" and 180 additional actors employed "per performance") and around 200 employees in the technical departments (stage crew, sound, lighting, props, wardrobe, etc.), organization and administration, ushers, and productions. About 80 employees are employed under a collective bargaining agreement and the rest under individual contracts.

In September 2020, principles for staffing the new corporation were established: no permanent positions, performance-based promotions, new collective bargaining agreements, selective employee/actor absorption based on budget constraints, and a shift towards task-oriented work metrics for the technical team which was a paradigm shift in their work.

### **Employee Salary Agreements**

In September 2020, a draft agreement reflecting these principles was presented to the committee members and the "Histadrut" (employee representative). This draft served as a foundation for ongoing discussions.

The negotiation process spanned approximately 18 months. The following key characteristics defined the negotiation environment during this period:

- The intricate organizational structure of the theater, encompassing diverse departments and teams (stage crew, sound, lighting, props, wardrobe, hair & makeup, show management, ticketing [sales & subscriptions], marketing, finance, facilities management, and administration), necessitates the implementation of a multifaceted compensation framework.
- The challenge of establishing a single, unified, and agreed-upon database.
- The involvement of multiple professional parties in the negotiations (legal department, economic department, pension department).

- The workers' representatives have their DNA ("tradition" of lengthy negotiations...) and as part of their role perception, raise new demands from time to time to preserve achievements or as part of a standard negotiation process.
- Potential effects of concessions on future negotiation and agreements.
- The transition from a time-based to a task-based, team-oriented work model necessitates a dual transformation: a mental shift in work perception and an acknowledgment of potential adjustments to compensation structures.
- "Employees' past experiences"- A legacy of mistrust characterizes the employee-management relationship, stemming from prior collective bargaining agreements perceived breaches of contract.

In the end, after hundreds of hours of work by all parties involved, a temporary agreement was reached and signed on March 25, 2021. This agreement covered a significant part of the issues discussed during the period and enabled work to begin by the agreed-upon framework. Here are some additional principles of the agreement beyond those mentioned in the previous paragraph:

- Integrated Work: Technical team members will perform their work in an integrated manner, ensuring full cooperation among all team members.
- Shifting from hourly pay to performance-based compensation for the technical teams.
- The agreement will apply to all theater employees except for a small group of senior management.
- An employment termination procedure involves a formal hearing, coupled with a performance improvement opportunity for employees.
- Appropriate Social benefit packages and salary levels, aligned with prevailing standards within the municipal corporation sector.

A two-year interim agreement, founded upon the established principles, was signed by both parties. This agreement serves as a foundation for continued negotiations on remaining points of disagreement. The subsequent negotiations will incorporate insights gleaned from the theater's operational experience under the new framework and the valuable lessons learned during its implementation.

### **Actors Salary Agreements**

Concomitant with the initiation of dialogue and discussions with employee representatives, a comparable process was undertaken with the Actors' Committee and their representative organization, "Shacham" (Screen Actors Guild - The Organization of Actors and Actresses in Israel). The same general principles that were formulated served as the basis for negotiations with the actors, while emphasizing the uniqueness of the profession and its requirements. This process was significantly shorter, and by January 2021, an agreed-upon principles document had been formulated. Due to the smaller number of parties involved (two union representatives and one representative of the representative organization), it was possible to reach agreements in shorter and faster rounds compared to the process of the employee agreement.

Following the general principles, the agreement with the actors established several additional, profession-specific stipulations:

- The acting ensemble of permanent acting ensemble will be by the budgetary capabilities of the theater together with the artistic needs.
- The "per-performance" actors were also brought under the collective agreement framework, and their social conditions were regulated.
- The resident acting ensemble will be compensated through a fixed monthly base salary, supplemented by performance and/or rehearsal-based premiums.

- Actor compensation was established through a consideration of both professional experience and prior educational years.
- The inclusion of weekend performances within the production schedule was explored as a potential avenue for maximizing revenue generation.
- Establishing an equitable compensation framework for performances staged beyond the theater's primary venue.
- An established mechanism for transitioning players between different employment formats (ensemble - per performance).

### **Approval and Entry into Force of the Agreements**

Following preliminary discussions, the ideas and the principles were presented to the Ministry of Finance's salary oversight authority for review and approval. Subsequently, these principles served as the foundation for the agreement's formulation.

Following the completion of the draft agreements, legal mandates, and stipulations within the agreements themselves necessitated their submission to the Ministry of Finance's salary oversight authority for formal ratification.

In March 2021, following a period of consideration for comments and proposed revisions, a definitive agreement was reached with the actors' representatives. Concurrently, a provisional agreement was established with the employees, valid for two years as previously mentioned.

### **The corporation establishment**

Following the Ministry of Interior's "Procedure for Regulating Municipal Corporations" and concurrent with progress achieved through other initiatives, a series of documents were prepared to expedite the formation of the new corporation:

- A letter from the mayor to the minister requesting the minister's approval for the establishment of the Public Benefit Company.
- The Municipal's C.E.O. assessment of the potential advantages associated with the formation of the new corporation.
- Preliminary Financial opinion from the Municipal Treasurer's Office.
- Assessment of the Municipal Legal Department.
- Strategic Plan for the New Corporation.
- Information about existing corporations and their fields of activity.
- The articles of association of the new corporation.

On March 15, 2021, the City Council approved the formation of the corporation and the appointment of its designated board members (Tel Aviv-Yafo Municipality, 2021).

Concomitant, the theater commenced preparations for its reopening under continued oversight by the trustees. Efforts were undertaken to provisionally adopt the principles outlined in the agreements with employees and actors. The following activities were then undertaken as part of this process:

- The theater underwent a critical re-evaluation of its organizational structure, leading to a more streamlined framework that effectively supports both artistic expression and operational efficiency.
- A mobility and recruitment plan was prepared by the agreed-upon principles.
- The theater has begun to reorganize operationally and in terms of management and control systems to operate the technical teams according to the new method (integrated work and compensation based on actions and not hours).

Following protracted negotiations, the Ministry of Interior and the Registrar of Associations approved the corporation's establishment in November 2021. This secured the

necessary authorizations, paving the way for the corporation's formal launch in January 2022, and enabling full operationalization.

Despite the absence of a definitive agreement with the employees, an interim arrangement was reached whereby the employees would be absorbed into the new corporation by the provisions of the interim agreement. Simultaneously, the parties continued their negotiations towards a comprehensive agreement that would pave the way for the signing of a permanent contract (as previously mentioned).

### **Research Design**

This research investigates the transformation of Habima Theatre, Israel's National Theater, into a municipal corporation, analyzing the motivations behind this unique strategy considering that this was the only way to resume artistic activity:

- What lessons can be learned from this case study for other cases facing similar challenges?
- Did the fact that the process revolved around a "national theater" have an impact on the work processes and their actual completion?

To achieve this goal, a qualitative and subjective research method was chosen, in which the researcher (as in this case), is an integral part of the research field and the understanding of the phenomenon being studied. As data is collected by this chosen method, the theory takes shape, and knowledge is generated from the observations and interviews with the various people involved.

Out of the various paradigms existing for this type of research (qualitative research - the critical approach, the postmodernist approach, feminism, post-colonialism, queer theory, ethnic, Marxist, critical realism), the constructivist paradigm was chosen. This approach seeks to see the phenomenon, interpret it, and understand its significance for the participants and their environment (Bell, Bryman & Harley, 2022; Creswell, 2017; Shaked, 2015).

The purpose of this research by this method, is to understand, from the stakeholders who were involved in all the different action channels, their positions and perceptions regarding the processes that were undertaken, to derive lessons for similar actions in the future in general and regarding the fact that a "national theater" was at the heart of the process.

The Municipal Corporations Bureau, as the leader of the responsible professional municipal team, was involved in all the action channels described above. This involvement allows for a close relationship with the participants, recognition and direct access to information that was involved and related to the process (the documents, the different perceptions, the interests, the different positions, and all the factors involved), understanding the world of knowledge and the stakeholders' sphere of activity and the direct presence in the natural work environment. In light of this, the chosen paradigm – the constructivist paradigm – provides an appropriate response by the three components mentioned – the perception of reality by the participants (ontology), the understanding of the phenomenon under investigation through the researcher's involvement and the different ways to understand the reality (epistemology), and the ways to find knowledge (the methodology).

For this research, a combination of two methodologies was chosen: "Grounded theory" (construction of a theory that answers the research question from the researcher's interaction with the world of the researched (Charmaz, 2014)) together with "Case study" (Hancock & Algozzine, 2011). Together, these methods significantly comprehensively capture and represent the diverse perspectives of all stakeholders involved in the process. The combination of interviews, involvement in the process, direct access to all documents, and even a significant part in their preparation, allows for the integration of all knowledge sources



into a single comprehensive picture as expressed in this article. Based on this, together with everything that emerges from the above chapters and the interviews and questionnaires of the stakeholders, it is possible to reach the findings, as will be detailed later and the conclusions based on them.

### **Participants**

To ensure comprehensive coverage of diverse perspectives, a purposive sample of 24 stakeholders was selected. This sample included legal and economic advisors, representatives from labor unions and actors' guilds, theater management, city officials, representatives of various government ministries involved, board members, and the trustees themselves.

### **Data Collection**

Data collection employed a mixed-methods approach. A questionnaire containing both closed and open-ended questions was initially distributed to all stakeholders involved in the process. To maximize participation, Contact was made with those who did not answer the questionnaires to complete the collection of information with them using a semi-structured questionnaire. Additionally, complementary interviews were conducted with some initial respondents to delve deeper into their perspectives (Bernard, 2013), allowing for adjustments based on the flow of the interview and conversation, including opening a discussion around a particular topic based on the dynamics with each interviewee.

The research instruments (questionnaires and interviews) aimed to capture participants' subjective experiences within the transformation process. The research instruments delved into participants' perceived roles, contributions, and the factors that facilitated or impeded progress in the transformation process. Additionally, they investigated the nature of formal and informal stakeholder relationships, with a particular focus on inter-team trust.

The research delved beyond individual experiences to explore the process's unique characteristics in comparison to similar processes. It specifically examined the impact of the project revolving around a national theater, the involvement and commitment of senior management, resource limitations, strengths and weaknesses uncovered throughout, and valuable lessons learned for future application.

### **Data Analysis**

By the research method of "grounded theory in the field" after the collection phase of the questionnaires and interviews, the process was completed by coding all the collected information. The purpose of the coding process is to break down the order and sequence of responses and answers to delimit and distinguish between different themes, ideas, positions, and stories as they emerge from the interviews (Archibald, 2016). The basic unit for analyzing the questionnaires and interviews were statements, sentences, and events described by the interviewees and respondents. All responses and sentences that expressed a similar central idea were grouped and aggregated together for further analysis.

These statements were deconstructed and categorized according to the principles of grounded theory methodology, and the analysis was carried out by the following steps:

- (1) Step 1: open coding – Identifying and locating initial categories through the search for themes and recurring topics. These 24 initial main categories reflect the central themes that emerged from the statements of the respondents and interviewees.
- (2) Step 2 – during this stage, the categories were more precisely defined, and how the different statements would be classified into each category was established.
- (3) Step 3: coding phase – In this stage, since repetitions were identified, some of the statements were moved to a more appropriate category and/or classified into more

than one category. At the end of this stage, the reclassification was examined, some of the categories were merged, some were narrowed, and those that remained empty were canceled.

(4) Step 4: hierarchy of categories – In this stage, “core” categories were defined, and a hierarchy was established between them.

After completing the coding process, the category tree contained 7 main categories:

- Management commitment
- Trust
- Fairness
- National Theater
- Negotiation
- Transparency
- Communication

Following grounded theory methodology, the next chapter presents the culmination of the analysis: theory building. This iterative process integrates insights emerging from the case study with established theoretical frameworks.

## **Findings**

### **Findings from Previous Periods**

- The Habima Theatre exhibits a cyclical pattern of financial crises which characterized by budget deficits, debts, and appeals for intervention.
- Habima's cyclical crises are resolved in court with government aid, restructuring, and control mechanisms to prevent future recurrence.
- Historical evidence suggests that these crisis-resolution plans have demonstrated limited long-term effectiveness.
- Past control mechanisms (state monitoring, trusts, public benefit model) have demonstrably failed.

### **Findings from the process**

- The research process, which was conducted mainly during the COVID-19 epidemic (about 12 out of 18 months), despite relying mostly on remote communication technologies (Zoom), must go beyond face-to-face meetings that turned out to be crucial for their completion.
- Despite initial difficulties in establishing a unified data set, a collaborative effort ultimately yielded a comprehensive database acceptable to all stakeholders.
- The negotiation process was guided by a set of clearly defined principles and policies established at the outset and consistently applied throughout.
- Incorporating a degree of flexibility within the framework of the defined overall policy ultimately made it possible to reach the final agreement.
- Transparency and a shared focus on fairness led to high trust, as interviews revealed.
- Senior management involvement proved crucial in resolving departmental conflicts and expediting negotiations within various channels.
- Regular communication channels (emails, meetings, presentations) ensured all stakeholders (municipal management, theater management, and unions) remained informed of negotiation progress.
- Professional representatives actively participated throughout the process, contributing to data preparation, simulation building, brainstorming, and supporting negotiation teams.

- The negotiations with the two unions ("the Histadrut" and "Shacham") were initially focused on distributive (profit-oriented) negotiations, and later moved to an integrative approach (creating value, and common ground).
- The research suggests that a more prominent role for the theater's professional management, alongside municipal officials, could have enhanced the negotiation process and potentially led to more optimal solutions. While all decisions and proposals had their consent, their direct involvement, particularly with employees, might have proven beneficial.

### **National theater**

- The very fact that it is a national theater made it possible, in essence, to formulate a solution under the auspices of the Tel Aviv-Yafo Municipality, since otherwise the theater would have been closed, with all the regret that entails.
- The Habima Theatre's national status leveraged the involvement of high-level officials from the Ministry of Culture and Sport, Finance, and Interior, as well as employee/actor organizations and municipal bodies. These stakeholders provided crucial support throughout the negotiation process, particularly during critical junctures.
- Team members transcended mere work plan formulation and crisis resolution. The national theater's significance imbued the process with a sense of national importance, fostering a collaborative environment conducive to creative problem-solving.

### **Conclusion**

- The cyclical recurrence of crises suggests that implemented solutions were either inadequate (e.g., financial loans instead of grants) or incompletely executed (e.g., partial restructuring, unaddressed deficits).
- Control mechanisms for implementing past agreements proved ineffective. This failure stemmed from insufficient tools for effective oversight, a misalignment control structure, or the theater's corporate structure.
- Weak internal controls and inadequate management practices likely contributed to the cyclical financial crises at Habima Theatre.
- While Zoom facilitated shorter deadlines through flexible scheduling during the pandemic, it limited the development of interpersonal connections crucial for negotiation (Adair & Brett, 2005; Thompson, Wang & Gunia, 2010).
- High transparency, supported by findings, fostered trust and facilitated mutual understanding of complexities and limitations. This transparency enabled collaborative problem-solving, reflected in the final agreements (Pietroni et al., 2008).
- High trust emerged early among negotiation teams across all channels. A shared commitment to a successful, mutually beneficial solution (beyond standard salary negotiations) fostered a unified approach and a collaborative pursuit of success (Kolar, Fernandez-Gago & Lopez, 2019; Kong & Yao, 2019).
- Negotiations across channels, including wages and working conditions, prioritized value creation and cooperation over competition.
- Strong internal relationships and frequent updates, especially to the municipality, facilitated timely negotiation team approvals for both concessions and negotiation obstacles.
- Senior management's timely intervention during team disagreements facilitated focused discussions and solutions, ensuring continued progress across channels.

- It is possible that involving the theater's professional management in the negotiations with the employees (there was higher involvement in the other channels) could have shortened the process and even influenced the solution.
- The theater's national status likely prevented closure, a fate it might have shared with other bankrupt, and insolvency institutions without such backing.

### Summary

The shared goal of saving the National Theater served as a guiding light for all parties involved, shaping their actions from the very beginning. This was evident in the municipality's willingness to take on the theater's rescue, as well as in the formulation of various agreements that laid the foundation for the theater's organizational structure.

Despite tight deadlines and COVID-19 restrictions, all channels completed activities, paving the way for the next phase.

Once again, it was demonstrated that transparency, fairness, management involvement, and trust in negotiation processes are a fundamental and decisive factor in their success.

As it appears, the implemented framework, encompassing organizational structure, management practices, control mechanisms, and financial planning, offers a promising foundation for preventing future crises.

And as quoted by the President of the District Court, at the end of his remarks (Tel Aviv District Court - Jaffa District Court 30593-09-19):

" ... The HaBima Theater's time has not come to an end. We should view this moment as the theater's new beginning. The theater is being given another chance, and the spotlight of public attention is once again shining on it. It must seize this opportunity and act with all its might to shake off the financial constraints that have clung to it in recent years and instead build a solid foundation on which it can continue to fulfill its important mission and roles. However, the theater should not stand alone. Its success is the success of the Israeli public. I hope with all my heart that the HaBima Theater will never again cross the threshold of the bankruptcy court. For the time being, the show goes on."

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