Between State and Synagogue

A thriving, yet small, liberal component in Israeli society has frequently taken issue with the constraints imposed by religious orthodoxy, largely with limited success. However, as this thoughtful new book by Guy Ben-Porat suggests, in recent years, in part because of demographic changes and in part because of the influence of an increasingly consumer-oriented society, dramatic changes have occurred in the secularization of significant parts of public and private lives. Even though these fissures often have more to do with lifestyle choices and economics than with political or religious ideology, the demands and choices of a secular public and a burgeoning religious presence in the government are becoming ever more difficult to reconcile. The evidence, which the author has accrued from numerous interviews and a detailed survey, is nowhere more telling than in areas that demand religious sanction, such as marriage, burial, the sale of pork, and the operation of businesses on the Sabbath. This book makes an important and timely contribution to the study of contemporary Israeli society as new alliances are being forged in the political arena.

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Between State and Synagogue

The Secularization of Contemporary Israel

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Preface and Acknowledgments

A study of secularization in Israel may seem strange considering the fact that a separation of religion and state is unlikely in the near future, only Orthodox Judaism is recognized by the state, religious parties hold significant political power, and a 2009 survey indicates that more Jewish Israelis described themselves as "religious" or "very religious" than they did 10 years ago and fewer describe themselves as "secular." Religion in Israel is welded into the essence of nationality that is built into the Jewish definition of the state and is institutionalized through religious institutions that have a direct bearing on individual lives on intimate issues such as marriage and divorce. The prolonged and lingering failure of secular Israelis to change any of the above was a reason why scholars were dismissive of Israeli secularism:

> Most of the issues in the struggle for control of the public domain are usually relatively marginal. . . . Most of the public defined as secular have no interest in these subjects unless the issues affect a specific community directly and generally speaking the tendency is to separate them from the general and comprehensive context, apparently owing to the absence of a consolidated ideology and a secular Jewish organized philosophy ever since the disappearance of etatism. The major reason for the marginality of the struggles over the public sphere . . . is the inability of the state and the majority of the majority of the Jewish population to engage with the major problem . . . separating nationhood from religion and the encompassing character of Jewish identity in Israel. (Kimmerling, 2004: 256)

Studies of religion and politics in Israel may have been right to regard secularism as weak but seemed to have missed important developments that suggest secularization may be part of contemporary life. The expansion of commerce on the Sabbath, a thriving nonkosher culinary

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culture, marriages performed without Orthodox rabbis, civil burials, and even an annual lively gay pride parade, all relatively new developments, allude that the religious hold on public and private life may be changing. What is unique about these developments, and why they remained below the radars of social scientists, is, first, the fact that they are not necessarily related to a secular ideology; second, that they occur alongside a religious resurgence; and, third, that they advance outside of formal political processes. These developments fall far short of religious freedom or a full-fledged liberal order, but since the early 1990s secular Israelis have gained new freedoms and choices that defy religious authority.

Thus, while religion remains a strong force in Israeli society and has formally conceded little if any of its authority, since the 1990s secular spaces for marriage, burial, nonkosher establishments, and commerce on the Sabbath have been established across the country. These changes can be explained neither by a growth in the number of Jewish Israelis who define themselves as secular, nor by political struggles that ended in secular legislation. Considering the overall weakness of secularism as an identity or a political force, what can explain these developments? How could these changes have emerged when religious institutions maintained their formal power? Who are the initiators and the beneficiaries of these changes? How should we expect these changes to have an impact on religious power in the near future?

Secularization, as the experience from Israel and elsewhere demonstrates, can evolve even when significant aspects of state and society remain religious and secularism as an identity is embraced only by a minority. This complexity in which secular and religious are not mutually exclusive suggests that modern secularity may be a more puzzling phenomenon than many of the religious explosions of fundamentalism (Berger, 1999). In order to explain these paradoxes as they manifest themselves in Israel this book offers a different perception and interpretation of secularization that rests on five main premises. First, secularization implies the decline of religious authority rather than of religiosity per se (Chaves, 1994). Second, secularization as a process is separated from secularism, a comprehensive worldview associated with a liberal ideology of equality and freedom. Third, rather than the ideological change associated with liberalism, secularization can be the result of economic and demographic changes. Fourth, secularization is a multidimensional process measured in identity, beliefs, values, and practices. And, fifth, secularization advances not only through organized and openly declared

ideological struggles against the Orthodox monopoly in the political
arena but also through practical and individual choices related to every-
day life.

The disaggregation of the concept of secularization opens up new pos-
sibilities for research on both the declining role of religion in society vis-à-
vis other systems (political and economic) and the role religion continues
to hold in individual lives (beliefs, practices, and values). Accordingly, the
focus here is shifted from ideological transformations and political strug-
gles to social and economic changes, both global and local, that create new
incentives and to the groups and individuals that take advantage of these
changes and become secular entrepreneurs. The secular entrepreneurs
identified in the book are agents whose actions, intentionally or not,
undermine existing religion–state arrangements. Entrepreneurs can have
wide and far-reaching goals of separation of church and state or concrete
goals for change, and be motivated by a secularist ideology with com-
mitment to liberal values or by individual economic motivations. Their
goals, as the research reveals, are not always clear, mutually exclusive,
and available for categorization. Moreover, the goals and their justifica-
tions may change according to constraints and opportunities available.
The study of structural changes, entrepreneurs, and their targeted fol-
lowers or clientele provides a nuanced, multidimensional, and dynamic
account of Israeli secularization.

Secularization: Theoretical Context

The historical narrative of secularization presents itself as an ideological
victory of liberalism that ended in a pluralist public sphere with a shared
and neutralized language that secures individual freedom. The more criti-
cal accounts of secularization, engaged in this book, argue that it has often
been a consequence of changes in social structure and technology and the
endorsement of rational procedures in modern social systems, rather than
an ideological change related to liberal values. Although secularists often
challenged church dogma and the dominance of religion in society, the
factors that stimulated the secularization of society owe more to socio-
economic change that has "occurred involuntarily as an autonomous and
largely endogenous process, and as an unintended and perhaps unan-
ticipated consequence of that more fundamental process of change"
(Wilson, 2001: 39). In the same vein, tolerance associated with secu-
larism was, more often than not, the result not of an ideological-liberal

transformation but rather of the application of rational principles of social organization that no longer saw religion as reinforcing political authority and legitimacy (ibid., p. 46).

The economy – in particular, the global economy and the expanding consumer culture – is expected to influence secularization by creating new choices and incentives that defy the traditions and practices associated with religion and the religious hold over public life. But, although consumer culture often clashes with some religious practices and traditions, it does not necessarily undermine deep-seated religious beliefs and values, and the secularization it underscores may be detached from liberal values and political commitments. Whereas globalization brings forth new motivations and opportunities that, implicitly or explicitly, foster secularization, at different levels, counterforces that resist secularization also make their mark and allow religions in some realms and areas to maintain their stance or even expand. Secularization, therefore, unfolds in different changes, is measured in a decline of religious authority, and is often driven by nonideological forces, and, consequently, its contribution to a liberal order can be limited. Finally, these caveats do not suggest that secularization is marginal. Rather, the different changes and forces, ideological and nonideological, uncoordinated and with different goals, can constitute an institutional change. What exactly is being secularized, by whom, and how, therefore, is context bound and requires an empirical study. These theoretical tools allow an analysis of Israeli secularization and coming to term with its gaps, inconsistencies, and contradictions.

Secularization: Israel as a Case Study

The four issues studied in the book – civil marriage, civil burial, sale of pork, and commerce on the Sabbath – demonstrate dramatic changes that have occurred in the past three decades. These changes, as the study demonstrates, can at most be partially attributed to a secular ideology and to an organized secular struggle. Religious-inspired rules and political compromises between secular and religious elites (known as the status quo), institutionalized in early statehood, restricted private choices of nonreligious Jewish Israelis. Jewish Orthodoxy was granted a monopoly over marriage and burial of Jews, and various restrictions have limited commerce on the Sabbath and the sale of nonkosher meat. Secular Israelis, until the late 1980s, waged different struggles against the status quo that largely failed to challenge the arrangements. Two developments in

the past three decades have changed the balance of power: the large immigration from the former Soviet Union (FSU) and economic growth that included globalization, a neoliberal order, and a consumer society. These changes, together with traditional liberalism and new demands for recognition by non-Orthodox groups, enabled the emergence of a new and different secularization.

Not only have the pace and extensity of secularization in Israel changed, but its underlying rationale and legitimacy have changed as well. Early secularization combined arguments of liberal rights with republican claims that underscored the secular contribution to the public good and the rights this contribution supposedly entailed. In the new secularization, conversely, these arguments have not disappeared but are overshadowed by arguments of market rationality and everyday practical choices that render religious restrictions irrelevant. Motivations, likewise, vary between a secularist ideology with commitment to liberal values and economic goals compatible with market rationality. However, as the research reveals, goals, strategies, and justifications are dynamic and contextual. In each of the four case studies selected – marriage, burial, the sale of nonkosher meat, and commerce on the Sabbath – the status quo agreements (and others that followed) granted Jewish Orthodoxy authority and included restrictions on personal choices.

The changes described earlier and elaborated on in the book have made it difficult to maintain these restrictions as new needs and demands have emerged and different entrepreneurs have attempted to foster change, in both formal and nonformal channels. Although struggles for civil marriage and burial can be described as "ideological" and those for the sale of nonkosher meat and commerce on the Sabbath as "commercial," in practice these distinctions have often collapsed in the process of change. Entrepreneurs, as this study demonstrates, employ a variety of motivations, goals, ideologies, and strategies that do not necessarily fall into neat categories.

As elsewhere, secularization in Israel is a multifaceted process that interacts with religion rather than eliminates it from public and private realms. Religious institutions retain some of their powers and regain new powers, religious organizations struggle against secularization, and individuals oscillate between religious and secular choices. Rather than adopt a coherent religious or secular identity, the majority of Jewish Israelis continue to maintain at least some beliefs, identities, and practices that can be described as religious – often alongside secular ones. Regardless of the meaning individuals attribute to their desires, choices, demands, and

actions, in practice those may defy religious authority. This dynamic real-
ity, described sometimes as "post-secular," presents challenges to political
systems in countries when the old rules of the game cannot contain the
new and often conflicting demands. In Israel, this dynamic reality has
stood in stark contrast to a deadlocked political system unable either
to maintain the old rules of the game or to establish new agreed rules.
Consequently, the religious–secular struggles gradually shifted to other
realms we explore in the following chapters.

Main Argument and Methodology

The main argument developed in this book can be summarized as fol-
lows. Institutional arrangements of religion and state (the status quo)
in Israel are challenged by contemporary changes – economic, political,
and demographic – so that a discrepancy emerges between the formal
authority of religious institutions and new needs and demands that stem
from these changes. Secular entrepreneurs, with different motivations
and goals, attempt to provide solutions not only through formal polit-
ical struggles, but also, when facing a deadlocked system, through the
legal system and initiatives that take place outside formal politics. The
latter, often taking advantage of changes associated with globalization,
circumvent rather than confront existing institutional arrangements and
gradually alter them. Institutional changes, therefore, take place either
through alternative channels of political struggle or through personal
choices devoid of an explicit political goal. Studying these developments
requires, first, mapping and tracing secular entrepreneurs and their goals,
strategies, and actions, and, second, examining how these initiatives cor-
respond with popular needs and demands.

A combined methodological approach, using both qualitative and
quantitative measures, is used in this empirical study of secularization.
The first part of the research is a mapping exercise based on secondary
materials: newspaper archives, the Internet, and published works. Specif-
ically, this part of the research (a) traces, through media reports and
Internet sources, the main agents involved; (b) studies the different orga-
nizations and the initiatives taken by them; and (c) detects critical political
and judicial decisions relevant to these initiatives. This mapping provides
for the second part of this work, a series of about forty in-depth inter-
views of the agents identified (see the Bibliography for a list of inter-
viewees quoted in the book). These open-ended interviews with "sec-
ular entrepreneurs" provided (a) information about the background of
the agents/entrepreneurs and their worldviews and perceptions of church

and state relations, (b) information about the goals and strategies of their operation, (c) reports of their relations with state and religious institutions and how those influence the strategies chosen, (d) details of the constituencies at which their initiatives aim and of attempts to widen their influence, (e) reports of their subjective assessment of their impact and future potential among new constituencies, and (f) details of their perceptions of other agents/entrepreneurs and of the overall impact that secularization initiatives have on Israeli state and society. The interviews, combined with archival sources and media coverage, provide a rich description of the perceptions, actions, and relations between different entrepreneurs and initiatives.

The third part of the research, a detailed survey of the Israeli Jewish public conducted in April 2009, complements the interviews with an overview of the public's perception of different aspects of religion and state in Israel. Respondents were asked about the different aspects of beliefs, preferences, and practices related to religion and the role of religion in public life. The empirical data enable the analysis of the different categories of secularization and present a multidimensional picture of what it means to be secular in Israel. The survey data are supplemented by other surveys conducted by different agencies – most importantly, the Israeli Central Bureau of Statistics. Following the survey, another set of twenty in-depth interviews was conducted with people surveyed to add depth to the statistical data.

Five central questions occupy every one of the empirical chapters of the book. (1) What is the institutional setting (or the "rules of the game") formed in early statehood and what restrictions does this setting imply? (2) What challenges did demographic and economic changes present to this institutional setting? (3) Which secular entrepreneurs attempted to answer new needs and demands against the status quo? (4) What strategies were adopted by secular entrepreneurs? (5) What was their impact on existing institutions and public perceptions? These rather specific questions help explain, first, how new secular motivations and strategies emerge and, second, whether this multidimensional process of secularization is likely to be followed by secularism, namely, a liberal and tolerant societal order.

Outline of the Book

The theoretical framework for the book is set in the following chapter to resolve, theoretically, the puzzles and paradoxes that the study of secularization in Israel presents and to provide a comparative view of

Israeli secularization. This requires "unpacking" secularization by three theoretical distinctions. First, *secularization* as a process is distinguished from *secularism* as a worldview or ideology. Second, secularization as the decline of religious authority is distinguished from a personal decline in religious belief and identity. Third, institutional change is extended beyond formal political channels to various society-level initiatives and the incremental impact of personal changes. This secularization – the result of external economic and nonprincipled societal transformations – is loosely related to principled liberal values, a coherent secular identity, and liberal political commitments, but amounts to a significant challenge to religious authority. Following Ulrich Beck the focus is shifted from the formal to new political channels of influence "outside and beyond the representative institutions of the political system of nation-states" (Beck, 1996:18).

Chapter 2 merges the theoretical framework developed in the previous chapter with the history of religion and the state in Israel and the contemporary discrepancy between arrangements formed in early statehood and a dynamic secularization process. The general trajectory of secularization is explained by forces that emerged – neoliberalism and consumer society, the mass immigration from the FSU, and various cultural demands for recognition. These new demands and desires were often loosely related to an ideological secularism or a secular identity and more to everyday life needs and desires. The struggle between those forces and counter-religious forces (new and old) translated to various subpolitical actions that occurred outside formal political channels. This general framework is replicated in the following four chapters. Each chapter describes the institutional setting and religious restrictions and the "mismatch" between the rules of the game and new developments. Secular entrepreneurs, detailed in each case, take action to promote change in formal political channels or through the courts. Eventually, however, as demonstrated in each chapter, actions take advantage of loopholes, circumvent rules and regulations, and undermine religious authority.

Marriage patterns and their change are the subject of Chapter 3. Marriage is not only a private choice of two individuals but also, defined and regulated by religious and political authorities, an institution that guarantees the right to a domain of privacy, which itself is defined by public policy (Josephson, 2005). The modern state not only provides an official seal for marriage, but is also involved in its regulation through licensing, distributing benefits, and overseeing duties of the marriage, as well as the process of its dissolution (Eichner, 2006). As with other societal institutions, however, marriage in the Western world has also been affected by

changes in recent years, losing its mandatory status and becoming more flexible. In Israel, marriage controlled by Orthodoxy is a major source of resentment for secular Israelis and a practical problem for a large number of Russian immigrants not recognized as Jews, who therefore cannot marry in Israel. Some secular entrepreneurs have attempted to change existing laws through legislation and the courts, but have so far achieved little. However, new initiatives, based on ideological or economic motivations, provide alternatives of marriage abroad, contractual marriage, and secular or non-Orthodox ceremonies that challenge religious authority and provide an outlet for a growing number of Israelis.

Chapter 4 explores the changes in burial and funeral arrangements, another issue related to the secular demand to choose and design significant rituals. The modern state, as part of the nation-building process, became a party to the design of the rituals of funeral and burial as well as for more mundane responsibilities of the public provision of services and resources required. In Israel, the state entrusted funeral and burial services to religious authorities that enforced an Orthodox procession on the Jewish public and limited alternative rituals. The Orthodox monopoly over burial was another source of resentment for secular Israelis who demanded to take charge of their own funerals or those of their loved ones. This included both the rituals and ceremonies and the aesthetic aspects of the burial, especially the demand to be buried in a coffin, forbidden by Jewish Orthodoxy in Israel. The growing, but still small, demand of secular Israelis to be buried the way they chose was supplanted by the concrete needs of non-Jewish immigrants who were refused burial by the Orthodox cemeteries. Struggles in the political and legal spheres were partially successful in this case, but no less important was the rise of a private burial industry that provided the aesthetic needs and ritual freedoms for those who could afford the price.

For many years, pork was all but banned in Israel as a result of religious objections and limited demand. This began to change in the 1990s, as Chapter 5 shows, when the FSU immigration and a growing connoisseur culture raised the demand for nonkosher products, including pork. Secular entrepreneurs until the 1990s found different loopholes that allowed them to produce and sell pork and struggled with religious attempts to restrict their operations. Whereas the incentive to operate was economic, the political struggles to prevent their closure were couched in the language of liberal freedoms and republican rights, pitted against what was described as "religious coercion." Since the 1990s, the high demand for pork and the neoliberal setting have rendered the political struggle unnecessary. Even though the formal rules have not changed, the

loopholes proved sufficient, as the number of supermarkets and restaurants that serve pork attest. Struggles, initiated by religious entrepreneurs, have shifted to local arenas in an attempt to keep the sale of pork outside religious neighborhoods.

Commerce on the Sabbath, the subject of Chapter 6, is a marked indication of the erosion of the status quo and the growing rift between religious and nonreligious Israelis who hold different interpretations of the Sabbath. The regulation of the day of rest is a challenge for secularizing and multicultural societies when differences between groups on the day and its public meaning are contested. The declaration of the Sabbath as the official day of rest was one of the tenets of the status quo that restricted commercial activity on the Sabbath. Struggles until the 1980s were largely about secular demands to allow cultural activities on the Sabbath. However, the expansion of consumer culture encouraged secular entrepreneurs to find different loopholes that enabled the operation of businesses on the Sabbath, catering to the desires of many Israelis. Consequently, commerce on Sabbath, like the trade in pork, was powered by economic considerations, but its expansion required even less political action or legal protection. Rather, as the change in perceptions toward the Sabbath included a majority of Israelis and as the decision to shop was almost completely separated from ideology, entrepreneurs could operate almost without interference and the Sabbath, in practice and despite religious objections, became a day for shopping.

Contrary to the stagnant political sphere, in which rules and regulations hardly change, a vibrant civil society in Israel was the setting for various secular alternatives that shift the debates and struggles to new arenas. Secular marriage, secular cemeteries, the sale of pork, and commerce on the Sabbath are all evidence of changes that occur in Israeli public life, all with limited political involvement or interference. But what is the overall impact of this process? And, more important, what are its limitations? In Chapter 7, the concluding chapter of this work, the gap between secularism and secularization will be discussed, reflecting on the findings detailed throughout the book.

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About fifteen years ago, while I was a graduate student at Johns Hopkins, I attended a course by William Connolly titled "Why I Am Not a Secularist." I am, in spite of this course, (still) very much a secularist but also deeply indebted to Bill for exposing the shaky ground on which secularism often stands and the constant need for critical self-reflection. I came back to this topic a few years later as a lecturer at Ben-Gurion University. A sabbatical year at the University of California, Davis, enabled me to put together my initial thoughts and turn the collected data into a manuscript. Not only the tranquility of California, but also the support of my colleagues – Diane Wolf, David Beale, and Zeev Maoz – contributed to the work. In Israel, my own department of Public Policy and Administration was a strong base of support. I want to thank my colleagues, past and present: Shlomo Mizrahi, Arye Naor, Fany Yuval, Miki Malul, Eran Manes, Ofir Rubin, Ruhama Reshef, and Liel Shalev. Colleagues from the business faculty have often been puzzled over this research but nevertheless have been supportive. My work at the Van Leer Institute in Jerusalem has been immensely important and intellectually rewarding, and the research groups I was involved with provided inspiration and new ideas.

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