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Are We There Yet? Religion, Secularization and Liberal Democracy in Israel

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ABSTRACT *Secularism and liberalism are often perceived as interlinked and associated with the process of modernization and liberal democracy. Yet recent studies of Israel cast doubts on this linkage as in spite of a rapid secularization of some parts of the public sphere anti-liberal and ethnocentric attitudes remain entrenched, encouraging some to call Israel a ‘non-liberal democracy’. This article seeks to explain these contradictions by, first, arguing that religion remains instrumental to the national discourse and to practices of demarcating boundaries and, second, that ethnic groups hold different perceptions of religion and attach different importance to religious rituals. Finally, secularization, as the Israeli case demonstrates, remains within the confines of a national discourse, differs between ethnic groups, and advances only with a limited commitment to religious freedom, to toleration associated with liberalism and, consequently, to a liberal democracy.*

The historical narrative of secularism presents itself as a *modus vivendi* between different sects of Christianity that led to the securing of private freedom, pluralistic democracy, individual rights, public reason and the primacy of the state. The art of separation and the ‘wall’ established between church and state in the process of secularization were the source of new liberties and equality (Walzer, 1994). The separation of church and state also underscores the existence of a democratic, free society based on liberal values that include a commitment to individual rights, respect and tolerance. In Sartori’s words (1995: 105),

Secularization occurs when the realm of God and the realm of Caesar – the sphere of religion and the sphere of politics – are separated. As a result, politics is no longer reinforced by religion: it loses both its religion-derived rigidity (dogmatism) and its religious-like intensity. Out of this situation arise the conditions for the taming of politics. By this I mean that politics no longer

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kills, is no longer a warlike affair, and that peace-like politics affirms itself as the standard *modus operandi* of a polity.

Israel is sometimes seen as a 'non-liberal democracy' because of the monopoly of Orthodoxy over Jewish religious life, entrenched anti-liberal and ethnocentric attitudes in society, and various discriminatory practices towards minorities (Ben-Dor *et al.*, 2003; Ben-Porat & Feniger, 2009; Sagiv-Shifter & Shamir, 2002). But in the last two decades, for reasons explained below, religious Orthodoxy seems to have lost some of its hold over public life and secularization of the public sphere can be observed in the proliferation of non-kosher restaurants and food shops, an annual, crowd-drawing gay parade, and the rapidly growing commercial activity on the Sabbath (Saturday in Israel). Increasing secularization can be explained by, *inter alia*, neo-liberalism and growth of a consumer society, mass immigration from the Former Soviet Union (FSU), and various demands for cultural recognition by secular and non-Orthodox groups. Unlike earlier secular struggles in Israel that challenged religious monopoly on ideological grounds, the new demands and desires were often loosely related to an ideological secularism or a secular identity. This secularization, wider in scope and more popular than its predecessor, is matched by remaining strongholds of the Orthodox monopoly, resurgence of religion in different forms, and limited commitment to the liberal values of tolerance and equality (Ben-Porat & Feniger, 2009).

Secularization, in Israel and elsewhere (see Connolly, 1999), does not necessarily entail the adoption of liberal values in society or the political system, leading to a 'liberal democracy'. Rather, secularization 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. Religion, on the other hand, often continues to perform, explicitly or implicitly, important roles in society as it provides a source of identity and moral order. Sometimes this leads to political effects and outcomes. I argue that the 'gap' between secularization and liberalism in Israel can be explained, first, by the role religion as a common system of beliefs continues to perform as a general marker of national identity and, second, as a particular component of ethnic identities. When secularization, driven by different social forces, is mediated by national and ethnic identities, it is likely to develop independently from liberal politics.

This article examines in two ways how secularization develops, by focusing on how it affects both democracy and liberal freedoms in Israel: first, in the context of the role that religion continues to perform and the ambivalence of Israeli secularism and, second, in a clear distinction made between 'secularism' (that is, an ideology associated with a liberal worldview), and 'secularization' (that is, a process influenced by both ideological and non-ideological factors). Thus, while secularization (driven also by non-ideological forces) affects many Jewish Israelis it is limited by the continued presence of religion across society. This presence is explained by the instrumental role it performs in maintaining boundaries shared by religious and secular alike. Consequently, the adoption of secular practices are often related to 'everyday life' rather than to a commitment to religious

freedom, toleration associated with liberalism and, consequently, to a liberal democracy.

Secularization – Theoretical Overview

Secularization is a complex process influenced by ideological perceptions, demographic changes and the evolution of a market economy. Taken together, these factors create new opportunities, incentives and constraints for individuals and, consequently, different paths of secularization can develop that vary in individual commitments, political action or formal societal changes. Religious ideas and practices may be present even when they are neither theologically pure nor socially insulated (Ammerman, 2007: 6; see also Ben-Porat, 2013). Similarly, secularizing individuals and societies are likely to retain at least some religious beliefs and continue to engage in some religious practices. Thus, secularization must be refined and studied according to its different analytical distinctions and the context where the process unfolds. The disaggregation of the concept of secularization opens up the possibility of a more nuanced and empirical study of both the declining role of religion in society vis-à-vis other systems (political and economic) and the role of religion in individual lives (beliefs, practices and values). Several scholars suggest that we may be entering a post-secular age where both religions and secular worldviews and ways of life co-exist (Gorski & Alinordu, 2008), alongside struggles for power and influence between them. In this age, more than before, ‘religious’ and ‘secular’ are not zero-sum realities (Ammerman, 2007: 9), so that religion continues to play a societal role regardless of its marginalization in other respects (Davie, 2007). What, then, is being secularized? Secularization, as Mark Chaves (1994) suggests, is usefully conceived as a ‘decline in religious authority’ and decrease in influence of religious values, leaders and institutions over individual behaviours, social institutions and public discourse. The sum total of these processes on individual indicators of religiosity – that is, beliefs or practices – remains an open question but secularization need not imply that most individuals relinquish all their interest in religion (Chaves, 1994; Lechner, 1991).

The weakening of the institutional status of religion and the privatization of religion – becoming largely a private affair – supposedly turns politics into a secular realm of rational decision making, limiting the chances of religious conflict. Continuing religious agendas are advanced by democratic means (Safran, 2003). Because most democracies are formally secular, their modern bureaucracies ‘managed national systems of education, social control and social welfare that paid little attention to religious affiliation and claimed little by way of divine approval’ (Bruce, 2003: 1). The churches that remained ‘established’ within states often find themselves caught between a secular state that no longer needs them and people no longer confined to churches and able to make private choices regarding their religious needs (Casanova, 1994: 22).

Religion, however, often resists marginalization and religious organizations continue to struggle for influence and authority, both formal and non-formal. In addition, states often deviate from the secular ‘formula’ of church–state separation and grant some religions official status and roles (implying preferential treatment)

while placing restrictions on minority religions, fund and regulate religious institutions, and legislate on religious affairs (Fox, 2008). Religious institutions, in turn, often wield informal authority through affiliation with ethnic or political groups, or via moral authority through responsibilities the state grants them. In sum, the role of religion and religious institutions in politics is not the mere presence of religious voices in political debate but the impact of religious actors on the enactment and application of religious (or religious-influenced) laws (Yamane, 1997).

The (Not-so) Secular State

The secularization of the modern state advances as states free themselves from dependency and obligations towards religious authorities. Not only do ‘modern’ – that is, secular – states take over many functions of religious institutions and perhaps formally limit the role of religion in public life, but they also found new sources of legitimacy independent from religious institutions. This secular state, in Poggi’s words, ‘disclaims any responsibility for fostering the spiritual wellbeing of its subjects/citizens or the welfare of religious bodies, and treats as irrelevant for its own purposes the religious beliefs and the ecclesiastical standing of individuals’ (Poggi, 1990: 20). This change includes not only a shift in power and policy but also in ideology as values and belief systems used to inform politics are no longer couched exclusively in religious terms (Moyser, 1991: 14–15). But in many cases religion was, as in Israel, implicitly or explicitly embedded in ethnic and national identities. The new civil religions that provided a sense of solidarity, cohesion and moral understanding carried sets of sacred rights and symbols that resemble traditional religious ones, were impregnated with biblical imagery and embedded in religious moral understandings (Cristi & Dawson, 2007).

Several studies point to relations between religion and ethnic/national identities. This suggests that many religious identities are actually ethnic in nature, with little overt religious content (Gans, 1994; Mitchell, 2006; see also Greely, 1976; Hammond, 1988; Sandberg, 1974). Based on a common heritage (real or assumed), ethnicity involves some combination of language, shared territory, elements of a common culture, physical appearance and religion. In addition, religion – often relating to the supernatural, traditional orthodoxy or regular religious practice (Mitchell, 2006) – can also be part of an ethnic identity. As part of an ethnic identity, religion can provide a sense of ‘primordial continuity’ (Demerath, 2000) often only loosely connected to ‘formal’ religious content. However, as Mitchell notes, religion is not merely an ethnic marker: ‘It is not simply a one-way relationship where people use religion to legitimize boundaries that are already there; religious beliefs themselves may partially constitute the boundaries’ (Mitchell, 2006: 1144).

Religion can provide nations with a sense of history, destiny, moral understanding and help demarcate boundaries that define inclusion and exclusion. Thus, in the Israeli case described below, Jewish religion can hardly be separated from modern, supposedly secular Jewish nationalism. Nationalism and religious belief have much in common in their conception of purity, boundaries and order. The affinity can

underscore competition for authority between religion and the state but also a common ground of understanding and a mutual interest in protecting boundaries and punishing deviant or disloyal behaviour. Consequently, where the national imagination regarding the nation's past, present and destiny is embedded in religion, regardless of the formal status of contemporary religiosity, boundaries are likely to persist and liberal tolerance and equality may be secondary to state and societal commitment to those boundaries. Accordingly, secularism, in its national version, ends up many times either redrawing the boundaries set by religion or invoking religion to legitimize and demarcate boundaries.

Religion provides ideological concepts that blend with cultural and historical contexts adopted even by members of an ethnic group who are not religiously devout or even partially secularized and, consequently, its decline, even in secularizing societies such as Israel, may be limited or partial (Sharot *et al.*, 1986). The fact that religion often continues to perform a significant role in secularizing societies can be attributed also to the nature of secularization. Adopting the secular narrative of liberty and freedom overlooks the fact that secularization has often been a consequence of socio-economic change that 'occurred involuntarily as an autonomous and largely endogenous process and as an unintended and perhaps unanticipated consequence of that more fundamental process of change' (Wilson, 2001: 46). Secularization, as an institutional change measured by the decline of religious authority, advanced not only as an ideological battle between tolerance and liberalism but also as a set of practices associated with, on the one hand, economic interests of entrepreneurs and, on the other hand, individual choices described as 'practices of everyday life' (Ben-Porat & Feniger, 2009). Individuals, therefore, can engage in economic, activities, leisure and consumption that violate religious codes and defy religious authority, but do so without adoption of a secular identity or a commitment to a secular political project.

The distinction between secularism (a worldview associated with freedom) and secularization (a process in which religious authority is declining) has, therefore, an important implication for the relation between secularization and democracy. Secularization driven by economic and demographic changes may not guarantee a liberal democracy committed to individual freedoms and equality. Religion, as a marker of identity and boundaries, may remain central even when this type of secularization takes place. Consequently, what can emerge is an 'illiberal democracy' that combines free and fair elections with systemic constraints on citizens' rights or a differential and discriminating treatment of minority groups.

Turning to secularization in Israel, three arguments can be drawn from the discussion above. First, religion continues to play an important role in public life as it defines national boundaries and provides the legitimacy for their existence. Second, secularization is driven not only by ideological opposition to religious authority. Therefore, as we will see later, economic and demographic changes can underpin secularization. And, third, consequently, secularization does not amount to a comprehensive political agenda, is at most partially related to a liberal worldview, and challenges only limited aspects of religious authority.

Israel: Religion and Secularization

Symbolic and practical political considerations kept the Jewish religion inside the political life of the nation and of the state formed in 1948. First, the Zionist movement established in the late nineteenth century included also religious groups that shared with secular Zionists the desire to establish sovereignty and a state. Second, and more important, the Zionist claim to speak on behalf of the Jewish people encouraged it to seek wide support and forced it to make compromises on practical religious questions. And, third, religion has always remained in the background as a legitimating force for territorial claims in relation to Israel. Tacit agreements between the religious and secular communities in Israel, known as the 'status quo', were designed to ensure the cooperation of the religious community in the pre-state and early statehood period and included measures that had an increasingly significant effect on the everyday life of all Jewish citizens, religious and secular. Two of the components dealt largely with duties and obligations. First, ultra-Orthodox Yeshiva (Jewish educational institution) students were exempted from military service, meaning that the burden of defence in a country with universal conscription would not be equally shared. Second, the government granted autonomy to the ultra-Orthodox school system, a decision that raised debates over issues of curricula and funding. Three other components had a more direct effect on the lives of secular Jews, especially in light of the changes Israel has gone through since the 1990s. The designation of Saturday, the Sabbath, as the day of rest, with the mandatory closing of stores and public services, the required observance of Jewish dietary rules (kashrut) in public institutions and the Orthodox monopoly over burial, marriage and divorce that prevented civil/secular alternatives have all become points of contention between religious and secular Israeli Jews.

Explanations for the creation and, later, the persistence of the status quo, often refer to political opportunities and the ability of the religious parties to coerce the secular Labor party to accept their demands. But continued religious power can also be explained by the role religion as a cultural framework has played (and continues to play) in the process of nation- and state-building and the ambivalence of Israeli secularism in regard to religion. Secular Zionism was cultivated by the Messianic enthusiasm and adopted religious symbols (Shapira, 1992) so that beneath a thin veneer of secularism a Jewish religious tradition never ceased to exist. The Hebrew culture adopted by Zionists and the civil culture in Israel re-interpreted religious texts and borrowed from traditional Jewish culture so that almost all its symbols, rites and myths bore a religious significance (Don-Yehiya & Liebman, 1984). The bible and Jewish religious tradition, after selection and re-interpretation, provided for Zionism a narrative of continuity of nationhood, connection to the land, culture and a calendar for national life.

Zionism could lend religion its own interpretation but never completely detach itself as it continued to be directed by powerful religious structures (Raz-Krakotzkin, 2000; Ben-Porat, 2000), and to share 'a common ideological mantle' with religion and the religious population (Elam, 2000). The Jewish religion continued to play an instrumental role after statehood, providing not only symbols

and shared memories but also a legitimacy for territorial claims (historical continuity and a divine promise) and a marker of national (Jewish) boundaries translated into immigration laws and land rights. The commitment to a Jewish state was shared by religious and secular people. While for the latter a Jewish state referred to ethnicity or culture, religion was called up as the gatekeeper to provide the criteria for inclusion and exclusion (Ram, 2008). Thus, the citizenship law defined criteria to obtain citizenship not in secular-nationalist terms but in religious ones, stating that a Jew, entitled to citizenship, is a person born of a Jewish mother, or who has converted to Judaism, and is not a member of another religion.

The status quo emerged in the early years of statehood when it was feasible thanks to favourable political circumstances, concrete political interests, a desire for consensus and an ambivalent secularism that relied on religious symbols. Yet the fact that religious orthodoxy was provided with authority over major milestones in society, ranging from marriage and divorce to burial, remained controversial. Secular groups and individuals who felt disadvantaged or wronged by Orthodox domination over significant aspects of private lives and those opposed in principle to the religious monopoly voiced their resentments and demands. But the instrumental role religion and religious institutions played in defining national and state boundaries and the fact that the majority of non-religious Israelis continued to relate to codes, values, symbols and a collective memory that could hardly be separated from Jewish religion (Kimmerling, 2004: 354) guaranteed the status quo. Attempts to challenge the orthodox monopoly and the limitations imposed on individual lives – for civil marriage, for example – were limited and mostly unsuccessful. Early challenges were waged by Israelis who defined themselves secular, demanded religious freedom (or freedom from religion) and to establish a Jewish secular national identity. The difficulty to distinguish the (Jewish) nation from (Jewish) religion implied that the majority of non-religious Israelis were (and still are) ambivalent towards religion and its role in public life and suspicious of a secularism that seemingly threatened the boundaries of the Jewish state. It is hardly surprising that in this context secularism (an ideology) would be marginal and secularization (a process) could hardly challenge the status quo.

Secularization and its Limits

Serious challenges to the status quo and in particular to religious authority emerged in the 1990s, following two key developments, one economic and the other demographic. Significant economic growth accompanied by a cultural ‘Americanization’ led to increased consumerist behaviour, with values, leisure activities, entertainment patterns and lifestyles seeking to emulate US society. As a result, many Israelis became more hedonistic and less willing to accept religious and other restrictions on their leisure and consumer choices (Ben-Porat, 2013). A key secularizing demographic factor, in addition, was the immigration in the 1990s of a million secular, or in many cases, non-Jewish (according to Orthodox Jewish law) immigrants from the Former Soviet Union (FSU) to Israel. Thus, for example, demands of secular Israelis for civil marriage or burial were strengthened by the

large number of non-Jewish immigrants who could not be married or buried by the Orthodox rabbinate. Secularization, therefore, previously promoted by self-conscious individuals, often with a liberal worldview, was strengthened in the 1990s by demographic and economic changes that fostered new interests and demands.

The new secularization was wider in scope, involving larger constituencies, but the challenges to the status quo presented by FSU immigrants and the consumerist middle class fell short of a liberal secularism that would shake the foundation of the (Jewish) state. While the resentment against the Orthodox monopoly and religious restrictions has grown, the vast majority of Jewish Israelis have remained committed to the idea that the state is Jewish and, consequently, remained ambivalent towards religion. Jewish Orthodoxy, therefore, acted as what Grace Davie (2007: 22) described elsewhere as a vicarious religion: 'performed by an active minority but on the behalf of a much larger number, who (implicitly at least) not only understand, but, quite clearly, approve of what the minority is doing'. The role religion played in private lives and its role as a gate-keeper of the national boundaries has rendered the possibility of separating state and religion unlikely, even for many of those who described themselves as 'non-religious'.

Not only ambivalence but also a political standstill has limited the impact of secularization. An ongoing political crisis, frequent changes of elected governments that failed to complete their terms of office, and a loss of public confidence in democratic institutions and in the ability of citizens to exert political influence, combined to deter citizens from active political struggles. Therefore, even when resentment against religious restrictions overcame the ambivalent stance towards religion the potential for political action to change the rules of the game was limited. Consequently, in religious and other matters Israelis have preferred ways that transcend rather than directly challenge formal rules (Mizrahi & Meydani, 2003). Thus, new demands for leisure, consumption and non-Orthodox services were created not through legislation but by private, individual choices. Demands were met, and at times created, by new entrepreneurs who emerged in the 1990s, offering new services that transcended religious limitations (Ben-Porat, 2013).

Civil marriage and burial, leisure and commerce on the Sabbath and non-Kosher food became widely available. While such entrepreneurs could be divided into those motivated by ideology and those motivated by profit, this categorization is actually too rigid as entrepreneurs often combined both liberal arguments and economic goals. Individual choices of consumers or clients display the same dynamics. Choosing a civil burial can be a private, aesthetic preference, eating pork a habit brought from the FSU, civil marriage an alternative for being rejected by the Orthodox rabbinate and shopping on Sabbath a leisure choice. Nonetheless, these actions and choices, individually, whether intended or not, defy religious authority. A secularized 'comfort zone' was created for the Israeli non-religious middle class, allowing it new freedoms. These freedoms, however, were not the result of an organized political struggle, their benefactors have not committed to a liberal worldview and, consequently, they challenged the illiberal aspects of Israeli democracy only at its margins.

A study of two changes that emerged in the past two decades – shopping on Sabbath and non-Orthodox rituals (marriage and burial) – demonstrates both the power and limitations of secularization. Shopping on Sabbath, a change underscored by the evolution of a consumer society, has been embraced by many Jewish Israelis, including those who do not identify themselves as secular or non-religious. The choice of a non-Orthodox ritual, conversely, has more to do with a non-religious identity, a secular worldview and a conscious challenge of religious authority. But for many Israelis Jewish rituals continue to play an important role and religious institutions remain an authority. For those who either desired alternative services or (not recognized as Jews) were excluded from Orthodox services, private solutions were preferred over political struggles. Consequently, this secularization remained limited in scope.

Days of Rest: Economic Liberalism

Commercial activity on the Sabbath has been limited for many years in Israel due to legal restrictions. The declaration of the Sabbath as the official day of rest was one of the tenets of the status quo and, for many Israelis, also a principal expression of a Jewish state (Shaki, 1995). While the laws remained vague on what a day of rest entails, the question of commerce was largely absent in the early years of statehood. In this period of relative poverty and a puritan culture, shopping on Sabbath was hardly a priority for non-religious Israelis. Struggles over the Sabbath were mostly about entertainment and the opposition of religious parties to the opening of cinemas on the Sabbath.

Economic growth that began in the 1990s, accompanied by a growing consumer culture, has changed attitudes towards Sabbath and accentuated the differences in interpretation of days of rest. For religious people, the Sabbath is a day dedicated to prayer and family life, when commercial activity is prohibited. For the non-religious public, strongly influenced by consumer culture, the Sabbath has come to mean something entirely different, as the large crowds in shopping centres and restaurants indicate. The use of the term *non-religious* rather than *secular* is purposeful, as many of those who shop on the Sabbath would not identify themselves as secular and their other practices and values may not indicate secularism. Accordingly, for non-religious Israelis, the day of rest should have its unique character, but they nevertheless feel they should be allowed freedom of choice and all the recreational options should be available for them (Levi, 2004), including those that do not comply with religious restrictions.

In 2003 the daily *Yediot Aharonot* reported that during the previous year, Israelis spent 5.2 billion shekels shopping on the Sabbath: ‘Some people prefer to attend synagogue, others go to the swimming pool, and a large number of people prefer to spend their time shopping’, explained one store owner (*Yediot Aharonot*, 15 June 2003). Shopping on the Sabbath crosses ethnic boundaries and also involves Israelis who do not identify themselves as secular. Unlike previous struggles, led by secular Israelis, which were waged against restrictions on cultural activities on the Sabbath, commercial activity on the Sabbath was pushed forward by economic entrepreneurs

who took advantage of loopholes and lax enforcement and began operating their businesses, mostly out-of-town shopping malls, seven days a week. By the end of the 1990s shopping malls operating on the Sabbath could be found almost everywhere and for a large number of Israelis shopping at the malls on the Sabbath became part of their leisure activities. The support for shopping on the Sabbath and the act of shopping itself, more than the examples in previous sections, blur the lines between traditional and secular individuals. About 70 per cent of those who describe themselves as 'traditional' do not refrain from shopping on the Sabbath. Shopping on the Sabbath also blurs the differences between ethnic groups. The vast majority of those who prefer civil marriage and civil burial were Ashkenazim and FSU immigrants. Shopping on the Sabbath, conversely, provides a different picture, in which the differences between the groups are small. This new trend, of the past two decades, is a result of a growing consumer culture that influences all groups and co-exists with traditional identities (Ben-Porat & Feniger, 2009).

Shopping on the Sabbath does not necessarily contradict the observance of other religious practices and of rituals. Rather, large percentages of those who observe these practices shop on the Sabbath. People who shop on the Sabbath are interested in extending this practice to commercial centres within the cities. However, on other issues that pertain to wider issues of secularism and religious freedom their attitudes are not different from the rest of society (Ben-Porat & Feniger, 2009). Thus, people who take advantage of the opportunities to shop on the Sabbath are not more supportive of secular ideas of civil marriage, nor do they support the complete separation of church and state more than people who do not shop on the Sabbath (Ben-Porat & Feniger, 2009). Shopping on the Sabbath, a secularization of everyday life, underscored by economic changes, involves Israelis of different ethnic and class backgrounds. This participation is often devoid of any ideological component and is regarded by the majority of shoppers as a practical decision or a leisure preference (Ben-Porat & Feniger, 2009). Thus, Israelis of different backgrounds could take part in this form of secularization yet maintain a conservative position regarding the role of religion in their communities and remain strict in observance of some rituals and practices, respect for religious authority (against liberal reforms), and rejection of political liberalism.

Shopping on the Sabbath contravenes explicit religious rules – using money or driving to the mall – but many of those who shop continue to define themselves as 'traditional' rather than 'secular', and report they observe other Jewish commandments and even some the traditional rituals of the Sabbath. As elsewhere, shopping on the day of rest is explained by Israelis as part of family leisure or a result of an overloaded work schedule that does not allow shopping during the week. The act of shopping on the Sabbath, therefore, is not considered by many shoppers as an expression of a 'secular' identity or related to a religious–secular struggle. Individuals interviewed offer a flexible view of the Sabbath that combines rest, traditional rituals, family leisure and shopping, a combination that rests on a general liberal attitude of 'live and let live'. This attitude was also adopted by some who observe the Sabbath and refrain from shopping.

Shopping on Sabbath involves a general support for the extension of commercial activities on the Sabbath but not to a wider secular agenda. Neither support for civil marriage, a central pillar of the Orthodox monopoly, nor a general support for the separation of church and state was found (Ben-Porat & Feniger, 2009). Similar tendencies were found when the relation between the secularism of everyday life and the liberal values of tolerance and equality was examined. The tolerance towards marginalized groups in Israeli society –homosexuals and especially the Arab minority – was not significantly higher among people who shop on the Sabbath.

Rituals: Old and New

The status quo agreements have provided religious Orthodoxy with a monopoly over significant aspects of private lives. Among western countries Israel is alone in not allowing civil marriage and where personal law is exclusively governed by religious law. Section 2 of the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 1953 provides that: ‘Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law’. The Rabbinical Courts Jurisdiction (Marriage and Divorce) Law stipulated that rabbinical courts will have sole jurisdiction to rule not only with respect to marriage but also divorce procedures. Jews, citizens of the State of Israel, are by the power of the law subject to the monopoly of the Chief Rabbinate and can marry in Israel only by religious marriage in the rabbinical courts. Equally important is that the dissolving of marriages is also subject to the religious law and the authority of the rabbinical court. The religious public in Israel perceives marriage according to *Halakhah* as an essential factor in maintaining the unity of the people and considers the Orthodox monopoly as imperative. As explained by one of the leaders of the religious *Mizrachi* movement when the status quo policy was formulated:

[Marriage is] A key condition for the unity of the people and its cohesion . . . any breach of the laws pertaining to marital relations could smash the house of Israel into smithereens . . . The introduction of civil marriage and the authorization of mixed marriage could lead to the destruction of the sanctity of the Israeli family, to physical intermixing and spiritual assimilation in Israel and the Diaspora, as well as erecting an iron curtain between one Jew and another as a result of a prohibition on marriage between different sections of the nation and the evolvment of a splintered people, separated from each other. (Quoted in Elam, 2000: 92)

Burials and funerals were another aspect of the status quo, conducted according to Orthodox rules. The state assumed responsibility over issues of building and maintaining cemeteries to ensure that they will not turn into health hazards, but their management was left to religious authorities. The Law of Religious Services (1971) granted religious councils, under the supervision of the Ministry for Religious Affairs, authority over the burial of Jews, including the funeral processions. Burial

of Jews in Israel is usually handled by religious orthodox burial companies known as *Hevra Kadisha* (HK; literally, holy society). The Jewish Orthodox ritual, the standard in Israel, requires that the burial should take place soon after death. There is no public display of the body, embalming is not allowed and cremation is strictly forbidden. In Israel, the body, except in military funerals, is not placed in a coffin but wrapped in shrouds, carried to the grave on a stretcher and placed inside the grave. Before the funeral the blouses or the shirts of the close family are torn and the funeral procession begins from the gate of the cemetery to the gravesite with the mourners following the stretcher with the body (the Hebrew word for funeral, *Levayah*, means accompanying). Prayers for the dead are said over the grave, including the *Kadish* written in Aramaic and traditionally read by the eldest son. After the prayers, the grave is filled by the mourners and the HK workers. A headstone will be placed over the grave after the funeral and family and friends commemorate the death annually by a visit to the gravesite and prayer recitation.

The Orthodox monopoly over marriage and burial was opposed by secular Jews who demanded to be allowed greater freedom of choice and held various political campaigns from early statehood. Marriage laws were criticized for restricting marriage between Jews and non-Jews and also between Jews (for example, between a man whose surname was Cohen, supposedly indicating a history of a biblical temple priest, and a divorced woman), for the Orthodox ceremony where the woman's role is largely passive, and for the difficulties with the divorce process (especially for *agunot*, 'chained' women bound to their marriage with no way out).

Liberal Jews could not accept the *Halakhic* perception of rights and duties defining the woman's status as a 'man's wife'. Others, from their own experience or in principle, objected to the refusal of the courts to adopt 'liberal' reasons for divorce (Lifshitz, 2005: 57–62). Orthodox funeral services were criticized, first, for the poor services they provided but, second, also for their rigid policies. The HK refused to allow engraving of Gregorian calendar dates on gravestones, forbade the use of a coffin and, in some cases, prevented women from speaking at the ceremony.

Agitation for civil marriage and burial was pursued until the 1980s by a relatively small number of Israelis, typically Ashkenazi, who were educated and who most likely described themselves as secular. These struggles, for reasons described above, failed to lead to significant political changes. Modest changes were however achieved through the Supreme Court with rulings that forced the HK to relax some of its policies and recognized marriages of Israelis conducted abroad. The latter allowed Israelis who could not be married by the rabbinate, or refused to do so, to travel abroad to marry and register their marriage upon return. Three changes that began in the 1990s have further undermined the status quo. First, there was the presence of Russian immigrants entitled to citizenship based on Jewish ancestry but not recognized as Jews by the Orthodox institutions and therefore denied marriage or burial. Second, a growing number of Israelis desired to wrest control over rituals away from the rabbinate and design them according to their lifestyle or belief systems. And, third, a neo-liberal economy afforded new opportunities for entrepreneurs providing secular services.

New forms of marriage and burial emerged, provided by ideologically secular entrepreneurs, non-Orthodox Jewish movements and business entrepreneurs. A growing number of Israelis have either travelled abroad to marry or cohabited without marriage. Freed from the rabbinate, many of them chose alternative marriage ceremonies conducted by different entrepreneurs. A few civil cemeteries were created by the state, largely under the pressure from Russian immigrants and following incidents when immigrants not recognized as Jews were refused burial. Alongside the state civil cemeteries, private cemeteries began to offer services and enabled Israelis to be buried in coffins and take charge of the funeral ritual. In spite of these changes the Orthodox monopoly remained formally intact as secular Israelis chose to avoid direct political confrontation and opted for private choices and loopholes that enabled them. Consequently, Israelis who chose secular services had to pay for them, unlike the Orthodox ones funded by the state, and remained under Orthodox jurisdiction in cases of divorce, for example. This can be explained, first, by the fact that for many Israelis Jewish rituals continue to play an important role and religious institutions remain an authority and, second, the difference between ethnic groups in regard to the importance of religious rituals.

Israel is considered the most traditionally family-oriented society among the post-industrial societies, a reality that is reflected in its high marriage rate, low divorce rate and high fertility levels, as well as the small number of children born to unmarried parents (Fogel-Bijaoui, 2005). As elsewhere, conservative attitudes toward family life and questions of marriage are strongly influenced by religiosity reflected in opposition towards abortion, gay marriage and having children out of wedlock, which are not uncommon in contemporary Israel. The support for civil marriage in Israel has grown in recent years: over 60 per cent of Israel's Jewish population support civil marriage and 25 per cent oppose it. Support is strongest among people who describe themselves as 'secular', and, in addition, many who describe themselves as 'traditional' also support it (Ben-Porat, 2013). The campaigns for civil marriage have used the plight of Russian immigrants as a platform for increasing support for civil marriage. The military service performed by the immigrants was used to stress the contributions and rights supposedly associated with them, as one of the soldiers explained:

It is absolutely absurd that citizens like myself, who have chosen to serve in the army for many years, in professions, which contribute to society, are forced to travel abroad to exercise their elementary right, which every democratic state is bound to grant its citizens, namely, the right to a life of matrimony. (*Ha'aretz*, 24 April 2006)

However, in spite of widespread support for civil marriage, a majority of Jewish Israelis still prefer the Orthodox ceremony and would choose to marry in the rabbinate (68 per cent either think they would not or are sure they would not marry in a civil ceremony). Even among those who describe themselves as secular, only slightly more than 50 per cent would choose civil marriage, or would have chosen it if it had been available when they married (*Ha'aretz*, 24 April 2006). This might be

either a result of being unfamiliar with non-Orthodox services, concerns about the consequences of not marrying in an Orthodox ceremony, or a belief that tradition must be maintained and that the Orthodox ceremony is an expression of tradition. Support for civil marriage was, to a large extent, an expression of empathy with the difficulties of FSU immigrants. Similar tolerance was expressed for having children outside marriage. Gay marriage, conversely, received relatively limited support even among seculars, who remain committed to the traditional family unit.

The support for civil burial demonstrates a similar pattern. A survey conducted in 1995 found that 34 per cent of secular and traditional Israeli Jews were in favour of allowing non-Orthodox funerals (*Ha'aretz*, 13 April 1995). A survey in 2010 confirms the findings – a small majority supports allowing civil burial (Ben-Porat, 2013). Secular Israelis' personal demands to allow them to make changes in the funeral and burial services were rejected, raising more complaints on the rigidity of the service providers and their unwillingness to acknowledge personal needs. Demands of secular Israelis to improve and personalize the funeral service was framed in terms of 'secular' funerals and burials but, in many other cases, the preferred term was 'civil', referring to a service not controlled by the Orthodox establishment, allowing a choice between different options for the funeral and the burial. The fact that Russian immigrants not recognized as Jews could not be buried in the state-owned Jewish cemeteries has increased demands and criticism of the Orthodox monopoly, especially when soldiers who died in action were refused burial.

The FSU immigration, as in the case of marriage, has turned burial into a critical problem that, unlike marriage, could not be delayed or solved outside the country. In the 1990s semi-private cemeteries and new state-owned civil cemeteries began to operate, offering alternative funeral services. However, as in the case of marriage, the majority of Jewish Israelis preferred Orthodox marriage. The conservative approach can be explained by the attitude of many non-religious and secular Israelis, many of whom think that the traditional aspect of the funeral and its common ritual must be preserved, even at the expense of individual desires. Aesthetics of private cemeteries, burial in a coffin and the flexibility to design the service were the main attractions of the civil-secular cemeteries. The funerals are not necessarily 'secular', as some prefer to combine Orthodox services or include religious rituals. Interestingly, in private cemeteries, catering to the wish of costumers, separation of Jews from non-Jews was maintained, indicating the boundaries of Israeli secularism. In burial, as in marriage, non-religious Israelis demand freedom from religious Orthodoxy but more often than not remain committed to their Jewish identity and its boundaries (Ben-Porat, 2013).

Conclusion

The economic and demographic changes discussed above promoted a process of secularization that included the introduction of secular rituals and commercial activity on the Sabbath that defied the Orthodox monopoly and challenged

religious authority. This secularization, however, has hardly changed the illiberal character of Israeli democracy and the stratified citizenship structure that excludes and marginalizes groups according to ethnicity or gender. Thus, liberal attitudes measured by support for equality for Arab citizens, women or homosexuals were not necessarily related to secular choices, practices or identities (Ben-Porat, 2013). The decision to shop on the Sabbath taken by many Israelis defies religious rules and authority but is often devoid of any political or ideological commitment. Consequently, people who shop on the Sabbath often have not identified themselves as 'secular' and are no more liberal than those who do not (Ben-Porat & Feniger, 2009). Alternative rituals were related to a 'secular' or 'non-religious' identity, but not necessarily to liberalism. Among FSU immigrants these identities and choices have often co-existed with non-liberal attitudes and even among secular Israelis liberalism was limited. Moreover, the secularization described here has largely evolved from alternatives that circumvented rather than directly challenged religious authority. The potential commitment for a comprehensive liberal struggle, even among those who identify with liberal values, is questionable.

The Israeli case described above suggests that secularization in its current form is limited by the significant role religion holds as a gate-keeper for national and state boundaries and, consequently, the ambivalence of secularism. In addition, while religious authority is declining, secularization unfolds in different paths determined by ethnicity and different perceptions of religious rituals and their significance. While alternative rituals have become available, the majority of Israelis remain committed to traditional rituals, affirming, intentionally or not, the Orthodox monopoly. These choices, also by Israelis who do not identify themselves as religious, suggest the symbolic role of religious rituals for the Jewish state. Finally, the limits of this secularization are significant in regard to liberal values. Individual choices and commercially driven activities undermine (some) religious authority but are unlikely to commit to wider struggles for equality and freedom.

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