A few Saturdays ago I happened across a beggar in the street carrying a placard listing all his ailments. The list was headed by the Aramaic acronym for besayata dishmaya—“With God’s Help.” A pretty, shapely young woman wearing a very short miniskirt passed me in a store and, at the door, raised her hand to kiss the mezuzah. The sight of the beggar working on the Sabbath while employing religious terminology and the young woman whose appearance was worlds away from the standards of modesty of observant Jews, but who kissed the mezuzah, are two examples of a widespread phenomenon in Israel of secularism that adopts symbols and behavior from the religious sphere. Does this religious–secular syncretism hint at the strengthening or weakening of secularism in Israel? As we will see, the reality in Israel offers only ambiguous answers to this question.

Since the Jewish Enlightenment in the nineteenth century, there has been both an overt and a covert struggle between the forces of secularism and religion. In Israel, this struggle has played itself out in the country’s public and judicial arenas since the establishment of the state. On the face of it, this arena was defined in the Status Quo Agreement between David Ben-Gurion and the ultra-Orthodox circles, such as the Agudat Israel party. This agreement was reached on the eve of the Declaration of Independence and the founding of the State of Israel in order to broaden the Jewish consensus and to give legitimacy to this newborn entity. In accordance with the agreement, the Chief Rabbinate of Israel remained responsible for matrimonial
law, as had been the case since the Ottoman period, while Ben-Gurion committed the state to observing kashrut in public institutions, preserving autonomy of the religious educational institutions, and observing the Sabbath as the official day of rest. In addition to the clauses of the agreement, when the army law was published, religious authorities demanded that women not be enlisted. Ben-Gurion agreed to exclude religious women, trusting that they were living according to religious law. He also exempted some yeshiva students from military service. This is a good example of a custom that was accorded the authority of law over time, even though it was never ratified.

These agreements have been the subject of incessant struggles between secular and religious factions. In the early years of the state, these conflicts focused on educating the children of new immigrants and on defining the boundaries of the Jewish collective (the question of “Who is a Jew?”). In the last twenty years, however, these struggles have moved to the judicial and sociocultural spheres. This is a reflection of the growing importance of the judiciary in Israeli life, which in many ways overshadows the parliamentary and the governmental branches. It also reflects the appropriation of custom and behavioral norms by the two sides of the divide and the constant attempt by secularists to turn Israeli society toward the liberal, Western perspective. Conversely, religious factions try to recover the territory they have lost to the secularists and to give the public space in Israel a more traditional, Jewish appearance.

In the judicial field, Orthodox circles have made constant attempts to replace the secular judicial system, which is based on British law and influenced by American liberalism, with Jewish law based on Halakha. The preeminence of Knesset law over Halakha was determined in Israel’s early days and has been upheld by the Supreme Court. When a rabbinic authority in the early 1950s demanded the abrogation of a law because it contradicted the Halakha, Ben-Gurion replied that as long as the Rabbinate exists due to the law of the Knesset, rabbis are to obey the law.

Over the years, however, things have changed. As a result of the demographic growth of the religious sector and the influence of the religious parties in the Knesset, we are witnessing efforts to undermine the status of secular law, buttressed by claims of the preeminence of Jewish law. This has far-reaching implications for the status of women and non-Jewish minorities in Israel, inasmuch as religious law discriminates against these groups. In the case of women, it would mean discrimination with regard to property rights, custody over children, and