

# State Management of Unpopular Religious Public Policies in Israel

## • • • *A Comparative Outlook*

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**ABSTRACT:** What strategies do state institutions use to maintain their existing unpopular policies? To what extent are citizens content with these strategies? This article presents a model classifying the various methods state institutions use to manage unpopular policies while keeping these core policies intact. The model demonstrates that state institutions manage unpopular policies by using three strategies, adjusted accordingly to counteract societal discontent: (1) disregard, (2) accommodation of under-the-legislative-threshold alternatives, and (3) partial institutional modification. To test this model, I compare three religion-based policies in Israel: marriage, public transportation on Saturday (the Jewish Sabbath), and kosher food inspection in public institutions. Each policy is an example of the different measures taken by state institutions to mitigate societal discontent without changing the core of the policy.

**KEYWORDS:** institutional barriers, Israel, public opinion, state-religion policies, status quo

Democracy is predicated on the guarantee that the citizenry is sovereign, and that its will should determine state policy. It is therefore expected that existing state policies would largely align with openly expressed public will (Dahl 1971; Dahl et al. 2003). In some instances, however, this is not the case, such as when a government fails to respond to significant changes in public preferences by modifying its policies (Bartle et al. 2019). In such cases, unpopular policies may remain in place, but the government will try to carefully adapt them while keeping their core intact.



Accordingly, this article asks: What strategies do state institutions use to maintain their existing policies? To what extent are citizens content with these strategies? To answer these questions, I propose a theoretical model that identifies three strategies state institutions use to manage unpopular policies: (1) disregard; (2) accommodation of under-the-legislative-threshold alternatives; and (3) partial institutional modification.

The choice of strategies depends heavily on the characteristics of the policy; specifically, its strictness. This is because allowing for flexibility and diversity in designing responses is policy-specific. Furthermore, the second strategy—accommodation of under-the-legislative-threshold alternatives—allows governments to satisfy voters to some extent without incurring the high cost of institutional change. Additionally, the choice between disregard and partial institutional modification(s) depends heavily on the existence of veto players, such as politicians and bureaucrats, who have strong preferences about the issues related to the policy. This article also suggests that despite possibly providing partial solutions to unsatisfied citizens, the various strategies still leave distinct groups in society variably displeased as a direct result of the specific strategy/strategies employed. Finally, the model indicates that unpopular policies are merely managed rather than altered, as democratic theory suggests.

To test this model, I compared three religion-based policies in Israel: marriage, public transportation on Saturday (the Jewish Sabbath), and kosher food inspection in public institutions. Each policy exemplifies the different measures taken by state institutions to adjust to societal discontent with policy. The principle underlying these three policies is embedded within the status quo agreement from when Israel was established (Arian 2005: 10–11; Avi-Hai 1974; Bystrov 2012; Peleg 1998; Rubin 2020; Sapir 2018; Sapir and Statman 2019; Yanai 1996; Zameret 2002), and these policies have remained largely intact over the last seven and a half decades of Israeli independence. Nonetheless, many Israeli citizens remain dissatisfied with these policies. As a result, the government has tried various strategies to deal with this dissatisfaction. While the public has recognized these efforts, some citizens still feel that they have been insufficient. I used a mixed method approach of qualitative (documentation by official state institutions) and quantitative measures (existing statistics and a representative public opinion survey) to test the suggested model (Creswell and Plano Clark 2007).

## Literature Review

### *Governments, Institutional Barriers, and Unpopular Policies*

The duties of governments in designing policies and the demands of democratic representation may at times be in sharp contrast with one another (Karremans and Lefkofridi 2020). It is crucial for the functioning of representative democracy that there is equivalence between what citizens want and what their governments do (Klüver and Pickup 2019; Powell 2000). Such responsiveness may be understood as the normative claim that governments and hence, elected parties, should respond to the short-term (Bardi et al. 2014: 237) and long-term (Karremans and Lefkofridi 2020) demands of the electorate. Consequently, a lack of responsiveness constitutes a democratic deficit. Such deficits are expected when institutional barriers prevent responsiveness to the public's will (Guntermann and Persson 2021).

Structurally, governments are constrained by institutional settings that precede their tenure. Despite the view of state institutions as the building blocks of democracy (Huntington 1968; Przeworski 1991; Schumpeter 2013), there are cases where their designs do not align with common public preferences over an extended time. This phenomenon goes against the core democratic principle of representativeness, according to which the conduct of government should reflect the preferences of its citizenry (Dahl 1971). Indeed, according to Robert Dahl, a situation in which state institutions remain unresponsive to citizens' preferences exemplifies a democratic deficit (Dahl 1994; see also Golan-Nadir 2022).

The New Institutional perspective views institutions as top-down-oriented entities with humanly designed rules, procedures, and standard operating practices—both formal and informal (North 1990)—that constrain and enable political behavior within the state and society (Dahl and Stinebrickner 2003; North 1990; Streeck and Thelen 2005; Thelen and Steinmo 1992). There has been much interest in the study of how institutions create barriers against social change (North 1990; Pierson 2000). Historical institutionalism stresses that policy choices made when an institution is being formed will have long-term and impactful influence over policy far into the future (Mahoney 2000; Skocpol 1992). Such institutional lock-ins usually assume that politicians and/or bureaucrats (i.e., agencies) operate in a monopolistic situation in which voters have no option to “exit” (Wittman 1995).

### ***Religion as a Monopolistic Institutional Barrier***

Religion frequently takes on an institutional form (Gill 2001) that structures its position in civil society, political society, and the governmental arena (Casanova 1994; Stepan 1988). Focusing on the latter, in his classic “Twin Tolerations,” Alfred Stepan (2000) argues that religious freedom precludes imposing religion on democracy, law, and the religious freedom of others. Most importantly, religious freedom precludes policies that mandate religious adherence. Indeed, in democratic states that do not separate religion and politics, religious rules may be incorporated into official policies (Gill 2001), directly influencing the provision of public services. Thus, monopolized state support for religion, where religious institutions, such as religious departments and courts, are incorporated into the government, can also lead to the bureaucratization of religion (Finke 2013; Fox 2021; Kunkler 2018).

In this regard, when there is a religious monopoly, the likelihood of dissatisfaction with policy increases as people’s needs vary and cannot be satisfied by a single provider (Berger and Hefner 2003; Gill and Jelen 2002; Pollack and Olson 2012). The economics of religion stresses that government regulations play a critical role in shaping religious trends and events (Iannaccone et al. 1997). They affect participation rates and the willingness of people to declare themselves non-religious (Gill and Lundsgaarde 2004). Further, religious preferences in society are pluralistic (Gill 2005) and can also vary across culturally homogenous populations, with no single religion likely to satisfy all people (see also Stark 1992). Laurence Iannaccone (1991, 1992) and Anthony Gill (1998, 1999) argue that pluralistic religious environments are more vibrant and participatory than those in state-supported monopolistic-religious settings. They provide members with goods and services that they value (Gill 2021), solving societal dissatisfaction.

Such theories assume that people approach religion as they approach any other choice. They may change their preferences or levels of religious participation over time (Iannaccone 1992, 1998). Hence, religion may be considered a paradigmatic case study of an institutional barrier to policy modifications just like other institutional barriers.

### **Managing the Institutional Religious Barrier: A Three Strategies Model**

Some argue that advanced societies can no longer rely on the conventional division between politics and religion. The division has entered a new phase that involves direct management of religions (Turner 2007).

**TABLE 1.** Strategies to Manage Unpopular Policies and their Features

Strategies	Features
<b>Disregard</b>	<b>Policy remains intact.</b> No actions taken by state institutions. Third sector might offer alternatives that are unrecognized officially.
<b>Accommodation of under-the-legislative-threshold alternatives</b>	<b>Policy remains intact.</b> Under-the-legislative-threshold arrangements are introduced by various groups (e.g., third sector, the judiciary system). These alternatives are low-cost, procedural arrangements that offer unsatisfied citizens alternatives. The alternatives are recognized as normatively and juristically acceptable and grant most legal rights and privileges to unsatisfied citizens.
<b>Partial policy modification</b>	<b>Core of policy remains intact.</b> Legislative modifications at the fringes that do not undermine its core are officially introduced.
<b>When management fails: Policy modification</b>	<b>Policy is altered to meet societal demands.</b> When management efforts fail, the policy is changed to its core.

As a result, some religious actors must deal with individuals who might not share their ideals (Gill 2005). Hence, while a coalition of incumbents actively maintains and defends the institutional designs, other coalitions might oppose and challenge them (Emmenegger 2021). According to Peter Hall (2016), discontent with existing institutional designs has to reach certain levels so that actors (i.e., embedded agency) are convinced they should alter them.

Indeed, institutions respond in various ways to public discontent with policy. I have developed a model describing these methods that state institutions use to manage unpopular policies while keeping their core intact. Table 1 lists these strategies and their features.

All strategies are designed to keep the relationship between religion and the state intact, but different strategies require different adjustments by the state institutions. The differentiating factors between the strategies depend heavily on the characteristics of the policy. Policies that are strict and dichotomist (*yes or no* policies) cannot be modified through the use of under-the-legislative-threshold arrangements or partial institutional modifications. In contrast, policies that are more flexible in nature allow such alternatives. Consequently, each option is adopted in accordance with the character of the policy, regardless of the ideological structure of the government. Figure 1 illustrates the model.

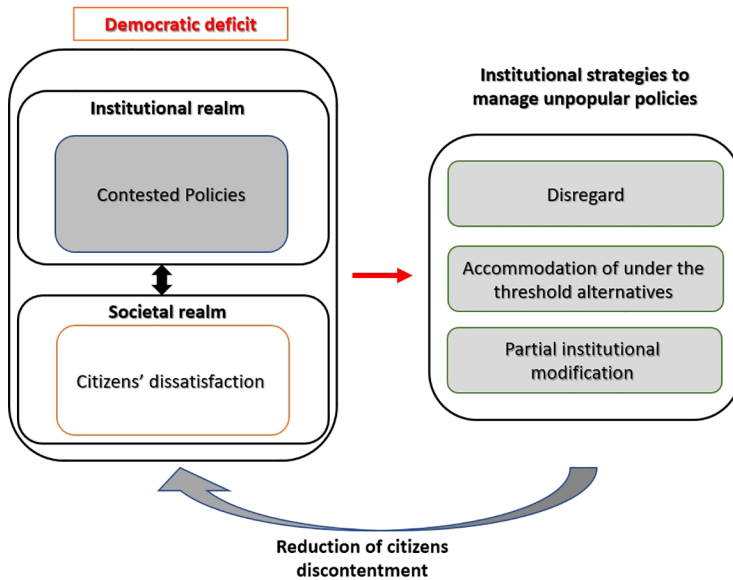


FIGURE 1. Model of Institutional Management of Unpopular Policies

## The Context: Israeli Religious Policies

State-religion relations require elaboration of the varied interests of religious and secular actors (Gill and Keshavarzian 1999). In the Israeli context, this dynamic is rooted in the founding of Israel as a Jewish and democratic state (Sagi 2022). This unique official character created a basic difficulty in separating religion and state (Barak-Erez 2008; Golan-Nadir 2022; Rubin 2020; Yanai 1996). In its most basic sense, with the advance of statehood, the leadership of the Zionist movement, headed by Israel's founding Prime Minister David Ben-Gurion, led a process of state building that was shaped by pragmatic considerations (Avi-Hai 1974). It stated that neither the Jewish Agency Executive, nor any other body in the country, is authorized to determine in advance the constitution of the emerging Jewish state and its secular character (Peleg 1998).

Instead, the position of Judaism in the state was defined by a series of political arrangements referred to as the 'status quo' (Horowitz and Lissak 1989: 228; Perez and Rosman 2022). The status quo manifested a delicate consociationalism that balanced religious and secular concerns (Don-Yehiya 1999). These arrangements were formulated very carefully, with intentional ambiguity in four main areas that were considered fundamental to Orthodox Judaism: Shabbat (keeping the Jewish Sabbath);

kashrut (keeping Jewish kosher laws of food in public institutions); family laws (Orthodox marriage and divorce—no civil marriage); and education (two separate routes). These policy realms were guaranteed to be kept in the Israeli public sphere (Golan-Nadir 2022; Rubin 2020). The status quo principle was first introduced in the government coalition agreements of 1950 and has been included in most coalition agreements ever since.

Among Israeli Jews, there is a broad consensus that Israel should be a Jewish state, but deep controversies exist over the meaning of the term, which highlights the extent of the religious-secular divide in Israel (Hellinger 2009). This complexity creates a constant tension between the public and private sectors and translates into questions over the role of Halakhah (Jewish religious code) in everyday life (Ben-Porat 2008; Perez and Gavison 2008).

Identity-wise, there are four categories of Jewish religiosity that have long been accepted as the religious-secular continuum in Israel (Ben-Rafael 2008; Peres 2006). Relying on Yochanan Peres's (2006) and Eliezer Ben-Rafael and Yochanan Peres's (2006) classifications, Israelis tend to divide themselves into at least one of four categories: (1) secular—individuals who do not observe tradition in its religious form but selectively apply the tradition within their national/personal/domestic considerations, (2) traditional—individuals who are sympathetic toward religion and tend to view themselves as “keeping to some traditions” in a selective manner, (3) Orthodox-religious—individuals who aspire to maintain all Jewish mitzvot in the context of modern Israeli society, participating in all political and civil frameworks, and portraying themselves as devoted Zionists, and (4) ultra-Orthodox—individuals who maintain all Jewish mitzvot and belong to an ultra-Orthodox community, with their behavior supervised by their community and its institutions. This group tends to isolate itself institutionally and individually from the mainstream of Israeli society.

Consequently, with religion embedded in Israeli legal-institutional arrangements, certain groups experience administrative burdens, meaning that certain policies have negative consequences on certain groups in society (Moynihan et al. 2015). The three policies discussed here are based on the status quo and are considered faith-based institutions (Hula et al. 2007; see Golan-Nadir 2022). These policies cause burdens on certain groups in society; namely, the less religious ones.

### *Marriage*

There is no civil marriage in Israel. Marriages are performed by clergy recognized by each religion. In the case of Judaism, the clergy are Orthodox rabbis, who have a monopoly on the performance of Jewish marriages.

Further, the Rabbinical Court system is a public, state institution whose structure and jurisdiction was determined by state authority (Arian 2005: 10–11; Bystrov 2012; Edelman 1994; Fisher 2017). Section 1 of the Rabbinical Courts Jurisdiction Law (1953),<sup>1</sup> states: “Matters of marriage and divorce of Jews in Israel . . . shall be under the exclusive jurisdiction of Rabbinical courts.” It is held in case law that the term “Jews,” which appears in the law, must be in accordance with the Halakhah (Edelman 1994; Sapir and Statman 2008; see Shava 2000: 102). The law was amended multiple times to support its core.

With time, state institutions allowed multiple under-the-legislative-threshold arrangements alongside official religious policy. Some of these alternatives are bottom-up, civil-society-based initiatives by third-sector organizations that state institutions accept, as in the case of the moderate Orthodox-Zionist Tzohar Rabbis organization (Golan-Nadir et al. 2020). Other alternatives are top-down, in the form of High Court rulings (Lifshitz 2017). Examples include the acknowledgment of the legal rights of common-law partners; the ruling in favor of registering civil marriages conducted abroad in the Israeli population registry; and the establishment of contractual marriage agreements by lawyers. Recently, official couple registration is offered by several local authorities. Finally, with the introduction of the 2010 matrimonial partnership of the religionless, a very limited legislation for specific populations (roughly 450,000 people) to marry among themselves was enacted (Golan-Nadir et al. 2020; see Golan-Nadir 2022).

### *Public Transportation on Saturdays*

The observance of the Jewish Sabbath has a strong impact on public transportation services (Rubinstein 1967). State institutions that provide public transportation must abide by the regulations as defined by Orthodox Judaism, and thus, prevent public transport services on Saturdays. To strengthen these regulations, a clause reinforcing the ban on public transportation on the Sabbath was added to the traffic ordinances in 1991.<sup>2</sup>

Since 2015, two substantial third-sector initiatives have established free local public transportation services in fifteen to twenty cities in Israel: Noa Tanoa in the central cities around Tel-Aviv-Jaffa, and Shabus in the Jerusalem area. As the services proved popular, the local authorities cooperated with providing them. Inspired by these services, the city of Tel-Aviv-Jaffa initiated a metropolitan public transport service on the weekends—Naim Basofash (Pleasant on the Weekends). Although state institutions do not sanction these services, they disregard them and do not accept them officially.



### *Kosher Food Inspection*

A kosher certification is granted to products that have been checked and guaranteed to be kosher (Blech 2009). By law, the Orthodox Rabbinate is the state regulator of kashrut in Israel, both in public institutions and in private businesses. Six months after Israeli independence, the Kosher Food for Soldiers law requiring that all Jewish soldiers must be provided with kosher food was enacted.<sup>3</sup> In 1983, the Ban on Fraud in Kosher Food law<sup>4</sup> stated that the Chief Rabbinate is the only authority that can grant businesses of any kind a kosher certificate. Section 11 also stated that the inspectors could not consider any factors other than religious law in their inspections. The law was amended in 1991<sup>5</sup> and again in 2005 to support its core.<sup>6</sup>

In October 2021, Naftali Bennett's unity government passed legislation entitled Optimizing the Kosher Inspection System.<sup>7</sup> The law opens the kosher inspection market to additional organizations of Orthodox rabbis (but not to non-Orthodox ones) such as the moderate Orthodox-Zionist Tzohar rabbis. Tzohar's goal was to remove the rabbinical monopoly in this realm, which some allege causes corruption. According to the law, the commissioner shall maintain a register of kosher organizations and councils that have been licensed or certified. These private organizations will be able to grant kosher certificates starting in January 2023 (Perez and Rosman 2022).

The endurance of the three noted policies is especially intriguing, considering government composition (i.e., veto players) and its ideological agendas have changed significantly over the years. This, one would expect, would lead to a change of policy at some point.

Politicians support religion when it benefits them (Gill 2008). Over the decades, Israeli governments have succeeded in managing these policies in various ways without changing its core. One common reason for this is that most of the governments have had religious partners in their coalitions and were hence bound by coalition agreements. Yet, as the Knesset archive exemplifies, only one of the thirty-six governments the State of Israel did not include Religious-Zionist or ultra-Orthodox parties (the 26th government, Shimon Peres as prime minister [1995–1996]). Thirteen have included Religious-Zionist parties but did not include ultra-Orthodox ones, and twenty-two have included ultra-Orthodox parties alone or paired with Religious-Zionist parties. This means that despite ultra-Orthodox parties not acting as members in roughly 40 percent of coalitions, the policies remained intact. Another reason religious policies have not been subject to dramatic reform may be attributed to governments' belief that such a sensitive topic needs to be addressed cautiously to avoid

a societal cleavage, as all three ‘status quo laden policies’ provoke major disputes in the Israeli public sphere (see Golan-Nadir 2022). Consequently, the management of religious policies, rather than its reform, is assumingly used as a moderate solution to this political challenge.

## **Research Design**

This case study research investigates Israeli religious policies and attitudes toward them, focusing solely on Jews from the establishment of the state in 1948 to the present (2022). It utilizes a mixed-method design (Creswell and Plano Clark 2017) by means of qualitative tools (documentation) and quantitative tools (existing and official statistics; a public opinion survey) (Creswell and Plano Clark 2017; Harrison 2013). According to John W. Creswell and Vicki L. Plano Clark (2017), the best way to describe this mixed-method research is as an “Explanatory Sequential Two-Phase Design.” This design starts with the collection and analysis of quantitative data and is followed by the subsequent collection and analysis of qualitative data. Culled qualitative data helps explain the initial quantitative results; hence, greater emphasis is placed on the quantitative methods than the qualitative methods.

Data collection and analysis include:

### *Textual Analysis of Primary and Secondary Sources*

Our primary source material includes official legislation from Israeli state institutions (the Ministry of Transport, the Ministry of Interior, the Ministry of Religious Services, the Chief Rabbinate of Israel, and the Israeli Book of Laws). I also used secondary source materials, such as reports issued by research centers and newspaper articles.

### *Existing Statistics*

Official government statistics and public opinion surveys conducted by research centers provide a clear and supposedly accurate picture of a phenomenon. They highlight general trends describing reality at different points in time (Harrison 2013; C. W. Howard 2021). The official statistics mainly provide basic socio-demographic data (Allin 2021), specifically on religiosity that influences policymaking (Harrison 2013).

### *A Public Opinion Survey*

On 9 January 2022, I conducted an online survey initiated by the Institute for Liberty and Responsibility at Reichman University and fielded by iPanel, an Israeli survey company.<sup>8</sup> Overall, the sample size for this survey is 507 Israeli Jews: 51.4 percent women and 48.6 percent men. The average age is 42 (standard deviation = 16.1).<sup>9</sup>

According to the Israeli Central Bureau of Statistics, 74 percent of Israelis identify as Jews (CBS 2021b), of whom 44.8 percent are non-religious or secular, 33 percent are traditional,<sup>10</sup> 11.7 percent are religious, and 10 percent are ultra-Orthodox<sup>11</sup> (CBS 2021a). Notably, due to difficulties recruiting specific participants, our survey sample included only 2.9 percent ultra-Orthodox Jews, instead of the 10 percent reflective of the general Jewish population. Hence, I have corrected this population underrepresentation by using probability weights, which were applied by the SPSS Target/Actual function.<sup>12</sup>

The survey included six close-ended questions, two for each topic—marriage, public transportation on Saturdays, and kosher food inspection in public institutions. The participants were asked to indicate the extent to which they agreed with each statement on a scale ranging from “agree completely,” “mostly agree,” “mostly disagree,” and “disagree completely,” to “do not know.”

The data were analyzed using SPSS software (version 25). Descriptive statistics were performed using means and standard deviations for the continuous variables, and frequencies for the discrete variables. Univariate correlations were performed using the Chi-square test. Specifically, the six main questions as well as overall support for a religious state were correlated with religiosity, education level, age group, and gender. However, religiosity was the only variable to mediate the connection between variables. Significance was considered for p-values lower than 5 percent (Creswell 2014; Hancocket al. 2018).

## **Findings**

With the growing liberalization and Westernization of secular Israeli society, religious and secular communities have become progressively more strident in their opposing positions. And thus both are less willing to accept the accommodational arrangements between the two sectors (Cohen and Susser 2000), and constantly challenge it (Ben-Porat 2013). Using existing statistics, I paint on these trends in the three policies examined here. Following, I present the 2022 survey results.

## *Marriage*

Surveys gathered by the Viterbi Family Center for Public Opinion and Policy Research at the Israel Democracy Institute since the 1960s<sup>13</sup> show a consistent preference among Israeli Jews for modifications in the marriage policy. The results indicate increasing support for a civil marriage route in Israel in addition to the religious one: 43 percent (1969), 62 percent (1975), 55 percent (1986), 57 percent (1987), 51 percent (1991), 54 percent (1993), 59 percent (1995), 65 percent (1999), 51.9 percent (2008), 62.1 percent (2009), 70 percent (2013), 61 percent (2018), and 64 percent (2019).

In the 2022 survey, 45.5 percent said they completely agreed and 19.4 percent mostly agreed with allowing a civil marriage route in Israel in addition to the religious one. This 65 percent agreement contrasts with the 33.4 percent who either mostly disagreed or disagreed completely. When divided into levels of religiosity, it becomes clear that the secular segment of the population, naturally, supports this option more than the more religious segments (85.6 percent of secular, 61.3 percent of traditional, 33.3 percent of religious, and 19.6 percent of ultra-Orthodox completely agreed or mostly agreed).

Further, less than half of the participants (45.6 percent) completely agreed or mostly agreed that alternative arrangements for marriages outside the Rabbinate were sufficient to satisfy citizens who cannot or do not want to marry in a religious ceremony. In contrast, 49.1 percent mostly disagreed or disagreed completely.

## *Public Transportation on Saturdays*

Existing public opinion surveys indicate that the Israeli Jewish public has generally expressed dissatisfaction with the existing public transportation policy on the Sabbath over a long period of time. Surveys gathered by the Viterbi Family Center for Public Opinion and Policy Research at the Israel Democracy Institute asked, "To what degree do you accept the statement that Israel needs to provide public transportation services on Saturdays, except for in highly religious areas?" The responses indicate substantial support: 50 percent (1986), 48 percent (1987), 63 percent (1991), 69 percent (2000), 59 percent (2009), 71 percent (2018), 60 percent (2019), and 64 percent (2021) strongly agreed or agreed with the statement. Similarly, a 2021 survey by the Institute for Liberty and Responsibility at Reichman University shows that 66.57 percent strongly agreed or agreed that Israel needs to provide public transportation services on Saturdays.

In the 2022 survey, 43.4 percent said they completely agreed and 19.6 percent mostly agreed that Israel needs to provide public transportation services on Saturdays, except for in highly religious areas. This 63 percent

agreement contrasts with the 35.5 percent who mostly disagreed or disagreed completely. When divided into levels of religiosity, it becomes evident that the secular segment of the population, naturally, supports this option more than more religious segments; secular (88.6 percent), traditional (61.9 percent), religious (20 percent), and ultra-Orthodox (0 percent) completely or mostly agreed.

Further, when asked whether local transportation services on Saturdays, which are not funded by the state, are sufficient to address those in need of public transportation services on Saturday, 35.2 percent said they completely agreed or mostly agreed, and 54 percent mostly disagreed or disagreed completely. Additionally, a substantial 10 percent replied they did not know. When divided into levels of religiosity, the majority of the secular segment of the population (73.3 percent) mostly disagreed or disagreed completely with this statement and wanted national-level public transport on Saturdays.

### *Kosher Food Inspection by the Rabbinate*

Various surveys collected by the Viterbi Family Center for Public Opinion and Policy Research at the Israel Democracy Institute show that Israeli Jews have varying opinions about the Rabbinate's monopoly over kosher food inspection. Regarding their trust in the institution of the Rabbinate, 55 percent (2004), 58 percent (2009), 53 percent (2013), and 72 percent (2017) stated they either have no trust or have very little trust in it. In 2018, 66 percent said that they believe that the Rabbinate is corrupt. As for kosher food inspection, 58 percent (1991), 60 percent (1999), and 55 percent (2009) argued that it is outrageous that the Rabbinate does not grant kosher certificates to businesses that, despite their legal eligibility, do not keep other religious practices that are irrelevant to being awarded the certificate according to Israeli law (e.g., how observant the business owner is in his personal life). Finally, in 2018, 44 percent said that they would provide the Rabbinate a poor grade on kosher food inspection, and in 2019, 64 percent said the Rabbinate's monopoly on kosher food inspection should be revoked.

In the 2022 survey, 45.3 percent said they completely agreed and 20 percent mostly agreed that the Chief Rabbinate's monopoly on kosher food inspection should be revoked. This 65.3 percent agreement contrasts with 31.5 percent who mostly disagreed or disagreed completely. When divided into levels of religiosity, it is evident that the secular segment of the population, naturally, supports this option more than more religious segments; secular (88.1 percent), traditional (66 percent), religious (28.4 percent), and ultra-Orthodox (6 percent) completely or mostly agreed. Eighty-eight percent of the ultra-Orthodox disagreed completely.

Further, when asked whether the opening of the kosher inspection market to competition between Orthodox organizations, but not Conservative, Reform, or independent secular groups, would improve the provision of these services for restaurant owners and individual citizens, 54.3 percent said they completely agreed or mostly agreed, and 32.9 percent said they mostly disagreed or disagreed completely.

## Discussion

The three policies described here exemplify three different strategies that the state uses to deal with public dissatisfaction. Each strategy reduces dissatisfaction levels to different extents.

The first strategy, disregard, keeps the policy intact without under-the-legislative-threshold arrangements or limited policy realignment. This strategy is applied to public transportation on Saturdays. While the policy as designed remains intact, local authorities and a third sector have created limited transport initiatives that the state ignores but does not sanction. These services do not violate the law, as they are free. Nevertheless, as the survey indicates, the public finds the disregard approach the least satisfying. Only 35.2 percent said they completely agreed or mostly agreed that local transportation services on Saturdays, which are not funded by the state, are sufficient to satisfy those who need public transportation on Saturday, with the majority of 54 percent mostly disagreeing or disagreeing completely.

The second strategy, the accommodation of under-the-legislative-threshold arrangements, maintains the policy intact but introduces under-the-legislative-threshold arrangements from various judicial, social, and third sector/private sphere sources that the state sometimes accepts. This strategy is used regarding the policy on marriage. As the survey indicates, this approach provides a slightly higher level of societal satisfaction. According to the results, 45.6 percent completely agreed or mostly agreed that the different arrangements for the institutionalization of a marital relationship outside the Rabbinate are sufficient to satisfy those who cannot or do not want to marry in a religious ceremony at the Rabbinate, while 49.1 percent mostly disagreed or disagreed completely.

This strategy depends heavily on various bottom-up forces that create the under-the-legislative-threshold alternatives and is most common among the three strategies. Indeed, framing policy issues as complex and accordingly requesting the participation of wider groups in society to create a variety of solutions may be a convenient strategy for dealing with unpopular policies when the substantive policy solutions are politically

too costly (Hertting and Kugelberg 2018; see Golan-Nadir 2022). As civil society-based theories (Carothers and Barndt 1999; M. M. Howard 2002; Putnam 1993) argue, a vibrant civil society is essential for consolidating and maintaining democracy by expressing the public will and creating corresponding policy shifts (Diamond 1994: 7).

This strategy is particularly valuable in managing religious policies. In a similar regard, the civilly based and more liberal movements for Judaism (Reform and Conservative) that yield for state recognition are also treated using accommodation of under-the-legislative-threshold arrangements. For example, though their rabbis are not accorded official state recognition, the military has allowed non-Orthodox rabbis to conduct military funerals by demand, and non-Orthodox community leaders are partially funded by local authorities that contain larger non-Orthodox populations (Golan-Nadir forthcoming). Additionally, in 2021 the High Court ruled that non-Orthodox conversions conducted in Israel are accepted for the purposes of the Law of Return (Maor and Ellenson 2022).

The third strategy, partial institutional modification, also keeps the core of the policy intact but makes changes that are recognized legally and do not undermine its core. This strategy is used regarding the policy on kosher food inspection by the Rabbinate. Indeed, the core of the policy remains intact, even though the government has opened the inspection market to other services such as Tzohar since they are under the Rabbinate's control. This strategy represents an effort by the legislature, as an embedded agency, to keep the existing policy intact while eliminating the growing criticism of the Rabbinate.

This strategy calls for agential-based approaches that emphasize the impact of political agents, individuals, and organizations on institutional change. Such approaches make veto players the main victors in decision-making (Immergut 1992; Tsebelis 2002). Veto players (Tsebelis 1999, 2002) are individual or collective actors whose agreement is necessary to change the status quo. Hence, it is particularly difficult to draft a proposal that can prevail over the existing status quo (Immergut 1990). The status quo will change only if it is weakly preferred by all veto players (Tsebelis 1999).

As the survey indicates, partial institutional modification results in the highest level of societal satisfaction. According to the results, 54.3 percent said they completely agreed or mostly agreed that the opening of the kosher inspection market to competition between Orthodox organizations would improve the provision of these services for restaurant owners and individual citizens, and 32.9 percent said they mostly disagreed or disagreed completely. The level of satisfaction is expected to increase over time as the policy is implemented.

## Recommendations for Policy Amendments

To what extent can the strategies identified help keep unpopular official policies intact? Indeed, when the modification of unpopular policies becomes an existential necessity at the national level, it is likely that they will be altered. This argument is particularly true concerning the disregard strategy for dealing with policies that are essentially inflexible. In the Israeli case, public transportation on the Sabbath is not just a religious issue but could also be an important factor in times of climate crises, air pollution, and endless car accidents due to crowded roads. Hence, when the service becomes an existential necessity, the religion-based barrier might vanish.

Modifying the other two policies may derive from the different strategies state institutions use to manage them. In the case of marriage policy, the various under-the-legislative-threshold arrangements might inspire the realigning of the policy. Indeed, throughout the years, moderate Orthodox rabbis have suggested creative solutions to allow civil marriage in a way that they argue does not contradict Jewish law. Using their suggested framework in a joint effort with policymakers might bring about a change. In the case of kosher food inspection, a partial institutional modification that includes the more liberal strands of Judaism (i.e., Conservative and Reform) calls for a more rounded approach that might consider officially institutionalizing these streams. Such policy modification is complicated because it requires both veto players such as incumbent secular politicians and societal pressure groups to legitimize these movements. Such a change, considering the enduring Orthodox monopoly, is not imminent in the near future.

## Conclusion

This article investigated the strategies that state institutions use to maintain their existing policies and the degree of public satisfaction resulting from their use. The article identified three strategies that governments use to manage unpopular policies: (1) disregard, (2) accommodation of under-the-legislative-threshold alternatives, and (3) partial institutional modification. While these strategies keep policies intact, as survey data showed, they vary in the degree of satisfaction they produce among the public. Interestingly, partial institutional modifications produce the most satisfaction, despite being limited in nature. This result supports Robert Dahl's argument that "a key characteristic of a democracy is the



continuing responsiveness of the government to the preferences of its citizens" (1971: 1).

This article focused on the relationship between religion and the state. The supply-side theory of religion posits that state-supported religious monopolies rely on the government for support and have fewer incentives to make themselves attractive to the public. Moreover, enforcement of the state's religion can cause resentment that might lead to less religiosity among citizens (Iannaccone 1995; Madeley 2003). Such a theoretical approach may explain gaps between the religion-monopolized policies in the realms I discussed and public opinion asking for other less-religious alternatives that result in the use of the three strategies.

One of the limitations of our study is that the single case study presented here is specific in terms of time, place, and hence political context. Therefore, I do not claim that the exact same strategies will be effective in all circumstances. Although other or separate elements/factors/features may call for a modification of the strategies examined here when applied in other contexts, the Strategies to Manage Unpopular Policies classification offers a preliminary and generalizable framework for future research. The classification constitutes a theoretical model aiming to analyze the management of unpopular policies, and consequently, while our hypotheses were validated using data from the relationship between religion and state, I maintain that they apply to other policies in areas such as economics, health, culture, or the environment. Hence, religion may be considered a paradigmatic case study of a barrier to institutional change just as any other barrier.

Future research in other countries and policy realms should focus on the more specific role played by citizens' dissatisfaction with existing policies as a factor in the initiation of various coping strategies used by state institutions. Doing so would shed further light on the importance of this factor. Other research directions should focus on the role played by local governments in implementing debated policies in a differential manner. Such studies would improve our understanding of the delegation of power to local authorities by national governments as an additional institutional strategy, especially in divided societies.

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## NOTES

1. Book of Laws number 134, 4 September 1953.
2. Book of Laws number 1366, 22 July 1991.
3. Official gazette 34, addition A, 26 November 1948.
4. Book of Laws number 1088, 28 July 1983.
5. Book of Laws number 1350, 26 March 1991.
6. Book of Laws number 2040, 15 December 2005.
7. Book of Laws number 2933, 18 November 2021.
8. iPanel maintains Israel's largest panel, comprising more than 100,000 members and provides researchers with access to the many different segments in Israel. See <https://www.ipanel.co.il/en>.
9. The survey company sent out a total of 4,553 invitations to complete the survey, with 507 respondents providing “a usable response” (AAPOR 2016: 49):  $507/4,553=0.111$ . Accordingly, the survey's “participation rate,” calculated for non-probability internet panels (AAPOR 2016: 49–50), was 11.1 percent.
10. Traditional Jews do not necessarily avoid traveling on the Sabbath, marry religiously, or eat kosher food. It is a very individual, fluid definition.
11. According to the CBS 2020 *Social Survey* that includes Israeli Jews aged twenty and over, the ultra-Orthodox constitute 10 percent of the population. When including estimated data according to area of residence, this segment constitutes 11.6 percent (CBS 2021c) of the entire population of Israeli Jews. The former estimation is used in social surveys of adult populations.
12. Probability weights represent the probability that a survey respondent was selected to a specific sample from a given population.
13. The first official record of a public opinion survey on marriage was in 1969.

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