

**From the holdings of the Department of Special Collections , Princeton University Library,
Princeton, NJ**

These documents are either in the public domain, or can only be used for educational and research purposes (Fair use) as per U.S. Copyright law (text below). By accessing this file, all users agree that their use falls in the public domain or within fair use as defined by the copyright law. We do not charge any permission or usage fees for the publication of images of material in our collections, including those provided by Princeton University Library, via our website, catalog, or directly from staff. For more information regarding copyright, credit, and citation please review the information on the Copyright, Credit and Citation Guidelines page of our website.

<https://library.princeton.edu/special-collections/policies/copyright-credit-and-citation-guidelines>. If you have any questions, including how to order higher-quality images from the collection, contact Special Collections Public Services via our Ask Us! Form. <https://library.princeton.edu/special-collections/ask-us>

Doctoral Dissertations, 2011-2026

Anthropology

2018

We Will Not Be Told Whom to Love: Affection, Religious Courts, and the Struggle for Civil Marriage in Israel

Wamboldt, Alexander Steven

Princeton, NJ : Princeton University

<http://arks.princeton.edu/ark:/88435/dsp01j098zd80w>

U.S. Copyright law: The copyright law of the United States (Title 17, §108, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of fair use that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve a violation of copyright law. <https://www.copyright.gov/title17/title17.pdf>

WE WILL NOT BE TOLD WHOM TO LOVE:
AFFECTION, RELIGIOUS COURTS,
AND THE STRUGGLE FOR CIVIL MARRIAGE IN ISRAEL

Alexander Steven Wamboldt

A DISSERTATION PRESENTED
TO THE FACULTY OF
PRINCETON UNIVERSITY
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

RECOMMENDED FOR ACCEPTANCE
BY THE DEPARTMENT OF ANTHROPOLOGY

Advisor: João Biehl

April 2018

© Copyright by Alexander Steven Wamboldt, 2018. All rights reserved.

TABLE OF CONTENTS

Abstract	iv
Acknowledgements	v
Note on Transliterations	xii
Introduction	1
Chapter One	26
Chapter Two	74
Chapter Three	108
Chapter Four	143
Chapter Five	183
Conclusion	213
Works Cited	237

ABSTRACT: An estimated 360,000 individuals reside in Israel in some form of common-law marriage, which include same-sex, interfaith, and bi-national relationships, in addition to non-Jewish marriages performed abroad and domestically-performed weddings that are not legitimized through state authorities. Based on eighteen months of ethnographic fieldwork, this work explores how these individuals demand new rights to kinship that challenge the religious basis of the Israeli court system and their own political subjectivities as Israeli Jews. Given the uniqueness of Israel's majority secular population governed by Orthodox religious legal norms, this ethnography questions the assumed universalism of heterosexuality globally by revealing the complicated affective relationships of non-recognized couples to the state, to the Jewish discursive tradition, and to time itself within Israel today. These disparities between Israeli secular social norms for kinship and state-rabbinic legal definitions of marriage reveal underlying tensions in the Israeli nation-state project, asking empirically what it means for Israel to be a Jewish state and for whom.

Acknowledgements

At the end of the day, a dissertation is a document, brought together through the tiny words—and sometimes lengthier jargon—that make it. It is a collection of words, no more and no less. It has been a collection of words sometimes joyful to find—at last!—on the page, and a collection of words sometimes painful to bring into existence, to coax into the meaning I might want from them. For some, such words are arbitrary; phonetic sounds with no reason or rationale behind their forms linking them to the concepts and meanings to which they give us access. Such a view is hard for me to take at the end of this road.

In certain Jewish tradition, words are mystical. We begin our collective story not with a bang but with a declaration; God says “Let there be light!” and with those words light is! In myth of the Golem, it is the power of the letters themselves, wholly (holy?) not arbitrary, that can bring life by writing truth (*emet*), and take it away through its ironic, literal erasure (*met*).

In certain branches of psychotherapy, it is through narrative that we become ourselves, claiming authorship over the story we tell about ourselves, and thus who we have already become. The therapist here is not the expert, but the questioner; it is through her curiosity that we can use the knowledge and skills we already have to both see and address our own problems.

If this dissertation then is just a collection of words, it is also everything that a collection of words entails. It is not the “mere” communication of some idea I had about the field (as though such a thing itself were also “mere!”), but also the process of coming to know those ideas themselves and my relationship to them. It has been the process of

having the incredible insight, strength, knowledge, skills, and patience of the communities of which I am lucky to call myself part invest themselves in me and in my words, to ask questions of my ideas and of myself in order to help me bring truth to these pages. I sincerely hope that throughout this work, the many who have touched me will see themselves, their care, and their wisdom reflected, knowing any imperfections in that reflection are wholly my own.

This is a thanks to Catherine Lutz, in whose class I first saw the power of ethnography to know something outside of one's one horizon, to extend to someone else the role of the expert for the chance to learn. To Sherine Hamdy and Nancy Khalek, who insisted in—no matter how seemingly extreme the politics are or how foreign the voice from which they spring is—the essential humanity of the various peoples of the Middle East not as a thesis to be proved, but a jumping off point to better understanding our common, if different, humanity.

To Rena Lederman, John Borneman, Abdellah Hammoudi, Elizabeth Davis, Didier Fassin, and Lawrence Rosen, my sincerest thanks for the intellectual gifts you have freely given, the impatience and arrogance you have kindly looked past, and the warm community you have built which has always been there when most needed. You have made Princeton into an intellectual home and a kinship beyond the bonds of biology; I am truly lucky to call you all mentors.

To my colleagues, bosses, and mentors at Columbia University, Shamus Khan, Matthew Chin, Gloria Diaz, Megan Kordenbrock, and Leigh Reardon, thank you for reinvigorating my belief that ethnography can truly be world-changing in its reach and that my fellow academics can be superhuman in their empathy and kindness. I never anticipated working in an environment where I would be vomited upon in a party, cry in

a professional meeting, and be convinced that finding salmon shorts would be a worthwhile career investment; I have no regrets. It has been my honor to work alongside each of you at SHIFT.

To the many friends who have witnessed the often-awkward social metamorphosis from the grad student to a PhD, I must thank you—in the most literal way—for keeping me human. Caroline Butler, Joseph Curtiss-Lusher, Madeline Caudle, Kenny Aronson, William O’Neil, Christina Charles, Megan Boomer, Rodrigo Treviño, Jorell Brevitt, Marika Bailey, Deborah Vishnevsky, and Leah Golubchick—for every invitation to get out of the house; for every act of support, empathy, and help that has held my life together; and for each reminder that the world contains so much beyond the limits of these pages: thank you.

Mo Lin Yee, Gabriela Drinovan, and Carol Zanca; I have no idea how any of you put up with me, but I am so glad you did. Thank you for fielding every confused question, every broken printer, every misunderstood grading procedure, and every bumbled deadline in stride. You have put the heart and soul into Princeton while I have been there, while all the while keeping the metaphorical trains on time and proverbial cats herded. Thank you all. And Carol, I sincerely hope I have a chance to repay you in lunches, in drinks, and in family photos at meetings from here to eternity for each and every act of kindness you have shown me.

For my colleagues, friends, and fellow students who sat through classes with me and shared their beers and ideas afterwards, a hearty thank you to all of you as well.

Onur Günay, Jessica Cooper, Sofia Pinedo-Padoch, Shreya Subramani, Marissa Smith, Igor Rubinov, Pablo Landa, and Joel Rozen, this work would not be what it is, let alone just be, without ideas, inspiration, explanations, and questions from all of you, not to

mention good humor, good company, and near-infinite serenity in the face of my ignorance, stress, and general stubbornness. Finally, a very special and heartfelt gratitude goes out to Celeste Alexander and Sebastián Ramírez—I have no idea how many drafts you have read, times you have heard me present some version of Chapter Four as a talk, doctors’ appointments you have taken me to, or (not so) fun facts about Israeli Jews you have heard from me at this point; I have been far more fortunate than I deserve to have you both in my life, and I will forever be in your debt.

Carolyn Rouse, you have always insisted that knowledge has power and consequences in this world. You have challenged me along my own journey to hold my own ability to create insight to the same high standards to which you hold your own. You have made me a better teacher and thinker, and yet always managed to do so while focusing on me as a person with profound empathy. Thank you.

For taking a chance on how this ethnographer of Jewish legal arcana could be relevant to problems much closer to home, my sincerest thanks to Jennifer Hirsch. You have been the mentor I never expected to be so lucky to have. You have insisted that our skills as anthropologists truly can change the world, and then had to go and prove it with your own work to make our universities a safer, more equitable institution for everyone. You have been far too kind in letting me be a part of the process. Thank you for not only pushing the boundaries of what we can expect from anthropology, but also for doing so as a caring, thoughtful human being.

To Carol Greenhouse: your words and insights long have inspired me from afar, and your brilliant attention to how the law works within and against time not only structured much of this dissertation but also and moreover has challenged my own ethnography and writing to aim for the eloquence, insight, and ease that yours so

effortlessly model. Then, you saved me and this dissertation at our most difficult moment with compassion, generosity, and kindness, all with that same sense of effortlessness. I will never fully be able to express my gratitude for your profound care and big heart when I most needed them, but please know I'll be trying to for years. Thank you.

To the person who always took the time to ask how I was, read a chapter no matter how half-formed, indulged a tangent no matter his schedule, and talked me up whenever he got the chance (if only to lift my spirits), my deepest thanks. João Biehl, you have anchored this dissertation, but also constantly given me a harbor to which I can come home when my thoughts were too stormy (or my back too weary). It is so obvious to say as to be ridiculous, but I would not be here without you. You will always have grateful student in me, and I will forever owe you a favor.

To all those I met in Israel and Palestine who took a stunning risk to take a moment out of their day to talk to some guy from the US with a stumbling accent and an interest both arcane and over-personal in their lives, I am so grateful that you shared your thoughts, your time, and your lives with me. You invited me to share in your experiences at home and in your professional worlds, in moments when you were at your best and also at your most vulnerable. Given the same choice, I am not sure I could have shown the amount of empathy, friendliness, and trust in the face of such a large ask. Thank you in particular to *Samekh*, *Shin*, *Mim*, *Zayin*, and *Alef*.

To my Israeli family—Rami, Dorit, Ben, Uri, Michal, Gal, Shelly, Hadas, Asael, Maor, Tamar, Guy, Aviv, Roni, Ofer, and Shai—you have spoiled me rotten with your love and kindness, patience and open hearts. Thank you all for the meals, conversations, trips, yearly photos, and lovingly-made drawings. I'm proud to be a part of your wonderful family.

To my parents, Marianne and Fred, and my sister, Krystyna; you have shown remarkable tolerance for my flights-of-fancy, impertinent questions, and tendency to lose sight of the practical in what I have insisted is the big picture. There are not many families who could so gamely field the question, “Whose your favorite god today?” at the breakfast table from a child looking up from a book of mythology for so many years, nor offer their unconditional love and support for a life and profession that have often gone out of their way in a refusal to be ordinary. If the adage that one cannot pick their family but can pick their friends has any bearing on my own life, it would be in the enthusiastic yes with which I have chosen you as both. I love you all.

To my husband, Zohar. You moved across the world for me, and yet managed to still help me every step of the way. Thank you for putting up with my grammatical nonsense, my overly indulged curiosity, and every awkward misstep I have made along the way. You’re the best. I love you.

Finally, it has been difficult enough to finish a dissertation, or to consider what its most ritualized final steps might look like. It has been all the more to do so without the person who first insisted that I take such rituals seriously, and who got me to see how, from within these structured steps, some of our rawest emotions can take shape. Isabelle Clark-Decès, it is heartbreaking to finish this dissertation and to know I will not have your sharp wit, precise questions, and warmest hug to greet me at the finish line. I have tried my hardest to follow your advice to “finish the damn thing so we can talk about it already!” though I must admit it has been far too hard without you. You were always able to make whatever I handed you a thousand-fold more profound through your questions about it; I have poured over your sadly far-too-few notes on every page in this work in an attempt to bring out the latent richness you seemed to always find in the open, and I am

jealous for every comment, critique, and cajole of yours that I will miss going forward.

You were always my sharpest critic, fiercest defender, and the only professor I've ever had to invite herself to a party (and then be the most wonderful guest). Thank you for choosing me as part of your intellectual and emotional family. I am sad to miss whatever biting retort you would have started my defense with that doubtlessly would have made me smile. I miss you. These words are, of course, for you.

A Note on Transliteration

Hebrew-language terms are difficult to transcribe. There is no single, standardized system for Hebrew-to-English transliteration in common use. Vowels are not written in most Hebrew text. Moreover, different systems of transliteration often prioritize different dialects and accents (for example, the word *khayim*, or life, may also be written as *chayim* or *haim*, with the *kh* indicating a closer approximation to the contemporary Israeli accent, *ch* indexing German/Yiddish influence, and *h* reflecting a softer Biblical Hebrew pronunciation), or may become confusing as the result of many terms, especially names, having been adopted within the English language (for example, the name *Yitzkhak* may appear more familiar as the Anglicized Isaac).

Throughout this work, all transliterated terms appear initially in italics with an accompanying definition, and, if subsequently used, in regular text. I have attempted to prioritize contemporary Israeli pronunciations with my transliterations while preserving common English orthography for the reader's ease. To this effect, the letters *khet* and *khaf* have been transliterated with a *kh*; silent, final *hes* on words have been omitted (e.g. *ketuba*, not *ketubah*); both *tav* and *tet* are written as *t* and *kuf* and *kaf* appear as *k*; *yud* when acting as a consonant appears as *y*, and *vav* when acting as a consonant appears as *v*; *ayin* and *alef*, when acting as glottal stops, both have been written with a ' ; and finally, the letter *tzadi* has been transliterated with a *tz*. Vowels have been included in words according to their pronunciation, with a single letter used for each corresponding vowel (for instance, the *u* in the word *ketuba* is pronounced with as a long *oo*, while the *i* in the plural suffix *-im* represents a long *ee*). When referenced, Yiddish terms (including those of Hebrew origin) have been transliterated according to their Yiddish pronunciation, which may differ from

their Hebrew transliteration and pronunciation (for example, the prayer shawl *talis*, when said as such in Yiddish, has been written instead of the Hebrew *talit*). A hyphen has been added between particles (like the definite article *ha-* or the prepositions *le-*, *me-* and *be-*).

Finally, terms in common use in Standard American English have been written in their Anglicized spelling in lieu of an italicized Hebrew translation both for the ease of the reader as well as to recognize their common use in U.S. Jewish communities (most notably, the word “chuppah,” a wedding canopy, is written as such, instead of *khupa*). Proper names of people have been written according to their pronunciation even should an Anglicized option be available (again, *Yizhkhak* instead of Isaac), unless the individual requested both that their name appear as such (i.e. without a pseudonym) and they used an English spelling that differs from my transliteration system (for example, the last name Weiss appears as such, not as *Vveys*).

See the Love, Even if it's Gay or Goy, or, an Introduction

It was on a Thursday at a “small wedding” in his estimation, only two hundred people, where I first met Nadav. His DJ booth was set up on a platform, elevating him slightly above the dancing crowd, his face and shoulders always visible despite the raised, sweaty hands. I had found him standoffish at first when I spoke to him outside behind a catering tent during his only break for the night. His forehead glistened with perspiration, reflecting the blue light of his phone. I repeated my introduction: “Hey, my name's Alex. I'm from the US studying marriage here. Do you have a second to talk?”

Nadav looked up, slightly shaking his head and blinking several times. “Sorry,” he said, “Sometimes I go into a little trance when I play yeah? When I'm on stage, I don't need to piss, or shit. I'm not hungry, and I don't drink anything. I don't know how to explain it. I just don't need other things.”

I chuckled, as though I understood what it was like to be so rapt to your own music that you forget bodily needs. I had a glass of wine in my left hand as I shook his.

A few of the guests from inside brushed past us giggling. One looked like the brother of one of the grooms. Nadav chuckled, fanning his hand past his nose, and smiled at me. “I smoke on the weekend, so I know how to identify that smoke.”

I asked if that happened often at weddings he DJs.

“I see too many drugs these days at Israeli weddings, especially in the South yeah? You know, it's fine to smoke at a wedding, but doing blow in the bathroom next to Grandma, it's too much.” He continued, “I had this groom once who was about to go up to the chuppah [a Jewish wedding canopy] and I needed to remind him to clean off his nose,” he swiped, as though knocking off cocaine.

“So this is pretty tame then by comparison?” I asked.

“No, these guys are great [*ha-bakhorim ha-ele nifla'im*]. I like doing weddings for the gays. As a religious person, well not a *religious* person,” he tapped the top of his bald head where many religiously-observant Jewish-Israeli men wear a skullcap called a *kippa*, “it’s touching to see these events, to see couples coming together with their parents’ blessings like that, or sad when they don’t. But wherever there is love, I am there. And tonight here, there is love.” He smiled at me again, a showman. “I think it is important to show we are an accepting society these days. My mother told me that she would still love me if I was a gay or married a goy [*ima shel-i amra li pa'am she-hi te'ehovi oti afilu im hayyiti homo o hitkhatanti im goy*]. We should all just see the love, even if it’s gay or goy.”

This dissertation is an exploration of this love, gay or goy, and to the social possibilities it brings about in contemporary Israel. It is based on the stories of Israelis I met while conducting ethnographic fieldwork from February 2013 to June of 2014. I had gone to the field to study how interfaith Israeli-Palestinian couples navigate the confessional court system the Israeli state possesses. Initially, I was interested in how their day-to-day lives were and were not impacted by a legal system that could not recognize their relationships; in how the mundane practices of these families at home, in court, and in the public sphere revealed broader debates over family, ethnicity, and the ever-imminent politics of the Israeli-Palestinian conflict. Yet as I began to meet couples and the individuals who made up their social worlds, I found my own ethnographic interest drawn to a larger phenomenon: Jewish Israelis, straight and queer, were having their own difficulties in this court system that was seemingly tailored to them, not just these controversial couples (see Bowman 1989; Stein 2008: 107-108; Drago 2011 for previous work on issues of Israeli-Palestinian relationships). I moved from Jaffa to Tel Aviv, still

commuting regularly to Jerusalem and across the country, but now less to public demonstrations at the Knesset or homes in gated settlements where the blinds seemed perpetually down and more into nondescript homes and sleepy apartments, divorce attorney's offices and marriage registrars, bridal shops and court rooms. My interlocutors were increasingly less worried about physical confrontations and violence, and more worried about weddings making the right statement, judges being favorably persuaded, and children succeeding in school. Their lives were more bourgeois, but posed a question to me to which I had no answer: How did I decide just whose relationship counted as Jewish and straight when I started this project anyhow?

The Mediating Scrim

I am not the first person to note that Roland Barthes's *A Lover's Discourse* is an odd book. The novelist, Jeffrey Eugenides, writing about a student, Madeleine, at Brown University reading the book for her Art Semiotics course, remarks casually how, at first, the book's very subject seems ironic to its own airs: "For a book purportedly about love, the Barthes didn't look very romantic" (Eugenides 2012: 48). Yet as time goes along, both the reader and Madeleine begin to see in the Barthes "a sign that she wasn't alone," her own life echoed within the lover's experiences (Eugenides 2012: 49). Enamored with and pained by a man from her course, Madeleine's own obsessive/ecstatic love with the distant Leonard lead her from page to insight, her own love reflecting the Barthesian "*extreme solitude*" of love even as the narration of her story gently mocks her own epiphanies (Barthes 2010: 1, *emphasis in the original*). Madeleine's love is thoroughly solitary, even as the green's spring foliage reveals that her experience sticks out against the grain of

campus life. “The magnolia trees hadn’t read Roland Barthes. They didn’t think love was a mental state; the magnolias insisted it was natural, perennial” (Eugenides 2012: 65).

Such parallelism between character and scene, inner storm and exterior idyll is, of course, a stylistic conceit. Worried that such language tricked the reader into “violent feelings,” the critic, John Ruskin, decried this association as a “falseness in all our impressions of external things” (1906: 165). Yet this passage does quite an honor to Barthes, appropriating his work’s own argument; these mocking magnolias are not mere stylistic flourish (indeed, one senses Barthes might already bristle at that wording), but rather the substance through which love can be approached. The very title, *A Lover’s Discourse*, moves us to this disjuncture; our subject is the discourse, the lover merely its adjective. Acting as both commenter and apostle, Wayne Kostenbaum highlights the distinct, oblique queerness through which Barthes views love, the gaze of the “lovelorn... devot[ed] to cruising, drifting, errancy” that enables him to “wander away from prefab systems of desiring” (2013: 55). Insofar as Barthes is interested in love, it is not as an absolute or an Aristotelean essence, but rather as the scripted terrain in which the “great imaginary current” can be rendered comprehensible as the luridly glossed “*love story*, subjugated to the great narrative Other” (Barthes 2010: 7). Ironically, Barthes insists, it is through the act of discussing love with Others outside of ourselves that love becomes intelligible, as “modest supplement[s]... added to, subtracted from, and passed on to others” become the collective detritus that renders our experiences socially legible (Barthes 2010: 5). Such a project is eminently anthropological, interested not in the interior experience of love per se, but rather in how such an interiority is shaped by the outside, the social, the empirical. Kostenbaum poetically emphasizes precisely this character of Barthes’s project, finding his own way to describe Barthes’s description of

love in the shifting metaphors of language, light, and water. “Any lover’s discourse is a translated affair: love, Barthes proves, is not a feeling we take raw, but a condition that passes through the mediating scrim of plots, prejudices, and assumed positions. We get love through proxies; we can’t apprehend the thing itself, only the stylized miasma it stumbles through. Dust, fog, bricolage: we couldn’t see without the opaque surface on which the figures play like Debussyan light on water” (2013: 63). These proxies through which love stumbles – law, kinship, politics, religion – are not news to anthropologists. In writing about the rise of ‘companionate marriage,’ a marriage based off of affective closeness, as an idealized kinship form globally, Jennifer Hirsch and Holly Wardlow situate the love such a relationship entails within three culturally-specific “problematics of modernity” that shape social relations: “the emergence of the individualized self; the relat[ion]... [between] commodity consumption... [and] practices of self-crafting...; [and] commoditized social relations” (Hirsch and Wardlow 2006: 6). This focus shifts from an individual’s experience of love to the types of social practices and social relations evoking such an experience can enable.

All of this is to say, in following Nadav’s line of reasoning that “we should all see the love, [whether] gay or goy,” I am looking not so much for the “love” that exists in Israeli contemporary culture, but rather the traces I have seen in the field that this experience leaves behind on laws, economics, practices, rituals, and passers-by. Moreover, it is upon these other practices that the politics of marriage within Israel become visible; the experience of love, seen from a distance, “can be viewed as a cultural and interpersonal process of naming, justifying, and persuading by people in relationship to each other” (Lutz 1988: 5).

Indeed, what remains most remarkable to me about Nadav's observation to this day is not his particularly fickle binaries of religious/*not* religious, gay & goy/Jewish, but rather how he understood a romantic relationship between two people to be able to create and contain both a venue for drug-fueled, lavish hedonism and a moral case for the social tolerance of intimacy with minority groups. In Israel, I found love enables and naturalizes certain constellations of relationships, practices, and kinships even as some remained outside love's possibilities. In this vein, and to paraphrase Claude Lévi-Strauss, the political recognition of gay and goyish love is interesting not because they are 'good subcultural practices to study' but because they are 'good to think' through the moral allocation of family, Judaism, and political citizenship in modern Israel (Lévi-Strauss 2005: 85).

The Narrow Frame

I began investigating the impact of marital law in Israel on these seemingly ordinary Jewish couples after seeing an advertisement. Trying to ignore the routine air-raid drill siren outside my apartment in Haifa where I was studying Arabic and Hebrew, I was drawn to the topic by an enigmatic television ad on my laptop put forth by a collaboration of social interest NGOs in Israel, most of which I would come to know later in the field.

The advertisement features a black frame over a white background as the wedding song *hava negila* slowly starts playing. The music speeds up as we see couples stooping, sliding, and jostling within the frame. They attempt to stand straight and crush

a glass underfoot.¹ By now, the song has gained the metonymy of escalating chaos children’s cartoons evoke with *In the Hall of the Mountain King*. They are same- and opposite-sex couples, though only one individual—a woman—is not white. One pair sits in frustration. At the end, the music scratches, and the box contains words. ONE FRAME DOES NOT FIT ALL. IN ISRAEL WE DON’T GET TO CHOOSE HOW WE WANT TO MARRY, BUT SOLELY THROUGH THE NARROW FRAME LAID TO US BY THE STATE RABBINATE. JOIN THE STRUGGLE FOR FREEDOM OF CHOICE IN MARRIAGE. (see BFreeIsrael [Israel Hofshit] 2011).

I was captivated. On some level, I suppose this only evidences that the sleek campaign had done its purpose; I was previously under-informed, and now engaged. Goal achieved. Moreover, I was fascinated by the symbolic elision: interracial couples, same-sex couples, and generally politically liberal couples (based on their—I can only assume very intentional—attire) merged into one political coalition. Such a statement is not, in and of itself, news; political movements for same-sex marriage in the US (and to a lesser extent Europe) have mobilized interracial marriage as a popular justification for their inclusion in legally recognized forms of kinship. A New York Times article on the “Landmark Decisions and Precedents” for *Obergefell v. Hodges*, which ruled that the US Constitution guarantees a right to same-sex marriage, literally starts its timeline at *Loving v. Virginia*, which abolished anti-miscegenation laws as inconsistent with the Fourteenth Amendment (Padnani and Fang 2015). However, unlike these other examples, Israelis were demanding these seemingly different forms of kinship to be validated at once, not as precedents or justification for one another, but as one contemporary struggle for rights.

¹ A reminder that on the day of their wedding, the Second Temple of Jerusalem still lies in ruins.

I will admit such a distinction, upon further reflection, is inept. US legal scholars have questioned the relevance of interracial marriage as such to the legalization of same-sex marriages. Painting a decidedly middle-class picture of the past, Ken Yoshino remarks that a large difference between the two cases lies in the economic feasibility of the former, but not the latter for much of US history.

Most everyone wants to compare the same-sex marriage cases to interracial marriage. There is nothing wrong with the analogy. However, it was not the struggle for racial equality, but the struggle for sex equality, that led most directly to same-sex marriage. In an age when men were breadwinners and women were homemakers, pairing two individuals of the same-sex would have been untenable. Only in an age when women could be breadwinners and men could be homemakers did same-sex marriage become viable” (2016: 107-108)

Yoshino’s point to the state’s considerable concern in promoting socially independent and viable family-units is well-taken, though in making it, he appears to accept a revisionist US history in which single-parent households, working women, and legal restrictions of non-white earning power and personhood are relegated to the sidelines.

Perhaps more damningly, this moral reading of family law assumes a progressive bent to history, one in which different forms of discrimination are dismantled sequentially over time (see Helo 2014). In so doing, not only does the movement assume the inevitability of same-sex marriage’s legalization (which is probably not the worst assumption for engaged activists), but it also assumes the end of ‘previous’ forms of discrimination like racism, sexism, et cetera and ad nauseum. Indeed, my colleagues working in the United States and Europe can certainly provide all too many opportunities for citation of the ongoing socio-economic, racist, sexist, and xenophobic practices within these societies.²

² Though, to attempt the impossible, one might briefly note Rouse 2009; Tejani 2015; Terrio 2009; Ho 2009; Bourgois and Schonberg 2009; Povinelli 2011; and Holmes 2013.

And yet, to return to the point of my initial interest, Israeli family law possesses a very different political genealogy than these other cases. Unlike the European nation-states and the US that tend to dominate contemporary discussions around marriage rights for same-sex couples, Israel is both a settler colonial and post-colonial state. Officially independent in 1948, Israel was formerly part of the British-controlled Mandatory Palestine, a territory seized from the Ottoman Empire following World War I, and was heavily settled by European, largely Ashkenazi, Jewish immigrants inspired by various strains of political Zionism to build a Jewish nation-state. Unlike other European colonies, these Zionist settlers neither overwhelmed nor assimilated the native population (as happened in the US and Australia), but they also were not effectively overthrown and removed by the indigenous native population (e.g. India, Algeria, Egypt). Neither the Jewish, European settlers nor the indigenous Palestinian and other Arab populations (including Jews) were “strong enough to achieve a decisive victory” (Kimmerling 2008).

To add another layer of complexity, the Israeli legal system itself uneasily bridges this mixed legacy. On the one hand, the Israeli Declaration of the Establishment of the State laid out a civil legal code inspired by the self-evident nature of its citizens’ rights (see Weiss and Gross-Horowitz 2013: 3). On the other, the Rabbinic Courts Jurisdiction (Marriage and Divorce) Law of 1953 requires all Israeli Jews (who, exactly, that includes—as shall be seen—is subject to much debate) to marry and divorce in accordance with Orthodox Jewish interpretations of *halakha*, or Jewish religious law (Weiss and Gross-Horowitz 2013: 2). Far from being another, albeit religious, import from Europe, this systematically divided state law into universal criminal and civil laws as well as religious laws governing family affairs. This bifurcation took its inspiration from the Ottoman *millets*, self-governing religious political communities whose leaders were picked by the

sultan, to whom they swore fealty (see Ágoston and Masters 2009: 383). The Jewish millet was officially recognized significantly later than the Christian millets in 1835 with the creation of the office of the hahambaşı, or chief rabbi of the empire, though prior to this date most Jewish communities in the empire were largely self-governed by local rabbinates except for the Palestinian communities, which were ruled from Istanbul by the Istanbul Committee of Officials for Palestine (Ágoston and Masters 2009: 256). This system was largely left in place by the British Empire, who continued to allow local confessional communities to self-govern in matters of ‘personal status,’ or marriage, divorce, alimony, and inheritance (Sezgin 2013: 77). Unlike in other British colonial contexts (Cohn 1996), the British did not greatly study or attempt to codify rabbinic law as they had Hindu and Islamic legal codes elsewhere.

Today, in an irony seldom commented upon, the Israeli state enforces the rule of Jewish law according to these Ottoman and British standards of community-centric legal codes and religious jurisdiction over personal status. Jewish Israelis still must marry and divorce within offices of the two religious state bureaucracies in accordance to the Orthodox religious interpretations taken by these state employees. Due to these interpreters’ understandings of halakha, Jewish Israelis are not allowed to marry same-sex partners nor partners of other religions.

In the Western liberal imagination of a democratic state, such a system might seem to have an easy resolution: conversion. Indeed, in a democratic system, an individual’s ‘other’ loyalties to entities like religion, ethnicity, et cetera are often assumed to be irrelevant to one’s overall participation within the “core principles” of the nation-state (Asad 2003: 5-7); changing one’s religion would not seem to be in or against the interests of the state. However, while the discursive traditions of Judaism generally

recognize certain conversions to Judaism, conversions from are hermeneutically difficult (Ariel 2000); regardless of one's personal beliefs (or lack thereof), Jews are assumed to forever be Jewish through either a metaphysicality of Jewish souls (Myrowitz 1995), biogenetic understanding of Jewish race (Abu El-Haj 2014), or commitment of conscience to the suffering of the Jewish people (Myrowitz 1995). The religious branches of the Israeli state thus also enforce conversion zealously, to prevent any Jews (no matter what else they might say they are) from acting against their religious best interests.

What then of individuals' whose love doesn't fit the boundaries of the state's Jewish law? The easy answer, the one that political activism like the advertisement cited above might bring to mind, is that certain family and relationship configurations are not legally recognized, denying couples and families both recourse to certain legal entitlements and rights from the state (a gamut ranging from, as examples, power of attorney, state-subsidized IVF care,³ the right to residency and citizenship for non-native spouses and children, and access to resident parking in urban areas) as well as protections from each other (for instance, divorce adjudication and alimony). The more complex answer, the one I as an anthropologist must now insist on, is a bit murkier with farther ranging consequences. In a context where such a wide range of relationships have (differing) legal and political status, basic social forms like kinship, religion, and group belonging both reflect and create these multiple relationships. Furthermore, the effects of these different relationship types reveal fractures in the Israeli state project that are rarely discussed.

Although the percentage of Orthodox and Haredi Jewish citizens is rising, Israel's citizenry has always consisted and still consists of a majority of secular Jews (as of today,

³ See Kahn 2000 for details.

74% of Israelis⁴ are Jews, and 44% of Israeli Jews self-identify as secular, see Central Bureau of Statistics 2017). These secular Jews' lifestyles have never conformed to the Orthodox standards and assumptions of the state's Jewish law, and this group has consistently battled to decrease the state's observation of religious law according to the 'Status Quo,' or the legal arrangement of religious sensibilities as of Israel's independence, notably in regards to work prohibitions on Shabbat and marriage law (see Ben-Porat 2013). Critically, these efforts in court and in the legislature have produced a robust marriage-like status available to cohabitating couples called *'ydu'im be-tzibur'* ('known in public,' often glossed in English as 'common-law married'). The term originated in a High Court case in 1948, which gave some privileges of marriage to a woman who was 'known in public as his wife' (*'ydu'a be-tzibur ke-ishato'*), and has been referenced in several laws since (see Sikuler 2007; Hofman 2014). During the 1990s, the High Court expanded the term extensively, though, to date, there is no legislation that codifies its definition (Havay n.d.); indeed, as court cases consistently change precedents surrounding what services and bureaucratic procedures are and are not covered by the term, itemized lists delineating common-law rights make frequent appearances in the media and on lawyers' webpages (see Almliah 2015; Havay n.d.; Sikuler 2007; Hofman 2014 for examples). In the early 2000s, due to activism, courts began including same-sex couples within this term as well (Lifshitz 2008).

The large market for non-religious marriages and flexible legal status to accommodate them has also created a cottage industry of alternative wedding officiants who help couples celebrate their relationship (for a fee) in ritualized events. The

⁴ This fact, of course, comes with the major caveat that although the Israeli state occupies and administers law in both the West Bank and Golan Heights, as well as militarily controls access to the Gaza Strip, the non-Jewish residences of these three territories are denied access to Israeli citizenship.

widespread acceptance of the existence of such family types has even created new linguistic designations for such couples as *'bney zug'* (spouses, partners, or mates) outside of the religiously (and sexistly) inflected *'ba'al ve-isha'* (husband and wife, literally translated, 'owner and woman'). In this sociolegal context, Israeli Jewry possesses a distinctly interesting case study for kinship in the ethnographic record, having two parallel, distinctive idioms for identifying kin with different legal implications according to an amalgamation of sexuality, religiosity, and ethnicity/religion that are nonetheless widely available and understood within mainstream Israeli society.

In contradistinction to queer communities elsewhere, LGBTQ relationships and families in Jewish Israeli culture have largely been incorporated into and understood through these preexistent kinship rituals and practices that exist apart from state-controlled Orthodoxy, utilizing the same linguistic terminology and taking advantage of the same legal categorizations for common-law marriages that heterosexual, secular Israelis have developed for decades. Unlike the queer kinship practices documented by anthropologists elsewhere, Israeli queerness has not articulated itself as a more complete gendered, sexual identity (see Kulick 1998) nor 'fictive kinships' that are 'chosen' when other kin relations fail (see Weston 1997: 105), but rather fits into broadly understood patterns of identity and belonging within an Israeli-Zionist narrative of the Jewish people being discriminated against due to their unique, ineradicable nature while nevertheless simultaneously being asked to conform as 'a nation like all others' (Fink and Press 1999: 8-9). Perhaps out of empathy from this common narrative, Israel was the first country in Asia to decriminalize male homosexuality in 1988 (also prior to many countries in the broadly defined 'West,' including the United States), and has protected extensive family

rights for queer individuals through these pre-existing kinship categories (Fink and Press 1999: 9, 21-22).

Moreover, queerness and Jewishness themselves have a complex, intertwined history. *Yiddishkeit*, or secular European Ashkenazi culture, articulated ideals of gendered conduct and familial organization that were “not merely different from normative Christian-Roman-European models but intentionally subversive to them” (Seidman 2016: 17), rejecting courtly love and all of its trappings of masculine violence, feminine passivity, and spiritual—but not bodily—love (Boyarin 1997). Out of this opposition, Jewish masculinity was constructed to best be fulfilled through “delicacy and gentleness, not bravery and courtliness” (Boyarin 1997: 36), laying the grounds for the formation of a subject Jonathan Boyarin blithely calls “the sissy body of the ‘Jewish man’” in Europe (Boyarin 1997: xix). Indeed, queer approaches to Jewish masculinity that investigate its intentional feminization (both by “Christian-Roman-European” standards and internal evaluations) have become so widespread that Ann Pellegrini has quipped “in the implicit equation between Jews and women... the Jewish female body goes missing” (Pellegrini 1997: 109), though other efforts are beginning to uncover the ways in which Jewish femininity was, in the eyes of non-Jewish Europeans, “hypersexual, coarse, and unfeminine” (Seidman 2016: 15). Yet beyond these analyses of individual gender performances and sexual dyads, Jewish queerness, as it were, might better be observed in the larger social institutions in which gender plays out,⁵ notably: clinics, courts, politics, and the bureaucracies of the emergent nation-state.

⁵ Discussing gender within social institutions (beyond the family and kinship), of course, owes an immense debt to Raewyn Connell (see Connell 1987: 119 for a more specific discussion of this gap in the literature of gender previously). Many thanks to Jennifer Hirsch for re-introducing me to Connell’s work, which has

The production of sexuality, Michel Foucault argued, was an early modern endeavor to know the self scientifically, creating sexuality as a knowable, irreducible element of the self to be coaxed out by professionals (Foucault 1990). This process however was part of a larger political project: the governance of sexuality enabled a state governance of life, the ability to allocate life and the resources it required (Foucault 1990: 147-148). Indeed, the creation of nation-states and ethno-nationalism was further brought about by bourgeois policing of ‘respectable’ sexual and gendered conduct (Mosse 1997). Categorical others internal to society were created as standards of who was properly national and who was not were articulated. You can’t have an us without a them. Through this governance of life, a politics of race was carried out as some populations were targeted to marry, to breed, to be fertile, and to thrive while others were eliminated to keep the blood pure and society ordered properly and eugenically (Foucault 1990: 148-150). Along this path to nationalism, Jews and homosexuals were identified through interarticulated discourses as others to proper European nation-state citizens through “a shared set of stereotypes – effeminacy, sexual perversion, reproductive dysfunction, physical deformation – that located Jews and homosexuals in common opposition to the fiction of nationness,” though again, with an emphasis on men as both homosexuals and Jews (Bunzl 2004: 15). This shared etiology of Jews and homosexuals as the symptoms of poor modernity reached its most brutal stage during the Holocaust, during which both groups were systematically identified and genocidally eliminated to purify the nation, “[s]eparating and setting apart useful elements destined to live and thrive, from harmful and morbid ones, which ought to be exterminated” (Bauman 2000: 70). This social

been instrumental in conceptualizing how the law and legal institutions and places function to gender individuals.

kinship then is perhaps most forcefully visible through the common persecution both groups faced in Europe as “Jews and queers... on the level of both symbolism and collective physical embodiment, [have] been victims of Central Europe’s genocidal history” (Bunzl 2004: 2).

Through the perceived similarities of European queer and Jewish experiences within secular Zionism and these intermeshings of secular family laws and rituals, Jewish Israeli queer experiences represent a notably distinct configuration of sexuality and morality in the Israeli public sphere. Much as Gilbert Herdt and Rober Stoller’s work with the Sambia questioned established Euro-American assumptions on hetero and homosexuality (Herdt 1994; Herdt and Stoller 1990) and Kath Weston’s ethnography of the San Francisco gay and lesbian community revealed the meaning of ‘chosen’ relationships instead of blood kin (Weston 1997), an underlying thematic throughout this work is an exploration of what, exactly, queer kinship might mean in the context of Israel and – by imperfect extension – other societies legalizing or considering legalizing non-heterosexual relationships as state-sanctioned marriages. Indeed, in the more than twenty years since these works first appeared, individuals in non-heterosexual relationships have gained a plethora of new legal statuses and protections in many countries at an exceptionally rapid pace. When Kath Weston’s *Families We Choose* was first published, the United States had yet to legalize sex between men; it now (or for now) recognizes same-sex marriages in all fifty states.

To be clear, my point here is not that my observations of queer relationships in Israel imply queer relationships would look similar elsewhere or (even worse!) that internationally they are becoming more alike—indeed, as discussed above, I argue the opposite. However, in the time that has elapsed since these staples of queerness in

anthropological theory and Judaic Studies were written, non-heterosexual relationships have been and have become visible within public culture in much of the world in new ways (including Israel). My point then is that, in viewing contemporary Israeli demands for changed marital laws and rituals, one must account for the reality of Nadav's statement—a marriage with a 'gay and goy' might have more in common than the queer/straight dichotomous categorization can easily capture. It is only from this perspective that one is able to critically interrogate the ways in which Jewish-Israeli families are or are not able to participate in the Israeli state and analyze the implications of these interactions for the Jewish state.

A New Queerness

In the *Savage Mind*, Lévi-Strauss asks us to consider “an only slightly imaginary example” of a people (Lévi-Strauss 2000: 67). Or, more specifically, a tribe. In Lévi-Strauss's tribe, we are now asked to imagine three clans symbolizing the elements and their accompanying animal-totems: the bear (earth), the eagle (sky), and the turtle (water). As a result of euphemistic “demographic changes,” the turtle clan swells its ranks while the bear clan dies out.⁶ Quickly moving past this tragic loss of the bear clan (was it conversion?⁷ plummeting birth rates?⁸ genocide?), we are now faced with an unbalanced social order (somewhat predictably, Lévi-Strauss is more concerned with the violence to the symbolic order than the physical one that brought it about). Lévi-Strauss presents us with several options: perhaps the original symbols will survive “in the mutilated form”

⁶ It is hard for me to not imagine what this imaginary catastrophe could be, given my own work in Israel, this phrase carries the ominous connotation of the allegedly ever-present ‘demographic threat’ (*iyum demografi*), which imagines the higher fertility rate of Palestinian citizens (referred to in Hebrew and in Israeli state documents as “Arabs”) to be an existential threat to the Jewish nature of the state and to Jews more broadly (see Kanaaneh 2002).

between sky and water; perhaps the original triad will be reconstituted by dividing the turtle clan into yellow and gray; perhaps the binary that divided the turtle clan will now take on the symbolic valiance of day and night creating a order with four terms (Lévi-Strauss 2000: 68). Whatever historical event may have precipitated this change, and whichever new order emerges, “if the structural orientation survives the shock it has, after each upheaval, several means of re-establishing a system, which may not be identical with the earlier one but is at least formally of the same type” (Lévi-Strauss 2000: 68). Lévi-Strauss emphasizes change as continuity, the possibility for a cultural order to reemerge in the wake of social disruption.

Aside from his dismissiveness about the physical experiences such a transformation would entail, Lévi-Strauss here has much to offer. His account turns our attention not to mere demographic changes in populations nor does it overwhelmingly view such shifts as either full-scale social transformation or ongoing cultural stability, but rather, it points us to the ways in which shifts in the former can lead to cultural change both real and seemingly inert; symbolic systems may both shift and maintain their consistency in the face of human transformation.

Yet this transformative process, I argue, cannot be as cleanly separated as Lévi-Strauss would lead one to believe. Demographic shifts are not pre-symbolic, nor are symbolic systems separable from the specificities of people for whom they lend meaning. Moreover, Lévi-Strauss’s point only makes sense by rarefying kinship as a cultural institution into naturalized, pre-symbolic orders; a demographic shift only retains its meaning if modes of relatedness, family, descent, and ancestry are held to be stable

points.⁷ Indeed, the changes to normative kinship in Israel this project traces snap the fuzzy nature of the relationship between demographic change and symbolic systems into sharper focus: is the increasing existence of non-heterosexual family types the demographic shifts or the change to the Israeli kinship system that the demographic change of ydu'im ba-tzibur couples portended? How does one separate the symbolic order from its human instantiation?

In the case of the gay and the goy in Israel however, one can see both a population and its ways of understanding itself changing. As of 2017, 72% of Jewish Israelis support the right of every Israeli to marry whom they please how they please (Oster 2017), suggesting at first glance that the country may be approaching a tipping point for its marriage law. Yet throughout this work, I hope the shifting terrain that lies in wait underneath such facts to be revealed. This theoretical blurring of heterosexuality with queer sexualities should not be taken as a conflation of the two; many queer Israelis do still suffer from distinct forms of social discrimination and even potential violence (see Prince-Gibson 2016; Ben-Zikri 2017).⁸ It is, however, intended to utilize the articulation of queer used within queer theory as assemblages of sexual desire, gender identity, and

⁷ This tendency in Lévi-Strauss is perhaps at its most visible in his insistence in the incest taboo as a fulcrum between nature and culture (Lévi-Strauss 1969: 8-9, 13-14, 42, 62). For Lévi-Strauss, the universalism of incest taboos with their cultural variation allows the set up of his eponymous elementary structure of kinship, the 'dual organizations' (Lévi-Strauss 1969: 70), which structure systems of relations around women-giving so as to continue reciprocal relationships through debt (Lévi-Strauss 1969: 78, 129). However, this argument only works if one assumes heterosexual reproduction to be the assumed, teleological purpose of kinship systems (and assumes women to be so uninterested in sex that they can trade it as a distinct commodity instead of pursuing it as a goal). Preserving debt relationships only 'makes sense' if one frames kinship as a necessarily forward-looking endeavor to create new humans; absent this point of reference, one could equally wonder how Lévi-Strauss misses the meditation of nature and culture through the presence and absence of eroticized homosociality and even homosexuality in otherwise parallel relationships to ego.

⁸ Note, in so doing, I am also consciously writing into the debate on "pinkwashing" (the marketing use of the LGBTQ community by the Israeli government to portray itself as an enlightened state in regards to human rights at the expense of Palestinian lives) both to express the real ways in which LGBTQ Israelis are threatened but also to call attention to the ways in which the state of Israel offers legal and social protections and assurances to non-cisgender and non-straight citizens (see Schulman 2011; Pinkwashing Israel 2017 for more on Israeli pinkwashing).

sex that do not conform to normative social assumptions or understandings (see Jagose 1996) to highlight the ways in which both heterosexual and not Israelis' desired forms of kinship often exceed or contort the legal expectations of their existence as well as manipulate these same legal fields in ways not anticipated by their designers.⁹ Secular Israelis are demanding recognition for their forms of family that state-controlled Orthodox agencies are hard-pressed to accommodate in their current form, yet are these family types really non-normative at this point? What does queerness mean in a context where many heterosexual relationships are also not recognized under the law? Or Jewishness for a secular elite legally coerced into ritual life?

I hope what follows to be read with these questions always at the back of the reader's mind, challenging us together to rethink Lévi-Strauss's change alongside a population constantly and self-consciously evoking tradition, progress, social order, and individual rights to make sense of their own intimate relations. In so doing, it is my intention to reflect upon the uneasy distribution of privileges, expectations, and socially produced forms of suffering allocated by companionate relationships within the context of Jewish Israel. Put differently, let us collectively trace in the 'dust, fog, and bricolage' of daily life, normative legal and religious ritual, and proper and improper familial comportment the emergent, potentially queer love of contemporary Jewish Israelis.

In what follows, I will present a divorce, three weddings, and then one final divorce. Such a framing is intentional; it is my own way of writing against a tradition of ethnographic writing that categorized life rituals in an assumed chronology, as though all individuals would inevitably experience them all. In so doing, this framing effectively

⁹ On this point, I owe a thanks to John Borneman 2010 for calling my attention to the ways in which queer kinships may use other legal forms of kinship in surprising or counterintuitive ways to their designs.

queers the written tradition of life rituals, locating them not within the assumed normative timeline of an ‘ordinary’ life, but rather as potential nodes and frameworks that individuals located differently within a culture can utilize to make sense of their own and others’ experiences as well as judge, justify, and repudiate those same experiences. It is also an emphasis on taking divorce seriously as a ritual event and kinship status worthy of equal, if different, anthropological attention and theorizing to the wedding that preceded it.

In the first chapter, *Between Two Worlds*, I look inside a particular courtroom drama unfolding in Tel Aviv over twenty-four hours as a husband and wife, both parts of the Ashkenazi, secular, economic elite of Israel, attempt to divorce in front of the Orthodox male staff of the rabbinical court. Yet as their story unfolds, both our and their own mutual expectations about gendered roles in a failing marriage, religious and legal norms of conduct, and social power become confused – is this heteronormative couple legally divorcing ‘straight?’; is the court coercing the couple or the couple tricking the court?; is the exercise of state power effective when the actors involved are insincere? Through their story, I argue that secular Israelis’ engagement with rabbinical courts and rabbinical official, due to bad faith on both sides, does not effectively govern state citizens as legal subjects as it fails to create an affective state of ritual efficacy within the exercise of family law.

In the second chapter, I meet two couples who decide to get married, or not. One couple, two lesbian women, decide to obtain Domestic Union cards, a non-state certification of one’s committed relationship status, as they cannot legally be married in Israel; the other couple, a woman and a man, choose not to marry within Israel where marriage is “too political,” and instead get married abroad. Both couples vehemently

attest that marriage should not be a political issue, and yet both also manage to enter into a complex series of negotiations with the state over whether they are entitled to the same rights as married couples. Taking seriously their desire not to be political uncovers seemingly contradictory relationships between the state and its citizens as different governmental bureaucratic registrations alter the flows of allocations and privileges to which they are entitled. Ironically, the productive potential of these encounters reveals the unintentional potency behind ‘anti-political’ action, laying new groundwork for conceptualizing unconscious and unintended work people do that changes states and systems of power.

Moving farther away from state-controlled venues, the third chapter pauses to scrutinize more closely how alternative ceremonies confer social meaning and cultural legitimacy to the couple being wed within the public and market domain. Here, the emphasis on alternative marriages becomes an emphatic continuity with tradition, one that, I argue, both reveals and constitutes certain social and economic privileges. Following the work of one influential rabbinical movement without state sanction, Secular Humanist Judaism, with couples to prepare their ceremonies, this chapter explains how such moments convey meaning through Turner’s theories of ritual efficacy, yet inverts them, offering a blueprint for a new kind of social ritual: the secular ‘*meta-ritual*’ that re-packages and re-signifies Jewish wedding rituals into a celebration of the couple’s true, Jewish selves.

The fourth chapter shifts away from families themselves to the other side of the bureaucrat’s counter and looks at how state actors are mobilizing against activism for civil marriage within the Jewish state. Following an Israeli-born Jewish man and his convert fiancée’s attempts to marry within the state-rabbinate (for we can’t leave the couples

entirely behind), this chapter dwells on the theological and sociological question of what it means to be Jewish in the Jewish state, seeing how the actions of state religious actors utilize, influence, and disrupt the very aspects of Judaism they label as ‘traditional’ through their exercise of state power. As a person’s Jewish status is adjudicated first within the court then in a spiraling grey market of private contractors, a slippage appears between the ontological status of Judaism and the epistemological categories of evidence used to prove its existence.

The fifth and final chapter, *The Law is a Domestic Abuser*, turns back to the issue of divorce, tracing the effects of male power enshrined within Orthodox halakhic divorce procedure upon women’s status as state-citizens. Brought to a head by recent feminist legal strategies for *agunot*, women trapped in functionally ended marriages, Israel’s overarching commitments to being Jewish and democratic becomes a vehicles for structural violence and religious persecution as the state’s exercise of power is pitted against victims who, confusingly, are both facing and on the court.

Finally, in the Conclusion, the question, what kind of love is normative in Israel, returns to the forefront, now phrased more pointedly as an interrogation of Israel’s commitment to Jews and Judaism. Placing this work within the larger, and quite necessary frame of Israel’s political self-representation and the Israeli state’s ongoing projects of occupation and violence against Palestinians (and others), it situates the political dramas of love within the larger narrative of the Israel state projects of Jewish refuge and political violence.

On a final note, I wish to express one initial thought, though one to which I will certainly return in the conclusion on the purpose of studying the intimate lives of these rather well-to-do Jewish Israelis as a humanitarian crisis not only unfolds about them but

also unfolds at least in part due to their actions and inactions. My interlocutors in the field were overwhelmingly Jewish, possessing the tangible and symbolic benefits such a status confers in the Israeli state including, but not limited to, citizenship, right of movement, and recognition of themselves and their culture up through and including the highest seats of state power. Yet to acknowledge their privilege does not preclude their status as worthy objects of scholarly interest.

Rebecca Stein has proposed a scholarly dismantling of “the fiction of Israeli spatial and cultural insularity within the Middle East, [which] frustrat[es] efforts to consider mutual formation across national borders and ideologies. A relational approach, by contrast, conceives of Israel differently, placing questions of cultural interdependence at the scholarly core” (Stein 2008: 15). This project was conceived to follow within her call, and, despite its refocusing on the Jewish Israeli middle class, continues to do so. At stake within the relationship concerns of my interlocutors, should it manifest as courtroom drama or ceremonial snafu, is what indeed it means to be Jewish within the Jewish state. This question is not a trivial one, but one with clear legal implications for military and civilian policies that differentiate between ethno-religious groups, as well as geopolitical implications for a state whose international support at the time of founding was tied to sympathy for the Jewish people after the Holocaust and the perceived ability of an Israeli state in the Palestinian Mandate to accommodate them (Morris 2009: 61).

In considering the tribulations and literal trials my interlocutors face, I ask readers to keep in the back of their mind what it means for these encounters to happen to Jews in the Jewish state. Throughout this dissertation, one can see how Israel produces a particular kind of Judaism that rewrites history and the present in order to present and protect an unchanging Jewish history at the expense of many of the characters populating

this work. In uncovering these human palimpsests, written over by this Israeli Judaism and its history, I open new possibilities for thinking through the Israeli state's promises to the Jewish people in light of its failings to Palestinians.

Between Two Worlds: Love, Bad Faith, and Courts of Camp

Leah (*Eyes closed; sighs deeply; opens her eyes*) Who is here sighing so sadly?

Khnon's Voice It is I.

Leah I hear your voice, but I cannot see you.

Khnon's Voice You are set apart from me by a spellbound circle.

Leah Your voice is as sweet to me as that of a violin on a silent night. Tell me who you are.

Khnon's Voice I have forgotten. It is only through your thoughts that I can remember who I am.

Leah It's coming back to me now. My heart was drawn to a bright star. In the deep of night I shed sweet tears, and someone always appeared in my dreams. Was it you?

Khnon's Voice Yes. [...] I broke every barrier, surmounted death, reversed the law of the ages. I struggled with the strong and wrestled with the mighty and the pitiless. And when my strength finally failed me, I left your body in order to enter your soul.

Leah (tenderly) Return to me, my bridegroom, my husband. I will carry you in my heart, and in the still of the night you will come to me in my dreams and together we will rock our unborn babies to sleep. (*Cries*) We'll sew little shirts for them, and sing them sweet songs. [...] They are about to lead me to the wedding canopy to marry a stranger. Come to me, my bridegroom!

Khnon's Voice I have departed your body. I am coming to your soul (*He appears against the wall in white*)

Leah: (*Happy*) The circle is broken. I see you my bridegroom. Come to me!

Khnon: (*Like an echo*) Come to me!

Leah: (*Stands, joyfully*) I am coming to you.

Khnon: (*Like an echo*) I am coming to you.

[...]

Leah: (*In a voice that sounds as if it is coming from a distance*) I am emblazoned in a blaze of light. My bridegroom, my destined one, I am united with you for all eternity. Together we will soar higher and higher, ever higher. (*Stage darkens*)

Reb Azriel: (*Head bowed*) We are too late.

S. An-Ski *The Dybbuk, or Between Two Worlds* (48)¹

I heard about the divorce the night before it happened in a bar. Tehila, a friend, had recently broken up with her boyfriend of a few months and had wanted to get drinks on a Tuesday. As the resident anthropologist, I was available, as was her friend, Matan, who works as a data researcher in Ramat Gan, outside of Tel Aviv. It was after the third beer that Matan volunteered that he officially would be getting divorced the next day. I had not realized that he was married. Even more shockingly, neither had Tehila, who had known him for several years.

¹ S. An-ski's *The Dybbuk* or *Between Two Worlds* was originally written in Yiddish, but—when the author fled Bolshevik Russia—the original was lost. An-ski eventually reconstructed his Yiddish work using Hayim Nahman Bialik's Hebrew-language translation, which would become a staple of the emergent Tel Aviv *Ha-Bima* theater (Steinlauf 2010).

Matan, as it turns out, had been married for the last nine years, having gotten married to his wife in the United States when he was in graduate school in order to allow her to gain a US visa. They had returned to Israel, where, about five years prior, his wife had come out as a lesbian and had wanted to begin seeing women romantically. Although both Matan and his wife, Mayrav, are now good friends who frequently socialize together along with Mayrav's new partner, Tamari, both Matan and Mayrav later disclosed that her coming out and their subsequent break up had been emotionally difficult.

"Anyhow," Matan told us in the bar, lingering over his words as he sipped the glass again. "They are thinking of getting a sperm donation and having a baby, but that gets real complicated if we're still married. And even if we hate it, it's the rabbinate, yeah?² So tomorrow, poof! Divorced!" Judging the situation (and perhaps overestimating my own tact to sobriety ratio), I asked if I could come to the divorce.

Matan sized me up. "Sure, why not?" He switched to English and grinned puckishly. "We can show you a real Israeli shit show."

This chapter is the story of the next twenty-four hours of Matan and Mayrav's life. The story of their divorce is immediately recognizable yet nevertheless still bizarre to many secular Jews in Israel whose state manages their family relationships through a legal bureaucracy that seems at best indifferent to and at worst opposed to the values and actions of secular Jewish Israelis' everyday lives. Over the course of the next day, I would watch Matan and Mayrav, ostensibly positioned as opponents in the drama of their own divorce, rehearse and act out a fictive version of their relationship to the Orthodox

² Although both rabbinical courts (*beyt din*, pl. *batey din*) and the offices of the Ministry of Religious Services (*rabbanut*, pl. *rabbaneyot*) are both commonly referred to as "the rabbinate" (*ha-Rabbanut*) and often (as is the case in Tel Aviv) are in close physical proximity to one another, they are actually two distinct branches of government bureaucracy. Rabbinical courts are part of a separate, independent system within the Ministry of Justice (*Misrad ha-Mishpatim*). Rabbinate are part of the Ministry of Religious Services (*ha-Misrad le-Sherutay Dat*).

rabbinic court in order to get a divorce. I would witness the courtroom staff instruct Mayrav and Matan in how to be legal subjects they found comical in their absurdity and meaningless in their campiness. I would watch a legal proceeding to end a relationship between a heterosexual man and a lesbian woman who had cohabitated with another woman for three years whose social identities had long since ceased to be married partners. Through this encounter between the life processes of a secular family group and the Orthodox administrators of the courts, I came to see how such encounters, fraught with dissembled purposes and comic misunderstandings, are made affectively ineffective for the legal subjects they are supposed to govern.

This chapter opened with the final moments of S. An-ski's drama, *The Dybbuk*. Part metaphysical horror, part romance, and part *Yiddishkeit* commentary on romantic love, An-ski's play turns around the slight of a young, poor Kabbalist, Khnon, whose beloved, Leah, was promised by her father to him by his deceased father, who reneges on his promise and marries her to another man. Khnon dies and, as Leah walks into her wedding, possesses her body. A rabbinical trial is held. The rabbis both set up supernatural barriers to contain the spirits and question them routinely about their various promises to one another, eventually ruling that the young man was promised his beloved, but also that Khnon needs to be exorcised from Leah's body. Yet in the above excerpt, left apart from the rabbinic trial, Leah hears Khnon's ghostly voice and transgresses the barriers set up by the rabbis to join Khnon in a paranormal union. As the play ends, the chief rabbi, Reb Azriel, re-enters the room to realize that the lovers have broken metaphysical and Jewish boundaries to be united.

This moment, according to Michael Steinlauf, reveals that "[n]ormative Judaism, both legalistic and charismatic, fails to separate these lovers" as the new sensorium of

romantic love exceeds the strictures of family order laid out in Ashkenazi religious law (Steinlauf 2010). Yet to further unpack, this failure on the behalf of normative Judaism is also the failure of two Jewish families and a community to prevent a (wrongful?) love match from occurring. In classic Freudian psychodrama, all interpersonal and psychic difficulties ultimately steam from the nuclear family, as mother and father figures endlessly play out in our various relations with others. Yet for An-ski, this is a community drama unfurling through a “demonic possession as a *collective* rather than individual psychosexual crisis” (Seidman 2016: 18). Seidman argues that, insomuch as Freud critiqued European fixations on the sublime qualities of love (Seidman 2016: 18, 252, 304), “in the Jewish scheme of things, other kinds of family love were at least as important as the heterosexual variety. The naturalism of Jewish culture and halakhah... viewed marital love within the larger context of extended family and ultimately of community” (Seidman 2016: 303). There are far more dramas than just the nuclear family when it comes to Matan and Mayrav’s divorce, including the members of the religious rabbinic court in Tel Aviv and Tamari, Mayrav’s current partner. To highlight these multiple stakeholders composing Israeli love within kinship today, I have borrowed An-ski’s subtitle *Between Two Worlds* to draw the reader’s attention to the improvised, composite assembly of this affective narrative between secular and religious Jews, state actors and divine representatives, governed and governing within the liminal space of the campily-enacted divorce ceremony.

An Exceptional Case

Mayrav and Matan’s divorce has several important legal characteristics worth pointing out before their story gets too far. Unlike many divorces in Israel, Mayrav and

Matan chose not to enlist any form of legal counsel (either together or independently) for their divorce.³ They themselves chose to draft their divorce agreement, a choice which—though permissible in Israeli law—is not recommended by most legal authorities. This agreement was largely a technicality. When Matan and Mayrav had ceased to live together, they had negotiated the dissolution of their joint assets—which at that time consisted of a shared bank account and furniture—without utilizing any formal legal institutions. The agreement they were to present to the rabbinical court was less than a page in writing, and detailed that each would keep “their possessions previous to the marriage” and that neither claimed any lien on the other’s salary or wages. In other words, the document that they would be presenting to the rabbinical judge to divide their property was itself also a performance as they had neither provided factually accurate information within it, nor did they intend in good faith to follow through with the division of assets it called for, having already done so.

This is all to point to the most unique element of Mayrav and Matan’s divorce: their relationship. In Israel, a divorce can either be consensual (*girushin be-haskama*) or non-consensual (*girushin she-lo be-haskama*). In a consensual divorce, both parties agree to the need for a divorce (or at least one has initiated the divorce and the other spouse has agreed to cooperate in the proceedings) and have either agreed to the material terms of the divorce and/or custody agreements or agreed to negotiate these terms outside of court in a binding arbitration. In a nonconsensual divorce, either one party does not

³ In Israeli divorces for Jewish couples, counsel could either entail a lawyer (*orekh din*) or a rabbinic pleader (*to'en*) or a combination of both depending on their desires for representation. Rabbinic courts, outside of Israel or locations with large Jewish communities that have standing rabbinic courts, have an institutionalized procedure for obtaining quasi-advocates for each partner during a divorce. The process, known as *ze borer lo ekhad* (“each chooses one for himself”) or by the acronym, ZABLA, involves each person picking a judge of their choice, and then the two selected judges pick a third colleague to convene the rabbinic court (Breitowitz 1992: 327). Although the judges picked are supposed to be unbiased arbiters, many couples view these judges as their surrogate advocates during the divorce process (Breitowitz 1992).

agree to the need for divorce and wishes to obtain an order for mandated counseling from the court, or the two parties do not agree to the material and/or custodial terms of separation and wish to file suit against one another. It is worth noting that a religious court (rabbinic court for Jews) *must* adjudicate the final separation of partners in either case; a civil court (called a family court when acting in this capacity) can settle the material and custodial claims of a separation.

Matan and Mayrav's divorce was extraordinarily consensual; not only did the two agree to the need for a divorce, but also had a friendly relationship with one another. It is this cooperative spirit, methodologically, that enabled me to attend their divorce ceremony as rabbinical judges in Israel have authority over who is allowed to witness court proceedings and often dismiss people from the courtroom they deem extraneous (such as a cultural anthropologist). Matan and Mayrav invited me jointly as a friend, thus allowing me into their divorce proceedings.

Beyond the access granted by Matan and Mayrav, their divorce also reveals with fascinating clarity the depth of misrepresentation, misinformation, and misrecognition that occurs during secular Jewish Israelis' interactions with the Orthodox rabbinical establishments (either the rabbinical court or rabbinate).

Although a majority of Israeli Jews identify either as secular like Matan and Mayrav or as "traditional but not religious," Israeli state institutions governing family law for Jewish citizens are run by Orthodox Jews whose values and procedures are often opaque to the citizens they serve, as shall be seen in Matan and Mayrav's interactions with the rabbinic court in Tel Aviv (Central Bureau of Statistics 2012; see also Bassok 2010). Moreover, secular and religious Israelis' contestations politically extend far beyond marriage and divorce into issues surrounding national service, settlements, observation of

religious laws, and even the viability of the state itself (see Dalsheim 2011 for a wonderful discussion of the contours and commonalities in Jewish Israelis' political cleavages). Implicit within this chapter is however the contention that the image of family shakily created by dramas like the one I witnessed in the court for Matan and Mayrav's divorce proceedings both mirrors and constitutes these other scales of contestation over inter-Jewish political conflicts within Israel. To do so is not to suggest that these divisions reflect two ontologically different and distinct communities, but rather to draw attention to the creative process of a shared Israeli love story produced "hidden in the appearance of deep conflict and... accomplished through that appearance" (Dalsheim 2011: 17).

In the absence of what might be conventionally imagined (at least in the imaginings of a citizen from a state with a secular judiciary) dramas of the divorce courtroom, Mayrav and Matan's divorce allows one to see the other dramas lurking in the legal spaces of Israeli family law.

In reading (or living) *The Sorrows of Young Werther*, Roland Barthes's nameless lover remarks:

As a reader, I can identify myself with Werther. Historically, thousands of subjects have done so, suffering, killing themselves, dressing, perfuming themselves, writing as if they were Werther (songs, poems, candy boxes, belt buckles, fans, colognes à la Werther). A long chain of equivalences links all the lovers in the world. In the theory of literature, "projection" (of the reader into the character) no longer has any currency: yet it is the appropriate tonality of imaginative readings: reading a love story, it is scarcely adequate to say I project myself; I cling to the image of the lover, shut up with his image in the very enclosure of the book (everyone knows that such stories are read in a state of secession, of retirement, of voluptuous absence: in the toilet). (2010: 131)

Within this chapter, I ask what narrative do my interlocutors read in their own love stories. What image is clung to as Mayrav and Matan project themselves into the divorced couple by themselves, and by the court employees and judge? Should this question seem trivial to ask within a court of law during a divorce, one need only

remember that to “analyz[e] the law the realm of law as a cultural phenomenon... [is] no more unusual than viewing aspects of a society through the behavior of its members in the public market-place, the family dwelling, of the house of worship” (Rosen 1989: 5).

In that light, I pursue this particular divorce as a place to query what type of legal subjects Israeli religious courts form out of the largely secular public. As such, in this chapter, I treat Matan and Mayrav’s process of obtaining their divorce as a ritual activity in the oldest of anthropological traditions, playing close attention to the actions and symbolic registries used as well as their efficacy (or not). Through this ritual analysis, the structuring currents of this image of love, these “public feelings that begin and end in broad circulation, but [that are] also the stuff that seemingly intimate lives are made of” become apparent in contemporary Israeli kinship (Stewart 2007: 2). As Matan and Mayrav create a narrative they know not to be quite their own for the court, they enter self-consciously—and campily—into the creation of an Israeli love story whose characters extend far beyond just themselves or their nuclear families, one palatable to both their secular, Ashkenazi subjective understandings of marriage as well as to the modern Orthodox court employees’ notions of what constitutes a *halakhic* (roughly, legally Jewish) marriage and its divorce.

In my interpretation, the demarcations of “Orthodox” and “secular” then will be used not as self-evident categories, but rather as a bundling of understandings, worldviews, practices, and modes of being in the world, drawing from Talal Asad’s invitation to view “the secular to be a concept that brings together certain behaviors, knowledges, and sensibilities in modern life” (Asad 2003). These terms should be taken to describe the actors and objects to which they are attached insofar as those actors and

their practices of knowledge-making constitute these affiliations through the actions I describe during Mayrav and Matan's divorce.

I use Mayrav and Matan's divorce to trace the Israeli cultural narrative of what I call romantic love in bad faith even as it causes a couple to separate within the ritual space of the divorce ceremony. This narrative reveals the half-hearted commitment secular Israelis (like Mayrav, Matan, and Tamari) and religious rabbinic officials hold for this cultural script for romantic love. In this unfurling drama, romantic love, while being the standard affect used to create and dissolve Israeli kinship units, fails to provide a coherent blueprint for Israelis to make sense of their sensory and affective experiences of family as a result of its compromised and negotiated composition in life-cycle rituals at the hands of secular Israelis and the religious legal structures of the government. In that light, state exercise of power over relationships easily veers from authority into camp, a sensibility in which their ability to "mean[] something, anything [is lost] and [they just exist as] the thing as pure artifice" (Sontag 2009: 281), collapsing the legitimacy of state law to negotiate intimate relations.

The Status Quo

In order to understand Matan and Mayrav's story, one must first understand the historical conditions that led to them living in an "Israel [that] has no uniform civil law governing marriage, divorce, and burials, and [where] these crucial life-cycle events are controlled by the Orthodox Jewish rabbinate and the religious authorities of the 'recognized' Islamic and Christian communities" (Markowitz, Sharot, and Shokeid 2015: xiv). Israel is a particular place. This is not so shocking a statement in the world of cultural anthropology, champion par excellence of the idiosyncratic, the particular, and

the local. Yet it is worth dwelling then on the specific ways in which Israel is a particular place, the ways in which dwelling in Israel creates the social configurations and life-possibilities that were at play in court with Matan and Mayrav.

Israel announced its statehood to the world on May 14, 1948, officially declaring its independence from the United Kingdom. This was not an announcement for all residences of the newfound state, nor an announcement met with celebrations on all fronts (though there is evidence of some celebrations for the Zionist state in now unexpected corners).⁴ When the war started by the Israeli announcement of Independence ended in 1949, the state's recognized borders were drawn from the armistice lines at the end of the conflict. Yet inside the now-bounded state, new configurations of power and institutions were still coalescing into assemblages of tradition, law, political expediency, and charismatic personalities.

Zionism, the political movement for European Jewish self-determination vis-à-vis colonial settlements outside of Europe, contained the basic contradictions in its relationship to Judaism that would dictate the distribution of power in the state of Israel far before independence. For Jews seeking educational and professional opportunities outside of their closely bounded European communities, Zionism offered a form of Enlightened European modernity available to them that disavowed Orthodox religious authority. Zionism also offered a solution anti-Semitism rising throughout an increasingly nationalistic Europe; by creating a sovereign territory “elsewhere” than Europe, European Jews could enjoy normalized political relations with their erstwhile neighbors and antagonists.

⁴ In her autobiography, Leila Ahmed remembers celebrating the Balfour Declaration with her fellow Egyptians, some of whom freely identified as Zionists (Ahmed 2012: 250-251).

Yet this movement was nevertheless grounded in the European idioms of religion, however broadly drawn, to negotiate the boundaries of its identity. Theodor Herzl, the founder of the World Zionist Organization and author of the Zionist pamphlet, *The Jewish State*, decried a theocratic rule of religion for a future Zionist community, yet a sentence later admits that “Faith unites us” as Jews (see Herzl 1986). Beyond the issue of European Jewish identity’s links to religion, “[b]oth symbolic and practical political questions kept Jewish religion inside the political life of the nation [referring to the Jewish communities of the British Mandate of Palestine] and, later, of the state” (Ben-Porat 2013: 30). Of note, the Zionist movement’s claim to advocate for all Jews “encouraged the movement to seek wide support and forced it to make compromises on practical religious questions” as well as make use of religious Judaism’s potential claim to territory (Ben-Porat 2013: 30).

These underlying disputes over religion in the Zionist movement’s coalition began their path to formal institutionalization through an agreement proposed by David Ben-Gurion, then chairman of the Jewish Agency Executive, the governing body of the Jewish Agency for Israel (*ha-Sokhnut ha-Yehudit l-Eretz Yisra’el*), to the *Agudat Yisra’el* (literally, the Union of Israel), the orthodox religious opposition movement to organized secular Zionism in Palestine.⁵ This letter was meant to create a united Jewish position to present to the United Nations Special Committee on Palestine (UNSCOP) who had started a fact-finding mission in the region four days prior (Rabinovich and Reinhartz 2008: 58-59). Although Ben-Gurion explicitly stated in the letter that no institution was empowered to

⁵ Originally anti-Zionist, the Agudat Israel did not actively help in the creation of the State of Israel, but—following the Holocaust—did not actively oppose it.

dictate the terms of the constitution of the Jewish state prior to its founding,⁶ he did provide the Jewish Agency for Israel's endorsement that the new secular, multicultural state would have four "structural foundation[s] for religio-political accommodation" (Rabinovich and Reinharz 2008: 58-59). These accommodations provided the foundation for the government to guarantee special religious purview over the Sabbath, *kashrut* (the laws of dietary kosher) status for all state-kitchens, autonomy for different streams of religious and moral education, and—crucially to this story—marital affairs (Rabinovich and Reinharz 2008). This agreement, which would become known as the "Status Quo," provided vague, but influential guidance to religious legislation in the early decades of the State of Israel (Ben-Porat 2013: 32).

The vague promise of "marital affairs" to the auspices of a religious authority was fulfilled by the Provisional Counsel of State on May 19, 1948, when it enacted the Law and Administration Ordinance (Sezgin 2010: 631). Rather than create a new system of institutions to guarantee Jewish religious autonomy in marital affairs, this act continued the Ottoman *millet* court system that had been in use during the British Mandate of Palestine (see Raday 2005).⁷ The Ottoman millet system characterized imperial subjects by their ethno-religious community and subjected them to the authority of their religion's institutional authorities. These religious courts have judicial autonomy over legal issues of personal status—including marriage, divorce, inheritance, and alimony—and function as a decentralized, pluralist legal system. Israel "has maintained a modified form of old millet system in which religious courts of fourteen State-recognized communities, staffed with their very own communal judges who apply religious and customary laws of their own

⁶ Perhaps ironically, the State of Israel has never created a constitution.

⁷ Available at the Israel Ministry of Foreign Affairs's webpage as part of their publication "A Free People in Our Land."

communities, are granted exclusive jurisdiction over matters of marriage and divorce and concurrent jurisdiction with the civil courts in regard to issues of maintenance and succession” (Sezgin 2010: 633). In 1953, the Knesset enacted the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 5713/1953,⁸ which made participation in the rabbinical court mandatory for all Jews in Israel for personal status legal affairs.

Today, this status quo of religion and state has left secular, ethnically Jewish Israelis like Matan and Mayrav with a family law system that adjudicates their intimate lives through a legal lens they neither believe in nor fully understand.

We Need a Reason to Divorce

Although Matan had forewarned Mayrav that he had invited me to the divorce, I was nevertheless anxious about meeting a woman as a stranger her (ex)-husband had invited to their divorce the previous night after a few drinks in a bar. We met at a café next to the Tel Aviv City Hall, an understated Brutalist building that could easily be mistaken for an aging office space if not for its prominent locations next to the scenic Rabin Square. Mayrav’s curly hair was dyed blonde, a fact revealed by the brunette roots beginning to show near her scalp. She wore a white, buttoned shirt and navy pants with ruby red eyeglasses. On her chest, she was wearing a cheeky interpretation of the ubiquitous *khamisa* good-luck symbol,⁹ whose golden ring and index fingers were curled downwards to hold the necklace chain, yet in so doing making the hand icon appear to be extending solely its middle finger in imitation of an obscene gesture familiar in many

⁸ Official Israeli governmental documentation uses the Hebrew calendar year.

⁹ A *khamisa* amulet is traditionally a stylized hand extended upwards, whose thumb and pinky fingers are equal in length, as are the index and ring fingers. It is worn throughout Israel and the Middle East, particularly by women, often as a necklace, though it can also be seen as a common architectural decorative feature, particularly on items of religious significance.

Euro-American cultures. Her eccentric, irreverent demeanor belied her professional career as a general physician enough so that I did not believe her when she first told me what she did. She laughed a loud guffaw when I asked her what she really did.

“Are you looking forward to this *balagan dati* [religious mess]?” she asked. “That’s your thing, right?” I told her I was excited. “You look like you’ll do fine,” she said, eyeing my own clothing choices suspiciously. I was wearing navy pants and a white shirt with brown leather shoes. “You put on a *kippa* and you’ll fit right in.” I hesitated while fingering the knit yarmulke in my pocket before sheepishly showing her the skullcap. She guffawed again. “You’re really putting on an act for these people, aren’t you?” she asked me. I answered that I did not want to cause any troubles for them if I was disrespectful. “Yeah,” she trailed off, “Matan told me to look nice too.”

Matan, who had been mostly silent after introducing us, shot her a glance that managed to be both stern and good-natured. He had put on a white shirt as well with faded olive green chinos. Unlike me, his shirt was not tucked into his pants.

“We just need to keep thinking about the goal today,” he told Mayrav while eyeing a legal pad he had brought with jotted down notes upon it. “We’re here to just get a divorce, yeah?” She agreed with a playful smirk.

“You bring everything?” she asked him. Matan removed a thick manila folder from a khaki-colored messenger bag.

“I’ve got two passport photos—thanks for yours—and the ID copies. Marriage certificate—did you bring the *ketuba*?” He turned back to Mayrav who produced the Jewish wedding certificate. Surrounding the text was a water-colored motif of pomegranates.

“Great, thank you!” Matan said taking the ketuba and adding it to his growing stack of

papers. He turned to me. “Do you think we need to show them? I’m worried since it’s not official.”

I asked what he meant.

“Well, we got married in a courthouse in the US, but our parents wanted something Jewish in the ceremony so we just got a ketuba off the Internet. It’s not the official one though.”

“Official?” I asked.

“Yeah, like I think it is supposed to sound like a contract. Ours just says some stuff about love.” I will say more about this later.

“Just try not to show it to them,” Mayrav said. “We can always just say that we lost it,” she said while staring at the document in Matan’s hands.

“Sure,” Matan replied. “Did you bring the cash?” He asked her again.

“I’ve got 500 shekels,” she told him, flicking crisp bills out of a wallet in her purse. “Do you have—what is it?—two more, three more shekels?”

“Maybe?” he told her. “Let me check. Can you see how many we actually need?” Matan began fishing through his pockets for coins as Mayrav opened her smartphone and began flicking at the screen. A few minutes later, she found the information she was looking for.

“251,” she told him. “If we need it authorized, we need two times that, so 502. Do we need that?”

Matan had successfully found a five-shekel coin and a one shekel coin. I offered to make the necessary change. “Thanks. We already had to pay them 251 shekels to just open the file in December when we first went in,” he muttered, then, turning back towards Mayrav, “Yeah, isn’t that what the assets are for?”

“Right,” Mayrav told him. “So I got my salary documents and such. What are we saying about the other stuff?”

“Just tell them we each rent an apartment now,” he responded. I asked what that meant. “Well, Mayrav and Tamari own their apartment, but if we tell them about that, they’ll want to see papers and stuff and that’ll show that Tamari owns it too. It’s not like that matters.” He accepted her list of semi-fictitious assets and put it alongside what I assume was his own. Matan looked back to his legal pad. “I think that’s it.”

Mayrav smiled at him. “Great! Now just remember, when they ask us why we’re divorcing, just keep telling them *he’ader sikuy le-shalom bayit*.”

Literally translated, *he’ader sikuy le-shalom bayit* means a “lack of possibility for peace in the house.” Within a rabbinic court, this phrase signifies that the couple is unable to live within the religious ideal of domestic harmony of husband and wife according to their divinely proscribed roles, thus enabling the union to be made holy. Mayrav or Matan were not familiar with the theological elements of this phrase when I asked them why they would say that to the court.

“Well, because we need a reason to divorce,” Mayrav told me, “but we can’t tell the rabbi that we can’t be married because I’m a lesbian because then I’d end up in some fucking camp (*makhane mekhorban*) or something. And we don’t want that to come out in court if they start asking us questions to get into trouble. So instead of having Matan say that I’m a lesbian or me accidentally saying that Matan hits me, let’s just tell them that our love is over (*ha-ahava shel-anu nigmara*) and be done with it.”

I asked where they had gotten that particular legal expression from. Mayrav answered, “Oh, I just asked a Facebook group for formerly married lesbian women. They told us what to say.”

I asked, if they didn't object, to tell me why they were divorcing. Both paused their businesslike demeanor. Matan began to answer.

"Well, you know, like, she's a lesbian. She was born like that (*hi nolda kakha*). And like, yeah, at first it was hard," he paused, turning towards Mayrav, "can I tell him?" She nodded. "At first it was really hard for me because here was this woman I loved so much but she can't love me like that. But we made a commitment (*mekhuyavut*) to each other to love each other and she had trusted our love and told me this intimate thing about herself and that meant that I needed to respect who she was and to let her go."

Mayrav reached out her hand and grabbed his. "Oh, you're too sweet!" She squeezed his hand, then looked down at her phone. "Time to go meet the witnesses!"

We got up, leaving change on the table for our coffees. Matan eyed Mayrav's neck and said, "Maybe take off the necklace?"

He Can Buy Me Lunch

The Tel Aviv Rabbinic Court is two blocks from Rabin Square on the ficus-tree-lined *Sderot David ha-Melakh* (King David Boulevard). It is a sparse, modern structure, faced in the creamy beige of Jerusalem stone with four balconies looking out onto the boulevard with teal railings. Turning the corner onto Laser Uri Street, the entrance to the Tel Aviv Rabbinate can be seen. The two share the building. Outside the main entrance, Mayrav, Matan, and I joined the rest of our courtroom entourage. Turns out I was not the only guest invited to this divorce.

Waiting for us four additional people had already gathered: Matan's brother, Mayrav's father and two of her friends, both of whom had come because they thought "this would be funny." All four of them were in some variation of hem lengths of shorts

and t-shirts, casting sharp contrast to the suits and long dresses of the rabbinical employees smoking outside.

Mayrav turned to all of us before going inside. “Thanks for coming and let’s remember to be respectful and make this a joke!” We entered the building into the large waiting area, almost cavernous in both its spaciousness and its under-furnished sparseness. Matan and Mayrav went to the receptionist, a forty-something woman. She seemed polite to Matan and Mayrav. Their scheduled hearing time was posted on a sheet of white paper in the lobby, and, about ten minutes after their posted appointment of 10 AM, the receptionist shuttled us down a hall and into a courtroom.

The space was Spartan white, with tawny oak-colored desks, reminiscent of US school desks albeit with detached chairs, in a line facing the slightly raised oak dais of the rabbinical judge’s table. Inside already was the rabbinic judge (*dayyan*), Rabbi Grosman, a bearded man wearing all black and a skullcap, as well as his two *sofrim* (scribes, *sofer* sing. masc.), both younger men, clothed similarly, positioned next to a computer where one took notes of the proceedings. The room was smaller than we had anticipated, and finding comfortable seating for all of us was difficult. I leaned against a back wall with one of Mayrav’s friends.

Rabbi Grosman began the proceeding, asking Matan and Mayrav’s friend to identify themselves. There was a moment of confusion when Mayrav stood and identified herself as the woman to be divorced. She had been seated next to Matan, and Rabbi Grosman had seemingly not accounted for such a seating arrangement. He regained his composure.

“I see that the two of you have come in for divorce today, is that correct?” Both Matan and Mayrav affirmed. Rabbi Grosman gave a curt nod then invited Matan to the

front of the room, where he double-checked his name, his last name, his parents' names, his grandparents' names, and any nicknames Matan may have gone by during his life. Mayrav was then subjected to the same line of questioning as the scribes in the room recorded her answers. Rabbi Grosman invited Matan's brother and Mayrav's father to double-check all of this information, including spellings of names, and then asked them if they could verify that this couple was indeed married. They each assented. Rabbi Grosman nodded again, looking towards the scribes.

"And both of you would like to be divorced from one another?" Matan and Mayrav both agreed. "Would the two of you consider reconciliation?" Rabbi Grosman asked them. "We can provide you with a recommendation if there is a chance (*sikuy*) that you can stay married."

Matan said, as if but certainly not by rote, "We have been apart for two and a half years and there is no chance." I noted that he had forgotten their prearranged statement. Rabbi Grosman nodded and did not ask further questions as to the reason.

"I believe that you have reasons for your divorce (*'ilot le-girushin shel-akhem*). Do you have an agreement (*hiskem*) for your divorce?" Matan retrieved the two pages detailing their respective salaries and fictitious assets, and handed them, as well as what looked like additional copies to Rabbi Grosman.¹⁰ The judge nodded and accepted it, scanning the documents. "This is fine (*ze b-seder*)." He handed the documents to a scribe. "I now have several questions for you about your wedding and each of you to make sure that we conduct this according to the laws of Moses and Israel (*ke-dat Moshe ve-Yisra'el*). Were you married here with us?"

¹⁰ Should a divorce agreement be settled within a rabbinic court as well, the divorcing couple are asked to bring four copies of their divorce agreement with them. If their divorce was previously finalized in a civil court seated as a family court, they need only bring one.

“No, in the United States,” Mayrav replied. Rabbi Grosman sighed. “Is that a problem?” she asked him.

“Are you both Jewish?”

“Yes,” they said, Mayrav pausing for Matan, giving each of their affirmations more weight.

“You’re both Jewish; that’s enough for us. Was your wedding proper Jewish (*hakhathuna shel-akhem hayta yehudit tkina*)?” They exchanged glances. Rabbi Grosman continued, “Did you have a rabbi? Or was it according to halakha? Do you have a ketuba?”

“Yes,” Mayrav volunteered. “But it’s not regular Jewish (*lo yehudit regila*). It’s more like a statement of purpose (*hatzharat kavanut*). We copied it from some nice documents we found on the Internet.”

“Did it give a specific amount of money for the *mohar*?” A *mohar*, sometimes translated as a dowry, is the amount of money given by the groom at the time of the wedding to the bride. It is recorded in the ketuba, which often stands in for the physical transaction.¹¹ The husband will hold this money in escrow for his wife in case of divorce, at which time he will pay her the *mohar* as part of the divorce settlement.

“No, of course not!” Mayrav blurted. I noticed Matan stifle a laugh.

“So you have no claims?” Rabbi Grosman asked Mayrav.

“No.”

“Okay.”

¹¹ Standard ketuba texts often give the formulaic amount of 200 silver *zuzim*, the name for coinage used in Jewish Palestine around the first century CE.

One of the sofrim began to look agitated. He looked nervously at Rabbi Grosman, who had already begun to ask about witnesses.

“Not right (*lo nakhon*). This is not right,” he muttered. Rabbi Grosman seemed to ignore him.

“It’s not right,” the scribe repeated, somewhat louder. He stood up and moved closer to the judge, clearly whispering “it’s not right” into his ear. Rabbi Grosman looked irritated, and swatted his hand up by the scribe in his ear. The sofer persisted. He mumbled something longer into the rabbi’s ear.

Rabbi Grosman brushed him aside again with his hand, but straightened his posture and said, “Okay okay.” The sofer went back to his seat, though he still fidgeted. “Mayrav, did you forfeit the mohar (*at vitert et ha-mohar*)?”

“Yes.”

Rabbi Grosman looked to the scribe, who said back, “It’s not right.” He turned back to Mayrav.

“You have to say that you forfeit it (*at khayevet lomar she-at mevateret*). Say, ‘I forfeit’ (*Tagidi, ‘ani mevateret’*).”

“I forfeit.” She turned mischievously towards Matan. “I forfeit it if he buys me lunch (*ani mevateret oto im hu yikne li arukhat tzohorayim*).”

“Okay,” Rabbi Grosman said. The sofer seemed placated by this development. “You can go out and wait for the *get* ceremony (*siddur get*).” A *get* is the religious legal document that officially dissolves a couple’s marriage according to halakha.

As Matan, Mayrav, and their families and friends exited, I stayed behind to introduce myself to Rabbi Grosman and chat briefly. I explained I was interested in

marriage and divorce in Israel, and had been invited by the couple to witness their proceedings. Rabbi Grosman laughed.

“Is this the American Freud of the Israeli rabbis?” he asked me laughing. A sofer eyed me skeptically as though to see what had made the judge give such a loud welcome. Rabbi Grosman continued, “I think you will find we are less crazy than,” he paused then resumed with a changed, raspy voice, “your theories say.” He laughed. “That’s a psychiatrist who used to smoke,” he told me, apparently regarding his impression. I laughed as well.

I asked Rabbi Grosman what had just happened. “We made sure they were ready for a get,” he said, less interested in me than he had been when making jokes. I asked what exactly that meant. “We need to make sure that we do not interfere with shalom bayit (literally, “peace of the house,” the sacred state of a married couple’s household). If they are not living in shalom bayit, which this couple is not any longer, and they would not like to work to reach that place (*lehagi’a la-makom ha-ze*), which they do not, then they must be divorced. It is wrong to make a couple live together if they are not *bashertim* (loosely, soul mate, Yiddish)¹², and it is our *mitzva* (divine commandment or good deed) to separate them.” I inquired how he could tell that they were not living in shalom bayit. “They’ve been living apart for what did he say, two years?” Rabbi Grosman replied. “They have no relationship; there’s nothing to repair. After I heard that, we tried to end things between them as easily as possible.” I nodded. “That’s why I asked about where

¹² The concept of a bashert is more complicated than the translation soul mate might suggest. Literally “destiny” in Yiddish, a bashert is one’s divinely destined marital partner. According to mystic Jewish interpretations of the Covenant at Sinai, all Jewish souls, future and past, needed to be present to join the Chosen People with Moses. At this moment, two individual souls would find each others’ eyes, and become destined to be joined when their physical moment on earth comes. Often the term is used regardless of a couple’s marital harmony, making Rabbi Grosman’s indication that Mayrav and Matan are not one another’s bashert idiosyncratic.

they were married; maybe they weren't really even married at all! That's the best option, yes?" He had gotten excited again. "If they were never really married, then they don't even need a get. We can just send them on their way and they do not need to see each other again."

I asked what he meant. "Lots of couples like this one never get married." I clarified if by "couples like this one" he meant secular (*khiloni*). "Yes, many secular people, they don't understand how Jews are married, so they never actually get married. It's not surprising those relationships don't work out since they were not done the right way according to halakha, but it makes our jobs easier here; we can just send them home! We are trying to best serve the public here, which means we need to follow both the laws of the religion of Moshe and Israel (*ke-dat Moshe ve-Yisra'el*) and also the laws of the state of Israel (*medinat Yisra'el*). If we can be more efficient while following both laws though, that is better. So if no one was married, then we can just let them out of here without a mess (*balagan*)."

The scribes had left the room, leaving the two of us alone. I took the opportunity to inquire what had happened with the mohar. Rabbi Grosman's face contorted into a moue. "It was nothing. Before a get, a woman needs to claim whatever property is hers in the ketuba. They didn't have a ketuba, so it doesn't matter." He sighed. "But just to be sure, he will buy her lunch. That's what she wants, and that makes sure it is all in order." I asked what was in order. "The get! It was fine, but with the lunch, no one," his eyes glanced towards the empty seat where the sofer had been, "can claim that they never actually got divorced and make problems in the future."

He told me he needed me to leave for his next case to come in. I thanked him and began walking out. Rabbi Grosman called me back, "We are trying to make it easier for

people now. We even have a website now for registering witnesses for divorces that you can use on Fridays and Saturdays.”¹³ I rejoined Matan, Mayrav, and their company in the hall.

Never Married, Getting Divorced, Still in Love

As I left the courtroom, lingering in my mind was exactly when each party in the courtroom had decided that Matan and Mayrav should (or were eligible to) divorce. Matan and Mayrav had decided to separate years before entering the room, then to divorce according to the state once they foresaw possible difficulties for Mayrav and Tamari’s future children. Rabbi Grosman assessed both whether Matan and Mayrav still had the possibility of living within *shalom bayit*, as well as whether they had even ever been married. As for the scribe, his primary concern, voiced bluntly as “this is not right,” was that the proceedings underway in the court were not being done according to *halakha*, invalidating any divorce even as it took place, prompting the carefully directed play of Mayrav forfeiting her *mohar* by Rabbi Grosman. Each of these timelines and concerns assembled different elements of Matan and Mayrav’s relationship to collect the facts necessary for their judgments on the couple’s marital status. And yet, even as Rabbi Grosman and the *sofer* brought their professional expertise on *halakha* and Israeli marriage law to bear on Matan and Mayrav’s own assessment of their relationship, their combined interactions carefully crafted one cohesive (if contradictory) narrative of their relationship in which the law could definitively intervene to separate the couple. In so doing, these parties consciously shaped a narrative of the affective bond (or lack thereof)

¹³ The weekend in Israel is Friday (*shishi*) and Saturday (*shabbat*), which coincides with the religious Sabbath (also *shabbat*) during which religious Jews abstain from work, which begins Friday at sundown and continues through Saturday evening.

between Mayrav and Matan, one that was constantly fraught with inconsistencies and half-hearted acceptance by its creators, but one that was nevertheless the grounds for their case to be adjudicated.

For Matan and Mayrav, their marriage had ended when Mayrav had realized she was sexually attracted to women, and wanted to pursue relationships with women exclusively. When Mayrav and Tamari had decided that they wanted to expand their family with children, they had approached Matan again for a divorce in order to eliminate potential difficulties arising from his presumed legal paternity of any of Mayrav's children while the two were still registered as married within the state. However, neither their initial separation nor the more recent concerns about legal paternity were mentioned by Matan and Mayrav in the courtroom, who had judged the *beyt din* incapable of hearing such reasons for separation. As Mayrav said, she and Matan needed a reason to dissolve their marriage, both implying that their own reasons were inadequate and that they needed a set narrative to provide the court that they believed it would find palatable in order to guarantee success.

Rabbinic courts do recognize only a set number of reasons from each partner for divorce. These reasons can be brought by either a husband or a wife (although they have gendered differences), and consist of sexual impotency or lack of sexual desire, adultery, physical or emotional abuse, or nondisclosure of a physical or mental health in addition to other variations and technicalities. Mayrav and Matan's set argument, *he'ader sikuy le-shalom bayit* (lack of possibility for peace in the house), is a set phrase used in rabbinic divorce proceedings, and one that they understood (in Mayrav's words) to mean that their "love had ended."

However, this rationale was clearly presented just for the courts, as Matan's answer to my question as to why they "really separated" was—if anything—the opposite of their love having ended. In this response, which was enough of a known discourse that Matan had elicited Mayrav's approval to tell me, their relationship had ended as part of an ongoing exchange of loving interactions that signaled not the breakdown of their commitment to one another, but rather a continuing obedience to it albeit in an altered form. In this narrative, Mayrav had realized that she had been born a lesbian, had trusted her husband *out of love* to tell him this intimate fact about herself, and then he had understood that they must separate since he wanted what was best for her, which he understood to be her ability to pursue a sexual and romantic relationship with a woman. Notably in this evaluation of their separation, Matan denotes several distinct places in their story where their love (or one partner's love for the other at the very least) could have ended while still emphasizing throughout their ongoing, loving commitment to one another.

Beginning with Mayrav's realization that she had been "born a lesbian," Matan opens room for the narrative of their separation to be a no-fault divorce. This story would be unsurprising. Israeli cultural etiologies of non-heterosexuality are prone to the same attribution of queer gender and queer sexuality to innate and natal biology seen in United States "gay political culture," which Robert Lancaster quips "...bank[s] heavily on the scenario that gays are, like left-handed people, a genetically-determined (or perhaps neurohormonally determined) variation on human nature" (Lancaster 2003: 271). Mayrav's lesbian desire here is understood as a given biological aspect of her nature that she "realized" existed. Mayrav, now aware, "cannot love [Matan] like [he] loves her," taking her now queered sexuality not to contain multitudes of her varied life experiences

and subject-positions but rather as a maieutic of her own true sexual self which now needs fulfillment.

However, even as their understanding of their separation utilizes Mayrav's sexuality as the breaking point in their married relationship, Matan emphasizes his understanding that her coming out to him was, itself, an act of love. In her study of gay families in San Francisco, Kath Weston argues that "most people considered disclosure a prerequisite for intimacy," a belief that fueled both a sentiment that could make or break a relationship as well as an understanding for how coming out affected their relationships (Weston 1997: 52-53). For Matan and Mayrav, her decision to come out to Matan indexed both her ongoing trust and love for him as well as occasion the necessary change in the status of their relationship. Furthermore, Matan's reaction to separate from Mayrav because *he still loved her* compounds the paradoxical nature of Mayrav's coming out as a sign that they could not be in love.

How could each of their actions function both as a testament to their love and commitment for one another while also as a reason for them to split up? After all, if one is "following their heart," then "the dangerous conclusion [would be] that loveless marriages ought to end in divorces" (Coontz 2006: 21), or—equally true—that loving ones shouldn't end in divorce. Yet Stephanie Coontz's "dangerous conclusion" ironically accepts the heteronormative history of idealizing romantic love within marriage, yet fails to account for the rippling social consequences of such an expectation. As Coontz herself demonstrates in her own account of European romantic love within marriage, the increasing intertwining of love and marriage as a route to personal fulfillment led to the instability of this very system—a system that Roger Lancaster coyly refers to as "monotonogamy"—but a system which also "contain[ed] the kernel of many forms of

affinity today: live-in lovers, gay and lesbian families... [and] modern love in all its varied splendor” (Lancaster 2003: 311).

Kath Weston already noted in 1991 that lesbian women and gay men in San Francisco tended to continue to maintain close, intimate relationships with former lovers even after their sexual or official romantic relationship ended. The “emphasis on making a transition from lover to friend while remaining within the bounds of gay families contrasted with heterosexual partners in the Bay Area, for whom separation or divorce often meant permanent rupture of a kinship tie” (Weston 1997: 111). It has become almost clichéd to note that Ashkenazi Jews are the queer other of European gender and sexuality (see Seidman 2016 and Boyarin 1997 for valuable contributions to and even more valuable critiques of this research), yet it is nevertheless worth noting that Matan is now, in many ways, a *queer* ex-husband to Mayrav as she forms a life with her new partner Tamari insofar as they maintain a close affective bond of family even after the divorce. To use Weston’s words, this “transition from lover to friend... while remaining within the bounds of gay families” creates not a new but a recontextualized relationship between Matan and his ex-wife that acknowledges and indeed stems from their ongoing—but no longer romantic/sexual—love. This same love is the one that they deny to the rabbinic court by saying that their “love is ended” ironically to make possible the loving relationship arrangement they now have.

And indeed, it is this first narrative, the one of ended love, that Rabbi Grosman immediately pursues after he meets the couple, when he asks whether they have a chance at reconciliation. Matan did not give the dayyan the exact answer he and Mayrav had so carefully negotiated, rather calling attention to the physical separation that the couple had had for the past two years. Serendipitously, given Matan and Mayrav’s

misrecognitions of the rabbinical priorities for divorce, this answer was perhaps more amenable to the judge than their rehearsed response. Rather than looking for a lack of love (*ahava*), Rabbi Grosman expressly told me he was assessing the pair's chance of shalom bayit.

As mentioned previously, the concept shalom bayit (often appearing in English as *shalom bais* from Yiddish) imagines the theological sacred state of a married couple's household. Shalom bayit is a state of affairs between a husband and wife that enables them to fully live according to divine commandments (or *mitzvot*). It also reflects the state of their metaphysical relationship, as a couple living in shalom bayit is understood to have joined their separate souls (*neshama*, pl. *neshamot*) into one. Within a rabbinical court, the primary goal of the dayyan during a divorce proceeding is to safeguard this shalom bayit. As such, rabbinical judges attempt first to see whether or not the couple is able to stay together and repair whatever imperfections exist in their union. Such a judicial order is also referred to as shalom bayit, somewhat confusingly mixing the theological and juridical.

For Rabbi Grosman, determining whether or not the court would be disturbing the shalom bayit of the couple before him was his primary concern. The couple addressed this theological and legal concern in one (unplanned) comment; in evoking the time they had spent in separate households (again, two years), Matan had unwittingly given Rabbi Grosman cause to recognize their claim that their love had ended, without even hearing their supposed key phrase.

In a rabbinic marriage, a husband is responsible financially for providing for his wife, a legal obligation known as *mezonot* (literally, sustenance). Mezonot includes food, medical care, clothing, and housing, meaning that during a divorce, a woman may in

effect sue her still-husband for rent and housing maintenance at the level that she has been receiving during their married life together. In addition, the husband (presumed the primary owner of all joint assets) may not evict his wife from their joint residence until such accommodations are found. Should the wife leave the home on her own volition and find her own accommodations without evoking *mezonot*, she forfeits her rights to seek his payment in this matter.¹⁴

Matan had told Rabbi Grosman that he and Mayrav had not cohabitated in over two years. This confession provided the material fact to Rabbi Grosman that either the two had been living financially separate lives for two years (which was more or less the case), or that Matan had willingly paid *mezonot* for his wife's accommodations for two years as there had been no court order compelling him to do so. In either case, these separate physical homes indicated that their spiritual-legal *shalom bayit* was unquestionably absent as they now halakhically (and socially) function as a separated couple and neither had contested the need for a divorce. As Rabbi Grosman told me, "there's nothing to repair" since they materially no longer constituted a household according to the law with which he judged them.

At this juncture, Rabbi Grosman's intervention in Mayrav and Matan's marriage pivoted dramatically; if his initial line of questioning sought to protect the sanctity of their married life, his second concern looked to invalidate its existence. This attempt stemmed from his bluntly stated assertion that "many secular people... don't understand how Jews are married, so they never actually get married," a belief reinforced by his perception that secular "relationships don't work out since they were not done the right way according to

¹⁴ Indeed, most divorce attorneys with whom I have spoken recommend (often with a sad resignation) women continue to cohabitate with their husbands, including in cases of domestic abuse, in order to seek this financial assistance in housing.

halakha.” To do so, Rabbi Grosman looked first to see if he could claim either member of the couple is not Jewish (see Chapter Four for more details), then attempted to undermine the legality of their marriage ceremony itself by querying whether it was done according to halakha.

This line of questioning, according to other employees of the Ministry of Religious Services as well as employees at ITIM, an NGO facilitating interactions between Jews and the religious state bureaucracies, and the Center for Women’s Justice, a legal NGO specializing in women’s rights’ law, should not have occurred; in divorce cases, dayyanim are supposed to presume that a couple was correctly married (and that both partners are Jewish) to avoid halakhic complications that arise from allowing still-married Jews to pursue new sexual partners. Rabbi Grosman’s willingness to pursue this option testifies to his desire to “make our jobs easier” in invalidating a marriage in lieu of divorcing the couple, and also reveals the judicial leeway available in rabbinic courts.

For Rabbi Grosman, the key desire for finding a halakhic reason to nullify Matan and Mayrav’s relationship was, intriguingly, for the couple themselves. According to Rabbi Grosman, the couple’s lack of shalom bayit compelled the court to separate them as soon as possible, even equating facilitating their divorce with a mitzva. Moreover, Rabbi Grosman constructed an image of the couple in which their need to divorce became synonymous with their apparent disdain for one another. To explain his haste in trying to separate them by any means possible, including nullification, he indicated his desire to “send them on their way” so that “they do not need to see each other again,” presuming a total breakdown of any social relationships or obligations between the two. Indeed, he emphasized the need for a speedy process for the two by repeatedly referring to this imagined future in which Matan and Mayrav would no longer speak to or see one

another. This assertion is particularly astonishing given the rabbi's own surprise at how Matan and Mayrav had positioned themselves in his courtroom, where he assumed Mayrav's friend (who was physically the most distant female from Matan) was the second party to the divorce (thereby also reading a similar failure of social relationships between the couple before he had established whether they could be reconciled for shalom bayit). For Matan and Mayrav (or seemingly any couple to be divorced), Rabbi Grosman understood their interpersonal circumstances to be necessarily fraught. Put differently, if Matan and Mayrav had planned on portraying their "love as over," Rabbi Grosman assumed that a divorcing couple's love had ended, and had done so on a decidedly sour note.

The court, with Matan and Mayrav's willing assistance, had constructed a narrative for this case: two secular individuals had had a romantic relationship but had since severed their social relationships as their emotions towards one another soured, moved to different residences, and now found each other difficult to be around. This Barthesian love story is not the one that made sense of Matan and Mayrav's own story for them; indeed it is opposed to many of the basic facts of that account. But thus assembled, it was this narrative that could now be acted upon by the court as a couple ready to be divorced.

Walk Like a Woman Who Owns Her Bag

When we re-entered the courtroom later that morning, Rabbi Grosman greeted us succinctly with two other dayyanim seated beside him (making an impanelled beyt din whose judgments are legally binding) and asked Matan to step forward so that they could begin to prepare the get. The central dayyan asked Matan if he had made any

“proclamations” (*moda’ot*) about his divorce. Matan looked confused. Rabbi Grosman intervened.

“Have you ever said that you will only give your wife a get if she does something?” he asked.

Matan grasped the question, and quickly responded in the negative. The central dayyan asked him again, and he again replied with a no. The central judge then asked Matan to repeat after him, uttering highly formal phrase in highly formal language.

“Listen to me! You are witnesses that I am canceling before you any and every proclamation that I have made, and every statement that I have said, that could otherwise lead to the annulment of the get. I am, similarly, disqualifying all witnesses that know that I said any statement invalidating the get...”¹⁵

Matan repeated it after the judge line by line, echoing his words. Mayrav put a fist against her mouth. It looked as though she was stifling a laugh. After they had finished, the three dayyanim alternated telling the couple seemingly disjointed statements about their divorce as the scribe began to prepare something. The leftmost judge asked again if they would like to be divorced. Rabbi Grosman reminded them that after today they could marry other people, then sternly turned towards Mayrav to tell her, “Not a *kohen* though.”¹⁶

One of the two scribes from the earlier meeting stood with a large parchment paper about the length of an adult’s arm. The dayyanim stopped reminding the couple about their soon-to-be status as divorced individuals, and the leftmost dayyan asked

¹⁵ Translation from ITIM’s website, which also has a full-text translated version of a get available online (ITIM 2016a).

¹⁶ *Kohenim*, commonly rendered as cohens in English, are members of the Jewish priestly caste. The status is passed patrilineally, and often associated with persons of the last name Cohen, or a variant thereof, though someone can be a cohen without the name and vice versa. Male kohenim are prohibited from certain actions that other Jews can take, including marrying a divorcée.

Matan to approach. He raised the paper and two feathered quills above his head, and said to Matan in a solemn voice, “I give you this paper and these quills.” Matan gingerly laid out both of his hands, accepting the paper upon his forearms, the quills resting on top. He stood stationary for a moment. Rabbi Grosman made a theatrical cough, and asked him to raise the paper above his head accepting the gift. Matan did so, the parchment awkwardly creasing and moving in the air-conditioning as the quills balanced precariously on its surface on his outstretched palms. “Now give them as a gift back to the sofer,” Rabbi Grosman urged him. Matan handed the paper and quills back to the scribe, who wordlessly raised them above his head and left the room.

We were asked by Rabbi Grosman to follow the scribe out. One of the dayyanim instructed Matan to “make sure that they write it correctly.”

In the hallway, our group gathered next to the open door where three administrative scribes were busy readying the get. Matan and Mayrav and their siblings were asked by one sofer to confirm that they gave their consent for the get to be written in their names. The rest of us watched from a half-open door in the hallway as one scribe began to write, saying each letter out-loud before inking it in calligraphy upon the parchment. After he completed the first line, Mayrav and the siblings were told they could leave, and they rejoined us in the hallway. Through the door, I could see Matan watching initially with rapt interest that flagged as the lines went on. The other two scribes watched in silence.

From our side of the door, Mayrav tried to ask the scribes what the writer was doing, and the door got nudged slightly less open without a response, though the room remained available to our view. Mayrav asked me if I knew why they had had to raise the paper so much. I explained that in rabbinic law, the husband needs to provide the paper

and writing instruments for the get, but, as a legal loophole, if he receives them as a gift, he can then give it back to the court to prepare a get upon. Raising something above one's head demonstrates ownership in halakhic law.

One of the scribes heard my answer and began talking from behind the door, though not addressing us in particular. "It is to make sure that this is in fact the will of the husband" (*ratzon ha-ba'al*). He continued, "We make sure we know all of your names so that we can make a divorce for you, not accidentally for someone else." The sofer laughed.

Mayrav paused, looking thoughtful for a moment, then whispered to me, "Look, they have blow dryers!" The scribes had indeed removed two blow dryers from a drawer in the desk of their office, and were using them to dry off the ink from the document they had prepared. The scribes finished blow-drying, and asked Mayrav and the siblings back in. They were told to read the get very carefully. After a few seconds, I heard Matan's brother, then Mayrav and her father, confirm they had done so. A scribe then proceeded to read the entire document out loud to them. I suspected in frustration for their not having read. They were asked to sign beneath the document, and there were scratching noises as each signed their names with an unfamiliar tool. The scribes walked out of the room, one cradling the get between his elbows and flexed fingers. Another told us to come back with them. The entire process took about an hour. As we neared the door, Mayrav was told to wait outside. She looked upset, but did not say anything. The friends waited with her as I went inside with Matan, his brother, and Mayrav's father.

The dayyanim greeted us once again inside, asking Matan to step forward for the reading of the get. Rabbi Grosman turned to Matan and asked him if he had watched the

get prepared. Matan began to answer, “It is very beautiful work.” The center dayyan interrupted him.

“Did they write it correctly?” he asked.

“Oh yes, our names are correct,” Matan said.

The get was passed towards the judges by the scribe carrying it, who read over the document. They conferred quietly a few times, but brought no amendments or concerns to our attention. One dayyan once again asked Matan if he had made any proclamations since they had last met, and again to repeat after him even after he said no to cancel them. The judges interrogated Matan’s brother and Mayrav’s father, who they referred to as “their witnesses,” both together and separately that they had indeed signed this get and not another, that they had indeed witnessed this man and woman get divorced, and not another, and that they each had indeed seen their respective family member sign. Satisfied, I was told to bring the “wife” (*isha*, translates to both wife or woman) back inside by one of the dayyanim.

After I opened the door, hoping to convey some sort of apologetic look at Mayrav, the judges asked her to come forward. She stepped to the front of the room facing the beyt din panel. Rabbi Grosman quietly explained to the witnesses that they needed to move, as they needed to stand on the sides of their family member to be witnesses to the get ceremony. As they moved, the center dayyan once again checked with Matan and Mayrav that the financial aspects of their divorce was finalized, then nodded towards a scribe who began to fold the get into a fraction of its original size. Meanwhile, Rabbi Grosman was explaining to Matan the words he “must say to give the get,” as the center dayyan asked Mayrav to hold her hands up.

“No, not like that,” he told her as she raised her hands. “Palms up with your fingers together.” She made a small snorting noise. I could see her mouth crinkling into a smile. She raised her hands again, pinky fingers touching. “No, don’t spread your fingers!” the dayyan once again corrected. “Like a cup.” He did not demonstrate. Mayrav clenched her fingers together, creating a rigid bowl out of her hands. “Good,” the dayyan nodded, though he seemed less than satisfied. He turned his attention back to Matan, and asked him to repeat after him as the scribe placed the folded get in his hands. “No,” he said. “Use both hands!” Matan corrected his grip, and they began to recite line by line.

“Here is your get; accept this get for through it you are divorced from me from this moment on, and permitted to any man.”¹⁷ Matan delicately placed the get into Mayrav’s cupped hands. She winked at him with the eye facing away from the judges and he smiled. She smirked back. They paused, each with their hands raised still in the air in unison. I realized that no one had told Mayrav what to do when she had the get, and as she remained frozen in the center of the room, her face began to crack in a laugh.

The center dayyan spoke up. “Now, raise the get like you own it.” Mayrav raised the parchment to about eye level. “Higher!” Keeping her hands cupped, she brought the paper slightly above her head. “Good good,” the dayyan told her. “Now place it under your left arm.” Mayrav looked confused, and turned to Matan, then her father, looking them in the face. “Place it under your left arm,” the dayyan repeated. Mayrav acquiesced, placing the folded get under her left arm, her manner somewhat circumspect and bemused. She flashed a quick smile to Matan. The dayyan frowned. “Do you have a bag?” he asked.

“What?”

¹⁷ Again, translation thanks to ITIM (ITIM 2016a).

“Do you have a bag? You know?” The dayyan raised his fist, as though clenching it around a purse he was hoisting into the air.

“Oh, yes,” Mayrav replied.

“Get it. Put the get inside.” Mayrav took the get back into her right hand and walked over towards her friends and me, where she had left her bag. She stumbled slightly as she brought back the canvas bag. “Put the get inside,” the dayyan repeated when she got back to the front of the room.

Mayrav, with a pronounced theatricality opened the bag and raised the get above it, releasing her fingers with an exaggerated flourish. The paper fell into the bag. The center dayyan continued to frown.

“Can you walk around a little?” he asked her. “Walk like a woman who owns her bag” (*lekhi kmo isha she-makhzika et ha-tik shel-a*). Mayrav made a few small steps. “No, like this, like this.” The dayyan once again raised his left hand to hold his invisible bag. Mayrav took her bag into her left hand in pantomime. “Now walk more,” he told her. Mayrav keep walking around the room in circles, making about two and a half small loops. “Good,” the dayyan said, now smiling. “Very good. Now come here and give me the get.” Mayrav walked over, taking the document from her bag and getting ready to hand it to the judge. “No, two hands, with two hands.” She caught his idea and placed it once again onto her cupped hands, raising them up, then lowering to give him the get. He accepted her gift, and began to mumble to himself as he unfolded it and read through the text one last time.

The center dayyan hastily asked Matan, Mayrav, and their family members once again the questions he had asked previously about their signatures and the writing of the get. They affirmed each answer. He then instructed us that we would “not be allowed to

say bad things about this get in the future,” and so were asked to voice any concerns we might have now. We were silent. “Good then, good,” the dayyan said. He stood, holding the get, and ripped the paper in two vertically, then again into four pieces horizontally. I noticed Matan flinch. The center dayyan who had conducted the get ceremony took the scraps of paper in hand, and told us, “You can go outside to get the *ma’ase beyt din* (the certificate of a beyt din’s judgment). *Gemar tov!*”¹⁸

Outside, a secretary printed the *ma’ase beyt din* for the divorce, and provided both Matan and Mayrav with copies signed by the three judges on their beyt din. We headed outside to lunch.

Bad Faith

Mayrav, Matan, Rabbi Grosman, the scribe, and the judge had all made the finalized divorce possible by contributing to a narrative that necessarily needed to end in divorce. This narrative was not the only possible one to make sense of the events of their marriage; indeed, as shown, members of this group made sense of this relationship using very different stories. Moreover, this narrative had contradictions both in the stories those present meant to tell as well as in their slip-ups; it was made not only through Rabbi Grosman asking about the couple’s Jewish status to make things easier after ascertaining they were not in a Jewish sacred marriage, but also in Matan mistakenly providing the details of their housing that would become a foundational fact within the case. Their commitment to successfully conducting the get ceremony despite their collective awareness that the loving relationship they had acted upon as legal fact ran counter to their experiences during (and before) the hearing. Making a legal case “comes to

¹⁸ *Gemar tov*, literally “good ending,” also has the initials *get-tet*, which spell get in Hebrew.

describing a particular course of events an overall conception of life in such a way that the credibility of each reinforces the credibility of the other” (Geertz 2001: 175). Yet to do so for Mayrav and Matan’s divorce required consistent work on everyone’s behalf to create legal facts that corresponded enough to a conception of life that they could be acted on, while acknowledging the radically different conceptions of life present by those performing this work. The actionable facts they ended up with constitute bad faith love.

Jean-Paul Sartre referred to bad faith as “the being of man who has the possibility of denying himself” (Sartre 2012: 87). This possibility, he explains, is to create “a lie without a liar; it allows me to understand how it is possible for me to be lied to without lying to myself because it places me in the same relation to myself that the Other is in respect to me” (Sartre 2012: 92). For his general project, bad faith becomes the condition by which a human can deny her own freedom to act by pretending to herself that she has no choices other than those (or the singular one) most readily at hand. In so doing, she takes herself not as an agent in the world making her own decisions, but rather as an object upon which others’ decisions are made. Bad faith enables us to limit the weight of oceanic freedom within our lives; decisions become manageable by willing options into necessities.

For Matan and Mayrav’s divorce, the narrative of love constructed by the couple and the court to use as facts in order to adjudicate their separation was fraught with bad faith even before reaching the courtroom. Matan and Mayrav knowingly presented a performance of the end of their love to the court in order to be recognized as legal subjects for whom the court could execute a divorce.

Mayrav admitted to me before we entered the court that they had concocted their set statements for the divorce precisely because she felt they had no option but to do

otherwise. Fabricating the reason that they had no possibility of shalom bayit, a phrase they did not fully understand, felt necessary because “we can’t tell the rabbi that we can’t be married because I’m a lesbian because then I’d end up in some fucking camp or something.” Moreover, their very reason to get divorced was not out of a desire to separate (they already had), nor a desire to get out of each other’s life as lovers (they acknowledged that they were still in love, if not a sexual one), but rather to avoid potential difficulties in Mayrav and Tamari’s relationship to each other and to their new possible children. Presenting their need to divorce as the impossibility for their own home’s theological success, Mayrav and Matan did not mention that they had initiated the process in order to prevent *Tamari* and Mayrav encountering difficulties in raising children given Mayrav’s marital status. Tamari was not even present in court even as her relationship to Mayrav and their future children created the explicit need for the divorce between Matan and Mayrav.

Indeed, this other familial relationship played the real reason, though never made explicit, behind the divorce in court that day; yet again, this evokes the distinct queerness of Matan and Mayrav’s relationship to each other as they negotiated one form of family law to accomplish a very different form of family relationship from the one envisioned by the law used (see Borneman 2010 for a discussion on the queer utilization of adoption laws to solidify legally homosexual sexual-romantic partnerships as well as marriage laws between non-sexual-romantic heterosexual individuals to affirm other queer relationships in the family). Their portrayal of a couple whose married life could not exist in shalom bayit was both a strategic performance to the court to get their desired outcome, but also one carried out in bad faith; their goals were only possible through a process both

considered morally to be dishonest and corrupt. In Matan's words, "even if we hate it" they needed to use the rabbinate, "a real Israeli shit show."

Once in the courtroom, Matan and Mayrav's current relationship was understood by state-religious actors in the courtroom to be one of contempt. However, this characterization of their affective bond required social work to maintain during the ritual proceedings of the divorce. This work can be seen by the lengths undertaken by different members of the rabbinical court staff to officiate a proper get ceremony even as the proceedings precariously balanced at the edge of hilarity for many involved.

During the divorce, Matan and Mayrav consistently failed to recognize the significance of the actions asked of them. By the time the get exchange occurred, Matan had already needed coaching from the dayyanim to answer their question on the writing of the get. Yet it was once Mayrav needed to accept the get that the ritual affect truly began to crack. According to ITIM, the NGO that assists Israelis in interactions with the rabbinical bureaucracies (and to whose expertise I will defer when it comes to rabbinical law), get ceremonies should proceed in a very particular way, as numerous physical actions become metonymical symbols for states of intent and ontological status changes.

The woman accepts the folded get into her cupped hands, waiting until the man completely leaves go of it, before she closes her hand, grasping it. The woman then raises her hands, while holding the get, about 30 centimeters high. This act called 'hagbahah (raising)', serves as a symbolic legal act of transfer of ownership. After the hagbahah, the woman places the get under her left armpit, next to her heart, takes 2-3 steps forwards, turns around, and retraces her steps (walking altogether a distance of 4 amot, approximately 2 meters). By holding the get under her arm and walking with it the woman proclaims her acceptance of her divorce, and symbolically demonstrates her full ownership of the get, and the end of her marriage. (2016a)

Yet for Mayrav, these symbols remained opaque; both her hand position and the height to which she raised the get failed to convey to Mayrav her ownership of the document, but rather the humorous nature of the arcane Orthodox proceeding. As she began to laugh and smile at Matan, the dayyan conducting the ritual seemed to become worried

that her affective orientation towards the proceeding was undermining its efficacy. This was particularly noticeable in his commands to get her purse and “walk like a woman who owns her bag.” In so doing, he exceeded the conventional rabbinic requirements of the ceremony (which do call for the woman to place the get under her arm and to briefly walk) in ways that signaled his attempted change in her bodily demeanor towards the get. To walk like a woman who owns her bag is to create the ownership that raising the get had failed to evoke symbolically. This pantomime then can be conceptualized not as an imitation of a woman who owns a bag (and thus the get) but rather that “the particular form that the body takes might transform our conceptual understanding of the act itself” whereby walking like a woman who owns the bag Mayrav would come to own the bag (Mahmood 2012: 26). Yet unlike Saba Mahmood’s work on the *da’wa* movement in Mubarak Egypt, this bodily performance was not about re-orienting the performer’s (i.e. Mayrav’s) affect, but rather reassuring the Orthodox court employees about her.

This excess of ritual activity reveals the discomfort felt by the dayyan orchestrating the get siddur; as Matan and Mayrav were about to cease to be a married couple, they were openly affectionate and joking with one another. The court may have determined that their separate housing circumstances indicated the absence of shalom bayit in their marriage, but their demeanor belied that judgment. The bag walk should then be interpreted in a similar vein as the scribe’s earlier protestation that “this is not right.”

During the earlier proceeding, the scribe had interjected during the proceedings after Mayrav had laughed at the idea she might have had a mohar in her marriage ketuba. Rabbi Grosman had glossed over Mayrav’s improper conduct; by mockingly devaluing the existence of a mohar, Rabbi Grosman had assumed that Mayrav had forfeited whatever claim she had had on one. The scribe became concerned however that

without Mayrav's explicit discussion of any claim on a mohar, any divorce the beyt din might officiate would be invalid. In this understanding, whatever Mayrav's personal feelings on a mohar might be, as a wife she still had a claim to one that needed to be dealt with in order for halakhic procedure to be followed. As such, her second response to Rabbi Grosman was not enough to fulfill the obligation; only Rabbi Grosman providing her with a precise line to say was enough to negate any claims she might have on a mohar that did not exist in the first place.

For both the cancelation of the mohar and the walk with the bag, the issue at hand stemmed from Mayrav failing to properly embody the role of a divorced wife in the eyes of the sofer and the dayyan. By trivializing her financial claims and displaying humor at moments fraught with symbolic significance for a woman trying to be divorced, Mayrav did not fit into the assumed image of a divorcing couple as hostile, self-interested, and irreconcilable. These additional scripts placed upon Mayrav allowed the various aspects of the divorce to conform to the expectations of the Orthodox court employees for how a wife should experience a divorce: concerned about her finances and proud owner of her get.

This attempt to recuperate the correct subject of the ritual (and the law) stems from the instability of the image of a couple rehearsed during Matan and Mayrav's divorce. Rabbi Grosman, the sofer, and the center dayyan all used their own legal and halakhic expertise to determine what about the couple before them constituted a fact for the court, and then what actions were possible given those facts. In acquiring these facts, Rabbi Grosman, the scribe, and the center judge all found elements of Matan and Mayrav's conduct in court to be suspicious *even as they committed to delineating facts that obfuscated those suspicions*. Rabbi Grosman and the sofer utilized a scripted rejection of the

mohar as a fact that Mayrav and Matan could be divorced, ignoring their humorous and affectionate conduct towards one another and lack of concern over the financial halakhic negotiations of the get. For the central dayyan, Mayrav's walk as a woman who owns her bag enabled him to accept that the halakhic obligations of the get ceremony were conducted despite Mayrav's improper physical comportment and playful behavior towards Matan during it. These objections and extra actions taken during the divorce enabled it to be carried out in bad faith, as both the inconsistencies in the facts established by the courtroom narrative of Matan and Mayrav's relationship as well as the seemingly necessary nature of the divorce anyway (remember here Rabbi Grosman's argument that secular couples' "relationships don't work out since they were not done the right way according to halakha" implying that perhaps secular marriages *should* end in divorce) were permitted to simultaneously exist. Rabbi Grosman, the sofer, and the center dayyan all overlooked aspects of the relationship they judged in order to divorce the couple because they perceived the necessity of their work in court to separate this couple.

Fifty Meters and Another World Away

The entire process at the rabbinical court had taken about three hours. Matan invited me to tag along to what he called "the beginning" of lunch after the divorce; presumably the two now just-friends would finish it alone. Mayrav's friends, and each of their family members departed to go to work, leaving the three of us alone in the unusual social configuration of ex-husband, ex-wife, and foreign ethnographer at a small coffee shop a block away from the court on Sderot David ha-Melekh.

"Mazal tov I guess," I wished the couple.

"I think I need a shower after that," Mayrav said in response.

I asked how they felt about the procedure.

“It was funny,” Matan began. “I live just on the other side of Rabin Square. But this! This was crazy! Fifty meters and another world! It was like being in India or in a tribe in Africa or something.”

I asked Mayrav the same question.

“Yeah, it was so old and anti-feminist. It was like being 200 years ago, but today. It just felt irrelevant to our lives and what we care about. How can they make us do this in our own country? It’s insane.”

We noticed that one of the scribes who had observed the drawing up of the get was walking by, a thin young man. Matan and I waved. He glanced at the table, raising his eyebrows briefly before recomposing his face into a placid stare of acknowledgement, and walked away.

In referring to the image of love rehearsed and flimsily agreed-upon during Matan and Mayrav’s divorce as romantic love in bad faith, I note not just the creation of a narrative to be used by the court as facts to judge this case (though that is important), but also to the affective condition of duality, false premises, and necessity that undergirds legal Jewish-Israeli family life today as the very structural possibility for the state institutions of family law to adjudicate citizens’ claims in the first place. This romantic love in bad faith enables secular couples like Matan and Mayrav to utilize the law to facilitate their family lives, but also produces the strange affect of being judged in another world when so close to home.

Victor Turner, writing on the affective state of rituals, revealed how the ritual “is almost everywhere held to be sacred or ‘holy,’ possibly *because it transgresses or dissolves the norms that govern structured and institutionalized relationships and is accompanied by experiences of*

unprecedented potency. The processes of 'leveling' and 'stripping'... often appear to flood their subjects with affect" (Turner 1995: 128 *emphasis mine*). He continues: "Instinctual energies are surely liberated by these processes, but I am now inclined to think that *communitas* is not solely the product of biologically inherited drives released from cultural constraints. Rather is it the product of peculiarly human faculties, which include rationality, volition, and memory, and which develop with experience of life in society..." (Turner 1995: 128). In this classic analysis of ritual efficacy, Turner calls attention to the creation of the numinous sacred within a ritual through the ritual's dissolution of cultural structure. The power felt is then not (necessarily) from a divine beyond so much as an overwhelming absence of standard social mediations. For the case at hand however, this "holy" affect was not conjured precisely because the social structures dissolved within the ritual were not ones held dear by the participants, but rather those governing the narrative of a divorcing couple produced by those involved. The ritual of this religio-legal divorce then succeeded not in producing Turner's *communitas*, but rather romantic love in bad faith, in which participants felt bemused, absurd, frustrated, alienated, and disgusted.

It is useful here to think of both Mayrav's stage directions within the get ceremony as well as her bemused orientation to them. In writing about the aesthetic sensibility of camp, Susan Sontag notes this same bemused detachment. In an excerpt seemingly-designed to be used to describe "walking like a woman who owns her bag," Sontag notes that "[c]amp sees everything in quotation marks. It's not a lamp, but a 'lamp'; not a woman, but a 'woman.' To perceive Camp in objects and persons is to understand Being-as-Playing-a-Role. It is the farthest extension, in sensibility, of the metaphor of life as theater." (Sontag 2009). Indeed, in walking like a woman who owns her bag, Mayrav was not internalizing the authority of the state to break apart her social categorization as a

married woman and reconstitute her as a divorced one; rather, she seemed intent to go through with the ritual as a means of accomplishing an act of kinship that had not entered into discussion in the court at all. As such, her actions within the court possessed a distinctly camp humor as she failed to register any symbolic legal action she was undertaking as such, but rather simply went through the motions of someone playing such a role. In this campiness, the actions of the rabbinic court failed to “mean[] something, anything” but rather existed as a “thing of pure artifice” (Sontag 2009: 281). This campiness produced more than the palpable sense of humor that colored my own observations of the event; it also served to undermine the rabbinical court’s, and by proxy the Israeli state’s, ability to exert authority over secular Israelis’ intimate lives.

This affect engendered by the very procedure of the court process makes life cycle rituals conducted through the rabbinical bureaucracy in Israel structurally disorienting and, as Mayrav said, “irrelevant” to both the secular petitioners of the court and its Orthodox staff. In the process, these life cycle rituals are moved into this space between the two worlds of the secular Israeli’s home and the state religious ceremony: neither quite governed by nor intelligible to the norms and practices of either side.

The Right to Love: Antipolitics and the State without Organs

Love, by its very nature, is unworldly, and it is for this reason rather than its rarity that it is not only apolitical but antipolitical, perhaps the most powerful of all antipolitical human forces.

Arendt 1998: 242

I had met Dalia and Khaya several times before they invited me to their house in a satellite city of Tel Aviv. They had a second-story apartment looking away from the small local playground and mall where I had picked up pastries and a Shabbat challah for them beforehand. The apartment was spacious and well appointed; in my field notes, I jealously wrote afterwards that “money goes farther outside the city I suppose.” We exchanged some brief Friday pleasantries, enjoying the luxurious cool darkness of the apartment from the oppressive summer heat outside. Dalia went to fix coffee for herself and me, while Khaya continually apologized as she rummaged through different cabinets and drawers. She was looking for their Civil Union cards (*te’udat zugiyut*, pl. *te’udot zugiyut*), legal documents that testify to one’s relationship status in the shape of ID cards created by the private legal firm *Mishpakha Khadesha* (New Family).

“We haven’t really done anything with them,” Khaya apologized yet again.

Dalia came back in carrying a large tray with the two small cups of coffee upon it, as well as a smattered assortment of the pastries I had purchased. She called out a few more places to Khaya to check, before both of them were convinced that I wasn’t offended that they couldn’t provide the documents. I mentioned that, if anything, I was more curious about the fact that they were hard to find. Whenever I found couples with Civil Union cards, I asked where they kept them as a means of indexing their material and symbolic uses as non-state legal documentation of a family relationship. Wallets were

common, as were safe boxes. I jokingly admitted that Dalia and Khaya might be the first couple unable to find them.

“We had been planning to take it to the pension office in the social security administration (*ha-Mossad le-Vituakh Le’umi*, or informally *Bituakh Le’umi*), but we never actually did it,” Khaya said. I asked why they had got them in the first place.

“Well last winter,” Dalia began, “I needed a surgery.”

“And she had found a good surgeon to do the operation that was paid for,” Khaya continued. “But he only operated out of a religious hospital in Tel Aviv.”

“And we didn’t know what they would do,” Dalia continued. “When we met with the anesthesiologist for the first time, he asked if my friend (*ha-khavra shel-i*) would leave the room while we spoke about my information.”

“And I say, ‘I’m not her friend, I’m her partner! (*ani lo ha-khavra shel-a, ani bat ha-zug shel-a!*).”

“But now we were worried about what might happen and what Khaya’s control would be, so we went to get the *te’udot zugiyut*. I guess you saw us on our third meeting.”

“We didn’t really know though what might happen. I even had a letter from Mishpakha Khadesha addressed to the hospital in case they didn’t let me in on something.”

“We didn’t need it though,” Dalia said, cutting off the reverie of where her own illness might have led. “We came and said we were partners (*banot zug*, gendered feminine) and that took care of it. Everyone was perfectly pleasant.”

I clarified then that they had not actually used the cards.

“Well, not really,” Khaya offered. “But they were well worth it. We are still thinking of having a reception at some point with everyone though.

I asked what that would entail, offering the example of a chuppah, the wedding canopy that often stands in linguistically for a wedding ceremony.

Dalia immediately leapt on the topic. “Oh no, we couldn’t do that.” Both of them laughed, though it struck me as a nervous response more than anything else. “I think that’d be pushing it for the families and for the kids.” Both Dalia and Khaya are in their mid-sixties, and both had previously been married to men, with whom they had each had two children. The four children are all now grown adults.

Khaya began to change the topic. “Also, a chuppah is just so set to all these rabbinic things about purity and misogyny like the *mikve* (ritual bath that women must legally take in Israel before getting married) and a gross old bearded rabbi.”

I offered that there were alternative Jewish ceremonies in Israel available (see Chapter Three for more details), particularly as they would not be getting a legally binding wedding as a lesbian couple. Both said they had thought about these options, but did not detail why they had not chosen them, instead letting the room quiet to a silence. I noticed Dalia place another spoon of sugar in her nearly gone coffee and begin to stir it vigorously. And again, the reaction struck me as nervous, perhaps laden with conversations past on the topic of such a ceremony, or discomfort with their own sexualities “pushing it” for their broader networks of kin.

To change the uncomfortable subject, I asked how they felt about Mishpakha Khadesha’s services.

“One of the nicest parts,” Dalia began, “was not needing to come out.”

I waited for her to continue, but she again dropped into silence, leading me to prompt her to explain.

“Just so much of life here, you know, you have to tell people this is my partner (*zot bat ha-zug shel-i*). Or even when people are talking, you have to say, ‘my partner,’ and they know you’re gay then. But on the phone, they just asked what my partner’s name was, and that was it.” The words for ‘partner’ that Dalia had used, *bat zug*, is inherently gendered in Hebrew; however, when speaking of Mishpakha Khadesha’s phone conversation, she said, “*ben ‘o bat zug*,” providing both masculine and feminine versions of the word, allowing her as the recipient to select either gender for her partner in her next statement on the call. “It was just so nice, so different than at work where my supervisor is religious.”

I asked if she was out at work.

“So I am with my supervisor now, but not with others. We speak English at the office, and he had asked one night if ‘my partner’ was coming to a conference, and he didn’t say, ‘husband,’ so I introduced them at the meeting and he seemed alright with it. But do most people know? No.”

A question I had not anticipated asking came to me suddenly. “So at work, on forms and things, you don’t describe yourself as married?”

“No, I don’t. I’m single at work.” She and Khaya both laughed, more deeply this time, perhaps less self-consciously.

I followed up asking what they consider themselves in general: are they married, or are they not?

After a moment’s hesitation, they both answered married. “Married, definitely married,” as Khaya put it.

“But which box would you check?” Dalia asked her.

“Well, it’s illegal to check married on a government form, isn’t it, so not there,” Khaya quickly responded. “And not at work no, but maybe at social security yes?”

I noted a slippage occurring, and asked if the social security agency wasn’t the government.

“Of course it is,” Khaya said. “But it’s not the Ministry of the Interior or something where you are lying. It’s just like, that’s my money and that’s Khaya’s money from our pensions. It’s not their place to say we don’t have the right to love each other and can’t get both if one of us drops by. We should register as married there still,” she finished, turning to her now-again wife.

To pause here, it is worth explaining a bit more deeply how Dalia’s hypothetical form boxes would appear in each of these situations facing Khaya. Due to the technical distinctions between many different Jewish family statuses in Jewish family law, the Israeli state recognizes a plethora of distinct legal categories for one’s relationship status. Forms with this information will often—though not necessarily as shall be seen—list: single (*ravak/rvaka*), married (*nasuy/nasuya*), widower/widowed (*elman/elmana*), divorced (*gerush/grusha*), and separated (*parud/pruda*). In her statement then, Khaya’s marriage-status towards different branches of the government contains additional nuance revealing the contemporary flows of the right to marry and its politics.

In her words, it is “illegal to check married on a government form.” However, this statement elides that there are more options available on a form than married or single. Indeed, the Ministry of the Interior (her example), which issues residence identity cards as well as registers marriages and divorces conducted abroad or in the Ministry of Religious Services, lists single, married, divorced, and widowed/widower on its basic application forms (Population and Immigration Authority 2017). In contrast, the National Social

Security Administration lists common-law marriages (*yedu'a/ydu'a be-tzibur*) as well (National Social Security Administration 2017).¹ Khaya's statement then that she "would not lie" in a statement to the Ministry of the Interior would, presumably, lead her to check the box 'divorced' to indicate her previous marriage. For the National Social Security Administration, not only might Khaya want to check a different box to acquire certain benefits, her marital status materially has a better representation on the form. At this office, giving a different answer would not only advantage her, it would concretely be more honest about her relationship status. In this intermeshing of desire and governmental options, one views the contours of—in Khaya's words—"the right to love" in contemporary Israel—a political demand for a relationship that reforms, splits, and fractures not only the state's relationship to its citizens, but also the state itself. In this process, a new politics can be seen, one in which unconscious incident is far more influential than conscious action.

The Right to Marriage

Khaya and Dalia were not the only couple I met during my fieldwork who evoked a "right to love" to counter the official procedures of the state. Indeed, across the country, Jewish couples are increasingly demanding forms of family life not recognized by the state. As Libi Oz pithily summarizes, "the right to marry according to one's own world view is for many seculars a matter of principle" (Oz 2004: 75). In a survey conducted in 2015, 48% of Israelis said they would marry outside of the religious state if given the option (Central Bureau of Statistics as quoted in JTA 2016), and between 2012 and 2014,

¹ Interestingly, bilingual English-Hebrew forms whose Hebrew-only equivalents do list common-law marriages do not always list them in English as an option to my knowledge (and from my experience).

the number of unmarried Israeli couples cohabitating rose from 69,000 to 88,000 or by 29% (Maltz 2016b) and Hiddush 2016), though as seen above, the word ‘unmarried’ should perhaps give a reader pause. Roughly 20,000 Israelis now marry abroad each year precisely to avoid engaging with these religious offices (Zarchin 2012).² Organizations offering alternatives to legal, religious weddings have abounded, including wedding travel-agencies, private companies offering non-registered officiants (see Chapter Three for more details), and extra-legal services like New Family designed to bind a couple to one another outside of state-recognized definitions of couple-hood; other couples just cohabitate as “common-law” (*ydu'im b'tzibor*) spouses (Oz 2004: 75-76). Moreover, the marketplace of these options reveals the underlying demand by—in particular—Jewish Israelis like Dalia and Khaya to have their relationships rendered visible to a state not out of principle, but for distinct, tangible (often to the point of ridiculousness) benefits.

The state has acquiesced to these demands to a degree—through less visible acts like changing the documented forms at certain governmental agencies, and most significantly in recognizing that the current family law apparatus needs changing. In an attempt at more systemic reform, in 2010, with the passing of the Civil Unions Act, the Knesset allowed couples “lacking religious affiliation” to obtain civil unions (*brit zugiyut*), which entitled them to quasi-marriage benefits and a legal apparatus for divorce (Fogiel-Bijaoui 2013). However, the law was extremely unpopular. In order to be married by the law, not only did both individuals need to be registered as religiously unaffiliated, they also needed to seek the approval of the rabbinate and its religious authority to obtain a

² In a twist derived from British colonial law, Israel recognizes marriages performed abroad if they were legally conducted in the territory in which they took place even if these same marriages could not be performed in Israel itself (Triger 2012). Most often, these cases create legal difficulties should a couple need to divorce, often landing them back in the rabbinical court system (*ibid*). Several legal experts with whom I spoke during this research mentioned that these unions are difficult to assess legally within the state; one stated, “It’s as good as being married to yourself.”

spousal covenant anyway. In addition, the document forced a couple to relinquish certain aspects of citizenship, notably automatically passing citizenship on to their children in certain circumstances. Sylvie Fogiel-Bijaoui notes, “by July 2012, only 37 couples had made use of the law”(Fogiel-Bijaoui 2013: 211). She argues that the law, by only pertaining to non-halakhic Jews deemed to have no religious affiliation, pushed individuals—often from the Former Soviet Union—to the margins of Jewish-Israeli society, whereas the aforementioned alternatives to state marriage available to all Jewish Israelis allowed these same people to exercise the same choices as all Jewish Israelis (Fogiel-Bijaoui 2013: 212, 220-221). This “solution” then was always only available to a subset of those who did not wish to avail themselves of the state rabbinate, and created a stigmatizing legal category for those who participated. As of the end of my fieldwork in 2014, most discussions about marriage and the right to love no longer even mentioned these unions. A right to love demanded different solutions.

In this chapter, I pursue the particular configurations of affect and politics that constitute a “right to love” for my Israeli interpreters. Examining Khaya and Dalia’s decisions in tandem with another couple articulating a right to love who take a very different course of action, this chapter looks at the ways in which love, as an organizing principle of Israeli kinship, has created new and contradictory modes of engaging with state and society. In so doing, I am following Jennifer Hirsch and Holly Wardlow’s observation that across the globe in the recent past, love has assumed increasingly centralized roles in determining our family affairs, affirming our individualities, and scripting our desires (Hirsch and Wardlow 2006: 1, 6) by examining the particular ways in which the right to love is embodied within both Israeli bodies and the Israeli body politic. This chapter reveals the complex social processes through which Israelis’ demands

for their loving relationships to be recognized by a less than cohesive state produce political change by refusing to be consciously political.

This chapter is structured around two vignettes: one, following Khaya and Dalia, examines how common-law marriages are made to appear and disappear in various interactions; the second traces how a couple married abroad was able to inhabit several legally contradictory relationship statuses in three different bureaucracies. In each of the two vignettes within this chapter, everyday Israelis take their intimate and romantic relations as grounds to mobilize the state against itself. These demands twists the state, forcing its multiple actors and institutions into new assemblages and hybrids to address the needs of and demands from its citizenry in ongoing temporary, stopgap solutions. Indeed, as we have seen with Khaya and Dalia's flickering marriage, the right to love in Israel creates an affective condition that renders relationships simultaneously visible and invisible by the state even to the people involved within them.

In so doing, I am writing against a particular, and popular, scholarly narrative of queer marriage and other changes to legalizing new forms of kinship relations (e.g. Yoshino 2016; Cantor 2006; Weston 1997). This narrative depicts and indeed insists upon the paramount role of traditional venues of governmental statecraft (i.e. legislatures, judiciaries, and heads of state) as the venues in which such kinships are made legal, as though the question of whether "gay marriage" was legal or illegal must and indeed should be answered within these hallowed halls. As an example, Kath Weston, writing about US gay families in the early 1990s was quick to point out the ramifications of such families' lack of inclusion within the law:

One measure of the challenge gay families pose to the status quo is to ask whether basic changes in the social, economic, and political order would be required to grant gay families legitimacy and legal recognition, or whether chosen families could be accommodated by simply extending certain

“rights” to lesbians and gay men and treating them as members of another minority group. From insurance companies to the courts, major institutions in the United States will find it easier to validate domestic partnerships, custody rights for lesbian and gay parents, and the right to jointly adopt children, than to recognize gay families that span several households or families that include friends. (1997: 208)

Weston’s work here is admirable, noting that certain kinship patterns within the gay community might be more easily processed and rendered legally legible by state and market entities than others. Her work is, however, still undergirded with the assumption that formal “major institutions” of the state (and market) will have the final say on whether certain kinship practices are ultimately legal. I should add here that such an opinion makes sense; it makes intuitive sense that the state would be the ultimate arbiter of what rights a person legally possesses, or even just the ultimate arbiter of the law itself. After all, is it not from the state that we, nation-state dwellers, expect the law to come (Merry 1992; Tamanaha 1993)?

However, it is my contention that within the Israeli context, we can see a messier process take place, one in which the bonds of affective love kinship are recognized neither formally, nor wholesale, by these official apparatuses of the state, but rather incidentally and off-hand within minor bureaucracies and private law firms by individuals who are not precedent-setting test cases (see Yoshino 2016 for details on individuals serving as these expanded legal exemplars) but rather stubbornly still apolitical everyday folk. In so doing, I ask us to turn our collective attention to the possibilities for alternative forms of kinship than those currently discussed, not due to their sexual orientation or demographic composition, but rather their legal positioning outside of the state’s limelight within these minor “apolitical” offices because of their potential to challenge how we think about contemporary states’ control over and through kinship (Foucault 1990; Coontz 2006). Yet to see this process, I must go back to the particular from which this right rises, the scale in

which it is experienced and lived, back to a café huddled around the lone outdoor space heater.

Congratulations, NEXT!

On a still chilly spring night in north Tel Aviv, Amit and Maya explained why they had stopped trying to get married in Israel.

“It’s all politics,” Amit said.

“Politics?” I asked back.

“Yeah, marriages here are political. You have to have a group of rabbis decide if you can marry. You have to go in and prove to them that you can marry. Like it’s not about whether or not we’re siblings or something, but whether or not we’re good enough Jews. It’s a matter of politics controlling a matter of conscience (*inyan mitzpon*).”

I asked what exactly he meant by that.

“That’s why I liked the New York ceremony we had,” he told me. I was unaware that they had gotten married, let alone travelled to the United States to do so. I congratulated them.

Maya laughed and thanked me. “We didn’t really tell anyone,” she said. “Like, just four friends who came with us, and my parents. We Skyped my grandmother in,” she added. “It was perfect. They asked us for our IDs, and we had to sign the document, then we waited until someone called our name, went in the room, and the man basically just checked our names and said, ‘Okay, you are married now.’”

Amit, who had been typing a message on his phone, turned back into our conversation. “I liked the ceremony in New York City Hall. Name, ID, congratulations, NEXT!” he bellowed, laughing. “It’s what a wedding is supposed to be.”

This was not the romantic image of love I had anticipated. I asked them what they meant.

“No one asked us if we were Jewish enough, or if our families were important to the state or anything,” Amit began.

“Important to the state?” I asked.

“Like, no one asked us if we fit into some narrative that was politically important,” Liat told me. “That’s just politics! It has nothing to do with whether or not we shouldn’t get married because one of us is too young or already married or something. The state is pretending like it has this right to decide if we should love someone (*ha-mimshala ma’atida panim she-yesh la ha-zakhut ha-zot lehakhlit ‘im anakhnu amurim le’ehov ekhad et sheni*). That’s already our right! We have a right to love each other. Like, I’d still like to have a Jewish wedding. We’re planning one at my cousin’s house in New Jersey. With rings, my father’s *tallit* (prayer shawl) as a chuppah, and some egalitarian social justice versions of other traditions.

Amit nudged me, “Like she will break the glass.” He laughed.

Maya sent him a coyly stern glance. “And he can walk around me seven times.”

He scoffed. “No one will walk around anyone.”

She bristled ever so slightly. “We can’t just throw tradition in the garbage.”

I asked why not have a wedding in the rabbinate if they’d like a Jewish ceremony as well. Both yelled at me in a discordant unison of sentiment.

Maya: “Just because we want to have a Jewish ceremony doesn’t mean that the state has the right to say that that’s the only way to legitimize your love!”

Amit: “That’s not the problem! Like, one frame doesn’t fit every couple.³ What about gay couples and lesbians?⁴ It’s not about the tradition. It’s about the state making us do the tradition. We are not being authentic to our consciences if we let the state do that.”

Amit and Maya’s particular understanding of the state’s overreach here is not in the specifics of the practice of getting married; they acknowledge wanting to have a Jewish wedding in line with the state’s version. Tellingly, Maya visibly reacted at the suggestion that they might not include a particular ritual within the ceremony. However, in conjuring the image of the New York City City Hall as what a wedding “is supposed to be,” they evoke a particular power relationship between themselves as subject-citizens of Israel and the government. For Maya and Amit, the ideal New York City wedding does not index a different culture, but rather a different possible configuration of politics and kinship that might exist for citizen-subjects of a modern nation-state, one in which romantic love is permitted and state-sanctioned but not restricted beyond perceived necessary biological dangers. In this sentiment, romantic love is naturalized as an unconscious process that states have no right to restrict unless it should go awry in producing either an incestuous, pedophilic, or polygamous attraction; any other limitation is politicizing love insofar as it attempts to limit individuals’ ability to act authentically on their natural attractions and moral consciences.

In their telling, the state is explicitly attempting to subvert their right to love, which they discussed as an integral and inherent entitlement of subject-citizens, by

³ This statement also reveals the market penetration of the BFreeIsrael campaign referenced in the Introduction.

⁴ Gay men and lesbian women are rhetorically differentiated in Hebrew as “*homo'im*” and “*lesbi'ot*.” There is not a commonly used term, like “gay” in the United States, for people of either gender attracted to their same gender that does not encompass other identities in the LGBTQ community as well.

executing procedures within the marriage registration process that exceed “reasonable” state restrictions on biological (e.g. familial incest) or indecent (under-aged marriages) relationship issues by forcing religious expectations of Jewish identity and familial relationships upon couples, albeit ones that they themselves happen to possess. They feel compelled to fight against these developments as infringements upon their consciences—to allow the state to act as it does prevents them from being or acting according to their authentic sense of morality—even though they are legally able to marry in Israel as a heterosexual Jewish couple. Amit and Maya sense that to register their wedding within a state that does not recognize same-sex marriages would be a betrayal to their own love, a betrayal that they link to the religious procedures within the state-run rabbinate even as they want the same religious ceremony from an outside source. This conscience, it must be noted, is an important Israeli understanding of moral agency, one which naturalizes moral decisions as moral proclivities, for example, taking veganism to be a congenital physical revulsion to cruelty against animals or taking conscientious objection to military service to be a result of a person’s natural inability to stomach physical violence (see Weiss 2014 for a discussion of Israeli understandings of moral conscience and state obligation in regards to military service and violence against animals and people). Moreover, Israelis by in large view this naturalized conscience to be one of the only legitimate reasons for opposing state action (again, see Weiss 2014 for acceptable and non-acceptable reasons for refusing military service).

Amit and Maya’s objection to the Israeli state’s marriage process is not the material ritual of the process, which they desire, nor is it with the state’s interest in regulating marriage, but rather using these two precepts to justify each other. To say that the state cannot register a marriage because it violates the religious precepts of Jewish

marriage, for Amit and Maya, teleologically validates the logic that the religious precepts of Jewish marriage are a reasonable, legitimate state interest in regulating citizens' relationships. Or, in their words, "politics," a term evoking the ethno-nationalism they reject in this procedure. Yet if they so strongly resent the procedures of the Israeli state, why did they put themselves in the position to see the comparative elegance of the New York bureaucratic system?

According to Amit, when I posed, in more or less the same sarcastic terms, the question of why get married at all, "Because the state, like, just gives stuff to married people." Maya nodded absent-mindedly. "Like, it's wrong that Israel doesn't let people marry because of all this religious shit, but that doesn't mean we don't still deserve the same treatment as all the other married people."

I asked what sort of treatment that was.

"Parking permits," Maya said. Israeli parking permits in municipal areas are connected to home addresses, giving residents priority parking in the city. It is not uncommon for spouses to be registered to different addresses however (often as a result of owning a rental property in a different area from where they live), and so obtaining your spouse's permit can be a significant privilege of marriage for urban couples. "We just registered the permits last month."

This governmental privilege, however, was not seen by either Maya or Amit to be political however; rather, they understood their entitlement to parking to be a matter of receiving "the same [social] treatment" as other married people as they were connected to one another through the same legitimate process of sexual romantic attraction, rendering their loves morally (and legally) equivalent despite their difference in technical marital status. Even should they be protesting the Israeli state's marriage policies, Maya

and Amit understood themselves to be entitled to the benefits of marriage provided by the same state. Moreover, they understood the legitimacy of both their rejection of the state's political marriage and acceptance of the state's marital benefits for their relationship from the same understanding of their instinctive moral capacities to conscience (for the former) and love (for the latter). In other words, because it is natural both that they love one another and that they are morally opposed to politics in marriage, Maya and Amit could and should both reject marriage within the Israeli rabbinate as they "felt" it to be coercive and be entitled to the same benefits of other married people.

Israelis wed abroad can register their marriages in the Ministry of the Interior, though the legal status of such marriages remains opaque. Henriette Anna Caterina Funk-Schlesinger, in 1962, brought a case against the Ministry of the Interior after it had failed to register her under her new married name, Schlesinger (Ben-Porat 2013: 83). The court decided in Funk-Schlesinger's favor as the marriage had been legally conducted in Cyprus and the Ministry of the Interior must presume information supplied to it by petitioners to be truthful, although it noted that the Ministry of the Interior's purpose is only "to collect statistical material" (*le'esof khomer statisti*) (Levontin 2007). In doing so, Funk-Schlesinger v. Ministry of the Interior gave rise to a particular legal situation that has since haunted family law experts in Israel—the Ministry of the Interior does not necessarily recognize the legal status of a marriage even if it records it (Levontin 2007). As a result, even as this ruling has since been expanded upon to include same-sex couples (see Ben-Porat 2013: 85), "the state" legally does not recognize these marriages even as it documents them. (As a point of contrast, the United States considers marriages conducted abroad legal if they are conducted in accordance to the law of the area in which the marriage was conduct *and* if the United States does not consider the marriage laws in the

place in which the marriage was conducted to “violate the strong public policy of the state of residence of the couple” [including bigamy and proxy marriages] or if the relationship status is not recognized as marriage in the place in which it was conducted [e.g. civil unions], U.S. Citizenship and Immigration Services 2017; see also US Department of State 1995).

Should the phrase, “the state,” used above seem ominous, then consider once more Maya and Amit’s desire to get married in New York. For them, the state of Israel discriminates against its citizens by mixing religious and state law in conducting marriages. Yet they still desired the concrete advantages bestowed upon married couples. As such, they traveled to New York, where they were legally wed in a U.S. jurisdiction. Upon returning to Israel, they had registered their change of marital status at the Ministry of the Interior, which changed each of their legal personal statuses to “married” (for purposes of gathering statistical material). However, this marriage was not recognized. A family law attorney in Jerusalem with whom I consulted on these cases exasperatedly told me, “People go to Cyprus all the time for these marriages!⁵ But then, you just make this mess. Sure, the Ministry of the Interior will say you’re married, but not to anyone. Now, you’re just a single, married person!” Maya and Amit inhabit this quixotic legal paradox, appearing as married people, just not to each other, or anyone else. Should that sentence sound unclear, well, it is; the Ministry of the Interior’s willingness to categorize individuals married abroad as married but without any spouse makes one wonder about the usefulness of the term “married” for such a categorization in the first place. And yet—as though not already confusing enough—Maya and Amit wanted

⁵ Due to its proximity, lax family law stipulations, and good geopolitical relations to Israel, Cyprus is the most common destination for marriages abroad, so much that colloquially a “Cyprus wedding” (*khatunat kafrisin*) means a marriage conducted abroad.

(and did) receive material benefits from the state as a result of their relationship *to each other*: parking permits.

At the Ministry of Transportation's Department of Registration, individuals can add additional names to the registration of their vehicles. However, if the added person is a civil partner, the process can be done without charge and thus allow a person to obtain a parking permit for their spouse's area. The technical requirements to register one's civil partner (as a reminder, appearing, in Hebrew, as *ben/bat zug*) are to be married, and to have one's personal ID (*te'udat zahut*) registered as married as well (see Ministry of Transportation 2017). This policy *intentionally* allows for couples like Maya and Amit to add each other's names to their respective registered vehicles by only asking for one's *te'udat zahut* to be registered as married (which does not include information on to whom one is married), thus allowing Amit to register his car to the address of Maya's old apartment in Tel Aviv, which is still leased in her name although she has sublet it for the last four years.

This entire procedure however had not occurred to me yet, when I asked them laughing, "Parking? Really?"

Straight-faced, Amit replied, "You don't drive in Tel Aviv; it's terrible to park there if you don't have Zone 1 parking."

Still trying to work out this reasoning, I asked if they had gotten the parking sticker already.

"Yeah," Maya said, "we just did it last month. You know, we both were there with our *te'udot zahut*, and some letter with our names on it. The guy looked, said okay, and changed Amit's registration so I was on it too. Then I just went online [at City Hall] and got it for him."

In other words, Maya and Amit had gotten married in New York, returned to Tel Aviv, and registered with the Ministry of the Interior, where they were registered as “Married” for statistical purposes, but legally still single. However, statistically married, their *te’udot zahut* now listed them independently as “married”—though again, legally, to no one—which they brought to the Ministry of Transportation with a recent bill that showed that they lived at the same address. There, a clerk accepted these three documents to register Amit’s car under Maya’s name, seemingly registering them as common-law spouses (*ydu’im be-tzibor*), as that legal status would require proof of a shared address (and would be legally valid regardless of their wedding abroad). Then, whether they registered Amit’s vehicle as Maya’s joint property as common-law spouses or married spouses in the Ministry of Transportation, Maya obtained a parking permit for Tel Aviv from the City Hall website by registering Amit’s vehicle (now also under her name) to a different address than the one where they actually reside. In these three governmental agencies—the Ministry of the Interior, the Ministry of Transportation, and the Tel-Aviv–Jaffa City Hall—Amit and Maya appeared as slightly different legal images of themselves, none of which was exactly inaccurate legally speaking, yet all of which are incompatible with one another. Maya and Amit were married in a way not recognized by the Israeli state, but registered for statistical purposes, hence their (confusing) status there.⁶ Yet at the Ministry of Transportation, they were not taken to be legally single,

⁶ This type of counting which is not legally counting indexes another legal reality of Israel as well as theoretical concept on states. Statistics produced by the Ministry of the Interior do not, *de facto*, have legal weight; just because the statistics categorize individuals a certain way or reveal certain population-level patterns or trends does not create a burden on the state to either act upon these accounts or even, as is the case with marriages abroad, reconcile their meaning. This disjuncture between state-produced truths and the state’s own acknowledgement of them as truth also points to the inherent fractures within the monolith of the state, as different formal organizational divisions as well as human assemblages of staff, management, and individual personalities enable and allow multiple versions of truth to simultaneously exist even as they contradict one another. This conceptual account of the state, I argue, is also part of a state without organs.

either being taken as legally married (*nasuyim*) within Israel or common-law married (*y'du'im be-tzibor*) for having a shared domicile in order to register Amit's car to Maya. Finally, in registering at the Tel-Aviv-Jaffa City Hall, Maya was not acknowledging the address north of the city she and Amit shared, but rather used an address that was still in her name though she and Amit had never cohabitated there.

The State without Organs

Within these small interactions with different state bureaucracies, Amit and Maya not only successfully acquired a parking sticker for Amit's car, but they also successfully created a representation of themselves as a couple in each office within the chain. By "representation" here, I evoke that stand-ins, documentations, and proxies with which the state interacted during these meetings. At the Ministry of the Interior, the state's capture of Amit and Maya as citizens to be dealt with was done not through their bodies, but rather through their US marriage license and identity cards, which then created new identity cards for them with a shifted population categorization (i.e. "single" to "married") simultaneously recorded in computer databases. Once at the Ministry of Transportation however, the subtly-different, new *te'udot zahut* Amit and Maya had just received, in addition to a bill addressed to both of them, procured a new judgment upon their legal representations as well as the creation of a new digital record affirming Maya's co-ownership of Amit's car. In her final encounter with the Tel-Aviv-Jaffa City Hall, Maya's representation, produced using her identity card number, old apartment address, and the website's access to "her" vehicle's registration, enabled her to create a parking sticker for Amit's vehicle in her name.

At each step however, the individual bureaucracies involved captured not the absolute facts—should such things exist—of Amit and Maya’s relationship (e.g. their relationship to each other, the home in which they dwell, et cetera) but rather these different configurations of circumstantially true and incommensurable representations, and thus each came up with contradictory judgments. I do emphasize the contradictory nature of these judgments as—to successfully navigate these three branches of government—Maya and Amit existed as three distinct representations. These representations, furthermore, cannot be reconciled with one another.

For the Ministry of the Interior, Maya and Amit were statistically married but legally still quite single; yet at the Ministry of Transportation, the Ministry of the Interior’s very documentation of their *single* status was able to make them either into a married or common-law married couple. These two representations were again contradicted on the Tel Aviv municipal website, where Maya resided in an apartment different from the one they lived at as a couple (where she also drove Amit’s car). In other words, three Israeli governmental bureaucracies had now given their verdicts, as it were, in minor petitions by Amit and Maya, and had come up with judgments that were both legally binding and completely irreconcilable with one another. Such judgments reveal how these relationships, without overtly demanding their right to love, are shaping the Israeli state into a new type of entity, or, better put, entities. Drawing on the works and words of Gilles Deleuze, Felix Guattari, and Alexandre Lefebvre, I call this phenomenon a “State without Organs.”

To explain: Deleuze and Guattari, over the course of several works, elaborated the concept of what they called a “Body without Organs,” or “BwO” as the counterpart to every actual “body” (or organization, social group, system, et cetera), one made up not

of set divisions, abilities, or behaviors, but rather by undifferentiated instability with the potential to develop, or “becoming,” in near-limitless new configurations and directions (Deleuze and Boundas 1990; Deleuze and Guattari 1987; Deleuze and Guattari 2009).

In trying to imagine a jurisprudence using this philosophy, Alexandre Lefebvre imagines what a theory of legalism that he calls a “Law without Organs (LwO)” would look like if it was freed from the assumption that all verdicts must enforce the legality of system (Lefebvre 2009: 150). Or, put differently, what would the law look like if its judgments did not teleologically assume that the law already contained the answers to a new case, or that its verdicts would enforce the existing system of the law? Quoting Ronald Dworkin, Lefebvre tells us that such a law would be “a *Law without Organs* (LwO), that is, law and judgment freed from teleology... I have said that in this totality everything is actual: Every part or element of the history of law is assigned a place within an overall purposive interpretation. In this system, new cases are subsumed by existing rules and principles so as to complement the overall integrity... Because everything is actual within this presumed totality, judges never create but propose ‘improved reports on what the law, properly understood, *already is*’” (Lefebvre 2009: 150 *emphasis in the original*).

For Lefebvre, such a reimagining of the legal system would encourage us to think of the creative powers of judges, not as enforcers of an extensive legal code, but as creators and innovators of new law. Similarly, João Biehl and Peter Locke extend this conception to an “anthropology of becoming,” which pays attention to “the ways in which power itself is shifting and contingent—less a solid, stable entity than a product of manipulation... constantly punctured and put to flight by people’s becomings” (Biehl and Locke 2017: 6). Similarly, Amit and Maya’s interactions with the law too were, in Lefebvre’s language, “freed from teleology,” insofar as the state found little reason to

insure that the judgments of its various ministries and bureaucracies cogently enforced and defended their own institutional and moral infrastructures as Amit and Maya, now in Biehl and Locke's language, "put" those institutions "to flight."

Yet unlike Lefebvre's own thinking, these interactions were not court cases; Amit and Maya did not present, in the strictest terms, a case to be judged to the state. Rather, their interactions were bureaucratic and statistical; each interaction occurred not to judge the facts of a situation, but rather to record those facts properly. Their marital status, their vehicle's registration, and their address were procedural nodes that altered the flows of governmental allocations of opportunity (e.g. the chance to re-register a vehicle) and privilege (e.g. access to more and better parking spaces within Tel Aviv). Stranger still then, though these actions occurred using information derived from one another sequentially, they nevertheless managed to come to not only contradictory conclusions, but also contradictory bases for their conclusions. It is this nuance that I attempt to capture by referring to this state of affairs as a State with Organs, a state whose branches not only do not enforce the judgments of one another, but also do not stand on the same facts. By calling Israel a State without Organs, or at least an emergent one, I call attention to the state's creation of meaningful categories and its use of them to delineate the distribution of rights and recourses to its citizens even as the different bureaucratic arms of the state maintain the use of this practice in contradictory ways. Through this, the State without Organs organizes its citizens in ways that legally allow their desired activities without actually legalizing them.

That Counts as Married

About four months after our conversation, I received a text from Khaya. She and Dalia, somewhat chagrined by our conversation, had decided to put their Domestic Union cards to good use. When we had talked, I had given them several quick examples about where they may have used their new identification, including the Ministry of Transportation. This example had lodged itself into Khaya's memory, so that, when they purchased a new car several months after, Khaya wanted to bring their new cards and register the car in both of their names. Remembering that I liked "this sort of thing," she asked if I wanted to accompany them the next day. I agreed.

And so I met them the next day at the small shopping center where the local office of the Ministry of Transportation was located. Khaya and Dalia were casually dressed, and arrived later than they said; the registration, it turned out, was part of several errands they were running that day. Each had taken the day off and wanted to thoroughly exploit its potential; after this, Dalia explained, they were going to babysit her daughter's children after kindergarten.

When we entered, the office was small, and nearly empty. Two clerks were speaking with two other clients, but no one else was waiting. Dalia took a ticket from a small red machine anyway, and sat down. Khaya opened her bag to fish out the deed to their car, and each of their cards. She had not located all three documents before a clerk waived us over, finished with their previous client. The clerk did not change the number being served on the digital display over the counter.

Exchanging a clipped greeting, Khaya told the clerk that they were registering their new car, and wanted to put it in both of their names.

"Only married couples can register together," the man said.

Having located the cards, Khaya placed them both on the counter. “We have these,” she said. “They count as married” (*him tokfim ke-nisu’in*).

The man furrowed his brow and uneasily eyed the three of us. “I don’t know what this is,” he said. “We can’t accept these.”

Khaya looked at me expectantly, then, seeing that I had not intervened, turned to the man again. “Get your boss.”

The man blew a quick burst of air through his lips: *psh*. “Moment,” he said, not looking at us, as he walked away from the counter, opened, and shut a door.

Dalia looked at Khaya. “Maybe it’s not a thing?” she said, glancing back at me. I felt embarrassed to have provided them with what seemed to be bad intelligence.

A new man walked out of the door and headed toward us. “Give me the IDs?” he asked (*tnu li et ha-te’udot?*).

Khaya refused, seemingly expecting something bad. She kept a fist around them.

The new clerk, who I assumed was the supervisor, tried again. “Give them to me so I can make a copy. I need a picture to show my staff so they know to accept these next time.”

Khaya’s face opened into a wide smile and she thrust them into the man’s hand, who nodded his head and disappeared into the back room again. Our original clerk returned after him and muttered, “I’m registering it for both of your names okay? ID numbers?” Khaya and Dalia told him, and as he typed, the supervisor reappeared, handing Khaya the cards back, before turning and stapling a photocopy onto a bulletin board behind the clerks. From my angle, I couldn’t see whether it was Khaya or Dalia’s card, but at that moment, their marriage flickered back into being. The Domestic Union cards went from being confusing facsimiles of state identification to proof of marriage.

We stepped outside the office, and I blinked several times to clear my eyes in the light.

“They worked,” Dalia said. Her now-wife quickly kissed her.

“Okay, so we’ll hear from you later right?” Khaya asked, turning again to me.

“We need to get on the road to pick up the kids.”

I told them yes and quickly waived goodbye as they left to attend to their next chore.

Though wrapped in the mundane practices of parking permits and vehicle registration, both Amit and Maya’s and Khaya and Dalia’s stories of registering their vehicles (and, for the former, their marriage as well) reveal a profound change brought about by Israelis’ desired “right to love.” Though part of an international movement towards rights-based speech and politics (see Biehl and Petryna 2011; Fassin 2012; Messer 1993), my interlocutors’ demand to a ‘right to love’ is unique in its stubborn refusal to become political. In rejecting the Ministry of Religion’s rabbinical marriage, Amit disdainfully remarked that “marriages here are political... It’s a matter of politics controlling matters of conscience.” Yet unexpectedly, such a comment for him and Maya did not necessitate a turn to the realm of politics; they did not petition the courts to reject rabbinical requirements, nor did they pressure their Knesset representative to create a civil marriage option (though that is often a popular election issue, if one that rarely creates any proposed legislation). Indeed, their rejection of Israeli marriage as political instead led them to what they viewed as a workaround that nonetheless directly engaged numerous venues within the state without a call for political action.

For Khaya and Dalia, the desire to use their Domestic Union cards seemingly stemmed more from their embarrassment in admitting having not done so to an

ethnographer than a political ambition to change the state. Indeed, the change brought about by their actions was incidental. Neither member of the couple seemed to realize that they had changed a policy in speaking with the clerks.

In the book, *The Human Condition*, Hannah Arendt writes that love possesses the rare power to overcome social categories as lovers are able to value each other above their social categorizations (Arendt 1998: 242). Love enables a couple to remove themselves from pre-existing social relations to establish new ones through a family (Arendt 1998: 242). Although the ethnographic record would doubtless provide far too many objections to the universalism of that sentence to mention,⁷ it does speak to the particular social experience of Israeli Jewish rights to love.⁸ For Amit and Maya, as well as Khaya and Dalia, the right to love did index a legitimate complaint with the allocation of power in contemporary Israel. Yet this complaint was no more addressed to the state per se than it was to religious tradition, traditional family structure, and social mores. Both couples, in viewing the potential for discrimination against themselves qua lovers saw no need to directly engage the state seeking redress, as one might expect in other contexts when individuals mobilize behind a right (see Biehl and Petryna 2011 for an example of the Brazilian right to health court cases, occurring roughly at the same time as my own fieldwork).

Even as Amit and Maya pushed against what they viewed as unfair state regulation on marriage, they nevertheless used a circuitous path to present themselves to the state as a normative heterosexual couple in order to receive the benefits a normative, heterosexual, Jewish couple could receive by being married. And yet, as shown in their

⁷ Though—since it’s too hard to resist—Arendt’s notion that romantic/sexual love provides a basis for a heterosexual family unit oriented around children carries strong Freudian baggage.

⁸ Which, in fairness, is not a family system too remote from Arendt’s own experiences.

drawn out encounters with motor vehicle bureaucracies, Amit and Maya and Khaya and Dalia did create a change within the Israeli state, even as they didn't particularly seek one. In their wake, we can see the state's image of these four citizens shimmering and changing; much as Dalia and Khaya went from being married to single and back again in thinking through their hypothetical interactions with the state so again did Amit and Maya become married again at the Office of Transportation. The antipolitics of love moves through the state with these couples, shifting the distributions of power even as it explicitly does not aim to do so. These interactions are antipolitical inasmuch as they refrain from consciously attempting to either reallocate power or other resources through the government. They are antipolitical in their unconscious potential to nevertheless reallocate such social power through their contact with these mundane bureaucracies that they view capable of acknowledging their fundamental moral right to love.

It is the antipolitics of their claim that allows the State without Organs to exist. Without a political claim to further, Israelis seeking their right to love ironically are able to access arms of the state that are themselves marked as apolitical. Rather than seeking change, these encounters are better conceived of as seeking rights to which they already view as themselves as entitled. As such, even with their use of rights-based language, Israeli couples turn to mundane bureaucracies charged with providing citizen services. These antipolitical changes occur as though by accident, unconsciously, as Israelis both in front of and behind the counter use these office bureaucracies to facilitate daily life. Having the discretionary leeway between the evidentiaries for legal religious marriages and legal common-law marriages, these Israeli governmental bureaucracies are able to accept an array of different documents from citizens precisely because these citizens approach them as routine processes.

We Will Not Be Told Whom to Love

Although I didn't realize it at the time, the first time I met Dalia and Khaya was at the offices of Mishpakha Khadesha, New Family, in south Tel Aviv, on the day I married them.⁹ Then located just off the busy Rothchild Avenue where well-heeled Tel Avivis grab chopped salads and drink cappuccinos, Mishpakha Khadesha's offices were a crowded and intimate place to be, let alone do fieldwork as an extra, semi-wanted volunteer employee. As such, the woman working the front desk, a young law student named Tzila, invited me to learn how to register couples for Civil Union cards (again, *te'udot zugiyut*).

The process was simple enough. First, I needed to enter the names of each partner separately into Mishpakha Khadesha's software in Hebrew and in English (I was free to transliterate names as I saw fit) along with their national ID numbers taken from their *te'udot zahut*.¹⁰ My first couple was two older lesbian women. Though I didn't realize it when I met them again two months later on a rooftop Shavuot party for queer Israeli couples, Dalia and Khaya were the first couple I registered that day. I did not know at the time that they had previously come in to meet with a lawyer and sign similar documents

⁹ This is an odd claim. Mishpakha Khadesha's services are explicitly not a marriage, but rather a legal tool in allowing families to have recognition for their innate status as such without state intervention (Mishpakha Khadesha (New Family) 2017c). Moreover, my services were only to help create an identification card documenting their *nisu'in hoze* (contract marriage), which would serve as evidence of their preexistent common-law marriage. Yet in completing this action, I nevertheless felt an affective weight of having *done something* somehow substantial. I here use the verb "married" both to convey this affect in my own experience, as well as to accomplish two other purposes: 1) to position this configuration of kinship within the broader anthropological debate as to what, cross-culturally, constitutes a marriage (see Gough 1959; Leach 1955), and 2) to call attention to my own role as ethnographer–qua–office-worker as a ceremony officiant within this particular legal ritual. After having performed this task, I felt compelled to research other anthropologists or ethnographers who had conducted a similar ritual (even if at a similar level of rote task execution as what I had done in making the card), and was unable to find evidence of such elsewhere. This terminology then is to call attention to this practice as a legitimate one of kin-making (or kin endorsing?) as well as note my particularly situated methodological role and affect within it.

¹⁰ For non-Israeli citizens, most of whom were West Bank Palestinians, I was told to enter their passport numbers instead.

to prenuptial agreements that would provide a template to split their assets and negotiate the terms of their break-up, should one occur. Today, they were only in the office to obtain their *te'udot zugiyut*.

Next step, I entered their ID numbers and names together, again in Hebrew and English. Tzila corrected me when, instead of a *yud* in Khaya's name, I had written a *vav*, then written the transliterated name Khava. I had felt a momentary twinge of embarrassment for making a rudimentary Hebrew mistake, but neither woman was focused on me. Khaya had positioned Dalia underneath a banner over a door emblazoned with the organization's name, taking a photo of her partner's flat expression and pointed finger. I could not tell if this was a festive occasion for them or not. Tzila nodded in approval at my correction, then addressed Dalia and Khaya.

"Girls, who wants to go first?"

I don't recall which woman sat for her photo first; instead my notes detail that, after taking each photo, I placed it within the open application on my screen, resized it to fit within the rectangle provided, saved each as a PDF using their ID numbers, and printed out the cards using a specialized printer. After doing each, I photocopied both IDs together, keeping the copy for Mishpakha Khadesha's records, and offering the couple their new IDs with a congratulatory *mazel tov*. Tzila, still walking me through the process, told me to ask them if they would be okay having their photo taken with their new IDs for the website. Dalia and Khaya (and every other couple I witnessed at Mishpakha Khadesha) agreed, and held up their IDs under Mishpakha Khadesha's banner as Tzila took a photo on her phone. They left, cards soon to disappear.

The Domestic Union cards are the invention of Irit Rosenblum, the charismatic founder, CEO, and head lawyer of Mishpakha Khadesha. As part of my agreement with

Rosenblum, I had gone to the Mishpakha Khadesha office the day I married Khaya and Dalia in order to translate her organization's pamphlet into English from Hebrew, a task I had agreed to do in exchange for access in the firm. When I first saw the material Rosenblum wanted me to translate, I was transfixed by the mixture of grandiosity and mundanity, bold claims and careful legal wording. This pamphlet also offers, in its own way, the clearest articulation of the political agenda behind Mishpakha Khadesha's Domestic Union cards.

To the Prime Minister, Ministers of the Government, and Members of the Knesset, I submit this document as the basis to raise awareness in Israeli civil society. This society—which has been trampled by the rule of the narrow-minded, the degenerate, the alienating, and the downright evil—still yearns to start families in order to continue on for generations and still demands their life's wish to exercise direct citizenship.

Equality in Love and Freedom of Choice

For all the years of human history, the concept of "love" and all of its associated feelings have symbolized the constant yearning of every human being for belonging, for closeness, and for the security of living together. Love is for us, for each and every one of us, and does not depend upon the approval of any authority apart from the two who share that love between themselves. *The right to choose our love is a fundamental right that cannot be tampered with. The freedom of couples to family and to continuity overcomes any obligation and any social or legal approval.* Whether for couples or parents, a person becomes a family at the moment when one becomes many. *The love of a person for her or his family—for a partner or a child—is moral and ethical, completely separate from her or his obligations as a citizen to her or his country...*

A universal revolution in family took place in Europe in the 18th Century; it was called "The Romantic Period" for good reason. This trend in thinking talked of equality and freedom of choice, and developed the concept that an individual is sovereign over her or his life. People began to avoid government intervention in choosing their partners, to the extent that they did not inform that state about their marital lives. Cohabiting, or common-law, partnerships are the result of this conceptual development. The assumption that families are made only through marriage has become irrelevant, as individuals and couples bring children into the world without getting married. Only 58% of families in Israel meet the state criteria of a "family:" a Jewish man and woman, married according to Jewish law, through the institutions of the Israeli Rabbinate. The Classical Family enjoys the maximum benefits and rights from the state in terms of who is considered "family." What about the remaining 42%? Those 800,000 families living in Israel without the state recognizing them as families?...

The Choice is Ours

Promote a new social order in Israel that will allow all of us to define our relationships for ourselves that we freely chose for ourselves and manage our partnerships according to our consciences. Adopt a new social order that embraces all families and that accepts a family's emotions as proof of its loving and supportive nature to the members who have elected to be a part of it. We will report to the state about the choices we make for our marital and family life, but will not be told whom to love, with whom we can formalize our love, and with whom and how we can manage our family life. (2017a emphasis mine)

Rosenblum's bold history of love to explain her work emphasizes the state's consistent intervention in individuals' family life. This effort is unjustified and unjustifiable; in her words "[t]he love of a person for her or his family—for a partner or a child—is moral and ethical, completely separate from her or his obligations as a citizen to her or his country..." The state shouldn't be involved in its citizens' intimate affairs as the two are intrinsically separate. For Rosenblum, this logically culminates in a system not too different from the one to which her Domestic Union cards gave birth. "We will report to the state about the choices we make for our marital and family life, but will not be told whom to love, with whom we can formalize our love, and with whom and how we can manage our family life."

Yet as Dalia and Khaya's and Maya and Amit's stories have shown, this depiction imagines the relationship between state and citizen-family too narrowly, too neatly. Although legal activism (much undertaken by Rosenblum herself in the 1990s) had already created legal protections from and alternatives to state-rabbinical marriages, my informants' experiences in seeking their right to love has entered into a complex space between foreign states, private legal services like New Family (whose Domestic Union cards cost NIS 1300 or NIS 650 per person in a couple¹¹), private enterprises (like the religious hospital that initially prompted Khaya and Dalia to get their cards), and multiple branches of the government with their own standards as to what constitutes a relationship. Moreover, between state and citizen, the interactions necessary to "formalize love" have become far more intimate and circumstantial; if citizens are to report their relationships to the state, Israel continues to lack a clear office to which to do so. Instead, as has been seen, a variety of documentation, including Domestic Union cards, foreign

¹¹ As cited in Mishpakha Khadesha (New Family) 2017b.

marriage certification, and joint residential holdings, are invoked in interactions, allowing different state bureaucracies to judge a relationship to be real seemingly while invalidating other bureaucracies' judgments in the process. In other words, if Rosenblum's aim was to eliminate the rabbinate and any other office empowered by the state to authenticate citizens' family lives, instead her organization has empowered nearly every citizen-facing office within the Israeli state to judge Israelis' relationships. The right to love, instead of demonstrating its clear moral imperative to a unified state, now must plead its case however softly whenever contacting the state in its many forms. The politics of the right to love are not the clarion call of activism, legislation, or court precedence to overturn the Ministry of Religion's monopoly on family law, but the quiet antipolitics of individuals' routine life changing today's Israeli state into one where rabbinical marriage is no longer the only relationship within at least some portions of the state.

This case should not be overlooked in our global discussion on legalizing queer kinships; as other countries have debated same-sex marriage (as Israel has also done), these minor offices have been vindicating heterosexual and queer Israelis' moral claims on marriage for quite some time. What's even more, they have been changing the legal acceptance of such relationships both tangibly and in contradictory ways. This work, I suspect, is not entirely unique to Israel, though the legal configuration of common-law marriages that enabled it might be idiosyncratic. More attention must be paid to these apolitical bureaucratic actors within marriage law and the unconscious motivations that might spur them to action. Moreover, more attention must be paid to the ways in which such legalizations of kinship enable individuals to occupy multiple and contradictory legal statuses by accidentally leveraging these different bureaucratic actions against one another. These spaces represent a significant portion of the daily practice of legal kinship,

and their omission from accounts of new forms of kinship overlooks both how many experience legal family relationships *and* the ways in which these movements to legalize queer kinship might push back upon the state.

A Wedding Can Actually Mean Something: Secular Humanist Judaism, Secular Israelis, and Meta Ritual

And Isaac went out to meditate in the field at the eventide; and he lifted up his eyes, and saw, and, behold, there were camels coming.

And Rebekah lifted up her eyes, and when she saw Isaac, she alighted from the camel.

And she said unto the servant: 'What man is this that walketh in the field to meet us?' And the servant said: 'It is my master.'

And she took her veil, and covered herself.

And the servant told Isaac all the things that he had done.

And Isaac brought her into his mother Sarah's tent, and took Rebekah, and she became his wife; and he loved her. And Isaac was comforted for his mother.

Genesis 24:63-67 (Jewish Publication Society of America Tanakh 1917)

By the time the ceremony began, the officiant, Yamit, had already invited those of us gathered to approach the chuppah two times. On the third time, when many thought not all of us had already gathered, she explained who she was, telling us that her title was “a secular wedding officiant” (*‘orekhet khatuna khilonit*), and waved her hand, causing four small girls, near the ages of five or six, to begin to process up the red carpet aisle, throwing pink and yellow rose petals on those seated in the white folding chairs nearest to them. She did not mention in her introductions or during the ceremony that she was also training to be a secular humanist rabbi.

After the flower girls, both of the grooms’ parents walked the aisle to the chuppah, Ofer’s father donning a white satin *kippa* (skullcap) as he did so. The grooms began to process as the music shifted. I had not put a name to the song, PM’s Love Theme, that was playing over the speakers on the rooftop terrace of the large, Tel Avivi mall where the wedding was happening until a younger man standing near me whispered into his friend’s ear, “Oh, *Love Actually*! I love this movie!” The audience began to clap in rhythm to the song; Ofer and Shai stopped midway to the chuppah to kiss. Once they reached Yamit, she took each of them by the hand, positioning herself in between the couple, and raised their hands up into the air. The audience’s claps shifted off the beat of the theme

from *Love Actually*, and several people ululated. The DJ subtly stopped the music as Yamit began to speak.

Yamit introduced Ofer and Shai by introducing us to their relationship—blind date, romantic restaurant, dinner, walk on the beach, Shai telling Ofer he wanted to wait until he missed him then calling in less than twenty-four hours anyways to schedule a second date, a trip to Toronto where they told each other ‘I love you’ for the first time in bed. She paused, looking out on those of us gathered. “That is why we are here today. We are here to make this couple a family, to make their love a marriage. We are gathered under this beautiful chuppah,” she theatrically raised one hand and flicked her wrist at the large white canopy overhead, “which symbolizes the house that they are building together, for them to take each other as partners (*bney zug*) in the blessing of *kiddushin* which unites them as it has united their parents and grandparents and all of the Jewish people. Ofer?”

Ofer stepped towards Shai, the two of them forming brackets around the benignly smiling Yamit. He held out and cupped both of his hands taking Shai’s left hand in them. “I, Ofer, promise to love you in good times and in bad, in sickness and in health. I will love you and honor you all of the days of my life.” He slipped a ring onto Shai’s left ring finger. They clasped hands for a moment, then Shai repeated the same phrases back at Ofer, pressing a ring onto Ofer’s left ring finger as well. The ring stubbornly refused to get into its proper place, and Shai mugged an exaggerated shrug to us as Ofer wrestled the band into place over his knuckle. There were some scattered appreciative chuckles at the gesture.

Yamit asked the parents to step forward, explaining to us along the way that “These blessings wish the couple the joys of marriage and family just as they have from

generation to generation (*le-dor ve-dor*) before them.” Yamit distributed glasses of wine to Shai and Yamit and to the parents. The parents took notecards from Yamit one by one, and recited the first four standard Orthodox Jewish marital blessings while holding clear glasses of white wine.¹ Afterwards, Shai and Ofer, their parents, and Yamit each raised their separate glasses and took demure sips. No mention was made that three additional blessings often follow these four. Instead, Yamit removed two parcels of silver foil from a table mostly obscured from our view within the chuppah and placed them on the ground in front of each groom. She faced us and declared that “We end Jewish weddings by breaking a glass to remember the destruction of the Temple in Jerusalem, but also that the couple will be in hard times like all couples, and that they should remember that on the happiest day of their lives, but they should also remember in those hard times this happy day and stand again stronger and still in love.”

Shai and Ofer took each other’s hands and looked each other in the eyes as they each raised a leg and stomped them down together. We clapped; we cheered; we ululated. The couple exited the chuppah to the song We Are Young ft. Janelle Monáe by the band Fun. I walked over to Yamit who stood to the side of the chuppah. A line of guests had formed before her.

“I have never seen such a meaningful ceremony,” an older woman wearing a tangerine skirt was telling Yamit. “I have never cried at a wedding before today, but it was such a meaningful ceremony today. You really can make a wedding ceremony actually mean something.”

¹ 1) Blessed are You, LORD, our God, sovereign of the universe, who creates the fruit of the vine.

2) Blessed are You, LORD, our God, sovereign of the universe, who created everything for His Glory.

3) Blessed are You, LORD, our God, sovereign of the universe, who creates man.

4) Blessed are You, LORD, our God, sovereign of the universe, who creates man in your image, fashioning perpetuated life. Blessed are You, LORD, creator of man.

Ofer and Shai's wedding was, in many ways, unexceptional for Israeli weddings. It was held at a slightly eccentric, though certainly still mainstream venue (enough so that it was certified kosher, as required by law, see Ben-Porat 2013: 68). The event had started with a cocktail hour in which light appetizers were served, followed by the ceremony recounted above, then a dinner and dancing. It was held on a weeknight, not presenting a conflict with religious rules that preclude weddings from taking place during Shabbat from sundown on Friday through Saturday evening. It was, simply said, easily recognizable for those in attendance as a Jewish Israeli wedding. However, Shai and Ofer's wedding was also exceptional insofar as it was a secular Jewish wedding, an increasingly popular if still marginal choice in wedding rituals (see Ben-Porat 2013: 73), which is seen as being a homegrown alternative ceremony to state-officiated Orthodox ceremonies, unlike the more US Reform and Conservative Jewish alternatives (see Ben-Porat 2013). It was exceptional insofar as it was a wedding between two men who cannot legally wed one another in Israel. It was exceptional insofar as, to the secular upper-class Israelis in attendance, it was a meaningful ceremony.

In this chapter, I examine the particular social and affective labor that goes into the creation of meaningful alternative weddings, taking the Secular Humanist Jewish officiants' and rabbinical leaders' work that I witnessed to be emblematic of the particular cultural production of these alternative rituals. In analyzing this particular ritual, I take seriously Isabelle Clark-Decès's reminder that marriage practices are "part of an honorific and emotional process," deriving their meaning less from their formal adherence to abstract rules than their ability to move participants (Clark-Decès 2014: 12-13). This meaningful wedding then is worth attending to not because it follows conventions of Orthodox weddings in Israel, but rather for the ways it appears "right" to those in

attendance *despite* deviating from these norms. I take Secular Humanist Jewish weddings to not only be a replacement of and market competition for state-run Orthodox-rabbinical marriages but also an emergent renegotiation of the affects of authenticity and meaningfulness within Jewish ritual life in Israeli society.

As I chronicle the ways Yamit and other secular humanist rabbis and officiants prepare for and handle of these rituals, I demonstrate how these emergent secular practices of Jewish ritual life re-center ritual efficacy not within the particular symbols of the ritual, but rather upon the wedding itself as a meta-symbol for new types of Jews' inclusion into Judaism and Jewish history. The production of the wedding ritual from its elaborate philosophical underpinnings through the immense work done behind the scenes between an officiant and a couple before the wedding day reveal how secular humanist Jewish frameworks redraw the contours of meaning within a wedding ceremony from these early meetings through the final production of the wedding itself. Through this narrative and drawing upon the works of Victor Turner and Talal Asad, I offer a new conceptualization of secular Jewish-Israeli rituals that draw upon the imagery and pageantry of their religious counterparts in life-cycle rituals as a change not in ritual process, but rather a shift of scale of the ritual itself. Yet before diving into the production of meaning in these rituals, I briefly want to interrogate the production of these ceremonies themselves, assessing the financial costs of creating this meaning in comparison to those needed for state ceremonies in order to frame the social production of these ceremonies within the broader context of Israeli society.

The Price of Meaning

An estimated twenty percent of couples marry outside of the rabbinate's auspices each year (Maltz 2016a), and the number of Jewish marriages conducted by the Israeli rabbinate dropped by 6.5% between 2013 and 2014 alone (Hiddush 2016). What Ben-Porat has called “secular entrepreneurs” (as these entrepreneurs offer market services that challenge and replace state-run Orthodox religious services [Ben-Porat 2013: 19])² operate an increasingly large share of the Israeli-Jewish life ritual market, though actual numbers are hard to come by as aspects of the practice are technically illegal within Israel under an amendment to the Marriage and Divorce Order (Erich 2016).

Although the state permits “non-*halakhic*” weddings (i.e. weddings occurring outside of the normative practices of Jewish religious law) to take place, halakhic rituals conducted without the rabbi-officiant being properly registered with the state offices of the Jewish Ministry of Religious Affairs –colloquially known as the rabbinate–could result in jail time for both the officiant and the couple. For example, a ceremony conducted under non-Orthodox religious auspices or by a woman – as happens to be the case with many Secular Humanist Jewish weddings – is ostensibly legal as it is not “a wedding,” whereas a ceremony conducted by a man who is an unregistered Orthodox rabbi is not legal because it is a wedding. However, as with other aspects of halakhic Judaism in Israel, where exactly the state draws the line between a halakhic ceremony that is not permitted under this order and how alternative a ceremony must be to not count as a

² These ceremonial practices also notably include Conservative and particularly Reform Jewish life cycle rituals as well as non-denominational marriage planning and counseling organizations. However, in this chapter, I am primarily interested in Secular Humanist Jewish practices to represent these marriage alternatives as their particular interventions in wedding planning and counseling bridge practices of other minority denominations and non-denominational counseling alike. In addition, unlike Conservative and Reform Judaism, Secular Humanist Judaism is not strongly associated with US Jewish communities in Israel, and many couples who choose to marry in a secular humanist ceremony are not raised within the stream's practicing community (also unlike Conservative and Reform Judaism in Israel).

wedding are ill defined. At the time of my fieldwork, no couples or officiants had been arrested for conducting or participating in an alternative wedding ceremony, though it was frequently discussed in the professional world of alternative wedding officiants as a potential hazard.

Although alternative marriage ceremonies are conducted within an open market, it is difficult to assess whether their costs are higher or lower than those of weddings conducted within the rabbinate as different officiants and organizations charge vastly different amounts for their services (as an example, the Orthodox-alternative service, Tzohar, does not charge to officiate a ceremony, while Yamit charges 1800 NIS, roughly \$510 US) in comparison to the state rabbinate's official registration fee of 600 NIS (\$170). However, the state rabbinate often overcharge for their services or only offer couples "premium" services at a surcharge (see Borschel-Dan 2015; Sharon 2015a).³ It has also become customary to offer an officiating state rabbi between 400-1500 NIS (between \$113 and \$453 US) as a tip, and many rabbis will demand such tips for their services, though any such payment to a state-registered rabbi is illegal (ITIM 2016b). Even though these fluctuations in price are noticeable, they must be contextualized within the far larger budget for the entire affair.

Israeli weddings on a whole are expensive, large events typically with over 300 guests in attendance. On average, weddings cost between 100,000 NIS and 140,000 NIS or between US \$28,300 and \$39,400 (Hayoun 2008; Peretz-Zilberman 2015). Each of the couple's parents are customarily expected to foot the bill, which is often divided equally, or – should one side invite substantially more guests – by the percentage of guests from

³ As a full disclosure, in exchange for my access to their organization, I assisted the group ITIM in an investigation of rabbinate across the country to see if they were overcharging couples for routine marriage services or failing to follow national policies.

their respective sides. Some of this cost is recuperated as guests are expected to give a gift of cash (either as a check or crisp, large-denomination bills) that should correspond roughly to the price-per-plate of their presence at the event with extra cushioning should they be a close relative or friend of the couple or their families. Such gifts are tabulated by the couple, who often anticipate making a future gift to the giver's family at their own wedding(s) according to a complex calculus of relationship, event luxury, and any perceived slight in the gift they had received. Now, many online services exist that will estimate the "appropriate" amount to give according to day of the week, month of the year, and location of the wedding, as well as the giver's relationship to the couple, occupation, and the total amount of guests in their party.⁴

Prices for alternative wedding officiants are thus not necessarily significantly different from those of a wedding with a state officiant, nor are they necessarily even a significant fraction of the overall wedding budget. However, they do fit into a larger economic system in which elaborate and expensive wedding ceremonies enable a couple to highlight their individuality, personal choices, and belonging within certain social parameters, but – as seen in the previous chapter – do not necessarily provide the only socially legible way of obtaining the legal and cultural benefits of a recognized relationship. During my fieldwork, I observed that families and couples who finance alternative weddings are typically economically privileged, or looking to leverage such a ceremony as a sign of their social prestige. As such, I here take these alternative weddings, like the one performed by Yamit in the chapter's opening story, both as indicators of a particular social class and means, but also as an attempt to achieve this social capital. In

⁴ A wonderfully entertaining, and very useful for a foreign anthropologist, example of such gift-calculators can be found at <https://www.mitchatnim.co.il/kamakesef/> though other similar services exist.

other words, I take such ceremonies to both be performative of a particular social status, but also productive of generating a couple's inclusion within the normative visions of a largely-Ashkenazi, Jewish elite. In this way, I ask readers to take seriously not only the privilege involved in creating these weddings (and there are privileges in finances, in supportive social networks, in days off work to take museum tours, et cetera involved) but also to take seriously that such ceremonies work to include "unexpected" couples like Shai and Ofer within a normative vision of the Jewish people and Jewish tradition in ways perhaps counterintuitive for a couple so seemingly not-heteronormative.

The Real Thing

I had first met Rabbi Maas at her father's house near the German Colony in Jerusalem. The first rabbi ordained by the International Institute for Secular Humanistic Judaism in Israel (International Institute for Secular Humanistic Judaism 2016), Rabbi Sivan Maas had invited me to meet with her and her father after I had reached out on the recommendation of a couple I had been following who had recently been convinced to have a secular humanist wedding ceremony after having attended one officiated by Yamit.⁵ The private stone home was crowded with Rabbi Maas's mother's modern portraits with large, slanting brush strokes and vibrant oranges and cerulean, which overfilled the walls in the rooms and the hallways and even the exterior gardens. We—Rabbi Maas, her father, Professor Yaakov Malkin,⁶ and I—sat to talk in the library

⁵ These ceremonies and their organizational institution have also been studied by Guy Ben-Porat as part of the Secular Ceremonies Institute (Ben-Porat 2013).

⁶ In addition to being the main public voice of Secular Humanist Judaism, Yaakov Malkin is a professor of aesthetics and rhetoric at Tel Aviv University and the academic director of Meitar: The College of Judaism as Culture.

surrounded by paintings and bookshelves with a spiral staircase used only as storage for knickknacks and tomes in the corner.

I explained that I had become interested in Rabbi Maas's work after hearing about a couple who had decided to get married in an alternative wedding after attending one of her colleague's ceremonies. Yaakov gently corrected me, "What Sivan does is not an *alternative* Jewish wedding, but rather the real thing. The rabbinate is the alternative."

Sivan continued, telling me that in order to understand her marriages' work, I first needed to learn about what Secular Humanist Judaism is from her father, its intellectual spearhead. "Even though he doesn't marry anyone, you need to know how our movement relies upon philosophy and belief. These are the two legs on which we stand."

Yaakov Malkin began what seemed a well-rehearsed speech, albeit tailored to me as an audience. "So what is Judaism? We know that there are Jews from Europe and the Middle East and even India. And we know that there are *Ashkenazim* and *Sephardim* and *Mizrakhim*" (See Shohat 2003 for details on how these categories are constructed and represented in contemporary Israel). He looked at me pointedly. "But the thing we overlook in all that difference is that there is difference! There is not *a* Jewish people, but rather Jewish peoples!" (*en 'am yahudi aval 'amim yahudim!*). He paused to let his point land. "There is not a Jewish culture, but many Jewish cultures. Judaism is not a culture but a multiculturalism." (*ha-yahadut hi lo tarbut aval rav-tarbutiyut*). Yaakov's excitement was building. He leaned in towards me, gesturing on each word. "This means that there can be no Jewish wedding without defining Judaism, and because Judaism is many things, many cultures, then there can be no one Jewish wedding!" He let his desired effect land. I seemed to have remained too placid during his revelation. He raised his eyebrows

towards me and continued. “This is what is so impressive about the Tanakh.⁷ It accumulates the many different cultures of Jews at the time, even though they were certainly not a tolerant people and fought amongst each other all the time. But we have all that detail and all of that texture today even at this early point.”

Rabbi Maas, who had been listening quietly while watching my face, interjected here. “You know, there is no account of a wedding in the Tanakh [see Telushkin 2008: 688]. There are only scattered fragments that describe bits of things done, but to take that as the source will not give you a Jewish wedding. Samson has a wedding party, but all we know is it lasted seven days. What was the ceremony?”

Yaakov embraced this line of conversation. “And what about Rachel and Isaac? She gets down off of a camel; they go into a tent, and she becomes his wife. So is it a camel that makes a wedding? Or is it just sex? They go into the tent and the next day she is his wife. I don’t think that’s what people are passing off as the Jewish wedding ceremony these days.” He laughed. “What we think of as the Israeli Jewish wedding today, which is to say, the Orthodox wedding, is really a very particular and very modern phenomenon. Orthodoxy in general is a very modern movement within Judaism and a very modern idea about what religion should be.”⁸

As part of what seemed to be their rehearsed pitch, Rabbi Maas took over the primary speaking position, outlining her general process in working on a Secular Humanist Jewish wedding. “I like to meet with couples twice, once for basic information about them, about me, and then what they would like to do for their wedding. The

⁷ The religious acronym, TaNaKh, referring to the collected scriptures of the Torah, Prophets (*Nevi'im*), and Writings (*Khuvim*) that make up the canonical collection of Jewish sacred texts. Also known as the *Mikra* or the Hebrew Bible.

⁸ Indeed, much of what is today recognized as Orthodox Judaism and Orthodox Jewish practice emerged as a countermovement to the Ashkenazi Jewish Enlightenment, or *Haskala*, in the late 18th Century in Central and Eastern Europe (see Silber 2010 for summary of the emergence of Orthodox Judaism).

second meeting is in the Israeli Museum to point out all that has counted as a *Jewish* wedding.” She smiled. “What do you think a Jewish wedding is?”

I was caught off-guard by the question and stammered for a minute before answering, “Well if we are talking about simple things, a chuppah I guess, and having parents with the couple.”

“Breaking a glass?” Sivan gently prodded.

“Sure,” I responded.

“And how do you know that these things are Jewish?” She paused to let her question have its desired effect. “Have you been to the Vatican?” I was surprised by this second question. “I ask because the Pope always travels underneath a giant chuppah. So Christians have one too. What does a chuppah mean then?”

I thought she might be asking me non-rhetorically, and tried to come up with a response. Fortunately, she began to speak again before I uttered my half-formed thoughts.

“A chuppah frames space and time. It frames a space as special, like a stage, and shows that *something* will happen *here*. For me, a wedding is like a stage and the couple is asking me to be the director of this meaningful moment. When I design a ceremony with a couple, we make a detailed notebook of what will happen because ignorance is the scariest thing in the world, but I make sure that the couple and the families only know eighty-five percent beforehand. The rest is a surprise for the couple. We don’t want anyone bored at their own wedding.” She smiled. “They don’t know my blessing or the other blessings beforehand, but I do make sure I know all of it. I make sure I can direct all of it. Often that’s just to make sure we can keep down the time.” She made a small laugh. “One couple, they had found the perfect garden where they wanted their wedding. The

only problem? A train went by every twenty minutes. ‘No problem,’ I told them. ‘I’ll do it in nineteen.’”

I asked if I could see one of her ceremony outlines, and she removed a three-ring binder from her bag behind her. Again, she had been prepared for my question. She flipped open the binder, coming to a photocopied illustration of Rembrandt’s *The Jewish Bride*. In the image, a man wearing golden browns only slightly more luminous than the painting’s amorphous taupe background leans over a seated woman, whose cheeks match her cochineal dress. Their eyes do not meet, and his hand uncomfortably rests on her covered breast. Rabbi Maas tapped the outside of her hand against the image in the binder.

“Do you know how much this means to couples sometimes just to see this? Here is this Jewish woman, getting married, and she is wearing a red dress! Not a white dress, not a ‘wedding’ dress, but this beautiful red dress. People see this and all of their ideas about what it means to have a Jewish wedding just disappear. You can wear this, and you will still be a Jewish bride.” She looked up at me. “On a wedding day, these are the decisions I remind a couple about. It doesn’t matter who is sitting next to whom or what the chicken tastes like. Those things don’t have meaning. But if you were inspired by this red dress to show, ‘This is who we are. This is what our marriage is.’ That is what has meaning. A real Jewish wedding is not in these stupid little decisions or what the

⁹ Art historians actually disagree as to the subject matter in this painting, and the woman’s status as a Jewish bride is under question, with many claiming it actually depicts a couple recreating the biblical wedding of Isaac and Rebecca (Rijksmuseum 2016). Svetlana Alpers and Jean-François Sené intriguingly suggest that the painting could, in fact, depict both a Jewish bride *and* Rebecca’s wedding as wedding fashions at the time in Holland further complicate the picture (quite literally) since couples frequently dressed as historical/biblical figures for their weddings (Alpers and Sené 1987). In other words, Rembrandt’s Jewish bride could be both Jewish and dressed to resemble Rebecca, but also may be neither (thanks to Megan Boomer for pointing me in this direction and orienting me in art historical research on this topic).

rabbinate says or even what some bearded man tells you the Torah says; it is how you have decided to be meaningfully Jewish.”

Judaism is Many Things, Many Cultures

For Rabbi Maas and her father, an important distinction in making Judaism into secular Judaism is not the removal of the divine per se, but rather the affirmation intra-Jewish difference. It is in line with this statement that I suggest we conceive of the ‘secular’ in Secular Humanist Judaism, invoking the potential complexity and variance suggested by Talal Asad in his own theorization of the secular (and its possible variations and unique differences).

The secular, I argue, is neither continuous with the religious that supposedly preceded it (that is, it is not the latest phase of a sacred origin) nor a simple break from it (that is, it is not the opposite, an essence that excludes the sacred). I take the secular to be a concept that brings together certain behaviors, knowledges, and sensibilities in modern life... this should not be taken to imply that I think there was a single line of filiation in the formation of the ‘secular.’ In my view the secular is neither singular in origin nor stable in its historical identity, although it works through a series of particular oppositions. (2003: 25)

For the Israeli ‘secular’ practiced, enacted, and informed by the works of Secular Humanist Jewish figures, the distinction between divine and mundane recedes in importance in comparison to the very fact of intra-Jewish difference. For Maas and Malchin, these differences not only index the diversity of Jewish populations (although they do), but also reveal the underlying lack of an ontological essence of Jewishness within Judaic tradition. For there to be differences among Jews, their logic follows that there must be no intrinsic essence within Judaism. The ‘secular’ emerges not out of a division between a sacred and its other, but rather an understood and experienced contradiction amid the diversity of Jewish peoples in the possibility for an essence of Judaism to exist, which substitutes for a divine nature. I will emphasize: neither Malchin nor Rabbi Maas

dwell on the lack of divinity within Judaism, but rather assume its obviousness amid their evidence for no unified version of Judaism. Divinity here is taken not to be supernatural, numinous, nor even metaphysical, but rather a stand-in for an ontological, homogenous integrity. In this regard, Joyce Dalsheim's observation that secular Israelis, particularly secular Israeli women, will often practice spirituality simply removed from orthodox religious auspices confirms my observations that the absence of a divine is less pronounced in (at least certain) Israeli secular self-conceptualizations than it is in other cross-cultural contexts (see Dalsheim 2011: 149).

According to Malchin and Maas, this diversity not only opens the possible space for Secular Judaism, but—more concretely—also reveals the fundamental flexibility of secular Jewish weddings. In the absence of an authoritative unified tradition to which to turn, Secular Humanist Jews have a veritable smorgasbord of possible practices, symbols, discrete ritual acts, texts, and even conceptual foundations from which to choose to create a Jewish wedding. As both stressed during our meeting, there is no authoritative textual evidence for a Jewish wedding within the Torah or Tanakh (outside of sexual relations). For Secular Humanist Jews, Jewish weddings can *only* be built around this lacuna within the authoritative texts of Jewish tradition. Yet in rejecting an authoritative account of Judaism, Secular Humanist Jews are now faced with the difficulty of having no guidelines or criteria to select components for a wedding that can still successfully make it Jewish. Important social work still must be done to transform any component that could be part of a wedding into a both meaningful and Jewish part of a Secular Humanist Jewish wedding.

The Secular Temple

At Rabbi Sivan Maas's encouragement, I had arrived to the Israel Museum early, wandering through the expansive collection of modern art before meeting her at the smaller, satellite gift shop located near a café in the museum's main wing next to the archaeological exhibitions. She is a petite, wiry woman, and I worried throughout the day that I might accidentally step on her flowing, polka-dotted skirt as it twisted and turned across the floors of the museum. Rabbi Maas had kindly offered to allow me to participate in her make-up fieldtrip for students seeking ordination at the Jerusalem branch of the Institute. Our goal in participating on this trip as rabbinical students at the Institute was to learn about a key procedure for which Secular Humanistic rabbis have differentiated their weddings in Israel and that we as future Secular Humanist rabbis (the ethnographer excluded) would be expected to lead: guided tours with engaged couples to help them plan their Jewish weddings. As of now, I was the only student present, but the trip had most certainly begun.

Rabbi Maas raised her hands up at the lofty passages of glass and Jerusalem stone, a wan limestone ubiquitous in Jerusalem by law (Weizman 2012: 47). "This is why I bring couples here," she said, arms aloft. "It's the architecture of museums; it's like a temple (*mikdash*). We could just look at pictures in my office or online, but it's so important to come to this museum," again, she raised her arms, "as it rises up and falls below the ordinary topography of life (*topografiyat khayyim*)," she gestured at a skylight at the barely visible ground above us, "It's important for our couples to feel that their wedding is legitimate not just as a humanist, or a modern, or a post-modern ceremony—since those are all traditions that they feel they can legitimately participate in—but also legitimate as a *Jewish* ceremony. My hope is that couples can find here things they want to incorporate,

or are inspired by, for their Jewish ceremony from our shared history as Jews. Our goal here is to see this history in this space outside of a couple's ordinary lives so that they can see their place in it as secular Jews."

Rabbi Maas removed her telephone from her purse, and quickly flicked her fingers across the surface, typing a message. She smiled up at me again, "Oleg is late, so shall we just begin?" she asked, already walking towards a special exhibition on Jewish clothing (somewhat confusingly cobbled together from the permanent exhibits on Jewish costumes and jewelry). Rabbi Maas, seemingly familiar with the new hall already, walked straight towards a series of mannequins midway through the exhibit displaying wedding fashions, stopping in front of a stately creamy white lace dress and a veiled tiara of pearls. I felt a bit uncomfortable standing next to it, as we were blocking several groups of families with young children who continued to push around us to examine what appeared to be one of the more popular displays.

Rabbi Maas seemed unfazed by our positioning, and gestured towards the dress while looking me in the eyes. "So this dress is what we think of when we think of a wedding dress right? It's white; it's elegant. Well this dress was worn by a Jewish woman in the 1920s imitating the celeb of her time: Queen Victoria. Queen Victoria wore a white lace wedding dress for her wedding, and her wedding choices became fashionable throughout the world because of her early adopters in Hollywood.¹⁰ Now we all just think of wedding dresses as these long white dresses, but these are very new. All of these," she

¹⁰ Although Rabbi Maas's timeline is not inaccurate in this statement, it does condense nearly a century of time into a quick, nigh-unstoppable movement. Queen Victoria's wedding, with its distinctive white dress, took place in 1840, long before either the early institutions of Hollywood, or this particular gown, were made in the early 20th Century. Moreover, Queen Victoria's wedding, while emblematic of a particular visual signifier of modern weddings, did not "give birth to a romantic consumer culture, but rather... certain features of the consumer culture were already in place publicized this wedding and created the desire to emulate several features of it" (Otnes and Pleck 2003: 31).

spun her hand in a lazy circle around her head, “are also wedding dresses from different times, many of which Jews were wearing before they wore this,” she pointed back towards the showy gown. “My objective in bringing couples here is these moments of ‘You think you know, but you don’t’ (*eta khoshev she-eta yode’a aval az she-lo*).”

A young man approached, waving to Rabbi Maas. She greeted Oleg, as he was apparently called, a rabbinical student who had been unable to attend the Secular Humanist Institute’s formal tour of the museum. Indeed, the tour I was on had been specially scheduled for Oleg, with the addition of the ethnographer as a convenient afterthought. Oleg joined our group. His Hebrew had a similar North American accent to my own, and I later learned in conversation that he had made *aliya* from Canada several years prior.

Rabbi Maas turned us back to the wedding dresses, catching Oleg up on the issues of cultural homogeneity Queen Victoria had wrought. We then turned to Iraqi, Indian, and Grecian dresses on display in the exhibit, all of which we learned “were already influenced by Victoria” as they contained spider webs of lacework or the wan ivories of royal British feminine purity. The next dummy wore thick purplish-blue robes heavily embroidered in golden thread. Rabbi Maas praised the hard labor that went into this Spanish dress that had been kept and worn by the family even after the Edict of Expulsion in 1492 as they moved to Morocco, where it and others like it would become known as “Jewish-style” dresses according to Rabbi Maas.

In a glass cabinet in the center of the room, a blank white woolen doll head wore an elaborate head covering made out of turquoise beads, small hammered metallic plates, and thick off-white fabrics bearing fine red needlework. Rabbi Maas smiled as Oleg leaned into the cabinet closer to further look at the handiwork. “These are my favorites,”

she said. “They hit you with their difference in a way no text can. ‘These are Jews?’ couples ask me. Looking at the models face-to-face defies interpretation.”¹¹

We walked across the hallway into the regular displays of Judaica. “The couples I bring,” Rabbi Maas began. I had already learned to recognize that most of our tour was addressed to this unique third-person plural. She continued, “think that wedding rings need to be plain, but as you can see here, Jews often used elaborately decorated rings with either a house-motif, representing the house that they would build together, and often taken using ideas of what the Temple in Jerusalem looked like, or using points of a crown.” She had stopped in front of a jewelry display cabinet showing off aforementioned wedding rings. The rings were mostly dull golds or iron-colored with large, crude decorations. Based on Rabbi Maas’s description, most of Jewry seemed to have been convinced the Second Temple was a cube with a lumpy peak oozing out of the top. I was interrupted in my reverie about historical architecture as Rabbi Maas drew our attention to a large ferrous band strung between several skeins of purple yarn.

“Indeed, as you can see from this ring, Ethiopian rings were not even necessarily meant to be put on a finger.” She casually lifted her hand and extended her left index finger, pantomiming measuring it up to the loop that her fist easily could have passed through. She laughed. “I actually researched this topic at some length, but I have been unable to find the source of wedding rings.”

Oleg looked up skeptically, “The source?” he asked.

¹¹ This comment also indexes the class and racial composition of many couples who pursue Secular Humanist ceremonies as part of the elite, Ashkenazi population of European ancestry for whom such clothes appear exotically other, in distinction to some of their fellow country-people from other backgrounds who may remember such clothes from their own families’ photo albums.

“How the tradition started. Romans made bindings around couples’ hands, and maybe, as these ties shrank, they became rings. But even then, we see rings like this,” she pointed again to the large Ethiopian ring, “and I don’t believe that that can have the same source as it was worn around one’s neck.”

Oleg seemed perplexed. “But aren’t there still core elements?” he asked Rabbi Maas. “Jewish weddings still have some consistent features. There are rings. The *ketuba* [wedding contract, pl. *ketubot*] text has not changed in thousands of years.”

Rabbi Maas waved her hand across her face, as through dispelling a bad odor or shooing a gnat. “The *Temanim* [Yeminite Jewry] didn’t use ketubot, even discouraged them, perhaps because they married multiple wives. Here, come this way,” she led us out of the jewelry into a smaller exhibition room with prayer books and manuscripts. “I bring couples here to break them of the most pernicious of stereotypes—that Jews do not depict human forms.” She tapped gently on the glass of a cabinet, showing small graceful miniatures of humans dancing, humans listening attentively to a flame-headed Moses, humans carousing with their heads replaced by garish flamingo beaks.

We walked through the several recreated synagogues of the museum. In each, Rabbi Maas had a clearly defined anecdote to relate dealing with gendered access to the space. In the baroque Italian, our attention was drawn to the hidden women’s section above the main sanctuary, preventing the men assembled from ever seeing the women gathered above. In the Indian, we were shown how the women’s area was accessed from within the sanctuary itself. We were also told to look at the delicate leaves “in the Oriental Indian style” around the prominent menorah. The Surinamese Dutch synagogue had no gendered dividers, and its white sand floor and large windows revealed how the warm climate and relative absence of anti-Semitism in the area could be turned into symbols for

the deserts that the Jewish community believed themselves to be from. Oleg again (and perhaps myself as well) looked a bit confused. “The windows,” Rabbi Maas said gently. “You don’t build big windows if you are worried people might be throwing things in them often.”

Rabbi Maas quickly walked us through the rest of the Judaica, briefly pausing on the cultural displays for *Yom ha-’Atzma’ut* (Independence Day) and *Yom ha-Zikhron* (Holocaust Memorial Day), each depicted by a brief black and white film with three mangled crowns of Torah scrolls burned in the Holocaust on display in between. As we continued to walk, Rabbi Maas and Oleg began a conversation between them.

“I hate when people link the Holocaust to Israel’s creation,” Oleg muttered.

“Yes, it is hard,” Rabbi Maas agreed. “But that is not a conversation people are ready to have yet. Maybe when the Third Generation is more prominent.”¹²

She continued past the exhibit, taking us into the archaeological wing. Rabbi Maas asked Oleg, “Why do you think it is important for the Israel Museum to have things from Egypt and South America?”

Oleg paused. “So we can be a nation like all others (*kedey she-nukhal lihi’ot ‘am kmo kol ha-akharim*). They display these things so we must to.”

Rabbi Maas paused, and I was unsure if this was the answer she was looking for or not. “Yes, we are part of the history of colonialism here.”

She entered the hall, taking us to a reconstructed 7th Century CE synagogue. The central mosaic features agricultural motifs of *kashrut* (Jewish dietary and agricultural laws, more commonly known in the US as “kosher”) laid out around a portrait of a David who

¹² The phrase, “the Third Generation,” commonly refers to the grandchildren of Holocaust survivors in Israel.

bore a striking resemblance to Orpheus with his lyre. This, according to Rabbi Maas, was to be both our, and most couples', last stop.

“You see here? We have a human figure. We have a synagogue that looks identical to churches in the area at this time. And the whole thing is clearly,” she pointed directly at the face in the mosaic, “Greek.” Rabbi Sivan’s next words struck me; this tour was offering a radically different version of Judaism than I had heard before. “So now when we have people telling us that, ‘Jews don’t do this,’ or ‘That’s not Jewish,’ we can look right here. Right here we have these things that were all Jewish in their places and times. These are things that we bring couples to see and to realize that, ‘Oh, we could do this like’ or ‘I could wear a purple dress like the Moroccan woman’ and all of that isn’t invention or not choosing to reject Judaism. All these things already existed and they are already part of Jewish pluralism and we have a right to them.”

The Forest of Symbols

In making a Jewish ceremony, Rabbi Maas’s and the International Institute for Secular Humanistic Judaism’s insistence on a tour of the Israeli Museum reveals the complicated social work being done through a seemingly simple tour of historical Jewish artifacts. This tour accomplishes two distinct objectives that produce the “meaningfulness” of a Secular Humanist ceremony. Firstly, Rabbi Maas’s identification of salient things within Jewish weddings (dresses, rings, ketubot, et cetera) identifies ritual objects and provides them with a flexible meaning. Secondly, these objects are placed into a larger symbolic field not within larger Jewish religious tradition, but rather the couple’s particularities. Before getting too far along in this discussion, it is first worth reviewing how ritual symbols “traditionally” operate in traditions.

In Victor Turner's analysis of Ndembu rituals, he offers an ethnographic theory as to how ritual becomes meaningful for its participants. According to Turner, the key element transfiguring ritual experiences from convoluted into meaningful is the symbol, "the smallest unit of ritual which still retains the specific properties of ritual behavior; it is the ultimate unit of specific structure in a ritual context" (Turner 2002: 19). These symbols exist throughout a culture and indeed only gain their meaning (both to participants and the ethnographer) through their use and reuse over time in different rituals and contexts (Turner 2002: 20). The symbol, for Turner, was not only the smallest distinct unit to rituals within a culture, but also the fulcrum to ritual's potential. Through the symbolic interplay of ritual, participants are able to internalize social values and produce social change (Turner 2002: 20).

For Turner, each symbol in a ritual encapsulates two distinct Sapirian sign forms: referential and condensation (Turner 2002: 29). The former consists of cognitive and arbitrary symbolism (for example, spoken and written language); the latter are emotional and often—in Turner's words—"gross" in that they refer directly to the physical and concrete. These different meanings exist in a continuum—what Turner calls a pole—between their various meanings, bridging ethereal and dross. Within a ritual, these different meanings are placed into close contact, allowing for participants to, in effect, cross-pollinate across this axis. The referential symbol, the complex values of society, comes into contact with the emotions at the condensation pole. In the process, the ritual is able to perform an act of social prestidigitation: the socially normative becomes the personally desired.

Ritual... is precisely a mechanism that periodically converts the obligatory into the desirable. The basic unit of ritual, the dominant symbol, encapsulates the major properties of the total ritual process which brings about this transmutation. Within its framework of meanings, the dominant

symbol brings the ethical and jural norms of society into close contact with strong emotional stimuli. In the action situation of ritual... the ritual symbol... effects an interchange of qualities between its poles of meaning. Norms and values, on the one hand, become saturated with emotion, while the gross and basic emotions become ennobled through contact with social virtues. (2002: 30)

The meaning of ritual happens within this exchange; making both the emotional and the valued conform to and confirm one another.

All of Turner's account of ritual takes for granted the holistic integrity of the greater social field in which rituals occur. A participant knows a symbol's meanings, both referential and condensed, from its general space in the cultural milieu in which she has been raised and in which she has witnessed its repeated uses; its efficacy comes not through its novelty, but rather the symbol's re-instantiation of these different meanings along the symbolic poles.

For Jewish rituals, this type of symbolic holism seems to have existed and likely still exists in some contexts. Mark Zborowsky and Elizabeth Herzog, in their classic salvage ethnography of post-Holocaust Ashkenazim, take for granted this cultural cohesiveness when discussing the wedding ceremony. Take, for example, their discussion of the wedding chuppah

... they meet under the ceremonial canopy, the *khupa*¹³, that gives its name to the ritual and symbolically to marriage itself. "He will lead her under the khupa," they say, meaning, "He will marry her." In the circumcision ceremony they bless and dedicate the infant "for the khupa," meaning he shall be educated and destined for marriage.

The khupa is sometimes a talis,¹⁴ sometimes a piece of cloth, plain or elaborately embroidered, held up by four poles. The ideal place for it is "under the stars," usually in the courtyard of the synagogue. The procession to the khupa is a gala affair. When the ceremony is literally "under the stars" the guests all carry lighted candles. In some places the houses along the way are brightly lit in honor of the occasion and the procession with its twinkling candles passes along a lighted pathway. Finally, when all are assembled word goes round, "They're leading the khossen!"¹⁵ and the groom appears, leaning on the arms of his escorts, followed by his parents and close relatives. Pale from fasting and from exhaustion, perhaps repeating over to himself the speech

¹³ Perhaps as an indication to Jews' social acceptance within broader US culture at the time of their writing, Zborowsky and Herzog transliterate the Hebrew/Yiddish '*khupa*,' eschewing the now-common US-English 'chuppah' that I have used throughout this work.

¹⁴ A prayer shawl, written as 'talit' in conventional Hebrew transliteration and 'talis' in Yiddish transliteration.

¹⁵ Bridegroom; Yiddish. In Hebrew, *khatan*.

he must make later and hoping that he will not forget and “be ashamed,” he may find the support more than symbolic. He looks neither to the right nor to the left, but straight at the khupa.

As he takes his place beneath it, again a stir goes through the crowd, “They’re leading the kaleh!”¹⁶ Supported by two maids of honor and followed by her parents and relatives, “the kaleh’s party,” the bride enters and joins him under the khupa, standing at his right.

They stand before the rabbi with their parents and attendants and usually a cantor. The rabbi lifts the bride’s veil, then slowly lowers it. Theoretically, if the khossen dislikes what he sees he can call off the wedding. In fact, the gesture is a vestige of a time when the lifting of the veil might give him his first glimpse of his bride. There is no vestige of a corresponding option on her part. She is not expected to have the decision nor to be concerned with the appearance of her husband. A man is not a body; he is a mind, a soul and a character. (1988: 281)

According to Zborowski and Herzog’s ornate prose,¹⁷ the set up of the chuppah accumulates a wide variety of referents to other aspects of community life outside of the wedding ceremony. Operating as a metonym for marriage itself, the chuppah is evoked at previous life cycle ceremonies (like a *brit mila* circumcision ceremony) even if not present. It may be constituted from a talit, the ritual prayer shawl used during Saturday Shabbat services and on holidays in a synagogue, in the vicinity of which the ceremony itself would often take place. The procession to the chuppah, which might even be built literally from the materials of the village itself, is undertaken with both members of the couple having fasted as they would on certain holy days. Under the canopy, the lifting of the veil links the couple to the infamous Torah wedding of Jacob, when he lifted his bride’s veil to not see his betrothed, Rachel, but rather her more comely older sister, Leah (this particular action is often a distinct ceremony known as a *badeken* in some Ashkenazi communities). And finally, the bride’s lack of a similar process to check her potential husband reflects and recreates gendered norms of men’s and women’s community participation.

Taken together, the ceremony comes to reflect and naturalize the social values of the community within married life as well as invigorate those ideals within a ritual that (from this account) sounds quite affecting for the participants and observers. Moreover,

¹⁶ Bride; Yiddish. In Hebrew, *kala*.

¹⁷ Though ornate, I must admit I have a certain fondness for their rather florid turns of phrase that provide this particular work with part of its distinct conjuring of a setting and people, its own thick description.

those social values place marriage within the larger socio-religious idiom of daily life that locates the new couple within an insular community life centered on adherence to Jewish practice. Put differently, and to use the words from a popular conservative Jewish marriage guide, “Judaism sees marriage as a holy relationship, linked to religion and the community. Thus, just as the Jewish people regards its link to God as a covenant, so the Jewish marriage is also seen as a covenant” (Gross and Gross 1996: 200).

Yet for many of my informants, it is exactly this comprehensive social knowledge of Jewish tradition that is absent from their engagement with a ritual. According to Yamit, the officiant at the opening of this chapter, when she had met Shai and Ofer, they had told her they did not want a chuppah since, “It blocks everyone’s view of the ceremony and it’s just a wall that makes you feel like you are separate from your family and friends.” Rather than the chuppah indexing its place in a larger symbolic field that would affectively strengthen the participants’ ties to the values of normative religious Jewish life, Shai and Ofer perceived the chuppah not as a symbol within the ritual, but ironically as a barrier to witnessing a ritual take place. In their estimation, the chuppah not only failed to conjure any of the associations that might make up its condensed and referential poles, but proved to be a literal wall between the community’s participation in the wedding and the couple’s connection to their loved ones.

Without a lifetime of experience contextualizing the chuppah within other life rituals and activities of Jewish community life, Shai and Ofer recognized the chuppah only as an awkward prop that appeared to them tacky or distasteful at weddings. We are far afield from Turner’s assumed context for ritual symbols here. Shai and Ofer could locate the chuppah as a symbolic fixture of weddings, but had no meanings with which to furnish it. For them, it existed as a wedding symbol, but one without meaning.

This disjuncture between the symbolism invoked by an Orthodox/Ashkenzai-traditional ceremony and its effect as perceived by the secular public is, on some level, unsurprising. Others have noted the gaps that secular Jewish Israelis perceive between their social and moral ideals and those conveyed by the state or its religious bodies (see Ben-Porat 2013; Dalsheim 2011; Weiss 2014). The International Institute for Secular Humanistic Judaism's tour of the Israel Museum's first objective then is to target its public's ignorance of the symbols their wedding ceremony will likely utilize.

Rabbi Maas, however, did not fill these symbolic items with their "traditional" symbolic meanings on her tour. As Oleg and I were shown rings, dresses, and ketubot, we were not informed as to what they "meant" to us or to Jewish tradition, but rather presented with a flexible narrative of their social construction that emphasized the intrinsically Jewish nature of *any* choice we might make in either planning a wedding with a couple or presumably planning our own weddings. Instead of providing them with a fixed meaning in the broader constellation of an insular Jewish community, Rabbi Maas instead urged us to focus on these objects as parts of our (or a couple's) choices to represent ourselves and our love in the continuing tradition of Jewish pluralism. As Rabbi Maas ended her tour: "These are things that we bring couples to see and to realize that, 'Oh, we could do this like' or 'I could wear a purple dress like the Moroccan woman' and all of that isn't invention or choosing to reject Judaism. All these things already existed and they are already part of Jewish pluralism and we have a right to them." No matter our choices then, we were urged to think of them, whatever they may be, as being inherently *Jewish* choices that we were making to express our own love.

In this regard, Secular Humanist Jewish wedding preparations urge couples to restructure the symbolic values of the wedding ritual. In seeing the various historical

objects of Judaica and Jewish life, we were encouraged to recognize Jewish wedding symbols from weddings we had attended, but were not pushed to understand them in the context of an insular, devout Jewish community. In lieu of symbolically evoking, justifying, and buttressing the human relationship to God, symbols in secular humanist weddings are repurposed to instead highlight the individual couple's decisions to be unique parts of the Jewish story. Nowhere may this be more apparent than in an article by another Secular Humanist Rabbi, Rabbi Guy Oren, "Ten Reasons to Choose a Secular Wedding Ceremony" (Oren 2007). His first reason: "You stand at the center of the ceremony and not God" (*atem 'omdim be-merkaz ha-tekes, ve-lo elohim*). Indeed, Rabbi Maas's tour encouraged us to use (or to help couples use) artifacts that she represented as part of our collective Jewish birthright to depict ourselves uniquely, not to stress our relationship with the divine.

In this light, couples are asked to (and willingly do) participate in what Charles Taylor has called "the age of authenticity" at their weddings (Taylor 2007: 473), viewing and experiencing their wedding ceremony both as a venue to express their individual selves as well as a vector linking them to their true cultural pasts. The symbolic objects of Jewish weddings as displayed in the ethnographic exhibits of the Israel Museum become reconfigured for couples as vessels to load with their own individual expressions of self and as a visible connection for the couple to their Jewish pasts.

Reconfigured, anything a couple chooses becomes authentically Jewish and an authentic expression of themselves. Herein, a couple's wedding becomes both—in Elizabeth Povinelli's words—an opportunity to make themselves as "autological subjects," insofar as they fantasize about and practice the self-making of individual freedom and choice, as well as an opportunity to demonstrate their parts in the Jewish "genealogical

society,” insofar as their choices are conditioned to establish the couple’s belonging within the historically situated Jewish people(s) (Povinelli 2006).¹⁸

Remade, the symbols of a Jewish wedding become re-accessible to secular Jewish Israelis through this tour of the Israel Museum. However, their meaning must again be re-explained and re-packaged within the enactment of the ritual itself for it to convey its meaningfulness to the observers.

Kiddushin or *Love Actually*

In prefacing the ring ceremony, Yamit had specifically called our attention to the chuppah, a ritual object about which Shai and Ofer had initially had reservations, in order to make clear that it was a crucial object within this proceeding. To do so, she explained bluntly that it “symbolizes the house that they are building together,” but further explicated that it also showed their connection in “tak[ing] each other as partners (*bney zug*) in the blessing of *kiddushin*, which unite[d] them as it [had] united their parents and grandparents and all the Jewish people.” In so doing, Yamit evoked the understanding of the chuppah as a house, but moreover made this object a unitary symbolic axis in which Ofer and Shai’s relationship could be made not only like, but the same, as that of their ancestors and the Jewish people.

¹⁸ As an aside, this duality of authenticity within the restructured symbolism of a Secular Humanist Jewish wedding again reveals the social and economic privilege that undergirds this process in Israel. In calling attention to these authentic ways of being in the world, Povinelli notes how two communities with whom she has worked (aboriginal Australians and radical queer faeries) are excluded from authenticity (and thus many rights of citizenship) through these two modalities. Overly confined to an autological subject position, radical faeries are forced to “seem to be free, but they are then refused their freedom and refused a proper ‘culture’ in any deep (i.e., historical) or robust (socially governed) sense” while aboriginal Australians, confined to a genealogical society, “may be seen to have culture in the robustly genealogical sense—biologically, socially, and culturally descendent—but they’re not ‘free’ (Povinelli 2006).

This symbolic transfiguration was managed by taking the chuppah as the venue in which the blessings of kiddushin, which “unite” a couple, takes place. This statement however was far from explication of obvious fact as Yamit had carefully used it to also position the relationship between Shai and Ofer as *bney zug*, a non-gendered term for partners, as a functional equivalent to the traditional wedding phrasing of *ba'al ve-'isha* (husband and wife, literally owner and woman). At stake in this change was whether or not a same-gender couple could occupy the same cultural space as a heteronormative one, a change made easier to accept by them literally occupying the same symbolic space of the chuppah in the wedding ceremony to unite them. In Turner’s language, “the ritual symbol becomes a factor in social action, a positive force in an activity field” (Turner 2002: 20) insofar as it enables Yamit, Shai, and Ofer’s cultural claim to the equivalent status of same-gender couples within the normative vision of Jewish family life. Yet far from Turner’s imagination, in this ritual the chuppah was ironically an easily-identified symbol but nevertheless an empty one, which Shai, Ofer, and Yamit had carefully filled by making it clear that Shai and Ofer had explicitly chosen it to be meaningful. Moreover, once identified as an important choice by Yamit, its easily recognized status as a wedding symbol connected its appearance to previous heteronormative ‘traditional’ weddings the audience had attended, symbolically exchanging the particular instance of Shai and Ofer’s ritual with the normative gestalt vision of their parents’ and grandparents’ and all the Jewish people’s weddings.

This symbolic reshaping of the ceremony went further as Yamit asked Shai and Ofer’s parents to read the first four of the Orthodox seven blessings (*sheva’ brachot*). By incorporating the blessings, their ceremony used these ritual idioms of a traditional wedding. However, in only giving four of the seven blessings, the focus of the collective

symbols shifts. The number of blessings in the traditional ceremony reflects Jewish cosmology as one gives the same amount of blessing for the days of creation, for the days of the week reflected in Shabbat services, and the seven Noahite commandments (see Telushkin 2008: 570, 676, 689). By truncating the blessings after the fourth, Shai and Ofer's wedding, instead of naturalizing Jewish creation, naturalized their own two nuclear families, creating and replicating an image of the Jewish family as two partners. Yet again, Yamit's framing device of their union as a reenactment of the rituals of their parents and grandparents furthers this associative context of the couple's duality. As their two becomes one, so did their grandparents' eight become four, and parents' four become two to bless their union.

Perhaps the most surprising alteration in the entire ceremony was the ring exchange. Yamit referred earlier in the ceremony to the chuppah as the location for *kiddushin*, a traditional blessing that occurs when a husband presents his betrothed with a ring. However, the ring ritual enacted by the couple was not a kiddushin blessing, literally meaning "sanctifying," that occurs in the first part of a wedding ceremony (confusingly, this is also referred to as "*erusin*," or betrothal, as it has a historic precedent in a ceremony which took place a year before the wedding, though now they are performed as one, see Telushkin 2008: 689).

In the orthodox kiddushin/erusin, the groom needs to give his betrothed something of value, most often a ring, which signifies his exclusive sexual access to her, or *kinyan be-kiddushin* (see Center for Women's Justice 2014). To do so, the groom would place the ring on the bride's right-hand index finger and say "You are hereby sanctified to me with this ring according to the laws of Moses and Israel" (*harey at mekudeshet li ba-taba'at zo ke-dat Moshe ve-Yisra'el*) (Telushkin 2008: 689).

Shai and Ofer did not perform a kiddushin. The kiddushin blessing offers difficulties to same-gender couples as the subject of the phrase is gendered feminine (“at *mekudeshet li*”) and it is typically only recited by one party, the groom, at the chuppah. In addition, it evokes exclusive sexual access in starkly-formal religious language. In lieu of this blessing, they ironically used a different religious tradition: Western European Christianity.

In the Rite of Marriage during mass, couples are invited to indicate their consent to their (eternal) marriage through the phrasing: “I [Name] take you [Name] to be my [wife/husband]. I promise to be true to you in good times and in bad, in sickness and in health. I will love you and honor you all the days of my life” (Catholic Liturgy 1998).¹⁹ This formulation allows easy tailoring to a couple’s gendered identities by having both parties repeat the same phrasing with the subject and object’s genders switched. This also allows for both parties to speak to one another during the ceremony, which does not occur in a kiddushin. This rite also traditionally calls for each spouse to place a wedding ring on their partner’s left ring finger—which Shai and Ofer did—where most secular Israelis wear wedding bands, and not on the right index finger as would be done at an Orthodox Jewish ceremony. Perhaps more salient for Shai and Ofer, this formulation is well known in Israel from Hollywood movies and US and European television imports (out of curiosity, I checked through the script to *Love Actually*, the film whose soundtrack they had processed to, and although it features a wedding scene the scene occurs after the vows have taken place).

However, Shai and Ofer’s choice of this romantic and more egalitarian vow was not presented as a change within the ceremony. Yamit explicitly told us that the chuppah

¹⁹ This formulation is also shared by many Protestant confessions.

was where the couple would unite through the “blessing of kiddushin.” Once we reached this blessing, she did not explain the couple’s choices in the activity, as she had with the chuppah and would again with the breaking of the glass, but rather allowed it to appear as a natural element of the Jewish wedding even though it was not only not the traditional kiddushin ceremony, but also a substituted formulation from another religious tradition. To that effect, the audience’s familiarity with this image of wedding romance (perhaps best demonstrated by the audience’s recognition of the *Love Actually* soundtrack and its tropes of love) and Yamit’s pointedly not calling attention to this aspect of the ceremony served to make the ceremony seem more personal to the couple and more romantic, but importantly not as though they had innovated the tradition excessively.

Finally, Yamit reminded us that we would be ending this wedding as we ended all Jewish weddings: with the breaking of a glass. She quickly tied this event directly to the destruction of the Temple in Jerusalem, but then continued her explanation, once again emphasizing the couple’s similarity to all other Jewish couples. “We end Jewish weddings by breaking a glass to remember the destruction of the Temple in Jerusalem, but also that the couple will be in hard times like all couples, and that they should remember that on the happiest day of their lives those hard times, but they should also remember in those hard times this happy day and stand again stronger and still in love.” Moreover, as she told us what the breaking of the glass would mean, she provided both Shai *and* Ofer with a glass, reinforcing the gendered association of breaking the glass as an action taken by a man (or all men) during the wedding. This change however was not commented upon as an adaptation to fit the couple’s genders, but rather elided through her emphasis on their equivalency to other couples and their love.

Throughout her work then, Yamit had only provided explanations for ritual actions and items that conformed to a normative Orthodox Jewish wedding, underscoring Shai and Ofer's unproblematic continuation of Jewish family tradition. At the same time, the elements of their wedding that were most unique to the couple and developed in individual conversation with Yamit were not only not commented upon, but also framed as continuities themselves, or—as though through sleight of hand—occurred when Yamit drew our attention to a different, continuous aspect of the ritual.

It is within this context that one can understand the compliment given to Yamit that this wedding was “such a meaningful ceremony,” capable of producing tears. In educating Shai and Ofer about Jewish weddings and working with them to craft their own Jewish wedding, Yamit had re-contextualized the previously opaque symbols of Orthodox Jewish weddings to make the entire ceremony symbolic of Shai and Ofer's love's rightful place within the normative Jewish family. It was political insofar as it reflected and instantiated a cultural change through the Turnerian substitution (though one Turner may not have ever anticipated) of the “base facts” of Shai and Ofer's gendered bodies to the ethereal ideals of loving relationships in the Jewish family. Its “meaningfulness” is then an affective and culturally specific emotion, what Catherine Lutz calls, “a cultural and interpersonal process of naming, justifying, and persuading people in relationship to each other” (Lutz 1988: 5), signaling and enacting the normalization of Shai and Ofer's relationship as a Jewish marriage.

I Only Let Gays and Lesbians Say God

After she finished the ceremony, Yamit and I sat at the bar where she insisted on getting each of us a glass of white wine. “I never drink before ceremonies,” she told me. “I

know I am a professional and one drink won't hurt, but this isn't just a day at work for me; it's the biggest day of their lives." She nodded behind her where Ofer and Shai were still being hugged by friends and family.

I asked her if this wedding was different for her in any way.

"Well, I don't normally like to evoke God at a wedding," she said quickly.

I had also noted that she had used God in her blessings, which had surprised me given her position as a Secular Humanist rabbi-in-training. I asked her why she had agreed to do so.

"Because they're gays," she said nonchalantly sipping her drink.

I must have looked perplexed.

"Gays don't always get to be part of the Jews. People here don't always think that a gay couple can be married in Judaism. So if it's important to the couple, then I say the word "God" in the blessings as a symbol that they are part of the Jewish people (*ani omeret et ha-mila 'elohim' be-tokh ha-brakhot kmo semel she-him khelek me-ha-'am ha-yehudi*)."

She said these words as though her statement were non-controversial: God is (merely) a symbol in a Jewish wedding for a homosexual male couple's inclusion within normative Jewish life. But indeed, the entire ceremony Yamit had performed for Shai and Ofer worked to take elements of a "traditional" Jewish wedding and repurpose them as authentic symbols of Shai and Ofer's entrance into Jewish family life. God was just another sign that Ofer and Shai's love was real.

Secondhand Jews: Kinship and the Productive Precarity of the Law in Israel

*Jerusalem is full of Jews used by history
Secondhand Jews, with small flaws, bargains.
The eye turns always to Zion. And all the eyes
Of the living and the dead are broken like eggs
On the edge of the bowl to make the city
Rich and fat and rise like dough.*

—Yehuda Amichai, “Jerusalem Is Full of Used Jews”
Translated by Glenda Abramson and Tudor Parfitt

Broken for Everyone

Once Noam and Roos decided to get married, they had expected to need to fight in court for her conversion’s validity in order to marry, particularly given the fairly secular lifestyle Noam had brought into the household. Preemptively, they contacted Rabbi Seth Farber at *ITIM* (“SOMETIMES”) to have a *halakhic* (referring to Jewish law, or *halakha*) legal strategy ready if and when Roos be denied. Opening a marriage file in the rabbinate (colloquially, this term refers to the offices of the Ministry of Religious Services for Judaism, one of two branches of the state government that regulates religious affairs) is a difficult and often confusing process for many Israelis. The marriage bureaucracy is commonly portrayed as anything but intuitive. *ITIM*’s website attempts to clarify the process, including a Frequently Asked Question (FAQ) section on the marriage file with entries like “Who Has to be There?,” “What to Bring?,” and even “How to Dress?” During the registration process, a couple is expected—among other things—to certify their individual eligibility to marry *both* as unmarried individuals and as Jews using character witnesses and family documents. *ITIM* assisted Roos in gathering the most credible evidence for her Jewish status, using both her conversion certificate and having her

officiating conversion rabbi present as a witness. She continued to fear their potential decision.

Roos spoke of this period with a lingering sense of dread. “I’d wake up, everyday, worried that someone would decide that my conversion wouldn’t count. I’d wake up with a gasp and need to look at my papers again, check my email. Even look at the news to make sure my case hadn’t been announced.¹ I know that’s extreme, but I needed to check that it hadn’t happened already.”

However, contrary to everyone’s expectations, Roos was accepted as Jewish without any difficulty and was given the right to marry. Just not the right to marry Noam, her fiancé, whose Jewish status came under questioning.

The clerk examined Noam’s parents’ US-Reform marriage contract, or *ketuba*², with skepticism, deciding it to be insufficient proof of his Jewish status as Noam’s father had been a convert to Reform Judaism. The only evidence of this conversion was the ketuba itself, which in the United States are signed with what is called a “Hebrew name,” which consists of a first name in Hebrew in addition to one’s matronymic and patronymic. Converts’ matronymics and patronymics are not taken from their natal parents’ names, but rather from Abraham and Sarah, the father and mother of the Jewish people. On the grounds of his grandparents’ names on this document (i.e. Avraham and Sarah), both Noam’s and his father’s Jewish statuses were revoked. Noam had entered a process known as *birur yehadut*, or clarification of Judaism, in which an individual bears the burden of proof of convincing the rabbinate that she or he is Jewish. Only if sufficient

¹ While unlikely, several conversion revocations have been newsworthy events in Israel. Most recently, the Rabbinat of Netanya revoked the Jewish status for at least fifty members of a family after determining that a conversion in the family performed in the 1960s was not recognized. See Sharon 2015b.

² Pl. *ketubot*.

evidence of Judaism is given will the rabbinate marry, divorce, or otherwise assist in that person's request.³

After having lived his entire life in Israel in a Jewish household, Noam now had been informed in a government office that he was not Jewish. I initially met Noam the week after this decision when a mutual friend recommended that I reach out. He seemed miserable. We met in the apartment Noam and Roos share. They had been preparing to repaint as the court rejected Noam's Jewish status. The project appeared to have been stopped with the living room where we sat half-finished. Noam half-heartedly apologized that the room "looks like a bathroom." They wanted a new color, but he had yet to find the energy to go to the store to do so. "I don't know where I am right now," he told me. "I had only ever been a Jew. I was born in Israel. My parents raised me Jewish. My family, my parents raised me as a Jew. If I wasn't a Jew, I just wasn't. I don't have anything else."

Noam and Roos's story is not an isolated case. According to Rabbi Seth Farber of *ITIM*, roughly 5,000 birur yahadut cases were conducted in 2011 (as quoted in Shlezinger 2012). Few organizations, including the state rabbinate itself, keep track of the amount of these inquests conducted. In the course of my fieldwork, twenty-three individuals with whom I spoke said they had had or continued to have a birur yahadut inquiry. Nineteen of them had not expected this procedure, and no one knew precisely what was involved religiously or legally in a birur yahadut investigation.

One woman, Karen Brunwasser, who requested I use her real name, had been concerned about her childhood conversion even though she had been the perfect Jewish

³ Birur yahadut cases are also opened for the deceased in order to determine if they can be buried in a Jewish cemetery.

immigrant (see Brunwasser 2014 for her own publicized account). As she tells it in a newspaper column she had published to let the public know about the process, “As one of the few *olim* [Jewish immigrants to Israel]⁴ who spoke Hebrew, I was a hit with Israeli journalists, whisked away after landing to interview on the evening news. I became an aliya poster girl — a shot of me beaming alongside an El Al jet appeared in Nefesh B’Nefesh [an organization that assists individuals making aliya] promos” (Brunwasser 2014). Her own *birur yahadut* thus came a shock that even this “poster child” could, in fact, not be Jewish.

Vladmir, a resident of Kiriyyat Bialik, had emigrated to Israel following the dissolution of the USSR with his non-Jewish wife, Alyona, to make a new life for their young family. Their first child, a son, was born in Israel. Vladimir told me that his son had been declared not Jewish when they went to circumcise him after his birth. “That was the day I stopped being Jewish. If my son cannot be, then I cannot be,” he told me. “Now, we are nothing. We are not Jews.”

Avishai, a prominent construction magnate, explained to me that when he was told his parents’ Reform marriage ceremony indicated that he was not Jewish, he had called a friend who was a Member of the Knesset (MK) to intervene. The MK located a friend within the Rabbinate who affirmed the magnate’s status within the hour. As he told me, “I don’t know how you’d be Jewish if you aren’t well-connected. I guess once it became personal to me, I cared about these people. I always thought that the Rabbinate just caught people who weren’t Jewish, but then it happened to me and to my friends. I realized that something was broken for everyone.”

⁴ *Olim* (sing m. *ole*, sing. f. *ola*) are Jewish immigrants to Israel from the Diaspora. Literally, “one who ascends.” The noun ascension, “*aliya*,” refers to this immigration.

I had initially begun my research investigating couples who cannot marry within Israel's court structure because the courts do not recognize same-sex and interfaith relationships, yet in the field I found Noam and Roos, Karen, Vladimir, Avishai and many other individuals who had been surprised to find that they, themselves, had entered the outside of family law and the Jewish people. In this chapter, I take Noam's struggle to be emblematic of these individuals who discover that the court system is "broken for everyone."

Precarity has become, for many scholars, a defining condition of life in the 21st Century. This precarious condition of today is felt through a sense of the world breaking things down, or being broken down (see Stewart 2007). It manifests in power (Povinelli 2011), in desire (Berlant 2011), in place and time (Stewart 2007). Literary theorist Lauren Berlant has written that the end of the Twentieth Century and the beginnings of the Twenty-First have given rise to a new, particular historical sensorium, which she calls "cruel optimism." For Berlant, "A relation of cruel optimism exists when something you desire is actually an obstacle to your flourishing" (Berlant 2011: 1). We believe certain things will help our lives improve; yet these attractions increasingly further constrain us. For my informants, precarity manifests in the law, in Judaism, and in their very senses of self. Precarity manifests in their desires to be the Jews they believe themselves to already be. But this precarity is not just the vague sensorium of the zeitgeist, but also a machine, generative and productive of new forms of social being and changing forms of social control, ones in which "systems and forces that appear intractable [are] not always inevitable" (Biehl and Locke 2017). Precarity in Israeli courts makes Jewish authenticity *and* negates Jewish persons. It makes Jewish history and denies Jews' historical conditions. It produces a Judaism that exceeds the very mechanisms of its production.

In what follows, I trace the emergent social trend of adjudicating Judaism in Israel as individuals attempt to legitimate their relationships, as Jews, in rabbinical state organizations. I follow Noam's journey in searching for his "real Judaism" in order to renew his Jewish status as Judaism itself becomes adjudicated in the courtroom and the cruel optimism upon which the process relies. In so doing, I provide two critiques for how halakhic law is implemented by the religious offices and by rabbinic courts in Israel as well as by their private agents. The end of the chapter turns to the affective conditions Noam's family endures in having their religious and ethnic identity nullified.

After Benedict Anderson's *Imagined Communities* (2006), it is hardly a revolutionary to state that history itself is a form of social historiography. Indeed, even amongst Israeli Jews, much important work has been done to show how the Jewish people are imagined and constructed through genetics (Abu El-Haj 2014), architecture (Weizman 2012), and space (Abu El-Haj 2001 and Swedenburg 2003). However, this work—both in Israel and elsewhere—has followed Anderson's "imagined community" as its scale of analysis: a community (for Anderson, a nation) "is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them" (Anderson 2006: 6-7). And yet, as we follow Noam, we will see how even known familial personalities—spouses and parents—can become re-narrated into alternative histories that counter the lived experiences of those who know them. The very people who inhabit the daily worlds of my interlocutors can themselves become narrated in different stories. In light of Pierre Bourdieu's observations on the practical strategies of kin (Bourdieu 2010: 9, 33), we shall see how *birur yahadut* proceedings emphasize, remember, forget, dissolve, and assemble novel configurations of immediate (and distant) kin in order to create a practical Jewish heritage. Such practical heritages leave very

human casualties in their wake, yet nevertheless make authentic Jewish history possible on the larger scales of (a) people(s) or (a) nation(s). As Charles Lindholm has pointed out, much of contemporary anthropology views attempts at any authenticity to be inherently coercive (Lindholm 2002: 335). The very concept of real Judaism in Israel necessitates its own cruelty.

The Israeli poet, Yehuda Amichai, narrates in *Jerusalem is Full of Used Jews* that the city overruns with Jews “used by history/ Secondhand Jews, with small flaws, bargains” (Amichai and Alter 2015). In the field, I found people like Noam described by themselves and others in Manichean terms: Jews or not Jews. The gray spaces of former-Jews, maybe-Jews, possible-Jews, and almost-Jews erased by the very processes I had begun to research. Here, I evoke secondhand Jews to make conceptual room for these blurred categories of Jewish semi-belonging. I evoke secondhand Jews as the objects of histories that have chipped away at certain types of Jewish authenticity and as the agents who help maintain these same histories. I evoke secondhand Jews to not adjudicate the authenticity of my interlocutors Judaism (which they themselves both affirm and doubt) but instead to point to the human historical processes that have resulted in these inquisitions and the ways in which these cases support the Zionist nation-state project even as they damage individual Jewish lives.

Through Noam’s experiences, I argue that adjudicating Jewish status in Israel rewrites both history and the present, creating palimpsests in personal and collective lives that create and affirm a homogenous Jewish continuity while relegating those who it does not or cannot confirm to a negation of Judaism. In so doing, I open new possibilities for thinking through the growing adjudication of Jewish law in the state of Israel and its implications upon the Jewish state and Jews as people.

Bringing Judaism to Court

How laws are passed in Israel is a rarely disputed—if highly unpredictable—process. The country does not have a constitution, although politicians will suggest writing one periodically.⁵ The Knesset passes bills, laws, and Basic Laws without always clarifying the differences between these categories, and even what constitutes “passing a law” remains opaque as different laws that have been voted upon are signed by an ever-changing cast of ministers, the president, and Knesset speakers.⁶ In this legal confusion, the courtroom has emerged then not just a place where disputes are resolved, or legality decided upon, but also the forum in which the basic powers of the judiciary are themselves negotiated using sources that range from Knesset-passed laws, British Mandate codes, US legal decisions, and Jewish law (Navot 2014).

Moreover, Israeli courts are far from homogenous. Conscientious objectors need to argue their moral cases in front of special military courts convened by the Israeli Defense Forces (IDF) that consist of a psychologist, a lawyer, and two military officers who are asked to judge a recruit’s conscience without receiving particular training or advice surrounding pacifist morality (Weiss 2014: 110). Tobias Kelly has demonstrated how employment law—even its basic form—varies across territory in Israel and the West Bank (Kelly 2009: 58-59, 68-69, 121). Different courts have access to different legal codes and jurisdictions depending not only on the area in which they are located, but also the ethnicity of the persons they judge.⁷ The Israeli High Court of Justice, ostensibly the

⁵ See Benn 2010 for a recent instance of skepticism towards political calls for a constitution.

⁶ See Sivan 2012 and Navot 2014.

⁷ Kelly 2009: 58 on how West Bank Palestinians and Israeli settlers of the West Bank are subject to different legal regimes as a result of both citizenship *and* territory without being based in either.

highest arbitrator of Israeli law, can nevertheless be contradicted by lower court orders (Navot 2014; Goldberg 2015). Indeed, the Jerusalem District Court's 2013 decision that allowed the feminist prayer group, Women of the Wall, to conduct prayer services at the *Kotel* (Western Wall), while practically reversing the Israeli High Court of Justice's 2003 decision to the opposite effect, was held to be in line with that decision as the "custom of the place" and Israeli society's views on public religiosity had changed (Goldberg 2015).

Israeli religious courts themselves are not homogenous either in their composition or in their legal activities. Aharon Layish's work on the Jewish State's execution of both Islamic and Druze law (Layish 2006 and Layish 1982) reveal how these courts function as nodes in stitching together contradictory legal imperatives from secular legislation, religious jurisprudence, and local custom (Layish 1982).⁸ For some of these courts, notably the Druze, the Israeli state marks the creation of their traditions becoming legal systems for the first time through the state's coercive power (Layish 1982: 12).

Rabbinic courts have recently received more critical attention, particularly vis-à-vis women's and children's rights (Weiss and Gross-Horowitz 2013 on *agunot* issues⁹; Kahn 2000 on halakhic reproductive technologies). Susan Weiss and Netty Gross-Horowitz examine how *batey din*¹⁰, religious courts for the Jewish community, routinely privilege male decisions at the expense of women's rights in divorce cases (2013). However, whereas Weiss and Gross-Horowitz are concerned with women's rights, making a firm policy recommendation to disband formal rabbinic courts and instate US-style civil marriage and divorce (2013: 197), I do not attempt to evaluate rabbinic

⁸ Of particular note, Layish demonstrates how Druze courts weigh the competing claims of the Women's Equal Rights Law of 1951 with patriarchal Druze religious norms (Layish 1982: 278, 284).

⁹ Women refused a writ of divorce in a rabbinic court. See Chapter Five for more details.

¹⁰ Sing. *beyt din*.

proceedings as legal or illegal, right or wrong. Rather, this chapter views how halakhic law exercised during *birur yahadut* trials is made real in the lives of those on trial.

My informants' (often contradictory) opinions and views on rabbinical marriage and divorce reveal the internal inconsistencies within rabbinic operations and the effects these actions have. In this line, I follow Ann Stoler's method of researching "along the archival grain" (2009) in order to illuminate the paradoxes inherent within the Israeli state's own logics (a method also quite productive for Erica Weiss's 2014 study of conscientious objectors to the Israeli Defense Forces). In so doing, the affective conditions brought about by *birur yahadut* cases can be seen, revealing the new collectivities—both enduring and ephemeral—they bring into being. João Biehl and Adriana Petryna have examined how courts can become nodes between subjective desires and legal entitlements (2011); the constitutional "right to health" is instantiated and transformed into the pharmacological commodities that petitioners desire. Biehl and Petryna show how courts can alter claimants' demands into different social objects through their study of people claiming their constitutional right to health in Brazil in courts (2013). In this process, something new emerges, the court as a para-infrastructure to the medical spaces of the clinic, the hospital as well as a consumer marketplace and government service bureaucracy (Biehl 2013).

Similarly, the *birur yahadut* investigation of Judaism creates the object that it seeks to find: Jewish identity, following the work of scholars like Susan Hazeldean who have viewed how courts have acted as particular rights have become predicated upon an individual's ability to authentically inhabit an identity (2011).¹¹ Hazeldean notes how

¹¹As an irony of Hazeldean's account of LGBT asylum claims, she mentions that a person in every country in the world might face homophobic and/or transphobic violence (2011: 378), and yet persons flee this

LGBT identity must be proven with “evidence” to courts when children seek asylum protection as LGBT persons, often paradoxically requiring children to either show family statements to that effect (ignoring the potential for homophobic or transphobic harassment from family members) or demonstrate same-gender sexual activity that many at their age have not yet experienced (2011: 383-385). Following her logics, the next section closely examines the ways in which *birur yahadut* mobilizes and justifies its own evidentiary, a process that both rarefies a Jew as an ontological category while concealing that such an object can only be made through Judaism as an epistemological and relational practice.

Halakhic Legal Inquiries

Let’s return to Roos and Noam, leaving the rabbinate with unanticipated results on their Jewish statuses. Noam thought little of the fact that his parents were olim from the United States. They had come to Israel in the 1960s, after marrying in the 1950s (after his father had converted to Reform Judaism in Minnesota). Born and raised in Israel, Noam had never considered himself anything other than a normatively Jewish Israeli.

They brought more documents to court. A seated panel of *dayyanim* (judges)¹² in the Jerusalem rabbinate reinstated Noam’s status after viewing an Orthodox wedding contract from England six generations prior in his matriline. They were married, but Noam’s father lost his Jewish status as a result of their petition. He was unable to

violence for another (often so-called “Western”) country. How exactly international understandings of relative safety are distributed, given that homophobic and transphobic violence exists everywhere, is not outlined, even as it evinces a superior moral claim for certain countries.

¹² Sing. *dayyan*.

participate in his son's wedding ceremony through the rabbinate. Noam told me, "he watched from the front row, but it wasn't the same. It felt like we were having a family fight, like we were showing everyone that my dad didn't approve of our wedding. But really, it was that the rabbinate didn't approve of my dad. The rabbi made a family fight for our wedding."

It is worth pausing at this juncture to question what the rabbinate's issue with Noam's status was. In so doing, I wish to offer two contradictory critiques of halakha as it operates in Israeli batey din. In the first critique, Israeli rabbinic authorities fail to follow both their own bureaucratic procedures as well as ignore what they say halakha "says" the law is. In the second, Israeli governmental administrators of halakha, the religious office and court employees, use a system of legal reasoning that—while quite holistic—fails to adjudicate identity truth claims definitively. In the former, we can see how the ostensible ontological claim within the question "Who is a Jew?" becomes the epistemological search for "What evidence proves someone is a Jew?" all the while instantiating the power of rabbinic authorities to adjudicate such cases. In the second, the ontological question "Who is a Jew?" is revealed to be phrased always as a relationality between multiple parties, causing any such attempt to identify a single person to be an act of the arbitrary powers of politics.

I call these two critiques contradictory because the first could be read to indicate that Israelis are simply not "doing" halakhic law correctly: with better oversight, training, and administration, the rabbinate and religious courts could continue their operations without difficulty, thereby also assuming that I as the ethnographer am in the position to dictate what exactly correct halakhic law is. In the second, halakha itself is ill-suited to the job it serves in the Israeli state, no matter how administrators conduct their affairs,

thereby assuming that both the state and the divine will of halakha are unified actors with coherent agendas. I do not wish readers to commit to either of these critiques. The former could be taken as rarefying halakha as a practice outside its human practitioners (but known to the interloping anthropologist), the latter an attempt to Orientalize the legal tradition of Jews as anathematic to the social form of a nation-state, taking both as monolithic and static agents. Rather, I offer both critiques so that the following can be read in the lacuna between them in an attempt to both prioritize my human interlocutors within the Israeli state who practice halakha as well as affirm their position that halakha is an outside divine object. It is my hope that between these two critiques the very real politics created in the process can be viewed.

In their initial petition for a marriage file, the clerk became skeptical after viewing Noam's parents' Reform ketuba, even more so after he found out that Noam's father had been a (Reform) convert.¹³ However, bureaucratically, the clerk's halakhic decisions should not have carried weight; he was neither a rabbi nor a dayyan. Halakhically speaking, a further issues emerges: a person is Jewish if their mother is Jewish. No evidence was given that Noam's mother was not a Jew. His father's Jewish status either as a convert, a Reform Jew, or a non-Jewish person is irrelevant to Noam's Judaism. Noam's *birur yahadut* was convened by a person who should not have done so. It was convened on the grounds of that clerk's opinions on Reform Jews (i.e. they are not really Jewish), converts (i.e. that they are also not really Jewish), and/or Jewish women who marry non-Jews (i.e. that they either betrayed their race or—because they would betray their race—were never really part of it), but not on a technical halakhic basis.

¹³ Whether or not he viewed Noam's father as suspect for being a convert, for being Reform, or—as a product of both—a non-Jew—was unclear in Noam and Roos's telling, as well as from what I was able to ascertain independently. However, all three remain reasonable possibilities as to why the case was opened.

Once the birur yahadut was underway, the dayyanim eventually affirmed Noam's status based off of the first documented Orthodox ketuba in his mother's family. Left unclear in this decision is why, exactly, that family member would be Jewish outside of the dayyanim's prioritization of Orthodox Judaism. No inquest was made as to either of those two ancestors' Jewish status that would prove that they indeed had halakhically sound matrilineal themselves. Moreover, the rabbinate failed to account for why that Jewish status should be assumed to maintain through the subsequent five generations of either heterodox or non-extant ketubot and the relationships those documents depict given that Noam's parents' Reform ketuba had caused skepticism in the first place.

How exactly then did the Orthodox ketuba five generations ago substantiate Noam's claim? According to halakha, Jews are defined through their kin networks, not their individual characteristics. Such kinship, quipped Marilyn Strathern, building on the work on Donna Haraway, is "cyborg" (2004: 118). Strathern notes how "Haraway's half-human, half-mechanical contraption" might not be so distant from other ways in which humans can exist through their extensions (2004: 118); she calls attention to the ways an individual flexes her or himself through "shell strands and a matrilineage" that are "integrally part of the person" (2004: 118). For halakha, such cyborg kinships are the medium through which Jews are, becoming their Judaism through their own matrilineal relationships. Noam's Judaism only needed a confirmed Jewish personage in that network for him to be Jewish.

The irony of such a kinship within a legal definition is its recursive nature. To ascertain that Noam is Jewish, the legal practitioners needed to turn to his parents' ketuba, which opened its own question as to whether or not his mother was Jewish, which was resolved through her ancestors' ketuba. These two people's Jewishness was never

established according to halakha, but rather assumed due to their Orthodox ketuba. To identify them positively as Jews, a *birur yahadut* would need to be continued *ad infinitum* (and *ad nauseum*) through the past of any family, as no singular person is identifiably Jewish on their individual basis. The cyborg kinship of halakha intrinsically continues outwards. Unfortunately, when applied to the legal frame of a state needing to affirm an individual person's legal status, halakhic cyborg kinship provides a double-bind: individuals cannot be assessed without turning to their kin network, infinitely reframing, but not solving the problem, while the state charged with this legal investigation cannot invest its resources beyond a certain "reasonable" threshold not contained within or understood by the law itself. Halakhic law within a state framework then is given contradictory mandates: on the one hand, to recognize who is Jewish based off of an extensive and unceasing cyborg kinship; on the other, to organize distinct persons into meaningful categories of Jewish or not for state-services and legal entailments. Moreover, as Israeli halakhic law takes a holistic schema of Jews and uses it as a legal means of classifying citizens it ignores the twin imperatives that such a slippage concealed. Within the marriage bureau of Tel Aviv, the relationship between halakha and the Jewish community is being renegotiated through cases like Noam's.

Inside the Marriage Bureau

Rabbi Azoulai is in his mid-forties, and a small man of Yemeni origin. He wore a knit kippa and a long-sleeve navy shirt, both indicators that he belongs to the modern Orthodox Jewish community.¹⁴ I wandered into his small office on the third floor of the

¹⁴ Modern Orthodox Jews attempt to lead lives in line with the 613 *mitzvot* of halakha, similar to the Chassidim or Haredim, but do not follow the philosophies of a particular rabbi or sectarian community.

Tel Aviv Rabbinate after everyone I had spoken to downstairs seemed at a loss for what to do with me. His name had been whispered by other rabbinate employees between one another as I stood, supposedly unhearing their conversations. “Do you think Rabbi Azoulai would want to take him?” they had muttered. Although they never confirmed whether he might want to see me, I found my way into his office on my own. It was a small office with an oversized table, giving the impression that the rabbi did not see visitors very often. He looked momentarily confused then invited me to sit.

Following a short conversation about who and what I was, he informed me that his office, which is to say the Rabbinate, is not around to marry everyone. “Not everyone has to come here. It’s not our job to make marriage amenable to everyone, but for everyone amenable to marriage we must offer help. We do our jobs according to the laws of Moses and Israel. We follow the laws of the halakha and we follow the laws of the State of Israel.”¹⁵ I asked him what that would mean should the state legalize civil marriage. “Then someone else could do their job. I am doing my job. My job is to marry people according to the halakha. So it’s illegal for me to not do that. It’s illegal for me to marry a sixteen-year-old. I’d go to prison. So I marry people legally, and that is according to halakha. We check with Mossad if we have to.” The rabbinate, as a governmental office, has extensive contact with other governmental agencies, and will often send personal information of potential couples out-of-house to verify their statuses and stories, although I have not been able to verify his allegation that the intelligence services are involved in these cross-departmental checks.

I asked him, “So what’s a legal wedding?”

¹⁵ *Ke-dat Moshe ve-Yisra’el* as opposed to *medinat Yisra’el*.

“Okay, so you come in here with your fiancée, and you don’t have a rabbi in mind. We assign you to whomever is available. Some rabbis meet you before the wedding; some meet you at the ceremony. But if you get married through us, we can guarantee that it will be valid.”

“Valid?”

“You’ll have the exchange of a ring; we’ll read the ketuba; someone Jewish will say the seven blessings. The ring is the most important part. The man has to give the woman a ring. If she wants to give him a ring, then they can do that after the *chuppah*.¹⁶ As long as it’s outside the ceremony, it’s legal to do whatever you want.”

“So why do the rest of the ceremony?” I asked.

“Because who wouldn’t do a Jewish ceremony? Every Jew wants a Jewish ceremony.”

Almost as though to answer a question I had yet to formulate, we were interrupted as a clerk brought in a young man. He had attempted to witness for a friend’s marriage file, but was turned down on suspicion of not being Jewish.¹⁷ He was now in the rabbinate to reinstate his Jewish status for his friend’s wedding and possibly his own ability to marry. The man in question had brought in his parents’ ketuba, which was from Australia. Although the document was from an accredited Orthodox rabbi and the man’s mother was Jewish, the ketuba noted that the father was not Jewish. In other words, he was in a similar position to Noam, but with an emphatically not Jewish father and an Orthodox ketuba.

¹⁶ Wedding canopy, also used colloquially to mean the wedding ceremony (see Chapter Three).

¹⁷ Israeli rabbinates require two-witnesses to attest to a person’s relationship status (either single, divorced, or widowed) in order for a couple to marry. These persons cannot be blood relations of either bride or groom. There is some degree of controversy as to whether they can be female (see Chapter Two).

“This is suspicious,” Rabbi Azoulai muttered.

“My mother’s Jewish,” the man exclaimed. “You have a rabbi who says so right there.”

“The whole thing is suspicious,” Azoulai countered, now more directed towards the man than himself. “If that rabbi was really Orthodox, why would he marry a Jewish woman to a non-Jew? It’s not Jewish. I’m not accepting this.” His voice rose at the end. Rabbi Azoulai kept the ketuba and asked the man to leave.

I asked Rabbi Azoulai about what had just happened.

“He’s not credible. I can’t believe that a real rabbi would sign such a marriage,” he told me.

“But his mother is Jewish,” I began.

“According to whom? This man?” He points at the document again. “Maybe he’s not a rabbi. Maybe not even Jewish. In any case, I’ll send all of this next door to the beyt din. They’re the ones who are supposed to deal with this anyhow. And I’ll check on the rabbi with the Ministry of the Interior, see if we know anything. I’ll let them know something’s wrong here.”

As Rabbi Azoulai’s response makes clear, his expertise had moved beyond the legal ontological question of whether the man was or was not Jewish, and became an epistemological question of what might constitute proof of his Jewish status. In this shift, not only does the man’s status become suspect, but also, the power of Rabbi Azoulai, the rabbinate, and the rabbinical courts is made visible and rehearsed, as the adjudication of supposedly arcane evidence becomes a matter for the experts, rather than the “common-sense” experience of being a Jew (i.e. “My mother’s Jewish. You have a man who says so right there.”). For Rabbi Azoulai, the presence of an Orthodox ketuba that indicated that

the man's mother was Jewish was not evidence, but rather further reason to be suspicious of the man's claims. Rabbi Azoulay viewed the fact of the father's non-Jewish status as an indication that the parties involved were not proper Jews, similar to his skepticism that a Jew might not want a Jewish ceremony. (In his allegation, "Every Jew wants a Jewish ceremony," one can anticipate its antithesis: "Only non-Jews want non-Jewish ceremonies"). Even if the fact of a matriline is confirmed, this proof is invalidated by evidence that deviates from presumed religious standards of Jewish life (e.g. marrying a non-Jew). Jewish belonging is rendered conditional upon direct participation with all halakhic precepts of lifestyle and not halakhic definitions of Jewishness. A slippage occurs between the evidence of failure to lead an Orthodox lifestyle with a failure to provide evidence of halakhic ethno-Judaism.

In this epistemological space, Noam's recuperation of his maternal ancestors reflects a necessary strategic practice in order to petition Rabbi Azoulay's office for a marriage file. When viewed by Rabbi Azoulay and other employees of the Ministry of Religious Services and the rabbinical courts, religious orthopraxis becomes the standard by which Jewish law can be used and evaluated, instead of a possible outcome of Jewish law being used and evaluated. As a result, petitioners are demanded to produce evidence not of Jewish belonging within a nebulous network of Jewish kin, but rather evidence of adherence by themselves or by ancestral kin to the outward forms of practice dictated by the greater Orthodox standards of behavior within halakha crucially exempting halakha's own legal definition of who is a Jew. The grammar of halakha shifts. Instead of the prescriptive guide on how Jews act when confronted with certain situations (e.g. the child of a Jewish woman and non-Jewish, or dubiously-Jewish man), rabbinical authorities in

the Israeli state take halakha to be descriptive of how true Jews act (i.e. they are Orthodox, they marry other Jews, they sign Orthodox ketubot, etc.).

Rabbi Azoulai adjudicated this man's claim largely because this petitioner had brought it to the Ministry of Religious Services (where he had initially run into the problem) despite the fact that the beyt din "next door" (i.e. the Tel Aviv Beyt Din, visited in Chapter One) should act formally upon the matter (and Rabbi Azoualai told me that he would send this information to them).¹⁸ However, as he insists that he "will let them know something's wrong here," Rabbi Azoulai half-admits that his own recommendation that "something is wrong"—despite not being his governmental position—will become part of a spiraling investigation that will take this both to the beyt din and the Ministry of the Interior.¹⁹ In other words, Rabbi Azoulai's trustworthiness as a governmental bureaucrat operates both to create an alternate understanding of the halakhic obligations a petitioner must demonstrate for his or her Jewish status to be verified, but also allows his word to become part of their judgment by using his credibility with other governmental (and religious) authorities to pursue the case. In such a way, I have witnessed rabbinical authorities frequently utilize state power to pursue a particular normative vision of Jewish society contrary to their position's official capabilities as well as the technical halakhic definitions of Judaism. With access to multiple governmental agencies' information and lacking clear oversight on whose position actually entitles them to make such decisions, preponderance of evidence can easily become a stronger case than legal fact (both Israeli law and the halakhic law it utilizes). As shall be seen, such accumulations of fact also

¹⁸ The Tel Aviv Rabbinat and Beyt Din occupy the same building. This man could have been directed to the "proper" authorities in roughly the same time as to Rabbi Azoulai.

¹⁹ Inquiries with other branches of the government have indicated that at least the Ministry of the Interior provides information for rabbinical inquests.

occur outside of the rabbinate and rabbinical courts, utilizing private investigators whose hunches have become a professionalized skill.

Looking for Jews Outside of Jewish Law

According to Israeli statutes, only state rabbinical authorities are allowed to conduct *birur yahadut* inquests, yet these authorities frequently outsource this labor to private contractors who are not bound to the 90-day length of the process stipulated by law. Individuals and bureaucracies are rarely, if ever, held accountable for such actions. Indeed, Israeli authorities give these activities a wide berth. State and privately contracted *birur yahadut* inquests do not have a statute of limitations; their activities have no limit in scope. Anything and everything can become part of an investigation. As seen in the case of Noam and his father, *birur yahadut* cases can be opened as part of other procedures (in that case, a marriage file), and are also capable of encompassing multiple parties, including ones outside of the initial petition.²⁰ Again, such actions exceed the legal definitions of these positions as written on paper and nevertheless occur frequently and with impunity. Often private and public *birur yahadut* investigations blur into one another.

Mordechai Bialik is in his early forties, with icy blue eyes, neatly trimmed hair, and a wild profusion of facial hair. He wears a rumpled black suit that has faded and frayed to an indeterminate gray. His shirt is similarly off-white, and untucked, allowing the four wrapped cords of his *tzitzit* to brush the floor. These clothes index his belonging to an Orthodox Chassidic sect of Judaism. Bialik is not a public employee, and his

²⁰ For a particularly startling example, see Sharon 2015 for a case in which a 1960s conversion was invalidated, causing several dozen Orthodox people to need to convert to Judaism to establish their status.

activities are not legally endorsed in writing as part of any governmental institution. In practice, several clients are referred to him daily from both his local government's rabbinical offices as well as from friends like Rabbi Azoulai who work in other geographic rabbinical establishments. Rabbi Azoulai initially, in fact, did connect me to Bialik, although he is not from the Tel Aviv area. Like most of Netanya's residents, where he lives, Bialik is an émigré from the former USSR. According to Bialik, during the latest and largest wave of immigration to Israel from the former USSR zone in the 1990s, the Israeli rabbinate mishandled innumerable marriage applications for Jews. Given these changes, traditional sources of authority and training used by the rabbinate to determine Jewishness simply could not solve the problem on their own. "Knowing the *Shulchan Aruch* or the *Gemara*," Bialik cried, naming two large source materials of Orthodox Jewish law, "does not help you figure out if the people from Saint Petersburg in front of you are lying or not." And so, the private *birur yahadut* investigator became a figure in Israeli civil-and religious-life, providing people like Bialik a precarious existence parasitic to the state within the para-legal and para-religious world of the *batey din*. Although he collects a standard fee from each person he reviews (400 NIS), Bialik and his family sleep on the floor of the synagogue that allows him to use its space as his office at night.

Starting with several entrepreneurial post-Soviet *yeshiva* graduates,²¹ *birur yahadut* investigators relied about knowledge of Orthodox Jewish law, recent Jewish history in the Soviet Bloc, and a self-proclaimed way with people to position themselves as a necessary private contractor between the Israeli governmental rabbinate and everyday petitioners for marriage licenses. As the profession grew, individuals like Bialik apprenticed with

²¹ A Jewish religious academy. Pl. *yeshivot*.

existing investigators, forming a sound basis to the profession, which now boasts multiple practitioners in each Israeli district with a rabbinate office.

Every birur yahadut investigator I have spoken with has at least one story about “catching” a scheme of Jewish subterfuge in the act. Birur yahadut investigators take mundane practicalities not as individual variations or manifestations, but rather potentials sites of deviance. When acts of self-construction are found, these non-Orthodox Judaisms are not seen as precarious projects of existing in the meantime, but rather seditious efforts to usurp the Jewish people.

Returning to Bialik: “About two months ago, I was referred this famous director, you know, a real professional liar, and his non-Jewish wife. He’s trying to convince me that she’s the Jewish one and he’s not so their daughter can get married. They go through these great pains to prepare their lies; he and his wife switched parents for one another, so that when I went to meet them, I would be tricked. I thought something was a little odd. They really didn’t want me to meet with her parents. ‘No, they’re too old, too sick. They can’t travel,” this liar kept telling me. They were hiding something. I knew they were hiding something at home. So I said that I’d go to Holon to meet them. I get there, and here is this old woman, and something is off. I can tell; I know these things. Something was not right in this home. Then, there it is. I see her identity card lying out, and the name on it matches his name, not his wife’s. I ask a few more questions and presto, it came undone. So the liar starts yelling at me about how I was preventing two people from getting married. How could I do this and such. I told him that it was he who had deceived his own daughter, not letting her know that she wasn’t from a Jewish home. He had put her in this impossible situation!” Bialik went so far as to meet again with the daughter’s fiancé afterward, which he claims to always do. “I try to convince them you

know? To leave this person and find a Jewish spouse. It's not discrimination. There is a clear line between selection and discrimination. I married one woman, and I can't marry anyone else. Is that discrimination? I would have to marry every women in the world for it to be fair that way. So this isn't discrimination; it is selection and survival."

Bialik's actions within this story show the tensions of his position as it confronts the court petitioners. Both Rabbi Azoulai and Bialik suspect the people before them of falsifying their Judaism through a falsification of documentation or credentials. As Bialik investigates the film director's daughter, he becomes concerned over their story when he meets resistance over interviewing the grandparents. Once he meets he grandmother, her identity card is left out, clueing Bialik into the allegedly true identity of the family. This sparks the confrontation of director and researcher: each accusing the other of preventing a marriage (if not necessarily the one in question by Bialik's investigation). For Bialik, not only had the director orchestrated this ruse to trick him, but—and more importantly—he had lied to his daughter all her life by implying that she was from a Jewish home. In other words, her expectations over marriage should have and would have been different had she been informed that she could not marry a Jewish man.

At this point, the judicialization of Judaism has moved outside of both halakha and the venue of the rabbinical court or rabbinical office itself. The existence of *birur yahadut* investigators themselves as a private religious—and market—venture to administer functions *batey din* and *rabbinate*s cannot handle reveals the social openings the judicialization of Judaism in Israel has created. As halakha has become a descriptive exercise on Jewish life in Israel, courts themselves have become just one node in an varied playing field of expertise, religiosity, and economics (again, see Biehl and Petryna 2011 on the "para-legal"). While Bialik has significantly less financial resources at his disposal than

the wealthy film director, he is able to negotiate his own subjectivity as a Russo-Israeli Orthodox man to create an expertise distinct from that the governmental religious courts and Ministry possess, namely, halakhic expertise. It is this very subjectivity that enables the courts to trust his opinions, even as he diverges farther from classical halakhic forms of reasoning. As Bialik said, “Knowing the Shulchan Aruch or the Gemara does not help you figure out if the people from Saint Petersburg in front of you are lying or not,” rather blithely negating two of the most important source materials of contemporary halakha even as he performs tests of Jewish credentials ostensibly in accordance with halakha. In his words, “You [a *birur yahadut* investigator] need to know psychology and have a knowledge of the Jewish communities you are testing. I would not be comfortable to work a centimeter outside of the USSR because I wouldn’t know the history, the sociology, the name conventions, and the experiences of other communities.” He did not include halakha or halakhic knowledge as a requirement.

The ethnographic irony of the judicialization of Jewish status in Israel is that, by seeking to protect their form of traditional Jewish life and Judaism, these courts have begun what might be the most innovative development in Jewish law and Jewish communities at the contemporary moment. As courts increasingly take halakha to be descriptive of Jewish life, instead of a legal code prescriptive to such a life, they enable a major change in how the Jewish community defines its members and its own boundaries by viewing the halakha as a descriptor of Jewish life, instead of a code through which *dayyanim* and laypeople alike can interact with it. As these courts continue to adjudicate the Judaism of their petitioners, they also continue to change the very Jewish community they seek to preserve by altering its relationship to one of its chief institutions: the law. In the meantime, halakha continues to serve a double-duty in daily life: it is used to judge

people like Noam's belonging in a protected class of citizens, but also used by those judged as an index for a desired, normative life within the Jewish people of Israel.

Practical Families and Palimpsests

Noam and Roos both had wanted to marry within the rabbinate to ensure their own children's Jewishness, despite the possible difficulties they believed Roos might face. They both expressed to me the desire for their children to be "real Jews" who could live Jewish lives. "We want our children to have everything. I can't imagine them not being able to be real Israelis because we didn't make sure that they were real Jews," in Roos's telling. They saw no other way to achieve that goal outside of the Israeli state's validation. Whereas in Biehl and Petryna's account of "health" becoming "pharmaceutical treatment" within the Brazilian courts (2011), Noam's desires for Jewish children become a marriage within the rabbinate even before they had reached the marriage bureau, where then that desire for marriage became the need to confirm his own Judaism. In other words, through the court, Noam's own desires had become a nearly nonsensical tautology: Noam wants Jewish children but needs himself to be Jewish to do so, while his own Jewish upbringing is the reason he wants Jewish children of his own.

But for Noam, being Jewish within the Jewish state has become its own cruel optimism. His attempts to behave authentically as a Jew made him legally not. Noam's attempt to behave as an authentic Jew is what enables him to no longer be one, a realization Lauren Berlant describes as "how [a person] learn[s] to identify, manage, and maintain the hazy luminosity of their attachment to being *x* and having *x*, given their attachments were promises and not possessions after all" (Berlant 2011: 44).

This cruel logic in Israeli Judaism is hardly unique to Noam. *ITIM*'s website provides the following rationale for attending the mandatory ritual purity and menstruation classes given to brides-to-be before issuing them their ketubot. "Even if you think that marital guidance will have no practical ramifications for you or even if you are troubled by the intrusion into your intimate life, keep in mind that the way of life you will be learning about was one that was practiced by your grandparents and great grandparents—and therefore deserves some consideration."

Ayelet Horowitz, a private family-law attorney and rabbinic pleader I consulted who works with such cases, has a more critical bent on the motive of Roos and Noam and many of her clients. "It's Catholic Judaism. That's what my husband and I call it. Non-observant people still believe that the synagogue they go to when they need one is an orthodox synagogue. People whose behavior is not necessarily religious, but who don't challenge that there is one way to do it. Like Catholic Italians, I don't believe it, but when I need to christen my baby, of course I go do the traditional thing. And when I have to go to church I put a shawl over my half-naked outfit, and I go to church. That's what my husband and I call a 'Catholic,' someone who says 'there is a right way. I don't do it, but I don't question the right way.' That's my philosophy for what a lot of Israelis say. 'I don't go to a synagogue, but the orthodox synagogue-I-don't-go-to does it the right way.'"

"Real Judaism," "the Judaism of your grandparents," or even "Catholic Judaism done the right way" underlie the rationale of many couples who decide to work within the rabbinate even as it thwarts them. Despite the personal pasts of conversion and Reform Judaism in their families that made their marriage difficult according to the "Law of

Moses and Israel”²² practiced in the Israeli Rabbinate, Roos, and Noam (and *ITIM*) desired, acted within, and created a certain image of Judaism and Jews, and—through these encounters with the court—collectively rewrote Noam’s family history by emphasizing his maternal family’s (distant) orthodoxy. For their children to be Jewish in the future, Roos and Noam needed to make themselves and their pasts acceptably Jewish to be made subjects of the court.

Harvey Goldberg notes that Israelis hold “widespread attitudes—shared by *dati* (religious) Jews and many secular ones alike—that the only legitimate forms of Judaism are those that follow an Orthodox path” (2015: 217). For Noam and Roos, this attitude meant that their children needed to conform to an Israeli *dati* standard of Jewishness (even as they did not practice such a religiosity) to be real Jews. In Noam and Roos’s own articulation, the Jewish status of their children is *the* idiom that enables participation in Israeli citizenship and social life (see Yiftachel 2000: 728 for Israel as ethnocracy). The Ministry of Religious Services and the rabbinical court needed Noam himself to meet the same standard of legitimate Judaism.

Noam’s desires to marry Jewishly through the rabbinate and to bring children into the Jewish people question his own participation within the Jewish people. In trying to be and raise “real Jews,” Noam assumed an outside to Judaism, or authentic Judaism at the very least. It is from this same outsider position that Noam faced the rabbinic court, not as a Jew but rather as a “wasn’t” in his words, neither Jewish nor anything else. The judicialization of Noam and Roos’s marriage produced the deviant Jewish status of

²² “According to the Laws of Moses and Israel” (*ke-dat Moshe ve-Yisra’el*) is the official legal definition given to halakhic law, as it is law practiced according to the Written Torah (the laws of Moses) and the Oral Law (the laws of Israel).

Noam's father—who is not Jewish, despite having immigrated to Israel and lived in Israel as such—as well as that of Noam, who is not Jewish despite being nothing else.

Yet Noam's story exceeds cruel optimism in a key way: Noam's desires to live an authentically Jewish life were fulfilled. The entrenched consequentialism of cruel optimism is betrayed by the ethnographically emergent as Noam's failure at one junction does not become a static fate. Rather, he assembled new social resources and repertoires, becoming (once again) a successful Jew at his hearing.

Noam's initial petition mobilized his privileged Ashkenazi background, assuming that as a native-born Israeli, he would have no difficulty in accessing the bureaucracies of his country. Erica Weiss has pointed out how middle-and upper-class Ashkenazi Jews in Israel have “been encouraged to adopt liberal subjectivities, through which they expected to be judged individually, and not according to ethnic origin” when working with young conscientious objectors to the IDF (Weiss 2014: 85, 101-102). Noam, and many of my informants, similarly possess a high degree of cultural proficiency within Israeli governmental bureaucracies. Noam's own privileges—both based in their race and class—had enabled him to interact with such institutions throughout his life with little difficulty, even though the standards used within the Jewish religious offices are not liberal logics, but rather the cyborg kinships of halakha that prioritize relationships beyond the individual's control.

Moreover, even after Noam was rejected by the marriage office's clerk, he continued to assume as a liberal subject that his sincere interaction with the rabbinic court to appeal the decision would be successful. Such an assumption is worth noting: Noam's experiences within Israel led him to believe that he could continue to access proper redress through the state even after one of its offices gave him a bewildering

rejection. Erica Weiss has noted of the Israeli Ashkenazi population that their “imagined relationship with the state is in contrast to that of many in Israeli society, including many new immigrants, who, faced with unwanted state demands, would seek to avoid the state rather than to seek legal recognition” (2014: 116). For Noam, this return to the state to adjudicate his Jewish status reveals both his dependency upon the state to seek redress, but also his reliance upon the state as the adjudicator of real Judaism.

In the space between this first rejection and his appeal, Noam re-accessed his cultural resources needed to convince the next office (whose decision he still had faith in) to accept his Jewish status. In practice, he accomplished this by re-emphasizing certain relationships.

For Pierre Bourdieu, practical kinship exists within the effective functions for which it has been called together, and continues to exist only due to consistent use of these bonds (Bourdieu 2010: 35).²³ In other words, people’s kin are their kin precisely because they are used as their kin. Within Noam’s *birur yahadut*, a new form of practical kin was assembled out of current relationships to those living and deceased.

After Noam’s initial rejection in the marriage registration office, he gathered new documentation of relationships in his life, searching for pieces of familial evidence that connected to Orthodox Jewish authenticity. In so doing, he accepted the clerk’s assessment that his parents were not Jewish, or at least that they could not be recuperated as sufficiently Jewish in order to register his marriage. Instead, he mobilized a new Jewish kinship, recovering two known, previously anonymous ancestors (i.e. his mother’s great-

²³ In his study of the Kabyla, Pierre Bourdieu observed that kinship relations and genealogical rules exceeded in practice the so-called rules they might be described by. For Bourdieu, ethnographers often confuse the genealogy presented by a group they study with the functions such a genealogy actually plays in that group’s daily practices of making, unmaking, defining, and redefining relationships (Bourdieu 2010: 33). Bourdieu is precisely interested in how classificatory systems allow sense to be created of relationships that are being practiced (Bourdieu 2010: 33, 41).

great-great-grandparents) as the key node within his halakhic Jewish network. As he called together this new kin relationship, Noam himself gained the strategic advantage of these bonds, renewing his membership within the state-sanctioned Jewish community.

Yet this practical kinship came with its own unintended consequences. Noam did not rally behind his father's Jewish claims in this new kinship. As a result, his father was written out of the new, official family genealogy, which insisted upon his matrilineal ancestors' Judaism as evidence of Noam's claim. In addition, by utilizing his ancestors' Orthodox ketuba, Noam unintentionally elided the agency of the five generations of his relatives between himself and these idealized kin, as their own decision to embrace Reform Judaism as well as their lives lived as Reform Jews did not merit recording in this new official family history created in the beyt din's decision. In this new palimpsest, Noam's family history of conversion and Reform Judaism was "solved" by this new practice of relationships.

Those same practices became reconfigured. No longer were these practices the lived and remembered history of his own family as Jews, but rather they became contemporary obstacles that needed to be "dealt" with for Noam to participate in the state's Jewish life. In mobilizing this new practical ancestry, Noam re-narrated his own history of being a Jew. He was no longer Jewish as a result of his Jewish familial upbringing, but rather Jewish through a distant (but still known) ancestor's genetic relationship.

Noam's presumption of Judaism and being a Jew had come through his family upbringing; without these experiences of a lifetime lived as a Jew—albeit a secular one—Noam would not have considered wanting Jewish children or marrying as a Jew. Without these experiences, he would not be a Jew. Yet the legal bureaucracy of marriage used

historical documentation to write a new history of Judaism upon Noam's life, using the technical language of Israeli Jewish law to narrate a reason for Noam's Jewishness in line with the Orthodox Judaism practiced in the rabbinate and rabbinic courts. Accordingly, his life as a Jew did not make him legally Jewish, but rather key documents that revealed particular family members' statuses did. Through his own complicit practical strategies, Noam's own messy personal and family pasts in Judaism were idealized into a homogenous history of *the* Jewish people using selective documentation of his matriline during the controlled ritual process of marriage. The intervention of the state's law, as well as the strategies individuals like Noam take to redress their difficulties, eliminate the anomalies of a person's life, revealing an idealized Jewish history and person underneath. By overwriting the details of these alternative practices, interreligious marriages, and conversions with a documented narrative of orthodoxy, a Jewish life for all Jews tautologically is defined to be devoid of such events. Yet the particular documents used to question and then prove Noam's familial Judaism point to the inherent flexibility within this system; individuals can switch between Jewish and not depending on the documents available, opening and closing different potentialities. The question can be revisited endlessly for one person, or for an entire family, to get the question of status right. Noam's parents', grandparents', and three generations of great-grandparents' lives (and in many cases deaths) as Jews were reassessed in his *birur yahadut* hearing. These palimpsests are flexibly written and rewritten with nearly every encounter with the Ministry of Religious Services (and rabbinical *batei din*), allowing a wide variety of differing judgments, verdicts, and histories to be produced. Noam's father was Jewish when he immigrated to Israel and registered, but was not once his son got married. Noam

was Jewish before he registered to marry, not afterwards, and Jewish again after his hearing in the rabbinical court.

The Israeli judiciary's involvement in defining Noam's Jewish status then is not only a mediation on his rights within a court, but also his relationship to his family, his co-ethnics, and the cultural order that Judaism provides for its members. Noam's statement, "If I wasn't a Jew, I just wasn't. I don't have anything else," reveals this disjuncture—disconnected from Jewish identity, Noam is also disconnected from the order and custom of both his childhood home and his imagined Jewish future for his children.

Of late, anthropological focus and the focus of other scholars has increasingly turned from not just "the Other," a imagined alterity to learn about ourselves, but also the very process of making Other (see Ira Bashkow 2006 for an account for Orokaiva "meanings of whitemen;" Edward Said 1979 for European colonial constructions of the Orient; Michael Taussig 1993 for how the compulsive act of comparison and imitation itself becomes other-making). For many of these writers, as well as for many of the peoples studied, cultural constructions of alterity enable the groups to exist in the first place. As Bashkow says of the Orokaiva, "... the Orokaiva construction of whitemen, which might seem by virtue of its very content to draw Orokaiva away from their own culture, actually leads them back into it" (2006: 235). For Taussig, mimesis is an overwhelming yielding into the other, a death-instinct into dissolving the self (1993: 46). Each actor becomes locked with the other, imitating *what is already an imitation*, like a funhouse mirror as image reflects image reflects image ad infinitum (Taussig 1993: 77). But in the mirror the other is also fetishized with certain qualities and aspects that can be in turn imitated in the future; mimesis produces alterity, as self and other are co-constituted (Taussig 1993: 47, 55, 61, 63).

Yet for Noam and his father, *birur yahadut* performed a confusing function of identity-making unlike those discussed elsewhere. While *birur yahadut* hearings had the ability to make “real Jews” out of Noam’s mother’s family, it didn’t make an other to those Jews. Noam’s father’s, and Noam’s own brief, “wasn’t”-ness are not like Bashkow’s whitemen, Taussig’s Cuna whiteness, or Said’s Orient. They are not an other to the Jews, but rather a negation of Jewishness unmoored from conceptual grounding or a historical narrative.

Judaic studies scholars in anthropology and otherwise have turned their gaze upon the perhaps unique relationship of Jews to their others. Jonathan Boyarin notes that, “Judaism contains the Other in its own genealogy, that is to say, its own imaginary. This does not mean, of course, that Jews are inherently any more (or any less) tolerant or empathetic than any other given group of people, nor that the potential I am pointing to is exclusive to Jews. Yet it is extraordinary as a model of an elaborately inscribed identity constructed in the awareness of difference” (1992: 66).

Marcy Brink-Danan, summarizing much of this work on anthropology’s own ancestors, argues that the anthropological position has in itself something Jewish (or, that in being Jewish, there is something anthropological). “Some have argued that, as members of a minority group necessarily reckoning with the beliefs and social norms of larger society, Diaspora Jews experience ‘double-consciousness’ and are born anthropologists” (Brink-Danan 2008: 675). Judith Butler, in *Parting Ways* disagrees with the principle that Jews possess some unique values and perspectives by virtue of the Diaspora, but re-instantiates the effect that Jewishness is developed from inside its own alterity as a result of contemporary geopolitics in Israel and Palestine.

One might say, ‘ah, dispersion—a Jewish value! Derived from messianic scattering and other

theological figures for diaspora! You attempt to depart from Jewishness, but you cannot!" If, however, the question of the ethnical relation to the non-Jew has become definitive of what *is* Jewish, then we cannot capture or consolidate what is Jewish in this relation. Relationality displaces ontology, and it is a good thing, too. The point is not to stabilize the ontology of the Jew or of Jewishness, but rather to understand the ethnical and political implications of a relation to alterity that is irreversible and defining... It established the relation to alterity as constitutive of identity, which is to say that the relation to alterity *interrupts* identity, and this interruption is the condition of ethical relationality. Is this a Jewish notion? Yes and no. (2012: 5)

Agreed upon in all of these accounts is some way in which (contemporary) Jews have a philosophically unique relationship to otherness.

Yet ethnographically, Noam's experiences within the rabbinate reveal a bitter side to this internal alterity. After his Jewish status was revoked, Noam experienced a disorienting change in his sense of self and sense of belonging. Although the rabbinate had decided that Noam's Judaism was "suspicious," he had not been offered another narrative to take its place. Indeed, at no point in Noam's *birur yahadut* proceeding did anyone suggest that either Noam or his father had any particular different religious or ethnic affiliation. Rather, the proceedings suspended the question of otherness altogether, replacing Noam's Jewishness temporarily and his father's permanently with a negative. Not Jews, they were Noam's "wasn't," without any other identity emerging claim in the wake of their Jewishness.

Boyarin's observation that "Judaism contains the Other in its own genealogy, that is to say, its own imaginary" can be read in a harsher light. Yes, Jewish traditions do recognize and shape themselves in connection to non-Jews, but in daily life such relationality in the place of ontology is not the good thing that Butler assumes it to be. For Noam and his father, the placement of non-Jews in the creation of real Jews leads to the unique excess of the non-Jew, an identity that exists only insofar as it declares its holder to be unremarkably human, nothing more. It is with a sad irony that I mention here Hannah Arendt's statements from *We Refugees*, insofar as Arendt reveals how the

classifications of identity and politics had become ever more enmeshed in the Twentieth Century, leaving those Jews *sans-papiers* and without nationality at the cruel whims of bureaucracy as they fled the Holocaust.

If we should start telling the truth that we are nothing but Jews, it would mean that we expose ourselves to the fate of human beings who, unprotected by any specific law or political convention, are nothing but human beings. I can hardly imagine an attitude more dangerous, since we actually live in a world in which human beings as such have ceased to exist for quite a while; since society has discovered discrimination as the great social weapon by which one may kill men without any bloodshed; since passports or birth certificates, and sometimes even income tax receipts, are no longer formal papers but matters of social distinction. (1996: 112-113)

Yet now in contemporary Israel, this has become the secondhand Jew, uprooted from her Judaism, at the whims of the Jewish state's bureaucracies, unable to marry, to divorce, to pass on her citizenship unequivocally to her children.²⁴ As Jewish history is made Orthodox through *birur yahadut* trials, those who are cut out of the family tree are left by the wayside, secondhand Jews become no-longer Jews, illegible identities to everyone but the discursive tradition that forsake them.²⁵

They Remember Them If Not Me

Near the end of my fieldwork, I caught up with the now no-longer newlyweds. The apartment had been painted in soft yellow, no longer the lavatorial turquoise of my previous visit. Noam and Roos were expecting a child, and now—five months into the pregnancy—were telling people about it. Most of our discussion was about the child, as many of my conversations with expecting parents I have not seen in some time have

²⁴ For children of individuals without religion in Israel, their citizenship can be made incumbent upon their continued residence within the state. Living abroad for any reason can revoke their citizenship.

²⁵ In admitting that the Other Derrida finds is the one understandable to his perspective, Spivak allows for the existence of another Other (the *tout-autre*, “quite-other”), who corresponds to the point of “delirium” in the Self, unable to be made sense of (Spivak 2010: 89). If the Secondhand Jew is the Jewish identity of historical circumstance, then the no-longer Jew is its delirious opposite: a person made not-Jewish through the same circumstances, illegible except to those still Jewish.

been. Noam told me, “We’ve already got a name, but we won’t tell anyone yet. That just gives people four months to tell us how bad it is.”

I asked them whether they had had any problems since we had spoken last (already after their wedding). Noam made a low oscillating hum, as though to vocalize his own dithering. “You should really talk to my father,” he told me.

“We’ve tried to include him in things, but he’s been hurt,” Roos said. “Don’t misunderstand, I don’t think he’s upset that we’re married. I think he just thought he’d get to be a part of our lives in a different way.”

I met Noam’s father, Daniel, for the first time later that month. A former agricultural engineer, Daniel now spends most of his time finding urgent tasks for himself around the house, and then methodically resolving them. Recently, he has been digitizing all the family’s photographs from Noam and his sister’s childhood. When I met him at his home in Hertzliya, we spoke English together; Daniel told me he felt strange speaking Hebrew to someone from the United States. He guided me through some of these memories: various children of his smiling on beaches, lighting candles on a menorah, in front of schools, facing birthday cakes.

“And now Noam’s married,” he concluded. “He’s an adult now.”

I asked if he had any photos of the wedding.

“Plenty. May as well have been the photographer.” He showed photographs off of Noam and Roos, his wife and his daughter smiling under a white linen chuppah. The rabbi, clothed in black, was in the frame, but had either not been informed about the photograph being taken, or had not cared to engage with it.

“How was the ceremony?” I asked.

“Oh, you know, they love each other very much,” he said after a moment’s hesitation. “Would I have liked to be recognized? Yes. But it’s their wedding not mine. I get that. I get that they’re the Jews. But it would have been nice to welcome her into the family. Or just to be part of the family.” He stopped, and smiled at me. “The complaints of an old man I guess.”

“But you’re a Jew too. Wasn’t it your right to be there too?” I had gotten angry over what had happened, and now I was feeling wronged on Daniel’s behalf as he seemed to be resigned over the incident.

“I thought I was a Jew you know? I tried really hard. Went to the classes and everything back in the day. I don’t even remember how to say the prayers from church anymore, but I know how to clean out the house before *Pesach*.”²⁶ He chuckled. “But you know, if they tell me I’m not Jewish, then I’m not right? They’re the ones who know these things.”

“So you’re not Jewish.”

“So they tell me,” he laughed again, half-heartedly. “Don’t know what I am, but I’m not Jewish. I’m glad that the kids are though. They’re still young. I’m glad that they are still part of something. I taught them all of these things when they were young. They can keep doing them now. They remember them if not me.”

I asked him what he meant.

“You know, when their kids get married one day, not that I’m counting my chickens before they hatch,” he turned towards me puckishly, “but when the grandkids get married, they’ll know how to cook *levivot* [latkes] like I taught Noam and Margalit

²⁶ Daniel used the Hebrew word for Passover.

[Noam's sister]. I know I'm not in the family tree anymore. Once I'm gone, they won't remember me. I'm gone. But they'll keep the things I taught them."

My anger had died down, replaced with a quietness as Daniel detailed his plans to be remembered not as an individual family member, but in the tactile and gustatory memory of potato pancakes.²⁷ In the court-declared absence of his own Judaism several months ago, Daniel had not improvised a new form of belonging. He was no longer Jewish to himself, but also had not reclaimed who he was before conversion, as "[he didn't] even remember how to say the prayers from church anymore."

Daniel has accepted what this negation of his Judaism will mean for his legacy within his family, understanding that the workings of the rabbinate and rabbinical court remove his relationships with his children from the practice of genealogical memory as he is no longer a useful relationship within the state's narrative of the Jewish people. And yet, erased from both Judaism and his own family's future, Daniel has improvised his own resistance against the forces that excised him from his familial and religious belonging. Daniel values that his children, Noam and Margalit, are still Jewish and that they learned their modes of Jewish living from Daniel. Daniel might no longer be Jewish, but his ways of being Jewish will continue through his family even if he is forgotten as a Jewish person.

Through Noam's *birur yahadut* adjudication, the precarity of Jewish life in Israel is both made manifest, and obliquely hidden from those experiencing it directly. Through the court, Jewish status ceased to be a condition of subjectivity for Noam and his father, but rather became conditional upon Noam's ability to practice a kinship free from any

²⁷ For Deleuze, such acts are not trivial, but the human ability to resist the controlling power of society around us. "Only the act of resistance resists death, whether the act is in the form of a work of art or in the form of a human struggle" Deleuze 1998: 19). In Deleuze's terminology, making *levivot* becomes an art, Daniel's struggle against the anonymity that he fears after his own death.

historical conditions that would be read as legal problems today. A new form of Judaism was produced: simultaneously Orthodox *and* detached from the standards of Jewish law. The adjudication of Jewish status is precarious yes, but also wildly generative of a Judaism free from the very historical circumstances of Jews. This Judaism, uniquely grown in the soil of Israeli bureaucracies and their private contractors, is also uniquely ungovernable by the epistemological tactics of the religious offices of the Israeli state. By placing Jews like Noam into a position of precarity to their own Judaism, these courts are able to create Jews with homogenous histories even as the state abilities and religious laws empowering these offices are unable to handle them.

And what of the secondhand Jews broken as eggs to make this Zion rise who disappear from Jewish history and Judaism? What of the Daniels in this story? They are bereft of their Judaism, and with it their meaningful relationships to their families, to their people, and to Israel. For these individuals, judicialized Judaism brings its own particular social death, the death of identity, as they are declared to be not Jewish and not given anything else to be. But their stories do not end in this negation; they continue through (and in spite of) it. For Daniel, his own Jewish practices, though no longer Jewish for himself, are passed along to Noam and his sister. Noam and Margalit continue to make their father's now non-Jewish latkes, opening the potential both for the continuation of now unimaginable pasts as well as the family's recapture by a future *birur yahadut* inquiry.

The Law is a Domestic Abuser: *Get* Refusal, Interlegality, and Structural Violence

Yet the violent consequences of social power also affect other social groups in ways that are often not so visible, perhaps because they are also not so direct and also, not surprisingly, less likely to be labeled “violence”...

Arthur Kleinman 2000: 228

In the new home where Alina now lives near the coast at Hofit, there is a small garden, mostly filled with frangipani trees and prickly-pear cacti. The interior of the house is bright, although most of the cabinet doors are missing or mismatched pieces cobbled together, the doors slightly too small for the spaces they cover. Alina tells me that she will sew new upholstery for the sofas and chairs once she has time after the baby comes. She is currently about six months pregnant, and trying to work from home as a sales representative for home goods. Her boyfriend, Yoav, spends most of the day commuting to the city. He is a shiatsu massage therapist, and in training to teach bikram yoga.

Alina and I are in the kitchen, preparing a salad, when she confesses to me that her daughter, Mia, has had a hard time in school since they moved from Tel Aviv. “We’re getting a call today about it, actually,” she tells me. “She’s got a passing test or passing paper or something coming up, and she doesn’t really know what she needs to do to pass, and hasn’t been doing well this year, so I finally want to talk to the teacher to figure out what exactly she needs to do so I can help.” Mia, it turns out, has been having problems at school across the board from mathematics to writing to social activities. While Alina is finishing peeling the carrots, the phone call comes. I take over, variously grating carrot, quartering cherry tomatoes, chopping arugula that Alina picks from the garden as she talks, and cleaning cabbage and lettuce from the small refrigerator. Alina’s conversation, the only side I can hear, makes it clear that Mia has failed several subjects,

and that the teacher is hesitant to meet with Alina this late in the year. Alina had requested the meeting two months prior. Alina insists over the phone that she will hire private tutors if necessary; she just needs to know what subjects and material Mia needs to learn. I listen to her both ask and field questions about whether or not Mia will be passing this grade or being held back, questions about whether summer school might be appropriate. Finally, I hear Alina answer the questions about the stress of moving and Mia's father. "No matter what," she says, her voice more stern, "We want her to keep up her academic skills. We don't want her to fall further behind."

Mia's father, Lior, and Alina had stopped living together about eight years ago, when Mia was two-years-old. They had arranged their separation in civil family court, which granted Alina full custody, but—at Alina's insistence—gave Lior some supervision over their child.¹ Lior, however, had never formally divorced Alina, perhaps hoping for full custody and more of their shared possessions for himself. Despite having known Alina for five years, it was not until three years into our acquaintance I learned that she was still legally married to Lior. After he had heard that she was to be moving from Tel Aviv to Kfar Vitkin with his daughter, and that Alina was seeing another man, he had restarted the legal campaign after a long *détente*. He has tried to renegotiate the custody agreement in court, and has made several threatening calls to Mia's new school that they were not respecting his custody rights by enrolling his daughter. These threats, Alina

¹ Working on cases of sexual abuse in Israel, Leora Bilsky has noted the problematic limitations on women's voices within their own legal narratives (Bilsky 1998). Bilsky's remarks on the politics of voice in court cases of domestic abuse can also be applied to my own writing on the same topic, as a foreign cis-gender white man, as a representative for the "voice" of a woman marginalized by the Israeli legal system. I here try to represent what I can of Alina's voice not to make an argument out of her case, but rather to represent the argument she herself made about her own legal choices in reference to her gendered, circumscribed legal agency.

believes, explain the teacher's reticence to meet with any parent of Mia's until the new court cases were adjudicated. Now, with the baby on the way, Alina's position in relation to her husband was more tenuous than it had been in years. She needed a divorce to make sure the baby would have a future. When I last saw her, she was unsure if her husband would ever grant her a divorce, and—given his recent threats in court—uncertain if he would prevent the baby from entering into a legal bonfire. Using the religious courts that are part of the Israeli government, Lior had threatened to declare that Alina's current pregnancy was not his own, an argument that would impact the unborn child's abilities to ever get married as a *mamzer* (roughly, bastard). Alina has discussed returning to Tel Aviv and maintaining a separate house from Yoav in order to placate Lior and hopefully prevent him from doing so.

Under the version of Jewish law practiced by Israeli courts, only a husband may grant a writ of divorce (called a “*get*”); courts cannot compel a couple to separate. Women whose marriages have functionally, if not legally ended, are referred to broadly as *agunot* (literally, “anchored women”).² (While women can also refuse to accept a *get* placing their husbands in a similar legal position, there are clear male prerogatives in *get* refusal worth mentioning. Men as givers of the *get* have the right to give the *get* whenever they please and as less restricted sexual agents in wedlock have the ability to have children with a different woman while still not divorced without forcing that child into a problematic legal status.³ As such, I commit to the gendered analysis of this phenomenon throughout this work, though I acknowledge men can be the victims of *get* refusal.) These women

² Sing. *aguna*.

³ The child of a still married Jewish woman with another Jewish man will produce a *mamzer*, or bastard, a status that carries significant legal and social stigma. Married Jewish men who have extramarital sexual relations are not tied to any potential children's legal status in this way.

cannot remarry, and, should they have children with another man during this time, their children can face serious legal consequences, including being barred from ever marrying. Estimates on the number of women in this legal limbo in Israel range from 180-10,000.⁴ Moreover, as of 2004, an estimated 5,305 Israelis appear on a governmental blacklist that bars them from marrying due to their abnormal Jewish statuses, often because of their mother's marital status (see Weiss and Gross-Horowitz 2013).

Alina's story is part of a larger social terrain in which the law consistently and routinely denies women the ability to control deeply personal aspects of their lives like their children's schooling and personal religious belonging as a result of their failed marriages. Through the sociolegal issue of get refusal, this chapter explores the uneven legal cartography of Israel as religious and civil courts overlap in certain jurisdictions, clash in others, and evacuate their responsibilities to citizens in still others. We follow three ethnographic encounters with get refusal as intimate lives, religious identities, and personal desires are unevenly made subject to different legal regimes shifting between milieus, times, and scales. Jurisdiction emerges not only as a technical issue within cases of get refusal and life as an aguna but also as a dynamic relationship between different modes of governance and scale that produces structural violence.

Following the work of Raewyn Connell, I here take the jurisdiction of the Israeli divorce court system not to be a manifestation of misogynistic social tendencies, nor the creator of such misogyny, but rather as a dynamic venue of power relations in which the relationship between men and women as spouses is created, regulated, questioned, and naturalized (Connell 1987: 130). Moreover, through this jurisdictional work in constructing and problematizing the relationship between heterosexual spouses within the

⁴ The shockingly large gap in these numbers indicates the fiercely contested politics of addressing agunot.

divorce process, I argue that the law itself has become an institutional driver of domestic violences, enforcing a gendered, legal powerlessness upon women, a corporeal punishment for men utilizing their legal rights, an ironic privatization of the burden of divorce resolution to the couple themselves, and a coercive ideological regime upon religious court employees. Within this chapter, I attempt to categorize the “violences of everyday life” produced by the overlap of jurisdiction within Israeli Jewish divorce cases involving get refusal,⁵ paying attention to the ways in which these legal domestic violences produce contradictory victims with varying degrees of cultural legibility (Kleinman 2000: 238). To this effect, I am interested in how get refusal produces both highly visible victims, women-as-agunot, as well as the “violent consequences of social power... [that] affect other social groups in ways that are often not so visible, perhaps because they are also not so direct and also, not surprisingly, less likely to be labeled ‘violence’” that produce culturally less-identifiable victims of physical violence, husbands refusing to give a get, and victims of ideological coercion, court employees (Kleinman 2000: 228).

In offering these different figures of victims produced by the structural violence of get refusal and its jurisdiction within the Israeli court systems, my intention here is to map the shifting subjects of structural violence produced by Israeli law. Within this system, wives, husbands, and court officials themselves all have the possibility to become targets of the law’s violence. To be clear, my intention here is not to equate these experience as

⁵ It is hard not to comment on the ironic use of ‘refusal’ in context of Audra Simpson’s comments on refusal’s ethical potential within anthropology. For Simpson, ethnographic refusal illuminates local histories and forms of knowledge silenced and written over by the sovereign logics of colonial empires (Simpson 2007). Preserving these moments of refusal then paves way to better understand and incorporate the political aspirations and worldviews of those refusing (Simpson 2007). Yet in my context, refusing a get can equally be understood as a refusal to engage a spouse’s emergent worldview as a single-person; get refusal is generative, yes, but of the silencing of a spouse’s sovereignty and autonomy over her own body. Paying attention to this refusal then is equally about paying attention to whose subjectivity is arrested and ignored in refusing a get.

‘equal;’ get refusal disproportionately impacts married women’s economic independence and structurally positions their own interests against those of their children as a means of coercion. Rather, it is to represent the multiple forms of distress produced by the jurisdictional governance of get refusal in order to understand better the opposition to efforts to improve agunot’s legal status.

Due Process in God’s Law

The Center for Women’s Justice (CWJ) occupies a two-room office on the third floor of a building in the upscale Jerusalem neighborhood of Emek Refa’im (also known as the German Colony). It sits above a pet store and supermarket, occupying the building with other legal offices, real estate firms, and an *ulpan* that offers “Hebrew in 10 days.”⁶ The legal aid center has a small, narrow vestibule containing a desk where the social-media coordinator sat for much of my time at the organization, and two offices: one for the lawyers and another for the office manager and donor liaison. Chairs and desk-space were always at a premium, and on the days when I was present with a full staff, we frequently rotated spaces and seats to accommodate whomever’s work was deemed most pressing. This particular day in March was a prep meeting for an upcoming presentation to the Tel Aviv Bar Association on CWJ’s signature legal strategies, and the staff (and visiting anthropologist) was convening to discuss how to take CWJ’s past successes and translate them into a more cohesive action plan for the future.

⁶ Literally, “a studio,” an *ulpan* is a Hebrew-language learning association for recent immigrants to Israel.

CWJ's director and founder, Susan Weiss, has the demeanor of a college professor,⁷ but a schedule that matches her prominent legal career. She sat on one of the wooden chairs in the crowded office manager's room. With the help of the other two members of the staff (and myself), she and Chava, the manager, were attempting to figure out what exactly CWJ was doing legally, publically, and organizationally at the moment.

Susan began the meeting on a dire note. "I mean; we are turning into Iran.⁸ We really are. Now we're having religious indoctrination from the state, and having all these laws passed to make up for religious coercion. People don't understand what a mess we are in because of it." She paused. "When I started these tort cases it was so clear. Keep it simple; stupid is good. So I think we need to get some simple stupid stuff."

Initially, no one responded, so Susan continued to speak. "When CWJ started, we translated a human right into a tort violation. We translated human rights into a civil wrong. Even though we can't pin these cases on the Basic Law, we're in the spirit. When we started, women didn't have human rights in these cases. Now, even if we have to translate human rights, we're still instilling human rights into the country in different ways. That's what we do here. Everyday women are abused by religion and the law. We stop the law from being a domestic abuser."

⁷ Susan Weiss asked that both she, and her organization (CWJ), appear here by their actual names. I have disguised other staff members by amalgamating biographical details and changing the speaker for certain direct quotations.

⁸ The metaphor of Iran as a point of comparison to Israel was perhaps one of the most common, and surprising, idioms of my time in the field. For my interlocutors, the image conjured both the perceived theocratic oppression of the Iranian state as well as invoking a specter of geographic determinism in Middle Eastern political culture. However, it also opened room for imaging points of similarity and identification with Iranians even as support for the Netanyahu-led government's vitriolic campaign against the Iranian state was high, perhaps opening opportunities and lines of flight for new social collectives, if only imaginary, to come into being.

Chava got caught into the new branding. “So the benefit we have here is our gender lens and our extensive experience...” she wrote her words down while she spoke for future use with donors.

Susan joined into the brainstorming. “Our extensive experience in litigation.”

“It’s not just litigation though. You do more Susan. Our extensive experience in legal... legal... legal... In legal issues of religion and state?”

“It’s not really religion and state though,” Susan said, “because it’s the state clashing with itself.⁹ We don’t really have a clear articulation of what the principles of the law are here, or how to create a Jewish state that is democratic and doesn’t offend its citizens. We are reframing state action into human rights violations,” Susan continued. “And we are looking at state actions through a gender and human rights lens.” Chava nodded, but wasn’t writing new material on her notes. “Part of why the Supreme Court doesn’t want to act is that it doesn’t want to infringe on the religious conscience of the rabbis, but in doing that, they allow the rabbis to infringe upon the rights of Israeli citizens. They’re saying, ‘Don’t infringe on my religious beliefs,’ and we are saying, ‘Don’t interpret religious beliefs against human rights.’ It’s not about keeping people from being Jews, but it is about getting Judaism out of the state. Everyone forgets that the Rabbinate is an arm of the state. I think the state forgets that the Rabbinate is an arm of the state. And I forget that too. Lots of us forget that. We keep thinking, ‘Oh the Rabbinate, they’re terrible, but we have to let them be crazy because that’s their religious right,’ but we can’t because they have the power of the state!”

“So, coming back around,” Chava said, looking towards her notes, “The benefit we have here is our gender lens and our extensive experience in...”

⁹ See Chapter Two.

“In legal advocacy,” Susan finished.

Weiss made her name in the Israeli legal field in 2001. She had served as a divorce attorney within Israel for several years, and noted the rather unreasonable terms women were taking away from their divorce settlements, if and when they got terms at all. She saw how men had access to a “silver bullet” in all divorce negotiations, and the effects such a legal strategy had upon their wives.

Divorces in Israel involve what is known in the legal profession as the “race to the courtroom” (see Shmueli 2013 for details). This “race” is between the two different courts that can have jurisdiction over a divorce: a religious court and the family court. In cases of divorce, either a religious court (for Jews, known as a *beyt din*, pl. *batey din*) or a family court can negotiate the financial, custody, and property-related aspects, but only a religious court can annul or dissolve a marriage. A separation settlement falls under the jurisdiction of whichever court first hears the case, and that court’s decision cannot be reversed later by the opposing court. However, regardless of the court that arranges the material and custodial terms of the divorce, husbands in rabbinic *batey din* often renegotiate more favorable terms of divorce for themselves, in exchange to giving their wives a *get*, which finalizes the separation. In other words, no matter which court settles the terms of the separation, a husband is able to use his unilateral control of the *get* as a means to obtain better conditions from his wife within a *beyt din*. Rabbinic judges, or *dayyanim*,¹⁰ frequently view such efforts as a sign that the husband is “willing to talk” and will often characterize a wife who does not agree to such a renegotiation as “stubborn” and “unwilling to cooperate” (Blecher-Prigat and Shmueli 2009). Even should the wife’s

¹⁰ Sing. *dayyan*.

counsel be the ostensible winner of the race to the courtroom, she is always at a disadvantage in the long run once the case reaches the beyt din.

Seeing these conditions, Weiss believed that men in the divorce process were using their religious prerogative within the batey din to extort their wives financially or to delay the proceedings indefinitely out of malice. Women were left with no recourse against their husbands. It was a man's religious right to decide if and when a divorce would take place. A Brooklyn-College trained lawyer, Weiss was outraged by what she saw as a flagrant human rights abuse against women, but was left with little feasible recourse against this religious right: to limit a husband's ability to decide whether or not to give a get in any way would, according to a beyt din, render the divorce "coerced" (a *get me'use*) and thereby invalidate it.¹¹ Weiss was determined to find a loophole, which she did in 2001 with what she had modestly called on that day in March 2014 a "simple stupid" solution.

Weiss' client at the time had been in a legal limbo for years as a *mesorevet get*.¹² Weiss attempted to argue in civil court that her client's husband had caused "financial and emotional damages" by refusing to divorce his wife, thereby entitling her to a monetary award (see Blecher-Prigat and Shmueli 2009 for a legal analysis of this case and other early get refusal torts).¹³ Crucially, Weiss did not argue that such damages were incumbent upon the husband divorcing his wife (which would result in all likelihood in a

¹¹ A get delivered under conditions determined to be coercive is called a *get me'use*, literally, "coerced get." Interestingly, as discussed later, the Israeli batey din do allow for husbands to be jailed until they deliver a get in extreme circumstances, and do not consider such divorces to be coerced (see Shmueli 2013). This tactic is, however, rarely used.

¹² A *mesorevet get* (literally, "a woman refused a get") is a woman whose husband has either been ordered by a rabbinic court to divorce, or is in the middle of legal proceedings to seek such an order. A court can "order" the man to give a get. This order is non-binding, and means that the court considers that there is no way to salvage the relationship. An aguna is properly understood as a woman whose husband has either disappeared or is physically or mentally incapacitated so that he cannot legally deliver a get to her. Most contemporary writers conflate the two terms.

¹³ Weiss and her client did not win this case. However, it has served as the precedent for get refusal torts to not be dismissed.

get me'use). The case *only* argued that his previous behavior warranted remuneration. In Weiss' own words, she "threw everything [she] could at the court and the judge decided it was an infringement on [the wife's] autonomy."

In future cases, this new tort would become understood as part of the negligence statute or breach of duty; a husband behaves negligently towards his wife by failing to give her the personal, financial, and emotional freedom to leave a marriage (Shmueli 2013: 138). Although husbands are still within their rights to deny a get within a divorce case, such action can now lead to counteraction within a civil court. Indeed, wives drop most tort cases in exchange for a divorce, although judges have allowed women to receive a get and continue (and win) their get-refusal torts.

Although individuals like Weiss find this application of the law abusive, most family law attorneys with whom I have spoken in Israel said that, while denying a wife a divorce is an aggressive legal strategy, it is also likely what they would advise a male client in such a situation to do as well. One lawyer, Natan Shuster, quite literally naturalized this strategy, informing me that in Israel "identity in obligations of spouses is not the system both in religious law and the Knesset. Equality is about *balancing* obligations between them. Divorce law is 85% psychodynamics. So you can make things tactical. Men are pressed economically. Women have a ticking biological clock; that puts them at a disadvantage. So if your client is male, it's good tactics to slow things down."

As such, get refusal exists as both a legal practice within religious courts, and one that civil courts are increasingly willing to regard as a form of gender-based violence. Yet tacking in between these two interpretations, the potential for harm embedded in between these two institutions becomes apparent. Taking seriously Weiss's observation that the law functions as a domestic abuser, I here try to take seriously this metaphor,

examining the ways in which get refusal and solutions for it, like Weiss's tort, have produced an Israeli cultural form of structural violence with multiple victims that appear to be mutually-exclusive of one another. In what follows, I try to represent the different understandings of agency, law, and power that different actors within get refusal possess and render visible the ways in which these understandings produce different victims for the "same" structural violence of get refusal.

Civil Lands and Jewish Persons

Weiss's so-called "stupid simple" tort strategy is a clever stitching point between several different layers of Israel jurisdiction and legal imperatives. Articulating get refusal in the language of intrafamilial financial damages, get refusal torts enable women and their legal representatives to shift the legal map under their feet and enable different authorities to adjudicate their disputes.

The very turn to legal cartography brings us to Boaventura de Sousa Santos's influential assertion that law exists not in the multiplicity of legal pluralism, but rather as the overlap and interplay of shifts in scale. "[S]ociolegal life constituted by different social spaces operating simultaneously on different scales and from different interpretive standpoints. So much is this so that in phenomenological terms, and as a result interaction and intersection among legal spaces, one cannot properly speak of law and legality, but rather, of interlaw and interlegality" (de Sousa Santos 1987: 288). In such an analysis, what is highlighted is not the law per se, but rather the governance of law itself. "The everyday workings of jurisdiction—which exercise power continuously whether or not anyone is noticing it or challenging it—tend to naturalize the simultaneous operation

of quite different, even contradictory, rationalities of legal governance” (Valverde 2009: 142).

Yet what is meant by jurisdiction deserves more attention than commonplace assumptions. Israeli legal codes do not just follow what de Sousa Santos has called the “geocentric projection” of law that is “applicable to everyone independent of personal characteristics and imposed as a heteronomous law within the boundaries of a given territory” (de Sousa Santos 1987: 293), but also the “egocentric projection” where individuals have their “own personal legal quality and carry [their] laws wherever [they] go” (de Sousa Santos 1987: 294).¹⁴ Civil law takes its jurisdiction from geographic territories; religious law from the confession of those involved. Different governmental institutions have the ability to change the administration of these legal codes, including the Ministry of Religious Services, Ministry of the Interior, the Ministry of Justice, the Knesset, and the Supreme Court among others.

Integrating Jewish religious law into a modern state system of governance in pre- and post-Independence Israel has been a piecemeal process. British preferences towards indirect rule in Palestine (as well as respect for the perceived elaborate development in British eyes) revitalized the fractured Jewish *millet*¹⁵ community set up by the Ottoman Empire (Fishbayn 2011: 111, 115-118). Mandate administrators were aware of internal divisions in the Jewish population of Palestine over the understanding and implementation of Jewish law and solicited several proposals for different incorporations of Jewish law (some containing a plurality of interpretations or *mishpat ivri* [Hebrew law]

¹⁴ De Sousa Santos only traces egocentric projections in the contemporary era as belonging to multinational corporations and international conglomerate institutions. However, his revival of Weber’s particularistic, individual law bounded “by personal characteristics such as birth, political, ethnic, or religious denomination, mode of life or occupation and so on” is still a robust system of legal governance for many peoples on the peripheries of European legal traditions (de Sousa Santos 1987: 293).

¹⁵ Non-Muslim religious communities given limited self-governance in the Ottoman Empire.

progressive reinterpretation of Jewish law) for the community (Fishbayn 2011: 117), though their final decision of a centralized Orthodox rabbinate with jurisdiction over religious matters had widespread popularity (Fishbayn 2011: 117). Despite the debate in the Jewish community elsewhere in the world over the position of women in traditional *halakha* (roughly, Jewish religious law), the Mandate rabbinic courts were given authority over family law without eliciting controversy (Fishbayn 2011: 118). The 1948 so-called “Status Quo” agreement incorporated “the Chief Rabbinate’s exclusive authority regarding Jewish marriage and divorce, restrictions on the operation of public transportation and places of entertainment and amusement on Sabbaths and major Jewish holidays, establishment of a separate, state-financed religious educational system, and so forth” (Friedman 1995: 51). Within this system however, one must remember that not only did rabbinic law continue to hold egocentric jurisdiction over family law, but this jurisdiction also represented a larger consolidation of family law into a distinctly religious legal matter even as other aspects of Jewish life were allowed to enter into a civil life governed by a civil administration (for example, criminal codes and procedures).

Although until recent times “[p]rotest against the Orthodox monopoly was limited and restricted to a small group of ideologist secular individuals who refused to marry within the system run by the rabbinate” (Ben-Porat 2013: 66-67), certain changes in court jurisdiction nevertheless have enabled activists like Weiss to disrupt the rabbinic courts’ authority over marriage and divorce. Since the 1970s, civil authorities, including parliament and the Supreme Court, have worked to assert non-religious jurisdiction over aspects of personal affairs, including the division of spousal property and the revocation of inter-spousal immunity, allowing spouses to sue one another, and analogizing spousal

relations into an implied contract (Blecher-Prigat and Shmueli 2009: 280-281; Shmueli 2013: 127).

Weiss's tort takes advantage of these gains in civil jurisdiction, but presents its own difficulty for Israeli legal jurisdictions. Ayelet Blecher-Prigat and Benjamin Shmueli assess that "the civil tort claim of *get* refusal creates a conflict between the civil and religious systems in Israel on two levels. The first conflict, which is also the easier one to address, subsists at the level of jurisdiction...The second problem is more complex and also more substantial. As explained above, a *get* given without the husband's free will is considered coerced, and hence null and void" (2009: 288 *emphasis* in the original). While I agree with Blecher-Prigat and Shmueli's theoretical numeration of issues in these cases, I do not think that their dismissal of the former is as easily done as they suggest.¹⁶ Once the issue of jurisdiction is taken seriously, it further complicates the issue of a *get* me'use (coerced *get*) by reframing who can identify coercion. Moreover, by re-evaluating the issues of jurisdiction posed by Weiss's tort, the underlying tensions posed by *get* refusal and *agunot* in contemporary Israel can be viewed.

As its basic premise, Weiss's *get* refusal tort enables family courts to adjudicate a financial dispute between spouses as intrafamilial torts are tried within a family court.¹⁷ Yet the jurisdictional issue is not so clear-cut, as *get* refusal torts, to use the very phrase that Weiss spoke of at CWJ, rearticulate "the law as a domestic abuser" that can be held liable. A *get* refusal tort takes a husband's legal prerogative to not divorce his wife in a rabbinic court as negligent behavior. In so doing, the family court's decision functions as

¹⁶ For Blecher-Prigat and Shmueli, jurisdiction in these matters is clarified through the Court for Family Affairs Law, which places intrafamilial tort claims in the sole jurisdiction of civil family courts.

¹⁷ Israeli magistrate courts, the basic court of first-instance in Israel, can be seated as a family court to adjudicate in matters of family law.

a critique of the rabbinic court for having “failed” to resolve the plaintiff’s situation properly (Shmueli 2013). But it also undermines the rabbinic court’s position of inaction (whether it was unwilling or unable to act) in the situation by providing the wife with extra-judicial leverage with which to negotiate her divorce outside of all court settings. Take the following legal theoretical set-up by Benjamin Shmueli in his discussion of these torts.

...let us assume that the husband had hoped to extort from his wife the half of the apartment that belongs to her (valued at \$100,000), and that this is the primary reason he has refused to grant the get. When a judgment is issued against him for \$150,000 in damages, *his refusal is no longer economically rational*. Therefore, *he has a strong incentive to make a private deal*, under which his wife will waive the \$150,000 in damages in return for his dropping his economic pre-condition and granting the get. If the husband refuses to give the get, he may be “covered” by Rabbinical personal law. However, this protection has a price—just as there is a price for continuing to pollute or create a nuisance—and that price is set, albeit ex post facto, by the court and not by the voluntary negotiations between the parties. (2013: 84 *emphasis mine*)

Weiss herself has admitted publicly that such torts are often for clients an attempt to create such a bargaining chip, although Weiss (and CWJ) would like to see clients receive both the get and their damages. “The members of CWJ believe that their clients deserve both their get and damages, and they do not want to sacrifice one for the other, although their clients often would” (Weiss and Gross-Horowitz 2013: 135).

Even should get refusal tort settlements not be traded explicitly for a get, they enable a couple to participate in a game of financial and temporal brinksmanship fundamentally irresolvable within Israeli legal spaces. Wives sue husbands for exorbitant sums in civil courts while husbands delay granting domestic freedom to their wives by creating comparably high demands in batey din. But in this motion, both civil and rabbinic courts lose the ability to resolve legal disputes over divorce definitively: civil courts can still not compel a husband to grant a get, and rabbinic courts lose their ability to pressure women to acquiesce to their husbands’ extortions (see Weiss and Gross-

Horowitz 2013 for examples of such collusions). Blecher-Prigat and Shmueli's assertion that jurisdiction for get refusal torts falls easily within civil courts loses sight then of the larger jurisdictional picture: these competing legal approaches to divorce ironically only allow the plaintiff and defendant (or spouses) to resolve their legal dispute between one another without the supervision of any one court. Far from simply moving jurisdiction of get delivery to civil courts, get refusal torts evacuate the jurisdiction of any Israeli state court from being able to realize a legal solution in the couple's ongoing disputes.

For Weiss, get refusal torts are part of an ongoing battle raging not only through the Israeli government but also between its discrete branches over the type of state Israel will be. The mechanisms of halakhic law threaten to impinge upon the rights of Israeli citizens not to live within an Orthodox Jewish society. In her understanding then, get refusal torts enable women to exercise their political rights of economic freedom from their (former) spouses and families by translating the procedures of halakhic law into a form of domestic abuse that can, itself, be turned into a monetary damage necessitated within a civil tort. Yet in the process, this action strips women and men of their ability to resolve their cases within court-adjudicated spaces, as neither the rabbinic courts nor civil courts can conclusively wield coercive state power to force a couple (or either party) to divorce. In other words, a new form of violence has been produced in which neither men or women are capable of being governed by a state power that can conclusively administer their separation, so as a couple getting divorced they must interact more, not less with each other *after* both the husband's negligent lack of care to divorce his wife and the wife's financial extortion of her husband have been demonstrated. In the interlegal space between courts opened by get refusal torts, ironically a wife must communicate and interact *more* with her—in the tort's own language—abusive spouse in order to finalize a

divorce with *less* state supervision and guidance.

Within this jurisdiction-less space however, the get me'use also takes on a new understanding. A husband's ability to give a get "free of coercion" in Blecher-Prigat and Shmueli's analysis is colored by the hefty financial penalty for non-pecuniary damages he faces in not doing so. The tort can be read by the rabbinic court as an *ones mamon* (monetary coercion), one form of possible coercion, invalidating any get given under such circumstances. However, by wielding one court against another, get refusal torts risk a larger issue in rendering a get invalid: coercing the rabbinic court itself into recognizing a get it considers invalid.

Freedom of Religion, Freedom from Religion

Across the street from the Tel Aviv rabbinical court, Nitzan Malka and I were having a cup of coffee. Nitzan works as a clerk in the rabbinical court. Her days largely consist of processing the necessary computer work and paperwork to register a divorce following a get ceremony within the governmental system (see Chapter Two). Nitzan and I met the first time I visited the rabbinate (located in the adjacent building to the beyt din), where I had explained that I was interested in agunot issues in Israel. Today, we were meeting to discuss her take on Weiss's torts.

She informed me, "It is Ha-Shem¹⁸ who tells us how the get must be given. For Jews to be married is a holy commandment, and we must be responsible to make sure that all Jews can obey Our Lord's will correctly and to assist them in doing so." According to her, the beyt din's ongoing control of religious life is not about enforcing a particular branch of Judaism upon the population, nor precluding women from

¹⁸ Literally, "the name," Ha-Shem is a popular alternative name for God for Orthodox Jews.

divorcing, but rather to help all Jews correctly practice Judaism. Indeed, several rabbinical employees with whom I have spoken emphasized that the very state-funding of such institutions, as well as their management, was designed to make the obedience of commandments possible for all Jews through their employees' expertise in professional Judaism.¹⁹

"If I want to keep Shabbat on a Monday, can I? Ha-Shem created the get so we can keep the commandment of marriage. It's not about feeling good or wanting to have a different man in your life. These women just try to use money to go around Ha-Shem's will, and then they force the rabbis to desecrate his commandments too."²⁰

For Nitzan, the very notion of attempting to "go around" halakhic regulations of divorce both verged into the nonsensical (e.g. "keep[ing] Shabbat on a Monday") and violated the purpose of the rabbinical court in the first place: to enable Jews in Israel to better fulfill their obligations as Jews, even should such obligations necessitate doing something contrary to their desires or "what feels good." Moreover, get refusal torts threatened to infringe upon the rabbis' (and presumably, court employees' like Nitzan's) practice of Judaism itself by creating extra-judicial condition in which a man might give a coerced get.

¹⁹ Many Orthodox participants in Israel's government portray Orthodox governmental religious services in this professionalized light. In early 2015, MK Israel Eichler of the United Torah Judaism decried a proposal to incorporate Reform Jewish standards in government-sponsored *mikvaot* (ritual baths). "Not every mentally ill person can come to the operating room and decide the rules of medicine and force the hospital to have an operation by whatever way works. The High Court can't force a hospital to allow the court's surgeons and the court's medicines into the operating room. And so it is intolerable that the directors of ritual baths will have to allow organizers of Reform religion-changing ceremonies into a Jewish ritual bath" (as quoted in Lis 2016).

²⁰ "*Ve-az osot le-rabanim lechallel et ha-mitzvot shel-o.*"

Nitzan continued, “When you are at work, you cannot just cover your ears when people go against halakha. It is your job.”²¹

Israeli rabbinical court and Ministry of Religious Services employees have multiple rationalities of governance, serving both as employees of the state *and* followers/executors of divine authority, creating yet another dimension in the Israeli interlegal scale. Nitzan’s allegation that get refusal torts force rabbinical court employees to choose between those competing obligations depicts a condition where doing their job means going against their devotion to living according to divine edicts.²²

Working with local bureaucrats of often-questionable foreign authorities in Gaza, Ilana Feldman has pointed out that “The distinction between authority and legitimacy... is crucial for understanding how bureaucratic competence was conceptualized and articulated” (Feldman 2008: 93). Within Israeli religious bureaucracies, authority is derived from the religious bureaucracies’ placement within the state whereas legitimacy through Jewish law (which also grants legitimacy to the overall state project of political Zionism) is accrued through expertise over halakhic law and marked referents to hegemonic Orthodox Judaism (see Goldberg 2015: 217 and Ben-Porat 2013: 63-65 for accounts of Israeli sentiments on Orthodox Judaism as the singularly legitimate Judaism and its role in the state).

For Nitzan and her coworkers, the bind posed by Weiss’s torts then is not reducible to the compromises they face between their own internalized senses of authority, but also the tensions it poses for the legitimacy that the Israeli state gains

²¹ Some members of Orthodox communities cover their ears when hearing others speaking of breaking commandments, being immodest, or blaspheming.

²² During writing of this chapter, Kim Davis, a county clerk in Rowan County, Kentucky, denied issuing marriage licenses to same-sex couples, citing her religious beliefs (see Stolberg 2015). The similarities between Nitzan and Davis’s articulation of religious freedom *as* government employees point to changing religious subjectivities in state relationships occurring beyond Israel and Jewish communities.

through its strategic use of Orthodox Jewish authorities like these court employees. Maintaining this source of legitimacy both for the state *and* for its religious employees necessitates not compromising the “pure” religiosity of religious bureaucracy employees. Yet in taking seriously Nitzan’s concerns about “covering one’s ears at work,” one notices how the existence of a parallel court system adjudicating domestic abuse counter-intuitively produces rabbinic court employees understandings of themselves as the wronged parties in get refusal torts as they are coerced to execute the religious rituals of a divorce under conditions they find inauthentic. Even in a state that needs the religious authenticity of such employees for its own legitimacy, Orthodox rabbinic employees are, in their own understanding, ironically coerced through this bifurcated jurisdiction to go against their own beliefs.

Given her rejection of Weiss’s tort as a possible means of aiding agunot, I asked Nitzan whether she felt bad for such women.

“Of course! It is terrible what these women go through!” she responded immediately.

I asked her why then she wouldn’t help them.

“We’re not allowed to.” I assumed she was referring to the aforementioned difficulties poses by halakha. “We can throw these men in jail, but that’s not enough to get stubborn people to change.”²³

I started to understand her tacit argument, and probed further.

²³ Rabbinic courts can imprison recalcitrant husbands indefinitely, though this mechanism is rarely used (see Zeiger 2013; Ettinger 2013; Lis 2014 for specific instances and legal changes).

“According to the Rambam,²⁴ when men do these things, you can beat them.²⁵ You can beat them until they give the get. But today people don’t like the solution that the halakha offers, so what are we to do? We are handcuffed.”

Halakha, at least as interpreted by Nitzan (and, as we shall see, others) does indeed allow a mechanism in which recalcitrant husbands can be “convinced” to divorce their wives, but one whose methods are more anathematic to the liberal values of Israel’s self-represented democratic governance (see Weiss 2014: 14 for Israel’s relationship to liberalism).

Brutal assaults on divorce refusers are uncommon, but an open secret, in the Orthodox Jewish world. Recently, the FBI’s arrest of Rabbi Mendel Epstein and two of his associates in Brooklyn, New York (see U.S. Attorney’s Office 2015) drew international attention to Jewish communities for its jet-setting locales and sordid details. Epstein and his colleagues allegedly had traveled across the world tracking down men who had refused to give a get in exchange for a hefty fee. Once located, they are said to have tortured the men into allowing the divorce, merging the roles of extractor and judge as they formed impromptu batey din in the same spaces they are said to have assaulted the men in order to finalize gets. However, within Israel, religious private investigators quietly offer similar—though less extreme—means of convincing husbands finally to offer a get.

I located Yisra’el Ben-Dov after reaching out to multiple private investigators and divorce specialists who advertised online. Their websites almost uniformly feature variations of stock footage photography showing silhouetted figures wearing fedoras, handheld magnifying glasses, and blurred couples kissing through half-opened doors.

²⁴ The most common Hebrew name for Maimonides, an acronym from the phrase “*Rabbeinu Moshe Ben Maimon*” (Our Rabbi Moses Son of Maimon).

²⁵ Mishneh Torah, Laws of Divorce 2:20.

After a brief telephone call with him explaining that I was a US researcher interested in marriage and divorce in Israel who would like to learn from his professional perspective, I was surprised when he sent me a text message a week later offering to pick me up the following afternoon from my apartment. I had not provided an address.

Yisra'el is in his late 50s, a stout muscular man, and has a varied career through law enforcement and the military. He picked me up in his sedan, and we spoke while parked near the Tel Aviv coastline in a public parking lot. I picked up two coffees for us. He ate a sandwich he had brought from home that smelled strongly of hardboiled eggs while we spoke.

“It’s terrible what these men can do,” he told me between bites. “That’s why I started doing this. I thought, ‘This is what I am supposed to do in this world.’”

Yisra'el indeed had undergone a midlife strengthening of his religious convictions,²⁶ and had—in part—acted upon it by using his professional expertise in locating people (and perhaps in manipulating them) to assist agunot struggling to be divorced.²⁷ Yisra'el hinted in our conversation that much of his work these days comes from investigating claims of draft-dodging by young women who represent themselves as religious (Harel and Cohen 2014). I note this other work to texture the socio-legal landscape in which investigators like Yisra'el are part.

²⁶ Changing religiosity from relatively Jewish-secular to relatively Jewish-Orthodox is an accepted part of Israeli social life and social understandings of life cycles. *Chozar ba-tshuva* (“returning to the answer”, masc.) is a common expression for an individual who embraces a more Orthodox lifestyle and worldview. *Chozar bashe’ela* (“returning to the question”) is its secular counterpoint.

²⁷ There is a distinct gendered perspective in these opinions as well. Individuals in investigative work with whom I have spoken often portray agunot as victims in need of saving from an alternative source, whereas legal activists like Weiss often speak about them as capable women “duped” into loving bad men. In turn, these opinions seem to color their priorities: for the former, men should protect both women who are agunot and a feminized Judaism also in need of protecting through physical violence; for the latter, lawyers and MKs (non-gendered) need to stop men by empowering their wives to bring legal means against them even (or especially) at the cost of following an overly rigid Jewish tradition.

Yisra'el represented his work to me as a calling to protect women (itself a form of masculine paternalism), but also follows young women to investigate their claims of religiosity (such activities have an unsavory quality, as known “evidence” such investigations have produced include photographs of women’s clothing in different spaces in which they reasonably could have assumed privacy, see Harel and Cohen 2014). Though portrayed as a form of private pro-female intervention, such activities can better be understood within the state’s ambivalent exercise of its Orthodox authority, as investigators like Yisra'el are often themselves private contractors to the state’s religious panopticon ensuring those representing themselves as Orthodox (allegedly in a bid to avoid military service) must act appropriately Orthodox in a recognized, cultural idiom (see Dalsheim forthcoming on Israeli religious surveillance).²⁸

For Yisra'el, assistance to agunot came by embracing what he understands as the only legitimate tool available to extract a get from a recalcitrant husband: Maimonides’ brute force. “The Rambam tells us to use means necessary to make a husband say that he wants to give a get. Sometimes I find out who hasn’t paid their taxes. Sometimes I find out if someone has done something bad.”

I asked if he meant extortion.

“I think it is giving people a tool,” he said, seemingly delicate to avoid the word.

“Sometimes I need to talk with these men.”

“Do you just talk?” I asked Yisra'el.

“Of course! But I am a strong talker.”

²⁸ In conversation with Joyce Dalsheim, she also related to me the modes of camera surveillance that the Ministry of Religious Services mandates dairy farmers purchase *and* use to film their own operations to prove that Jews do not milk animals during the Sabbath.

I felt uncomfortable in his small car. His answers had the ambivalent quality of threats made by blue-blooded thugs in televised dramas that know exactly where the law draws a line (though in this circumstance, where that line was drawn was precisely the ambiguity I was seeking to ask about). I pushed slightly farther.

“When your clients hire you, what do they expect?”

“Listen, people find me when they want a solution for their divorce. These women are stuck for years. Terrible stuff. They come to me when they need someone who can make things move again. They tell me what they know about these guys; they already know this stuff. I just make sure that what they know is used.”

“Is that legal?”

He bristled. “I advertise. I’m clean. I’m not doing anything wrong. This is what Ha-Shem has said we need to do to help these women. I follow the halakha. Sometimes these men just need to be reminded of their place in the world.”

Our conversation ended soon thereafter. I left his vehicle feeling uneasy, walking myself home. Yisra’el did not contact me again, and did not respond to my messages thanking him for his time.

Both Nitzan’s comments on the absurdity of attempting to alter HaShem’s commandments to suit one’s lifestyle and “feel good” and Yisra’el’s allegation that “these men just need to be reminded of their place in the world” point to the failure of individuals to remember the limitations on their decisions and whims by God, although in reference to different parties of a divorce. According to both, the issues underlying get refusal stem from Jews who forget their socio-religious obligations as Jews placed upon them by divine covenant. These obligations are not fair in the liberal sense of the term; they inhere unevenly across Jews due to particular circumstances of their relationships.

Trying to distinguish what made his contemporary French society different from the South American Guayaki with whom he studied (in Clastres and Auster 2000), Pierre Clastres writes that primitive society equalizes its members not through institutions, but rather through their very selves. “[S]ociety *dictates its laws* to its members. It inscribes the text of the law on the surface of their bodies. No one is supposed to forget the law on which the social life of the tribe is based” (Clastres 2007: 186 *emphasis in the original*). According to Clastres, this “primitive” law is of a particular sort: coterminous with the bodies through which it is written and practiced, it denies the potential for a society to separate into distinct institutions with variable commitments (Clastres 2007: 188). “The mark on the body... declares: *You will not have the desire for power; you will not have the desire for submission*. And that non-separate law can only have for its inscription a space that is not separate: that space is the body itself” (Clastres 2007: 188 *emphasis in the original*).

Although I resist the language that Jewish law refers to an “archaic society” (see Brink-Danan 2005 for a discussion of scholastic relegation of Jews to the past), Clastres’s assertion points us in a direction to understand the workings of rabbinic courts and Orthodox halakhic sensibilities in agunot cases. Clastres calls attention to the ways in which certain legal forms are maintained and enforced not through outside institutions, but rather by the literal body politic. In this light, the status of an aguna is part and parcel of a larger social law that dictates the diet, movement, sexual relations, clothing, and scheduling of its members. Becoming an aguna is not an unfortunate predicament, but—as Nitzan stated—a consequence of how Jews marry and conduct their lives in general. Refusing to give a get is a choice available to Jews, but one that opens them to the social sanction of “convincing” violence for their attempt to exert undue power upon their (ex-) spouses. Get refusal and its incumbent statuses dictate individuals’ positions within the

Jewish people, limiting both male and female abilities to have sexual relations without the shame and financial constraint faced by women or the physical threats faced by men. The Jewish people are both the necessary followers of God's law, as well as the medium on which it is written.

In Israel today however, this law is part of the interlegal landscape in which civil courts (and Weiss's torts) also appear. Against that backdrop, the drive towards maintaining an insular Jewish community through the literal bodies of its members is interrupted and pierced by the shifting jurisdiction of civil courts that enable women to coerce men financially and prevent men from being publically assaulted. This interlegal landscape reflecting these different priorities has produced an institutional domestic abuser beyond the law Susan Weiss had conjured: not just the law as the denier of women's legal agency, but also the coercer of religious state employees and the beater of husbands. Get refusal, in an odd irony, creates the very real potential for the law to violently suppress a husband in a very visceral way, as certain Orthodox halakhic interpretations make room for men to be physically beaten in informal spaces or (officially) to be imprisoned for exercising their legal matrimonial right to deny a divorce. It is worth reminding at this juncture that these modes of physically detaining and/or harming a husband exist within the interlegal space in which Natan Shuster, as a lawyer, specifically advises his clients to engage in the selfsame tactics that might endanger their physical safety. For a husband to follow sound legal advice in his divorce is also to open him to this "convincing" violence or imprisonment by the court.

What Would that Improve?

After her call, I asked Alina why she has not filed a get refusal case against her (ex)

husband. We had spoken before in general terms on these torts, and I was curious to hear Alina's own reasons for not pursuing this option given the limited circumstances of her life with Mia and Yoav.

"What would that improve?" she asked me. I thought of explaining Weiss's notion that get refusal is a form of spousal negligence that deserves financial remuneration, holding my tongue to hear Alina's own articulation of her decisions about her life.²⁹ "So what, I just bring Lior to another court and another? I can sue him for not being a good husband, but he's still Mia's father. I can maybe get some money from him, but I can also just anger him more. That doesn't help me the next time we need to work something out at Mia's school."

Indeed, either as an aguna or as an aguna with compensation from a get refusal tort, Alina's relationship to her ex-husband does not end in a civil court award, or even in obtaining a get. It continues through their mutual daughter. No matter what decision Alina makes in either rabbinic or civil court, she wants to avoid further antagonizing her daughter's father. Alina's divorce is not only made difficult because of Israel's religious and civil court system, but also made difficult through their hostilities that encourage spouses to use escalating legal threats against one another. For users of these courts like Alina, these competing legal spaces that both claim her divorce within their jurisdiction only offer seemingly impossible choices: attempt to navigate a judicial process according to a set of laws that reflect a religious community with which you may be relatively unfamiliar that explicitly value your husband's position more than your own; sue your recalcitrant husband for divorce refusal and thus create a need to negotiate outside of

²⁹ I recognize in my own actions a desire to take my own encounters within get refusal to be a knowledge useful to Alina's own expertise as a woman living in the realities of *get* refusal. Paige West has joking referred to this type of "mansplainer" as the "*homo diadacticus polymathensis*" (see West 2013).

court; or contract a private investigator to use physical force to coerce your husband into granting a divorce. Indeed, in her statement that any further tactic might “just anger him more[, not] help[ing] me the next time we need to work something out at Mia’s school,” Alina articulates the final way in which this interlegal divorce system functions as a source of domesticated suffering: its reluctance to assist in or even not interfere with ongoing relationships between spouses, particularly towards their children. Sally Falk Moore has observed that “the law (in the sense of state-enforceable law) is only one of a number of factors that affect the decisions people make, the actions they take and the relationships they have” (Falk Moore 1994: 78). In Alina’s case, her own thoughts were not oriented around securing her own divorce, financial remuneration for the suffering her lack of a get had cost her, or physically detaining or harming her husband for his actions; instead, Alina prioritized what she saw as her best option for stabilizing her daughter’s chaotic time in school: a working relationship with Lior that the courts could not provide.

Elsewhere in legal studies, others have noted a reluctance to use the courts, even when the law seems bent on their own benefit. Stewart Macaulay observed that business contracts are rarely taken to court as their enforceability precludes ongoing relationships.

Disputes are frequently settled without reference to the contract or potential or actual legal sanctions. There is a hesitancy to speak of legal rights or to threaten to sue in these negotiations. Even where the parties have a detailed and carefully planned agreement which indicates what is to happen if, say, the seller fails to deliver on time, often they will never refer to the agreement but will negotiate a solution when the problem arises apparently as if there had never been any original contract. One purchasing agent expressed a common business attitude when he said, if something comes up, you get the other man on the telephone and deal with the problem. You don't read legalistic contract clauses at each other if you ever want to do business again. One doesn't run to lawyers if he wants to stay in business because one must behave decently. ...not even the house counsel's letterhead is used on communications with the other side until all hope for a peaceful resolution is gone. (1963: 61)

In the context of Israeli interlegal divorce however, Macaulay’s last note on “hope for a peaceful resolution” gains a sour note. As we have seen, the conflicting jurisdiction of

Israeli rabbinical and civil divorce courts has produced a variety of legal mechanisms that spouses can use as leverage against one another that enable increased contact between spouses that have been legally labeled negligent or abusive and even make physical confinement and violence against them possible. And even should such mechanisms be used, agunot like Alina are still left with only hope that any resolution, peaceful or not, will materialize. Susan Weiss herself has lamented that the current system is untenable. “We can’t be putting men in prison for following the law [the legal, halakhic alternative to beating, see Lis 2014]. We can’t have a law that lets men keep women trapped forever.” In this way, even agunot themselves, ostensibly the most visible victims of the structural violence of get refusal, are further positioned to be harmed by the very legal means meant to help them. By framing the legal interests of an aguna as her own financial recompense for *past* suffering, get refusal torts eclipse the other social needs of agunot within the present and future. In choosing not to use Weiss’s tort then, Alina might be limiting her own legal options, but does so in order to continue improvising her social life in between her marriage and divorce. In this interstitial temporality, Alina is not alone; she inhabits this time with many other Israelis, for whom the set markers of kinship relations flicker in and out, drag on in an eternity of indeterminacy, or come together as seemingly mutually-impossible scenarios coexist due to the state’s procedures for Jewishly governing family life and, in turn, governing Judaism.

When You Are Still in Love

Conclusion

So, though one needs to contest the hegemonic control Zionism exercises over Jewishness, one needs, equally, to contest the colonial subjugation Zionism has implied for the Palestinian people. In fact, one would not be concerned with the first hegemonic move (Jewish = Zionist) if one were not primarily concerned with ending the history of subjugation.

Judith Butler 2012: 4

Chen and Ya'ara were getting married this month. Or, rather, they would be getting married this month if they understood how to do so.

The young couple had sought the help of the organization ITIM, a Jerusalem NGO that assists Jews working with Israeli religious bureaucracies and their procedures (see Chapter Four), in order to help them navigate the state-funded rabbinate's marriage file process. The state Rabbinate, the Jewish department of the Ministry for Religious Services, is notorious for having difficult-to-follow procedures so that many secular Israelis, like Chen and Ya'ara, turn to fixer organizations, like ITIM, in order to wed.

Yet now that they had come into the offices, their case specialist, Batya, had another request for them. Sitting in the open office of ITIM, she asked them, "Would you be interested in signing a prenuptial agreement today?"

Chen and Ya'ara looked at each other, each reflecting the other's trepidation. Chen, a software engineer, and Ya'ara, a museum docent, had met each other four years prior. Prone to romantic gestures, Chen had proposed to her with his grandmother's wedding ring while vacationing in Italy. Today, that same sensibility appeared under attack as each began offering Batya platitudes about their love, its uniqueness, its undying nature. She nodded along, then interjected.

“I know that you both think right now that you two will stay together forever and nothing will happen. A lot of people think that prenuptial agreements are only for couples who break up. But it is important to build your marriage on a strong foundation. To make sure that you have each agreed to care for and look after each other at a time when you are still in love.”

To bring my reflections to an end on Israeli marriage practices and the kinship systems they interlace and undercut, I have chosen Chen and Ya’ara’s story as they chose, as it were, whether or not to protect each other at a time when they are still in love. Indeed, in this conclusion, I wish to dwell in this interminable yet fleeting moment, the affective moment in which one is “still in love.”

Signing a prenuptial agreement is an increasingly common part of the marriage process in Israel. Different boilerplates of the contract have proliferated online, and numerous legal organizations, including the Israeli Bar Association, have endorsed the practice. By law, all marriage registrars, regardless of the religious office in which they work, must sign and notarize a prenuptial agreement if asked to do so (though in my field research in partnership with ITIM, I discovered many, as shall be seen, chose not to obey this mandate).

Yet this proliferation emerges as part of a highly contested religious and legal terrain. As seen in Chapter Five, Israeli rabbinic courts work to uphold a male prerogative to refuse divorces, even (or especially) at the expense of women left in this legal limbo (who are, again, referred to as *agunot*, or anchored women). Prenuptial agreements have become the most promising—if controversial—potential legal means to secure equitable divorces for these women though the inclusion of a divorce refusal clause. Early Jewish prenuptial agreements began circulating in the 19th Century in

Morocco and Germany to relieve the social problems of get refusal upon women in the Jewish community (ITIM 2016c). But in the time since, get refusal has become an even more prevalent problem in Israel, as the country has provided state-authority to religious law as well as due to the global proliferation of identity documents that are used to track individuals throughout their lives and travels. However, in order to be effective, proponents of prenuptial agreements and legal practitioners must navigate the complicated affective and legal topography of individual couples' and rabbinical officials' hopes and worries *before* the couple even gets married let alone divorced.

It is within this affective space that I wish to end this dissertation, tracing the path of Chen and Ya'ara as they deliberate over whether to sign a prenuptial agreement before their wedding or not and as they get conflicting emotional and legal/religious framing of this document from ITIM and the Tzfat rabbinate's rabbi who will officiate their ceremony. As we follow Chen and Ya'ara's deliberations, I also want to pay close attention to the other specters framed through this decision. As we will see, through this document, Chen and Ya'ara experience multiple, contradictory temporalities as well as affects during this process. Within Chen and Ya'ara's negotiation over their prenuptial agreement, one can see how these agreements threaten certain Israeli understandings of marriage and time. Moreover, through this prenuptial agreement, one can also see the cracks in a longstanding narrative of the Israeli nation-state project whose fault lines run through the systems of kinship and family law that have been the focus of my research. Yet before we return to Chen and Ya'ara, I first must take us far from their decision-making processes in Jerusalem and in Tzfat to a site of my own deliberations over anthropology, the Israeli occupation over Palestinians, and the place for academic investigations of privileged Israelis during politically fraught times.

The Jewish Question, Again

Denver was, in many ways, a homecoming. It was a literal homecoming, as I went back to the house I grew up in on Ash street to spend the night where I had slept as a child and eat sitting in the same seat at the kitchen table with the same fastidiousness to routine that my family had observed during my childhood.

It was also a homecoming to anthropology, attending the American Anthropological Association's 2015 annual meeting for the first time since returning from the field. This was my first chance to present work to my colleagues, advisors, and—if I was lucky—future employers. I was nervous to present, having become slowly more aware over the course of my graduate studies how Jewry, and Israeli Jewry in particular, appear to be ironically bereft of what Arjun Appadurai disparagingly has called “theoretical metonyms” (Appadurai 1986: 358); most anthropologists outside of Judaic Studies seemed to find them interesting but irrelevant at best and irrelevant but offensive at worst. I was beginning to find, as a discussant at a small meeting would later say of my paper, that most audiences “don't have any point of comparison to what's happening in Alex's paper. That is some crazy stuff.” I am, of course, not alone in finding that the people I studied remain obstinately uninteresting to my profession's tastes. Recounting her own AAA disorientation, Marcy Brink-Danan notes that due to Jews' “consistent efforts to seem less different from those around them [be it through the creation of a nation-state (Israel), assimilation, anti-racist activity, intermarriage, etc.], perhaps the result is an anthropology that has deemed them, well, not different in the interesting anthropological sense through which comparisons are fruitful” (Brink-Danan 2008: 684).

Our collective professional disinterest in Jews is less explainable for the extent to which various Jews, though mostly Biblical or European ones, have served as objects of thought for social theory widely used by anthropologists and anthropology. Though volumes have been written about philosophy's perhaps-smothering embrace of Jews (see Chaouat 2016 for an example), "the extent to which the Jew has served as the onco-mouse of social theory" continues to grow (though perhaps in less dated terms), widening the dissonant gap within anthropology between the theoretical but not ethnographic use of Jews (Kirshenblatt-Gimblett 1994: 340).

Which brings me to the third way in which Denver was a homecoming. The Denver AAA meeting was also the last meeting for the association before a vote was put to the entire membership over whether or not to enact a boycott of Israeli academic associations following a call put forward by a broad coalition of organizations in Palestinian civil society in the West Bank, Gaza, and the Palestinian diaspora on July 9, 2005 (US Campaign for the Academic and Cultural Boycott of Israel [USACBI] 2017). The AAA, if it had passed the resolution, would have become the first academic discipline's organization to join the BDS movement formally (see USACBI 2017 for a list of other participating academic professional organizations). In Denver, my area of study was coming home to anthropology not as an academic trend, but as an ethical issue.

During a panel entitled "The Jewish Question Again: Palestine, Europe, and the Elementary Structures of Expulsion," regional scholars whose own opinions on the boycott wildly differed offered an academic perspective on the historical and political dimensions both of Israel's existence as well as a certain strain of philosophical condemnation of it (namely, anti-Semitism). By the time the questions began, the panel had explored racial and religious European discriminatory practices towards Jews, and

their reincorporation into ethical discussions of Israel's own discrimination and subjugation of Palestinians. Once opened to the crowded audience however, the event's studied tone took a turn. One asked if the panelists were advocating for a Jewish genocide. Another expressed outrage at the panel's focus on Jews, when Palestinians—and their ongoing suffering—were clearly worthier subjects. I spent the next several months trying to avoid my colleagues' emails about the vote, increasingly worried by the language used by “both sides.”

At the 2016 conference in Minneapolis, I attended a panel by some of the members who had been heavily involved in the boycott movement, styled as reflections upon what had prevented the resolution from passing. During the discussion, several attendees mentioned the effects of “Jewish anthropologists” on the vote, suggesting that they were largely responsible for the no vote through a last minute mobilization of their colleagues' sympathies. Surprised by this logic, I ventured a comment that multiple populations in the United States have affective ties to the Israeli state, mentioning in particular scholarship done on US Christians' theological and political commitments to Zionism (see Ariel 2000; McAlister 2005). Several in attendance and on the panel seemed surprised about these connections, and readily admitted that they were largely unaware of anthropological works on Jews writ large in addition to works on the very state they were suggesting boycotting.

In concluding with this note, my intention is not to shame my colleagues nor deride their politics.¹ Rather, my intention here is to trace the ways in which

¹ For full disclosure, I am largely skeptical of the Boycott Divest and Sanction movement. Although I find its insistence of peaceful means of forcing Israel to the table admirable, I have found that many Israelis understand these tactics as another sign of global forces turning against the Jewish people, not an admonishment that their military behavior appears immoral to a worldwide human consensus. In addition,

contemporary academic politics about the Israeli occupation of Palestine and the Israeli oppression of certain Jewish peoples are perhaps mutually co-constituted. Indeed, underlying the debate at the AAA over whether or not (US) anthropologists should boycott the Israeli state, there is a curiously trenchant assumption: namely, that the Israeli state successfully represents the Jewish people. By this, what I mean is that the discourse—from a comment asking if one’s colleagues were advocating Jewish genocide in discussing the cultural history of anti-Israel political critique to lamenting the almost cabal-like actions of “Jewish anthropologists”—present within the AAA debate on the Israeli academic boycott assumed that A) the Israeli state, whatever its faults towards other populations, serves a uniquely valuable role in the preservation of the Jewish people; B) due to its unique relationship to the Jewish people, Jews both in at least Israel and the United States, though presumably also elsewhere, are uniquely compelled to defend Israel out of their loyalty to their coreligionists/coethnics and their own self-interest; and finally C) a critique of Israel must take as its basis the dismantlement of Israeli governmental policies that privilege Jews and Judaism over other peoples.

This last point is key; both pro- and anti-boycott camps at the AAA assumed that the boycott would urge Israel to deprioritize the status of Jewish persons and Judaism, for the former by creating a more equitable political representation of the Palestinian people and for the latter by risking the safe continuity of the Jewish people for whom Israel grants a unique political haven. Notice how both positions take for granted that Jews

the focus on the academic, and not high-tech, Israeli economic sector seems to me to be misguided, perhaps too easily enabling academics abroad to feel morally responsible in rejecting invitations to speak at Israeli institutions that may have been less than forthcoming in the first place while continuing to use personal computing and smartphone applications developed, in part, by one of the largest economic sectors in Israel.

today are protected uniquely by Israel? After reading the previous chapters, that assumption can be laid to rest.

Scholars and activists have begun to use Jewish cultural theory and Jewish ethical discursive traditions to articulate a form of contemporary Judaism and Jewishness not only separate from Israeli political Zionism, but critical of its motivations and excesses. Perhaps most prominent among these workers, Judith Butler, in writing to find a distinctly Jewish rationale against Zionist political claims, observed that such an effort is only made meaningful for its stakes in delegitimizing the Jewishness of the occupation of Palestinians. “So, though one needs to contest the hegemonic control Zionism exercises over Jewishness, one needs, equally, to contest the colonial subjugation Zionism has implied for the Palestinian people. In fact, one would not be concerned with the first hegemonic move (Jewish = Zionist) if one were not primarily concerned with ending the history of subjugation” (Butler 2012: 4). For Butler, being able to make conceptual room for a Jewishness separate from Zionism is necessary insofar as it opens the door to a Jewish critique of the occupation of Palestinians. I am not trained in rabbinic scholarship, and my own control over the myriad authors and thinkers to whom the term “Jewish ethical philosophy” could apply is far from masterful. I am, however, an ethnographer, and one interested in seeing what local forms of knowledge and life-making might be able, from the least extraordinary of places, to speak their own truths to these thinkers. With that intention in mind then, I wish to draw attention to how the particular adversities experienced by my largely bourgeois, Jewish interlocutors are rendered illegible by the seemingly opposed configurations of morality of the BDS critique of Israeli occupation and of the Zionist political narrative that Israel must exist, whatever the cost, so that the Jewish people may survive.

This is not to diminish or excuse other hardships present within Israel or the Israeli occupation. The military occupation of Palestine by Israel has produced often-violent disposessions of rights and human dignity of Palestinians (Swedenburg 2003; Kelly 2009; Said 1992) and the politically uneven horror of Palestinian terror attacks against Israeli citizens (Asad 2007; Hage 2003; Said 1992). The organized brutality of the Holocaust has contributed both to the painfully fragmented families, histories, and individual lives of Ashkenazi Jewry (Boyarin 2013; Butler 2012; Kahn 2000; Wistrich 1997; Zborowski and Herzog 1988) and also the enduring traumatic aggression of Israel (Arendt 2006; Butler 2012; Kahn 2000; Rose 2007; Shohat 2003). Indeed, the sensed urgency and grotesqueness of these other challenges and sufferings have allowed the moments of my interlocutors' more intimate and less overt symbolic (and sometimes physical) violence to sink beneath cultural recognition. And yet, their own stories reveal new fault lines within this conflict, ones perhaps opening opportunities for new social forms to emerge.

Before returning to Chen and Ya'ara's one last story for the reader's consideration, I wish to return again to the question posed at the end of my introduction: what family system, exactly, is normative in contemporary Israel? Throughout my fieldwork in Israel, I was repeatedly struck by how I had managed to mostly work with upper-middle class Ashkenazi-Jewish Israelis, a not only culturally privileged but hegemonic group, who nevertheless seemed to manage to consistently have their romantic desires and family ambitions interfered with by the state (see Weiss 2014 for a discussion of how this same group's cultural hegemony leads them to become conscientious objectors to military service). Yet if a group generally agreed to be hegemonic within the state was consistently at odds with the state's normative legal

procedures for family life, what exactly does such hegemony mean? Phrased differently, if the dominant Jewish cultural group in Israel is unable to use the Jewish state's family courts and bureaucracies practicing Jewish law in a way that makes sense to them, what does that mean for the Jewishness of the state? As I shall show, the Israeli state's production of the legal (as in, of the law) instruments of the uneven social suffering and abuse of divorce-refusal has created the conditions in which Jewish Israelis must not only attempt to protect themselves from themselves through documents like prenuptial agreements, but also must reorient their affective relationships to one another. For Jewish Israelis like Chen and Ya'ara, this necessitates understanding their relationship through seemingly illogical and paradoxical temporal ways.

If We Can't Hurt Each Other

Returning to the offices of ITIM, Chen and Ya'ara asked Batya what exactly a prenuptial agreement was.

"I thought prenuptial agreements were for rich people," Ya'ara told her. "Or people who aren't marrying for love," she added, more hesitantly.

Chen quickly agreed. "I knew someone who got a prenuptial agreement once. His parents didn't like her, and they convinced him that she was going to take their apartment for herself once she got a child from him."

Batya, I had learned from other conversations, is used to this assumption. "Well, some people do have that type of prenuptial agreement, but there are many kinds. Sometimes people get different lawyers to push for their interests in the relationship. But I want to talk to you about a mutual respect agreement." (in Hebrew *hiskem le-kvod hadadi*, as opposed to the *hiskem terom nisu'in*, literally a before marriage agreement)

In Israel, there are a range of prenuptial agreements available, designating the terms for custody, division of property, *mezonot* (literally meaning “foods” but better glossed as “legal sustenance”), housing, and—more uniquely to Jewish Israel—divorce refusal. This last clause, the prevention of divorce refusal, is the main purpose of the mutual respect agreement pushed by Batya.

“I think that it’s good for couples to agree to certain things before they get married, responsibilities that they can live by in their marriage. It puts everything in the open,” Batya said. “That way, even if things should go wrong, you have both agreed to treat each other with the respect and love that you have for each other right now.”

Chen and Ya’ara promised Batya to think about it, and thanked her for her assistance with marriage registration.

When I checked in with them later that week, we began to talk about whether they would sign the mutual respect agreement.

“We looked at the one online,” Chen said. “It doesn’t actually stop us from going to court if we break up. We just agree that we’ll let a civil court handle it instead of the rabbinic court, and that we’ll look after each other until we have a *get*, you know, the weird Jewish parts.”

“You know, he can’t just leave me for some other woman,” Ya’ara told me, laughing. “He can’t be a piece of shit.”

Chen mocked a mortified face. “When am I a jerk?” he asked her.

“Always,” Ya’ara replied, smiling. “No, I love you jerk, don’t worry. But it’s good that you’ll be safe if I ever want to hurt you.” Her tone shifted. “It’d be good if we can’t hurt each other.” She turned towards me once more. “We decided to sign it.”

As Chen and Ya'ara debated the merits of the prenuptial agreement, their relationship began to multiply: one in which the couple was in love, another in which they were bitterly estranged. In their discussion with me, they were both in love, and afraid of the love they no longer had. Happily married in a state religious wedding, and barring a Jewish court with its “weird... parts” from negotiating their divorce. The prenuptial agreement mediated in between these multiple versions of their relationship to each other and to the state, a window through which they consciously reflected upon these different figures of themselves and each other.

Yet as Chen and Ya'ara looked through their prenuptial agreement, they experienced both the excitement for their upcoming marriage, as well as the hurt of its dissolution. In contemporary Israel, mutual respect agreements necessitate couples to dwell in multiple temporalities, experiencing both their marriage and divorce as simultaneous, contradictory configurations of emotion and affect. Indeed, it is through this emotional space that Chen and Ya'ara were able to sign the prenuptial agreement and decide their future—as Batya put it—“when they are still in love.”

In their own negotiations around the prenuptial agreement, Chen and Ya'ara also negotiated their own relationship to each other in numerous temporal spaces. In these multiplicities of times, their obligations to each other are both contradictory (i.e. their divorce excludes the possibility of their continued love) yet predicated logically on one another (i.e. because they are in love now, they want to protect each other in the future). Throughout and indeed because of these convoluted multiple temporal imaginings, Chen and Ya'ara are able to articulate their own desires for a relationship for one another within the realities of Israeli marital law. In other words, in speaking about their prenuptial agreement, Chen and Ya'ara were negotiating their own potential social

relationships to one another within contemporary Israeli kinship and legal systems that simultaneously understand divorce to be a possibility *and* a potential social death for women (see Borneman 1996: 228-229 for how marriage conceptually relates to abjection and death in anthropology). In this moment, I suggest, the prenuptial agreement foregrounds how “time articulates people’s understandings of agency” insofar as it renders Ya’ara and Chen’s possible relationships, actions, and agencies in focus both to themselves and to other observers like a state-rabbi and an eager ethnographer (Greenhouse 1996: 1).

The mutual respect agreement allowed Chen and Ya’ara to maintain both hope and cynicism for their relationship simultaneously. They were able to picture two futures for themselves without resolving which one was “real.” As Ya’ara put it, “It’d be good if we can’t hurt each other,” signifying a fear of something going wrong in their relationship, yet—counter-intuitively—one only experienced from the perspective of one’s investment in the other person’s wellbeing. To protect themselves from the potential violences the Israeli state could enable them to take against one another (though, with a slippage in the gendered uses of that power in their own understanding), they worked to understand their own current affections for one another and the potential grounds for their estrangements as both mutually consonant and incompatible. In order to be married, they needed to picture the very real consequences and social dangers marriage brings.

However, the prenuptial agreement here also made other possible actors’ agencies recede. The entire exercise of the prenuptial agreement, it should be remembered, is not to protect Ya’ara from Chen (and, to a lesser extent, him from her), but rather to prevent Chen from exercising his religious prerogative to reject a divorce from Ya’ara in a

rabbinic court. Yet as the couple debated signing the prenuptial agreement with the different configurations of responsibility, action, and affect each future entailed, the state's Jewish control over family law appeared flat and curiously inevitable. Chen and Ya'ara's need to evaluate their own possible shifts in relation was prompted out of Batya's concern in reducing the amount of women living as agunot in Israel, a situation which arises from Israel's legal empowerment of narrowly-interpreted Orthodox Jewish law as a mandatory framework for Jewish family life. The solution offered however focused on Ya'ara and Chen's individual responsibilities to one another, framed powerfully within the affective condition of their love.

Within the space of contemporary Israel, such a solution is not shocking. Others have noted an expansion of neoliberal values of personal responsibility and free market solutions within the Israeli political sphere before (Ben-Porat 2013; Dalsheim 2011; Kanaaneh 2002; Kahn 2000). Yet this solution requires an enormous amount of emotional labor to be placed upon individual couples as seen above and is not necessarily even vindicated socially or legally. Indeed, not every interlocutor Chen and Ya'ara faced agreed with their decision. When they took their prenuptial agreement into the Tzfat rabbinate to be notarized, the rabbi-bureaucrat on staff, Rabbi Ben-Tzur, refused to sign the agreement.

"What are you two worried about?" he asked. "These agreements, they are for people who don't love each other. We don't like doing them here, because it means that this marriage isn't going to last." He turned to Chen directly. "You know, these agreements are about women who just want to get things from you." Chen awkwardly shifted back towards Ya'ara.

Ya'ara faced the rabbi now. "We just want to be safe. We want to begin our marriage with love."

Rabbi Ben-Tzur stopped her. "No, no, you begin your marriage in love if you love each other, not by already getting ready to leave it. If you are already ready to break up, then you should not get married."

Chen and Ya'ara left, their agreement still not notarized. They eventually hired a private lawyer to notarize the document for them, and married within the Tzfat rabbinate without revealing that they had done so.

For Rabbi Ben-Tzur, the affective mingling of multiple temporalities in which Ya'ara and Chen negotiated their potential actions and reactions to one another is impossible. Individuals who sign prenuptial agreements have already decided upon their relationship's viability in the present: the mutual respect agreement becomes metonymic for the moribund couple that signed it. As he told them, "If you are already ready to break up, then you should not get married." If Chen and Ya'ara can picture their future apart, then they should not marry now. One's ability to act in the present is predicated upon imagining one, coherent future in such an understanding.

Working on transgender legal issues in the United Kingdom, Emily Grabham demonstrates "how 'transition' is legally achieved" (Grabham 2016: 119) by emphasizing that a person will (intend to) live as their reclassified gender "until death;" as such, a temporal referent establishes "governmental and administrative *certainty* for the processes contained in the bill" (Grabham 2016: 126 *emphasis in the original*). To this effect, the temporal orientation of a person's transition "until death" achieves a seemingly certain limit on "reckless" gender transitions while remaining technically open to the possibility of multiple transitions (Grabham 2016: 135). In this same vein, Rabbi Ben-Tzur's worry

that a couple “is already ready to break up” provides a temporal legal framework for marriage that envisions it as enduring throughout one’s lifetime, yet, through its basis in the couple’s current affective relationship and expectations, provides a logical basis for the legal option of a future divorce. Moreover, if Chen and Ya’ara are going to break up, they should not ask Rabbi Ben-Tzur to provide them a false marriage ceremony now, invoking a covenant with the divine that they have no intention of keeping (see Chapter Five). In so doing, he is also outlining a proper affective conduct for marriage, one in which individuals do not seek already to protect themselves from its potential harms, yet one whose normative messaging lies outside of the concerns and needs of couples like Chen and Ya’ara.

Even in attempting to negotiate a legal resolution to the potentiality of get-refusal, Ya’ara and Chen ultimately were denied by the state religious employee legally bound to accept their agreement. At the conclusion of this work, such a response is no longer surprising. Prenuptial agreements represent a potential infringement upon the Orthodox rabbinical control of family life in Israeli law, not only encouraging but also dictating that more couples will use alternative legal venues in case of a divorce (an action already despised in Chapter Five). As seen by Rabbi Ben-Tzur’s response, such agreements also violate the image of family affairs upon which these organizations are predicated, implying that unions framed within Orthodox ceremony and ideology as pre-ordained are easily undone and should be protected against. Even state-sanctioned, individual-level attempts to protect Israelis in relationships based on a romantic love held to be intense, potentially fleeting, and mysterious to those involved are rejected by state rabbinical actors.

Lauren Berlant, discussing the particular desires of Euro-American societies in the 21st Century, writes: “A relation of cruel optimism exists when something you desire is actually an obstacle to your flourishing” (Berlant 2011: 1). We believe certain things will help our lives improve; yet these attractions increasingly further constrain us. For Berlant, cruel optimism must always be a form of false consciousness; if a person knew her desires would end up harming her, she wouldn’t have them. Yet as we have seen, Chen and Ya’ara negotiate a very different affective condition, one in which they are able to understand that their love (and marriage) could place them in danger of very particular forms of social suffering produced within the political context of the Israeli state (alongside the ‘routine’ heartbreak in the loss of one’s object of affection) while still maintaining that love in the moment. In other words, if Berlant understands cruel optimism to be the chronological movement in which our desires now end up surprisingly being our undoing later, then Chen and Ya’ara instead are able to foresee their undoing later and yet still desire one another nonetheless.²

From this perspective, I argue that Chen and Ya’ara, despite their self-avowed heterosexuality, are decidedly queer insofar as queer “dramatise[s] incoherencies in the allegedly stable relations between chromosomal sex, gender, and sexual desire... [and] focuses on the mismatches between sex, gender, and desire” (Jagose 1996: 1). Scholars have a long history of destabilizing an assumed stability within homosexuality (see Butler 2006; Foucault 1990; Lancaster 2003; El-Rouayheb 2009; Massad 2008 for examples), and ethnographies in particular have often opened up breaks and disjunctions within assumed categorizations of homosexual and transgendered social categories (see Herdt

² João Biehl and Peter Locke also point to the ethnographic potential to locate where “people can be stuck and do things,” revealing how an ethnographic sensorium might be able to attend to an ongoing unfurling of potentialities that Berlant’s historic one misses (Biehl and Locke 2017).

1994; Weston 1997; Herdt and Stoller 1990; Povinelli 2006; Kulick 1998 for examples), yet despite attempts to queer heterosexuality in my own field, as it were (see Boyarin 1997; Boyarin 2008 for examples), few anthropologists have explicitly troubled the apparent global flatness of heterosexuality as they found it in the field. Yet Chen and Ya'ara's relationship, and their modes of thinking through it, reflect ruptures between their sexual desires, social imaginings of what a relationship looks like, and their expectations of gendered parity as well as social autonomy, subverting the assumed ubiquity of their heterosexuality. Their queerness comes about not through the incoherencies in the relations of sex/gender/desire atemporally however, but only through their juxtapositions and rearrangements through time. What makes this affect queer is not its objects, but rather its ability to maintain desire clear-eyed into the future possibility of its failure; its queerness emerges not in the unconscious betrayal of cruel optimism, but rather in the bittersweet enthusiasm of—if one pardons the language—a hopeful pessimism.

Throughout this work, I have argued that privileged, secular, Askenazi-Jewish, Israeli-born couples (heterosexual and not) are nonetheless consistently confounded by state religious procedures when attempting to solemnity their family statuses as couples, as lovers, and as exes by members of the state Orthodox religious bureaucracies, themselves often significantly more economically disadvantaged. In the first chapter, such a confrontation was even humorous, as though their personal lives were being judged by a courtroom so foreign as to be alien. In the second, I demonstrated how, for such couples, avoiding the religious bureaucracies all together can often be more protective and even unintentionally generative of further protections. Moreover, the rituals that can perform this social work of sanctioning one's relationships are, for some secular Israelis, more

efficacious when not performed by legally able, Orthodox officiants and better able to integrate them into an Israeli cosmological imagining of Jewish history and Jewishness as shown in Chapter Three. For those who do not opt out, as it were, this process can invalidate even the seeming fixture of their Jewish identity, as seen in Chapter Four, or trap them within a legal system that itself has become a form of domestic abuse, as happened to Alina, or through physical and symbolic structural violence, as happened to husbands at the hands of private eyes and rabbinical court employees, in the fifth chapter.

In concluding with Chen and Ya'ara's story then, what I wish to emphasize is how the establishments of state-religious actors as facilitators and executors of family law as well as keepers of pristine Jewish religion enables these privileged individuals to be institutionally discriminated against, disenfranchised, and—as happened for Chen and Ya'ara—forced outside the temporal orientations of normative Jewish-Israeli family life. This positioning makes Orthodox Jewish strictures into obstacles to be overcome for couples be it through legal arrangements, like Chen and Ya'ara, as well as lying, complex paperwork, or just avoidance as seen in the previous chapters instead of as metrics for good living. It also divides the ways of being in a relationship to someone or in a family that are socialized within this community from the religio-legal standards the state upholds. What these Israeli stories, I offer, can collectively teach us is how to queer the temporal affective relationships between citizens and states, family and political society. This temporal queering occurs not on the basis of the objects unable to be properly rendered in the local regimes of knowledge-making for gender, sex, and sexual desire, but rather in the temporal inconsistencies in which state conditions can force the everyday affects of family life. Chen and Ya'ara, I have argued, are queer insofar as they must read their own possibilities of togetherness against the grain of state means of producing

governable gendered subjects, ethno-religious subjects, and family collectives. They are queer insofar as they must encounter the very real possibilities of socially produced failure and suffering within the very face of their desire. Temporal queerness, in this light, must be read as a conscious holding together of incompatible desires and temporalities, a means of navigating fraught social terrain that does not ignore or paint over the inconsistencies a given hegemonic frame possesses, but rather actively uses those illogics to create its own reasoning. It is being able to picture the potential grave abuses of state power and law your loved ones may wield against you from within the framework of when you are still in love.

Yet what does such a temporal queerness mean for Israel? This queerness, I offer, can disrupt the underlying assumption of the Israeli political project, as its very existence points to the ways in which the state not only does not facilitate but actively forces Jewish citizens to understand the socially-produced dangers of their desires.

In attempting to move away from the simplified dichotomies of the term “patriarchy” that miss the ways in which multiple identities affect systems of oppression, theologian Elizabeth Schüssler Fiorenza coined the term, “kyriarchy,” which she saw “as a complex pyramidal system of intersecting multiplicative social structures of superordination and subordination, of ruling and oppression” enabling one to theorize how, say, a transgendered heterosexual white woman in the US may have social privileges a cisgendered homosexual black male does not but also experiences forms of systemic social oppression that he does not (Schüssler Fiorenza 2001: 118). This is not to say that kyriarchy is an ahistorical fact; for Schüssler Fiorenza, these various “structural positions” within society do not dictate the ways in which we behave, but rather are a means by which “to investigate the multiple interdependence” of various social identities

(Schüssler Fiorenza 2001: 119). In other words, through focusing on kyriarchy, one is not attempting to define a system of various social oppressions, but rather see the means through which they instantiate, enforce, and reproduce one another within any given particular sociocultural context.

In thinking then about Palestine and Israel through this vantage, I wish to call into question the legitimacy of the claim that Israel is, without qualifiers, a Jewish state insofar as it possesses the structural modes of oppression seen throughout this work in law, in discursive ideology, and social praxis that deprive certain Jews of their religio-ethnic heritage and identity and discriminate against certain Jewish family practices and forms. Moreover, to ask such a question is to also ask about the Israeli state's political motivation and legitimacy in the occupation. Indeed, viewed as a kyriarchy, the Israeli state's continued monitoring, categorizing, (de)legitimizing, and queering of particular Jewish family structures and heritages enables the creation and maintenance of an ideology that prioritizes an ahistorical Jewish culture (very much singular) whose precondition to survival is the existence of and support for an ethno-national Zionist state. For Chen and Ya'ara to need to view their own relationship within a temporally queer framework that draws attention to the possible pain to themselves their love can exert through the state points to the Jewish state's inability to create and maintain 'straight' (as it were) affective relationships between Jews within which their desires and the possibilities for their desires to flourish and not hurt are aligned.

I am not the first to make this later claim, nor the most philosophically capable (here, once again, I must offer my gratitude to Judith Butler's framing of this issue within Judaic ethical traditions). However, my work within Israel offers its humble support of these claims not through any grand philosophizing on my part, but rather through the

unfortunately ordinary stories of Jewish ambitions and desires becoming queer-wanted, unable to be fulfilled, and yet still pursued—recorded within this ethnography that collectively show a different human face of the consequences of the particular Jewishness formed and enforced under these historical and political conditions.

Assumed within our discussions (be that ‘our’ inclusive of anthropologists or politically-engaged people across the world) on the Israeli-Palestinian conflict is that each entity conveyed within that hyphenate somehow represents the community it contains. Much scholarship has been done to demonstrate the political validity of Palestine and Palestinians (see Said 1992; Swedenburg 2003 for examples). Yet very little has regarded the same claim by the Israeli state to be “the Jewish state.” That claim is an empirical question, and one particularly worth asking for a settler-colonial state that emerged out of the various Jewish peoples for whom the term ‘diaspora’ was invented (Boyarin and Boyarin 2008).

Numerous recent accounts have seriously probed Israel’s self-representation internally and to the world as a democratic state (Yiftachel 2000; Kelly 2009; Weizman 2012; Weiss and Gross-Horowitz 2013). Relatively little critical evaluation has occurred over Israel’s similar self-representation as the *Jewish* state. Indeed, many accounts that have engaged the Jewish character of the state have located actions through which various arms of the Israeli state use Biblical textual literalism (Abu El-Haj 2001: 47, 58, 123), rabbinic *halakha* (Kahn 2000: 79, 105, 146-147), or racial ethno-nationalism (Kanaaneh 2002: 230-246; Kelly 2009: 14) to encourage a more Jewish state to come into being. However, all take at face value the idea that governmental action in reference to Jewish texts, Jewish law, or Jewish people make the state itself Jewish. In so doing, the claim that “the Jews, *like any other people*, control their own destiny in their sovereign state”

(as taken from the Declaration of the Establishment of the State of Israel [Ben-Gurion 1948 *emphasis mine*]) is accepted as self-evident. Yet the sentiment that Jews and their state are “like any other people” should be no more readily apparent to scholars today than it was for contemporary critics of Zionism (see Rose 2007 for dissenting voices in Zionism).³ Others have noted that different interpretations of what Judaism “is” exist within Israel and its governing bodies, sowing conflict in the ideological basis for the state of Israel for “if the meaning of ‘Jewish’ is unresolved, how can the nature of the ‘Jewish state’ be determined?” (Yiftachel 2000: 134). In the meanwhile, this absence for an authoritative interpretation of Judaism allows the Israeli state to use its Jewish arms to govern, discipline, and limit the freedoms of Jews who reside within it (see Dalsheim forthcoming for the “*forcible* inclusion” of Jews within Israel as a limit to Jewish self-determination).

However, through this project, I have seen that Israeli Jews are consistently taking not only the state, but the discursive tradition of Judaism itself, as a barrier to their desired families and to their loves. The temporal queerness of Chen and Ya’ara’s prenuptial agreement exists because they were both cautioned and then internalized that the Jewish law of the state could enable them to do real damage to one another. We, as anthropologists and scholars of everyday life, need to take seriously the ways in which Israel as a political project actually poses an obstacle to at least a certain type of Jewish flourishing, and at least a certain type of Jewishness. To do otherwise is to risk capitulating to the state’s ideology that it is the best or even only means for a continued Jewish presence in the world (Rose 2007). Such an assumption not only does a disservice

³ Notably, Ahad Ha’am’s account of a Zionist homeland “is a fixed spot to serve as a ‘national, spiritual center,’ a ‘safe retreat,’ not for the Jews, but for Judaism, for the spirit of our people” that operated to renew the *distinctiveness* of Jews worldwide (Ha’am 1891).

to my interlocutors in the field, but also to the political aims of the Palestinian people, whose own desires towards human dignity at the very least (and perhaps towards national sovereignty) should not be allowed to be falsely weighed against the claim that Israel in its current form is the best or only means for Jewish survival.

In the meantime, stories like the ones seen within this work will only, I fear, become more commonplace as many Israeli Jews are forced to negotiate their own desires against a claim of authentic Judaism propagated by the state. And more Israeli Jews on the ground will, ironically, find their family aspirations and lives looking increasingly queer within state-enabled futures.

Works Cited

Abu El-Haj, Nadia

2001 *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society*. Chicago: The University of Chicago Press.

2014 *The Genealogical Science: The Search for Jewish Origins and the Politics of Epistemology*.

Ágoston, Gábor, and Bruce Alan Masters, eds.

2009 *Encyclopedia of the Ottoman Empire*. Facts on File Library of World History. New York, NY: Facts On File.

Ahmed, Leila

2012 *A Border Passage: From Cairo to America--a Woman's Journey*. New York: Penguin Books.

Almliah, No'a

2015 Without a Canopy and With the Same Rights (Bli Hupa ve-'im 'otan zahuyiyut). Mako, November 12. <http://www.mako.co.il/finances-magazine/Article-0f3e2aaefb1f051006.htm>, accessed July 14, 2017.

Alpers, Svetlana, and Jean-François Sené

1987 Rembrandt, Un Maître Dans Son Atelier. *Annales. Histoire, Sciences Sociales* 42e Année(No. 1 (Jan.-Feb., 1987)): 3–25.

Amichai, Yehuda, and Robert Alter

2015 *The Poetry of Yehuda Amichai*. First edition. New York: Farrar, Straus and Giroux.

Anderson, Benedict R. O'G

2006 *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Rev. ed. London ; New York: Verso.

An-Ski, S., David G. Roskies, and Golda Werman

2002 *The Dybbuk and Other Writings*. Modern Yiddish Library. New Haven ; London: Yale University Press.

Appadurai, Arjun

1986 Theory in Anthropology: Center and Periphery. *Comparative Studies in Society and History* 28(2): 356–361.

Arendt, Hannah

1996 We Refugees. *In Altogether Elsewhere: Writers on Exile*. 1st Harvest ed. Marc Robinson, ed. Pp. 110–19. A Harvest Book. San Diego: Harcourt Brace.

1998 *The Human Condition*. 2nd ed. Chicago: University of Chicago Press.

2006 Eichmann in Jerusalem: A Report on the Banality of Evil. Penguin Classics. New York, N.Y: Penguin Books.

Ariel, Yaakov S.

2000 Evangelizing the Chosen People: Missions to the Jews in America, 1880-2000. Chapel Hill: University of North Carolina Press.

Asad, Talal

2003 Formations of the Secular: Christianity, Islam, Modernity. Cultural Memory in the Present. Stanford, Calif: Stanford University Press.

2007 On Suicide Bombing. Wellek Library Lectures. New York: Columbia University Press.

Barthes, Roland

2010 A Lover's Discourse: Fragments. Paperback edition. New York: Hill and Wang.

Bashkow, Ira

2006 The Meaning of Whitemen: Race and Modernity in the Orokaiva Cultural World. Chicago: University of Chicago Press.

Bassok, Moti

2010 Poll: Fewer Than Half of Israelis See Themselves as Secular. Haaretz, September 13. <http://www.haaretz.com/jewish/poll-fewer-than-half-of-israelis-see-themselves-as-secular-1.313462>, accessed October 19, 2016.

Bauman, Zygmunt

2000 Modernity and the Holocaust. Ithaca, N.Y: Cornell University Press.

Ben-Gurion, David

1948 Declaration of the Establishment of the State of Israel. Israel Ministry of Consular Affairs.

<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>, accessed October 15, 2016.

Benn, Aluf

2010 A Danger Called Constitution. Haaretz, June 12. <http://www.haaretz.com/print-edition/opinion/a-danger-called-constitution-1.296458>, accessed October 14, 2016.

Ben-Porat, Guy

2013 Between State and Synagogue: The Secularization of Contemporary Israel. Cambridge Middle East Studies. Cambridge; New York: Cambridge University Press.

Ben-Zikri, Almog

2017 Southern Israeli City's First Pride Parade Draws 3,500 Participants; Knife-Wielding Haredi Man Arrested. Haaretz, June 23. <https://www.haaretz.com/israel-news/1.797429>, accessed November 21, 2017.

Berlant, Lauren Gail

2011 *Cruel Optimism*. Durham: Duke University Press.

BFreeIsrael (Israel Hofshit), dir.

2011 Choose Your Way to Get Married in Israel.

https://www.youtube.com/watch?v=zuUNBmKbJ_c, accessed June 2, 2017.

Biehl, João

2013 The Judicialization of Biopolitics: Claiming the Right to Pharmaceuticals in Brazilian Courts: The Judicialization of Biopolitics. *American Ethnologist* 40(3): 419–436.

Biehl, João Guilherme, and Peter Andrew Locke

2017 Introduction: Ethnographic Sensorium. *In* *Unfinished: The Anthropology of Becoming*. João Guilherme Biehl and Peter Andrew Locke, eds. Pp. 1–38. Durham: Duke University Press.

Biehl, João Guilherme, and Adriana Petryna

2013 Legal Remedies Therapeutic Markets and the Judicialization of the Right to Health. *In* *When People Come First: Critical Studies in Global Health*. João Guilherme Biehl and Adriana Petryna, eds. Pp. 325–46. Princeton: Princeton University Press.

Biehl, João, and Adriana Petryna

2011 Bodies of Rights and Therapeutic Markets. *Social Research* 78(2): 359–86.

Bilsky, Leora

1998 Giving Voice to Women: An Israeli Case Study. *Israel Studies* 3(2). *Law and the Transformation of Israeli Society* (Fall, 1998): 47–79.

Blecher-Prigat, Ayelet, and Benjamin Shmueli

2009 The Interplay Between Tort Law and Religious Family Law: The Israeli Case. *Arizona Journal of International and Comparative Law* 26(2): 279–301.

Borneman, John

1996 Until Death Do Us Part: Marriage/Death in Anthropological Discourse. *American Ethnologist* 23(2): 215–235.

2010 Caring and Being Cared for: Displacing Marriage, Kinship, Gender and Sexuality. *International Social Science Journal* 49(154): 573–584.

Borschel-Dan, Amanda

2015 Will Orthodox Israelis' Revolt against the Chief Rabbinate Spur a Domino Effect? *Times of Israel*, December 27. <https://www.timesofisrael.com/will-orthodox-israelis-revolt-against-the-chief-rabbinate-spur-a-domino-effect/>, accessed October 26, 2017.

Bourdieu, Pierre

2010 *Outline of a Theory of Practice*. 25th printing. Cambridge Studies in Social and Cultural Anthropology, 16. Cambridge: Cambridge Univ. Press.

Bourgois, Philippe I., and Jeff Schonberg

2009 *Righteous Dopefiend*. California Series in Public Anthropology, 21. Berkeley: University of California Press.

Bowman, Glenn

1989 *Fucking Tourists: Sexual Relations and Tourism in Jerusalem's Old City*. *Critique of Anthropology* 9(2): 77–93.

Boyarin, Daniel

1997 *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man*. Contraversions, 8. Berkeley: University of California Press.

2008 *Carnal Israel: Reading Sex in Talmudic Culture*. Berkeley (Calif.): Univ. of Calif. Press.

Boyarin, Daniel, and Jonathan Boyarin

2008 *Diaspora: Generation and the Ground of Jewish Identity*. In *Postzionism: A Reader*. Laurence J. Silberstein, ed. Pp. 329–44. New Brunswick, N.J.: Rutgers University Press.

Boyarin, Jonathan

1992 *Storm from Paradise: The Politics of Jewish Memory*. Minneapolis: University of Minnesota Press.

2013 *Jewish Families*. *Key Words in Jewish Studies*, 4. New Brunswick, New Jersey ; London: Rutgers University Press.

Breitowitz, Irving

1992 *The Plight of the Agunah: A Study in Halacha, Contract, and the First Amendment*. *Maryland Law Review* 51(2): 312–421.

Brink-Danan, Marcy

2008 *Anthropological Perspectives on Judaism: A Comparative Review*. *Religion Compass* 2(4): 674–688.

Brunwasser, Karen

2014 *A Ruinous Monopoly*. *Washington Jewish Week*, February 19. <http://washingtonjewishweek.com/10337/a-ruinous-monopoly/editorial-opinion/voices/>, accessed October 11, 2017.

Bunzl, Matti

2004 *Symptoms of Modernity: Jews and Queers in Late-Twentieth-Century Vienna*. Berkeley: University of California Press.

Butler, Judith

2006 *Gender Trouble: Feminism and the Subversion of Identity*. Routledge Classics. New York: Routledge.

2012 *Parting Ways: Jewishness and the Critique of Zionism*. New York, NY: Columbia Univ. Press.

Cantor, Donald J., ed.

2006 *Same-Sex Marriage: The Legal and Psychological Evolution in America*. Middletown, Conn: Wesleyan University Press.

Catholic Liturgy

1998 *Rite of Marriage During Mass*. Catholic Liturgy.

<http://www.catholicliturgy.com/index.cfm/fuseaction/textcontents/index/4/subindex/67/textindex/8>, accessed February 10, 2017.

Center for Women's Justice, CWJ

2014 *Glossary: Legal and Religious Terms*. <http://www.cwj.org.il/en/glossary>, accessed February 10, 2017.

Central Bureau of Statistics

2012 *The Social Survey Israel, 2009-2010*. Central Bureau of Statistics.

<http://www.cbs.gov.il/statistical/seker-chevrati-e124.pdf>, accessed October 19, 2016.

2017 *Press Release (Hoda'ya le-Tikshoret): On the Eve of Israel's 69 th Independence Day - 8.7 Million Residents in the State of Israel (Erez Yom ha-Atzma'ut ha-69 le-Medinat Yisra'el - ke-8.7 Miliyon Toshvim ba-Medina)*.

http://www.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=201711113, accessed July 14, 2017.

Chaouat, Bruno

2016 *Is Theory Good for the Jews?* Liverpool: Liverpool University Press.

Clark-Decès, Isabelle

2014 *The Right Spouse: Preferential Marriages in Tamil Nadu*. Stanford, California: Stanford University Press.

Clastres, Pierre

2007 *Society against the State: Essays in Political Anthropology*. 6. printing. New York: Zone Books.

Clastres, Pierre, and Paul Auster

2000 *Chronicle of the Guayaki Indians*. New York: Zone Books.

Cohn, Bernard S.

1996 *Colonialism and Its Forms of Knowledge: The British in India*. Princeton Studies in Culture/Power/History. Princeton, N.J: Princeton University Press.

Connell, Raewyn

1987 *Gender and Power: Society, the Person, and Sexual Politics*. Stanford, Calif: Stanford University Press.

Coontz, Stephanie

2006 *Marriage, a History: How Love Conquered Marriage*. New York, NY: Penguin Books.

Dalsheim, Joyce

Forthcoming *On Goat Surveillance and the Problem of Being Jewish in the Jewish State*.

2011 *Unsettling Gaza: Secular Liberalism, Radical Religion, and the Israeli Settlement Project*. Oxford: New York: Oxford University Press.

Deleuze, Gilles

1998 *Having an Idea in Cinema [On the Cinema of Straub-Huillet]*. In Deleuze & Guattari: *New Mappings in Politics, Philosophy, and Culture*. Eleanor Kaufman and Kevin Jon Heller, eds. Pp. 14–19. Minneapolis: University of Minnesota Press.

Deleuze, Gilles, and Constantin V Boundas

1990 *The Logic of Sense*. New York: Columbia Univ. Press.

Deleuze, Gilles, and Félix Guattari

1987 *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: University of Minnesota Press.

2009 *Anti-Oedipus: Capitalism and Schizophrenia*. Penguin Classics. New York, NY: Penguin Books.

Drago, Margherita

2011 *Dangerous Liaisons: Perceptions on Arab/Jewish Inter-marriage in Israel*. *Culture Matters*. <https://culturematters.wordpress.com/2011/08/09/dangerous-liaisons-perceptions-on-arabjewish-intermarriage-in-israel/>, accessed October 4, 2017.

El-Rouayheb, Khaled

2009 *Before Homosexuality in the Arab-Islamic World, 1500-1800*. Chicago, Ill.: University of Chicago Press.

Erlich, Yifat

2016 *Alternative Wedding Revolution Underway in Israel*. YNet, September 24. <https://www.ynetnews.com/articles/0,7340,L-4858374,00.html>, accessed October 26, 2017.

Ettinger, Yair

2013 *Israeli Divorce Refusenik Breaks Out of Jerusalem Rabbinical Court*. Haaretz, March 6. <http://www.haaretz.com/israel-news/israeli-divorce-refusenik-breaks-out-of-jerusalem-rabbinical-court.premium-1.507782>, accessed October 15, 2016.

Eugenides, Jeffrey

2012 *The Marriage Plot: A Novel*. 1st Picador edition. New York, NY: Picador.

Falk Moore, Sally

1994 *The Ethnography of the Present and the Analysis of Process*. In *Assessing Cultural Anthropology*. Robert Borofsky, ed. Pp. 362–76. New York: McGraw-Hill.

Fassin, Didier

2012 *Humanitarian Reason: A Moral History of the Present Times*. Berkeley: University of California Press.

Feldman, Ilana

2008 *Governing Gaza: Bureaucracy, Authority, and the Work of Rule, 1917-1967*. Durham: Duke University Press.

Fink, Amir Sumaka'i, and Jacob Press, eds.

1999 *Independence Park: The Lives of Gay Men in Israel*. *Contraversions*. Stanford, Calif: Stanford University Press.

Fishbayn, Lisa

2011 *Gender, Colonialism and Rabbinical Courts in Mandate Palestine*. *Religion and Gender* 2(1): 101.

Fogiel-Bijaoui, Sylvie

2013 *The Spousal Covenant (Brit Hazugiut), or the Covenant with the Status Quo*. *Israel Studies Review* 28(2). <http://berghahnjournals.com/view/journals/israel-studies-review/28/2/isr280213.xml>, accessed March 3, 2017.

Foucault, Michel

1990 *The History of Sexuality*. Vintage Books ed. New York: Vintage Books.

Friedman, Menachem

1995 *The Structural Foundation for Religio-Political Accommodation in Israel: Fallacy and Reality*. In *Israel: The First Decade of Independence*. S. Ilan Troen and Noah Lucas, eds. Pp. 51–81. SUNY Series in Israeli Studies. Albany: State University of New York Press.

Geertz, Clifford

2001 *Fact and Law in Comparative Perspective*. In *Local Knowledge: Further Essays in Interpretive Anthropology*. 3. ed., [repr.]. Pp. 167–234. New York, NY: Basic Books.

Goldberg, Harvey

2015 *How Do We Know When a Society Is Changing? Reflections on Liberal Judaism in Israel*. In *Toward an Anthropology of Nation Building and Unbuilding in Israel*. Fran Markowitz, ed. Pp. 215–28. Lincoln: University of Nebraska Press.

Gough, E. Kathleen

1959 The Nayars and the Definition of Marriage. *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* 89(1): 23.

Grabham, Emily

2016 *Brewing Legal Times: Things, Form, and the Enactment of Law*. Toronto Buffalo London: University of Toronto Press.

Greenhouse, Carol J.

1996 *A Moment's Notice: Time Politics across Cultures*. Ithaca, N.Y: Cornell University Press.

Gross, David C., and Esther R. Gross

1996 *Under the Wedding Canopy: Love and Marriage in Judaism*. New York: Hippocrene Books.

Ha'am, Ahad

1891 An Open Letter to My Bretheren in the Spirit. Jewish Virtual Library. <http://www.jewishvirtuallibrary.org/quot-an-open-letter-to-my-bretheren-in-the-spirit-quot-ahad-ha-am>, accessed October 4, 2017.

Hage, G.

2003 "Comes a Time We Are All Enthusiasm": Understanding Palestinian Suicide Bombers in Times of Exigophobia. *Public Culture* 15(1): 65–89.

Harel, Amos, and Gili Cohen

2014 Increase in Israeli Women Faking Faith to Dodge Draft. *Haaretz*, February 27. <http://www.haaretz.com/israel-news/.premium-1.576683>, accessed October 15, 2016.

Havay, Michael

n.d. Definition of Common-Law (Hagderet Yedu'im be-Tzibur). <http://www.cmichael-law.co.il/%D7%94%D7%92%D7%93%D7%A8%D7%AA-%D7%99%D7%93%D7%95%D7%A2%D7%99%D7%9D-%D7%91%D7%A6%D7%99%D7%91%D7%95%D7%A8.html>, accessed July 14, 2017.

Hayoun, Barr

2008 How to Have That White Wedding Without Spilling the Green. *Haaretz*, December 11. <https://www.haaretz.com/print-edition/business/how-to-have-that-white-wedding-without-spilling-the-green-1.259284>, accessed October 26, 2017.

Hazeldean, Susan

2011 Confounding Identities: The Paradox of LGBT Children Under Asylum Law. *University of California, Davis Law Review* 45(373): 373–443.

Helo, Ari

2014 Breaking Away from Progressive History: The Past and Politics in American Studies. *European Journal of American Studies* 9(1). <http://ejas.revues.org/10263>, accessed June 16, 2017.

Herd, Gilbert H.

1994 *Guardians of the Flutes: Idioms of Masculinity: With a New Preface*. University of Chicago Press ed. Chicago: University of Chicago Press.

Herd, Gilbert H., and Robert J. Stoller

1990 *Intimate Communications: Erotics and the Study of Culture*. New York: Columbia University Press.

Herzl, Theodor

1986 The Jewish State. The Jewish Virtual Library.

<http://www.jewishvirtuallibrary.org/jsourc/Zionism/herzl2.html>, accessed October 17, 2016.

Hiddush

2016 Hiddush's 2016 Findings and Data on Marriage. http://hiddush.org/article-17022-0-Hiddushs_2016_findings_and_data_on_marriage.aspx, accessed October 26, 2017.

Hirsch, Jennifer S., and Holly Wardlow

2006 Introduction. In *Modern Loves: The Anthropology of Romantic Courtship & Companionate Marriage*. Jennifer S. Hirsch and Holly Wardlow, eds. Pp. 1–31. Ann Arbor: University of Michigan Press.

Ho, Karen Zouwen

2009 *Liquidated: An Ethnography of Wall Street*. Durham: Duke University Press.

Hofman, Yonatan Daniel

2014 Common-Law: A Pair of Words that We Love or that Would Like to Change and the Legal Meaning (Yedu'im be-tzibur: tzamad milim she-anahnu 'ohavim 'o she-hayyinu rotzim leshanot ve-ma ha-mashma'ut ha-mispatit).

<http://www.newfamily.org.il/main/%D7%99%D7%93%D7%95%D7%A2%D7%99%D7%9D-%D7%91%D7%A6%D7%99%D7%91%D7%95%D7%A8-%D7%A6%D7%9E%D7%93-%D7%9E%D7%99%D7%9C%D7%99%D7%9D-%D7%A9%D7%90%D7%A0%D7%97%D7%A0%D7%95-%D7%90%D7%95%D7%94%D7%91%D7%99%D7%9D/>, accessed July 14, 2017.

Holmes, Seth M.

2013 *Fresh Fruit, Broken Bodies: Migrant Farmworkers in the United States*. Berkeley: University of California Press.

International Institute For Secular Humanistic Judaism

2016 Faculty & Staff. <http://iishj.org/faculty-staff/>, accessed November 23, 2016.

ITIM

2016a The (Get) Divorce Ceremony. ITIM. <http://www.itim.org.il/en/get-divorce-ceremony/>, accessed October 18, 2016.

2016b Marriage – How Much Will It Cost? <http://www.itim.org.il/en/marriage-much-will-cost/>, accessed October 26, 2017.

2016c Prenuptial Agreements. <http://www.itim.org.il/en/prenuptial-agreements/>, accessed December 28, 2017.

Jagose, Annamarie

1996 *Queer Theory: An Introduction*. New York: New York University Press.

JTA

2016 3 in 4 Israelis Back Same-Sex Civil Marriages, Survey Finds. Haaretz, June 2. <http://www.haaretz.com/israel-news/1.722738>, accessed March 3, 2017.

Kahn, Susan Martha

2000 *Reproducing Jews: A Cultural Account of Assisted Conception in Israel*. Body, Commodity, Text. Durham: Duke University Press.

Kanaaneh, Rhoda Ann

2002 *Birthing the Nation: Strategies of Palestinian Women in Israel*. California Series in Public Anthropology, 2. Berkeley: University of California Press.

Kelly, Tobias

2009 *Law, Violence and Sovereignty among West Bank Palestinians*. 1st paperback ed. Cambridge Studies in Law and Society. Cambridge ; New York: Cambridge University Press.

Kimmerling, Baruch

2008 Academic History Caught in the Cross-Fire: The Case of Israeli-Jewish Historiography. *In Postzionism: A Reader*. Laurence J. Silberstein, ed. Pp. 102–120. New Brunswick: Rutgers University Press.

Kirshenblatt-Gimblett, Barbara

1994 Spaces of Dispersal. *Cultural Anthropology* 9(3): 339–344.

Kleinman, Arthur

2000 The Violences of Everyday Life: The Multiple Forms and Dynamics of Social Violence. *In Violence and Subjectivity*. Veena Das, Arthur Kleinman, Mamphela Ramphele, and Pamela Reynolds, eds. Pp. 226–241. Berkeley: University of California Press.

Koestenbaum, Wayne

2013 *My 1980s & Other Essays*. First edition. New York: Farrar, Straus and Giroux.

Kulick, Don

1998 *Travesti: Sex, Gender, and Culture among Brazilian Transgendered Prostitutes*. *Worlds of Desire*. Chicago: University of Chicago Press.

Lancaster, Roger N.

2003 *The Trouble with Nature: Sex in Science and Popular Culture*. Berkeley: University of California Press.

Layish, Aharon

1982 *Marriage, Divorce, and Succession in the Druze Family: A Study Based on Decisions of Druze Arbitrators and Religious Courts in Israel and the Golan Heights*.

Social, Economic, and Political Studies of the Middle East ; Études Sociales, Économiques, et Politiques Du Moyen-Orient, v. 31 = v. 31. Leiden: Brill.

2006 *Women and Islamic Law in a Non-Muslim State: A Study Based on Decisions of the Shari'a Courts in Israel*. *Studies in Islamic Culture and History*. New Brunswick, NJ: Transaction Publishers.

Leach, E. R.

1955 Polyandry, Inheritance and the Definition of Marriage. *Man* 55: 182.

Lefebvre, Alexandre

2009 *The Image of Law: Deleuze, Bergson, Spinoza*. *Cultural Memory in the Present*. Stanford, Calif: Stanford University Press.

Lévi-Strauss, Claude

1969 *The Elementary Structures of Kinship*. Rev. ed. Boston: Beacon Press.

2000 *The Savage Mind*. *The Nature of Human Society Series*. Chicago: Univ. of Chicago Press.

2005 *Totemism*. Boston, Mass.: Beacon. <http://www.myilibrary.com?id=921654>, accessed July 27, 2017.

Levontin, Eitan

2007 Migdal Poreakh ba-'Avvir: Halakhat Funk-Shlezinger ve-Dinay Mirsham ha-'Ukhlosin (The Tower Blooms in the Air: Halakha of Funk-Schlesinger and Population Registration Law). *Mispat ve-Mimshal (Law and Government)* 11(1): 125–193.

Lifshitz, Shahar

2008 A Potential Lesson from the Israeli Experience for the American Same-Sex Marriage Debate. *SSRN Electronic Journal*. <http://www.ssrn.com/abstract=1633832>, accessed July 14, 2017.

Lindholm, Charles

2002 Authenticity, Anthropology, and the Sacred. *Anthropological Quarterly* 75(2): 331–338.

Lis, Jonathan

2014 Chief Rabbi Backs Bill Penalizing Men Jailed for Refusing Divorce. Haaretz, February 13. <http://www.haaretz.com/israel-news/.premium-1.573956>, accessed October 15, 2016.

2016 Israeli Ultra-Orthodox Lawmaker Compares Reform Jews to Mentally Ill. Haaretz, February 23. <http://www.haaretz.com/israel-news/.premium-1.705085>, accessed October 15, 2016.

Lutz, Catherine

1988 *Unnatural Emotions: Everyday Sentiments on a Micronesian Atoll & Their Challenge to Western Theory*. Chicago: University of Chicago Press.

Macaulay, Stewart

1963 Non-Contractual Relations in Business: A Preliminary Study. *American Sociological Review* 28(1): 55.

Mahmood, Saba

2012 *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton, N.J: Princeton University Press.

Maltz, Judy

2016a 11 Hot New Wedding Trends in Israel. Haaretz, May 24.

<https://www.haaretz.com/jewish/features/.premium-1.721220>, accessed October 26, 2017.

2016b Dramatic Rise in Number of Israeli Jews Rejecting Rabbinates' Marriage Monopoly. Haaretz, August 31. <http://www.haaretz.com/israel-news/.premium-1.739459>, accessed March 3, 2017.

Markowitz, Fran, Stephen Sharot, and Moshe Shokeid

2015 Introduction. In *Toward an Anthropology of Nation Building and Unbuilding in Israel*. Fran Markowitz, Stephen Sharot, and Moshe Shokeid, eds. Pp. xi–xx. Lincoln: University of Nebraska Press.

Massad, Joseph Andoni, ed.

2008 *Desiring Arabs*. Paperback ed. Chicago: Univ. of Chicago Press.

McAlister, Melani

2005 *Epic Encounters: Culture, Media, and U.S. Interests in the Middle East since 1945*. Updated ed., with a post-9/11 chapter. Berkeley: University of California Press.

Merry, Sally Engle

1992 Anthropology, Law, and Transnational Processes. *Annual Review of Anthropology* 21(1): 357–377.

Messer, Ellen

1993 Anthropology and Human Rights. *Annual Review of Anthropology* 22(1): 221–249.

Ministry of Transportation

2017 hosefet rishum shotef le'risayon rekhev/רכב לרישיון שותף רישום הוספת.
<http://rishuy.mot.gov.il/he/vehicle/licensing/ownership/489-insertion-partner>.

Mishpakha Khadesha (New Family)

2017a J'accuse! A Manifesto. <http://www.newfamily.org.il/en/jaccuse-manifesto/>, accessed November 28, 2017.

2017b Beit Mishpat Kaba'; Le-Te'udat Ha-Zugiat Tokef Mishpati Ke-Nisu'im (Court Says: Te'udat Zugiat Legally Counts as Marriage).

<http://www.newfamily.org.il/services/civil-union-card/>, accessed May 9, 2017.

2017c Hok Yesud: Mishpakha Khadesha (Basic Law: New Family).

<http://www.newfamily.org.il/blog/legislative-activity/%D7%97%D7%95%D7%A7-%D7%99%D7%A1%D7%95%D7%93-%D7%94%D7%9E%D7%A9%D7%A4%D7%97%D7%94/>, accessed November 20, 2017.

Morris, Benny

2009 1948: A History of the First Arab-Israeli War. New Haven, Conn.: Yale Univ. Press.

Mosse, George L.

1997 Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe. 1. paperback printing. New York: Fertig.

Myrowitz, Catherine Hall

1995 Finding a Home for the Soul: Interviews with Converts to Judaism. Northvale, N.J.: Jason Aronson.

National Social Security Administration

2017 Tavi'a le-Tosefet 'Avor Ben/Bat Zug be-Kitzbat 'Ezrakh Vatik (Claim for a Dependent's Increment to Old-Age Pension).

<https://www.btl.gov.il/%D7%98%D7%A4%D7%A1%D7%99%D7%9D%20%D7%95%D7%90%D7%99%D7%A9%D7%95%D7%A8%D7%99%D7%9D/Documents/T484.pdf>, accessed March 28, 2017.

Navot, Suzi

2014 The Constitution of Israel: A Contextual Analysis. Constitutional Systems of the World. Oxford, United Kingdom ; Portland, Oregon: Hart Publishing.

Oren, Guy

2007 'Eser Sibot Livkhor be-Tekes Nisu'in Khiloni (Ten Reasons to Choose a Secular Wedding Ceremony).

http://www.tkasim.org.il/site/detail/detail/detailDetail.asp?detail_id=6284789&seaWordPage=%D7%A2%D7%A9%D7%A8+%D7%A1%D7%99%D7%91%D7%95%D7%AA, accessed January 24, 2017.

Oster, Marcy

2017 Israelis Back Civil Marriage And Divorce: Valentine's Day Poll. *The Forward*, February 14. <http://forward.com/news/breaking-news/363156/valentine-s-day-survey-most-jewish-israelis-support-civil-marriage-and-divo/>, accessed August 9, 2017.

Otnes, Cele, and Elizabeth H Pleck

2003 *Cinderella Dreams: The Allure of the Lavish Wedding*. Berkeley: University of California Press. <http://public.eblib.com/choice/publicfullrecord.aspx?p=224208>, accessed January 17, 2017.

Oz, Libi

2004 Israeli Society and Secular Marriage. *Contemporary Review* Aug2004(Vol. 285): 74–78.

Padnani, Amisha, and Celina Fang

2015 Same-Sex Marriage: Landmark Decisions and Precedents. *The New York Times*, June 26. <https://www.nytimes.com/interactive/2015/06/26/us/samesex-marriage-landmarks.html>, accessed June 16, 2017.

Pellegrini, Ann

1997 Whiteface Performances: "Race," Gender, and Jewish Bodies. In *Jews and Other Differences: The New Jewish Cultural Studies*. Jonathan Boyarin and Daniel Boyarin, eds. Pp. 108–149. Minneapolis, Minn: University of Minnesota Press.

Peretz-Zilberman, Sapir

2015 How Much Do Israelis Give at Weddings? *Globes: Israel's Business Arena*, June 3. <https://www.globes.co.il/en/article-how-much-do-israelis-give-at-weddings-1001041727>, accessed October 26, 2017.

Pinkwashing Israel

2017 Pinkwashing Israel. <http://www.pinkwatchingisrael.com/>, accessed November 21, 2017.

Population and Immigration Authority

2017 Application for an ID Card זהות לתעודת בקשה. https://www.gov.il/he/service/new_id, accessed March 28, 2017.

Povinelli, Elizabeth A.

2006 *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality*. Public Planet Books. Durham: Duke University Press.

2011 *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*. Durham [N.C.]: Duke University Press.

Prince-Gibson, Eetta

2016 Gay Pride Murder Inspires Grassroots Movement to Reclaim Jerusalem Landmark. Haaretz, March 22. <https://www.haaretz.com/israel-news/1.710100>, accessed November 21, 2017.

Rabinovich, Itamar, and Jehuda Reinharz, eds.

2008 Israel in the Middle East: Documents and Readings on Society, Politics, and Foreign Relations, Pre-1948 to the Present. 2nd ed. The Tauber Institute for the Study of European Jewry Series. Waltham, Mass. : Hanover: Brandeis University Press ; Published by University Press of New England.

Raday, Frances

2005 Gender Equality in a Jewish State. Ministry of Foreign Affairs. <http://www.mfa.gov.il/mfa/aboutisrael/state/pages/a%20free%20people%20in%20our%20land-%20gender%20equality.aspx?ViewMode=Print>.

Rijksmuseum

2016 Portrait of a Couple as Isaac and Rebecca, Known as 'The Jewish Bride', Rembrandt Harmensz. van Rijn, c. 1665 - c. 1669. <https://www.rijksmuseum.nl/en/collection/SK-C-216>, accessed December 16, 2016.

Rose, Jacqueline

2007 The Question of Zion. 1. Paperback-Ausg. Princeton, N.J.: Princeton Univ. Press.

Rosen, Lawrence

1989 The Anthropology of Justice: Law as Culture in Islamic Society. The Lewis Henry Morgan Lectures, 1985. Cambridge ; New York: Cambridge University Press.

Rouse, Carolyn Moxley

2009 Uncertain Suffering: Racial Health Care Disparities and Sickle Cell Disease. Berkeley: University of California Press.

Ruskin, John

1906 Modern Painters, vol.3. London: George Allen.

Said, Edward W.

1979 Orientalism. 1st Vintage Books ed. New York: Vintage Books.
1992 The Question of Palestine. New York: Vintage Books.

Sartre, Jean-Paul

2012 Being and Nothingness: An Essay on Phenomenological Ontology. New York: Washington Square Press.

Schulman, Sarah

2011 Israel and 'Pinkwashing'. New York Times, November 22: 31.

Schüssler Fiorenza, Elisabeth

2001 *Wisdom Ways: Introducing Feminist Biblical Interpretation*. Maryknoll, N.Y: Orbis Books.

Seidman, Naomi

2016 *The Marriage Plot: Or How Jews Fell in Love with Love, and Literature*. Stanford Studies in Jewish History and Culture. Stanford, California: Stanford University Press.

Sezgin, Yüksel

2010 *The Israeli Millet System: Examining Legal Pluralism Throuh Lenses of Nation-Building and Human Rights*. *Israel Law Review* 43(03): 631–654.

2013 *Human Rights under State-Enforced Religious Family Laws in Israel, Egypt, and India*. Cambridge Studies in Law and Society. Cambridge, United Kingdom: Cambridge University Press.

Sharon, Jeremy

2015a Religious Councils Lose Case for Charging Extra for “Attractive” Marriage License. *Jerusalem Post*, March 19. <http://www.jpost.com/Israel-News/Religious-councils-lose-case-for-charging-extra-for-attractive-marriage-license-394499>, accessed October 26, 2017.

2015b 50 Members of One Family Required to Convert after 1960s Conversion Not Recognized. *The Jerusalem Post*, May 14. <http://www.jpost.com/Israel-News/50-members-of-one-family-required-to-convert-after-1960s-conversion-not-recognized-403111>, accessed October 14, 2016.

Shlezinger, Yehuda

2012 Groom-to-Be Goes 100 Years Back in Time to Prove He Is Jewish. *Israel HaYom*, February 5. http://www.israelhayom.com/site/newsletter_article.php?id=2981, accessed October 14, 2016.

Shmueli, Benjamin

2013 What Have Calabresi & Melamed Got to Do with Family Affairs?: Women Using Tort Law in Order to Defeat Jewish and Shari’a Law. *Berkeley Journal of Gender, Law & Justice* 25(1): 125–71.

Shohat, E.

2003 Rupture and Return: Zionist Discourse and the Study of Arab Jews. *Social Text* 21(2 75): 49–74.

Sikuler, Na’ama

2007 Common-Law: The Rules are that there are No Rules (yedu’im be-tzibur: ha-klalim him she-en klalim). *YNet*, May 11. <http://www.ynet.co.il/articles/0,7340,L-3397332,00.html>, accessed July 14, 2017.

- Silber, Michael K.
2010 Orthodoxy. The Yivo Encyclopedia of Jews in Eastern Europe.
<http://www.yivoencyclopedia.org/article.aspx/Orthodoxy>, accessed October 26, 2017.
- Simpson, Audra
2007 On Ethnographic Refusal: Indigeneity, ‘Voice’ and Colonial Citizenship.
Junctures 9: 67–80.
- Sivan, Yoav
2012 Israel Needs Constitution, Not Basic Law. *The Forward*, May 7.
<http://forward.com/opinion/155768/israel-needs-constitution-not-basic-law/>, accessed October 14, 2016.
- Sontag, Susan
2009 Notes on “Camp.” *In Against Interpretation and Other Essays* Pp. 275–292.
Penguin Classics. London: Penguin Books.
- de Sousa Santos, Boaventura
1987 Law: A Map of Misreading. Toward a Postmodern Conception of Law. *Journal of Law and Society* 14(3): 279.
- Spivak, Gayatri Chakravorty
2010 Can the Subaltern Speak? *In Can the Subaltern Speak? Reflections on the History of an Idea*. Rosalind C. Morris and Gayatri Chakravorty Spivak, eds. Pp. 21–80. New York: Columbia University Press.
- Stein, Rebecca L.
2008 *Itineraries in Conflict: Israelis, Palestinians, and the Political Lives of Tourism*. Durham: Duke University Press.
- Steinlauf, Michael
2010 Dybbuk, The. The Yivo Encyclopedia of Jews in Eastern Europe.
http://www.yivoencyclopedia.org/article.aspx/Dybbuk_The, accessed October 17, 2016.
- Stewart, Kathleen
2007 *Ordinary Affects*. Durham, NC: Duke University Press.
- Stolberg, Sheryl Gay
2015 Kentucky Clerk Defies Court on Marriage Licenses for Gay Couples. *New York Times*, August 13. <http://www.nytimes.com/2015/08/14/us/kentucky-rowan-county-same-sex-marriage-licenses-kim-davis.html>, accessed October 15, 2016.
- Stoler, Ann Laura
2009 *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*. Princeton, NJ: Princeton University Press.

Strathern, Marilyn

2004 *Partial Connections*. updated ed. ASAO Special Publications, 3. Walnut Creek: AltaMira.

Swedenburg, Ted

2003 *Memories of Revolt: The 1936-1939 Rebellion and the Palestinian National Past*. Fayetteville, Ark: University of Arkansas Press.

Tamanaha, Brian Z.

1993 The Folly of the “Social Scientific” Concept of Legal Pluralism. *Journal of Law and Society* 20(2): 192.

Taussig, Michael T.

1993 *Mimesis and Alterity: A Particular History of the Senses*. New York: Routledge.

Taylor, Charles

2007 *A Secular Age*. Cambridge, Mass: Belknap Press of Harvard University Press.

Tejani, Riaz

2015 “A Logic of Camps”: French Antiracism as Competitive Nationalism. *PoLAR: Political and Legal Anthropology Review* 38(1): 108–128.

Telushkin, Joseph

2008 *Jewish Literacy: The Most Important Things to Know about the Jewish Religion, Its People, and Its History*. Rev. ed. New York: William Morrow.

Terrio, Susan J.

2009 *Judging Mohammed: Juvenile Delinquency, Immigration, and Exclusion at the Paris Palace of Justice*. Stanford, Calif: Stanford University Press.

Triger, Zvi

2012 Freedom from Religion in Israel: Civil Marriages and Cohabitation of Jews Enter the Rabbinical Courts. *Israel Studies Review* 27(2): 1–17.

Turner, Victor W.

1995 *The Ritual Process: Structure and Anti-Structure*. The Lewis Henry Morgan Lectures, 1966. New York: Aldine de Gruyter.

Turner, Victor Witter

2002 *The Forest of Symbols: Aspects of Ndembu Ritual*. 12. paperback printing. Cornell Paperbacks, 101. Ithaca, NY: Cornell Univ. Press.

U.S. Attorney’s Office

2015 Two Orthodox Jewish Rabbis Sentenced to Prison for Conspiring to Kidnap Jewish Husbands, Force Them to Consent to Religious Divorces. FBI.
<https://www.fbi.gov/contact-us/field-offices/newark/news/press-releases/two->

orthodox-jewish-rabbis-sentenced-to-prison-for-conspiring-to-kidnap-jewish-husbands-force-them-to-consent-to-religious-divorces, accessed October 16, 2017.

US Campaign for the Academic and Cultural Boycott of Israel (USACBI)
2017 Academic Associations Endorsing Boycott and Resolutions.
<http://www.usacbi.org/academic-associations-endorsing-boycott/>, accessed May 19, 2017.

U.S. Citizenship and Immigration Services
2017 Volume 12 – Citizenship & Naturalization, Part G – Spouses of U.S. Citizens
Chapter 2 – Marriage and Marital Union for Naturalization.
<https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartG-Chapter2.html>, accessed November 20, 2017.

US Department of State, Bureau of Consular Affairs
1995 Marriage Abroad. <https://travel.state.gov/content/passports/en/abroad/events-and-records/marriage.html>, accessed November 20, 2017.

Valverde, M.
2009 Jurisdiction and Scale: Legal ‘Technicalities’ as Resources for Theory. *Social & Legal Studies* 18(2): 139–157.

Weiss, Erica
2014 Conscientious Objectors in Israel: Citizenship, Sacrifice, Trials of Fealty. *Ethnography of Political Violence*. Philadelphia: University of Pennsylvania Press.

Weiss, Susan M., and Netty C. Gross-Horowitz
2013 Marriage and Divorce in the Jewish State: Israel’s Civil War / Susan M. Weiss and Netty C. Gross-Horowitz. *Brandeis Series on Gender, Culture, Religion, and Law*. Waltham, Massachusetts: Brandeis University Press.

Weizman, Eyal
2012 *Hollow Land: Israel’s Architecture of Occupation*. London ; New York: Verso.

Weston, Kath
1997 *Families We Choose: Lesbians, Gays, Kinship*. Between Men - between Women. New York: Columbia University Press.

Wistrich, Robert S.
1997 Israel and the Holocaust Trauma. *Jewish History* 11(2): 13–20.

Yiftachel, Oren
2000 ‘Ethnocracy’ and Its Discontents: Minorities, Protests, and the Israeli Polity. *Critical Inquiry* 26(4): 725–56.

Yoshino, Kenji

2016 *Speak Now: Marriage Equality on Trial: The Story of Hollingsworth v. Perry*. First paperback edition. New York: Broadway Books.

Zarchin, Tomer

2012 Spurning Rabbinate, 20,000 Israelis Marry Abroad Annually. Haaretz, August 3. <http://www.haaretz.com/israel-news/spurning-rabbinate-20-000-israelis-marry-abroad-annually-1.455653>, accessed March 3, 2017.

Zborowski, Mark, and Elizabeth Herzog

1988 *Life Is with People the Culture of the Shtetl*. New York: Schocken Books.

Zeiger, Asher

2013 Rabbinical Courts given Leave to Lock up Recalcitrant Husbands Indefinitely. The Times of Israel, April 9. <http://www.timesofisrael.com/rabbinical-courts-given-leave-to-lock-up-recalcitrant-husbands-indefinitely/>, accessed October 15, 2016.