



The Jewish Federations<sup>®</sup>  
OF NORTH AMERICA  
Israel Office

## Religion and State in Israel

*Updated August 2017*

### **INTRODUCTION**

On the morning of June 25 2017, the Israeli cabinet met in Jerusalem at the same time that many of North American Jewry's leaders were gathering a few miles away for meetings of the Jewish Agency's Board of Governors. By the end of the day, two Israeli government decisions were announced – one concerning the Kotel and one on conversion – that sent shock waves through the Agency meetings and throughout the Jewish world.

While the two decisions (details below) threatened to cause one of the most serious fissures between Israel and Diaspora Jewry in decades, they were hardly the first Israeli government actions in the religion-state realm to generate alarm among Jewish communities.

Indeed, issues of religion and state, religious-secular tensions, and the seeming lack of religious pluralism in Israel are often seen by North American Jews as some of the most disturbing aspects of modern Israeli life. And significantly, a growing number of Israelis share those sentiments.

In fact, in a [poll](#) taken straight after the recent decisions, 63% of Israelis said that they opposed both of the government's new pronouncements. A separate [study](#) the same week noted that 82% of Israelis believe that all Jews, including Reform and Conservative, should feel the Western Wall belongs to them and that every Jew, regardless of affiliation, should feel welcome in Israel.

While the nature of the Israeli political system means that changes and progress are slow in coming, in recent years there have been a number of small but significant steps forward, even as there have been multiple steps back. Some of these more progressive changes have triggered strong reactions including legislation which has overridden Supreme Court decisions. Altogether, this has led to a noticeable increase in awareness of these issues and momentum towards more significant transformations has at times, appeared to be building.

Jewish Federations have long been active in promoting pluralism in Israel, and in 2015 established iRep – The Israel Religious Expressions Platform. iRep is representing a consortium of Jewish Federations and funders committed to strengthening Israeli civil society and encouraging respect for diverse expressions of Jewishness. iRep strives to promote and advance meaningful change to the religion-state status quo, celebrating pluralism

and diversity, including an initial focus on expanding the range of legally-recognized options for marriage in Israel.

## **CONTEXT**

For all the talk of “one Jewish People,” any discussion on pluralism in Israel needs to begin with an understanding that Israel and the United States are two different countries with significantly different outlooks, sensitivities and cultures.

Some values that are held dear by Americans, such as the separation of religion and state, are not common in other democracies including Israel, most of Europe and Australia. (As a simple example, in the United Kingdom, the Head of State also serves as Head of the Church of England). In these societies, such a separation is not seen as an inherent part of democracy, or even of a free society. And Israel is certainly no exception to that rule.

## **ISRAELI SOCIETY – RELIGIOUS AFFILIATION<sup>1</sup>**

Around thirty percent of Israeli Jews self-identify as religious (observant, Orthodox). Of these, around one third (10% of all Israeli Jews) are ultra-Orthodox. The rest (20% of Israeli Jews) are “national religious,” (which is somewhat akin to Modern Orthodoxy in North America).

Around 50% of Israeli Jews consider themselves to be “traditional.” While this is a broad and fluid concept, it refers to Jews who are not fully observant but do adopt some aspects of Orthodox religious life. A typical example may be a family who goes to (an Orthodox) synagogue on Saturday morning, but then drives to a soccer game in the afternoon. The vast majority of this group comes from a Sephardi background.

The final 20% are usually referred to as “secular Jews.” This group does not self-identify as religious in any way, yet its members are likely to observe many traditional Jewish rituals, including a Friday night family dinner with wine and candles, a Passover seder, lighting Chanukah candles, fasting on Yom Kippur as well as Jewish lifecycle events. In the vast majority of cases, these are carried out in an Orthodox setting.

Some examples:

- 46% of Israelis say they “always” say the blessing over wine on Friday nights; 21% do so “sometimes;” and 32% say they “never” do.
- 70% always fast on Yom Kippur, and 11% sometimes do.
- 95% say they participate in a Passover seder.
- 98% have a mezuzah on their front door.

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<sup>1</sup> Unless otherwise stated, all statistics in this section come from the Guttman Institute of Applied Social Research

According to a study carried out by the Israel Democracy Institute in 2013, (The Israeli Democracy Index), 3.9 percent of Israelis feel attached to Reform (Progressive) Judaism and 3.2 percent to Conservative Judaism (known as “Masorti” in Israel).

Of course all of the above refers only to the roughly 75% of Israelis who identify as Jewish.<sup>2</sup>

### **ISRAELI POLITICS - Four steps forward, three steps back.**

From 1948 until today, no single party has ever won enough seats in an Israeli election (61 are needed, a majority in the 120-seat Israeli parliament- the Knesset) in order to govern without coalition partners.

As a result, every government is comprised of a coalition of a number of parties. The smaller Orthodox and ultra-Orthodox parties are often very important players in coalition building and party politics. In many ways, this gives these parties important leverage and political power disproportionate to their size. This makes creating changes with regard to the status quo governing religious practice, very difficult to achieve.

Repeated legislative efforts to weaken the power of smaller parties have largely been unsuccessful.

Given the deep sensitivity towards religion-state issues in Israel, many mainstream parties and politicians (from across the political spectrum) have favored the “status quo” on such issues, rather than attempting any changes. Indeed many coalition agreements in the past twenty-five years have stipulated “no changes to the status quo on religion/ state issues” in order to ensure stable coalitions and not “rock the boat.”

### **THE POLITICAL LANDSCAPE**

The initial rise of Yair Lapid’s Yesh Atid Party (which is deeply committed to encouraging religious pluralism and ending the Chief Rabbinate’s monopoly), coupled with the exclusion of the ultra-Orthodox from the governing coalition in the previous Knesset (2013-15), led to unprecedented optimism for those seeking change to the religion-state status quo. However, that government was short-lived and at the end of the day those hopes remained largely unrealized. In contrast, advocacy organizations in the religious pluralism field enjoyed new avenues for dialoguing with Israeli politicians on many important issues. Their activities allowed them to gain valuable experience engaging and operating within Israel’s spheres of political influence.

In coalition agreements for the current Knesset, elected in early 2015, fundamental and far-reaching deals were made to roll back some of the so-called “Lapid reforms” carried out by the previous government. These rollbacks occurred in the areas of conversion, the haredi (ultra-Orthodox) draft, and authority over the rabbinical courts. Even more significantly, the agreements gave all parties veto rights over any new legislation in areas that affected religion/ state issues. Since 2015, commentators note that ultra-Orthodox parties have become emboldened, and the resulting policy, demands and overall atmosphere has become more severe and troubling.

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<sup>2</sup> Israel’s population by religion breaks down as: 75% Jewish, 17% Muslim, 2% Christian, and 2% Druze, a small Baha’i community, and the rest professing “no religion.” (Israel Bureau of Statistics)

While multiple studies (see examples above) show that Israeli society – and most members of Knesset - favor a more open and liberal approach to religion, it is clear that these issues are not high on most people’s list of priorities. As a result, when forced to choose between taking a stand on these matters including compromising for the sake of other issues, the other policy priorities usually win out. Only the ultra-Orthodox tend to attach significant attention to these matters; and to take a stand.

Nonetheless, the momentum that began with the previous government continues to push on. Every study points to the fact that Israel’s population is increasingly ready to question the status quo and the Chief Rabbinate’s monopoly, and will consider change in the religion and state sphere. Even many parts of the “national religious” or “modern Orthodox” public seem to be, for the first time, advocating far-reaching changes. In fact, the most vocal proponents of these issues in the current Knesset are liberal-leaning modern Orthodox Jews.

## THE MAIN ISSUES TODAY

### 1. Conversion

State-sanctioned conversions taking place in Israel today are only carried out by the Chief Rabbinate, even though the Supreme Court has held that other conversions are valid. In recent years, these Orthodox conversion courts have become increasingly stringent. Largely as a result of this, the vast majority of olim from the Former Soviet Union who have some Jewish connection, but are not formally recognized as Jews (approximately 350,000 people, and their children), are not applying to convert.

Attempts by the previous government to provide easier paths to conversion (by allowing potential converts to apply to any local rabbinical court in the country, including a small number that are less stringent) have been cancelled by the current government.

Reform and Conservative conversions have taken place in Israel for over 30 years, and those conversions have received recognition through the courts for the purposes of registering as a Jew at the Ministry of the Interior. The religious streams have repeatedly demanded that the State also recognize their conversions for the purposes of Aliya (through the Law of Return). The streams petitioned Israel’s Supreme Court in 2005, but a decision is still pending.

In August 2015, a group of mainstream, well-respected, Orthodox, religious-Zionist rabbis announced the establishment of an independent court for conversion under the name of “[Giyur K’halacha](#).” These rabbis, many of whom are long-time supporters- and part of - the Orthodox establishment, essentially declared that the Rabbinate is incapable of providing a halachic solution to Israel’s conversion challenge. While primarily performing conversions on minors at this time, many hope that this move will open the door to independent conversion courts for adults and, eventually, a system that will enable those who have converted to marry.

For people who converted outside of Israel, the situation can be even more complicated. In theory, Israel’s Ministry of the Interior recognizes the conversions carried out by “recognized religious communities” (meaning congregations known and recognized by Jewish Agency emissaries) for purposes of determining Aliyah eligibility, although it can sometimes take time and effort until a specific conversion is approved. Once approved, a person

is automatically eligible to claim Israeli citizenship under the Law of Return. However, Israel's Chief Rabbinate (which is also a government body, albeit separate from the Ministry of the Interior) which has responsibility for determining who is Jewish in terms of personal status, does not recognize some Orthodox conversions carried out abroad, or any non-Orthodox conversions. This non recognition leads to ineligibility to marry in Israel and can also result in other problems regarding issues such as place of burial. A well-publicized example of this situation came up last year (click [here](#) for details); and such issues continue to create rifts between Israel and North American Jewry.

One of the organizations most active in helping those facing conversion challenges is [Itim](#), a group that is also active in numerous religion-state areas.

As noted above, in June 2017, the Ministerial Committee on Legislation approved a bill that would require the State to recognize only conversions to Judaism implemented under the supervision of Israel's Chief Rabbinate. The bill aims to circumvent a March 2016 Supreme Court ruling that permitted those who underwent private Orthodox conversions in Israel to become citizens under the Law of Return. (Israel currently recognizes non-Orthodox conversions performed abroad for the purpose of Jewish immigration). The proposed law seeks to prevent non-Orthodox conversions performed in Israel from being recognized for immigration, and would also negate private Orthodox conversions such as those of Giyur Kahalacha. In short, the new bill would grant the Chief Rabbinate monopoly over conversion - an authority that no Israeli government has given it and that it does not hold today - and creates uncertainty regarding the future recognition of both Orthodox and non-Orthodox conversions to Judaism that were conducted outside Israel.

Following intense pressure by Jewish Federations, the Jewish Agency for Israel, the religious streams and others, the Israeli cabinet voted and agreed to freeze the controversial bill for six months. At the same time, the religious streams agreed to freeze any moves on conversion in the Supreme Court for the same period. During this six months, the Government will explore compromise proposals on the issue. See [here](#) for more details on the bill.

## 2. The Kotel (Western Wall)

For decades, Orthodox religious authorities have controlled the Kotel - the holiest site where Jewish prayer is permitted. Enforcing strict Orthodox practice, women were banned from holding Torah scrolls, leading services, wearing tallit or tefillin or singing out loud at the site. Similarly, mixed gender services were banned.

In 2013, following decades of monthly Rosh-Hodesh prayers at the women's section of the Western Wall led by a group known as [Women of the Wall](#), Israel's Prime Minister Benjamin Netanyahu tasked Jewish Agency Chair Natan Sharansky with coming up with a mechanism that would enable diverse Jewish practice at the Kotel.

Just as discussions began, on the eve of Rosh Hashana 2013, Diaspora Affairs Minister Naftali Bennett (who himself leads an Orthodox party), established a temporary prayer platform at Robinson's Arch for egalitarian prayer. While this location is part of the Kotel, it has not traditionally been used for prayer, has limited facilities for storing prayer books, Torah scrolls and other items, and is outside the main, established Kotel plaza. The

platform, which remains in use today, has a number of other significant drawbacks too. Women of the Wall commented that it was “the very definition of separate and not-nearly-close to equal.”<sup>3</sup> Nonetheless, the platform marked the first time that there has been a state-sanctioned venue for egalitarian prayer at the Kotel.

Sharansky’s proposal kicked off several years of intense negotiations that resulted in a seemingly historic compromise. In January 2016 the Israeli cabinet voted to create an egalitarian prayer space at the Wall. The decision envisaged an upgraded and permanent prayer platform for non-Orthodox prayers at the Robinson’s Arch area at the southern end of the Western Wall, along with a redesign of the approach to both this area and the traditional Kotel Plaza and prayer space, making them both part of the “Western Wall” area. Another significant part of the compromise was the establishment of a governance council for the new pluralistic prayer area which would include representatives of the non-orthodox streams. Jewish Federations worked with the religious streams, the Israeli government, Women of the Wall and the Jewish Agency to help reach the agreement.

Beyond the success of the plan itself, many hoped that the groundbreaking agreement would have set a precedent, showing that compromise can be reached. The fact that so many disparate groups were able to reach an understanding with the assistance of the government, was seen as a positive sign.

Nonetheless, the optimism was short lived, as implementation of the plan was halted, due to back-pedaling and pressure from Orthodox politicians and groups. Efforts by Jewish Federations and others to ensure compliance with the government resolution and its implementation did not lead to success and the Conservative and Reform Movements petitioned the High Court of Justice demanding that the government implement its own decision. The Court set June 2017 as a deadline for the government’s response to the petition. To the shock, and dismay of Diaspora Jewry, the day before the deadline expired, the Cabinet voted to suspend the Kotel compromise agreement.

Since that suspension, Federations and others have applied considerable pressure on the prime minister and the government, and those efforts continue. The Prime Minister has promised that work to build a permanent egalitarian plaza will move ahead, even as other aspects of the agreement are frozen. See [here](#) for further details.

### 3. Marriage and Divorce

During the British Mandate, matters of “personal status,” including marriage and divorce, were dealt with by religious authorities. This meant that the marriage of two Muslims was carried out by the Islamic religious authorities. Similarly, Jews, Christians and others; were married through the religious authorities of their own faiths.

When the State of Israel was created in 1948, this existing system was kept in place, and in terms of marriage and divorce, continues until this day. As mentioned above, responsibility for determining Jewish personal status is the exclusive purview of the Chief Rabbinate.

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<sup>3</sup> “Bennett unveils new platform for egalitarian prayer,” The Times of Israel, August 27, 2013

So for Jews, the only legal way to marry or divorce in Israel is through the country's Orthodox Chief Rabbinate. There is no civil or non-Orthodox marriage available in Israel. The only exception to this rule is for a couple in which both persons are of "no religion." As a result, Reform or Conservative marriages that take place in Israel are not recognized by the State.<sup>4</sup>

Marriages, of any sort, that take place abroad (and are officially recognized by the country where they took place), are also recognized in Israel. As a result, many couples who cannot or do not want to marry through the Chief Rabbinate, will travel to nearby Cyprus or other countries for a ceremony. De facto relationships (or "common law marriages" where two people have been living as a couple for a certain period of time and have a shared household) are also recognized under Israeli law, and will bestow most of the same rights and obligations on a couple, as if they had been married.

Interestingly, all divorces between a Jewish man and a Jewish woman in Israel must be carried out by the Orthodox Chief Rabbinate. This is the case even when the couple was married abroad, in a civil ceremony or in a non-Orthodox ceremony. Divorce carries its own set of complications, particularly as the man is required to grant a divorce (gett) to his wife. The man can refuse, even if the woman wants a divorce. Rabbinical courts have far-sweeping powers that they can use against someone who refuses to give his wife a divorce (including prison sentences), but ultimately, a vindictive husband can withstand all pressures; and his wife remains married to him, against her will. [Mavoi Satum](#) and the [Center for Women's Justice](#) are important organizations involved in fighting this phenomenon.

The lack of civil marriage in Israel results in many troubling cases. Generally speaking, many categories of people cannot legally marry in Israel including: two people of different religions; a person who cannot prove their Jewishness; a "Cohen" (someone descended from the tribe of Jewish priests) and a divorcee, widow or convert; a person whose conversion is not recognized by the ultra-Orthodox –controlled rabbinate; same-sex couples and others.

Similarly, two Jews who could, in theory, marry through the Rabbinate, are not free to choose their own non-Orthodox rabbi, or to marry in any way that is contrary to the dictates of the Rabbinate (examples include where the woman want to give a ring to the man, or women speaking under the chuppa). People from different faiths have no legal marriage options at all.

In 2013, the "Tzohar Law" (named after a "national religious" group that seeks to liberalize the Rabbinate, but not necessarily to end its monopoly) was passed. This law allows people wanting to marry to approach any municipal rabbinate in the country; effectively opening the door of a small number of more liberal Orthodox rabbinical bodies to the entire Israeli population.

Jewish Federations' have partnered through the iRep initiative with Israeli organizations in support of their efforts to grow public awareness and focus the public's attention on the issue of freedom of choice in marriage - and on current (and potential) alternatives. Eighteen communities and a number of foundations are currently

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<sup>4</sup> It is important to note that non-Orthodox sanctioned marriages do not affect the status of any children born of that marriage. As a result, children born to parents who married abroad, or in a non-Orthodox ceremony (or who were never married) are still considered Jewish by the State, and their status remain unaffected. (E.g. they are not considered to be a "mamzer," or illegitimate).

supporting this initiative. For more information, please contact iRep's director Einat Hurvitz at [Einat.Hurvitz@JewishFederations.org](mailto:Einat.Hurvitz@JewishFederations.org).

Following a successful 2016 radio campaign iRep, through its grantees, Yisrael Hofsheet (Be Free Israel), IMPJ (Reform) Movement, and the Masorti (Conservative) Movement received a grant of \$250,000 to run a joint media and grassroots campaign encouraging secular and traditional Israeli couples to choose alternative marriage options. This awareness-raising activity reflects iRep's main strategy to engage individuals and encourage them to choose alternative marriage ceremonies for themselves, and support this choice for family members, and friends. The [billboard campaign](#), launched in April 2017, was created using a joint brand – "Hatuna Shava" – which is a play on words in Hebrew meaning both "have a cool and hip wedding" and also an "egalitarian" wedding. See photos of the billboards here.

The marriage issue was also [highlighted](#) by several iRep grantees, creating significant media and social media buzz. [Hiddush](#) published a survey on Valentine's Day which showed that 72% of Jewish Israelis support civil marriage and 76% of Arab Israelis favor marriage freedom in Israel, where citizens cannot legally marry outside their faith. However, the picture is more complex since views diverge on the need to institute civil marriage: Only 43% of the Arab population supports civil marriage, compared with 72% of the Jewish community. Another poll released on Valentine's Day by [Neemanei Torah Ve'avodah](#) found surprising support among the religious-Zionist community for civil marriage: 47% would support some form of civil marriage.

#### 4. The Israel Defense Forces

One of the most contentious issues in religious-secular relations in Israel has always been the "haredi draft."

In the early days of the State, an agreement was reached between then Prime Minister David Ben Gurion and the senior rabbis in the country at the time, whereby ultra-Orthodox students could avoid army service if they studied full-time in yeshiva.<sup>5</sup> At the time, 400 exemptions were granted. With the enormous growth in the haredi population, that number now stands at over 60,000 people.

The ultra-Orthodox argue that studying Torah in yeshivot is a holy duty, and comprises their contribution to the Jewish People. Conversely, many in the non-haredi population resent the ultra-Orthodox who avoid the draft and demand what has become known as "sharing the burden."

The situation is further exacerbated by the fact that as soon as students leave their yeshiva they are immediately eligible to be drafted. This dramatically decreases any incentive to leave full-time Torah study in order to work and earn a living. The coupling of the Haredi population's traditions of early marriage and large family size with a low rate of employment leaves many in the community dependent on welfare payments, which, in turn, creates additional tension with many tax-paying members of Israeli society.

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<sup>5</sup> It has been said that both sides were able to reach this agreement because neither believed that the other would exist within twenty years. Ben Gurion believed that the ultra-Orthodox were a relic of the Old World, and would soon disappear. The Rabbis thought that Zionism was a passing fad that would not last long. Both, clearly, were completely mistaken.

Despite the long term status-quo, there has been some very slow change in this area in recent years. A number of “all-haredi” army units have been set up (creating an environment in the IDF where ultra-Orthodox men feel more comfortable). Numbers of ultra-Orthodox recruits have been growing at a very fast pace, but still represent a very small proportion of the haredi population. Since 2007 the number of Haredim enlisting in the military has grown nine-fold, but this is still below government targets.<sup>6</sup> The number of haredi men who enlist in the army or civilian national service each year is roughly equivalent to 30% of the annual cohort of eligible draftees.<sup>7</sup> Some 3,000 haredi soldiers joined the IDF over the past year. Recently, a haredi platoon was opened in the Paratroopers Brigade, joining Netzah Yehuda and the Givati infantry brigade's haredi platoon.<sup>8</sup> However, in recent months, extremist haredi elements have led a campaign of intimidation (and even violence) against those haredim who do serve in the army.

Under the previous government, new legislation was introduced that would see a far greater percentage of ultra-Orthodox men drafted into the army (or alternative national service), and would impose financial penalties and criminal sanctions on those who avoid the draft. Under the current government, the criminal sanctions have been removed from this law, and a “grace period” has been extended until 2023.

In the past, a number of rabbis and former generals have criticized the IDF for allowing women to take on combat roles. In March 2017 this controversy flared up when a leading conservative religious-Zionist rabbi made derogatory comments about women serving in the IDF. The speech was denounced by many from both the religious and secular communities, and Minister of Defense Avigdor Lieberman threatened to make the rabbi's yeshiva ineligible for Ministry of Defense benefits if he did not vacate his position (the rabbi ended up taking an indefinite leave of absence). The debate on this issue continues, creating divisions across society.

## 5. Shabbat

The issue of Shabbat is another topic where major differences in religious-secular practice play out. One side argues that Shabbat – Saturday – must hold a special place in Israeli society, with significant restrictions on commerce, transport and more. Others hold that a free society must allow all people to choose how they want to spend their weekends, and that the state should not be involved in determining such matters.

The current status quo represents a cease-fire of sorts, whereby neither side is happy. At present, “places of entertainment” are permitted to operate on Shabbat. This includes restaurants, movies, sports and more. Public transport does not run (except in Haifa), although taxis and private cars do operate. However, there are a number of initiatives bubbling at the moment that may extend the scope of public transport working on Shabbat through a variety of different approaches. No government activity takes place, beyond emergency services. Stores (and other commercial activity) are mainly closed, although there are some that do open.

Periodically, and as a result of political pressure, efforts are made to shut down commercial activities on Shabbat in different locations. In April 2017, The High Court of Justice ruled to uphold the Tel Aviv municipal bylaw

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<sup>6</sup> “Haredi Enlistment Falls Short of Government Targets,” Ha’aretz, October 11, 2016

<sup>7</sup> “2016 Statistical Report on Ultra-Orthodox Society in Israel,” Israel Democracy Institute

<sup>8</sup> “Rivlin: Haredi Soldiers are among our finest,” Israel National News, June 28, 2017

allowing a limited number of convenience stores to be open on Shabbat. In July 2017, the Court agreed to hold a fresh hearing on this decision following a petition from Interior Minister Aryeh Deri to revisit the ruling.

There are currently a number of cases before the courts, in addition to various pending Knesset bills, all trying to codify and settle the issue of which businesses should be permitted to operate, as well as the running of private bus lines, on Shabbat. At the time of this writing, the issue has again been raised in the public square.

In June 2017, ultra-Orthodox lawmakers wrote to Transportation Ministry Director General Karen Turner demanding the cancellation of public transportation permits in the cities of Holon, Ramat Hasharon and Herzliya. They also requested an end to “sherut” (shared taxi) services on Shabbat. In the same week, Prime Minister Netanyahu, Transportation Minister Yisrael Katz and Labor Minister Haim Katz met with the heads of the ultra-Orthodox parties, and agreed that work on rail lines that was planned for that Shabbat would be canceled. It was also agreed that the status quo would be maintained, with future infrastructure work not to be carried out on Shabbat unless it involves a life-threatening situation.

## 6. Mikveh

Most mikvaot (ritual baths) in Israel are public institutions, financed by the State. A number of questions have arisen in recent years over mikveh practice, and what regulations the state-run baths can and cannot enforce. These include:

- Can single, unmarried women use the mikveh? (There are single, unmarried religiously-observant women who engage in pre-marital sexual relations – generally frowned upon in Orthodoxy - but do not want to do so without immersing in the mikveh first).
- Can a woman choose to immerse without a mikveh attendant present?
- Can a non-Orthodox convert use a public mikveh for their conversion?

In 2013, the courts upheld the right of single women to use state mikvehs through the adoption of a “Don’t ask, don’t tell” policy.

In February 2016, the Supreme Court held that mikvehs must be made available for Conservative and Reform conversions. Immediately following that decision, a bill to reverse the ruling was proposed by the ultra-Orthodox parties. The new bill, which passed in July 2016, allows religious authorities to turn away individuals seeking to use State-run ritual baths. In essence, this law can prevent Reform and Conservative converts from using State-funded and operated mikvehs. As a part of this process, the State agreed to give women permission to immerse in public mikvehs without the presence of an attendant, if they so choose. The Government declared that it will fund alternative ritual baths that will serve the needs of Reform and Conservative congregations, but so far there has been no visible progress in building the additional facilities.

Attorney General Avichai Mandelblit has published an opinion which argues that the ban on Conservative and Reform converts is unconstitutional and violates individuals' freedom of religion. If no public mikvehs are built for the use of the Reform and Conservative streams (as promised by the government), this may lead to the new legislation being overturned by the Supreme Court in the future.

## 7. Kashrut

The supervision of restaurants and food to ensure they are kosher is another area of considerable friction in Israel.

The Law to Prohibit Fraud in Kashrut grants the Chief Rabbinate exclusive powers over kashrut supervision in Israel. Despite the law, many private and non-Rabbinate groups have awarded kashrut certificates, some for many years. Often these certificates (which are frequently awarded by haredi rabbis) guarantee a level of kashrut that is over and above what the Rabbinate demands.

Over the years, considerable criticism has been levelled at the Rabbinate's Kashrut Division, especially due to their insistence on businesses abiding by seemingly non-kashrut related issues, before certification is awarded. Such issues have included Shabbat observance and the nature of activities that take place at the business. (For example, certification has been revoked for restaurants that hold Christmas or New Year's parties). There have also been complaints about the high costs demanded of businesses in order to obtain kosher certification.

More recently, a group known as "[Hashgacha Pratit](#)," (or Private Supervision), began issuing a form of kashrut certification. The group claims to be "an independent kashrut supervision authority, which was established in response to poor practices in the rabbinate's kashrut service."

In the face of the increasing popularity of Hashgacha Pratit, and in response to a petition brought forward by the Rabbinate, in June 2016 the Supreme Court ruled that only the Chief Rabbinate is authorized to grant businesses their kashrut certification. The case was reheard in February 2017 and a decision is still pending. Meanwhile, in an attempt to honor the ruling, Hashgacha Pratit has since changed the wording of their certificates to remove any language that suggests supervision, or even kashrut. A grassroots social media effort is underway in support of Hashgacha Pratit's alternative certification and the new limits which have been placed on how it can be advertised through formal channels by the organization itself. In May 2017, one of the Chief Rabbinate's most authoritative kashrut experts, Rabbi Oren Duvdevani, announced that he was now working for Hashgacha Pratit. In the same week, the Eshel Hashomron Hotel in Ariel became the country's first hotel to switch its kashrut to Hashgacha Pratit.

Tzohar, the modern Orthodox group seeking to make Judaism more "user friendly" in Israel, has also announced that it will be establishing alternative kashrut supervision.

## **JEWISH FEDERATIONS**

Jewish Federations have long been committed to advancing freedom of religious expression in Israel.

- Federations have financially supported the religious streams in Israel, through the Jewish Agency for Israel and other avenues. These allocations total nearly \$2.73 million in 2017.
- Jewish Federations have been at the forefront of the conversion issue in Israel. Through numerous debates, controversies and proposed changes in law over the years, Federations have been a key player in ensuring that any changes do not harm non- Orthodox conversions, and make the entire conversion process more open to all.
- Federation support to the Jewish Agency enables the Joint Institute for Jewish Studies to provide Israeli citizens who are not halachically Jewish with the framework to enrich their knowledge about Judaism, and assist with the process of conversion, for those who are interested.
- In 2015 Federations established iRep – The Israel Religious Expressions Platform. iRep is representing a consortium of Jewish Federations and funders committed to strengthening Israeli civil society and

encouraging respect for diverse expressions of Jewishness. iRep strives to promote and advance meaningful change to the religion-state status quo, celebrating pluralism and diversity, including an initial focus on expanding the range of legally-recognized options for marriage in Israel.

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- Alongside Jewish Agency Chair Natan Sharansky, Jewish Federations have also been closely involved in, and a chief advocate and driver for, ensuring equal access and rights for all Jews at the Kotel.

## **OTHER ORGANIZATIONS**

A significant number of civil society and other organizations in Israel are active in promoting greater freedoms in the field of religion and state in Israel. Most of these groups are supported or have close connections with JFNA and individual Federations. Some of the main groups are [Yisrael Hofsheet](#) (A Free Israel), [The Israel Religious Action Center](#), [The Masorti Movement - Jewish Pluralism Watch](#), [The Reform Movement](#), [Ne'emanai Torah veAvoda](#), [Hiddush](#), [Panim](#), and [Itim](#).

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