



# Quarterly iRep Update On Key Issues Relating To Religion And State In Israel

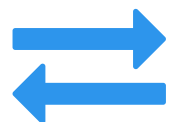
*Volume 4, May 2017*

This Religion and State Update covers the period from January - April 2017. Please click [here](#) to review volume 3 (September - December 2016), [here](#) to review volume 2 (May - August 2016), and [here](#) to review volume 1 (January - April 2016).



## Ritual Baths (Mikvaot)

In July 2016, the Knesset passed a law that allows religious authorities to turn away individuals seeking to use State-run ritual baths. In essence, this law bars Reform and Conservative converts from using State-funded and operated Mikvaot. As a part of this process, the State agreed to give women permission to immerse in the public Mikvaot without the presence of an attendant. The Government of Israel declared that it will fund alternative ritual baths that will serve the needs of Reform and Conservative congregations (mainly for the purpose of conversions). The law went into effect on May 4, 2017, but so far there has been no visible progress in building the additional Mikvaot.



## Conversion

Later this month the High Court of Justice has scheduled a special session and empaneled nine justices to hear the case of several Reform and Conservative converts who are requesting that the State of Israel recognize Reform and Conservative conversions done in Israel, thereby granting the converts Israeli citizenship under the Law of Return. This case has been pending in court since 2005.

In March 2016, the High Court of Justice resolved that the State must recognize private Orthodox conversions in Israel that are conducted outside the framework of the Israeli Chief Rabbinate. This ruling also supports the recognition of Reform and Conservative conversions. However, in the latter case, the State declared in its latest position submitted to the court, that the Minister of Interior (currently Shas party head, Arye Deri) is drafting several legislative options regarding private conversions.

Days before the hearing the government published a preliminary bill that seeks to ground in legislation the current situation in which private conversions (Reform, Conservative or Orthodox) are not recognized for the purpose of

granting rights of Aliya under the Law of Return. The bill gives official standing to the state-operated conversion authority and declares that only conversions done by it will have legal effect in Israel. However, the bill safeguards the ability to change the religion and nationality items in the population registry to Jewish according to private conversion process (including Reform and Conservative). The bill also emphasizes that it has no bearing on the current situation whereby conversions from abroad are recognized (which means that Reform and Conservative conversions done in Jewish communities outside Israel would continue to be recognized, and Orthodox conversions would be recognized as before through the Rabbinate's rules).

Read more:

<http://www.haaretz.com/israel-news/.premium-1.788567>

<http://www.jpost.com/Israel-News/Haredi-parties-advance-new-High-Court-circumvention-bill-on-conversion-490412>

<http://www.timesofisrael.com/state-must-recognize-private-orthodox-conversions-court-says/>



## Marriage and Divorce

In January 2017, the High Court of Justice heard a petition brought by LGBT activists and organizations demanding that the State of Israel create a legal marriage solution for same sex couples. The Court expressed sympathy for same-sex couples but suggested that the matter was best taken up by the Knesset.

Read more:

<http://www.haaretz.com/israel-news/.premium-1.764025>

(The picture in the article is from the iRep-funded gay marriage ceremony at the Jerusalem Pride Parade.)

In February, the marriage issue was raised 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 the 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.

Read more:

<http://www.timesofisrael.com/most-israelis-support-marriage-freedom-civil-marriage-poll/>

<http://forward.com/news/breaking-news/363156/valentine-s-day-survey-most-jewish-israelis-support-civil-marriage-and-divo/>

<http://www.theyeshivaworld.com/news/israel-news/524894/in-depth-study-nearly-half-of-religious-sector-in-favor-of-various-options-for-civil-marriage.html>

<http://www.jta.org/2017/02/14/news-opinion/israel-middle-east/valentines-day-survey-most-jewish-israelis-support-civil-marriage-and-divorce>

In March, iRep grantee Neemanei Torah Ve'avodah, an Orthodox organization, published a [short video](#) about the need for expanding marriage options. The video received significant media attention in the Hebrew and English press (19 media pieces on news websites, in conventional media, and on the radio).

Read more:

<http://www.jpost.com/Israel-News/For-first-time-religious-group-campaigns-for-civil-marriage-in-Israel-485267>

There are two growing trends among Orthodox couples related to marriage freedom. First, an increasing group within the community is interested in more egalitarian weddings than are currently sanctioned by the Rabbinate. In addition, there is a rising demand for Halachic weddings that are not registered by the State as a means of avoiding being subjected to the Rabbinate's stringent policies in case of the couple decides to divorce. The iRep committee recently approved a grant to support a first of its kind service that provides all the components for Orthodox marriages outside the Rabbinate which is expected to serve as a major resource for couples and Rabbis who are interested in these ceremonies.

Read more:

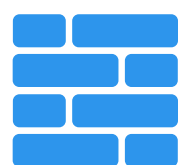
<http://www.jpost.com/Metro/With-this-ring-without-the-rabbinate-483761>

On April 20, iRep's three grantees - Yisrael Hofsheet (Be Free Israel), IMPJ (Reform) Movement, and the Masorti (Conservative) Movement - launched a billboard campaign to encourage individuals to choose alternative marriage ceremonies for themselves, and to support this choice for family members and friends. The billboards carry the message: "There is an alternative to marriage in the Rabbinate. Google "Hatuna Shava" for more information".

The billboards are spread throughout the country including all major cities. The campaign also includes grassroots activities in which activists distribute pamphlets about the marriage issue and engage the public in conversation.

The campaign was featured in several news articles in Hebrew, and in two TV news outlets.

To see pictures of the campaign click [here](#).



## The Kotel (Western Wall)

In January 2016, the Israeli cabinet voted to create an egalitarian prayer space at the Western Wall. Since the agreement was approved, objections have been raised primarily by Haredi leadership, which has stalled implementation of the agreement. In a meeting with the Reform movement in March, Prime Minister Netanyahu said he will make every effort to resolve the crisis with the ultra-Orthodox parties. In the meantime, hundreds of Orthodox girls are being bussed in to disrupt the Women of the Wall's monthly Rosh Chodesh prayer service. In the Ezrat Yisrael section (the new egalitarian section at Robinson's Arch), a temporary partition (mechitza) between men and women is erected nearly every day by a religious group opposed to the Kotel agreement.

The High Court of Justice is scheduled to hear the petition presented by the Conservative and Reform Movements in the summer. A bill presented to the Knesset in December to penalize any non-Orthodox prayer at the Kotel has not made any progress.

Read more:

<http://www.haaretz.com/israel-news/.premium-1.776820>

<http://www.haaretz.com/israel-news/.premium-1.774093>

<http://www.jpost.com/Israel-News/Shas-minister-High-Court-has-overstepped-its-authority-on-Kotel-478284>

<http://www.jpost.com/Opinion/The-Kotel-compromise-478308>

<http://www.haaretz.com/misc/article-print-page/.premium-1.760807>



## IDF

In the past, several Rabbis and former generals have criticized the IDF for allowing women to take on combat roles. In March, the 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 sides, and Minister of Defense Lieberman threatened to make the Rabbi's yeshiva ineligible for Ministry of Defense benefits if he did not leave his position. This created an internal government clash with Minister Bennett and the leadership of his party. At about the same time, it was announced that the IDF officers' training course will reestablish separate companies for men and women.

Read more:

<http://www.jpost.com/Israel-News/Will-the-IDF-cut-ties-with-rabbi-who-said-religious-women-in-army-become-non-Jews-483576>

<http://www.timesofisrael.com/idf-chief-meets-rabbis-over-female-service-controversy/>

<http://www.ynetnews.com/articles/0,7340,L-4939488,00.html>

<http://www.haaretz.com/israel-news/.premium-1.775818>

<http://www.ynetnews.com/articles/0,7340,L-4935969,00.html>

<http://www.ynetnews.com/articles/0,7340,L-4936421,00.html>



## Shabbat

In April, The High Court of Justice ruled to uphold the Tel Aviv municipal bylaw allowing a limited number of convenience stores to be open on Shabbat. The court emphasized that the government had over three years to decide on this matter, but because it chose not to take any action, the Court was forced to step in and rule on the issue.

Background: In the past, the Tel Aviv municipality has lightly enforced its previous municipal bylaw, which did not allow any businesses to open on Shabbat, by occasionally fining some of the nearly 500 stores which were open on Shabbat in Tel Aviv-Jaffa. A group of small businesses brought a petition against the municipality a few years ago claiming that this practice was illegal since it discriminated against small business who could not afford to pay

the penalty, while the bigger chain stores could pay the fine and continue to profit from being open on Shabbat. The Court ruled in favor of the small businesses, stating that the municipality must amend the bylaw to accurately reflect its policy. The current bylaw, which defines three areas where a total of 150 convenience stores would be able to open on Shabbat, was approved by the City Council in 2013 and has been waiting approval from the Minister of Interior since then, until the court's decision last month.

Following the court decision, ultra-Orthodox MKs are threatening to dismantle the coalition if the government does not legislate a law to circumvent the High Court decision.

Read more:

<http://www.timesofisrael.com/in-landmark-ruling-high-court-says-tel-aviv-mini-markets-can-open-on-sabbath/>

<http://www.jpost.com/Israel-News/Haredim-threaten-coalition-over-Shabbat-489824>

Another Shabbat development is related to public transportation. Most of the country does not have public transportation on Saturdays. Several organizations are circulating a petition in favor of operating a limited number of bus lines to hospitals and remote settlements. In April, a private cooperative of secular Israelis that operates a public bus line on Shabbat in the Tel Aviv area raised significant support through a crowdfunding website in order to open a second bus line in the Tel Aviv region. There are several other similar initiatives that transport people to the beach or entertainment areas on Shabbat in other cities, including Jerusalem and Rosh Ha`ayin.

Read more:

<http://www.timesofisrael.com/fed-up-with-shabbat-laws-secular-israelis-fund-bus-service-to-the-beach/>



In February, the Supreme Court revisited its June 2016 decision that only the Chief Rabbinate is authorized to grant Kashrut certification, preventing private, alternative Kashrut organizations from authorizing certifications. Prior to the hearing, Attorney General Avichai Mendelblit argued that restaurants may not claim they are kosher unless they have the Chief Rabbinate certification (reversing his office's earlier stance). The Hotel and Restaurant Association attended the rare hearing, declaring that due to serious problems with the Rabbinate certification process and supervision, they would like the option to receive kashrut supervision from the Tzohar organization.

At the same time, Tzohar announced that it is seeking to provide kashrut certification and supervision that would provide higher quality service and standards as an alternative to the Rabbinate. In addition, a leading kashrut expert heading the Rabbinate kashrut services in Givatayim, announced that he will be leaving the Rabbinate to join Hashgacha Pratit, a private kashrut organization which was the first one to challenge the Rabbinate's monopoly.

The court will give its ruling at a later date.

Read more:

<http://www.jpost.com/Israel-News/Supreme-Court-to-hold-second-hearing-on-legality-of-non-rabbinate-kashrut-authorities-470188>

<http://www.haaretz.com/israel-news/business/1.771801>

<http://www.theyeshivaworld.com/news/israel-news/533532/israels-hotels-probing-a-move-from-chief-rabbinate-to-tzohar-rabbonim-kashrus.html>

<http://www.israelnationalnews.com/News/News.aspx/227466>

<http://www.timesofisrael.com/rabbinate-heavyweight-defects-to-private-kashrut-initiative/>

At the end of April, the Rabbinate announced its intention to significantly reform its kashrut services including: kashrut supervisors would no longer be employed by the restaurant or business under supervision, but would instead be employed by the local Rabbinate; all restaurants would be subject to uniform kashrut rules; restaurants would be able to replace in-person supervision with cameras for remote supervision of their kitchen operations.

Read more:

<http://www.jpost.com/Israel-News/Council-of-Chief-Rabbinate-approves-kashrut-reforms-489658>

## ●●● Something Extra

In February, the Ministry of Religious Affairs announced that it is building a database of all Jewish marriages in the world. The official reason for building the database is to ensure that the Rabbinate can know if a person is single or married and to whom. The announcement raised concerns about possible privacy infringements, the Ministry's (or the Chief Rabbinate's) legal authority to create an international database, and the fear that this would actually serve as a tool to determine who is a Jew (and who isn't).

Read more:

<http://www.jpost.com/Israel-News/Israel-international-marriage-database-denounced-as-dangerous-to-future-of-Jewish-people-484854>

<http://jewishweek.timesofisrael.com/privacy-concerns-cited-as-chief-rabbinate-plans-international-database/>

<http://www.timesofisrael.com/citing-intermarriage-threat-israeli-rabbis-blacklist-families-deemed-not-jewish/>