



The Jewish Federations®
OF NORTH AMERICA | Israel & Overseas

QUARTELY UPDATE ON KEY ISSUES RELATING TO RELIGION AND STATE IN ISRAEL

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1. Conversion

State-sanctioned conversions today are only carried out by the Chief Rabbinate. In recent years, these Orthodox conversion courts have become increasingly stringent. Largely as a result of this, the vast majority of some 300,000 olim from the Former Soviet Union who have some Jewish connection, but are not formally recognized as Jews, 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.

However, one of the most dramatic recent religion-state developments has occurred in this very field. 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 only performing conversions on minors at this time, many hope that this move will open the door to independent conversions courts for adults and, eventually, a system that will enable those who converted to marry.

Read more:

<http://www.timesofisrael.com/mks-call-for-government-recognition-of-independent-conversions/>

<http://www.jpost.com/Israel-News/Concerns-of-racism-in-Petah-Tikvah-The-Rabbinate-refuses-to-wed-Ethiopians-445696>

<http://www.timesofisrael.com/will-new-conversion-court-rend-or-repair-the-fabric-of-israeli-society/>

In the Beginning of February 2016, the Israeli Supreme Court ruled that Non-orthodox conversions should be allowed to use state ritual baths (Mikve). Members of Knesset who oppose this decision are promoting a bill which will overturn the court’s ruling and limit the use of the Mikve to only uses which are permitted by the Rabbinate.

This bill has past the preliminary hearing on March 15th 2016. The non-orthodox movements, and groups of Orthodox women are publically combating this legislation process.

<http://www.jta.org/2016/02/11/news-opinion/israel-middle-east/israeli-mikvahs-must-allow-non-orthodox-conversions-supreme-court-rules>

<http://www.jta.org/2016/03/14/news-opinion/israel-middle-east/bill-restricting-non-orthodox-mikvah-use-in-israel-advances>

<http://blogs.timesofisrael.com/my-purity-is-your-impurity/>

2. 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 immediately adopted, and in terms of marriage and divorce, continues until this day. Thus, 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-religious marriage available in Israel. The only exception to this rule is for people of “no religion.”

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 (where two people have been living “as a couple” for a certain period of time) are also recognized under Israeli law, and will bestow many of the same rights and obligations on a couple, as if they had been married.

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, or convert; a person whose conversion is not recognized by the ultra-Orthodox –controlled rabbinate; homosexual 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.

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 long been active in promoting greater freedom of marriage in Israel, and in 2015 established iRep – The Israel Religious Expressions Platform.

iRep has supported the launching of a major public awareness campaign in Israel to focus the public's attention on the issue of freedom of choice in marriage - and on current (and potential) alternatives. The iRep Committee has also approved a number of grants to groups for activities promoting freedom of marriage.

Read more:

<http://www.timesofisrael.com/israeli-groups-win-grants-to-champion-marriage-outside-rabbinate/>

<http://www.jta.org/2016/01/11/news-opinion/israel-middle-east/report-660000-jewish-israelis-cant-legally-marry-in-israel>

<http://www.theguardian.com/commentisfree/belief/2016/feb/18/think-love-knows-no-boundaries-try-getting-married-in-israel>

http://blog.jewishcincinnati.org/freedomofchoiceinmarriage/?utm_source=Jewish+Federation+of+Cincinnati+Master&utm_campaign=6dbcadfd03-

[JFC_eNews_February_2016_test1_25_2016&utm_medium=email&utm_term=0_6505da1715-6dbcadfd03-248203565](http://blog.jewishcincinnati.org/freedomofchoiceinmarriage/?utm_source=Jewish+Federation+of+Cincinnati+Master&utm_campaign=6dbcadfd03-6dbcadfd03-248203565)

3. 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.

Following a decades-long campaign, led by a group known as Women of the Wall, an historic compromise was reached in January 2016. The Israeli cabinet voted to create an egalitarian prayer space at the Wall. The plan will see the current prayer platform for non-Orthodox prayers at the Robinson's Arch area at the southern end of the Western Wall significantly upgraded from its current status. 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 hope that this groundbreaking agreement will set a precedent, showing that compromise can be reached. The fact that so many disparate groups were able to reach a compromise, with the prodding of the government, is indeed a positive sign. Further, the fact that the ultra-Orthodox establishment was willing to change their stance and compromise on this issue, possibly indicates that they are feeling the increasing pressure from Israeli society and global Jewry, and feel it is necessary to back down from their stringent position.

As of March 2016, it is not clear whether or not the agreement will be implemented. The Ultra Orthodox rabbinic and political leaders seem to be publically withdrawing from the compromise, as is the Rabbi of the Kotel himself.

Read more:

<http://www.jpost.com/Opinion/One-journey-for-one-people-445423>

<http://www.jpost.com/Israel-News/Reform-Movement-holds-first-official-prayer-service-at-Western-Wall-446050>

<http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Interior-Minister-Deri-We-wont-sit-in-govt-that-recognizes-the-Reform-movement-447897>

<http://www.jta.org/2016/02/25/news-opinion/israel-middle-east/chief-rabbinate-calls-for-freeze-on-western-wall-egalitarian-plan>

4. IDF Draft

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 (known as “haredi” in Hebrew) students could avoid army service if they studied full-time in yeshiva.¹ 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.

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.

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

¹ 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.

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.

Read more:

<http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Analysis-Haredi-parties-wipe-out-Lapids-IDF-draft-law-but-for-how-long-435144>

5. Shabbat

The issue of Shabbat has long-been an area of contention in religious-secular relations. 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. No government activity takes place, beyond emergency services. Stores (and other commercial activity) are mainly closed, although there are some that do open.

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 on Shabbat.

Read more:

<http://www.jpost.com/Israel-News/Jerusalem-store-owners-protest-legality-of-forced-Shabbat-closures-445872>

<http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Coalition-tensions-over-Shabbat-continue-as-Kulanu-threatens-to-vote-against-MK-Zohars-Shabbat-law-439489>

6. Kashrut

<http://www.jpost.com/Israel-News/Rabbinate-monopoly-on-kashrut-causing-increased-food-costs-report-finds-438862>

<http://www.jpost.com/Israel-News/Treasury-preparing-proposals-to-loosen-rabbinate-monopoly-over-kashrut-443620>

<http://www.kashrut.org.il/en/>

<http://hiddush.org/channel-39-0-Kashrut.aspx>