

Critics Compare Israel's Religious Freedoms to Saudi Arabia: Rabbis Deny 1 in 10 Jews the Right to Marry in Israel

660,000 Israeli Jews denied the right to marry

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Supreme religious body faces growing backlash as critics compare Israel's religious freedoms to Saudi Arabia and Afghanistan

More than one in 10 Israeli Jews cannot marry legally in their own country, Israeli legislators heard last week, as Israel's religious authorities face a growing backlash against their wide-ranging powers.

Campaigners for religious freedom in Israel presented data showing that some 660,000 Israeli Jews were denied the right to marry. More than half – 364,000 – are immigrants from the former Soviet Union whose Jewishness is not officially recognised.

According to government figures, Israel's Jewish population stands at about 6.3 million.

The Chief Rabbinate, the supreme religious authority in Israel for the Jewish population, has exclusive control over a range of personal status matters, including conversion, marriage and divorce.

It also restricts opening times for businesses and the operation of public transport on the Sabbath, the Jewish weekend, and its inspectors control food production through the issuing of kosher licences.

Uri Regev, a rabbi who heads Hiddush, an organisation promoting religious pluralism that presented the statistics to the parliament, said Israelis were fed up being “shackled” to the Chief Rabbinate.

“The rabbinate's monopoly not only undermines Israelis' religious freedoms but it increasingly makes the general public come to resent, even hate, Judaism,” he told Middle East Eye.

The rabbinate represents a strict stream of Judaism known as Orthodoxy. Other, more liberal trends within Judaism have no official standing.

But Regev said the rabbinate has become more extreme, with recent chief rabbis drawn from the fundamentalist ultra-Orthodox movement, or Haredim. They are distinctive for wearing black head-coverings and jackets based on dress codes from 18th century Europe.

'Head in the sand'

Ofer Cornfeld, head of Havaya, an organisation that conducts civil marriages in Israel, said: "The Chief Rabbinate is stuck with a worldview from 200 years ago, when being a Jew was simply a religious identity.

"But the reality in Israel today is different. Many Jews here have a very strong secular identity," he told MEE. "The rabbis think they can continue burying their heads in the sand, but they are wrong."

According to a [global map](#) of marriage rights produced by Hiddush, Israel's policies are in line with those of states like Saudi Arabia, Afghanistan and North Korea.

Problems facing those denied the right to marry have grown so acute in recent years that one in five marriages is reported to be conducted abroad, typically in Cyprus or Prague, said Cornfeld.

Israel recognises overseas marriages on the couple's return.

Under a law passed in 2013, Jewish couples that hold a ceremony in Israel not approved by the rabbinate [risk a two-year jail term](#), as do those officiating.

Aliza Lavie, a member of the parliament who organised last week's meeting, [said](#): "Israel is the only country in the world that puts people in jail for putting up a wedding canopy and conducting a marriage ceremony."

Those who seek to convert – often as a prelude to marriage – face severe obstacles from the rabbinate too. Converts are required to adhere to a strictly Orthodox lifestyle, ensuring that only a few hundred qualify each year.

Even for those who marry in a civil wedding outside Israel, rabbinical courts retain exclusive powers in subsequent divorce proceedings, said Cornfeld.

Discouraging assimilation

The rabbinate's powers [originate](#) in the Ottoman Empire's millet system, which restricted control of personal status matters like marriage to the religious authorities of each confessional group. Israel gave the millet system legal standing at its creation in 1948. No parallel civil institutions were created.

With Israeli citizens each assigned a religious identity – usually as a Jew, Muslim, Christian or Druze – intermarriage has been made almost impossible unless one party can convert.

Scholars have argued that the confessional system helped the Ottomans enforce a policy of divide and rule throughout their empire.

In Israel the system appears to have been adopted in part to discourage "assimilation" – the fear that Jews might marry non-Jews, especially members who belong to the Palestinian minority, which constitute a fifth of the population.

Carolina Landsmann, a commentator with the daily Haaretz newspaper, [has written](#): "While secular Jews were put in charge of guarding the state's physical borders through military service, guarding the identity borders of the state were put in the hands of the ultra-

Orthodox.”

The Chief Rabbinate, however, was more concerned that Israel’s Jewish character would be weakened by a liberal interpretation of who counts as a Jew, said Seth Farber, an Orthodox rabbi who heads Itim, an organisation that aids immigrants in their struggles with the rabbinate.

Jewish ‘untouchables’

The marriage crisis facing hundreds of thousands of Israelis is a legacy of the shockwaves produced by the arrival of hundreds of thousands of immigrants from the former Soviet Union in the 1990s.

These new arrivals were accepted under the terms of the Law of Return, legislation that allows anyone with a Jewish grandparent to claim Israeli citizenship and bring with them their immediate family.

But the Orthodox Rabbinate relies on traditional rabbinical teachings, known as halacha, that recognise as a Jew only someone who can prove they have a Jewish mother.

As a result, some 360,000 of these immigrants have been classified as “without religion,” making marriage in Israel impossible.

“This is a creating a social crisis,” said Cornfeld. “Israel defines its citizens’ religious and national identities without consulting them. They get no say in the matter.”

Also [denied marriage rights](#) in Israel are: 13,000 Jews whose conversions overseas are rejected by the Rabbinate; 80,000 male cohenim, descendants of a Jewish priestly caste who are not allowed to marry converts or divorcees; and 284,000 LGBT people.

There are a further 5,000 Israelis [classified](#) as equivalent to “untouchables”. Last year it [emerged](#) that the rabbinical courts kept a “blacklist” of women they would not allow to marry, or remarry following a divorce, based on an assessment of their sexual history.

The rabbis have additional control over other rights related to marriage, such as custody. In a high-profile case in 2014, a mother was [denied contact](#) with her children after she started a lesbian relationship. The rabbis ruled that contact would cause the children “irreversible psychological harm”.

In both cases the secular high court refused to intervene, apparently fearful of provoking a rift with Israel’s religious public.

Humiliating checks

According to Hiddush’s figures, an additional 400,000 Israelis may face restrictions on marriage, even though they are not banned outright.

Cornfeld said the rabbinate carried out intrusive checks on couple’s personal and family histories to prove their Jewishness. Those could include investigations into whether a maternal grandmother spoke Yiddish or was buried in a Jewish cemetery.

Couples might also be required to provide testimony from rabbis overseas confirming their

Jewishness.

“For some couples who are Jewish [according to halacha] those checks can take months or years and many are not prepared to endure the delays and the humiliation,” said Cornfeld.

Faced with these obstacles, he added, many couples preferred either to marry abroad or to cohabit. “The new trend is towards cohabitation,” he said. “If you don’t want the Chief Rabbinate in your lives, it is the only way.”

Farber, of Itim, told MEE the religious authorities had stonewalled his efforts to make their procedures more transparent.

On six occasions over the past two years, he said, the rabbinate had failed to respond to his requests for a list of the overseas rabbis whose testimonies are accepted in determining whether an immigrant is Jewish.

Without such testimony, immigrants cannot marry or be buried in a Jewish cemetery.

This month, the Israeli Supreme Court [ordered](#) the rabbinate to produce such a list within the next month. Judge Nava Ben-Or said she was “shocked” by the rabbinate’s behaviour. “I am ashamed that in a functioning state this information cannot be provided. It is an unprecedented scandal,” she said.

Daniel Bar, a spokesman for the Chief Rabbinate, told MEE the criticisms were unwarranted. “Marriage is a religious matter – that is the law in Israel. There is nothing more to say about it.”

Public opposition

Michal Reshef, a lawyer, married in an unrecognised ceremony organised by Havaya last month. She and her American husband, Benjamin, were denied a recognised wedding in Israel because he is not Jewish.

The couple’s marital status will only be recognised in the spring when they return from a second wedding in the US.

“It was important to me to have a wedding in Israel,” she told MEE. “It makes no sense that the centre of our lives is Israel, but we have to go to the US to marry. It shouldn’t be like that – there should be choice.”

Recent opinion polls show most Israeli Jews agree.

In a poll last May four-fifths of secular Israeli Jews [said](#) they would have rejected an Orthodox wedding given the chance, up from two-thirds of respondents two years earlier.

Another survey, last September, [found](#) that 64 percent of all Israelis wanted civil marriages made available.

Some 95 percent of secular Jews were dissatisfied with the Rabbinate, opposing its monopoly on marriage and divorce, its Shabbat restrictions, and its refusal to recognise conversions by Reform and Conservative rabbis.

Reform, a progressive movement, is the most popular stream of Judaism in the United

States, but has no official recognition in Israel.

The number of religious Israelis rejecting Orthodoxy has grown sharply in recent years; with seven percent now declaring they belong to the Reform and Conservative movements.

Hands tied

Despite the public mood turning against the Chief Rabbinate, the Israeli parliament has [struck down](#) a series of civil union bills that would have allowed civil marriage – most recently last July.

Nonetheless, said Regev of Hiddush, Israeli Prime Minister Benjamin Netanyahu was finding it increasingly difficult to ignore public sentiment in Israel, as well as growing criticism from overseas Jewish communities, especially in the US.

Netanyahu was forced to apologise last year after his religious services minister, David Azoulay, [questioned](#) the Jewishness of hundreds of thousands of Reform Jews.

In November the prime minister [pledged](#) to strengthen both the Reform and Conservative movements in Israel.

Under the threat of intervention by the Supreme Court, the government also [agreed](#) two years ago to put a handful of Reform rabbis on the state payroll, though their salaries are paid by the culture ministry rather than religious services ministry.

Critics have doubted Netanyahu's ability to make more substantial changes. They say the two ultra-Orthodox parties – Shas and United Torah Judaism – that Netanyahu brought into the coalition after last year's general election have tied his hands.

"The religious parties are the kingmakers in every coalition between the left and right, and that gives them the power to silence opposition on what matters to them most," Tomer Persico, a researcher on religious affairs at the Shalom Hartman Institute in Jerusalem, told MEE.

Growing corruption

Persico said the secular population in Israel in particular has grown exasperated at the behaviour of the Chief Rabbinate, not only because of its abuse of its powers but also out of a sense that it perpetuated a system of corruption and nepotism.

"The rabbinate wants to keep its status, jurisdiction, budgets and powers," he said.

Yizhar Hess, head of the Conservative movement in Israel, has [estimated](#) that the Chief Rabbinate receives more than \$1bn a year from the state budget to administer its religious schools, courts and local rabbinical councils.

Last year a group of Orthodox rabbis, led by David Stav, set up an alternative conversion court. Although its conversions are not recognised, the fact that the move has come from within the Orthodox community is seen as a major challenge to the rabbinate's historic monopoly.

In a sign of the high stakes involved, police have issued Stav with bodyguards after he [received death threats](#).

Farber said the rabbinate was facing a “revolt” not only from seculars and progressive Jewish movements but also from within its own ranks.

Persico agreed. “The rabbinate is stubborn and unwilling to change. Ultimately, that will quicken its demise.”

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