

Opinion // The Rise of the Rebel Rabbis

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Can a small group of Orthodox leaders shake up the Israeli rabbinate?

By Uri Regev

The newest battle with Israel's Chief Rabbinate over Jewish identity, in which a number of Modern Orthodox rabbis have come together to form conversion courts outside the state-approved framework, is in one sense merely the latest chapter in an ongoing saga. What's new this time is that the rebels arise from the heart of Zionist Orthodoxy—important rabbis, once pillars of support for a centralized state rabbinate, who now have decided to take action outside it.

Today's rebels have well-known names such as Rabbi Nahum Rabinovitch, Rabbi Shlomo Riskin and Rabbi David Stav. For some time now, they have been fighting to expand and liberalize the options for halachic, Orthodox conversions. At first, they worked within the system, seeking to amend the law so as to permit additional conversion courts to operate under city chief rabbis such as Riskin and Stav. But the March 2015 elections brought these hopes to a sad ending. The haredi parties demanded and received a commitment to roll back any progress made in the previous government on such matters as conversion.

In August, the rabbis announced the establishment of the independent courts, which are intended primarily for children of immigrant families from the former Soviet Union in which the mother is not Jewish. There are some 350,000 of these immigrants—people whose paternal Jewish lineage entitled them to Israeli citizenship under the Law of Return, but who are not Jewish according to Orthodox halacha. Most lead non-observant life styles, like the majority of Israeli Jews, and have therefore been unable to obtain official conversion or have found the process too onerous.

The rebel rabbis' immediate goal is to deliver the children from the limbo this creates—basing their stance on lenient views within Orthodox law that permit conversion of minors without requiring them to commit to an Orthodox lifestyle. The organizers have specifically referred to their willingness to convert minors whose mothers are not also converting, a move the chief rabbinate refuses to authorize. But beyond the practical issue is an larger, more far-reaching challenge, even if most of the rebels are not yet willing to acknowledge it: how to fix Israel's unholy alliance of religion and state.

This issue affects all Jews in Israel and the diaspora. Indeed, it will ultimately drive a wedge between Israel and the diaspora, because if Israel's official policies do not change, most children growing up in the American Jewish community today could be labeled by Israel as non-Jews or not Jewish enough.

For Jews in Israel, the rabbinate controls marriage and divorce, along with kashrut, burial, religion in the army and more. Recently it has been seeking to expand its power, demanding that the Knesset allow the rabbinate to weigh in before promulgating any laws that have a Jewish angle. It's hard to think of many Israeli laws that don't—although,

unlike the prophets of old, the rabbinate has little interest in social justice, economic equality or minority rights. Instead, the rabbinate focuses on laws that limit civil liberties, women's rights and religious freedom.

In a different sphere, the rabbinate has for decades illegally threatened to remove the kashrut certifications of Israeli hotels unless they prohibit the use of musical instruments, photography, etc. in their halls—even for private events—by visiting groups on Shabbat. Similarly, it has forbidden hotels to display non-Jewish symbols around the Christmas/New Year season, even though their guests include many pilgrim groups. Only recently, after I threatened to start legal proceedings against this prohibition, did the attorney general instruct the rabbinate to change its guidelines. The rabbinate, however, is trying to avoid implementing the new rules, and further legal action may be necessary.

Since the Sephardic ultra-Orthodox party Shas emerged in 1984, the selection of the chief rabbi has tilted ever more toward haredi candidates. The ruling secular parties are unashamedly willing to allow this in return for political support; neither the current ruling coalition nor the main opposition can afford to stand up to the haredi parties that control the rabbinate. This politicization, as well as the low quality of appointees, explains the public's growing contempt toward the rabbinate: Hiddush's 2014 annual Religion and State Index showed that 71 percent of the Israeli Jewish public and 89 percent of secular Jews were not satisfied with the chief rabbinate. The 2014 Israel Democracy Index placed the rabbinate near the bottom of the list of public institutions that the Jewish population trusts—at 29.1 percent, between the media and the Knesset—the lowest trust level since the IDI began polling in 2003.

The only hope for change comes from that public, whose loathing for the rabbinic establishment may yet explode at a level that even the most cynical politicians cannot disregard. Thousands already seek civil marriage overseas to circumvent the rabbinate or simply choose to cohabit. The rebel rabbis' new conversion courts are a significant step toward change; they join other such efforts making clear that religious diversity and religious freedom are not anti-Jewish values.

American and world Jewry could strengthen this movement by getting involved. And they have great incentive to do so, because the rabbinate's restrictive vision of Judaism threatens to alienate diaspora Jews from Israel on a grand scale. Prime Minister Benjamin Netanyahu, opposition leader Isaac Herzog and their colleagues are attentive to the positions of American Jewish leaders and philanthropists, as we saw in previous battles over "who is a Jew" and the struggles of Women of the Wall. In just the last year, both the Jewish Federations of North America and the American Jewish Committee have launched initiatives to push for Israel to institute civil marriage as an alternative. These efforts, with their focus on the right to family and freedom of marriage, have tremendous strategic potential. More important, they call on values American and Israeli Jews hold in common.

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