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Rabbis for Religious Freedom & Equality in Israel



“ The State of Israel... will guarantee freedom of religion and conscience...”
Israel's Declaration of Independence (May 1948)

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Editorial

February 22, 2016

Dear Friends

The so-called compromise over prayer access to the Kotel has turned been attacked as giving away too much, as irrelevant to the real religious dispute in Israel, and as exclusionary of Orthodox women who refuse to give up their praying place. It has been lauded as a great advance, as a first in the legal recognition by the State of Israel of Liberal Judaism, as a triumph after 25 years of campaigning and as a breakthrough moment for Diaspora Jewry.

But will it happen? What forces are arrayed against its implementation?

In this week's newsletter we share Israel HaYom's superb analysis of the forces fighting against implementation. The full article appears in Hebrew,

DID YOU KNOW?

Rabbi Shmuel Rabinovitch, Rabbi of the Western Wall & the holy sites of Israel, is facing ongoing backlash from large segments of Israel's ultra-Orthodox community for agreeing to the Kotel compromise. Posters in ultra-Orthodox neighborhoods throughout Israel refer to him as a 'sheretz' and - even worse - a 'Reform Jew'.



Israel HaYom: “The Disputatious Kotel,” February 11, 2016

English summary (by paragraph) by Rabbi Mark H. Levin

[Click here for original Hebrew article](#)



1. Many forces are arrayed to oppose the decision.

and for those who would like a short-cut, I have summarized each of the opponents position's in English.

Please post your comments, or send them to:

organizers@rfeif.org

Also, see our FB group:

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www.rfeif.org.

Kol tuv,

Mark

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- [2016 Supreme Court ruling on mikva'ot](#)
- [Western Wall compromise agreement](#)
- [Chief Rabbi Lau attacks Bennett over pluralism](#)
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2. Although the pluralistic forces achieved official recognition for the Kotel, and attained representation on the Council that will run the Southern Plaza, many impediments have appeared.
3. Because of a last minute, hidden insertion in the agreement, the Minister of Religious Services will be responsible for developing the regulations. That's Minister David Azoulay, who last summer denounced Liberal Judaism. Azoulay has indicated he will pass the decision making to the Sages Council of Shas. If it passes there, as Aryeh Deri has great influence with the rabbis, Azoulay is bound by law to consult with the Chief Rabbinate.
4. The Chief Ashkenazi Rabbi, Rabbi David Lau, has called the decision a mistake because it ignored the Chief Rabbinate. The Chief Rabbinate must express its opinion before Minister Azoulay will sign the regulations.
5. Should Minister Azoulay delay the decisions, it's likely that the government will pass the authority to appoint the 6 representatives of the public to the new Western Wall Council, from the Reform and Conservative streams and the Women of the Wall, to Natan Sharansky as head of the Jewish Agency. This will raise the question of whether the Council, with the help of the Jewish Agency, will stick to the current plans if the government avoids recognizing them. Will the matter then go to the Supreme Court, which could decide to implement equality at the current Western Wall Plaza?

Is the Direct Route Preferable?

6. The second, more difficult obstacle, is that the new law must be implemented according to the zoning laws. Ought Israel move forward at one of the most important and historical archeological sites in the country in a shortened, expedited fashion?
7. The last time the Government attempted to shorten the path for such decisions, the bridge to the Mughrabi Gate, it ended up prolonging it.
8. Many who oppose the new plan will voice their opposition. The Hardalim, Religious Zionists in Bayit HaYehudi, with the Har Hamor Yeshiva leaders, will pressure Minister Uri Ariel and the Jewish Home Knesset members to oppose the plan and recognition of the Reform and Conservative Movements at the Kotel.
9. Jewish Home party members are warning against a slippery slope to further recognition of the liberal streams.
10. The Hardalim are attempting to enlist the Haredim, who

believe this is an acceptable compromise because they do not want the Supreme Court to rule for equal representation of the liberal streams at the current Wall.

11. Two more powerful opponents: the archeologists and the Muslim Waqf. It's possible the Antiquities Authority will require salvage excavations before the plans are approved for the prayer area.
12. Such a dig will take months, and in the event of important findings, even longer.
13. Important senior archeologists have signed a sharp protest letter to PM Netanyahu opposing the entire program of widening the prayer area.
14. Dr. Ayelet Mazar states there will be a dramatic destructive alteration to the only visible area at the foot of the Temple Mount where the destruction of the Second Temple is visible.
15. Dr. Mazar is referring to the fallen stones from the Second Temple. Many years went into revealing those fallen stones, and it's forbidden to touch or obstruct them. It's a unique testimony to the Temple and the destruction.

The Waqf Will Not Recognize

16. The Muslim Waqf has already voiced opposition. Israel fears Jordanian opposition, as occurred with building the Mughrabi Gate walkway. Jordan has not yet officially spoken. Senior Jordanian officials were this week quoted as opposing damage to the 'Muslim heritage of the region.'
17. Jordan thwarted Israel's 2004 plan for the Mughrabi Gate. If Jordan opposes the Southern Wall plaza the conflict returns to the current prayer area. The Waqf and the Mufti have in the past insisted that the area adjacent to the Wall is part of the El Aqsa holy site. The Administrator of the mosque claims that the UN has recognized the area as part of Al Aqsa.
18. Legally, Israel expropriated the area considered now for the southern prayer plaza after the Six Day War.
19. The problem, however, is not legal, but political. Jordan does not recognize Israeli sovereignty over the area.
20. The Corporation for the Development of the Jewish Quarter is legally the possessor of the area, and will require agreement.

The Haredim Fear the Supreme Court

21. The most optimistic view is that implementation will take 1 ½ years. That's an eternity in Israeli politics.
22. There have been advantages: the PM got a victory with the

Liberal Streams without relying on the Supreme Court. It's assumed that had the case gone to the Supreme Court they would have ruled for the liberal movements and Women of the Wall to receive rights at the traditional Western Wall. That would have opened a coalition crisis for the PM. Fear of the Supreme Court has moderated Haredi response.

23. In the Jerusalem court there is a damages lawsuit from members of the 'Original' Women of the Wall under the law against discrimination in public accommodations. The same women have appealed to the Supreme Court against the rule preventing Torah scrolls from the women's section.

Who is the Inquisitor Here?

24. Little less than 50 years ago archeologists and rabbis disputed over the character and borders of the Wall. The border became the Mughrabi Gate. This plan cancels that agreement.
25. The ultra-Orthodox have won exclusive control over the current (traditional) wall.
26. The archeologists have suffered a net loss. The Reform and Conservative streams have won recognition from the government for the first time.
27. The wider, secular public may prefer the new area for holiday celebrations.
28. Women of the Wall will continue at their current location until the new area is built, and there will likely will be future conflicts.
29. The Supreme Court will likely be asked to rule on the compromise in the near future, resulting from appeals of the archeologists and Kolech, who have promised to continue praying in the current women's section. Kolech's founder, Dr. Hannah Kehat, call the Kotel Rabbi "The inquisitor," and maintains that what really demeans the Kotel is the partition he has erected.

Rabbis for Religious Freedom and Equality in Israel represents a broad spectrum of Jewish belief and practice, and champions the values of religious freedom and equality fundamental to World Jewry, in partnership with Hiddush for the realization of these principles in Israel and the Diaspora.

Rabbis for Religious Freedom and Equality in Israel

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