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Deal or no deal: We shall not be moved

7 An Orthodox Jewish worshipper prays at the Western Wall in Jerusalem's Old City. (Photo by: REUTERS)

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Coercion is wrong in religion, and it is wrong in public policy. It is wrong, above all, at the Kotel, which should be a place of inclusiveness for all the Jewish people.

The ether is buzzing with reports of a deal between various parties and the government about the Kotel and Robinson's Arch. About the end of women's tefilla at the Kotel. The end of Women of the Wall. After years of negotiations that did not yield a deal, the rails appear greased this time. Why?

Two months ago, I and others who are among the founders of Women of the Wall, have been members of its board, its fund raisers, publicists and committed activists, filed suit in the Supreme Court of Israel for enforcement of the right of Jewish women to the same religious expression at the Kotel that Jewish men have enjoyed there since 1967. These are: the option of group prayer, with voice; donning tallit and tefillin; and reading from a Torah scroll. These rights were recognized by previous Supreme Court (2003) and District Court (2013) rulings. The latter court also stated that, after 25 years of women's prayer at the Kotel, our practice had become part of minhag hamakom – the custom of the place. These are historic rulings, on whose basis women's tefilla with three of the goals listed above – group prayer, with voice, tallit and tefillin – have been enacted regularly, with no incident, by several women's tefilla groups. These are very impressive accomplishments – for Jewish women, for the rule of law in Israel and for mutual respect and accommodation in a contentious society.

We filed our suits because the state-appointed rabbinic administrator of the Kotel, Rabbi Shmuel Rabinowitz, has violated these rulings by barring women from reading Torah at the Wall. In 2010, he issued a directive which forbade anyone from bringing a Torah scroll to the Kotel. For men, this is not an issue since over 160 Torah scrolls are maintained there. But Rabinowitz does not make any of these available to women. His directive is a clever, if illegal, "gotcha." It is a flagrant expression of the rabbinic overreach that increasingly invades other aspects of civil life in Israel. That is the broad constitutional principle at play here, aside from the specifics of our claims and case.

But our suits target that directive and establish overwhelmingly that it has no legal basis, nor has he any authority to have issued it. The Kotel is – for now at least – not a synagogue; nor is he, or any rabbi, mara de’atra (rabbinic decisor) there. The Kotel is – for now at least, as it has been for 2,000 years – the national holy site of the Jewish people. There is a law in this country that forbids discrimination in access to or use of, public space and property. The Kotel and the Torah scrolls there are public space and property.

Avichai Mandelblit, Netanyahu’s cabinet secretary, has for several years led the negotiations to conclude a deal that will remove women’s tefilla from the Kotel, a top haredi demand, and to relieve pressure from the Reform and Conservative movements for some official respect in Israel. Mandelblit is about to become attorney-general. He is a lawyer. He knows Supreme Court cases. After reading ours, he suddenly had tremendous incentive to push the negotiations to conclusion. The Supreme Court’s deadline for the state to give its response to our suit is now, January 29, 2016. Not that we didn’t know it but the clearest indication of the strength of our suits is the speed and determination with which the state is determined to conclude these negotiations.

Here’s who has been at the table with Mandelblit: the Reform and Conservative movements; Anat Hoffman, executive director of the Reform movement’s Religious Action Center (IRAC) and chair of Women of the Wall; Rabbi Rabinowitz, backed by haredi MKs.

The movements want state recognition of mixed-gender, egalitarian services at Robinson’s Arch, an archeological site adjacent to the Kotel area. These services already exist there, including bat and bar mitzvas. What the movements hope to gain from a deal are embellishments at Robinson’s and some structural changes so that the entry to Robinson’s will be more prominent, with signage indicating that this is the egalitarian prayer area. Symbolically, this is very important to those movements, tantamount to state recognition of non-Orthodox Judaism, not at the Kotel, but near it.

Anat Hoffman is caught between the mandate of the charter of Women of the Wall, which states that the group’s non-profit status is based on its pursuit of women’s prayer in the women’s section of the Kotel, and her status as a paid employee of the Reform movement. Her group has done remarkable peddling around this conflict of interest to present the removal of women’s tefilla from the Kotel to an alternate site, and its inclusion there as an afterthought to egalitarian tefilla, as somehow in accordance with its charter, or even its name: Women of the Wall.

Then there is Rabbi Rabinowitz, representing the haredi establishment, who has defamed Jewish women for the act of prayer, for donning sacred garments, and for reading Torah (“blasphemy”) – acts which, when performed by men, are called “mitzva.” Who sent police to detain and process us as criminals for – this. Who has been agitating openly for us to remove ourselves from the Kotel, sending public notices of dis-invitation to the national holy site of the Jewish people: the administrator of the site telling Jews we are not welcome there. Unless we act like his kind of Jew/women.

What’s in this deal for him and the haredi establishment? After all, it gives recognition in public space to Reform and Conservative Judaism, not something we would expect they would sign on to. We have been told the payoff is not simply banishment of women’s group prayer from the Kotel but official recognition of the Kotel as a haredi synagogue, matching recognition Robinson’s

as a site of egalitarian prayer. Or perhaps, agreement to banish women's tefilla itself establishes the Kotel as officially haredi.

Partisan players and politics, business as usual in Israel, one might think. Except that this deal, if it goes through, affects the status of the national holy place of the Jewish people and will make it officially, for the first time and God forbid, perhaps irrevocably, the preserve of one segment of the Jewish people, theirs from which to banish any who do not adopt its practice. What has until now been a de facto usurpation, done without national deliberation, let alone consent, would become enshrined, officially. This is what is at stake here for all of us. The "reward" for years of outrageous behavior and incitement, for rank intolerance and the preaching of hatred, will be – the Kotel.

Here's who has not been at the negotiating table: those of us who are bringing these lawsuits. We remain committed to the original goals of the group: to the sight and sound of Jewish women in Jewish sacred space; to Judaism in female image, in that place; to Jewish women's solidarity irrespective of denominational lines; to our independence from and non-affiliation with any denomination; to our autonomy as Jewish women.

We have no objection, of course, to prayer at Robinson's for those who wish it. We reject any deal that would infringe upon, let alone deny, the hard-earned and historic rights of Jewish women at the Kotel. No one can concede someone else's rights. Anyone who says she speaks for us in doing so, does not. We say clearly: any deal that delegitimizes, let alone bars, tefillah in our minhag at the Kotel has no bearing on us. We stay at the Kotel.

Should, despite all the reports, this deal confirm our rights to pray in our fashion there, while granting others improvements important to them at another site, we would, of course, support it. As we continue to pray at the Kotel, we expect the state will abide by law guaranteeing equal access to public services, including Torah scrolls, there. And we will pursue our lawsuits with vigor to guarantee that it does.

To our Orthodox sisters, who participate in our pluralist, inclusive services, whom our tefilla policy accommodates with respect, we say this: no deal which says, either adopt haredi prayer practice in order to stay at the Kotel, or go to Robinson's, a site of prayer practices contrary to your religious commitments, and a place with no resonance or meaning for any of us, is one we will accept. We are about Jewish women's prayer, at the Kotel. Neither aspect is negotiable. Nor is our solidarity as Jewish women. Our prayer is no afterthought to other goals, other players. No back of the bus for us, with or without padded seats, or signs.

To the movements we say: lo zu haderekh, this is not the way. This deal is short-sighted and misguided, not only because of its implications for women's autonomy in Judaism – a principle supposedly central to progressive Judaisms – but because in accepting Robinson's in this way, you enhance the power of the very haredi establishment that anathematizes you and rejects your Jewish legitimacy. The logic of this deal is the same as that which Rabbi Rabinowitz used during this past Hanukka and in previous ones, when he had the real Hanukka lighting at the Kotel, in which only men participated, and took the Jews whose Jewishness he does not respect – a woman, even! – to a site in the Jewish Quarter for lighting because – well, it's good enough for them, what do they know, anyway. Strange bedfellows.

To you, and to all of us, we say: Coercion is wrong in religion, and it is wrong in public policy. It is wrong, above all, at the Kotel, which should be a place of inclusiveness for all the Jewish people, a place of mutual respect and accommodation; a place indeed, where such is modeled.

Let us keep our eyes on the prize. The real one. No ersatz, no substitutes.

That's where we will be, deal or no deal.

The author is a founder of Women of the Wall and plaintiff in a lawsuit currently before the Supreme Court to enforce the right of Jewish women to read Torah at the Kotel. She is a Jewish historian and award-winning author, and lives in Jerusalem.



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