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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

March 14, 2016

Dear Friends

For more than a century Jews have debated how to guide the Jewish character of a sovereign Jewish State. Until recently, few thought seriously in terms of national halakhic standards. The Founders envisioned a Jewish ethic, not ritual Jewish practice.

In Anita Shapira's 2014 book, **Ben-Gurion: Father of Modern Israel**, she writes:

Just before the state was established, he [Ben-Gurion] reached agreement with the ultra-Orthodox Agudat Yisrael (Union of Israel) party on the celebrated "status quo," assuring the state's religious Jews (sic) that marital laws would be observed as they had

RADIO INTERVIEW WITH MINISTER RABBI LITZMAN (UTJ) [\[link\]](#)

Minister Rabbi Litzman raised his tone and threatened PM Netanyahu: "He either loves the Reform Jews of the Diaspora, or the Haredim of Israel; it's either-or. There are no two ways about it."



"The Supreme Court is destroying everything good related to religion & state, and we must stand up against it; and the only way to stand against it is by passing legislation, there is no other way."

Israel - pushed towards theocracy

Contrasting visions for the State of Israel on matters of religion and state, by Uri Regev

[In last week's RRFEI bulletin \[link\]](#), I emphasized that the battle over the Kotel agreement and Supreme Court ruling to allow non-Orthodox converts access to Israel's public mikva'ot is not really over the Women of the Wall's prayer services or the non-Orthodox movements and their converts. Rather, it is over contrasting visions for the State of Israel on matters of religion and state.



[The recent Pew report, as I wrote at length \[link\]](#), indicates that the population represented by Gafni, Litzman, Azoulay, Deri and their colleagues, strongly desires to turn Israel into a theocracy, or as

been during the Mandate period and that the Sabbath and festivals would be part of the national calendar. Sensitive to tradition, he granted yeshiva students exemption from military service, but soon regretted it. In total contrast with his expectation that they would disappear completely, the number of yeshiva students steadily increased. But even though he sharply criticized the exemption, he did not cancel it. (p. 191)

In past issues we have dealt with allowing liberal conversions in Israel's public mikvaot, seen 150 examples of rabbis over the last half millennium who issued piskei din stating that absolute adherence to halakhah was not required for conversion, and witnessed struggles with mehitzahs and kol ishah. Israel deals daily with the Jewish ethics of war and governing a minority population in the midst of conflict.

In [this linked study: Secular Rights and Religious Wrongs? Family Law, Religion and Women in Israel](#), we witness the impact of a dual divorce

close to one as possible. In such cases when religious edicts clash with the rule of law and democratic principles, they believe themselves to be obligated to follow their interpretations of halakha, rather than civil law. Their political clout allows them to "dance between the raindrops," and bend the law to suit them, even if this flies in the face of democracy, religious freedom, equality, etc. They aim to fashion Israel into a state not unlike those run by sharia law. Minister Azoulay's declaration that he would not sign the regulations passed by the Government in the Kotel agreement "because his rabbi told him not to sign" is only one more recent example of this intolerable situation.

PM Netanyahu finds himself a rock and a hard place, for he does not support the vision for a theocracy, and would like to make good on his promise to Diaspora Jewry that "all Jews should feel at home in Israel." However, the threat to the integrity of his coalition government is rising due to forces that aim to unravel Israel's democracy; forces for whom Israel-Diaspora relations and the rule of law are meaningless; forces whose only considerations are utilitarian. The clearest expression of this is that the battles against the non-Orthodox movements and against the supreme court are the same battle. This was made utterly clear in a radio interview with Minister Rabbi Litzman (quoted above) about the upcoming vote to reverse the Supreme Court's ruling on the mikva'ot (you may read about [the details of the vote and its outcome here \[Hebrew link\]](#), including responses from Hiddush, the non-Orthodox streams, and representatives of the Jewish Home and Kulanu parties).

These issues are again rising to the fore, which is why we believe it is so urgent for RRFEI members and friends of Israel in the Diaspora to mobilize in this existential battle. This is not simply a struggle for the rights of the non-Orthodox streams. It is a battle for the future of Israel's soul, and the extent to which the Jewish state will be able to sustain its partnership with the Diaspora.

Secular Rights and Religious Wrongs? Family Law, Religion and Women in Israel

**William & Mary Journal of Women and the Law,
vol. 18, issue 2**

[Click HERE for the full article](#)

system in Israel: one civil, one halakhic. The authors describe how when it works correctly, the halakhic system can be the most humane. Utilizing Israel's Sanctions Law, and with cooperative courts, women can receive the compensation promised them in their ketubahs and have property settled quickly and equitably. In some cases even women from abroad have sent their cases to Israel to be adjudicated fairly. Many cases are recorded in which women prefer the halakhic courts to the civil court in order to expedite the proceedings and get on with their lives. These are rarely publicized in the North American Jewish world.

Yet, the idiosyncratic interplay of the ideologies of the judges and the desire for fairness comes overwhelmingly into play. Some judges simply prefer the rights of men over a woman's rights.

Organizations like [Yad L'Isha](#), [Mavoi Satum](#), and [Center for Women's Justice](#) can make the difference between success and failure achieving a just settlement. Where the desire is for justice and the judges seek fairness, the halakhic system in Israel can and does at times work well. But shouldn't Israelis

INTRODUCTION:

Israeli family law has been the object of much criticism for its treatment of women. According to halacha (Jewish law), a man holds all the power to grant his wife a religious divorce (the get). If a Jewish woman is entitled to a get and has not received one due to her husband's refusal, she will be called an agunah (chained wife), a status which entails several dire consequences. First, if the woman contracts a new civil marriage, the relationship is considered adulterous under Jewish law. Therefore, an agunah is never permitted to religiously marry this other man. Second, any children born to a woman who has never received a get are labeled mamzer. Such children are automatically excluded from Judaism: they are illegitimate, and may never marry anyone but another mamzer.



Israel's family law regime, in large measure dating back to the Ottoman Millet system, confers jurisdiction over divorce and marriage to (religious) rabbinical courts. Though Israel is not explicitly a theocratic Jewish state, but rather an ambiguous "Jewish state," religion nevertheless occupies a central place in Israeli life. As put by Martin Edelman: "Although Israel is a secular democracy, it proudly proclaims itself as the State of the Jewish people. What that means is far from clear... There is no denying, however, that at times Orthodox Judaism functions in the Israeli polity as if it were the official state religion."

Indeed, the divorce procedures, which are the focus of this article, are governed strictly by religious law. There is no civil marriage of which to speak. This has led many commentators of the agunah problem to argue that since Western Jews can ignore the (private) religious sphere and remarry within the civil sphere, they fare better than their Israeli counterparts. This has also led many to advocate the introduction of civil marriage in Israel. Likewise, the adoption of civil statutory regimes for some matters ancillary to divorce has been interpreted by secularists as a sign of social and legal progress. Under this narrative, the matters ruled by civil law are presented as having "been 'conquered' by the secular, substantive law which has replaced the religious law."

The article will attempt to test out this claim and to comprehend Israeli women's condition by analyzing the operation of the Sanctions Law, a religious legislation intended to address the plight

have the right to choose which system they prefer: civil or halakhic?

This article opened my eyes to the possibilities within a practical Jewish state in which Jews choose the aspects of Judaism most applicable to their own worldview. Judaism can marry modernity to traditional life, both by modernizing halakhah for the benefit of the community, and by giving choices to individuals about the course they will pursue in their personal lives.

Contrary to the reports I have most often heard, religious courts in Israel can provide men and women with the rights and respect they deserve in these very trying circumstances.

As we see: the agunah problem is resolvable even in modern times, and halakhah can deliver divorce decisions that the parties will accept, with recognition of the rights of both husband and wife, and justice rather than politics combined with the preservation of tradition.

Please let me know what you think when you read the article: organizers@rfe.org or in our Facebook group: [Rabbis for Religious Freedom and Equality in Israel \[link\]](#).

of the agunah. Through field work and interviews with Israeli Jewish women, this article will attempt to assess the concrete impacts of religious and secular family law on women. Our field work in Israel clearly suggests that religious women's interests are entwined, diffused and recast in manifold unexpected ways across the secular/religious divide, compromising any policy option that tries to exclude one or the other. Hence, the "religious" cannot be depicted as simply reflecting gender oppression. Rather, our interviews outline that women's experiences with both the civil and religious sphere are uneven, ever changing and conditioned by the complexities of intersecting legal orders.

[Click HERE for the full article](#)

Interesting Psak from Adina Bar Shalom on Kol Isha

Friends,

News of growth and change in the Haredi world comes with gratitude. We sometimes think of that world as monolithic, but, like our own, it is not. While this may be a small change, the following articles do speak to the results of Haredi women getting out into the world and changing the model of the role of women.



**Kol tuv,
Mark**

Religion Magazine, en.paperblog.com (English)

[Click HERE for the full article](#)

Adina Bar Shalom, the famous daughter of Rav Ovadia Yosef, yesterday went on air talking about Haredi women, the now defunct female council of Shas, and most interestingly, I think, of men going to performances with women singing.



Bar Shalom said that regarding the issue of "kol b'isha erva" people

Kol tuv,

Mark

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Resources

- [2016 Supreme Court ruling on mikva'ot](#)
- [Western Wall compromise agreement](#)
- [Chief Rabbi Lau attacks Bennett over pluralism](#)
- [J-REC / AJC Mission to Israel](#)
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have gotten very extreme over the years. She explained that a woman cannot get on stage and sing and dance in front of men who are there to see her. But, if she is there singing as part of a choir, as part of an orchestra, then a man can sit and listen to her sing, as long as he is not focusing on her and not watching her in a longing way.

Her statement has caused quite a ruckus. While the opinions are numerous as to what is and is not a problem of "kol isha", she is right that the ultra-Orthodox community has gotten very extreme about it.

It has been pointed out that Bar Shalom's psak is in opposition to her father's psak that was written in his sefer prohibiting kol isha if one even just knows what the woman looks like from having seen a picture. His psak is despite the fact that he himself was famously a fan of the Egyptian female singer [Umm Kulthum](#) and would listen regularly to her songs. There is [some debate](#) as to whether or not he later retracted this psak, and there is also some debate whether the original psak was more limited than how it is being made to sound and he was prohibiting it specifically during tefilla (shma and shomeh esrei) or by limiting it specifically for those who would be aroused by the specific singer.

Uproar over the *psak halakha* of Adina Bar-Shalom, *Srugim* (Hebrew)

[Click HERE for the full article](#)



בתו של הרב עובדיה יוסף זצ"ל, עדינה בר שלום, התראיינה היום (שלישי) לגל"צ והפתיעה כאשר אמרה כי במהלך השנים היו מי שלקחו לקיצוניות את ההלכה "קול באישה ערווה".

בפתח הראיון לרזי ברקאי ולזמרת יהודית רביץ, שאל המגיש רזי ברקאי את בר שלום: "קול באישה ערווה?"

והיא השיבה: "לא. לקחו את זה לקיצוניות".

בר שלום, המשיכה להסביר את עמדתה בנושא ואמרה כי "אסור לאישה לעמוד על במה ולרקוד ולשיר – הכל יחד, לפני גברים שמרוכזים בה. אבל אם יש תזמורת, ואישה שרה, וגבר יכול לשבת וליהנות משירתה ולא להביט בה בערגה – זה בסדר".

"עדינה, נמלטת מזה בעור שינייך אבל הצלחת לצאת מזה", העיר ברקאי.

בר שלום, המשיכה ואמרה כי "הגבר יכול לשבת באולם, לא להביט בה,

להקשיב לה וזה בסדר גמור". ליהודית רביץ אמרה כי "אם הוא יושב עם אשתו על ידו, והוא שומע אותך יחד איתה, והוא נהנה, והוא מחליף חוויות – זה בסדר גמור".

על פי הפרסום באתר החרדי 'כיכר השבת' יצוין דבריה של בר שלום הם בניגוד מוחלט לפסיקתו של אביה הרב עובדיה יוסף זצ"ל.

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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