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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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Introduction

June 8, 2017
14 Sivan 5777

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Dear Friends,

At present both civil law and halakhah determine aspects of Jewish status in Israel: citizenship is under the Law of Return and the population registry, and religious law determines ritual and personal status decisions, like marriage and burial.

The Chief Rabbinate asserts that only its narrow interpretation of halakhah protects Jewish unity, meaning that all Jews and the State of Israel must insist on not only an Orthodox interpretation of halakhah, among the various alternatives, but a Haredi interpretation. Historically their assertion has never been the case.

Obviously, today other legitimate interpretations thrive in the Jewish world. In this edition you will find

Don't undermine Jewish unity - the State Conversion in Israel bill

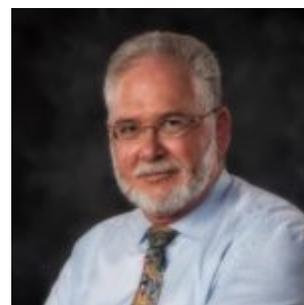
By Rabbi Uri Regev

[Click HERE for the full JPost article](#)

The Minister of the Interior is a sore loser. What's worse, he's a sore loser with an attitude.

The attitude I'm referring to is Minister Arye Deri's obsession with eradicating any state recognition of Reform and Conservative Judaism in Israel. He has made this amply clear recently in relation to the Israeli government's historic Kotel compromise. And now he's back at it, having just submitted the "State Conversion in Israel" bill, which would for the first time legislate the exclusive authority of the state-established rabbinic bodies over conversion.

Since the 60's, the Supreme Court has made a consistent distinction between the civil and religious arenas when interpreting the question of "Who is a Jew?" For the civil arena – such as the Law of Return and the population registry – the Supreme Court holds that the interpretation should be a civil and pluralistic one. In the religious realm – primarily for purposes of marriage and divorce



an example of how halakhah can govern the Jewish people with justice: an analysis of the moves to prevent the agunah problem from affecting future marriages. Orthodox Talmud scholar Rabbi Michael Chernick describes the current state of affairs with independent documents to prevent women from remaining agunot, or efforts within the ketubah itself to obviate the problem.

Demonstrating the vitality of living halakhah today from various perspectives, we include original responses to Dr. Chernick's analysis and recommendations for how to move forward with justice from Rabbis Mark Washofsky (Reform), Elliot Dorff (Conservative), and Daniel Siegel (Renewal). Two additional scholarly responses will be forthcoming in August from prominent women authorities.

We urge you to read these original approaches to a problem that cries out for justice. Send your response to: organizers@rrfei.org or see the [RRFEI Facebook group](#)

We look forward to hearing from you and potentially sharing your view with our readers prior to the Yamim Noraim.

– the substantive law defined “the Law of the Torah,” namely Orthodox halacha or religious law, as the law governing marriage and divorce for Jews in Israel. And the definition of who is a Jew for these purposes was also according to Orthodox halacha.

In an attempt to predetermine the outcome of a long-pending case before the Supreme Court regarding the refusal of the Ministry of the Interior to accord Israeli non-Orthodox converts with rights under the Law of Return, the ministry pulled this proposed law out – just two days before the scheduled hearing. The State representative informed the dismayed justices that it would be useless on their part to proceed and render a decision, because it is the state's intention to have the new law applied retroactively to the cases currently pending before the Court – since 2005!

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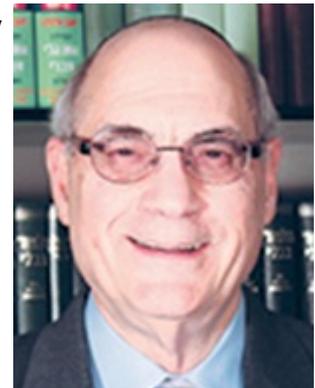
Halakhic Pre-Nuptial Agreements: Why Are They Needed? How Do They Work? Do They Work Here and Abroad?

By Rabbi Michael Chernick

[Click HERE for the full article](#)

In its discussion of divorce in Deuteronomy 24:1-2 the Torah frames the entire procedure in the masculine form. The Sages of the Mishnaic and Talmudic period understood this to mean that the right of divorce was the husband's and not the wife's. Further, in the formative period of Jewish law, a husband divorced his wife at his discretion, but she could be divorced against her will (Mishnah Yebamot 14:1). In the eleventh century a takkanah ascribed to Rabbenu Gershom of Mainz prevented women from being divorced against their will. Nevertheless, the husband's agreement to divorce was still a sine qua non for the get to be legal.

Nevertheless, the problem of what I will call get-agunah, a woman being “chained” to a dead marriage for lack of a halakhic divorce, was not a practical problem. The Sages of the Talmudic period recognizing the inequities inherent in Jewish divorce law developed two strategies for coping with divorces on a whim and recalcitrance. Divorces on a whim were impeded by the creation of



Kol tuv,

Mark

Rabbi Mark H. Levin
RRFEI Editor

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the ketubah which put a high price on divorce for the husband. When it came to recalcitrance, the Sages handled it by allowing the courts to coerce the husband, physically if necessary, until he said, "I wish to divorce my wife." Despite the fact that this was not a freely willed decision, which was a required for a legal divorce, for the Sages the mere statement of "I want to divorce my wife" was enough.

Three Points on the Halakhic Prenup

By Rabbi Mark Washofsky

[Click HERE for the full article](#)

Rabbi Michael Chernick, my colleague at Hebrew Union College-Jewish Institute of Religion, has offered a comprehensive and thorough summary of the issues surrounding the halakhic pre-nuptial agreement. I find in it absolutely nothing to critique and very little to add. I do, however, have three brief comments, which are based upon a recent entry in the blog of the Solomon B. Freehof Institute of Progressive Halakhah (<http://blog.huc.edu/freehof/2016/02/29/the-halakhic-prenup-a-great-idea-mostly/>).



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A Conservative Response to the Orthodox Prenuptial Agreement

By Rabbi Elliot Dorff

[Click HERE for the full article](#)

Rabbi Chernick has done a masterful job in describing the prenuptial agreement now in use in some segments of the Orthodox community, together with its strengths and weaknesses. To the extent that it has saved women from becoming agunot through the very threat of the husband being forced to pay a huge sum of money per day for refusing to give his wife a get, it is to be praised. In the United States, however, with a strong separation of

religion and state, I wonder whether the civil courts will honor a prenuptial agreement of the parties to use the Orthodox court to settle their monetary disputes once they realize that what is involved is not only a monetary dispute but confirming a divorce in a religious act.

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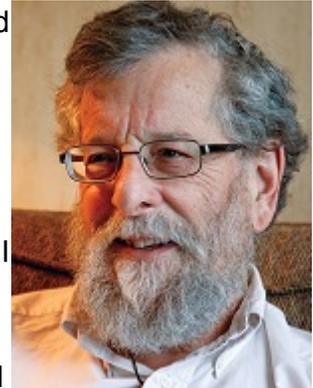
My concerns with pre-nuptials and civil marriage in Israel as solutions

By Rabbi Daniel Siegel

[Click HERE for the full article](#)

As a new member of RRFEI, I am honoured by the opportunity to contribute to this learned discussion.

At first, I endorsed and used pre-nuptial agreements, seeing in them exactly what Rabbi Chernick sees. Over time, however, I became unsatisfied with this and the other options he lists. My concerns with seeing both pre-nuptials and civil marriage in Israel as solutions to the problem of divorce inequality and the agunah include:



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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.

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