

Israel Democracy or Theocracy Lesson Two

Reading One

The rise of fanatical 'Israeli ayatollahs' is a godsend for anti-Zionists
by [Julian Kossoff](#)

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Last week, Israel's foreign minister Avigdor Lieberman compared Turkey with Iran before the 1979 Islamic revolution. But if Mr Lieberman were to be honest, he'd recognise that the greater threat to Israel from rising religious fundamentalism comes from within – on an almost daily basis.

At the same time as he was doing his tough-guy act with the Turks, Israel's High Court was buckling to the fait accompli of sexually segregated bus services (women at the back) on over 100 state bus routes, demanded by an emboldened ultra-orthodox community. On the same day, an Israeli activist who defied orthodox Jewish custom by leading a group of women in open prayer at Jerusalem's Wailing Wall has been told to expect years in prison for breaching the peace – raising the prospect of Progressive Judaism's first prisoner of conscience.

The rabbis are now infringing on every aspect of Israeli life – even death. When the former Liverpool footballer Avi Cohen was killed in a motorcycle accident at the New Year, he had an organ donor's card in his wallet – a campaign he had publicly supported. His family agreed that his organs should be donated before he was taken off his life-support machine, but several so-called “miracle worker” rabbis objected. They told the family that taking his organs while his heart was still beating was murder according to Jewish law. The family succumbed to the pressure, even though potential recipients had been told organs had been located for them. If these were purely domestic concerns they would be worrying enough for supporters of democracy and individual rights – but there are wider, existential ramifications.

Thus, as Israel and her friends around the world battle a rising tide of demonization of the Jewish state, they are being undermined by rabbinic extremism. This was starkly highlighted at Christmas when hundreds of Israel's rabbis gifted anti-Zionism a “godsend” in the form of the despicable religious ruling barring Jews from selling or renting homes to non-Jews (Arab Israelis), published just before Christmas. Hundreds of other rabbis, including some of the most revered ultra-orthodox figures, Israel's president, her prime minister, the nation's conscience in the form of Yad Vashem Holocaust shrine, survivor groups and the Anti-Defamation League denounced the blatant racism, but the damage was done.

Just as the anti-Israel lobby was rubbing its hands with glee at the a new line in its “Israel – the apartheid state” rhetoric, a group of rabbis wives (no doubt following patriarchal orders) added their own tinsel, with an open letter calling on Jews not to date Arabs. In chapter reminiscent of racists' lurid sexual myths, the wives warned of wily Arabs preying on innocent Jewish lovelies. “Israeli society is falling into a deep, dark pit of racism and xenophobia,” warned Rabbi Gilad Kariv, the head of Israel's Reform branch of Judaism.

Israel's founding fathers were committed modernists and believed the archaic Jewish sects would wither and die out in Zion's brave new world. But, nurtured by bucket loads of tax shekels, today ultra-orthodox Judaism – for the first time in 2,000 years a state-sponsored religion – is a political power in its own right. Most significant is the ultra-orthodox [Shas](#) party, a major component of Netanyahu's coalition whose leader Eli Yishai controls the all-important Interior Ministry, responsible for many areas of Israeli life dealing with identity and Jewish recognition. In a recent interview Mr Yishai openly admitted to taking a daily phone call from Shas's spiritual head, Rabbi Ovadia Yosef.

[Rabbi Yosef](#) is a Jewish reflection of an Iranian ayatollah. Revered by his followers as a legendary theologian, his world view is medieval. His recent pronouncement that the recent devastating forest fires in Israel's north was divine retribution for poor Sabbath observance was far from the most bonkers thing he's ever said. Today, the militant Judaism of Shas is one half of a political pincer set on squeezing the democratic life out of Israel's body politic.

The other half is the brawny nationalism of Lieberman (aka "Israel's Milosevic") and his Israel Beiteinu party supported by Russian Jews, now gunning for left-wing Israeli NGOs and human rights groups with [McCarthyite fervour](#). Privately, the ultra-orthodox may view "the Russians" as whores and half Jews, while the migrants from Eastern Europe suspect the black-clad Talmudists are work shy draft-dodgers, but their profound differences are masked by their shared extremism – for the present *The Telegraph-a week ago*

Reading Two

Shas came into existence in 1984 as a direct result of the deep discrimination that Sephardim experienced in Israel's Ashkenazi ultra-Orthodox world and the disenchantment it created.

Aryeh Deri, then a 25-year-old yeshiva student, and Rabbi Ovadiah Yosef, former Sephardi chief rabbi and preeminent scholar in the Sephardi religious world, teamed up in an effort to create a political force that would represent all Sephardim in the country. Although pollsters gave the new party little hope, it won four seats in the Knesset that year. In the 1988 elections, Shas won six Knesset seats and held them through the elections in 1992.

Shas appeals not only to ultra-Orthodox Sephardim but to non-Orthodox Sephardim as well. The reason for this is that "for many Sephardim, arrival in Israel had left them facing a tragic contradiction: they had come to Israel because of a religious imperative to settle in Zion, but on arriving their religion was threatened by an Ashkenazi establishment insensitive to their traditions and beliefs....Fifty years after the creation of the state, many still find themselves on the margins of Israeli society, and feel excluded from the mainstream Israeli experience -- an experience many of them, especially those who vote for Shas, see as being largely Ashkenazi....Shas has successfully tapped into this sense of economic and cultural deprivation, offering these people a prescription of religious faith, ethnic pride, and social sensitivity....

One cornerstone of its work is its ever-expanding education network, which has made deep inroads among non-Orthodox Sephardim. Through its role in coalition politics for the past decade, it has directed government funding into day-care centers, kindergartens and elementary schools, youth clubs and yeshivas around the country. *The American Jewish Committee*

Reading Three

The party was mired in scandal after the indictment and subsequent conviction and imprisonment of its former party leader, Aryeh Deri, on corruption charges in 1999. While Yosef distanced the party from Deri and installed Yishai as the new party head, many Shas voters saw Deri as the victim of a discriminatory political witch-hunt and continue to support him.

Following Deri's conviction, Shas gained 17 seats in the 1999 elections, its strongest showing since its formation. Although 26 seats were projected for the following election had they run in 2001, instead Shas was reduced to 11 seats in the 2003 election because the two-ballot system was amended. In the 2006 elections it gained one more seat and joined Ehud Olmert's coalition government, alongside Kadima, Labor, Gil and between October 2006 and January 2008, Yisrael Beiteinu. In the current government, Shas party leader Yishai was Minister of Industry, Trade and Labor, and Deputy Prime Minister whilst Ariel Atias was Minister of Communications, and Meshulam Nahari and Yitzhak Cohen were Ministers without Portfolio.

After the 2009 elections Shas joined the Likud-led coalition together with Labor, United Torah Judaism and Yisrael Beiteinu, receiving four ministerial portfolios. Wikipedia

Reading

The Jewish Home (Hebrew: הבית היהודי, *HaBayit HaYehudi*) is a new right-wing national religious Zionist political party in Israel. It was formed by a merger of the National Religious Party, Moledet and Tkuma in November 2008. However, after its top representative was placed 17th on the new party's list, Moledet broke away from the party, and instead ran on a joint list with Hatikva called the National Union. Tkuma also rejoined the National Union whereas the Ahi faction have joined Likud.

Reading Four

The National Union Party (Halchud HaLeumi) is a right-wing coalition of a number of smaller religious-Zionist parties including Moledet, [Herut](#), Hatikvah, and elements of the Tkuma party. In the 2006 elections, the National Union Party ran on a joint list with the National Religious Party and the coalition took nine seats in the Knesset. The National Union states that Israel should maintain control of the territories captured in 1967 and formally annex them. The party is opposed to the establishment of a Palestinian state in the West Bank saying that it "opposes the establishment of another state in addition to the State of Israel anywhere in the Land of Israel west of Jordan." The party also opposes any division of Jerusalem.

The National Union supports "a free market economy with limited government intervention and initiatives" and states that "It is necessary to eliminate market borders and limit state intervention."

The party promotes the advancement of Israel's Jewish identity and its manifesto declares "it is natural and clear that Israel should respect the beliefs of the Jewish people, including the Sabbath, the Jewish holidays, Kashrut (Jewish dietary laws), conversion according to Halacha (Jewish law), marriage and divorce."

Reading Five

United Torah Judaism (Hebrew: יהדות התורה המאוחדת, *Yahadut HaTorah HaMeukhedet*; **UTJ**) is an alliance of Degel HaTorah and Agudat Israel, two small Israeli Haredi (Ultra-Orthodox) political parties in the Knesset. It was first formed in 1992.

The two parties have not always agreed with each other about policy matters. However, over the years they have cooperated and united as a voting bloc in order to win the maximum number of seats in the Knesset, since many extra votes can be wasted if election thresholds are not attained under Israel's proportional representation parliamentary system.

When UTJ joined Ariel Sharon's coalition in 2004 it split into its two constituent factions of Degel HaTorah and Agudat Israel. Before the 2006 election, Degel HaTorah and Agudat Israel agreed to revive their alliance under the banner of United Torah Judaism to not waste votes and achieve maximum representation in the 17th Knesset.

The Degel HaTorah ("Banner [of] the Torah") party that is guided by the rabbinic heads (usually the leading rosh yeshivas ("deans") of the Lithuanian yeshivas) of non-Hasidic Haredi Ashkenazi Jews.

The Agudat Israel ("Union [of] Israel") party that is guided by the followers of Hasidism in Israel, and also consisting of Ashkenazi Jews. The leading members of this party are the followers of the Ger, Vizhnitz, Boston and Sadigura Hasidim. The two factions again united for the 18th Knesset elections in 2009. The bloc won five mandates, a loss of one seat.

Reading Six

The **Supreme Court** (Hebrew: בית המשפט העליון, *Beit HaMishpat HaElyon*, Arabic: المحكمة العليا) is at the head of the court system in the State of Israel. It is the highest judicial instance. The Supreme Court sits in Jerusalem.

The area of its jurisdiction is the entire state. A ruling of the Supreme Court is binding upon every court, other than the Supreme Court itself. This is the principle of binding precedent (*stare decisis*) in Israel. The Supreme Court is an appellate court, as well as the High Court of Justice.

As the High Court of Justice (Hebrew: בית משפט גבוה לצדק, *Beit Mishpat Gavoah LeTzedek*; also known as its acronym *Bagatz*, בג"ץ), the Supreme Court rules as a court of first instance, primarily in matters regarding the legality of decisions of State authorities: Government decisions, those of local authorities and other bodies and persons performing public functions under the law, and direct challenges to the constitutionality of laws enacted by the Knesset. The court has broad discretionary authority to rule on matters in which it considers it necessary to grant relief in the interests of justice, and which are not within the jurisdiction of another

court or tribunal.

Wikipedia

Many of Israel's well-wishers around the world, at least those with a sense of history, recognize the need for a Jewish state to correct the millennia of horrors inflicted upon the Jewish people. Barak would strip the state of its spiritual legacy, the very notion that animated and gave birth to it.

The inhabitants of the present state are far more traditional in their religious attitudes than their cousins in the United States, and have traditional views of what a Jewish state should look like. So how does Barak get away with yanking a traditional Judaism from under their feet?

Simple. In the United States, the president nominates justices to the Supreme Court, but the Senate must approve these appointments. No such process is active in Israel. A committee of nine, including the president of the Supreme Court, two other justices, two members of the Knesset, the minister of Justice and other representatives of the legal community, makes the choice. There are no open hearings or public review. The committee was tolerant and inclusive enough to appoint an Arab justice but cannot find even a single Sephardic justice. (Sephardim--Jews of Eastern and North African descent--make up a majority of Israel's population.)

The real focus of Sunday's demonstration was the very nature of the Jewish state. When the court was formed 50 years ago, one seat was set aside for a religious justice. The intent was to welcome the contribution of Jewish law, the oldest continuously practiced system of law known to man. By now, the size of the court has more than doubled, but only a single religious seat remains. Because many decisions are heard by only three judges, the preservation of the single religious seat amounts to tokenism.

The religious public watches in horror as the court unilaterally chips away at the religious status quo that has served well to keep Israel simultaneously democratic and Jewishly defined for a half a century. The political left's attempts to dismantle this contract were never achieved in the Knesset. Barak's court accomplishes the same goal by fiat.

The reactions to Sunday's prayer gathering were equally disconcerting. Important changes are needed. Some 30% of the Israeli public considers itself religiously observant. The number of justices must be increased to reflect that constituency. Judges on the Supreme Court and lower courts need to expand their knowledge of Jewish legal sources and case law. Finally the process of nominating the judges should be opened up for public review and comment. ***OP Ed the LA Times Feb. 1999, by Rabbis D. Eliezrie Y. Adlerstein***

Reading Seven

The **Law of Return** (Hebrew: השבות חוק, *hok ha-shvūt*) is Israeli legislation, enacted in 1950/5710, that gives Jews, those of Jewish ancestry, and their spouses the right to migrate and to settle in Israel and gain citizenship. The law gives the right of return to those born Jews, those with Jewish ancestry and converts to Judaism. The question first generated controversy in Israel in 1958. The need to define Jewish identity was required for three purposes: (1) for

marriage or divorce, (2) for the population registry, and (3) to identify those who were entitled to the benefits of the Law of Return. Wikipedia

Reading Eight

The determination of Jewish identity for purposes of marriage or divorce, and other aspects of personal status, was based on Turkish-Mandatory precedent and was assigned to the official rabbinate. The other two definitions, for the population registry and the Law of Return, were considered secular definitions.

The Israeli Knesset had promulgated the following definition of the Jew for the purposes of population registry and the Law of Return only: "A Jew means a person born to a Jewish mother or who has become converted to Judaism, and who is not a member of another religion." An earlier attempt to add the phrase "al pi halakha" (in accordance with halakha) to the accepted definition failed,

Under the current definition, the official rabbinate continues to control the marriage registry (and may disallow a marriage license to anyone converted by a Reform or Conservative rabbi in Israel or abroad.) Seeking to broaden their jurisdiction, the Orthodox parties have continued to press for adding the restrictive phrase to the definition of a Jew for the other purposes as well.

Golda Meir, in 1970, had refused to yield to the Orthodox demands because she felt that the Orthodox monopoly over religion should not be extended to cover the diaspora and that while the Knesset could legislate for Israel, it was not entitled to pass legislation that would determine the kind of conversion that would be carried out in the Diaspora.

In 1977, the late Menachem Begin was elected Prime Minister of Israel. It was public knowledge that Begin had promised the Orthodox leadership in Israel that, if elected, he would endeavor to change the Law of Return to insert the controversial phrase, "conversion in accordance with Halakha" in the definition of Jewish identity.

The proposed change, if implemented, would have challenged the legitimacy of past and future conversions of persons converted by Conservative and Reform rabbis in the United States even to challenging the Jewish identity of children and grandchildren of such converts. *Judaism 1997*

Reading Eight

To whom is this law important? Some 320,000 people who are not Jewish according to halakha (Jewish law) live in Israel, most of them from the former Soviet Union. Though they are Israeli citizens, they cannot marry in Israel, and after their death, they cannot have a Jewish funeral.

Hasn't the state found a solution? After the Chief Rabbinate started refusing to perform conversions due to Haredi rabbis' objections, former prime minister Ariel Sharon set up special conversion courts under the auspices of the Prime Minister's Office. Dozens of rabbinical judges were recruited for the project, most from the religious Zionism movement. The system was headed by Rabbi Haim Druckman, and Chief Sephardi Rabbi Shlomo Amar had supreme authority over it.

So it seems everyone is happy. Where's the problem? The ultra-Orthodox rabbis may no longer be part of the conversion process, but they have found a way to impact converts' lives. Some marriage registrars refuse to register converts if they think they are not observant enough, and rabbinical court judges have revoked the conversions of converts who sought a divorce. The worst incident occurred in 2008, when the Rabbinical Court of Appeals retroactively annulled every conversion ever performed by Druckman's courts. Since then, conversion in Israel has been stuck in a rut.

What difference will the new bill make? Since the government's conversion courts are weak, the bill offers a user-friendly process for those who want to undergo an Orthodox conversion. Its sponsor, MK David Rotem, proposes that municipal rabbis, who are part of the Chief Rabbinate, be allowed to set up conversion courts and carry out conversions even for those who do not live in their cities. The bill increases the Chief Rabbinate's authority over conversions and requires the rabbinate to approve the appointment of conversion judges. But Rotem's assumption is that the Chief Rabbinate is not entirely Haredi; it also contains religious Zionist and modern Orthodox rabbis. The bill also makes it harder to revoke conversions, saying rabbinical courts may do so only if the chief rabbis approve.

What are Reform and Conservative rabbis afraid of? They are concerned that for the first time, Israeli law is giving the Chief Rabbinate authority over conversion. The rabbinate does not have that power today. They are also concerned by the bill's statement that conversion will be recognized only if the convert "accepted the Torah and the commandments in accordance with halakha." This unprecedented stipulation excludes the Conservative and Reform communities.

Finally, they fear it would effectively overturn a 2002 High Court of Justice ruling that required the Interior Ministry to recognize converts of all denominations, whether performed in Israel or overseas. The Jewish Agency also objects vehemently to the bill. *Haaretz*