

newvoices

NATIONAL JEWISH STUDENT MAGAZINE



- [Arts & Culture](#)
- [Opinion](#)
- [Israel](#)
- [Community](#)
- [Campus](#)
- [Home](#)

Search New Voices

GO

or [SEARCH BY ISSUE](#)

[About](#)

[Donate](#)

[Subscribe](#)

[Subscribe](#) 

 PRINT PAGE | TEXT SIZE [A](#) [A](#) [A](#)

Unholy Matrimony

March 01, 2010 | Amy Beth Oppenheimer



The Knesset, Israel's parliament, where the issue of marital law is under heated debate. Credit: Alan Feder

RELATED ARTICLES

- [Unholy Matrimony](#)
- [Filming Israeli Marriage](#)
- [Converting to Me](#)

A look at Israel's marital issues

True or False?

- 1. Interfaith marriage of all kinds is illegal in Israel today. A Christian man and a Muslim woman, for example, would not be allowed to wed.*
- 2. Israel only provides state funding to Orthodox religious institutions. In other words, the Reform and Conservative movements are out of institutional luck when seeking government support for their conversion programs.*
- 3. A Conservative rabbi could be arrested for performing a wedding ceremony in Israel today.*

The answers are perhaps surprising. True, false, and true. Religious authorities in Israel oversee marriage for their respective faiths and intermarriage is forbidden. And though—in a landmark ruling last May—the Israeli Supreme Court decided that the state must fund Conservative and Reform as well as Orthodox rabbis, only the Orthodox are allowed to perform marriages. Any other Jewish wedding ceremony—indeed, anything that violates traditional Orthodox Jewish law, or halakha—is illegal.

There do not seem to be any cases of non-Orthodox religious figures who have been prosecuted for performing a wedding in Israel. Hanan Alexander, chair of the executive board of the Schechter Rabbinical Seminary, however, noted that the other denominations set up funds to prepare for possible persecution.

But there are few hotter civil rights topics—in Israel or the United States—than marriage and a debate is raging in Israel about the Orthodox monopoly on matrimony. Some, in turn, have proposed a solution: civil unions.

The civil unions debate—more than many others—cuts to the heart of the tension in Israel between preserving the state's Jewish foundations and its democratic ones, and it has led to many articles and speeches, all of which touch on the central questions of who is a Jew, who gets to decide and why it matters—if at all.

A controversial bill currently in the Knesset, the Israeli parliament, proposes a radical solution to the civil unions question, and its contents highlight the delicate coexistence of theocracy and democracy in Israel.

First introduced by Yisrael Beiteinu, a Russian immigrants' party that gained an unprecedented 15 seats in the recent parliamentary elections, the legislation called for full legalization of civil unions. The bill aimed—in part—to better the situation of the thousands of Israeli Russian immigrants not considered Jewish by the country's rabbinate because their mothers were not Jewish.

But Israeli politics are never simple, and compromises with religious parties combined with provocation from the opposition have left the status of the original civil unions push in question. A second civil unions bill in the Knesset would, if passed, allow civil unions for people who do not identify with an organized religion, as defined by the Israeli Interior Ministry and Orthodox rabbinical courts.

This would be only a partial solution, however, and the Israel Religious Action Center—a Reform Jewish lobby in Israel—has criticized the second bill. They argue that it would solve problems for, as an example, only those Russians who meet and decide to marry another Israeli of "no religion," which would further marginalize them from society.

The bill would not help those Russian immigrants who meet and fall in love with one of the vast majority of Israelis—those recognized by the Israeli Rabbinate as Jewish. And by providing a partial legal solution, the Knesset's religious parties are now locked in a fight against expanding the bill and reintroducing universal civil unions.

--

Israel's religion and state issues can be traced to back to some of world Jewry's enduring problems, particularly Jews' lack of religious unity and peculiar nature as a proud yet largely non-observant people.

The role of religion in Israel has always been a controversial subject, going back to the beginning of the state. Prior to Israel's founding and to even the British Empire's rule in Palestine, the Ottoman Empire sanctioned and oversaw what was known as the Millet system. This system allowed religious minorities to self-govern and self-administer internal legal matters, including marriage and divorce. Under this system, interfaith marriages had no institutional place.

When Israel's independence was declared in 1948, David Ben-Gurion signed what is known as the Status Quo Agreement with a number of religious parties to gain their political support during the founding of the State of Israel. The sweeping regulations in the agreement are still in force today and include mandating the scope of the Chief Rabbinate's authority, requiring the closure of most public transport on Shabbat and institutionalizing a ban on the importation of non-kosher foods. While some of these rules are openly violated today, the government has tended to ignore these infractions rather than seeking to modify the original agreement.

The Israeli Chief Rabbinate—the body that under the Status Quo Agreement oversees marriage, divorce, conversion and many other aspects of Jewish life in Israel—is comprised exclusively of members of the ultra-Orthodox community. Accordingly, not only must couples meet the standard requirements of halakha

to marry, but they must also undergo a preparatory counseling process prior to receiving approval to marry.

This includes filling out the requisite paperwork, bringing witnesses to the rabbinate to attest that the bride and groom are each Jewish and single and meeting with a marriage counselor between one and three times to learn about the laws of Jewish family purity.

This status quo has posed difficulties for many groups, including Americans who immigrate to Israel. In particular, it has caused a host of problems for immigrants from the former Soviet Union. While some Russian immigrants may not have Jewish ancestry, many others are of Jewish descent but were forced to practice their religion in secret—or not at all—due to persecution by Soviet authorities.

Many of these individuals—fearing for their safety—suppressed any signs or evidence of their Jewish heritage, and now are required to prove their Jewishness to clerks in the Israeli Chief Rabbinate's office when they wish to marry. This proof can take the form of original *ketubot*, Jewish marriage documents; rabbinic testimony of their Jewish practice; photos of Hebrew lettering on the headstones of ancestors' graves and other memorabilia that can be difficult for Russian immigrants to acquire.

"In Russia, we were persecuted for being Jewish, though we did everything to prevent that accusation and protect ourselves," said one Russian immigrant. "When we came to Israel and were finally able to express and celebrate our Jewishness, we were told that we weren't Jewish enough, no matter how hard we tried to prove it."

There are hundreds of thousands of Russian Jews in Israel. Many of them are in limbo, considered Jewish enough to make *aliyah* to Israel under the Law of Return—which grants citizenship to any immigrating Jew, but not Jewish enough to marry in their new country.

Rabbi Levi Weiman-Kelman, rabbi of Kehilat Kol HaNeshama—a community affiliated with the World Union for Progressive Judaism, which oversees Israel's Reform movement—is convinced that the status of these Russian immigrants will lead to a massive change in marriage laws in the near future.

"You can't have an outright denial of such a basic right to not hundreds or thousands, but tens of thousands of citizens of the state," he said.

--

The current situation is exacerbated by the multiple definitions of Jewishness at play and the lack of a consensus on what it means to be Jewish. In 1948, Israel was founded as a Jewish state. Nowhere, however, does Israel's declaration of independence specify to what extent the state and its laws would be Jewish or uphold Jewish tradition, much less whose brand of Judaism it would support and embody.

While the Law of Return allows any individual with a Jewish grandparent to immigrate to Israel, the Israeli Chief Rabbinate only recognizes as Jewish those with a Jewish mother, and often immigrants must bring proof. Although the Conservative movement also upholds matrilineal descent as the standard for Jewishness, Israel's rabbinate does not accept individuals who convert through the Conservative movement, which further complicates the situation for Jews-by-choice and their families.

The guidelines for Jewish heritage as outlined by the American Reform movement—which accept a practicing Jew with matrilineal or patrilineal descent—do not meet the Israeli rabbinate's standard, nor do the definitions of "You're Jewish if you feel Jewish" or "You're Jewish if you act Jewish."

Many Israeli interfaith couples, same-sex couples and others who are unable or unwilling to marry through the Chief Rabbinate go out of the country to marry: weddings performed overseas have been recognized by Israel since 1962. Same-sex unions performed abroad have been recognized since 2006, a reluctant move by the state that came about as a result of a ruling by the Supreme Court of Israel.

The Israeli Ministry of Interior registers marriages performed abroad for administrative purposes but the country's religious authorities do not consider them to be legitimate unions, making it difficult for the

children of these marriages to marry back into the mainstream Jewish population without converting or producing arduous amounts of evidence.

These problems are not limited to Israel. Many Lebanese couples who cannot marry under their country's religious laws end up taking the same path as Israelis—the path to Cyprus—where a token ceremony is performed, videotaped and brought back to their home country for legal recognition.

Thus an interfaith Lebanese couple and an Israeli couple could be waiting in line next to one another at the office in Cyprus. Though the situation is unique, it is less than ideal for the participants involved.

"Going to Cyprus is not always the 'quick fix' that it may seem," said Aviad Orbach, an openly gay student at the University of Haifa, in Israel. "There's an economic cost involved in flying friends and family overseas, and many Israelis don't want to circumvent the government with an overseas marriage. They demand the right to marry whom they want, and how they want, in their home country."

Non-Orthodox rabbis in Israel also find the Cyprus option illogical.

"Why should the ceremony of a Greek civil-servant Cypriot minister be recognized in Israel and mine, as a Reform rabbi, not be?" asked Rabbi Weiman-Kelman, the Israeli Reform rabbi.

--

With its upcoming vote on the civil unions bill, Israel walks a fine line while balancing its democratic roots with its Jewish ones. Many in the Orthodox community are staunchly against the legalization of civil unions, and religious Israelis ask—regarding the legislation—how they will be able to determine who is Jewish and who not in the absence of a *ketubah*.

"The Sephardic Chief Rabbi's top priority is that there be a unified concept of marriage, divorce and conversion in order to keep the Jewish people unified and prevent the creation of *mamzerim* [halakhically illegitimate children]," said Rabbi Yitzhak Peretz, the director of the Sephardic division of the Chief Rabbinate.

As with marriage, the only way to divorce in Israel is through the Chief Rabbinate under Orthodox law. This is so for many reasons, not the least of which is the *mamzer* concern: if a couple does not get a halakhic divorce and then the wife remarries and has children, those children are considered illegitimate by traditional Jewish law.

But why are we so intent on preserving Jewish unity? To what extent are the Jewish people currently unified? Many would argue that the global Jewish community is far from unified, and that most ultra-Orthodox communities have already created stringent procedures for arranging marriages and checking on the Jewish heritage of families involved, absolving the need for the Chief Rabbinate's involvement and perhaps even creating a further divide within the Jewish people.

Many liberal Jews, by contrast, believe that the Jewish component of the state should require fair treatment of all and thus permit civil unions. They question why a political group of ultra-Orthodox Jews is governing the rites of passage of a largely non-Orthodox Israeli Jewish population and is frequently positioning itself as representative of world Jewry—a largely non-observant population—in diplomatic affairs.

Populations both inside and outside of Israel are pushing for alternate arrangements, such as allowing all religious affiliations and movements to have access to funding on a level playing field, or pushing for no state involvement in religious affairs.

These initiatives have not gotten far. While civil unions are common in Western democracies, Israelis are not uniformly in favor of civil unions and even those who identify as secular are often fairly traditional. Some have called for a referendum on the issue.

--

While the Israeli Chief Rabbinate has not supported a solution amenable to the many Israelis in favor of civil unions, it has not been ignoring the issue either. Rabbi Yosef Sholom Elyashiv, a prominent Israeli Orthodox religious scholar, recently took the major step of supporting civil unions for non-Jews as defined by Orthodox Jewish courts, akin to the bill currently in Knesset. This past summer, the Israeli Chief Rabbinate held meetings to explore this topic.

Whether the current civil unions bill is a step forward or backward remains unclear. There is much debate about whether it will help the people who are stuck in the current Israeli bureaucracy or create a class of people who cannot easily marry into the mainstream population. Though several notable politicians believe that it is the first step in an exciting time of change, many counter that it will provide an excuse for further stagnancy and filibuster in the Israeli legal system.

But the debate is not only legal or bureaucratic. It touches on issues of identity and ideology: how do we define the Jewish state, as well as the Jewish people?

Faces of Israel is a newly released documentary that has been called "powerful," "mature," "sophisticated," "honest" and "a must see" by Jewish leaders across the United States and Israel. The film explores many of the questions touched on in the article above, including: How Jewish should the Jewish state be? What is the definition of Jewish? What are the roles and responsibilities of the Israeli Chief Rabbinate? Should civil unions and same-sex unions be legalized?

Faces of Israel is being brought around North America to university Hillels, synagogues and JCCs. To learn more about *Faces of Israel* and how to bring it to your university campus, visit www.facesthemovie.com.



Amy Beth Oppenheimer, a JHU graduate and past Masa Israel participant, is the director of the newly released film [Faces of Israel](#). Amy is traveling the country, encouraging thoughtful and respectful dialogue on religion and state issues in Israel. E-mail her at director@facesthemovie.com

🗨 READ COMMENTS (2) | 💬 LEAVE A COMMENT