

How Jewish Identity is Being Constructed Over the Bodies of Women in Israel: Agunot, Noafot/Mamzerim, and Converts

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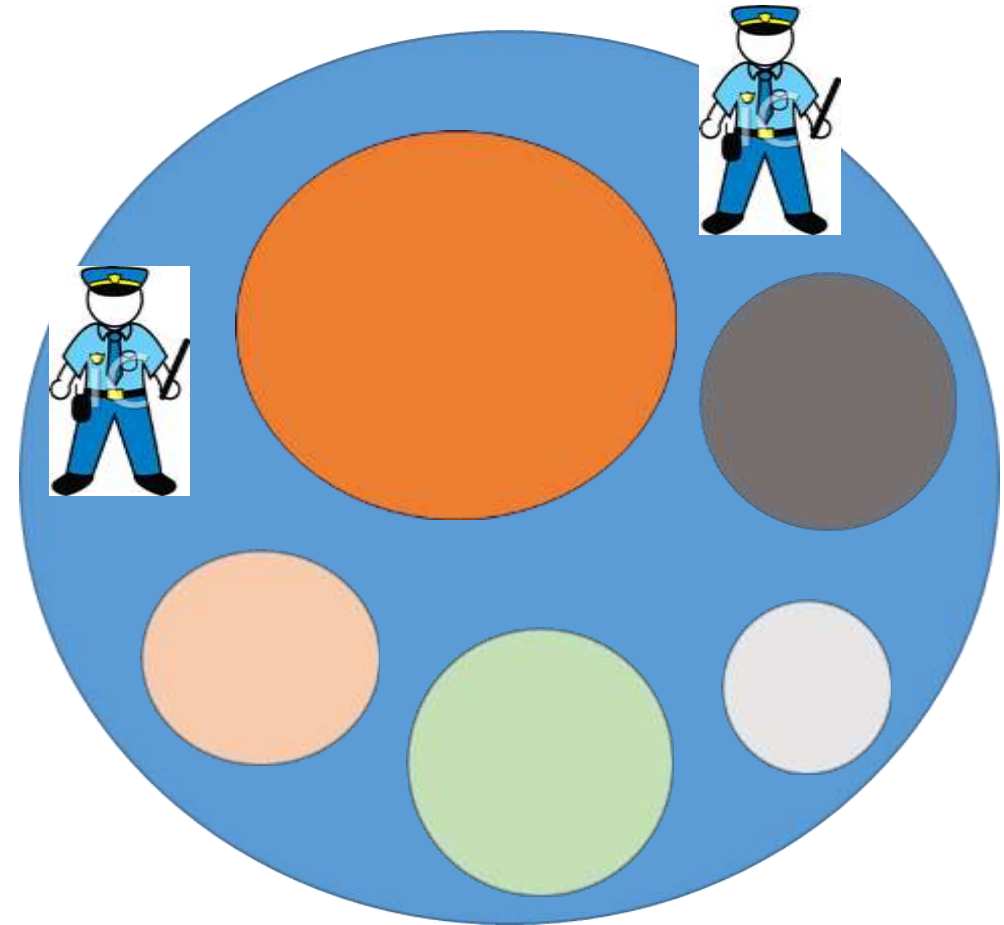
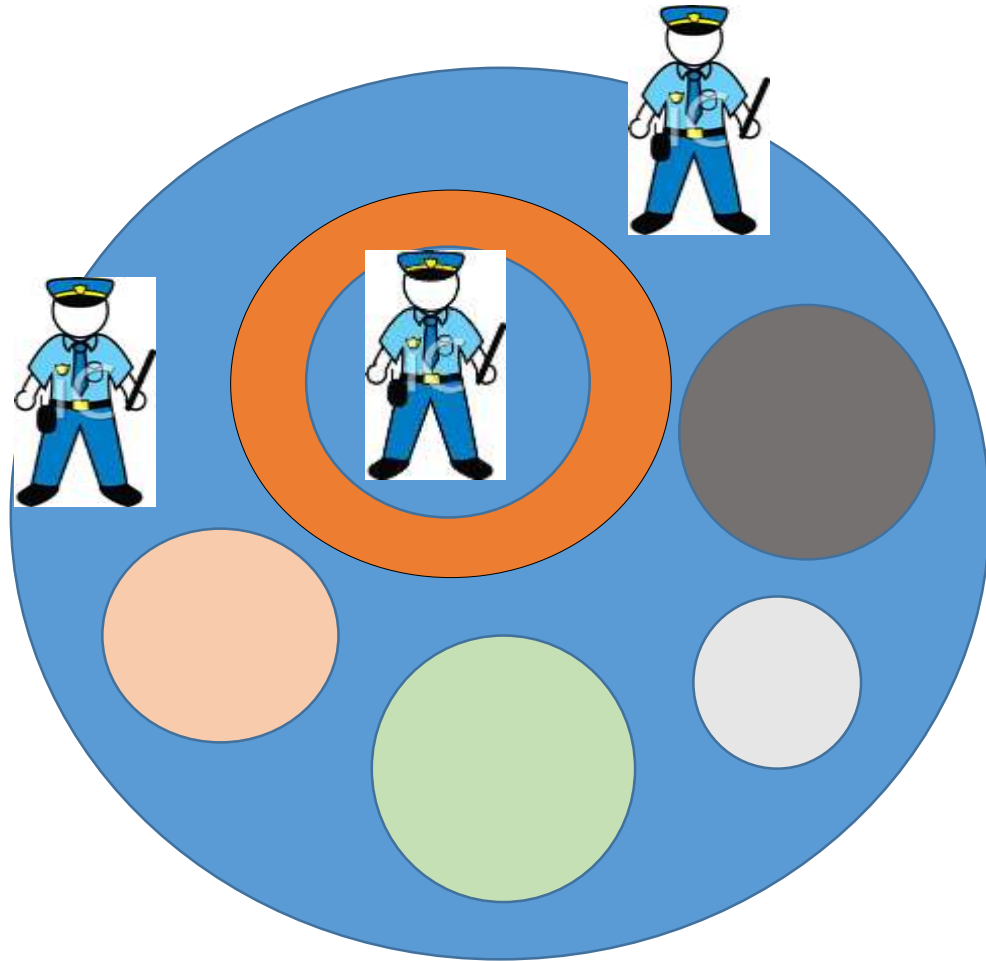
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Center for Women's Justice

Thesis: Take the State out of Religion



For the sake of religious freedom and flourishing.



Why?

1. Because **state** adoption and enforcement of religion/halakha results in a “failed” legal system (I. Agunot)
2. Because **state** enforcement of religion/halakha violates basic human rights (II. Mamzerim/Noafot)
3. Because **state** enforcement of religion/halakha can result in an inadvertent but very real Inquisition (III. Converts)

III. Converts. Can Israeli Rabbinic Courts really revoke conversions?

Answer: Seems like it.

Thesis: State has set up various apparatuses that subjects converts to an “Inquisition” whose grasp is **EXPANDING** to include all of us.

2 Case Studies: in State Rabbinic Court and in State Special Conversion Court



Text Study

State involvement in conversion violates converts' Human Rights to:
privacy, freedom of religion, to marry



J'Accuse...!

The STATE Supreme Court the STATE Attorney General's Office
then, the STATE Rabbinate



State Supreme Court, State Attorney General's Office, and the State
Rabbinate and its Courts

J'Accuse...!

- **State Supreme Court** for refraining from making “principled” decisions , thereby affirming the procedures and rulings of the Inquisition.
- **State Attorney General's Office** for defending rulings, regulations, and decisions that established the Inquisition. No government apparatus protects the individual Israeli citizen.
- **State Rabbinate** for revoking conversions; using state power to trample converts' rights to privacy and religious freedom; and issuing far-reaching regulations (quasi-legislation) that no one oversees or inhibits.

State allows for interrogation of “Jewishness” of converts and repeal of conversion



- **Rules regarding Requests to Convert, 2006 §15** (state may repeal conversions so long as it is done in writing and convert gets notice)
- Bagatz 5079/08
- Bagatz 5444/13

State authorizes interrogation of “Jewishness” of persons who want to marry, in particular certain ones



- Regulations regarding Inquiries into Jewishness, 2010 §6. (very broad discretion given to “Great Inquisitory)
- Regulation for Marriage Registrars, 2013, §33 (7) (state specifically withholds license to marry to persons who immigrated after 1990 until specific authorization of rabbinic court as to Jewishness)
- Bagatz 5079/08
- Bagatz 5444/13

State mandates “interrogation” of “Jewishness” of certain persons who want to divorce



- **Regulations regarding the Inquiry into Jewishness, 2010, §51 (a).** A Rabbinic Court will not issue a Jewish Bill of Divorce to a couple who did not marry in Israel through a Marriage Registrar until the Court clarifies the Jewishness of each of the partners whose parents did not marry in Israel through a Marriage Registrar.” NB: under special circumstances, court might allow get ceremony to occur even before the inquiry was completed (subp.4).

Unlimited, broad Authority of Great Inquisitor

[State] Regulations regarding Inquiries into Jewishness, 2010:

6. (a) The Director of Inquiries as to the Jewishness of a Person, or his representative, as well as the Marriage Registrar or his representative, may **appear, argue, as well as initiate** proceedings on any matter relating to a determination regarding a person's Jewishness.

הנחיות בירור יהדות, התש"ע-2010

http://www.rabanut.gov.il/vf/ib_items/80/hanhayotyehadut.pdf

- מנהל תחום ברורי יהדות ורב רושם נישואין, סעיף 6
- (א) מנהל תחום ברורי יהדות או בא-כוחו, רב רושם נישואין או בא-כוחו רשאי **להתייצב, לטעון וליזום** הליכים בכל ענין הקשור לקביעה בענין יהדותו של אדם.
- (ב) בהליך שנפתח על פי פניית מנהל תחום ברורי יהדות או בא-כוחו, רב רושם נישואין או בא-כוחו, יירשם לפי הענין מנהל תחום ברורי יהדות או רב רושם נישואין, בציון תואר התפקיד, **כמבקש** בהליך.
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- (ד) מנהל תחום ברורי יהדות או בא-כוחו, רב רושם נישואין או בא-כוחו **אינו חייב להיות נוכח** בדיון שאותו יזם או בדיון בענין שבו הוא מעורב, אלא אם כן החליט על כך בית הדין במפורש לגבי דיון מסויים.
- (ה) מנהל תחום ברורי יהדות או רב רושם נישואין רשאי, בנסיבות מיוחדות ומנימוקים שיירשמו בהפניה או בבקשה, להפנות אדם לבית הדין **לברור מחדש** בדבר יהדותו, או לבקש בירור יהדות בבית הדין לאדם אשר לכאורה אינו זקוק לכך.

Supreme Court must decide cases on principle; interpret problematic laws **narrowly**; and invalidate overreaching regulations



1. Not deciding is a decision.
2. Religious laws must be interpreted in a **narrow** manner in order to prevent violations of human rights.
3. Any regulation that does not serve the original purpose of the law should be held void

Attorney General must first protect the human rights of Israeli Citizens.
Indeed, who does the AG represent?

פרקליטות המדינה
State Attorney



Who else is subject to the
unbridled inquisitorial powers of
state religious apparatuses?

bolstering the theocratic arm of the state, infringing on civil liberties

women who read from Torah scrolls



- Regulations regarding Torah Scrolls at the Western Wall, 2010
- Bagatz 8124/15

Photo by Charlie Kalech, used with permission

Center for Women's Justice, February 2016

nursing mothers



- Regulations and Rules regarding Marriage Registrars, 2013, §22(17)

children



- Regulations (of Attorney General) regarding Procedures to Establish Genealogical Purity, 2003
- Bagatz 3691/14

wanton women



- Regulations in the Matter of Restrictions on the Right to Remarry, 2015
- Bagatz 5676/12

Surprise Quiz



PRIVITIZED the Rabbinate



The Magician Rabbi



Sarit's story



Send us your converts, your mamzerim, your adulteresses.....



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מרכז צדק לנשים

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The Kathryn Ames
Foundation