

## Marriage in Israel, 2016 Style

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When the State of Israel was established, Orthodox leaders were ambivalent. Yes, for two millennia, Jews had prayed to return to the Promised Land; but those prayers had not envisioned a secular state, established by human action and international accords. Instead, traditional Jews believed that our people would one day return to our Holy Land through Divine intervention, with the coming of a messiah, rebuilding the Jerusalem Temple and reinstating sacrificial worship.

Still, after the Holocaust, Orthodox Jews had little choice but to accept the State that secular Jews had created. For most, the newborn State of Israel was the only refuge available.

David Ben-Gurion, the leader of the Jewish community in pre-State Palestine and set to become Prime Minister of Israel, sought Orthodox backing for the new nation. He paid a price. Orthodox authorities demanded that Ben-Gurion assure the continuation of the “status quo” in matters of personal status: marriage, divorce, and conversion to Judaism inside Israel.

That “status quo” had been established by the Turks, when they ruled Palestine as part of the Ottoman Empire, and had continued under the British Mandate. Each religion – Muslim, Jewish, Druze, countless forms of Christianity, among others – controlled personal status issues for its own community. Civil marriage and divorce were not available. For Jews, the one and only religious authority was Orthodox, with Chief Rabbis unchallenged at the helm.

Ben-Gurion was staunchly secular, like the majority of the new state’s population. Reform and Conservative Judaism were essentially unknown there at the time. Ben-Gurion acceded to Orthodox demands for two reasons: He urgently wanted to declare the State with broad backing from all segments of the Jewish community. A substantial minority of Jews in pre-State Palestine were Orthodox, and Ben-Gurion’s desire to include everyone was noble. Moreover, Ben-Gurion imagined that Orthodoxy would disappear in a few short decades. With redemption of the Jewish people through the political, military, economic, and agricultural efforts of almost-exclusively secular Zionists, the next generation born to Orthodox Jews would join the secular majority.

David Ben-Gurion wasn't wrong about much; but to paraphrase Mark Twain, the report of Orthodox Judaism's death was greatly exaggerated. Instead, Orthodox leaders mastered Israel's byzantine politics. Additional Orthodox Jews made their homes in Israel. Their birth rate has consistently been much higher than that of other Israelis. Orthodox Jews continue to make up a substantial minority of Israel's population. And Orthodox Jews almost uniformly vote for what are called "religious" parties. Because Israel has a parliamentary system of government, and no leading secular party has secured a majority of the seats in its Knesset for several decades, the votes of the Orthodox parties are required in order for any candidate to secure the office of Prime Minister. All that is to say that Orthodox Judaism has not only refused to die, but has gained substantial political power in Israel.

That "status quo," which Ben-Gurion imagined to be a temporary solution in 1948, continues to be the law of the land. Muslims may be married by their chosen religious authorities, Sunni or Shiite. Same goes for Christians, whatever their denomination. Jews, though, can only be legally married in Israel by an Orthodox rabbi, approved by the increasingly strict and corrupt Chief Rabbinate.

American Jews are both surprised and dismayed. How can a democracy not include freedom of religion? As we Americans understand that freedom, people should be at liberty to select the clergy of their choosing, or none, with the option of civil marriage. We are offended that Israel is one of the few countries in the world where a Reform or Conservative rabbi cannot officiate a legally-recognized marriage.

For some couples, the "status quo" means that they cannot be married in Israel at all. While intermarriage isn't common in Israel, our sense of religious liberty is violated by the stark fact that a Jew cannot marry a Baha'i, for example, or a Muslim cannot marry a Christian, in Israel.

Worse, many couples who are both Jewish can't be married in Israel. Let me cite one particularly troubling and common example. Under Jewish law, as interpreted by the Orthodox, a Kohen, a man descended from the ancient priests, is not permitted to marry a divorcee, a widow, or a convert. We may chafe at an American Orthodox rabbi's refusal to officiate such a marriage, but we would fight to protect his right to do so. After all, the couple could go to a Reform rabbi or have a civil marriage. Those options don't exist in Israel.

And what of same-sex couples? Israel's supporters claim that the Jewish State is "the only country in the Middle East that recognizes same-sex marriage." That is only half true. Yes, Israel recognizes marriages legally conducted outside the country. Therefore, if a same-sex Israeli couple is married in the United States, for example, they can be treated as married for all legal purposes. However, since the exclusively recognized religious authorities in Israel don't conduct same-sex marriages, no same-sex marriage conducted in Israel enjoys legal status.

So what do secular Israelis do when they wish to be married? And what about those who don't see themselves as secular, but as Reform or Conservative. An increasingly common self-description in Israel is *masorati*, which happens to be the Hebrew name of the Conservative movement, but which means, more broadly, a person who respects and adheres to many Jewish traditions but is not Orthodox.

Many do turn to the official – that is to say, Orthodox – rabbinate. It's just easier. They want to be married legally. They don't consider the ceremony to be the most important part of their wedding. They are able and willing to jump through the hoops – which vary from place to place, depending on the local rabbi.

Others protest what they regard as an oppressive marriage regime by not being legally married. Our eldest Israeli niece, Ruth, was married to Amit by a Conservative rabbi in Israel two years ago. Unless and until Israeli law changes, they have no plan to be legally married. All the same, they welcomed two beautiful babies to the world and to our family at the end of February.

Some get married outside the country. Traveling abroad to be married is expensive, but some couples are planning a foreign honeymoon anyway. Sadly, some therefore end up with no Jewish ceremony whatsoever.

Still others celebrate what they consider to be their "real" wedding in Israel, while also having a legally-recognized ceremony outside the country. Such was the choice of our younger Israeli nieces, Sarah and Hannah; and their partners, Meydan and D'vir. In fact, I officiated at both couples' weddings here on this *bimah*, under our *chuppah*. I suspect that few Israeli couples can claim to possess an Arkansas marriage license!

Last month, Toni and I were privileged to attend the wedding of Sarah and Meydan. Robert plans to take an evening off from his NFTY-in-Israel group to participate in Hannah and D'vir's wedding the week after next.

The injustice of Israeli marriage law was not in evidence at Sarah and Meydan's wedding. Unalloyed joy marked the day. We gathered with some 300 family and friends on a magnificent lawn right next to the beach. For Israel, that was on the small side. Everyone was casually dressed, most in shorts, befitting the hot summer day. After mingling for an hour or more over sumptuous appetizers and cocktails, we noticed that the wedding couples' siblings were erecting the *chuppah* and their parents were assembling there. Only Sarah and Meydan walked down the aisle, together, to the boisterous cheers of their friends. Led by a Conservative rabbi, a fully traditional Jewish wedding ceremony followed, meeting all the requirements of our tradition, if not of Israeli law.

Yes, Israeli marriage law must change. Our Reform Movement's Israel Religious Action Center has accomplished much, and the Supreme Court is on our side. I neither predict a rapid change nor despair that one will never come.

At the same time, I left Sarah and Meydan's wedding grateful that even grave injustice did not dampen their happiness, their enthusiasm, and certainly not their love. It also didn't diminish their patriotism. Both distinguished themselves in the Israel Defense Forces, Sarah in intelligence and Meydan in the Navy, in submarines. His wedding necktie had a nautical theme.

Sarah and Meydan are in their early 30s – not old to get married, if you ask me, but they said they were the last of their friends. Consequently, lots of young children were present with their parents, including our own precious Ron and Noah. This joyous day was a testament to the commitment to Israel's future shared by our nieces, their spouses, and the community gathered that day.

One popular Israeli song from a few decades ago begins, *af al pi zeh, v'lamrot zot*, two ways of saying "despite everything." Irrespective of injustice, joy and faith in the future characterize non-Orthodox weddings in Israel in 2016. Despite it all, the future is bright.

Amen.