



June 26, 2017

Background: Israel Government Decision Regarding the Kotel

It is 50 years since June 1967, when Jerusalem was unified and the Jewish People regained access to the Old City and the Kotel (the Western Wall).

Until 1948, when Jews were expelled from the Old City, the Kotel was a prayer space with no formal structures in place, and no separation between men and women. If you visit the Jerusalem mayor's office, you will see historic photos showing mixed gender groups gathered at the Kotel.

After the 1967 Six-Day War, Orthodox religious authorities funded by the Israeli government have controlled customs at the Kotel. In recent years, women were banned from holding Torah scrolls, leading services, wearing tallit or *tefillin*, or singing out loud at the site. Similarly, mixed gender services were not permitted.

In 2013, following a decades-long advocacy campaign led by Women of the Wall and supported by the Conservative and Reform movements, Israel's Prime Minister Benjamin Netanyahu tasked Jewish Agency Chair Natan Sharansky with coming up with a compromise that would enable diverse Jewish practice at the Kotel.

Just as discussions began on the eve of Rosh Hashanah 2013, Minister of Diaspora Affairs Naftali Bennett — who himself leads an Orthodox party — established a temporary prayer platform at Robinson's Arch for egalitarian prayer. While this location is part of the Kotel, it has not traditionally been used for prayer and is outside the established Kotel plaza. The platform, which remains in use today, has a number of significant drawbacks. Women of the Wall commented that it was “the very definition of separate and not nearly close to equal.”^[1] Nonetheless, the platform marked the first time that there had been a state-sanctioned venue for egalitarian prayer at the Kotel.

Sharansky's Kotel proposal kicked off several years of intense negotiations that resulted in a seemingly historic compromise. The Jewish Federations of North America played a central role in that effort, working with Reform and Conservative movements, The Jewish Agency for Israel, Women of the Wall, the rabbi of the Western Wall, and the Israeli government to reach an agreement. Negotiations were complicated by the involvement and opinions of other diverse groups, including archeological authorities, the Waqf (Muslim religious authorities), and even the Jordanian government.^[2]

From the Israeli government side, then-Cabinet Secretary Avichai Mandelblit (a former chief military advocate general) led efforts to reach the agreement. As *Ha'aretz* noted, “Mandelblit has devoted

^[1] “Bennett unveils new platform for egalitarian prayer,” *The Times of Israel*, August 27, 2013

^[2] “Israeli officials close to deal on mixed-prayer space at the Western Wall,” *Ha'aretz*, January 26, 2016

countless hours to an almost-impossible task: trying to make outspoken feminists understand why they need to bow to ultra-Orthodox pressure and leave the traditional women's section at the Wall, and at the same time, to convince the ultra-Orthodox that giving up their hitherto-unchallenged claims to the Kotel will be in their best interest."^[3]

As a result of the agreement, the Israeli Cabinet approved the proposal in January 2016 in a legally binding government resolution. Among other provisions, the Cabinet agreed to create a formal egalitarian prayer space as part of the overall Kotel area. The Resolution envisioned an upgraded and permanent prayer platform for non-Orthodox prayer at the Robinson's Arch area at the southern end of the Western Wall, along with a redesign of the approach to both this area and the traditional Kotel plaza and prayer space. See more details of the plan [here](#) as well as in [this piece](#) from the Conservative movement and [this piece](#) from the Reform movement.

Beyond the success of the plan itself, many hoped that the groundbreaking agreement would have set a precedent, showing that compromise can be reached. The fact that so many disparate groups were able to reach an understanding with the assistance of the government and The Jewish Agency was seen as a very positive sign.

Nonetheless, the optimism proved to be short-lived, as implementation of the plan was halted due to pressure from Israeli Orthodox and ultra-Orthodox politicians and groups.

For close to 18 months, the Israeli government avoided moving forward with implementing the resolution while ultra-Orthodox interests looked for ways to overturn the decision. A number of petitions were filed in the Supreme Court (Bagatz) on the issue, including one asking the court to direct the government to implement its own resolution. In September 2016, the Court strongly reprimanded the government for not implementing the deal (see [here](#) for details) and in April of this year, the Court ordered the government to respond as to why it had not yet begun implementation. With a Court-established deadline of June 26, 2017, ultra-Orthodox groups intensified their efforts to block the deal.

At the urging of ultra-Orthodox coalition partners, the government voted on June 25, 2017 to formally freeze the Kotel Resolution. The prime minister appointed two government representatives, Regional Cooperation Minister Tzachi Hanegbi and Cabinet Secretary Tzachi Braverman, to undertake negotiations toward a new deal.

^[3] "What happened to Sharansky's plan for the Western Wall?" Ha'aretz, April 7, 2014