



Religion

Population

Area

- Jews : **71.9%**
- Muslims : **20.0%**
- Agnostics : **4.3%**
- Christians : **2.3%**
- others : **%**

8,192,000

22,072 Km²

Legal framework on freedom of religion and actual application

Since its inception in 1948, Israel defines itself as a Jewish and democratic state.^[1] Jews around the world who meet certain criteria are entitled to become citizens of the state. In 1967, Israel conquered East Jerusalem, the West Bank, Gaza and the Golan Heights. To the present day these territories are disputed and the UN General Assembly, the UN Security Council and the International Court of Justice consider them to be under occupation, and parts thereof settled illegally.^[2]

The biggest non-Jewish group in the country is Sunni Arab Palestinians. The majority of Israeli Christians are also Palestinian Arabs. Both hold Israeli citizenship. Most Christians belong to the Melkite Greek Catholic and Roman Catholic Churches followed by the Greek Orthodox Church. Other minorities include the 102,000-strong Druze community. In 1957, the Druze were designated as a distinct ethnic community by the government at the request of their religious leaders.^[3]

Different political incidents, which also have a religious connotation, provoked an upsurge of violence. In July 2017, three men opened fire on two Israeli Druze policemen at the Lions' Gate in Jerusalem.^[4] The site was shut down and reopened a couple of days later after checkpoints with metal detectors were set up. These security measures led to important protests by Muslim leaders. The metal detectors were removed.^[5]

The decision by the President of the United States, Donald Trump, to move the American Embassy from Tel-Aviv to Jerusalem, and therefore to recognise Jerusalem as the capital of Israel, prompted demonstrations and a series of official declarations condemning it.

Israel has no formal constitution, so it is necessary to refer to the 1948 declaration of independence for the provisions

relating to religious freedom. According to the declaration, “The State of Israel will [...] ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.”^[6] The Israeli Supreme Court has ruled that the Basic Law on Human Dignity and Liberty is the basis of fundamental freedoms such as religion.^[7]

Judaism is not the official state religion in Israel. State institutions are secular and function according to the model of western democracies. Nonetheless, provisions specific to Judaism predominate in social practices, such as the observance of the Sabbath, kosher food, etc. These can create tensions between observant Jews and non-religious Jews. Non-Jewish citizens have in theory the same civil rights and obligations as Jewish citizens; in practice they may take part in elections, join political parties and be elected to the Knesset (parliament). Nonetheless, their role is insignificant in political life and, with certain exceptions – notably the Druze – they are not drafted for military service. However, Prime Minister Benjamin Netanyahu favours the admission of Arab Christians into the Israeli army.^[8]

Conversions from one religion to another are legal but face considerable social pressure.

Proselytising is legal for all religious groups. The law prohibits offering a material benefit as an inducement to conversion. It is also illegal to convert a person under 18 unless one parent is an adherent of the religious group seeking to convert the minor.^[9]

Matters relating to personal status are governed by the recognised religious communities to which a citizen belongs. There is no civil marriage, though such marriages performed abroad are recognised. Under Jewish religious law, inter-religious marriages, for example between Jews and non-Jews, are not possible. While Muslim men can marry non-Muslims, Muslim women cannot marry non-Muslim men.

Incidents

On 18th January 2017 the Bilateral Permanent Working Commission between the Holy See and the State of Israel met in Jerusalem to continue negotiations in accordance with the 1993 Fundamental Agreement between the Holy See and the State of Israel^[10] (article 10 paragraph two).^[11]

On 20th September 2017 the Assembly of Catholic Ordinaries of the Holy Land issued a statement condemning the desecration and vandalism of St Stephen’s Church inside Beit Jamal Salesian Monastery, west of Jerusalem, the previous day.^[12] A statue of Mary was shattered, faces of figures on the stained-glass windows were broken, and a cross destroyed. Father Scudu, caretaker of the church, said that it felt as though the damage was motivated by hate. “They smashed everything,” he noted. This was the third time in the past five years that the Beit Jamal Monastery had been vandalised.^[13]

Following the attack, Israel Police spokesman Micky Rosenfeld denied allegations of police inefficiency in vandalism investigations, noting that “There have been arrests in previous cases. [...] People can say what they want. This kind of case is top priority.”^[14] He added that most of the cases are unrelated and that there is not a “vandalism cell” which targets Christian and Muslim places or worship. The bishops issued a statement demanding the state punish the attackers “and educate the people not to make similar offenses. [...] We hope] that all peoples, especially [in] our Holy Land, learn to coexist with each other in love and mutual respect, regardless to the diversities among them.”^[15]

Wadie Abunassar, adviser to the Assembly of Catholic Ordinaries of the Holy Land, said that, despite some 80 incidents of vandalism against churches and Christians sites over the last decade, there were very few arrests or indictments. “We get sympathy and nice words from everybody, but we are sick of that. We want convictions, not only indictments,^[16] Abunassar said. In September 2017, he noted that Prime Minister Benjamin Netanyahu had yet to respond to several requests from the bishops to meet with him concerning the continuing vandalism.^[17] “We must organise a protest movement and meet with Israeli politicians to make it clear that such acts are not acceptable in Israel.^[18]

Since 2009, at least 53 churches and mosques have been vandalised in Israel and the occupied West Bank. Out of the 53 cases, only eight were still under investigation as of July 2017.^[19] Concerning the high number of unsolved crimes, Gadi Gvryahu, chairman of Tag Meir, a coalition of moderate religious organisations,^[20] told Haaretz that it is a question of police priorities. “Without a doubt, they aren’t looking hard enough.^[21] He added that despite security camera footage that included images of the suspected vandals’ cars, some crimes remain unsolved.

According to Gvryahy, after the Church of the Loaves and Fishes attack in June 2015, “someone – apparently the prime minister – decided they had to find them. So they found them.^[22] At Tag Meir’s request, a parliamentary question concerning this matter was filed by a Member of Knesset (MK), Itzik Shmuli (Zionist Union). Shmuli said that when “about 85 percent of the cases in such serious crimes are closed with nothing,” this should “sound an alarm about the order of priorities.”^[23] In a letter to Shmuli, Public Security Minister Gilad Erdan said that the investigations had concluded that “[these attacks] were perpetrated from various motives, ranging from negligence through mental illness and, in extreme cases, incidents of arson that appear deliberate.^[24] But as Shmuli argued, this seems to contradict the fact that most of the cases were closed on the grounds of “perpetrator unknown”. Furthermore, Gvryahu said that these official declarations fail to take into account that most of the attacks were accompanied by hateful graffiti. For Gvryahu, Erdan’s letter was “disconnected from reality.^[25] After a peak in 2013, three attacks were recorded in 2016 and four in the first half of 2017.^[26]

In response to US President Donald Trump’s decision to move the US Embassy from Tel Aviv to Jerusalem, thus recognising Jerusalem as the capital of Israel, the Mayor of Nazareth Ali Salam said he would cancel Christmas festivities in order to protest against this decision. “Our identity and faith cannot be bargained. [President Trump’s] decision has taken away the joy of the holiday and we will cancel the festivities this year.^[27] He later backtracked and declared: “[I] invite all the residents of the State of Israel — Jews, Muslims and Christians — to come to the city of Nazareth and take part in the Christmas celebrations.” Mayor Salam added: “Nazareth is the city of peace and brotherhood between religions and nations, and there is nothing like the spirit of the holiday and the shared experience to prove it.^[28]

At the beginning of February 2018, Jerusalem Municipality announced that 887 properties belonging to various Churches and UN institutions in the city owed municipal tax– despite being previously exempt from such charges.^[29] The Holy Sepulchre, revered as the site of Jesus’s crucifixion and burial, was closed in protest.^[30] But, following an official statement in which the Jerusalem Municipality announced the suspension of “the (tax) collection actions it has taken in recent weeks,^[31] the Church was reopened.^[32] According to the Prime Minister’s Office, the government decided that, in order to try to find a solution, an Israeli commission led by a cabinet minister would negotiate plans to tax Church-owned commercial properties in Jerusalem with representatives of the Churches. The commission, which is chaired by Tzachi Hanegbi, Israeli Minister for Regional Cooperation,^[33] was also tasked with looking into the issue of ecclesiastical properties rented for long periods via the Jewish National Fund, where contracts had been signed between the Church and the state.^[34]

Jerusalem Mayor Nir Barkat declared that the Churches owed the city more than US\$180 million in property tax from their commercial holdings. Church leaders said Church-owned businesses, such as hotels and office spaces in Jerusalem, had always enjoyed a tax exemption. A statement from the Prime Minister’s Office said that debate on legislation that would give Israel the possibility of expropriating land Churches recently sold to private real estate firms would be suspended.^[35] Being major landowners in Jerusalem, Churches said that such a law would make it more difficult to sell Church-owned land. These sales help to cover the operating costs of their religious institutions.^[36] Jordan, as the

Custodian of the Holy Places in Jerusalem, is closely monitoring “this serious issue” and defended the position of Jerusalem Churches.^[37]

On 15th February 2018 the Foreign Minister of the Palestinian National Authority (PNA), met with Cardinal Pietro Parolin, Vatican Secretary of State, and then with Archbishop Paul Richard Gallagher, Secretary for Relations with States. He stressed that the Holy See felt that it was important to lead a conference on Jerusalem at which the leaders and representatives of all the Churches and communities of the baptised would reiterate the importance to Christians of the city where Christ died on the cross and rose.^[38]

On 25th March 2018 during the traditional Palm Sunday procession in Jerusalem, Israeli soldiers attacked Palestinian Christians and forbade them from carrying the Palestinian flag.^[39] Because of security considerations, Israel said that it would only let Christians aged 55 and above come to Jerusalem to celebrate Easter. Israel denied entry to the city to Christians from Gaza, who are mostly Greek Orthodox and number about a thousand.^[40]

On 1st June 2018 Father Fadi Shalufa, administrator of the Chapel of the Milk Grotto in Bethlehem, was attacked^[41] Father Shalufa, a Franciscan priest, had allowed a group of pilgrims who were being harassed by two young men to enter the church and closed the gate to prevent access. Unable to enter the church, the two aggressors started shouting and one of them tried to hit Father Shalufa with a blunt object, but he was not injured. Wadi Abunassar, spokesman for the Assembly of the Catholic Ordinaries of the Holy Land, thanked the PNA for acting quickly to apprehend the two attackers.^[42]

Prospects for Freedom of Religion

In Israel, political and religious matters are very much inter-related. Christians are caught between Orthodox Jews and Islamic extremists. Regional tensions and the ongoing Syrian civil war do not help the quest for a peaceful solution.

In May 2016, Latin Patriarch Fouad Twal said that Israel, “although it proclaims itself a secular and democratic State, is really behaving more and more like a denominational Jewish military regime”^[43] This, he added, “is the first time that a Christian minority lives in a Jewish state with all the consequences associated with being a minority; and it is the first case in history where a Jewish majority has a state. But this majority continues to behave, and especially to defend itself, as if it were actually a minority, with the temptation of living as a theocratic state inspired by the Bible, and not as a secular state.”^[44] In Israel, religion and nationalism are often linked, causing problems for religious minorities including Muslims and Christians. Infringements on the latter’s religious rights are often more motivated by political factors than by specifically religious ones. But there is a tendency among groups on the extreme fringes of the Israeli right to attack non-Jews and their institutions solely on religious grounds.

Sources / Endnotes

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- [11] "For the purpose of the said negotiations, the Permanent Bilateral Working Commission will appoint one or more bilateral sub-commissions of experts to study the issues and make proposals." In Fundamental Agreement-Israel-Holy See, op. cit.
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- [16] Ibid.
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- [18] Claire Bastier, "Une nouvelle église cible d'exactions en Israël", La Croix, 21st September 2017, <https://www.la-croix.com/Religion/Judaisme/nouvelle-eglise-cible-dexactions-Israel-2017-09-21-1200878659> (accessed 20th June 2018).
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