



Israel: Status Report on Anti-Proselytization Bill

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ISRAEL:

STATUS REPORT ON ANTI PROSELYTIZATION BILL

Four bills were introduced to the **Knesset** (Israeli Parliament) in recent months on issues relating to religious proselytization.

*** Summary of Bills**

Two bills proposing to amend the Penal Law, specifically prohibit possessing, printing, copying, distributing and the importing of advertisements which induce religious conversion. Both bills impose a one year imprisonment on anyone engaged in such activities and authorize the confiscation of all related advertisements.

Prohibition of Advertisement for Religious Proselytization, 5757-1997 was recently proposed by Member Ben Tsur. According to this bill, a person who publishes in writing or in print anything designed to make a person change his religion or convince a person of the truthfulness of a religion different from his own, in order to bring about his conversion to the different religion, is subject to one year's imprisonment. In addition, the court may issue an injunction prohibiting the distribution of copies of such publication.

Penal Law Amendment (Prohibition on Solicitation of a Minor to Convert) 5757-1997 Bill was introduced by Member Oron on January 20, 1997. In addition to a penalty of one year's imprisonment for activities designed to achieve such solicitation, the bill imposes three years' imprisonment for solicitation involving the offer of money or other material benefit. Interestingly the prohibited solicitation applies not only to change of religion but also to changing a person's secular perspective to a religious one.

*** Current Status**

One of the bills, introduced by Knesset Members Gafni and Zvili passed its preliminary reading on May 19, 1997, by a vote of 21 members against 7. It was transferred to the Law and Constitution Committee of the Knesset for further action.

*** Translation of the Gafni/Zvili bill**

Penal Law (Amendment- Possession, Printing, Copying, Distribution, Provision, Import of Advertisements Inducing for Religious Conversions) 5757-1966

Addition of Section 174

1. After section 174b of the Penal Law, 5737-1977, it will read:

174c Prohibition on Solicitation for Religious Conversion

(a) A person who possesses without legal justification or prints or copies or distributes or provides leaflets or publishes anything which may have even a hint of solicitation for religious conversion is subject to one year imprisonment;

(b) Any leaflet or an advertizing which may have a hint of solicitation for religious conversion shall be confiscated.

*** Legal Background**

The bill was presented as an anti- missionary bill, in response to excessive distribution of missionary materials, among others, by an evangelist organization originated in San Diego.¹

Missionary activities in Israel are not welcomed. In a 1994 decision by the Israeli Supreme Court it was held that authorization granted by Ben Gurion airport authorities for members of Habad, a Jewish orthodox movement, to provide religious services in the airport was valid as long as such services were requested by the passengers. The Court further stated:

Everything we said above is correct if the issue is indeed provision of Jewish religious services, as such, to those who ask for them. We do not accept that the operators of the booth² will walk in the passengers terminal and solicit passengers to approach the booth, whether for fulfillment of religious commandments or for receipt of information or bulletins of any sort...

We do not agree that the booth will serve for distribution of propaganda for the ideological path of the Habad movement or for bringing the passengers approaching the booth or passing by it to the movement and its centers and organized institutions...³

Israeli law permits any person to convert to another religion. Religious conversions, however, have to be registered. According to the Religious Community Ordinance (Conversion) 1947,⁴ registration of religious conversion cannot affect any obligation which could apply to the convert before the registration. The ordinance further specifies that in spite of any conversion, the jurisdiction in matters of marriage, divorce and alimony will remain with the appropriate court having jurisdiction before the conversion. This is particularly important in Israel which has maintained the Ottoman system of religious courts governing matters of personal status of members of recognized religious communities. The ordinance prevents people converting to another religion from avoiding the jurisdiction of their appropriate courts. Thus, e.g. a Jewish man who married a Jewish women in a Jewish marriage is allowed to convert to Islam, but cannot divorce his wife according to Moslem law which unlike Jewish law generally permits divorce against the will of the wife. Such a divorce would not be valid.

¹ Information obtained from Mr. Charles Kopp, of the United Christian Council, an interdenominational organization in Israel, by telephone conversation dated 6/12/97.

² Habad booth.

³ Tamkin et al. v. Ben Gurion Airport et al., 94(10 Piske Din (Decisions of the Supreme Court) 604 (5754-1994), available on Takdin (Juridisc, on CD ROM C.D.I Systems, Jerusalem, Israel).

⁴ Iton Rishmi (Official Gazette) Appendix 1, p.121 (1947).

The Religious Community Ordinance (Conversion) 1947 imposes an additional requirement on minors wishing to convert. The ordinance provides that there is no validity to a religious conversion of a minor unless done with the consent of on the parents or the minor's custodian. Such consent should be provided to the Ministry of Interior.

*** Likelihood of the Gafni/Zvili Bill to Pass**

The Gafni/Zvili bill was presented to the Knesset as a bill designed to address recent mass distribution of missionary materials to people who do not wish to receive them. Explanatory notes state that although current Israeli law already objects to missionary enticements for religious conversion, particularly of minors, the law does not sufficiently regulates mass distribution of missionary enticements by mail, against the wish of the receiver, like those taking place lately.

Seen in this light, as a mean to protect innocent people from intrusion on their peace imposed by unwanted solicitation, and as a bill which is consistent with current law, it is reasonable to assume that most Israelis, religious or secular, would not object the bill. Indeed, the bill received very little press coverage in Israel.

Some, however, are concerned that the bill goes beyond merely prohibiting causing nuisance to people by missionaries, and in fact threatens the democratic principles of the State and particularly that of freedom of religion in Israel. This is based on careful reading of the words of the bill, particularly the reference to anything which may even hint of solicitation to conversion, as well as the term "solicitation" itself, which is used by the Israeli legislature for cases involving prostitution and drug related offenses.

According to Mr. Charles Kopp from United Christian Council in Israel,⁵ his council does not generally oppose a prohibition on missionary activities, but is concerned that the Gafni/Zvili bill may result in severe negative impact on freedom of religion in Israel. Mr. Kopp, was informed by the assistant of the Knesset committee for Law and Constitution that the Netanyahu's government opposed passage of this private bill. This, however, may not guarantee that the bill will not pass, particularly since the bill passed first reading with the support of some members from the governing Likud party, and since it is unclear whether Knesset members have fully analyzed the broad implications of the incorporation of the bill's broad prohibition into Israel's Penal Code.

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⁵ Telephone conversation on 6/12/97.