



## Messianic Jews and the Law in Israel

By Mike Decker

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## **Two Important Cases for Israeli Messianics: A Legal Analysis**

The decisions revealed the opinion of the Israeli government towards the Messianic Jewish community, and exposed the passive and non-political attitude of the Messianic community.

Two very important court decisions have recently been issued in Israel, in which several very positive results emerged regarding the depicted opinion of the Israeli government towards the Messianic Jewish community. Furthermore, these court decisions expose the passive and non-political attitude which is prominent in the Messianic community and which indicates that this community is a minority group that is entitled to receive the court's protection.

In both these court decisions, the Israeli governmental institutions operated in favour of the Messianic community and in response, different fundamental religious groups lodged a petition against these standard governmental decisions. In the first court decision, the State's advocacy and the local committee for planning and building stood beside the Messianic community and against the fundamental religious groups. Moreover, in the second court decision the State's advocacy and the general police commander stood beside the Messianic community and against the fundamental religious groups and their advocates.

The passiveness of the community stands out, especially and among other reasons, because in these court decisions there is no mention of the fact that this community consists of Messianic Jews and/or Jews who believe in Yeshua. In the first court decision the community is defined as the "Messianic Community" and in the second court decision the community is defined as the "Yeshuim". The reason that the State's advocacy stood beside the Messianic community is derived from the acts of fundamental religious organizations that had lodged a petition against ordinary decisions made by different governmental bodies, as they treated the Messianic community duly as equal citizens in a democratic and pluralistic country.

### **1. Meir Malca v. the Local Committee for Building and Planning**

The first court decision which I will discuss is regarding Meir Malca v. the Local Committee for Building and Planning - Be'er Tuvia. This court decision is in connection with the Messianic Congregation 'Grace and Truth' which purchased a lot that is situated in an industrial area and which received a building permit from the local committee for building and planning. Anti-missionary group Yad Le'achim (who is represented by advocate Yoram Sheftel) claimed that the 'Grace and Truth' congregation was planning to "establish a church which will be used for the purposes of prayer and missionary activity". The court determined in its response that the permit was duly granted on the basis of the request made by Amutat 'Grace and Truth', and that the building would be used for office use and as a gathering facility. In the conclusion of the court decision, the court found it necessary to expose the real motive hiding behind the petition that was lodged against the building permit which had been given: "In closing this court ruling, I find it necessary to bring to mind the Declaration of Independence which was signed close to the establishment of the State of Israel, and which promises freedom of religion to all the different religious groups which exist in the State of Israel. The Jews, in particular, who have been persecuted because of their religion by others for hundreds of years, must portray their moral values in that they will reveal tolerance and patience towards other religious groups."



The abovementioned closing of this court ruling may leave a negative impression, however, to those for whom Jewish identity is important, and they, probably feel uncomfortable by the definition of “other religious groups”. In this battle of legitimacy that the Messianic Jews face in Israeli society, it may be beneficial to mention, before the courts, the fact that they are Jewish, and in particular with cases in which their identity will not influence the results of the court's decision, like in decisions that involve the Law of Return. A passive approach in these very important social issues is not beneficial, and therefore it may be preferable to specifically emphasize that they are Messianic Jews persecuted because of their faith.

### **2. Amutat ‘BeZedek’ v. ‘The General Police Commander and Others’**

The second court decision is regarding the Amutat ‘BeZedek’ v. ‘The General Police Commander and Others’. The background of this court decision involves the recent gathering of up to 700 members of a fundamental religious group for the purpose of demonstrating outside of the private homes of individuals belonging to members of the Messianic community in Arad. The police refused to approve of the demonstration in the proposed setting and would grant its approval only under the condition that it would be limited in time, in the number of participants (up to 200) which would require the inclusion of ushers, and which would be without loudspeakers or vulgar and provocative speech.

When this issue was raised before the High Court of Justice, it was balanced between two opposing values: the right to privacy, to property and to freedom of religion (of the Yeshuim) on the one hand, and the right to freedom of speech and demonstration (of the fundamental religious group) on the other hand.

It should be indicated that the High Court of Justice had already determined that the right to demonstrate outside the home of the Prime Minister- the highest public official in Israel- is also very limited, because of the reason that the home of the public official is the only place where he can find refuge from all the public pressures and responsibilities. As an inference from minor to major, the right to demonstrate outside the home of a private person when it is a major disturbance to the neighbours and also when it limits the freedom of religion to a group, which is considered a minority within the minorities, is also disqualified.

In addition to this, the court indicated that “according to some opinions, a collective and degrading speech aimed at a minority group has the ability to imbed the existing hierarchy in the society and to strengthen it, and as a result cause damage to the value of equality. According to this opinion, the Yeshuim should be looked upon with preference, improving their social legitimacy and to limit all the more, the freedom of speech which had been aimed against them for their elimination. The abovementioned claims are classical claims used by courts around the world in defence of minority groups that are entitled to receive legitimacy within a society.

Since an uninformed reader or judge might not understand that this precedent was made specifically towards the Messianic Jewish community, it is a pity that in both of these court decisions, which have determined an important legal precedent for religious minority groups in Israel, nothing was said



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regarding the fact that these religious minority groups consist of members of the Messianic Jewish Community and/or Jews who believe in Yeshua. These court decisions determine important precedents, and it is worthy to note that such precedents indicate that Israeli citizens who belong to the Messianic Jewish community are being persecuted against merely because of their religious beliefs and therefore are entitled to receive the court's protection. It is also important that in this battle for legitimacy, the definitions used to describe the Messianic Community would be homogeneous and sympathetic towards the nature of Israel as a Jewish and democratic state.

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For further inquiries regarding civil rights, social justice and freedom of religion in Israel, please do not hesitate to contact Mike Decker personally at [www.jjj.org.il](http://www.jjj.org.il) or [www.israeltoday.co.il](http://www.israeltoday.co.il).



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