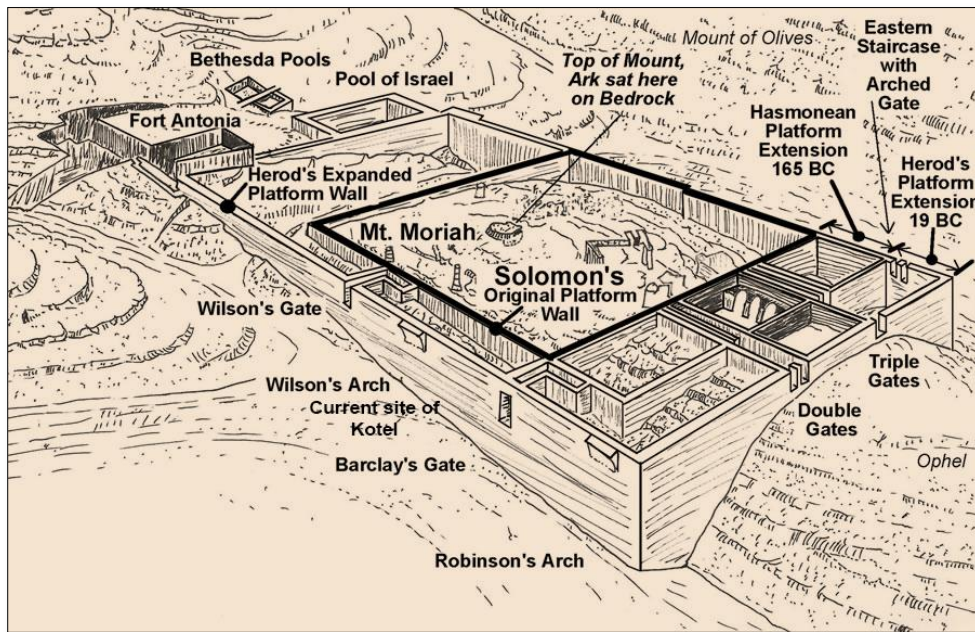


Supreme Court Majority Ruling 2003

"We cannot see "Robinson's Arch" in its present condition as an area that is appropriate for prayer. But if the government prepares "Robinson's Arch" - in the appropriate and required way ["establish appropriate security measures and to prepare easy and safe access to the prayer area and to the kotel itself"] - within 12 months from today [June 4th 2003], then Women of the Wall will be able to pray according to their custom in that place.

And if the area is not prepared - within 12 months... it will be the government's... responsibility to set up appropriate arrangements and conditions according to which Women of the Wall may implement their right to prayer according to their custom at the Kotel Plaza..."



Thinking about the Kotel

"The Kotel is a holy place for Jews. It is also holy to Women of the Wall and also to those who strongly oppose the manner of Women of the Wall's prayers. On the one side stands Women of the Wall's right to pray according to their custom next to the Kotel. On the other side, is the strong opposition of other mitzvah observers, those whose feelings towards this holy place are deeply violated by the manner of Women of the Wall's prayers. And, holiness, as is known, is not given to division..."

Supreme Court Ruling June 2003

Dec.31, 1989: Prohibited activities
(1a) a religious ceremony that is not according to the custom of the place, which offends the sensibilities of the worshippers.

"Women of the Wall have the basic right to offer their prayers before the Creator of the world according to their custom - in their own space and at the Western Wall - as long as 'there will thereby be no actual offence to the prayers of others.'" Supreme Court Ruling June 2003

"The Kotel was given to all of the people of Israel, not only to one part of it. And all of the people of Israel - not only one part of it - acquired a share of the Kotel." Supreme Court Ruling June 2003

Prepared by Makom for the Committee on the Unity of the Jewish People



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"The Shechina (Holy Spirit) never moves from the Western Wall of the Temple." Shemot Rabba 2:2

Synagogue?

Rabbi Ovadiah Yosef:

That place certainly can be no less than a synagogue, which is a small Temple. Likewise with regard to the Halakhot of a synagogue ... certainly everything that is customary there should apply to the Western Kotel.

Rabbi David Golinkin:

A passage in the Talmud Yerushalmi (Megillah 4:1, ed. Vilna 23a) seems to indicate that you can take an existing courtyard and dedicate it as a synagogue. On the other hand, the Rambam rules (Hilkhos Tefillah 11:21) that: "The plaza of a city which is used for prayer on public fast days... is not sacred because it is temporary and was not fixed for prayer..."

Therefore... there is a clear halakhic difference between the lower prayer area next to the Kotel, which has been used as a synagogue on a daily basis since July 1967, and the much larger upper plaza which is only used for prayer on Shavuot or Tisha B'Av... in other words, the lower prayer area next to the Kotel is a courtyard which was sanctified as a synagogue, while the large upper plaza is a temporary place of prayer which does not have the sanctity of a synagogue

Holy Temple?

Yeshayahu Leibowitz

labeled the Wall the 'Diskotel,' proposing the plaza be converted to a 'Divine Disco'.

July 1967: "All roads and paths led them to the Kotel . . . and spontaneously, of themselves, the people burst into spirited singing and dancing, hardly caring where or how they were thrown about. So we saw soldiers among Hassidim with their long sidelocks and black coats, old mixed with young, European westernized Ashkenazim among some oriental Sephardim. Who noticed differences or distinctions? All barriers fell, became null and void, as though they had never been. . .

Isaac Judah Hershkovitz, quoted in Kasher, Western Wall, 62.

2003 Supreme Court Ruling: "In our national tradition it symbolizes, for thousands of years, that which we lost with the destruction of the Temple. And, more than this, the continuation of our Nation... from the national perspective it symbolizes the sadness of generations and the desire to return to Zion and the restoration of our independence. Therefore, it is an expression of the power and existence of the nation, of its deep roots and its eternity. Therefore, among other events, on Memorial Day when we remember the fallen soldiers, and when soldiers are sworn in, they stand opposite the Kotel."

Judge England's dissenting voice: "The idea of sanctity... is clearly a religious concept, which has no real meaning in the secular world... I cannot accept the general approach of this Court, that assigned... a nationalistic meaning to the Western Kotel."

The Chief Rabbi of the IDF, General Shlomo Goren, at the Kotel Plaza. 7th June, 1967:

"Soldiers of Israel... Here I speak to you from the courtyard of the Western Wall, the remnant of our Temple... City of the Lord, Site of the Temple, Temple Mount, The Western Wall, symbol of the Messianic redemption of the People – we have been redeemed by your hands..."

National Monument?