

Charity Commission
Application for registration of Good News for Israel
Decision made on 5th February 2004

1. The issue before the Commission

- 1.1 The Commission considered an application by a company called Good News for Israel ("GNFI") for registration as a charity. If the company was established as a charity it should be entered on the Central Register of Charities under s.3(2) of the Charities Act 1993.
- 1.2 One of GNFI's objects is to advance the Jewish religion by (amongst other means) promoting the doctrine of Aliyah, being the promotion of the return of Jewish people to the land promised to them by God.

2. Decision

2.1 The Commission:

- i. having considered the case which had been put to them by GNFI, including the legal submissions and full supporting evidence; and
- ii. having considered and reviewed the relevant law and the governing document and activities of GNFI and the social environment in which it operates;

concluded:

- i. GNFI is not established for exclusively charitable purposes;
- ii. promotion of a particular religious doctrine is not necessarily advancement of religion in the charitable sense; and
- iii. it was not possible to establish whether GNFI is established for the public benefit.

3. GNFI's objects

3.1 The objects proposed by GNFI in their application were:

1. *Advancement of the Jewish religion and of the public understanding of the Jewish religion, particularly but not exclusively, by promoting the awareness of and observance of the doctrine of Aliyah (i.e. the return of the Jewish people to the land promised them by God);*

2. *Advancement of mutual understanding and good relations between the Christian and Jewish religions;*
 3. *Relief of poverty among orphans, particularly those of the Jewish religion.*
- 3.2 The Commission concluded that objects 2 & 3 are exclusively charitable objects and that GNFI carries out activities that tend to further these purposes. Its consideration focused on Object 1 which could not be exclusively charitable unless:
- 3.2.1 it could be concluded that to promote the awareness of and observance of the doctrine of Aliyah is an exclusively charitable purpose; or alternatively
 - 3.2.2 that the promotion of the doctrine of Aliyah is not a purpose of GNFI but an activity that tends to promote religion for the benefit of the public.
- 3.3 In reaching its view that object 1 is not clearly exclusively charitable, the Commission noted that:
- 3.3.1 not all religious purposes are charitable purposes (**Gilmour v Coats** [1949] AC 426);
 - 3.3.2 Lord Reid in the **Gilmour** case stated that the law of England “*assumes that it is good for man to have and to practise a religion but where a particular belief is accepted by one religion and rejected by another the law can neither accept or reject it*”;
 - 3.3.3 Lord du Parc in the same case concluded that, in order to be charitable, “*the purpose of the trust must be one which the Court can determine and declare to be beneficial to the public*”;
 - 3.3.4 the case of **Keren Kayemeth Le Jisroel Ltd v IRC** [1931] 2 KB 465 (“the **Keren Kayemeth** case”) established that settling Jewish people in the Holy Land was not a charitable purpose as advancing religion because it involved considerations which were not exclusively charitable.

4. The legal basis for consideration of the activities of GNFI

- 4.1 As the Commission considered that Object 1 might not be exclusively charitable, it went on to consider whether the activity of promoting the doctrine of Aliyah was demonstrably in furtherance of advancing religion and for the public benefit.
- 4.2 Where it is not clear if the purpose is exclusively charitable for the benefit of the public, the Commission follows the approach of the Court in **McGovern v AG** [1981] 3 All ER 493, as confirmed in **Southwood v AG** [2000] W.T.L.R. 1199, and considers the activities and the factual matrix surrounding the establishment of the organisation.

5. GNFI's activities

5.1 The Commission considered the range of activities that GNFI carried out, including:

- 5.1.1 the operation of the existing Judeo-Christian Study Centre for the giving of lectures;
- 5.1.2 the maintenance of an historical archive;
- 5.1.3 the organisation of lectures, concerts, seminars, and exhibitions with the aim of educating Jewish communities, particularly with respect to the significance of the doctrine of Aliyah;
- 5.1.4 publishing and disseminating educational material, particularly collections of quotations from scripture, concerning the biblical basis of the doctrine of Aliyah;
- 5.1.5 giving practical assistance to Jewish people for the direct facilitation of Aliyah, for example by providing transport.

6. Consideration of GNFI's aims and activities

6.1 The Commission considered whether the ways in which GNFI purports to advance religion are charitable and for the benefit of the public.

6.2 Does the organisation advance religion in the way that that the Courts have recognised is charitable?

6.2.1 the Commission noted that an organisation established for the advancement of religion in the charitable sense must contribute to the advancement of religion as interpreted by the Court¹;

6.2.2 the Commission considered the **Keren Kayemeth** case. The judge in that case commented that *"promotion of religion means the promotion of the spiritual teaching in a wide sense and the maintenance of the doctrines on which it rests and the observances that can serve to promote and manifest it - not merely the foundation or cause to which it can be related"*;

6.2.3 the **Keren Kayemeth** case had established that settling people in the Holy Land was not an exclusively charitable purpose as advancing the Jewish religion as it involved considerations which went beyond the religious and spiritual;

6.2.4 the Commission's understanding of the rationale of this case is that you should distinguish between the acceptance of a religious doctrine and the taking of steps to make it a physical reality, which may have implications that go beyond the religious and spiritual;

¹ Dune v Byne (1912) AC

- 6.2.5 the doctrine of Aliyah is understood by the Commission to be the return of Jewish people to the Promised Land of the Hebrew Scriptures (and is described in GNFI's objects as "the return of the Jewish people to the land promised to them by God"). The Scriptures describe the region as that extending from the Nile to the Euphrates and therefore comprises a greater area than the state of Israel;
- 6.2.6 whilst the Commission considered that GNFI pursued its activities with the intention of advancing the Jewish religion, activities that involved the taking of steps to make the doctrine of Aliyah a physical reality and sought to directly facilitate the settlement of Jewish people in the Promised Land seemed to have implications that went beyond the religious and spiritual. The activities GNFI listed under its first object were "The giving of practical assistance to Jewish people who are motivated to undertake Aliyah from their country of residence or origin" and "The giving of grants and other practical assistance to other individuals and organisations that share the objects of [GNFI]". It was not, therefore, clear that these activities were solely directed to advancing religion;
- 6.2.7 under section 3(1) of the Charities Act 1993, the Charity Commission has an obligation to keep a Register of institutions that are charities. In fulfilling this obligation we have the power to recognise a new purpose as charitable in circumstances where we believe the Court would do so. We have the same powers as the Court when determining whether an organisation has charitable status and the same powers to take into account changing social and economic circumstances - whether to recognise a purpose as charitable for the first time or to recognise that a purpose has ceased to be charitable. Since the **Keren Kayemeth** case was decided, Israel has been established as a separate state in the Holy Land;
- 6.2.8 the Commission considered whether the establishment of the state of Israel since the decision in the **Keren Kayemeth** case meant that a different view should now be taken. It was argued for GNFI that the interpretation by Lawrence LJ in the **Keren Kayemeth** case was that the object of that organisation was the establishment of a theocratic constitution in the Holy Land and that this has now been fulfilled with the establishment of the state of Israel;

- 6.2.9 the Commission did not accept that the establishment of the state of Israel meant that the settlement of Jewish people in the Holy Land can now be accepted as furthering a religious purpose when previously it could not. There continue to be implications which go beyond the spiritual and religious, and which raise political, economical, social and civil order issues. The Commission understood the state of Israel to have a policy of encouraging and assisting Jewish people to settle there. However, whether or not practical assistance to Jewish people to travel to Israel is facilitating a particular policy of the state of Israel, such assistance cannot be considered to be exclusively concerned with the advancement of religion;
- 6.2.10 the Promised Land of the Hebrew scriptures encompasses a wider area than the state of Israel and the promotion of the doctrine may have implications relating to the other states now occupying the territory described as the Promised Land in the Scriptures, as well as the present state of Israel;
- 6.3 Is the organisation established for the public benefit?
- 6.3.1 it is well established that advancing the Jewish religion in the charitable sense is for the benefit of the public;
- 6.3.2 the Commission also had regard to the case of **Gilmour v Coates**². That case considered that a gift is not charitable in the legal sense simply because it is a gift for religious purposes; the gift must still involve a benefit to the public and the purpose must be one which the Court can determine to be beneficial to the public;
- 6.3.3 the Commission determined that, as the promotion of the doctrine of Aliyah had implications which went beyond the religious and spiritual and included political, economic social and civil order implications, it was not possible for either the Court or the Commission to determine whether the purpose was beneficial to the public or not.

7. Consideration of the relief of poverty

- 7.1 The Commission went on to consider if GNFI's activities in assisting people to settle in Israel could be said to relieve poverty and thus be charitable. The wording of Object 1 does not suggest the relief of poverty. However, GNFI did point to the existence on the Register of other organisations which promote Aliyah which have relief of poverty objects.

² (1949) AC 449

- 7.2 Relief of poverty was considered in the **Keren Kayemeth** case, where in that case, the Court was quite clear that the activity was not about relief of poverty. Lord Hanworth MR stated:

“It is true that a scheme which deals with settling Jews on land in a new country away from present unhappy surroundings may be interpreted as mitigating poverty and being chiefly of service to persons in need and distress; but I agree... that it is not the improvement of poor Jews and their families that is the characteristic purpose of the Association. It is rather the repopulation of the Holy Land and other lands in a wide area around it, so that once more the population of that district may be Jewish.”

- 7.3 GNFI had referred the Commission to a paper by Dr Margaret Brearley on the doctrine of Aliyah which stated that:

“A religious Jew should ideally choose poverty in the Land of Israel in preference to wealth in exile: ‘Better to reside in a hovel in the Land of Israel than in a palace in the Diaspora’ [Bereshit Rabba 39]”.

- 7.4 In view of these matters, the Commission considered that it would require strong evidence that poverty was being relieved and that this was the purpose of the activity before practical assistance to settle in Israel could be accepted as charitable on this basis.