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Conversion in Transition: Practical, Conceptual, and Halachic Changes in Israel

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The “Who is A Jew?” public debate in Israel of the fifties has had constitutional ramifications but no influence on the situation of conversion applicants.1 Arguments in the newspapers and at the Knesset struggled with the legal definition of the law that allows automatic citizenship to every Jew in the entire world. At the same time the rabbinical courts [batei din], converted to Judaism thousands of applicants in a process that took no more then a year.

The condition of the conversion applicants’ population in today’s Israel is entirely different. The process in rabbinical courts has become four to five times longer than in the past; and many applicants are waiting an extended period of time, sometimes years, for authorization to begin with the process. All this has an effect on a large population in Israel.

In this article I will introduce a general picture of the conversion status in contemporary Israel and a brief summery of the bureaucratic factors in the current crisis. Views of different streams in Israeli society, like ultra-Orthodox and religious Zionists, will be briefly referred to.

My main focus will be on the radical halachic changes regarding conversion that took place in rabbinical courts. I will deal with questions flowing from and related to these changes through meta-halachic discourse.

Halachic transformations and differences between rabbinical courts that acted from the fifties to the seventies and rabbinical court activity in the last thirty years generate a description of two entirely different systems. The essential understanding of this change is critical to the study of “Who is a Jew?” in contemporary Israel.

IN BETWEEN: THE INDIVIDUAL AND THE COLLECTIVE
In France at the beginning of the 1940s, Madeleine Ferraille, a young French woman of about twenty, married with a son, felt a strong attraction to Judaism—an attraction that led her on an extraordinary life’s journey. Not long after she married, she separated from her husband, became active in the French Resistance, and helped save Jews. Later she studied literature, history, and philosophy at the University of Toulouse and at the Sorbonne. When she was in her thirties, she and her son converted to Judaism and began living as fully
observant religious Jews. She made aliyah [immigrated to Israel] and found her place in an ultra-Orthodox community; her son enrolled in a yeshivah.

In the summer of 1965, when she was in her forties, Madeleine, by then going by her Jewish name of Ruth Ben-David, was at the center of a major uproar within the Eda Haredit [the separatist non-Zionist ultra-Orthodox community] in Jerusalem. This fierce debate, which triggered a countrywide media festival, erupted when she became engaged to the venerable leader of the anti-Zionist Neturei Karta movement, Rabbi Amram Blau, a 71-year-old widower. The religious court of the Eda Haredit summoned Rabbi Blau to appear before it and instructed him to call off the engagement and not to marry the convert. The court’s ruling was quite exceptional and, what is more, was not couched in standard halachic language: “This court decrees that no one among the heads of the Eda Haredit and its leadership, and certainly not an exalted person like Rabbi Amram, may marry a convert, because of the dissolute ways of the generation and for a number of other reasons that we keep to ourselves.”

Stringent attitudes or reservations about the acceptance of converts can be found in the halachic literature from the Talmudic era to the present and have been amply described by scholars. An interesting meta-halachic question related to this issue, one that has been discussed at length, is whether conversion is primarily an acceptance of the obligation to observe the precepts or admission to the Jewish collective. The conversion process itself has three halachic elements: circumcision (for males), immersion in a ritual bath, and becoming acquainted with or taking on the precepts. The last of these stands at the center of a halachic and exegetical debate that has raged for generations and that has intensified in the modern age, especially in the last three decades. The meta-halachic question about the essence of conversion is linked to this dispute. In practice, the standards for the acceptance of converts were set by each local community for itself; some were more stringent and other more lenient. In general, though, and except for extraordinary cases, converts and their descendants have always been accepted not only in their own communities but throughout the Jewish world, even by communities that had reservations about accepting converts.

Is the approach described in the meta-halachic literature, which sees conversion as the assumption of the obligation to observe the precepts, necessarily more stringent than that which sees conversion as joining the Jewish collective? The position taken by the rabbinical court of the Eda Haredit, in view of the possibility that one of its leaders might marry a convert, removed
the acceptance of a convert from the standard halachic envelope. The court’s ruling stemmed from a desire to preserve the boundaries of the collective by imposing restrictions on a leader. Rabbi Blau was perfectly aware of this, of course. He announced that he was determined to marry his fiancée and would disregard the rabbinical court’s ruling. The man who had never gone outside the Jerusalem city limits since he was a child left the jurisdiction of the rabbinical court and moved to Bene Beraq, where he married the convert Ruth Ben-David.

Thus the idea that conversion is an act of joining the Jewish collective depends on the collective community interest or on what the rabbinical court deems to be the interests of the entire Jewish people. The court in one community may adopt a lenient stance toward the acceptance of a particular convert, whereas in a similar case the court in another town may reject the applicant. The differences between these two attitudes have to do primarily with the perceived role of the rabbinical court in the conversion process. If the essence of conversion is joining the Jewish collective, the court has broad discretion that goes far beyond the bounds of halachic formulas. What is more, the rabbinical court, as a central institution that represents the entire community, must decide in accordance with the norms, limits, and interests of the community, even before it tries to determine the candidate’s intentions. The obligation to observe the commandments and the willingness to do so become secondary matters or are merely instrumental to preserving and strengthening the collective. By contrast, if the essence of conversion is acceptance of the obligation to observe the precepts, the religious court has only limited discretion. As the halachic literature states explicitly, if a candidate stubbornly insists on converting, despite repeated rejections by the rabbinical court, the court no longer has the right to turn him away and must accept him. All other considerations are irrelevant.

The differences also relate to the community’s involvement in the conversion process. The idea that conversion means joining the collective expands the rabbinical court’s discretion but at the same time gives the community a standing in the proceedings, starting with the selection of judges who are committed to the collective interests and running to the actual participation of community institutions, in various ways, in the process itself (teaching the candidates, attempting to influence the judges to accept them after the completion of their studies, and so on). The halachic literature hardly recognizes such community participation. It describes the conversion process as a dialogue between the candidate and the rabbinical court, with no outside
involvement. Today, in fact, the bulk of the conversion process takes place outside of the courtroom and candidates are fully prepared for the actual act of conversion before they face the judges.

THE CONVERSION TRANSFERRAL

In the second half of the twentieth century, we have witnessed a drastic and rapid change in the conversion process. From the end of World War II through the 1970s, thousands of converts, most of them women, were accepted in Israel and in Orthodox communities throughout the world. The process included the court’s interrogation of candidates, as described in the sources: the court told them that they would be better off not converting; that one can be a righteous gentile and observe only the seven Noahide precepts. If the candidate insisted and returned to the court a second or third time, he or she was converted. The entire process was completed in three sessions and lasted an average of ten months. This was the traditional route, the same as had been followed in Jewish communities from time immemorial. Many of the new converts came from secular communities like kibbutzim and returned there. No one imposed any conditions on them. All the judges on these courts, without exception, were haredim [ultra-Orthodox].

Starting in the mid-1970s, however, the conversion process became more complicated and protracted. Candidates were required to attend a lengthy conversion course—at first six months, later a year or two or even more. They had to persuade the rabbinical court that they were planning to live in a community where it would be possible to observe the Sabbath and other precepts. They were also required to have an observant foster family to help them through the process. None of this was motivated by an intention to make the candidates miserable; the reasons were bureaucratic. The rise in immigration to Israel, chiefly from the Soviet Union, placed a great burden on the limited number of rabbinical courts that served the entire population in all matters of personal status: marriage, divorce, inheritance, and so on.

To cope with the problem, Rabbi Shlomo Goren, the then Ashkenazi Chief Rabbi of Israel, established conversion preparatory seminars to assist in the process. Representatives of these seminars began to appear in the court to testify about their graduates’ bona fides. The rabbinical courts fell into the habit of going beyond the questions of principle mandated by the Shulhan Arukh and quizzing candidates on the material they had studied at the conversion preparatory seminar. As a result, programs that were intended to facilitate the acceptance of converts actually made things much more difficult for them.
and swiftly altered the standard halachic procedure for the acceptance of converts. It bears note that these seminars were institutions of National Religious Zionism, which generally favors the acceptance of converts for nationalist and ideological motives.

The mass immigration from the former Soviet Union in the 1990s made it necessary to add a new bureaucratic element to the conversion process. The Conversion Administration was set up to carry out most conversions in special courts with panels consisting of national-religious Zionist dayanim [judges] because the regular rabbinical courts collapsed under the load. The administration coordinated between the conversion academy system and the special courts. But this system, founded with the best of intentions, turned into a depressing trap for most conversion candidates. The stipulations for the acceptance of converts, starting with their preparatory education, continuing with the topics on which they were examined by the rabbinical courts, and culminating in the added demands, created something new and totally different, a model of conversion that had never previously existed among the Jewish people.

It is necessary to look carefully at one interesting fact: the outcome of national-religious rabbis’ involvement and participation in conversion processes as initiators of the preparatory seminars and as dayanim in the rabbinical courts did not simplify the process for the candidates but complicated it. We can of course blame the bureaucracy described above, but it is only part of the story. To achieve a comprehensive understanding, we need to look profoundly at what is standing beyond bureaucracy: ideology and national-religious identity.

To the analysis of the national-religious ideology we need to anticipate a note on the haredi position. The haredi view toward converts is nonideological and a very simple one. In principle, it based on the classical halachic way of conversion in the rabbinical court with no special preparations and of course without conversion preparatory seminars. The haredi communities themselves are not inclusive to converts as we have seen from the extreme case of Ruth Ben-David. These two components, a simple, nonideological, and nonbureaucratic haredi approach to conversion on the one hand, and an exclusive communal policy on the other, have made the haredi dayanim easy for the candidates. As noted above, this has allowed them to receive in a simple traditional process thousands of converts to Judaism from after the Holocaust until the 1970s.

Contrary to the haredi view, the national-religious spiritual leadership supports conversion because of religious and political ideology and as an outcome of the concept of the modern return to Zion as a religious process. The
change from a communal conversion to a state conversion is problematic and basically unacceptable from the haredi point of view. For national-religious rabbis it is an important and even essential implementation of their ideology.

But precisely in the halachic-practical field the national-religious position is more detailed than the haredi view, more comprehensive, and less flexible. In most cases, the ideological national viewpoint doesn’t allow more easy expression of the conversion process for the individual candidate. There are those who explain that the national-religious rabbis feel that they have to prove to themselves and others that they are acting in accordance to halachah, while the haredi rabbis don’t have to prove anything to anyone.

I tend to believe that the strictness is authentic, and it flows and strengthens from the religious-national ideological approach. It is precisely the religious stream that is interested in principle in the acceptance of converts, mainly those who immigrated to Israel, that has shown many times practically less openness and flexibility in the conversion process. This argument presents the question of convert acceptance in Israel in a different way than it appears in public discourse. The common way of understanding it is as a haredi-Zionist religious dispute. It looks like the problem originates from the religious Zionist position or at least from the view of a few streams and rabbis within religious Zionism.

We need to look a little more carefully at the way described above of Rabbi Goren’s actions on conversions. On the one hand, he came from a haredi background that allows him to see the conversion process in its traditional halachic simplicity. On the other hand, he adapted and developed national-religious ideology. Unlike the national-religious dayanim after his time, he converted in a simple and short process; for example, the accelerated and simple conversion process in the IDF rabbinical court under Rabbi Goren’s leadership (and his followers Rabbis Piron and Navon who continue his conversion method) is incomparable to the process conducted by the Zionist-religious IDF chief rabbis in the past seven years.

REDEFINING CONVERSION: FROM COMMUNITY PROCESS TO GOVERNMENT ACT

The conversion authority, this vast apparatus, is a government agency—and not just one more government agency, but a department in the Prime Minister’s Office. Ever since David Ben-Gurion, and especially in the last two decades, Israeli prime ministers have viewed the conversion of tens (and if possible hundreds) of thousands of non-Jewish immigrants as a national chal-
lenge. In their eyes, conversion is an important tool for absorbing immigrants in Israel, for their socialization and acculturation, and makes a direct contribution to bolstering the Jewish majority in the nation-state.\textsuperscript{13} They could not leave such an important matter in the hands of the religious affairs ministry.

But the political decisions by secular prime ministers also had far-reaching halachic implications. They did not carry out their policy through a secular conversion apparatus in the spirit of a proposal floated by former minister Dr. Yossi Beilin;\textsuperscript{14} instead, they established a religious system to serve this policy. (Note that the major secular parties in Israel have never been interested in the separation of religion and state. Quite the contrary, religion has always been an instrument in the service of their policy and remains so today.) This system, as noted, comprises observant Jews, most of them rabbis affiliated with the National Religious stream, who as a matter of principle want to complete the immigrants’ naturalization by their conversion to Judaism. In fact, the Conversion Administration was unable to handle the burden and became an obstacle to the conversion of thousands of persons.\textsuperscript{15}

About ten years ago, the government shut down the original Conversion Administration and replaced it with a new version. The second avatar, headed by Rabbi Haim Druckman, was staffed by National Religious rabbis who were graduates of the same yeshivas as the rabbis of the first Conversion Administration. This Conversion Administration Mark II endeavored to speed up the conversion process and simplify the requirements, but with no great success. The reaction was not long in coming, in the form of a challenge to the authority of the rabbis of the second Conversion Administration and the rejection of their converts by a panel of the Supreme Rabbinical Court. The general media in Israel presented the conversion controversy as an ideological clash between the ultra-Orthodox and the religious Zionists. The sad truth, however, is much simpler. This is not an ideological debate at all, but a battle for power and money and rabbinic authority, mainly within the National Religious rabbinic camp. However, ultra-Orthodox rabbis see themselves as the defenders of the ramparts and take part in the public debate, expressing views that totally ignore the past rulings of their own predecessors.

In a theocracy, the state establishments vacuum the religious communities from different religious authorities. Sometimes they delegate part of these authorities back to the communities. But Israel is not a theocracy but a nation state and a secular democracy. As a result of its constitutional history, the State of Israel does not practice a total separation between state and religious establishments. The rabbinate is part of the government system, and
rabbinical tribunals are part of the courts system. The outcome of this situation is a creation of a complicated reality in issues related to citizens’ personal status.

As noted above, rabbis disagree along generational lines whether conversion is primarily an acceptance of the obligation to observe the precepts or admission to the Jewish collective. The first is an individual move; the second is considered to be a communal act in the public arena. We also noted the fact that the requirements were different from one community to the other. The requirements weren’t equal for all conversion candidates sometimes in the very same community.

As observed earlier, the basic halachic requirement is simple: circumcision (for males), immersion in a ritual bath, and becoming acquainted with or taking on the precepts. In other words, there are not unified, clear, and explicit halachic standards for the acceptance of converts. This situation is very problematic from the state law point of view, which requires clear and explicit definitions. What kind of conversion process does the secular legislator intend? The fact is that the Knesset definition for who is a Jew for the purposes of the Law of Return—”who was born to a Jewish mother or converted”—leaves the process, the standard, undefined from the state point of view. The simple significance of the law is that every conversion should be recognized by the state for the implementation of the Law of Return. As a result of this, everyone converted by any Jewish community in the Diaspora is recognized as a Jew and will enjoy an automatic citizenship by the Law of Return. Inside the State of Israel, the law practically granted this authority of the definition of the personal status only to the official rabbinate, as it does in marriage and divorce.

The result of the transition from a communal conversion to a state conversion is that every particular case tends to be a common and general one. Every conversion becomes “a solution” given to a private citizen by the state.

One might expect that the position that sees conversion as an admission to the Jewish collective will prevail over the position that sees conversion as a personal obligation by the convert to observe the precepts. In the first decades of statehood the former was the dominant direction. Thus, identification with the state-like service in the IDF influenced the rabbis’ conceptual approach to acceptance of converts, both in Israel (Rabbi Goren16 and others17) and in the Diaspora (Rabbi Louis Bernstein18 and others19). During the last thirty years, demands that the candidates for conversion in Israel convert into an Orthodox community and be fully observant upon completion of conversion grew more unexpectedly. Not only this, but the transition to state conversion opened the gate to conversions abolitions20 or nonrecognition of conversions such as those
conducted by the IDF rabbinate. These phenomena were almost unknown in the history of communal conversions.

The conversion process occurred through generations within communities who were different from one another in their culture, traditions, and norms. Common standards between these communities was limited to the acceptance of converts converted in one community in all or most others. This was also true for those communities that avoid all conversions. The significance of the transition from communal conversion to state conversion is standardization of the conversion process as a whole. By itself, this is a far-reaching change. This change was not only an internal issue of the state but also generated an alteration in communal conversions throughout Orthodox communities in the Diaspora that were required to adopt the standards of the state conversion.

In a situation of no separation between religion and state on issues of personal status related directly to the legal situation of the individual, we usually hear an argument that in a democracy it is appropriate to limit individual freedom to freedom from religion. But a no less serious question requires consideration: does the dependence of a religious law on secular law not damage its religious status? Does the implementation of Torah law rely on the foundation of Knesset legislation? Aren't we witnessing the phenomenon of secularization of the religious community?

As described above, the traditional conversion process included the court’s interrogation of candidates, as it written in the halachic canonical literature:21 As noted earlier, the court told them that they would be better off not converting; that one can be a righteous gentile and observe only the seven Noahide precepts. If the candidate insisted and returned to the court a second or third time, he or she was accepted.

In the dialogue with the candidate in the traditional conversion the community court used to note Shabbat observant, Kashrut, and for woman candidates, Shabbat candle lighting. The assumption was that the convert would more or less fit himself or herself to the standards and the norms of the relevant community. Sometimes it happened. Many times converts became very strictly observant and in other cases partly observant or not at all. As noted, the state conversion during the past thirty years has become based on a comprehensive preparation of the candidates by special seminaries. The prior halachic knowledge required from the candidates became more and more extensive and detailed. Not only the details of the laws of Shabbat and holy days, Kashrut, and purity but also details of rules and of prayer customs. Not
only did the preparatory process become more complicated but it also developed a selective method that allows only those with learning skills and enough free time to study to be included.

Conflict provides an inexhaustible source of creative inspiration. The short-term processes described here have generated a halachic and pseudo-halachic literature that endeavors to buttress the many different positions and reinforce them against their rivals. Several volumes on the nullification of conversions have been published in the last three years, some supporting the concept and some totally opposed to it. It is not important whether the dominant position in the new halachic literature tends to leniency or stringency. What matters is that the relatively simple halachic and community domain of the acceptance of converts, which prevailed for generations and especially during the past two hundred years as part of the autonomous community framework, has morphed into a complicated process carried out exclusively by the state authorities.

SUMMARY AND CONCLUSIONS

This article presents some of the far-reaching changes in the contemporary conversion process in Israel during the past thirty years. Initially, conversion was a simple internal process that occurred within a community and was limited to a few meetings with the participation of the candidate and the members of the local rabbinical court. This transformed into a long process of learning and social and cultural training with the involvement of the state establishments. The alteration was expressed with a whole new standardization of the process in Israel as well as the engagement of most Orthodox communities in the Diaspora with the new normative framework.

The essential transition includes two principal changes:

• The process of learning and prerequisite of knowledge in Judaism in general and in halachah and customs in particular change the conversion into a test of knowledge. This excludes candidates who for various reasons can’t engage themselves in a learning process.

• A practice of almost full observance in accordance with Orthodox standards and norms prior to the conversion itself.

Somewhat surprisingly the national-religious spiritual leadership that supports conversion because of religious and political ideology contributes to these changes by being sometimes even more detailed, more comprehensive, and less flexible in the halachic-practical field. At the same time they become a factor in the development of a new halachic system for conversion.
The dependence of the rabbinate and the rabbinic tribunals system on the secular state law develops many paradoxes and difficulties and raises a few unsolved inquiries for both the state and the rabbinic authorities. This article addressed only a few of these complexities and raised a few questions:

Can the state be the conversion service provider as a bureaucracy and as a democracy?

What are the halachic significances of dependence on the secular law? Can we see here a secularization of the halachic authorities?

The second question may open meta-halachic inquiry on the subject. It is an attempt at meta-halachic clarification that stands at the center of this paper. I logically assumed that the conversion change from a communal act to a state service will clarify the old meta-halachic dispute whether conversion is primarily an acceptance of the obligation to observe the precepts or admission to the Jewish collective. I was wrong.

It is possible that the government will streamline the process and make things easier for candidates. There is no doubt that in Israel in 2014, converts have to satisfy demands that are quite different from those made of converts in the 1950s, 1960s, or 1970s. These demands represent a significant change in the conversion process and in converts’ identities.

NOTES


2 For the entire story, see Kimmy Caplan, “Cheeky Dirty Convert: The Marriage of Amram Blau and Ruth Ben-David,” in *Iyunim Bitkumat Israel, Studies in Zionism, the Yishuv and the State of Israel* (ed. Avi Bareli and Gideon Katz; vol. 20; The Ben-Gurion Research Institute, Ben-Gurion University of the Negev, 2010).


6 For a comprehensive review of conversion development and changes, see Netanel Fisher, “Conversion and the State: Israel’s Policy on Conversion to Judaism, 1948–2004” (Ph.D. dissertation, the Hebrew University of Jerusalem, 2011) [Hebrew].

8 Tractate *Gerim*, chapter A halkha a’.
12 In May 2013, the Knesset transferred the responsibility to the Ministry of Religious Services.
13 Michal Kravel Tovi, “The Exchange of Identities between the Jewish State and Jewish Converts” (Ph.D. dissertation, the Hebrew University of Jerusalem, 2009).
14 Yossi Beilin, *The Death of the American Uncle* (Tel Aviv: Yediot Sfarim publishers, 1999) [Hebrew].
15 The State Comptroller annual report, 2013 [Hebrew].
16 See note 11.
19 Marc Angel, *Choosing to Be Jewish: The Orthodox Road to Conversion* (New York: Ktav, 2005).
21 Maimonides, *Laws of Forbidden Relations*, ch. XIV; *Tir Yore Deah*, ch. 268 (י"ר); *Shulch*. 