

Working Group: Conversion, between Crisis and Dialogue

Moderator: Prof. Suzanne Last Stone

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Featured Speakers:

Session 1: Analyzing the Conversion Crisis in Israel

Jonathan Rosenblum (Director, Jewish Media Resources)

Rabbi Gilad Kariv (head of the Israel Movement for Progressive Judaism)

Session 2: Conversion in the Diaspora

MK Dr. Einat Wilf

Rabbi Jerome M. Epstein (Chief Executive of Israel affairs, The United Synagogue)

Session 3: Managing the Crisis

Minister of Justice Ya'acov Neeman

Session 4: Summary and Recommendations

Prof. Alex Lubotzky

Conversion: After the Dialogue and the Crisis

This paper is a short summary of the comprehensive working paper prepared for the Institute's conference on the future of the Jewish people, which was held October 20-22, 2010 in Jerusalem, and of the discussions held in the working group dealing with the subject of conversion (*giyur*) during the conference itself. It contains several of the principles already presented in the background paper, but is mainly an attempt to incorporate into them the additional insights gained during the three discussions facilitated by Prof. Susan Stone, which were lively and, at times, tumultuous, while also including policy recommendations for the continued discourse around this crucial issue.

The background and the questions presented at the conference

In the background paper, Conversion: Between Crisis and Dialogue, intended to stimulate conference discussions, participants were presented with several questions relating to the "conversion situation," in the Jewish world in general and in Israel in particular. The difficulty of defining "who is a Jew" and the corresponding difficulty of reaching agreement on the nature of "the gateway" to the Jewish people

(conversion) are as old as Judaism itself and surface from time to time as crises usually relating to a policy change of one body or another concerning the question of conversion or, in the case of Israel, court decisions or legislative attempts to change the rules with respect to "who is a Jew" or conversion procedures. The background paper made a rough distinction between two opposing poles, within which most of the currently prevailing approaches to conversion can be placed.

Some see "Jewishness" as voluntary, subject to the decisions and choices of individuals – i.e. the main factor in examining the question of a person's Jewishness is the fact that s/he declares him or herself to be part of the Jewish people. In many cases, especially in the Israeli context, this declaration also expresses a sociological affinity with the Jewish people. At the opposite pole of self-identification is the approach, which for the sake of convenience we will label "Halachic," or, with slightly more precision: Halachic-Orthodox. In its strictest iteration, this approach allows only two types of people to enter the gateway to the Jewish people: those born to a Jewish mother or those, who after declaring the desire to belong to the Jewish people, undergo a lengthy conversion process that includes extensive study and rituals like circumcision and immersion and, finally, commit to taking upon themselves the burden of the Mitzvoth in their Orthodox version.

The controversies and conflicts surrounding these two different approaches, with their attendant variations, were also those that were put to the test through the issues for discussion presented in the background paper. The working group discussions examined several questions:

- Is there a realistic possibility of reaching an Israel-Diaspora agreement concerning issues of conversion given the widely different contexts in which they are discussed? In Israel there are citizens whose Jewishness is in doubt, and they wish to receive legitimacy; in the Diaspora conversion could serve as an answer to the challenge posed by intermarriage.
- What are the priorities dictated by the various perspectives regarding conversion? Some give priority to intra-religious pluralism and addressing a wider audience; others wish to shape conversion according to a Zionist

conception and embrace those who wish to bind their fate with that of the Jewish people. Another group considers Jewish practice, as shaped by strictly Orthodox Rabbis throughout the generations, the only basis for any discussion of conversion.

- Who should be "the decision-maker" with regards to conversion?
- Is a comprehensive, overall solution possible or should we make do with specific solutions on a practical basis?

A preliminary question that dictates the various priorities to a great extent is what we termed "**more or less?**" meaning: what is better for the Jewish people in its current situation – an addition of Jews, as large as possible, knowing that if such an addition comes at the expense of strict observance of Jewish commitment and Jewish affiliation, it will carry a certain price tag regarding the "quality" of those joining, or preserving the "hard core" and raising the entrance bar in such a manner that would distill the Jewish people into an admittedly smaller group, but also into a more cohesive and distinctive one.

What can be agreed upon

As became clear while working on the background paper, the question of conversion is indeed perceived by most of the streams comprising the Jewish people as a critical issue that requires solutions, some of them immediate and concrete and others in principal and long-term. The current status quo, especially concerning the legislative situation in Israel, is unacceptable to nearly all of the ideological streams in Israel and the Diaspora. Even though different groups with different priorities are pushing for different solutions – they readily agree that the current situation requires change and that an attempt must be made to create new ground rules. Although most groups are ready to agree that compromises are necessary on the part of all sides, this agreement is limited by two important reservations: working group participants did not reach agreement as to what kind of compromise is necessary, and a small – but significant – group is unwilling to compromise of any kind. For the sake of convenience and in a crude generalization, this group will be termed as Ultra-Orthodox, or in Hebrew, *Haredi*.

The main points of contention and their significance

The representatives of the various divisions, groups and outlooks of conversion who participated in the discussion, found it difficult to agree upon priorities as well as on the potential identity of the "decision-makers". However, an attempt to pinpoint the issue that most embodies the lack of agreement in principle, and which was difficult to overcome, posited the following as crucial: in working group discussions, as well as in the conversations preceding the conference and following it, there was a complete failure to even approach consensus over the question of whether conversion procedures should be agreed upon by the majority of the Jewish world. In other words: must we search for one path of conversion that would be the "legitimate" path, or should we accept the reality in which there is no single, agreed upon (at least by a large majority) "gateway" into Judaism, but rather different ways of conversion? The brief summary formulated by several members of the working group in their final session left this question unanswered. But actually, no answer is a type of a *de facto* answer. Since, at least in the current stage of the discussion, it was made clear that the various divisions intend to continue with their separate conversion formats, even if a common, parallel path could be agreed upon, it is clear that there is **no question** as to whether there "should" be several gateways --as it was put in the concluding message-- but rather a description of the **situation** as it exists: Judaism has, in practice, several gateways, and judging by the discussions in the group, at the moment it is not possible to get the various divisions to agree to a single format or "gateway". In practical terms, this leaves the Israeli Rabbinat with the sole power of decision as far as it concerns Jews, Jews "in doubt" and would-be Jews in Israel.

The reason for the controversy and the absence of prospects for a single "gateway"

Generally speaking, the point of contention preventing a consensus compromise today is quite definite. Previous attempts at compromise over conversion, and the ideas that were raised but not realized, were for the most part all based upon this compromise formula: the Orthodox would "compromise" and agree to recognize the "legitimacy"

of the learning processes leading to conversion conducted by the other streams , and in return the other streams would agree that the final seal of approval on their conversion certificates would stay with Orthodox rabbi (which, although not specified explicitly, must be accepted by the Israeli Haredi establishment).

To a large extent this was also the formula for which many of the working group participants were aiming. With this formula it may have been possible to consolidate an Orthodox group that would accept the "converted-by-compromise," while ignoring and marginalizing factions unwilling to compromise. However, it became apparent in the discussions that this compromise, accepted by some progressive leaders in the past, is no longer acceptable today. The representatives of the Conservative and Reform movements in Israel made it clear that they are willing to go back to a format of "shared" conversion in the spirit of the compromise, but they nonetheless intend to continue to conduct in parallel their specific conversion formats. In effect, they turned the principle of "several gateways," as opposed to a single Jewish "gateway") into a *fait accompli*.

This attitude – backed by a reasoned, principled worldview according to which the non-Orthodox do not need an Orthodox stamp of approval – was met with bitter disappointment by the Orthodox representatives, who were interested in returning to the compromise formulation. From the discussion it seemed that with the inability to agree upon the concept of a single "gateway" as opposed to several, and with the unwillingness to reach a compromise with respect to the formula that has been used until now, the Orthodox group was deprived of its main leverage in advancing any kind of agreement. If each group is occupied with managing a separate "gateway," there is, ostensibly, no point in a compromise that would establish another, shared "gateway". A gateway which would neither replace the others nor bring about a consensus answer to the question of "who is a Jew?", but would merely stand in competition with the other "gateways" as an additional path to conversion.

The existing situation and its practical implications

The conversion working group found agreement about the "vital and urgent" need to continue the dialogue, and the group believed that the proper ground for such a dialogue is within a non-governmental framework. The goal is to continue seeking

consensual solutions for "those who honestly and seriously wish to join the Jewish people". In other words, despite differences in principle, which may be unbridgeable, there was still an overall sentiment among most of the group that it is desirable to move forward with efforts to forge a compromise.

The practical significance of this recommendation is especially important in the Israeli arena. Even if, at the moment, there is no way to reach a compromise that would provide a comprehensive solution for the majority of the Jewish people, in Israel and the Diaspora, it is important to note that in Israel conversion does not just have "religious" and "national" significance, but it also has crucial legal implications, in a great number of fields, for the individual and society. If the continuing dialogue between the parties produces agreements regarding the legal situation in Israel – the Conversion Law as opposed to conversion *per se* – it would constitute a significant contribution toward defusing tensions within Israel and in the relations between Israel and the Jewish Diaspora.

Summary and policy recommendations

As mentioned, the chances of reaching agreement in principle concerning the "big" questions relating to conversion --"the gateway" and the overall question of "who is a Jew?"—all appear very slim under current circumstances. Any further discussion of the issue of conversion must recognize that at present all groups essentially object to any sort of compromise that means an erosion of the principals guiding their constituent groups. Actually, even the group of essential compromise seekers has been greatly reduced and currently includes mainly moderate, nationalist Orthodox, although they too have a red line which would constitute a condition *sine qua non* in any compromise: they demand an Orthodox signature on the agreed upon certificate of conversion.

Recognizing this general situation is a prerequisite for continuing the dialogue most Jewish groups agree must advance. With this as a starting point for discussion, the possibilities on the agenda are still challenging enough to justify the continued dialogue which would focus on the following issues:

1. What is the proper way to arrange the **legal situation** in Israel in an atmosphere of no consensus and the *de facto* existence of several "gateways" into the Jewish people? As mentioned above, if a solution is reached on this issue alone, it will contribute greatly to improving the relations between the various groups comprising the Jewish people.
2. A renewed conversion path agreement "shared" by the major streams and factions cannot be completely ruled out. It is true that, at the moment, such a conversion path would not find consensus, but rather left to compete with other paths leading into the Jewish people. However, the success of such a path could have long-term significance. For instance, if it turns out to be a viable, preferred choice of potential converts, it might lead in the future to a return to practical discussions around a single "gateway" that is accepted by the majority of the Jewish people and which nullifies or marginalizes the other "gateways".
3. Recognition of the *de facto* existence of several "gateways" to the Jewish people does not negate the need for discussion over secondary components that all "gateways" may share. That is to say, the participants in the discussion could refer as a given to the existence of competing gateways, but still try to agree about components that would be shared by all "paths" in order to increase as much as possible similarities. Such similarities are desirable even if they do not lead to mutual recognition of converts in any stream.
4. Dialogue between groups and divisions can and should be used by the groups themselves in their internal discussions regarding their own specific conversion procedures. It is appropriate that an ongoing comprehensive discussion of the conversion issue would stimulate each of the groups under the Jewish people's tent to examine its own "backyard" and strive to improve its conversion procedures and clarify its conversion principles.