

# Conversion: Between Crisis and Dialogue

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The issue of converting and absorbing non-Jews has accompanied the Jewish people from the dawn of its existence. As far back as biblical times, the leaders of the nation had to deal with more or less desired adjuncts of "mixed multitudes," as well as with those who of their own free will chose to bind their fate with that of the Jewish people, such as Ruth the Moabite. The attitude of the Jewish people (as opposed to "Judaism") to the question of conversion has undergone many changes throughout the generations, and has been influenced to a great extent by its political situation and especially by questions of sovereignty and security. The conceptual framework in which the principles of conversion were determined in each period was shaped by the needs and abilities of the nation at each specific time. Thus, in times of sovereign power and Jewish rule in the Land of Israel, conversion was a desirable act and sometimes even a forced one (for example, in the period of the Hasmonean Kingdom), intended to achieve full integration of the land's inhabitants and their subordination not only to the sovereign but also to the dominant culture. On the other hand, in times of weakness, such as in the latter part of the Middle Ages, the conditions for joining the Jewish people were toughened considerably, mostly due to concern not only for the lives of the converted, whose acts were considered in many cases a grave offense against the sovereign (whether Christian or Muslim), but also out of concern for the Jewish community, lest it be suspected of actively attempting to poach citizens to Judaism.

In modern times, the question of conversion has become more complex than in the past, and the various approaches to dealing with it show the traces of several processes that today make it more difficult than in the past to define the question of who is a Jew. These processes include, among others: the secularization of the Jewish people; the splintering of the people into different religious streams that do not agree among themselves as to the legal (Halachic) framework and procedures for solving legal

questions; the split between the Jewish community in Israel and the Jewish Diaspora, both of which have different reasons for encouraging conversion; the establishment of the State of Israel, which granted the status of "Jew" procedural-legal importance in Israeli society; the fact that Israel has become a flourishing country, which creates an additional incentive for immigrants to join the country and the Jewish majority; institutional power struggles in Israel and the Diaspora between various groups interested in increasing their influence by controlling the conversion process; the radicalization of the "ultra-Orthodox" factions that draw an extremist line in matters of conversion, which other factions find it difficult to cross and so on.

It was easier too, to deal with the complex problems of conversion at an earlier point in Israel's history. Thirty, forty and fifty years ago when Rabbis Uziel, Yosef and Goren were the chief rabbis the realization of the Zionist dream was still fresh. These rabbis saw themselves as having a historic task of adapting the Halacha to the new miraculous reality of a reborn Jewish state. They considered it their duty to make the existence of the new Jewish state and its needs a consideration in their Halachic deliberations. Hence they were able to deftly solve the problems of the Jewishness of the Bnei Israel community of India and of the Ethiopian Jews. Today's reality is very different. The prevailing zeitgeist both abroad and in Israel is much more "post-national" and even post-Zionist. The Zionist ideal has lost much of its allure and the state itself has lost some of its charisma and "sacredness." In such an environment rabbis are much less inclined to view the state and its needs as a bona fide Halachic consideration and much more likely to make paramount their own partisan views and the pressures that they feel from their immediate communities and environments.

The difficulty of defining who is a Jew, and accordingly, the increasingly difficult task of agreeing upon the nature of the "gateway" to the Jewish people (conversion), has accompanied the Jewish people throughout history. From time to time a crisis erupts when a change in policy is made regarding the question of conversion. In the case of the State of Israel this happens when a court decision or the legislature attempt to change the rules regarding who is a Jew and conversion procedures. Such a crisis arose recently in response to the attempt of Yisrael Beitenu MK David Rotem, with the agreement of the ultra-Orthodox parties in the Knesset, to change the conversion law. This attempt led to a heated confrontation between the supporters of the law and its opponents, especially in the Diaspora. In the end, it led to the suspension of the proposed law pending further clarification, in the form of a dialogueue. Unrelated to the many questions arising from the debate over this specific legislation (part of

which will be detailed below), the Rotem Bill crisis has led to renewed interest in the issue of conversion and its various components. The question of who is a Jew is the cornerstone of an overdue ideological reckoning regarding the identity of Israel as a Jewish nation-state, and the relations between Israel and the Jewish communities of the Diaspora, led by the United States in which, outside of Israel, the largest Jewish community resides. The identity of Jewish communities around the world, which have different characteristics and for whom it is difficult to determine precisely what connects them to one another and what makes them all together a distinct Jewish people deserves further inquiry and debate.

This paper will not discuss all the details being argued about in connection to the conversion procedures in the various Jewish communities, but rather, it will outline guiding principles for the foundational positions of different approaches to the issue of conversion.

## Who is a Jew and what is Conversion?

The question of who is a Jew is too convoluted and complicated to attempt to summarize in this short position paper. However, it must be said that there are several approaches to this matter, which are difficult to reconcile. Some see "Jewishness" as a voluntary matter, subject to each individual's decision – that the central factor in determining one's Jewishness is his or her declaration of belonging to the Jewish people. In many cases, especially in the Israeli context, this declaration is expressed in a sociological affiliation to the Jewish people, meaning an "Israeli-Jewish" lifestyle – studies in a Jewish school, relations with Jewish friends, commemoration of Jewish holidays, service in the IDF, etc. This factor was a decisive one in the 1970 Israeli High Court of Justice 5-4 ruling in the Shalit case – which was met by heavy political pressure leading to a change in the Law of Return limiting the definition of "Jewishness." Benjamin Shalit, an Israeli Jew, married a non-Jew abroad and moved back to Israel with her where they had two children. An atheist, Shalit wished to register his children, Israeli citizens, as being of Jewish nationality without recording any religious affiliation. When the registering clerk refused, Shalit turned to the Supreme Court of Justice. The Court decided that the question was not whether the mother of Shalit's children was Jewish or not, but whether the registration clerk had a reasonable basis

to assume that Mr. Shalit's declaration of their nationality was false. Judge Zussman ruled in Shalit's favor finding that: "the determination of a man's affiliation to this or that nationality and religion is derived – principally – from his subjective feelings on the matter."

Following this judgment the Law of Return was changed to read "a Jew is a person born to a Jewish mother or who converted and is not a member of another religion." Of course, as the definition of Jewishness determines whether the individual is part of the Jewish people, the declaration itself has value, according to most interpretations, only if it does not clearly and obviously contradict the desires and values of the community. In this context, even the most liberal commentators on the issue of Jewishness, especially in the Diaspora, would refuse to accept as a Jew someone, who, while choosing Judaism, also declares his faith in Jesus Christ as the Messiah. Similarly, the Israeli Supreme Court in 1962 invalidated the individual declaration of Oswald Rufeisen (a case known as "Brother Daniel") as to his 'Jewishness' – even though he was Jewish according to the Halachic definition, and even though he came from a Jewish home – determining that the definition of a Jew has binding religious and national implications. The court refrained from creating an exact definition of the question of who is a Jew, but did decide in a majority vote (the minority position of Judge Haim Cohen accepted the pure "individualist" position, according to which whoever says he is a Jew must be considered a Jew) that the aforementioned citizen was not a Jew since he had converted to Catholicism and continued to hold his Christian faith. This is a definition by negation and does not answer the question of who is a Jew.

At the opposite pole from the individualistic position there is an approach that for the sake of convenience we will call here Halachic (more precisely, Halachic-Orthodox). In its strictest version, this approach holds that only two kinds of people may enter the Jewish people: whoever is born to a Jewish mother, or whoever declares a desire to join the Jewish people and goes through a lengthy conversion study process culminating in a conversion ceremony (ritual circumcision, ritual immersion). These converts must accept the Orthodox version of the mitzvot. According to this approach, the conditions of conversion are not only rigid and inflexible, but they also obligate converts to adhere to punctilious religious observance. Thus, according to this approach, it is possible and sometimes necessary to annul conversions. A great majority of conversions carried out in Israel and in Orthodox communities in the Diaspora are some modified version of the Halachic approach. On the other hand, many conversions among those carried out in Progressive communities in the

Diaspora and a smaller number of the conversions carried out in Israel tend toward the individualistic pole, although most often, some of the ritualistic elements included in Halachic conversions are practiced.

There are many versions of the conversion process between these two poles, but it is possible to draw some lines according to which each approach can be placed in its appropriate camp regarding entry into Judaism. In each of the following points the stand taken by each approach in relation to a specific question defines its place in the debate :

- To what extent is the degree and manner of "keeping the mitzvot" after the conversion a matter of personal choice for converts. In other words, to what extent does the voluntary affiliation with the Jewish people dictate a predetermined code of behavior to which one must adhere in the future?
- How meaningful is Jewish involvement other than the traditional keeping of the mitzvot. In other words, does the civic integration of an individual in a Jewish community have bearing on the question of conversion? A common example in this context is that of certain immigrants from the FSU who serve in the Israeli Army as Jews while not recognized Halachically as Jews.
- In forming conversion policy , should the Halachic-procedural protocol be the determinant factor, or should the role of Halacha be more instrumental: finding appropriate solutions that match the political and demographic priorities of the Jewish people as determined by its leadership, whether civil, rabbinical or political?
- Of course, even among those who agree that political priorities factor in to determining membership, the question is which policy should be preferred: more Jews, but in a less monolithic version, or fewer Jews, who all follow a single code of behavior?

These questions are of course elementary and ultimately reductive. There are, however, practical considerations, which make avoidance of any absolute verdict on the question of who is a Jew the most desirable approach. The question asked with this additum in mind is couched in the assumption that a resolution that would be acceptable to all is too difficult or impossible and would involve confrontations and controversies, the social costs of which would be too high. Those tending to suggest

practical solutions to the concrete questions of conversion comprise a separate and quite large group, which, for the sake of convenience, we will term the practical camp. In this camp there are Orthodox rabbis who believe in principle that every individual wishing to convert should be required to vow to keep all the mitzvot according to Halachic code, but who are willing to take a practical approach, knowing full well that some converts will not. Supporters of this practical approach are willing to turn a blind eye knowing that their critics will accuse them of hypocrisy or dishonesty, in order to permit the acceptance of converts for political or social reasons. One example of a social reason would be the conversion of a non-Jewish partner of a Jew; an example of a political reason would be the conversion of foreign workers in order to preserve the demographic balance in Israel.

In a 1970 case in Israel, the Ministry of Interior refused to accept the conversion of Helen Zeidman, a Reform Jew who had been converted in the United States. In Israel she was converted by Rabbi Shlomo Goren, at the time Chief Rabbi of the IDF. Ultra-Orthodox rabbis vigorously protested, charging that Zeidman lived on a secular kibbutz and would therefore not keep a Halachic lifestyle. Rabbi Goren sought the support of Rabbi Ovadia Yosef, then Chief Rabbi of Tel Aviv. In a published opinion, Ovadia Yosef explained that Zeidman had accepted the burden of mitzvot during the conversion process, and while recognizing that environmental circumstances did indeed justify suspicion that Zeidman might not keep the mitzvot in the future, that still did not invalidate her declared intention before the conversion court.

It is noteworthy that even among those that currently adopt a practical approach, a distinction must be made between two main groups:

- Those who believe that the wisest approach is at the outset/Lechatchila, favoring flexibility and eschewing rigid definitions that inhibit applying creative solutions to changing situations. The supporters of this pragmatic approach wish to avoid a comprehensive, sweeping discussion of the questions: Who is a Jew? and What is conversion? They prefer to concentrate instead on possible solutions.
- Those who believe that the wisest approach is post factum/bidiavad, argue that fundamental questions must be sorted out and desire to reach comprehensive definitions as soon as possible. Proponents of this approach suggest practical solutions, but only with increasing discomfort. Creative solutions are viewed suspiciously, and often perceived as synonymous with turning a blind eye, hubris or granting excessive flexibility to conversion criteria.

## The Challenges of Conversion in Israel

The challenges of conversion in Israel are influenced by its definition as the Jewish state, and the fact that it absorbs immigrants. Issues of conversion are characterized by a constant and unresolved tension between Israel's liberal democratic values and its lack of separation of "synagogue and state." These characteristics inevitably lead to power and influence struggles over ideology including determining the degree of Jewishness of the Jewish state. The issue of conversion, in this context, serves as a yardstick by which various groups measure their influence. Fundamentally problematic differences over core issues — Jewish identity, affiliation with the Jewish people and the validity of Jewish values — compound the difficulties stemming from the legal implications of various rulings on the status of individuals and groups within Israeli society. Therefore: the tension concerning conversion in Israel refers both to an ideological question: Who is a Jew? as well as to a procedural one: Who decides who is a Jew?

The issue of conversion does not usually top the Israeli agenda for a number of reasons:

- Most Israeli citizens are Jews and therefore the questions of Jewishness and conversion do not routinely come up in the context of interpersonal relationships. Most Jews in Israel marry Jews, and most non-Jews in Israel marry non-Jews.
- Most Israelis have little day-to-day contact with non-Jews (with the notable exception of FSU immigrants, and even in their case the problem is mostly limited to non-Jewish women whose children are not registered as Halachically Jewish), and therefore are not influenced by pressures from a non-Jewish environment. They are not exposed to pressures to convert out, are not usually worried that the next generation will not be Jewish, and do not have to deal with an environment that regularly requires admission of non-Jewish elements to the Jewish people.

The continuing conflict between Israel and its neighbors further increases the strong feelings of kinship among Israeli Jews and further reduces the pressures that would have otherwise created the need to deal with immediate questions of affiliation.

However, from time to time Israeli society has to deal with these questions. In recent years the need for such engagement has increased for a number of reasons:

- The large wave of FSU immigration included a group, larger than what had been customary in the past, for whom the Jewish status of some of its members was controversial. According to data from a 2010 Itim Institute report, there are 310,000 potential candidates for conversion in Israel, but each year only a few thousand are converted. A huge majority of the pool of potential candidates are FSU immigrants, but most of those actually converting are immigrants from Ethiopia (60% as opposed to 29% FSU immigrants).
- Court rulings on issues relating to Jewish identity have increased pressure coming from both the Orthodox religious establishment and the Progressive groups; the former fear the loss of power and influence, and the latter wish to weaken the power of the Orthodox rabbinical establishment.
- A growing desire of Diaspora Jews to be involved in the discussions and procedures relating to the Jewish identity of Israel increases the external pressure to change the existing situation.
- More difficult to examine, quantify and verify, is the growing feeling among some Israeli elites that Israel's "Jewishness" requires a new, more flexible definition. With the departure of the founding generation, which was concerned with building and securing the country, a new generation has arisen, many of whose sons and daughters have noticed that the "Jewish" state is lacking in sufficient Jewish content, but do not wish to accept the "ready-made" Jewish content offered it by the rabbinical-Orthodox establishment. Rather, some wish to establish an ideological alternative that is also Jewish, but not necessarily rabbinical.



## The Rotem Bill as Allegory

The Rotem Bill, which made headlines and caused the conversion crisis of 2010, can serve as a case-in-point for examining the various parameters that are dominant in the debate over the challenges of conversion in Israel. The basis of the bill is the understanding that there is a pressing need to find a solution for hundreds of thousands of immigrants, nearly all from the FSU, who are not Jewish. This need is partly grounded in national considerations – so as to prevent the development of a growing non-Jewish minority that could alter the demographic balance and diminish the proportion of Jews in the overall Israeli citizenry. It is also grounded in humane, individual considerations – the desire to relieve difficulties in integrating into Israeli society, to enhance the ability to be an active part of the majority, and to navigate the legal landscape of marriage and burial, a terrain governed by the Rabbinical-Orthodox establishment.

The problems the Rotem Bill encountered also stem from the general parameters presented above. The bill's earliest iteration suggested an outline for legislation whose underlying principle and goal were practical: allowing conversion through less strict routes would offer non-Jewish immigrants a more attractive way of joining the Jewish people. The bill's final version, however, encountered sharp resistance primarily from Diaspora communities but in Israel too. It presented a model that to many seemed to leap beyond the practical realm and bring a law to vote that reaches decisive conclusions on fundamental issues regarding who is a Jew. By granting increased authority to the Chief Rabbinate of Israel, whose reigning attitudes are perceived as being close to those of the ultra-Orthodox public, indicate an increasing Halachic divide.

Belief that the original bill was changed not only in its details but also in essence, from a practical law to a fundamental law, raised a formidable group of opponents consisting of Jewish leaders in the Diaspora, and secular or progressively-identified Israelis. Prime Minister Netanyahu, wishing to avert both a coalition crisis in his government (with Yisrael Beitenu and the ultra-Orthodox parties supporting the law) and a crisis in Israel-Diaspora relations, suspended the bill. It must be mentioned that there are those who argue that the Rotem Bill, in its skeletal form, was, in any case, a law with fundamental implications. According to their argument, privatizing the procedure so that lenient rabbis could more easily perform conversions would

dictate a new, de facto definition of who is a Jew, lowering the bar for potential converts currently unable to pass through the gateway.

The majority of Rotem Bill supporters use three arguments to make their case:

- First, they deny the claim that the bill affects fundamental issues and the question of who is a Jew. Proponents argue that its main thrust is to pave an attractive way to conversion. They claim that opposition to the bill principally arises from inadvertent or intentional misreading of the law's language and implications. These mis-interpretations are usually due, so they say, to power struggles between the establishments representing the various streams of Judaism, and between leaders in Israel and the Diaspora.
- Second, among supporters of the Rotem Bill, some think that excessive Diaspora interference caused the bill's suspension. They believe that the bill's intention is to resolve a problematic Israeli situation (the conversion of immigrants from the FSU), and not sufficient cause for outside interference. Actually, this is a "controversy within a controversy" - not only concerning conversion itself and not only concerning the question of who determines the conversion procedure in Israel, but also concerning Israel-Diaspora relations and the degree of intervention the Diaspora is required or allowed to have in Israeli policy.
- Third, some supporters of the Rotem Bill are willing to stipulate that it is problematic in its begging fundamental questions. However, they usually argue that the fundamental implications are negligible compared to the practical solution the bill offers. In other words: even if it is necessary to pay a symbolic fundamental price in order to offer a practical solution to the conversion problem of hundreds of thousands of Israeli residents, it is worth it. Further, they contend that political constraints, due to the opposition of the ultra-Orthodox parties, would not allow passage of a different bill or a skeletal version of the current bill. They hold that in choosing between a solution everyone perceives as perfect and a solution that despite its flaws still offers relief to non-Jewish immigrants wishing to convert, one must favor the urgent concern (a solution for immigrants) over the important one (consensual agreement on the issue of conversion).

It must be noted that the Rotem Bill did not appear out of nowhere, at the whim of one legislator or another. It is not the result of hasty, impulsive decision-making,

but arose, rather, from a continuing conversion crisis in Israel. This crisis refers to the fundamental aspects of conversion (who is a Jew) as well as to its procedural aspects (who decides). In short, the crisis encompasses many secondary issues relating to conversion: legal problems that have remained unresolved by the courts and the Knesset, the difficulty of forcing rules on a recalcitrant establishment (usually the Ministry of Interior, traditionally controlled by the ultra-Orthodox), and the difficulties suffered by converts following conversion due to policies of the Chief Rabbinate, which do not always follow the spirit of civil law. But beyond these mostly procedural problems, which are not insignificant, the Israeli conversion crisis is the product of an ongoing difficulty in fundamentally settling the issue of "the gateway." A prominent example of this difficulty is the lack of progress in establishing a joint conversion court for all the streams. One could say that the Ne'eman committee, which formulated a generally agreed upon policy of conversion, ultimately failed. In essence, it had hoped to bring about consensus regarding Israeli conversion procedures that would settle the controversies. Its policy was based on concessions – on the part of the rabbinical Orthodox establishment, which agreed to accept the involvement of the Progressive streams in the conversion process, as well as on the part of the Progressives who agreed that the final, binding stamp of conversion approval would be rabbinical-Orthodox. This failure marked both the end of a period in which an effort was made to bring about a comprehensive, consensual solution to the controversy over conversion in Israel, and the renewal of the "conversion wars" between the various streams.

In recent years these wars reached a vocal crescendo in response to the annulment of past conversions, when a strict rabbinical judge (Rabbi Sherman) canceled the conversions of a lenient rabbi (Rabbi Haim Druckman). These were annulments of conversions that had already been recognized as valid by those authorized to convert, challenged Israeli conversion policy on a basic level (Rabbi Sherman refused to agree to a policy of turning a blind eye) – and only further complicated the procedural questions related to conversion. In his dramatic annulment decision, which created a public uproar, Rabbi Sherman not only challenged the "lenient" rabbinical establishment, but even more so, attempted to present an aggressive front vis à vis the Israeli Supreme Court, which in past decades, in the absence of definitive arrangements on conversion, has been charged with deciding cases concerning conversion and Jewish identity. It is noteworthy that in most cases the court tended, as far as possible, to stay within the realm of practical rulings and avoid rulings with fundamental implications. The court has received criticism from those expecting the

justices to fill the void created by legislators, who cannot or do not wish to resolve such issues through legislation.

The Rotem Bill attempted to create a new situation, but for the meantime has failed. The debate attending the bill reflected the conversion crisis in Israel resulting from the absence of consensual conversion arrangements. The power struggles persist between the Chief Rabbinate and the Orthodox parties and the Progressive factions (and in a softer version the "lenient" Orthodox organizations and rabbis), as does the inability to convert hundreds of thousand of immigrants. Once again the Supreme Court is likely to be forced to issue rulings as a result of legislative impotence. This crisis requires governmental and parliamentary action but once again the parties involved are becoming more and more entrenched in their positions and the probability of reaching a consensual solution is not high.

If this state of affairs continues, we can assume that in the next few years one of three scenarios will come to pass in Israel: 1) no conclusion will be reached and Israel will pay a social price in the immigrant community; 2) a forceful political decision will be made, favoring one side or the other, according to the composition of the coalition at the time, which will have a social cost in the ultra-Orthodox public or vis à vis the Jewish Diaspora and among Progressive and secular Israelis; 3) resolution of the matter will move to the Supreme Court and will once again bear a political price in weakening the standing of the legislators, and a social price in the groups that disagree with its rulings.

## The Challenge of Conversion in the Diaspora

Issues of conversion in the Diaspora arise from completely different sources than those in Israel. They are almost mirror images of each other: in Israel the conversion controversy revolves around the question of how to enable those who want to convert to do so, while in the Diaspora, the main issue is attracting those who might not wish to convert, so that they will fulfill the community's desire that they do so. Of course, in the Diaspora many convert entirely of their own volition without needing any enticement. In such cases there are far fewer controversies. In Israel, most conversion controversies relate to legal or procedural matters, whereas conversion debates in the Diaspora almost never reflect legal or procedural issues and only rarely reflect power struggles between the

various Jewish streams. The issues concerning conversion that require resolution in the communities of the Diaspora relate to three main challenges:

- **The challenge of intermarriage and assimilation:** In societies where the incidence of Jews marrying non-Jews is rising, and in which many households consist of Jews and non-Jews living together, to what extent can conversion offer a way to increase the number of Jews, as an alternative to a reduction in the number of Jews as a result of intermarriage? And perhaps even more than that: to what extent can conversion serve as an instrument to recruit additional members to the Jewish people in Western societies, in which the mobility of individuals between religions is acceptable and commonplace?
- **The challenge of Jewish "peoplehood":** To what extent will the various conversion procedures of different communities and streams bring about a de facto split, ideological and practical, of the Jewish people – perhaps to the degree that there will be several "Jewish peoples" which cannot mingle, cooperate, identify, not to mention marry each other?
- **The challenge of Israel-Diaspora relations:** The extent to which conversion in the Diaspora is similar to or different from what is customary in Israel, and accordingly, the implications for the image of Jewishness in the Diaspora, as compared to that in Israel.

An examination of the data clearly shows that the Jewish Diaspora is losing more Jews to assimilation than it is able to gain new ones – meaning converts, whether converted in a recognized process or those who convert by the act of declaring themselves Jewish. The data show that, for instance, there is a sharp decline in the number of non-Jewish partners married to Jews, who choose to convert as a result of marriage. This decline is due, first of all, to the willingness of Jews to marry non-Jews who do not convert to Judaism. Indeed the official position of all the main streams in American Jewry, the largest component of the Jewish Diaspora, is that there is an inherent advantage to a partner who converts over a partner who does not. However, in reality, for political and social reasons, most Jewish communities accept the fact that many Jews marry non-Jews and prefer to graciously welcome into the community those couples that remain "mixed." In any case, the pressure from the community to convert and the motivation to do so are reduced as there is little social cost attached to intermarriage and it becomes increasingly

commonplace. Mixed families are even becoming active in Jewish community life. In light of this situation, several questions must be raised:

- As it is agreed that a convert is preferable to a non-Jewish partner, will a further relaxation in conversion procedures lead to a rise in the number of converts among the intermarried, and following this, a rise in the number of children raised as Jews?
- Will such a relaxation lead to a further, perhaps excessive relaxation of entrance requirements, which some consider to be quite low today as it is? Will further relaxation cause a dilution of the actual significance of the definition of being a Jew?
- Will a relaxation or change in the criteria in some communities lead to rifts between the various Jewish communities?
- Is it possible to determine "general guidelines for conversion" most communities will accept as a binding, minimal threshold and might this threshold prevent rifts?
- Is it even desirable to deal with conversion in broad Jewish discourse, or is it better to leave individual decisions in the hands of the communities and resolve disagreements about conversion in the aforementioned practical way of turning a blind eye or by adopting creative measures?

These thorny questions are even more complex in light of the various streams existing in the Diaspora, which have significant differences in outlook regarding who is a Jew, on various Halachic-legal issues, and on customary practices used to transmit Judaism from one generation to the next. They differ in their attitude toward rabbinic authority and in the recognition of the status of rabbis from different groups, not to mention the competition between them over status, prestige, resources and influence in the general Jewish community. These questions become still more difficult in light of the complex relations between the Jewish Diaspora and the State of Israel, as the core state of the Jewish people and where the largest Jewish community in the world resides. These relations mean that every decision or policy followed by a Diaspora community inevitably has an effect not just on the standing of the individual in relation to his or her community and immediate environment, but also on his or her affiliation with the Jewish nation-

state. Thus, there are splits not only between all of the groups of the Diaspora who accept Jews according to different criteria, but also between the members of these groups and the group of Jews in Israel, where conferring the status of Jew has a completely different set of criteria, which is grounded in Israeli law.

In the short and intermediate terms, the challenges of conversion in the Jewish Diaspora seem less urgent than those in Israel, for several reasons:

- Since the definition of a "Jew" does not have any legal effect on the individual, there is no pressure to decide the question of who is a Jew based on an urgent need to solve a concrete problem of individuals or groups such as immigrants in Israel.
- Since the Jewish streams in the United States are well established – each with its own group – there is no struggle among them like the one that exists in Israel due to the desire of Progressive Jews to achieve the status and recognition currently enjoyed by the Orthodox establishment.
- Since the United States has separation of state and religion, there is no dominant establishment controlling the conversion process and thus no group has a need to either defend or undermine it.
- Since the trend of decline in the number of converts is a process and not a crisis, there is no critical moment at which the leadership is required to make an immediate decision that might turn the clock back (if such a shift is possible).

That said, the challenge of conversion in the Diaspora is no less complex or significant than that facing Israeli society. The apparent trends in the past decade in the Diaspora (again, mainly in the United States) show a change in the patterns of thought of individuals and communities with implications for the Jewish people that may be far reaching. Conversion is, indeed, only one factor out of many that can point to trends and processes, but because it is the factor that expresses most clearly the practical implications of the who is a Jew question, it requires special attention. And of course, in the Jewish Diaspora this attention does not necessarily lead to actions; action in the broadest sense of the word may be impossible there. Some will choose to leave the situation as it is, hoping that the trends will fix themselves over time, and assuming that any attempt to find solutions will lead to intractable crises.

## The Challenges of the Israel-Diaspora Dialogue

The agreed upon sequel to the Rotem Bill is supposed to be a dialogueue, led by the Jewish Agency, with the aim of finding a formula that would enable, on the one hand, passage of a law that will ease the conversion of non-Jews residing in Israel, and on the other hand, do no harm to the relations between Israeli Jews and the Jews of the Diaspora. According to statements heard in Israel and the Diaspora over the past few months, such a formula will require a compromise whose essence is that the drafters of the bill remove the items that are seen as giving additional power to the Chief Rabbinate of Israel and the Orthodox/ultra-Orthodox establishment. A further compromise that some of the bill's supporters find hard to accept, concerns the very need, which has been created, to talk to and to take into account the position of those they perceive as not having a legitimate stake in this issue, whether it takes the form of outside interference in an Israeli issue, which is unacceptable to them, or whether it takes the form of consultation between rabbis and leaders that many of the supporters of the bill do not accept as sources of authority concerning questions of Jewish identity. It is possible that such a compromise will require concessions from the other side as well, first and foremost of which is the understanding that the main path of conversion in Israel remains, at this stage, an essentially Orthodox procedure. In that case, the real casualties of the compromise will be the representatives of the Progressive minority in Israel who wish to acquire for their conversions a status equal to that of rabbinical Orthodox conversions. Either way, the proposed dialogueue will undoubtedly affect the general trends already apparent in the relations between Israeli Jews and their Diaspora counterparts. These trends are creating a paradigm shift in Israel-Diaspora relations, which calls for increased Diaspora involvement in shaping Israel's character, at least with respect to issues that are clearly Jewish in nature, but also with respect to political or policy issues that may affect Jews wherever they are.

It is not at all clear that either side is willing to agree to a compromise on the aforementioned issues. This re-entrenchment to original positions reflects the inherent difficulty of conducting a fruitful dialogueue between groups whose gaps in outlook, mentality, political culture and goals continue to grow.

On the one hand, the Israeli establishment for the most part reflects the wish of some to create an essentially monolithic Jewry, even if not in every detail. To defend their position, some Israelis argue that in a country where there is legal and practical



importance attached to the definition of who is a Jew, it is not possible to base such a definition on anything other than general agreements, dictated and binding.

On the other hand those who desire a Jewishness dictated only by the wishes of individual Jews (with a few, flimsy red lines) are not used to nor interested in the dictates of one establishment or another. These, who may be called "the Diasporites," although there are of course many Israelis who agree with them, disagree in principle with the possibility of a coercive establishment or faction, being the absolute source of authority in determining the definition of Jewishness. In practical terms, they believe that such sources of authority are not only spiritual platforms for discussing fundamental issues, but at least to an equal extent, are also political pawns, subject to the whims of political parties and leaders who use them as a source of power.

## The Search for Solutions

As explained above, in the past few decades new rules have been established concerning issues of conversion and the definition of who is a Jew, but many of them are not accepted by the Jewish people as a whole – or at least not by a majority.

In the Diaspora, more accelerated procedures of conversion are in place. In some cases there is public acceptance of the Reform stream's assertion that Jewishness passes not only from mother to child but also from father to child, and what actually determines Jewishness is not genetic material passed on by heredity, but rather personal commitment to the Jewish people. In Israel, several important legal rulings have been made, mostly related to procedural separation between the Jewishness accepted by the rabbinical courts and the Jewishness that dictates legal issues of concern to Israeli citizens, such as the Law of Return and Ministry of Interior registration. Also, throughout the years, creative Halachic opinions have been presented on various issues. A prominent example of this is Rabbi Ovadia Yosef's ruling that the Beta Israel community is composed of Jews for all intents and purposes and that "they may marry within the Jewish community without a need for conversion." An interesting attempt, which was basically procedural and which was meant to alleviate the hardship of conversion in Israel, relates to the accelerated conversion of soldiers during their army service - a move that was

promoted by former Chief Education Officer and Head of the Human Resources Directorate, Major-General Elazar Stern. In the past, Stern has said that the decision to turn the Army into a body that is involved in conversions had two main motives, personal and national: "On the personal level, if there are soldiers who want to be Jewish I must allow them to do so. On the national level, conversion is a social problem and the IDF can and should help to solve it." To a large extent, these motives reflect the two approaches that are pushing for a simpler and quicker conversion path for those interested in it.

The search for solutions of various kinds to the controversies of conversion –personal and national – has continued in the past years. On the one hand, the pressures driving the search (demography, assimilation) have increased and the issue has become more urgent; on the other hand, the pressures making it harder to find consensual solutions (ideological controversies, political power struggles) have also increased. In the context of the search for solutions it is also possible to distinguish between two approaches:

- There are those searching for technical solutions within the framework of Halacha (usually in its Orthodox meaning but sometimes also by Conservative rabbis). In this area the doctrine of Shas MK David Amsalem is prominent, as he proposes making a more widespread and creative use of the term "seed of Israel" as an intermediate identity between Jew and non-Jew.
- There is a second possibility that proposes not finding a Halachic loophole, but rather, bypassing Halacha everywhere possible and, basically, creating a situation of discrimination between various conversions and between various categories of Jewishness. In other words, this option proposes that a Jew can be defined in one way for the purpose of citizenship, another way for the purpose of marriage, and still another way for the purpose of population registration in Israel and so on. According to this option it is possible, for example, to imagine a situation in which the State of Israel would financially support Reform conversion institutes that would be valid for the purposes of the Reform community, but not for the purpose of marriage by the Rabbinat.

## Three Questions to be Clarified

### Fundamental versus Practical:

Treating the issue of conversion in a comprehensive manner is a temptation that stems from the challenge of dealing with the "big" issues of Jewish existence and its essence in the 21st century, but it is accompanied by a risk. The issues that must be decided upon are extremely significant and the proliferation of opinions will make it difficult to reach a framework of agreements, even if such a framework were quite loose. The fact (regrettable, perhaps) is that the two prominent cases in which efforts were made to establish a joint conversion court that would operate in coordination with all the Jewish streams – the attempt made in Israel and another previous attempt, no less interesting, conducted in Colorado – have both failed. The external pressures applied to the participants in such attempts bring about their collapse. It is difficult to see a leadership of any of the factions stable and strong enough to withstand the challenge of dealing with external as well as internal pressures involved in any compromise.

The first question that must be raised in every discussion related to the issue of conversion is that of fundamental versus practical. In other words: is there any point in a debate over the essence of conversion, which purports to suggest a formula for determining who is a Jew, or is it perhaps better to limit the discussion to the question of practical solutions while avoiding as much as possible fundamental questions that would inevitably lead to crisis? In this context, the Rotem Bill offers an interesting "war game" model. In a schematic description, this is the model:

- If the Rotem Bill intends to solve a problem that requires an urgent solution (the conversion of hundreds of thousands of Israeli residents);
- and if it is possible to suggest a practical solution that would help alleviate the problem (privatized conversion by community rabbis, for instance);
- and if it is possible to arrive at a skeletal version of a solution that does not touch upon the fundamental issues (in this, the bill, in its final and suspended version, failed);
- then the skeletal, limited solution must be chosen.

Of course, the difficulty of making an unequivocal recommendation on this schematic model stems from the fact that in the Rotem Bill war game, it turned out that the skeletal model had vigorous opponents (whose arguments were described above) who might further thwart it. In the case of the Rotem Bill it was the ultra-Orthodox parties, but there are other possible skeletal models that other groups will likely oppose. In a certain sense, the difficulty in constructing a consensual skeletal model derives from the fact that even practical solutions to the issue of conversion are always accompanied by priorities that reflect an ideological viewpoint. Legislative action around the Rotem Bill, carried, even in its skeletal version, the following beliefs:

- Conversion of immigrants from the FSU is beneficial and important for the Jewish people. This is a belief that may inspire argument on the grounds that mass conversion of those who are not interested in keeping the mitzvot makes the very definition of a Jew superficial.
- The current conversion process is too strict, and a way must be found to create a more lenient procedure. This is an assumption that many rabbis will argue against.
- Rabbis recognized by the Chief Rabbinate are those authorized to convert. This belief will also have opponents, even among Orthodox rabbis.

In summary: the practical reflects a priority of fundamentals, and therefore does not ensure a solution. The question whether to choose local, limited solutions – whose success is also not assured – over an attempt to resolve at least some of the fundamental problems – is still open.

### More or Less?

A question worth exploring is whether to choose the practical or the fundamental path. It is also a decision that will have repercussions on future decisions regarding what is best for the Jewish people in the current situation. Do we prefer:

- **An increase of Jews**, as large as possible, with the knowledge that the increase will come at the expense of strictness in the matters of Jewish commitment and Jewish identity, and will have a certain cost in terms of the quality of observance of those joining. In other words: To what extent will those joining play an active

part in the life of the Jewish people? To what extent will they be familiar with traditions and heritage? To what extent will they feel they belong to the Jewish people, and to what extent will they educate their children to belong to it? (Of course, the next question is: What kind of conversion achieves a greater Jewish quality?)

- **Preserving the hard core** and raising the threshold for entrance so that the Jewish people will be confined to an admittedly smaller group, but a more coherent and distinct one. One can assume that the higher the threshold, the more that those choosing to pass through it will be committed to their Jewishness. This does not just mean demands such as that of the Orthodox to keep the mitzvot, but any demand that places strict conditions on joining. This may also include Progressive demands such as a commitment to Tikkun Olam endeavors, or secular demands for Jewish knowledge or compulsory practical contributions such as national service in Israel.

Undoubtedly, the desirable answer to this question is to try and have it both ways: Mass conversion of quality joiners who want to be affiliated with the Jewish people and are ready to do so. But in the practical world it is clear that tinkering with the entrance conditions results in an inverse proportion between the quantity and quality of converted Jews. This does not need to be resolved unequivocally in favor of "as many as possible" or "as few as possible," but it needs to be addressed with it as it affects every individual decision, whether practical (privatization for the purpose of converting FSU immigrants) or fundamental (agreeing that keeping the mitzvot is no longer a condition of conversion).

### Israel or the Diaspora?

As shown above, the conversion problems facing the Jewish state seem more urgent than those facing the Jewish Diaspora, but it is not certain that they are indeed more significant. Alongside the need to resolve the problems of many Israeli residents, one can also argue that Israel does not have an actual demographic problem at present, at least not one resulting from non-Jewish immigration, and that the forceful steam-roller of the homogeneous Jewish, Israeli society will in any case settle the question of the immigrants' Jewishness within a generation or two. Those who wish to take

an active part in Israeli society, integrate fully in it and become members with equal rights, will most likely convert. Therefore, while Israeli society is not threatened by demographic erosion, the Jewish Diaspora is eroding at a quick pace.

One must ask which problem is more urgent, and also how dealing with one problem will affect the other. For instance, what effect will a decision to make conversion much easier in the Diaspora have? Will it widen the rift between Israel and the Diaspora? Will it force Israel to toe the line at a certain stage in order to prevent the rift from becoming larger? Will it make it easier or more difficult to solve the Israeli conversion problem? To reiterate, the issues of conversion in Israel and in the Diaspora are different not only technically but also essentially. Determining a policy requires, first of all, setting priorities.

## Summary: Questions for Discussion

- According to the different approaches to conversion, what are the **priorities** for solving the conversion crisis?
- What are the points, if any, upon which **consensus** or something approaching it can be reached? What are the red lines that would prevent agreement between the various approaches?
- In light of the priorities and red lines – is it better to try and formulate a **comprehensive agreement** on the questions of conversion and who is a Jew, or is it better to search for **specific** and **technical solutions**?
- What are the possible outlines of overall agreements; what are the areas in which technical solutions can be found, and what other kinds of solutions might be created?