

Dilemmas of Membership



A Technical Debate, an Urgent Challenge



Since its inception, the Jewish nation has been forced to contend with the question of membership. This question is no less pressing in the 21st century than it was when our matriarch Sarah expelled Ishmael from the clan. In recent months, a striking number of news stories related to membership in the Jewish people have featured prominently in the Israeli media. The exposure of a neo-Nazi cell comprised of immigrants who entered Israel as Jews created a public frenzy and triggered talk of amending the Law of Return. Interior Minister Meir Sheerit announced his intention to tighten and redefine the criteria for citizenship based on Jewish descent. Meanwhile, Germany criticized the State of Israel over the semi-covert activities of the Nativ agency, which actively encourages assimilated Russian Jews living in Germany to move to Israel.



{ By **LAURA MAJOR & ORR SCHARF**

Prime Minister Ehud Olmert recently announced plans to adopt the Halfon Committee's recommendations on streamlining the conversion system, with the aim of swelling the number of conversions conducted in Israel. Yet at the same time, absurdly enough, some Orthodox converts from abroad, recognized by rabbinic authorities, have lately been denied Israeli citizenship on technical grounds by the Interior Ministry. Such news headlines amply demonstrate that Jewish

membership is not merely an intriguing theoretical question. The nexus of halakhic, bureaucratic and social ambiguities clouds the lives of many Jews, converts, and would-be converts in a way that requires a concrete solution. In the absence of any imminent remedy to this predicament, we at *Havruta* thought it appropriate to reflect a variety of perspectives by speaking to prominent thinkers and activists engaged in the issue. Their diverse responses illuminate important questions, and offer some wise solutions.

A Primer on Jewish membership

Law of Return

Passed in the fledging Jewish state, the 1950 law stated that: "every Jew has the right to come to [Israel] as an *oleh*" (immigrant) and be granted automatic Israeli citizenship. The ambiguous definition of "Jew" on the one hand, and the reliance on religious affiliation for the definition of nationality on the other, led ultimately to the law's amendment in 1970. Under the amended law, a "Jew" was defined as a person who was born of a Jewish mother or has converted to Judaism. In addition, the new law extended Jewish membership by allowing other individuals with at least one Jewish grandparent to have the "rights of a Jew," i.e. to become Israeli citizens under the Law of Return. However, such individuals would not have access to Jewish religious services provided by the state: they are barred from marrying Jews in Israel, and they cannot be buried in Jewish cemeteries. Today, hundreds of thousands of immigrants from the former Soviet Union (FSU) fall under this category.

Ne'eman Commission

Leaving too many open ends, particularly in relation to converts, the Law of Return failed to dam the public debate revolving around the definition of "Who is a Jew." As tensions escalated between the Orthodox, Conservative and Reform camps, in 1997 the Israeli government appointed Yaakov Ne'eman, a respected Israeli lawyer, to head a commission to work out a solution to the raging debate. The Ne'eman Commission, comprised of representatives from the three vying denominations, proposed to establish a cross-denominational authority to oversee conversions. The "conversion institutes," would offer the theoretical education, while the Chief Rabbinate would perform the conversion. The publicly lauded decisions yielded little fruit in practice. The number of conversions performed each year in Israel hardly puts a dent in the large group of immigrant Israelis who are not halakhically Jewish.

Patrilineal Descent

In 1983, the Reform movement's Central Conference of American Rabbis (CCAR) resolved "that the child of one Jewish parent is under the presumption of Jewish descent." While the resolution no longer required conversion from the child of a Jewish father and a gentile mother, the CCAR insisted that parents who wish their children to be considered Jewish raise them as Jews "through appropriate and timely public and formal acts of identification with the Jewish faith and people." The language of the 1983 resolution emphasizes that the reality of intermarriage mandated this break with tradition. The statistics are startling: Every second Jew outside Israel marries a gentile. Back in 1983 the intermarriage rates were

slightly lower than they are today, yet the Reform movement felt that it could not afford to lose these potentially Jewish children of mixed marriages.

In the wake of the resolution, denominational politics seemed more divisive than ever. While the Reconstructionist movement also adopted patrilineal descent, the Conservative and Orthodox movements firmly rejected it. Moreover, the implications of this resolution had to be carefully examined, as the dilemmas it posed painted a disturbing picture for the future of Jewish unity: would a Conservative and a Reform Jew be able to marry in the future? Could children descended patrilineally qualify for religious marriage with Jewish partners?



Binyamin Ish-Shalom

Binyamin Ish-Shalom, founder and rector of Beit Morasha of Jerusalem, is also the founding chairman of the Institute for Jewish Studies - the Joint Conversion Institute. Holding a Ph.D. in Jewish Thought from Hebrew University, Ish-Shalom has written many articles on Jewish Philosophy and thought, has authored a book on Rabbi Abraham Isaac Kook, has served on the faculties of several prestigious universities and has lectured worldwide. In 2004 Ish-Shalom received the AVI CHAI Prize for Tolerance and Jewish Unity.

The idea that underpinned the agreements reached at the Ne'eman Commission, and what motivates me today as director of the Institute for Jewish Studies, is the wish to offer a halakhic conversion process that is as friendly and as considerate as possible. I consider individuals who qualify under the Law of Return but are not halakhically Jewish, who wish to convert to be already Jewish: Seed of Israel (*zera yisrael*) as the halakhic definition has it. To use modern terms, I consider them to be Jews - ethnically, by descent, by their subjective identity - who wish to join their fate with ours.

It is incredibly difficult to reach any consensus among Jews. In tough times we know how to agree on the essential issues. But when it comes to conversion, the divisiveness among the various denominations is even more radical, because this division is not only between denominations - Orthodox, Conservative, and so on - but within them as well.

At the end of the day this matter is so complex because of its diffusiveness. We don't have simply three approaches to conversion - Orthodox, Conservative and Reform. Rather, within each of these communities both practical and theoretical variations exist. It is very difficult, therefore, to talk about any recognition: who would recognize whom, who is even in a position to recognize someone else, who is asking for the recognition of whom? I don't think, however, that this need lead to catastrophe.

I believe that we are witnessing an ongoing process that touches on a great variety of issues. One of these issues concerns the high rates of assimilation and intermarriage. Open society and liberal democracies are a tough terrain for fighting against this phenomenon.

What can you tell a man who falls in love with a nice non-Jewish girl, who, for her personal, justifiable reasons, doesn't want to convert? If this Jewish man is not deeply committed to halakhah, what can you tell him? If he doesn't feel intrinsically bound by halakhic values, and he doesn't feel that his identification with the Jewish people is sufficiently strong to stop him from making this move, you have no reasonable arguments to pose to him.

I think we are focusing too much on the quantitative question and not enough on quality, or on questions of meaning and value. If we are uninteresting, boring, repugnant; if we are perceived as immoral; if we do not possess anything beautiful, attractive, we are risking this existence even more. On the other hand, if we are interesting, fascinating, challenging, good, and so forth, we draw positive attention. People would want to convert and to marry Jews. This magnet works by itself.

In the seven years of our operation we have educated some 25,000 students. By way of comparison, the very welcome trend of Israeli-born, secular adults who study Jewish texts roughly consists of 4,000 students in ten years. We pride ourselves in the cross-denominational solidarity of our staff members: Orthodox, Conservative,

Einat Ramon



Reform, and secular, together constructing our educational vision and the programs' curricula. This solidarity has shown me that the existential experience of a fundamental solidarity, of one people, or a community, of a havruta, should figure prominently in the discourse concerning identity.

The Institute offers Jewish education to a variety of populations - adults, young people, students, soldiers, teenagers. In our Jewish education program for soldiers, Nativ, the participants undergo a process of self-discovery, even if they already considered themselves to be Jewish before attending the course. They deepen their engagement, they want to belong. The majority of Nativ graduates decide to undergo the conversion process under the auspices of the Chief Military Rabbinate, although conversion is not what initially motivated their attendance.

Even if not all of the converts become observant or Orthodox, their entire approach, understanding, and depth of identification change dramatically. Nativ graduates teach their fellow Israeli-born friends, sabras, basic concepts in Judaism - kiddush, havdalah, the counting of the Omer. To tell you the truth, this is what keeps me going, because it is immensely difficult to handle the obstacles and problems that stand in our way. ■

In the creation stories of the Torah, the hierarchy of men over women is not at all obvious. Throughout Genesis, for example, God speaks to men, but in many cases women, such as Sarah, Rebecca, Tziporra, seem to understand God better than do the men. The highest level in one's relationship to God, prophecy, finds its first mention in relation to Miriam. The rupture of gender hierarchy is really a message of the written Torah, and its establishment emerges only later, in rabbinic literature. The most hierarchical Jewish text is a passage in Horayot in the Mishnah (3:7), in which the life of a man is deemed more worthy than the life of a woman since he is obligated to observe timebound commandments from which the woman is exempt. This Talmudic approach is alien and contradictory to the Torah itself and, in fact, the hierarchy set out in Horayot ceased to be part of halakhic practice rather quickly.

Hierarchies affect membership mostly in ritual and yet there are many halakhic precedents for women's participation in ritual. In my view, if a halakhic precedent exists for a particular act, we are permitted to follow that precedent today. There are still some issues, such as women testifying in religious court (*eidut*), which are not yet resolved. The Masorti movement is seeking to strike a balance on such issues for the sake of Jewish unity. Thus, for example, I can accept the compromise that allows women to train converts but not to sign their conversion documents. I cannot, however, accept any compromise

Dean of the Schechter Rabbinical Seminary, **Rabbi Dr. Einat Ramon** received ordination from the Jewish Theological Seminary in New York in 1989, becoming the first Israeli-born woman rabbi. Ramon teaches modern Jewish thought and literature and Jewish feminism at the Schechter Institute of Jewish Studies. Ramon, who received her Ph.D. from Stanford University, has written numerous articles and recently completed her book: *A New Life: Religion, Motherhood and Supreme Love in the works of Aharon David Gordon*. She has served as the spokesperson of the Masorti (Conservative) movement in Israel and currently supervises a Masorti (Conservative) congregation in north Tel Aviv.



on the issue of divorce. I will not marry a couple who have not signed a prenuptial agreement. I don't think that any rabbi should, since the "prenup" is the only security women have against blackmail, since Jewish Law requires the husband's consent in order for a divorce to be valid. The "prenup" also guarantees more harmonious divorce proceedings.

I am a part of the Masorti movement in Israel and Europe, which operates under different hermeneutical and sociological realities than the Conservative movement in the U.S. Looking at the U.S. from my perspective, I only ask if the adoption of patrilineal descent has proved useful to the Reform movement. I personally do not think that it has swelled the numbers of congregants as much as they had hoped. I do know, from my personal experience in a rabbinical position in the U.S., that rabbis come under immense pressure to officiate at certain weddings and recognize different unions. It is tremendously difficult to say no, so I can understand the inclination to accommodate.

Historically, a halakhic basis for patrilineal descent exists. It is really only applied, however, in a specific sovereign Jewish entity, where it was assumed that any non-Jewish woman who married a Jewish man would be brought into the prevailing culture. In the Diaspora it cannot work, especially because men tend more than women to assimilate into the dominant culture. We therefore cannot

assume that the women Jewish men marry will embrace Jewish culture and that their children will be raised as Jews.

I would not recommend the adoption of patrilineal descent in the Masorti movement in Israel. This is not only because we have responsibility for the Diaspora, but also because we need to have halakhic integrity.

As far as the conversion of FSU immigrants goes, the Masorti movement offers conversions; they study with us and we confer the conversions. We believe that the state should support these activities financially. While the Rabbinat subsequently refuses to perform marriages for our converts, we will. The main problem is that many non-Jewish immigrants from the FSU are simply not interested in converting. The only solution is education. The Ne'eman proposals also presented an excellent solution, but in practice little has changed because the rabbinic courts don't always accept the people sent to them for conversion by the Joint Conversion Institute. I can only speak for myself and not for the entire Masorti movement, but if the Knesset would anchor in legislation the agreements reached at the Ne'eman Commission, I would publicly support an agreement to nominate willing Orthodox rabbis to apply these decisions. Until it becomes law, however, we intend to push forward with non-Orthodox solutions. ■

Avi Sagi

My understanding of conversion has changed since I first wrote a book on this topic together with Zvi Zohar more than ten years ago. In that book - *Giyur veZehut Yehudit* - we argued that the classical halakhic tradition saw conversion as a transition from a gentile identity to a Jewish kinship identity. In this view, circumcision and immersion are perceived as the very core of conversion, while the obligation to observe the commandments is merely a consequence of the Jewish kinship identity that the convert has acquired. Only in the 19th century, we argued, did a transformation occur that came to see conversion as a transition from a previous religion to the Jewish religion. Here, the commitment to observe the commandments is the very core of conversion.

In our new book, *Transforming Identity*, we point out that the halakhic mainstream indeed saw conversion as an ethnic entry pass, but in contrast to our first book, we now identify in the most ancient texts traces of this “confessional” tradition that emphasizes the observance of the commandments as the heart of conversion. We discovered that this halakhic view, which is dominant today, did not spring out of nowhere, but has a long textual history. If, then, in the past we saw the halakhic history of conversion as a monolithic tradition that was interrupted in the 19th century, we are now telling this story dialectically. Indeed there was a mainstream, but an undercurrent existed

alongside it and, when historical conditions allowed, it broke out and assumed dominance.

While both traditions exist, it is clear that in the mainstream halakhic tradition conversion is constituted by circumcision and immersion and is thus a transition from one kinship identity to another. This does not mean that the halakhah allows for a Jewish life without commitment to the Torah. According to halakhah, all members of the Jewish kinship are bound by the covenant undertaken at Sinai. Nevertheless, acknowledging that the Jewish nation is a kinship entity could be the basis for developing a sense of shared destiny and responsibility toward every member of the collective, regardless of their level of observance. This sense of shared kinship underlies the willingness of many halakhists in modern times to accept for conversion a gentile party in a mixed marriage. In contrast, halakhists who define Jewish solidarity on the basis of observance see no reason to accept a secular Jew’s gentile spouse for conversion. Indeed, on this second view, faithful Jews need feel no concern as to the fate of the secular intermarried Jew himself, since they are obligated only towards those members of the collective who realize its essential identity, namely those Jews who are committed to observe the Torah and the commandments.

So much of the contemporary discussion on membership and conversion focuses on denominational divisions. I maintain that



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Membership, even in today's reality, is determined by a sense of brotherhood, by viewing the other as one of us.

the distinctions between the Orthodoxy, Reform and Conservative Judaism don't really work. These distinctions, foreign to Jewish tradition, are mainly about power and control of religious, educational and political institutions. I am not interested in how the boundaries of membership are perceived by those who have the agenda of installing a certain perception. The denominations always define themselves through boundaries, by negating the other. If, on the other hand, one defines oneself as obligated to observe Torah and mitzvot, rather than as Orthodox, one actually shrinks the divisions between oneself and other Jews of varying levels of observance. This is because one recognizes that all Jews are equally obligated by Torah and mitzvot, and the only difference is in the degree of obedience to this obligation. Indeed, one acknowledges that nobody observes all 613 mitzvot, and therefore is able to better identify with non or less observant people. In the same vein, I don't think that you can conclusively and permanently establish the criteria for Jewish membership. Throughout history the notion of membership has been

surrounded by tension. One thing is clear - membership in the Jewish community is not determined on the basis of beliefs or opinions. Membership, even in today's reality, is determined by a sense of brotherhood, by viewing the other as one of us. This is what the American philosopher Richard Rorty called "we-ness."

How is such "we-ness" formed and consolidated? Certainly not by teaching texts. Such "we-ness" is a sociological experience that can be deepened and broadened. It is an experience that is conditional on the relations engendered by reality. For example, are the ultra-Orthodox Jews living in Me'ah She'arim, and the new immigrants from Russia who don't know any Jewish texts, related by virtue of texts or by virtue of a collective memory? Neither. They are bound together by brotherhood. Unlike blood brothers, though, this notion of brotherhood requires effort. If you don't work on it, there's a chance it will become undone. But it is certainly not conditional upon beliefs, opinions or texts. With beliefs and opinions you can choose a philosophical club; not every member in a philosophical club, however, is also your brother because all he shares with you are similar views. That is why I don't think we need look for absolute criteria of membership. ■

A.B. Yehoshua

If I were not to hold back and speak my mind, I would say that nothing in particular makes us Jewish. What makes us Israelis? You have an I.D. card, army reserves card, income tax file and obligations to fellow Israelis. What makes me Jewish today? Nothing more than my wish to identify myself as Jewish.

What did two Jews like Trotsky and Rothschild hold in common? There is no Jewish trait that these two men shared. Trotsky was chief of the Soviet Red Army, who wanted to lead the revolution. If he had become leader of the U.S.S.R rather than Stalin, it is likely he would have been even more ruthless (if such a thing were possible). He might have driven his army all the way to France, and would have murdered Rothschild and the Chief Rabbi at the drop of a hat. This is Trotsky. He never denied he was a Jew; therefore he was one. That is all there is to it and this is where the problem lies. There is infinite vacuity and infinite freedom when it comes to defining Jewish identity. Needless to say, in real life there are Jews who feel deeply about their Jewishness. But if you look for a common denominator among all Jews, you will not find anything apart from their desire to be Jewish.

On the other hand, I find the notion of letting non-Jews formulate a definition of "Who is a Jew" morally intolerable. I will not have someone else define my identity for me. Hitler is not to define who is a Jew. To lend him the power, the authority, is simply unacceptable in my eyes; yet Jews do this when they say that anti-Semitism defines

Jewish identity.

Many people want their life to be about more than these questions of identity and this is why assimilation is of such staggering proportions! An intelligent person might say - what constitutes my Jewishness? I'm an American; I work in America; my entire life, all of my problems, are American; I worry about America's future and I identify with my fellow Americans. Why should I preserve this Jewish component if it gives me nothing?

I do not think that texts may serve as the foundation for a national identity. There is no such thing. This is a Jewish invention: Jews were inactive in other areas and therefore they became so absorbed in their texts. And within our textual tradition so many texts contradict and even stand in diametrical opposition to one another. One text, the Ten Commandments, says "Thou shall not kill," while the next chapter decrees not to spare a single soul in the Land of Canaan and have no compassion for other nations. What is text? Because I write texts, do I have the answers? People are what truly matter. Who reads the Talmud other than the select few who study it? Will those texts tell me how to battle against unemployment? These texts were composed because there was nothing else to do! Because Jews could not erect cathedrals or build fortresses, they did not occupy a territory and did not engage with life at large.

Did those texts help Jews foresee the Holocaust that was about to be unleashed upon them? They blinded them! Those texts



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did not provide Jews with any real help, not against assimilation, not against pogroms, not to remain in the Land of Israel, not to understand the Holocaust and the hatred of others towards them. Auschwitz is not a text, and yet it is paramount to the shaping of Jewish identity. An entire people, six million, are wiped out like bacteria, with and without the texts, those who've read them and those who haven't.

What makes me Jewish today? Nothing more than my wish to identify myself as Jewish.

There are texts that are significantly more pragmatic and relevant to real life. I would say - read the State Budget and understand how it is structured. Look at the Israel Defense Force's ethical code and study it. Read Supreme Court rulings and discern what can and cannot be done.

Yet I must stress that what I say is in no way intended to be disrespectful of the written Jewish tradition. What I do wish to say is that other texts must be respected as well. I am not attacking the Jewish bookshelf, but I cannot agree with those who claim its authority over life as a whole. The Jewish bookshelf can be part of our lives, albeit in a different way. I think that art can mediate textual traditions quite successfully. My novel *A Journey to the End of the Millennium*

follows the journey of a Jewish merchant from Tangier to Paris at the turn of the first millennium. This business trip becomes a personal quest for self-justification after the local Jewish community disapproves of the merchant's marriage to two wives. I contextualized the human drama by citing from the rabbinic texts that framed the Jewish reality of the period.

The work was not only published as a novel, which was read by many; it was also adapted into an opera. Suddenly, the texts in the Jewish bookshelf, in small part, were granted modern, actual, contemporary and artistic meaning and context. Art usually makes this connection successfully. It has the power to take the dry words out of the bookshelf and turn them into lively, relevant things with the mediation of human experiences.

This is how art functions for every nation, by the way. The famous story of Martin Guerre, documented in 16th century French legal annals, was used by novelists, filmmakers, and scholars in works such as the film *The Return of Martin Guerre*. They brought to life an incredible story that people easily connected with. Thanks to art, you return not only to the ancestral bookshelf, but also to your ancestors' wardrobe and kitchen. ■

Zvi Zohar

My involvement in the issue of *giyyur* (conversion) includes almost two decades of research, as well as personal interaction with the community of Jews from the Former Soviet Union. Specifically, I assisted and advised a Russian woman who was very active in setting up classes to enable a smoother *giyyur* process for FSU immigrants, and was facing resistance by the Rabbinate. This experience with the institution of the Israeli Chief Rabbinate has shown me that in the real world, power corrupts. I have also come to understand that the link between the Rabbinate's actions and the halakhic sources is tenuous at best, and that the Rabbinate is not taking responsibility for the fate of intermarried Jews and their children. It also remains impervious to the impact of intermarriage on Israeli society as a result of the current *giyyur* policy.

No proof exists that making *giyyur* difficult has prevented intermarriage from taking place. Clearly, however, making *giyyur* difficult discourages people from turning their intermarriage into a Jewish marriage and from bringing up their children as Jews. Unfortunately, this is the result of the Rabbinate's policy.

Especially in the course of the last 150 years, as the rift between the Orthodox and non-Orthodox denominations grew, the Orthodox stressed more and more the importance of full observance of the mitzvot. To clearly demarcate the line between themselves and other denominations, they accorded special importance to those

commandments that identify a person as Orthodox. Accordingly, the commandments of Shabbat, kashrut, and family purity (*taharat hamishpacha*) have become, in Orthodox rhetoric, the sign of authentic Jewish commitment. By way of contrast, honoring your parents, loving your fellow as yourself, and charity aren't considered as equally significant - because they are followed also by non-Orthodox Jews.

This stress upon the ritual commandments "between man and God" (*bein adam laMakom*) has carried over also into the realm of *giyyur*.

In some Talmudic sources, there is mention of *kabbalat mitzvot* (acceptance of the commandments) as a component of the *giyyur* process. However, the only components that the Talmud cites as absolutely critical for *giyyur* are circumcision (for a male) and immersion in a mikveh (for both sexes). Nowhere does the Talmud state that the lack of *kabbalat mitzvot* invalidates *giyyur*. Rather, the Talmud says that after a convert immerses in the mikveh, he is irrevocably Jewish, however he behaves. Indeed, the Talmud states that even if this person were to completely revert to a gentile way of life, he is considered a Jew (albeit, a sinful one)! The Tosafot (the commentary of 12th century Ashkenaz scholars) were the first to hold that *giyyur* without *kabbalat mitzvot* is invalid. However, they did not define what they meant by these words. Nahmanides (the greatest rabbi in 13th century Spain) explained that what the



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**The Tzabari and
Zendani families**

/// Wadi Amlah,
Yemen, 1984

Tosafot required was that the convert accept the two commandments related to *giyyur* - immersion and circumcision. Later, the Shulhan Arukh (the 16th century authoritative compilation of Jewish Law) followed the Tosafot both in stressing the importance of *kabbalat mitzvot* in *giyyur* - and in not specifying what the content of that requirement is.

Making conversion difficult discourages people from turning their intermarriage into a Jewish marriage and from bringing up their children as Jews.

In the 19th and 20th centuries, many halakhic authorities interpreted *kabbalat mitzvot* in a variety of ways, and held that in any case this clause does not preclude the acceptance for *giyyur* of persons who do not intend to be fully Orthodox. However, in 1876 an East-European halakhist argued that the one true meaning of *kabbalat mitzvot* is this: a sincere commitment to lead a fully Orthodox life after becoming a Jew. On

this view, even intent to observe most of the Ten Commandments is insufficient for a convert to be considered Jewish.

Sadly, this view is espoused today by the Israeli Rabbinate as absolutely correct.

Indeed, there is a rabbi in Haifa who suggests that *giyyur* be renewed every year like a driver's license, and that its renewal be conditioned upon remaining observant. This is ludicrous according to all halakhic sources - but seems increasingly plausible if one follows the innovative interpretation that *giyyur* requires sincere commitment to observance.

Traditional halakhah contains within it many views with regard to *giyyur*. If rabbis really care about the continuity of the Jewish People in general, and not only of those who are fully Orthodox, they should give preference to those halakhic positions that enable a valid *giyyur* - even if the candidate is not able to sincerely promise to follow an Orthodox lifestyle. Why should we do so? In order to enable the *giyyur* of the non-Jewish spouses and children in situations of intermarriage, thus turning a mixed marriage into a Jewish family. Failure to recognize that a partially observant but fully Jewish family is highly preferable to a continued situation of intermarriage is a deep sin against the value of Jewish continuity. ■

Edward M. Feinstein

While we don't want to put billboards on boulevards and we certainly don't want to invade people's privacy, I do think we need to let the world know that we own a beautiful, accessible, powerful, spiritually moving treasure that is available to anyone to share with us. Los Angeles, the city in which I live, is full of so many lost people - and we own the map! If we only made it available to people and removed the obstacles, we would see many more converts. Judging by the way we behave toward outsiders, you would think that there were tens of millions of Jews in the world. We are a total of 12 million in a world of 6 billion, yet when an outsider comes in, we treat him/her with suspicion. I cannot agree with the opinion expressed in the Gemara that we need to turn converts away in order to test their sincerity and devotion. If Naomi had succeeded in that, and Ruth had turned back with her sister, King David would never have been born. Thank God she didn't succeed. We need to remove as many of the obstacles to *keruv* (bringing people closer) and conversion as possible in order to enable people to become part of the Jewish People and participate in Jewish community life. We also need to provide encouragement and open pathways. The most important issue is not whether your mother or father is Jewish, but whether you desire to join the Jewish community and the destiny of the Jewish People, and find closeness to God and meaning to life in the Jewish way. Birth

to a Jewish parent is a legal technicality that is largely irrelevant - at least in my world - to the way that Jews live. Thus, while I abide by the practices of the Conservative movement, if I had the power, I would like to see the whole Jewish community embrace patrilineal descent and I would loosen the restrictions that define Jewish identity solely in terms of ritual conversion. We live in a world of modernity in which religion is a freely chosen identity, not assigned by descent.

My experience in my community has shown me that outreach is also in-reach. When, as Jews, you welcome people from outside the community, you are strengthened as a Jew. If you can welcome a friend into your synagogue, you take ownership and feel proud of it.

I don't live in Israel, nor do I pay taxes there; I am therefore limited in my capacity to critique its policy and be involved in its practical decisions. So with great humility and trepidation, I offer the following: The Israeli Rabbinate has made a terrible mistake in not removing obstacles and embracing outsiders. The predicament of the FSU Jews is a travesty - they serve in the army, pay taxes but are not considered halakhically Jewish. An opinion exists that there one can convert by fire (*giyyur b'aish*) and not only by the waters of the mikveh. Surely this applies to these soldiers. It is a test of the Rabbinate's ingenuity to solve this problem and so far, they have failed the test. ■



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Rabbi Benjamin Lau

Rabbi Benjamin (Benny) Lau, spiritual leader of the Ramban Synagogue in Jerusalem, lecturer at Beit Morasha and Bar Ilan University and rabbi of two high schools, has also authored three scholarly books on rabbinical figures. As a well-known leader of the national-religious/modern-Orthodox public, Rabbi Lau is a sought-after speaker and commentator.

Not only do I count myself among the group of forty five rabbis from the national-religious movement that recently announced its intention to set up independent conversion courts as an alternative to those of the Chief Rabbinate, but I am even willing to house one of these courts in my synagogue. Our announcement is really a response to the conversion crisis in Israel today and a symptom of a growing disillusionment with the Rabbinate's approach.

Many rabbis approach every conversion individually, each case with its own circumstances and solutions. Moreover, these rabbis have adopted the tradition of making conversion difficult, thus rejecting individuals who are deemed insincere in their declarations regarding religious observance. This case-by-case way of dealing with conversions ignores the Israeli reality, in which hundreds of thousands of FSU immigrants feel a rupture between their experience of themselves as Jewish and their non-Jewish halakhic status. These rabbis ignore the communal and social obligation and responsibility towards the immigrants and their offspring and are not willing to come up with a broader solution.

Two major attitudes to conversion - maximalist and minimalist - can be identified. The maximalist approach does not rely only on the proclaimed intention of the convert to observe commandments, but also checks the convert's surrounding circumstances - family, community, city -

that will allow or prevent future observance of the commandments. This is the approach adopted by the Rabbinate's courts.

A minimalist approach is based, in contrast, upon earlier halakhic views that do not require this level of stringency when it comes to surveying the level of the convert's Jewish commitment. While converts must "accept the mitzvot," a wide margin can be applied in understanding this phrase. Instead of closely examining the spiritual status of the would-be convert, this stance applies a lowest common denominator of obligation to Judaism that would allow halakhically for their acceptance as converts. Again, these are people who already see themselves as Jewish. Those applying the minimalist approach are motivated by a general responsibility to these people, brought to Israel under the Law of Return, and also by a longterm responsibility for the future generations. Moreover, if we do not deal properly with this issue, we will face an enormous problem of intermarriage within the Jewish state.

Ideally, the Rabbinate should find a halakhic way to make conversion more workable for the FSU immigrants by applying the more lenient halakhic precedent regarding the "acceptance of mitzvot." The Rabbinate, after all, is the religious arm of the Zionist state. We forget, however, that it is supposed to be a Zionist entity since it has unfortunately been infiltrated, and is now controlled, by the non-Zionist ultraOrthodox. And, as a result, some of its policies do not fit the realities of the Zionist

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state. If, though, the Rabbinate does not take upon itself the easing of conversions, we Zionist rabbis will have to take matters into our own hands. This attitude applies to marriage and, most recently, to observance of *shmitta*, the sabbatical year. In all these areas the Rabbinate's policies provoke Zionist rabbis to fill the void that the Rabbinate has created. I believe that many rabbis were not willing to be named in this new initiative because we are accustomed to sorting out such issues from within, rather than involving the media and the public. We still hope that we will be able to come to a peaceful understanding with the Rabbinate, for none of these rabbis wants to create a rift between themselves and the Rabbinate.

It is a fact that many of the FSU immigrants simply do not want to convert. While there are those who always saw themselves as Jewish and were shocked to discover that halakhically they had a problem, there are also others who are perfectly happy to be Israelis but have no interest in becoming Jewish. We have to work with the first group and help them find a way to convert. As for the second group, we have never been a missionary religion, and cannot pressure or force them to want to be Jews. Although I think that the Law of Return is an important law, we do not need to actively accept people who do not feel any real connection to the Jewish nation. ■

I've always believed that there aren't enough Jews in the world and that we should be welcoming of people who want to come in. But the question of what framework they are entering still remains. The Jews are a very peculiar people in that we are simultaneously a religious community, the congregation of Israel, and a national community. We have had this double existence for a very long time. It generated two identities but only one admission process, which is religious. If you want to join your fate with the Jewish people, you can only do so through a religious process, even if you are not religious. I am not sure we will be able to agree on a naturalization process for the Jewish state and a conversion process for the religion. It is very hard to imagine that such a design would ever win sufficient acceptance, but this would be the ideal.

I know many intermarried couples where a non-Jewish spouse has agreed to raise the children as Jews, join a Jewish congregation, have a Jewish home, but not to convert. One example is a man who left Catholicism because he is not a believer and while he does not believe in Judaism either, he wants to lead a Jewish life. My congregation assimilates him without any process. This, it seems, is the way it is going to have to remain, because I cannot imagine us reaching agreement on any process. But I think we should make every effort to find a way to accommodate and incorporate people who want to be with us. There is no authoritative body that can resolve these

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tensions. They are a product of our history, and we are going to have to live with them. Clearly being Jewish in Israel is different from being Jewish in the United States. I remember as a schoolboy the compulsory morning prayer, the Lord's Prayer, which my parents forbade me to recite. When everybody else was saying the words, I didn't. Jewish organizations argued in the Supreme Court, quite strongly, that it should be taken out of the schools. And in most parts of the U.S. it has been taken out.

When I went to school they all sang Christmas carols, and I was told not to sing. In contrast to the Lord's Prayer, now in the public schools they sing Christmas carols and Hanukkah songs. That's multiculturalism, cultural pluralism. My Jewish identity was undoubtedly strengthened by keeping silent. Today it is different, but there's something very sweet about seeing these children singing each other's songs. I'm not against that, although I think that it might be better if there was nothing of that in the public schools, and it was all in our synagogues and in the churches where we sing our own songs for our own reasons.

American Jews seem to feel differently when it comes to Israel. I don't think it is a good idea for Jews to defend separation of church and state in the U.S., or to oppose laws that force us not to work on Sunday, and then come to Israel and condone the use of state power to enforce Shabbat. I think

we should be sensitive to this contradiction. Somewhere in the Book of Chronicles a distinction is made between the Lord's business and the king's business. This is a distinction we must uphold; the categories must be kept apart for the sake of both.

We, American Jews, wanted equal citizenship; we wanted to assimilate politically and we wanted equal opportunity for economic assimilation. We were, however, insistent on resisting cultural and religious assimilation. This might be true for everybody in the U.S. - a nation of nationalities - in which the Jews are one group among many others.

I assume that if the U.S. government decided that circumcision was a form of injury that couldn't be permitted, similar to female circumcision, then many Jews would become disobedient to the state.

Members of many different religions have had to face this kind of issue. The state accommodates religious belief whenever it can, but also defends human rights, animal rights and some conception of law and order; sometimes those religious minorities have to give way.

I think that there's a long history of Diaspora Jews finding a way to live with the secular authorities. In a democratic state there is an extra reason to do this, if you were granted citizenship and are able to participate in the decision-making process. Except in quite extreme cases, I favor accommodation. ■

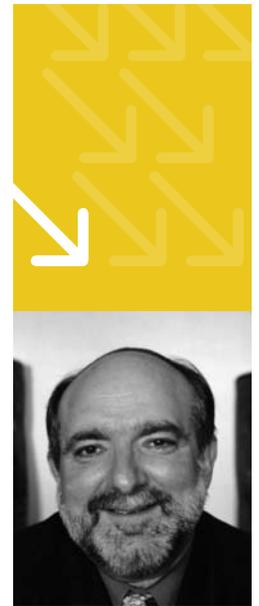
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The classical halakhic definition of conversion is too narrow for the breadth of the Jewish world in which we live, a world marked by multiple realities, infinite choices, and plural identities. Thus, although I understand his teachings in a way that he might not have envisioned, I think Rabbi Joseph Soloveitchik's distinction between the covenant of common purpose (*brit yeud*) and the covenant of common destiny (*brit goral*) that obligate all Jews is a useful guide for understanding membership in the Jewish People both in Israel and in the rest of the world. Jews in a pluralistic modern setting are never going to agree on a common religious purpose, yet they can and do share a common destiny. For example, individuals of Russian descent - who are of perhaps doubtful halakhic status but nevertheless live in the State of Israel as Jews sociologically, functioning according to the rhythms of the Jewish calendar, going to state-supported schools, and serving in the army - share in the life and destiny of the Jewish People.

The problem with a normative Orthodox understanding of conversion, adopted by the Rabbinat in Israel, is that a person who was previously obligated to observe seven commandments is now obligated to observe 613. If that potential convert is not prepared to observe the 613 commandments, he or she cannot be received as a proselyte and achieve Jewish status. It disturbs me that the Rabbinat does not avail itself of halakhic precedents that would better

serve the interests of the Jewish people in the modern setting - and such precedents do exist. For example, Eliyahu Guttmacher (1796 -1874), one of the first religious Zionists and author of *Aderet Eliyahu*, quotes a midrash (BT Sanhedrin 99b) in one particularly interesting responsum regarding non-observant converts. In this Midrash, Timna (the concubine of Esau's son Eliphaz) asks Abraham, Isaac and Jacob to convert her to Judaism. They refuse to do so because the Midrash claims that our patriarchs feel that she is prompted by her love for them rather than by her love for God. She subsequently marries Eliphaz and from their union comes Amalek and ultimately Haman. Rabbi Guttmacher quotes this Midrash to emphasize that a special responsibility is thrust upon a court (*beit din*) to accept a worthy soul (*nefesh*) whose membership will be of benefit to the Jewish People. So when I read that there are about 250,000 FSU immigrants practically leading their lives as Jews in every way except a halakhic one, I think it is a sin on the part of the Rabbinat not to accept them, given that we have the legal precedents in our tradition to do so. Instead, the rabbinic establishment issues opinions that represent some of the greatest stringencies in Jewish history.

I was not an advocate of patrilineality when Rabbi Schindler, then the leader of the Reform movement, first took this position, which has come to mean that anyone born to a Jewish mother or Jewish father and is raised Jewishly, should be



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Portuguese Jews at Bevis
Marks Synagogue
/// London, England,
1992

considered Jewish. On a symbolic level, the problem with this innovation in how Jewish status is determined is a move from understanding Judaism on one level as a birth dogma into one that comports to a modern Western notion of voluntarism as determinative in establishing Jewish identity and status. I was initially opposed because it represented such a tremendous break with Jewish tradition. I have come, however, to think that this is the wisest policy for the community to adopt, although I am not against a patrilineally descended child undergoing a conversion ritual if he or she so desires. To the best of my knowledge, no Orthodox *beit din* accepts the legitimacy of any conversion performed under any non-Orthodox auspices, so it isn't as if a Reform or Conservative conversion of such a child could be recognized as valid by the Orthodox sector of our people even now. On the other hand, a corrective (*tikkun*) remains available to a patrilineally descended person; if they should later want to become an Orthodox Jew, they could go through a formal conversion under Orthodox auspices.

Of course, sometimes unusual situations result. When I had a pulpit, a young man in my congregation wanted to marry a woman who was raised a Lutheran, and then discovered that she was actually matrilineally descended as a Jew. Her grandmother had converted from Judaism to Lutheranism. I would not perform the wedding immediately and demanded that she undergo some study since she had not been raised or educated as a Jew. Ironically,

the couple found an Orthodox rabbi who conducted the wedding immediately; for this rabbi, matrilineal status alone was decisive in determining Jewish status.

Consider, on the other hand, this case: While fighting for the British in World War II, David Ben Gurion's son fell in love with a gentile. She was converted by a non-Orthodox rabbi, and the couple married in England. They came to Israel and were blessed with a daughter, who grew up in Israel, speaks Hebrew and is, of course, the granddaughter of a prime minister. Moreover, her mother had been through a conversion process that included mikveh, albeit by a non-Orthodox court. Virtually every Israeli, the outside world and the girl herself would all consider her Jewish. But, when she wanted to marry, the rabbinical authority did not immediately accept her as Jewish because of her mother's non-Orthodox conversion.

I want to mention a responsum written by Guttmacher's colleague Zvi Hirsh Kalischer (1795-1874), regarding children of a non-Jewish mother and Jewish father. Rabbi Bernard Illowy, rabbi of New Orleans in 1864, had ordered that sons of non-Jewish mothers and irreligious Jewish fathers should not be circumcised by a *mohel*. Rabbi Kalischer, hearing of this decision, disagreed, arguing not only that circumcision was permissible in these instances, but that it was a mitzvah to circumcise such a child. Indeed, he defined these offspring as "holy seed" (*zera kodesh*). He argued that if we do not accept such children, we prevent the fathers from



repenting, going on to say that sometimes even sinners perform mitzvot (*lefamim afilu poshei Yisrael osim mitzvot*). By circumcising these boys at the directive of the father, Rabbi Kalischer argued, we will have "extended a hand to him in his attempt at repentance." Because these irreligious fathers wanted to affirm the Jewish identity of their sons, Rabbi Kalischer reasoned that the circumcision ceremony should be performed in these instances. The children could later convert and perhaps, Rabbi Kalischer said, they might one day emerge as great Jewish leaders (*gedolei Yisrael*).

In the Diaspora today, fifty percent of our people intermarry and two-thirds of our families are ethnically heterogeneous. This stark fact is not going to be reversed by all the rabbinic pronouncements in the world. I feel that my responsibility, as head of HUC, an institution that is educating rabbis, is to bring unaffiliated Jews and persons of dubious halakhic status from the periphery into the mainstream of the Jewish community and Jewish life. While I cannot say that an Amalek or a Haman will emerge if we fail to do so, I do believe that "great Jews" who will contribute substantially to the quality of Jewish life might - if we succeed in attracting and embracing these men and women. ■