

Let's Hear it for Jewish Unity: *The Meaning of the High Court's Historic Decision on Non-Orthodox Conversions in Israel*

Parashat Ki Tissa

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Rabbi Adam J. Raskin, Congregation Har Shalom, Potomac, MD

The sounds of chaos and commotion could be heard all the way at the top of the mountain. Something was amiss; something had gone terribly wrong below. Wild shrieks and shouts from the camp had interrupted the most important conversation in the world! God had just handed over the tablets of the covenant to Moses, which were to be presented to the Jewish people waiting anxiously at the base of the mountain. Now if that mountain in the Sinai Peninsula that Sari and I climbed in July of 1997 is in fact the biblical Mount Sinai as the monks who live their claim it is, the distance from bottom to top is 7,497 feet. It took us over four hours to hike to the summit. But the sounds of the people's revelry ascended a whole lot faster. God roars to Moses: 'The people have totally lost control! They are bowing down and sacrificing to a golden calf! They have rejected Me! Stand back while I destroy them right here, right now!' Moses, the quintessential negotiator, convinces God to stay His anger. *Let me go and investigate*, Moses says. 'Don't destroy them or else the whole world is going to say that you are an evil, vindictive God who redeemed the people from Egypt only to slaughter them in the desert.' And off Moses goes, down the mountain, tablets in hand.

The first person Moses meets on his way down the mountain is Joshua, who is also agonizing about what's going on in the camp. "*Kol milchama ba'machaneh!*" Joshua tells Moses, "There's a sound of war coming from the camp! 'No,' says Moses, 'these are not the sounds of war,' rather Moses says, "*kol anot anochi shome'ah*, it is the sound of song that I hear." *Kol anot*...The sound of song...This is certainly what Cecil B. DeMille understood when he filmed that carnal scene in The Ten Commandments featuring writhing women dancing around the idol, the sound of beating drums, laughter, and lewdness filling the air. That's how many of us were taught to imagine the Golden Calf scene. But there is another possible interpretation. You see the word "*anot*," spelled *ayin, nun, vav, tav*, often translated as 'song,' can also with the exact same spelling but slightly different vocalization (*enut*, versus *anot*) mean 'pain,' 'suffering,' 'agony.' What if the sounds coming from the camp were not the joyous sounds of worshipping the Golden Calf, but the anguished cries of a people who feel utterly abandoned in the desert? What if their cries are cries of total despair that Moses has disappeared on the mountaintop, and they have nowhere to go, no connection to God, no idea what's supposed to happen next? Rabbi Shimon Schwab, a German rabbi who immigrated to the United States in 1936 after the Gestapo accused him of insulting Hitler in one of his sermons, wrote that Joshua misunderstood the sounds emanating from the camp. It was not the sound of war or rebellion, it was the sound of pain, the sound of a recently enslaved people who were hysterical because they felt they had no leader; who were afraid, who were panic stricken. Moses tells his eventual successor Joshua that it is critically important for a leader to understand what the people are saying, and to not misconstrue their true feelings.^[1]

For many, many years, the official religious authorities of the State of Israel have been ‘the Joshuas’ of this week’s parasha. Hearing the cries and complaints of Israeli non-Orthodox Jews, they assumed that these Jews were declaring war on the rest of the Jewish people. That these Jews advocate anarchy in the Jewish state; the rejection of any Torah standards or requirements. That in their quest for autonomy from state-sanctioned religion they were a danger to the authenticity of the Jewish people. The Haredi-controlled Chief Rabbinate of Israel has systematically prevented non-Orthodox forms of Judaism from gaining official sanction by the Jewish state. The ultra-Orthodox establishment maintains tight control over all aspects of public Jewish life. Only rabbis they approve can officiate at weddings, or funerals, or conversions. And while they have used their political influence to finance their own yeshivot and synagogues, and to gain exemptions from army service, they have steadfastly prevented the State of Israel from providing assistance to any other form of Judaism or its institutions. As power brokers in fragile government coalitions, ultra-Orthodox parties have been able to maintain this absolute control through successive governments. But this week, a dent was made in that system. The Supreme Court of the State of Israel, *Beit Ha’Mishpat Ha’Elyon* issued a historic ruling. The high court decreed that the State of Israel must recognize non-Orthodox converts to Judaism as Jews for the purposes of Israeli citizenship. Let me explain:

The Law of Return guarantees that any Jew has a right to become a citizen of the State of Israel. That became the law in 1950, and it is sacred to the relationship between the Jewish people and the State of Israel. In 1970 the Law of Return was amended to define a “Jew” as any person “born of a Jewish mother or [who] has become converted to Judaism and who is not a member of another religion.”^[2] Now here’s where things get really strange. Anyone who converted to Judaism *outside the State of Israel* is immediately eligible to become an Israeli citizen under the Law of Return...Reform converts, Conservative converts, Orthodox converts...as long as the conversion happened *in a country other than the State Israel*. But for conversions *inside* the State of Israel, only Orthodox conversions have been accepted. So what are people to do if they don’t identify with Haredi Judaism? What recourse is there for people with more moderate or liberal values? One unfortunate phenomenon that falls into the category of ‘you can’t make this stuff up’ is *Giyurei Kefitza*, which literally means “Hop-Over Conversions.” People study for conversion in Israel with Reform or Conservative rabbis, then ‘hop over’ to another country, *any other country*, where they actually perform the rituals of conversion, then they ‘hop back over’ to Israel and claim their right to citizenship as Jews. This is *meshugganeh!*

Now you might ask, why go to all that trouble? Why not just submit to Israel’s religious authorities, go through the process, hold your nose and “make it work?” Well, the reality is that the current conversion process in Israel is “100 times more stringent than the Rambam,” to quote Moshe Nissim, the former deputy Prime Minister who has worked on religious pluralism issues for years in Israel. He is also the son of former Sephardi Chief Rabbi Isaac Nissim. “A hundred times more stringent” than the standards of Rabbi Moses Maimonides, one of the greatest rabbis and halachic authorities in Jewish history! Before the Haredi authorities will consent to convert someone, the person has to commit to a rigorous Orthodox lifestyle—not even a modern Orthodox or traditional lifestyle, but a Haredi lifestyle, and pass a grueling examination that probes intricacies of Jewish law and practice that the overwhelming number of even moderately educated

Jews by birth could never pass. Even though these people are at the beginning of their Jewish lives, there is no room for growth or discovery or God-forbid, different ideas about what it means to live a committed Jewish life. These standards far exceed what any classical Jewish text requires for conversion, and make the Rambam and the great sage Hillel look like liberal Rabbis!

Many of these would-be converts are among the thousand or so Russians who immigrate to Israel *every month*. Most of these Russians have some Jewish relative, but are not halachically Jewish. Over half of them are under 35-years old and lack any formal Jewish education. Imagine such a person entering a Haredi conversion process that demands a complete and total lifestyle change; with extreme attitudes about gender, dress, punctilious observance, and disdain for the secular world. Not surprisingly more than half of these Russian emigres who start the conversion process do not finish it. And of those who do stand before the *beit din*, the conversion court, many are “deferred,” because they don’t quite live up to the maximalist standards of the authorities. Less than 2% successfully complete the state’s conversion process each year. The rest of the 98% have no other choice but to live as non-Jewish residents of Israel, working and creating families of their own in the Jewish state, serving in the IDF (unlike their Haredi counterparts), sometimes sacrificing their lives for Israel--as non-Jews!^[3] I don’t know about you, but I think that’s a travesty. Now to be fair, there are other Orthodox conversion programs in Israel operating outside of the Chief Rabbinate. Some are intentionally sympathetic and welcoming to Russians and others. But their converts are no more guaranteed recognition as Jews than converts of other denominations. Now that there are hundreds of thousands of young people who are not recognized as halachically Jewish are living in Israel, it is inevitable that they will end up marrying Jewish Israelis. So this convoluted system will inevitably create an intermarriage crisis in the Jewish state of all places! The Supreme Court’s new ruling will God-willing create another avenue for these people who want to become Jewish, to do so, and be recognized as such by the State of Israel.

Hopefully the religious parties who are currently drafting a Knesset bill to overturn the High Court’s ruling will be unsuccessful in their attempts to scare Israelis into thinking that non-Orthodox forms of Judaism will only lead to the demise of the Jewish people.

For a long time I have been frightened that the widening gap between secular and religious Israelis, and the deep seeded resentments that have become even more acute because of draft deferrals and Haredi refusal to cooperate with Covid restrictions are a grave threat to the Jewish character of the State of Israel. I have long argued that religious coercion only makes people disdain Judaism not love it or desire more of it.

Joshua thought that the people wanted to rebel. Moses corrected him, telling him that the people were in pain; that they were suffering. Rebellion and suffering require very different responses. Non-Orthodox Jews are not rebels! They are Jews who see different dimensions of Jewish life and practice. They are Israeli Jews who have suffered from exclusion and

demonization by their fellow Jews; by rabbis and religious leaders! How blessed we are to have a Jewish state in this time period! How fortunate we are that any Jew from any corner of the world can call that land their home...this is the Zionist dream! But it makes absolutely no sense that Jews should have more rights and more recognition in the Diaspora than in the homeland of the Jewish people! Yair Lapid, the Leader of the Opposition in the Knesset said that Israel is “the only democracy in the world without freedom of religion for Jews!”^[4] And while the Supreme Court conversion decision is welcome progress, remember that non-Orthodox rabbis still cannot marry or bury Jews in Israel, and there is still a long way to go before true equality for all Jews is realized in the Jewish state. The Orthodox Israeli philosopher and public intellectual Yeshayahu Leibowitz once said^[5] “there is no greater degradation of religion than maintenance of its institutions by a secular state...nothing restricts its influence or diminishes its persuasiveness more than...imposing an arbitrary selection of religious regulations on the community...” “The Jewish religion,” Leibowitz said, “should be forced into taking its stand without the shield of an administrative status. Only then will its strength be revealed, and only thus will it become capable of exerting an educational force and influencing the broader public...”

The 8-1 decision by the High Court is a welcome victory for Jewish pluralism in Israel. May the State of Israel and its religious authorities have the wisdom, as the Talmud^[6] says: *Le'havchin bein kol l'kol*, to distinguish between the sounds of rebellion and the sounds of pain...the pain of yearning to be full stakeholders in the greatest Jewish experiment and miracle in 2,000 years...the sovereign Jewish state of Israel.

^[1] Grateful to Rabbi Yamin Goldsmith for this reference

^[2] <https://www.knesset.gov.il/laws/special/eng/return.htm>

^[3] <https://blogs.timesofisrael.com/parshat-mishpatim-knowing-the-converts-heart/>

^[4] <https://www.timesofisrael.com/haredi-party-likens-reform-and-conservative-converts-to-dogs-with-kippot/>

^[5] Troy, Gil. *The Zionist Ideas*, pp. 242-243

^[6] Talmud Yerushalmi, Ta'anit 4:5