



From Ruth to Natasha: On the Future of Conversion in Israel

Yedidia Z. Stern

From Ruth to Natasha: On the Future of Conversion in Israel

Yedidia Z. Stern

Introduction

Conversion, the process by which non-Jews become Jews, has always occupied an important place on the Jewish agenda. From a theoretical standpoint, conversion is a fascinating phenomenon in many respects: religious and national, historical and social, philosophical and psychological. From a practical standpoint, conversion is an important social institution that is vital for Jewish continuity. Jewish attitudes toward conversion have evolved over the generations, reflecting the changing circumstances and needs of the Jewish collective. But never before has the controversy over this institution's definition been as critical for the future of the Jewish people as it is today. And never before has the controversy centered on the policies appropriate for the Jewish nation-state.

This paper begins with a discussion of the current problem, which stems from the gap between the liberal character of the State of Israel's immigration policy and the dogmatic manner in which *halakha* (traditional Jewish law, as distinct from Israeli law) is applied to the practice of conversion by the State's religious establishment. It then reviews the main phases in the evolution of the Jewish establishment's policy on conversion, from Ruth, the paradigmatic Jewish convert, to Natasha, her present-day counterpart in Israel. It concludes with a call for revising Israel's official policy on Orthodox Jewish conversion — in a manner that is fully compatible with the traditions of Jewish law — in order to respond to the very pressing needs of our times. Unless Israeli conversion policy changes soon, conversion may cease to be relevant as the defining mechanism of Jewish identity, and the Jewish people may be split in two. Such a development would change the face of Jewish history and destroy the delicate relationship between religion and nation in Judaism.

The Impact of the Law of Return

The era of globalization is characterized by movements of mass migration that stem from a variety of factors, including gaps in standards of living between different parts of the world. These trends of migration place pressure on the ports of entry of developed countries, which generally respond by enacting restrictive immigration policies.

The State of Israel's response to immigration, however, has been unique. Substantiating Zionism as the movement of Jewish national liberation, the State of Israel proudly enacted the Law of Return, which guarantees automatic entry to any Jew who wants to come to Israel. This law is one of the primary instruments enabling Israel to fulfill its role as the Jewish nation-state. Since 1948, it has allowed millions of Jews to return to their homeland after centuries or millennia in exile. In fact, since the founding of the State, Israel's population has increased more than tenfold, to a large degree as a result of immigration under the Law of Return.

In practice, however, the Law of Return has thrown open Israel's gates more widely than was perhaps originally intended. In many families around the world, Jews, and non-Jews are intertwined, and the Law of Return ensures entry not only to Jews, but also to people who are related to them. The Law of Return defines a "Jew" as someone who was born to a Jewish mother or who has converted to Judaism. However, it also automatically grants the right of entry to anyone who is married to a Jew, whose father is a Jew, who is the grandchild of a Jew, or who is married to a child or grandchild of a Jew. What this means is that if a Jewish man married a non-Jewish woman in Russia 80 years ago, and the two of them passed away in their native country 20 years ago, all of their children and grandchildren, as well as their respective spouses, are automatically permitted to immigrate to Israel — even if they themselves have no connection to Judaism.

The Current Crisis

As a result of the Law of Return and the influx of about one million *olim* (new immigrants) from the former Soviet Union (FSU), there are now over 300,000 immigrants from the former Soviet Union who are citizens of the State of Israel, but are not Jews according to Jewish law. Each year that number swells by approximately 8,000 non-Jewish immigrants; in fact, the percentage of non-Jewish individuals immigrating to Israel under the Law of Return is steadily increasing from year to year. In addition, natural growth adds approximately 3,000 non-Jewish children to this group annually. Significantly, some 80% of children who have immigrated to Israel from the FSU since the year 2000 are not Jews according to Jewish law.

The situation has complex ramifications — both for the immigrants as individuals and for Israeli society as a whole.

On the level of individuals, basic human rights of non-Jewish immigrants are often violated in Israel. For example, the laws of marriage for Jews, Muslims, and Christians in Israel are determined in accordance with the practices of each religion. Since Jewish law does not sanction marriage between Jews and non-Jews, and since there is no civil marriage at present in Israel, non-Jewish immigrants cannot marry Jews. This means that 80% of the population of Israel is off-limits to them for the purpose of marriage. Once they marry (which can only happen outside of Israel), their status as non-Jews impedes their ability to adopt Jewish children. When they die — even as soldiers on the battlefield — they may not be buried in Jewish cemeteries. In other words, this sizable group is subject to real discrimination.

Marriage is an example of an individual issue that becomes a national issue, since there is concern that Orthodox Jews will introduce family lineage charts to distinguish between Jewish and non-Jewish individuals for the purpose of marriage. The outcome of such an initiative would be a historic division of the Jewish people into two large segments that cannot marry each other.

In addition, Israeli society has tribal characteristics that make it difficult for non-Jewish immigrants to integrate. There have been several displays of anti-Israeli behavior, and even anti-Semitism, among alienated groups within the immigrant community in recent years. An immigrant child whose classmates are all going through the Jewish coming-of-age ritual, the bar or bat mitzvah, is likely to feel estranged when confronted with the fact that he or she may not take part in this rite of passage. This experience, and others like it, may jeopardize the

ability of these children to identify with the Jewish state, and puts their long-term absorption in Israeli society at risk.

An additional national issue is the threat that a large non-Jewish population poses to the preservation of the Jewish character of the Jewish state. There is an ongoing and significant increase in the number of citizens in Israel today who are not Jews. It is impossible to anticipate the magnitude of non-Jewish immigration in the future and its impact on the Jewish character of the State.

The overall picture is not pretty: A sizable group of people living in Israel are sociologically Jews — their mother tongue is Hebrew, they are educated in Israeli schools, they serve in the Israeli army; but they are not Jews by religion, nor are they recognized as such by Israeli law. If this situation is allowed to continue, it could lead to tragedy, both on an individual plane and on the national level.

What is the solution to this problem?

The Option of Conversion

On the face of it, the solution seems obvious and readily available: Non-Jews who have immigrated to Israel because they are related to Jews should convert to Judaism. This would be in their personal interest as well as in the national interest. In fact, the number of immigrants who undergo the conversion process in Israel is extremely low: only 1,200–1,500 people convert each year, half of them in the framework of their army service. In other words, the total rate of conversion in Israel today is less than half of the natural growth rate of the non-Jewish immigrant community (some 3,000 births a year). If one considers the annual rate of non-Jewish immigration from the FSU as well (approximately 8,000 immigrants a year), the annual growth of this community is more than ten times the rate of conversion.

This statistic is surprising. Studies indicate that the vast majority of immigrants from the FSU want to be part of the Jewish people. According to one study, approximately two-thirds are either somewhat interested or very interested in being part of the Jewish people. Only ten percent of them choose to register as Christians in the Israeli population registry. In the Soviet Union, where religion is determined by paternity, these immigrants were considered Jewish if their fathers were Jewish. Consequently many of them see themselves as Jews, even if Jewish law, which follows the matrilineal line of descent, says otherwise. Life in Israel, and in particular the security situation, further intensifies their sense of belonging and identification with the Jewish people.

Nevertheless, this desire to be Jewish is not reflected in demand for conversion. While prior to their immigration to Israel, nearly half of these immigrants express interest in conversion, this number drops after immigration. In fact, according to some studies, only six percent of the immigrant population is even considering going through the conversion process. What explains this lack of interest in conversion in Israel? The obstacle lies in the State of Israel's conversion policy and the excessive demands placed on would-be converts. Most immigrants from the former Soviet Union know that the conversion process is lengthy, complicated, and sometimes even humiliating, and they want nothing to do with it.

The State of Israel's Conversion Policy

As a general rule, the Chief Rabbinate of Israel recognizes conversion only if it is conducted by specific religious courts. The majority of judges on these courts make it difficult for candidates to complete the conversion process, which can often take upwards of a year. For them, the process is intended not only to convey information about Judaism to the potential convert, but also to test if he or she is religiously suited to joining the Jewish people in at least three respects:

1. **Sociologically:** Has the candidate joined a religious community? Are his or her children registered in religious schools or secular schools? (Rabbinic courts require converts to send their children to religious schools as a condition for conversion.)
2. **Psychologically:** Do the candidates consider themselves to be religious? What is their motivation for converting to Judaism?
3. **Behaviorally:** Do the candidates adhere to a traditionally religious lifestyle? Are they committed to strict Sabbath observance and to eating kosher food? Do the men wear skullcaps?

Candidates who meet all of these requirements are given an examination on Jewish law and observance by the religious court. If they do not fail, they are allowed to perform the rituals of circumcision and immersion in a ritual bath that complete the conversion process.

The problem with this process and its requirements is that the vast majority of non-Jewish immigrants have little interest in pursuing an observant lifestyle. They see themselves as joining a nation, not a religion. They do not want to be different from the secular Jewish majority in Israel, and cannot understand why they are being asked to do things that most Israelis who were born Jewish do not do. In practice, many immigrants, in order to convert, are forced to pretend to be someone they are not. As a result, the road to joining the Jewish nation is often paved with lies and deceit. It is not surprising that so few choose to go down this road.

The *Halakhic* Question

Given the current state of affairs, and assuming that the State of Israel wants to maintain conversion as a religious practice in accordance with the dictates of Jewish law, the central question is: Does Jewish law in fact require converts to Judaism to observe the *mitzvot* (commandments)?

This is a question about the essence of conversion in Jewish law. Is conversion the act of joining a religion or the act of joining a nation? If conversion is an act of joining the Jewish religion, one can understand the stringent policy of the religious courts. But if conversion is essentially an act of joining the Jewish people, it may be possible to accept converts without demanding that they fulfill prerequisites that pose near-insurmountable obstacles to conversion under present circumstances.

In past generations, this question was never fully explored because religion and nation were interwoven. It was clear that converts were joining a collective composed of both religion and

nation, and that these elements were inseparable. However, this is no longer true. In our generation, most members of the Jewish people do not observe the commandments of the Jewish religion. They maintain their national identity even absent religious commitment. This leads to an additional question: If it is possible to be fully Jewish without religious commitment, might there be room to modify the guidelines for entry into the Jewish collective? Does acceptance of the yoke of *mitzvot* have to be an ironclad prerequisite for conversion? In fact, a variety of approaches to this question can be found in *halakhic* literature.

Traditional Approaches to Conversion

Within *halakhic* literature, different opinions regarding conversion can be found. Some rabbinic authorities see observance of the commandments as a condition for joining the nation of Israel, while others believe that joining the nation of Israel is a condition that obligates a person to observe the *mitzvot*.

The 9th-century Babylonian sage Saadya Gaon, for example, asserted that “Our nation is only a nation by virtue of its Torah” (*Emunot Ve’de-ot*, 3:7). This teaching reflects the opinion that there is no such thing as national existence without religion, and that religion is a necessary component in the forging of national identity.

On the other hand, there is also a clear tradition in Jewish law that sees Judaism as being first and foremost the condition of belonging to a specific “people” — in other words, the obligation to observe the *mitzvot* is a derivative obligation stemming from the condition of first being a part of the Jewish people. The Book of Ruth, which relates the story of Ruth the Moabite’s conversion to Judaism, hints at this approach. In asserting her conviction to join the Jewish people, Ruth says to her mother-in-law Naomi: “Your people shall be my people and your God, my God” (Ruth 1:17). This implies that one first joins the Jewish nation (“Your people shall be my people”) and only then becomes obligated to observe the *mitzvot* (“and your God, my God”). Ruth is the paradigmatic convert, the great-grandmother of King David, from whose seed — according to tradition — the Messiah will come.

Contemporary religious authorities have also considered the possibility that adopting Jewish nationality might precede adopting the Jewish religion. These include two Chief Rabbis of Israel: Rabbi Shlomo Goren, who was the Ashkenazic Chief Rabbi from 1973–1983, and Rabbi Eliyahu Bakshi Doron, who was the Sephardic Chief Rabbi from 1993–2003. (Rabbi Bakshi Doron’s opinion can be found in *Binyan Av*, responsum 22.) In Rabbi Goren’s words: “The truth is that every conversion is based on the convert’s desire to join the Jewish people... because according to *halakha*, only those who belong to the Jewish people are obligated to observe the *mitzvot*” (“*Kfira B’am Yisrael L’inyanei Giyur*” in *Shanah BeShanah*, 5743). In other words, conversion is not the act of adopting a new religion, but the act of joining a people.

Rabbi Goren’s comment raises the question of the would-be convert’s motivation for converting. There is a rabbinic stipulation that conversions can only be performed if the convert’s motives for joining the Jewish people are pure. An example of such a stipulation can be found in the Talmud’s statement: “Anyone who converts because of a woman, because of love, because of fear — he is not a convert” (Tractate *Yevamot* 24b). This position is in accordance with the view that conversion is the act of joining a religion rather than a people.

The vast majority of sources, however, state that we do not examine the convert's motives. The Talmud tells of a disagreement between Hillel and Shammai on this matter: "On one occasion, it happened that a certain non-Jew was passing behind a house of study, when he heard the voice of a teacher reciting: 'And these are the garments which they shall make; a breastplate, and an *ephod* (Exodus 28:4). Said he, 'For whom are these?' 'For the High Priest,' he was told. The non-Jew said to himself, 'I will go and convert, so that I may be appointed a High Priest.' He went before Shammai and said to him: 'Make me a convert, on condition that you appoint me a High Priest.' But Shammai repulsed him with the builder's cubit that was in his hand. The non-Jew then went before Hillel, who made him a convert..." (Tractate *Shabbat* 31a).

Important rabbinic authorities in the Middle Ages, such as Rabbi Yitzchak Alfasi (known as the "Rif") and Rabbi Asher ben Yechiel (known as the "Rosh"), followed the example of Hillel and chose not to concern themselves with the motives of potential converts. Other authorities did pay attention to motives, and required that proselytes convert for altruistic reasons. But even purists like Maimonides and Rabbi Yosef Karo considered conversions that were driven by ulterior motives to be valid if the circumcision and ritual immersion ceremonies had already taken place.

Rabbinic authorities throughout the ages also considered the convert's commitment to observing the *mitzvot*. They differed as to whether or not a potential convert must agree to uphold the commandments of the Torah.

Until the 12th century, all religious authorities believed that circumcision and ritual immersion conducted under the auspices of a religious court were sufficient for conversion. Until that time, conversion was mainly a ceremonial procedure, a ceremony of rebirth. Since the convert had not been present when the covenant was made at Mount Sinai, these authorities reasoned, he had to be born into the collective through a ceremony. According to this approach, the way to become Jewish is to be born Jewish — either biologically or ceremonially. Throughout this period of time, there is no evidence that converts were required to engage in preliminary studies or observe the *mitzvot* as a prerequisite for conversion.

In the 12th century, the Baalei Tosafot, a group of eminent Ashkenazi scholars, added the "acceptance of *mitzvot*" as a requirement for conversion. At first, this requirement was interpreted in a very narrow manner, and the motives and subsequent behavior of the convert were not examined. In the 14th century, however, Rabbi Menachem Hameiri stated: "Afterward, they inform him of the yoke of a few easy and a few serious commandments, and of their punishments... If he changes his mind, he leaves. And if he says 'Be that as it may,' he is accepted, and is circumcised without delay."

It is significant that the present-day requirement that the convert accept fully the yoke of *mitzvot* began only in the late 19th century. The *Beit Yitzhak* responsa, which were compiled by Rabbi Yitzhak Shmelkish of Lvov, state: "A person who converts and accepts the yoke of the commandments, but has no real intention of observing the commandments, is not considered a convert — since it is his heart that the Merciful One desires..." (*Beit Yitzchak*, Part 2, No. 100). According to this source, the ceremony is no longer sufficient. This is an enormous change, which was likely a response to the rise of secularism, the struggle against the Reform movement, and the resistance to Zionism, which placed the national component of Jewish life at the center.

In contrast, Rabbi Shlomo Kluger, a contemporary of Rabbi Shmelkish, ruled differently:

“Acceptance of the *mitzvot* is only a device. The primary features of conversion are circumcision and ritual immersion... If one was circumcised and ritually immersed for the purpose of conversion, but did not accept the yoke of the commandments beforehand, he is considered to be a convert according to the laws of the Torah, without question. The [prerequisite of] acceptance of the yoke of the commandments is only a rabbinic requirement” (Responsa *Tuv Ta’am Ve-da’at*, 230).

This inclusive position prevailed among various religious sages, especially the Sephardic authorities. Rabbi Benzion Uziel, Israel’s first Sephardic Chief Rabbi, asserted: “Based on the Torah, we are permitted and commanded to accept converts, men and women, even if we know they will not observe the commandments. They will pay the price for their sins, but we will be clean” (Responsa *Mishpetei Uziel, Even Ha-ezer*, No. 20).

Conclusion

For the most part, the Jewish legal tradition views conversion as a process of joining a people, the Jewish nation. Only after this process is completed is the convert obligated to observe the commandments. The current requirement that demands that candidates for conversion commit to joining the Jewish religion as a condition for admission to the nation is the outcome of a struggle over the meaning of Judaism and the place of religion in Jewish life.

What, then, should be the position of rabbis of our generation, and particularly rabbis in Israel, who are dealing with a reality of hundreds of thousands of non-Jewish immigrants who are already integrated into Israeli society?

There are very serious and strong arguments in favor of a stringent *halakhic* conversion policy. The rationale for this ‘hard line’ includes the fact that, due to the desirability of immigration to Israel, the State of Israel should set stringent criteria to stem the flow. It is not in the interest of the State of Israel to allow the Law of Return to be used by masses of people who do not identify as Jews, but who may decide to become Jewish because of economic or other opportunistic factors.

There are, however, other equally serious considerations that would argue in the opposite direction, and would favor a more lenient *halakhic* approach to conversion. For if a strict *halakhic* policy is adopted, and the difficulties described above continue on both the individual and the national levels, conversion may become irrelevant. A new historical conception may take root — an acceptance that it is possible to gain entry into the Jewish people without any religious procedure whatsoever. If conversion becomes irrelevant and there is massive absorption of “non-Jewish Jews” in Israel, the result could be the development of a norm in which Judaism exists as a sociological classification and nothing more. Were this to happen, we would be faced with a genuine revolution in the history of the Jewish people.

Moreover, if the conversion problem is not resolved, the Jewish people may split into subgroups that do not recognize each other and do not marry each other. The ability of these subgroups to function as one national entity would be greatly reduced.

An additional reason to consider a more inclusive approach to conversion in Israel is the future of Zionism. With every significant wave of immigration to the State of Israel today, the same

question is raised anew: Should Israel accept or reject intermarried families? The more obstacles are put in the way of the would-be converts, the more obstacles are placed before immigration as a whole. Is it in the interest of the Jewish people to prevent immigration to Israel?

Looking beyond the State of Israel, we are all aware of the extent of assimilation in the Diaspora. What should *halakhic* policy be toward Jews who have already assimilated? Would it be right to give up on families in which a non-Jewish spouse is interested in joining the Jewish people? Would it be right to allow the decisions of one generation — the present generation — to cut off sizable portions of the Jewish people forever? For this reason, perhaps a *halakhic* policy should be adopted that would enable those families with an interest in being absorbed into the Jewish nation to convert.

Proposal

How should these very diverse considerations be balanced in the final analysis?

Jewish civilization is composed of elements of religion, culture, and nation. Today, as in the past, Jewish identity is formed by a combination of these three elements. Although it is possible to be Jewish without religious identity, it is impossible to deny that religion is a factor that preserved the Jewish people as a group during 2,000 years of exile. If we disconnect the process of conversion from its religious significance, we will disconnect ourselves from our historical memory. Indeed, it can be argued that there is no Jewish culture without Jewish tradition, and that tradition, in Jewish collective memory, is based on religious beliefs and practices. At the same time, Jewish religion must respond to reality if it is to be relevant to real life.

Therefore, the current proposal — which is rooted in the *halakhic* rulings surveyed in this article — is that the rabbinate should continue to be strict with any potential convert whose previous identity was not at all Jewish, and who is seeking to change his or her subjective identity through the act of conversion. On the other hand, it is proposed that the rabbinate should be lenient and accepting toward anyone whose previous subjective identity was Jewish, and who merely wishes to confirm this identity by the act of conversion.

How would this proposal be implemented in Israel today? The requirement of accepting “the yoke of the commandments” would be waived regarding potential converts who have already demonstrated their Jewishness — for example, a candidate for conversion who has served in the army, who speaks Hebrew, who identifies with the State of Israel and lives a Jewish life in the social, psychological, national, and Zionist realms. For such a person, conversion is not identity-forming; it simply confirms a previously existing identity. On the other hand, the requirement that a convert undertake to fulfill the commandments would still apply to anyone who seeks to join the Jewish people from the outside, and who has no substantial connection with them. This would prevent the dilution of the Jewish people by masses of converts who have no previous ties to the Jewish people and are not genuinely interested in becoming a part of the Jewish collective.

How would this distinction apply to cases outside of the State of Israel? A couple of mixed faith whose lifestyle exhibits obvious connections to Judaism — for example, they are part of a Jewish community, observe the festivals, belong to Jewish organizations, etc. — would be treated leniently if the non-Jewish partner sought to convert. In such a case, the process of conversion would consist of bestowing religious validity upon someone who has already joined the Jewish people sociologically.

According to this proposal, “secular conversion” — an oxymoron — should not be permitted; however, the gates of religious conversion should be opened wider. Although the personal identity of the convert and his or her sociological circumstances should not be considered sufficient conditions for becoming part of the Jewish people, they should merit greater leniency in the religious conversion process. If this view is adopted, religion would endow subjective feelings of identity and belonging with symbolic meaning, while subjective feelings of identity and belonging would acquire added validity from religion.

Opening the gates of conversion is essential to ensure that the Jewish people remains one people. This is true both in Israel, when dealing with immigrants from the former Soviet Union, and in the Diaspora, when dealing with mixed marriages.