

## The Israeli Conversion Crisis and Progressive *Halakhah* September 1, 2015

The latest round of the conversion wars in Israel is more than simply [politics](#), the attempt to entice *haredi* parties into a razor-thin Knesset majority. When we look at it closely, we find a case of progressive *halakhah* at work, an example of how rabbis not at all associated with the progressive Jewish movements can nonetheless utilize progressive halakhic thinking to solve problems and to relieve human suffering.

To summarize: [rabbis](#) associated with the *dati-leumi* (Orthodox Zionist) camp have established a network of [alternative rabbinical courts](#) – courts not subject to the control of the Chief Rabbinate (*rabanut*) - to perform conversions. These alternative courts promise a more lenient and accepting approach to conversion than that taken by the *rabanut*. The purpose is to help establish the Jewish identity of thousands upon thousands of Israelis, immigrants or the children of immigrants from the former Soviet Union, who are not considered Jews under traditional *halakhah*. A worthy goal, to be sure, and we can hope that this long-overdue [rebellion](#) against the authority of the Chief Rabbinate, on this and [other](#) fronts, will succeed.

Still, this is at bottom a dispute (*mahloket*) between two camps of Orthodox rabbis, none of whom (including the so-called moderates) will recognize the validity of conversions supervised by Progressive rabbis. So what does this have to do with progressive *halakhah*?

Consider the halakhic aspects of this disagreement. For many years, the predominant Orthodox interpretation of the *halakhah* has required that the prospective convert (*ger* or *giyoret*) pledge to observe “all the *mitzvot*”, which means essentially that s/he must promise to live an Orthodox lifestyle upon conversion. This obviously disqualifies the vast majority of those in Israel and elsewhere who seek to join the Jewish people, to live as Jews in the way that most members of the Jewish community live as Jews, but who do not intend to become Orthodox. Some rabbinical courts (*batei din*) have gone so far as to annul conversions retroactively, even those supervised by Orthodox courts and even after many years have passed, in cases where the *ger/giyoret* did not subsequently live as an Orthodox Jew. This stringent position reflects what we might call the “consensus” Orthodox\* interpretation of the halakhic concept of *kabalat hamitzvot* (קבלת המצוות), the requirement that the prospective Jew-by-choice “accept the commandments” in order to become a Jew. But a number of the rabbinical members of these new alternative *batei din* have decided to [dispense](#) with the requirement that the *ger/giyoret* pledge to observe all the commandments. In their opinion, it’s sufficient that the convert make a declaration accepting Judaism and recognizing that Judaism involves a system of *mitzvot*. The *ger/giyoret* need not, however, pledge to live an Orthodox lifestyle in order to join our people.

Which interpretation is correct? It turns out that both are rooted in the texts, specifically in the Talmudic passage (*B. Y’vamos* 47a-b) which describes the conversion process (*giyur*). The text specifies that the prospective *ger* be informed of some (מקצת – i.e., not all) of the *mitzvot* and their importance. At that point, “should he accept” (קיבל), he is eligible for conversion. The critical question is: what precisely is the *ger* supposed to “accept” at this moment? The “consensus” reading – and the stance enforced by the *rabanut* - is that this “acceptance” involves

a promise to observe all the *mitzvot* and that the convert's subsequent non-observance violates that promise and is grounds for annulling the conversion. The members of the new alternative conversion court, on the other hand, are apparently of the view that the *ger/gyoret* must simply "accept" the proposition that it is incumbent upon a Jew to uphold the Torah and the *mitzvot* even though s/he does not commit to observing every single one of them. While s/he is expected to try to be observant, his or her failure to keep any number of *mitzvot* does not break a promise and is therefore not grounds for annulment of the conversion. Both of these interpretations are plausible readings of the text, and neither the Talmud nor the codes clearly decide between them.\*\*

Progressive *halakhah* begins with the conviction that the Orthodox consensus on this or on any other issue is not to be identified as "the" *halakhah*. To put it another way, just because the preponderant majority of Orthodox rabbis say it's so doesn't make it so. The texts of Jewish law admit of multiple interpretations, and we have to choose from among those interpretations in order to arrive at any sort of *p'sak* (halakhic decision). That choice, indeed, should not be arbitrary; like any other reading of Torah it ought to be grounded in a thorough study of the sources. But those sources do not by themselves determine the decision. The *p'sak* rests not upon the texts alone but also, and in many cases primarily, upon what the interpreter brings to the act of reading the texts: the ethical values and cultural worldview of the community to which she or he belongs, as well as his or her sense of *tzorekh hasha'ah*, what the times require of us.

In this instance, a group of rabbis – yes, Orthodox rabbis – has abandoned the consensus Orthodox understanding of *kabalat hamitzvot*. They have chosen another possible and plausible interpretation of the text, the one that reflects their own ethical commitments and worldview: namely that the Torah and the *halakhah* would have us act so as to unite the Jewish people rather than divide it, to welcome the "strangers" in our midst rather than to erect unreasonable barriers to their entry into the covenant. Undeterred by the weight of precedent, they have chosen to act upon the interpretation of the *halakhah* that gives voice to those values.

That's exactly what we, the students of progressive *halakhah*, try to do. We do not believe that there is necessarily one right answer to every halakhic question. On the contrary: on every such question there can be a multiplicity of possible and plausible interpretations. Our task is to locate these possibilities, to explore them and study them, so that we and our communities can choose the best possibility, the one that most closely reflects the values that Torah comes to instill in us. We believe, in other words, that the *halakhah* contains multitudes, that it is too big, too rich, too flexible and too dynamic to be restricted to the consensus interpretation. We believe, in other words, in a *halakhah* that can speak to us and to our needs, that can offer real guidance on the challenges we face in our lives at home, in synagogue, and in the world.

And that, in a nutshell, is what the forward-looking Orthodox rabbis who have founded the alternative conversion courts have done. It is indeed a shame that even they, precisely because they *are* Orthodox rabbis, will not recognize the validity of *our* conversions. But it is heartening to see that, at least in this respect, they are approaching their work in the spirit of progressive *halakhah*.

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\*I mean here the consensus position among the *g'dolim* (גדולי הדור or גדולים), the "leading sages

of the generation” (mostly heads of important *yeshivot*) who are the recognized halakhic authorities among the Orthodox community.

\*\*Neither Rambam (*Mishneh Torah, Isurei Bi'ah* 14:5) nor the *Shulhan Arukh (Yoreh De'ah* 268:3) explains “קיבל” as a promise to observe all the *mitzvot*.