The Jerusalem Report

VIEWPOINT

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A Tragic Annulment

THE RECENT DECISION BY the highest Haredi legal authority in Israel to annul conversions to Judaism conducted by religious Zionist Rabbi Haim Druckman is not only blatantly unjust, it flies in the face of centuries of Jewish practice.

By upholding the ruling of the Ashdod rabbinical court that had annulled the conversion of a woman seeking a divorce, Haredi Rabbi Avraham Sherman has called into question the Jewish status of 40,000 Israeli converts – mostly Russian – who have converted under the supervision of Druckman and his Conversion Authority.

But retroactive annulment of conversion on the basis of failure to observe all the commandments after the conversion ceremony has virtually no precedent in classical rabbinic tradition. From the time of the Talmud through Rabbi Abraham Isaac Kook in the 20th century, the dominant tradition in Jewish law has held that once a conversion is performed, it cannot be annulled retroactively.

True, there was a 20th-century minority trend started by Rabbi Nathan Wiedenfeld of Galicia, who ruled that a "sincere acceptance of the yoke of the commandments" on the part of the convert, as displayed through observance after the conversion was a prerequisite for a valid conversion. Otherwise, the conversion – despite the rites the convert had undergone – was invalid. A few other Eastern European authorities adopted the same position.

Unfortunately, this minority trend also found expression in modern Israeli religious courts. In the early 1980s, a rabbinical tribunal in Haifa retroactively annulled the conversion of a Mrs. Bonkovsky. Born to a Jewish father and a Gentile mother in Poland, Bonkovsky and her family made aliya after World War II. In Israel, she – along with her mother and sister – converted to Judaism under the auspices of an Orthodox rabbinical court. As an adult, she came before the Haifa tribunal in a divorce suit. In the course of the proceedings, she stated that she was non-observant. The court then declared – despite the lapse of decades – that her conversion was null and void and that she was a non-Jew.

While the Bonkovsky ruling did not gain widespread publicity, an earlier case involving Chava and Otto Langer and their children Hanoch and Miriam did. When it was discovered in 1956 that Mrs. Langer had previously been married to a convert and that she had separated from him without receiving a divorce, a rabbinical court in Tel Aviv ruled that Mrs. Langer had no right to remarry. As a result, Hanoch and Miriam – born in 1945 and 1947 – were *mamzerim* (religiously illegitimate) and therefore forbidden from marrying other "kosher Jews" by Jewish law.

When in 1970 Hanoch applied for a marriage license, he was refused permission to marry on the grounds that he was illegitimate. Outrage greeted this refusal and the "Langer case" became something of a cause célèbre. After two more years of appeals, the newly installed Ashkenazi Chief Rabbi Shlomo Goren "resolved" the problem by convening a rabbinic court that declared the conversion of Mrs. Langer's first husband "null and void." Goren argued that the failure of the first husband to observe the *halakha* faithfully after his conversion – he was reportedly seen eating pork and attending church services – could be cited as grounds for this annulment. As the impediment to marriage for Mrs. Langer no longer existed, the status of "*mamzer*" no longer applied to Hanoch and Miriam. The brother and sister were now free "to marry any Jew."

While this decision was widely hailed for the desired result it achieved, former cabinet minister Amnon Rubinstein, then-dean of Tel Aviv University Law School, pointed out in a prescient op-ed piece that the ruling contravened what was previously the dominant Jewish legal stance on conversion. Indeed, he observed that a precedent had now been set that made it impossible to assert that any conversion could ever be deemed permanent. While Goren had a perfect right to his legal opinion, Rubinstein maintained that the ruling was neither in accord with the highest traditions of Jewish law nor in the best interests of the Jewish people.

The warning Rubinstein sounded then is instructive now. Sherman surely has a right to his ruling. However, it is a tragedy that his decision is at this moment enforceable as law in Israel. It fails to take into account the collective interests of the Jewish people and the State of Israel in the modern era. All efforts should be made to repeal its legal authority. ●

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