

The Implications of the Religious Conversion Law

Background

The Order of Religious Congregation (Conversion) provides the legal framework for the regulation of religious observance and affiliation in Israel. An individual who, after undergoing conversion from one religion to another, seeks legal recognition of that conversion, can receive a certificate confirming acceptance into the congregation from its official head or an appointed agent. The district official of the Ministry of Interior will register the conversion after verifying the identity of the applicant and the certificate transmitted. This procedure, dictated by the civil legislation regulating individual choice of religious creed, has significance far beyond these allegedly bureaucratic operations.

The demand has again been raised — primarily by the religious parties — to transfer control of conversion of non-Jews to Judaism either to the Rabbinical courts or to another recognized orthodox authority within Israel. This would be carried out by amending the Religious Conversion Law or the Law of the Rabbinical Courts (1953). The latter law delegates the sole authority over a number of issues determining personal status to the Jewish Orthodox courts. According to the latest proposal, the spectrum of authorities of these courts would be expanded to include conversion.

Implications of the Religious Conversion Law

The real issues extend significantly beyond the technical details contained in any of the proposals offered. The Order of Religious Congregation (Conversion) must be considered in conjunction with the Law of Citizenship

צוות ההיגוי
מר חיים י. צדוק, י"ר

ד"ר וינפריד וייט
ח"כ יהודה לנקרי
ח"כ יוסי ביילין
מר חיים הרצוג ז"ל,
י"ר ראשון

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and the Law of Return, and viewed within the context of the debate between the religious and secular segments of Israeli society concerning the Law of Return and the question of “Who is a Jew?”. The true aim of the proposed amendment is, then, to strengthen orthodox control over the religious conversion of non-Jews wishing to *live their lives as Jews*.

The conservative and reform streams of Judaism, whose members encompass the majority of North American Jewry, contend that the proposed amendment to the Order, which would pass control of conversion to the orthodox rabbinical courts, seriously threatens both the status of these movements just as it weakens potential reform and conservative Jewish immigration to Israel.

These conclusions are related to the structure of the Order of Religious Congregation (Conversion). The Order is comprised of two components determining the legal recognition of conversion: the first religious, the second civil. Certification by the official head of a religious congregation carries with it religious authority, while registration by regional officials suffices for civil purposes — the first is a necessary condition for the second. Thus, both authorization are required for the juridical status of the religious conversion.

In addition, ultra-orthodox political parties have demanded creation of “security” mechanisms able to withstand future rulings to be handed down by the High Court of Justice. They have done so in face of the recognition of non-orthodox conversions by the Court, a trend that has emerged in recent years. Thus, these proposals appear to be aimed at confronting the Court’s tendency to rule in favor of these conversions.

Furthermore, the transfer of control over religious conversion to the rabbinical courts is seen by some as an attempt to undermine the willingness of individuals desiring to convert irrespective of the chosen procedures. In contradiction to this position, it can be argued that Israel is a “Jewish and democratic” state, as noted in Basic Law: Human Rights and Freedom and other legal commentaries. Therefore, it is contended, the demanded modification of the statutory standing of religious conversion is inherent in both the Jewish character of the state and its democratic procedural framework. Moreover, the degree to which the Supreme Court will be willing to intervene in legislative processes or the shared views of the coalition members is yet to be resolved.

Summary

The possible change of the Law of Rabbinical Courts is perceived by the secular circles as a material change in the religious-secular status quo. We can contemplate a number of possible solutions to the present circumstances — for example, the convert may be entitled to individually select the rabbi who would certify the religious conversion, as long as that rabbi possesses some form of authorization to do so.