

The Rav, Gairus, Melamed L'Ho'il
May 12, 2002

The Rav volume 2:17.08 Halakhic Difficulties

Related by the Rav in his lecture on "Rashi on Aseret Hadibrot" at the RCA Annual Convention, June 30, 1970¹

Footnote 1:

The Rav was alluding to two halakhic issues that had become causes celebres on the Israeli scene. The first concerned the registration of Jewish nationality on the identity cards that are issued to residents of the State of Israel. Only a child born to a Jewish mother or a proper convert is a Jew according to halakhah. In 1968, an officer in the Israel Defense Forces requested that his two children born of a non-Jewish mother be registered on their identity cards as Jews. When the Ministry of the Interior refused to accede to this request, they petitioned the Supreme Court to force the ministry to register the children as Jews. The court decided on January 23, 1970, by a majority of five to four, that the children should be so registered. Some of the judges stated that the concept of nationality on the identity card was a secular one and therefore the children could be considered Jewish from a secular point of view.

This decision aroused a strong protest in Orthodox circles. The law was subsequently amended by the Knesset to accept as Jews only those born of Jewish mothers or converted. However, it did not specify that the conversions had to be done in conformity with the halakhah. Thus non-Orthodox conversions performed outside the State of Israel would be sufficient for registration as a Jew on the identity card.

Another case concerned the permissibility of a female proselyte marrying a kohen. Such a union is explicitly forbidden by the Shulhan Arukh (Even ha-Ezer 6:8). To compound the situation, the couple resided in a totally nonreligious kibbutz. Thus, in addition to violating the prohibition of a kohen marrying a proselyte, the couple would also not be observing the other tenets of Judaism. In such circumstances, a conversion would be invalid because it would not allow for the observance of the precepts of Judaism on the part of the proselyte. Such observance is essential if a conversion is to be valid. In this particular case, the woman had already been converted by a Reform rabbi in Israel. She had petitioned the Israeli Supreme Court to compel the Interior Ministry to recognize the conversion. Rabbi Shlomo Goren, at that time the elected Ashkenazic chief rabbi of Tel Aviv-Jaffa, reconverted the woman in accordance with Orthodox ritual. He permitted the conversion and union as a last resort because of pressure on the rabbinate by secular Israeli politicians. Rabbi Goren based his decision upon a responsum penned by Rabbi David Zevi Hoffman [1843-1921], the rector of the Orthodox Rabbinical Seminary in Berlin. See the latter's *Melamed Leho'il*, vol. 3, responsum 8.

Following Rabbi Goren's conversion, the woman canceled her petition to the Supreme Court.

In a responsum on a similar question Rabbi Moshe Feinstein [1895-1986], the leading American posek, took the same position as the Rav. He also took issue with the ruling of the *Melamed Leho'il*. See Rabbi Feinstein's *Igrot Moshe*, vol. 4, Even ha-Ezer, responsum 4, pp. 313-314.

Accepting the yoke of mitzvot is integral to our concept of conversion. The topic of gerut or conversion is very popular now. In Eretz Yisrael, they show miracles in that it is possible to convert without acceptance of the heavenly yoke but simply by relying on what will happen in the future. I do not like to talk about it, as I do not wish to discuss politics. However, this is more important than politics. I am very dissatisfied with the solution they have found. It has not enhanced our prestige. There was no sanctification of God's Name. The issue should have been fought out, and the Law [of Return] should have been amended to read that conversion is only in accordance with the Torah [giyur ke-din Torah]. Now it is suspended in midair. All right, you've solved this problem. Tomorrow you'll have another problem. There are another five challenges lined up. You can rely on *Ha-Aretz* [Israeli newspaper] and the League [Against Religious Coercion]. They are a group of sinners and infidels. I will tell you frankly, lately I have read editorials in *Ha-Aretz* that would have won prizes in Nazi Germany. These editorials are not criticisms of Orthodoxy, nor are the expressions of agnosticism. They are plain, mean hatred of Judaism.

This does not mean, however, that Orthodoxy has performed well. The prestige of Orthodoxy would have been enhanced if Mizrachi had quit the government. I am sorry to say so. I wrot to [Hayyim Moshe] Shapira [1902-1970; Mizrachi leader and Israel's Minister of Interior]. I did not want to publish my statement. I am not one of those about whom the sages say: "They live in Nisibis [in Mesopotamia], yet their net is spread in Jerusalem" [Pesachim 3b]. I do not like to give orders or instructions to those in Jerusalem. All I can say is that these are my thoughts. You may accept them if you wish. You also have a right to reject them. In my opinion, if the rabbis wish to improve things in Eretz Yisrael, redeem it, and make it more pious, we should go there. We should settle in Eretz Yisrael and then tell the Israelis what to do. I do not believe that in the diaspora we have the right to tell the residents of Israel what to do. However, as an onlooker, I feel that we have emerged from thte battle without dignity and glory. It is a temporary solution, but the problem will come again. We have lost a great deal. How can a conversion be valid when one lives in Nahal Oz, a kibbutz of Ha-Shomer ha-Za'ir [a socialist Zionist movement], where the kitchen is traif [unkosher], the Sabbath is not observed, and she herself [the convert] is married to a kohen [in violation of Jewish law]. How can she accept mitzvot? I cannot graps it. You need the mind of one of the great sages of Israel to understand this. I am too stupid for this. [Laughter.]

I wish to emphasize something else. In an interview given by a certain rabbi to the Israeli press, he was asked how he could convert her if she was going to return to her husband, who is a kohen and therefore forbidden to marry her. He said that there are posekim who permit a convert to a kohen. Frankly, I am not a great scholar, but I am also not a great ignoramus. I challenge the rabbi to tell me who these posekim are. This is certainly a prohibition whose roots are in Torah law. How can posekim come and say that a convert is permitted to a kohen? Such a viewpoint is beyond and above me. I will be frank with you, there is freedom of interpretation in Torah study. However, such an approach is a fraudulent interpretation. I am sorry I have to say this. No one has ever said that a convert is permitted to a kohen. It is impossible!

I also wish to say something else. People know my attitude toward Eretz Yisrael. I consider the emergence of the State of Israel a miracle. It is the dam that slows the tide of assimilation. I know many Jews who were oblivious of their Jewishness. They woke up because Eretz Yisrael challenged them. Somehow they felt that they were summoned by Eretz Yisrael. God forbid, if anything should happen to Israel, a tide of shmad [apostasy] and assimilation will sweep through the world and overtake our people. I know all this. However, we are not ready to change the identity of our people. If it is a problem of whether the state should prevail or whether the identity of our people should remain, we will choose the latter. This is important for the Israeli leaders, and particularly the Minister of Justice to know. After all, the Western immigration to Israel is recruited mainly among Orthodox young people. A very small number of immigrants to Eretz Yisrael come from Reform and Conservative circles. In order to please a small group of Jew-haters, it does not pay to lose the sympathy and the love of Orthodox Jewry.

All right, I do not know how I got onto this topic. I have enough problems as is. Nevertheless, I have to say this publicly. I do not like it when people try to cover up. Again, I am not telling the Israeli rabbis what to do. I am just expressing my own opinion – the opinion of a private person. Nevertheless, all my days I have grown up among the sages, and I know what conversion is. To make a mockery out of conversion is beyond me!