

Israel's Rabbinical High Court Reinstates Jewish Conversion Revoked by Lower Court

Court did not rule out retroactively revoking conversions in cases where the convert failed to observe Jewish ritual, the reason for the initial revocation.

Yair Ettinger Apr 12, 2016 7:48 PM

The High Rabbinical Court on Tuesday affirmed the Jewishness according to Orthodox Jewish law of Sarit Azoulay, her mother, brother and daughter, bringing a four-year legal drama to an end.

The ruling overturned a Jerusalem regional rabbinical court ruling that revoked Azoulay’s mother’s conversion to Judaism, 30 years after the conversion was confirmed. With her mother’s conversion revoked, Azoulay herself was deemed not to be Jewish and therefore ineligible to marry another Jew.

The High Rabbinical Court’s ruling may have validated the conversion of Azoulay’s mother, but it contained the implicit warning that it was permissible to retroactively invalidate conversions if the person who converted did not subsequently observe Jewish ritual.

Sarit Azoulay was born to two purportedly Jewish parents, was raised in Israel as Jewish and served in the army. At age 28, when she was about to get married, she was informed by a rabbinical court that it did not recognize her as being Jewish and would not register her marriage.

Azoulay’s mother’s 1983 conversion was performed by an official Orthodox rabbinical court (before conversion courts were established) under the auspices of former Chief Rabbi Shlomo Goren. The Jerusalem regional rabbinical court revoked the mother’s conversion on the grounds that she had not observed Jewish ritual following her conversion.

In its ruling on Tuesday, the Rabbinical High Court stated: “The court confirms that the mother of [Sarit Azoulay] was converted in a conversion recognized by the Chief Rabbinate. A review of the transcript of the regional rabbinical court shows that the mother said that she observed mitzvoth [religious commandments.]”

The high court insisted, however, that it was not ruling out retroactively revoking conversions in other cases in which the convert had failed to observe Jewish traditions.

Revocation of conversions is a controversial practice that rabbinical courts occasionally utilize when they encounter converts – usually those registering to get married or divorced – and investigate whether they kept the mitzvoth, as they had promised to do when they converted.

Several years ago, the court of the Chief Rabbinate revoked thousands of conversions performed by special conversion courts, in a ruling that stirred a political tempest. The ruling was eventually withdrawn out of concern of intervention by the High Court of Justice.

In Tuesday's hearing, the judges attacked Rabbi David Stav, chairman of the Tzohar organization and the couple’s community rabbi, for agreeing to register Azoulay and her partner as married despite the decision of the regional court.

Azoulay said after Tuesday's hearing that the composition of the judges headed by Chief Rabbi David Lau was focused on closing the case and did not take any further testimony from relatives.

She said she was happy about the court’s decision, but “they ignored the injustice done to us. They didn’t apologize or mention it, as if they were sweeping everything under the rug. It was that kind of show. After they recognized our Jewishness, they also asked my brother to go to Torah lessons.”

Attorney Nitzan Caspi Shiloni of the Center for Women’s Justice represented the family in the case, which was first reported by Haaretz last November.

“We can smile today and be proud of our diligent work,” said Caspi Shiloni. “Sarit let the court with a kosher stamp of approval of her Jewishness. Still, Sarit’s individual case was solved, but the policy of investigating the lifestyle of every convert who comes to get married or divorced hasn’t changed. Converts still can’t sleep at night out of fear that the religious establishment is liable to revoke their Jewish status.”

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