

Israel's Rabbinical Court Can’t Remember Why It Canceled Woman's Conversion

In response to appeal by the woman’s daughter, religious judge finds it hard to explain reasoning behind decision, which was made 30 years after initial conversion.

**Yair Ettinger Dec 17, 2015 5:20 PM**

The members of a rabbinical court who voided a woman’s conversion 30 years after the fact are finding it hard to remember and justify their 2012 decision, which was published without any explanation. The woman’s daughter, Sarit Azoulay, recently decided to fight the decision at the High Rabbinical Court, which starting hearing her appeal last month.

“I am writing this according to my memory,” wrote Rabbi Yaakov Eliezerov, one of the three dayanim (rabbinical court judges) on the original Jerusalem Rabbinical Court panel. Eliezerov had been asked to explain in writing the basis of the ruling to the High Rabbinical Court. The other two dayanim have already retired.

“If the High [Rabbinical] Court finds it proper, it can change the court’s decision as it sees fit, and a dayan has only what his eyes see,” wrote Eliezerov.

As reported in Haaretz last month, the decision to belatedly void her mother’s conversion prevented Sarit Azoulay from registering for marriage in Israel. Azoulay was born in Israel to Jewish parents, was raised Jewish, served in the army and studied at university. At 28, when she decided to get married, the state’s rabbinical court informed her, out of the blue, that it did not recognize her as Jewish.

The rabbinical court judges based their ruling on investigations – seemingly in contravention of regulations – into the bride’s mother, deeming that her conversion to Judaism in 1983, sponsored by a former Ashkenazi chief rabbi, was no longer valid because she did not live a religious lifestyle or keep the commandments, as she had committed to doing in 1983.

In a process that apparently went against internal rabbinical court directives, High Court of Justice rulings and the conversion law, the court determined that the mother was not Jewish and neither was Sarit.

Two weeks ago, Eliezerov wrote a short document justifying the court’s ruling. He wrote that the dayanim based their decision on the fact that “the mother sent her daughter to a nonreligious state school,” which Azoulay says took place seven years after the conversion and not at the time of it.

Eliezerov also wrote that the conversion wouldn’t have been voided “if there had not been other doubts as to whether the mother deceived the conversion court that converted her when she said she accepted the commandments – but in practice did not do so.”

Azoulay’s mother converted in 1983 in the semi-official Orthodox court (special conversion courts had not been established at the time) that operated under the authority of Rabbi Shlomo Goren. She married and a year later gave birth to Sarit. When Sarit was a toddler and her younger brother still a baby, her parents divorced in an Orthodox court in Israel, as Jews.

Azoulay’s fiancé’s mother, who is also a convert, presented her conversion certificate to the court as required, like Sarit’s mother, three months before the wedding date. The court accepted the Judaism of the groom, whose mother was converted by former Sephardi Chief Rabbi Ovadia Yosef, but sent Sarit to the regional rabbinical court for clarification of her Jewish status.

The rabbi who heard her case in 2012 was Rabbi Chaim Yehuda Rabinovitch (who has since retired), who ruled that her case had to be discussed by a bench of three rabbinical court judges.

The hearing took place two weeks later. Sarit brought in two witnesses who knew the family. “The judges heard the witnesses and then began to ask about me – Who am I? What do we do on Shabbat?” recalled Azoulay. “Then the judge asked me to call my mother, in the middle of the workday. He asked her what the Torah portion was for that week, and she didn’t know. He then asked if she observed Shabbat and niddah,” adds Sarit, referring to Jewish laws governing aspects of behavior during menstruation. The court minutes do not mention the phone call. Then, two weeks later, the mother herself was summoned to the court and questioned about her lifestyle by the three judges.

After that hearing, the judges declined to recognize Sarit as Jewish. The ruling, signed by rabbis Rabinovitch, Eliezerov and Masoud Elhadad, arrived in the mail two weeks before the wedding date, Sarit added.

The couple then turned to Rabbi David Stav, from the liberal-leaning Orthodox Tzohar organization. He registered them for marriage, as he is authorized to do. The marriage is now recognized by the state but earlier this year, when Sarit gave birth to a daughter, she decided to appeal the 2012 ruling because of its possible impact on her child. Sarit Azoulay needed her mother’s cooperation to appeal her case and reopen the conversion file. She said her mother was initially reluctant to do so.

Dr. Susan Weiss is heading the appeal, together with attorneys Nitzan Caspi Shilony and Alona Toledano. Caspi Shilony called the decision to void the conversion “a declaration of war by the rabbinical courts against all the conversions by Rabbi [Shlomo] Goren, and the state conversions in general. It is clear the dayanim would not have cast doubt on conversions by rabbis who [shared] their worldview. The rabbinical courts are an arm of the State of Israel, and it cannot be that they deal with the investigation and sleuthing into converts after the State of Israel has signed their conversion certificates,” she said.

After receiving the document that Eliezerov wrote concerning the 2012 ruling, Azoulay’s lawyers subsequently amended their appeal. The lawyers wrote that, given the statements of Eliezerov, Azoulay “remains perplexed in light of the lack of factual accuracy that arises from the justifications, as well as the halakhic [Jewish religious law] difficulties the decision raises and the heavy suspicion of deceiving the convert.”

There is no evidence whatsoever that the mother misled the court, because the court transcripts quote her as saying she kept the commandments fully after her conversion and there is no evidence to the contrary, added the lawyers. Even if the mother had not maintained a religious lifestyle after her conversion – which they say she did – there was still no justification for voiding her conversion, they wrote.

After Haaretz reported the case last month, the Beit Hillel rabbinical organization – part of the moderate wing of the religious Zionist movement – published a condemnation of the Jerusalem Rabbinical Court. “Halakha does not allow the canceling of a conversion as a result of the behavior of the convert after the conversion, as the court did three years ago, and the examination itself of the convert’s lifestyle seriously harms their privacy. Voiding the conversion is an improper procedure and a dangerous precedent, and it must be ensured that the decision is reversed on appeal,” wrote Beit Hillel.

Invalidation of conversions is a controversial practice occasionally invoked when the rabbinic courts come across converts – such as in marriage or divorce proceedings – and question them as to whether they are religiously observant.

A few years ago, the High Rabbinical Court invalidated thousands of conversions carried out by special conversion courts, sparking a political crisis. The ruling was eventually reversed out of fear that the High Court of Justice would intervene.

Weiss says the conduct of the religious courts is such that “no convert can sleep peacefully in Israel.” Any convert who must appear in a rabbinical court could find himself or herself “interrogated about their lifestyle, and sometimes the conversion can be declared invalid. Now we see added to this the children of converts who were born and raised completely Jewish,” she said.

Rabbi Shimon Yaakobi, the acting administrative head of the rabbinical courts, acknowledged to Haaretz that the original ruling in the case was “very rare.”

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