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A Jewish State? Controversial Conversions and the Dispute Over Israel's Jewish Character

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Abstract The purpose of this article is to outline the ideological and theological controversy over the issue of conversion to Judaism in Israel that has remained on the agenda of the Israeli public discourse since its founding (1948). Through an analysis of the viewpoints of three central political and religious leaders on this issue, this article aims to demonstrate that beyond fierce political debate, the disagreement lies within what each leader views as adequate interpretations of Jewish history and religion in the modern State of Israel. This comprehensive dispute illustrates that the three sides cast the meaning of Israel's basic character differently —as either a Jewish secular nation-state, a Jewish religious state, or rather a combination of the two. Thus, the controversy over conversion highlights the fact that Israel has not yet succeeded in forming a consensual conception of its definition as a "Jewish state."

Keywords Politics and religion · Modern Israel · Historical models of conversion to Judaism · Religious and national conversion · A Jewish state

Preface

For many years, conversion to Judaism (*giyyur*) and the proper way to join the Jewish people have been at the center of an argument which has been raging in the Jewish world, and particularly in the State of Israel. Unlike the situation in other democratic nations, in the State of Israel the argument over conversion is a political question that has been part of the public discourse since the founding of the State of

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Israel in 1948 and has continued to be so into the 21st century. Policy decisions on religious conversion by the government, by the legislature (the Knesset), and by the Supreme Court have served as a justification for breaking up governing coalitions, for legislation opposing the Supreme Court, and for religious-secular conflict (Fisher 2011; Landau 1993). The main objective of this article is to identify and trace major trends and shifts in conversion ideology in Israel. It is not meant to grapple with the political and sociological aspects of the issue, nor to explain historical changes or legal trends in Israeli conversion policies, but rather to explore and develop a "road map" of the conversion dilemma in Israel.

The central thesis of this article is that the different perspectives underlying this dispute shed light not only on matters of conversion, but also on the deep disagreement over the meaning of Israel as a Jewish state. The reason conversion became such a controversial topic is because any new conversion policy that is adopted is perceived as a decision impacting the boundaries of national self-definition, the relationship between religion and state, and the role of the modern State of Israel in the context of Jewish history and theology. The sides' stances diverge not only through ideological-political disagreements, but also over the theological question of how to apply Jewish religious tradition in a modern state—an argument that reflects differing interpretations of the concept of conversion itself. The convergence of these two axes—political and theological—demonstrates how politics and theology affect one another, and how they together shape the public sphere in the State of Israel.

This article begins with an explanation of the tension between religious and national identities—a tension that feeds the controversy over conversion in Israel and makes it unique on the international landscape. The second part of the introduction discusses this tense relationship, which was expressed in the past through various historical models of conversion, but which reached a new peak following the establishment of the Zionist movement and the founding of the State of Israel. Only then was Israel's leadership called upon to choose which of these historical models would be suitable for implementation in the State of Israel. The answers given to this question reflected different positions regarding the proper balance between religion and nationalism, influencing the character of the public sphere in Israel.

Although there is a rich *halakhic* (i.e., Jewish legal) and historical literature on conversion, there has not been an attempt to show how the differing models have been integrated in political and ideological disputes. This article fills that gap by presenting the various approaches as they have been expressed in the ideology and political activity of three Israeli leaders—David Ben-Gurion, Rabbi Shlomo Goren, and Rabbi Yosef Shalom Elyashiv. These leaders represent the three dominent positions existing within Israeli Jewish society: the secular-nationalistic approach, the approach that integrates religion and nationalism, and the Ultra-Orthodox approach. Juxtaposing and comparing these three leaders will help map out the conceptual sides of the dispute, thereby shedding light on the conflicting answers that have been given to the question of the meaning of a modern Jewish state.

The Tension between Religion, Society, and Nation: The Application of a Complex Jewish Tradition in the State of Israel

The involvement of the State of Israel in matters of conversion is a phenomenon that has no parallel in other democratic states. In most democratic states, conversion is understood to be included in the right to freedom of religion guaranteed by the state. Although there are countries, mainly in Eastern Europe, Asia, and South America, which show a growing involvement in regulating this field of activity, especially since the 1980s, this involvement has been expressed largely in limiting missionary activity (Hackett 2008; Witte 2007). Israel, on the other hand, at least since the 1970s, is characterized by an active encouragement of sectors within its non-halakhic Jewish population to undergo a process of conversion. This unique political involvement in matters of conversion in a democratic state results from the fraught relationship between religion and nationalism that existed throughout the history of Zionism, the Jewish national movement, a tension that was passed on to the political culture of the State of Israel.

The origins of this tension are rooted in the dawn of Jewish history. From the beginning, there was a strong link between religion and ethno-social identity. This link was unusual in comparison to other societies. The Jews saw themselves as members of a Jewish nation, or extended family, having an exclusive religion that was theirs alone. This link began to weaken in the 18th and 19th centuries when the processes of global secularization did not leave the Jewish people unaffected. The Emancipation and the acceptance of the ideas of the Enlightenment brought about a significant weakening of religion as a central focus of identity in the ethnic Jewish community. From across the divide, the Jewish nationalist movement presented itself as a key alternative to religion, and strove to define the Jewish collective in nationalistic terms not subject to religious tradition and, to a certain extent, even in opposition to religion. According to many of the founders of Zionism, religion characterized Jewish life in exile, but would no longer be needed in the Land of Israel when a modern Jewish state was established.

It should be noted that the tension between nationalism and religion was not unique to the Jewish nationalist movement. The founders of various nationalist movements during the 19th and 20th centuries attempted to weaken the power of religion, which they viewed as a competitor, as an alternate basis on which society could be built. That said, the uniqueness of the Jewish case lies in the need that the Zionist movement had—in spite of all its opposition to religion—to depend on religion. The reason for this was not only that it was impossible to erase religion's powerful cultural imprint on the nation's history, but that the ingathering of the Jews to the Land of Israel from all parts of the globe was essentially based on the *Tanach* (the Hebrew Bible) and other religious sources. The secular leadership tried, then, to define its link to religion by way of recognition of religion's unique historical role (although no consensus regarding the definition of this role had been reached), while assigning primary importance to the world of modern, secular, and nationalistic concepts (Avineri 1981 pp. 3–13; Batnitzky 2011, pp. 147–165; Ben-Israel 2003). The need to incorporate religion into the Zionist movement was also a result of practical concerns: a significant number of Jews saw their religious beliefs as an

integral part of, and fulfilled by, the nationalist idea. One consequence of this nationalistic-religious approach was its proponents' demand to add religious features to Zionism. The Zionist leadership, largely secular, was occasionally responsive to these demands to some extent, if only to hold Religious Zionism as a check against the Ultra-Orthodox forces that opposed Zionism and continued to see in it and in the creation of the State of Israel an element threatening classical religious Jewish identity.

The interaction of religion and nationalism became more complicated following the establishment of the State of Israel. The need to reach decisions on practical issues required confronting tensions that until then had been only theoretical. Still, the decisions often lacked coherence, a situation that left conflicts unresolved. The manner in which Israel constituted its collective identity in legal terms is the ultimate example of this inconsistency.

As early as the establishment of the state, it was decided that the personal status of all citizens would be determined on the basis of religious categories and in religious courts. This meant that in all matters associated with marriage, divorce, and a number of other issues, religion would be the deciding factor dictating the identity of Israeli citizens. On the basis of these principles a state-run religious establishment was founded, including the Chief Rabbinate and the Rabbinical Courts.[1] The Chief Rabbinate is responsible for the issues pertaining to the practice of the Jewish religion in the State of Israel and is headed by two Chief Rabbis, who are considered Israel's highest religious authorities and are the religious hierarchy's senior representatives in public matters. The Rabbinical Courts are religious courts appointed by the state to administer the religious monopoly—an Orthodox religious monopoly—in matters pertaining to individual status.

However, in all matters related to immigration and naturalization, a broad definition of Jew was adopted. In order to enable the immigration to Israel of every Jew, the Law of Return (1950) did not define in halakhic terms "who is a Jew" but applied to anyone of Jewish origin interested in linking his or her fate to that of the State of Israel. The law was an apt expression of the idea of the "new Jew" that had been developed by the founders of Zionism, an idea that called for the creation of a new national identity based on identification with the Zionist ideal and an ethnic affiliation with the Jewish nation and not necessarily with the Jewish religion.[2]

[1] The Orthodox Rabbinate and the Rabbinical Courts were actually established in the 1920s, as part of the adoption of the Ottoman ruling system that gave religious authorities the privilege of ruling on matters of personal status. However, it was legally reestablished in the 1950s within the context of a larger commitment to the Ultra-Orthodox, which was delivered in 1947 in order to gain their support for the establishment of the state (Friedman1990a). Yet as explained in the text, the status granted to the rabbinate stemmed not only from an immediate political interest but also from the deep need to contain religion and its institutions within the emerging Zionist entity (Elam 2000).

[2] During the discussion preceding the legislation, the religious parties tried to add religious conditions to the definition of Judaism in the Law of Return. These proposals were rejected, as were those from the secular-left, which demanded precise legislation that would allow the entrance of mixed families. The elusive definition that was eventually enacted reflected a means of compromise but, as noted, it in fact allowed an open interpretation of the law that enabled the entrance of non-halakhic Jews to Israel during the early fifties (Hacohen 1998, pp. 285–316).

This tension was at the base of Israel's non-halakhic Jewish immigration policy, and it signaled the beginning of the conflict on the issue of conversion. Questions of immigrant absorption, which are emotionally laden in any country, became even more complex because of these two conflicting stances. On the basis of the liberal definition of Jewish identity, embodied in the Law of Return, it was decided not to limit the immigration of non-Jewish members of intermarried families. However, matters of personal status, defined according to religious criteria, denied these people basic civil rights, among them the right to marriage and divorce. The absence of a clear definition regarding how to register non-halakhic Jewish immigrants complicated matters even more. The country's leaders had to decide whether national identification with the State of Israel and the Jewish people would be the determining factor in regard to registration, or whether the religious definition of these immigrants as non-halakhic Jews would apply also to the civil population registry so that in order to be registered as Jews they would have to undergo conversion to Judaism. Thus, the issue of conversion was related to questions of immigration, naturalization, population registry, and personal status.

It should be noted that non-Jewish immigrants of intermarried families had immigrated to Israel (Palestine) during the British Mandate period. The less formal way of reaching decisions and the secular hegemony which characterized those pre-state years allowed for a more flexible policy, which was expressed by issuing immigration certificates to non-Jewish immigrants, with some of them even being registered as Jews (Fisher 2011, pp. 53–55). Only after the State of Israel was established and had to fully discuss and declare its immigration and registration policy did the dilemma turn into a heated dispute. As I will explain in detail later in this article, this contentious issue quickly developed into a political and ideological question: is it necessary to undergo a religious process in order to become Jewish in the State of Israel, or is a "social" or "national" conversion sufficient? This argument reflected a deeper disagreement: is Jewish identity in the State of Israel based on modern nationalism or on religion and tradition? The need for a formal decision on these issues heightened the tension between the separate elements of Jewish identity. However, it would be incorrect to regard political issues which naturally arose from the founding of the State of Israel, as the only source for the dispute. As previously mentioned, the origins of the dispute also reside in differing interpretations given to the concept of conversion over thousands of years of history.

What is Conversion to Judaism?—Various Historical Models

Historically, the Jewish collective defined itself as an ethnic group with a particularistic religion. Therefore, in Jewish tradition, conversion is defined not only as entering the religious community of Jews but also as joining the Jewish nation. In this context it was determined by some rabbis that the conversion to Judaism of someone who wants only to change his religious status but not his national affiliation is invalid (Lichtenstein 2003, pp. 194–195).

Despite this, the exact definition of conversion and the means of joining the Jewish nation has evolved over the years, and varying definitions have been

expressed by different models. I will begin with the Rabbinical Model, which is the most widely known at present, and which was developed mainly over the last two thousand years. According to this model, a convert must undergo immersion in a ritual bath (*mikveh*), undergo ritual circumcision (for males only), and make a commitment to observe Jewish religious law. These rules, and particularly the last, fixed the principle that joining Judaism was accomplished on the basis of a religious transformation. As a result, religious tradition developed clear-cut rules stating that a person joining Judaism must accept sincerely, and without any external motive, the yoke of the Torah and religious law. Thus, in order to maintain the purity of the process, Jewish rabbinic authorities were strict toward people who wished to become part of Judaism.[3] Despite the centrality of this model, other models existed over the course of Jewish history and these will be presented forthwith. I will begin with a model described throughout most of the Biblical period, proceed to a model that existed at the end of Biblical times—at the period of *Shivat Zion* (the return to Zion of the Exiles from Babylon), and conclude with the Hasmonean model.

In most of the books of the Bible we do not find a specific religious rite of passage that signifies joining the Israelite People. In the Hebrew Bible the term later used rabbinically for "convert" (*ger*) specifies a person who lives in the Land of Israel, worships the God of Israel, and assimilates into the Israelite nation throughout an undefined period of time. Yehezkel Kaufmann calls this process "territorial and national conversion," meaning that the Biblical "conversion" was a process, rather than a single event (Kaufmann 1929, pp. 226–229). For women the process was slightly different: by the very act of marrying an Israelite, they, and especially their descendants, would be considered part of the Jewish collective. The classic example of this social conversion is the story of Ruth the Moabite, who—after her marriage to Boaz and without any formal conversion procedure—became the forebear of David, the founder of ancient Israel, later to become the Biblical royal dynasty.

This is the common model in the Bible. However, there is an exception: the *Shivat Zion* model. When some of the Jewish people returned from exile in Babylon to the land of Israel (538 BCE), they constructed a new model for joining the Jewish people. Under the leadership of Ezra and Nehemiah, the newcomers were astounded to find that many Jewish returnees had intermarried. When the leaders were notified that the "seed of Israel" had intermarried with gentile women, they ordered the expulsion of all gentile women and their offspring, without mentioning any option of conversion. Although the books of Ezra and Nehemiah do not provide a clear justification for this unprecedented act, the common explanation among the commentators is that during this period the leaders conceived the notion that the Jewish people must remain pure, unmixed with other nations. After having left the Land of Israel for so many years, and after having defined Judaism as a religion lacking a solid physical grounding, no one could assert that by merely joining the Jewish people in their territory one could be considered a Jew, as was the case in the

[3] Due to the increasing interest in matters of conversion, in the last decade alone several monographs have been published on the rabbinical conversion model in Judaism (Amsalem 2010; Ellenson and Gordis 2012; Finkelstein 2006; Sagi and Zohar 2007). The comparison between them reflects the varied perspectives on this topic in the religious sphere itself.

Biblical era. Therefore, in order to preserve their weak and fragile Jewish identity, the leaders rejected any intermingling with those who did not belong to the pure core of the Jewish people (Novak 1999, pp. 20–21).

A comparison of the first two historical models shows that the Biblical model reflects a self-confident nation able to integrate foreigners, as opposed to the *Shivat Zion* model which reflects fear and drives it far away from any integration with strangers. The Hasmonean era (2nd and 1st century BCE) witnessed a new model. Three Hasmonean rulers required certain large population groups whom they had conquered—such as the Idumaeans and Ituraeans—to undergo conversion, i.e. to undergo circumcision and to adopt Jewish customs. This demand for conversion stemmed from the political motives of the Hasmonean rulers and demonstrated a deep bond between citizenship and religion. In order to be part of the Jewish state established by the Hasmoneans, these nations were forced to adopt the Jewish-national religion through a formal act of conversion. As a result, this conversion process may not be termed personal but rather collective, since the whole group was required to convert.[4]

These three models of conversion and means of joining the Jewish nation also reflect the various approaches regarding relationship between the Jewish religion and the Jewish nation. At one end there is the Biblical model, by which non-Jews become Jews through a gradual process of social and religious assimilation, blending into the Jewish majority. This is a more open approach that sees religion as a corollary of belonging to the Jewish nation. Ezra and Nehemiah presented a different approach. The days of the return to Zion from Babylonian exile were characterized by an attitude of insularity and guardedness that limited social contact with non-Jews, because of the desire to ensure the purity of "the holy seed." Unlike these two extreme, opposing models, the Hasmonean kings presented an approach that was somewhere in between. According to this approach, a nominal process of religious conversion, even including forced conversion, was deemed necessary under circumstances of a national-political interest, in order to absorb and assimilate non-Jewish minorities into the Hasmonean Jewish state. Over the years these three models gave way to the Rabbinical model which, as mentioned above, emphasized the religious element of the process.

Once Israel lost its status as a sovereign state, conversion to Judaism became a rare phenomenon. Thus, conversion became a personal issue, and broader political concerns became increasingly marginal in this context. Only in the last two hundred years, with the weakening of Jewish communal ties and the proliferation of mixed marriages, did many rabbis begin to ask themselves if it would not be possible to relax the rigid demands of a religious conversion process in order to enable many to remain within the Jewish community (Sagi and Zohar 2007, pp. 37–103). At the same time, secular Zionist thinkers began to wonder if, as part of the Zionist revolution, the time had not come to create a societal passageway for joining the

[4] Shaye Cohen deals at length with the redefinition of Judaism in the Hasmonean era. His main claim is that previously Judaism was an *ethnos*, but the Hasmonean era demonstrates a period when Judaism became an ethno-religion. This change explains the shift from the sociological conversion model, widespread in the Bible, to a religious-political conversion model, prevailing in Hasmonean times (Cohen 1999, pp. 109–139).

Jewish nation that would do away with the religious element of the process (Govrin 1985). This question became a practical one following the creation of the state due to the need to formulate clear rules of entry into the Jewish nation. At this point the question was raised: which model would best suit the State of Israel?

The assumption that opens this discussion, to which all parties agreed—consciously or unconsciously—was that the classic Rabbinical model was insufficient because it lacked the broad political considerations which a state must take into account. Still, there were those who sought to combine the Rabbinical model with the other models. In contrast, there were others, like David Ben-Gurion, who proposed abandoning the Rabbinical model entirely and applying the Biblical model with a contemporary interpretation.

Ben-Gurion and the National Conversion

From 1948 onward, the huge waves of immigrants who came to Israel brought with them large numbers of non-Jewish people, most of them as part of mixed-marriage families. The first Prime Minister of the State of Israel, David Ben-Gurion, welcomed these immigrants with open arms. On the other hand, the religious parties demanded this immigration be limited, and there were those who suggested that immigration of these individuals be made conditional upon their conversion. In spite of this, during the first years, the leaders of the state, in order to prevent a clash between religious and secular Israelis, found specific local solutions to problems that arose in this realm. However, a clash was inevitable. During 1956–57, about 4,000 non-Jewish immigrants arrived in Israel, mostly women and children from Poland and Russia. Until that point, non-Jewish immigrants were swallowed up by the huge flood of immigration. In 1957 the Polish immigrants were conspicuous due to their numbers and percentage (10 % of the immigrants that year). This immigration evoked the first conflict over conversion, which became known as the conflict of "Who is a Jew?" (Ben Rafael 2002; Samet 1985).

The conflict centered mostly on registration issues. The state had to decide how to register these new immigrants, especially the children: should they be considered Jews because their father was Jewish and because they immigrated to a Jewish state, or should they be registered as gentiles in accordance with Jewish law?

The National Religious Party (*Mafdal*) demanded that non-Jews not be considered Jews unless they convert. But the Minister of the Interior, Israel Bar Yehuda, who possessed a very secular ideology, set down regulations determining Jewishness to be a matter of self-statement. According to these regulations, every immigrant could consider himself or his children Jews if he or she so desired. At that point Prime Minister Ben-Gurion backed his Minister of the Interior and declined to make any changes in the secular-leaning regulations.

During the political debate, Ben-Gurion explained his approach by saying that entering the Israeli national melting-pot was accomplished through a gradual process of social assimilation and not according to religious criteria. To his mind, the establishment of a Jewish state expressed the new Jewish nationalism, in contrast to Jewish life in the Diaspora, which was based on religion. In order to

reinforce his opposition to religious conversion, Ben-Gurion set out to reinterpret religious tradition itself. Not surprisingly, he relied on the conversion model referred to in the Bible. As noted before, in the Bible we do not find a specific formal rite of passage that signifies joining the Israelite People. Therefore, Ben-Gurion used the Bible in order to convince his political partners that the Rabbinical-Halakhic conversion model is a late artificial invention:

> The greatest Jew in the world had two children from a gentile woman. Moses married the daughter of a Midianite priest. If we would insist that Zippora convert in front of three rabbis, where in the world would they have found three rabbis in those days?…We have one more well-known instance of this in the Bible: Bo'az and Ruth… It doesn't say she [Ruth] immersed herself in a ritual bath.[5]

This quotation and similar ones regarding the Biblical conversion model were not used solely for the sake of polemics. From the times of the early waves of immigration to Israel in the 1920s, the Bible became a source of inspiration to the newcomers. Jews in Israel believed that they were re-enacting their history by walking in the same places as had their ancestors, and by adopting the language of their ancestors as it appears in the Bible. As secular Jews, Ben-Gurion and his contemporaries thought that while halakhic laws had preserved the Jewish people in exile, these laws were no longer necessary in the State of Israel. In order to compensate for the rejection of the exile and its culture, the Bible served as a source of identification embedded in Jewish history. The halakha was replaced by Biblical ethical norms (skipping the religious laws of the Bible) which supplied a reliable connection to Jewish history, especially to the days when the Jews lived on their land (Liebman and Don-Yehiya 1983, pp. 25–58.). From this point of view, religious conversion was needed only in the Diaspora, whereas Jews in Israel, as in the times of the Bible, had the strength and self-confidence to assimilate non-Jews. As Ben-Gurion said:

> It says in the Torah 'because you were *gerim* (converts) in the Land of Egypt.' Did the Jews convert to Judaism in Egypt? What sort of tales are you telling me?…[only] later when the Jews had no land of their own, and the only thing that maintained them was their religion, they set up all kinds of regulations.[6]

Throughout the entire debate, Ben-Gurion stressed that the establishment of the Jewish state required updating the Jewish tradition so that it suited the new political reality. In the conversion context, this meant an abandonment of the religious conversion model in favor of the national model of "sociological conversion." Ben-Gurion asserted that this model was the authentic Jewish one, corresponding to the original Biblical model:

> In the Bible…one who resides in a foreign land is called a *ger* [convert]. Moses said 'I was a *ger* in a foreign land' and therefore named his son 'Gershom.' Did he convert in Midian?

[5] Mapai representatives' debate in the Knesset, 29 June 1958 (The Israeli Labor Party Archives (henceforth: TILPA) File Num. 2-11-1958-64).

[6] TILPA, ibid.

Ben-Gurion used the Bible selectively to suit his secular worldview. He virtually eliminated God from Scripture, and, in the heat of the argument, neglected the fact that in the Bible, one who joined the Israelite people adopted their religious way of life. Ben-Gurion based his argument on the Bible but gave it a new interpretation that accorded with the secular-democratic norms he espoused. These norms did not allow religion to determine the identity of the state's citizens, and at the same time the state was not supposed to interfere in the religious conversion of its citizens.

Ben-Gurion could not ignore the fact that his government gave special privileges to religion in all matters related to determining personal status. However, despite this, the idea that religious principles would determine the procedures of the population registry was rejected outright. As early as the beginning of the first discussion on the subject, Ben-Gurion asserted vigorously: "In our country the rabbis have no authority except for what the state has given them." He also added: "If they abuse this rule, I fear that even this authority will be lost to them. We will not take upon ourselves the authority of the rabbis. According to the Declaration of Independence, the State of Israel is a democracy and the people rule it."[7]

The State of Israel, Ben-Gurion argued, is not a religious state and does not intervene in religious matters. From his point of view, the fight over conversion was not only over the issue of registration, but over the very nature of the new state. He refused to give religion the authority to determine who is a Jew, because he wanted to maintain Israel's secular character. But, as stated previously, Ben-Gurion was not content with modern secular arguments that advocated the separation of religion and state. Rather, he set his sights on preserving the status of Jewish nationalism as an authentic identity in the Jewish historical continuum. From Ben-Gurion's perspective, the State of Israel had to reject any possibility of political involvement in religious conversion, not only because it was founded as a democratic nation-state, but because of its commitment to Jewish tradition itself.

The convergence of these two axes in the matter of conversion teaches us about Ben-Gurion's principles regarding the character of the State of Israel as a Jewish and democratic state. According to him, the State of Israel was a democratic nation-state that limited the power of religion, but also a Jewish state whose existence lay along the Jewish national continuum. Ben-Gurion's secularism was not one that detached itself from all ties to Jewish religious tradition. On the contrary, Ben-Gurion attempted to establish a Jewish nation-state that retroactively reconstructed the Jewish past by interpreting it in accordance with his own modern-secular ideals.

This Jewish-secular-cultural approach was the dominant one accepted by many of the state's founding generation. However, already by the end of the 1950s, it was possible to recognize the failure of these leaders to pass it on to the general public. The public debate over "Who is a Jew?" ended for Ben-Gurion with a partial defeat, since he capitulated to religious pressures and, in order to accommodate those demands, allowed in 1960 a change in the statutes applying to population registry (Elam 2000). That said, his defeat was camouflaged through various political maneuvers, and only at the beginning of the 1970s was official expression given to the ascendance of a new approach.

[7] Proceedings of the Government of the State of Israel, 22 June 1959 (The Israeli State Archives).

Rabbi Goren and Religious Conversion as a State Function

Beginning in the 1970s Israel's policy on conversion changed. The Law of Return was amended, establishing that a non-Jew could change his status only through a religious conversion to Judaism.

The inclusion of the conversion issue in the laws of the State of Israel brought about its rapid politicization. First, it created a schism between the State of Israel which, in many aspects, stuck to the Orthodox interpretation of the concept of conversion, and American Jewry, which is mostly non-Orthodox. In addition, once it was formally established that the only way to become a Jew was through a religious conversion, the political and social actors began putting pressure on the religious establishment, which was typically Orthodox, to set up a state conversion system that would enable the conversion of larger numbers of people.

And indeed, within a short time the Chief Rabbinate, together with various government ministries, set up a state conversion authority. The figure most significant in leading this change was the Chief Ashkenazi Rabbi at the time: Rabbi Shlomo Goren.

Rabbi Goren (1918–1994) served as the Chief Chaplain of the Israel Defense Forces (IDF) from the time of the establishment of the State of Israel (1948) and, subsequent to his retirement from that position (and after serving one year as Chief Rabbi of Tel Aviv-Jaffa), he was appointed Chief Rabbi of Israel, a position he held from 1972 to 1983.

Rabbi Goren's appointment as Chief Rabbi coincided with a number of religion-and-state-related public cases which arose at the time, primarily about issues of conversion. One of the main cases was "the Langer's brother and sister case," which dealt with the question of bastardy (*mamzerut)* of two siblings but indirectly also touched on conversion, or to be more precise, on the annulment of conversion. This case shook the State of Israel and the political leadership in the early 1970s, as the absence of a solution to the problem threatened to bring about a real rift between religion and state.

The Langer's blemish of bastardy was due to the fact that their mother married their father (her second husband) without having received a *get* (divorce) from her first husband, Avraham Borkovski, who was a convert. In order to release the siblings from this problematic status, Rabbi Goren ruled that Borkovski's conversion was not valid so that the first marriage was essentially annulled. Rabbi Goren's main reasoning for annulling the conversion was based on the doubt whether Borkovski's conversion ever took place, as he never presented a conversion certificate. As additional justifation, Rabbi Goren claimed that Borkovski continued going to church and never practiced the Jewish religion (Goren 1972).

At the time, conversion annulment was considered to be unusual, and Rabbi Goren's Haredi opponents spoke out sharply against "the terrible act…(of) expropriating the Judaism of a person who has the status of a convert and turning him into a gentile." They saw this as "a horrendous rupture in the wall of our holy Torah" and therefore they did not endorse this conversion annulment and claimed that "all the rulings of this man (Rabbi Goren) are null and void."[8] On Rabbi

[8] This public statement was published in several Ultra-Orthodox newspapers, such as *Hamodi'a*, October 24, 1972 (my translation).

Goren's part, though, the application of such an extreme step of annulling a conversion was meant to help the two siblings, thus strengthening the status of religion in the State of Israel (Fisher 2011, pp. 179–184). Important as it may have been, "the case of the brother and sister" was a one-time event, and when it was over, Rabbi Goren went on to cope with the broader problems of conversion, and first and foremost with the need to establish a state conversion program.

Rabbi Goren was the founder of state conversion in Israel. He was the first to establish training institutes and special courts for converts, which adopted a lenient attitude. Under Rabbi Goren's leadership, the State of Israel had the confidence to seek and encourage converts in a new fashion, previously unknown in Jewish history.[9]

These steps were not simple or easy. Rabbi Goren was well aware that throwing the gates of conversion wide open meant lowering the standard of religious demands as required by the Rabbinical model. In a private discussion relating to conversions held in the Knesset, Rabbi Goren stated:

> There is here a severe religious problem of conscience. The religious courts that are required today to convert are aware of the fact that converts will not keep all of the commandments…therefore I empathize with the religious court judges who don't want to become involved with matters of conversion… not everyone is willing to risk his afterlife. (*OlamHaBa*)[10]

Nonetheless, Rabbi Goren was not afraid of expanding conversion activity to an unprecedented extent. Thus, for example, he was willing to convert people who would live on non-religious kibbutzim after their conversion. This position was contrary to that of most of the rabbis of his generation whose opposition was based on the assumption that there was no chance that these converts would continue to maintain a religious lifestyle in a secular kibbutz. Rabbi Goren, on the other hand, believed that it was necessary to implement a lenient policy of religious conversion in order to prevent mixed marriages in Israel, and in order to preserve the religious monopoly on issues of personal status. It was clear to him that growth in the number of Israelis who were not halakhic Jews but identified as Jews would inevitably lead to increased pressure to separate religion and state, which he opposed vehemently. To counter the arguments of his rabbinic opponents he had to justify his innovative policy through the traditional method of referring to historical precedent.

Besides classical sources that backed his lenient approach, especially in states of emergency (*Sh'at Hadchak*), Rabbi Goren used, not surprisingly, the Hasmonean conversion model. In several of his writings, he referred admiringly to the conversions that the Hasmonean rulers had performed:

> When multitudes are coming it is possible to compromise, but it is necessary to convert them…this is not the first time that it is necessary to convert an entire nation. Hyrcanus converted the Idumaeans…One could argue against

[9] Surprisingly there is neither a research on Rabbi Goren's conversion enterprise in particular, nor on his other activities, notwithstanding its huge impact on the religious public sphere in Israel. For some aspects of his activities and for biographic information see Edrei 2005; Hollander 2011; Mescheloff 2010.

[10] Proceedings of the Internal Affairs Committee of the Knesset, 29 October 1976.

> forced conversions, but I have evidence that the conversion succeeded. (Karpin 1991)

He was aware of the fact that these conversions were collective and forced, which apparently invalidates them halakhically, but he claimed that because they were carried out in the Land of Israel, they were indeed valid. He did not propose any kind of forced conversion policy, and in fact he wrote precisely against it. However, he did claim that in the Land of Israel converts were to be encouraged because they would integrate into the Jewish majority's prevailing atmosphere (Goren 1989, pp. 184–185; Goren 1996).

In contrast to Ben-Gurion's approach, Rabbi Goren insisted that converts undergo a religious ritual (the Rabbinical model). However, he wanted to integrate this model with the Hasmonean view regarding assimilating non-Jews through religious conversion in order to preserve the confluence of religion, citizenship, and nationality. As in Hasmonean times, he asserted that conversion must not be regarded only from the religious and personal perspectives of each individual convert, but rather from a viewpoint that reflects Israel's national considerations and interests, which call for a more lenient approach towards conversion.

It is important to point out that reliance on the Hasmonean model is not generally accepted in halakhic literature, not only because these forced conversions did not fulfill accepted halakhic requirements, but also because it is not customary to use the history of the Hasmoneans as a binding halakhic source.[11] Jewish law at that time was not as developed as it is today. Therefore, rabbinical authorities do not generally refer to Hasmonean decisions as valid halakhic precedents. It is precisely for this reason that it is interesting to note that Rabbi Goren customarily referred to the Hasmoneans and other historical events in his analyses, not only in regard to conversion but in other contexts as well. When, for example, he served as Chief Chaplain of the IDF, he would rely on historical precedents from the wars of the Hasmoneans. That is because these issues of a Jewish army in a sovereign Jewish state "do not have an ongoing tradition of rulings from generation to generation" (Goren 1982, p. 10). Therefore, he explained:

> In order to find reliable halakhic and historical precedents for the purpose of solving the thousands of halakhic difficulties that exist in the IDF, it became necessary to gather and collect, one by one, fragments of halakhot, customs, and procedures that existed in the armies of Israel in ancient times…[For this purpose,] we used the Book of the Hasmoneans and other books not included in the canon…From them we established solid foundations for an authorized system of halakhic decisions built on Israel's Torah. (Ibid)

For Rabbi Goren, reliance on the Hasmonean model was more than just a tool to create historical and halakhic justification for a conversion policy. It was part of the religious-national ideology in which he believed. This approach saw the Jewish national movement as an integral part of Jewish tradition, and therefore religious people were obligated to support its ideas and to find their place within that

[11] Not surprisingly, Rabbi Goren's approach of using non-classical sources like the Hasmonean chronicles was criticized harshly, even by Zionist rabbis (Hollander 2011, pp. 47–64).

movement. As opposed to the secular Zionists who attempted to separate religion from the state, the religious Zionism of Rabbi Goren and his colleagues saw the return to the Land of Israel as a religious commandment, and it was therefore right to aspire to incorporate halakha within the state.

Rabbi Goren was not the founder of the religious stream within the Zionist movement. What made him unique was that, as Chief Chaplain and as Chief Rabbi, he was called upon to implement these principles. Applying them, as it turned out, was a complex task. The laws of the State of Israel were never identical to Jewish religious law, and most of Israeli society and its political leadership at the time of Israel's founding were secular if not anti-religious. In addition, there was (as mentioned previously) difficulty in finding halakhic precedents suited to the life of a sovereign state, because the known halakhic tradition had developed in Jewish communities in the Diaspora, where Jews were a minority within a non-Jewish majority. To overcome these hurdles, Rabbi Goren frequently made use of historical precedents, for example, the actions of the Hasmoneans. The Jewish state that the Hasmoneans had established served as a source of inspiration for him for the running of the State of Israel because it combined national and religious aspects.

There is, of course, a striking similarity between Rabbi Goren's approach and Ben-Gurion's. Both leaders espoused Zionist ideology and had to confront their religious detractors who claimed that the state stood in contradiction to Jewish tradition. In dealing with these objections, Rabbi Goren and Ben-Gurion both made use, in the dispute over conversion and in other contexts, of alternative Jewish sources in order to reinterpret religious tradition and adjust it to suit the reality of sovereign statehood.

However, as opposed to Ben-Gurion, who used the Biblical model in order to erase the effects of the years of exile and the halakhic tradition that developed then, Rabbi Goren wanted to merge religion and nationalism and incorporate halakha into the life of the state. When Ben-Gurion turned to Rabbi Goren as one of "the wise men of Israel" in the "Who is a Jew?" dispute of 1958, Rabbi Goren vehemently opposed Ben-Gurion's thesis that it was possible to assimilate non-Jewish immigrants without religious conversion:

> If someone explicitly proclaims that he is unwilling to take on the Jewish religion, but wishes only to join the Jewish people and nation, his proselytism is totally invalid…There is no Jewish nationality without the Jewish religion…Establishing a secular procedure for membership in the Jewish people would constitute a blow to the unity of the Jewish singularity, and would sow the seed of divisiveness, controversy and strife among the tribes of Israel, and would throw up a wall between one Jew and another. (Ben Rafael 2002, pp. 204–219)[12]

Rabbi Goren was unwilling to settle for the nationalist model that was championed by Ben-Gurion, but instead aggressively advocated and implemented

[12] Interestingly, at that time (1958) in his letter to Ben-Gurion, he referred to the Hasmonean model as a negative example of mass conversion. However, it seems that he adopted this model beginning in the 1960s when he changed his commentary on the issue.

during his term as Chief Rabbi a policy encouraging immigrants to go through the accepted halakhic process of religion-change (the Rabbinical model) even if only in its lenient form, as in the model of the Hasmoneans.[13]

This argument reflects, of course, two differing ideologies regarding the desired character of the State of Israel. Ben-Gurion, representative in his approach of the secular founding generation of the State of Israel, hoped to establish a nation-state with a secular bond to Jewish tradition. He attempted to secularize Jewish tradition in order to demonstrate its nationalism and therefore opposed including religious conversion as a formal procedure of the state-run system. In contrast, Rabbi Goren, in accordance with his religious-nationalistic ideology, strove to demonstrate that religion and nationalism go hand-in-hand. This school of thought had always been an integral part of the Zionist movement, but it received an extra boost from the 1970s onward. This position asserted that religion should not be given a backseat in the state. Religious legislation should have a central role in shaping the public sphere, and therefore the religious leadership was obligated to provide religious solutions to new challenges that arose from the existence of the state. Finding such solutions was not easy, neither theologically nor practically. However, despite these concerns, Rabbi Goren saw the conversion project as an important mission that confronted him, where his goal was to put an end to intermarriage in Israel, to strengthen the connection between citizenship and religious affiliation, and to preserve the religious character of the State of Israel.

Rabbi Elyashiv and the Ultra-Orthodox Opposition to State-run Conversion

Rabbi Goren's lenient approach to admitting converts was unacceptable to some Orthodox rabbis, especially those from the Ultra-Orthodox (*Haredi*) sector. This sector, characterized by religious conservatism and ideological rejection of modernity and the nationalistic idea, objected to the ideas of Rabbi Goren, who asserted that it was possible to relax the religious demands typically imposed on potential converts in the Diaspora when dealing with potential converts in the State of Israel. The Ultra-Orthodox camp espoused a strict interpretation of the Rabbinic model, according to which one should refrain from converting non-Jews as long as there is a lack of certainty that those undergoing the process are doing so out of pure religious motives.

The resistance by Ultra-Orthodox to state conversion emerged just after Rabbi Goren's term as Chief Rabbi ended, in the early 1980s. The Ultra-Orthodox camp, which steadily gained power from the mid-1980s onward, expressed its dissatisfaction with the state conversion process (which continued Rabbi Goren's legacy) through petitions, protests, and recurring attacks in the Ultra-Orthodox media. Torah scholars whose voices Rabbi Goren had ignored in the past began to put heavy pressure on his successors to stop what they called "the scandal of false conversions" (Anonymous 1989). One of the examples of this pressure was a

[13] It is not clear how far Rabbi Goren was willing to go with his leniency. However, it is certain that when a potential convert explicitly opposed Jewish law, Rabbi Goren would not convert him (see his letter to MK Omri Ron, 7 April 1978, Rabbi Goren archive).

"public pronouncement" (*Kol Koreh*) which was broadcast by the Haredi rabbinic leadership in 1984 and directed "to the rabbis and religious court judges in Israel":

> In view of the regrettable fact that the number of conversions has recently increased, and in a large percentage of cases the converts had no intention of keeping religious laws at the time of the conversion, we hereby issue a warning that it is a grave misdeed to accept converts without being genuinely convinced that they intend to keep religious law.[14]

This was a dramatic step which expressed a comprehensive war against Rabbi Goren's followers. For the first time in Israel's history it was declared that state conversions of the Zionist Chief Rabbinate were not to be automatically recognized, but rather that each and every case of conversion was to be examined to determine if it was halakhically sound.

These rabbis did not invent the idea of rejecting conversions. While it is true that basic halakha established that it is not possible to annul a conversion even if it was done in a negligent way, over the course of the 19th century various rabbis ruled that if a conversion was not based on genuine religious sincerity, and if the convert did not really intend to become religiously observant, the conversion could be cancelled (Finkelstein 2006, pp. 545–648). That said, no cases are known where this principle was put into practice, although the rabbis testified in their answers that many converts were non-observant. The classic example of this was of course "the Langer's brother and sister case" mentioned above. When Rabbi Goren annulled Avraham Borkovski's conversion in order to solve the Langer's problem, his Haredi opponents claimed this was a "terrible act." Though Borkovski did not observe the commandments and Rabbi Goren's solution to the case was based mainly on the doubt regarding whether a conversion had actually taken place, they strongly opposed the possibility of annulling the conversion of a person who was "considered a *ger* (convert)." Only from the 1980s onward did the practice of using this halakhic reform become widespread as I will explain below.

What changed? Why did rabbis not annul conversion in the past though many converts were non-observant, wheras since the 1980s the Haredi rabbis called for more and more use of this practice? The primary explanation lies in the establishment of the state-conversion system by Rabbi Goren during the previous decade. The growing number of converts and the fact that they were converted in special courts that were unacceptable in the eyes of the Haredi rabbis brought about much opposition to this practice. As a result, annulment of conversions became more common, as an attempt to halt these conversions. However I would claim that this struggle was not only against the actual conversions, but also against the very principle of using religion to promote the national interests of the State of Israel. In order to understand the full significance of this dramatic step, we must examine the unique role of Rabbi Yosef Shalom Elyashiv in the Haredi campaign against conversion.

Rabbi Elyashiv (1910–2012) served for many years within the rabbinic establishment as a rabbi and religious judge. However, following the appointment

[14] The public pronouncement was broadcast in the Haredi newspapers. See for example: *Hamodi'a*, June 6, 1984.

of Rabbi Shlomo Goren as Chief Rabbi of Israel, Rabbi Elyashiv decided to retire from his position due to his concern that Rabbi Goren would push for the adoption of overly liberal policies, especially in light of "the Langer's brother and sister case," on which Rabbi Elyashiv himself ruled that the conversion could not be annulled (Goren 1972, pp. 156–162).

This action gave him the legitimacy (despite his past in the state-run establishment) to serve as one of the "alternate chief rabbis" of the Haredi public which did not recognize the official Chief Rabbinate. The Haredi public considered the Chief Rabbinate to be too liberal because it was part of the state apparatus and committed to all parts of the public, not only to the Ultra-Orthodox sector. Rabbi Elyashiv's importance derived not only from his being a senior religious figure, but mainly from his unique political status. For many years he was considered to be one of the formative influences on Haredi politics. He was authorized, for example, to decide if Ashkenazi Haredi parties should join or leave a ruling government coalition (Brown 2011, pp. 71–105).

It was not by chance that Rabbi Elyashiv's was the first signature on the rabbinic pronouncement of 1984. His familiarity with the milieu of the state Rabbinate and his fight against Rabbi Goren's liberal policy turned him into one of the leaders of the struggle against lenient conversions. However, in order to understand the halakhic decision of 1984, one must refer back to a previous decision of Rabbi Elyashiv from 1983 (Elyashiv 2000, p. 148), a decision that paved the way for the radical Haredi approach to conversion.

In this decision, Rabbi Elyashiv addressed a problem presented by a questioner regarding "many who underwent conversion in the Land of Israel performed by an Orthodox rabbi." These individuals, at least according to the person posing the question, did not genuinely intend to become religiously observant Jews. The instruction given by Rabbi Elyashiv regarding this situation was brief but significant: someone who did not really intend on becoming a religious Jew who keeps Shabbat and other commandments; someone whose only purpose in converting was a practical one; someone who underwent a too-simple conversion process is not considered a Jew, even if his conversion was performed by Orthodox rabbis. Although not specifically mentioned by name, Rabbi Elyashiv was referring to those converts who were converted by Rabbi Goren's religious courts.

This decision set the stage for the rabbis' open pronouncement one year later, but its full significance would be comprehended only in 2008, when the High Rabbinical Court completely annulled the conversions performed by the Zionist-Orthodox Rabbinate State Authority, claiming that the rabbis who conducted state conversions were disqualified as judges because of their leniency. This ruling was both innovative and provocative. No one had ever annulled rulings in such an extreme and sweeping manner. The Rabbinic Judge, Rabbi Sherman, who, not surprisingly, declared himself a devoted student of Rabbi Elyashiv, emphasized in his verdict that he refused to accept the idea of national concerns as a consideration when dealing with conversion, as had been the practice in the special conversion courts established by Rabbi Goren. According to his Ultra–Orthodox approach, the leniencies in conversion in the name of national considerations diluted classic Jewish national identity and emptied it of any significance. He wrote:

> We must not consider the national or social goals which are not backed by any genuine change, such as coming nearer to God and His Torah and commandments, since in reality the vast majority of these converts who convert through these courts remain like the rest of the gentiles with their secular behavior…they see themselves as belonging to the Jewish nation only in the national-social aspect, with no inner religious connection to the Jewish people. (Sherman 2008)

The differences that Rabbi Sherman highlighted between the two approaches do not stem only from the specific halakhic controversy over conversion. Rather, they reflect a deep dispute regarding a meta-halakhic question, i.e., whether national considerations in halakhic matters are legitimate. The Haredi rabbis refuse to accept these considerations, since they do not acknowledge their legitimacy. From their point of view, the state has no religious meaning, but rather—at best—a functional meaning. Haredi society sees itself as living defensively in an enclave culture protecting itself against the majority secular Israeli society, in a kind of "Noah's Ark," that must survive within the Zionist State of Israel which has rejected the traditional religious Jewish way of life (Friedman 1990b, pp. 127–141; Sivan 1995, pp. 11–68). So, for example, Rabbi Elyashiv published an open letter describing his objections to the integration of Haredim into general Israeli society, in which he writes:

> Since the secret of the existence of the world of Torah and of the God-fearing public, its very foundation, is a life given over to Torah and fear of God that is devoted purely to sanctity through total separation from the life and ideas of the secular world… one should call out: 'don't go with them on their path'… rather only on that path that was handed down to us from generation to generation, to fulfill the will of our Heavenly Father who separated us from those who stray and gave us the true Torah.[15]

While Rabbi Goren and his followers claimed that national and social considerations should play a role in conversion decisions, due to the large-scale social responsibility the rabbis should take upon themselves, Haredi rabbis, on the other hand, adopted a "social isolation" attitude, as Charles Liebman (1983) defined it. The main objective in the eyes of the Haredi rabbis was the preservation of the Haredi minority, those loyal to the pure religious tradition. This approach was reflected in the halakhic responsa of Rabbi Elyashiv. As opposed to Rabbi Goren whose detailed halakhic responsa referred also to social challenges, the responsa of Rabbi Elyashiv were short and focused, and generally did not mention meta-halakhic considerations that guided decisions. The message that comes across from this style of writing is that Jewish religious law is a conservative, self-sustaining system that does not include humanitarian or social considerations, and that stands above historical circumstance (Reiner 2012).

Despite the fact that Rabbi Elyashiv disavowed any external considerations, it is clear that he was influenced by over-riding meta-halakhic principles. Regarding conversion, one can recognize that he was not using only the Rabbinical model but that he made a not-surprising connection to the *Shivat Zion* conversion model as well. In his 1983 responsum regarding the option of annulling conversions, he noted

[15] This public statement was published on the front page of the Ashkenazi Ultra-Orthodox newspaper *Yated Ne'eman*, December 27, 2011 (my translation).

in his last sentences: "So that the local peoples not intermix with the holy seed." This sentence is not a rabbinic quote, nor an exact Biblical verse, but rather an elaborative rendering of a verse from the book of Ezra. Notifying Ezra of the extent of intermarriages in Israel, his people tell him: "The holy seed has intermingled with the local peoples." Ezra's reaction, as I have explained before, is an order to expel all gentile women and their offspring without any option of conversion. It is therefore clear that Rabbi Elyashiv was considering the negative attitudes of Ezra and Nehemiah toward accepting foreigners when he tried to explain his sharp opposition to conversions in Israel.[16] Obviously, Rabbi Elyashiv disagreed with the claim that the very act of conversion was unknown in the *Shivat Zion* era. Agreement with this argument would have meant accepting the view that Jewish law changed fundamentally throughout the generations, a position that would have been anathema to him. However, the claim is that the book of Ezra served as an inspiration to Rabbi Elyashiv's anti-conversion policy designed to conserve the purity of the Jewish enclave which must survive in a hostile environment.

This Jewish historical parallel reflects the different lenses through which Rabbi Elyashiv and his religious rival Rabbi Goren viewed conversion in the broader context of the significance of the establishment of the State of Israel. Religious Zionists such as Rabbi Goren viewed Israel as a new Jewish sovereignty like that of the Hasmonean period, in which Jewish self-confidence allowed the nation of Israel to integrate gentiles through a lenient large-scale conversion program. In contrast, Ultra-Orthodox rabbis, such as Rabbi Elyashiv, compared the situation to that which prevailed in the days of *Shivat Zion*, when the Jewish nation had to defend its very existence. Beyond other halakhic considerations, this was the inner motive for the radical approach that Rabbi Elyashiv adopted in annulling conversions. In spite of his declarations, as well as those of his disciples, that the existence of the State of Israel should have no influence at all on religion, it is clear that fear of the state engendered the adoption of radical religious positions. As opposed to Rabbi Goren, who viewed the establishment of the secular State of Israel as a religious challenge, Rabbi Elyashiv saw it as a threat to religion. Thus, in the State of Israel he adopted a restrictive conversion annulment policy that was virtually non-existent in the past centuries, a policy which stood in contrast to the guideline which he and his colleagues dictated in the years preceding Rabbi Goren (as reflected in "the Langer's brother and sister case").[17] Moreover, Rabbi Elyashiv and his followers could not ignore the option of conversion that developed in the Rabbinical model, but their purist preliminary demands that the convert become totally observant, and the radical approach of annulling conversion that they developed, practically turned conversion into a near impossibility, as in the *Shivat Zion* model.

[16] Rabbi Elyashiv was not the first rabbi to use the *Shivat Zion* model in order to intensify his negative conversion approach (HaCohen 1936, p. 68). However, his approach was unique because he relied on this model to justify annulments of Israeli conversions on a mass scale.

[17] Rabbi Goren too changed his position. While his basic policy was to be lenient in conversion so as to conserve the special status of religion in the state, in "the Langer's brother and sister case" he annulled a conversion for that same purpose, although, as he emphasized, the main basis for the annulment in that case was the doubt whether in fact Borkovski had converted at all, and not his non-observance (Goren 1989, p. 184).

The use, however, made by Rabbi Elyashiv of the *Shivat Zion* model did not end here. Ezra and Nehemiah were not only Torah sages; they were also political leaders. They did not limit themselves to preaching against intermarriage but used their political power to demand that it be stopped. It appears that Rabbi Elyashiv adopted this model in its entirety. As a religious-political leader, he did not hesitate to use political tools to battle for his positions. Rabbi Elyashiv intervened not only in questions of conversion in the State of Israel, but in other religious and political issues as well, such as the allocation of government funding to Haredi education, membership in the governing coalition, opposition to civil marriages, and the appointment of mayors and rabbinical court judges. It is no accident that the sweeping annulment of conversions ruled by Rabbi Sherman (2008), his student, was part of a decision given by a rabbinical judge serving on Israel's Supreme Rabbinical Court. Despite his hostility to the Zionist idea that served as the basis for establishing the Chief Rabbinate, which is part of the governmental establishment, he did not hesitate to use his political power in 2003 to appoint a Chief Rabbi who would feel subordinate to him. It goes without saying that this rabbi, Rabbi Yonah Metzger, expressed open support for Rabbi Sherman on his conversion annulments. Even though they did not articulate this policy, Rabbi Elyashiv and his followers, like Ezra in his time, used the political power that the state put at their disposal to influence the Jewish character of the state.

As we recall, Rabbi Goren also espoused political involvement and a close relationship between religion and the state. He strove to unite religious Judaism with the modern ideas of nationalism and sovereignty through adopting a lenient approach in the realm of conversions and in other areas. In contrast, Rabbi Elyashiv tried to impose the most conservative religious viewpoint on the general population in Israel. He was unwilling to accept any leniency in conversion, even in cases of candidates who had Jewish ancestry, lived in Israel, and identified as Jews.

Until now it seems that this approach has been partially successful. The political power of the Haredim under the leadership of Rabbi Elyashiv has been constantly growing since the 1980s. The Haredim have been relatively successful in fighting the successors of Rabbi Goren in the field of conversions and in other areas as well. They oppose the separation of religion (they fear for its future) and state (an idea to which they object) despite their hostility toward a nationalist-secular state. They have succeeded in maintaining an ideological opposition to the state while at the same time using its power—similar to Ezra and Nehemiah in their day—to protect religion from it.[18]

[18] This Ultra-Orthodox desire to shape the public sphere in Israel did not characterize their attitude during the early years of the state. For several decades the Haredi leaders focused on building up their own society, rather than exporting their values to the larger society. This shift in their attitude, mainly from the 1980s and on, can be partially explained by the leadership of rabbis such as Rabbi Elyashiv, who, as explained, took an approach that claimed it is necessary for the Ultra-Orthodox to take responsibility for the religiosity also of non-Ultra-Orthodox communities and to shape the Jewishness of the state in a religious manner (Sivan and Caplan 2003).

Conclusion: What is the Meaning of "Israel as a Jewish State"?

The unresolved struggle over religious conversion in Israel reflects an ongoing argument regarding the meaning of Israel as a Jewish state. Is the meaning of "Jewish" religious or national? Is the Jewish religion at all relevant to the life of an independent Jewish state? Will religious law dictate the laws of the state, or must religion make itself more flexible in light of the existence of the state?

In this article I have presented three directions, ideological and theological, that were suggested as answers to these questions. I focused on the positions of three leaders: Ben-Gurion and Rabbis Goren and Elyashiv. The reason for focusing on these figures was not only that they played central roles in crystallizing Israel's conversion policy, but also that they express what, to this day, remain the three main positions within the Israeli debate over this issue.

Ben-Gurion's secular-nationalist position was dominant during the first two decades of the State of Israel's existence and represented the generally accepted point of view among the state's founding fathers. According to this school of thought, even if the state preserves a cultural link to Jewish tradition, religion itself should play only a minor role in shaping political life, and therefore should not be involved in issues relating to the conversion of its citizens. Although this approach apparently suffered a formal defeat, and the state began showing a constantly growing interest in issues of religious conversion from the 1970s onward, there are still many who object to this involvement, in accord with the principles delineated by Ben-Gurion. At the same time, there are those who claim that practically speaking, this approach won a social, if not a political, victory, in light of the fact that most non-Jewish immigrants do not undergo a religious conversion but rather become Jews merely sociologically (Yakobson 2010).

In contrast, Rabbi Goren espoused an approach in which religion was an integral part of the state. This understanding motivated him to establish a unique governmental conversion apparatus that operates to this day. Despite the complex theological formula embodied in this approach, it became widely accepted by the Religious-Zionist camp, and later also by the secular-traditional one. Consequently, even non-religious political leaders support continued government involvement in conversion, as it was defined by Prime Minister Ariel Sharon as a "national mission" (Kravel-Tovi 2011). Thus it was implemented by a broad state conversion initiative, including a conversion program in the IDF (Fisher 2013). The adoption of this national-religious approach means that Israel has not produced a liberal model which is able to interpret the state's Jewishness in secular terms, and support the separation of religion from state and the principle that religion must not alter its rules due to various national interests.[19]

[19] It should be noted that beyond Rabbi Goren's partial success, his successors at the rabbinate did not adopt his approach as a whole. While they keep intact the conversion system he established which allows thousands of people to convert in Israel, most of the chief rabbis after Rabbi Goren did not back the conversion establishment, ideologically and publicly, as Rabbi Goren did. As a result, the Chief Rabbinate's conversion policy from the 1980s onward can be defined as an ambiguous one: influenced by Rabbi Goren's model but trying to appease its Haredi opponents as well.

However, despite the success of Rabbi Goren's approach, the model that he established experienced setbacks from the direction of Rabbi Elyashiv who, in representing the Ultra-Orthodox sector, opposed national conversions not only out of pure halakhic motives but also as part of the opposition to the very nationalist ideals that serve as the foundation of the State of Israel. According to the model constructed by Rabbi Elyashiv, it is possible and even necessary to use state power in order to preserve religion, and in particular to stop lenient government-run conversions. Strong Haredi opposition comprises one of the reasons for the fact that despite the significant governmental and political support for the promotion of conversion, this project did not succeed in meeting the objectives its founders set for it, with the number of converts each year between 1,500 and 2,000 only (Waxman 2013).

These three approaches struggle simultaneously on both the political and the theological fronts. The strong connection between religion and politics in Israel influences not only the political arena, but also the theological one. Ben-Gurion sought to secularize Jewish religion and interpret it in accordance with secular and modern values. Rabbi Goren tried to integrate the different models and find a balance between the classical interpretation of tradition and an innovative application of religion within the state. Even Rabbi Elyashiv, who portrayed himself as loyal to tradition alone, adopted radical religious approaches to contend with the challenges presented by Jewish life in a sovereign state.

After more than sixty years of the State of Israel's existence, the ongoing controversy over the issue of conversion demonstrates that, at a time when there is a demand for the recognition of Israel as a "Jewish state," Israeli Jewish society itself has not yet succeeded in reaching a consensus on the meaning of "a Jewish state."

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