The Interrogation of the Convert X by the Israeli Rabbinic Courts

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The authors are associated with the Center for Women's Justice, in Jerusalem, www.cwj.org.il. The Center represented convert "X" in her struggles with the Israeli rabbinic courts, and won the case on her behalf. This report of the proceedings is a stark reminder of injustices within the rabbinic court system in Israel, and the need for the public to work together to change the system dramatically.

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Overview

This is the story of "X" (hereinafter: "Michal#_edn1" name="_ednref1" title="">"), a Jewish convert in Israel whose status as a Jew became the subject of unwarranted and seemingly unending interrogations by Israeli rabbinic courts 17 years after her conversion. The booklet tells the story of how Michal converted to Judaism, had her conversion revoked, and then had it reinstated. The story reveals the interrogations that Michal endured at the hands of the rabbinic courts. The affidavit that Michal submitted to the High Court of Justice is set forth almost in its entirety.

Timeline

January 2007. Michal and her husband filed a joint petition to the Ashdod Rabbinic Court asking to arrange for an amicable divorce. During the divorce proceeding, the rabbi in charge asked Michal a number of questions regarding her religious practices. Instead of a divorce decree, Michal received a decision revoking her conversion, and placing her Jewishness in question.

April 2007. Michal appealed this decision to the High Rabbinic Court. As part of the appeal, the High Rabbinic Court headed by Rabbi Avraham Sherman, subjected Michal to intense interrogation regarding her conversion and her life-style subsequent to the conversion.

February 2008. The High Rabbinic Court affirmed the Ashdod decision revoking Michal's conversion.

June 2008.CWJ asked High Court of Justice to vacate the decisions of the Ashdod Rabbinic Court and the High Rabbinic Court and to declare that those Courts had acted outside of their jurisdiction and had infringed on the due process of our client.

May 2009. The High Court of Justice recommended that Michal be sent back to the Tel Aviv Rabbinic Court to review the holdings of the Ashdod and High Rabbinic Courts. The Tel Aviv Rabbinic Court subjected Michal to another round of interrogations that were no less trying than the ones she endured at the hands of the Ashdod and High Rabbinic Courts.

September 2010. The Tel Aviv Rabbinic Court held that Michal's original conversion was valid and that she and her children are Jews. In response, CWJ has asked the High Court to rule on the question of whether a rabbinic court In Israel has the authority to overturn conversions. CWJ, as well as Michal, anxiously await the answer to this critical question.

About CWJ

CWJ, a public interest law organization established in 2004, is dedicated to defending and protect the rights of women in Israel to equality, dignity and justice in Jewish law. The Public Interest Litigation Project of CWJ addresses problems of Israeli women living under religious laws, including the issues of the agunah (woman denied divorce), mamzer (child born to adulterous women), and converts (usually women).

CWJ promotes solutions to the challenge of the status of Jewish women by filing strategic lawsuits in Israeli secular courts, based on the understanding that change will not come from dealing with individual cases within rabbinic courts, but only when civil courts take responsibility to advance systemic change on behalf of women. These strategic lawsuits include damage suits in family courts, cases of rabbinic violations of “natural justice” in the High Court of Justice”, and select cases in the rabbinic court.

CWJ accompanied Michal throughout the entire process and represented her both in the High Court of Justice and in the District and High Rabbinic Courts. CWJ will continue to fight for the dignity and rights of converts in Israel and aims to bring this crucial issue to the public attention.

CWJ's position

It is CWJ's position that rabbinic courts do not have the authority to reverse conversions and that they should be forbidden from ever interrogating converts

regarding their religious conduct.

There are thousands of converts currently living in Israel. Since the 2008 decision of the High Rabbinic Court, all of these conversions are at risk. If the current practice of interrogating converts regarding their religious practices is not banned, Rabbinic Courts can interrogate converts with regard to their religious practices at various instances – when they want to divorce, when they want to marry, and when their children want to marry. Converts should not have to live under the threat of close examination of their deeds or the threat of having their Jewish status and identity retroactively revoked.

Allowing this practice greatly impacts on the willingness of any person to undergo the conversion process in Israel, a fact that ironically undermines the very goals of the rabbinic courts to prevent intermarriages in the State of Israel.

Background
The Conversion
Michal was born in Europe and met “A.” [hereafter “Avi”], an Israeli man twenty years ago, while she was travelling abroad in Asia. Michal fell in love with Avi, came to Israel, and decided to stay. Michal began the lengthy process of conversion, which took about two years. Michal’s family objected to her desire to convert and for this reason cut off all contact with her. After a long period of Jewish studies, Michal passed all the relevant examinations for conversion, and the Special Rabbinic Court for Conversion headed by Rabbi Hayim Druckman accepted her for conversion. After her conversion, Michal married Avi in a Jewish wedding ceremony in accordance with Jewish law.

Michal realized her dream and built a Jewish home together with Avi in Israel. Like Ruth the Moabite, Michal considered Judaism her religion, the people of Israel her people, and the Land of Israel her home. Michal had the wholehearted support of Avi’s family and her own family of origin eventually accepted her back as their daughter because they understood that she was determined to be a Jew and to live in Israel. Michal and Aviestablished a lovely family and have three children.

Comment: “Matters of conversion” do not fall within the jurisdiction accorded to the rabbinic courts by statute under the Rabbinic Courts Jurisdiction (Marriage and Divorce) Law, 5713-1953. Nor does any other statute give the rabbinic courts express jurisdiction over conversion. This is not accidental. The legislature refrained – consciously – from subjecting matters of conversion to the jurisdiction of the rabbinic courts.
In the 1990’s, after the immigration to Israel of around 300,000 immigrants from

the FSU and Ethiopia, there was a great demand and national need for conversion. In 1995, in a decision of the Prime Minister's Office, Special Rabbinic Courts for Conversion were established in order to regulate the subject of conversion. The Special Rabbinic Courts for Conversion are not part of the regular rabbinic courts and their jurisdiction does not stem from any particular legislation.

The Conversion Annulment 15 Years Later

After 15 years of marriage, Michal and Avisadly decided to divorce, a decision about which they were in complete agreement. The two went to the Regional Rabbinic Court in Ashdod with a divorce agreement signed and authorized before the civil court and asked the rabbinic court to conduct the ceremony necessary to carry out the divorce. While getting ready to conduct the divorce ceremony, the rabbinic judge, Rabbi Avraham Atiya, interrupted the proceedings and casually asked Michal two completely unrelated questions: "Do you use the electricity on Shabbat?" and "Do you go to the mikveh?" Michal had no idea that her spontaneous answers to these two irrelevant questions would form the basis of a decision to nullify her conversion and register her and her children in the blacklist of those "ineligible for marriage" to Jews in the State of Israel.

Comment: The State of Israel has a blacklist of "those ineligible to marry" Jews in Israel. This list includes, among others, those who are defined as mamzerim (bastards), women who are temporarily prohibited from marrying because of claims that the get should be vacated (bitul get), and converts whose conversions are deemed to be in doubt by the rabbinic court.

Michal had no idea what was going on. Indeed, in the hearing room, the rabbinic judge did not say one word to Michal asserting that he was contemplating the validity of her conversation. Michal went through the divorce ritual like any other Jewish woman, and was sent home without anyone informing her of the judge's intentions motives. Only after repeated futile attempts by Michal to obtain her certificate of divorce did she realize that something was amiss.

Several months after the divorce, Michal received a nine-page judgment ruling that her conversion was invalid and that she and her children were to be put on the blacklist of people who are ineligible to marry Jews in Israel. Over the next months, Michal received three addendums to the initial judgment that together comprise a 46-page document.

Comment: In the 46 official pages of the rabbinic court judgment, there is only one sentence – 12 words – that explains the decision to annul Michal's conversion. The rest of the document relates very generally to the conversions performed by

Rabbi Druckman, Rabbi Avior, the military rabbinic courts, and Rabbi Yisrael Rosen, and expresses the overarching view of the rabbinic court judge regarding who has authority to perform conversions in Israel.

The Appeal to the High Rabbinic Court
Represented by Rivkah Lubitch, a rabbinic court pleader who heads the Center for Women's Justice Haifa office, Michal appealed the Ashdod Rabbinic Court ruling that held that she was not Jewish. CWJ argued that the Court had exceeded its jurisdiction by asking questions that were irrelevant to the amicable divorce, and that in any event halakha did not allow for the repeal of a conversion on any grounds. Among other things, CWJ argued that the Torah warns against the mistreatment of converts no less than 36 times, and that, according to the Talmud, even a convert who returns to "idol worship" remains unequivocally a Jew.#_edn2" name="_ednref2" title="">

Instead of ruling on our legal arguments, the High Rabbinic Court judges decided to interrogate Michal and Aviregarding their Jewish lifestyle.

The interrogation of Michal in the High Rabbinic Court July 2007
Michal was asked to leave the courtroom at the beginning while Aviwas interrogated at length about a whole series of issues: how he met Michal; what they studied to prepare for their conversion; what their relationship with the adoptive family#_edn3" name="_ednref3" title=""> assigned to help Michal through the conversion process was like before and after the conversion; their observance of the commandments (mitzvoth) after the conversion; and their sexual relations during the period that they were studying for conversion. Aviwas also questioned about his religious studies during the period prior to the conversion and how he changed after the conversion. He was also asked about the Special Conversion Court: How many times had the court required him to appear before the court, what questions did they ask, and how was the ritual immersion in the mikveh conducted.

When Avi's interview was over, he was asked to leave the courtroom and Michal was called in for her own interrogation. The court questioned her about her parents' religion, her connection to Judaism, how she met Avi, her decision to immigrate to Israel, the extent to which Aviobeyed the mitzvoth, changes that Avimay have undergone as a result of the conversion; and their relationship with the adoptive family. Michal told the judges that during the period that they were studying for the conversion, the couple obeyed mitzvoth (they refrained from mixing meat and milk, and lived in separate rooms at Avi's parents' home). Michal was also asked many questions about her studies under the auspices of the

Special Conversion Court, about the relationship of that Court with Rabbi Druckman and about the questions that the Court asked her prior to the conversion ceremony itself. Michal was asked about the mikveh and explained how embarrassed she had been to stand in a room with three rabbis in a robe that clung tightly to her body. She was asked about her relationship with her parents and she explained that her parents had cut off contact with her until the birth of their first baby. She also explained how, subsequent to the conversion, she had sent the children to religious kindergartens, kept kosher, lit Shabbat candles, and celebrated the Jewish holidays. Michal also described her close relationship with her adoptive family.

In a 49-page judgment issued In February 2008, the High Rabbinic Court, headed by Rabbi Avraham Sherman, affirmed the 2007 decision of Rabbi Atiya of the Ashdod Rabbinic Court, and ruled that indeed there is "doubt" (safeq) regarding the Jewishness of Michal and her children and their fitness to marry, and therefore they should be registered in the list of those prohibited to marry until further examination of their Jewishness and fitness in the Regional Rabbinic Court. Fourteen additional pages of reasons written by Rabbinic Judge Hagai Izirer were published at a much later stage.

Comment: The High Rabbinic Court ruled that all of the conversions performed by Rabbi Druckman and Rabbi Avior since 1999 are invalid, and that marriage registrars have the authority to refuse to register a convert for marriage if he or she does not have a religious appearance. These rulings caused a public outcry in both secular and religious Zionist communities because they undermine the validity of the thousands of conversions in Israel and reflect the rabbinic court’s disdain for the Special Rabbinic Courts for Conversion, in general, and Rabbi Druckman, in particular.

The Shock

Michal and her family were in shock. Michal never imagined that her conversion could be annulled out of the blue. She never imagined that her children, who were raised as Jews in every respect, could be labeled non-Jews with one swift movement. They were Jews; they celebrated Shabbat and Jewish holidays, went to religious schools from pre-school, and conducted circumcision and pidyon ben (redemption of the first born son) and bar mitzvah ceremonies. Avi’s mother, a Holocaust survivor, was appalled at the thought that her grandchildren had suddenly become non-Jews. The family was stripped of its most basic identity as a Jewish family. In order to protect the children from the emotional whirlwind they were caught up in, Michal and Avidecided not to tell them about the ruling,

although they clearly understood that when the time would come for them to marry, and they would be forced to learn that the State of Israel does not recognize them as Jews suitable to marry other Jews, they would need professional psychological advice. Michal drew strength from the public support that she received. Michal's story even made headlines in her country of birth, where people were also angry. Many religious Zionist rabbis spoke out against the injustice done to Michal and her family as well as to Rabbi Druckman and his tribunal. The religious family who had "adopted" Michal during the conversion process and accompanied her throughout that process steadfastly supported her again. Moreover, the rabbis who perform conversions in the Special Rabbinic Court for Conversion argued strongly that there was no such thing as "annulment of a conversion" and that as far as they were concerned, Michal is Jewish in every way.

Comment: Despite of the outpouring of support from the religious-Zionist public, Michal understood that the rabbinic statements that "from our perspective she is a Jew in every way" does not hold much weight, and that changing the ruling was the only way to remover her name and her children's names from the list of those "ineligible to marry" in the State of Israel.

Michal's Petition to the High Court of Justice
In June 2008, CWJ filed a petition tothe High Court of Justice on behalf of Michal requesting to invalidate the ruling that repealed her conversion. Michal was represented by CWJ attorneys Susan Weiss and Yifat Frankenberg and Dr. Aviad HaCohen, a CWJ board member. They argued that the rabbinic courts had deviated from "natural justice" when they adjudicated matters that were not before them and that they acted beyond their authority when they made a determination in matters of conversion that were not within the purview of their jurisdiction. Many organizations joined the petition, including: Na'amat, WIZO, Ne'emanei Torah V'Avodah, Mavoi Satum, Emunah, Kolech, The Rackman Center for the Advancement of Women's Status, Granit, Shvut Am and the Ohr Torah Stone Institutions.

In the first hearing in May 2009, the Legal Advisor to the rabbinic courts suggested that the problem could be resolved within the framework of the Regional Rabbinic Court which could repeal the annulment of Michal's conversion. The Legal Advisor hinted that it would be possible to find a panel of judges in the rabbinic court that would determine that T's conversion was valid. The justices sitting in the High Court of Justice also thought it preferable to go back and "take care of the matter in the rabbinic court." The High Court set a date for a further

hearing regarding the petition in one year's time, and ruled that until then, all parties should make efforts to arrive at a solution to the problem within the framework of the rabbinic court. For this reason, Michal and Avireturned to the rabbinic court for three more days of interrogation.

The Interrogation in the Tel Aviv District Court (Michal's Affidavit), June 2009-March 2010

Before the second hearing before the High Court of Justice, Michal submitted a letter to the court written in the form of an affidavit. In this affidavit, Michal summarized what had happened to her during the three hearings of the rabbinic court.

We have called Michal’s affidavit “The Interrogation”. It is included here verbatim, just as it was submitted to the High Court of Justice. All identifying details have been omitted.

During the hearing in the High Court of Justice that took place on May 18, 2009, Advocate Shimon Yaakobi, Legal Advisor to the Rabbinic Courts, suggested to the Honorable Justices of the High Court of Justice that the problem of the annulment of my conversion could be resolved in the framework of the regional rabbinic court. The Honorable Justice Dorit Beinisch recommended that my attorneys make an effort to resolve the proceeding before the rabbinic court.

On June 7, 2009, Rivkah Lubitch, a rabbinic court pleader from the Center for Women’s Justice who represents me (hereinafter: “the rabbinic court pleader”), filed a petition for me in the rabbinic court entitled: "Request for the Correction of Personal Status"#_edn4" name="_ednref4" title=""> …. All this was in accordance with the telephone instructions of the Legal Advisor to the Rabbinic Courts, Advocate Shimon Yaakobi. The motion filed by the rabbinic court pleader on May 25, 2009, is attached to this affidavit.#_edn5" name="_ednref5" title="">

Hearing on September 7, 2009 – Michal and A are Examined

On September 7, 2009, I arrived at the hearing set for 11:30 together with Avi [my ex-husband] and the rabbinic court pleader.

We waited for more than two hours in the hall of the rabbinic courts. Rabbi B. was available to receive us in his office, but we had to wait until two more rabbinic judges were available. Every time a rabbinic judge came to Rabbi B.’s office he left to go somewhere else before the third rabbinic judge arrived. The clerk apologized for the delay several times. In the end, although we had been summoned for 11:30, we waited until after the mincha [afternoon] prayer service [around 1:00].

Despite the long wait, the hearing began well. The three rabbinic judges cross-

examined me at length. I was asked about my background, how I met Avi, my life prior to the conversion, my religious observance after the conversion, education of our children, kashrut, Shabbat, my immersion in the mikveh [ritual bath] for the purpose of the conversion, and more.

I told the rabbinic judges, among other things, that we observed Shabbat after my conversion; that we did not travel on Shabbat, that I lit Shabbat candles and that we went to synagogue. I told them that even now I build a sukkah on Sukkot and that our son was called up to the Torah on his bar mitzvah, which took place in the midst of the proceeding that involved the annulment of my conversion. I told them that during a lengthy period of time after the children were born I drove them to nursery school in …, which is a religious settlement, so that they would receive a religious education. I also told them that we have maintained a strong relationship with the adoptive family – the P.s - a religious family and that "the adoptive father" (hereinafter: "Mr. P.") put up a mezuzah for me in the new business I opened.

I also told the rabbinic judges that it was hard for me to be immersed in the water in the mikveh [for my conversion] in a transparent robe in the presence of three rabbinic judges.

Afterwards, I was asked to leave the office and Aviwas brought into the office and examined. He was asked about how we met, about our living arrangements before the conversion, about the conversion process I went through, about his parents (their background and their religious level) about the changes in our life in the wake of the conversion, about our relationship with the adoptive family, and more.

The rabbinic court was happy to hear that we were still in close contact with the adoptive family that accompanied us during the period of study that had preceded the conversion, and decided to summon Mr. P. Rabbi B. said that there was no need to trouble both members of the "adoptive" couple to appear. It would be enough if the husband came.

Orally, Rabbi B. said that there was no need to trouble me to come to the hearing in which Mr. P. would appear. It was clear beyond any doubt that Avihad already finished his role in the testimony. It was agreed upon orally with Rabbi B. that the rabbinic court pleader and Mr. P. would come by themselves.

From all of these discussions and the atmosphere in the court, we had no doubt that the matter would soon be satisfactorily resolved.

The rabbinic court pleader was asked to send a proper motion with suggested dates that were convenient for her and for Mr. P. The rabbinic court asked the rabbinic court pleader to suggest dates on Tuesdays or Wednesdays, with a preference for Tuesdays.

The rabbinic court pleader submitted a motion on September 10, 2009, with a number of dates that were convenient for her and for Mr. P. up to the court recess.
In a telephone conversation that the pleader later received from the rabbinic court, it turned out that the dates that the rabbinic court pleader had suggested were not convenient for the rabbinic court. The rabbinic court pleader was asked to suggest other dates that fell [after the court recess], and on Tuesdays only.
On September 14, 2009, the rabbinic court pleader sent alternative dates.
The rabbinic court pleader was summoned, through a call to her cellular phone, to a hearing in the rabbinic court with Mr. P., set for October 20, 2009.
On October 19, 2009, a day before the hearing, the rabbinic court pleader notified me that I also had to appear at the hearing. According to her, in spite of the fact that Rabbi B. had told me orally that I did not have to come, Rabbi B. called her cellphone and said "there might be other rabbinic judges … maybe one of the rabbinic judges will want to ask her something after all …" and therefore it would be very worthwhile for me to come.
Even though I already had plans for that day (I was busy opening a new business), I canceled everything and came to the hearing on October 20, 2009 with the rabbinic court pleader and Mr. P.
The Hearing on October 20, 2009 – Michal and Mr. P are Examined
I came to the hearing on October 20, 2009 with Mr. P and the rabbinic court pleader. Like the previous time, we waited a long time for the hearing to begin. To my surprise, when we went into Rabbi B.'s office, it turned out that the two rabbinic judges that were sitting with Rabbi B. were different from those who had sat with him at the previous session.
It was clear that not only did the new rabbinic judges not know me, they also were not familiar with the file, and had not studied the pleadings at all before the hearing (one of the rabbinic judges even told us this). I was again asked preliminary questions by the rabbinic judges about my conversion, the mikveh, my religious observance, Shabbat, Sukkot, education of the children, kashrut, etc. Although I was angry at first that the examination was repetitious and I demonstrated some opposition, the rabbis explained to me that they have to hear everything from the beginning. Even the rabbinic court pleader complained about the repetition of the examination and suggested that the rabbinic judges refer to the previous transcript, but they noted that they needed to hear the testimony directly from me. The rabbinic court pleader calmed me down, and I answered all of the questions in an appropriate manner.
I told the rabbinic judges about my conversion curriculum and how we learned about holidays and religious observance, that I had a close relationship with my

adoptive family and about my relationship with the wife of the rabbi who taught me for the conversion. I also told them that it had been difficult for me to go to the mikveh but that I had done so even after the conversion at least once – before the wedding.

To the rabbinic judges' question "How do you define yourself today?" I answered that I don't want to box myself into any one sector. I see myself as a Jewish woman. I again told them that to this day I light candles before Shabbat and that I [do not cook on the Shabbat] only cook before Shabbat, I don't eat chametz on Passover and that I celebrate the holidays. Regarding kashrut, I said that we are vegetarians and therefore it's not difficult for us to keep kosher. I again told the rabbinic judges that for a long time we drove our children to nursery schools in … at some distance from our home, so that they would receive a religious education.

I made it clear to the rabbinic judges that I left a religion and joined the Jewish people in order to be a Jew. This is my religion and I have no other religion. I did this against my parents' wishes. I quarreled with my family in order to become a Jew. Only after my child was born did my parents accept the change that I had made and the relationship between us was renewed.

After this, Mr. P, was summoned into the rabbinic judges' office and I was asked to leave the office. According to the rabbinic court pleader, Mr. P. was interrogated at length about his relationship with me both before and after the conversion, about my religious observance, about how he felt when my conversion was called into question, about my religious identity and about Avi's religious identity. He said that we always observed Shabbat when we were guests in his home, and that the children received a religious education. He told them about the strong relationship between us and that he never saw me in immodest clothing.

Despite the fact that, as stated, I wasn't happy about being examined a second time, the hearing was conducted in a positive manner and it was clear to everyone at the end that there would be no more deliberations and that we were just needed to wait for a written decision.

At the end of the hearing, the rabbinic court pleader asked the clerk to send her the transcript and decision from the hearing that had been held that day (October 10, 2009), as well as those of the previous hearing (from September 7, 2009). When the rabbinic court pleader received the transcripts in the mail, she was surprised to discover that the [names of the] two other rabbinic judges who had sat with Rabbi B. in the first hearing were expunged from the transcript as if they hadn't been there at all. In effect, from the transcript from September 7, 2009, it appears as if Rabbi B. sat in the hearing by himself.#_edn6" name="_ednref6"

title="">
At this stage we waited anxiously every day to receive the decision from the rabbinic court regarding my Jewishness and that of my children.
In the December 24, 2009 decision of the rabbinic court, which relates to the fact that my pleader stated that she had no further witnesses to bring, it was stated thus: “The woman [and her counsel] are making a fundamental mistake in terms of their understanding of the need for a hearing before this court. The Rabbinic Court cannot support a ruling that she is a proper convert just because she has a certificate of conversion recognized by the Chief Rabbinate.… Therefore, we must thoroughly investigate the matter, and since she has notified us that she has no further witnesses, it remains for us only to hear the testimony of her [former] husband … We are setting a date for …. The Petitioner must appear with Avi.
Since hearings in the matter [of my conversion] were being conducted in a manner less formal than ordinary hearings, we did not receive a standard summons in the mail for the first two hearings. We did not complain about this because we understood that my case was getting special treatment. #_edn7" name="_ednref7" title="">
Interrogationson March 15, 2010 – Michal and Aviare Examined
I came to the hearing on March 15, 2010, with Aviand with the rabbinic court pleader. As on previous occasions, we waited a long time, nervously, until we went in [to the courtroom].
This time as well, the rabbinic judges sitting with Rabbi B. had changed. One of the rabbinic judges was familiar from the first hearing (even though his name does not appear in the transcript), and the second rabbinic judge was completely new to the case.
The rabbinic court first had Avienter and I stayed outside. Aviwas examined at length, despite the fact that he had already been examined at the first hearing on September 7, 2009. Aviwas asked about his and my religious observance, the education of our children in religious institutions in the early years, our relationship with the adoptive family, etc.
After the rabbinic judges finished asking Aviquestions, he volunteered to tell them that we had held a pidyon ben for our eldest son. The rabbinic judges immediately started to examine Aviregarding details of the ceremony. They asked him on what day exactly we held the ceremony. The rabbinic judges asked Aviif the ceremony was before the brit milah, or after it. Afterwards they asked if the pidyon ben had been on the same day as the brit. Avi, who knows that a pidyon ben takes place on the thirtieth day, was upset by the rabbinic judges' questions and felt that he had failed the examination.
Afterwards, Aviwas asked to leave the office and I was asked to go in. I was

examined again, for the third time in the regional rabbinic court, about my Jewishness. I was asked about observance of kashrut, about serving food and drinks on Shabbat, about how long after the conversion we continued to be religiously observant, etc.
This time the rabbinic judges focused on the question of how I ate hot food and how I drank coffee on Shabbat during the period of time after the conversion. They examined me about whether or not there was a hot plate to warm food on Shabbat, and if we had an appliance for hot water for Shabbat.
Despite the fact that it was clear that this was to have been the last hearing, at the end of the hearing the rabbinic judges remarked that it would be worthwhile to bring still another witness if we had one. When the rabbinic court pleader complained about the fact that the hearings were being dragged out and it was not clear how many witnesses we would have to bring, one of the rabbinic judges said: “It’s best if you bring as many witnesses as possible.”
Shortly after leaving the rabbinic court, the rabbinic court pleader told me that the rabbinic judges were looking for me and had asked her to phone me and to bring me back for a continuation of the examination. According to the rabbinic court pleader, the rabbinic judges wanted to clarify: “At what stage of the immersion for conversion (17 years ago) had the robe clung to Michal’s body and had she felt that it was immodest?” This, according to the rabbinic court pleader, was despite the fact that they didn’t believe that something immodest had occurred. The rabbinic court pleader explained to me that since I had told the rabbinic court that the immersion in the mikveh with a robe in the presence of the rabbinic judges had been very difficult for me and that I had felt immodest at this stage, and, as a result, I didn’t carefully observe the laws of family purity, the rabbis were now trying to clarify if this was a defect in my “acceptance of the commandments” at the time of the conversion. They therefore had to clarify precisely at which stage of the acceptance of the commandments the robe had clung to me. The rabbinic court pleader, who had not managed to reach me on the phone, explained to the rabbinic judges that I had not made any clear decision at this stage of the conversion not to go to the mikveh and not to observe the laws of family purity. As evidence of this she noted that I had indeed immersed before my wedding and that a declaration of this fact appears in one of the transcripts. When the rabbinic judges expressed doubt as to this, the rabbinic court pleader showed them that I had been explicitly asked this question in one of the previous hearings and that I said that I had immersed in the mikveh before my wedding.

Exhaustion and humiliation as a result of the interrogation
The interrogation of the rabbinic court not only exhausted Aviand me, but also

demeaned me.
I hereby declare: More than 17 years ago I made a decision that the people of Israel are my people, the Land of Israel is my land, and Judaism is my religion. I studied at length for my conversion, I completely changed my life, I paid a heavy price for this in the severance of relations with my family, I underwent immersion in a mikveh for the purpose of conversion through a recognized and proper rabbinic court in Israel, and I married Aviaccording to Jewish law. We have raised our children as proud Jews and Israelis.
I never imagined that I would be at the point where I would be asked such intimate questions regarding my life while the threat of eradicating my basic identity as a Jew looms in the background.
The tremendous injury is not only to me, a righteous convert [who has converted of her free will and desire], but also to my former husband, his parents and my children. Avi's mother is a Holocaust survivor and I can't even describe the distress she feels from all of this. Unfortunately, even though we decided to protect our children and to keep secret the fact that my conversion and their Judaism were being held up to scrutiny and question, it became known to them and now they are also upset, and feel degraded and shamed. We will have to take care of the children with the help of professionals.

What's Next: From Michal to You
In September 2010, the Tel Aviv Rabbinic Court held that Michal and her children are Jewish. With this declaration, the story may be over for Michal and her children, but the question still remains whether the Rabbinic Courts had any jurisdiction to hear this question in the first instance, and whether Jewish law allows for this type of interrogation at all.

CWJ has petitioned the High Court of Justice to rule on the question of jurisdiction. We call on our religious leaders to take a clear position on the question of whether the converts can be interrogated about their religious observances years after their conversion. It is CWJ's position that this practice is against halakha and should be prohibited.

All told, Michal was interrogated by Israeli Rabbinic Courts five times in the process of having her conversion revoked and then reinstated. The last three interrogations were before the regional rabbinic court that reheard the case as per the request of the High Court of Justice, a panel considered to be "moderate and accommodating," and under the supervisory eyes of the High Court of Justice that followed Michal's story closely. It was only due to the proactive involvement of CWJ that Michal was able to become a Jew again, her children removed from

the rabbinic “blacklist” and allowed to marry Jews in the State of Israel.

Michal’s story highlights the troubling reality of conversion in Israel. Conversion is not currently regulated by law, and current practices are subject to whim and personal politics of rabbinical court judges. The interrogation was allowed to take place because nobody in the State of Israel said otherwise. The dignity and rights of converts are left hanging, not protected by the law or by society.

There is no conversion law in Israel. On July 27, 1997 the Prime Ministers office set up a special committee – the Neeman Commission – to make recommendations about how conversions would take place within the borders of the State of Israel. In 2002, the committee recommended that the Chief Rabbinate take responsibility for setting up Special Conversion Courts to process conversions in the State of Israel. Rabbi Hayim Druckman was appointed to head these conversion courts. The committee expressly stated that the purpose of setting up these Special Conversion Courts was to facilitate conversions and to find a common denominator among the different streams of Judaism that would unite the citizens of Israel on the question "Who is a Jew?", inspire cooperation, and prevent divisiveness. The committee expressly stated that these batei din would not have jurisdiction in the same way that the rabbinic courts had jurisdiction to adjudicate matters in accordance with the Law of Rabbinic Judges – 1955.#_edn8" name="_ednref8" title="">

As the Special Conversion Courts have expanded and grown, the Rabbinic Courts that oversee Jewish marriages and divorces in the state have begun to question the way that the Conversion Courts operate. The more established rabbinic courts of law did not approve of the standards being set by the Special Conversion Courts and began showing an interest in taking control over them. They felt that the Conversion Courts should hold converts to a higher standard. And that is exactly what they decided to do when Michal and Avi appeared before them.

In 2006, the Chief Rabbinate used its broad discretionary powers as the Head of the Jewish Millet (religious community) to issue "Rules Regarding Petitions for Conversion" which included a section (16) that would allow for the revocation of conversions under "special circumstances." These rules were not passed by the Knesset.

CWJ promotes the following policies:

No halakhic basis to repeal conversions. Irrespective of the jurisdictional issues, CWJ is of the opinion that there is no halakhic basis for repealing conversions.

(See sources below.)
No jurisdiction to repeal conversions. It is CWJ's contention that Rabbinic Courts have no jurisdiction under Israeli law to question converts about their religious behaviors as part of an uncontested divorce. The High Court's deferral to the Regional Rabbinic Courts to rehear the status of Michal's conversion ironically facilitated the very act that we claim they do not have jurisdiction to undertake, namely, the interrogation of individuals regarding acts of faith subsequent to their conversion. Thus, the High Court, in it's referral of the case back to the Regional Rabbinic Court has in actuality allowed for the expansion of the Rabbinic Courts' jurisdiction and the creeping annexation of its control over conversions.
No, to government interference with private religious beliefs. By allowing for the interrogation of converts regarding their religious practices, the state is allowing its courts to infringe on and interfere with the private religious practices and beliefs of its citizens. What's more, the courts are applying insular ideologies as criteria for this interrogation, ideologies which are not necessarily accepted by the majority of the Jewish people
Yes, to privatization.The state must privatize the beit din systemby removing it from the state supported governmental apparatuses. It has become increasingly clear to us at CWJ that religion and the state cannot be intertwined in ways that allow for the gross infringement on the liberties and freedoms of individuals. By interrogating converts as to their religious practices, Courts are infringing on the liberties of convert's beliefs and action, and holding them to criteria that Jews who are not converts would not be held. We postulate that Rabbinic Courts should be conducted as private non-governmental entities to be used voluntarily by those who wish to be under their supervision. State sponsored civil courts must be established which have sole jurisdiction over questions of personal status (marriage and divorce)
Wake-up call.The interrogation of the convert Michal by state-funded judges should signal a wake-up call to the citizens of Israel. Let us not allow interrogation of convert Michal to become the lot of all converts, or all Jews, or all citizens.

Questions for Discussion
Where in this procedure do you think that the judges overstepped their bounds?
What do you think Michal and her children feel towards the State of Israel today?
What would you feel about Judaism if you were in the position of a convert being interrogated?
How do you think the Jewish responsibility to be kind to the convert should be enacted in practice?
Do you think judges should have the right to ask converts about their religious observance?

Do you think religious judges should be allowed to revoke conversions?
What kind of legislation should the State of Israel promote on the issue of conversion?
What apparatus should be in place in Israel to regulate the actions and authority of the rabbinical courts?

Some Rabbinic Sources

(1) Conversion can never be revoked, even among proselytes who are heretics.

“A man who immersed and emerged is an Israelite for all things. What halakhot is this relevant for? If he reverted and betrothed a daughter of Israel, we call him ‘Israel heretic’ and his betrothal is a valid betrothal.” (Babylonian Talmud, Yevamot 47a).

"A proselyte who was not examined [as to his motives] or who was not informed of the mitzvoth and their punishments, and he was circumcised and immersed in the presence of three laymen-is a proselyte. Even if it is known that he converted for some ulterior motive, once he has been circumcised and immersed he has left the status of being a non-Jew and we suspect him until his righteousness is clarified. Even if he recanted and worshipped idols, he is [considered] a Jewish apostate; if he betroths a Jewish woman according to halakha, they are betrothed; and an article he lost must be returned to him as to any other Jew. Having immersed, he is a Jew." (Maimonides, Mishneh Torah, Holiness, Laws of Forbidden Sexual Relations, Chapter 13, Law 17).

(2) Converts should never be asked about their past.

“One does not remind a convert of his past status and actions, and one does not take a convert’s dignity lightly. (Mechilta Mishpatim 18; Baba Metzia 59, 4; Rambam Deot 6;4. Sefer Hahinuch, 431, among others).”

(3) Converts should not be taunted.:

“What is the meaning of the verse, Thou shalt neither wrong a stranger, nor oppress him; for you were strangers in the land of Egypt? It has been taught: R. Nathan said: Do not taunt your neighbor with the blemish you yourself have. And thus the proverb runs: If there is a case of hanging in a man's family record, say not to him, ’Hang this fish up for me.'” (Babylonian Talmud, Baba Metzia 59b)

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#_ednref1" name="_edn1" title=""> Names of the parties involved have been disguised to protect their privacy. We chose the initial “X” to represent the convert because it symbolizes the obliteration of her entire identity by the rabbinic court.

#_ednref2" name="_edn2" title="">
#_ednref3" name="_edn3" title=""> Every potential convert is assigned a family with whom they visit on Shabbat and holidays and that helps with the conversion process and teaches them Judaism in practice.

#_ednref4" name="_edn4" title=""> Note that there is no respondent to this motion. It is not an adversarial proceeding in the ordinary sense.

#_ednref5" name="_edn5" title=""> Items 2-7 refer to technicalities in the court proceedings

#_ednref6" name="_edn6" title=""> Items 34-40 refer to technicalities in the proceedings.

#_ednref7" name="_edn7" title=""> Items 43-48 refer to technicalities in the proceedings.

#_ednref8" name="_edn8" title="">
http://www.knesset.gov.il/docs/heb/neeman.htm