

## **High Court: Justify conversion annulments**

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Dan Izenberg , THE JERUSALEM POST

The High Court of Justice took a dramatic decision on Monday, giving the dayanim of the Higher Rabbinical Court and the Ashdod District Rabbinical Court 90 days to explain why they had revoked the conversions made by the special conversion court of Rabbi Haim Druckman.

The court also asked the attorney-general for his opinion on whether the rabbinical courts were empowered to revoke the decisions of the National Conversion Authority, headed until recently by Druckman.

The decision was made in response to two petitions. The first was filed by a mother, her three children and 11 organizations, most of them advocating women's rights, against decisions by the Ashdod District Court and a Higher Rabbinical Appeals Court. The courts ruled that a Danish woman who had converted to Judaism in Druckman's court was not Jewish.

The second petition, filed by attorney Susan Weiss, head of the Center for Women's Justice, involved a woman from the Soviet Union who also converted in Druckman's court, and was also declared not Jewish by the rabbinical court.

In the first case, the two rabbinical courts blasted Druckman for being too lenient in his standards for accepting converts into Judaism. In fact, the Higher Rabbinical Appeals Court went so far as to revoke all of the conversions conducted by Druckman over a 10-year period, while he headed the National Conversion Authority. The authority was established to make it easier for non-Jewish immigrants from the former Soviet Union to convert to Judaism. It was established in the Prime Minister's Office as an independent religious court system parallel to the rabbinical courts, which also dealt with conversions as well as marriage and divorce.

In the first case, Ashdod District Rabbinical Court Dayan Avraham Atiya was presiding over an uncontested divorce proceeding between the woman and her husband, when he asked her whether she was observant.

When the woman said she was not, Atiya declared that she was not Jewish. In subsequent additions to his ruling, based in part on news reports, he blasted Druckman personally. When the woman appealed the decision, the Higher Rabbinical Appeals Court upheld the lower court decision and blasted Druckman again.

The petitioners called on the High Court to revoke the rabbinical court decisions to declare the petitioners not Jewish, and its decision to place the women and their children on the list of those who may not marry.

The state, which is not a party to the petition, submitted an opinion to the court supporting the part of the petition that called for the revocation of the rabbinical court decisions on the Jewishness of the women, on the grounds that the decision violated the principles of fairness. Neither side in the divorce case had asked the court to rule on the women's Jewishness, and the court had not given them a fair chance to defend themselves on that count, the state maintained.

Supreme Court President Dorit Beinisch made it clear that she agreed with the petitioners and the state in this matter.

But the more far-reaching question was whether the rabbinical courts had the right to overrule the special conversion courts. The attorney for the rabbinical courts, Shimon Ya'acobi, said this question was a halachic matter that the secular court system was prohibited to handle. He also said that the fear that the rabbinical court decision would affect the lives of thousands of people who had been converted in Druckman's courts had not materialized.

"We are dealing with a specific matter which should be dealt with on an individual basis," said Ya'acobi. "The issue hasn't turned into a dramatic phenomenon which makes it necessary to determine an overall policy."

But the justices disagreed.

"We don't sit here looking for cases to deal with," retorted Justice Elyakim Rubinstein. "The case came to us because the [rabbinical court decisions] did exactly what you [Ya'acobi] don't want. The courts ruled without hearing the [converts] and struck a blow against thousands of converts. Now you say we shouldn't deal with this matter in public. If the rabbinical courts had wanted to deal with the matter quietly, they could easily have done so."