

## Homespun Truths: Domestic Subterfuge, Fictitious Kin, and Israel's Religious Courts

Einat and Nir were getting divorced after fifteen years of marriage. They came to the decision amicably enough, signed the necessary papers, and appeared in court for their divorce ceremony. Rabbi Avraham Atiya, the rabbinic judge handling the proceedings, asked Einat off-handedly while the ink on the writ of divorce was drying if she used electricity on Shabbat. She answered, the ink dried, and Einat and Nir left, a divorced couple. Only the papers never arrived, and phone calls were left unanswered. Months passed, and then Einat received an envelope containing a judgment ruling from Rabbi Atiya that invalidated her conversion twenty years prior to Judaism, invalidated her marriage in the process, and got Einat and her children placed on the Israeli state's blacklist of individuals ineligible to marry Jewish persons. That document was the result of her *birur yahadut*—in common parlance, an investigation whether someone is Jewish. Einat had been tried, found lacking, and prevented from marrying a Jew all without her knowledge and all based on her reply to a question about her domestic utilities schedule.

This is a talk about the figure of the Jewish home as a negotiation of aspirations, expectations, and realities in Israel today. It is a talk about the home as it shifts registers and indexes, shipping uneasily between symbol and experience. Drawing on ethnographic work amongst Israeli practitioners of *birur yahadut* in the uneasy admixture of private and state sectors in Israel as well as among everyday families attempting to bypass their restrictions, I trace the movements of the home as it becomes evidence for forgery as well as a possibility of legitimacy. *Birur yahadut* investigations configure the household as the location where individuals forge imposter families, counterfeit documents, and fail to practice their public rituals of piety, making the home all the more necessary as the milieu in which legitimacy can be discovered or

recovered. Yet in so doing, these inquests also assemble novel configurations of kin and mobilize conceptions of belonging that exceed their persecution. The home emerges as a sign of legible partnership, both socially and in law. The paradoxical image of the Jewish home as fabrication and as legitimacy gives space for contestations over the meaning of the Jewish family to take place. I argue that the home in contemporary Israel embodies a conflict of categories *and* epistemologies in which normative expectations of family increasingly detached from the demographic realities of Israeli society compete with experiences of family in these changing contexts.

The 1953 Law of Rabbinical Courts established the exclusive jurisdiction of rabbinical courts for Jews over issues of personal status, which include marriage and divorce, “in accordance with the law of Moses and Israel.” The standard of “the law of Moses and Israel” *de facto* makes it illegal for a Jew to marry a non-Jew in Israel and prevents the recognition of any patrilineal Jews as Jewish. Israeli law recognizes two standards for Jewishness: one is encapsulated within the Law of Return, and based off of the Nuremberg Codes, which states that any person who has at least one grandparent is Jewish for the purposes of immigration. The other is used internally within the Israeli Rabbinate, and holds that a person is Jewish if they have an unbroken, Jewish matriline. It is worth noting that neither of these is sufficient to define a person as Jewish, but rather defers the definition onto others within their kin group. In order to define jurisdiction for entry into the court system, the courts themselves are positioned to determine whether or not an individual is Jewish, a process that can occur on a spectrum of formality ranging from court clerks to judges to outside private individuals. *Birur yehadut* for many operates as a gatekeeper to family law and to normative family life. According to official estimates, an estimated 300,000 individuals today are legally classified as “without religion,”

precluding them from ever marrying. However, Israeli law extensively recognizes cohabitating couples as a right-bearing partnership, entitled to many of the same protects that marriage would confer.

According to Israeli statutes, only state rabbinical authorities are allowed to conduct these inquests, yet these authorities frequently outsource this labor to private contractors like Bialik, who are not bound to the 90-day length of the process stipulated by law. In addition, state rabbinical employees blur their official capacities, often empowering clerks' decisions to have the weight of a judge's. Individuals and bureaucracies are rarely, if ever, held accountable for such actions. Indeed, Israeli law gives these activities a wide berth. State and privately contracted *birur yahadut* inquests do not have a statute of limitations; their activities have no limit in scope. Anything and everything can become part of an investigation. They can also open an inquiry of *birur yahadut* as a part of any activity: petitions for marriage licenses, writs of divorce, and immigration under the Law of Return. Finally, although cases of *birur yahadut* are ostensibly over an individual's Jewish status, their results can often stretch to entire families, in certain cases invalidating family members' previously approved marriages. Again, such actions exceed the legal definitions of these positions as written on paper and nevertheless occur frequently and with impunity.

Mordechai Bialik is in his early forties, with icy blue eyes, neatly trimmed hair, and a wild profusion of facial hair that clouds his portly jaw. He wears a rumpled black suit that has faded and frayed to an indeterminate gray. His shirt is similarly off-white, and untucked, allowing the four wrapped cords of his *tzitzit* to brush the floor underneath the bulge of his midsection. Bialik is not a public employee, and his activities are illegal according to the law as written. In practice, several clients are referred to him daily from his local government's

rabbinical offices. Like most of the city's residents, Bialik is an émigré from the former USSR. According to Bialik, during the latest and largest wave of immigration to Israel from the former USSR zone in the 1990s, the Israeli rabbinate, one of two branches of the state government that regulates religious affairs, mishandled innumerable marriage applications for Jews. Given these changes, traditional sources of authority and training used by the rabbinate to determine Jewishness simply could not solve the problem on their own. "Knowing the *Shulchan Aruch* or the *Gemara*," Bialik cries, naming two large source materials of Orthodox Jewish law, "does not help you figure out if the people from Saint Petersburg in front of you are lying or not." And so, the private *birur yehadut* investigator became a figure in Israeli civil—and religious—life, providing people like Bialik a precarious existence parasitic to the state. Although he collects a standard fee from each person he reviews, Bialik and his family sleep on the floor of the synagogue that allows him to use its space as his office at night.

Every *birur yehadut* investigator I have spoken with has a story about "catching" a scheme of Jewish subterfuge in the act. These deceptions take the privacy of the home and use it as a veil to prevent the investigator from understanding who really lives inside, only for the researcher to bring the lies to light. *Birur yehadut* investigators in turn view the home as a necessary site of inquiry, assuming that intentional deviance lies inside.

Returning to Bialik: "About two months ago, I was referred this famous director, you know, a real professional liar, and his non-Jewish wife. He's trying to convince me that she's the Jewish one and he's not so their daughter can get married. They go through these great pains to prepare their lies; he and his wife switched parents for one another, so that when I went to meet them, I would be tricked. I thought something was a little odd. They really didn't want me to meet with her parents. 'No, they're too old, too sick. They can't travel,' this liar kept telling me.

They were hiding something. I knew they were hiding something at home. So I said that I'd go to Holon to meet them. I get there, and here is this old woman, and something is off. I can tell; I know these things. Something was not right in this home. Then, there it is. I see her identity card lying out, and the name on it matches his name, not his wife's. I ask a few more questions and presto, it came undone. So the liar starts yelling at me about how I was preventing two people from getting married. How could I do this and such. I told him that it was he who had deceived his own daughter, not letting her know that she wasn't from a Jewish home. He had put her in this impossible situation!"

Bialik became skeptical of the Jewishness of the film director's daughter because of their unwillingness to make her grandparents available for his questions. In his words, "Something was not right in this home." And indeed, he discovered the grandparent-swap ruse at home, leading to his confrontation with the film director over who had prevented his daughter from marrying. In Bialik's interpretation here, the director (and, one presumes, his wife) is responsible for his daughter's ability to marry. In this recrimination, he also doubles the director's falsehoods; not only had he orchestrated the re-arranging of family to trick Bialik, but—and more importantly—he had lied to his daughter all her life by implying that she was from a Jewish home. In other words, her expectations over marriage should have and would have been different had she been informed that she could not marry a Jewish man. The film director has become already a liar, not only to Bialik, but—and moreover—to his daughter. Similarly, in my opening story, Rabbi Atiya invalidates Einat's conversion because by using electricity on Shabbat she was not keeping a Jewish home. As such, in a twisted reversal, even her expectations of Jewishly dissolving her marriage with her husband had been based on the false assumptions that she could participate in a Jewish family life. The home in these cases becomes a cipher both for the lack of

Judaism by those found not-Jewish in the *birur yihadut* decision, but also a cipher for the larger deception that they had played on themselves by pretending that they had a Jewish home in the first place. The faked Jewish home rewrites its inhabitants' Jewish temporality, excising them from not only their Jewish present and future, but also the Jewish past.

Yet these homes are not so easily shattered by the state and its official interpretation of Judaism. These encounters can also clarify and reshape the image of a Jewish house.

Leading into her wedding, Talia and her fiancé, Ido, had gone through the *birur yihadut* process. The child of immigrants to Israel from the United States, Talia had gotten citizenship through her father's Jewish family. Now, getting ready to wed, her mother's conversion had become the center of her *birur yihadut*. Talia had grown up in an Orthodox home; her mother had converted to Judaism with her children, soon after Talia was born. The authenticity of her childhood home was a lurking specter for Talia. As she tells it, "Before I was aware, I always iknew about the conversion and I always felt an insecurity. Mostly a dormant insecurity, but there was something nonetheless." And indeed, Talia's childhood home became the focus of the inquiry, as the rabbinical judges deemed that the community her parents had been a part of did not have properly kosher dishwashing practices.

Yet for Talia and Ido, the process of *birur yihadut* also opened new imaginations and possibilities. Through the confrontation with the normative Jewish home of state rabbinical law, Talia and Ido realized and accepted that their own looked different. "I don't think that the Judaism my grandparents grew up with in Poland was like this," Talia says. "I don't think we need to wash dishes a certain way to be really Jewish. It's insulting. When he told me, I wanted

to cry in front of him. I wanted him to feel bad. That was it. I mentioned my Holocaust-survivor family. I wanted him to understand the human face of what he was doing.”

And although insulting, it was the Jewish dishwasher that forced Talia and Ido to rethink their own fledgling Jewish household. Confronted with the very concrete referent of the idealized Jewish home, the couple decided to pursue their relationship despite its supposed impossibility.

Ido and Talia had a private marriage ceremony at Ido’s parent’s house, although it was no more legally binding than their cohabitation. She tells me with pride that her sister-in-law described it as the most beautiful wedding she had been to. “I think we can have a Judaism much more with the times,” Ido told me. “Right now, it doesn’t fit with the world. But before, I think Judaism was much more flexible because it understood it needed to be within its times.”

Talia added, “I mean, we live together now. We already have a home. That’s not what used to be. But now people already have a home when they get married. Judaism needs to be part of the times, not the past. Jewish is as Jewish does.”

Talia and Ido’s resolution for their own family life takes the home both as a point of departure from the ideals that they, in particular Talia, had internalized for Jewish life while also using the home as a self-evident proof that such standards are, to use their words, “not part of the times.” In so doing, the Jewish home exceeds its homogenizing roles in the *birur yihadut* evidentiary, and becomes a tautology for Jewish belonging. The fact that a Jewish family occupies and make a home in turn makes that home a proof that its occupants are a Jewish family. “Jewish is as Jewish does.” Talia and Ido’s middle-class household becomes its own proof of being a Jewish house.

This tautology also rewrites Jewish history, placing the contemporary works of the rabbinate and private contractors as petrified accretions upon a dynamic tradition itself based in the Jewish homes of grandparents and previous generations of their, emphatically, Jewish family. This temporal movement, paradoxically, both affirms a particular imagination of the past as authentic family *while* simultaneously delegitimizing the understandings and practices of *birur yahadut* as belonging to a past riddled with overly rigid traditions.

Moreover, although their wedding ceremony does not hold legal weight, their cohabitation legally entitles them to an extensive series of interlinked rights and responsibilities. These rights have been created using the idiom of “house-as-practice” to enshrine relationships that do not meet the standards of the rabbinate. The lawyer who successfully pushed for the recognition of non-married couples by the law, Irit Rosenblum, goes so far as to use the home as the basis for her proposed legal definition of family—“the maintenance of a common household.”

The home then paradoxically acts as both a symbol and as a lived experience of Jewish life in contemporary Israel. Between these different epistemologies of home, Israelis legitimize and delegitimize different modalities of Judaism and Jewish history. This movement between the ideal representation and the quotidian participation of the household reveals the unstable affective filaments that texture Israeli family life today.