

CONVERSION FOR ADOPTED CHILDREN

5759.1

Sh'eilah

A family adopted two biological sisters from Korea when the sisters were ages nine and eleven.

The girls had been in a Protestant orphanage for a year prior to the adoption. Before that, they lived first with both parents until their father died, then with their mother, and after her death, with their grandmother. All that is known about their religious upbringing during that time is that they participated in some form of honoring their ancestors, visiting their graves, and bringing them food. But we do not believe they had any significant religious upbringing. There is no Jewish community in Korea, and so there is no possibility the girls were born Jewish.

From their arrival in the United States, the sisters lived in a clearly Jewish home, in which the daily rhythm of life is exclusively and actively Jewish. Both girls had naming services at their own request after having been here for approximately one and one-half years. Both attended religious school from about one year after their arrival. The time lapse was calculated to allow them to learn English. The parents encouraged their learning so that they would understand the religion of their new parents. The girls were not told this was to be their religion. Both girls studied through confirmation in religious school and were privately tutored in Hebrew. The younger sister celebrated her bat mitzvah at age thirteen and the older at age sixteen.

The sisters are now twenty-five and twenty-seven and have very strong Jewish identities. One is now in graduate school, and the other living on her own. Their parents are concerned that since there was no formal conversion process when the girls were adopted, their Jewishness might be in question.

Since the sisters were adopted as older children, and because they were not formally converted to Judaism, although they certainly were immersed in it and have chosen to continue to live it, are these women to be considered Jewish or ought they be advised to formally convert? (Rabbi Lynn Koshner, Albany, New York)

T'shuvah

Jewish identity, a concept that lies at the heart of our *sh'eilah*, can be defined and understood in terms of both substance and form. As a matter of *substance*, there is no question that these sisters regard themselves as Jews and that Judaism is their sole and exclusive religion. As a matter of *form*, however, they do not meet the traditional definition of Jewish status, according to which a person is “Jewish” if he or she is the offspring of a Jewish mother¹ or has become a Jew by means of a recognized and valid procedure of conversion (*giyur*).² The Central Conference of American Rabbis (CCAR) has altered this standard to some degree through its Resolution on Patrilineal Descent,³ which holds that the child of one Jewish parent (either the father or the mother) “is under the presumption of Jewish descent” and may establish his or her Jewishness “through appropriate and timely public and formal acts of identification with the Jewish faith and people.” This resolution, of course, does not apply to our case, which deals with children born to two gentile parents. In such an instance, the child cannot be said to enjoy such a presumption of Jewish descent. The halachah would require that the child be formally converted to Judaism.⁴

The present *sh'eilah* asks whether our Reform tradition follows the halachah on this point. Does a child born of non-Jewish parents require a conversion when adopted into a Jewish family? This is not the first time the question has been posed. Reform responsa and halachic literature have dealt with it in the past, but they are deeply divided as to its answer. Some of our sources take the position that the adoption itself establishes the child’s Jewishness. One *t'shuvah* states that “among us