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The Problem of Conversion Today

By MELECH SCHACHTER

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RABBI MELECH SCHACHTER, author of the study "The Babylonian and Jerusalem Mishnah," is the Coordinator of the Beth Din of the Rabbinical Council of America and an assistant professor at Yeshiva University. Rabbi Schachter has prepared for this issue a discussion of the historical attitudes and Halachic requirements which form the modern traditional approach to "The Problem of Conversion Today."

THE daughter of one of the late renowned leaders of our metropolitan community recently telephoned our Beth Din with a desperate plea for advice. She is a widow. Her soldier son is about to be married to a girl of a different faith. They plan to have two wedding ceremonies—one at the church in the girl's hometown out west and the other in New York City at a neighborhood temple. If need be, the groom-to-be told his mother, his fiancée will undergo a conversion ritual before the wedding ceremony at the temple. Now the boy's mother, heartbroken and bewildered, begged for guidance.

A few days later a similar *shaalah* came from a Jewish girl originally from the South and presently residing in New York. She is about to be married to a Protestant boy. They plan to have two ceremonies to "satisfy" both sets of parents. Her query was, "Which of these ceremonies should receive preference, and does the groom have to undergo an official ceremony of conversion in order to be married by the rabbi?"

Nowadays, Christian partners to mixed marriages are apt to have few

scruples about undertaking a nominal conversion to Judaism (and to our great dismay the same holds true with the greater percentage of men and women of Jewish origin who convert to Christianity because of intermarriage). One changes his faith with the same ease as one changes his car. Religious doctrines have been watered down by the Reform and Conservative ministers to a point where those subscribing to them feel no obligation to live in any way different from the non-Jews about us. Needless to say, conversion to Judaism without commitment to observance has no validity whatever, and the spuriously converted person remains in the eyes of Halachah a non-Jew as before. A large segment of the American Jewish community is becoming increasingly vulnerable to the powerful assimilative forces from without and to the continuous increase of Goyim from within. How long can such a community preserve its Jewishness? Take away traditional beliefs and observances, secularize the sanctities of the Jewish home and Jewish family life, and what you have left is total absorption and national suicide.

AS A result of the alarming increase in intermarriage, the problem of Halachically valid conversion has become a pressing issue. What are the elements prerequisite to a valid conversion to Judaism? Is it true that traditional Judaism is opposed to conversion under all circumstances? What is the status of the convert in our midst? How is one interested in joining the Jewish fold to go about becoming a convert?

The answers to these and many other questions can be obtained only through study of the original sources. I invite the reader to join me in the study of at least one Talmud text. If you wish to follow me in the original, please open the tractate of Yevomoth, turn to page 47a, 10th line from the bottom, continuing on page 47b.

Tonu Rabbonon [our Rabbis taught—a term used preceding a quotation from a Tannaitic source, called *Boraitha*] when a man desires to be converted to Judaism nowadays, he is asked: 'What induces you to be converted to Judaism? Do you not know that in these days the Israelites are persecuted and oppressed, despised, harassed, and overcome by afflictions?' If he replies, 'I know and yet am unworthy (of the privilege of membership in Israel),' he is forthwith accepted and is given instruction in some of the minor and some of the major commandments. He is informed of the sin of (the neglect of the commandments of) Gleanings, the Forgetting Sheaf, the Corner, and the Poor Man's Tithes. [These are all the poor man's share in the crop of every Jewish farmer. *Vayikra* 19:9, 23:22, 25:6, *D'vorim* 24:9.] He is told of the punishment for the transgression of the *Mitzvoth*. He is told: 'Be it known to you that before you came to this condition, if you had eaten forbidden fat, you would not have been

punishable with *kareth*, if you had profaned the Sabbath you would not have been punishable with stoning; but now, were you to eat forbidden fat, you would be punished with *kareth*, were you to profane the Sabbath, you would be punished with stoning.'

And as he is informed of the punishment for the transgression of the commandments, so is he informed of the reward granted for their fulfillment. He is told: 'Be it known to you that the (glorious) future world was made only for the righteous, and that the Israelites at the present time are unable to bear too much prosperity or too much sufferings.' He is not, however, to be persuaded or dissuaded too much.

If he accepted (all the restrictions and disabilities pointed out to him), he is circumcized . . . and as soon as he is healed he is immersed in the ritual waters while two learned men must stand by his side and acquaint him with some of the minor and some of the major commandments. [Since immersion completes the process of conversion, it is necessary that at the moment he shall submit to the "yoke of the commandments."] When he comes up after the immersion he is deemed to be an Israelite in all respects.

In the case of a woman convert, women sit her in the ritual water up to her neck while two learned men stand outside giving her instruction in some of the minor and some of the major commandments. . . .

THIS *Boraitha* is analyzed at length in the Talmud. Some of the pertinent remarks to be found there are as follows: The reason the would-be convert is informed of the difficulties in observing the *Mitzvoth* is "in order that if he desires to withdraw, let him do so, for Rabbi Chelbo said: "Proselytes are as burdensome to Israel as

sapachath (skin disease). . . ." Why the emphasis on the various laws of charity to which the Jew in the old agrarian society was subject? Because the non-Jew of those days was mercenary. On learning of the Israelite's financial obligations to the causes of charity he would either resign himself to the inevitable or withdraw altogether from his intended conversion. Why are we told not to dissuade the would-be convert from joining our ranks? Why not spell out all the laws and customs in their minute detail and thus perhaps convince the applicant that it is far too difficult to be an Israelite?

Rabbi Elazar said: . . . [in her attempt to dissuade Ruth from her resolve to become Jewish] Naomi said unto her: 'We are subject to many limitations on the Sabbath; for example, we may not walk too far beyond the city limits on the Sabbath.' [Whereupon Ruth responded] 'Whither thou goest, I will go.' [Naomi continued] 'We are subject to stringent moral laws; just to be alone with a man is forbidden.'

'Where thou lodgest I will lodge.'

'We are instructed to live in accordance with 613 commandments.'

'Thy people shall be my people.'

'Idolatry is prohibited unto us.'

'And thy G-d is my G-d.'

'Four modes of death [penalties for various offenses] were entrusted to the Beth Din.'

'Where thou diest I will die.'

'Two graveyards [for the serious offenders who suffered the death penalties] were placed at the disposal of the Beth Din.'

'And there I will be buried.'

'When she saw that she was steadfastly minded to go with her she stopped persuading her.' (Ruth I, 18)

Since three, not two, learned men constitute the necessary Beth Din (Rabbinic tribunal) competent to sanction conversion to Judaism, the Talmud emends the *Boraitha* text accordingly. After conversion the proselyte is considered a full-fledged Jew. Should he later retract and then marry a Jewish woman, he is regarded as a non-conforming Israelite, and the woman would need a *Get* in order to be released from the marital ties.

VALID CONVERSION

IN HIS all-encompassing Code of Jewish Law (*Yad*, Issurey Biah, 14:1-6) Rambam reproduces the above conclusions with explanatory and additional remarks based on other sources of Talmudic lore. These in turn are reproduced in the *Shulchon Oruch* (*Yoreh Deah*, 268). The following are particularly significant in our discussion:

1. The motive must be established; Halochah insists upon sincerity. The wish to enter the Jewish fold must be motivated by conviction, by spiritual,

not ulterior, purpose. Those who are prompted to embrace Judaism by the desire to contract an advantageous marriage, or by the hope of wealth or honor, or by fear or superstitious reaction to dreams, should be excluded from the Jewish fold. Halochah welcomes with open arms converts of the type of Ruth, whose genuineness stands out beyond doubt, and frowns upon converts who have ulterior considerations. It is not in numbers that Judaism finds its strength. Not quantity, but rather quality—a genuine

commitment to Torah—is the element of paramount importance.

2. Before the would-be convert is informed of some of the minor and major obligations, there must be explained to him, at length and with great thoroughness, the idea of the uniqueness of the one and only G-d as against the various forms of idolatrous beliefs, some of which even parade under the guise of monotheism.

3. The Israelites are meant by "the righteous" in whose behalf Olom Haba, the glorious World-to-Come, was prepared. The reason the Israelites suffer in this world is because they cannot withstand the trials of either abundant wealth or excessive sufferings; in either case the Divine plan to have the Israelites inherit the World-to-Come would have been defeated. Parenthetically, Olom Haba, according to some, refers to the Mes-

sianic Era while others take it to refer to the Hereafter. (Cf. *Hamishnah b'Bavli Uv'Yerushalmi* by the author of this article, Nos. 4 and 637.) The genuinely good among non-Jews equally inherit the future world, yet are apparently not singled out by Providence to fulfill the Divine plan as members of a group, as is the case with the Israelites.

And finally: 4. In the case of a woman convert, the three rabbis stand outside while she, immersed to her neck in the water of the Mikveh, receives the final instructions regarding the minor and major obligations which she undertakes. As soon as this is completed, the rabbis enter and witness her complete immersion (under the surface of the water). They immediately turn and make their exit so that they do not see her emerge from the water.

laws and observances must be acquired by study prior to the time of the conversion ritual. Emphasis should be placed on a) the Laws of Charity; b) observance of the Sabbath (including the *Yomim Tovim*); c) the stringent laws of Morality (including the laws of *Nidah* and *T'vilah* governing the relationship of husband and wife); d) a general idea of the many positive and prohibitive commands encompassed in the 613 *Mitzvot*, to whose observance the proselyte must commit himself without reservation, with particular attention to the Dietary Laws, *T'fillin*, *Mezuzah*, *Tzitzith*, *Grace after Meals*, etc.; e) the prohibition of idol worship in any manner or degree, such as to place the acquisition of money or the pursuit of fame above the Divine values promulgated in the Torah; f) the seriousness of violating purely religious law as well as civil law, the punishment for which may at

times be the death penalty. (Certainly no one will ever be executed for the desecration of the Sabbath, for example. Even in ancient days, when there was a theocratic government in the Holy Land, the use of many legal provisions made capital punishment a great rarity. Yet, the seriousness of the transgression is measured by its theoretic punishment and to this extent it is to prey on one's conscience.); and g) submission to penalties in case of willful disobedience, even to the extent of being humiliated after death.

5. The final procedure of conversion consists of circumcision (for males), a further verbal commitment to observe all Torah commandments, enumerating some of the minor and some of the major ones, the immersion in ritual waters—all in the presence of a qualified body of three rabbis constituting a *Beth Din*.

STEPS TO BE FOLLOWED

LET US recapitulate the material we have covered thus far. The following are the steps leading to a legitimate, Halachically sound conversion:

1. An attempt must be made to dissuade the would-be convert from his resolve because of the difficulties involved in the observance of Jewish law.

2. Sincerity of motive, the intent to embrace Judaism for its own sake, must be established.

3. In preparing a proselyte for the ultimate conversion ritual the fundamental principles of Judaism must be explained to him in detail. These are: a) the Jewish concept of the uniqueness of G-d as against trinity and

other idolatrous concepts including the scientific view of the dry impersonal Power (sometimes called Nature) behind the harmonious cosmic phenomena. b) The unique role of the Israelites in the unfolding of history—the people of Israel having been chosen specifically for this ultimate goal, the Future World. The principle of Reward and Punishment, a corollary, should be elucidated. The importance of the Holy Land in the evolution of the Messianic goal should be emphasized. c) The chosenness of Israel involves the concept of the Divine Law—the Torah in all its aspects: Written, Oral, and continuous development to our own day.

4. A general knowledge of Jewish

COMMITMENT TO TOTAL OBSERVANCE

THE points enumerated are not all of equal importance. Some are vital to the essence of conversion, without which the entire procedure is invalid, while omission of others, important though they be, would not invalidate the conversion procedure. A *sine qua non* is the verbal commitment to observance, known in Halachic parlance as *Kabolath Ol Mitzvot*, in the presence of the qualified Rabbinic Board. Without it the entire conversion ritual has no validity whatsoever. (Cf. *Yoreh Deah* 263:3). On the other hand, omission of the specific enumeration of the beliefs and of some of the minor and major commandments does not invalidate the ritual (*ibid* 268:12).

Let us not, however, be misled into the belief that going through every enumerated point automatically renders the ritual valid even when the convert has no intention of living up to the verbal commitment. Conversion is essentially a profound religious experience, a spiritual rebirth. The convert is expected to be stirred in the inner recesses of his heart in the same manner as were our ancestors when they stood at the foot of Mount Sinai and heard the Divine proclamation of the Ten Commandments. It seems to me that it is precisely because of this deeply emotional experience that Halochah considers the convert as a

newly born person. The outward procedures, while Halachically imperative, are by comparison to the inner emotions like the body is to the soul; take away the soul and the body lies motionless—dead. Similarly, without an inward commitment to observance, the verbal commitment is spurious and, along with all the other formalities, is meaningless and futile.

In view of the foregoing, it is hardly to be wondered that the overwhelming majority of supposed converts today are still non-Jews in the eyes of Jewish law. In the first place, Reform and Conservative ministers and many so-called "orthodox rabbis" omit all or some of the elements that are categorically imperative. In the second place, even when genuine, duly qualified rabbis perform the conversion in accordance with Jewish Law, it has no validity if the verbal commitment does not reflect an unequivocal inner intent to abide by it.

DISQUALIFYING AND NON-DISQUALIFYING ELEMENTS

VIOLATION of Biblical prohibitions for which the theoretic penalty is *malkuth* (lashes) disqualifies one from acting either as a member of a Beth Din or as a witness (Cf. Yoreh Deah 268:3, Choshen Mishpot 7:9, 34:2). Hundreds of conversions are invalid because the officiating "rabbis" are not scrupulously observant regarding Shabbath, Nidah, etc. (while thousands of wedding ceremonies are likewise invalid, because the witnesses are not observant). Sincerity of motive, the urge to embrace Judaism out of conviction, while requisite for final conversion, is not a *sine qua non* in the initial

PEOPLE invariably argue: Why should the convert be expected to live up to all the Mitzvoth in a scrupulous manner, when vast numbers of those born as Jews are only partially observant or are not observant at all? This is, of course, a spurious argument. Obviously there is a difference between one who is Jewish by virtue of birth and cannot relinquish Jewish status even when demonstratively embracing another faith, and one who comes to us from the outside world and wishes to join our ranks. Even American law regarding citizenship in the United States accents this principle. One born in the United States is a citizen even if he is a renegade, a Communist, dedicated to the destruction of the Constitution and the American mode of life. However, a naturalized citizen may be integrated into American society only if his allegiance to the U.S. and to the Constitution is beyond any shadow of a doubt.

stage of seeking conversion. Once properly performed, all conversions are considered valid even when the original motivation was not the pure desire to come under "the wings of the Shechinah" but rather, the achievement of some personal goal. As a matter of fact several incidents are recorded in the Talmud citing the participation of some Sages of old in conversions which had originated through interested motives. In one case the great Hillel converted a pagan who had been fascinated by the glittering garments of the High Priest and had entertained the aspiration to attain that office. In another case

Rabbi Chiya converted a prostitute knowing that she sought to marry the son of one of his disciples. These cases are explained by the fact that both the foregoing became, in the process of seeking conversion, completely sincere in their complete divorce from their past and in their desire to be genuinely Jewish in every sense of the word. Even though originally attracted to Judaism by an impure motive, yet in the course of time they came to appreciate and embrace Judaism for its own sake. In the case of the one attracted by the grandeur of the High Priesthood, immediate discovery that his aspiration was unattainable, descent from Aaron being a prerequisite for this office, proved no deterrent to the zeal for conversion which had been awakened in him.

In our days the objective of con-

version for marriage is not to be classified in the same category of ulterior motive as in the past. Surely in former eras, conversion seemed to be the only way through which a couple from different faiths could be united in wedlock. Today, with the recourse of civil marriage, this is no longer the case. A desire to establish a home in a unified religious commitment and to bring up the prospective children as Jews obviously savors more of sincerity than of personal gain and advantage.

Be the initial motive as it may, if the applicant demonstrates a sincere intent to abide by all the laws and tenets of Judaism and would presumably pursue this course even should the marriage not take place or if it should eventually, for one reason or another, be terminated, then he or she should not be rejected outright.

THE STATUS OF THE CONVERT

THE assumption that traditional Judaism is averse to converts should be radically modified. Rabbi Chelbo's opinion that proselytes are as burdensome to Israel as *sapachath* has become a subject of many interpretations. Rabbi Abraham the Convert, who flourished at the end of the 12th century, maintained that a proselyte is usually more attached to Judaism than those who are born into the Jewish fold. Consequently, he held, the Israelites suffer by comparison as one suffers from a skin disease. On the other hand, Rabbi Isaac the Elder, a great-grandson of Rashi and nephew of Rabbenu Tam, dwelt upon the importance of hered-

ity (*yichuth*), a matter in which the convert falls short. Maimonides held that most converts sooner or later lapse back into their old habits and thus become burdensome to Israel because they serve as bad examples for the naturally born Jews in whose midst they live. Each one apparently interpreted the statement in terms of his own experience.

The most plausible interpretation is that offered by Rabbi Yechezkel Libshitz, author of *Hamidrosch V'Ha-maaseh*. He points out that *sapachath* at times indicates a serious leprous condition which generates ritual uncleanness (cf. Vayikra 13:2). At other times, however, it refers to a

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healing infection and is indicative of ritual cleanliness (ibid. 13:6). Similarly, there were times in the history of our people when the converts constituted an *erev rav*, a mixed multitude, an undisciplined and undesirable element. There were occasions, particularly during the Hadrianic persecutions, when the converts displayed cowardice and treachery, and were a source of spiritual uncleanness. On the other hand, there were converts whose genuine sincerity surpassed that of naturally born Jews. One need but think of Ruth, Aquilas, Onkelos, Shemaya, Abtalion, Count Pototzki, and a host of others! These contributed to Jews and Judaism in abundant measure. They were a source of healing and improvement.

The status of a genuine convert is Halachically the same as that of a naturally born Jew. The fact that a woman convert cannot be married to a Kohen is not a sign of inferiority, no more than a divorcee, who is also

prohibited to a Kohen, is considered inferior.

Unlike other religions, Judaism shuns missionary activity among non-Jews. G-d created the world to be variegated in nature, and the peoples of the world to be of diverse scope. If only the Jews would abide by Judaism and all other people by the fundamental Seven Noahite Laws, the Messianic Era would promptly be ushered in. This democratic attitude towards other people and their respective values and cultures is not to be mistaken for an aversion to genuine converts, who embrace Judaism truthfully. It is on behalf of the true converts as well as in behalf of the righteous and the pious and the elders of Israel that the thirteenth benediction of the daily Sh'moneh Esrey is dedicated. Not an aversion, but an abiding love do we Jews have for those of non-Jewish birth who loyally follow Jewish creed and Jewish life.

A RE-EVALUATION OF CONVERSION

HAS the time come to re-evaluate our attitude towards conversion?

The issue, at hand is not abstract but rather one that is of immediate, everyday practical concern, with respect to conversion for marriage. The entire fabric of American Jewish life is threatened alike by marriages out of the fold and by spurious conversions; orthodox Jewry can in no way wall itself off from the problem, any more than it can avoid the moral responsibility to help the community as a whole meet the problem.

On the one hand, it is obvious that a policy of leniency towards conver-

sions for marriage would tend to encourage, even to open wide the doors to, mixed marriage, with all that that implies. Beyond this, experience shows that the giving of broad sanction to ulterior motive for conversion, even though accompanied by seemingly sincere commitment to observance, would vitiate the force of the Halachic safeguards; doubtless in some cases the conversions would prove themselves to be genuine in substance as well as in form, but in far more cases the opposite would be true and the consequence would be only technically different from the

consequence of the Halachically invalid conversion.

On the other hand, the question must be faced whether by rejecting applicants outright, we accomplish the exact reverse of what such rejections are intended to achieve. Do we, instead of excluding insincere converts from our midst, declining them as converts, indirectly drive them to Reform and other non-orthodox ministers and free-lance practitioners whose conversions are invalid—and thus help multiply the number of Goyim in our midst?

On several occasions I have been under necessity to inform female inquirers that they needed no Get from their "Jewish" husbands, who were converted by Reform ministers. On other occasions, when consulted by Jewish day school and Hebrew school officials regarding the status of pupils whose mothers were converted by Conservative ministers, my answer was that the children need to be converted together with their mothers in accordance with Jewish Law.

As pointed out, circumstances applying to the concept of "conversion for the sake of marriage" are different today from what obtained in the days of the Talmud and post-Talmudic periods down to our age. We must therefore make clear to the applicants the Halachic requirement of conversion, namely total commitment to observance without reservation. It should also be pointed out to the applicants that under no circumstances are they to undergo a conversion which is invalid in Jewish law. As violently as we disapprove of mixed marriage, it is still the lesser evil than a spurious conversion, which has no significance in Jewish law and

only spells deception and self-delusion.

Each applicant for conversion must be urged to think the matter over, once, twice, and three times (as Naomi urged her daughters-in-law three times to return). If after due consideration the applicant persists in his resolve and is ready to embrace Judaism without reservation, the above-mentioned steps must be followed. It is advisable to have the would-be convert also prepare himself in the simple mechanics of reading the fundamental prayers in the original Hebrew. This emphasis on the original will go a long way towards forging psychological ties to Judaism and its values. It is also advisable to have the Jewish partner join the would-be convert in the process of preparation, for it is inconceivable to have the converted member of the family scrupulously follow every precept while the Jewish-born partner flagrantly disregards all tenets. It is further in order to have the would-be convert habituate himself to genuine observance months, or at least weeks before the conversion. (Sabbath observance on the part of an expectant convert is Halachically sanctioned by many rabbinic scholars). It should be considered a privilege on the part of religious laity as well as the local rabbis to create a Jewish atmosphere for these converts that they may not lapse into non-observance. Every attempt should be made to help these genuine converts to live up to their original commitments that they may turn out to be replicas of the admirable Gerye Tzedek through the ages.

ON several occasions the Beth Din office of the Rabbinical Council of America was approached by

