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**Conversion to Judaism in Jewish law**

**Jacob, Walter**

**Pittsburgh, 1994**

AMBIVALENCE IN PROSELYTISM

**urn:nbn:de:kobv:517-vlib-10544**

## AMBIVALENCE IN PROSELYTISM

Moshe Zemer

Eight hundred years ago, a Palestinian rabbi humiliated a proselyte by denigrating the allegedly idolatrous practices of his Muslim ancestors. The convert, R. Obadiah Ger Zedek, complained to Maimonides, who reprimanded the rabbi and warned him that the Torah commands us treat the proselyte with tenderness and understanding.<sup>1</sup>

Eight centuries have passed and we still find that prospective converts are treated badly by official rabbinical establishments in many parts of the world. In certain countries, a candidate must traverse an arduous obstacle course before conversion. In others, rabbinic courts have stopped converting altogether.

### Conversion for an Ulterior Motive

One key to the ambivalent attitude towards converts is the principle requirement for conversion, *kabbalat ol hamitzvot*, the sincere acceptance of the religion of Israel and its precepts. The early *halakhah* forbade conversion to Judaism for ulterior motives such as marriage.

A second century sage, R. Nehemiah, ruled that a man who became a proselyte for the sake of a woman and a woman who converted for the sake of a man, (or for any other extraneous reason) are not proselytes. However, later *Talmudic halakhah* determined in the name of the third century Amora, Rab, that even if they converted to Judaism because of an ulterior motive, nonetheless, *bediavad (post factum)* they are valid Jewish converts.<sup>2</sup>

However, as we shall see, this prohibition was frequently circumvented. Not long before the Spanish Expulsion, Rabbi Shelomo b. Shimon Duran (Rashbash, 1400-1467) of Algeria, was asked about conversion of the *conversos* (Marranos) and their descendants to Judaism. In his responsum, he quotes the accepted *halakhah* that it is forbidden to accept a person who wishes to convert to Judaism for any kind of ulterior motive. Nevertheless, the Rashbash, claimed that "this prohibition applies only to a *goi*, (i.e., a gentile without Jewish ancestors) who wishes to convert. However, if the candidate is one of the *anusim* (Marranos) or their descendants, we do not reject them because of an ulterior motive. Rather, it is our obligation to draw them near and bring them under the wings of the *shekhinah* (the Diving Presence)."<sup>3</sup>

The *Tosafot*<sup>4</sup> query: If conversion may not be allowed for an ulterior motive, how could Hillel the Elder have accepted the person who came to him with the demand: "Convert me so that I might be High Priest."<sup>5</sup> These *Talmudic* commentators answer that Hillel was certain that this gentile could eventually convert for the sake of Heaven. This was also the case of the Roman courtesan who wished to convert to Judaism in order to marry a *yeshivah* student of the third century Palestinian Amora, Rabbi Hiyya, the head of the academy, who accepted her because he was positive that she would become a sincere convert.<sup>6</sup>

How can one determine the intent, *kavannah* of the prospective convert to accept fully a Jewish way of life, the key to a sincere, valid conversion. How may we validate the candidate's sincerity, which is a "matter of the heart," part of his/her inner being, thoughts and conscience that are not readily apparent. R. Joseph Caro tells us that it is one of the responsibilities and powers of the Rabbinical Court to judge whether the candidate will indeed become a sincere convert to Judaism and concludes: "You must learn that everything depends upon the judgement of the *Bet Din*."<sup>7</sup>

## Negative Views

In contrast with these affirmative attitudes to conversion, we hear the proclamation of the Amora, R. Isaac: "Evil after evil comes upon those who receive proselytes... (which is deduced from a statement) of R. Helbo, who said: *kashim gerim le-yisrael k'sapahat* - proselytes are as difficult to Israel as a skin disease.<sup>8</sup>

Why does evil come upon those who accept converts and why are they such a burden to Israel? Several explanations are given:

(a) A *tosafist*, Rabbi Isaac (b. Shmuel the Elder), explained that the warning about accepting converts refers to those gentiles who were enticed to convert, or were received immediately without any requirements. However, if gentiles exert themselves to convert, we must receive them.<sup>9</sup>

(b) Another explanation of the difficulty that proselytes cause born Jews is God's warning in twenty-four (or some say thirty-six) places in Scripture that forbids us not to wrong converts. It is impossible for us to fulfill all of these commandments and not to grieve them.<sup>10</sup>

(c) Others say that converts are responsible for Israel's dispersion through the diaspora as the *Talmud* comments: "Why is Israel dispersed among all of the nations more than are the gentiles? In order that proselytes be added to them."<sup>11</sup>

(d) Rashi said that the difficulty with *gerim* is that they are not careful in their observance of *mitzvot* so born Jews who associate with converts are attracted to their ways and learn from their deeds.<sup>12</sup>

(e) In contrast, a *Tosafist*, R. Abraham the Proselyte claimed: Since converts are expert in *mitzvot* and are punctilious with them, they are as difficult to Israel as a skin disease, because as a result, God reminds the Jews of their sins when they are not doing His will.<sup>13</sup>

We should note the inconsistencies in these views. On the one hand converts cause born Jews difficulties because they are not careful in the observance of commandments and on the other hand because they are expert in the *mitzvot* and punctilious in their observance. The socio-religious character of these complaints reflect the problems on converts interacting with born Jews.

#### In Praise of Proselytes

In contrast with this denigration of converts, we find almost unlimited praise in *tannaitic* sources. The *Mekhilta* declares: "Beloved are the proselytes - (*havivim gerim*) and proceeds to bring more than twenty Scriptural precedents requiring us to treat them with loving care.

The rabbis found the proof text for the appropriate behavior towards a proselyte: "You shall not wrong a *ger*, neither shall you oppress him, for you were *gerim* in the Land of Egypt' - You shall not wrong him - with words. Neither shall you oppress him - in money matters" (*Exodus* 22.28). The *Mekhilta* then proceeds to warn us not to remind the proselyte of his pagan past.<sup>14</sup>

Jewish tradition presents us with contradicting statements of praise and condemnation of proselytes. Are these merely the individual opinions of various *Tannaim* and *Amoraim*, or are these *halakhic* statements which obligate ensuing generations?

The *Mitzvah* of Accepting Converts

Whether the rabbis found converts helpful or harmful to Israel, may be related to their view of a crucial issue: Is the acceptance of a non-Jew into Judaism a matter of the predilection of the individual rabbi or *Bet Din* or is it a *mitzvah* to accept candidates for conversion and to bring them into the Jewish fold? Indeed, are we commanded to convert gentiles to Judaism?

Maimonides informs us in his Book of the Commandments that the verse: "And you shall love the Lord your God" (Deuteronomy 5:5)... commands us to seek out and call upon all humankind to serve God and to believe in him... and when you truly love God... you undoubtedly search for unbelievers and the unlearned and bring them to knowledge of the truth which you have acquired."<sup>15</sup>

The Rambam goes on to quote the *Sifre* on Deuteronomy: "And you shall love (*ve-ahavtah*) the Lord your God... make him beloved (*ahavehu*) by all his creatures as did Abraham your father... "Just as Abraham loved God... and with his great understanding and faith sought out people (and led them) to the faith strengthened in his love, so shall you love God until you seek out and call mankind unto Him."<sup>16</sup>

Some commentators explain Maimonides' interpretation of this commandment as a call to receive converts and bring them into the fold, even though he did quote the rest of the *Sifre* commentary on Abraham: "This teaches that Abraham, our father, converted them and brought them under the wings of the Divine Presence."<sup>17</sup>

An eleventh century sage, R. Isaac ben Reuben of Barcelona, lists the conversion of gentiles as a positive commandment derived from another verse: "And you shall love the *ger*" (Deut. 10:19). he proclaims in poetic verse: "The proselyte who comes to be

converted shall take refuge with you. When he says to you: I shall take shelter with you, the (members of the *Bet Din*) will accept him and inform him of some of the light and stringent commandments. Lest he change his mind and say 'What have I done? I cannot go with these, for I am not used to them.'" (I Samuel 17:39)<sup>18</sup>

R. Shimon bar Zema Duran, (the Rashbatz, Spain, 1361-1444) exclaimed: "I am surprised that *qabbalat gerim* (the acceptance of converts) is not included in the list of commandments. It is indeed a *mitzvah* directed to the *Bet Din* to accept converts and not to reject them just as we learn in the *Talmud*: Once a proselyte has converted *immediately*, because 'the performance of a *mitzvah* must not in any way be delayed.'<sup>19</sup> This shows that the *Talmud* views conversion as a *mitzvah*." According to the Rashbatz, the acceptance of converts is a *mitzvah* incumbent upon a *Bet Din* and should be included in the list of *taryag hamitzvot* (the 613 commandments of the Torah). Since this precept cannot be derived from any other *mitzvah*, it should be listed as a separate commandment.<sup>20</sup>

These are but a few examples of *Talmudic* and medieval sources that reveal rabbinic ambivalence regarding conversion. We have noted that their views range from predicting peril to rabbis who accept converts to proclaiming that conversion is commanded by the Torah. To what extent are these ancient *halakhic* views of acceptance and rejection of *gerim* reflected in the approach to conversion in our modern era? We shall explore a few cases in modern responsa literature, which illustrate ambivalence in applying ancient *halakhah* to modern situations.

#### An Eternal Ban on Conversion

A radically negative approach to proselytes found its expression in a rabbinic ban against conversion promulgated almost seven decades ago in Argentina. This *takanah*, enacted in 1927 by

Rabbi Shaul David Setton (1851-1930), the spiritual leader of the Syrian Jewish community of Buenos Aires, prohibited even *halakhic* conversions under Orthodox auspices.<sup>21</sup> The prohibition covered all of Argentina "until the end of time" (*kol yemei olam*) and is, to a certain extent, still in effect today.<sup>22</sup>

The stated reason for forbidding conversions is "because life in this city (Buenos Aires) is exceedingly wanton, and everybody does as he pleases; there is no rabbi serving the Jewish community, whose authority is respected by the government or any other party." One of the co-sponsors of the decree was Rabbi Aharon Halevi Goldman (1854-1932), who provided its *halakhic* and ideological foundation. Goldman, an outstanding *Talmudic* scholar born in Russia, in 1889 became the founder and spiritual leader of the Jewish colony, Moisesville (*Kiryat Moshe*), located 600 kilometers north of Buenos Aires in the province of Santa Fe.

Goldman clearly states his view of the reason why Jewish men wish to have their gentile wives converted in Argentina:

"I was startled to hear and alarmed to see" (Isaiah 21:3) the news of the state of affairs in the land, that there are men who have thrown off the yoke of Heaven. They have taken gentile wives and have begotten with them children. Then to cover up their wantonness, they wish to have their alien wives and foreign children accepted as converts to and included in the Congregation of Israel...Who would be such a fool as to be taken in by their declaration that they sincerely wish to convert their alien wives and foreign children, since all their trickery and deceit are nothing but an attempt to whitewash their irresponsibility, in order to obtain religious sanction.<sup>23</sup>

Setton who promulgated and executed the "eternal" ban was not always against conversion in his community. In 1915, about



twelve years before the proclamation of the ban, Setton asked Goldman on behalf of a *Bet Din* in Buenos Aires requesting his help in the conversion of a Syrian Arab living in their community. Setton warmly recommended this prospective convert whose motivation is for the sake of heaven. "Our hopes are great that you will promptly do everything and even more...for it is known how great is the *mitzvah* (of conversion) and its reward."<sup>24</sup>

Goldman in his responsum states that it is impossible to accept proselytes in this country because, according to rabbinic sources,<sup>25</sup> one must inform the prospective convert in advance of some aspects of the punishment for the violation of commandments such as the desecrating of the Sabbath and eating forbidden foods.

To my consternation, and that of every upright person, the scourge has spread here, for many of our brethren have abandoned the Torah, so that stringent *mitzvot* like the desecration of the Sabbath have become the lightest of the light. These violators so outnumber us, that if one should find a Jew who keeps the Shabbat and like, he would be considered on a level with a *tzaddik*. There are so few that a child could make a list.

Now imagine, if we warn the convert concerning all the above (*mitzvot*) and afterwards when he sees with his own eyes, how many of our brothers trespass everything with contempt, then he will surely ask: what was all this that the Rabbis of Israel warned us, is not the House of Israel just like all the gentiles? Are we not then responsible when, God forbid, he vilifies all of the disciplines of Judaism...therefore I'll have nothing to do with this case.<sup>26</sup>

Goldman held an absolutist view. A non-Jew could not hope for a valid conversion, even if he/she were to fulfill all of the requirements of the rabbinic codes. The Rabbi of Moisesville

insisted that converts be accepted only if they lived in a community with universal observance of the mitzvot. Of course, an environment of this sort was non-existent in the cities of Argentina of that time.

An absolutist is often known to demand the fulfillment of conditions and prerequisites that cannot be reasonably met. Even the finest candidate possible could not have been converted because there was no completely observant Jewish community such as Meah Shearim or Williamsburg where he could live in Argentina. Conversion is indeed permitted in the *Talmud*, and the rabbinic literature, Goldman could not abrogate it by fiat. However, by raising difficult *halakhic* obstacles, he effectively eliminated the possibility of conversion for those who accepted his authority.

This extremely stringent view of conversion led to the radical decree against conversions in all of the Argentine for all time. This ban did not just remain in South America, but was exported to the United States. The ban was adopted by the Syrian Jewish Community of Brooklyn, New York, in 1935, with the amendment that "no future Rabbinic Court will have the right or authority to convert non-Jews who seek to marry into our community." The Buenos Aires ban on all conversions for all Jews everywhere in Argentina was transformed into a prohibition on conversion for marriage in the Syrian Jewish community of the New York city borough. This ban was reconfirmed and signed by all the rabbis and lay leaders of the Syrian and Sephardic Jewish Communities with special warnings and proclamations in 1946, 1972, and 1984.<sup>27</sup>

#### The Ambivalent Chief Rabbi

Rabbi Mordecai Jacob Breisch, *Av Bet Din* of Zurich, proclaimed a ban on conversion in the mid 1940s: "We shall

prohibit, *lehatkilah* (*ab initio*) the acceptance of converts for the purpose of marriage".<sup>28</sup> Breish wrote to the Chief Rabbi of *Eretz Yisrael*, Isaac Herzog, requesting his support for the struggle of the Orthodox Community of Switzerland against conversion. Breisch published Herzog's 1947 responsum which fully justified *milhemet Hashem* (God's war) waged by Breisch and his Agudat Harabanim against conversion in Switzerland. Herzog spares no *halakhic* argument in opposing conversion for the sake of marriage:

"Although the *halakhah* has determined that those who converted for ulterior motives and not for the sake of Heaven, are nevertheless proselytes *post factum*, I have a compelling reason to claim that this is not the law today. In the past, almost every Jew was constrained to observe the *mitzvot*, otherwise he would be rejected and held in contempt. This social situation strengthened the assumption that the gentile who has come to convert to Judaism, was truly resolved to keep the *Shabbat*, etc...but today the situation is different and it is possible to be a Jewish leader, while desecrating the *Shabbat* and eating forbidden foods in public. Therefore, how can we make the assumption that the gentile has resolved, even if only at the time of conversion, to observe Judaism? This is especially so, when the overwhelming majority, and perhaps all proselytes of this ilk, do not even begin to keep the fundamentals of our religion."<sup>29</sup>

Here we see an extremist view of conversion. Herzog is willing to re-interpret a lenient *Talmudic* ruling to justify the exclusion of prospective converts. David Ellenson analyzes the decisor's motivation as well as the sociological background of this responsum:

"Herzog clearly viewed conversion in cases such as this as causing intermarriage rather than regarding them as a

logical outcome of social conditions where Jews and gentiles socially interacted with one another. Hence he felt these conversions attenuated the strength of Judaism in the contemporary setting...

Herzog's responsum obviously stands as a stringent interpretation of, and perhaps even expansion on, Jewish law in this field. It reflects the embattled position Orthodox rabbinic authorities perceived themselves as occupying vis-a-vis the non-observant Jewish community and, as such, it represents the ever-increasing polarity between Orthodox and non-Orthodox Jewries in the contemporary world.<sup>30</sup>

Ellenson shows here, as in his other works, that *halakhic* decisions cannot be understood in terms of rabbinic law alone, but must be studied in the framework of the sociological and organizational needs of the decisor and those whom he supports.<sup>31</sup>

In contrast with this extremist position, Herzog authored a very different responsum on this subject. He was asked about the validity of the conversion of a gentile woman, who was civilly married to a Jew. Could this woman have a Jewish marriage with her spouse? In a closely reasoned *teshuvah*, composed in 1941, the Chief Rabbi relies on a responsum by Maimonides, who permitted a man to manumit his female slave and marry her contrary to *Talmudic* law.<sup>32</sup> Herzog states that "according to the situation, there are times one should permit such prohibitions so that a Jew would not become mired in sin." Furthermore, he explains: "A great deal depends on the judgement of the decisor and his *kavannah* for the sake of Heaven." Herzog then goes on to give a lenient decision:

"If they were coming to ask whether to convert her or not, we would say: Convert her so that she may be married, for it is certain that they will not separate from one another, so

that the (Jewish) man will remain in a permanent state of sin having marital relations with a non-Jewess...and since the conversion was permitted *ab initio*, it is obvious that they may have *huppah ve-qiddushin* (a Jewish wedding).<sup>133</sup>

Herzog appears to be contradicting himself. How can we explain the diametrically opposite approaches to conversion in these two responsa? Did the Chief Rabbi change his mind in the six years between the two responsa? Was he more lenient in this 1941 case because it relates to a situation in the Land of Israel?

In the second section of this permissive responsum, Herzog changes his tone and writes in a prohibitive manner very similar to his letter to the Swiss rabbinic body:

"Albeit the *halakhah* is in accordance with those who say that they are all converts (*post factum*, even if they converted for an extraneous purpose), but nevertheless I am in doubt regarding such conversion in our day; because in the days of the Sages and the Decisors, of blessed memory, there was almost no room within the Congregation of Israel for a non-observant Jew. Therefore it was permissible to accept the promise of a convert to keep the *mitzvot*, even if there was a material motive for the conversion, because otherwise his existence was precarious. However, to our great distress, the situation is so riotous today that Jews according to the *halakhah* are among the most unobservant of Israel, and many of them are leaders of communities, and even leaders of our Nation...why should this gentile keep the commandments when so many Jews are not observant...the (convert's) acceptance of the *mitzvot* is doubtful when there is an ulterior motive for the conversion...we must therefore judge these persons to be doubtful proselytes. The law has changed when they come to us for conversion, so we must refuse them because...we

would be allowing an admixture of the offspring of doubtful gentile in Israel."<sup>34</sup>

Apparently, Herzog's basically negative position on conversion for the sake of marriage did not change. He did, however, permit conversion and marriage under certain circumstances, finding other *halakhic* precedents to justify his decisions. However, he found it necessary to qualify his lenient decisions with the same caveat he sent to the Swiss rabbis.

This was not just a chance action on his part. In December 1948, the Chief Rabbi wrote another lenient responsum in which he permitted the conversion of gentile women married to Jews "not for the sake of Heaven, but for *aliyah* to the Land of Israel."<sup>35</sup> After finding *halakhic* bases for granting their request, Herzog once again appended an almost identical admonition about the severe dangers of accepting proselytes.<sup>36</sup>

Perhaps, one key to Herzog's ambivalent approach is in the identity of his questioners. The extremely Orthodox Aggudat Harabanim of Switzerland was seeking the Chief Rabbi's imprimatur and support of their holy war against conversion. Herzog was more than willing to repeat his declaration of dissociation from accepting proselytes. A rabbinic decisor may not always be an impartial judge, but rather an advocate who wishes to help colleagues involved in *halakhic* polemics. Responsa frequently involves advocacy.

In the cases of the anonymous convert of Palestine, who wished to marry a Jew, and the women who wanted to convert so they could come on *aliyah*, Herzog gave permissive responsa. In these cases he also gave the answers that the women and their rabbinic questioners wished to hear. Even though he was compelled to repeat his reservations about the *halakhic* validity of conversion, he could nonetheless find alternate justification in the

wake of *halakhic* decisions rendered by decisors in the 19th and 20th centuries. In each of these responsa, both negative and positive, the questioner received the reply that was desired.

#### The Affirmative Approach to Conversion

In his permissive decisions, Herzog kept good company with decisors like R. Yaakov Yehiel Weinberg (the last *rosh yeshivah* of the Hildesheimer Rabbinical Seminary in Berlin) and others. These respondents stated that a gentile who is married civilly to a Jewish person, his or her desire to convert should not be construed as *giur leshem ishut*, conversion for the ulterior motive of marriage, because they are already living together and won't be separated if a conversion is refused.<sup>37</sup>

Many respondents found *halakhic* justification for conversion for the sake of marriage. The major cause for this change was the introduction of civil marriage after the Emancipation and the large number of Jews who were legally married to gentiles in the eyes of the State in which they lived. It was impossible to ignore this phenomenon which became one of the most serious issues of many Jewish communities.

The late Sephardic Chief Rabbi Ben Zion Uziel expressed a very positive view of a relationship of this kind: "This woman is already married to a Jew and when she enters the covenant of Judaism (*brit ha-yahadut*) she will become closer to her husband's family and to his Torah and furthermore the children who will be born to her will be full fledged Jews. This is just like the deeds of Hillel and R. Hiyya, who were certain that in the end they would be proper proselytes, and therefore it is a *mitzvah* to draw converts near and bring them into the covenant of Judaism."<sup>38</sup>

As we have seen, rabbinic sages throughout the ages were extremely concerned about the insincere convert. What happens if a rabbinic court makes a mistake in accepting a candidate for conversion? R. Eliyahu Gutmacher, *Av Bet Din* of Graditz (1796-1874), said that in a case where we are in doubt whether the candidate is sincere or not, every rabbi should prefer to accept the convert rather than reject him.

"If it is not certain that the candidate is acting from an ulterior motive, we must accept him, because we would be more liable if we rejected him than if we accepted him as a convert without *halakhic* justification. For we shall see, if he misleads us by saying that he's converting for the sake of Heaven and he lied, and we accepted him on this basis, what's the big fuss? We found (in the *Talmud* and *Shulhan Arukh* that there were similar cases not for the sake of heaven), and the *Bet Din* knew it and transgressed and accepted them as converts, so that our candidate would be a full convert, and how much the more so, if the *Bet Din* concluded that they relied on his lie and thought that he told the truth there's no curse upon them."<sup>139</sup>

What is it that leads decisors to advocacy or opposition, acceptance or reaction of converts? It may be the individual rabbi's attitude toward gentiles in general. Perhaps the reason may be found in the way that a particular generation of Jews was treated. It is often the *Weltanschauung* (the world outlook) of the respondent which may be open and accepting as we find in the decisions of Hoffman and Uziel or hostile and excluding like the responsa of Goldman and Breisch. It may be a sincere belief that conversion is the *cause* rather than the result of intermarriage. Whatever the reason may be, there is most certainly a myriad of precedents to buttress whatever conclusion the respondent reaches.



Perhaps the most appropriate resolution of this issue may be found in Maimonides' responsum to R. Obadiah the Proselyte, which gives his appraisal of a sincere convert:

"A person who has left his parents and birthplace and the sovereignty of his people, who are ruling, who by his understanding heart has joined a people that is so abused and persecuted, because he learned to...recognize that their religion represents truth and righteousness and recognized all this and followed after the Lord and entered beneath the wings of the Divine Presence...desiring His commandments and lifting up his heart to draw near to God in the light of the living...God calls him the disciple of Abraham our father who left his parents and birthplace and turned to the Lord."<sup>40</sup>

## Notes

1. *Teshuvot HaRambam*, (ed. Jehoshua Blau), Jerusalem, 1986, v. 2, no. 448.
2. *b. Yevamot* 24b.
3. *Responsa HaRashbash*, Livorno, 1742, no. 368.
4. *Tosafot Yevamot* 24b, s.v. lo bimei David.
5. *b. Shabbat* 31a.
6. *b. Menahot* 44a.
7. *Bet Yosef, Yoreh Deah* 268. Cf. Shabbtai Cohen, *Sifte Cohen ad loc* 12 (23).
8. *b. Yevamot* 109b. Modern commentators believe that this is psoriasis, which is not dangerous, but a very bothersome disease which is difficult to cure. See *Encyclopedia Hebraica*, Jerusalem, 1974, v. 26, col. 766-767.
9. *b. Tosefot Yevamot* 109b, s.v. ra'ah.

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10. *b. Tosefot Kiddushin* 70b, s.v. *kashim*.
11. *b. Pesachim* 7b.
12. *b. Kiddushin* 70b, s.v. *kashim*.
13. *supra* note 10.
14. *Mekhilta de-Rabbi Ishmael* (ed. Lauterbach+, Tractate *Neziqin*, Chapter 18, pp. 137-138. See *supra* note 1.
15. Maimonides, *Sefer HaMitzvot*, (ed. H. Heller), Positive Commandment no. 3.
16. *Sifrei Deuteronomy*, (ed. Meir Ish Halom), Vienna, 1864, sec. 32; (ed. Finkelstein), New York, 1969, sec. 32.
17. Yeruham Fischel Perla, *Commentary on Sefer HaMitzvot of Rabbi Sa'adya Gaon*, Warsaw, 1914, positive commandment no. 19, p. 295. See also *Talmudic Encyclopedia*, Jerusalem, 1975, vol. 1, col. 205 and vol. 6, col. 426.
18. *Sefer Derekh Mitzvotekhah (Azharot)*, Susa, Tunisia, 1920, p. 16.
19. *b. Yevamot* 47b.
20. *Zohar HaRaqia*, Constantinople, 1515, positive commandment no. 40.
21. See Moshe Zemer, "The Rabbinic Ban on Conversion in Argentina", *Judaism*, v. 37, no. 1, Winter, 1988, pp. 84-96.
22. Shaul David Setton, *Responsa Dibber Shaul*, Jerusalem, 1928, *Yoreh Deah* no. 3.
23. *Ibid.* no. 2, which is identical with Aharan Halevi Goldman, *Responsa Divrei Aharon*, Jerusalem, 1981, Y. D. no. 40.
24. Goldman, *op. cit.* no. 35.
25. *Shulchan Aruch*, *Yoreh Deah* 268:2, *Sifte Kohen*, paragraph 3, based on *b. Yevamot* 47a.
26. Goldman, *op. cit.* no. 35.

27. See S. Zvulun Lieberman, "A Sephardic Ban on Converts", *Tradition* 23 (2), Winter 1988, pp. 22-25. The last proclamation entitled "Reaffirming Our Tradition" was signed by the rabbis and presidents of the congregations of the Syrian and Near Eastern Jewish Communities of Greater New York and New Jersey at a special convocation convened for this purpose on June 3, 1984.
28. *Responsa Helkat Yaakov*, Jerusalem, 1951, v. 1, Yoreh Deah, no. 13.
29. *Ibid.* no. 14. See J. David Bleich, *Contemporary Halakhic Problems* vol. 1, pp. 282-283.
30. David Ellenson, *Tradition in Transition*, Lanham, New York, London, 1989, pp. 92-93.
31. *Ibid.*, chapters 1-8; David Ellenson, *Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy*, Tuscaloos and London, 1990.
32. Maimonides, *supra* note 1, responsum no. 211.
33. I. Herzog, *Responsa Heikhal Yitzhak*, Tel Aviv, 1960, v. 1, Even Haezer, no. 20, sect. 1, pp. 104-105.
34. *Ibid.* section 2, p. 106.
35. Herzog, *op. cit.* no. 21, pp. 108-109.
36. *Ibid.*, section 2, p. 109: Herzog repeats his anxiety about the validity of conversions in his day in a manner very similar to the other two responsa (*supra* notes 29 and 34):
- "You should know that even though the law from the time of the *Mishnaic* sages is that *post factum*, they are all converts (even if they did not accept the commandments), I have a very serious suspicion regarding the situation today. In the past in Israel, the violator of Jewish Law was despised and persecuted by his people, therefore when a gentile came to accept Judaism, even though the primary reason that motivated him was for the sake of marriage, he knew that his situation would be very difficult in Jewish society, if he did not behave in accordance with the Torah. This is not the case in our day when so many are free (*hofshim* = secular); not only do they not have any difficulty because of this, but they stand at the head of our people and communities. Therefore, we should be suspicious whether they really accept the *mitzvot*, or whether for some reason, they promise with their mouth but not with their heart."
37. *Responsa Seridei Esh*, Jerusalem, 1977 v. 3, no. 50.

38. *Responsa Mishpatei Uziel*, Tel Aviv, 1935, v. 1, Yoreh Deah, no. 14.
39. *Responsa Eliyahu Guttmacher (Aderet Eliyahu)*, Jerusalem, 1984 Yoreh Deah no. 87.
40. Maimonides, *supra* note 1.

Reform Jewish practice has followed the 1847 decision for almost a hundred years. For many of us, perhaps still the majority, it remains as the rule by which we bring people into Judaism. The decision is a fascinating one from several different perspectives. Why did it take several decades to make the decision when the rabbis could set aside all of *halakha* with a subordinate clause in the Pittsburgh Platform? Yes, conversion is a unique process: one who is not Jewish is brought into the community. The rabbi acts as gatekeeper; it is a very serious role. It changes the status of the person. The Jewish community is larger than the Reform movement; how could the movement act for the entire Jewish community? The process of conversion must raise and attempt to answer questions about Jewish identity and community: What are we, what is essential belief, what is adequate and sincere adherence to Judaism? The question of conversion is by its very nature a *halakha* question because those who receive the convert must become, even against their will, a *beit din* who must say yes or no to the person who seeks admission.

Mary Douglas, in *Natural Symbols*, provides us with a useful set of concepts that allow us to understand the changes that occurred in the development of Reform practice and to interpret

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27. See S. Zuckerman, *The Jewish People in America* (New York: Schocken Books, 1968), pp. 22-25. The last proclamation of the "Weakening Our Tradition" was signed by the rabbis and lay leaders of the various branches of the Synagogue Council of America, 25 E. 71st Street, New York 22, New York, and New Jersey as a special representative council for the USA people on June 2, 1964.  
I also want to mention...
28. *Response to the Author*, *Response*, 1971, v. 1, *Year Book*, no. 13.
29. *Ibid.*, no. 14; See S. David B. Katz, *Contemporary Jewish Problems*, vol. 1, pp. 252-253.
30. David Whitcomb, *Practices of Tradition*, London, New York, London, 1969, pp. 22-23.
31. *Ibid.*, chapter 1-2; David B. Katz, *From the Holocaust to the Creation of a Modern Jewish Orthodoxy*, Tuckman and London, 1995.
32. *Response*, supra note 1, *Response* no. 21.
33. S. Zuckerman, *Response to the Author*, *Response*, vol. 1, *Year Book*, no. 20, v. 1, pp. 104-105.
34. *Ibid.* section 2, p. 105.
35. *Response*, op. cit. no. 21, pp. 106-107.
36. *Ibid.*, section 2, n. 109: Horowitz repeats his anxiety about the validity of conversions in his day in a manner very similar to the other two responses (see items 29 and 34).

"You should know that even though the law says the name of the Hebrew people is that your fathers, they are all converts, even if they did not accept the commandments, I have a very serious question regarding the situation today. In the past in Israel, the children of David's line was despised and persecuted by his people, therefore what if people come to convert Judaism, even though the primary reason that converted them was for the sake of marriage, believe that his situation would be very difficult in Jewish society, if he did not receive instructions with the Torah. This is the case in our day when so many are the converts - women, not only do they not have any difficulty because of this but they want it the least of our people and communities. Therefore, we should be suspicious whether they really accept the mitzvot, or whether for some reason they promise with their mouth but not with their heart."

37. *Response to the Author*, *Response*, 1977 v. 2, no. 50.