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Conversion to Judaism in Jewish law

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WITHOUT MILAH AND TEVILAH

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WITHOUT MILAH AND TEVILAH

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In 1892 the C.C.A.R. decided to accept proselytes "without any initiatory rite, ceremony or observance whatever." This significant decision by the Conference came after several years of extensive debate. Isaac M. Wise had first raised the issue in the Philadelphia Conference of 1869; it was discussed at the Pittsburgh Conference in 1885; there were also two separate public discussions of the issue, one raised by Moritz Spitz in 1878 and by Henry Berkowitz in 1890. In this paper, I will look at this process of decision making as an examination of the making of liberal *halakhah*.

Reform Jewish practice has followed the 1892 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 *kashrut* with a subordinate clause in the Pittsburgh Platform? Yet, 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 *halakhic* question because those who receive the convert must become, even against their will, a *bet din* who must say yes or no to the person who seeks admittance.

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

them. She observes that there is a relationship of the symbols of the human body to the social body. The human body provides us with a set of symbols based on bodily process; social symbols get their meaning from communities with a shared history. The development of Reform Judaism in the nineteenth century was a revolt against the symbol system of Judaism in its earliest, often incoherent, stage. Like most such revolts it often reduced itself to a protest against symbolization as such.¹

There are three phases in the movement from ritualism. "First, there is the contempt of external ritual forms; second, there is the private internalizing of religious experience; third, there is the movement to humanist philanthropy."² "The social body constrains the way the physical body is perceived. The physical experience of the body, always modified by the social categories through which it is known, sustains a particular view of society."³ These changes are most clearly reflected in the language by which religions speak; it becomes more abstract; the cosmos it describes is more benign; the categories it uses are more undifferentiated. It is the internalization of a new vision of the social body.

Social changes had a devastating effect on the traditional *halakhic* system which depends so heavily on differentiation. Jews have always needed to say *hamavdil*. *Halakhah* defined and limited the body of Israel by limiting the physical body. Medieval *Ashkenazic* Jews, especially, developed a system of personal piety which built walls around Jews in western Christianity. For example, no one has defined the social body more distinctly by the physical body and vice versa than the *Hasidei Ashkenaz*. If we read the bodylanguage in the *Rokeach* we see an obsession with borders, with touching, with body fluids, with a great need for purity at the edge. The most intimate of human connections were governed by *hilkhot niddah*; Jews and Christians were defined in *hilkhot avodah zarah* with its subdivisions of *yayin nesekeh* and *stam yenom*, all are physical matters which deal with touching and tasting. *Kashrut*

governed bodily intake, *Shabbat* focused on the use of the body in space. The focus was constantly on the body of each Jew and its borders; it assured that all Jews were a single body.

Conversion in Judaism is physical and demands *milah* and *tevilah*. Maimonides restated the tradition beautifully (the laws of *gerut* are codified beginning in *Isurei Biah* 13:1, their presence in that section indicates their physical nature): "Israel entered the covenant through three things: *milah*, *tevilah* and offerings." He continued that whenever an "idolater desires to enter the covenant and to seek shelter under the wings of the *Shekhinah* and receive the yoke of the Torah," he must do the same. The experience of the body of Israel becomes the experience of the bodies of all those who wish to enter the body of Israel.

Conversion by its very nature also raises for us as liberal Jews the issue of pluralism in *halakhah*. Pluralism means that we are serious when we say that differences are legitimate and that we accept the obligation to speak to several distinct audiences at once. What we say must be addressed not only to members of our own movement, but also to all other Jews, religious and secular, and to all persons. The matters with which we deal must be correctly presented in an intellectually acceptable way. Our *halakhah* must speak in a responsible language in a pluralistic society.

The Philadelphia Conference was the first American Reform Conference. David Einhorn and Samuel Adler, who had attended the European Conferences, summoned their colleagues. Like the great *posqim* of the past, they assumed authority to restate the Torah. As one reads Maimonides' introductions, especially to *Mishneh Torah*, one comes away with respect for the power of the *posqim* to act independently. It confirmed the power of the learned

elite. It was this power which these early Reform leaders assumed. But even more, they saw themselves as the leaders of the people in a new age. Like Moses they were on their way in the desert at the border of a new Promised Land.

They saw themselves both as *posqim* and prophets. In a new age they assumed the authority which allowed them to make the most radical statements. Individuals, such as Samuel Holdheim and Abraham Geiger, had written more radical proposals. But no body of rabbis had actually voted on them. It was radical German Reform which would come into existence here in America. Not for them was the compromise and misdirection of Isaac M. Wise and the reverends who led communities. They would wrest control from them.

These were German rabbis in America. When they issued their call for the meeting, they invited "theologisch-gebildete Kollegen." They did not want Yeshiva graduates and the self-educated. They wanted men of the university; their ideal was "Bildung"-cultivated men reflecting the cultural ideal of the enlightenment. Their ideal can be described in the same way as Karl Barth spoke of Schleiermacher: "...the fact that Schleiermacher was a theologian did not hinder him in the slightest from also wanting, seeking, effecting, all the things that wisely understood, were best in what the non-theological world of his time was wanting, seeking and effecting...precisely because he was a theologian...he felt himself compelled to be a modern man with all his heart, with all his feelings and with all his strength."⁴

I. M. Wise came to this Conference even though it had been called to oppose him. The Conference agenda had been set by David Einhorn. After passing on a series of general statements expressing a universalist messianic hope, rejecting the distinctions between priest and non-priests, affirming the mission of Israel, negating the belief in resurrection, saying one can pray in any

language, the Conference turned to reform of marriage and divorce. Wise's contribution came when they turned to a resolution on circumcision: "The male child of a Jewish mother is no less than the female child - in accordance with a never-disputed principle of Judaism - to be considered a Jew by descent even though uncircumcised."⁵ Wise proposed to add the following: "The Abrahamitic circumcision is not a requirement for the entrance into Judaism, and just as its absence does not exclude an Israelite from the Jewish community, so circumcision of proselytes should not be required as an act of initiation." Einhorn opposed this statement revealing a theology in the tradition of Judah HaLevi and the Maharal of Prague. Circumcision serves as a wall to keep impure elements out of Judaism.⁶ Wise saw it in the opposite way, the demand for circumcision keeps the best people out. The conference rejected Wise's proposal.

Another public discussion of the issue occurred when Rabbi Moritz Spitz, then rabbi of Emanuel Congregation in Milwaukee, addressed a question to a number of rabbis in 1878.⁷ A young man, son of Christian parents, had come to him. He was in love with a Jewish woman, daughter of Orthodox parents. He had proclaimed himself ready to accept Judaism fully, but would not allow himself to be circumcised. After several attempts to separate the couple, her parents had reconciled themselves to allow the marriage if the young man converted even without *milah* (if that were permitted); they wanted to keep their daughter and her descendants Jewish. Rabbi Spitz asked three questions:

1. Can he accept the man without *milah*?
2. Can he become a full member of a Jewish congregation?
3. Does he as a rabbi have the right to marry them?

He knew that from the point of view of *halakhah* there could be no conversion without *milah* and *tevilah*; but it seemed to

him that grounds for a different answer exist. Perhaps this situation had already been discussed?

Although he asked in German, this was an American question for it implied that despite the fact that *halakhah* is fixed, in the new world all is possible and perhaps here an exception had already been made. It is not at all clear what answer the rabbi sought from his respondents. But it is clear that he took it for granted that in this new Jewish world nothing was impossible. Law may be set aside; traditions altered and transformed. In 1890, Rabbi Spitz recollected: "...we in our desire to stand justified before the old parents of the Jewish girl wished by an expression of opinion from our colleagues to fortify our position in not admitting the Gentile without the required rite...we refused to admit the gentleman and whether or not the young couple has married each other, we cannot tell."⁸

Bernard Felsenthal answered the question with a monograph on the Jewish attitude toward proselytes. In passing, it is interesting to note that one reason for his answer was to encourage the creation of responsa. The answer to Rabbi Spitz's question, he suggested, depended on the answer to a prior question: Does Judaism want to receive proselytes? Is Judaism a universal religion wanting to share its truth? To show that Judaism has welcomed proselytes, he reviewed the history of *gerut* through Bible, *Talmud* and rabbinic writings. He continued to his own time by quoting Abraham Geiger's response to the *milat gerim* debate of the Philadelphia Conference: "It is a matter of opening wide the halls of Judaism to the enlightened holders of a belief in the pure God concept...."

He continued saying that *milah* was not necessary and suggested a possible new way to receive proselytes. But he did not stop there. He gave us a model of responsible pluralism: A dialogue between himself (as a reformer) with a traditionalist. His

conclusion: Conversion without *milah* is theoretically correct; nevertheless do not do it on your own.

The Pittsburgh Platform more than any other document of our Reform past causes a dilemma for us. We read it today with a deep sense of irony; we cannot speak of its positive optimism without putting it in quotation marks. Its total rejection of Jewish national consciousness is a scandal to us, and we normally speak of it only within an apologetic framework. On the other hand, it contains the ideas that we describe as normative in Reform: Acceptance of the science and knowledge of the modern world, the acceptance of all human experience, the insistence on understanding the Jewish experience as a part of the human story. It came, as Michael Meyer has described it⁹, at a moment of challenge for Reform. On one side was Felix Adler and Ethical Culture offering a religion for the new age, an ethical faith for a common humanity, and on the other was a newly energized Conservative Judaism which accepted the premise of Reform, but refused to leave the anchor of law. Kaufman Kohler, as Einhorn's heir and successor in New York, had to respond to both Adler and Alexander Kohut, the newly arrived champion of a more traditional approach to Judaism.

It was the Pittsburgh Platform which made Reform Judaism a separate movement. After Pittsburgh, it was no longer possible to minimize the matters that separated the reformers and the conservatives. This represented the intellectual and practical achievement of Kohler. It also marked a reconciliation between Kohler and Wise. The sharp antagonism between East and West was lessened as Kohler's platform came to define Reform. The Philadelphia Conference had used the German language; in Pittsburgh they spoke English. It did not look back at German *Bildung* as the ideal; it spoke in the language of American religious liberalism.¹⁰ In that way, it was a victory for Wise's point of view although he accepted it with reservations.

Our particular issue, *milat gerim*, was discussed at the Conference. In Kohler's opening address to the Conference, he said that the regulation of admission of converts needed to be changed. Echoing Geiger's letter to Zunz, he declared "...to have a grown man who from conviction has with all his heart and soul become a Jew, in order to be admitted, undergo the act of circumcision, is a barbarous cruelty which disfigures and disgraces our ancestral heirloom and our holy mission as priests among mankind. The rite is a national remnant of savage African life, and has no bearing upon the religion preached by Isaiah, Jeremiah and the great Deuteronomic law-giver. It certainly has no sacramental character."¹¹ He went on to appeal to common sense over "the fanciful and twisted syllogisms of *Talmudic Law*."

Immediately after adopting the platform, the rabbis turned to Kohler's proposal: "We hereby declare that anyone who joins our faith and accepts for himself and children the mission of the Jewish people to live and work for the pure belief in the Only One God and the idea of man as the son of God, is to be accepted as Jew, whether he submits to the Mosaic-rabbinical ordinance or not."¹² In the discussion which followed, Isaac M. Wise objected to the lack of clarity in the resolution, "there must be some form of admission." No one was opposed to Kohler's proposal, but some felt that people in the congregations were not ready for such a radical step. In the end, the discussion closed with the passage of a resolution to appoint a committee to formulate a report to be submitted to the next Conference.

This discussion leaves us with the feeling that the rabbis' were ready to abandon *milah* but did not quite have the courage to proceed. Thus, they decided to wait.

The next Rabbinic Conference following Pittsburgh was the organization of the Central Conference of American Rabbis in 1889. It saw itself in its founding resolution as the continuation of all

modern Rabbinical Conferences from the Braunschweig Conference of 1844 onward. This was stated as part of the constitution the C.C.A.R. adopted in Cleveland at its first Conference in 1890. Nevertheless, the Conference never committed itself to these earlier decisions; it only ordered them printed in the *Yearbook*.

Milat gerim was on the agenda of the second convention of the C.C.A.R. Two papers were read and the Conference also received all the materials Henry Berkowitz, then rabbi in Kansas City, had gathered in answer to a letter he had addressed to American rabbis in 1890 which inquired about the necessity of circumcision. Almost all the responses favored the abolition of circumcision, although a number of them cautioned waiting for the right moment. Others felt that it could only be when the rabbis acted in concert. Bernhard Felsenthal again showed an attitude that anticipated pluralism. He repeated his previously published favorable opinion, but continued with a long angry discussion on rabbinic authority, the burden of which stated that rabbis could not speak in the name of the Jewish community. The strongest opponent of the abolition was Moses Mielziner. The tone of these responses made it clear that the writers expected that a day would come when it was no longer required.

The two papers read at the Conference differed on the issue. Aaron Hahn was in favor and Isaac Schwab was opposed. Both of them seemed to have organized their papers by using the material put together in the Felsenthal study.

The question came before the third convention in 1892. I. M. Wise, as chairman of committee on the Initiatory Rites of Proselytes, gave his report. In it he reviewed the material from the previous year and then presented a study to prove that *milah* and *tevilah* had no basis in *Tanakh* and *Mishnah*, and that the *Tanaim* had a difference of opinion over what was required of *gerim*. In any case, because of this indecision, the rites are only custom and not

law and may be abolished. Kaufman Kohler challenged him, not on the abolition of the rite, but on his scholarship. Kohler was to have the final voice after a bitter debate. The resolution as rewritten by Kohler finally passed twenty-five ayes to five nays. Four of the nays wrote brief statements which explained their vote against the resolution: They were afraid, in the words of Maurice H. Harris, that "the admission of proselytes without *milah* (sic) is the entering wedge for the abolition of this rite altogether."¹³ The vote probably did not reflect the true opinion of the Conference. A few older members held back, younger members, recent Hebrew Union College graduates must have been in favor; the majority of the members of the CCAR were not in attendance at the convention. The resolution was certainly never questioned again.

What can we conclude from this? (1) The character of the Reform movement was shaped by this debate. Moshe Davis called it the "point of no return" separating the Reformers from the Historical School.¹⁴ Reform Jews were certainly distinct from the newly arriving Eastern European Jews and their rabbinic leaders (to whom this entire debate must have seemed like nonsense). Ethical culture and Unitarians saw in the platform a break with universalism and an insistence on Jewish uniqueness. (2) No great multitudes awaited enlightenment, but it made conversion for the sake of marriage easier and realistically possible. (3) It is interesting to note that only one of the discussants in the large amount of material published in the Central Conference of American Rabbis *Yearbook* of 1891 actually mentioned pain. Adolph Moses¹⁵ wrote: "The pain is excruciating, the wound takes between four and five weeks to heal." Jewish tradition took this difficulty in consideration by postponing immersion until after the convert had healed from the circumcision. In fact, the Rambam states that one should not immerse before circumcision because he might find the circumcision too difficult and the immersion would have made him Jewish already.¹⁶ (4) By relinquishing control of the body, the nature of the body of Israel was dramatically redefined. Israel was seen as

humanity; conversion an affirmation of the human. There should be no barriers between Jews and Christian (in his address at the Pittsburgh Conference, Kaufman Kohler said "Christian" when he is referring to non-Jews). No one addressed the question why anyone would want to be Jewish when it adds nothing and was only a confirmation of the human.

It may be better to read all this with the sense of irony that Reinhold Niebuhr has taught us as we look at all expressions of American messianic hopes. The Jewish hope is the universal hope, the Jew is every man. But Jews keep on being Jews and the world remains the world. As H. Richard Niebuhr has written of Protestant liberalism: "...the idea of the coming kingdom was robbed of its dialectical element. It was all fulfillment of promise without judgment. It was thought to be growing out of the present so that no great crisis needed to intervene between the order of grace and order of glory. In its one-sided view of progress...this liberalism was indeed naively optimistic."¹⁷

Notes

1. Mary Douglas, *Natural Symbols*, introduction to the New Edition, pp. xix ff.
2. Mary Douglas, *Ibid.*, p. 7.
3. Mary Douglas, *Ibid.*, p. 65.
4. Karl Barth, *From Rousseau to Ritschl*, London, 1959, p. 315.
5. *Protokolle...*, p. 10. The translation is from Central Conference of American Rabbis Yearbook 1891, p. 120.
6. Einhorn's Prayer Book *Olat Tamid* contains a ritual statement of belief for proselytes; the only prayer book to do so.
7. His question is printed in B. Felsenthal, *Zur Proselytenfrage im Judenthum*, Chicago 1878, pp. 7ff.

8. Moritz Spitz in *Jewish Voice*, Oct. 17, 1890 quoted in Central Conference of American Rabbis Yearbook 1892, p. 123.
9. Michael A Meyer, *Response to Modernity*, New York, Oxford 1988, pp. 265ff.
10. William Hutchinson characterizes Protestant modernism by three things: adaptation of religious ideas to modern culture, God immanent in human development and revealed through it, and progression to the realization of the Kingdom of God; *The Modernist Impulse in American Protestantism*, Oxford 1976, p. 2. This is a perfect description of the Pittsburgh Platform.
11. *Authentic Report of the Proceedings of the Rabbinical Conference held at Pittsburgh*, Nov. 16, 17, 18, 1885 reprinted in Walter Jacob (ed.) *The Changing World of Reform Judaism*, Pittsburgh, 1985, p. 101.
12. *Ibid.*, pp. 111f.
13. Central Conference of American Rabbis Yearbook 1892, p. 38.
14. Moshe Davis, *The Emergence of Conservative Judaism*, Philadelphia 1963, p. 201.
15. He had studied medicine, see *Jewish Encyclopedia*.
16. *Turei Zahav to Yoreh Deah* 268:2.
17. H. Richard Niebuhr, *The Kingdom of God in America*, Chicago, New York, 1937, p. 193.