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Conversion to Judaism in Jewish law

Jacob, Walter

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SELECTED REFORM RESPONSA

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CONVERSION WITHOUT FORMAL RITUAL

Water Jacobs

QUESTION: A couple in a mixed marriage has adopted a Jewish life-style for more than a decade. The wife, who came from a Protestant background, has been observant; she had not practiced her religion or beliefs for many years prior to her marriage. She has been active in Judaism, has attended services during the High Holy Days and during the year, has participated in many programs of the Temple and its Sisterhood, enrolled in some adult education courses, and raised her children as Jews. The formal conversion ceremony has not taken place.

SELECTED REFORM RESPONSA

These responsa are a representative selection on conversion chosen from more than one thousand American Reform responsa published in the twentieth century. We are grateful to the Central Conference of American Rabbis and the Hebrew Union College Press for permission to reproduce them.

young new converts. She would like to be part of a group at the standard conversion ceremony which her congregation conducts publicly. How can she officially be considered as Jewish? (C.C.A.R. Miami, FL)

ANSWER: (Let us begin by reviewing the Reform discussion and the development of the tradition. The American Reform discussion of conversion from 1850 onward made it quite clear that the principal requirements were intellectual; we have been more concerned with understanding than ritual. (C.C.A.R. Yearbook, 1947, pp. 15ff; see also #69-71 in Water Jacobs, *American Reform Responsa*.) In keeping with this emphasis, conversion to Judaism classes have been organized by virtually all congregations. In larger communities, some of the congregations have joined together and offered centralized classes on a year-round basis along with individualized instruction by the congregational rabbi. Traditional Judaism, of course, also requires instruction, but usually places the

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23. W. Jacob, *Contemporary Reform Response*, New York, 1967, #127, 257. *Question and Answer Jewish Answers*, New York, 1962, #129 E.

24. W. Jacob, *Question and Answer Jewish Answers*, New York, 1962, #128 H.

25. W. Jacob, *Contemporary American Reform Response*, New York, 1967, #44, 447.

26. W. Jacob, *Contemporary American Reform Response*, New York, 1967, #46.

27. W. Jacob, *Contemporary American Reform Response*, New York, 1967, #45.

28. See 17:10; 21:14; 22:30; 21:10; 22:10.

29. See 17:10; 21:14; 22:30; 21:10; 22:10.

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It is a pleasure to acknowledge the helpful discussions and suggestions of the author's colleagues at the Hebrew Union College, Cincinnati, Ohio, and at the Hebrew Union College, New York, New York.

CONVERSION WITHOUT FORMAL INSTRUCTION

Walter Jacob

QUESTION: A couple in a mixed marriage have maintained a Jewish life-style for more than a decade. He is Jewish, and she came from a Protestant background. They were married civilly, and she had not practiced her religion or believed its tenets for many years prior to her marriage. She has received no formal instruction in Judaism, but for the last decade she has lived a Jewish life. She has attended services during the *Yamim Noraim*, and intermittently during the year, has participated in many programs of the Temple and its Sisterhood, enrolled in some adult education classes, and raised her children as Jews. The family observes Jewish holidays at home by lighting candles and making *Qiddush* each Friday evening and on the eve of holidays; they erect a *Sukkah* and light *Hanukah* lights. She considers herself Jewish, as do her friends. She would now like to have this "Jewishness" recognized officially. She does not wish to attend the Introduction to Judaism class for young new converts. She would also feel out of place at the standard conversion ceremonies which her congregation conducts publicly. How can she officially be considered as Jewish? (F.L., Miami, FL)*

ANSWER: Let us begin by reviewing the Reform discussion and the development of the tradition. The American Reform discussions of conversion from 1890 onward make it quite clear that the principal requirements were intellectual; we have been more concerned with understanding than ritual ("*Milat Gerim*," *CCAR Yearbook*, 1947, pp. 15ff; see also #69-71 in Walter Jacob, *American Reform Responsa*). In keeping with this emphasis, Introduction to Judaism classes have been organized by virtually all congregations. In larger communities, some of the congregations have joined together and offered centralized classes on a year-round basis along with individualized instruction by the congregational rabbi. Traditional Judaism, of course, also requires instruction, but usually places the

emphasis upon the ritual duties incumbent upon either the man or the woman, rather than on a more general background. For traditional Jews, the ritual of conversion is of primary importance, irrespective of the instruction which had taken place.

The traditional requirements for conversion are clear (*Yev.* 46, 47; *Shulhan Arukh, Yoreh Deah* 268; *Yad Hil. Issurei Biah* 15); a court of three is necessary. Prospective converts must be warned that they are joining a persecuted community, and that many new obligations will be incumbent upon them. They were to bring a sacrifice in the days when the Temple stood, and males had to be circumcised and take a ritual bath. To this day, the requirements of a *Bet Din, Tevilah*, and *Berit* still remain for traditional Jews. The sources are clear on the requirements, but considerable discussion about them exists in the *Talmud*. For example, R. Eliezer stated that if a prospective male convert was either circumcised or took a ritual bath, he was considered a proselyte. R. Joshua insisted on both, and his point of view was adopted (*Yev.* 46b). Hillel and Shammai disagreed about a prospective male convert who was already circumcised: *Bet Shammai* insisted that blood must be drawn from him, while *Bet Hillel* stated that one may simply accept that circumcision without drawing blood (*Shab.* 135a). The Rabbinic authorities decided in favor of *Bet Shammai* (*Shulhan Arukh, Yoreh Deah* 268.1; *Yad, Hil. Issurei Biah* 14.5). There were differences of opinion about steps necessary for the ritual of conversion in ancient times. The *Talmud* also contains a variety of opinions about the desirability of accepting converts. These reflect historic competition with Christianity, persecution, etc., in the early centuries of our era.

The *Talmudic* discussions insist that the convert must join Judaism without any ulterior motives, and if such are present, the conversion is void (*Yev.* 24b). Of course, the opinion applies only prospectively, not retrospectively, and *bediavad* they were accepted.

Some authorities were more lenient in regard to ulterior motives, so Hillel (*Shab.* 31a) readily accepted a convert who stated that he wished eventually to become a high priest. R. Hiya accepted a woman who wanted to marry one of his students (*Men.* 44a). In modern times, although most Orthodox authorities would reject those who seek to join us for the sake of marriage, some would accept them in order to avoid the conversion by Reform rabbis (Mendel Kirshbaum, *Menahem Meshiv*, #9), because civil marriage has preceded, or because the couple is living together (David Hoffman, *Melamed Lehoil*, *Even Haezer* 8, 10; *Yoreh Deah* 85). Similar arguments have been advanced by Meshulam Kutner in *Uketora Yaasu*, and by Moses Feinstein in *Igerot Mosheh*, *Even Haezer* # 27. However, the greatest number of Orthodox authorities have rejected these arguments (e.g., Joseph Saul Nathanson, Jacob Ettlinger, and Yehiel Weinberg). This rejection, even for consideration as converts, is based upon their ulterior motivation and the likelihood that they will not accept all of the commandments which are not generally observed in the Jewish community today and probably not kept by the Jewish partner (Isaac Herzog, *Heikhal Yitzhaq*, *Even Haezer* I, #20; Meir Arak, *Imrei Yosher* I, #176; Abraham Kook, *Daat Kohen*, #154; Moses Feinstein, *Igerot Mosheh*, *Yoreh Deah* I, #157, 160; *Even Haezer* III, #4).

Some Orthodox authorities have ruled that the conduct of a Jewish way of life, even without documentation of conversion, creates a valid assumption of Jewishness (A. Karelitz, *Chazon Ishel*, *Yev.*, par. 83., #6; *Bet Din Harabanim Hagadol*, Jerusalem, Appeal 1968/26, case of Chanoch and Miriam Langer). Each of these decisions was based upon *Talmudic* statements which indicated that this line of thought applied in cases where either father or mother was Jewish (*Yev.* 45b) and conversion was presumed.

Now let us turn to the specifics of your question. Although the Reform Movement has insisted on instruction and intellectual

understanding of Judaism, it has never specified precisely how this instruction is to be obtained. Usually, a young convert receives such instruction through Introduction to Judaism classes and reading connected with them. Such classes extend over a period of three months to a year and meet once or several times a week. The reading assignments are usually geared to the intellectual level of the prospective convert. In some instances they include a familiarity with basic books on holidays, liturgy, and history, while others require a thorough knowledge of Jewish history, philosophy, literature, and liturgy. There is nothing which would preclude acquisition of such knowledge over a period of years and in a more informal manner, as the woman described in this question. She has undoubtedly accumulated a considerable body of knowledge through her attendance at services and programs in her synagogue, through random reading, and through constant association with Jewish friends. Certainly, her present knowledge of Judaism would exceed that of anyone who completed the customary introductory courses. Even more important is the fact that her commitment has shown itself to be sincere and has stood the test of time. She not only possesses an intellectual understanding of Judaism, but feels herself Jewish and has involved herself in many aspects of Jewish life both inside and outside the synagogue. From the point of view of knowledge and commitment, we may therefore consider her an appropriate candidate for the final steps of conversion. We should encourage her to move in that direction, especially as she and her husband wish to take this step.

There is nothing in our Reform tradition which demands a public conversion ceremony. Her formal reception into Judaism could take place privately, in the presence of a rabbi and two witnesses.

The prospective convert would be told about *Tevilah* and, in case of a male, about circumcision or *tipat dam*. They should be

encouraged to proceed in these directions if that is the custom of the community; however, neither custom is mandatory. It is quite clear from tradition that if such an individual at any time undergoes *Tevilah*, even though not specifically for the purpose of conversion, it would be considered the same as if she had undergone it for that purpose (*Shulhan Arukh, Yoreh Deah* 268.3). This should be considered seriously if the family has any intention of settling in Israel. A Hebrew name of the convert's choice can be appropriately provided at this time as well.

In summary, it would be perfectly possible to accept such a woman as a convert to Judaism with very little further action on her part. This step should be made as easy as possible, and we should do everything in our power to bring *gerei toshav* completely into the sphere of Judaism.

*Walter Jacob, *American Reform Responsa*, New York, 1983, #66.

GERUT AND THE QUESTION OF BELIEF

Walter Jacob

QUESTION: A young woman wishes to convert to Judaism. She has given her reasons for doing so as follows: She will marry a Jewish man and wants to establish a home which shall be unified religiously. She has been impressed by the strength of Jewish family life and by its close-knit unity. Her ethical and moral values coincide with those of Judaism; she is strongly committed to Jewish ethical values, and has considerable interest in Israel and Zionism. She does, however, consider herself agnostic and doubts whether her attitude will change. In all of these matters she is in complete agreement with her Jewish fiance. She feels no attachment to her former Christian background. Can we accept such an individual as a convert to Judaism? (D.O., Pittsburgh, PA)*

ANSWER: The traditional approach to converts was to warn them that they were joining a persecuted community and that many obligations were incumbent upon them. This was followed by a discussion of the ritual necessary for conversion (*Yev.* 46, 47; *Shulhan Arukh, Yoreh Deah* 268; *Yad Hil. Issurei Biah* 15). It is clear that the "obligations" were the *mitzvot* and, of course, it was understood that all of these were of divine origin. Therefore, the source of the *mitzvot* had to be accepted. Modern Orthodox authorities have generally rejected converts who join us for the sake of marriage. Some would accept them in order to avoid the conversion by Reform rabbis (Mendel Kirshbaum, *Menahem Meshiv*, #9), because civil marriage has preceded, or because the couple is living together (David Hoffman, *Melamed Lehoil, Even Haezer* 8, 10; *Yoreh Deah* 85). Similar arguments have been advanced by Meshulam Kutner in *Uketora Yaasu*, and by Moses Feinstein in *Igerot Mosheh, Even Haezer* 27. However, the greatest number of Orthodox authorities have rejected these arguments (e.g., Joseph Saul Nathanson, Jacob Ettlinger, and Yehiel Weinberg). Their

rejection, even for consideration as converts, was based upon their ulterior motivation and the likelihood that they would not accept all of the commandments which are not generally observed in the Jewish community today and probably not kept by the Jewish partner (Isaac Herzog, *Heichal Yitzchak*, *Even Haezer* I, #20; Meir Arak, *Imrei Yosher* I, #176; Abraham Kook, *Daat Kohen*, #154; Moses Feinstein, *Igerot Mosheh*, *Yoreh Deah* I, #157, 160; *Even Haezer* III, #4. It is, therefore, quite clear that in Judaism, belief in God has been considered and was implied as a basis for conversion. The nature of that belief may have varied considerably, as there has always been wide latitude in Judaism and many divergent concepts have been acceptable.

The Biblical figure Ruth has generally been taken as the prototype for all later converts. Her classical statement (Ruth 1:16) mentioned God only at its end, leading some commentators to the conclusion that while rejection of pagan beliefs was considered essential, belief in God might be achieved gradually. The Biblical Book of Job and many of the psalms display questions verging on agnosticism. Some Spanish Jewish philosophers and those of Renaissance Italy expressed similar doubts. Such thoughts were, however, rejected in the more restrictive ghettos of Central and Eastern Europe. In modern times the writings of Mordecai Kaplan, Walter Kaufman, and a host of others have presented a variety of radical positions, sometimes close to agnosticism. Sections of the English prayers in the service of *Gates of Prayer* are written from this questioning stance. Many prospective converts have been and will be motivated by the openness of Judaism which encourages exploration of all ideas even while demanding that the Jewish path of life (*halakhah*) be followed. The woman in question does not deny the existence of God and is not an atheist. We would not have accepted her if she denied the existence of God, but we should accept this convert with the feeling that her attachment to Judaism

Walter Jacob

and the knowledge of it are sufficient to bring her into Judaism and to help her develop a commitment to this religion. As her Jewish life continues, she may also change her views on the nature of God.

*Walter Jacob, *American Reform Responsa*, New York, 1983, #65.

ANSWER: Unless we have very good reason for regarding her conversion from a foreign land, we should accept it. The questions would primarily deal with her behavior or knowledge of the convert. If the convert's attitude towards halakha seems better than we are entitled to question the conversion. Otherwise, someone who comes to us with appropriate devotion, they should be accepted.

We many, of course, suggest further study by the young woman on the grounds that her knowledge of Judaism seems limited. This would make it easier for her to establish a Jewish home and to raise her children within the Jewish community. Such suggestions made in a positive manner, will have the desired effect, they will avoid problems of questioning the efforts of colleagues elsewhere while at the same time maintaining our own standards for conversion.

*Walter Jacob, *Questions and Reform Jewish Answers*, New York, 1992, #127.

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A CONVERT FROM ANOTHER LAND

Walter Jacob

QUESTION: A young woman has come to the United States from Australia. She was converted to Judaism there and possesses the proper documentation; the conversion in this instance seems to have been done rather hurriedly. Should we accept it? She wishes to marry an American Jewish boy. (Robert Gold, Baltimore, MD)*

ANSWER: Unless we have very good reason for rejecting the conversion from a foreign land, we should accept it. Those reasons would primarily deal with the behavior or knowledge of the convert. If the convert's attitude towards Judaism raises doubts, then we are entitled to question the conversion. Otherwise, someone who comes to us with appropriate documentation should be accepted.

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Walter Jacob, Questions and Reform Jewish Answer, New York,

1992, #127

CONVERSION AND CHURCH MEMBERSHIP

Solomon B. Freehof

QUESTION: A man wanting to marry a Jewess is willing to go through conversion and join the Jewish congregation, but wishes nevertheless to remain a member of the Christian congregation. What should be the attitude of the Jewish congregation? (Rabbi S. Andhil Fineberg, Mount Vernon, New York.)*

ANSWER: The very fact that such a question arises every now and then these days is an evidence of the modern mood in which sharp distinction between religious groups and traditions tends to grow vague. We Jews, for example, are now accustomed to the thought of having a Jew belong to three or four congregations, each of a different attitude in Judaism. In many cities a man will belong to an Orthodox, a Modern Orthodox, a Conservative, and a Reform congregation. This practice is deemed quite proper and even praiseworthy.

Yet the idea would have been ludicrous a generation or two ago. The responsa of the rabbis of Hungary and Galicia discuss whether Orthodox Jews should associate with the Reformers even in charity, or even whether Orthodox should associate with what might today be called semi-modern Orthodox, the group known in Hungary for historical reasons as the "Status Quo." These "Status Quo" organizations were strictly Orthodox, but the question arose whether one could eat of the *Shehita* of the Status Quo *Shohet*. Possibly it is to the good that the sense of denominational separation has weakened among the Jews. But should we likewise consider it praiseworthy if religious separateness ceases to be sharp between Jews and Christians? And could we contemplate, without disapproval, Jews and Christians belonging to each others' congregations as well as to their own?

Obviously there is a difference between crossing lines that separate Orthodox, Conservative, and Reform Judaism, and crossing lines that separate Judaism and Christianity. Jewish life is undergoing constant change in America. Families have roots in many types of Jewish congregations. The difference in observance is getting less, but between Jews and Christians, although social contacts may increase, the basic theological difference is unshaken. If, as we must assume, belonging to a congregation means accepting its teaching, then a Jew cannot belong to a Christian congregation. Christian congregations are trinitarian and Jewish law prohibits a Jew from adding other divine personages to God in his prayers. Likewise, Christians cannot be part of a Jewish religious community and still be Christians, because they would then have to deny the role of Jesus as Christ.

But it happens that in our present social conditions people contribute to many congregations they do not accept. This is due to our praiseworthy American mood of interdenominational charity. It is therefore quite conceivable that a Christian would want to make a donation to a synagogue, and this is quite in accordance with Jewish law (*Reform Jewish Practice*, II, 45ff). He might consider his dues as merely a charitable contribution. This is, of course, a possibility, but it certainly implies a confusion of theologies.

However, since the case you mention involves the Christian's making himself eligible to be married by a rabbi, then he means his membership in the Jewish congregation to be an evidence of conversion. Conversion is something absolute in the eyes of Jewish law. It is so absolute that the law in the *Talmud* (as codified in the *Shulhan Arukh*, *Yoreh Deah* 268:9) says that a proselyte is like a newborn babe. He has not even any relatives left in his former life. This is, of course, an overstatement which the law itself modifies. But it means that the division must be clean-cut. (By the way, I am

certain that this is the essential meaning of the two or three statements in the Gospels when Jesus speaks to those who would join his movement. He says: "Unless ye are like little children, ye cannot enter the kingdom of heaven." He meant: "Give up all your past and be born anew." This was the classic Jewish concept of conversion.) The man of whom you speak cannot, therefore, either by logic or by the spirit of the law, continue his old affiliations together with the new.

Besides, the *Talmudic* law questions the validity of any conversion entered into merely for the purpose of marriage; it questions its sincerity. If the man involved refuses to give up Christianity, then his acceptance of Judaism cannot possibly be wholehearted or sincere and he cannot be accepted as a proselyte.

So, in spite of the general blurring of boundaries (which is part of the spirit of the age and which also has its good side), nevertheless, on the basis of both common sense and the Jewish law, which requires in conversion a clean-cut separation and unquestionable sincerity, such an arrangement as suggested is utterly unacceptable under Jewish law and tradition.

*Solomon B. Freehof, *Reform Responsa*, Cincinnati, 1960, #18.

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MENTAL COMPETENCY OF A CONVERT

Walter Jacob

QUESTION: A prospective convert appears to be mentally unbalanced (paranoid), therefore, his understanding of Judaism is limited. Shall we accept or reject such a convert? (Elizabeth Levine, Congregation Beth-El, Fort Worth, Texas)*

ANSWER: Conversion to Judaism is a major religious step which cannot be taken lightly; this act has legal (*halakhic*) implications. It is clear that Jewish law mandates that anyone acting in a legal capacity must be mentally competent (*Git. 23a; Yad Hil. Edut 9.9; Shulhan Arukh, Hoshen Mishpat 188.2*). The tradition also demands that any individual engaged in a religious act, especially initially (*lehat-hila*) must be completely mentally competent (*Mishnah 18, Rosh Hashanah 8; Meg. 2.4; Hag. 1.1; Men. 9.8; Git. 2.5, etc.*). The mentally incompetent and those with other deficiencies could not engage in a valid religious act. If certain kinds of ritual acts had been done by someone mentally incompetent and performed properly, then they were considered acceptable *bediavad*.

The *Talmudic* authorities and the Rabbinic authorities subsequently struggled to achieve a proper definition of mental incompetence and found it as difficult as we in modern times. They, of course, pointed to a variety of strange behavior (*Hag. 3b; Nid. 17a; Shulhan Arukh, Yoreh Deah 1.5*). Ultimately, this was left to the insight of the presiding judge (*Yad Hil. Edut 9.9; Hil. San. 2.1*). These basic decisions were followed by the *responsa* as well (Isaac b. Sheshet, *Responsa*, #468; Rashbam, *Responsa*, Vol. 2, # 1, etc.), and were not modified in any substantial manner.

The Rabbinic injunction that conversion be carried out before *Bet Din* which shall consist of three members (Yev. 46b) makes it clear that this act, although basically religious in nature, is a legal transaction. Therefore, all of the above statements would be applicable. A person who proved to be mentally incompetent, but had been converted to Judaism, is accepted *bediavad*, but certainly not *lehat-hila*.

As a complete understanding of all aspects of Judaism is necessary for a sincere and complete conversion, such prospective converts must be of sound mind and mentally competent. We cannot accept individuals who do not meet these prerequisites.

*Walter Jacob, *American Reform Responsa*, New York, 1983, #67.

THE PREGNANT PROSELYTE

Solomon B. Freehof

QUESTION: A young mother, pregnant, is a candidate for conversion to Judaism. The question asked whether the child which will be born after she had been converted will be a Jewish child by birth, or whether he, too, needs to be converted. (From Rabbi Sherman Stein.)*

ANSWER: The legal status of children of proselytes is discussed under the terms: "conceived in holiness" and "born in holiness." "Holiness" here means Judaism. The status of the child is, to a considerable extent, determined by both of these two tests: A child conceived before the mother is converted and born before the mother's conversion (i.e., neither conceived nor born in "holiness") is a Gentile child and needs separate conversion if it is to be Jewish. A child conceived and born after the mother had converted is completely Jewish and needs no conversion. The child about whom the question is asked here would be described legally as not conceived in holiness, but born in holiness.

The distinction between children conceived before conversion and born after conversion and children conceived after conversion becomes greatly complicated in the case of levirate marriage. If one brother dies childless, does the other brother (both being children of a convert) have to practice levirate marriage or its alternate, *halitzah*? All this is discussed in the *Mishnah* (*M. Yevamot*, XI:2; the *Talmud* in *B. Yevamot* 97-98; *Shulhan Arukh*, *Even Haezer* 137:3; and *Yoreh Deah*, 269:3). The fact that the law does not require levirate marriage (or *halitzah*) in such cases is because the levirate marriage depends upon *paternal* relationship, yet even so the law admits that the children have a maternal relationship. In a recent volume of responsa, *Har Tsvi*, #223, by

Tsvi Pesach Frank (Jerusalem, 1964), another question is raised, namely, whether the embryo of a woman being converted may eventually be heir to the property of the mother.

But our chief concern here is not levirate marriage nor inheritance; it is simply whether the child will be born Jewish. As to that question, another principle is involved, one that remains undecided in the literature, namely, whether an embryo is to be considered as merely part of the mother's body (*ubar yerekh imo*) or whether it is an independent personality (cf., the discussion in *Tosfot to Sanhedrin 80b., s.v., "Ubar"*). The answer to this debated question touches many facets of the law. It applies, for example, to animals. If a pregnant animal is *terefah*, unfit for the altar or for food, is the unborn calf made unfit as part of the mother's body, or not? (*Hulin 58a*) Or, for example, a priestess is not forbidden to go into a cemetery, but there is considerable opinion that a *pregnant* priestess may not go into the cemetery on the chance that her unborn baby may be a male; which, of course, would imply that the embryo in that case is considered to be an independent personality (see the summary of the discussion in *Kol Bo Al Avelut* by Greenwald, p. 76, note 27). This disputed basic question also affects the problem of abortion. If the embryo is actually an independent personality, then abortion would be murder; but if the general principle is upheld that it is merely part of the mother's body, then to save the mother there is no more crime in removing this part of the body than operating on a leg or an arm.

The basic question of whether or not the embryo is merely part of the mother's body would apply specifically to the question asked about the unborn child of a woman being converted. If it is merely part of the mother's body, then with her conversion, all of her including the embryo, is converted. In fact, to some extent this is apparently the fact, because the generally accepted law is that while a man being converted required both circumcision and the

ritual bath, this child, all agree, does not require the ritual bath (even if he did need separate conversion) because his mother's ritual bath is deemed to have been effective for him.

In *Nimuqei Yosef* (Joseph ibn Chabib) to Chapter 4 of *Yevamot*, near the end of the chapter (bottom of 16a in Vilna editions) there is a discussion of the status of such an embryo, and the opinion of Nachmanides is cited that such an embryo does not require the ritual bath to be converted; and Aaron Halevi adds that when he is born, he is circumcised as any Jewish child is circumcised (i.e., not for the purpose of conversion) and the opinion of Rashi to *Yevamot* 78a is quoted to virtually the same effect.

In other words, the general tendency of the law is to hold that the child does not require ritual bathing and his circumcision is that of a Jewish child (cf. *Yoreh Deah* 268:6 and *Yad, Hil. Issurei Biah* XIII, 7). In general, therefore, it is correct to say that he is converted through the act of his mother's conversion. And, of course, this also applies to a girl child, who could not be circumcised anyhow. In fact, Aaron Halevi indicated that although all male converts require both the ritual bath and circumcision, the male embryo is considered to have had the ritual bath when his mother took it and his conversion is not incomplete on the ground that he is still uncircumcised since he cannot be circumcised at the time, and thus it is analogous to the conversion of a girl baby.

Tzvi Pesach Frank in the responsum mentioned cites the opinion of *Ma'aseh Hiyah* (Hiyah Rofe, Responsum #1, [Safed, died 1620]), which clearly is based on the idea that the mother's conversion completely converts the unborn child. Tzvi Pesach Frank in this responsum (#223, end of column 195) derives the conclusion from Rashi to *Yevamot* 78a that the unborn child of a pregnant proselyte is completely converted by his mother's

conversion bath even before he is born. In the next responsum (#224, column 196b) he gives as the opinion of Aaron Halevi and the *Tosfot* that the unborn child is completely a proselyte.

Thus with regard to children conceived as Gentiles and born after the mother is a Jewess (born in *qedusha*) Isserles says that the term "convert" is not to be applied to them (*Darqei Mosheh to Tur, Hoshen Mishpat* 33) that they are not converts (but they are born Jews). This is cited by Shach *op. cit.* with approval as the established opinion. That is to say, that while there will be some disagreement as to the child's relationship to previous children of its mother in a possible levirate situation, or whether or not it is too closely related to them to be permitted to be a witness in a Jewish court in cases affecting them (since relatives may not be witnesses) there is no question that the child (though not conceived "in holiness" but born "in holiness") is obligated to fulfill the commandments because it is fully Jewish.

*Solomon B. Freehof, *Modern Reform Responsa*, Cincinnati, 1971, #25.

CONVERTING A MARRIED WOMAN

Solomon B. Freehof

QUESTION: A Jewish man marries a Catholic girl in another country in a Catholic marriage ceremony. Later they come to the rabbi. The woman wants to be converted to Judaism and they want to be married as Jews and pledge to live as Jews. Is there any objection to the rabbi converting the wife and remarrying the couple who had been married previously by a Catholic marriage?*

ANSWER: There is, of course, considerable Orthodox objection to converting to Judaism any non-Jewish woman who has lived with a Jewish man in marriage or common-law marriage or civil marriage, but this objection is not always heeded, and it is certainly the attitude of the Central Conference of American Rabbis to convert women married to Jews.

As for the status of the Catholic marriage, it is clear that we consider Catholic marriage valid for Catholics, but whether it is valid for Jews is a complex question. The problem arose first with the Marranos, many of whom were married in churches and later escaped. Sometimes the woman escaped alone and the husband was killed. Is this woman a perpetual *agunah*, or was the church marriage not a marriage and she therefore free. There are two classic responsa on it. One is by Isaac Bar Sheshet. In his Responsum #6 he declares it is no marriage and that the woman is free to be remarried. His younger contemporary and rival in Algiers, Simon ben Zemah Duran, says (Vol. III, #47) that the church marriage is a marriage if there were valid Jewish witnesses present; otherwise it is not. In general, the weight of the authorities is that it is not a valid marriage if a Jew is involved. See the authorities quoted in Freimann, *Seder Qiddushin*, pp.346 ff. For the whole discussion, see the "Report on Mixed Marriage and Inter-marriage," *Central Conference of American Rabbis Yearbook*, Vol. 57 (1947).

Actually, the status of a couple's previous marriage is no concern of the rabbi. If a mixed-marriage couple comes before him with the request that the Gentile be converted, if he is convinced that they are both sincere, he certainly may convert a married woman as readily as he might a single woman even though, as mentioned above, some Orthodox authorities would oppose remarrying a woman to a man to whom she had already been married; but on this the Conference is liberal, and many Orthodox rabbis are likewise liberal. Otherwise we would not be able to remarry people who had previously been married by civil authority because the same objection would apply, since they had lived together. It is for the rabbi to satisfy himself that the pledge they make to raise their children as Jewish, to live a Jewish life, is a sincere one. If he is convinced of that, he certainly may convert and marry them. All this is understood as from our more liberal Reform point of view. This is the clear decision of the Conference; see "Report on Mixed Marriage and Inter-marriage," from which I quote:

If, however, the Christian member of the couple desires to convert, we should accept him or her, if sincere, as a candidate for proselytizing. In this regard our attitude would be consistent with that which we take in the case of a mixed civil marriage, in spite of the fact that under such circumstances traditional law would hesitate to accept the convert. Similarly, after conversion we would insist that the couple shall be remarried by a Jewish ceremony. (p. 12)

*Solomon B. Freehof, *Reform Responsa*, Cincinnati, 1960, #19.

CONVERSION OF A YOUNG CHILD

Walter Jacob

QUESTION: What should be done for a four year old who was baptized as a Catholic and born to a Roman Catholic mother? The mother has now married a Jew who has legally adopted her son. Both have agreed that the child should be converted to Judaism and raised as a Jew. He is surgically circumcised. What procedure should this conversion follow? (O.R., Pittsburgh, PA)*

ANSWER: We should begin by reviewing the traditional requirements for conversion. They are clear (*Yev.* 46, 47; *Shulhan Arukh, Yoreh Deah* 268; *Yad Hil. Issurei Biah* 15); a court of three is necessary. Prospective converts must be warned that they are joining a persecuted community and that many new obligations will be incumbent upon them. They were then to bring a sacrifice (in the days when the Temple stood), take a ritual bath, and in the case of males, be circumcised. To this day the requirements of a *bet din*, *tevilah*, and the *berit* remain for traditional Jews. The sources are clear on the requirements, but considerable discussion about them exists in the *Talmud*. For example, R. Eliezer stated that if a prospective male convert was circumcised, or took a ritual bath, he was considered a proselyte. R. Joshua insisted on both, and his point of view was adopted (*Yev.* 46b). Hillel and Shammai disagreed about a prospective male convert who was already circumcised. *Bet Shammai* insisted that blood must be drawn from him, while *Bet Hillel* stated that one simply accept that circumcision without drawing blood (*Shab.* 135a). The rabbinic authorities decided in favor of *Bet Shammai* (*Shulhan Arukh, Yoreh Deah* 268.1; *Yad Hil. Issurei Biah* 14.5). Clearly, there were differences of opinion about steps necessary for the ritual of conversion in

ancient times. The *Talmud* also contains a variety of opinions about the desirability of accepting converts. These reflect historic competition with Christianity, persecution, etc. in the early centuries of our era.

The *Talmudic* discussions insist that the convert must join Judaism without any ulterior motives, and if such are present, the conversion is void (*Yev. 24b*). Of course this opinion applies only prospectively, not retrospective, and *bediavad*, they were accepted. This is hardly at issue here, but let us understand this line of reasoning as well. Some authorities were more lenient in regard to ulterior motives, so Hillel (*Shab. 31a*) readily accepted a convert who stated that he wished eventually to become a high priest. R. Hiya accepted a woman who wanted to marry one of his students (*Men. 44a*). In modern times, although most Orthodox authorities would reject converts who seek to join us for the sake of marriage, some would accept them in order to avoid conversion by Reform rabbis (Mendel Kirshbaum, *Menahem Meshiv*, #9), because civil marriage has preceded, or because the couple is living together (David Hoffman, *Melamed Lehoil, Even Haezer* 8, 10; *Yoreh Deah* 85). Similar arguments have been advanced by Meshullam Kutner in *Uketorah Yaasu* and Moses Feinstein in *Igrot Mosheh (Even Haezer I, 27)*. However, the greatest number of Orthodox authorities have rejected these arguments (Joseph Saul Nathenson, Jacob Ettlinger, Yehiel Weinberg). Their rejection even for consideration as converts is based upon ulterior motivation and the likelihood that they would not accept all the *mitzvot* as they are generally not observed in the Jewish community today, and probably not kept by the Jewish partner (Isaac Herzog, *Hekhal Yitzhoq, Even Haezer I, #20*; Moses Feinstein, *Igrot Mosheh Yoreh Deah, I, #157, 160*; *Even Haezer III, #4*). I have quoted all of these modern Orthodox authorities to show that our *gerut* may not be accepted by traditional authorities. The Orthodox would, in any case, not

accept a liberal conversion. They would consider our *bet din* invalid and would certainly feel that our converts would not have accepted the yoke of the commandments, the entire system of *mitzvot*.

As we view the rite of conversion from a Reform point of view, we should not that the Reform movement has placed its stress on careful instruction with more attention on intellectual rather than ritual requirements. The Central Conference of American Rabbis, in 1892, abolished the requirement of any ritual including circumcision. Most liberal rabbis, however, require circumcision in accordance with the opinion of Hillel (*Shab. 135b*). Converts are to be accepted after due instruction before "any officiating rabbi assisted by no less than two associates." There are, of course, definite limits to instruction in this instance, but some initial education can be undertaken.

Except in a cursory way, no discussion of *tevilah* has been undertaken by liberal Jewish authorities. The custom has fallen into disuse, but was never actually rejected. It is followed for *niddah* by only a small percentage even within the Orthodox community. The practice has been further hindered by endless Orthodox debates about the technical requirements of *miqveh*. A ritual immersion has, therefore, not been considered necessary for conversion in many Reform Jewish communities. There are, however, a number of cities in the United States and Canada in which *tevilah* has been encouraged or required for Reform conversion. In others it is optional.

We might conclude that if the custom possesses meaning for the communities and for the prospective convert, it should be encouraged. This would make it more difficult for traditionalists to challenge liberal conversions, although Orthodox authorities will never willingly accept anything we do as our basic premises differ sharply.

When infants who are adopted become Jewish, it may also be done through the naming ceremony conducted either at home or in the synagogue. In many Reform congregations, this would be considered sufficient ritual conversion for girls and also for a large number of boys. This act, along with Jewish education, would bring the child into the covenant of Judaism in the same manner as a child born Jewish.

We have several possibilities which might be followed in the conversion of this young boy about whom you ask. He should certainly begin to receive some Jewish education. As he is already circumcised, his parents might want to undertake *tipat dam*. Although tradition would encourage this, we would not suggest it for a child four years old. It would certainly provide a negative initial experience with Judaism. However, *tevilah*, with an appropriate ceremony, or a Hebrew name bestowed either in the synagogue or at home, would provide a proper initiation into Judaism through something meaningful and understandable to the young boy and his parents.

*Walter Jacob, *Contemporary American Reform Responsa*, New York, 1987, #49.

CIRCUMCISION OF PROSELYTES

Solomon B. Freehof

QUESTION: Is there any *halakhic* justification for the practice of some Reform groups of accepting adult proselytes without requiring circumcision? (W.V.d.Z., London.)*

ANSWER: The question of whether to admit male proselytes without circumcision was one of the questions which greatly troubled the Reform movement in the United States in its early days. At the second and third sessions of the Central Conference of American Rabbis (1891-1893), the subject was vehemently debated and finally decided by a vote of 25-5 (*CCAR Yearbook*, Vol. III, p. 36), adopting the resolution to accept proselytes without any initiatory rite (i.e., bathing or circumcision).

The debate, which is found chiefly in Vol. II, drew in almost all the leaders of the Reform movement in America. Many of the arguments repeat each other and use the same rabbinical quotations over and over again; but finally the whole question is summed up in the formal report of the Committee signed by Isaac M. Wise himself. This summary is systematic and in many ways original. It is worth epitomizing here because it is as good a statement of the case as has been found anywhere.

The essence of the argument is that there is no actual requirement of an initiatory rite for a proselyte to be found in the Torah; nor is there any definite legal requirement for such a rite found in the *Mishnah*. Therefore the *Talmud* is still debating whether or which initiatory rites are required, and therefore, also, there are some medieval authorities who consider that the initiatory rites are not indispensable.

If this statement can be proved adequately, it is of considerable importance because the Torah has over fifty detailed

reference to the *ger*, as to his rights and his privileges and the treatment due him. If, then, in spite of the full Biblical discussion of the *ger*, there is no mention at all of initiatory rites, the silence is eloquent indeed and would certainly tend strongly to prove that actually there were no such rites required. Of course, it was necessary for the Conference Report to explain away the trick which Simeon and Levi played on Shechem and his son Hamor. The action was denounced by Jacob in his blessing. Besides, it was before the giving of the Torah, and, in addition, we do not derive laws from stories or incidents. Next, the statement in Exodus 12:45 must be explained, which says that the *ger* must circumcise all the males of his household before participating in the paschal lamb, "for no uncircumcised may eat of it." This verse does not prove that any initiatory rites were required for the *ger* himself. It means that when the *ger* becomes a Jew, he has the Jewish duty of having his household circumcised. This is proved by the fact that the close of the sentence, "no uncircumcised shall eat of it," means "no uncircumcised *Jew* shall eat of it." See the clear statement in *Targum Jonathan* and Rashi's commentary to the verse. We see, then, that the Torah, which speaks in such detail of the *ger*, never clearly mentions any requirement of initiatory rites when he becomes a Jew.

As for the statement in the report that there is not clear law in the *Mishnah* requiring initiatory rites for *gerim*, there are two passages in the *Mishnah* that need to be explained away. In *Eduyot* 5:2, *Bet Hillel* says, with regard to a *ger*, that to be rid of the foreskin is like escaping from the grave. This is not taken as law, but is just a moral opinion, one which is mentioned only incidentally with regard to other matters. (But, of course, in *Pesachim* 8:8 it is mentioned by *Bet Hillel* more clearly; and it is taken for granted that circumcision is required.) The author of the *Mishnah*, says definitely in a *baraita*, in *Ker.* 9a, that with regard to circumcision *gerim* are like Jews and have this initiatory rite; but

the report insists that this is only a *baraita*, and nowhere does Rabbi Judah mention it as a definite law in the *Mishnah*.

There is value, of course, in all this argumentation. It indicates, at least, that there was no legal requirement in Torah and *Mishnah*, only these change, off-hand, and debatable references. Certainly this fact must explain the debate in the *Talmud* itself as to initiatory rites of a proselyte (*Yevamot* 46a and b). There Rabbi Eliezar says that circumcision is the more important of the two rites, and therefore if a proselyte has been circumcised but has not bathed, he is a full-fledged *ger*. Rabbi Joshua, on the other hand, considers the bathing more important and says that if a *ger* has bathed and not been circumcised, he is a full-fledged *ger*.

Then, at the top of 46b, the statement is found that "all agree that if he has not been circumcised, he is full-fledged *ger*"; but further on it says, in the name of Rabbi Yohanan, that he is not a *ger* unless he both bathes and circumcises. So clearly the initiatory rite was still, for a time at least, open to some debate and question.

This explains, perhaps, why in the Middle Ages there were occasional opinions which indicate that circumcision is not a *sine qua non* for the validity of conversion. There is the remarkable statement of the great Jewish polemical writer, Lippman of Mulhausen (14th-15th century), in his *Sefer Nitzahon*. This book, developing as a commentary on the Bible, defending our interpretation of it against Christian charges, makes an unusual statement in the commentary to Genesis 17:10, where the circumcision of males is enjoined upon Abraham as the sign of a covenant. Lippman of Mulhausen refers to the sneering statement of anti-Jews that if it were a covenant, why was not a type of covenant chosen which would include women? To which he makes the following answer: "Our faith does not depend upon

circumcision but upon the heart. One [i.e., a candidate for proselytizing] who does not believe sincerely is not converted to Judaism by his circumcision. But one who believes sincerely, is a full Jew even if he is not circumcised."

Some participants in the older Conference debate quote a responsum of the famous rabbi of Constantinople in the fifteenth century, Elijah Mizrachi, in his *Mayyim Amuqim* #27 (the correct reference in the Berlin edition should be #34), in which there is discussion of a Gentile woman and her child who are to be converted, in which he says, with regard to the child, the law *mide-oraita* is that the acceptance of the Torah is sufficient even without bathing or circumcision. (However, he proceeds to say that for adults both rites are required. Still he *does* indicate that according to Torah-law (*mide-oraita*) the rites are not indispensable.) There is an analogous statement in the *Kol Sohol* (*Behinat Ha-qabbalah*) by Leon of Modena. On page 59, where he follows the order of the *Shulhan Arukh*, he speaks about proselytes. He says we ought to give the proselyte the usual explanatory warning and ascertain his sincerity. Then he adds: "We should tell him of the worth of circumcision and its reward. If, then, he wishes to be circumcised, well and good; if not, let him take the ritual bath, and that is sufficient to make him a full Jew in every sense. But when his children are born, he must circumcise them." It is clear, Modena continues, that as for the proselyte himself, the only Biblical drawback to his not being circumcised is that he cannot participate in the paschal offering, but otherwise the Torah makes no mention of circumcision being necessary for a proselyte. (Evidently those who participated in the Conference debate got their chief arguments here. But it is clear that Modena does not give the law as it is, but as he believes it *ought* to be.)

On page 226 of the book *Behinat Ha-Qabbalah*, the editor, Reggio, does not deny that Modena was correct in saying that one can be a full Jew even if uncircumcised (even a *born Jew*, if his lack of circumcision is due to sickness), but he says that circumcision is a vital commandment and should be obeyed (see also p. 230).

All the above debate is significant and must have some bearing on our attitude in the matter of requiring circumcision of proselytes. Nevertheless, there is, I believe, a difference in attitude toward tradition between us and our predecessors. The official report signed by Isaac M. Wise begins with a statement of a basic principle, namely, that our religious life is based upon the Pentateuch. Even though we may interpret it somewhat differently from other Jews, it is the Pentateuch which unites us with the rest of Jewry. In other words, it was the tendency of the early Reformers to go back to origins. Therefore, it was of weighty importance to them that the Bible itself, and also the *Mishnah*, has no clear requirement of initiatory rites for proselytes. I believe that our standpoint is different, though we may not have formulated it as clearly as they did their standpoint. The *total* tradition is vital to us as guidance, at least, if not as rigid governance. Therefore it is important to us that the *Talmud* and Maimonides and the *Shulhan Arukh* (*Yoreh Deah* 268) have circumcision as a firmly established law and that, therefore, it is the widespread practice of our people to circumcise proselytes. The fact that these laws are post-Biblical and post-*Mishnaic* has no strong importance for us, at least not as strong an importance as it did for our predecessors.

Therefore, the matter remains as one for our own decision, based upon our feelings in the matter. The American Reform movement, because of the early decision, has long ceased to insist upon circumcision for proselytes. What English Jewry should do depends upon its conscience. If it seems contrary to the ritual, let them do as we did two generations ago. It might be noted that the

Shulhan Arukh, Yoreh Deah 268:1, says that if the proselyte is mutilated and therefore cannot be circumcised, "the [lack of] circumcision does not prevent his conversion, and it is enough if he takes the ritual bath." It is also a fact nowadays that most male infants, whether Jew or Christian, are circumcised by the obstetrician; therefore there are very few actually uncircumcised, or at least less of them, among would-be converts. It might be a worthwhile decision on the part of the English Reformers not to insist upon taking "the drop of blood of the covenant" if a convert is already circumcised (cf. the discussion of Asher b. Jehiel to the passage in *Yevamot*). If the English Reform movement decides to give up the requirement of circumcision, the fact that the Bible and the *Mishnah* have no such clear requirement, and the fact that this has been the practice of American Reform almost from the beginning, might aid them to the decision. If they wish to insist upon the requirement, then perhaps they will waive the requirement of taking the drop of blood from one already circumcised.

ADDENDUM

Since writing the above, I have come across an interesting discussion of the question in the responsa *Hazon La-moed* by Mordecai Dov Eidelberg, who was rabbi in Nickolayev, Russia. The book was printed in Bialystok in 1923. The problem that confronted him was this: A Russian officer was converted to Judaism by a well-known rabbi. The officer, however, was not circumcised at the conversion because he was not well at the time. He promised to be circumcised at a later date when he would be restored to health. The rabbi who converted him insisted that under these circumstances the officer was a full proselyte even though he was not yet circumcised.

The problem came before Rabbi Eidelberg because the convert was to marry a young woman in Rabbi Eidelberg's congregation. The rabbi, therefore, had to decide whether he agreed with the converting rabbi that a man can be a full proselyte without circumcision. He discusses the question of hemophiliacs and diabetics, for whom the operation might be a grave danger, and also the question of a mutilated person who cannot be circumcised. Can such individuals ever be considered full converts? He ends his responsum by saying that the matter of conversion without circumcision can be argued either way and needs final decision by the leading scholars of our time, and so he refuses at present to make a decision and act upon it. The responsum is #7. However, David Hoffman, in *Melamed L'ho-il, Yoreh Deah* 86, says forthrightly that he would not convert any man who is too sick to be circumcised.

*Solomon B. Freehof, *Reform Responsa for Our Time*, Cincinnati, 1977, #15.

PROSPECTIVE CONVERT WHO FEARS CIRCUMCISION

Walter Jacob

QUESTION: Is there any precedent in the *halakah* for a prospective convert who fears circumcision to avoid it? Similarly, is there a precedent for a prospective convert who has a deeply-rooted fear of water? Must he/she proceed with the requirement for *Miqveh*? (Rabbi Lawrence A. Englander, Mississauga, Ontario)*

ANSWER: The traditional requirements for conversion are clear (*B. Yev.* 46, 47; *Shulhan Arukh, Yoreh Deah* 268; *Yad, Hil. Issurei Biah* 15). A court of three is necessary, and prospective converts must be warned that they are joining a persecuted community and that many new obligations will be incumbent upon them. In the days when the Temple stood, they were to bring a sacrifice, take a ritual bath, and -in the case of males -be circumcised. To this day, the requirements of a *Bet Din, Tevilah, and Berit* remain for traditional Jews. Sources are clear on the requirements, but considerable discussion about them exists in the Talmud. For example, R. Eliezer stated that if a prospective male convert was circumcised or took a ritual bath, he was considered a proselyte. R. Joshua insisted on bath, and his point of view was adopted (*Yev.* 46b). Hillel and Shammai disagreed about a prospective male convert who was already circumcised. *Bet Shammai* insisted that blood must be drawn from him, while *Bet Hillel* stated that one may simply accept the circumcision without drawing blood (*Shab.* 135a). The Rabbinic authorities decided in favor of *Bet Shammai* (*Shulhan Arukh, Yoreh Deah* 268.1; *Yad, Hil. Issurei Biah* 14.5). Clearly, there were differences of opinion about the steps necessary for the ritual conversion in ancient times. As is well known, the *Talmud* also contains a variety of opinions about the desirability of accepting converts. These reflect the historic competition with Christianity, persecution, etc. in the early centuries of our era.

As we view the rite of conversion from a Reform point of view, we should note that the Reform Movement has placed its stress on careful instruction, with more attention to intellectual rather than ritual requirements. The Central Conference of American Rabbis in 1892 abolished the requirement of any ritual, including circumcision. Most Liberal rabbis, however, require circumcision or accept the existing circumcision (in accordance with the opinion of Hillel in *Shab.* 135b). Converts were to be accepted after due instruction before "any officiating rabbi assisted by no less than two associates." There has been very little discussion of *tevilah* by Liberal Jewish authorities. The custom has fallen into disuse, but was never actually rejected by Liberal Judaism. There are a number of cities in the United States and Canada in which *tevilah* has been encouraged or required for Reform conversion, as there has been cases of *tevilah* undertaken at the express wish of the prospective convert.

Immersion in a *miqveh* should not prove particularly difficult, however. The *miqveh* itself need contain only forty *seah* of water, which is approximately a hundred and twenty gallons, and must be about four feet in depth, so that a person can easily submerge himself completely (*Sifra* 6.3; *Yoma* 31a, *Er.* 4b). During most of the conversion procedure the convert would be in water up to his/her neck, and then for an instant be completely submerged. In other words, as we are not discussing a deep body of water or an extensive one, it should not be much more difficult than entering a bath; therefore, someone with a phobia about water should be able to undergo the ritual. However, as it is only rarely used for Reform conversion, we can dispense with it for such a convert even in a community where it is usually utilized.

Theoretically, circumcision may be viewed similarly according to the statement of the Central Conference of American Rabbis of 1892. In practice, circumcision has, however, been a

virtually universal requirement. It may be made easier, especially for an adult or an older child, by providing an anesthetic. The early authorities of the last generation were against using an anesthetic (Meir Arik, *Imrei Yosher II*, 140). This was part of the rejection of all innovations, but more recent authorities have not hesitated to approve the use of an anesthetic (J.L. Zierelsohn, *Maarchai Lev*, 53; Gedalia Felder, *Nahalat Tzevi*, p. 57). When the operation is done on a new-born child, it is presumed that the nervous system does not yet fully convey a sense of pain, but as that is not true of an adult or an older child, anesthetic may alleviate the pain and remove the fear of the impending operation. Circumcision may, of course, be postponed indefinitely due to health reasons, and we might consider the phobia as such a health reason. In this way, one could also assure the convert that he would be acceptable even without circumcision.

The prospective convert should be encouraged to undergo circumcision although, strictly speaking, this requirement may also be waived according to the earlier Reform decision.

*Walter Jacob, *American Reform Responsa*, New York, 1983, #69.

A CONVERT AND HEBREW

Walter Jacob

QUESTION: A middle aged convert is hesitant about conversion. She has given up all identity with Christianity, studied Judaism diligently to the best of her ability, and has learned enough to qualify as a convert. She feels that she is ready and the rabbi also indicated that conversion is now possible. She has, however, hesitated to take this step on the grounds that she knows very little Hebrew, has no linguistic aptitude, and feels that she can not be a good Jewess without a firm grasp of Hebrew. Would we agree with her or would we state that Hebrew is not essential? (Tillie Lebowitz, Tulsa, OK)*

ANSWER: The Hebrew language has played an important role in Jewish life throughout our history. Through the ages we have done our best to encourage the study of Hebrew; our greatest literature has been written in Hebrew or Aramaic.

Within the Reform movement we have put less emphasis on Hebrew and more on the vernacular in our services, in order to enable the worshipper to understand the service fully. Yet we retain a considerable amount of Hebrew in the liturgy.

Problems with understanding the Hebrew language go back to the end of the Biblical period. A large portion of our people were no longer familiar with Hebrew, even in the time of Ezra and Nehemiah (*Neh.* 8:8), so the Scriptural reading had to be translated for them. By the time of the *Mishnah*, the common people no longer used Hebrew, therefore, the *shema*, *tefilah*, and the *birkhat hamazon* were permitted in the vernacular (*M. Sotah* 7.1). This, then, also was the later decision of the *Talmud* (*Sotah* 32b ff); it enabled individuals who recited petitions to pray sincerely and with full knowledge of what they were saying. A parallel stand was taken by later authorities, so the *Sefer Hassidim* of the eleventh

century (#588 and #785) stated that those who did not understand Hebrew should pray in the vernacular. Maimonides provided a similar statement (*Yad Hil. Ber* 1.6), while the *Tur* and *Shulhan Arukh* made a distinction between private and public prayers. Private prayers were preferably said in Hebrew. While congregational prayers might be recited in the vernacular. They expressed a preference but did not exclude the vernacular in either instance (*Tur Orah Hayyim* 101; *Shulhan Arukh, Orah Hayyim* 101.4). Aaron Chorin, Eliezer Lieberman and others, who defended the changes made by the Reform movement in the last century and its use of the vernacular, however, insisted that a number of prayers should continue to be recited in Hebrew (*Qinat Ha-emet; Or Nogah* Part I). Of course, they felt that nothing stood in the way of using the vernacular.

In most conversion courses the study of a minimal amount of Hebrew is encouraged, although with the limited amount of time available real familiarity with the language is impossible. In many instances the convert will be able to read simple prayerbook Hebrew and know the meaning of a text by association. The continuation of Hebrew studies has always been encouraged but is not a mandatory part of the conversion process. We would therefore, say to this individual that a minimum knowledge of Hebrew will be helpful for familiarity with religious services and as an association with tradition. More advanced knowledge of the Hebrew is desirable, but may not be possible for everyone. The sincerity of this convert is enough to lead to her acceptance. She should be assured that a fuller knowledge of Hebrew is not required of her. We will welcome her with the hope that she will be a good addition to our people.

*Walter Jacob, *Questions and Reform Jewish Answers*, New York, 1992, #126.

THE MIQVEH AND REFORM CONVERTS

Walter Jacob

QUESTION: Has liberal Judaism taken a position of the use of a *miqveh* as part of the conversion ceremony to Judaism? Should this ancient custom be reintroduced? (Simon Levy, Harrow-on-the-Hill, England)*

ANSWER: The traditional requirements for conversion are clear (*Yeb.* 46, 46; *Shulhan Arukh Yoreh Deah* 268; *Yad Hil. Issurei Biah* 15); a court of three is necessary. Prospective converts must be warned that they are joining a persecuted community and that many new obligations will be placed upon them. They were then to bring a sacrifice in the days when the Temple stood, take a ritual bath, and in the case of the males, be circumcised. To this day the requirements of a *beit din*, *tevilah* and *berit* remain for traditional Jews. The sources are clear on the requirements, but considerable discussion about them exists in the *Talmud*. For example, R. Eliezer stated that if a prospective male convert was circumcised or took a ritual bath, he was considered a proselyte. R. Joshua insisted on both and his point of view was adopted (*Yev.* 46b); Hillel and Shammai disagreed about a prospective male convert who was already circumcised; *Bet Shammai* insisted that blood must be drawn for him, while *Bet Hillel* stated that one may simply accept that circumcision without drawing blood (*Shab.* 135a). The rabbinic authorities decided in favor of *Bet Shammai* (*Shulhan Arukh, Yoreh Deah* 268.1; *Yad Hil. Issurei Biah* 14.5). Clearly there were differences of opinion about steps necessary for the ritual of conversion in ancient times. These may reflect historic competition with Christianity, persecution, etc., in the early centuries of our era.

The *Talmudic* discussions insist that the convert must join Judaism without any ulterior motives, and if such are present, the conversion is void (*Yev.* 24b). Of course this opinion applies only prospectively, not retrospectively and *bedi-avad* they were accepted.

Some authorities were more lenient in regard to ulterior motives, so Hillel (*Shab.* 31a) readily accepted a convert who stated that he wished eventually to become a high priest. R. Hiya accepted a woman who wanted to marry one of his students (*Men.* 44a). In modern times, although most Orthodox authorities would reject converts who seek to join us for the sake of marriage, some would accept them in order to avoid the conversion by Reform rabbis (Mendel Kirshbaum, *Menaheem Meshiv* #9), because civil marriage has preceded or because the couple is living together (*Yoreh Deah* 85). Similar arguments have been advanced by Meshullam Kutner in *Uketorah Yaasu*, Mosheh Feinstein (*Igerot Mosheh, Even Haezer*, Vol. 1, #27). However, the greatest number of Orthodox authorities have rejected these arguments (Joseph Saul Nathenson, Jacob Ettlinger, Yehiel Weinberg). Their rejection was based upon ulterior motivation and the likelihood that they would not accept all the commandments especially as they are not generally observed in the modern Jewish community and probably not kept by the Jewish partner (Isaac Herzog, *Hekhal Yizhaq, Even Haezer*, Vol. 1, #20; Meir Arak, *Imrei Yosher*, Vol. 1, #176; Abraham Kook, *Daat Kohen*, #154; Mosheh Feinstein, *Igrot Mosheh Yoreh Deah*, Vol. 1, #157, 160; *Even Haezer* III, #4).

I have quoted all of these modern Orthodox authorities to show that our future path in this matter should not be based on the false assumption of bringing greater unity to the Jewish community. The Orthodox would, in any case, not accept a liberal conversion; they would consider our *Bet Din* invalid and would certainly feel that our converts have not accepted the yoke of the commandments.

As we view the rite of conversion from a Reform point of view, we should note that the Reform movement has stressed careful instruction with more attention to intellectual rather than ritual requirements. The Central Conference of American Rabbis,

in 1892, abolished the requirement of any ritual including circumcision. Most liberal rabbis, however, require circumcision or accept the existing circumcision in accordance with the opinion of Hillel (*Shab.* 135b). Converts were to be accepted after due instruction before "any officiating rabbi assisted by no less than two associates."

Except in a cursory way, no discussion of *tevilah* has been undertaken by liberal Jewish authorities. The custom has fallen into disuse, but was never actually rejected by liberal Judaism. Ritual immersion has completely ceased to be practiced for *nidah* and is followed only by a small percentage within the Orthodox community. The practice has further been hindered by endless Orthodox debates about the technical requirements of the *miqveh*. A ritual immersion has, therefore, not been considered necessary for conversion among most Reform Jewish communities. There are, however, a number of cities in the United States and Canada in which *tevilah* has been encouraged or required for Reform conversions.

We might conclude that if the custom possesses meaning for the community and for the prospective convert, it should be encouraged. This would make it more difficult for traditionalists to challenge liberal conversions, although Orthodox authorities will never willingly accept anything we do as our basic premises differ sharply.

*Walter Jacob, *Contemporary American Reform Responsa*, New York, 1987, #44.

A SWIMMING POOL AS A MIQVEH

Walter Jacob

QUESTION: May a swimming pool be used as a *miqveh*? What are the requirements for immersion which we would follow with converts in those communities in which ritual immersion is indicated or where the rabbi feels strongly about the inclusion of this ritual? (Rabbi D. Shapiro, White Plains, NY)*

ANSWER: We will deal briefly with the question of the use of the *miqveh* for conversion in Reform *gerut* as that has been dealt with in earlier responsa ("Origin of the *Miqveh* for Conversion" and "The *Miqveh* and the Reform Convert"). The question of rituals which should be used to accept converts was debated in Germany in the eighteen-forties. This centered mainly around the requirement of circumcision (*milah*). Samuel Holdheim and the Reform Society were opposed to circumcision. Abraham Geiger and the vast majority emphasized it as a necessary rite. The issue was raised in America at the Philadelphia Conference of 1869 and again at the Pittsburgh meeting in 1885; between these conferences various Reform rabbis had written pamphlets and articles on the question. *Tevilah* was not debated and only generally included in these discussions. This was equally true in 1893 when considerable time was spent on debating "Initiatory Rites of Proselytes." The resolution which was passed called for acceptance of proselytes "without any initiatory rite" (*C.C.A.R. Yearbook*, Vol. III, p. 36). Those rabbis who recorded the reason for their opposition to the resolution dealt only with *milah*, not *tevilah*.

The ritual of *tevilah*, therefore, quietly vanished without debate; it has similarly reappeared on the scene as a larger number of American Reform rabbis have made *tevilah* optional or mandatory for *gerut*. In many instances the traditional *miqveh* has been used. When none was available, immersion has taken place elsewhere. Let us turn to the requirements for a *miqveh*.

We should begin with the regulations connected with a traditional *miqveh* which are clear. It should be at least three cubits long, a cubit wide, and a cubit deep and contain forty seahs of water (*Er.* 4b; *Yoma* 31a; *Shulhan Arukh, Yoreh Deah* 201.1). In other words, a space which contains between 171 and 191 gallons of water would be sufficient.

The water must be from a natural source. It may be from a spring, a lake or a river which has been fed by a natural spring in accordance with a statement in Leviticus (11.36): "Nevertheless a fountain or a cistern wherein is a gathering of water shall be clean." The opening word of that statement has been interpreted to be restrictive (*akh*) according to tradition (*Hul* 84a; *Sifra* to Lev. 11.36). Rain water is also appropriate as is water melted from ice or snow (*M. Miq.* 7.1; *Yad Hil. Miqvaot* 3.1 ff; *Shulhan Arukh, Yoreh Deah* 201.2; 201.30).

It is clear from the rabbinic sources that the only usable liquid is water (*Shulhan Arukh, Yoreh Deah* 201.23) and that it must be still water (*Sifra* to Lev. 11.36; *Rashi* to *Shab.* 65b, to *Nid.* 67a; *Tos.* to *Hag.* 11a; *Yad Hil. Miqvaot* 10.16; *Shulhan Arukh, Yoreh Deah* 201.2). The water which enters the *miqveh* may not be drawn or poured into it (*Smag* Positive Commandment #248; *Tos.* to *B.B.* 66b, to *Pes.* 17b; *Shulhan Arukh Yoreh Deah* 201.3). It must enter through a system of pipes not subject to uncleanness; this excludes pipes of metal, wood or clay unless specifically treated to turn them into "vessels" (*Rosh Miq.* 5.12; *Yad Hil. Miq.* 5.5; *Shulhan Arukh Yoreh Deah* 201.34; *Hatam Sofer Responsa Yoreh Deah* 199). The *miqveh* itself must be constructed in the ground or be located in a building which is built into the ground. The *miqveh* may not consist of a tub (*B.B.* 66b; *Tos.* to *Pes.* 17b; *Shulhan Arukh, Yoreh Deah* 201.6).

We should also note that if a pool has attained the status of a *miqveh*, then one may add any amount of water, such as tap water, by other means and the *miqveh* does not lose its status. Furthermore, the original *miqveh* may be connected with another through a pipe. If this is done and it flows into the neighboring pool it is considered and appropriate *miqveh* (Rashi to *Yeb.* 47b).

The main problem in building a *miqveh* are the rules connected with the piping, and the vessels through which the water must pass. The vessels can not be of such a size that objects can be placed into them; the pipe itself is not considered a vessel (*M. Miq.* 4.1; *Yad Hil. Mikvaot* 6.1). The problem of using a modern water system are the reservoirs, holding tanks, and filters, through which spring or river water flows before reaching the user. Most *miqvaot* in modern cities, therefore, use rain or melted snow water as the basic supply to which other water is added as needed (*Shulhan Arukh, Yoreh Deah* 201.36; Ezekiel Landau, *Noda Biyehuda Yoreh Deah* 136, 137; *Hatam Sofer Responsa* #198, #199, #203ff; *Rosh Responsa* #30, #31).

Now let us turn to the matter of a swimming pool seen in a traditional setting. It is clear from the outset that in many ways a swimming pool satisfies the provisions of a *miqveh*. Most pools are built into the ground or into buildings which are in the ground. There would be no difficulty of properly guiding two hundred gallons of rain water or melted snow into the pool at the outset and then adding other water. Similarly a small neighboring splash pool could be properly prepared and connected. The problem of recirculated water which causes a flow and drainage holes in the bottom of the pool are among the chief obstacles for traditional Jews in using a swimming pool as a *miqveh*. This is true even though the flow of water is entirely internal as the pumps pass water through the filters and return it to the pool. For a complete discussion of these problems see Benjamin Kreitman, "May a

Swimming Pool Serve as a Kosher *Miqveh*," (*Proceedings of the Rabbinical Assembly*, Vol. 33, 1969, pp. 219 ff). The nineteenth and twentieth century traditional authorities have turned more and more to technical discussions about the *miqveh* and even questioned the appropriateness of *miqvaot* in long use. For our purposes these details upon details are irrelevant.

We must ask about the purpose of this ritual. If we return to the Biblical and early rabbinic statements connected with purification for *gerut* or other purposes, we can see that the authorities sought a ritual which used pure water in an appropriate setting. This symbolic purification changed the status of the individual involved (*Yad Hil. Miqvaot* 4.1, 11.12). This symbolism is meaningful to many modern converts as it helps them to make the transition to Judaism.

Symbolic purification for *gerut* can be properly provided by a natural body of water, a *miqveh* or a swimming pool. If a pool is used, the ritual should take place only when no other use is made of it. The ceremony should be conducted in an appropriately dignified manner.

We should remember that our use of *tevilah* for *gerut* has gradually developed among us as we have changed since 1893. No rituals have been mandated by the Central Conference of American Rabbis which stipulated that acceptance of Judaism occur before a rabbi and two associates for *gerut*; however, both *milah* and *tevilah* have been widely used.

*Walter Jacob, *Contemporary American Reform Responsa*, New York, 1987, #45.

THE INCOMPLETE CONVERSION

Solomon B. Freehof

QUESTION: A young lady who is studying in preparation for conversion to Judaism must leave the city to join her husband-to-be at an army camp. The rabbi decided that even though the course of instruction has not yet been completed, he would convert her immediately and marry her Jewishly, provided she will accept the responsibility of completing her training under the guidance of the rabbi of the city where the army camp is located. Does this decision comport with the spirit of Jewish law? (Rabbi Allen H. Podet, Seattle, Washington.)*

ANSWER: Although the *Shulhan Arukh* (*Yoreh Deah* 268) gives complete and detailed description of the method of converting a Gentile to Judaism, nevertheless it is evident that there is considerable doubt as to whether conversion necessarily requires the completion of the entire process described. If it does not necessarily require the entire process, then at which point in the uncompleted process may the candidate be considered to be a proselyte?

It is noteworthy that even at the early stage of the development of the law there was some dispute on basic parts of the process. The law is that a candidate for conversion has to be circumcised and take the ritual bath and bring a sacrifice to the Temple. The latter requirement is still mentioned by Maimonides (*Yad, Hil. Issurei Biah* 13:5) who considers that the proselyte still owes the sacrifice, to be given when the Temple is rebuilt. But as for the other two elements, there is a dispute in *Yevamot* 46a between Rabbi Elazar and Rabbi Joshua. Rabbi Elazar says that if circumcised but not ritually bathed, he is a complete proselyte. Rabbi Joshua says that if bathed but not circumcised, he is nevertheless a full proselyte.

Of course the final decision is (46b) that he must be both circumcised and bathed; and a woman proselyte, of course, must have the ritual bath. As the law is now in the *Shulhan Arukh*, the proselyte is first closely asked why he is willing to accept the persecutions, etc., to which Jews are subjected. Then he is told of the reward and punishment for some of the commandments, and then he is circumcised and, when healed, taken to the ritual bath.

Now we should try to determine the degree of importance of these elements in the process: a) the questioning as to sincerity, b) the instruction in the commandments, c) the double ritual requirements. As for the second (the instruction in the commandments) the law is careful to say: You do not do more than mention "some" (*mitzvot*) of the commandments. You do not tell him too many (*en marbin alav*). In other words, it is clear that the instruction in the law is the least important of the three elements, perhaps because the law is so complex that you could not instruct him sufficiently anyhow. Furthermore, even the instruction mentioned is not actually instruction. The laws are cited to show what punishment there is for their violation. The candidate is told that while he is a Gentile, he will *not* be punished for violation of these laws, but when he becomes a Jew, he *will* be punished. So why is he willing to take this new burden on himself? Therefore it is evident that even this partial instruction in the law is not so much instruction, but belongs under the first element mentioned, namely, the testing of his sincerity.

Even the earnest testing of sincerity was subject to some mitigation. Doubt as to sincerity was based upon the desire to improve one's status or increase one's safety or to marry a Jew. It is because of the first two doubts that the *Talmud* deprecates the converts who flocked to Judaism in the time of David and Queen Esther. And it is because of the latter doubt, the desire to marry a Jew, that many Orthodox rabbis hesitate to perform conversions

today. Yet this doubt as to motive of the candidate occurred in the case of Hillel and in the case of Rabbi Hiya (*Shabbat* 31a and *Menahot* 44a). In one case the proselyte wanted to become high priest some day and in the other, the proselyte wanted to marry a Jew. Yet in both cases the candidates were accepted, and the explanation is give (see *Tosfot* to *Yevamot* 24b, s.v. "Lo") that they were accepted because these two scholars were confident of their judgment that these two proselytes would be sincere proselytes despite their present motives. In fact, Joseph Caro, in his *Bet Yosef* to the *Tur* (*Yoreh Deah* 268) uses a guiding phrase: "It all depends upon the judgement of the court" (*hakol lefi re'ut bet din*). So the *Shulhan Arukh* itself (268:12) says that if a man has been circumcised and bathed, then he is a full proselyte, even though there is ground to believe that he converts for the sake of marriage.

We may conclude that in Orthodox law the order of importance is, first, the ritual circumcision and bathing; second, the question of sincerity; and third, and least important, instruction.

With us in the Reform movement, we have made a clear-cut change. We have declared that the ritual (circumcision and ritual bath) will not be binding upon us. We have made the question of sincerity important, but have declared (see Conference Report on "Mixed Marriage and Inter-Marriage," page 8) that the desire of the couple to marry is not to be considered proof of the insincerity of the conversion, but perhaps the very reverse. We have placed our main emphasis on the instruction.

Now the same question comes to us which confronted Orthodox law: How much or how little of the process is indispensable? Or whether, under special circumstances, the candidate can be converted before the usual course is finished, on condition that the course be continued after marriage, either with the rabbi or with another. The answer must be given in light of

Joseph Caro's summation: "It depends upon the judgement of the *bet din*." If the rabbi believes that this is a sincere person who will maintain the affiliation with Judaism and that her willingness to continue instruction even after the marriage is a further evidence of her sincerity, then he may certainly shorten the period of instruction, especially when this is done temporarily.

But there is need for caution. Inasmuch as it is the instruction which has become the most important element for us, we must guard it carefully and not let it become a mere formality, lest it come down eventually to a few words of instruction in one interview and the candidate then be considered to be converted. If the shortening of the course is done in exceptional cases only and there is good reason for it, and if thereby the general practice of the instruction of proselytes is not by this one case weakened, then there is no reason why the rabbi may not use his judgment in the matter.

*Solomon B. Freehof, *Modern Reform Responsa*, Cincinnati, 1971, #27.

LAYMAN CONDUCTING A CONVERSION

Solomon B. Freehof

QUESTION: An Indian Gentile girl in Bombay desires to convert to Judaism. She has presented herself as a candidate for conversion to our Reform congregation in Bombay (a congregation of the *Benei Israel*). The congregation has no rabbi at present and they have asked whether laymen are eligible to perform the ceremony of conversion.*

ANSWER: The *Shulhan Arukh* in *Yoreh Deah* 268:3 says that a conversion must be conducted by a court of three "eligible to judge." The question which concerns us is what is meant by this phrase. Of course, "eligible to judge" can mean simply that the judges are not relatives. (See *Perishah* to the *Tur* who quotes the *Mordecai* as the sources of this explanation.) However, there is a much more fundamental question involved as to the nature of the court.

In *Mishnaic* and *Talmudic* times there were two classes of courts, those that dealt with religious and criminal matters and those that dealt with adjudicating civil disputes. The courts that dealt with religious and criminal matters were generally the fixed courts and were composed of men who were formally ordained (*musmakhim*). Since ordination in the old classic sense could take place only in Palestine, then those who conducted such courts in Babylon had a somewhat different status, but one which amounted to the same thing. They were called *mumhim*, literally "skilled men." It meant, actually, official appointees of the Exilarch. *Musmakhim* in Palestine and *mumhim* in Babylon could also judge civil matters; but civil matters could legally be judged by amateurs if the two parties in dispute selected them and were content with each other's selection.

In post-*Talmudic* times official ordination (or in Babylon, official appointment) has ceased. Our present *semikhah* is merely the use of an old name; it is actually only a license to teach, although it uses the formula "he may judge." Modern rabbis considered that their right to judge in certain cases, which in the past required official judges, inheres in the fact that they are agents of the judges of the past. Now our question really amounts to this: Is conversion one of those religious functions which in the past would require official judges and therefore now require "ordained" rabbis who are deemed to be their direct agents, or is it rather akin in status to such civil matters which even in the past could be adjudicated by laymen?

The fullest discussion of the question of conversion is found in the *Talmud* in *Yevamot* 46 and 47. The *Talmud* concludes at the bottom of 46b that the incident described on that page proves that a court of three is required for conversion. Then it raises but rejects the supposition that the court must be composed of *mumhim*, learned officials. However, although *mumhim* were not required for conversion in those days, it nevertheless may be that nowadays scholars (*talmidei hahamim*) may nevertheless be required and that ordinary laymen are ineligible. There are certain functions which for various reasons came to be restricted to scholars (therefore generally rabbis), for example, matters of marriage or divorce, or matters of releasing vows, etc. Is conversion to be considered such a matter which today must be left to scholars (i.e., rabbis)?

The *Talmud* in *Qiddushin* 62a and 62b gives a discussion which begins with the question of heave offering, starting with the statement that a man may not give heave offering from fruit that is still unharvested for fruit that is already harvested. It then moves to a discussion of whether a man may say to a woman, "I hereby

marry you, the marriage to take effect after I have become (or after you have become) a proselyte." Then the discussion continues as follows: "But surely to become a proselyte is within his power to achieve" (and therefore the marriage proposal would be valid) and the *Talmud* answers, "No; it is not necessarily within his power to achieve because a proselyte needs three people because the word *mishpat* is used with regard to it, as with civil cases which require three." Then the *Talmud* says, "How does he know that he will be able to find three who will assemble to convert him" Rashi simply explains this as saying he may not find three Israelites to gather to go through with the process.

It is clear from this discussion and Rashi's commentary that any three Israelites are authorized to perform the conversion, and the *Tosfot* to the place addresses itself exactly to this question and comes to the same conclusion, and quotes Rabbi Nathaniel to the same effect, that conversion does not require trained and official personnel.

Benjamin Zeev (sixteenth century) in his Responsa I, 72, quotes the responsum of Isaac the son of Samuel to the effect that conversion is valid even if conducted by three *hedyotot* (i.e., three ordinary unlearned laymen). Benjamin Zeev concludes with the general statement that in matters of conversion, we ought to follow the line of leniency and therefore should, if necessary, allow three ordinary men to conduct the conversion, less we "lock the doors in the face of converts." The phrase is from *Tosfot*, *Yevamot* 47a. However, Zvi Hirsch Chayes of Zolkiev, who lived about a hundred years ago, says that it is preferable that the three men be scholars. See his notes to the *Talmud* to *Shabbat* 46b (the notes are to be found at the back of the large Vilna edition.)

Benjamin Zeev's general principle that in matters of conversion we should be lenient rather than too strict is revealed in the summary of the law as found in the *Shulhan Arukh*, *Yoreh Deah* 268. There we are told that while a court of three is required, nevertheless if a person is converted before two, the conversion is valid as a *fait accompli* (*bedi-avad*), although not as a preferred procedure. So, too, while the whole conversion process must be consciously directed with full understanding of the implications, nevertheless a formal bathing for some other purpose than conversion can be considered valid for conversion as a *fait accompli*. All these opinions are based upon earlier legal decisions. Besides the clear evidence of the preference for leniency in this matter, the *Shulhan Arukh* also reveals the uncertainty as to the types of judges required. Whereas in 268:3 it merely says "three men who are eligible to judge," i.e., not relatives, nevertheless when the words of admonition are repeated after the ritual bath (in 268:1) Isserles adds to the statement that it must be scholars who give him the final instruction. However, the *Shulhan Arukh* in 268:12 sums it up by saying that if he were circumcised and bathed in the presence of three *hedyotot* (i.e., three average men) he is fully a *ger*.

Ben Zion Uziel, the late Sephardic Chief Rabbi, in his very last book of Responsa *Mishp'tei Uziel*, *Even Haezer* 13, p. 54, Jerusalem, 1964 says: "It is the *halakhah*, as we learn from the words of the Rambam, that the reception of proselytes does not require a *Bet Din* of skilled men, but even with three ordinary men (*hedyotot*) it is quite sufficient."

In brief, the general mood of leniency has led the majority of the authorities cited and the *Shulhan Arukh* itself to conclude that any three laymen can legally conduct the conversion. However, since the people are of the *Benei Israel*, this woman and her husband (after she has been converted and married) may move to Israel, and since the Orthodox rabbinate in Israel generally refuses to accept conversion by a Reform rabbi on the ground that the requisite bathing has not been performed, it would be advisable to have three men send in a woman with her to the *miqveh* to have her fulfill this ritual requirement.

*Solomon B. Freehof, *Current Reform Responsa*, Cincinnati, 1969, #25.

UNPRO PRIVACY OF A CONVERT

Walter Jacob

QUESTION: The congregation keeps a public register in its library of all the life cycle events such as birth, *Bar/Bat Mitzvah*, confirmations, marriages, and deaths. All conversions are also included. Does such a public register of conversions invade the privacy of the convert? Is it appropriate to maintain it in the congregational library? (Rabbi J. Edelstein, Monroeville, PA)*

ANSWER: Conversion in Judaism is a public rite conducted before a court of three (*Yev. 47b; Yad Hil. Issurei Biah 13.14, Shulhan Arukh, Yoreh Deah 268, 269*). Such requirements obviously makes it initially a public act and assures proper status in the community for the convert. We, however, are concerned with the sensitivity of converts at a later time. Two discussions provide some insight into this question. All converts receive a Hebrew name. Although nothing is said about this in the major codes, it has become a general custom. New male converts are generally named "the son of Abraham"; Abraham is considered the father of all proselytes (*Tanhuma Lekh Lekha 32, ed. Buber*). Although this custom is frequently followed (*Shulhan Arukh, Even Haezer 129.20; Felder, Nahalat Tzevi 1.31, 124*), it is not mandatory, nor is anything said about naming female proselytes, although we often name them "the daughter of Ruth," the most famous Biblical female proselyte. As such names are publicly used particularly in the *Torah* service, they are a public reminder of conversion.

We should also remember that individuals who are converted as infants may be given the opportunity to determine their own religious status at the age of maturity (*Bar Mitzvah* for boys and slightly easier for girls). They may reject Judaism without prejudice, if they wish (*Shulhan Arukh, Yoreh Deah 268.7*). This

has made it necessary for the status of young convert to be remembered. Traditionally, there have been some matters of marriage law which specifically involve converts. They have been given broader latitude about whom they may marry, and this includes individuals of doubtful descent (*Kid.* 72b; *Shulhan Arukh, Even Haezer* 4.22). In this discussion, tradition has stated that this special status would continue until the tenth generation, or until the fact that "the family stemmed from a proselyte had been forgotten." A number of famous individuals have been specifically recalled as proselytes (Adiabne and Antipater in Josephus *Antiquities* XX 2; Onkelos in *Meg.* 3a; etc.).

Conversion to Judaism remains public knowledge. However, there is no intent to embarrass the convert. It would, therefore, be proper to have a public register of all life cycle events and conversions in the congregational library, yet it should be placed in such a way that it will not be used simply to satisfy idle curiosity.

*Walter Jacob, *Contemporary American Reform Responsa*, New York, 1987, #46.

UNPROVABLE CLAIMS TO CONVERSION

Solomon B. Freehof

QUESTION: A man aged forty-five has been married for several months. His wife is seeking an annulment of their marriage on the grounds that he misrepresented himself as a Jew at the time of the marriage. The man claims to be a Jew and has considered himself a Jew all his life. His mother was born a non-Jewess. His father, now eighty, states that his wife (the man's mother) was converted by a Reform rabbi before their marriage. He can find no record of it. To add to the difficulty, the mother, now deceased, was buried in a non-Jewish cemetery. The son (who is now being sued for annulment) was circumcised at a *Berit Milah*, was *Bar Mitzvah*, and married by a Conservative rabbi. He was reared as a Jew and considers himself a Jew. He is contesting the annulment on the grounds that if he does not, he will be indicating that he does not believe himself to be a Jew. Is the man to be considered a Jew or not, as far as Jewish law is concerned? (Rabbi Selig Salkowitz, Reform Temple of Fair Lawn, Fair Lawn, New Jersey)*

ANSWER: The problem is complicated. There are a number of crucial elements involved. The woman, who declares herself to be Orthodox, has evidently been instructed to contest the validity of the conversion of her husband's mother by a Reform rabbi. If that conversion is invalid, her husband is the son of a Gentile and has misrepresented himself as a Jew. Therefore, the first important question is the validity of a Reform conversion.

It might be too much to expect a strictly Orthodox rabbi to acknowledge the validity of any Reform ceremony which varies from the norm laid down in the *Shulhan Arukh*. A Reform conversion certainly does not conform to that norm. The fact that we may instruct the candidate for conversion much more thoroughly in Jewish beliefs and history than any Orthodox rabbi would instruct her would be immaterial in the face of the fact that

we generally omit the *ceremonial* requirement of sending her to the ritual bath (*miqveh*). It is the ritual that matters to the Orthodox rabbi and not whatever intellectual and moral prescription we may give her. While, therefore, the absence of the ritual bath prevents the Orthodox rabbi from acknowledging the validity of our conversion, the courts have no right to question it and to assume that there is only *one* authentic form of Judaism and that is Orthodoxy. With regard to our ceremonial disagreement with Orthodoxy, there is nothing for decent people to do but endure it, and learn somehow to achieve mutual respect. So the question of the wife's refusal to acknowledge the authenticity of Reform conversion cannot be discussed with her. It can only be discussed in the courts, if necessary.

It is not only the Reform conversion which is here brushed aside; it is also the acceptance of the boy as a Jew by the Conservative rabbi which is here deemed irrelevant. The boy was circumcised as a Jew, was *Bar Mitzvah*, lived as a Jew. What objection is there, then, to considering him a Jew? It can only be that an Orthodox rabbi, rejecting the validity of the mother's conversion, considers this boy to be a Gentile, and therefore in addition to being circumcised, he should have been sent to the *miqveh*. It would be on this basis only that the boy's Jewishness could be denied. Again, it is the omission of a ceremonial which weighs more than the boy's Jewish education, *Bar Mitzvah*, and his whole life as a Jew.

However, there is another question which involves a complicated problem in Jewish law. This problem revolves around the fact that the man's father, now very old, can adduce no proofs that his wife was converted, as he claims she was. Such unprovable claims to conversion have evoked considerable discussion in the *Talmud* and in the Codes. The chief source of the laws involved is

the *Talmud* in *b. Yevamot* 47a, and then the *Tur* and the *Shulhan Arukh* in *Yoreh Deah* 268:10 and 11. The various subdivisions of the problem are these: (a) a man claims to have been converted fore a certain Jewish court; (b) a man claims to have been converted privately, not before a court; (c) a man was assumed to be a Jew but now he himself has raised a question and says he has been a Gentile but has been converted; (d) a man was assumed to be a Gentile but claims that he has been converted.

These various situations arouse different reactions in the minds of the legal authorities. In general, their answer is that the man claiming to have been converted, let us say privately (without the technical requirements which the court would demand), has a right to cast doubt upon his own Jewishness by raising this question, but he has no right to cast doubt upon the Jewish status of his children. That is to say, before he may now marry another Jewess he would need to take a ritual bath (assuming that he is already circumcised), but, since at the time that he makes the statement he is not surely Jewish, he is not eligible to testify in a Jewish court against his children. The children are of unquestioned Jewish status.

There is some difference in the answers for each of the various categories mentioned above. But in general the tendency of the law is increasingly to accept a man's statement if he says he has been converted. Thus Asher ben Yehiel in the "*Pisqei Harosh*" 4:34, 35, sums up the law to his time when he says: if a man claims that he was converted before a certain court, he must bring proof (since a court's actions are susceptible of proof), but all the proof that is needed is merely for people to say, "We have heard that he was converted." Further, if a man says he was converted privately, he has to take the ritual bath before marrying a Jewess, but his sons are held to be Jewish. To *Tur*, *Yoreh Deah* 368, Joel Sirkes

(Bach) says: "At all events, it is our custom to believe the man's claims and even to marry him to a Jewess." Then Joel Sirkes proceeds to explain away partially the objections of Maimonides against believing the man. Joel Sirkes' statement is cited with approval by Sabbatai Cohen (*Shakh*, to *Shulhan Arukh*, *Yoreh Deah* 368:10 and 11). Sirkes to the *Tur* also quotes the well-known legal authority Moses, of Coucy, in his *S'Mag*, who says: "This occurs every day. Strangers come (and claim to be Jews). We do not bother to investigate. We drink wine with them and eat meat from their slaughtering." This general tendency of the law to accept the claim of a man that he is a Jew is reflected in a recent responsum by Isaac ben Aryeh Rudnik (*S'dei Yitzhaq*, London, 1961). The case with which he deals is that of a soldier who came to England from overseas, who claimed to be a Jew, married a Jewess; then his wife left him and lived with another man. Rabbi Rudnik decides that the marriage to the soldier who said he was a Jew is valid enough as Jewish marriage to require a Jewish divorce (*get*).

Of course, all this discussion involves the claimed conversion of a *man*. Our case here involves a woman whose conversion to Judaism is disputed. Nevertheless, the *Shulhan Arukh* understands that the above laws apply equally to man and woman. It cites the *Talmudic* law as follows (*Yoreh Deah* 268:10): "If a Gentile man or a Gentile woman come and say, 'I have been converted'...", and so forth. The spirit of the law is clear. It reveals a growing tendency to accept the claim of a person or a family to be Jewish. Furthermore, there is an overriding presumption in all such claims that families are assumed to be kosher (Jewish and legitimate) unless, of course, there is strong ground for doubt. This principle is stated in the *Talmud* (*Qiddushin* 76b).

Therefore, aside from Orthodox refusal to accept any conversion other than their own, a refusal which it is futile to debate, the overwhelming tendency of Jewish law in matters of unprovable claims for conversion is to accept the claim and to consider the person a Jew.

*Solomon B. Freehof, *Recent Reform Responsa*, Cincinnati, 1963, #17.

ANSWER: For many decades the North American Reform movement has provided a fairly regular means whereby to convert. This has been followed in most communities throughout the country. The length of these courses varies from six to eight months as well as the amount of instruction provided. The intent, however, has been to give the convert a reasonable background of the major aspects of Judaism and an understanding of basic concepts, beliefs, practices, ethics and theology. There have, of course, been instances here and there usually due to very specific circumstances, as for example a prospective convert who has long been active in the Jewish community or one who has privately studied Judaism for years. Under such circumstances the normal course would be abandoned.

In all instances the primary consideration remains the intent of the individual to convert. If intent is present and sincere there it will usually be accompanied by a desire to learn far more than the introductory course. A major aspect of our courses is the exposure of the convert to many aspects of Judaism which may not be

claimant's conversion to Judaism is not sufficient to establish his status as a Jew. The law requires that the conversion be accompanied by the approval of a competent authority. This is illustrated by the case of the claimant's conversion to Judaism, which was approved by Sabbatai Cohen (Shah, in *Shema* 2:10, 11 and 12). Sikes to the Talmud also quotes the well-known authority Moses, of Corcy, in his *S'fat*, who says: "This case is not to be investigated. We drink with them and eat meat with their slaughtering." This general tendency of the law to accept the claim of a man that he is a Jew is reflected in a recent report by Isaac ben Aryeh Rudnik (*S'fat Yisrael*, London, 1961). The case with which he deals is that of a soldier who came to England from overseas, who claimed to be a Jew, married a Jewess, then his wife left him and lived with another man. Rabbi Rudnik decides that the marriage to the soldier who said he was a Jew is valid even as Jewish marriage to require a Jewish divorce (*get*).

Of course, all this discussion involves the claimed conversion of a man. Our case here involves a woman whose conversion to Judaism is disputed. Nevertheless, the *Shulhan Arukh* understands that the above laws apply equally to man and woman. It cites the Talmudic law (Yerushalmi, *Yerushalmi* 268:10): "If a Gentile man or a Gentile woman come and say, 'I have been converted'..." and so forth. The spirit of the law is clear. It reveals a growing tendency to accept the claim of a person or a family to be Jewish by birthright. It is an overriding presumption in all such cases that neither sex requires to be looked at to determine its status, unless, of course, there is strong ground for doubt. This principle is stated in the *Tosafot* (*Yerushalmi* 268:10).

THE COURSE OF STUDY FOR GERUT

Walter Jacob

QUESTION: Several members of a congregation have questions about the conversion of a woman who has recently joined the congregation. She has moved to our city from another state and they claim that the study which led to her conversion was insufficient. Upon investigation it was discovered that the woman in question was converted to Judaism after only an afternoon of instruction. She followed the normal ritual of conversion with the appropriate witnesses. Since that time she has lived as a Jewess and since her arrival in this city she has attended the synagogue with some regularity and affiliated almost immediately. May her conversion be questioned? (Ernest Levi, Los Angeles, CA)*

ANSWER: For many decades the North American Reform movement has provided a fairly uniform course of study for conversion. This has been followed in most communities throughout the country. The length of time spent studying may vary from six to eight months as may the intensity of the instruction provided. The intent, however, has been to give the convert a reasonable background of the major aspects of Judaism and an understanding of basic concept, holidays, practices, liturgy and theology. There have, of course, been deviations from this norm usually due to very specific circumstances, as for example a perspective convert who has long been active in the Jewish community or one who has privately studied Judaism for years; under such circumstances the normal course would be redundant.

In all instances the primary consideration remains the intent of the individual to convert. If intent is present and sincere then it will usually be accompanied by a desire to learn far more than the introductory course. A major aspect of our courses is the exposure of the convert to many aspects of Judaism which may test his/her

sincerity in ways which could not be anticipated. The course of study, therefore, is important both for what is learned and the additional level of sincerity which it elicits.

In this instance we must say that there really was no course of study at all and this perspective convert was hurriedly moved through the ritual. *Bedi-avad*, the conversion is valid. This is in keeping with the traditional sources which simply stated that a few major and a few minor commandments were taught to the perspective convert. He/she was asked whether they accepted the commandments, and that was followed by ritual of conversion (*M. Nedarim* 3.11; *B K* 5.4; *Shulhan Arukh, Orah Hayyim* 199.4). We can see that in previous times the instruction was much less formal although, of course, the perspective convert had to be warned and discouraged, but if he/she persisted the authorities accepted the individual.

In this instance the life pattern of the woman in question has indicated that she is serious about conversion. She has made Judaism very much part of her existence, she participates in the synagogue and has been actively involved in the Jewish community. We should encourage her to participate in adult education programs; she will probably do so anyhow. There is no reason to question her conversion. It is valid and must be accepted.

*Walter Jacob, *Questions and Reform Jewish Answers*, New York, 1992, #124.

THE PROSELYTE AND HER GENTILE PARENTS

Solomon B. Freehof

QUESTION: A young woman has come to be converted. She intends to marry a Jewish young man. Her parents favor her conversion. However, the couple, when married, intend to move to Israel. Her parents are firmly opposed to that plan. Is the attitude of the parents likely to create enough difficulties to the marriage that the rabbi would be justified in refusing to convert the young woman? (Rabbi Mark Staitman, Pittsburgh, Pennsylvania.)*

ANSWER: The situation as described does indeed involve potential bitterness and family division. Whether or not these probabilities should concern the rabbi depends first of all on the question as to whether the acceptance of the proselyte in Judaism is a mandatory duty (as, for example, it is in Christianity). The consensus of opinion seems to be that we are not mandated (as Christians are) to go and seek proselytes, but that if a worthy person comes to be converted, it is our duty to convert him (the discussion in *New Reform Responsa*, p. 73.). Therefore, in this case, since there may be difficulties involved, some of which may possibly lead the young wife to leave her husband, or to return to her former religious affiliation under the influence of her parents, the rabbi is justified in his hesitation and this is the basis for the question.

Perhaps the best way to clarify the situation is to assume for the sake of discussion that the young woman has already been converted and has been married to the Jewish young man. Now, he wants her to move to Israel with him. We pass over the question for the moment of the acceptability of a Reform conversion in Israel and assume that the form of this conversion will not be an impediment to their settlement there is that is their wish.

We were not told by the questioner what the young woman's own attitude is with regard to moving to Israel. We will assume that she is willing to do so. However, her parents are firmly opposed to the move. This sharp difference of opinion between them may, of course, intensify and embitter all involved and even endanger the marriage and the stability of the conversion. This may well be, but it need not necessarily be so. As long as the young bride can remain bound in her love to her parents, she may well keep communications open with them and perhaps ultimately establish some agreement. Therefore, the question now arises: How close, according to Jewish law, may a convert remain to her parents?

The bare statement of the law would seem to indicate that having been converted, she no longer has any relationship with the parents. The wording of the law is: A convert is a newborn child (*Yevamot* 22a). That is to say, like a newborn child, she has no past. What she was, what her relations were, no longer exist (incidentally, this must be the background of the expression in the Gospel: ("Unless you are like little children, you cannot enter the kingdom of heaven.") Therefore, since by this bald statement of the law she no longer has any kinship with her Gentile parents, she could now be permitted to marry any of her former close kin, or would no longer have duty which all children have to respect and honor her parents. Therefore, the law has been immediately modified for otherwise she could say, "Before I converted I could not marry those of close kinship to me but now do you permit it? Before I converted I was in duty bound to honor my parents, and now do you say I am no longer obligated to do so?" It is because of these potential protests on the part of the convert that the law was modified at once and as it stands now she must still consider herself akin to her parents and must continue to honor them in every way (*Shulhan Arukh, Yoreh Deah* 241:9).

Therefore, in spite of the present disagreement between her and her parents as to settling in Israel, she is still duty bound by Jewish law to respect their opinion and keep in close relationship with them. Because of this continued family relationship, it may well be that the disagreements can be fully and peaceably discussed and eventually settled to everyone's satisfaction.

Let us say now that she had been willing to go to Israel but that after discussing the move with her parents, she has changed her mind and is now opposed to the move. Does her refusal violate Jewish law? Is she in duty bound by the *halakhah* to accompany her husband to Israel? The original law stated (*Mishnah Qetubot*, last chapter) is that a husband may compel a wife to move to Israel with him; and if she refuses, he may divorce her without even giving her the *ketubah* amount. But this law has been almost completely modified. The *Tosfot* (*Qetubot* 110b) says that the law does not apply any more since roads are now dangerous (this was said in the 11th century). Joseph Caro (*Shulhan Arukh, Even Haezer* 74:4f) compromises and says that if the journey to Palestine is short and safe, as from Alexandria, he may compel her to join him, otherwise not. The *Be-er Hetev* sums up the law as follows: "Since whether he can compel her or not is a subject of disagreement among many authorities, he no longer can compel her to accompany him." Therefore, we may conclude that if after they are married, she changed her mind because of her parents' influence and refuses to go to Israel, she has committed no sin, and that from this point of view also, there is no objection to converting her. (See the full discussion in *Contemporary Reform Responsa* p. 69ff.)

To sum up: Since the bond and relationship with her parents will indeed continue, and since the point of issue, settling in Israel, no longer involves a religious mandate, it is possible that the matter of settling in Israel may be satisfactorily decided either way. There is therefore no strong objection to the conversion.

*Solomon B. Freehof, *Today's Reform Responsa*, Cincinnati, 1990.

MEMORIALIZING CHRISTIAN RELATIVES

Walter Jacob

QUESTION: A Christian woman, converted to Judaism and married to a Jew, arranged for her parents and other (Gentile) relatives to be memorialized in the *Qaddish* list of the congregation which is read annually. She died, and her Jewish-born husband has since remarried. Now he wants the names of the Gentile relatives of his late wife removed from the *Qaddish* list. He and his late wife had children, so these names are the names of the grandparents and other relatives of the man's children. (Rabbi P. Irving Bloom, Mobile, Alabama.)*

ANSWER: There are a number of questions involved in this inquiry. First, is it proper to have the names of Christians on the regular memorial list for annual *Qaddish*? Second, has the husband - now that he has married again - any justification for wanting to remove these names? In other words, may his second wife have grounds for objecting that her husband is still memorializing the relations of his first wife? Third, since a contribution was made to the congregation for putting these names on the annual *Qaddish* list, is it now possible to rescind and cancel such a contribution and so remove the names?

First, as to saying *Qaddish* for Gentiles, and also as to the congregation keeping on the *Qaddish* list a Gentile relative of a convert, this question was discussed fully in the *Conference Yearbook*, vol. LXVII, 1957. One might imagine that there is no religious bond between a daughter and her Gentile father, since a convert is a "new-born child." However, Maimonides in *Hilkhot Mamrim*, V. 11, says (based upon the *Talmud*), that a convert should honor his Gentile father. Rabbi Aaron Walkin, in a responsum written in 1933, states that honoring his father involves saying *Qaddish* for him. Since a son may say *Qaddish* for his Jewish-born *apostate* father (who had wilfully deserted Judaism),

then certainly a proselyte may say *Qaddish* for a Gentile father who is naturally following the religion in which he was brought up. So, too, Abraham Zvi Klein, a rabbi in Hungary (*Beerot Avraham II*), speaks of receiving a gift from a Gentile woman who wants her name memorialized (i.e., not even a relative of a convert), and he concludes: "There is no prohibition against recording her name and her good deed in the *Hevra Qadisha*, and we should recite an 'El male rachamim' for her on *Yizqor* days."

As for the second question, there is some sort of justification for an objection on the part of the man, or of his second wife, to his first wife (and possibly also her relatives) being memorialized now the man is married to this second woman. This question has come up quite often in the literature and has been dealt with in *Reform Responsa*, p. 162. For example, Eleazer Deutsch (1850-1916) in his *Duda-ei Hasadeh*, 14, was asked whether a remarried man may recite *Yizqor* for his first wife. He says no, but that if it was the custom of the synagogue - as it is in some communities - for the cantor to read a list of *all the names* memorialized, there was no objection to the remarried man being present. The general conclusion of all who discussed the question is that such memorial rites as might occur at home (the *Yahrzeit* light, etc.) should certainly not be observed any more. In the synagogue, however, if there is no one to say *Qaddish* for his first wife, the husband may do so. Of course, if there are children, it is better that they should say *Qaddish*. In the question asked, the names include not only the name of the first wife, but those of her relatives, so the second wife can have less objection to their names being read than if it were the first wife's name alone. Furthermore, there *are* grandchildren who want to honor their grandparents, which certainly should be permitted.

Now there is the third question: Since a contribution was made to the congregation (a number of years ago) to put these names on the regular *Qaddish* list, and since the congregation had accepted this specific contribution, can it now undo this memorial and cancel it and remove the names? A related question was asked of me by Rabbi William Braude of Providence. It was with regard to a memorial window. Someone wanted to pay money to have its dedication changed. This could not be permitted. Once the gift has been accepted by the congregation, no donor has any authority over it. The conclusion to the question asked about the memorial window applies here: "Once the gift has been received by the congregation, the donor has no more rights over it." Of course, the congregation, has more rights in the matter than the original donor, but even if the congregation itself wanted to change the memorial donation from one purpose to another, the law is full of many restrictions as to just which changes they can make. There is no need to go into this complicated question.

From all the above, we come to the following conclusions: First, there is nothing wrong with a Gentile being permanently memorialized in the *Qaddish* list. Secondly, the husband - while justly sensitive to memorializing his first wife in the presence of his second wife - has no right to deprive his children of the privilege of memorializing their mother, grandparents, and other close relatives. Finally, once a gift has been received by the congregation, it is virtually impossible for an individual to have it changed, and there are considerable restrictions as to the right of the congregation itself.

*Walter Jacob, *American Reform Responsa*, New York, 1983, #125.

AN APOSTATE PROSELYTE

Walter Jacob

QUESTION: What is the status of a proselyte who has decided to return to his/her original religion? What is the status of the children?*

ANSWER: Any convert to Judaism has acquired an entirely new status. Indeed, the *Talmud* has compared a proselyte to a new-born child (*Yev. 22a*). He or she has not only adopted the faith of Israel, but has also become a part of the people of Israel. For this reason, it has been customary to name proselytes "The son or daughter of our Father Abraham (*Bet Yosef on Tur, Even Haezer 129; Shulhan Arukh, Even Haezer 129.20; Felder, Nahalat Tzevi 1.31, 124*) or Sarah, our Mother" (*Gates of Mitzvah, p. 24*). It is, therefore, the almost unanimous opinion that converts who revert to their original religions remain Jewish and are to be considered Jewish for all purpose (*Bekorot 30b*). Their status was the same as that of Jewish apostates. This problem has been dealt with again and again with the same conclusion (*Yev. 47b; Asher Ben Yehiel, ibid., Tur, Yoreh Deah 268; Shulhan Arukh, Yoreh Deah 268.12, as well as the commentaries on these passages; Freehof, Reform Responsa, pp. 192ff*). The *Shulhan Arukh* and most of its commentaries agree that the child of an apostate female proselyte, or of a male married to a Jewish woman, would be considered Jewish and would need no formal conversion to Judaism. An adult proselyte who has become a Jew voluntarily cannot annul this process in any way (*Shulhan Arukh, Yoreh Deah 268.2, 12*). Isserles indicated that the Rabbinic ordinances, however, demanded of an apostate returning to Judaism or the child of an apostate woman (who had been born or converted to Judaism), repentance before a court of three, as well as immersion in a *miqveh* (*Radbaz, Responsa III, 415; Isserles to Yoreh Deah 268.12; Hoffman, Melamed Lehoil II, 84*) for full acceptance into the Jewish community. Abraham Gumbiner (*Magen Avraham to Shulhan Arukh, Orach Hayyim 326.8*) reminded us that ritual immersion was not legally necessary, but was a fence around the law.

All this clearly indicates that Judaism does not recognize a permanent change in status away from the Jewish people. A convert reverting to another religion would be considered an apostate.

We cannot, of course, deny individuals the right to adopt a religion of their choice. They have the freedom to adopt Judaism and the freedom to leave it. For all practical purposes, they will then be outside the Jewish community (in contrast to *Bek. 30b*), but we would always be willing to accept their return to us. Their children too, will have full rights as Jews, should they wish to exercise them.

*Walter Jacob, *American Reform Responsa*, New York, 1983, #71.