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CONVERSION IN REFORM HALAKHAH

Walter Jacob

The question of gerut and matters related to it have been peripheral to Judaism during most of the last fifteen hundred years. The early history has been the subject of many studies. Although there was considerable Talmudic discussion as well as a minor tractate on the subject, it became less important after the Council of Nicaea which prohibited conversion to Judaism in Christian lands, and somewhat later in other countries. It was dangerous to seek converts. The issue of conversion to Judaism became theoretical, although a small number of individuals joined us through the ages. They were conspicuous and have often been recorded for that reason. The great codes of Alfasi, Maimonides, Caro, and others who wrote earlier, only dealt with the subject in a brief summary fashion.

Conversion has become important again since the Emancipation, although our first concern was conversion from Judaism to Christianity. In this period, conversion to Judaism once more became possible without incurring religious or civil penalty. Some initial discussion was stirred by the Napoleonic Sanhedrin (1806) in which the French government asked the Jewish community about the status of marriages between Jews and non-Jews. Although this question did not deal with conversion, it meant that the issue of family status was given new significance. The Sanhedrin provided an answer which dealt with the question in a satisfactory manner both from the French and Jewish point of view.

It stated that such marriages were considered binding civilly. They could not be invested with religious meaning, but they should also not evoke a herem (ban). This entire matter, of course, was difficult for the Assembly. The discussions on similar issues which followed did not deal with the question of gerut as that might have been dangerous. It was not to become important until the second portion of the century when it was the subject of debate at various
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rabbinic conferences and synods. There were some discussions of conversion and the methods appropriate for it in Jewish periodicals, but this paper will look in that direction. When the issue surfaced at rabbinic meetings, we will find the debate raging over the ritual rather than the substance of conversion.

This paper is divided into two segments; the first will summarize the Reform position as expressed through synods, conferences, and responsa. The second section will analyze these developments and seek the rationale behind them.

European Rabbinic Conference

At the meeting in Braunschweig (1846), the assembled delegates dealt with the subject of mixed marriage. They gave religious recognition to mixed marriages and thus, went further than the Sanhedrin of Napoleon. However, this was done inadvertently as they had not remembered the Sanhedrin's statement accurately and merely sought to reiterate it. Those who had voted for change did so under the assumption that the state would permit all children of such a marriage to be raised as Jews.

At the rabbinic convention which met in Frankfurt in July of 1845, a great many issues were discussed, but mixed marriage and conversion were not among them. The convention held in Breslau in July of 1846 also largely turned to other matters, however, the radical Holdheim suggested that rabbis officiate at the marriage of Jews and non-Jews. In Leipzig in 1869, a number of questions which dealt with offsprings of mixed marriage were introduced. The main item on the agenda was the question whether an uncircumcised boy of a Jewish mother could be considered as Jewish; this was decided positively and traditional sources were cited. The first longer discussion in the matter of status therefore dealt with a single ritual issue rather than a broader philosophical approach. In the same rabbinical convention it was suggested that the resolution of Braunschweig, which stated that marriage between Jews and non-Jews was not prohibited, be accepted but no action was taken on that motion.

The Synod of Augsburg in 1871 again dealt with the status of a child, born of a Jewish mother, who had not been circumcised. For the first time the subject of conversion for the sake of circumcision was discussed in light of the Talmudic law which prohibited such a conversion. The meeting decided that those who converted from Christianity were not subject to any Talmudic stricture, as Christians were monotheists not idolators. The broader consequences of this decision were not debated.

American Rabbinic Conference

The meeting of Philadelphia held in 1869 was the first major rabbinic conference held in the United States, dealt with the status of an uncircumcised child of a Jewish mother, and declared the child to be Jewish in every respect. The Reform leader, David Einhorn, put it in the following way: "Circumcision belongs, indeed, to the most important Jewish obligations, but the uncircumcised of Jewish origin was as much a member of the Jewish community as anyone who elects to practice any other commandment whose omission involves the punishment of expulsion." This statement dealt with all Jews, not converts alone, and we should remember that there was a movement among the more radical reformers in Germany to eliminate circumcision.

The delegates to the Pittsburgh meeting of 1885 felt that this question of circumcision for converts needed further investigation and appointed a committee of five to deal with it in an appropriate fashion. No resolution was passed at that conference although those in attendance seemed inclined toward not requiring it.
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The entire matter of circumcision for proselytes was discussed in detail at the second meeting of the Central Conference of American Rabbis held in 1891, in Baltimore. A lengthy report was provided by Rabbi Aaron Hahn. He demonstrated that in the past milah had been a consistent requirement but he favored its abolition. A colleague, Rabbi Isaac Schwab, supported the opposite view and pointed out that this ritual had always been part of Judaism; it should be continued. Any change should not be made under the guise of rabbinic precedent as there was none. He favored continuing this discussion and widened it to include everything connected with the admission of proselytes. As converts to Judaism were small in number; this was not a pressing issue.

Earlier in 1890, Rabbi Henry Berkowitz of Philadelphia had sent a circular letter which posed the question of circumcision for converts to many colleagues, both Reform and traditional, soliciting their written response. It is interesting that this ritual rather than the process of conversion or the desirability of converts or any other issue connected with conversion was discussed at such length.

This seemed to have been a dramatic issue which aroused strong emotions and many felt compelled to respond. Let us see how they responded. Isaac Mayer Wise reaffirmed an earlier stance expressed in *The American Israelite*. He rejected the need for circumcision for proselytes, yet he stated that this was only a theoretical position. In practice he realized that remaining uncircumcised would make the life of the proselyte difficult and so he favored the rite for the sake of Jewish unity. Bernard Felsenthal agreed with Wise’s conclusion, but utilized a different line of reasoning. He indicated both in his response, and in an earlier long article that he opposed milah as a requirement for proselytes unless it was done for the sake of the larger Jewish community. He felt that a rabbi could appropriately admit a convert, without circumcision, to his own congregation, but could not expect that individual to be looked upon as a Jew by others in the Jewish community.10

Professor Moses Mielziner felt that this matter needed to be decided by a rabbinic body not by individuals, as otherwise it would lead to chaos within the Jewish community. He personally felt that circumcision was required, otherwise it might also lapse as a ritual for Jewish children born to Jewish parents.

Rabbi Emmanuel Schreiber looked at the entire question from a modern historical perspective and mentioned the Reform Society of Frankfurt which had eliminated the requirements for circumcision altogether for Jews in 1842. This had elicited a very strong negative reaction. Some forty-one rabbis wrote in opposition; others stated that although such a child would be considered as a Jew, it should not be permitted to participate in congregational life until circumcised. In the final analysis, Schreiber left it to the convert himself to decide upon circumcision.

Rabbi Max Landsberg indicated that circumcision should be eliminated for proselytes; Rabbi Gottheil felt milah was a barrier which should be removed as did Rabbi A. Moses, while Rabbi S. Hecht felt that such a change should be made only after the most careful deliberation.

Rabbi Kaufmann Kohler did not respond directly to the question but simply defended the ritual of circumcision as a religious symbolic rite; he had dealt with this matter earlier in Pittsburgh. Rabbi M. Samfield replied with a lengthy statement in which he advocated the elimination of circumcision while Rabbi Spitz felt that circumcision was essential.

The Orthodox rabbi of New Orleans, Henry Illovay, considered it along with *Shabbat* as a main element of Judaism. It
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was therefore an absolute requirement. Rabbi Emil G. Hirsch, the radical reformer, traced the matter historically and concluded that the rite had no meaning for us in his century.

We should note that more basic issues were not discussed at all by any of these leaders. The matter was not resolved until the third rabbinic conference held in New York in 1892. A resolution offered by Isaac Mayer Wise stated that a rabbi along with two associates could admit a convert without any accompanying ritual; this was adopted by a vote of twenty-five to five. At the discussion immediately following, it was suggested that some statistics on conversion be kept and it was so ordered, but this was never carried out.

Within the same Yearbook a statement by Samuel Hirsch, who could not be present a year earlier, was read into the record. It also opposed the requirement of circumcision. The committee then expanded the discussion to include tevilah and continued with a long discussion of both matters in the rabbinic literature. The arguments were primarily concerned with a refutation of Schwab’s analysis of the rabbinic texts; he had favored retention of the requirement.

The committee concluded that no initiatory rites were Biblical. Later, after they had been established, they became "customary" but not absolutely required.

This lengthy debate over circumcision for those born as Jews and of converts which stretched over a period of almost fifty years may seem strange. However, we should see it as a boundary issue through which Reform was to define itself. Other matters like the language of prayer, specific prayers, the second day of Yom Tov, etc., had a long developmental history. They had been added to Judaism and could be deleted. Circumcision, which began in the days of Abraham, was an ultimate boundary issue. Furthermore, as circumcision had been turned into an issue by Paul, it was also a line of demarcation between Judaism and Christianity. Here was a debate over the basic direction which the movement would take.

American Reform Responsa

As we look at the later halakhic discussion of conversion and requirement for it, we will find that most of this has taken place through the responsa literature developed by the Responsa Committee of the Central Conference as well as the responsa written independently by Solomon B. Freehof and myself. These halakhic discussions have taken two forms. There is a large body of formal responsa as well as halakhic correspondence. As we analyze the subjects of these responsa, and we should remember that responsa by their very nature deal with specific questions or with unusual circumstances. One hundred and sixty-six responsa and halakhic letters have dealt with gerut or matters related to it. This is less than ten percent of a total of one thousand and ten responsa and an equal number of halakhic letters.

The following subjects have been treated: adult status, including patrilineal descent: 36; children of a mixed marriage, their status or nature of their conversion: 43; education toward conversion: 12; relationship of a convert to her/his non-Jewish family, particularly in connection of funeral arrangement, burial, etc: 12; circumcision: 12; perspective convert or unconverted member of family participation on synagogue or home rituals: 7; Orthodox objections to Reform Conversion: 5; miqvaot: 5; name to be selected by the convert: 5; non-Jew as member of congregation: 5; apostate convert: 2; status of Unitarians/Ethical Culture: 2; Aliyah: 1; cantor or lay officiation and conversion: 3. The rest were miscellaneous issues and inquiries.

Among the early responsa was a question on the conversion of children in a mixed marriage. Kaufmann Kohler (1919) made it
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quite clear that a rabbi should not conduct mixed marriages, yet a child of such a mixed marriage may be raised as a Jew and converted through Jewish education. He urged that the rabbi attempt to convince the mother to become Jewish for the sake of a Jewish home.\textsuperscript{14}

The paucity of responsa on this subject in the first four decades of this century indicate that conversion played a minor role in Jewish life until the 1950's. The nature of the discussion gradually shifted from the narrow traditional focus upon ritual to an acceptance of converts with as few obstacles as possible. Conversion for the sake of marriage was accepted in contrast to the tradition.\textsuperscript{15} There was a clear acknowledgement that instruction was primary; and that became the policy through the "Report on Mixed Marriage and Intermarriage."

Interestingly, Solomon B. Freehof did not include conversion in the first volume of Reform Jewish Practice published in 1944, but only in the second published in 1952 in a chapter entitled "Marriage and Conversion." Actually only one section dealt with the conversion of children and restated the conclusion of the 1947 report.\textsuperscript{16}

The requirements of conversion and the theological issues involved were avoided, though Solomon B. Freehof dealt with conversion in a more general way (1963) when asked about converting a theological student. He discussed the old question whether conversion is a mitzvah. It is not listed among the six hundred and thirteen commandments, nor do we consider it necessary for any person's salvation, so we may properly hesitate about accepting a prospective convert.\textsuperscript{17}

In recent years a desire for a clearer statement of standards has become evident.\textsuperscript{18} The need for a formal course of gerut with a specific curriculum arose.\textsuperscript{19} The Union of American Hebrew Congregations' Commission on Outreach published such manuals in the 1980s.

We can see from formal responsa and the halakhic correspondence that every effort to be inclusive was made. A child, who according to the 1947 document cited above might not be considered Jewish until Confirmation, would actually be considered Jewish upon enrollment in the Religious School; in other words, the intent of a Jewish education was sufficient.\textsuperscript{20} Similarly an effort was made to permit conversion through cantors or lay people in isolated communities where conversion would otherwise be difficult.\textsuperscript{21} This was not the preferred way, but b'diavd it was acceptable and l'hat-hilah possible.

It, of course, became necessary to fight against Orthodox aspersions,\textsuperscript{22} but this never became the subject of a formal responsa.

In the period of heavy Russian Jewish immigration from 1980 onward, numerous questions about the Jewish status of the immigrants arose. We again did our best to be inclusive and to welcome these individuals who had suffered persecution even when their status was uncertain.\textsuperscript{23} As individuals from ethnic communities considered conversion, a variety of special questions were raised.\textsuperscript{24}

It is interesting to note that after a long period of questions which dealt primarily with more theoretical matters and status, ritual questions again became significant in the 1980's, so questions about the use of a miqveh and the ritual of immersion were raised for the first time in this century.\textsuperscript{25} Some have expressed desire to create a public conversion ceremony and the positive and negative aspects of this were discussed.\textsuperscript{26}
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Conclusions

As we have read a summary of debates as well as some of the responsa, we must ask what was and is the justification for the changes which have been made. They are radical and represent a new view of conversion. Yet the Reform movement views them as strongly rooted in the past.

Let us begin with the debate on circumcision. There is, of course, no problem about the uncircumcised child of a Jewish mother. As long as the mother is Jewish, according to tradition, the child is Jewish whether circumcised or not. The obligation for the b'rit rests first on the father, then on the mother and finally a bet din may supervise the circumcision. When the child reaches maturity, the obligation then is his. The lack of circumcision would be considered a sin but did not disqualified that individual in any way as a Jew. In that debate the Reformers were completely in agreement with their more traditional counterparts.

However, when we turned to the matter of circumcision for proselytes, we see a division in the ranks of the Reform leaders which reflected the mood of the period. Some individuals felt that the rituals of Judaism were no longer significant. The intellectual content was of primary importance and the rituals represented an educational tool of a previous age. This theoretical stand was used particularly with rituals of the rabbinic period, however, circumcision is Biblical and was mentioned in connection with Abraham and others. It was therefore more difficult to eliminate circumcision for proselytes than some other rituals. In addition, some rabbis refused to consider its elimination for the sake of the unity of the Jewish people. A number of rabbis also felt that such an important decision should not be undertaken by individuals but only by all Reform rabbis together so that standards for conversion would be uniform.

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All rested their case on the principle stated in the Pittsburgh Platform: "We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and today we accept as binding only the moral laws and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization." Although much tradition has returned to Reform Judaism, circumcision and hatafat dam have not been uniformly required of perspective converts to this day, and we have more or less accepted the resolution passed by the third rabbinc conference of 1892, which stated that no accompanying ritual was required for converts.

Equally radical has been the acceptance of individuals for conversion who intend to marry a Jew. The tradition long ago decided to reject any convert who sought gain from the conversion whether it was economic advantage or family status. That decision followed considerable debate in the first century between the followers of Hillel and Shamai. Presumably the decision not to accept such converts reflected contemporary social conditions.

How can we justify the Reform change? We have done so by stating that our current social conditions differ from those in the first century. We are not dealing with a pagan environment and those who come to us are already monotheists, usually Christians whose bond to their religion has become weakened or perhaps has vanished all together. When they marry a Jew, they are converting for the sake of family unity; the advantage is ours, not theirs, as conversion will assure that the children are raised as Jews. We, therefore, following the halakhic tendency which permits change in the face of new social and political conditions. What was perceived as a danger in earlier times may now be an opportunity. We have reopened a debate which took place in the first century and have come to a different conclusion for us in the late twentieth century. We should note that some of our Orthodox colleagues have
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followed the same path and found a variety of rationales for doing so, particularly in the lands of Western Europe in the early part of this century.30

We have made other changes which represent accommodations to our time as well. The traditional texts and the codes of Joseph Karo and Moses Maimonides required a prospective convert to be introduced to some major and some minor mitzvot. Nothing more detailed was specified. We have developed this into a thorough introduction to Judaism and placed our emphasis upon the intellectual understanding of Judaism as well as acquaintance with its rituals. The prospective convert usually studies all, the major aspects of Judaism, and is introduced to Bible, Talmud, the medieval literature, philosophy, history, holidays, life cycle rituals and a good deal else. In this way we have sought to bring a good understanding of Judaism to the prospective converts and enable them to become part of the Jewish community.

Equally radical has been our quiet acceptance of children of mixed marriages through enrollment in Religious School. The ceremonies of Bar/Bat Mitzvah or Confirmation established their Jewishness without a formal conversion. This practice followed for decades was made official by the Central Conference in 1947.31

There is no basis for this in the tradition and it represented a reaction to mixed marriage. No official conversion at the initial enrollment of the child took place, in an effort to cause as little discomfort to the non-Jewish parent as possible. The enrollment in Religious School, which often represented a concession to family peace or to grandparents, slowly evolved into a Jewish commitment. This represented a realistic approach.

The issue of questionable conversion has always been with us and in many periods those who stated that they were Jewish

either as converts or returning Marranos were quietly accepted.32 We have sought to accept both converts from other countries where the precise conditions of conversion are not known to us, as well as more informal conversions which may have taken place in the Soviet Union. Whenever these individuals sought to identify themselves as Jews, we have felt that this was done in good faith, accepted the individuals, and have done our best to encourage them to further study and a greater commitment. Here we have once more followed a lenient path for the sake of the individuals involved.

Although tevilah has been part of conversion since the first century and is mentioned by all of the codes, it has played no part in Reform debate until quite recently. It was brought up incidentally at the end of the last century but were no further discussions until the nineteen-eighties. This reflects a lingering doubt about ritual requirements and although those requirements now once more seem more significant, we have only slowly returned to them. As we look over the development of Reform Halakhah and the radical changes which have taken place in our conversion procedures and practices, we will see that we began with radical changes and subsequently developed halakhah in accordance with specific needs of our age. We have not rejected the past but have modified it in order to deal with current problems, as tradition has always done until the nineteenth century, thereby kept the halakhah alive and functioning in our Reform movement.

At various times during the last century, Reform rabbis have asked that we expand our efforts and actively seek converts among the unaffiliated Gentile community which is friendly to Judaism. This impulse to seek converts in the broader community was also part the mandate of the Outreach Commission of the Union of American Hebrew Congregations which was established in the late 1970's. We have, however, not done so. We, along with tradition, have not seen missionizing as one of the six-hundred and thirteen
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We have felt a good bit of discomfort with such a notion particularly as we have suffered from attempts to convert us for so many centuries. Although such efforts are now relatively rare in comparison to an earlier age, we have been stopped by the memory of those attempts directed toward us.

As we look back over almost a half century of fairly intensive discussion of converts and conversion, we can begin to draw some conclusions. The basic questions, sometimes already asked in the Talmud, have been raised again. In this century we have almost always taken a positive and open attitude with the hope of welcoming converts and integrating them into the community. Every effort has been made to provide positive answers while at the same time drawing clear lines of demarcation between us and the Christian community.

We have redefined what is important in conversion by including the ritual requirements, but leaving them as secondary. Learning and acquiring a practical understanding of Judaism ranks first for us and we have made this clear in our halakhic development.

The initial open attitude toward non-Jews, particularly in connection with burial in our cemeteries, was seen as a friendly gesture not as a way of breaking down barriers of distinction between Judaism and Christianity. As that was not always clear in the early responsa, we have tried to be more specific in other areas as they have arisen and made those distinctions quite clear. The entire area of personal and family relationships with non-Jews will always have many gray areas which cannot be defined in advance, but we are now making the attempt to define all that is possible. Patrilineal descent has helped this in some ways and made it more difficult in others. The primary difficulty with that decision has been in its lack of definition of what are appropriate Jewish acts and when they lead to acceptance into the community. We are at an initial stage of working out solutions to these problems for ourselves and for the entire North American Jewish community.

Some efforts to deal with these matters jointly have been made, but thus far without success. At the same time, local efforts to create joint conversion procedures were undertaken in a number of North American communities; the best known was that of Denver, but all have thus far failed.

Notes

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8. This was a movement of the Frankfurt Reformfreunde led by Theodor Creizenach who published a call for the abolition of circumcision in 1843 as well as the movement of the Shabbat to Sunday; these decisions led to widespread protest by Reform and to change the Orthodox rabbis.


11. The paper written by Isaac Mayer Wise indicated that according to his reading of the text it was not required by the Torah and in fact that there was no blessing for it recorded before Alfasi in the eleventh century. His interpretation of the Mitzvah also made no such requirement but left it as an option. He theorized that the b'rit milah was a substitute for the qorbah which was no longer possible. As he looked at this matter historically, he felt that there was no record of milah before John Hyrcanus and the forced Edomite conversion to Judaism in the second century B.C.E. Wise proposed admission before a rabbi and two associates. The crucial element would be acceptance of the Israelite covenant. "He resolved that the Central Conference of American Rabbis, assembled this day in this city of New York, considers it lawful and proper for any officiating rabbi, assisted by no less than two associates, to accept into the sacred covenant of Israel and declare fully affiliated to the congregation any honorable and intelligent person, who desires such affiliation, without any initiatory rite, ceremony or observance whatever; provided such person be sufficiently acquainted with the faith, doctrine and canon of Israel; that nothing derogatory to such person's moral and mental character is suspected; that it is his or her free will and choice to embrace the cause of Judaism; and that he or she declare verbally in a document signed and sealed before such officiating rabbi and his associates his or her intention and firm resolve.

1. To worship the One, Sole and Eternal God, and none besides him.
2. To be conscientiously governed in his or her doings and omissions in life by God's laws ordained for the child and image of the Maker and Father of all, the sanctified son or daughter of the divine covenant.
3. To adhere in life and death, actively and faithfully, to the sacred cause and mission of Israel, as marked out in Holy Writ. Be it furthermore

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28. Gen, 17:10; 21:4; Ex 12:48; Lev 12:3, etc.


31. I have participated in efforts with Orthodox and Conservative representatives to create a common conversion procedure for those contemplating aliyah, however, after two years those discussions in New York and Jerusalem failed (1989).