

The Ark, if adequately locked, may be left in the care of the Gentile wardens.

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CONVERSION OF INFANTS

A Jewish couple from Colorado is adopting a Colorado infant child of a Gentile mother. The couple has moved to Massachusetts. Here the adoption cannot take place unless the social service agency involved (The Jewish Family and Child Service Agency of Denver) approves. The Jewish agency in Denver will not approve unless the child is first formally converted to Judaism. The questions, therefore, are as follows: According to Jewish law, can a Gentile child be converted unless the Gentile mother is also converted? What is the process of conversion? If a *mikveh* is to be used, cannot a more sanitary bathtub be used, since children are so susceptible to infection? (From Rabbi Bernard H. Bloom, Lexington, Massachusetts.)

FIRST of all, can a Gentile infant be converted without its mother being converted? The law stems from Talmud *Kesubos* 11a. There it says clearly that if a Gentile mother brings a child for conversion, the *Bes Din* converts the child. The Talmud does not state that the mother needs to be converted too. When the law is given in the *Shulchan Aruch, Yore Deah* 268:7, no mention is made of a requirement that the mother be converted also. In fact, the law seems clearly stated as to avoid any such requirement.

The law adds that the child can repudiate the conversion

when it grows up. This privilege of repudiation is questioned in an interesting way by Moses Sofer (*Yore Deah* 253; see *Pische Teshuva to Yore Deah* 268:7). He says that if the child's parents are converted with him, he can never repudiate the conversion. So aside from the question as to whether he may or may not repudiate, it is clear, at all events, that the parents need not be converted with him.

Now, as to the *process* of conversion, the Orthodox law requires dipping in the *mikveh*, both for boy and girl infants. You ask whether a clean bathtub might not serve as well as the (possibly non-hygienic) *mikveh*. This question can make sense only on the basis of the desire to satisfy Orthodox opinion. To satisfy the Orthodox, nothing but a dipping in the regular *mikveh* will serve. It is true that a Jewish scholar tried to devise some sort of hygienic home tank in place of the communal *mikveh*, and although he wrote a book on it ("The Secret of the Jew," Rabbi David Miller) nothing came of his suggestions. On the contrary, there is a movement in Orthodoxy in America to be stricter and stricter about the regulations of the *mikveh*. In fact, a recent immigrant, Rabbi Yom Tov Lippe Deutsch (Der Helmetzer) has been traveling through the country changing the *mikvehs* in city after city, on the ground that the former Orthodox *mikvehs* were not kosher enough. You can be sure that no bathtub will satisfy the Orthodox. As a matter of fact, I am sure they would not be satisfied even if you arranged for the communal *mikveh* to be used. In fact, there has been a recent Halachic discussion raising doubt as to whether the Orthodox community should even make the *mikveh* available to non-Orthodox rabbis.

In general, therefore, it should be abundantly clear that no approximation of Orthodox procedures will ever satisfy

the Orthodox, and sometimes the very attempt to approximate these procedures awaken indignation among them. The *Bes Din* of the Chief Rabbi of the British Empire has recently issued a special pamphlet denouncing the Reform Congregation in London because it (the Reform Congregation) has a *Bes Din* to issue bills of divorce. The Orthodox *Bes Din* considers this attempt to resemble Orthodoxy as a conscious deception of the community.

The most intelligent procedure, therefore, is to take for granted (which, of course, we must) that the Jewish social service authorities will not presume to raise any doubts that we Reform Jews are a legitimate form of Judaism and that our procedures are legitimately Jewish. We must never permit this to be questioned by any communal Jewish organization. In this matter of conversion of infants, we have a very definite and official Conference attitude, and it is stated in the official report on Marriage and Inter-marriage, as follows:

"With regard to infants, the declaration of the parents to raise them as Jews shall be deemed as sufficient for conversion. This could apply, for example, to adopted children. This decision is in line with the traditional procedure in which, according to the Talmud, the parents bring young children (the Talmud speaks of children younger than the age of three) to be converted, and the Talmud comments that although an infant cannot give its consent, it is permissible to *benefit* somebody without his consent (or presence). On the same page the Talmud also speaks of a father bringing his children for conversion, and says that the children will be satisfied with

the action of their father. If the parents therefore will make a declaration to the rabbi that it is their intention to raise the child as a Jew, the child may, for the sake of impressive formality, be recorded in the Cradle-Roll of the religious school and thus be considered converted."

There may be some objection to our Conference procedure of the conversion of infants, on the grounds that a child attending our school may, nevertheless, join the religion of his mother and decide to be a Christian. However, the same objection could apply to the Orthodox procedure, since according to the law, an infant converted by *mikveh*, etc., has the right to repudiate later. The complication attendant upon such repudiation affects Orthodox law too. In the responsum of Moses Sofer referred to above, *Yore Deah* 253 discusses the question: How can we make a blessing over the immersion of this child when the child may yet some day repudiate the whole procedure? Will not that be a vain blessing? Moses Sofer says that we need not be concerned with the future contingency. This applies to our conversion too. Yet our education lasting over many years is more likely to have a permanent influence than a ceremony performed in infancy.

Therefore, in the case that you mention, the procedure should be as follows: The parents must promise to raise the child as a Jew. You record the child on the Cradle-Roll of the Congregation, and that is sufficient to fulfill our Reform procedure.