

because the learned man is of special value to society. Also, the needy at home must first be provided for. All this is based on the assumption that there is a limit to the resources available and choices must be made; but if resources are relatively unlimited, then all receive as they need.

## 14

## CONVERTS AND THE RABBI'S RESPONSIBILITY

### QUESTION:

A number of candidates for conversion have been living together without marriage. Some of them state that they will not marry for a time, if at all, but will continue living together. What if there are children and some of the children remain Christian? What if a Christian comes for conversion but the spouse intends to remain a Christian? In general the question is asked: What is the rabbi's responsibility as to the mode of life of candidates for conversion and their mode of life after conversion? (Asked by Rabbi Irving Cohen, West Palm Beach, Florida.)

### ANSWER:

ONE OF THE basic attitudes in the Jewish law of conversion is a careful investigation of the motivation of the candidate. The Talmud, in *Yevamos* 46b (and in the *Shulchan A ruch*, *Yore Deah* 268 ff.), states that

we must actually discourage a would-be convert. We ask him why he should accept the status of Jewishness when Jews have to endure so much suffering in the world, and also (268:12) we tell him of the "burden" of the *mitzvos*, how if he becomes a Jew he will be punished for the violating of the many *mitzvos*, whereas if he remains a Gentile, he is free from the danger of such punishment. If, after all these discouragements, a candidate persists in wanting to be converted, we then proceed with the ritual of conversion.

Of course one cannot always be sure of motives. Hillel, after all, converted the Gentile who admitted he wanted to become a high priest, and Rabbi Hiyya converted a woman who confessed she wanted to marry a Jew (see the discussion in the *Tosfos* to *Yevamos* 24b). On the basis of this discussion, many Orthodox rabbis refuse to accept proselytes whose intention is to marry a Jew, while some do accept them. However, in all such matters in which motives and future conduct are involved, it is hard to be sure. Joseph Caro, in his comment to *Tur*, *Yore Deah* 268, says that it all depends on the judgment of the rabbinical court (*Hakol tfi r'os bes din*). So in all these cases the rabbi's judgment must count. If his estimate of the couple is that after conversion they will establish a decent Jewish family, he may decide to convert them.

But the question now is: If he is uncertain in this matter as to what sort of life they will live, what then are his responsibilities? Since much depends, as we have said, on the judgment of the rabbi as to the character and the probable future of the candidates, we must

understand that his judgment nowadays is inevitably affected by modern moods and standards. If this question had come up a generation ago, the judgment of the rabbi would likely have been different from that of a rabbi today. In those days sexual and family morality were generally strictly observed. If a couple lived together without marriage, it would be an exceptional couple, scorned by society, and themselves well aware that they were living in sin. But today the situation is quite different. Sexual morality and family unity have greatly loosened, and we can no longer declare that all people who live together without marriage are consciously libertine. The mood of the world is so different that some couples who for one reason or another are living together in this way are otherwise quite decent.

This changing mood cannot mean, of course, that the rabbi condones this mode of life, which violates both civil and Jewish laws. However, he can no longer make sweeping judgments, refusing to have anything to do with all such couples. Here, perhaps, a Talmudic dictum applies: "Always let your left hand push them aside while your right hand brings them near." In other words, as Joseph Caro would have said (above), it all depends upon the judgment of the modern rabbi.

However, while the rabbi can no longer summarily reject such people as candidates for conversion, but must judge the character and probable future of each candidate individually, there are certain definite situations in which the rabbi cannot possibly accept the candidate. Suppose, for example, one of the couple is a Jewish man and it is the woman who is coming to be

converted. According to Jewish law (Mishnah *Yevamos* 2:8), if a Jewish man is even suspected of living sexually with a Gentile and she converts to Judaism, he may never marry her. This is codified as law in the *Shulchan Aruch* (*Even Hoezer* 11:5).

Sometimes in this situation the Jewish man does not intend to marry the girl. He may tell her that because she is a Gentile such a marriage would cause great grief for his parents. She then, on her own accord, asks to be converted, so as to deprive him of any excuse for refusing to marry her (or to divorce his present wife in order to marry her). We are certainly not justified in giving a weapon to this woman to force a Jewish man into a marriage which is forbidden by Jewish law.

Another situation in which the rabbi cannot justly convert would be if the man is a Gentile and the woman is Jewish and they are living together. If she is a married woman, she is an *eshes ish*, and her Jewish husband no longer has the right to live with her at all since she is an adulterous woman. If, then, we convert the Gentile man, we would be rewarding her for her adultery. If, however, the woman in this couple is an *unmarried* Jewish girl, then perhaps it would be right to convert the Gentile so that they may be able to marry in accordance with Jewish law and custom.

Now if it is a Gentile couple and only one of them requests conversion, in that case, again, I believe the rabbi should refuse to convert. Please see the answer that I gave to the *CCAR Journal*, published in *Current Reform Responsa*, pp. 216-17. The reason given there is the following: This was a case of a married Gen-

tile couple in which one of the partners wanted to become Jewish. If we converted the husband (or the wife), then he becomes a Jewish man married to a Gentile woman. Becoming a Jew, he is now, as the *Shulchan Aruch* says in *Yore Deah* 268:12, under "the yoke of the law." He was a righteous Christian before we converted him. Now, if he is the head of a Gentile family, he becomes a sinful Jew. We have no right, therefore, to convert him.

Of course, these couples of which you are speaking are not actually married, and we are not thereby breaking up a Christian home. But we are again creating the situation of a Jewish man living with a Gentile woman or a Jewish woman living with a Gentile man, as discussed above.

The only situation that is beyond all question is when both members of the couple are Gentiles. If it is the judgment of the rabbi under modern circumstances that this couple, when it becomes Jewish, will marry and establish a Jewish home, he should convert them. If he believes that they will not establish a Jewish home, then if he converted them, they would become a Jewish couple living in concubinage, which is against present Jewish law.

Now as to the children: If it is a grown child who is to remain Christian, we may accept that. But young children who are of religious-school age should enter the religious school (or if very young, be recorded in the Cradle Roll) and when they have gone through the school, that, as the Conference had decided, shall be accepted as full conversion of the child.

To sum up: The situation is complicated, and each type of complication must be handled differently. In modern times, with moral standards relaxed, the rabbi cannot summarily reject a couple living together without marriage, but he must use his judgment, deciding on the basis outlined above and his feelings as to the future career of the couple.

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## CIRCUMCISION OF PROSELYTES

## QUESTION:

Is there any Halachic justification for the practice of some Reform groups of accepting adult proselytes without requiring circumcision? (Asked by 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—93), the subject was vehemently debated and finally decided by a vote of 25-5 (see *CCAR Yearbook*, Vol. III, p. 36), adopting the resolution to accept proselytes without any initiatory rite (i.e., bathing or circumcision).