

27

THE INCOMPLETE CONVERSION

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? (From Rabbi Allen H. Podet, Seattle, Washington.)

ANSWER:

ALTHOUGH the Shulchan Aruch (*Yore 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 en-

ture process described. If it does not necessarily require the entire process, then at which point in the incompleting 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, Issure 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 *Shulchan Aruch*, the proselyte is first closely questioned in order to determine his sincerity. He is 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 im-

portance 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" (*miktsat*) 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 Chiah (*Shabat* 31a and *Menachot* 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 given (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 judgment of the court " (*hakol left re'ut bet din*). So the *Shulchan Aruch* 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 this rabbi or with another. The answer must be given in light of Joseph Caro's summation: "It depends upon the judgment 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.