

fore, it is again possible to have *ger toshav*, half-prose-lytes.

Actually, this is all that the government of the State of Israel wants. The present difficulty with the religious groups has arisen chiefly because of a confusion between *ger zedek*, the full proselyte, and *ger toshav*, the half- or tentative proselyte. If the State will now declare that it does not proclaim these children *ger zedek* (this [גרות] will be a matter for religion to decide, when the problem of the status of the child comes before the religious authorities at marriage and other occasions), the State is only making a *ger toshav* decision affirming the civic right to choose to belong to the Jewish community rather than to the Christian or Mohammedan community. It is with this clear distinction that I believe a solution can be reached.

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### A Questionable Conversion

*The rabbi is on the faculty of a Christian theological school, giving a course of lectures on Judaism. A young Christian theological student has become increasingly interested in Judaism and is now asking for extra instruction, since he desires to be converted to Judaism and even to study for the rabbinate. The rabbi has two grounds for hesitation in this matter: first, that it would create ill will for him to convert to*

*Judaism a student who is preparing for the Christian ministry in the school where the rabbi is a guest professor and, secondly, the student himself is not quite emotionally balanced.* (From Rabbi David Polish, Chicago, Illinois)

There is a basic question with regard to conversion which must be answered first, before this specific question can be adequately discussed. Is there an obligation incumbent upon the rabbi to gain a convert? Such a question would be quite unnecessary if it were a Christian minister confronted with an analogous problem. If it were a question of converting a Jew to Christianity, the Christian minister or professor (except under special circumstances) would not hesitate because it is a general duty incumbent upon all Christians to accept, in fact to *seek*, converts. But is that a duty with us? In other words, is it a mitzvah to seek or even to acquire *gerim*?

As is well known, the legal literature is full of contradictory statements with regard to the relationship of Judaism toward proselytes. Nevertheless, it is possible to find a general direction through these varied opinions. There must have been times when, owing to the outer circumstances, the accepting of proselytes brought trouble to the community from one source or another. It is evident that such times reflected themselves in the statement of the Talmud (b. Kiddushin 70b) that "*gerim* are worse to Israel than a wound or a scab." Also, "Punishment will come to those who accept *gerim*" (b. Yevamoth 109b) and "*Gerim* hinder the coming of the Messiah" (Niddah 13b). On the other hand, there were times when proselytes brought blessing to the community. It was such experiences which evoked the statement in the Talmud (b. Pesachim 87b) that the Jews were exiled among the nations chiefly in order that proselytes join them.

There is one fairly clear indication in the Talmud itself that they *did* consider the reception of proselytes to be a duty (mitzvah). In b. Yevamoth 47*b*, the Talmud asks, "Why, after the candidate's consent do we circumcise him *at once*?" The answer given is: "Because we must never delay the carrying out of a *mitzvah*."

The Tosafists also seem to have considered it a duty. (Cf. Tos. to Yevamoth 47*a* at the top of the page.) The opinion of the Tosafists is clearer in the comment in Gittin 88*b* (s.v., "E Hochi"). The problem discussed there is the fact that only ordained teachers have the right to make certain decisions. Then how can such disputes have been decided in Babylon (where ordination was not permitted)? The answer given in the Babylonian Talmud is that in everyday business matters we (the Babylonian teachers) are acting as agents for the Palestinians. To this the Tosafos says: "That is the reason we have the right to accept proselytes, even though the process requires ordained teachers [found only in Palestine]." Likewise, the Spanish Talmudist, Nissim Gerondi ("Ran," fourteenth century): in his commentary to Alfasi (near the end of Gittin, chapter 9) he discusses the same question which was discussed by Tosafists as to our right (being unordained) to decide certain disputes. He gives the same answer, namely, that we are the agents of the ordained Palestinian rabbis. Then he adds warmly: "If we may be their agents in everyday money matters, surely we may be their agents for the noble task of bringing proselytes under the wings of the Shechina!"

Shalom Kutno, in his well-known work on proselytizing ("U'ch'Torah Yeosey," Facs, 1897) was confronted with the modern problem of Jews who had married unconverted Christians, and who demanded that their children be circumcised (see our responsum on "Circumcising Son of Gentile Wife," p. 99). He is opposed to these demands on the ground that it does not mean genuine conversion. He is

therefore embarrassed at the statement of Nissim Gerondi mentioned above, and says that Nissim referred only to those who come to Judaism out of genuine conviction. But merely to circumcise children of Gentile wives when we know that these children will not be raised as Jews is certainly not a mitzvah at all.

In spite of the opinions of the Tosafos and of Nissim Gerondi which imply that the reception of proselytes is a duty incumbent upon us, the matter was never definitely decided. Benzion Wacholder (in *Historia Judaica*, October, 1958) believes that the Tosafists (therefore the Franco-German Jews) considered proselytizing a mitzvah, while the Spaniards did not. This distinction is certainly to be modified by the fact that it was the Spaniard Nissim Gerondi who made the warmest statement about proselytizing as a mitzvah.

Be that as it may, the status of proselytizing as a duty is still not at all clear. It would certainly not seem to be a well-established duty, for in countries where the government forbade proselytizing by Jews, the scholars immediately ceased to proselytize (cf. Moses Isserles in his gloss to Yore Deah 267 : 4). If the government had forbidden *Schechita*, for example, they would not have yielded so easily.

Certainly none of the lists of commandments include a commandment to seek or receive proselytes. It is not that the subject is avoided. The legal codes contain a number of items with regard to our relationship to proselytes, but not one of them declares the acquisition of proselytes to be a duty. What they do discuss is our duty to be decent to proselytes, once they have joined us. The Talmud says (b. Mezia 58b) that you should never say to a proselyte, "Remember your past." For example, in the listing of the negative and positive commandments in *Minchas Chinuch*, the positive commandment 432 says that it is a duty to love

the proselyte. Then there are two negative commandments, 63 and 64, against oppressing or cheating them in any way. In other words, we must be kind and considerate to proselytes, but we are not in duty bound to seek for them. Hence, if there is any difficulty involved, if there is a question of ill will involved, there is nothing wrong, from the point of view of Jewish law, in neglecting the conversion for the sake of the welfare of the Jewish community. In fact, in many of the discussions of the laws of conversion, the respondent does not have the slightest hesitation in saying that "in this land where conversion is forbidden [as it was in certain countries] these laws do not apply." In other words, they did not mind dispensing with proselytizing, since it was not an obligation.

There is, in addition, a further difficulty in this specific case: the emotional instability, or semi-instability of the candidate. Now, there is a large mass of law dealing with the status of the semi-insane (*shota*). Of course, the specific knowledge in the Talmud of the various states of mental instability was not great, and they coupled, for legal purposes, the unbalanced with the minor and the deaf-mute (*cheresh, shota, vekotan*). These laws deal with these classes with regard to acquisition and sale of property, and with regard to marriage and divorce. There is no specific legal discussion of the relationship of these people with proselytizing. However, the Talmud does say that we do not accept as a proselyte one who is motivated toward conversion by dreams (*geray chalomos*) (b. Yevamoth 24k).

Of course, it is clear from the Talmud and the Shulchan Aruch, which discuss the careful questioning to which a candidate is subjected, that they would not accept a proselyte unless he clearly understood and deeply appreciated all the elements involved in joining the community of Israel (see Yore Deah 268). Obviously, a proselyte then needed a clear mind and a balanced judgment or he could

not appreciate what he needed to understand before declaring his full willingness to convert. It is clear that the law would frown upon accepting as a proselyte one whose judgment is clouded by emotional disturbance. In this case, the dictum of the Mishnah would apply (b. Kamma VIII: 4), that it is best not to have any dealings with a *shota*. The Mishnah means to say that if they injure you, they are not liable to pay any fine, and if you injure them, you have to pay. You lose either way.

Since we are under no *duty* to convert, we may therefore hesitate whenever the good name of the community is involved; and since, clearly, conversion requires of the convert a full and deep understanding of what is involved, it is much better to avoid any conversion in this case-

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## Miscegenation and Conversion of Negroes

*Does intermarriage between the main races, black, brown, and yellow, constitute a violation of the commandment not to mix breeds? (From M.S.)*

*A problem has arisen in congregational policy over the conversion of a Negro who has applied for membership in our congregation. What is the policy of Reform Judaism on this question? (From Rabbi Richard G. Hertz, Detroit, Michigan)*