The Mitzvah of Accepting—not Rejecting—Converts to Judaism: Thoughts on Parashat Vayishlah, December 6, 2014

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By

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“And the sister of Lotan was Timna” (Bereishith 36:22).

This seemingly irrelevant piece of genealogy has an important underlying message according to the Midrash. Timna had wanted to convert--to become part of the people of Abraham, Isaac and Israel. Yet, our forefathers did not accept her into the fold. They rejected Timna who then became the concubine of Elifaz, son of Esau, and gave birth to a son: Amalek! The arch-enemy of the people of Israel was the child of a rejected convert! Had Timna been accepted into the Israelite nation, there would have been no Amalek.

This ancient lesson has continuing meaning in our days, when the conversion crisis in the Orthodox world is a burning issue. The following is drawn from an article I wrote, published in Hadassah Magazine, November 2008.

Great news.

Many thousands of people in Israel want to convert to Judaism. Most are from the former Soviet Union and have Jewish ancestry or spouses. Many others, of various national and religious backgrounds, have come to Israel to study Judaism and to become Jewish.

Thousands of people throughout the diaspora want to become Jews. They are attracted to the teachings of Torah; or they’ve discovered Jewish roots; or they want to marry a Jewish spouse. Judaism has a profound message for people of all backgrounds. The Jewish people, with all its problems, is attractive. The fact that so many wish to become Jewish should be a source of tremendous pride and happiness to Jews.

Troubling news.

Not everyone is eager to help these would-be converts enter the Jewish fold. Instead of offering a compassionate and inclusive approach, the Israeli Chief Rabbinate has erected ever higher barriers to discourage conversion to Judaism. Diaspora rabbinic groups have essentially fallen into line behind the Chief Rabbinate’s stringent positions, fearing that their own rabbinic status will be undermined if they do not conform to the Chief Rabbinate’s dictates.

In May 2008, the Israeli Rabbinic High Court under the leadership of Rabbi Abraham Sherman issued a horrifying decision that actually rescinds the conversion of a woman who had converted (under Orthodox auspices) fifteen years ago. Since the Court felt the woman was not religiously observant enough, it declared her and her children—born after her conversion-- to be non-Jewish. The Chief Rabbinate and the Rabbinic High Court have equated conversion with total acceptance to observe all the mitzvoth; those who are deficient in religious observance are either not accepted in the first place, or now run the risk of having their conversions invalidated retroactively. Thousands of individuals

have been thrown into spiritual turmoil, wondering about their Jewish identities and the Jewish identities of their children.

This is precisely the time for a visionary Orthodox rabbinic leadership to win the respect and admiration of the Jewish public by providing inspired, meaningful leadership. Yet, the Orthodox rabbinic establishment in Israel and the diaspora has chosen the path of retreat, restriction, and exclusion. Their policies have alienated thousands of potential converts, as well as thousands of born Jews who find these rabbinic attitudes reprehensible, narrow-minded and xenophobic.

Great news.

The classic sources in halakha—the Talmud, Maimonides, the Shulhan Aruh—are actually far more "liberal" than the contemporary Orthodox rabbinic bureaucracy.

The Talmud (Yevamot 47a-b) records the procedure to be followed in accepting converts: we tell them of the dangers inherent in being a member of a persecuted community. If they are willing to accept these risks, we offer instruction "in some of the minor and some of the major commandments". We are not to persuade or dissuade too much. The Shulhan Arukh (Yoreh Deah 268:2), drawing on Maimonides' formulation in the Mishneh Torah (Issurei Biah 14:2), rules that we must also explain to the would-be convert the basic beliefs of Judaism. The procedure for conversion is sensible and straightforward.

The classic codes of Jewish law leave considerable latitude when it comes to informing converts of the mitzvoth. Converts are expected to give a general acceptance to observe mitzvoth—but there is no indication that they first must study Judaism for years nor that they must answer very specific questions relating to the observance of all mitzvoth--requirements that now have become standard within the Orthodox rabbinic establishment. Some of my Orthodox colleagues have retorted: we don't need to rely on those texts, since we follow the opinions of the great sages (invariably of the hareidi ilk) of our generation. Or, they have disingenuously argued that the Talmud, Rambam and Shulhan Arukh didn't need to specify the requirement for converts to accept all mitzvoth in detail, since they took it for granted that converts would be required to observe every law of Shabbat, kashruth, mikvah etc. In other words, these rabbis ignore, or read their own views into, the classic sources of halakha, seriously changing the meaning of what conversion has meant historically.

The notion that conversion entails 100% commitment to observe all mitzvoth seems to have first emerged in the late 19th century among Eastern European rabbis. According to Dr. Zvi Zohar and Dr. Avi Sagi, Israeli scholars who have thoroughly researched the conversion issue in halakhic literature, Rabbi Yitzchak Shmelkes (Beit Yitzchak 2:100) introduced this idea in 1876. (See their book, "Transforming Identity", Continuum, New York, 2007.) This was a reaction to the growing number of Jews who were defecting from mitzvah observance. Rabbi Shmelkes and others apparently believed that by equating Judaism with mitzvah observance, they were defending the Torah from its spiritual enemies. This equation, though an understandable strategy, was of course not literally true. Even the most extreme right-wing rabbis admitted that a born Jew is Jewish, even if he/she repudiates Judaism and violates every law in the Torah. But when it came to accepting converts, they upheld the most rigorous policy—a policy not dictated by classical halakha, but by their own reading of the circumstances of their times.

We are living in different times. We are not in 19th century Eastern Europe. We have the right to revisit the classic halakhic sources, and apply them honestly, compassionately and intelligently to our new circumstances. The rabbinate in Israel exists within a vibrant, modern Jewish sovereign State. If rabbis in the shtetls dealt with conversions stringently in light of their historical circumstances, the Rabbinate in Israel must recognize a broader responsibility; it must have the vision to create national

policies that will serve the needs and interests of the Jewish State and the Jewish people at large. Instead of locking itself into the most extreme and narrow positions of halakha, it needs to draw on the broad wellsprings of Jewish legal and ethical traditions, demonstrating the halakha's ability to address contemporary issues in a spiritually, morally and intellectually sound manner. The rabbis of the diaspora must not fall into the trap of creating their own rabbinic bureaucracies; rather they must also have the vision and sense of responsibility to help converts enter the Jewish fold in a proper, non-intimidating manner.

As an Orthodox rabbi myself, I believe that those who wish to enter the Jewish fold should do so in a halakhically valid manner. The halakha provides a meaningful and accessible way for non-Jews to become Jewish. Instead of erecting higher barriers to discourage conversion, the Orthodox rabbinate should be expanding opportunities for those who sincerely wish to become full members of the Jewish people.

The great Sephardic Chief Rabbi of Israel, Rabbi Benzion Uziel (1880-1953) argued for an inclusive approach to conversion. In one of his responsa, he urged rabbis to perform conversions, even under less than ideal circumstances, in order to maintain Jewish families and keep children in the Jewish fold. Those rabbis who adopted restrictive policies were doing a tremendous disservice to the would-be converts, to their families, and to the Jewish people. Rabbi Uziel wrote: "And I fear that if we push them [the children] away completely by not accepting their parents for conversion, we shall be brought to judgment, and they shall say to us: 'You did not bring back those who were driven away, and those who were lost you did not seek' (Ezekiel 34:4)." Rabbi Uziel was not alone among modern sages who allowed conversions even in non-ideal situations. (See Professor Shmuel Shilo's article in the Israel Law Review, 22:3, 1988, where he discusses the lenient views of various halakhic authorities including Rabbis Benzion Uziel, Shlomo Kluger, David Zvi Hoffman, Haim Ozer Grodzinski, Yehiel Weinberg and Ovadia Yosef.)

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In recent years, Rabbi Haim Amsellem has published important volumes demonstrating a halakhically sound, compassionate and inclusive approach to the issue of conversion to Judaism. He has argued convincingly that the current "hareidization" of conversion requirements is in fact a sharp deviation from halakhic tradition.

It is a sacred responsibility of our community—rabbis and lay people alike—to enable sincere candidates for conversion to be accepted lovingly within our midst. This is a mitzvah for the converts and for the Jewish people as a whole.

Angel for Shabbat