Conversions, Covenant and Conscience

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The current conversion crisis that is searing the larger Jewish community in general and the Orthodox community in particular is grounded in politically and ideologically driven doublespeak. Orthodox Judaism teaches that the Jew is sanctified by obeying God's commandments. Honest people may disagree over details. When agendas replace conscience and the halakha is superseded by policy, we are not being honest to God or to each other. The organization that sees itself as the "Eternal Jewish Family"wants the world Jewish community to adopt its own conversion standards that are "universally acceptable." This seemingly innocent idiom makes the immodest claim that unless the standards of the most strict, who by implication are the most fervent, religious and authentic Orthodox, are adopted, the Jewish people will be hopelessly divided. It makes the implicit assumption that the hareidi conscience is inviolable and other Orthodox standards, which are asked to define itself as Judaism lite, must defer to its dictates and dictators.

The hareidi so-called Eternal Jewish Family standards are not the standards of red letter Jewish law. As long as the norms of the plain, simple and logical reading of the Oral Torah canon are observed with regard to conversion, the eternal Jewish standard has been satisfied, and dissenters must be ignored. If Jewish legal standards are observed with regard to conversions, the invalidating of kosher converts without evidence invalidates the invalidators precisely because eternal Jewish standards are superseded by social and political considerations.

Jewish values are based upon laws, not standards. Standards not required by Jewish law may be practiced as personal piety gestures but may not be imposed on all Israel as God's unchanging law. Jewish law actually does allow conversion for the sake of marriage! Consider the fact that the female captive has a month after capture and mourning before she can be taken as an Israelite wife, [Dt 21:10-13]. The Talmudic view of R. Nehemiah, that conversions for marriage are improper, is reported but rejected.[bYevamot 24b]. And consider the narrative of bMenahot 44b that describes a prostitute whose "client," a student of R. Hiyya, was slapped by his tsitsit tassels upon undressing in her presence, reminding him that amongst the Torah's commands is the admonition not to succumb to improper temptations. The student concedes that the woman is beautiful but he loves Judaism more. Taken by her client's poignant piety, she asks for his biographical particulars and confronts the student's mentor, the insightful, knowing, wise, and kindly R. Hiyya, who told her "that very bed that you made for him [her recalcitrant client] illicitly, make that very same bed for him properly, i.e., by becoming a pious Jewess by choice.

Authentic Jewish law allows the presiding rabbi almost unqualified discretion regarding the acceptance of converts. "Standards" not recorded in the Jewish legal canon are not Jewish law. In Responsum Pe'er ha-Dor 132, Maimonides permits a conversion as the better alternative to intermarriage. A rabbinical court of three observant lay people, i.e., non-rabbis, may not be ideal but its conversions are nevertheless kosher once accomplished [Maimonides, Laws of Forbidden Relations, 13:17!]. Requiring extra "expertise" for converting rabbis on the part of hareidi Judaism is a disingenuous ploy intended to disqualify those rabbis who disagree with the extra-legal standards of extremists and who believe that Torah law is in no need of reformulation. Since a convert who was accepted by a halakhic rabbinic court consisting of three observant males is kosher, the rejecting of that convert, whom we are required to love, [Dt 10:19, Maimonides, Positive Commandments, 207] we cause
good Jews by choice to be tempted to sin. If we are not really certain that the conversions of non-hareidi rabbis are kosher, we would, it would seem, accept the conversion candidate cautiously in order to assure that these candidates for conversion be properly integrated into the Jewish community. By claiming the right of veto of converts of Orthodox rabbis who obey Jewish law, hareidi Judaism advances the claim that Judaism is based on rulers, not rules, and standard bearers, not standards, and deference to men and not devotion to Jewish law.

Jewish standards are defined in the Talmudic canon, and not councils, conventions, or conclaves of policy makers. Torah is the Judaism of all Israel. The

so-called Orthodox Right has here wrongly misrepresented Jewish law. Individual rabbis may suspend the law in emergency situations [Maimonides, Laws of Dissenters, 2:4].This discretion is given not to a self-select rabbinic elite; it is given to the local rabbi, who is authorized to apply humanity, uncommon common sense, and what is deemed to be appropriate in the circumstances as they appear at that moment [bSanhedrin 6b].

The Israeli rabbi, Abraham Sherman, not only invalidated Rabbi Haim Drukman's conversions, he called the latter rabbi a wicked man. Slander is a sin that invalidates Sherman's rabbinic credentials. Yet most Orthodox rabbis hesitate to make this necessary, logical, and undeniable recourse because modern Orthodox rabbis wish to be "accepted" by all Orthodox parties. When fully observant converts, who are even observing the family purity rules, [See Maimonides, Forbidden Relations, 13:8] are being disqualified, the disqualifiers are acting wrongly. When Orthodox Judaism is defined by political standards and not by Jewish law, then God's view is silenced. Rabbi Shelomo Amar invalidated Diaspora Judaism's Orthodox converts without doing research. By not accepting a kosher convert, one tempts a Jew, the kosher convert, to sin. Rabbi Amar is not applying "strict construction" Jewish law; he feels that he is answerable to that block of Orthodoxy that sees itself as the salvation and life of all Israel, and whose intuition trumps what the written and oral Torah actually require.

A local rosh yeshiva in Springfield, New Jersey became very angry with me for supporting the Neeman proposal as advanced by Rabbi Lamm of YU. Rabbi Lamm was denounced by a zealot as a" Hater of God." bQiddushin 79a teaches that whoever invalidates the bona fides of another projects the flaw in oneself. The fact that many within Modern Orthodoxy, including the Rabbinical faculty of Yeshiva University, did not invalidate the bona fides of those who slandered Rabbis Drukman and Lamm, but protested weakly, begs the existential question as to whether this brand of Orthodox Judaism is loyal to God and conscience or compulsion and consensus.

Rabbi Isaac Schmelkes claimed 150 years ago that a kosher conversion is invalid if the person converting is insincere, and if the convert at a subsequent date was not observant, the convert is deemed to be insincere. This view is without precedent in the Jewish legal literature and must be rejected as such. The oral law at bSota 44b requires military service in Israel for both men and women. The very rabbis who impose these "innovative" conversion standards also outlaw military service for yeshiva men and for its women. Jewish law must be enforced consistently and appropriately and not spun sociologically.

I have recently experienced a case where an Orthodox rabbi's conversion was not accepted by another Orthodox rabbi ordained by the same yeshiva. The converting rabbi is modern Orthodox; the rejecting one is hareidi. On one hand, we define ourselves by proclaiming who we are not. The Jewish laws of conversion are rather clear, are not difficult to master, and are in no need of alteration, from either the Left or from the Right.
The quest for "universal conversion standards" de-authorizes Jewish law by misrepresenting Judaism as a religion of standard bearers and not of objective standards.

Authentic Orthodoxy advances principles and not politics. Torah is about rules and not rulers, it is about the law of Torah and not standards of self-selecting elites. There is room for vigorous and public discussion. We undermine our own bona fides when we succumb to incivility and when we put up with put downs. Judaism is about the fear of Heaven and not the fear of people. In order to restore its existential credibility, Orthodox Judaism must affirm Jewish law honestly, because this alone is our eternal Jewish standard.