

Who is a Convert?
The Orthodox Rejection
of
Non-Orthodox Conversions

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Introduction

The question of “Who is a Convert?” is a component of the “Who is a Jew?” debate. The “Who is a Jew?” debate has two components, the first, is Jewishness defined exclusively by the mother or can it also be defined by the father? The second, what constitutes a valid conversion to Judaism which results in becoming part of the Jewish people? For Orthodoxy, the conversion component of the “Who is a Jew?” debate well predates David Ben Gurion and the State of Israel's ongoing need for political purposes to define who is a Jew. While in practice, the component of the Who is a Jew debate that touches on the question of matrilineal or patrilineal descent only surfaced with the Reform movement's adoption of patrilineal descent as a valid determinant of Jewish identity in 1983.

The advent of the European emancipation and enlightenment starting in the early 19th century brought increasing assimilation and intermarriage to the traditional Jewish fold. What also followed was the development of Non-Orthodox and Modernist denominations of Judaism seeking to find themselves within this new Gentile worldview and culture. Since the development of the Reform and Conservative branches of Judaism in Europe and later in America, Orthodoxy in its various expressions both traditional and modern has had to address the issue of the validity of conversions emanating from Non-Orthodox denominations.

With regards to paternal descent both Orthodoxy and the Conservative movement, in what has become rare Halakhic resonance, emphatically rejected paternal descent as Halakhically baseless. Paternal descent can in one dimension be seen as a shortcut around the conversion issue, which in the modern context is largely but not entirely organized around intermarriage. With paternal descent all children born of a Jewish father and a Non-Jewish mother are Jewish with no need for a conversion of the non- Jewish spouse or children. Children born of a Jewish mother and Non- Jewish father are Jewish according to all denominations. The basis for the Orthodox rejection of patrilineal descent has been dealt with extensively in a work compiled by my great-

grandfather Baruch Litvin z'l entitled On Jewish Identity. What follows is a Halakhic overview and analysis of Orthodoxy's rejection of Non-Orthodox conversions as valid. This essay will focus on conversions of adults a separate essay with G-d's help will focus on conversions of minors.

Halakhic Requirements

The fundamental Halakhic requirements¹ of a conversion are: Acceptance of the

Commandments, Circumcision or Drawing of Blood for a male and Immersion in a Mikvah.

Below are some further details in accordance with *the consensus*² of *Orthodox Halakha*:

Kabbalat Hamitzvot- Acceptance of the Commandments

The prospective convert must sincerely³ accept upon themselves the Commandments of the

Torah, Rabbinic Commandments and Rabbinic Fences to the Law with the intention to fulfill them

¹ For an overview of the fundamentals see Talmud Bavli Yevamot 46a-49b, Bechorot 30b, Rambam Hilchot Isurie Biah Chapters 13-14, Tur Yoreh Deah Siman 268-269, Shulchan Aruch Yoreh Deah Siman 268-269 and Aruch Hashulchan Yoreh Deah Siman 268-269.

² I have qualified the words "Orthodox Halakha" by the word "Consensus" because within Orthodox Halakha there is a diversity of Halakhic opinions and interpretations among the sages some of which are minority opinions, not well received and thus not generally followed. See note 3 below for an example.

³ Modern Poskim have addressed the issue of whether an Acceptance of the Commandments is considered valid if the prospective convert mouths the words of the acceptance but has no intention of fulfilling that which he or she declares. This reality developed largely as a result of conversions of convenience born of intermarriage. In Bet Yitzchak Yoreh Deah Siman 100 and Lehorot Natan 13:71 the authors take the following approach: normally we hold that, "Matters of the heart are not relevant" when weighed against actions, in this case the declaration before a rabbinic court. However, here, in conversion which is a matter of the heart in its very essence- "Matters of the heart" i.e. the prospective converts true intention regarding the fulfillment of the commandments is relevant. Igrot Moshe Yoreh Deah 1:157 takes a different approach. He holds that the rabbinic court which has a clear assessment that the prospective convert is insincere in his or her declaration this assessment/testimony of the court overrides the declaration. See also Sheylat Yeshurun 1:22, Dat Kohen 147 and Yabia Omer 10:26. These approaches represent the consensus of Orthodox Halakha for a non-consensus view see Bnai Banim 2:36 and 4:22 where this author among others understands the Rambam Hilchot Isurie Biah 13:17 to the effect that be'diavad a lack of a formal Acceptance of the Commandments as a whole is not an obstacle to a valid conversion thus an insincere one would not be a barrier. However, the Shulchan Aruch Yoreh Deah 268:3 rules that there must be a Kabbalat Hamitzvot before a valid conversion court of 3 and this is essential see Taz note 9 ad loc. and Shach note 8 ad loc.

in accordance with Halakha.⁴ The Acceptance of the Commandments should be done during the day before a court of 3 Jewish males eligible to judge.⁵ The normative Halakhic standard is that this acceptance is done before a rabbinic court of 3 Orthodox rabbis, eligible to judge and generally knowledgeable in the laws of conversion with at least one Torah scholar among them who relatively speaking is an expert in these matters.⁶

⁴ See Talmud Bavli Bechorot 30b and Nachlat Tzvi Volume I pages 160-166 where the author forcefully rejects the suggestion that an Acceptance of the Commandments could mean that the prospective convert accepts that the commandments are obligatory on him or her and that there are consequences for not keeping them but that an Acceptance of the Commandments does not necessarily have to mean that the prospective convert intends to keep them.

⁵ See Talmud Bavli Yevamot 46b, Tur Yoreh Deah Siman 268, Shulchan Aruch Yoreh Deah 268: 3 see Taz ad loc. A person being “eligible” in the sense of having the potential validity to judge is a different concern than whether they are in actuality a trained rabbinic judge. Conversion to Judaism in the opinion of some does not require that 3 formally trained and credentialed rabbinic judges perform the conversion see Kesef Mishna note 15 on Rambam Hilkhos Isurie Biah 13:15 see however Magid Mishna ad loc. However, if a person is invalid as a witness they are invalid to judge a monetary dispute or conversion see Choshen Mishpat Siman 34:22 and Panim Meiros ad. Loc and Yoreh Deah Siman 119:7. For an overview of Halakhic criteria of witness eligibility see Rambam Hilkhos Edut. Some chapters that are of particular relevancy are chapters 9, 10 and 11. See, however Chemdat Shlomo Yoreh Deah 29 for exposure to non-consensus Halakhic views regarding the requirement of 3 males eligible to judge. The Acceptance of the Commandments should be done during the day see Bach on Tur Yoreh Deah 268 s.v. Vechol however see Shach note 9 on Shulchan Aruch Yoreh Deah 268:3 who allows that be’diavad if it was done at night this suffices. Some courts have the practice of besides having the prospective convert make a verbal Acceptance of the Commandments also have him or her write out their commitments see Sredie Aish 2:105 and former Conversion Standards of the Rabbinical Council of America. The basic rationale behind this is that this make the individual take the commitments they are making more seriously than a verbal declaration alone which halakhically suffices.

⁶ In the United States there is no state sponsored Chief Rabbinate or universally acceptable central Halakhic authority. This along with other factors has resulted in conversion being done within Orthodoxy in one of three ways: either by a rabbinic court that functions as such in other matters besides conversion i.e. monetary disputes, divorces, inheritance etc... extending itself to address conversions as well. Or a rabbinic court that functions on a regular basis for conversions. These are what are referred to as “Established or Sitting Bet Din’s”. Alternatively, there is what is termed an “Ad hoc Bet Din” this is where a rabbi often a congregational or outreach rabbi assembles a conversion court often but not necessarily always composed of fellow rabbi’s but definitely composed of men who are eligible to judge and performs a conversion. Here we must make a distinction between the current policies of the Chief Rabbinate of the State of Israel in regards to their recognition of conversions from abroad and classical and even contemporary Halakha. Rav Moshe Feinstein in Igrot Moshe Yoreh Deah 2: 159 based on a reading of the classical Talmudic and Early authorities explicitly rules that an “Ad hoc Bet Din” is halakhically sufficient see also Sefer Binyamin Ze’ev 1:72. Igrot Moshe Yoreh Deah 2:159 stipulates that at least one of the 3 members needs to be knowledgeable in the laws of conversion and inform the other two members as to the relevant Halakhot. See also Rambam Hilchot Isurie Biah 13:6 and 14:6 and Rav Yosef Karo Shulchan Aruch 268:3 where no requirement of 3 Torah Scholars/Judges are stated as a necessity. There is little question, assuming the prospective convert was sincere and subsequently observant and the lead Orthodox rabbi was halakhically competent that the prospective convert is Jewish. It is also clear that the Chief Rabbinate of Israel would increasingly be unlikely to accept such a conversion as valid. This is because the Chief Rabbinate generally has a policy to only accept conversions abroad from an established list of what are typically sitting/established rabbinic or courts led by Rabbi’s who have an established reputation in scholarship, piety and competence. This approach of the Chief Rabbinate is becoming the consensus today and is rooted in valid albeit strict readings of the Halakhic tradition see Nachlat Tzvi Volume I page 226. In the State of

Tevilah- Immersion

The immersion of the prospective convert should be for the intention of conversion and as well a halakhically proper Immersion. A halakhically proper immersion for conversion is performed during the day, without interpositions on the body and in a Kosher Mikvah fit for a woman's immersion for Family Purity.⁷ The immersion should be performed before a court of 3 Jewish males eligible to Judge. The normative Halakhic standard is that witness to this immersion, with their eyes⁸ is a rabbinic court of 3 Orthodox rabbis eligible to judge and generally knowledgeable in the laws of Conversion with one Torah Scholar among them who relatively is an expert in these matters.⁹ There are special accommodations many rabbinic courts make that allow the woman immersing for conversion to maintain an even higher degree of modesty then that stipulated by

Israel the rabbinic courts that perform conversions are formal sitting rabbinic courts, empowered by the State and are comprised generally of trained Rabbinic Judges.

⁷ Talmud Bavli Yevamot 47b, Rambam Hilchot Isurie Biah 13:13, Tur Yoreh Deah 268, Shulchan Aruch Yoreh Deah 268:2 see Shach note 6. See Shevet Levi Yoreh Deah 10:171 where he clarifies that the convert must intend to immerse for the purpose of conversion. This requirement of intention specifically for conversion should be understood as lechatchilah see Shulchan Aruch Yoreh Deah 268:3 and Taz note 8.

⁸ This in contrast to the rabbi being: behind a curtain, in an adjacent room or outside the Mikvah is the consensus halakhic standard as to how a conversion should be performed see Igrot Moshe Yoreh Deah 2: 127, Minchat Yitzchak Yoreh Deah 4:34, Yabia Omer Yoreh Deah 1:19 and Nachlat Tzvi Volume I page 48. However we need to distinguish between Lechatchilah, Be'diavad or in a Sha'at Hadchak. Thus, Igrot Moshe Yoreh Deah 3:112 ruled that in a situation where only one member of the Bet Din witnessed the immersion and the other two heard it that this suffices. Rav Feinstein zt'l also states in the aforementioned responsum that even if the Bet Din did not see the actual immersion but was in the same room and heard it or even if they did not hear it this suffices- be'diavad. Likewise, the Minchat Yitzchak Yoreh Deah 4:34 entertains with great caution and many qualifications the possibility that if the Bet Din is not witness to the actual immersion but is in an adjacent room "bediavad" that it may still be a valid conversion. Further, Rav Shmuel of Salant z'tl in Bet Avraham page 49 ruled that in a situation where the Bet Din could not be present at the actual immersion, for reason that the Mikvah was in a non-Jewish run bathhouse and that the Gentile authorities did not allow men to be present when women used it- that in such a situation a modification could be made and the Bet Din would send halakhically reliable Jewish women as representatives to verify the immersion with the Bet Din escorting them as far as they could go.

⁹ Talmud Bavli Yevamot 46b, Rambam Hilchot Isurie Biah 13: 6, Tur Yoreh Deah Siman 268, Shulchan Aruch Yoreh Deah 268:3 This is recognized as the Lechatchilah approach. The Shulchan Aruch 268:3 does record a view that after the fact if the immersion did not take place before a rabbinic court of three but instead was viewed by two witnesses that such an immersion and conversion is valid. See as well the Bach on Tur Siman 268 s.v. Vechol. While indeed one can find at least one modern rabbinic authority Mishpetei Uziel Yoreh Deah 1:13 who relied on this there are significant authorities who reject the interpretation that the Mechaber actually held that even after the fact such an immersion/conversion was valid. See Nachlat Tzvi Volume I page 48 and Yabia Omer Yoreh Deah 1:19.

the Talmud and Halakhic codes while still meeting the requirement of visual verification by the rabbinic court of the immersion¹⁰

Milah-Circumcision

For uncircumcised males Circumcision is an absolute requirement.¹¹ If already circumcised then there is a Drawing of Blood¹² which involves a tiny amount of blood being drawn from the male reproductive organ.¹³ In either scenario these ritual actions must be performed by a person fit to do so i.e. a Religious Jew/Mohel prior to immersion.¹⁴ The circumcision or drawing of blood must be performed before a court of 3 Jewish males eligible to judge. The normative Halakhic standard

¹⁰ The Talmud Bavli in Yevamot 47b, Rambam in Hilchot Isurie Biah 14:6, Tur Yoreh Deah Siman 268 and Shulchan Aruch Yoreh Deah 268:2 records the standard halakhic procedure of a woman ushering the prospective female convert into the water where the rabbinic judges initially stand outside of view and inform her of the commandments then they actually see her head go under the water and then leave before she surfaces. See Nehar Mitzrayim Geri'im Ot 13 and 19 as a source for using a sheet over the mikvah with a hole for the woman's head so it can be seen by the rabbinic court. Rav Ovadyah Yosef Shlita in Yabia Omer Yoreh Deah 1:19 supports the above practice and also allows for the design of specially made clothes that will not block the water from full contact with the woman's body.

¹¹ Talmud Bavli Yevamot 46b, Rambam Hilchot Isurie Biah 13:6, Tur Yoreh Deah Siman 268, Shulchan Aruch Yoreh Deah 268:1 This requirement is so fundamental that when a situation arose that a prospective convert could not have a circumcision performed for medical reasons that such a conversion was not seen as plausible and ruled against. See Seridie Aish 2:102, Melamed Lehoil Responsa on Yoreh Deah 2:86 Achiezer 3: 27, Har Tzvi Yoreh Deah 220 and Da'at Kohen Siman 150. It is a general rule that in performing adult circumcisions a local anesthetic is applied. The Sredei Aish 3:6 and Rav Moshe Feinstein zt'l (Oral Tradition) ruled against a general anesthetic in the circumcision of adult converts but allowed a local anesthetic. However, see Yabia Omer 5:22 for a lenient approach on this issue. A lack of a male reproductive organ is not an obstacle to conversion see Shulchan Aruch Yoreh Deah 268:1.

¹² Shulchan Aruch Yoreh Deah 268:1 unlike circumcision proper here there are no blessings.

¹³ According to the Avnie Nezer Yoreh Deah 1:334 Ot 27 Hatafat Dam is performed where the Ever (Shaft) is joined with the Atarah (Glans) where blood normally flows from during a circumcision. According to the Chazon Ish Moed/Orach Chaim Shabbat Siman 62 Ot 27,"So long as it is [from the perspective of the Ever hanging down on the body] beneath the Crown (Glans) it is kosher for Hatafat Dam [anywhere on the Glans]. There is no measurement for the cut for there is no need to actually draw a drop of blood so long as blood coagulates, like a skin cut extremely thin this suffices. This law has been forgotten and Hatafat Dam is performed on the flesh that is from the crown and above [i.e. the shaft] and this is like drawing blood from a finger and they transgress the prohibition 'You shall not add [to the commandments]' ... and so with a convert this is not a Hatafat Dam." It should be noted that the approach of the Chazon Ish that Hatafat Dam can be anywhere on the Atarah is not the Halakhic consensus rather we follow the approach stated in the Avnie Nezer in conjunction with other Achronim see Sefer Habrit Yoreh Deah Siman 263 Ot 30. I also heard this from an expert Mohel in the name of Rav Feinstein zt'l.

¹⁴ Igrot Moshe Yoreh Deah 2:123 ruled in a conversion case where there was a doubt if the Mohel and the rabbinic court were observant of the commandments that if a public Sabbath desecrator performed a circumcision or drawing of blood that such a ritual is invalid. In either scenario another drawing of blood would be performed see also Nachlat Tzvi Volume I pages 195-196. If the immersion was performed prior to the circumcision a second immersion is required see Shach note 2 on Shulchan Aruch Yoreh Deah 268:1

is that witness to this is a rabbinic court of 3 Orthodox rabbi's eligible to judge and generally knowledgeable in the laws of conversion with one Torah scholar among them who is an expert in these matters.¹⁵

With this introduction we can now analyze different Halakhic obstacles Non-Orthodox denominations of Judaism encounter in the acceptance of their conversions by the Orthodox. I will preface each denomination's issues with a brief historical snapshot.

Reform Judaism

Reform Judaism traces its origins to 19th century Germany and Central Europe. Its European founders include: Moses Mendelsohn, David Friedlander and Abraham Gieger. Isaac Meyer Wise was the figure most responsible for its American development into what today is the largest denomination of Judaism with over 900 affiliated synagogues in the U.S. alone. Wise founded Hebrew Union College in 1875 which is the primary Reform Rabbinic Seminary. Reform Judaism has also developed over time in Israel where it is called Progressive Judaism. Its primary Rabbinic body is the Central Conference of American Rabbis and its synagogue organization is the Union of Reform Judaism.

1. Reform Judaism does not consider many of the Torah's Commandments Orthodoxy considers fundamental like: Shabbat, Kosher, Family Purity, Homosexuality and Intermarriage... to be obligatory.¹⁶ It is thus not plausible for Orthodox Judaism to accept

¹⁵ See Tur Yoreh Deah Siman 268, Shulchan Aruch Yoreh Deah 268:3. This is lechatchilah, bediavad if the circumcision only took place before two witnesses the Shulchan Aruch Yoreh Deah 268:3 records a view that this would be permitted Be'diavad. See also Tosafot s.v. Yesh Lecha on Yevamot 47a and Bach on Tur Yoreh Deah Siman 268 s.v. Vechol and Shach note 10 on Shulchan Aruch Yoreh Deah 268:3

¹⁶ All source material on Reform Judaism has been taken from the website of the Central Conference of American Rabbis the rabbinic and theological arm of the Reform movement. The following is a direct quotation of the Pittsburg Platform of Reform Judaism of 1885. "We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, *and today we accept as binding only its moral laws, and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization. We hold that all such*

prospective converts who do not accept and intend to practice the full spectrum of Commandments of Judaism that are applicable today from the Orthodox perspective, in particular those that are considered most fundamental.¹⁷

Mosaic and rabbinical laws as regulate diet, priestly purity, and dress originated in ages and under the influence of ideas entirely foreign to our present mental and spiritual state. They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our days is apt rather to obstruct than to further modern spiritual elevation. “ Italics are this authors. Here is a direct quote from the Columbus platform of 1937, “God reveals Himself not only in the majesty, beauty and orderliness of nature, but also in the vision and moral striving of the human spirit. Revelation is a continuous process, confined to no one group and to no one age. Yet the people of Israel, through its prophets and sages, achieved unique insight in the realm of religious truth. The Torah, both written and oral, enshrines Israel’s ever-growing consciousness of God and of the moral law. It preserves the historical precedents, sanctions and norms of Jewish life, and seeks to mould it in the patterns of goodness and of holiness. *Being products of historical processes, certain of its laws have lost their binding force with the passing of the conditions that called them forth.* But as a depository of permanent spiritual ideals, the Torah remains the dynamic source of the life of Israel. *Each age has the obligation to adapt the teachings of the Torah to its basic needs in consonance with the genius of Judaism.*” Italics are this authors. Here is a direct quote from the 1976 Reform Judaism a Centenary Perspective, ” Our Religious Obligations: Religious Practice -- Judaism emphasizes action rather than creed as the primary expression of a religious life, the means by which we strive to achieve universal justice and peace. Reform Judaism shares this emphasis on duty and obligation. Our founders stressed that the Jew’s ethical responsibilities, personal and social, are enjoined by God. The past century has taught us that the claims made upon us may begin with our ethical obligations but they extend to many other aspects of Jewish living, including: creating a Jewish home centered on family devotion: lifelong study; private prayer and public worship; daily religious observance; keeping the Sabbath and the holy days: celebrating the major events of life; involvement with the synagogues and community; and other activities which promote the survival of the Jewish people and enhance its existence. Within each area of Jewish observance *Reform Jews are called upon to confront the claims of Jewish tradition, however differently perceived, and to exercise their individual autonomy, choosing and creating on the basis of commitment and knowledge.*“ Italics are this authors. In Pittsburgh in 1999 there was adopted, A Statement of Principles for Reform Judaism that reflects what has been called the, “Return to Tradition. ” We are referred to a commentary which I quote, ”Mitzvot. The Hebrew root of this word is tzadey-vav-hey, usually translated "command." *Since its inception, the Reform Movement has wrestled with the classic notion of God commanding us – it seems so frontal, so authoritarian, so hierarchical. But if God is in dialogue with us, perhaps we hear God’s commands as though God were calling out to us, in words that a beloved human being in our lives might use, "It is very important to me that you do this" – awaiting our response. We may respond to many of these calls by taking on these sacred obligations, building them into our lives; to others we may respond, "We need to dialogue more." To others we may respond, "I cannot do this act – in terms of my present moral or communal understanding it seems meaningless, or even wrong." And perhaps God responds as our beloved might: "Let’s keep the conversation going.* ” Italics are this authors. Any honest observer would note two things a) that the change in attitude, tone and style of language between the 1885/1937 platforms and the 1976/1999 platforms in regards to Tradition is palpable b) that the Reform movement still believes that one’s individual moral autonomy supersedes in principal and practice the authority of the Torah and its sages. This belief is what makes any Reform “Acceptance of the Commandments” non-compatible with Orthodoxy. The prospective convert in a Reform conversion process among a host of other issues are not truly accepting the authority of G-d as Lawgiver but rather self-selecting which laws that work for them. In regards to Intermarriage Reform Judaism allows a prospective convert to stay married to a non-Jewish spouse who belongs to another faith see CCAR Responsa 5760.5 Conversion When the Spouse Remains a Gentile. In Regards to Reform Judaism’s acceptance of committed Homosexuals as converts see CCAR Contemporary American Reform Responsa #52 Homosexual Convert

¹⁷ see Talmud Bavli Bechorot 30b, ”A Gentile that comes to receive the words of Torah except for one word we do not receive him. Rabbi Yossi ben Rav Yehudah says even one stringency from the words of the Sages.” See Mosif Rashi s.v. Afilu Dikduk Echad if this applies to a rabbinic fence to a Biblical Law all

2. Reform Judaism's lack of acceptance of fundamental commandments is not just a quantitative issue. The essential rejection of Traditional Halakha as obligatory is as well a qualitative issue touching on the core of the Jewish people's relationship to God mediated through a divinely revealed Torah.¹⁸
3. Reform Judaism historically, has in particular, shown utter disregard for the ritual requirements of a Halakhic conversion besides the core deficiency in the Acceptance of the Commandments.¹⁹
4. Even, if this was potentially not the case and where there has been a "Return to Tradition" on the part of the Reform Rabbi and by extension the prospective convert, the conversion would nevertheless, be considered invalid. This, due to the lack of fitness of those forming the Conversion Court,²⁰ the lack of Acceptance of Commandment in

the more so to the most fundamental of Torah Laws see Talmud Bavli Keritot 2a. See also Rambam Hilchot Isurie Biah 12:17, "All Gentiles when they convert and *accept upon themselves all the commandments that are in the Torah...* they are like Israelites in all matters." Also see Igrot Moshe Yoreh Deah 3:107 and 3:108 in the latter responsa he states that even Bediavad where a convert did not accept all the commandments that it is an invalid conversion. However, see Igrot Moshe Yoreh Deah 3:106 in relation to a question on whether to convert a woman who will accept the commandments but will not conform to Halakhic norms of modesty. While he allows for the possibility that "After the fact" that if she was converted it would be valid he supports the Holland rabbinate in not converting her for reasons of her lack of acceptance of the Halakhic norms of modesty coupled with her reason for conversion being that of marriage. However, based on my discussions with at least some quite Orthodox rabbinic courts in the context of an intermarriage a women not covering her hair or wearing pants would not be an obstacle to conversion if the rest of Torah observance was sincerely adopted.

¹⁸ see not 16 above.

¹⁹ This is a direct quote from an authoritative 1893 Reform responsa, "Therefore be it resolved: That the Central Conference of American Rabbis, assembled this day in this city of New York, considers it lawful and proper for any officiating rabbi, assisted by no less than two associates, to accept into the sacred covenant of Israel and declare fully affiliated to the congregation any honorable and intelligent person, who desires such affiliation, *without any initiatory rite, ceremony, or observance whatever...*" see CCAR responsa ARR #68 Circumcision for Adult Proselytes- Italics are this authors. It appears that there was something of a shift in regards to the rituals of circumcision and immersion as we read in a 1978 responsa by Walter Jacob, "As we view the rite of conversion from a Reform point of view, we should note that the Reform Movement has placed its stress on careful instruction, with more attention to intellectual rather than ritual requirements. The Central Conference of American Rabbis in 1892 abolished the requirement of any ritual, including circumcision. Most Liberal rabbis, however, require circumcision or accept the existing circumcision.... Converts were to be accepted after due instruction before "any officiating rabbi assisted by no less than two associates." *There has been very little discussion of Tevila (ritual immersion) by Liberal Jewish authorities. The custom has fallen into disuse, but was never actually rejected by Liberal Judaism. There are a number of cities in the United States and Canada in which Tevila has been encouraged or required for Reform conversion, as there has been cases of Tevila undertaken at the express wish of the prospective convert.*" CCAR Responsa American Reform Responsa #69 Prospective Convert Who Fears Circumcision-Italics are this authors.

²⁰ Reform rabbi's and laypersons are not eligible to Halakhically judge and thus cannot form a conversion court see Rambam Hilchot Edut 10:1-3, 11:1-2, Shulchan Aruch Choshen Mishpat 34:1, 2, 22 and Igrot

general and in particular that such a court would facilitate,²¹ and the lack of attention to requisite halakhic detail that would with near certainty be involved.²²

To conclude Reform Judaism is a radical deviation from Orthodoxy and thus for a prospective convert of the Reform denomination to be accepted by the Orthodox is not tenable.²³ Let it be clear that Orthodox Judaism does accept as Jews born Jews who affiliate with the Reform. This is because a person is Jewish if their “Mother” is Jewish. However, when it regards becoming a Jew or Jewess and defining Jewishness itself Orthodoxy is deeply committed to the traditional criteria elucidated above.

Conservative Judaism

Like Reform Judaism, Conservative Judaism traces its origin to Germany and Central Europe. Zacharias Frankel the founder started the Jewish Theological Seminary in Breslau, Germany in 1854. He also developed what he termed the Positive-Historical approach to Halakha in contrast

Moshe Yoreh Deah 1:160. It should be noted that women Rabbi's are for other reasons also ineligible to form a Conversion court see Rambam Hilkhos Edut 9:2 see Kesef Mishna ad. Loc, and Shulchan Aruch Choshen Mishpat 35:14

²¹ see note 16-17 above

²² While at present the Reform movement may not be guilty of utter disregard for these Halakhic initiatory rites of circumcision and immersion for conversion, in practice they are still vulnerable to utter neglect for the details of these Halakhic initiatory rites. The examples range from: allowing a swimming pool to be used for a mikvah, to not showing concern for interpositions on the body, to accepting a hospital circumcision without hatafat dam and to allowing for a non-Jew or non-religious Jew to perform the circumcision or hatafat dam- if deemed necessary. It should be pointed out that a Reform rabbi is free to do as he or she pleases and while today circumcision and immersion may be performed albeit in a halakhically flawed way there is no guarantee that even Reform Halakha is followed as each rabbi is fit to do what is right in his or her own eyes. See CCAR Responsa American Reform Responsa #69 Prospective Convert Who Fears Circumcision, CCAR Responsa Contemporary American Reform Responsa #45 A Swimming Pool as a Mikvah please note that they grossly misrepresent Rav Moshe Feinstein's zt'l view. Given that the Reform movement has abrogated Hilkhos Nidah it is logical that they are not familiar with Hilkhos Chatzizah see Yoreh Deah Siman 198 for a variety of common interpositions that can invalidate an immersion for conversion.

²³ See Melamed Lehoil Volume 3 Hilchot Peru U'revu Siman 8, Sredie Aish Yoreh Deah 3:100, Minchat Yitzhak Yoreh Deah 3:40, Mishnah Halakhos Yoreh Deah 13:191, Igrot Moshe Yoreh Deah 1:160 I think it would be wise to present Rav Moshe Feinstein zt'l words from the latter responsa which were written about a Conservative conversion and applies all the more so to a Reform conversion, "And also the Conservative rabbinic court they are disqualified to form a rabbinic court for they deny many of the fundamentals of faith and transgress many negative prohibitions..." The response goes on to explain why no testimony is required to establish this nor is any public pronouncement necessary.

to the radical rejection of Halakha by the Reform. The Jewish Theological Seminary in the United States was founded in 1886 in New York City and is the primary educational and rabbinic training institute of the movement. Conservative Judaism is the second largest Jewish denomination with over 800 affiliated synagogues in the US alone. Its Israeli branch is known as the Masorati movement. The Conservative movement's primary rabbinic body is the Rabbinic Assembly and its organization of synagogues is The United Synagogue of Conservative Judaism.

Conservative rabbi's often defend the legitimacy of their conversions by saying that they are "Halakhic". Given that Conservative rabbi's value intellectual honesty, we need to ask them to apply this value in their characterizations of their conversions and qualify the word Halakhic with the word Conservative. It is true that their conversions are "Halakhic" by "Conservative" definitions and rulings- however, it is equally true that their conversions are "Not Halakhic" according to Orthodox rabbinic authorities and halakhic criteria.²⁴ Thus for the Conservative rabbinate to speak about "Halakhic conversions" without qualification is misleading as will be demonstrated.

The reason that the Conservative movement describes its conversions as "Halakhic" is because unlike historically the Reform, they do have prospective converts: make an Acceptance of the Commandments, where necessary perform Circumcision or the Drawing of Blood and Immerse in a Mikvah. Thus, they describe their conversions as "Halakhic" and again from their perspective

²⁴ Igrot Moshe Yoreh Deah 1:160 and 3:107 reflect the normative rule of halacha, which is that Conservative conversions are invalid as a matter of Jewish law. In the former responsa Rav Feinstein states that a Conservative rabbi can be presumed (Bechakzat) to be invalid (Pasul) as a witness and by extension disqualified from sitting on a conversion court due to a lack of sufficient Torah observance and traditional faith as understood by Orthodox poskim. This has been the general Halakhic status of the Conservative rabbinate in the past and even more so in the present. However, I suspect that Rabbi Feinstein uses the word "presumed" in this case (in contrast to his description of Reform Rabbis (where it is taken for granted) as there have been exceptions to this presumption. Particularly in the ere before World War II, and continuing with some refugee rabbis even after the war, there have always been some rabbis in Conservative synagogues who were Orthodox in both practice and belief, and who were serving in Conservative synagogues for reasons that we do not comprehend, or simply out of dire economic need. So too, there were cases of otherwise Orthodox individuals who agreed (for reasons that we do not understand, or we simply disagree with) to serve on the Faculty of the Jewish Theological Seminary (JTS) whose membership on a bet din was always accepted at least after the fact (bediavad). See Saul Lieberman and the Orthodox by Dr. Marc Shaprio for an insightful historical review of this chapter of American Orthodoxy.

they are. From an Orthodox perspective we reject these conversions on the following "Halakhic" grounds:

Kabbalat Hamitzvot- Acceptance of the Commandments

1. A Kabbalat Hamitzvot minimally, must take place before 3, eligible to judge Jewish males.

Conservative rabbis and laypersons are disqualified in this capacity either due to their heretical beliefs that form the foundation of their theology or because of their lack of personal observance of Biblical and Rabbinic Laws or both.²⁵ The Conservative movement has permitted Women rabbis to perform conversions and within Orthodox Halakha women are not eligible to serve in this capacity.²⁶ Thus, even if circumcision and immersion were performed correctly and the prospective convert made a sincere verbal declaration of accepting the commandments the underlying ground of a suitable conversion court is lacking.

²⁵ Igrot Moshe 1:160 This responsa was written in 1950 unfortunately halakhic observance by segments of the Conservative rabbinate has shown a downward spiral since then as evidenced by the following remarks by Harold Kushner a prominent Conservative rabbi ,” ‘Is the Conservative movement halakhic? Not ‘Should it be halakhic?,’ not ‘Would the world be better, would my job be easier, more gratifying if it were?’ But “Is it?’ And the answer is that it obviously is not. Conservative Judaism is not halakhic because Conservative Jews are not halakhic, and *increasingly even Conservative rabbis are not halakhic.*” Harold Kushner, “Is the Conservative Movement Halakhic?” in Proceedings of the 1980 Convention Rabbinical Assembly, 1980 Italics are this authors. In regard to the disqualification for a Conservative conversion court on grounds of heresy the following comments by leaders of the Conservative movement should give one a feel for the theological pulse at JTS. David Lieber, once President of the International Association of Conservative Rabbis stated: “I do not believe in the literal divine authorship of the Torah,” David Lieber, “The State of Jewish Belief” symposium, Commentary, August 1966, p. 116. JTS Professor of Jewish Philosophy Neil Gillman describes the movement’s position more eloquently: “The biblical account of revelation is classic myth... Torah then represents the canonical statement of our myth.” Neil Gillman, “What American Jews Believe” symposium, Commentary, August 1996, p. 23. In an interview in 2006 with Dr. Elliot Dorf Professor of Philosophy at the Ziegler School of Rabbinic Studies and Vice-Chair of the Conservative Movement’s Committee on Jewish Law and Standards he agreed to the statement that, ”Conservative theology that comes from JTS or the Ziegler School in regards to the revelation of Torah is not congruent with Orthodox thought. Specifically, that the Torah was prophetically revealed by God to Moses and that the Torah is the content of that revelation.” Tsu Lo Miydiy. In terms of heretical beliefs and transgressions being a basis for disqualification as a witness see Rambam Hilchot Edut 10:1-3, 11:10 and Choshen Mishpat Siman 34:22. For an understanding as to why Conservative theology regarding Torah revelation is heresy see Rambam Hilchot Teshuvah 3:8, Dr. Marc Shapiro’s The Limits of Orthodox Theology, Rabbi J. David Bleich’s With Perfect Faith and Rabbi Aryeh Kaplan’s Handbook of Jewish thought Volume 1.

²⁶ see Talmud Yerushalmi Chapter 2 Halakha 1, Rambam Hilchot Edut 9:2 see Kesef Mishna ad. loc, Shulchan Aruch Choshen Mishpat 35:14 for the Conservative view see Conservative responsa “Woman is Eligible to Testify” by Myron S. Geller available on the Rabbinical Assembly website which has been adopted by the Rabbinic Assembly as official Conservative Halakha.

2. A Kabbalat Hamitzvot must be sincere²⁷, often prospective converts in a Conservative context do not sincerely intend to keep the commandments even according to Conservative Halakha. Regardless, even if they did this would not meet the standard of Orthodox Halakha which differs with the Conservative approach in significant ways that include: Shabbat, Kashrut, Family Purity and Prayer... If the Orthodox invalidate conversions by Orthodox rabbi's where there is no intention to accept a life of commandment in a sincere way then all the more so on this basis would they reject the Conservative conversion where there is: either an altogether insincere acceptance of the commandments or an acceptance of what from the Orthodox perspective is a misguided and incorrect halakhic approach to the commandments mediated via a conversion court that is not legitimate.²⁸

3. A Kabbalat Hamitzvot must not be a contradiction in terms. The Conservative ruling which allows a female prospective convert in relationship with a Kohen to convert and then marry the Kohen from a consensus Orthodox perspective is a contradiction in terms.²⁹ Likewise, those Conservative rabbi's and conversion courts which convert committed Homosexuals and Lesbians

²⁷ see note 3 above

²⁸ see note 17 above and see Igrot Moshe Yoreh Deah 2:128 for Rav Feinstein's observations regarding Conservative standards of Acceptance of the Commandments. In a 2006 interview with Conservative Rabbi Edward Tannenbaum Av Bet Din for the last 16 years of the Bet Din L'Giyur for the Pacific Southwest Region of the Rabbinical Assembly he informed me that, "We do not insist that the prospective convert keep the commandments halakhically whether it is: Shabbat, Kosher or Family Purity. The main priority of the Bet Din is that there is a sincere desire to be Jewish. We encourage people and inform them especially about Kashrut."

²⁹ see Igrot Moshe 3:107 the Achiezer 3:28 rules against converting such a female convert as well although he does not address the issue of Kabbalat Hamitzvot directly. Rav Herschel Shechter Shlita at the 2006 Eternal Jewish Family Conversion Conference said over in the name of Rav Yosef Ber Solveitchik zt'l that it is not permissible to convert a woman who: is married to, will marry (or live with) a Kohen. Rav Shechter shared that when someone told the Rav "That Rav Dovid Zvi Hoffman permitted it" the Rav replied in irritation, "Rav Dovid Tzvi Hoffman is an Achron and I can disagree with him." Indeed prior and subsequent Achronim do. See Melamed Lehoil Volume 3 Hilchot Peru U'revu Siman 8 for Rav Hoffman's ruling. Please note that the leniency that is found here was for an individual case not a general heter and included rather unusual conditions. Rav Hoffman as well did not allow them to marry by Torah law they were already married by civil law and he required the woman to be in particular observant of Family Purity. For the conservative approach see Arnold M. Goodman, "Solemnizing the Marriage Between a Kohen and a Convert" EH 6:8.1996 on the Rabbinical Assembly website and Isaac Klien's A Guide to Jewish Religious Practice pages 387-388.

and convert individuals who are married to Non-Jews who will not be converting are as well creating a Kabbalat Hamitzvot that is a contradiction in terms.³⁰

Tevilah- Immersion

1. We cannot presume that the Mikvah that the Conservative court uses is valid by Orthodox criteria.³¹
2. In the case of a woman the Conservative method of being present for the immersion without actually witnessing it does not conform to Halakhic norms as to how this should be done.³²

³⁰ See Talmud Bavli Bechorot 30b and Igrot Moshe 3:107 the basic issue is that he or she is not accepting all of the commandments that apply to them which invalidates the conversion. Homosexuality is explicitly forbidden by Torah Law see Vayikra 18:22 and in regards to Lesbianism see Rambam Hilkhos Isurie Biah 21:8 and Keser Mishna ad. loc who holds that it's a Torah prohibition rooted in the verse, "Like the actions of the land of Egypt that you dwell in her you shall not do." Vayikra 17:3 see Rashi ad. Loc. In a 2006 interview with Conservative Rabbi Edward Tannenbaum Av Bet Din for the last 16 years of the Bet Din L'Giyur for the Pacific Southwest Region of the Rabbinical Assembly he informed me that, "We convert individuals who are openly Homosexual or Lesbian for not to would be discrimination. Likewise, we convert individuals who are married to a Non-Jewish spouse who will not be converting and we do not see this as an intermarriage as long as the person wants to be Jewish- we do not see this as a reason to reject them."

³¹ Mikvaot run by Orthodox authorities are generally unwilling to allow non-orthodox rabbi's to utilize the mikvah for conversion purposes see Igrot Moshe Yoreh Deah 2:128. The laws of building a kosher mikvah in the modern context are particularly complex and even within Orthodoxy are restricted to a limited group of experts. In general, just as we do not rely on Conservative rabbis for Kashrut the same applies to Mikvaot. This is based on the Halakhic principle of "Aid Echad Ne'eman Beissurin" (One witness is believed in matters of prohibition). Unfortunately, Conservative rabbi's do not have credibility as this one witness and the status of the mikvah is an area pertaining to prohibition (Miydi Itchazak Isura). In this case, whether a person formerly prohibited in marriage as a Gentile is now permitted in marriage as a Jew see Shedai Chemed Kuntrus Kakellalim Ma'arechet Ayin Kelal 5. On an anecdotal level this is a letter from a Mr. David Woodworth to the Union of Traditional Judaism listserv I think it brings home the point, "Well, I just learned that for technical construction reasons beyond my understanding, the only Conservative mikveh in the Washington area is pasul. The problems that serious Conservative Jews face became starkly apparent to me, when I went to my Conservative Av Beit Din, and informed him of this problem he responded that the mikveh was in another Rabbi's shul and he would just trust the other Rabbi. The problem is that the mikveh is under the control (and was designed by) a Rabbi on the far left of Conservatism, who has publicly advocated (for instance) gay marriage and patrilineal descent, and publicly condemned taharat hamishpaha. So what's a traditional Conservative Rabbi to do? Should he break with the other Conservative Rabbis, or accept their decisions, knowing that they may or may not be following halakhah? Needless to say, this revelation was something on the order of crushing: I had always chalked Orthodox insistence about a conversion monopoly to power politics, and had always said that one could trust Traditional Conservative conversions. I was wrong. I apologize to those with whom I argued with - I want to urge any Conservative converts to bodek their conversion thoroughly - and would never, ever recommend that anyone get a non-Orthodox conversion ever again." The letter has been edited lightly for brevity.

³² The current Conservative practice of the Bet Din L'Giyur of the Pacific Southwest Region of the Rabbinical Assembly is to be behind a curtain that allows them to hear her immersing but not see her

3. We cannot presume that attention was given to the issue of interpositions on the body which invalidate an immersion.³³
4. The immersion at a minimum needs to be witnessed by at least 2 witnesses of which the conservative rabbis or laypersons present do not qualify.³⁴

Milah/Hatfat Dam- Circumcision or Drawing of Blood

1. There is concern that the circumcision or drawing of blood performed is not witnessed by credible witnesses or a conversion court.³⁵

Reconstructionist Judaism

Reconstructionist Judaism was established by Mordechai Kaplan a graduate of Jewish

Theological Seminary in 1968 with the founding of the Reconstructionist Rabbinical College. It

immersing. (Interview with Conservative Rabbi Edward Tannenbaum 2006) This strictly speaking and separate and aside from all the other invalidating issues is “Be’ diavad fine” at least according to Igrot Moshe 3:112 see note 8 above. If they were not in the same room then this would present an issue and according to Igrot Moshe 2:127 an additional immersion would be required. Having said this, the fact that this Conservative practice is not in accordance with how Orthodox poskim have handled this issue does not help in the acceptance of these conversions see note 10 above. It should also be pointed out that Professor Louis Ginzberg at one point the Halakhic authority of the Conservative movement suggested the use of a loose fitting gown see Responsa of Louis Ginzberg published by JTSA this is in harmony with Rav Ovadiah Yosef Shlita’s ruling in Yabia Omer Yoreh Deah 1:19. One of the critiques of the contemporary Conservative approach is that most modern women do not insist on only seeing a female gynecologist or doctor where one is much more exposed to males of questionable sexual morality whereas here it is with modest Torah scholars and much less exposed and only for a moment.

³³ The official position of the Conservative movement has been that Family Purity is obligatory see Isaac Klein’s A Guide to Jewish Religious Practice. It is well known that the majority of Conservative women do not use the Mikvah and many Conservative Rabbi’s wives do not use the Mikvah. In a personal conversation with Dr. Elliot Dorf Vice Chair of the Conservative Committee on Jewish Law and Standards, he stated, “When I went to JTS Family Purity was seen as the peculiar interest of a minority.” Although there has been a comeback of the Mikvah there is no reason to assume that the details of interpositions are attended to by many Conservative rabbi’s as realistically almost all of the interpositions that invalidate an immersion are after all “only rabbinic” (sic). That has been my specific experience in at least one case where the female prospective convert was given no instruction in how to prepare for the immersion and I might add was discouraged from keeping Family Purity when she inquired about it. The Conservative rabbi told her upon her expression of interest that, “This was the age of enlightenment!”

³⁴ Igrot Moshe Yoreh Deah 1:160 after the fact 2 witnesses suffice see Shulchan Aruch 268:3 however see note 9 above. Regarding a Conservative Jews or Rabbi’s lack of validity as witnesses see Rambam Hilchot Edut 10:1-3, 11:10 and Choshen Mishpat Siman 34:22.

³⁵ see Shach note 10 on Shulchan Aruch Yoreh Deah 268:3

has since spread across the United States and on an international level. Reconstructionist Judaism does not accept the Torah as being divinely revealed nor does it consider Halakah obligatory. Its conception of God as the sum of all natural processes and powers is not congruent with a traditional conception of Monotheism nor of God as Lawgiver and ultimate moral authority.³⁶ Thus, there is no meaningful Acceptance of the Commandments possible within the context of Reconstructionist Judaism. Reconstructionist Judaism endorses the “customs” or “folkways” of circumcision and immersion however these are not obligatory. While in practice immersion is almost always done with circumcision or drawing of blood this is not always the case.³⁷ Orthodoxy rejects any conversions from this denomination.

Humanistic Judaism

Humanistic Judaism was founded by Sherwin Wine a graduate of Hebrew Union College. He founded the Society of Humanistic Judaism in 1969 and since it has spawned communities and synagogues in the United States and on an international level. The philosophy of Humanistic Judaism espouses the belief that, “Each Jew has the right to create a meaningful Jewish lifestyle free from supernatural authority and imposed tradition.” In addition, “Humanistic Judaism offers a non-theistic alternative in contemporary Jewish life.” Finally, “A Jew is someone who identifies with the history, culture and future of the Jewish people.”³⁸ There are no ritual requirements of circumcision, drawing of blood or immersion to become Jewish³⁹ and the idea of having an Acceptance of the Commandments is not congruent with a non-theistic philosophy that is free from supernatural authority. Orthodoxy rejects any conversions from this denomination.

³⁶ see Kaplan’s work *Judaism as a Civilization: Toward a Reconstruction of American-Jewish Life*.

³⁷ Interview with Richard Hirsch M.A. Executive Director of the Reconstructionist Rabbinic Association.

³⁸ see the website for Society for Humanistic Judaism www.shj.org

³⁹ Interview with Dr. Miriam Jerris Community Development Coordinator for Society for Humanistic Judaism.

Renewal Judaism

The Jewish Renewal Movement was founded in 1962 initially as the B'nai Or Religious Fellowship by Zalman Shachter Shalomi a graduate of Yeshivat Tomchie Temimim of Chabad Lubavitch. Later, Shachter-Shalomi merged with other spiritual teachers and non-orthodox rabbi's into Aleph: Alliance for Jewish Renewal. There are Jewish communities affiliated with Aleph across the United States and on an international level. Most Jewish Renewal rabbi's received rabbinic ordination from either: Zalman Shachter- Shalomi, The Reconstructionist Rabbinical College, Hebrew Union College, The Academy of Jewish Religion, The Aleph (Jewish Renewal) Rabbinical Program or a combination thereof. Jewish Renewal Rabbi's are a diverse group with no central Halakhic authority whose decisions are binding on all members. Its theology and Halakah depending on the teacher is a hybrid of: Reform, Reconstructionist, Conservative and Hassidic Judaism's, Thus, Jewish Renewal Rabbi's depending on what their backgrounds are will have the same issues with the acceptability of their conversions as the group or groups they are halakhically patterning themselves on.⁴⁰ Orthodoxy rejects any conversions from this denomination.

Conclusion

This essay has sought to explain in greater depth the basis for the rejection of Non-Orthodox conversions by the Orthodox. It has also sought to provide the reader with greater understanding as to the diversity of opinion within Orthodoxy on issues of conversion and as well some of the Halakhic flexibility that has been exercised in the realm of conversion. With all the diversity and flexibility demonstrated within the Halakhic tradition, in the last two hundred years there has not been one Orthodox Halakhist who has accepted a truly Non-Orthodox conversion. I hope it is

⁴⁰ This is based on my firsthand knowledge of Jewish Renewal rabbi's and the Jewish Renewal movement from my past outreach activities.

clear that the universal Orthodox rejection of Non-Orthodox conversions is born out of Halakhic principle not denominational politics.

Traditional Judaism has always been a religion which distinguished itself by belief in and the rule of Divine law and the modernist attempt to reject or reinterpret these laws has led to an unbridgeable divide which prospective converts have suffered from. It is this author's hope that sincere converts find their place in the Jewish people via legitimate rabbinic courts that stand for the truths of Torah and the integrity of Halakha as did the rabbinic courts that preceded us for whom we are but their agents. ⁴¹

⁴¹ see Tosafot Yevamot, 46b s.v. Mishpat, Tosafot Gittin 88b s.v. Bemilta and Bava Kamma 84b.