

PROSELYTISM AND JEWISH LAW

Inreach, Outreach, and the Jewish Tradition

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Who is happy? One who is content with his place in the world. *Ethics of the Sages 4:1.*

The Jewish legal¹ tradition desires not to participate in proselytizing and conversion, either as proselytizer or proselytizee.² It desires to be left alone, and to focus on inreach, the process by which Jews make Jews into better Jews. It recognizes some limited ability to accept proselytes and, thus, does have a mechanism, albeit complex and limiting, for joining the Jewish faith. There is no right of exit in the Jewish tradition.

It is important to understand how different the issues of inreach and outreach are to normative Jewish law, and how deep the contrast is with other faiths. On the one hand, the Jewish tradition directs a categorical imperative that Jews must observe Jewish law and that Jews who observe Jewish law are obligated to persuade or compel those Jews who do not observe Jewish law to start doing so. Absent observance of Jewish law, Jews are viewed as sinners by the tradition. On the other hand, however, Jewish law obligates its adherents not to solicit converts and indeed affirmatively to reject converts as an initial matter, and denies any duty to observe Jewish law by Gentiles. In many circumstances, Jewish law forbids the observance of Jewish law by Gentiles.³

In light of this theological and legal construct, this chapter will proceed along three different, but interrelated, tracks. The first section will review the theological background for how Judaism and Jewish law view Jews and Gentiles in relationship to proselytizing. The second section will address the basis for the Jewish legal and theological view that directs inreach. The third section will address the conversion conundrums—the outreach problems.

“WE ALL HAVE BUT ONE CREATOR”⁴:
THE STATUS OF JEWS AND GENTILES
REGARDING CONVERSION

THE LIMITS OF JEWISH LAW

The Jewish tradition is neither universalistic nor particularistic. It does not maintain that only Jews can enter heaven; both Jews and Gentiles can. It does not maintain that Jewish law is binding on all; Jewish law binds Jews, Noahide law binds Gentiles. It does not maintain that all must acknowledge the “Jewish” God; it recognizes that monotheism need not be accompanied by recognition of the special role of the Jewish people.⁵ Maimonides’ opening formulation of the Jewish view of messianic times is revealing:

One should not think that in messianic times that the normal practices of the world will change or that the laws of nature will change. Rather the world will be as it always is. The words of the prophet Isaiah “and the wolf will dwell with the lamb, and the leopard shall lie down with the goat” are metaphors meaning that the Jews will live peacefully among the heathen nations of the world.⁶

Even in messianic times, the Jewish tradition avers that there will *and should be* Gentiles—people who are not members of the Jewish faith. The existence of those who are not Jewish is part of the Jewish ideal, which requires that all worship the single God, although not exclusively through the Jewish prism of worship. Indeed, the Talmud insists that in messianic times conversion into Judaism will not be allowed; Jews and Gentiles will peacefully coexist.⁷

The universalistic law code governing those who are not Jewish (called the Noahide code) requires the observance of many commandments that are basic to the moral existence of people. The Talmud⁸ recounts seven categories of prohibition: idol worship, taking God’s name in vain, murder, prohibited sexual activity, theft, eating flesh from a living animal, and the obligation to have a justice system or enforce laws. As is obvious from this list, these seven commandments are generalities with many particular specifications. Thus, for example, the single categorical prohibition of sexual impropriety includes both adultery and the various forms of incest.⁹ These Noahide laws appear to encompass nearly sixty of the six hundred and thirteen biblical commandments traditionally enumerated as incumbent on Jews from the Bible itself, which is nearly one-fourth of those biblical commandments generally applicable in post-Temple times.¹⁰ The majority of the commandments found in Jewish law that are unrelated to ritual activity are also found in the Noahide code.¹¹ The Noahide code was intended to be a practical legal code and to form a system that satisfied the social, legal, and religious needs of peoples outside the framework of Judaism.¹² Jewish law is not the ideal legal code for all—only for

Jews. For example, consider the remarks of Rabbi Juda Loewe of Prague concerning the Jewish law prohibition of cross-breeding in animals:

The creativity of people is greater than nature. When God created in the six days of creation the laws of nature, the simple and complex, and finished creating the world, there remained additional power to create anew, just like people can create new animal species through inter-species breeding. . . . People bring to fruition things that are not found in nature; nonetheless, since these are activities that occur through nature, it is as if it entered the world to be created. . . . *There are those who are aghast of the interbreeding of two species. Certainly, this is contrary to Jewish law which God gave the Jews, which prohibits inter-species mixing. Nonetheless, Adam (the First Person) did this.* Indeed, the world was created with many species that are prohibited to be eaten. Inter-species breeding was not prohibited because of prohibited sexuality or immorality. . . . Rather it is because Jews should not combine the various species together, as this is the way of Jewish law. As we already noted, the ways of the Jewish law, and the [permissible] ways of the world are distinct. . . . Just like the donkey has within it to be created [but was not created by God]. . . but was left to people to create it. *Even those forms of creativity which Jewish law prohibits for Jews are not definitionally bad.* Some are simply prohibited to Jews.¹³

What flows most clearly from this is that there is nothing intrinsically wrong with cross-breeding, even if it violates Jewish law; indeed, Rabbi Loewe nearly states that such conduct by Gentiles is good. It was prohibited by Jewish law because it was not part of the divine mission for the Jewish people. What flows from this type of argument is that Jewish law is not a general ethical category governing the conduct of all. Its scope and application are limited to Jews, not merely jurisdictionally, but even theologically.

THE PARTICULARISM OF JEWISH LAW

This recognition of diversity within God's kingdom is just one side of the Jewish-Gentile relations coin, however. The Jewish tradition also does have a clear concept of the Jews being the chosen people, to whom God revealed the Jewish tradition on Mount Sinai. This revelation imposed on the Jewish tradition special obligations and rights that create special legal duties that bind Jews. Jews have duties one to another,¹⁴ to God, and to society, which Gentiles bear no duty to keep.¹⁵ The Jewish tradition makes it clear that a Gentile observant of Noahide law is a more righteous person than a Jew whose observance of Jewish law is incomplete, even if that Jew observes all of Noahide law.¹⁶ But the Jewish tradition is equally clear in its insistence that proper observance of the Jewish tradition by Jews brings Jews closer to God. Jewish

theology sees the Jews as designated for holiness, a nation of priests¹⁷ on a mission of holiness. There is little doubt that the Jewish tradition views the Jewish ideal as “closer to God” than the monotheistic Noahide ideal. Indeed, the same Jewish sources that recognize the right (and perhaps even the duty) of people who are not Jewish to remain such, recognize that the complete Jewish ideal is closer to the Divine.¹⁸

SUMMARY

What flows from these two sides of the same coin is that the Jewish tradition does not seek to convert individuals to the Jewish faith; Jewish law imposes at least a minimal affirmative duty to push potential converts away a number of times.¹⁹

One of the classical colloquia Jewish law requires that one have with converts before they undergo the final, irrevocable, part of the conversion ritual is designed to deter the conversions. It requires the court performing the conversion to state to the convert: “Before you convert to Judaism, if you eat this unkosher foodstuff, there is no violation; if you violate the Sabbath, there is no death penalty violation. . . .” So, too, Jewish law requires that one ask the potential convert: “Why did you decide to convert? Do you not know that the Jewish people nowadays are marginalized, oppressed and troubles come to them?”²⁰ Soliciting converts is not a *mitzvah* (a good deed or a positive act), and accepting converts is not a required or encouraged act.²¹

In sum, the Jewish tradition is relatively balanced on the question of proselytism and conversion, and has so been since recorded history. The Jewish tradition does not seek to proselytize and has created significant internal barriers to it. Hand in hand with that approach, it desires not to be the object of another tradition’s proselytism. It does not recognize the right of a Jew to change his or her faith, whether such conversion to another faith is motivated by love, threat, financial need, or deeply-held religious motivations. It is extremely difficult to convert into Judaism, and according to the overwhelming majority of decisors, absolutely impossible to convert out of Judaism.²²

THE THEORY OF INREACH

The Jewish tradition focuses not on *outreach* (bringing converts into the Jewish tradition) but on *inreach* (strengthening the Jewish tradition in those who are Jewish). Indeed, even activities that seem apparently motivated solely by the desire to reach a Gentile audience sometimes have inreach motives and desires. Consider the famous story, often recounted, that Rabbi Israel Salanter, a Jewish scholar of the nineteenth century, favored the translation of the Talmud into German and its introduction into the curriculum of German universities. People were surprised that he would advocate such a project, given the apparent proscriptions in Jewish law against such outreach efforts directed

toward Gentiles. In response to such questions, he replied that if the Gentiles think Talmud study is important, maybe the Jews will study it also!²³ Outreach can be a form of inreach.

Inreach—proselytizing Jews to increase their Jewishness—creates a host of dilemmas within the Jewish tradition. These issues inevitably focus on the religious and ethical problems caused by seeking to persuade (or in rare circumstances, compel) the observance of Jewish law. In the theoretical realm, they focus on three different concepts: (1) When is one obligated to coerce compliance with the dictates of Jewish law? (2) When is a Jew obligated to inform another Jew that his or her conduct violates Jewish law and ethics? (3) May one ever encourage a violation of Jewish law?

Jewish law, in essence, bases its duty to engage in inreach on the answers provided to these questions. When dealing with Jews—who are bound to observe Jewish law—one is obligated to compel observance of much of Jewish law, seek to persuade full observance of Jewish law, and never to facilitate a violation of Jewish law (unless it leads to increased observance of Jewish law later²⁴). Bundled together, these three duties compel inreach, when it will be effective.

COMPELLING OBSERVANCE OF JEWISH LAW

Within the Jewish legal tradition, there has always been a clear recognition of the multifaceted nature of the duty to compel observance, and the problems—both theological and practical—that result from such compulsion. There are a variety of distinctly different categories of obligations found in Jewish law, each with its own status in terms of compelling observance.

The first category is those commandments that affect and effect significant social norms. Thus, the Jewish legal tradition recognizes that society can prevent murder, theft, and other social crimes as they are disruptive of the social order of life. Sometimes these laws are enforced through the pursuer (*rodef*) principle, sometimes through the seven-elders-of-the-city rule, sometimes through the social compact precept, and sometimes through exigent jurisdiction of the Jewish law courts.²⁵ Whatever the precise rationale, it is clear that Jewish law permits—indeed mandates—enforcement of these norms, either through the Jewish law courts, communal regulation, or even through the secular legal system.²⁶

The second category is enforcement of the communitarian aspects of religious law. Consider, for example, the building of a ritual bath used for conversions and ritual purity by community members. Jewish law allows the whole community to be taxed, or compelled to do physical labor on the bath, based on the principle that religious benefits for all are to be paid for by all.²⁷ Indeed, even those who are under no religious duty to use a ritual bath, and never will, are compelled to participate in its building. The ability to compel participation in the community through the building of communal institutions—through both the power to tax and the power to compel actual participation—is present

in the Jewish tradition. Shunning and excommunication are among the modern tools used to enforce these communal religious norms.²⁸

Yet other aspects of Jewish law are recognized as un-compellable. Consider problems that would ensue if society sought to enforce the duty to love God, the first precept found in Maimonides' *Book of Commandments*.²⁹ Two different views are adduced within Jewish law as to what exactly are the parameters of this exemption. Some limit the exemption from compulsion strictly to "duties of the heart" but argue that positive ritual law commandments, such as daily prayer, worship in booths during the feast of Tabernacles, grace before and after meals, as well as other examples, actually can be compelled.³⁰ Yet other authorities seem to limit the duty to compel to cases where there is something more at stake than one's relationship with the Creator; they argue that compulsion is limited to such *mitzvot* as the duty to repay one's creditors. However, ritual matters alone, this view insists, are beyond the reach of the law to compel.³¹

Finally, a variety of negative prohibitions are enforced, whether "religious" or "secular" in nature. For example, Jewish law directs that one refrain from eating foods prohibited by the dietary (kosher) laws, avoid desecration of the Sabbath, prohibit even consensual adultery, as well as a host of ritual, financial, and other laws. The Jew so compelled to avoid actively violating the law is better off, in that the Jew is not, in fact, violating Jewish law, and will not be punished, whether by God or man.³² The argument is that Jewish law requires that one—as an act of love to a fellow Jew—force a Jew to avoid sinning.

All this is true in theory. In practice, however, Jewish law for more than two centuries has not had the ability to compel observance of these rules. Yet the values contained in these views are of considerable theological importance. The Jewish tradition views the obligation to obey Jewish law as real—no different, in many ways, from the way that others view secular law and the duty to obey it. This very much affects how one views those who do not observe Jewish law.

REBUKING VIOLATORS OF JEWISH LAW

Jewish law obligates its adherents to admonish another Jew³³ seen violating Jewish law, but one cannot (or should not) compel this person to cease the violation. So, too, when one sees a person unintentionally violating Jewish law, one must tell the person what Jewish law requires so that the person can correct his or her ways. This obligation is known as collective responsibility. These two obligations compel, at least in theory, each Jew to engage in inreach with the goal of encouraging the observance of Jewish law.

While it is true that, as a matter of theory, one is not obligated to admonish a person who has completely left the path of observance and has no ideological fidelity to Jewish law at all,³⁴ such a status is rarely thought applicable to a person whom one can contemplate returning to the community of observance

through theological discussion or religious motivation. Indeed, even in circumstances where the technical obligation to assist another might be inapplicable, in situations where one can assist a person in his or her religious return, one must do so.³⁵ However, admonition is to be performed with care lest it not accomplish its goal,³⁶ or even worse, distance people from Judaism.³⁷

ASSISTING IN A VIOLATION OF JEWISH LAW

Hand in hand with the Jewish law obligation to return people to the fold, Jewish law prohibits one from facilitating, or sometimes merely assisting, one in a violation of Jewish law. This prohibition is derived from Leviticus 19:14, which reads, “You shall not curse a deaf person and before a blind person you shall not put a stumbling block; you shall fear your God, I am the Lord.”

The Talmud advances an expansive definition of the prohibition of placing a stumbling block in front of a blind person by defining “blindness” broadly. The Talmud quotes the following statement:

Rabbi Nathan said: “From where do we know that one may not extend a cup of wine to one who swore not to drink wine [a *nazir*] nor a limb of a live animal to a Noahide [who, like all others, may not eat such flesh]?” The source is from the verse “before a blind person thou shall not put a stumbling block.”³⁸

Since the Talmud does not distinguish between an intentional and an unintentional violation in this regard, it may be inferred that this conduct is prohibited even when the one who may not drink wine or eat flesh from a living animal is aware that these actions are prohibited. Support for this inference can also be found in the Talmud’s assertion³⁹ that a father may not strike his grown child, because the child may retaliate physically—an act which is a capital offense.⁴⁰ The Talmud bases its opinion on the verse in Leviticus 19:14 concerning tripping a blind person (*lifnei iiver*), even though the child is fully aware of the consequences of the action.

Another talmudic discussion in *Bava Metzia* provides a further application of this prohibition. Biblical law proscribes both charging and paying interest. In addition to the standard prohibitions,⁴¹ the Talmud states that all people who participate in or facilitate a transaction involving interest—including the guarantor, witnesses, and even the scribe of the document—violate the prohibition of assisting in a violation (*lifnei iiver*).⁴² The notion that even the ancillary and supportive participants in the transaction are in violation of this prohibition broadens our understanding of the scope of the prohibition even further. The participation, as a scribe or witness, in such a transaction violates the prohibition only because, by enabling the transaction to occur, one is deliberately helping *blind* people to sin. A *blind* person thus includes one who voluntarily sins as a result of an intentional *stumbling block*.

Blindness is thus not limited to the case where the sinner is blinded by ignorance or naivete, but also encompasses the case where the person is blinded by a desire. Thus the biblical verses concerning tripping a blind person (*lifnei ivver*) prohibit aiding in any violation of the law. They not only prohibit one from maliciously misguiding another but also prohibit cooperating with one who is misguided by his or her own material needs or improper understanding of law.

SUMMARY

The Jewish tradition views Jewish law as a binding legal system whose yoke of observance compels—at least as a matter of theory—observance of Jewish law. The Jewish tradition recognizes little theoretical right for a Jew to decline to observe, although it has grown very untroubled, on a practical level, living in a society where Jewish law cannot be enforced except in limited communitarian areas. However, even within that normative society, the Jewish tradition sees a clear religious and legal compulsion to try to convince those people bound by the yoke of Jewish law to obey it.

THE THEORY OF OUTREACH: THE CONVERSION PROCEDURE

As noted, the Jewish tradition does not seek out individuals for conversion. Instead, it imposes an affirmative duty to rebuff initially potential converts and denies that conversion to Judaism is a good deed. To be sure, the rabbinic literature contains aphorisms indicating that conversion to Judaism is meritorious—“whoever brings a heathen near to God and converts him, is as if he had created him”⁴³ or “beloved are the converts to Judaism.”⁴⁴ But for each commendatory aphorism, there is a less flattering one—“trouble after trouble comes to one who receives converts”⁴⁵; “Converts . . . delay the arrival of the messiah.”⁴⁶ Jewish law and the resulting legal tradition certainly accept that conversion is never mandatory—and is to be discouraged, whether any given conversion is bad.

The process of conversion to Judaism, in its technical procedure, is relatively simple; in times of old it involved six different steps for men and five for women; currently, only five steps for men, and four for women, are possible. A short elaboration on five of these will help explain the details of the conversion process. The sixth—acceptance of the commandments—will be the subject of a lengthy analysis in the next section.

THE CONVERSION PROCEDURE

The minimal requirements for conversion are:

1. *A commitment to join the Jewish people by the potential convert.* The desire to join the Jewish people is a political and social commitment. Jews form not only a faith community of common beliefs, laws, and ideals, but a common social and political community. One must desire to join that community to be considered a Jew. As has been noted by others,⁴⁷ this commitment is not related to the acceptance of the commandments or immersion in a *mikva*. Rather, it is the recognition that one is linking one's fate with the Jewish people, such that one is united with them.⁴⁸ One who refuses to identify as a Jew has not converted to Judaism, as that person has refused to join the Jewish people.

2. *The acceptance of this person as a member of the Jewish faith by a Jewish court.* The reasons for such a formal process of acceptance are obvious. Only a properly constructed Jewish court may formally accept the convert into the community, for it represents the interest of the community in the conversion.⁴⁹ This Jewish court determines whether the person is fit to join, has no ulterior motives, and otherwise is eligible to join the community and to marry within it. Just as one cannot become an American citizen without a formal swearing-in ceremony, one cannot become Jewish without appearance in front of a Jewish court. A Jewish court need not accept every convert and has discretionary authority to reject otherwise qualified converts.⁵⁰

3. *Circumcision of a male convert.* Circumcision for men is part of the biblical conversion of Abraham, a unique indication of a man's Jewishness, and the classical first step in conversion. Jewish legal theory is unclear why circumcision is a prerequisite for a man joining the Jewish people. Indeed, contrary to popular Jewish folk belief, a Jew who declines to be circumcised remains Jewish, and while such conduct is a sin, it is no greater a sin than declining to bring the mandatory Passover sacrifice in the times of the Temple, or a variety of other serious transgressions of Jewish law. Such a sinner remains Jewish. This is not the case for a male Gentile who wishes to convert to Judaism. In order for a male Gentile to join the Jewish people, the man must be circumcised.⁵¹

4. *Immersion in a mikva or ma'ayan.* Immersion is the process used throughout Jewish law and tradition to denote changes in spiritual status, both for people and inanimate objects.⁵² Indeed, medieval codifiers of Jewish law note that apostates who desire to return to Judaism should be immersed in a *mikva*⁵³ or *ma'ayan*⁵⁴ as part of their "return to tradition," even though their status as Jews was never genuinely in question.⁵⁵ A convert undergoes such a change, and thus must immerse.

5. *Sacrifice of an animal in the Temple.* Sacrifice of an animal in the Temple in Jerusalem was one of the ways that converts signified their membership in the Jewish people. Since the destruction of the Temple in the first century C.E., conversions have continued without the sacrifice being offered. The exact theoretical reason why sacrifice is not needed in post-Temple times remains in dispute,⁵⁶ but a wide consensus has developed in Jewish law that sacrifice is not a requirement for conversion in cases where a sacrifice cannot be brought

for reasons independent of this particular conversion; in this case, because the Temple has been destroyed.⁵⁷

6. *Acceptance of the commandments by the convert in front of a Jewish court.* This final, and perhaps most significant requirement is, in fact, the most difficult. Unlike each of the other five steps in the conversion process, this one is substantive and involves a change in one's daily life and existence, in that one submits to the daily obligations of Jewish law. Indeed, as this next section of the chapter will explore, the validity of the whole conversion process can be questioned when that change does not occur.

ACCEPTANCE OF THE COMMANDMENTS

Four of the above five requirements of conversion are primarily procedural, not substantive. While some might be painful (such as circumcision)⁵⁸ or technically difficult (such as full immersion in a prescribed body of water), none of them involves a fundamental reorientation of one's permanent existence. The desire to join the Jewish people, while a significant and substantive requirement for conversion, is a political belief and an orientation. It does not require a fundamental change in how one conducts one's daily life, particularly when one lives in an open society with only hints of antisemitism, or in Israel, where Judaism is the cultural norm for most of the population.

The essence of classical Judaism is life through Jewish law, a legal system that undertakes to regulate every aspect of one's conduct in this world. Judaism is, more than most faiths, a system of deed and not creed. Thus, the most significant issue present in the modern discussion of conversion addresses what level of commitment to Jewish law as the touchstone of one's personal ethics and morality must be required of converts in order for conversion to be proper.

UNDERSTANDING THE COMMANDMENTS

The question of commitment by a potential convert to Jewish law as a standard of personal observance must first be understood in terms of the obligation upon the Jewish court dealing with the potential convert. While one might expect the Jewish court to require that the convert be informed of the whole substance of Jewish law before he or she converts—for how can one commit to observe that which one does not understand?—in fact, the exact opposite is true. While Jewish law requires that the convert be informed of “some of the hard commandments, and some of the easy commandments,”⁵⁹ there is absolutely no obligation to inform the potential convert of all of the duties directed by Jewish law. The rationale for this is easy to understand and has its ready counterparts in the requirements for citizenship in most countries. Fidelity to Jewish law is a mindset, which requires converts to accept that Jewish law—whatever it might say—is binding on them.

The paradigm parallels the covenant between the Jewish people and God, as it is portrayed implicitly in the Bible and explicitly in the rabbinic homiletic discourses. The Jewish people accepted the oral and written Torah at Sinai, without a full or complete understanding of its detailed rules. Rather, they did so in the belief that whatever the Bible said, it was the word of the Lawgiver. This is the process the convert must go through as well. Obviously, one cannot accept Jewish law without a sampling of its requirements and without a rudimentary understanding of its rules. However, even basic, elementary duties could be left out of the explanation. Indeed, the Talmud explicitly states that a convert who fully accepts Jewish law without being informed that there is a concept called the Sabbath day of rest, and who thus does not observe the Sabbath in any way, has validly converted to Judaism if his mindset was that he desires to accept Jewish law, whatever it might be, and whatever it might direct—even if ignorance of fundamental precepts is present.⁶⁰ Ignorance of the commandments is not a failure in the duty to obey or the commitment to observe.

ACCEPTANCE OF COMMANDMENTS AS THE BASIC REQUIREMENT

The Talmud recounts the following rule:

A Gentile who accepts all the laws of the Torah except for one, one should not accept him. Rabbi Yossie the son of Rabbi Judah states, “even if he rejects one detail of rabbinic law, one should not accept him.”⁶¹

Theologically, this rule is simple enough. The Jewish tradition views Jewish law and theology as an integrated whole, grounded in the divine commandment to the Jewish people and the Jewish people’s voluntary acceptance of the commandments. Absent a full acceptance of the “yoke of heaven,” there is no acceptance. Indeed, this is true even when there is full observance, without any acceptance of obligation.⁶²

The above talmudic statement would seem complete, but it is not. Elsewhere, the Talmud recounts:

Our Rabbis recount: There was a case involving a Gentile who came to Shamai and stated to him, “How many Torahs do the Jews have?” Shamai responded: “Two. A written Torah and an oral Torah.” The Gentile responded, “I believe in the written Torah, and not the oral Torah; convert me to Judaism so that I may learn the written Torah.” Shamai shouted at him, and left in anger. The same Gentile came to Hillel, who converted him. The next day, Hillel taught him four concepts and the day after he taught him the same four concepts differently. The Gentile asked, “Yesterday you taught me differently.” Hillel responded, “Do you not trust me? Do you not rely on my oral traditions as well?”⁶³

The question is obvious. What right did Hillel have to convert this Gentile, who was obviously deficient in one area of his acceptance of Jewish law? Indeed, this incident provides the background to the general discussion of the flexibility of Jewish law to varied levels of observance by potential converts.

So, too, the acknowledgment of a duty to obey Jewish law is not the same as the commitment actually to obey it. One can categorize intentional violators of Jewish law into three broad categories.

1. There are those individuals who are genuinely committed to a full and complete observance of Jewish law, but who occasionally violate Jewish law due to temptation. Such individuals genuinely seek to observe Jewish law.

2. There are those individuals who recognize the binding nature of Jewish law and yet recognize that they cannot adhere to the requirements of Jewish law because of their own human frailties; they recognize that such conduct is a violation of Jewish law, and yet continue to violate—acknowledging their violation. The modern Jewish law *responsa* literature refers to these individuals as ones who have accepted the commandments but are not observing them.

3. There are those individuals who either do not think that Jewish law is binding or who do not think that all of Jewish law is binding, and thus violate Jewish law, aware of what it states, but yet uncaring and not desirous to repent, as they do not feel that any “sin” has occurred.⁶⁴

The question addressed at great length by modern Jewish law decisors is, What is the status of the acceptance of commandments of individuals in any of these three categories? Since Jewish law mandates that acceptance of the commandments is a requirement for conversion, a determination that a person has not validly accepted the commandments is synonymous with a determination that a person is, in fact, not properly converted to Judaism and remains a Gentile according to Jewish law.⁶⁵ This is no small matter in Jewish law and remains the heart of a very significant controversy within Jewish law as well as the Jewish community both in Israel and in America.⁶⁶

COMMITMENT TO OBSERVE AND ACTUAL OBSERVANCE

The status of those converts in category 1—those who fully commit to fidelity to Jewish law and occasionally sin as tempted to do so—seems clear. Such individuals have validly converted to Judaism. Consider the most problematic example of this, the case of the convert who at the time of the conversion has both fully committed to observing Jewish law and yet has—at the same time as his or her immersion—planned a violation of Jewish law out of financial need, which the convert deeply regrets but feels a need to do for economic reasons. Even in such a case the conversion is valid, and the individual’s planned sin is not considered a failure to accept Jewish law. Rather, it is a sin by a Jew motivated by economic (or other) need, and such never voids a conversion.⁶⁷

What, however, is the status of those converts in categories 2 and 3? The answer to that question depends on how one understands the talmudic story

of Hillel and the convert. In the case of the convert of Hillel who appeared to be denying the validity of the oral tradition, three basic approaches are taken.⁶⁸

Rashi, the premier commentator on the Talmud, explains that this potential convert did not deny the obligation to obey the oral law but simply did not feel that it came from God. Hillel, Rashi claims, was sure that he could convince him of this fact, and thus converted him.⁶⁹ Rashi seems to aver that one can convert a person who will immediately be a heretic, so long as that person is not also a sinner! This explanation is difficult. As noted by others, Rashi must mean that this Gentile accepted all that he knew was from God. That which he did not know was from God, he would not observe. However, he had accepted the “yoke of heaven” and merely questioned the validity of the current generation of interpreters.⁷⁰

A second possibility is that Hillel worked with this person to elaborate on the Jewish tradition and its beliefs but did not actually convert this person until he had fully complied with all relevant provisions of Jewish law that he knew to be true; he only did not observe that which he did not believe that Jewish law mandated. “But when one says to the convert that such is a *mitzvah*, or he knows for himself that such is a *mitzvah* and he sees that such is how the Jewish people conduct themselves in a particular *mitzvah*, and the convert states that this *mitzvah* they do not wish to accept—in these circumstances one does not accept such a convert.”⁷¹ “It is obvious that when a convert does not accept even one biblical commandment, he is not a convert.”⁷²

A final approach is much more expansive. This approach notes that the obligation to accept all of Jewish law is itself only the *ab initio* ideal. One may accept a convert with a less than full acceptance of the commandments, if the rabbinical court that is supervising this conversion deems that approach to be wise in any given case. Rabbi Isaac Schmelkes states simply: “It appears to me post-fact that one is a proper convert even if one did not accept all the commandments, as the incident in Shabbat 31 [quoted above] indicates that Hillel accepted a convert who accepted only the written law” and whose observance must have been thus incomplete.⁷³ Rabbi Schmelkes is prepared to accept the conversion of a person who announces a lack of complete loyalty to portions of Jewish law. Of course, even he notes that when a person’s lack of observance goes to fundamental issues, such as Sabbath observance, illicit sexual relations, or the like, such a person cannot successfully convert; such a person is not seeking to convert but to be exempt from many fundamental duties.⁷⁴ Other decisors, particularly those residing in modern-day Israel, have advanced similar arguments, focusing on the acceptance of Jewish traditions generally, even if there is a resistance to acceptance of the details of Jewish law.⁷⁵

Even within the school of thought that categorically disagrees with Rabbi Schmelkes and requires full fidelity to Jewish law, there remains a significant dispute as to the second category of potential convert—those who without reservation accept the binding nature of Jewish law and, simultaneously, without reservation accept that they will live a life which is in an ongoing manner

inconsistent with their obligations. Such a case revolves around the basic definition of what a convert must accept. One view accepts that a convert could be obligated to accept as binding Jewish law a set of duties that, until this point, Jewish law did not rule this particular person must accept, or even is better for the person to accept.⁷⁶

The exact formulations of Rabbi Haim Ozer Grodzinski, the leader of pre-war European Jewry, are worth citing:

Thus, it appears that the rule which states that a Gentile who comes to convert, and accepts all the commandments except for one small rabbinic commandment, may not be accepted as a convert, is limited to a case where the convert has a precondition that his acceptance is predicated on his being permitted to do this otherwise prohibited act; in this circumstance, conversion cannot be done, as there is not partial conversion. But, one who accepts all the commandments, and rather intends to violate them out of a non-ideological sense of need, this is no deficiency in the acceptance of the commandments.⁷⁷

However, Rabbi Grodzinski continues:

However, when it is obvious that this convert will continue to wantonly violate Jewish law, such as the Sabbath laws or Kosher laws, and we know for certain his intent is not truly to convert and his heart is not committed to this, it is an apparent presumption that his acceptance of the commandments is nothing, and this failure to accept *mitzvot* voids the conversion.⁷⁸

In essence, Rabbi Grodzinski concedes that when one converts without any intent to accept Jewish law (that is, a person in category 3 above), that conversion is absolutely void, as the acceptance of commandments is lacking. Such is true, even of the convert who pledges to observe but does not (category 3 above). However, if a person genuinely desires to convert but sins out of desire and knows that at the time of conversion he or she will sin, that conversion is valid. For that person genuinely accepts the *yoke* of commandments, even while recognizing his or her propensity to sin.

This view—treating incomplete observance with full acceptance as a complete acceptance of the yoke of commandments—is rejected by others who insist that a convert must voluntarily accept to obey Jewish law as a fundamental duty, and not merely accept a theoretical concept that the commandments are binding. The argument defining this position must be that acceptance of the yoke of commandments with the equally clear self-understanding that one will routinely, and intentionally, violate them deliberately is not called the acceptance of the commandments. To invoke the classical formulation used by these authorities, “acceptance of the commandments without observance

of the commandments is void.” One recent writer summarized the view of Rabbi Feinstein in its pristine form:

Rabbi Feinstein opines many times that it is not sufficient for the convert to undergo the formal requirements of conversion—circumcision, immersion, and verbal acceptance of the commandments in front of a *bet din*. When one is certain that this acceptance is not genuine, “it is obvious and apparent that this conversion is void.”⁷⁹

Under this view, incomplete observance is tantamount to incomplete acceptance, which voids the conversion *ab initio*, so claims this school of thought.⁸⁰

SUMMARY

In my opinion, there is little theoretical difference between the two views of acceptance of the yoke of commandments articulated by Feinstein and Grodzinski. Both acknowledge that in order successfully to convert into the Jewish faith, one must at the time of conversion genuinely desire to accept the yoke of the commandments. They differ only in two very small details, albeit very practical ones. First, how does one classify persons who pledge to observe and commit to observe, but do not? Should one consider their verbal commitment as dispositive of their state of mind, or argue that their actions reveal the truth about the value of their commitment? Second, what is the significance of a full-fledged acceptance of commandments, when not accompanied by a full-fledged observance? Should one assume that it is the observance which evaluates the acceptance, or does one recognize that acceptance and observance are separate?⁸¹ A categorically different view is advanced by Schmelkes and others, who think that there is a place for the convert who will not commit to observance of all of Jewish law.

CONCLUSIONS

The Jewish tradition’s view on proselytizing—both inward and outward—is unique among the Peoples of the Book. It absolutely prohibits proselytizing among Gentiles, in the sense of soliciting converts. It creates barriers—whose exact height are in some dispute—to conversion generally. And it views insincere conversions to Judaism as problematic. Proselytizing to the nations of the world is not a priority. Calling Jews to heightened observance of Jewish law is a priority; indeed, this is not viewed as a form of proselytizing at all. Jews are obligated to obey Jewish law, and anything one can do to facilitate such observance is a good thing.

This stark dichotomy of values between inreach and outreach has its origins in the theological view of the Jewish tradition that there are many proper

paths to the top of the mountain, and Jews were chosen by God for one particular path—the one directed by Jewish law—which is not (necessarily) the right path for others to take.

“Who is happy? One who is content with his place in the world.” This is the talmudic aphorism with which this paper opened. Such is the Jewish view on those who seek to change the religious identity of others. Those who are obligated to obey Jewish law should be content with their place in the world and should not seek to abandon the yoke of commandments. Those who are free from the obligation to obey Jewish law should be content with their place in the world, and should not generally seek the yoke of commandments. That is how one is content and lives in peace with oneself and with one’s neighbors.