

Response to Rabbi Marc D. Angel's Article on Gerut

By: ELIEZER BEN PORAT

Rabbi Marc Angel's article, "Conversion to Judaism" (*Hakirah*, vol. 7), contains halachic misrepresentations, and slights the positions put forth by great Torah sages such as Rabbi Yitzchak Schmelkes regarding "new stringent" conversion standards. I would like to review some of the classic sources so that it is clear to the reader what is indeed ancient and what is new in this sacred matter of *gerut*.

The author puts forth the opinion that the conversion process is first and foremost "a means of bringing the non-Jew into the Jewish peoplehood." He repeatedly states that the ancient sources "do not equate conversion with a total acceptance to observe Torah and *mitzvot*, but rather see conversion as a way for a non-Jew to become a member of the Jewish people."

He contends that R. Schmelkes was the innovator of new stringent standards of *gerut* by ordaining—for the first time, in 1876—that the convert must accept upon himself a total commitment to observe *mitzvot*, and, furthermore, that without such commitment by the prospective convert, the conversion lacks halachic validity. The author was upset to learn that in Yeshiva University, in a course on practical rabbinics, the "Schmelkes position" is taught as uncontested *halachah*. Let us explore this fundamental question: is "*kabbalat ha-mitzvot*"—that is, a total commitment to observe Torah and *mitzvot*—the cornerstone of *gerut*? Or is conversion mainly a process of becoming part of the Jewish people in a national sense, *mitzvah* observance serving merely as "added value?"

The Talmud (*Yevamot* 47b) describes the conversation between Ruth, the archetypical convert, and her mother-in-law, Naomi. In response to Naomi's informing Ruth that "we are commanded to observe *taryag* (613) *mitzvot*," Ruth replies, "Your nation is my

Eliezer Ben Porat is the dean of the Ottawa Torah Institute and serves as a *moreh tzedek* to the Jewish community of Ottawa, Canada.

nation.” The Talmud hereby teaches us that Jewish peoplehood is defined by the observance and practice of *taryag* (613) *mitzvot*, and, hence, that becoming Jewish signifies the convert’s commitment to fulfill all of the *mitzvot*. Converting to Judaism is not merely an act of cultural and national association. This Talmudic passage is not merely of aggadic nature and is referred to by the *Biur HaGra Yoreh Deah* (268:6) as a halachic source. The author quotes Rabbi Shlomo Goren, who maintains that a prospective convert who accepts all the *mitzvot*, but who does not commit to become part of the Jewish people, is not a *ger*. We know this to be true, as we learn from the Haggadah in reference to the wicked son: “Since he excludes himself from the community, he denies an important principle of faith.” This does not, however, imply that the converse is also true. Merely belonging to the community, without a commitment to the observance of Torah and *mitzvot*, is not considered becoming part of the Jewish nation. “Your nation is my nation” necessarily involves the observance and fulfillment of *taryag mitzvot*.

The Rambam teaches (*Hilchot Issurei Biab* 13:4–5), “And so in [all] future generations, when a non-Jew wishes to enter the covenant and to come under the wings of the *Shechinah* (Divine Presence), and will accept upon himself the yoke of Torah, he must then go through the process of *milah* (circumcision) and *tevilah* (immersion).” Rambam states here, in his precise and carefully chosen words, that *milah* and *tevilah* are integral components of the **process** of conversion. However, the spiritual quest of the prospective convert, manifested by his wish to enter into the covenant, to be under the wings of the *Shechinah* and to accept upon himself the yoke of Torah, is the **essence** of the *gerut* itself.

Similarly, the *Shulchan Aruch* (*Yoreh Deah* 268:3) presents *kabbalat ha-mitzvot* (acceptance of the *mitzvot*) as essential in order for the *gerut* to be valid. If, for example, *kabbalat ha-mitzvot* was not done in front of a *beit din*, by day, and with three *dayanim*, the *gerut* is not considered valid. Rabbi David HaLevi Segal (1586–1667), in his *Turei Zahav* (“*Taz*”) (268:9), quotes *Rabbeinu Asher* (1250–1327) (“*Rosh*”) that *kabbalat ha-mitzvot* is “*guf badavar v’hatchalato*”—the essence of the matter and its initiation.

The author quotes the Rambam (*Hilchot Issurei Biab* 13:17): “A proselyte who was not examined [as to his motives] or who was not informed of the *mitzvot* and their punishments, and he was circumcised and immersed in the presence of three laymen—is a

proselyte.” This, in the author’s opinion, proves that conversion without commitment to observe all *mitzvot* is nevertheless valid. However, Rabbi J. B. Soloveitchik, in his essay *Kol Dodi Dofek*, note 22, quotes from his father “that to suggest Rambam meant that a convert who did not intend to observe *mitzvot* is nevertheless a *ger*, is to undermine the entire concept of *gerut* and the essence of the sanctity of Israel, which manifests itself in our obligation to observe the *mitzvot* of Hashem.”

Rambam’s opinion, says R. Soloveitchik, is that acceptance of *mitzvot* is not a special act requiring a *beit din*, like *tevilah*. Rather, it is an essential prerequisite of *gerut*. It is understood that *gerut* is done for the sake of fulfillment and observance of *mitzvot*. Therefore, if we know that the convert is ready to accept, upon immersing, the yoke of Torah and *mitzvot*, then even though there was no formal act on the part of the *beit din* of *hashmaat ha-mitzvot* (informing the convert about his obligation to observe and fulfill all the *mitzvot*) at the time of the *tevilah*, the *tevilah* is nevertheless effective. This is because we assume that the convert intends to live a life of sanctity, the life of a righteous Jew. [A similar explanation is found in *Chemdat Shlomo Yoreh Deah* 29:22 and 30:10, by Rabbi Shlomo Zalman Lipschitz (1765–1839)]. This understanding of Rambam is not “circular reasoning,” as the author posits. It is based on the fundamental concept that the essence of Jewish peoplehood is the connection to G-d through the observance of Torah and *mitzvot* and is supported by Rambam’s own words (*Issurei Biah* 13: 4–5), as quoted above. See also Rambam, *Hilchot Issurei Biah* 12:17 and *Hilchot Melachim* 10:9 where he speaks clearly about “*kabbalat kol ha-mitzvot*” (acceptance of **all** *mitzvot*), as the definition of *gerut*.

It is difficult to understand the author’s intention when he says that “the Talmud, Rambam and *Shulchan Aruch* do not define *kabbalat ha-mitzvot* as a total commitment to observe all *mitzvot* in detail (but rather as a general acceptance of *mitzvot*).” What is the meaning of a “general acceptance of *mitzvot*” without attention to detail? The practice of *batei din* is to instruct the convert before the *tevilah* to make the following declaration: “I accept upon myself to observe and fulfill all the *mitzvot* of the Torah and all the *mitzvot* which were taught to us by the Sages, and all the righteous customs of the Jewish people, those that are already known to me and those that are not yet known to me.” The convert is not expected to know all the *mitzvot* at the time of the *tevilah*, but he is expected to express his total commitment

to observe and fulfill all *mitzvot*, in all their detail. Are the details of the *mitzvot* not part of the fulfillment and observance of the *mitzvot*?

The Talmud (*Yevamot* 24b) quotes R. Nechemiah, who is of the opinion that conversions with ulterior motives (e.g., converting with the intent to marry a Jew) are not valid. The Talmud concludes with the opinion of Rav who states that the *halachah* is that, *b'dieved*, once performed, such conversions are valid regardless of motivation. The author explains that Rav “seemed to view the conversion process as a means of bringing the non-Jew into the Jewish peoplehood.” In different words, becoming Jewish is a matter of national identity, while the commitment to observe Torah and *mitzvot* is merely a requirement *l'chatchilah*. The author seems not to have consulted the early commentators on the above-mentioned passage. The Ritva and the Nimukei Yosef explain that Rav means that the prospective convert recognizes that his goal to become Jewish can be achieved only by committing to observe Torah and *mitzvot*, and hence accepts whatever is incumbent upon him to become a member of the Jewish faith. It is clear from the Ritva and the Nimukei Yosef that if deep in his heart the convert is lacking that inner commitment to observe Torah and *mitzvot*, the conversion is rendered invalid. (This is also the opinion of the Mordechai, *Yevamot* 4:110). It appears that the author has conflated the issue of motive for conversion with the sincerity of *kabbalat ha-mitzvot*.

The opinion of R. Chaim Ozer Grodzenski regarding *kabbalat ha-mitzvot* is misrepresented in the author's presentation. R. Chaim Ozer (3, 26) concurs with the opinion that lack of inner commitment with regard to performance of *mitzvot* nullifies the *gerut*. He supports his position by quoting the very same Rambam the author quotes, but drawing the opposite conclusion. Rambam (*Issurei Biah* 13:17) speaks of “a convert who has not been investigated, and has been circumcised and has immersed himself in the presence of three ignorant persons; [he] is considered a *ger*, even if it be known that he has converted for an ulterior motive.” Rambam concludes that “he is accorded doubtful status until his righteousness becomes clear.” R. Chaim Ozer understands that this doubtful status arises from the fact that conversion is a matter of the intent of the heart. In R. Chaim Ozer's opinion, a total *kabbalat ha-mitzvot b'lev*—in the heart—is essential to the validity of *gerut*. Therefore, until the convert's sincere intent to accept Torah and *mitzvot* at the time of the *gerut* is clarified, we are in doubt about his status.

Rabbi A. I. Kook also did not escape the critical pen of the author. Rav Kook explains that *kabbalat ha-mitzvot* is necessary for the prospective convert “to join the soul of Knesset Yisrael... since *mitzvot* are the essence of the Jewish soul.” The author may not like this reasoning, but it is important to understand that Rav Kook’s argument did not precede and motivate the *halachah* which views *kabbalat ha-mitzvot* as a *sine qua non* of *gerut*. Rather, Rav Kook’s mystical reasoning was offered as an explanation and clarification of the ancient, halachic norm.

There are other halachic issues in Rabbi Angel’s article that I feel need to be addressed, but a full treatment extends beyond the limitation of a letter to the editor. But let me conclude with a sad personal observation. I am familiar with a North American rabbi who believed that it was virtuous to accept converts into the Jewish community even without their total commitment to observe Torah and *mitzvot*. He also did not mandate that prospective converts be given thorough instruction in Torah and *mitzvot*. He processed thousands of converts; the vast majority of whom do not even send their children to a Jewish school to be educated as Jews and, needless to say, have nothing to do with any type of observance of *mitzvot*. It is painful to watch the confusion, the assimilation, and the dilution of Jewish identity which was created and continues to be spawned as a result of these conversions. This does not bring any *nachat* to Hashem or to *Klal Yisrael*. ❧