

## *Response to Rabbi Eliezer Ben Porat*

**By: MARC D. ANGEL**

I thank Rabbi Ben Porat for taking the time and trouble to offer his critique of my article. Before responding to his specific comments, I ask readers to go to the primary sources—*Talmud*, *Rambam*, *Shulhan Arukh*—and study them directly. You need not rely on what I say nor on what Rabbi Ben Porat says: you need to rely on the sources themselves. Most Orthodox Jews (including me) were taught to believe that conversion is valid only if the would-be proselyte comes with pure spiritual motives and if he/she will be observing all the mitzvot upon conversion. Because we have been taught in this way, it is difficult to examine the sources without bringing these assumptions into play. Yet, we cannot arrive at the truth unless we put aside our preconceived notions, and see what the texts themselves tell us.

We must also keep in mind what the halakha *prefers*, and what the halakha *allows*. Obviously, the halakha prefers ideal converts who are motivated by pure love of God and Torah, and who fully desire to live a life of Torah and mitzvot. Yet, the halakha allows conversions of individuals who do not fulfill the ideal qualifications. The classic halakhic sources provide significant leeway in determining what constitutes a valid conversion.

Rabbi Ben Porat takes issue with my assertion that Rabbi Yitzhak Schmelkes, in the latter 19<sup>th</sup> century, was the first important *posek* to equate conversion with 100% commitment to observe all mitzvot. I take no credit for this discovery. I based this assertion on the research of Dr. Avi Sagi and Dr. Zvi Zohar who have written extensively on the topic of *giyyur*. They examined halakhic sources from Talmudic through modern times, and they found that Rabbi

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Schmelkes was the first significant *posek* to invalidate a conversion if the convert did not intend to keep all the mitzvot after conversion. (Please see their book, *Giyur ve-Zebut Yehudit*; or the English version, *Transforming Identity*.) Thus, until the latter part of the 19<sup>th</sup> century, the view of Rabbi Schmelkes (which is now dominant within Orthodoxy) was not accepted as halakha by the Talmud, Gaonim, Rishonim or Aharonim. In my article, I offered some observations on the historical factors that may have led to the adoption of new stringencies in the 19<sup>th</sup> century. Dr. Sagi and Dr. Zohar describe the view of Rabbi Schmelkes as a “direct reaction to the social-religious changes affecting the Jewish people in modernity,” and as “a new, original approach” that is not evident in the classic halakhic sources.

Rabbi Ben Porat quotes an aggadic passage in *Yevamot* 47b that seemingly indicates that Ruth had accepted all 613 mitzvot upon conversion. He states that since the GRA cited this passage in a halakhic commentary, the source must be a halakhic (rather than aggadic) text. I ask readers to go to the text itself; you will find that it is a lovely, aggadic passage. It is not a halakhic source, even if great halakhists may quote it to bolster a particular viewpoint. The indisputable halakhic source is in *Yevamot* 47a-b, where the requirement is to inform would-be converts of some of the minor and some of the major commandments. There is no reference whatsoever to teaching them 613 mitzvot, or of even informing them that there are 613 mitzvot.

Rambam states (*Issurei Biah* 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. Even if it is known that he converted for some ulterior motive, once he has been circumcised and immersed he has left the status of being a non-Jew and we suspect him until his righteousness is clarified. Even if he recanted and worshipped idols, he is [considered] a Jewish apostate; if he betroths a Jewish woman according to halakha, they are betrothed; and an article he lost must be returned to him as to any other Jew. Having immersed, he is a Jew.” Rambam is quite clear that a conversion is valid even under very imperfect conditions: the convert wasn’t informed of the mitzvot; had an ulterior motive; later recanted and worshipped idols. Even in such circumstances, the convert is deemed to be a Jew, as long as he was circumcised and immersed in the mikvah. Rabbi Ben Porat offers an interpretation by Rabbi Soloveitchik

which attempts to explain Rambam's words in another way. Readers may decide whether or not Rabbi Soloveitchik's interpretation is a halakhically correct understanding of the Rambam. Yet, even those who accept R. Soloveitchik's interpretation should recognize that it surely is not *the only* valid reading of the Rambam. Indeed, it would seem that the Rambam's words should be taken just as he stated them, without external interpretations. This is substantiated by the fact that Rambam went to great lengths to justify the conversions of the wives of Samson and Solomon, who were idolaters even after their conversions but who were nonetheless considered to be Jewish.

Rabbi Ben Porat cites Rambam, *Hilkehot Melakhim* 10:9, to "prove" that Rambam believed that conversion entails a commitment to keep all the mitzvot. Interestingly, the source cited by Rabbi Ben Porat does not deal with the case of a *ger tsedek* at all. Rather, it deals with the prohibition of a non-Jew to observe mitzvot beyond the seven Noahide commandments. The fear is that if a non-Jew observes some mitzvot, this may lead to confusion among real Jews and may even lead to the formation of a new sect or religion. Rambam rules that non-Jews should either become full proselytes and "accept all the mitzvot", or remain with the seven Noahide commandments—but they should not be allowed to keep mitzvot selectively. The Rambam's formulation clearly deals with non-Jews who are not interested in accepting the entire Torah, but who wish to remain as non-Jews and yet observe Shabbat or other Jewish mitzvot. He insists on a distinct demarcation between Jews and non-Jews. To underscore his point, he indicates that non-Jews must either become full Jews by conversion and acceptance of all (not just selective) mitzvot; or they must stick to the seven mitzvot of the Noahides. When Rambam specifically elaborates the halakhot of conversion to Judaism, he does not use this formulation. The fact that he pointedly does not say "accept all the mitzvot" in the laws of conversion is significant. As we have seen, he makes unequivocal rulings accepting the validity of conversions that were much lacking in the proselyte's "acceptance of all the mitzvot".

When the halakha requires "*kabbalat ha-mitzvot*", what exactly does this mean? Rabbi Ben Porat, following the view of Rabbi Schmelkes and others, believes that this means that the convert agrees to observe all the mitzvot upon conversion; lacking this commitment, the conversion is not valid. It follows that no *beth din* should convert an individual unless it is very certain that the would-

be proselyte is thoroughly taught all the mitzvot and that he/she fully intends to observe them. This view is not supported by the classic halakhic sources. Rather, these sources instruct us to inform would-be proselytes of some of the minor and some of the major mitzvot—not all of them. The Talmud, *Shabbat* 31a, speaks of a convert who did not even know the laws of Shabbat, and yet was considered a valid convert.

It would appear from the *Talmud*, *Rambam*, *Shulhan Arukh* and many *posekim*, that *kabbalat ha-mitzvot* entails a general acceptance on the part of the convert to come under the laws of Judaism. If a would-be convert says: I do not believe that God gave the Torah and mitzvot, then he/she is to be rejected. But if he/she says: I accept that God gave us the Torah and mitzvot, then this constitutes acceptance of mitzvot—even if the would-be proselyte does not know all the mitzvot, and even if there is likelihood that he/she will not observe all the mitzvot. This view is in consonance with the classic (pre-19<sup>th</sup> century) halakhic sources and has been upheld by modern *posekim* as well, as I pointed out in my article. When I referred to the opinion of Rabbi Chaim Ozer Grodzenski, I referred specifically to his statement: “but one who accepts upon himself all the mitzvot, but has in mind to violate them for his own pleasure (*la-avor le-tei-avor*), this does not constitute a lack in the law of *kabbalat ha-mitzvot*” (*Abiezer*, vol. 3, no. 26, sec. 4). While Rabbi Grodzenski surely preferred that converts know and observe all mitzvot, he presented a framework for validating the “*kabbalat ha-mitzvot*” of one who intended not to observe all the mitzvot.

We may all agree that it would be ideal for converts to come to Judaism with pure spiritual motives and with total commitment to keep all the mitzvot. But we do not live in an ideal world. Thousands of potential converts want to become Jewish in order to marry Jewish spouses; or in order to become part of the Jewish people in Israel; or in order to reclaim their own Jewish roots i.e., they have Jewish ancestry but are not halakhically Jewish. At a time when the Orthodox rabbinate should be leading the way in helping such individuals enter the Jewish fold and create Jewish families, the Orthodox establishment has been moving in the opposite direction. It has created ever more bureaucratic procedures and has adopted ever more stringencies not required by halakha. It has confused what the halakha *prefers* with what the halakha *allows*. At this critical juncture, we should be striving to offer great and meaningful halakhic leadership

with a full halakhic toolbox; we should not bind ourselves to latter day stringencies and interpretations that cause so much grief and suffering to so many would-be converts and their loved ones.

Rabbi Ben Porat complains about a rabbi who has “processed thousands of converts,” the vast majority of whom have “nothing to do with any type of observance of mitzvot.” I do not know of such an Orthodox rabbi, and have no way of evaluating the religious level of converts he may have “processed.” Rabbi Ben Porat assures us, though, that “this does not bring any *nachat* to Hashem or to *Klal Yisrael*.” I am not sure how Rabbi Ben Porat knows with certainty what brings *nachat* to Hashem. I am also not sure how he can speak with certainty about what brings *nachat* to *Klal Yisrael*. While I offer no defense for the rabbi accused by Rabbi Ben Porat, I do suggest that the opposite extreme—that of turning away converts and making it very difficult to be accepted as a convert—is halakhically and morally repugnant. The midrashic account of Timna tells us that she was turned away by our Avot, and this led to her later giving birth to Amalek. This is a midrashic reminder that turning away potential converts may also carry very negative consequences which bring no *nachat* to Hashem or *Klal Yisrael*.

I have received numerous calls, emails and letters from would-be converts who have described the indignities they have suffered during their conversion processes. Conversions have been delayed; more and more *humrot* have been added; conversions have been denied or postponed for reasons not mandated by halakha; batei din have behaved with callousness. The cries of these would-be converts are a bitter indictment of the current policies of the Orthodox rabbinic establishment. It is hard to imagine that these cries bring *nachat* to Hashem or *Klal Yisrael*. Quite the contrary.

The *Talmud*, *Rambam* and *Shulhan Arukh* could easily have said: conversions to Judaism are not valid unless the would-be proselyte comes with no ulterior motives, studies Judaism for years, accepts the obligation to fulfill all the mitzvot upon conversion; and that if such criteria are not met, then the conversion is not valid. The *Talmud*, *Rambam* and *Shulhan Arukh* did not say these things! Again, I ask readers not to take my word for this. Please go to *Yevamot* 47a-b; *Yevamot* 24b; *Shabbat* 31a; *Rambam*, *Issurei Biyah*, 13 and 14; *Shulhan Arukh* Y.D. 268. Please also reread my article which appeared in *Hakirah*, vol. 7, winter 2009, and look up the references I cited of

modern *posekim* who offer an intellectually compelling, compassionate and inclusive approach to conversion.

Let me close this response with lines from my article: “Halakhic Judaism should not be constricted to only one halakhic view, and certainly not to the most rigid and restrictive view... At this period of historic challenge, the Orthodox rabbinate can either rise to greatness or shrink into self-righteous isolationism. Thus far, the rabbinic/beth din establishment has chosen the latter course. It is not too late to turn things around. The honor of God, Torah, and the Jewish people are at stake.” 