

What Does It Take to Become a Jew? - The Conversion Controversy in Modern Jewish Law – Lesson 1

“The essential ingredients for a successful conversion”
What are the basic legal requirements of a Halachic Jewish conversion?

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In this first lesson, I want to lay out the basic elements for what is presumed normative in the process of a non-Jew becoming a Jew so that we have working definitions upon which we can base our future discussions. Later on, we will go into the development of these basic assumptions and the later debate concerning them.

There are three components in the process of conversion known in Hebrew as גיור:

1. The act of conversion;
2. The acceptance of the yoke of the commandments;
3. A בית דין or court is responsible for accepting the גר or convert into the covenant.

Normatively, the absence of any one of these three elements would invalidate a conversion.

1. The act of conversion

The formative source for what constitutes the act of conversion seems to have been a baraita (a teaching from the period of the Mishnah) found in the Talmud (Keritot 9a) in an interpretation of the verse: “And the rest of the congregation, there shall be one law for you and for the stranger (ככם נגר), it shall be a law (משפט) for you and for all time throughout the ages” (Numbers 15:16):

רבי אומר: 'ככם' - כאבותיכם, מה אבותיכם לא נכנסו לברית אלא במילה וטבילה והרצאת דם, אף הם לא יכנסו לברית אלא במילה וטבילה והרצאת דמים,

Rabbi says: ‘For you’ means as your forefathers: As your forefathers entered into the covenant only by circumcision, immersion and the sprinkling of the blood, so shall they (the stranger) enter the Covenant only by circumcision, immersion and the sprinkling of the blood.”

The sages assumed that entrance into the covenant with God required certain acts. This source is understood to require circumcision and immersion in a mikveh (a halachically acceptable body of water). (In Temple times, it required bringing a sacrifice as well.) Elsewhere in the Talmud (Yevamot 46a), there is a discussion over whether both circumcision and immersion are necessary. Ultimately, the tradition required both for a man and immersion alone for a woman.

חכמים אומרים: טבל ולא מל, מל ולא טבל, אין גר עד שימול ויטבול

The sages say: immerse without circumcision, circumcise without immersion; one is not a convert until he circumcises and immerses.

Questions for Consideration

- The Talmudic source from Keritot is taken as a reference to the experience at Mount Sinai. What does it imply about what happened at Sinai?
- What does that imply regarding the act of conversion?

2. The acceptance of the yoke of the commandments

The second component in the process of conversion involves the candidate's acceptance of the yoke of observing the commandments. This requirement is learned in a baraita found in the Talmud as well (Yevamot 57a-b):

תנו רבנן: גר שבא להתגייר בזמן הזה, אומרים לו: מה ראית שבאת להתגייר? אי אתה יודע שישראל בזמן הזה דוויים, דחופים, סחופים ומטרפין, ויסורין באין עליהם? אם אומר: יודע אני ואיני כדאי, מקבלין אותו מיד. ומודיעין אותו מקצת מצות קלות ומקצת מצות חמורות, ומודיעין אותו עון לקט שכחה ופאה ומעשר עני. ומודיעין אותו ענשן של מצות, אומרים לו: הוי יודע, שעד שלא באת למדה זו, אכלת חלב אי אתה ענוש כרת, חללת שבת אי אתה ענוש סקילה, ועכשיו, אכלת חלב ענוש כרת, חללת שבת ענוש סקילה. וכשם שמודיעין אותו ענשן של מצות, כך מודיעין אותו מתן שכרן, אומרים לו: הוי יודע, שהעולם הבא אינו עשוי אלא לצדיקים, וישראל בזמן הזה - אינם יכולים לא רוב טובה ולא רוב פורענות. ואין מרבין עליו, ואין מדקדקין עליו. קיבל, מלין אותו מיד. נשתירו בו ציצין המעכבין את המילה, חוזרים ומלין אותו שניה. נתרפא, מטבילין אותו מיד; ושני ת"ח עומדים על גביו, ומודיעין אותו מקצת מצות קלות ומקצת מצות חמורות; טבל ועלה - הרי הוא כישראל לכל דבריו. אשה, נשים מושיבות אותה במים עד צוארה, ושני ת"ח עומדים לה מבחוץ, ומודיעין אותה מקצת מצות קלות ומקצת מצות חמורות.

Our Rabbis taught: If at the present time a man desires to become a proselyte, he is to be addressed as follows: 'What reason have you for desiring to become a proselyte; do you not know that Israel at the present time are persecuted and oppressed, despised, harassed and overcome by afflictions'? If he replies, 'I know and yet am unworthy', he is accepted forthwith, and is given instruction in some of the minor and some of the major commandments. He is informed of the sin [of the neglect of the commandments of] Gleanings, the Sheaf, the Corner and the Poor Man's Tithe. He is also told of the punishment for the transgression of the commandments. Furthermore, he is addressed thus: 'Be it known to you that before you came to this condition, if you had eaten suet you would not have been punishable with *karet*, if you had profaned the Sabbath you would not have been punishable with stoning; but now were you to eat suet you would be punished with *karet*; were you to profane the Sabbath you would be punished with stoning'. And as he is informed of the punishment for the transgression of the commandments, so is he informed of the reward granted for their fulfillment. He

is told, 'Be it known to you that the world to come was made only for the righteous, and that Israel at the present time are unable to bear either too much prosperity. or too much suffering'. He is not, however, to be persuaded or dissuaded too much. If he accepted, he is circumcised forthwith. Should any shreds which render the circumcision invalid remain, he is to be circumcised a second time. As soon as he is healed arrangements are made for his immediate immersion, when two learned men must stand by his side and acquaint him with some of the minor commandments and with some of the major ones. When he comes up after his ablution he is deemed to be an Israelite in all respects.

In the case of a woman proselyte, women make her sit in the water up to her neck, while two learned men stand outside and give her instruction in some of the minor commandments and some of the major ones.

In this lengthy source describing the conversion process, what interests us at the moment is a single word: “קיבל – if he accepted”. After being informed about the commandments, the candidate for conversion accepts. Our assumption here is that what he accepts is the obligation to observe the commandments. The very fact that the words used to express this obligation are vague lends itself to further discussion.

There is, however, a more explicit source expressing this attitude found in a baraita elsewhere in the Talmud (Bekhorot 30b):

גוי שבא לקבל דברי תורה חוץ מדבר אחד - אין מקבלין אותו, ר' יוסי בר' יהודה אומר: אפי' דקדוק אחד מדברי סופרים.

If a heathen is prepared to accept the Torah except one religious law, we must not receive him [as a Jew]. R. Jose son of R. Judah says: Even [if the exception be] a detail of a rabbinic enactment.

Questions to Consider

- From the context of the first what paragraph, what are your presumptions about the obligation of the convert.
- What are your presumptions about the educational obligations of the court?
- Compare those presumptions with those of the second source.

3. A בית דין or court is required for the acceptance of the convert into the covenant

The acceptance of a convert is a court procedure which requires a בית דין of three. This requirement is expressed in a meimra (a teaching from the period of the Talmud) (Yevamot 46b):

אמר רבי חייא בר אבא אמר רבי יוחנן: גר צריך ג', משפט (במדבר טו, טז) כתיב ביה.

Said Rabbi Hiyya bar Abba said Rabbi Yochanan: a convert needs three - "it shall be a law" (Numbers 15:16) is written.

Rabbi Yochanan learns from the fact that the verse from Numbers quoted above uses the word "משפט" that a conversion should be conducted as a court procedure. What exactly is the role of the בית דין is in this procedure.

Questions to Consider

- Does the court act as witnesses or is its function more active? (Hint: Consider the source from the previous section in your answer.)

The interplay of these three requirements and how they work themselves out on a practical level will be the focus of our discussion in almost all of the issues we will discuss together in this course. In order to facilitate knowledge of these principles, I present them as Maimonides has formulated them as a review (Mishnah Torah Laws of Sexual Prohibitions 13:1-6):

הלכה א
בשלשה דברים נכנסו ישראל לברית במילה וטבילה וקרבתן.

Through three things Israel entered into the covenant: Circumcision, ritual immersion and a sacrifice.

הלכה ב
מילה היתה במצרים שנאמר וכל ערל לא יאכל בו, מל אותם משה רבינו שכולם ביטלו ברית מילה במצרים חוץ משבט לוי ועל זה נאמר ובריתך ינצורו.

There was circumcision in Egypt, as it was said: And those who were not circumcised shall not eat of it (the Passover sacrifice). Moses, our rabbi, circumcised them, for circumcision was ignored in Egypt except for among the Levite tribe, and regarding this it was said: and your covenant they preserved.

הלכה ג
וטבילה היתה במדבר קודם מתן תורה שנאמר וקדשתם היום ומחר וכבסו שמלותם, וקרבתן שנאמר וישלח את נערי בני ישראל ויעלו עולות ע"י כל ישראל הקריבום.

And there was ritual immersion in the desert prior to the giving of the Torah, as it said: And you shall sanctify yourselves today and tomorrow and wash your garments. And sacrifices [as well], as it said: And he sent the youths of the children of Israel and they offered offerings for all of Israel they sacrificed them.

הלכה ד

וכן לדורות כשירצה העכו"ם להכנס לברית ולהסתופף תחת כנפי השכינה ויקבל עליו עול תורה צריך מילה וטבילה והרצאת קרבן, ואם נקבה היא טבילה וקרבן שנאמר ככם כגר, מה אתם במילה וטבילה והרצאת קרבן אף הגר לדורות במילה וטבילה והרצאת קרבן.

And so too for the generations, when a non-Jew wants to enter into the covenant and to take refuge under the wings of God's presence and receive upon himself the yoke of the Torah, he needs circumcision, ritual immersion and the offering of a sacrifice. And if a female, she [requires] ritual immersion and a sacrifice, as it says: for you and for the stranger'; just as you required circumcision, and ritual immersion and a sacrificial offering, so, too the convert for all generations with circumcision, ritual immersion and the offering of a sacrifice.

הלכה ה

ומהו קרבן הגר עולת בהמה או שתי תורים או שני בני יונה ושניהם עולה, ובזמן הזה שאין שם קרבן צריך מילה וטבילה וכשיבנה בית המקדש יביא קרבן.

And what is the offering of the convert? – a bull offering or two pigeons or two doves, both of them total offerings. And in these times where there are no sacrifices, one requires circumcision, ritual sacrifice and when the Temple will be rebuilt, he will bring a sacrifice.

הלכה ו

גר שמל ולא טבל או טבל ולא מל אינו גר עד שימול ויטבול, וצריך לטבול בפני שלשה והואיל והדבר צריך ב"ד אין מטבילין אותו בשבת ולא בי"ט ולא בלילה ואם הטבילוהו ה"ז גר.

A convert who is circumcised but without ritual immersion or had ritual immersion without circumcision is not a convert until he has both circumcision and ritual immersion. The ritual immersion must be performed before three. And since it required a court, one does not convert on Shabbat, nor on a festival and not at night. But if they immersed him, he is a convert.