

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

Lesson 4

Acceptance of the Commandments as an Obligation for Conversion

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In the first lesson, we noted the three requisite conditions for conversion. This week we will deal with the necessity for the convert to “accept” upon him or herself “עול מצוות – the yoke of the commandments”. What are the parameters of this obligation? Since we refer here to acceptance of physical obligations, what does this requirement infer about “faith” obligations? Similarly acceptance of these obligations does not, in and of itself, enact conversion. Certain concrete external acts, namely, circumcision and immersion are still required along with the internal commitment to observance of the commandments. So then what is the significance of this requirement?

Centrality of “acceptance of the commandments?”

In our first lesson we noted a source in the Talmud (Yevamot 47b) where we learned that if the גר accepts upon himself or herself the obligation to observe the commandments, we immediately circumcise and immerse him. From this law, one can infer that verbal acknowledgement reveals the will of the convert. Still, we must distinguish between verbal admission and the actual substance of acceptance which we say figuratively occurs in the heart. Verbal acceptance is supposed to reveal the inner workings of the person’s will.

How integral is acceptance of the commandments? Is it one of three elements together with circumcision and mikveh or does it have primacy with the other elements merely external elements of the process?

This question is taken by the Tosafot (Yevamot 45b d”h mi):

האי דבעינן שלשה היינו לקבלת המצות אבל לא לטבילה אף על גב דאמרינן לקמן (דף מז: :) דשני ת”ח
עומדים מבחוץ היינו לכתחלה דעדיף טפי

The reason we have three judges on a beit din is for the purpose of accepting the commandments and not for ritual immersion even though we say two sages should be outside the mikveh for the immersion – this refers to לכתחילה (before the fact) is preferred.

Similarly, one cannot be coopted to convert. In a case brought before Rabbi Shlomo ben Aderet (Rashba Spain 13th century), he was asked if someone could coopt an acquaintances Moslem slave and convert him: He answered:

ומכל מקום לענין מה ששאלת אם גיירוהו בעל כרחו אינו גר כלל אם הוא גדול. ואין מגיירין אותו עד שמודיעין אותו מקצת מצות קלות וחמורות וצריך שיקבל.

In any case regarding that which you asked if they converted someone against his will, if he is an adult, he is not a convert at all. One cannot convert a person until they have informed him of some of the commandments, light and heavy and he needs to accept.

Question to Consider

1. From the above sources, the acceptance of the commandments is taken to be an assertion of faith. Do you agree with this statement? What is the implied message?

The Process of Commitment

Now, let's take a closer look at the passage from the Talmud which describes the process of a convert's committing him or herself to the commandments which we discussed briefly in the first lesson. Here we find the "choreography" of the conversion process (Yevamot 47a-b):

תנו רבנן: גר שבא להתגייר בזמן הזה, אומרים לו: מה ראית שבאת להתגייר? אי אתה יודע שישראל בזמן הזה דוויים, דחופים, סחופים ומטורפין, 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. נשתיירו 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.

When we examine this passage closely, we first note that the candidate for conversion is asked regarding his or her motivation for conversion. The convert is reminded of the implications of joining a persecuted people. Here we find the first inkling that conversion implies joining a people as well as a religious tradition. Once this process is completed, a process of education begins. The convert is taught some minor and major precepts and is warned of the responsibilities and liabilities for their observance. The educational process is not overly comprehensive and the passage also makes a point that it is not the place of those involved to be overly suggestive in the process.

It is important to note that the educational process is necessary because the potential convert is entering into responsibilities which they did not previously have. In order for him or her to properly accept these responsibilities they must be aware of them. Otherwise the acceptance would be under false pretenses and would potentially be invalid.

After this brief educational process, this baraita indicates that the convert accepts (קבל). The assumption is that he or she accepted upon him or herself the observance of the commandments. The ritual requirements are met and then the educational process continues again, in all of the mikvah. Why? Presumably, it is because that is the final element of acceptance of the covenant.

What is the relationship between informing the convert and the convert's acceptance of the mitzvot?

To answer this question, let's take a look at what the Rambam (Maimonides) has to say (Mishnah Torah Issorei Biah 13:7):

גר שלא בדקו אחריו או שלא הודיעוהו המצות ועונשן ומל וטבל יצא מכלל הגוים.

A convert whom they did not examine or did not inform of the commandments and their punishments and was circumcised and immersed, he has left the category of non-Jew.

Questions to Consider

1. What can we infer from this passage regarding the relationship between educational process and acceptance of the commandments?
2. Are both absolutely required? Is one? Are neither?

Here is how Rambam's codification plays out when Rabbi Joseph Karo codifies it in the Shulchan Aruch (Yoreh Deah 368:12):

כג כו] כשיבא הגר להתגייר, בודקים אחריו שמא בגלל ממון שיטול או בשביל שררה שיזכה לה או מפני הפחד בא ליכנס לדת. כז] ואם איש הוא, בודקין אחריו שמא עיניו נתן באשה יהודית. ואם אשה היא, בודקין אחריה שמא עיניה נתנה בבחורי ישראל, ואם לא נמצאת להם עילה מודיעים להם כובד עול התורה וטורח שיש בעשייתה על עמי הארצות, כדי שיפרשו. אם קיבלו ולא פירשו, וראו אותם שחזרו מאהבה, מקבלים אותם. ואם לא בדקו אחריו, (ט) או שלא הודיעוהו שכר המצות ועונשן, ומל וטבל בפני ג' הדיוטות, ה"ז גר אפי' נודע שבשביל דבר הוא מתגייר, הואיל ומל וטבל יצא מכלל העובדי כוכבים, וחוששים לו עד שתתברר צדקתו; כח] ואפילו <טז> חזר ועבד עבודת כוכבים, הרי הוא כט] כישראל מומר שקדושיו קדושין.

When a convert comes to convert, they check him lest it is on account of money that he will take or for position that he will merit or out of fear that he came to Judaism (dat). And if he is a man, they check him lest he has cast his eyes upon a Jewish woman. And if she is a woman, they check lest she has cast her eyes upon a Jewish man, and there is not found a pretext, they inform them of the heavy burden of the Torah and the toil in doing it for the folk, so that they might leave. If they accept and do not leave, and they see that they have returned out of love. They accept them. And if they did not check after them, or they did not inform them of the reward of the commandments and their punishment, and circumcised and immersed before three common people, behold he is a convert, even if it becomes known that he converted for some motive, since one who has become circumcised and immersed has left the category of non-Jew, behold he is like a Jewish apostate whose marriage is considered a Jewish marriage.

Questions to Consider

1. How did this passage understand what Rambam said?
2. What is the bottom line regarding be informed?
3. What is the bottom line regarding acceptance of the commandments?

Acceptance of the Commandments

Our discussion then becomes: What exactly is meant by “קבל – accept”? For the halachic (Jewish legal discussions), the question is phrased this way: what happens if a person only accepts the commandments partially?

The answer to this question has come to focus on a baraita in Tractate Bechorot (30b):

גוי שבא לקבל דברי תורה חוץ מדבר אחד אין מדבלים אותו. ר' יוסי בר' יהודה אומר: אפילו דקדוק אחד מדברי סופרים.

A non-Jew who comes to accept the words of Torah except for one thing – one does not accept him. Rabbi Yosi bar Yehudah says: even one detail from the words of the Sages.

From this passage, one could conclude that there is no such thing as “half” conversion – there must be commitment to the whole package, namely, the commandments. One should note that this statement is not codified in the Shulchan Aruch but it does establish a legal “atmosphere” which has become relatively significance in the last couple hundred years.

How exactly would this concern play itself out? Is the concern theological, namely, that the convert accept God as the commander of all of the commandments? Is it normative – that the convert be an observant Jew? Is the expectation that the convert accept the package but if they fall short on some observance or another, it is not problematic?

There are a number of different voices on this issue. One was an important Lithuanian sage who perished in the Shoah, Rabbi Hayim Ozer Grodzinsky (Ahiezer 3:26)

נראה דדין זה דנכרי שבא להתגייר ולקבל עליו כל המצות חוץ מדקדוק אחד מד"ס דאין מקבלין אותו, היינו במתנה שלא לקבל ושיהי' מותר לו דבר זה מן הדין, בזה אין מקבלים אותו דאין שיור ותנאי בגירות ואין גירות לחצאין, אבל במי שמקבל עליו כל המצות, רק שבדעתו לעבור לתיאבון אין זה חסרון בדין קבלת המצות.

It would see that where a non-Jew comes to convert and accept upon himself all of the commandments except for one detail from the sages that they should not accept him, that is, where he makes a condition not to accept and it should be legally permitted to him, for this they should not accept him for there are no conditions on conversion nor half conversions, but if accepts all of the commandments but he has in mind to transgress on account of appetite (lack of self-control), this is not considered a flaw in the acceptance of the commandments.

I also want to bring here a teshuva from Rav Moshe Feinstein, the famous American posek. Generally, Rav Moshe is known to have been quite strict on the question of conversion, particularly in cases where the acceptance of the commandments did not seem to be indicated. In his opinion, someone who came to convert was obligated to accept the commandments. He is well known to hold that even בדיעבד – after that fact, if there was an indication that the person did not accept the commandments, the conversion would be invalidated. He did not accept the lenient outlook of the Ahiezer.

To end this lesson, I will present a case that came before him to let you ponder how he ruled. Let's see if you can build his case:

A woman converted for the sake of Heaven. Through the years she was very careful in her observance. It came to light that before her conversion, a friend of hers told her that if she observed Shabbat and Yom Tov after her conversion, her boss would fire her. Out of fear, she thought in her heart during the conversion while accepting the commandments that during the last days of the approaching Pesach, she would go into work and do things which were not "melacha" (Shabbat prohibited work). This she did after her conversion. She took tokens, rode the subway to work but did no writing in the offer. Ever year after that, she regretted her action.

How would you deal with this question? Let's hear your solutions. And next week, we will see how Rav Moshe answered.