

Lesson 4 – Some Concluding Remarks

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And now the solution to the question posed to Rav Moshe Feinstein. Remember that Rav Moshe is generally strict about the question of someone accepting the commandments only partially based on the Talmud passage in Bechorot. In our case, it would seem that even though the woman was pious, still, in the process of converting, she planned not to observe the festival, something that would seemingly invalidate her conversion.

Rav Moshe, however, found grounds to validate her conversion. He found four reasons justifications for his decision, each one insufficient for his decision but together seemingly enough for him: 1. A person is not trustworthy to offer testimony against themselves; 2. Thoughts of the heart have no substance therefore her testimony before the court cannot be invalidated; 3. Acceptance of the commandments where the candidate admits that they are not sure that under duress they will not transgress is acceptance of the commandments; 4. This would also include financial duress.

Rav Moshe had reservations about these last two justifications but was willing to accept them along with two in large part because the woman's piety ultimately was proven out. In other words, his "hidush" or new nuance was that he was willing to distinguish between sin of intentional disloyalty (להכעיס) and sins on account of things like poverty and livelihood.

He further justified his opinion on the basis of a statement made by Rambam in his code (Mishnah Torah Law of Forbidden Relations 13:9):

ג'ורת שראינה נוהגת בדרכי ישראל תמיד כגון שתטבול לנדתה ותפריש תרומה מעיסתה וכיוצא בזה, וכן גר שנוהג בדרכי ישראל שטובל לקריו ועושה כל המצות הרי אלו בחזקת גרי צדק, ואף על פי שאין שם עדים שמעידין לפני מי שנתגירו, ואף על פי כן אם באו להתערב בישראל אין משיאין אותם עד שיביאו עדים או עד שיטבלו בפנינו הואיל והוחזקו עכו"ם.

A convert whom we see that she conducts herself in the ways of the Jews always...., and a male convert does the same, they are under the presumption of being righteous converts even though there are no witnesses to testify before who he (or she) converted.

Rav Moshe's new insight into this passage is that one's behavior after the conversion is indicative of having accepted the commandments beforehand. This teshuva contrasted with his regular point of view on this subject. This again is an instance of a posek seeing things on a case by case basis. In this case he saw the woman and her consequent behavior as reason as a reason to build a case in her favor. He did, however, have reservations which he voiced but commented that there was adequate reason to overcome them. We also want to note that this teshuva and few other similar teshuvot on his part were

not לכתחילה – before the fact decisions; rather they were בדיעבד – after the fact acceptance of seemingly flawed conversions.

For Rav Moshe, קבלת מצוות - the acceptance of the commandments was critical to the conversion and the acceptance of the commandments meant all of the commandments as a package.

We will see in the classes that follow that there were other poskim whose criterion differed from his.