

AUTHOR

Master's [] Prize Essay []

1. May circulate [✓]

2. Is restricted [] for _____ years.) thesis

3. The Library may sell photocopies of my thesis.

Signature of Author

Microfilmed _____
Date _____

Signature of Library Staff Member

**An Analysis of Modern Responsa on the
Question of Proper Motivations for Conversion**

Mark Bryan Goldfarb

Thesis submitted in partial fulfillment
of the requirements for Ordination.

Hebrew Union College-Jewish Institute of Religion

1991

Referee, Dr. Mark Washofsky

To my family:

*To my parents, whose love and guidance has helped me on
this journey. To my sisters, for all their love.*

*To Deborah, whose love and support has enabled me to
realize this dream.*

*To Arielle and Benjamin, who shared their "daddy" with
this work --*

"May you see your world in your lifetime!"

[Berachot 17a]

To Mark Washofsky:

Who with patience and humor taught me to swim in the Sea of Halakha.

CONTENTS

Digest	i
Chapter 1	
Introduction	1
Chapter 2: Analysis of Talmudic Discussion	
Yevamot 24b.	6
Yevamot 76a	12
Shabbat 31a	13
Menachot 44a	13
Yevamot 47a	14
Yevamot 47b	17
Masekhet Gerim	21
Chapter 3: Analysis of Relevant Commentators	
Hagahot Mordekhai	23
Rabenu Asher	26
Rabbi Samuel Eliezer ben Edels	28
Chapter 4: Analysis of Compendia Literature	
Halakhot of Alfasi	29
RAMBAM, <i>Hilkhot Issurei Bi'ah</i> 13	31
<i>Hilkhot Issurei Bi'ah</i> 14	36
Jacob ben Asher, <i>Arba'ah Turim</i>	39
Joseph Caro, <i>Shulchan Arukh</i>	44
Chapter 5: Analysis of Strict Poskim	
Rabbi Solomon ben Aderet	51
Rabbi Jacob Ettlinger, <i>Binyan Zion</i>	52
Rabbi Isaac Bamberger, <i>Yad Halevi</i>	53
Rav Kook, <i>Da'at Kohen</i>	55
Rabbi Mordekhai Breisch, <i>Chelkat Ya'akov</i>	58
Rabbi Moses Feinstein, <i>Igrot Moshe</i>	61
Chapter 6: Analysis of Lenient Poskim	
Rabbi Solomon Kluger, <i>Tuv Ta'am Veda'at</i>	66
Rabbi David Hoffman, <i>Melamed Lehoel</i> No. 83	69
<i>Melamed Lehoel</i> No. 85	71
Rabbi Eliyahu Hazzan, <i>Ta'alumot Lev</i>	73
Maimonides, <i>Pe'r Hador</i>	75
Rabbi Solomon Tabak, <i>Teshurat Shay</i>	76
Rabbi Yehuda Lev Tzirelson, <i>'Atzei Halbanon</i>	78
Rabbi Menachem Kirschbaum, <i>Menachem Meshiv</i>	81
Rabbi Chayim Grodzinski, <i>Achiezer</i> No. 26	84
<i>Achiezer</i> No. 27	91
Rabbi Ouziel, <i>Piskei Ouziel</i> No. 59	93
<i>Piskei Ouziel</i> No. 61	97
<i>Mishpetai Ouziel</i> No. 20	98
Rabbi Yechiel Weinberg, <i>Seridei Eish</i>	103
Rabbi Yitzchak Herzog, <i>Heichal Yitzchak</i>	106
Chapter 7: Conclusion	
<i>Machmirim</i>	113
<i>Meikeilim</i>	115
Bibliography	121

DIGEST

This work examines the classic *halakhic* literature as well as modern responsa to investigate how the authorities grapple with the question of motivations for conversion. How do the modern authorities justify their decisions with respect to the *halakha* and to what extent, if any, do the phenomenon of intermarriage and the existence of alternatives (i.e. civil marriage, non-Orthodox conversion) influence their conclusions?

First, there is the need to demonstrate the historical developments with respect to the question of intent. The Talmudic sources which serve as the basis for later *halakhic* discussions are analyzed. Furthermore, the patterns of interpretation of these sources in the traditional commentary and novellae literature are explored.

Secondly, the *Alfas*, the *Mishneh Torah*, the *Arba'ah Turim*, and the *Shulkhan Arukh* are studied to reveal the accepted halakhic view of these sources and for the "law" concerning acceptable motivations for conversion.

Finally, the responsa literature of the modern era, i.e. last two centuries, are examined in order to determine how these *halakhic* sources are interpreted and applied to modern day cases.

This work demonstrates that amongst the modern day *poskim*, there are two schools of thought regarding how motivation for conversion is interpreted. There are those who are *machmir* in their application of the halakhic standards regarding proper motivation for conversion and thus reject for conversion those whose motivation is the least bit suspect. Others are *meikeil* and appear to accept for conversion those who are motivated for purely ulterior reasons.

In light of the apparent contradictory teachings of the Talmud regarding the role of motivations for conversion, both groups must support their position with respect to the *halakha*. This work explores their justifications and notes any similarities and differences.

Chapter 1

There are only two paths to becoming Jewish; one is by birth and the other is by conversion. Regarding the former, as long as at least one of the parents¹ is Jewish, the child is considered Jewish. Whereas, regarding the latter, it is entirely the choice of the individual.

This does not mean to say that one path is held in higher regards than the other. The Jewish tradition recognizes that these two paths are equally legitimate -- this is evident in the Torah. Abraham, the first Jew, was himself a convert. In addition, the book of Ruth records her conversion to Judaism. Ruth, according to the Midrash, is the great-grandmother of King David. This helps to further support the idea that a convert to Judaism is equal to a born Jew.

The process by which Abraham and Ruth entered the faith of the Jewish people is much different than the one used today.

Originally, a proselyte did not have to undergo particular rites. That he had rejected idols and accepted the God of Israel as the God of the universe was sufficient. . . . To use a later rabbinic expression, -- one who denies idol worship recognizes the entire Torah.²

¹Traditionally it has been the mother which determined the religious status of the child. However, with the Reform Movement's patrilineal descent, religious status can be determined by the father.

²Solomón Zeitlin, "Proselytes and Proselytism During the Second Commonwealth and the Early Tannaitic Period," in Harry Austryn Wolfson: Jubilee Volume, English Section, Vol. 2 (Jerusalem: American Academy for Jewish Research, 1965), p. 875.

Indeed, during the times of the First Temple, there was no formal procedure for conversion.

Because Israel was conceived of as a land-related national entity, an informal system was sufficient.³

However, this informality would change during the rabbinic period.

Conversion, which developed during the biblical period as a religious act with political and social purposes, became a highly formalized and articulated ritual during the rabbinic period.⁴

As a result of this formalization, there were a number of requirements established which must be met in order to convert. Since the second commonwealth there were four requirements for conversion: 1) Acceptance of Torah; 2) Circumcision for males; 3) Ritual Immersion; 4) Sacrificial Offering.⁵ With the destruction of the Temple, the Sacrificial aspect was no longer required.

There are several reasons for a formalized conversion procedure. One such reason is related to issues of family purity.

The acceptance of converts . . . required a definite procedure. Such action was especially important in that there was a constant stress on the purity of the family.⁶

Another reason for a formalized procedure is to differentiate between authentic and inauthentic converts.

³Lawrence H. Schiffman, Who Was A Jew?: Rabbinic and Halakhic Perspectives on the Jewish - Christian Schism (New Jersey: KTAV Publishing House, Inc., 1985), p. 19. (Hereafter referred to as Schiffman.)

⁴Joseph R. Rosenbloom, Conversion to Judaism: From the Biblical Period to the Present (Cincinnati: Hebrew Union College Press, 1978), p. 35. (Hereafter referred to as Rosenbloom.)

⁵Schiffman, p. 16.

⁶Sidney B. Hoenig, "Conversion During the Talmudic Period," in Conversion to Judaism: A History and Analysis, edited by David Max Eichorn (United States: Ktav Publishing House, Inc., 1965), p. 45. (Hereafter referred to as Hoenig.)

To obviate the admission of uncommitted converts and those who were spies for Rome, a more rigorous procedure was instituted for questioning and training converts.⁷

Determining exactly why an individual came to convert was a matter of life and death for the Jews of this time. Spies for Rome, and other "enemies of Israel," would attempt to join the ranks of their enemies in order to destroy them. Others may have wished to convert in order to gain an advantage over their neighbors, be it financial or amorous, and so sought conversion to Judaism to achieve this goal. The Rabbis were thus in a precarious position.

The Rabbis, despite their eagerness for converts, recognized the danger of accepting candidates who were insincere and were prompted by ulterior motives.⁸

Throughout history, rabbis have dealt with the question of motivation for conversion -- was the conversion one "*L'shem Ishut*," in order to marry a Jew, or one "*L'shem Shamayim*," in order to be a Jew. The halakhic literature demonstrates that *lekhatilah*, one should be motivated to convert by only purely religious reasons, i.e. *L'shem Shamayim*.

It shall be demonstrated that within the halakhic literature, i.e. the Talmud, compendia literature, and responsa literature, the prospective convert's motivation is one of the key factors in determining the acceptance of that individual for conversion.

The difficulty arises when it is shown that the Talmud permits the conversion of individuals whose apparent motivation is not for the sake of Heaven. The *Rishonim*, the *Achronim*, and the *Poskim*, deal with this apparent discrepancy as they respond to the role of an individual's motivation for conversion.

⁷Rosenbloom, p. 43.

⁸Bernard J. Bamberger, Proselytism in the Talmudic Period (New York: Ktav Publishing House, Inc., 1968), p. 32.

The issue of determining proper motivation, has been further complicated by the advent of modernity, and emancipation. With the Jews now able to participate freely in the secular world, contact between Jews and non-Jews increased and took on a social aspect heretofore not present in their respective cultures. One of the results of this contact was that it was now possible, even acceptable, for Jews and non-Jews to intermarry.

This work examines the classic halakhic literature as well as modern responsa to investigate how the authorities grapple with the issue of the motivations behind conversions. How do the modern authorities justify their decisions with respect to the Halakha and to what extent, if any, do the phenomenon of intermarriage and the existence of alternatives (civil marriage, non-Orthodox conversion) influence their conclusions?

First, there is the need to demonstrate the historical developments with respect to the question of intent. The Talmudic sources which serve as the basis for later halakhic discussions will be analyzed. Furthermore, the patterns of interpretation of these sources in the traditional commentary and novellae literature will be explored.

Next, the compendia literature will be studied to reveal the accepted halakhic view of these sources and for the "Law" concerning acceptable motivations for conversion.

Finally, the responsa literature of the modern era, i.e. the last two centuries, will be examined in order to determine how the previously mentioned halakhic sources are interpreted and applied to modern day cases.

It will become apparent that there are two schools of thought regarding how motivation for conversion is to be understood. There are those who are *machmir* in their application of the halakhic standards regarding proper motivation for conver-

sion and will thus reject for conversion those whose motivation is the least bit suspect. Others are *meikeil* and appear to accept for conversion those who are motivated for purely ulterior reasons. Surprisingly, of the responsa studied, it is the latter of these schools of thought which represents the majority.

Those *poskim* who are *machmir* are at no more of an advantage or disadvantage than those who are *meikeil*. In light of the apparent contradictory teachings of the Talmud regarding the role of motivations for conversion, both groups need to defend their position in respect to the halakha.

It will become apparent that those *poskim* who are *meikeil* are so because they do not view the conversion as being *l'shem ishut*. Either living together before coming for conversion, or some other behavior of the individuals involved, has led the *posek* to conclude that the motivation for the conversion is not *l'shem ishut*.

In addition, there are those *poskim* who see more harm in rejecting such people for conversion than in accepting them. According to these *poskim*, there appears to be some extraneous benefit to converting the individual and, even more, there is more harm to be done by rejecting them.

Those *poskim* who are *machmir*, themselves, fall in two groups. On the one hand, there are those who are of the opinion that accepting people for conversion who are motivated by ulterior reasons, or at least whose motivations are suspect, causes more harm than rejecting them. The other group holds that these types of prospective converts should be rejected because they have not fulfilled the requirement of *kabbalat mitzvot*.

This having been said, the examination begins with an analysis of the Talmudic sources.

Chapter 2

This chapter begins with an examination of the Mishnah on *Yevamot* 24b.

MISHNAH: If a man is accused of [having sexual intercourse] . . . with a heathen woman who subsequently converts, he must not marry her. If, however, he did marry her, they need not be parted.¹

The Mishnah is here discussing the case of a Jewish man who is "accused" of having sexual relations with a gentile woman who later converts. Even though she has converted, he is not permitted to marry her. There would appear to be two possible reasons for this prohibition.

One such reason can be found in *Rashi's* commentary to this Mishnah. *Rashi* understands this prohibition in light of the slanderous gossip that would accompany such a marriage.² If the couple married, then the people would believe that the man had indeed had sexual relations with the woman. The man thereby becomes guilty of the crime, in the people's eyes, by marrying her -- whether he had sex with her or not. Furthermore, it would be expected that no marriage could ever occur between these two people because any subsequent marriage, following *Rashi's* understanding, would serve to validate the people's suspicions, i.e. that he had sex with her before she converted.

The other possible reason could be in connection with the conversion itself. It was after the sexual relation that she converted and it is therefore possible that her motivation to convert was so that she could marry the Jewish man. Her motivation thus being suspect, he is forbidden to marry her.

¹*Yevamot* 24b.

²*Rashi* on *Yevamot* 24b s.v. *Lo Yisaena*.

The last sentence of our Mishnah presented poses a challenge to both of the preceding theories. It states that if they have married, they are allowed to stay together. According to the first line of reasoning, this would be permitted because once the man marries the woman, the rumor is thereby proven true. The prohibition for them not to marry would therefore, no longer apply. According to the second line of reasoning, then their being allowed to remain married would imply an acceptance of her conversion as valid.

The Mishnah is operating on two different levels. One level is *lekhatchilah*, the woman has converted and the man is prohibited from marrying her for reasons yet to be explained. The other level, as exemplified by the final sentence in the Mishnah, is *bedi'avad* -- the man has already married the woman and the *beit din* does not separate the couple because the rumor has been proven true. It will be up to the *Gemara* to determine if the Mishnah is concerned with the marriage or the woman's conversion.

GEMARA: This implies that she may become a proper convert.³ But against this a contradiction is raised: A man who became a convert for the sake of a woman, and a woman who became a convert for the sake of a man, and similarly, a man who became a convert for the sake of a royal table⁴, or for the sake of joining Solomon's servants⁵, are not proper converts. These are the words of R'Nechemiah, for R'Nechemiah used to say: Neither lion-converts⁶ nor dream converts⁷ nor the converts of Mordekhai and Esther⁸ are proper converts.⁹

The *Gemara* has focused on the woman's conversion and has noted a contradiction between two sources. On the one hand there is the Mishnah which seems to permit a conversion which is based on ulterior motives. On the other hand, there is the *baraita* of Rabbi Nechemiah. According to Rabbi Nechemiah, those who are motivated to convert clearly for an ulterior reason are not to be accepted as converts. Whether it is for someone else, for something else, or because of something other than proper religious motivations, these types of people are not recognized as converts.

However, Rabbi Nechemiah's opinion is not the unanimous opinion. The Talmud continues:

³Even though her conversion was not for the "Sake of Heaven." *Rashi* understands this verse to mean: "Even though she did not convert for the sake of Judaism, but rather so that she could marry him."

⁴A person who may have converted because of the wealth, stability or other benefit of belonging to the Jewish kingdom.

⁵*Rashi* indicates that these converts would be in some position of power.

⁶*Rashi* informs us that these are the *Kutites* who were living in Samaria, who despised the Lord and so God sent lions after them to kill them. Their subsequent conversion is tainted.

⁷*Rashi* tells us that these are people who come to convert because in a dream they were told to convert.

⁸*Rashi* directs us to the Book of Esther, 8:17, where we read: "And many from among the peoples of the land became Jews; for the fear of the Jews was fallen upon them."

⁹*Yevamot* 24b.

Surely concerning this it was stated that R'Isaac ben Samuel ben Marta said in the name of Rav: "The *halakha* is in accordance with the opinion of him who maintained that they were all proper converts."¹⁰

It now appears, according to Rabbi Isaac's statement quoting Rav, that one's motivation does not affect the conversion. As far as the Halakha is concerned, regardless of the motivations behind the conversion, once an individual converts, they are considered proper converts.

However, the Talmud is not satisfied with Rabbi Isaac's statement, and so the *Gemara* continues:

If so, this should have been permitted altogether!¹¹

Following the second line of reasoning, namely that the Mishnah is here concerned with the status of the woman's conversion, if the teaching of Rav is the accepted one, then there is no reason for the man not to marry the woman. There must be another reason for this prohibition other than the woman's motivation for conversion. Indeed, it will become evident that the *Gemara* is not convinced that the Mishnah is here dealing with the issue of motivation for conversion. The *Gemara* continues:

On account of [the reason given by] R'Assi, for R'Assi said, "put away from you a forward mouth and perverse lips, etc."¹²

As was indicated above, following *Rashi's* understanding of the Mishnah, perhaps the man's prohibition of marrying the woman is based upon the people's reaction to the marriage. Certainly, Rav Assi is of the opinion that the people will believe the man guilty of having had sexual relations with this gentile woman and for that reason the marriage is prohibited. However, the *Tosafot* understand it this way:

¹⁰*Yevamot* 24b.

¹¹*Ibid.*

¹²*Ibid.* Rav Assi is here quoting Proverbs 4:24.

If you should say, granted, she is not a proper convert, this is satisfactory! For *lekhatilah* he may not marry because she is a dubious convert, for perhaps she converted for the sake of a man; and *bedi'avad*, one does not remove her for one is not strict on account of this suspicion.¹³

The *Tosafot* still view the conversion, and the woman's motivation as the central issue to the Mishnah. According to their explanation, the man is prohibited from marrying the woman *lekhatilah* because her conversion is suspect -- perhaps she has converted for ulterior reasons. *Bedi'avad*, they are allowed to remain married because the *beit din* is not so exacting as to separate them simply because her motivation for conversion is suspect. Here, the inherent dilemma in conversion is made clear -- how to determine one's motivations for conversion.

As further evidence that the *Tosafot* view the woman's conversion as the essential issue in the Mishnah, they bring the following to bear against Rav Assi's teaching:

Rabbi Yochanan said that when dealing with one accused [of having sexual relations] with a single woman, one is not strict [does not prohibit them] from marrying on account of "perverse lips," for as a matter of fact, the Mitzvah is for him to marry her . . . as it is written, "and she shall be his wife."¹⁴

The *Tosafot* are not convinced that the rumor and the man's presumed innocence as the central issue of the Mishnaic discussion. They demonstrate this by bringing in a biblical case where a man has had sexual relations with an unmarried woman and he is commanded to marry her. This proves, as far as the *Tosafot* are concerned, that there is no concern over what the people will say about sexual relation prior to the marriage.

With this in mind, it would appear that the Mishnah is dealing with issues of conversion. The *Tosafot* and Rabbi Nechemiah agree that the man may not marry

¹³*Tosafot* on *Yevamot* 24b s.v. *Ei Hakhi L'khatchila Nami*.

¹⁴The *Tosafot* bring into the discussion the verse from Deuteronomy 22:29. This verse teaches what is to happen to a young unbetrothed woman, who is a virgin, with whom a man has had sexual relations.

the woman for her conversion could be viewed as having taken place for ulterior reasons. However, if they are already married, the *Tosafot* are of the opinion that in a case of doubt, the couple is not separated. The teaching of Rav, as quoted by Rabbi Isaac, would consider her to be a convert in either case and would thus allow the couple to marry and remain married.

The *Gemara* continues with the discussion concerning converts and conversion:

Our Rabbis taught: No converts will be accepted in the days of the Messiah. In the same manner no converts were accepted in the days of David nor in the days of Solomon.¹⁵

This *baraita* is also found in *Avodah Zarah*, 3b. There, the Talmud concludes that these types of converts, those who convert during the days of the Messiah or during the times of David and Solomon, are called *gerim gerurim*. *Rashi* understands this to mean that even though they converted, "we do not accept them for it was on account of Israel's prestige [that they converted]."¹⁶ *Gerim gerurim* is also explained by George F. Moore as signifying "dragged in, and is applied to heathen[s] who Judaize in mass, as whole peoples, under the impulsion of fear, like the Gibeonites."¹⁷ Moore goes on to say that:

The rule finally established was that, although they did not accept Judaism for God's sake, they are legally proselytes, and to be protected in their rights as such.¹⁸

Again the difficulty in determining motivation for conversion is made manifest. Even though these *gerim gerurim* converted for ulterior motives, they are nonetheless recognized as converts and afforded legal identity as such. Because of

¹⁵*Yevamot* 24b.

¹⁶*Rashi* on *Avodah Zarah* 3b, s.v. *gerim gerurim*.

¹⁷George F. Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim*, Vol. 1 (Cambridge: Harvard University Press, 1970), p. 337.

¹⁸*Ibid.*, p. 338.

their ulterior motives, there is an implied lower status to these types of converts, but they are still recognized as converts. The *Tosafot* on *Yevamot* 24b continue with other examples of *gerim gerurim* by bringing a *baraita* from *Yevamot* 79a. The *Tosafot* state:

There is a story that during David's time, 150 thousand converts were added to Israel. And it should be said that they converted by themselves as was found concerning Mordekhai and Esther: "And many of the people of the land became Jews [out of fear]." And there are books that have recorded in them that they did not accept converts neither in the days of David nor in the days of Solomon but what they were doing was making (accepting) *gerim gerurim*.¹⁹

The *Tosafot* find a discrepancy between this *baraita* on 24b and the story about David that follows. On the one hand, the *baraita* states that no converts were accepted during the days of David and Solomon, and yet clearly there were converts who joined the people of Israel during the time of David. How are these two contradicting statements to be resolved? By classifying those who converted during the days of David as *gerim gerurim* -- those who convert to Judaism on their own volition, for less than ideal, religious reasons.

It would therefore appear that *lekhatilah*, no converts were accepted during the days of David. However, *bedi'avad*, there were those who did convert and they are called *gerim gerurim*.

The *Tosafot* continue with an incident described in a *baraita* on *Yevamot* 76a where Solomon married Pharaoh's daughter.

The Talmud questions how it was possible for Pharaoh's daughter to convert if "they did not accept converts during the days of David nor in the days of Solomon?"²⁰ The reason for this prohibition, according to the *baraita* on *Yevamot* 76a, is that converts during this time were so motivated only because of the king's

¹⁹*Tosafot* on *Yevamot* 24b s.v. "Not during the days of David nor during the days of Solomon."

²⁰*Yevamot* 24b.

riches; they were converting during a time of prosperity in the land of Israel. The *Gemara* reasoned that since the woman is a daughter of Pharaoh, she would not need these extra riches and would therefore be suitable for conversion.²¹ Since the motivation for the conversion of Pharaoh's daughter is not for riches, she must have become Jewish out of sincere religious motivations, i.e. *l'shem shamayim*.

The Tosafot on *Yevamot* 24b continue to explore motivations for conversion and refer to a peculiar happening with Hillel.

A gentile was passing behind the Beit Midrash and he heard the voice of the scribe saying: "And these clothes that you will make are the breastplate and the *ephod*." [Ezekiel 28:4] He [the gentile] said: "For whom are these?" They said to him: "For the High Priest." The gentile then said to himself: "I will go and convert so that I can be the High Priest." He came before Shamai and said to him: "Convert me so that I may be the High Priest!" He (Shamai) pushed him away with a builders cubit which was in his hand. He came before Hillel [who] converted him.²²

The gentile's motivation is clearly evident -- he wants to be a High Priest. His desire to convert is motivated by the material advantages associated with that position. Shamai refuses him because of the gentile's blatant ulterior motivation. But Hillel accepts him and converts him, which is most problematic: It would appear that Hillel is not concerned with the gentile's motivation for conversion and, even more, Hillel appears to ignore this individual's clearly stated ulterior motive.

Rashi, on *Shabbat* 31a, indicates that this is not totally the case. Hillel was sure that after this gentile studied the Torah he would accept the fundamental teachings contained therein; his conversion would therefore be *l'shem shamayim*.²³

²¹*Yevamot* 76a.

²²*Shabbat* 31a.

²³*Rashi* loc. cit., s.v. "he converted him."

The *Tosafot* on *Yevamot* 24b echo this understanding by saying that Hillel was sure that in the end, the gentile was converting *l'shem shamayim*²⁴

The *Tosafot* continue with another case dealing with motivations for conversion and refer to *Menachot* 44a. There a student of Rabbi Chiya goes to visit a famous prostitute. He is unable to fulfill his original intention because of the *tzitzit* he is wearing. He leaves the prostitute, but not before he gives her a note containing the address of his school and the name of his teacher, Rabbi Chiya. The woman then goes to Rabbi Chiya's *Beit Midrash*.

She said to him: Rabbi, [teach me] so that they will make me a convert." He said to her: My child, have you set your eyes on one of the students? She brought out the note and gave it to him. He said to her: Go and claim that which you desire.²⁵

On the surface, it would appear that this woman is converting only to marry the student of Rabbi Chiya. *Rashi*, on these Talmudic passages, indicates that her real motivation was her attraction not to the student, but to the Mitzvot: "She was converting for the "Sake of Heaven" because she also heard (learned) the great severity of the Mitzvot."²⁶

In both of the preceding cases, a conversion has occurred which apparently was motivated by ulterior reasons. Further investigation into the cases reveals that the individuals who converted would later do so for the "Sake of Heaven." Their conversions, which on the face of it would appear to be improperly motivated, in the end are proven to be perfectly acceptable conversions. But what of the conversion process itself? Is there any indication of the importance or the role that one's motivation for conversion plays in that process?

²⁴*Tosafot* loc. cit., s.v. "Not during the days of David nor Solomon."

²⁵*Menachot* 44a.

²⁶*Rashi* loc. cit, s.v. "She took out the note from her hand."

In order to answer this question, attention must now be turned to the *suggiya* containing the Talmudic procedure for conversion. This is found in a *baraita* beginning on *Yevamot* 47a and following:

Our rabbis taught: One who comes to convert in this time, [we] say to him: "What have you seen [that compelled you] to come to convert? Do you not know that Israel [i.e. Jews] at this time is persecuted and oppressed, despised, harassed and afflicted with torment?" If he says, "I know and I am unworthy,"²⁷ one accepts him immediately.²⁸

Thus, not every person who comes to convert will be accepted for conversion. One of the determining factors for the person's acceptance is motivation – "What have you seen [that compelled you] to come to convert?" In other words, the rabbis are asking the prospective converts, "what is your motivation for conversion?" Prospective converts are informed that there is no advantage to becoming Jewish; if anything it is a disadvantage to be a Jew. This, as shall be shown further on, is a double edged sword. On the one side, it is an attempt to deter false converts. On the other, it could also deter those who are motivated to convert for the sake of Heaven.

Judging by the response of the prospective convert given in this *baraita*, the ideal convert is one who is motivated only by altruistic reasons. If the individual is so motivated that the statement concerning the physical condition of the Jews does not dissuade, but actually furthers his admiration for the Jews, then this is a person worthy of conversion.

The *beit din* is not instructed to interrogate the prospective converts thoroughly, neither are they told how to determine if the individual is telling the truth. It would appear that it is left to the *beit din* to determine if the individual has a sincere desire to convert. If the response indicates that the person is acting out of proper motivations, then the individual is accepted for conversion.

²⁷*Rashi* understands this to mean that the individual claims that he "is not qualified to join their troubles, oh that I would merit such." *Rashi* loc. cit., s.v. "And I am not worthy."

²⁸loc. cit.

Determining a person's reason for converting is not the end of the matter. The conversion process now turns to educating the prospective convert and a continued exploration into the person's motives.

One informs him of some of the minor Mitzvot and of some of the more serious Mitzvot. And one informs him concerning the sin [in transgressing the Mitzvot of] Gleanings²⁹, the Forgotten Sheaf³⁰, the Corner³¹ and the Poor Man's Tithe³². And one informs him of the punishments [associated with the transgressing] of the Mitzvot by saying to him: be it known to you, that if you ate forbidden fat before you came to this status you would not have been punished with *karet*; if you had profaned the Shabbat, you would not have been punished with stoning. But now, if you eat forbidden fat, you will be punished with *karet*; if you profane the Shabbat, you will be punished with stoning.³³

The importance of informing the prospective convert of the obligations their new religion places upon them will become evident further on.

And just as he is informed of the punishment [for transgressing the] Mitzvot, so is he informed of the reward [for fulfilling them], saying to him: "Know that the world to come was made only for the righteous, and Israel (Jews) at this time is unable to bear too much prosperity, nor too much suffering." And one does not go into great lengths³⁴, neither is one meticulous with him [concerning this].³⁵

Since the rabbis tried to dissuade prospective converts by informing them how difficult it is to be a Jew, they must now retreat some what and demonstrate the positive aspects to being Jewish. To paraphrase this *baraita*: Yes (the rabbis tell the prospective converts) things are tough as Jews -- but we Jews get only what we can withstand; never too much nor too little; and there is a greater reward yet to come!

²⁹See Leviticus 19:9 and 23:22.

³⁰See Deuteronomy 24:19.

³¹See Leviticus 19:9 and 23:22.

³²See Deuteronomy 26:12-13 and *Rashi* loc. cit.

³³*Yevamot* 47a.

³⁴*Rashi* understands this to mean "words to intimidate him so that he withdraws." *Rashi* loc. cit.

³⁵*Yevamot* 47a-b.

And all of this is presented to prospective converts in such a way as not to become tedious or overburdening.

There is an awareness here that even those who are converting *l'shem shamayim* could be dissuaded and withdraw if informed of only the negative aspects of being Jewish or if forced to learn more than they are able. It is therefore necessary that the rabbinic desire to teach all of Judaism be tempered by the individual's ability to absorb the information. The Talmud uses Midrash on the Book of Ruth to further the idea of what it means "not to go into great lengths" or be "meticulous."

And one does not go into great lengths, neither is one meticulous with him [concerning this]. R' Eleazar said: "What is the scriptural proof?" It is written: "When she saw that he had made up her mind to go with her, she stopped talking with her."³⁶ She said to her: "It is forbidden [to move beyond the] Shabbat border³⁷ [on Shabbat]. [Ruth said:] "Wherever you go, I will go."³⁸ [Naomi said:] *Yechud*³⁹ is forbidden to us. [Ruth said:] "Wherever you lodge, I will lodge."⁴⁰ [Naomi said:] We have been taught 613 Mitzvot. [Ruth said:] "Your people shall be my people."⁴¹ [Naomi said:] Idol worshiping is prohibited. [Ruth said:] "Your God will be my God."⁴² [Naomi said:] "Four modes of capital punishment have been given [empowered] to the beit din." [Ruth said:] "Where you shall die, I will die."⁴³ [Naomi said:] "Two graveyards were given to the beit din." [Ruth said:] "And there I will be buried."⁴⁴ Immediately "she saw that she had made up her mind, etc."⁴⁵

³⁶Ruth 1:18.

³⁷A circular distance of 2,000 cubits from one's residence.

³⁸Ruth 1:16.

³⁹*Rashi*: this means "to be alone with a married woman." loc. cit.

⁴⁰Ruth 1:16.

⁴¹*Ibid.*

⁴²*Ibid.*

⁴³Ruth 1:17.

⁴⁴*Ibid.*

⁴⁵*Yevamot* 47b.

According to this Midrash, Naomi tried six times to dissuade Ruth by telling her of some of the obligations incumbent upon Jews. With each obligation Ruth demonstrated her willingness and desire to accept these obligations and become part of the Jewish people. The *nimshal* to this Midrash is to use moderation in teaching prospective converts. Or, in words that are found elsewhere in the Talmud, "to welcome with the right hand while pushing away with the left." Once the individual has completed the educational aspect of the conversion process, then the next step is the conversion itself.

If he accepts [these conditions], he is circumcised immediately . . . when he is healed, one immerses him immediately . . . once he arises from his immersion, he is like an Israelite (Jew) in all respects.⁴⁶

If the prospective convert is a woman, there is no "circumcision" only immersion:

[If this proselyte is a] woman, women make her sit in the water up to her neck, and two scholars stand outside and inform her of some of the minor Mitzvot and some of the more serious ones.⁴⁷

As the Talmud has indicated, once the prospective converts fulfill the immersion requirement, they are considered Jews. Exactly what this phrase means is made clear in the ensuing Talmudic discussion.

"When He Comes Up After His Ablution He Is Like An Israelite In All Respects." In respect of what practical issue? In that if he retracted and then betrothed a Jewish woman he is regarded as an apostate Jew and his betrothal is valid.⁴⁸

Once prospective converts have undergone immersion in the *mikvah*, they are Jewish. As this part of the Talmudic discussion demonstrates, they are just like one who was born a Jew. A born Jew, who practices idolatry or converts, is still a Jew. Granted that person is a sinning Jew, but is still regarded as a member of the Jewish

⁴⁶*Ibid.*

⁴⁷*Ibid.*

⁴⁸*Ibid.*

people. So too with one who converts. Once the conversion process is completed, through education, circumcision (for the man), and immersion, the individual is a Jew. If a convert reverts back to that person's original ways, that individual is nevertheless regarded as Jewish, even for the very selective act of marriage. Immersion is therefore seen as the concluding procedure to the conversion process.

However, just because an individual has begun the conversion process does not mean that person will, in the end, become a Jew. There is still a concern over the person's motivation to convert and the educational aspect of the conversion process is actually a continuation of the "testing period." The Talmud continues:

The Master said, "A proselyte who comes to convert, one says to him: "What has attracted you to come to convert (what is your motivation for converting) . . . One informs him of some of the minor Mitzvot as well as some of the more serious Mitzvot." For what reason? In order that if he [wants to] separate, let him separate.⁴⁹ For R' Chelbo said: "Converts are as hard on Israel (Jews) as a sore on the skin," for it is written: "And the *ger* shall join himself with them and they shall cleave⁵⁰ to the house of Jacob." [Isaiah 14:1]⁵¹

In this discussion of the earlier *baraita* it is evident that the initial stages of the conversion process are a test of one's desire and motivations for becoming a Jew. The prospective convert is informed about "some of the Mitzvot." The reason for this, as given in this *baraita*, is to provide prospective converts with an opportunity to withdraw from the process.

There is need to comment on the statement of Rabbi Chelbo. Here is presented one of the "best known and most often quoted negative statement about converts to Judaism."⁵² One must consider the historical situation in which Rabbi

⁴⁹Rashi comments, "It is of no concern to us." loc. cit., s.v. let him separate.

⁵⁰Rashi indicates the word play between cleave, *v'nispechu*, and sores, *sapachat*, and says that Israel, i.e. the Jews, will learn bad habits from these converts.

⁵¹Yevamot 47b.

⁵²Hoenig, p. 60.

Chelbo is writing. Under the early Christian Roman Empire, conversion to Judaism was made a capital offense not only for the one seeking conversion, but for the one performing the conversion as well.⁵³ It is therefore not surprising to see such statements.

The prospective converts are informed of the obligations their new faith would require of them. If they are not willing to fulfill these responsibilities, it is better that they end the conversion process now than to continue and inadvertently become sinning Jews. The following verses further this idea.

"And one informs him of the sin [of transgressing the Mitzvot of] Gleanings, the Forgotten Sheaf, the Corner and the Poor Man's Tithe. For what reason? R' Chiyah bar Abba said, in the name of R' Yochanan, that a Noahide would be killed for less than the value of a *pruta* than to give something [of that value away] which is not returnable."⁵⁴

Rashi and the *Tosafot* further explain why these particular Mitzvot are the ones taught. They state that *B'nai Noach*, gentiles, are extremely miserly. These particular Mitzvot of charity are so extremely out of character for a "gentile" that they would be a *michshol*, a stumbling block, before them. Accordingly, they would either forget or misunderstand the Mitzvot and mistake the poor for thieves. Since it is their law to execute thieves, the convert would lapse into previous ways and then become guilty of a capital offense.⁵⁵ It is therefore of utmost importance, for the sake of the prospective converts, that they be made aware of the laws which are different from their own.

Ignoring the blatantly prejudiced theme to these statements, it is evident in this Talmudic text that the rabbis are concerned that prospective converts fully un-

⁵³*Ibid*, p. 61.

⁵⁴*Yevamot* 47b.

⁵⁵*Rashi* s.v. "And inform him of the sin of Gleanings, the Forgotten Sheaf, the Corner and the Poor Man's Tithe," and the *Tosafot* s.v. "Converts are as hard on Israel as a sore on the skin," loc. cit.

derstand the obligations and responsibilities incumbent upon them under their new religion. If the perspective convert's motivation is for some material advantage, then these financial obligations would actually serve as a deterrent, dissuading the individual from converting.

Indeed, *Rashi* goes on to say that there is another reason for informing the prospective convert of these particular Mitzvot.

Since they are so miserly, as has been said that "they would kill for less than the value of a pruta, one informs of the sin [in transgressing the Mitzvah of] Gleanings," etc., perhaps he will withdraw from converting.⁵⁶

Even more, *Rashi* believes that it is for this reason that prospective converts are informed of these particular Mitzvot.⁵⁷ It would appear that this is to dissuade and discourage them from converting.

The conversion process and the role of the perspective convert's motivation for conversion is most clearly stated in *Masekhet Gerim*.

All who convert because of a woman, or because of love, or because of fear, are not converts. And so too did R'Yehuda and R'Nechemiah say: All those who converted in the time of Mordekhai and Esther are not converts, for it is said: "And many from the peoples of the land became Jews for the fear of the Jews fell upon them." [Esther 8:17] And all who do not convert for the "Sake of Heaven" are not converts.⁵⁸

It must be stated that this comes from the "Minor Tractates" of the Talmud. Although it is not part of the canonical Talmudic body, it is of value to examine.

⁵⁶*Rashi* on *Yevamot* 47b s.v. *Lishna Achrina*.

⁵⁷*Ibid.*

⁵⁸*Gerim*, Chapter 1, Halakha 7.

Most of this section has already been encountered in one *baraita* or another. The difference, however, is the last line: "And all who do not convert *l'shem shamayim* are not converts." This sentence not only indicates what is to be deemed "proper motivation," i.e. for the "Sake of Heaven," but also that proper motivation is necessary to effect conversion.

However, as demonstrated in the preceding discussions on the Talmudic text, it is difficult to determine what an individual's true motivations are. How one is to determine what is truly in a person's heart is a mystery even until today.

The Talmudic discussion is not absolute in regards to the role of motivation for conversion. *Lekhatchilah*, a *beit din* is supposed to determine an individual's motivation for conversion and reject those who have come to convert for ulterior reasons. And yet, *bedi'avad*, once the individual has completed the conversion process, once they have immersed in the *mikvah*, they are considered Jews.

The Talmud clearly presents cases where individuals have converted for ulterior motives, or at least their motivations are suspect, yet these individuals are nevertheless recognized as Jewish. It will be up to the later commentators and even later *poskim* to resolve this dilemma.

Chapter 3

The first commentator to be examined is the *Hagahot Mordekhai*.¹ The *Mordekhai* begins with a **definitive statement** concerning the acceptance of converts who are motivated by **ulterior reasons**. He writes:

It seems to this **humble writer** that if one comes before us to convert, and we know that **he is doing this** for some extraneous benefit, then we are not to accept him. And my evidence for this is from the second chapter of *Yevamot*: "Our rabbis taught: One does not receive converts in the days of the **Messiah**; likewise, they did not accept proselytes in the days of David nor in the days of Solomon."²

The *Mordekhai* understands the *baraita* on *Yevamot* 24b, as meaning that one who wishes to convert for **ulterior reasons** is not to be accepted for conversion. This is in keeping with the opinion of Rabbi Nechemiah expressed there.

However, as was mentioned above, Rabbi Nechemiah's opinion is not the unanimous opinion. The *Mordekhai* comments on this and states the *halakhic* ruling, that those who convert for **ulterior motivations** are nonetheless recognized as proper converts, is based on the **end results** of the conversion. The *Mordekhai* refers us to the *Tosafot* on *Yevamot* 24b and the stories about: Solomon and Pharaoh's daughter; Ittai the Gittite; Hillel; and Rabbi Chiya. The *Mordekhai* notes conclusion of the *Tosafot*, that the prohibition of accepting converts during the times of David and Solomon is because:

¹Written by Mordekhai bar Hillel in the 13th century.

²*Hagahot Mordekhai*, section 110.

... [such proselytes were motivated only by] "the table of the kings" [Israel's prosperity] and these [Pharaoh's daughter and Ittai the Gittite] did not need [they were not motivated by Israel's riches]."³

This has already been stated in the *Tosafot*.⁴ After quoting the *Tosafot* concerning Hillel, and Rabbi Chiya, the *Mordekhai* concludes:

We see from this that the Torah permits conversion [of those who are motivated by ulterior reasons] only if we are convinced that eventually they will become converts "l'shem shamayim."⁵

It would therefore appear, according to the *Mordekhai*, that there is a period of time following the conversion, during which the newly converted will be judged based upon their behavior. The conversion, then, becomes a retroactive one based upon the individual's behavior following the conversion. This is made clear further on by the comments of the *Mordekhai*.

And even though the Talmud ruled that (*Yevamot* 24b), "the *halakha* is that they are all complete converts," this must be understood as meaning that this will be determined only later, after we see that their ways are just [their behavior is in keeping with their converting l'shem shamayim], even though at the beginning they acted l'shem ishut.⁶

It appears that the *Mordekhai* views the *baraita* of *Yevamot* 24b as bestowing upon a prospective convert the status of proper convert, retroactively. For the *Mordekhai*, the Mishnaic ruling that the accused man (having already married the woman) is permitted to remain married to her, is because the woman's behavior following her conversion demonstrated that she converted l'shem shamayim.

... [her] intention was also [to convert] l'shem shamayim (this means that we saw that [she] behaved in a just way).⁷

³*Ibid.*

⁴*loc. cit.*

⁵*Ibid.*

⁶*Ibid.*

⁷*Ibid.*

The *Mordekhai* therefore understands the Mishnaic prohibition for the accused man to marry the woman to be for the following reason:

... it is taught [that they cannot marry] on account of malicious gossip, because [her] intention [to convert] was for other reasons.⁸

The *Mordekhai* disagrees with the conclusion of Rav Assi, who was of the opinion that the rumor is about prior sexual relations. The *Mordekhai* believes that the rumor pertains to the woman's motivation for conversion; the people would believe that the woman converted only to marry the man. For this reason he is prohibited from marrying her. This opinion is similar to which was expressed in the *Tosafot* on *Yevamot* 24b.

The *Mordekhai* goes on to deal with the apparent discrepancy between Rabbi Nechemiah's teaching and that of Rabbi Isaac quoting Rav.⁹ He states:

✶And this seems more reasonable to me than to say that the Amora ruled differently than the baraita of Rabbi Nechemiah (who taught one does not accept these types of converts and an Amora [who] ruled that they are all converts and this is why the book distinguishes between *bedi'avad* and *lekhatchilah*, meaning between those who act in a righteous way and those who still do not. And the latter have demonstrated that they only converted for material benefit).¹⁰

Thus *Mordekhai* sees the apparent difference in the two *baraitot* on *Yevamot* 24b as dealing with cases of both *lekhatchilah* and *bedi'avad*. In both cases, as far as the *Mordekhai* is concerned, it is the individual's behavior which is the crucial criterion. As previously shown, *lekhatchilah*, an individual should chose to convert to Judaism for proper religious motivations. If, *lekhatchilah*, a person's behavior is such as to indicate that his motivation for conversion is *l'shem shamayim*, then that person is accepted for conversion.

⁸*Ibid.*

⁹loc. cit.

• ¹⁰*Ibid.*

However, even someone whose motivations are blatantly for ulterior reasons can be accepted for conversion. This was made clear in the Talmud regarding the cases of Hillel and Rabbi Chiya. There, both Hillel and Chiya were certain that in the end the person will convert *l'shem shamayim*.

It is also possible, according to the *Mordekhai*, for a person with questionable motivations to be accepted for conversion. This is possible if the *beit din* observes that person's behavior subsequent to the conversion in order to determine his motivations. Therefore, according to the *Mordekhai*, *bedi'avad*, once an individual converts, the *beit din* observes the individual's behavior subsequent to the conversion, and then determines the motivation of the individual.

However, the *Mordekhai* is far from overturning any Talmudic decision or even indicating that his interpretation should be followed:

And that which seems correct to me, I have written. But it does not seem to me that my masters agree with this. And let no one rely upon my understanding!¹¹

But as shall be demonstrated further on, there are those who do seem to follow the opinion of the *Mordekhai*.

*Rabenu Asher ben Yechiel*¹², the *ROSH*, makes several comments to Yevamot 24b. In the following comment, the *ROSH* seems to combine the teachings of Rabbi Nechemiah with that of Rabbi Isaac quoting Rav. The *ROSH* writes:

A man who converts for the sake of a woman and a woman who converts for the sake of a man, and so too one who converts for the sake of the king's table, [and] for the sake of [joining] Solomon's servants, they are all converts.¹³

¹¹*Ibid.*

¹²Germany, 1250-1327.

¹³*Rabenu Asher* on Yevamot 24b, letter vav and zayin.

This begs the question, why does the Mishnah prohibit the man from marrying the woman? The *ROSH* continues:

And *lekhatchilah*, he may not marry [her] because of [the explanation of] Rav Assi who said: "Remove from your midst forward mouths and perverse lips."¹⁴

The *ROSH* quotes the teaching of Rav Assi from *Yevamot* 24b in explaining the Mishnaic prohibition. Like Rav Assi, the *ROSH* is of the opinion that the rumor is connected to the sexual relation prior to the marriage and not, as the *Tosafot* and the *Mordekhai* understand it, to the woman's conversion and possible ulterior motivations.

Further on, the *ROSH* states that it is precisely because the man is merely "accused" of having sexual relations with the woman that he is permitted to remain married to her. Since it is only a rumor, the *ROSH* reasons, the *beit din* can be lenient.

And I say that granted, the Torah obligates him to marry her after she has become spoiled, this is regarding [the case where it is] a certainty. However, one does not believe a general rumor and ruin both of them [their reputation].¹⁵

It is therefore evident that the *ROSH* is of the opinion that the Mishnah on *Yevamot* 24b is not concerned with issues of conversion, but rather with issues of marriage. Regarding the former, the *ROSH* has stated that one's motivations for conversion do not affect the conversion. Thus the *ROSH* follows the teaching of Rabbi Isaac quoting Rav that one can convert for ulterior motivations and still be recognized as a convert.

¹⁴*Ibid.*

¹⁵*Ibid.*

Rabbi Samuel Eliezer ben Edels¹⁶, the *MHRShA*, comments on the incident between Hillel and the gentile who wanted to convert to be the High Priest. Rabbi Edels begins his comment:

However, this is somewhat difficult; for one does not accept [those who convert] for the sake of the royal table or for marriage, and this convert, who sought priesthood, is no better.¹⁷

Indeed, as was noted earlier, it would appear that Hillel is ignoring the gentile's motivation for conversion. Rabbi Edels points out that the text in the Talmud does not indicate an immediate conversion took place.

And it needs to be said that [the text] "he came before Hillel who converted him, etc.," does not necessarily mean that he did so [immediately]. Rather, Hillel did not convert him until after [the gentile] realized that a proselyte cannot enter the priesthood.¹⁸

It would therefore appear that once the gentile realized he could not fulfill his original intentions by converting to Judaism, there must have been some other reason why the gentile would continue to convert. Indeed as the *Tosafot* and *Rashi* have demonstrated, Hillel was certain that the gentile's motivation would eventually be *l'shem shamayim*. Rabbi Edels is adding to these comments on the text. Furthermore, Rabbi Edels concludes:

And one should not say about the above, "he converted him" (in the literal sense), but rather: that he accepted him as a candidate for conversion.¹⁹

Thus Rabbi Edels demonstrates that an individual whose motivation for conversion is clearly not *l'shem shamayim*, is nevertheless accepted for conversion. However, during the conversion process, there must be indications of proper motivations if the conversion is to be realized.

¹⁶Austria, 1455-1632.

¹⁷Samuel Eliezer ben Edels, *Hiddushei Aggadat*, Shabbat 31a, s.v. *Amar Leigh Mikr'ra*.

¹⁸*Ibid.*

¹⁹*Ibid.*

Chapter 4

The first of the compendia literature to be examined is that of Rabbi Isaac ben Jacob¹ of Fez – the *Halakhot of Alfasi*. In his abridgement of the Talmudic text from *Yevamot* 24b, there is no mention of conversion or motivations for conversion.² Instead, *Alfasi* is concerned with issues relating to the power of the *beit din* to separate the couple.

However, the *Nimukei Yosef*³ commenting on *Alfasi's* Talmudic abridgement writes:

A man who converts for the sake of a woman and a woman who converts for the sake of a man are proper converts.⁴

The *Nimukei Yosef* continues that the man in the Mishnah on *Yevamot* 24b is permitted to remain married to the woman after she converts.⁵ Therefore, the *Nimukei Yosef* follows the opinion of Rabbi Isaac quoting Rav.

Further on, *Alfasi* deals with the Talmudic discussion of *Yevamot* 47a. Both *Alfasi* and the *Nimukei Yosef* merely abridge and repeat the Talmudic discussion.⁶

¹North Africa, 1013-1103.

²*Halakhot Alfasi* loc. cit.

³Commentary on the Epitome of *Alfasi* by Joseph ibn Habiba, 13th-14th century.

⁴*Nimukei Yosef*, pp. 5b - 6a.

⁵*Ibid.*

⁶*Halakhot Alfasi*, in *Yevamot*, pages 16a-b.

The *Nimukei Yosef* questions the Talmudic *baraita* from *Yevamot* 47a: "and one informs him of some of the minor and some of the more serious Mitzvot." The *Nimukei Yosef* writes:

The reason for this is explained further on along with the *Geonic* opinion that if one did not inform him [of some of the minor and some of the more serious Mitzvot] this does not delay [the conversion].⁷

From this comment, it would appear that the *Nimukei Yosef* is concerned with just how many Mitzvot qualify to be considered "some of the Mitzvot." The *Nimukei Yosef* refers us to a *baraita* in *Shabbat* 68a. There *Rav* and *Shmuel* maintain that the Mishnah under discussion pertains to:

... a child who was taken captive among Gentiles, or a convert who became converted in the midst of Gentiles.⁸

The *Tosafot* to this *baraita* further clarify the issues surrounding the conversion.

[This is referring to a convert who converted] in the presence of three who did not inform him of the Mitzvot of Shabbat. For if he converted by himself, he would not be [considered] a convert, as was said in chapter *Hacholetz* (*Yevamot* 47b).⁹

Thus the conversion was a proper conversion performed in the presence of the required number of witnesses. However, the convert was not informed of the commandments associated with Shabbat observance and is not held culpable for any subsequent transgressions against those Mitzvot.

Furthermore, the individual is nevertheless recognized as a convert even though the Mitzvot pertaining to Shabbat observance were never taught to him. It would therefore appear that, regarding the educational aspect of the conversion process, which Mitzvot are to be taught is opened to debate.

⁷*Nimukei Yosef*, page 16a.

⁸*Shabbat* 68a.

⁹*Tosafot* loc. cit., s.v. A convert who converted amongst gentiles.

The compendia literature continues to build upon the ideas previously stated as motivations for conversion are discussed. Moses ben Maimon,¹⁰ the *RAMBAM*, in his work the *Mishneh Torah*,¹¹ deals with conversion in *Sefer Kedusha, Hilkhos Issurei Bi'ah*.

And don't think that Sampson, the Savior of Israel, or Solomon the King of Israel (who was called) God's beloved¹², married gentile woman. Rather this matter is a secret.¹³ For the proper mitzvah [procedure] when a man or woman comes to convert, is to examine them; perhaps they came to enter the faith in order to gain money, or to merit a position of authority, or out of fear.¹⁴

At this point, the *RAMBAM* is of the opinion that one's motivation for conversion is an important consideration in accepting an individual for conversion. Like that which was expressed by Rabbi Nechemiah on *Yevamot* 24b, there will be those who come to convert for ulterior motivations and these types of people should not be accepted. Furthermore, the *RAMBAM* follows the reasoning of Rabbi Nechemiah as he continues:

If [the prospective convert is] a man, examine him lest he has set his eyes upon a Jewish woman. If [the prospective convert is] a woman, [examine her] lest she has set her eyes upon one of the young Jewish men.¹⁵

If the individual seeking conversion is found to be free of these ulterior motivations, then the educational aspect of the conversion process begins.

¹⁰Spain/Egypt, 1135-1204.

¹¹Written in Egypt in 1187.

¹²II Samuel, 12:25.

¹³In a very lengthy comment to this section, the *Lechem Mishnah* refers us to the Talmudic discussion on *Yevamot* 76b. There, Rav Papa is of the opinion that Solomon never married the daughter of Pharaoh. However, the text reads that Solomon was "allied by marriage." The *Lechem Mishnah* concludes that the matter requires further study.

¹⁴Rabbi Moses ben Maimon, *Hilkhos Issurei Bi'ah*, 13:14. (Hereafter referred to as *Hilkhos Issurei Bi'ah*.)

¹⁵*Ibid.*

If no such [ulterior] motive is found in them, one informs them of the weight of the yoke of the Torah, and the burden there is for gentiles to observe it in order that they withdraw. If they accept [the yoke] and do not withdraw, and they [the *beit din*] see that they have returned [to Judaism] out of love [for Judaism], one accepts them, as it says, "And when she saw that she was adamant to go with her, she left off speaking to her" (Ruth 1:18).¹⁶

The *RAMBAM* informs us that so long as there is no ulterior motive evident, the prospective convert may continue the conversion process. If the individual is prepared to accept the responsibilities and obligations involved in observing the Mitzvot, and it is evident to the *beit din* that the prospective convert wishes to convert because of proper motivations, then that person is accepted for conversion and no other attempts are made to dissuade that person.

The *RAMBAM* continues by repeating the words of the Talmudic discussion found on *Yevamot* 24b. These words indicate the difficulty in determining a person's motivations, especially when there are mitigating circumstances which might attract others to convert.

Therefore, the *beit din* did not accept converts all the days of David and Solomon. During the days of David, lest they converted out of fear; and during the days of Solomon lest they converted for the sake of the good and great kingdom. For all who convert for an ulterior motive, for earthly rewards, are not [considered] righteous converts.¹⁷

The *RAMBAM* concludes that there is a qualitative difference in a convert based upon that individual's motivation for conversion. Those who do not convert for ideal reasons, *l'shem shamayim*, are not recognized as *geri tzedek*, righteous converts. This difference has already been noted in the Talmud, by the *Tosafot* to this *baraita* on *Yevamot* 24b. There, the *Tosafot* bring evidence from the Talmudic discussion where it was decided that those who came to convert during these times were referred to as *gerim gerurim*.

¹⁶*Ibid.*

¹⁷*Ibid.*, 13:15.

The *RAMBAM* combines the Talmudic discussion on *Yevamot* 24b with the comments of the *Tosafot*¹⁸. The *RAMBAM* continues:

Nevertheless, there were many proselytes who converted during the days of David and Solomon in the presence of the laity. And the High Court was suspicious of them, they did not nullify [their conversion] after they immersed, at any rate they did not draw them near until their ends were seen [their motives were known].¹⁹

The *RAMBAM*, like the *Hagahot Mordekhai*, is of the opinion that there is a retroactive affirmation of an individual's conversion. It would seem that those whose motivations are suspect are not accepted as converts immediately. A trial period exists in order for the *beit din* to determine exactly what their motivations are. This trial period, before full status as a convert is bestowed upon individuals whose motivations are suspect, would allow the *beit din* to evaluate them. If their reasons for conversion are demonstrated to be *l'shem shamayim*, then the individuals are, retroactively, considered as proper converts.

In addition, the *RAMBAM* here understands the term *gerim gerurim* as meaning those who were converted by the lay-courts. The High Courts, according to the *RAMBAM*, did not reverse the conversion of these *gerim gerurim*, but neither were they totally accepting of them. Therefore, there is a categorical difference amongst converts. The difference is based on the behavior of these converts. As was demonstrated in the *Hagahot Mordekhai*, the individual's behavior would determine if their conversion was for proper motivations or not.

However, the *RAMBAM* will demonstrate that there are cases where individuals converted for ulterior motivations and their behavior further indicated that they have not given up their former ways, yet they are recognized as converts.

¹⁸*Maggid Mishnah* on *Hilkhot Issurei Bi'ah* 13:15.

¹⁹*Hilkhot Issurei Bi'ah* 13:15.

As Solomon converted women and married them, and so too did Sampson convert and married. And the matter is well known that these converted only for an ulterior motive, and they were not converted by a *beit din*. [And yet] the text considers them as if they converted and their marriage is upheld. And another thing, their ends proved their beginnings (their behavior in the end proved their true intentions in the beginning). For they were worshiping their idols, and he built for them high places, and the text suggests that he built them, as it is said: "then Solomon built a *bimah*." [I Kings, 11:7]²⁰

The *Maggid Mishnah* to this *halakha* refers to the Talmudic discussion on *Shabbat* 56b. There the rabbis are discussing whether or not Solomon "sinned" because of his wives. The Talmudic discussion concluded that regardless if Solomon built the idols and the "high places," or if his wives had them built, the fact that they were built is the issue.²¹ This furthers *RAMBAM*'s understanding that Solomon's wives were still practicing their former religion and therefore did not convert *l'shem shamayim*. Not only that, but by continuing to practice their former religion, they are breaking many of the Mitzvot. It would therefore appear that one's motivation for conversion has little, if any, affect on the subsequent conversion. The *RAMBAM* goes on to say:

If they [the *beit din*] did not examine a [prospective] convert [thoroughly], or they did not inform [the prospective convert] of the mitzvot and their punishments [for transgressing them], and even if he was circumcised and immersed in the presence of three laymen, that person is a convert.²²

If the conclusions of the rabbis in the Talmud regarding the conversion process are not followed, or if conversion process is administered laxly, the person is still recognized as a convert. Even more, the *RAMBAM* goes on to say that even if it is obvious that a person converted purely for ulterior reasons, that person is nevertheless recognized as a convert.

²⁰*Ibid.*, 13:16.

²¹*Shabbat* 56b.

²²*Hilkhos Issurei Bi'ah* 13:17

Even if it becomes known that a person became a convert because of some ulterior motive, once he is circumcised and immersed, he has left the status of a gentile, but apprehension should be felt concerning him until his righteousness shall become apparent.²³

Thus, even if an individual has converted for ulterior reasons, once that person has completed the conversion process, as shown in the *baraita* on *Yevamot* 47b, he is considered a Jew. However, the *Mordekhai* believes that there is a time period during which where one observes the newly converted to determine that individual's motivation. What then happens to someone who converted for ulterior motivations and then returned to practicing his former religion? Is that person considered a Jew or is the conversion retroactively nullified? The *RAMBAM* continues:

Even if he reverts to his previous state and worships idols, he is considered merely a renegade Israelite; his act of betrothal remains valid, and it remains the duty of the finder to return to him his lost property, for once a person immerses himself, he attains the status of an Israelite. And therefore Sampson and Solomon maintained their wives even though their ends were revealed.²⁴

Thus the *RAMBAM* teaches that such an individual is considered Jewish, regardless of the motivations and regardless of the behavior. If the individual should convert for ulterior reasons and if that person should chose to behave in a manner not in keeping with Judaism, that person is nonetheless regarded as a Jew, though a sinning Jew.

Therefore, Solomon and Sampson could maintain their wives because, in the end, their conversion was recognized as valid; even though their behavior indicated that they had not given up their former religion -- the women were nevertheless recognized as Jews. However, they were not considered as righteous Jews.

The *RAMBAM* has recognized the inherent dilemma in the conversion process. One is supposed to convert *l'shem shamayim*, for purely religious motivations. However, one can convert to Judaism, and be recognized as a Jew, for ulterior rea-

²³*Ibid.*

²⁴*Ibid.*

sons. The *RAMBAM* has demonstrated that once one has completed the conversion process, one is recognized as a Jew -- regardless of motivations and subsequent behavior. And so the *RAMBAM* concludes chapter 13 of *Hilkhot Issurei Bi'ah* with the following:

And because of this, the sages said "converts are hard on [Jews] like a leprous sore;" for most of them convert for an [ulterior] motive and mislead [the Jews].²⁵

Regarding the conversion procedure, the *RAMBAM* reiterates that which was given on *Yevamot* 47a and 47b with one major distinction. It would appear that, as far as the *RAMBAM* is concerned, those who desire to convert for blatantly ulterior motivations have already been rejected. The conversion procedure presented by the *RAMBAM* is reserved for those who are converting for proper motivations.

How does one accept righteous converts? When one comes to convert and they examine after him and could not find a cause [for his desire to convert]. One says to him: "What have you seen that you came to convert? Do you not know that Israel (Jews) during this time are persecuted and oppressed and beaten and troubles thrust upon them? If he says, "I know and I am not worthy to join them," one accepts him immediately.²⁶

From the opening words it can be seen that this procedure is for "righteous converts," those who are obviously converting *l'shem shamayim*. In addition, the *RAMBAM* adds two distinct features to the educational aspect of the prospective convert not found in the *baraita* on *Yevamot* 47a. The first one deals with content of the educational aspect of conversion. The *RAMBAM* adds to the *baraita* on *Yevamot* 47a the following:

One informs the individual of the essence of the religion, which are, the unity of God and prohibition of Idol worship;²⁷

²⁵*Ibid.*, 13:18.

²⁶*Ibid.*, 14:1.

²⁷*Ibid.*, 14:2.

The *Maggid Mishnah* to this *halakha* inform us that the reason for this addition is obvious.

Since these are the essence of the religion and the belief, one must explain to them in a clear [easy to understand] fashion and to go into detail with them about this for this is the essence of Judaism and conversion.²⁸

The *RAMBAM* also provides a rationale for some of the Talmudic statements. For example, the *baraita* on *Yevamot* 47a states that the *beit din* is to inform the prospective convert of "some of the minor and some of the more serious mitzvot." The *baraita* further cautions not to "go into great lengths regarding this." The *RAMBAM* adds:

One does not go into great lengths with him [regarding this], nor is one meticulous [by explaining it in great detail] with him; lest you drive him away and divert him from the good path to the wicked path. For in the beginning one only attracts another with soft willing words and thus it says²⁹: "I will draw them with cords of a man..." and afterwards [it says]: "with bonds of love."³⁰

The *baraita* instructs us not to "teach too much" to the prospective convert. The *RAMBAM* understands this as meaning that the *beit din* should persuade the prospective convert. They should attract them with the beauty of the mitzvot. However, if the prospective convert is insincere in his desire to convert, then the *beit din* should dissuade that person by the teaching of the Mitzvot.

Regarding the trials and tribulations that the Jews undergo, the *RAMBAM* writes:

²⁸*Maggid Mishnah* on *Hilkhos Issurei Bi'ah* 14:2.

²⁹Hosea, 11:4.

³⁰*Hilkhos Issurei Bi'ah* 14:2

But neither does the Holy One, blessed be God, bring upon them too much punishment so that they will not be destroyed. But the nations are destroyed, [yet Israel] persists. And they continue at great lengths regarding this so that the [Mitzvot] will become beloved [by the convert].³¹

Here, it is clear that in addition to motivation, the prospective convert's attitude to the Jewish people and to Judaism is an important consideration. The individual's reasons for wanting to become Jewish should be based on a love and respect for the Jewish people as much as it should be based on factual knowledge of the Judaism.

Once having been informed of all of this, a decision must be made by the prospective convert. The next few steps in the conversion process are the final steps, from which there is no turning back.

If he changes [his mind] at this point, and does not want to accept [the responsibility associated with converting to Judaism], he goes on his way. If he accepts one does not excuse him, but one circumcises him immediately. And if he is [already] circumcised, one draws from him blood of the covenant and excuses him until he is completely healed. And afterwards, one immerses him.³²

The immersion is the final step of the conversion procedure. Once the individual has immersed, that individual is now a Jew for all practical purposes. So much so, that this individual is regarded as a sinning Jew if he should revert to his former ways. This has been taught in the Talmud.

If the prospective convert is a woman, the procedure is slightly different. The RAMBAM restates the baraita from *Yevamot* 47b:

... women sit her in the water up to her neck and the *Dayanim* are outside and inform her of some of the minor Mitzvot and some of the more serious Mitzvot while she sits in the water.³³

³¹*Ibid.*, 14:5.

³²*Ibid.*, 14:5.

³³*Ibid.*, 14:6.

Having analyzed *Hilkhot Issurei Bi'ah*, this study continues with an analysis of the *Arba'ah Turim*.

In Jacob ben Asher's³⁴ *Arba'ah Turim*,³⁵ questions of conversion are dealt with in *Yore De'ah*, chapter 268. There, the *TUR* begins its analysis of the Laws of Converts with this statement:

A proselyte who comes to convert is not a convert until he is circumcised and immersed.³⁶

It has been demonstrated that the culmination of the conversion procedure is circumcision (for a man) and immersion (for both men and women). After this, the individual is considered a Jew. How does a person who comes to convert arrive at circumcision and immersion? What is the procedure for conversion as far as the *TUR* understands it?

The *TUR* repeats the *baraita* from *Yevamot* 47a where the procedure for accepting someone for conversion is discussed.

And when [someone] comes to convert, one says to him: "What have you seen that you have come to convert . . . If he says, "I know and I am not worthy to join them," one accepts him immediately. One informs him of some of the minor Mitzvot and some of the more serious Mitzvot . . . And one does not go into great lengths with him neither is one meticulous with him. If he is accepted, one circumcises him immediately.³⁷

The *Beit Yosef*³⁸ to these particular verses pertain to the Talmudic discussion on *Yevamot* 47b where reasons are presented to further explain the conversion procedure. There it was taught that one informed a prospective convert of some of the obligations and responsibilities of Judaism so that:

³⁴ Spain, 1270(?) - 1340.

³⁵ Written in Spain around the 14th century.

³⁶ *TUR*, *Yoreh De'ah*.

³⁷ *Ibid*.

³⁸ Written by Joseph ben Ephraim Caro in the 16th century.

... if the individuals should desire to withdraw [from the conversion process], they may withdraw.³⁹

The *Beit Yosef* also mentions the discussion found in the *Nimukei Yosef* which was studied above. The *Nimukei Yosef* was concerned with how many mitzvot and which mitzvot are needed to fulfill the required "some of the minor and some of the more serious mitzvot." According to the *Nimukei Yosef*, if the prospective convert is not informed of the laws of Shabbat observance, the conversion is not annulled.⁴⁰

In addition, the *Beit Yosef* brings in a saying from the *Sefer Mitzvot Gadol*. The *Sefer Mitzvot Gadol* records a different reason, than the one presented on *Yevamot* 47b, for informing the prospective convert of some of the Mitzvot. According to the *Sefer Mitzvot Gadol*, the reason for informing the prospective convert is so that:

... [the prospective convert] will not say following [the conversion]:
had I known [this] I would not have converted.⁴¹

Thus further emphasizing that which was expressed in the Talmudic discussion -- a prospective convert must be made aware of the obligations incumbent upon him when he joins the Jewish people.

The *Beit Yosef* also refers to that which the *RAMBAM* wrote concerning how to proceed with the education of the prospective convert.⁴²

The *Bait Chadash* understands the educational aspect of the conversion process necessary to deter false converts. The prospective convert is informed of the lowly status of the Jews to let him know that if he converts, he will not gain any mate-

³⁹*Beit Yosef* to the *TUR*, *Yoreh De'ah* 268, s.v. "when one comes to convert." The *Beit Yosef* is quoting from the *baraita* on *Yevamot* 47b.

⁴⁰*Beit Yosef* on the *TUR*, *Yoreh De'ah* 268, s.v. "when one comes to convert." The *Beit Yosef* is quoting from the *Nimukei Yosef* on the *Alfas*, page 16a.

⁴¹*Beit Yosef* on *TUR*, *Yoreh De'ah* 268, s.v. "when one comes to convert." The *Beit Yosef* is here quoting from the *Sefer Mitzvot Gadol*.

⁴²*Beit Yosef* on the *TUR*, *Yoreh De'ah* 268, s.v. "and know."

rial benefit.⁴³ If the individual still desires to convert, "one accepts immediately" because:

... if he was converting for some benefit, he would have already returned to his ways after hearing these words.⁴⁴

Furthermore, the *Bait Chadash* sees the teaching of Rabbi Isaac, who quoted Rav on *Yevamot* 24b, as referring to cases where the individual has already converted.⁴⁵ The *Bait Chadash* goes on to state that:

... *lekhatilah*, we are not permitted to receive them [those who are converting for ulterior reasons] just as the *RAMBAM* wrote, in chapter 13 of *Hilkhot Issurei Bi'ah*, and the *Hagahot Mordekhai* wrote in chapter *Hacholetz*.⁴⁶

Both of the references to the *RAMBAM* and the *Hagahot Mordekhai* have been previously studied. It has been shown that the *RAMBAM* and the *Hagahot Mordekhai* are of the opinion that, *lekhatilah*, we do not accept someone for conversion whose motivation is not *l'shem shamayim*. However, *bedi'avad* it appears, following the teaching of Rabbi Isaac on *Yevamot* 24b, they are nevertheless converts.

The *Bait Chadash* goes on to say that one informs the prospective convert of some of the less serious Mitzvot:

... lest his intention be [*l'shem shamayim*]. If one does not inform him of the lenient [mitzvot] and the reward [associated with observing the] mitzvot, one drives him away from the good path to the evil path ... for he will think himself close to punishment and far from reward. Based on his [little] knowledge, [he would think] that all the mitzvot of the Torah are strict.⁴⁷

⁴³*Bait Chadash* on the *TUR*, *Yoreh De'ah* 268, s.v. "and when one comes to convert."

⁴⁴*Ibid.*

⁴⁵*Ibid.*

⁴⁶*Ibid.*

⁴⁷*Ibid.*

Care must therefore be taken in instructing the prospective convert. The negative aspects of the Mitzvot, the punishments, are explained in connection with the positive aspects, the rewards. It is the latter which is stressed as the most to the prospective convert.

It has been previously demonstrated that following the education of the prospective convert, the conversion process turns to the ceremonies of circumcision and immersion. The *TUR* writes:

[Following Circumcision and immersion] he is like a born Jew for all practical purposes. If he should return to his evil ways, he is [regarded] as an apostate Jew; if he made a betrothal, it is [recognized] as a valid betrothal.⁴⁸

The same requirements expressed in the Talmudic discussion on *Yevamot* 47b regarding women prospective converts are expressed in the *TUR*.

And if this is a female [convert], women immerse her in water up to her neck and the scholars are outside and inform her of some of the minor Mitzvot and the more serious Mitzvot.⁴⁹

With the procedural aspects having been discussed, how does the *TUR* deal with those who blatantly convert for an ulterior reason? The *TUR*, quoting the *baraita* on *Yevamot* 24b, writes:

A man who converts for the sake of a woman or a woman who converts for the sake of a man or who converts for the sake of "the king's table," or one who is a "lion convert," or [converted because] of a dream, they are all converts.⁵⁰

This section of the *TUR*, like that previously seen in the *ROSH*, has combined the teaching of Rabbi Nechemiah with that of Rabbi Isaac, quoting Rav from the

⁴⁸*TUR*, *Yoreh De'ah* 268.

⁴⁹*Ibid.*

⁵⁰*Ibid.*

baraita on *Yevamot* 24b. The *Beit Yosef* to this text refers to the *RAMBAM* who also deals with this *baraita* in *Hilkhot Issurei Bi'ah* chapter 13 halakha 14.

The *Beit Yosef* further comments on the *baraita* "they did not accept converts during the days of David, nor during the days of Solomon" from *Yevamot* 24b. The *Tosafot* from there brought evidence that this was not exactly true and concluded that those who did convert during these times were called *gerim gerurim*.⁵¹

In responding to the comments of the *Tosafot* dealing with Hillel, who converted a gentile who wished to become "High Priest," and Rabbi Chiya, who converted a gentile woman so that she could marry one of his students, the *Beit Yosef* concludes that "it is all according to the discretion of the *beit din*."⁵²

This, then, would enable one *beit din* to reject a prospective convert whose motivation for conversion appears to be for ulterior reasons while another *beit din* would accept a similar prospective convert for conversion. The *Derishah*⁵³ quotes the *Beit Yosef* and states:

... *lekhatchilah*, one does not convert those [who wish to convert] because of ulterior benefit. But, *bedi'avad*, they are all converts.⁵⁴

It would therefore appear that irregardless of one's motivations, once an individual completes the conversion process, this meaning circumcision (for a man) and immersion (for men and women) that individual has become a Jew. Furthermore, unlike the *RAMBAM* and the *Mordekhai*, one's behavior subsequent to the conversion has little, if any, effect. This idea has already been encountered in the teaching of Rabbi Isaac, who quotes Rav, on *Yevamot* 24b. The *TUR* continues:

⁵¹See the Talmudic analysis on *Yevamot* 24b above.

⁵²*Beit Yosef* to the *TUR*, *Yoreh De'ah* 268.

⁵³Written by Joshua Palak Kohen in the 17th century.

⁵⁴*Derishah* to the *TUR*, *Yoreh De'ah* 268, s.v. "they are all converts."

The *Ba'al Halakhot* wrote: A convert who returns to his evil ways, his wine is wine *nesekh* (forbidden to Jews) and his bread is *Kutite* bread; one washes his fruit and his books are books of sorcery and his oil is like his wine and all the remainder of his things are like that of an idolator.⁵⁵

In reference to a convert who does revert to his former religious practices, the *TUR* quotes the *Halakhot Gedolot*. According to the *Beit Yosef*, the comments in the *Halakhot Gedolot* are based on the *baraita* on *Gittin* 45b.⁵⁶ It was taught there that an apostate Jew is equated with an idolator.⁵⁷ This would seem to imply that a convert who returns to practice his former religion, is no longer a Jew, but an idolator. However, *TUR* continues:

But it appears that not all of his things are said to be like that of an idolator for if he betrothed a Jewish woman, his betrothal is still valid.⁵⁸

In summary, the *TUR* has culled only the *baraitot* from *Yevamot* 47a and following. Asher has not included the *baraitot* from *Yevamot* 24b where it has been demonstrated that significant difficulties arose when dealing with motivation for conversion. However, the *Shulchan Arukh* will deal with these issues that the *Tosafot* raised on *Yevamot* 24b.

In the *Shulchan Arukh*⁵⁹ of Joseph ben Ephraim Caro⁶⁰, the laws for conversion are found in *Yoreh De'ah*, chapter 268. The comments of Moses Isserles⁶¹, as

⁵⁵*TUR*, *Yoreh De'ah* 268.

⁵⁶*Beit Yosef* to the *TUR*, *Yoreh De'ah* 268, s.v. "a convert who returns to his ways."

⁵⁷*Gittin* 45b.

⁵⁸*TUR*, *Yoreh De'ah* 268.

⁵⁹Written in Eretz Yisrael around the 16th century.

are presented in the *Shulchan Arukh*, will be presented in the following translations, in parentheses. It shall be demonstrated that the *Shulchan Arukh* brings together the Talmud, its commentators and the various codifiers previously examined.

When one comes to convert one says to him, what have you seen that you come to convert [i.e., why are you here]? Do you not know that in this time, Israel [i.e., Jews] are persecuted and oppressed (meaning they are lost and overthrown from: "Why is your strong one overthrown?" [Jeremiah 46:15]) and beaten and troubles thrust upon them? If he says, "I know and I am not worthy to join them," one accepts him immediately.⁶²

This has been presented in the *baraita* on *Yevamot* 47b. The *Siftei Kohen*⁶³ reiterates the Talmudic discussion its conclusion that one informs the prospective convert of these facts so that if he wishes to withdraw, he may withdraw.⁶⁴

Furthermore, the *Siftei Kohen* mentions the teaching of the *Beit Yosef* to the *TUR*. There the *Beit Yosef* concluded, quoting the *Sefer Mitzvot Gadol*, that the prospective convert must be informed of the obligations incumbent upon him under Jewish law so that he (the prospective convert) will not later say that had he known this he would not have converted.⁶⁵ The *Shulchan Arukh* continues:

One informs him of the essence of the religion, which is, the unity of God and prohibition of idol worship; and one goes into great lengths with him concerning this.⁶⁶

This was the *RAMBAM*'s addition to the *baraita* of *Yevamot* 47a which we saw earlier.

⁶⁰Spain/Eretz Yisrael, 1488-1575.

⁶¹Writing in Poland in the 16th century.

⁶²*Shulchan Arukh* 268:2.

⁶³Written by Shabbtai Kohen in the 17th century.

⁶⁴*Siftei Kohen* to *Shulchan Arukh* 268:2, his comment number 3.

⁶⁵*Ibid.* See also the analysis of the *TUR* above.

⁶⁶*Shulchan Arukh* 268:2.

One informs him of some of the minor Mitzvot and some of the more serious Mitzvot; and one informs him of some of the punishments related to [the transgressing of the] Mitzvot by saying to him: "Before you came to this status . . . One does not go into great lengths with him [regarding this] nor is one meticulous [by explaining it in great detail] with him."⁶⁷

This is found in the *baraita* on *Yevamot* 47a. The *Ba'er Hetev*⁶⁸ comments on "one does not go into great lengths" and refers to that which the *Bait Chadash* wrote above. It is important not to overwhelm the prospective convert by informing him of all the Mitzvot and so the *Ba'er Hetev*, quoting the *Bait Chadash*, writes:

For one does not inform him of all the details nor all the restrictions there are concerning the prohibition of forbidden fat and the prohibitions [associated with the observance of] Shabbat lest his intention [is for the sake of] Heaven.⁶⁹

It has been shown, in the *Bait Chadash* and the *Beit Yosef*, that what a prospective convert should be informed is a matter of dispute. For instance, not informing a prospective convert of the laws of Shabbat observance does not necessarily impede the conversion process. The *Bait Chadash* suggests the *beit din* temper the negative aspects of the mitzvot with the positive, the rewards. The *Shulchan Arukh* continues:

And, just as one informs him of the punishments associated [with the breaking of the] mitzvot, so too does one inform him of the reward associated [with observing the] Mitzvot; . . . For they are not able to receive most of their reward in this world, . . . But neither does the Holy One, blessed be God, bring upon them too much punishment so that they will not be destroyed. . . . And they continue at great lengths regarding this so that the [mitzvot] will become beloved [by the convert].⁷⁰

The final sentence here is from the *RAMBAM*. An important factor to consider in the conversion process is the prospective convert's attitude to the Jewish

⁶⁷*Ibid.*

⁶⁸Written by Judah Ashkenazi Tiktin in the 18th century.

⁶⁹*Ba'er Hetev* to *Shulchan Arukh* 268:2, his note 3.

⁷⁰*Shulchan Arukh* 268:2.

people. As we saw in the *RAMBAM*, the choice should be based on love and admiration as much as it is on factual knowledge of the Judaism.

If he accepts [this], we circumcise him immediately and wait for him until he is healed and afterwards immerse him . . . And three (scholars)[this is also *TUR*] stand next to him and inform him of some of the minor Mitzvot and of some of the more serious Mitzvot a second time while he is standing in the water.⁷¹

The *Turei Zahav*⁷² brings in the comment of Nachmanides concerning the order of the conversion procedure and writes:

The *RAMBAN* raised a difficulty as to why we delay the Mitzvot of Immersion by not immersing him before the circumcision. He [*RAMBAN*] explained "since the circumcision is hard on him, one circumcises him first for if he wishes to withdraw he may withdraw. If immersion is first, he is then a convert."⁷³

It has been demonstrated in the Talmud that once individuals have been immersed, they are no longer gentiles. If, in the case of a man, immersion came first and he later decided that circumcision is not for him, we have created a sinning Jew. There is therefore an *halākhic* reason for the order to be circumcision (for a man) and then immersion. The *Pitchei Teshuvah*⁷⁴ furthers the idea that immersion is the concluding step by informing us that Rabbi David ben Zimrah wrote in his responsa:

One then recites the *Shehechiyanu* blessing for then he completes his conversion.⁷⁵

If the prospective convert is a woman, then:

⁷¹*Ibid.*

⁷²Written by David Halevi in the 17th century.

⁷³*Turei Zahav* to the *Shulchan Arukh* 268:2, his note number 4.

⁷⁴Written by Abravah Tzvi Eisenstadt in the 19th century.

⁷⁵*Pitchei Teshuvah* to the *Shulchan Arukh*, Yoreh De'ah 268:2, his note 1.

And if this is a female [convert], women immerse her in water up to her neck and those who are deciding [namely, the three men] are outside and inform her of some of the minor Mitzvot and the more serious ones while she sits in the water. And afterwards she is immersed in their presence while they turn their heads and then leave so that they do not see her when she comes out of the water.⁷⁶

The individual's conversion then concludes with immersion. It has been demonstrated that once the individual has immersed, he is no longer considered a gentile. The *Shulchan Arukh* furthers this and states:

Once he is immersed, he is a Jew. If he should revert to his evil ways, he is [regarded] as an apostate Jew; if he has betrothed [a Jewish woman], his betrothal is [nonetheless recognized as] valid.⁷⁷

The immersion is therefore a very serious step in the conversion procedure. Once this step is completed, the individual is a Jew, something which that individual can never elude.

It is clear not only in the *Shulchan Arukh*, but also from the previous discussions as well, that an individual's motivation for conversion is an important consideration in the conversion process. The *Shulchan Arukh* writes:

When a [potential] convert comes to convert, one inquires after him lest he has come to enter Judaism out of [a desire] for material gains, or power, or fear. If it is a man, one inquires after him lest he has set his eyes on a Jewish woman. And if it is a woman, one inquires after her lest she has set her eyes on a Jewish man.⁷⁸

This has also been seen in *Hilkhot Issurei Bi'ah* 13:14. The *Siftei Kohen* comments on this by mentioning the comments of the *Tosafot* on *Yevamot* 24b and the conclusion of the *Beit Yosef*. The former referred to the case of the gentile who came before Hillel to convert and the latter concluded that it was all up to the discretion of the *beit din*.⁷⁹

⁷⁶*Shulchan Arukh* 268:2.

⁷⁷*Ibid.*

⁷⁸*Ibid.*, 268:12.

⁷⁹*Siftei Kohen* to the *Shulchan Arukh* 268:12, comment number 23.

Once motivations have been established, the conversion process continues.

If one cannot find in them a pretext [for their conversion], one informs them of the weight of the Yoke of the Torah and the burden there is upon people for doing the Mitzvot, so that they can withdraw [from the conversion process]. If they accept [this condition] and have not withdrawn [from the conversion process] and one sees that they have come [to convert] out of love, one accepts them [for conversion].⁸⁰

This too was seen in *Hilkhot Issurei Bi'ah* 13:14. This can be seen as a summary of the previous discussion which analyzed which mitzvot are to be taught, how many of the mitzvot and, in general, how to proceed with the educational aspect of the conversion process.

However, it has been stated in the *RAMBAM*, and in the other compendia literature, that one's motivation for conversion may not necessarily prevent one from converting. The *Shulchan Arukh* continues:

However, if one did not inquire after him or did not inform him of the reward [for observing] the Mitzvot or of the punishment [for breaking the Mitzvot], and he is circumcised and immersed in the presence of three lay people, nevertheless, he is a convert; even if it is known that he is converting for an ulterior motive, once he is circumcised and immersed he is no longer [considered] in the category of idol worshipper and one is suspicious until his righteousness [i.e. his integrity] is made known.⁸¹

In essence, the *Shulchan Arukh* repeats *Hilkhot Issurei Bi'ah*, 13:17. As has been demonstrated in the *Hagahot Mordekhai*, there appears to be a retroactive validation of one's conversion, when the motivation is suspect. However, there is a difficulty in this. For once an individual is immersed, that individual is no longer a gentile, but a Jew. So much so that:

And even if he returns [to his evil ways] and worships idols, he is like an apostate Jew whose betrothal is valid . . .⁸²

⁸⁰*Shulchan Arukh* 268:12.

⁸¹*Ibid.*

⁸²*Ibid.*

This too we have seen in *Hilkhot Issurei Bi'ah* 13:17. So, even though we are to be "suspicious" of one whose motivation for conversion is suspect, nevertheless, once they have completed the conversion process, they are considered Jewish.

Thus, there are two considerations when it comes to motivation for conversion and its affect on the conversion. *Lekhatchilah*, one who comes to convert for ulterior motivations is not to be accepted. The exception to this ruling is if the *beit din* is under the impression that once the individual proceeds with the conversion process, that person's original motivation will give way to proper motivations -- i.e. in the end, the individual converts *l'shem shamayim*. The other consideration is following the conclusion of the conversion procedure. *Bedi'avad*, once a person has completed the conversion process, regardless of their motivations, that person is considered a Jew.

It will now be up to the later *poskim* to determine how these two considerations, *lekhatilah* and *bedi'avad*, play out in matters of personal status.

Chapter 5

Rabbi Solomon ben Aderet¹, in the following responsum, deals with a case where a married man acquires a maidservant who later becomes pregnant by him. She converts before the birth and subsequently is now pregnant a second time. The previous wife, and daughter, are angry by this injustice and want to know if the community has the power to correct this situation.

The *RASHBA* deals with motivation for conversion in the opening of his responsum.

ANSWER: We have been taught, in Yevamot, Chapter *CAYTZAD* (page 24b) "One who is accused of having sex . . . with a gentile and she is converted, he may not marry [her]. But if he does, he is not forced out (he does not have to separate from her). Be that as it may, *lekhatchilah*, he cannot marry her [on account of] there being "perverse lips." And the matter is made uglier because of the apprehension there is [in that] she did not convert *l'shem shamayim*, but rather [she converted] so that she could marry this one; and the counsel of sinners [exists] between them.²

According to the *RASHBA*, in this short responsum, conversions which are motivated by anything less than religious motives, in other words anything other than *l'shem shamayim*, are strictly prohibited.

¹Thirteenth and Fourteenth centuries, Spain.

²Rabbi Solomon ben Aderet, Responsa of Rabenu Solomon ben Aderet (B'nai Brak, 1982), vol. 1, responsum no. 1205, p. 396.

Rabbi Jacob Ettlinger³ also takes a strict approach to the acceptance of prospective converts who appear to be motivated by ulterior reasons. In particular, Ettlinger is responding to a case of a gentile woman, previously married to a Jewish man, who now wishes to convert. In a statement against the lenient stance of Rabbi Ya'akov Naftali, who granted permission for such a conversion, Ettlinger states:

According to my humble opinion, there is no chance to permit this.⁴

Ettlinger relies on the teaching of the *Beit Yosef* and the *Shulchan Arukh* which concluded that the acceptance of prospective converts is left to the discretion of the *beit din*.

At any rate, there is room to rely on the *Makelim*, for it is a matter which rests with the "judges" discretion.⁵

Applying this ruling, Ettlinger is of the opinion that regarding cases such as the one under question:

... it appears to us that she is only converting *l'shem ishut*.⁶

Although it is left to the discretion of the *beit din*, Rabbi Ettlinger, like Rav Kook further on, requires certainty in determining motivations. The *beit din* must be sure, beyond the shadow of a doubt, that an individual seeking conversion is motivated to do so *l'shem shamayim*.

³Altuna, 1798-1872.

⁴Rabbi Ya'akov Aharon Ettlinger, *Binyan Zion* (New York: Saphrograph, Co.), responsum number 149.

⁵*Ibid.*

⁶*Ibid.*

Rabbi Isaac Dov Zeligmann Ha-Levi Bamberger⁷, in his responsa *Yad Halevi*, is asked about a Jewish man who married a gentile woman in a civil ceremony. Subsequent to the civil ceremony, the couple has had a son. The man now wants to marry this woman after she converts.

Rabbi Bamberger begins with a restatement of the *Hilkhot Issurei Bi'ah* 13:14, which deals with the proper procedure for accepting someone for conversion, and Bamberger concludes:

Hence it must be clear that there were none of the motivations [ulterior motivations] mentioned above.⁸

Rabbi Bamberger then proceeds to recall the Talmudic discussion from *Yevamot* 24b as presented in *Hilkhot Issurei Bi'ah* 13:15. As was shown in the Talmudic analysis, the *baraita* stated that there were no converts accepted during the days of David and Solomon. The *Tosafot* presented evidence that there were indeed converts during those times and they were termed *gerim gerurim*. The analysis of the *RAMBAM* concluded that they were converted in the presence of the lay-courts, but the High Courts did not readily accept them as converts. Indeed, the *RAMBAM* concluded that the High Courts waited to observe the behavior of those who converted to determine their motivation. Likewise, Bamberger concludes:

Therefore, even though there was only a doubt [that their motivations were] out of fear, or it was for richness that they converted, in any case the High Court did not draw them near, and quite simply, the intention was not to judge them as Jews until they saw that after [their conversion, their motivations] were good and sure.⁹

Bamberger also relies on the *Hagahot Mordekhai* as a basis for his conclusion. Just as the *Mordekhai* understood the *baraita* on *Yevamot* 24b, which ruled that "the

⁷Poland, 1808-1879.

⁸Rabbi Isaac Dov Halevi Bamberger, *Responsa: Yad Halevi* (Jerusalem, 1965), responsum no. 145, p. 212.

⁹*Ibid.*

halakha is that they are all complete converts," is based on observing behavior after conversion, so too does Bamberger believe that when dealing with questionable motivations, behavior is the determining factor.

However, every time when we do not have complete security, it is simple: from the standpoint of doubt, there is [need] to be strict, and even *bedi'avad*, one must give proof of ones motivations.¹⁰

Since they have already married in a civil ceremony one might argue that her conversion could not possibly be *l'shem ishut*. Rabbi Bamberger is not impressed by their civil marriage and states:

And what ever arose in the mind of his excellency to state that her intention was *l'shem shamayim* [arguing that] the civil marriage has already been completed and who is able to prevent them from behaving as if they were married? This is not the case. As a Jew . . . he is clearly not happy with this situation.¹¹

Therefore, as far as Bamberger is concerned, they are not truly married and the possibility that this conversion is *l'shem ishut* is still a viable one. In addition, it is Bamberger's opinion that the Jewish man in question does not wish to continue in an intermarriage. It is possible that he may be forcing the woman to convert and so it is necessary, all the more so, that the woman's motivations for converting are clearly known. Additionally, Rabbi Bamberger in the end of his responsum questions the woman's motivation and concludes:

And what is the source of this certainty concerning her intention? And [let me] emphasize [the need] to be concerned over the lack of the proper intention from both their sides. Since they completed the civil marriage before they knew that they needed a proper *beit din* for conversion, therefore, I have no permission to grant the one mentioned for conversion.¹²

For Rabbi Bamberger, one's motivation for conversion is the sole determining factor. *Lekhatchilah*, the motivation to convert must be *l'shem shamayim* in order to

¹⁰*Ibid.*

¹¹*Ibid.*, p. 213.

¹²*Ibid.*, p. 212.

be accepted for conversion. The couple's civil marriage is not enough, according to Bamberger, to remove the suspicion that the woman is converting *l'shem ishut*. There is enough doubt in Bamberger's mind as to reject the woman from the conversion process.

Rabbi Abraham Isaac Ha-Kohen Kook¹³ comments on the issue of conversion for less than religious motivations, in his responsa *Da'at Kohen*, and states:

However, when he is not totally converted, which is without observance or keeping the Mitzvot, and also the intention was unsuitable, then they are lower than simply lion-converts . . . [which is] considered, legally, as gentiles in all their matters.¹⁴

For Rav Kook, *kabbalat mitzvot* and motivation *l'shem shamayim*, are the two necessary requirements to effect conversion. His statement, that without fulfilling these obligations there is no conversion, appears to contradict the baraita on *Yevamot* 24b. There it was stated, by Rabbi Isaac quoting Rav, that "they are all converts."

Rav Kook understands this *baraita* as referring to those whose motivations for conversion were not *l'shem shamayim*, but nevertheless observed all the mitzvot. For Rav Kook, the ruling "they are all converts" applies only to such people.

It has been demonstrated that within the halakhic literature there is the potential to accept for conversion those motivated by less than ideal reasons. Rav Kook also deals with this issue and states:

¹³Eretz Yisrael, 1865-1935.

¹⁴Rabbi Abraham Isaac Ha-Kohen Kook, *Da'at Kohen* (Jerusalem: Mossad Harav Kook, 1962), responsum 154, p. 280.

And according to the *RAMBAM* and the *Shulchan Arukh*, #268 concerning one who converted for an ulterior reason: "one [remains] suspicious of him until his righteousness is made clear," [means], that if one sees that he is not behaving according to the Jewish religion, and the conversion was for a particular [ulterior] matter, this is not a proper conversion.¹⁵

A person who is suspected of converting for ulterior motivations is observed following conversion. If the behavior of the individual is in keeping with Judaism, then that person is considered as a convert to Judaism -- in other words a Jew. If, however, the person's behavior is not in keeping with Judaism, then there has been no conversion.

For Rav Kook, the acceptance of someone for conversion whose motivations are questionable, is damaging not only for the individual, but for the Jewish community as well. Those who accept such people for conversion are:

... transgressing [the commandment] "before a blind [do not place a stumbling block]," because if it is said that their conversion is not [really a] conversion, even *bedi'avad*, they are stumbling blocks for the many in that they are gentiles [who are] considered Jews, and several disasters and catastrophes can come from this.¹⁶

Here, Rav Kook has in mind other Jews who would consider these alleged converts to be Jewish. These misguided Jews would marry and have children with these "converts," even though they are not considered by the *Halakha* as converts. The end result, as far as Kook is concerned, is "disastrous."

Additionally, there are the actual "converts" themselves to consider. The Talmud specifically states that prospective converts are to be informed of the Mitzvot incumbent upon them following conversion. Rav Kook is of the opinion that to convert someone who is not motivated *l'shem shamayim* and who, following the conversion, will not observe the mitzvot incumbent upon the convert, actually places that individual in a very "threatening" position.

¹⁵*Ibid.*

¹⁶*Ibid.*

If truthfully they are proselytes, then *bedi'avad*, they are obligated for the all the [mitzvot] of the Torah. Then [those who accepted them for conversion, have] made for them stumbling blocks [because] they have made them culpable for the punishments of the Toraitic prohibitions which they have transgressed, which before they came to this status, they were not culpable for.¹⁷

Rav Kook sees the acceptance of such converts to inadvertently make them liable for Mitzvot about which they had no intentions of observing.

... he would be punished by his own hand for all the words of Torah which he transgresses.¹⁸

This is the crucial matter for Rav Kook. The *beit din*, by not requiring *kabbalat mitzvot*, places a stumbling block before these individuals. The end result being that these people would think themselves Jewish when in fact they are still gentiles. In addition, Rav Kook brings in Talmudic evidence that the commandment to not place a stumbling block before the blind means even before a gentile.¹⁹

For Kook, it is extremely important that the *beit din* be absolutely certain that the individual is converting *l'shem shamayim*.

[Thus if an Argentinean wishes to convert], let him come to Jerusalem and to Kook's *beit din* which would examine him in a way that would be certain that they are converting *l'shem shamayim* and that they would observe and do all the words of Torah, after that they would be obligated to it by entering the Covenant of the Lord, may He be praised, by the way of conversion and they will have entered truthfully under the wings of the *Shechinah*.²⁰

Therefore, it is only possible to accept for conversion, as far as Kook is concerned, those who are motivated for ideal religious reasons, those who wish to convert *l'shem shamayim* and who fulfill the obligation of *kabbalat mitzvot*.

¹⁷*Ibid.*

¹⁸*Ibid.*

¹⁹*Ibid.*

²⁰*Ibid.*, p. 281.

Aside from motivation for conversion, there is another condition which the *beit din* should consider before accepting an individual for conversion. This condition is *kabbalat mitzvot*, the acceptance of the responsibility to observe the mitzvot and to abide by the obligations imposed by them.

In his responsum, Rabbi Mordekhai Ya'akov Breisch responds to Rabbi Kirshbaum's responsum in which the latter accepts converts who come to convert *l'shem ishut*. Rabbi Kirshbaum's rationale (as shall be seen further on in the analysis of his actual responsum) as presented by Breisch, is that it is better that these prospective converts receive an halakhic conversion, than one performed by a Reform Rabbi.

However, Breisch follows a different path to the acceptance of converts. Instead of focusing on the issues of motivation, for Breisch, the essence of conversion is *kabbalat mitzvot*.

... the matter is extremely simple for me, that also *bedi'avad* there is no conversion because *kabbalat mitzvot* is a delaying factor ...²¹

The factor in determining who is acceptable for conversion, according to Breisch, is the observance of the mitzvot. Conversion becomes quite problematic for Breisch who is of the opinion that:

... most Jews are sinners, and do not generally want to know from Judaism, either *kashrut*, *Shabbat*, *nidah* or any of the Mitzvot which are a burden upon them; and they are only secular Jews.²²

In addition, for Breisch, the decision to not accept the woman for conversion is also based on her husband.

And surely know that also this gentile, who comes to be converted, will not behave at all in accordance to Jewish Law, because her secular Jewish husband does not know at all about the [the Mitzvot].²³

²¹Mordekhai Ya'akov Breisch, *Chelkat Ya'akov* (Jerusalem, 1951), responsum no. 13:1, p. 30. (Hereafter referred to as Breisch.)

²²*Ibid.*

²³*Ibid.*

Breisch is unable to accept a person in such a relationship for conversion because of the impediment to observing the mitzvot -- the woman's husband. He states:

And what kind of "kabbalat mitzvot" is there if we know that they ridicule and take lightly, [the laws of] Shabbat, *nidah*, and kashrut?²⁴

Indeed, Breisch draws an analogy between these types of converts, those who do not take *kabbalat mitzvot* seriously, and the Samaritans. Quoting the Tosafot from *Chulin* 3b Breisch states:

"Samaritans are "lion-converts" and their slaughtered meat is invalid just like that of a gentile . . . the Samaritans did not convert wholly, as is written: "Those four were frightened, and they were worshipping their God."²⁵

However, Breisch does not totally ignore the person's motivation for conversion. Instead, he understands the individual's motivation for conversion in light of the situation.

And also if we believe her that her intention is truthfully to be a Jew, at most her intention is to be a secular [Jew], without Shabbat [observance], *nidah*, and the remainder of the Mitzvot -- like her husband. And a conversion like this is, even *bedi'avad*, of no good, as has been explained in the *Tosefta* mentioned above, because they did not convert wholly.²⁶

For Breisch, to convert with a full heart means that the prospective convert has agreed to accept all the obligations imposed upon him by the Mitzvot. To further this point, Breisch refers us to *Hilkhos Issurei Bi'ah*, 14:8. There we read:

. . . However, in this time even if he accepted all the Torah in its entirety, with the exception of one aspect of scribal minutia, one does not accept him.²⁷

²⁴*Ibid.*

²⁵*Ibid.*

²⁶*Ibid.*

²⁷*loc. cit.*

Therefore, as far as Breisch is concerned, the woman in question has not fully accepted, with a whole heart, the mitzvot.

Breisch also raises the issue of the potential damage that might arise if such a person is accepted for conversion. He points out that the prohibition for accepting such a person for conversion is *miderabbanan* and suggests the theory of the *meikeilim* that it is therefore possible to be lenient.²⁸ However, Breisch states that so doing would actually worsen the situation.

And another thing, we would save them from [transgressing] greater prohibitions if we make it a prohibition to accept them for conversion. Indeed, currently, if they live together they are only transgressing certain sexual prohibitions. . . . However, when he converts her we know for certain, they will not be careful at all regarding the prohibition of *nidah*. . . . If so, we would make them both [culpable] to be punished by *karet*.²⁹

Therefore, Breisch is against the conversion of anyone who does not fully accept the mitzvot. For Breisch, anyone outside the same religious realm as himself is incapable of fully observing the mitzvot. This also implies a prohibition against those converting for less than ideal motivations, because so doing would mean rejecting one aspect of the mitzvot system -- that one should convert *l'shem shamayim*.

Furthermore, as previously demonstrated, accepting someone for conversion, who is not aware of all the Mitzvot, would inadvertently cause them to break some of the prohibitions. Indeed, as far as Breisch is concerned, rabbis who perform conversions must be extremely careful in whom they accept for conversion and in what these prospective converts are instructed.

In his summation, Breisch returns to one of the initial concerns addressed by Kirschbaum. Breisch states:

²⁸Breisch, 13:7, p. 31.

²⁹*Ibid.*

What do we care if they go to the Reform? One who adheres firmly to the religion, will certainly inquire regarding the conversion when he goes to marry with one of their descendants. And when it becomes known that the conversion was from the Reform, he will not consider her to be a Jew.³⁰

Therefore, according to Breisch, only those whose motivations are *l'shem shamayim* and who truthfully accept the obligations of the mitzvot, should be accepted for conversion. Additionally, one must consider not only the individual's response, but the environment in which that individual is living. Breisch seems to feel it important enough that the environment support a life of mitzvot observance, so much so as to reject someone for conversion who does not have benefit of this environment.

In the following responsum, Rabbi Moses Feinstein³¹ is asked concerning a *Kohen* who has married a gentile woman in a civil ceremony. The couple has already had children, and now the woman wishes to convert. Should she be accepted for conversion or not? In the beginning of the responsum Feinstein states:

In my opinion, I do not see in this [case] a place to permit [such a thing]. Conversion requires a *beit din* regarding this matter, and [the *beit din*] must not sin, even a small sin, such as aiding *Kohen* in marrying a convert in order that he would not convert from Judaism. Of course, one does not say to a person "sin so that his friend may merit" so that one does not transgress a serious prohibition . . . And only regarding an "Israelite," where it is permitted to marry a convert, is there a reason for the *Beit din* to be lenient and to convert.³²

The issue of the woman's conversion is further complicated by the fact that she is married to a *Kohen*. A *Kohen* is forbidden, by the Torah, to marry a gentile, let

³⁰*Ibid.*, p. 32.

³¹New York, 1895-1985.

³²Rabbi Moses Feinstein, *Igrot Moshe, Even Ha'ezer* ("Belashon", New York: 1955), responsum no. 4, p. 312. (Hereafter referred to as *Feinstein, Even Ha'ezer*.)

alone a convert -- the former a more serious transgression than the latter. Other *poskim*, as will be shown in the following chapter, have suggested that it is better to transgress a minor prohibition than a major one. However, Feinstein does not agree with this.

Since the *Kohen* is forbidden to marry a convert, converting the woman does not save the *Kohen* from transgressing a prohibition.

And perhaps . . . when there is fear that one will commit a serious transgression, there is reason to be lenient and to convert. However, [regarding] a *Kohen* [marrying a convert], since this is itself a serious transgression, there is no need to expend the energy . . .³³

The *Kohen's* sinning is not the only issue Feinstein raises with regards to this case. Indeed, like the other *poskim* studied, Feinstein is also concerned that the motivation for the conversion is *l'shem ishut*.

However, this [conversion appears to be] *l'shem ishut* where there is no clear prohibition, for the lay courts were accepting [converts] just as the *RAMBAM* demonstrated in *Hilkhot Issurei Bi'ah* 13:15.³⁴

Feinstein states that a conversion which is motivated by marriage does not have any clear prohibitions against it. In spite of this, some *poskim* reject those who are converting if there is any chance their conversion is motivated *l'shem ishut*. Others are lenient and look for other possible motivations for the individual's conversion.

From the following statement, it would appear that Feinstein views those who convert *l'shem ishut* as converts.

And regarding this matter, the one who converts *l'shem ishut*, the Halakha has explained this in *Yevamot* 24 that he is a convert and so it is in the *RAMBAM* and the *Shulchan Arukh*.³⁵

Regarding the prerequisite of *kabbalat mitzvot*, Feinstein makes an interesting observation. Noting the Talmudic discussion on *Shabbat* 68, Feinstein distinguishes

³³*Ibid.*

³⁴*Ibid.*

³⁵*Ibid.*

between "accepting all but one of the mitzvot," a condition which invalidates conversion, and not being informed of all the mitzvot.

It does not hinder conversion as I have written above [concerning] *Shabbat* 68 for he is only lacking knowledge and he is not lacking acceptance. So in any case, if Hillel did not know that afterwards he would draw close to himself [the mitzvot], he would not have accepted him for one does not convert a proselyte who is not going to observe, after the conversion, the mitzvot.³⁶

If it is blatantly obvious that a prospective convert is not going to observe the Mitzvot following the conversion, then such a person is not accepted for conversion. However, if the prospective convert is not informed of certain mitzvot and does not observe them; ignorance is not the same as refusing to observe.

Feinstein now returns to the case under question. Is it possible to accept this gentile woman, who is married to a *Kohen*, for conversion?

And it is found that she did not accept [the prohibition of a convert marrying a *Kohen*] because she wants to [remain married to] this *Kohen*. And if she [is accepted for conversion], seeing that she did not accept this [prohibition], she is not a convert.³⁷

Her refusal to observe this prohibition casts doubt on her fulfilling the requirement of *kabbalat mitzvot*. Indeed, it would appear that by remaining married to the *Kohen*, she has not fully accepted the mitzvot. In addition, her degree of observance is hindered by her husband.

However, she is not going to observe the Mitzvot since she sees that her husband transgress all the Mitzvot . . .³⁸

Further on, Feinstein states that regarding the woman in our case:

³⁶*Ibid.*

³⁷*Ibid.*

³⁸*Ibid.*

... she must now be converted and immersed and accept the Mitzvot. If she accepts [them] unconditionally, then it is as if she did not accept this prohibition of marriage to a *Kohen*, and thus she is not a convert at all.³⁹

Her conversion is thus in a status of great doubt. It would appear that her remaining married to the *Kohen* would demonstrate her rejection of a very fundamental commandment -- that dealing with family purity. This is too much for Feinstein; if she chooses to do this, she cannot be a convert.

Feinstein now turns his attention to the *Kohen*. Perhaps there is a benefit to him if the woman is accepted for conversion. This idea has been expressed by other *poskim*. Indeed, Feinstein is here addressing his comments in reaction to that which Rabbi Hoffman wrote in *Melamed Lehoel*.

However, for Feinstein, there is no benefit to the *Kohen* in her converting. If anything, her conversion would place him in even a more compromising situation.

I do not understand [how he would benefit], for when she is converted and is not observant of the Mitzvot, he will transgress the *nidah* prohibition which is punishable by *karet*. And were she not converted, then there would be no Toraitic *nidah* prohibition, only a rabbinic prohibition on account of *nidah*, *shiphcha*, *goyah*, *zonah*.⁴⁰

It therefore appears that there is no benefit, either to the woman or to the *Kohen*, to accept her for conversion. Indeed, a conversion in this instance, according to Feinstein, would be more injurious than not accepting the woman for conversion. This is made all the more clear in Feinstein's concluding remarks.

And another thing, as I explained, the convert will not amount to anything. And that which was brought in *Melamed Lehoel* that this does not hinder the "acceptance of Mitzvot," this is not so according to my opinion as I have already written. And the book, *Melamed Lehoel* is not in my possession so that I can study it. The final decision, in my opinion, is that it is not worthwhile to accept this request for conversion.⁴¹

³⁹*Ibid.*, p. 313.

⁴⁰*Ibid.* The rabbinic prohibition deals with issues of female status.

⁴¹*Ibid.*, p. 314.

The fact that the woman plans to remain married to her *Kohen* husband following the conversion, is enough to indicate to Feinstein that she has not fully accepted the obligations incumbent with the mitzvot. Feinstein notes that this is in contrast to *Melamed Lehoel*, but this is of no concern to Feinstein.

Indeed, having spelled out the consequences, as Feinstein understands them, the issue is now closed.

Chapter 6

Rabbi Solomon bar Yehuda Kluger¹ is asked to respond to a case where a Jewish man has had "illicit" sexual relations with a gentile woman several times. It is now the woman's intention to convert and Rabbi Kluger is asked if this woman is should be accepted for conversion. Rabbi Kluger begins:

The source for this [permission] is in *Yevamot* 24b where the Sages and Rabbi Nechemiah disagree regarding a man who comes to convert for the sake of a woman or opposite [a woman comes to convert for the sake of a man], the Sages are of the opinion that he is a convert and Rabbi Nechemiah is of the opinion that he is not a convert.²

Further on Kluger informs us that the Jewish man in question is so determined that:

... if the woman will not be converted, he will return with her, to her religion and her place. If so, it appears his desire to convert is certainly enough to permit him to marry her. . . It is therefore permitted to convert her, and for him to marry her so long as they wait the three month testing period³ following conversion.⁴

However, Kluger will admit that the three month testing period "is only a rabbinic matter."⁵ Indeed, Kluger seems to be more concerned with the prospective

¹Poland, 1883-1869.

²Solomon Kluger, *Tuv Ta'am Veda'at* (New York: Grossman's Publishing House), responsum no. 230, p. 93. (Hereafter referred to as Kluger.)

³A required period of time that a female convert is not allowed to marry a Jew. This is in order to distinguish the paternity of any child born to her subsequent to her conversion.

⁴*Ibid.*, p. 94.

⁵*Ibid.*

convert's behavior and the behavior of her husband, than he is with adhering to strict halakha.

Kluger appears to be concerned with the possible effects of rejecting the individual for conversion. If the person is denied conversion, will the *beit din* actually be causing more harm? Will that person fall into evil ways? Rabbi Kluger cites the *MHARIK*⁶ and who states:

Better that he eat meat from a dying animal which has been slaughtered than meat of a dead animal [which has not been slaughtered]. . . (and from the ruling of *Yifat Toar* there is evidence that when there is fear that he will break a more serious prohibition it is permitted to permit him a minor prohibition, namely, a rabbinic prohibition).⁷

Basing himself on the *MHARIK* and the rulings regarding *Yifat Toar*⁸, Kluger concludes that when one is faced with a choice between two evils, it is better to take the lesser. When faced with the choice between someone who may be converting for less than ideal motivations, or who is not intending to observe all the Mitzvot, Kluger writes:

. . . one is not strict regarding this when dealing with a situation where there is fear that the individual will fall into evil ways.⁹

Kluger deals with the concern over possible future behavior from within the halakhic system. He has found a way to be lenient which is supported by the halakhic tradition.

Kluger refers to the rulings of the *Beit Yosef* and the *Siftei Kohen* regarding determining motivations for conversion. As was shown, when the *Beit Yosef* and the *Siftei Kohen* were responding to the discussion in the *Tosafot* concerning Hillel and Rabbi Chiya, they ruled:

⁶Rabbi Yosef Kolon of Italy. Died 1880.

⁷*Ibid.*

⁸As found in Deuteronomy 21:10 ff. and Kiddushin 21b - 22a.

⁹*Kluger*, p. 94.

... that it is all according to the discretion of the *beit din*.¹⁰

With this in mind, Kluger writes in his concluding remarks:

Concerning the matter, that she is converting for the sake of a man, here too there is no ground for apprehension, because the source of this matter is Rabbinic, and in this one may rely upon our own judgment.¹¹

Kluger states that the ruling, "one who converts for the sake of marriage is to be rejected," is a rabbinic one. Kluger thus demonstrates that a *beit din* is at liberty to annul a rabbinic prohibition, especially when saving someone from transgressing a Toraitic prohibition. This argument will be used by other lenient *poskim*. Additionally, Kluger brings evidence to support his supposition that the woman is not converting *l'shem ishut*.

For if he wished, he could convert [to her religion] and remain there with the gentile woman. . . The fact that he does not wish to do so, but rather to remain a Jew, and that he wants her to convert, proves that their intention is for the sake of heaven.¹²

Regarding the case before Rabbi Kluger, two issues are clear. Number 1, the man has made it clear that he will convert to Christianity if the *beit din* does not allow the conversion. Number 2, the couple has lived together openly. For Kluger, these two points are sufficient evidence for him to conclude that the conversion is *l'shem shamayim*.

Kluger has demonstrated that in times of urgency, it is permissible to annul a rabbinic prohibition. In addition, since the couple has been living together already, the prohibition against conversion *l'shem ishut* does not apply in this case. Kluger is willing to accept the woman for conversion.

¹⁰*Ibid.*

¹¹*Ibid.*

¹²*Ibid.*

In the responsa of Rabbi David Tzvi Hoffman¹³, *Melamed Lehoel* Number 83, he is asked about a Jewish woman who has married a gentile man who now wishes to convert. Hoffman begins his responsum by noting the classical texts and their teachings regarding motivations for conversion.

It was explained in the *Shulchan Arukh*, *Yoreh De'ah* 268:12, that one does not accept a convert who seeks to convert because he has "set his eyes on a Jewish woman."¹⁴

Rabbi Hoffman continues by mentioning the incidents, reported in the *Tosafot* on *Yevamot* 24b, regarding Hillel and Rabbi Chiya and concludes:

And this is brought in the *Beit Yosef*, who states that, we learn from the entire [matter] that it is according to the discretion of the *beit din*.¹⁵

As seen in the discussion in the *Tosafot* pertaining to the converts of both Hillel and Rabbi Chiya, it was concluded that both were certain that these gentiles were converting for the sake of Heaven. Indeed, references have been made to these instances by other *poskim* who further the conclusion of the *Tosafot*.

That being the case, the groundwork is laid for Hoffman to reach a decision on this particular case:

And here, in our case, where he has already married the Jewish woman [according] to civil law, and she has already abandoned herself to him, and she is pregnant from him, the matter is clear that she will remain married to him even if he does not convert. If so, there is basis for [the conversion] to be *l'shem shamayim*.¹⁶

The basis for permitting such a conversion is that if the man does not convert, she will still remain married to him. Therefore, any subsequent conversion could not

¹³Berlin, 1844-??

¹⁴Rabbi Tzvi David Hoffman, *Melamed Lehoel*, Vol. 2 (Frankfort on the Main: "Hermon"), no. 83, p. 87.

¹⁵*Ibid.*

¹⁶*Ibid.*, pp. 87-88.

possibly be *l'shem ishut*. But this is not the only reason Hoffman is willing to permit the conversion. Hoffman continues:

And another thing, if we do not accept her [for conversion,] she will remain married to him in this Toraitic prohibition -- for a [marriage between] a Jewish woman and a gentile is a prohibition from the Torah. And if so, it is best that we accept him than she remain married to him in a prohibited [state].

As seen earlier, the prohibition of conversion *l'shem ishut* is a rabbinic prohibition. The prohibition regarding intermarriage is from the Torah. Here, Hoffman sees it better to break the rabbinic prohibition than to let the woman continue breaking a Toraitic one.

In addition if the man is not allowed to convert, the woman will suffer even more:

... even though that it started out as a sin for her to abandon herself to a gentile man, in any event ended as duress since she became pregnant by him she is not able to bear her shame if she is not [permitted] to marry him; for no man would marry her now and she will have to live forlorn all of her days.¹⁷

Hoffman sees in this case a victim -- the woman. Because of her mistake, she will have to live out her life in misery. Therefore, it is incumbent upon the *beit din* to extract the woman from the situation. The best way for the *beit din* to achieve this, according to Hoffman, is to convert the man. To fail to do so makes the woman a victim of the *beit din*'s refusal to convert the man. Hoffman also addresses another group of victims:

And another thing, if she marries a non-Jew, her descendents, which from a legal standpoint are legitimate Jews, may be drawn towards their father's [religion], and they will be sinners "but these sheep, how have they sinned?" [2nd Samuel 24:17]¹⁸

¹⁷*Ibid.*, p. 88.

¹⁸*Ibid.*, p. 88. The Biblical verse deals with David who sinned and who deserved to be punished, but instead, it was the people.

There is then an additional consideration -- the children. If the *beit din* does not agree to convert the father, they will in essence create an even worse situation. The children may follow their father's religion.

And therefore it is better that a *beit din* break a minor prohibition to accept the [man] and to convert him according to Jewish Law so that perfect descendants will issue forth from him.¹⁹

Hoffman does not merely leave it at this. He stresses the importance of educating this man in the mitzvot.

And in any case, the *beit din* should warn the gentile to observe and to be heedful of Jewish law, and in the details of Shabbat [observance], and forbidden foods . . .²⁰

Since the couple is already married, Rabbi Hoffman does not see the conversion as being a conversion *l'shem ishut*. In addition, there would appear to be more to lose by not accepting the man for conversion. Hoffman has mentioned the future fate of the woman and the future descendants of the couple. Therefore, according to Hoffman, the man should be accepted for conversion.

Hoffman also deals with conversion in responsum number 85. There, Hoffman cites a case involving a woman prospective convert who wishes to marry a Jewish man. Hoffman begins:

Regarding the matter of accepting a woman for conversion who wants to marry a Jewish man, I have already explained above, quoting the *Siftei Kohen*, that it is all according to the discretion of the *beit din*.²¹

Similar to the cases seen above, Hoffman feels it better to accept her for conversion than for the Jewish man to marry her in a civil ceremony.

¹⁹*Ibid.*

²⁰*Ibid.*

²¹*Ibid.*, no. 85, p. 89.

And now in our time, it is necessary to say that since she is able to marry a Jew, even while she is a gentile, and if the *beit din* does not accept her, the Jewish man will marry her [according to] civil [laws].²²

In addition, Hoffman is of the opinion that the woman be accepted for conversion if nothing else, so that she receive a proper conversion.

And another reason, if a God fearing rabbi does not accept her, she will go with one of the "new ones"²³ who accept women for conversion without [benefit] of: ritual immersion; [or in the] presence of the *beit din*; and with out [the stipulation] of "acceptance of [all] the Mitzvot. And thus she would consider herself a convert [when in fact] she is [still] a gentile."²⁴

Here, Hoffman is similar in his attitude to that of Breisch, as seen in *Chelkat Ya'akov*. However, this is where the similarity ends. Hoffman is willing to modify the strict adherence to conversion prerequisites in order to solve bigger problems.

It is better to take a little evil and accept her if she promises that she is converting for the "sake of heaven" and that she will uphold [and observe] all the Mitzvot [including] the particular laws of Shabbat, *nidah* and forbidden foods, etc. Regarding all of this she promises "I will observe."²⁵

As previously demonstrated, this idea was expressed by Herzog -- the ends justify the means to conversion. However, Hoffman sees the husband as playing an important role in deciding if the woman is to be accepted for conversion.

The Jewish man's obvious (at least to Hoffman) ignorance of some of the more basic mitzvot, one of which is *nidah*, is an important consideration. The man must be informed of the mitzvot of *nidah*, Shabbat, and kashrut because:

... without this, the damage will be greater than the repair. . .²⁶

²²*Ibid.*

²³The implication being Reform Rabbi.

²⁴*Ibid.*

²⁵*Ibid.*

²⁶*Ibid.*

Nidah is a Toraitic prohibition. Therefore, to accept the woman for conversion based on the reasoning that "we violate a minor prohibition to save him from violating a more serious one," does not hold in this case unless both she and her husband agree to follow the mitzvah of *nidah*.

Furthermore, Hoffman is of the opinion that if the woman's desire to convert *l'shem shamayim* must be further corroborated:

... and if the husband testifies after [being informed of the Mitzvot], that his wife is converting for the *l'shem shamayim*, then there is reason to accept her as in the manner described above. And if it is further possible to enquire of other unbiased people, that she wants to convert, truthfully and with a pure heart, all the better.²⁷

In the preceding responsa, Rabbi Hoffman has indicated his desire to accept converts and to be as flexible as possible. This does not mean that he permits conversion for the sake of marriage. Rather, in cases of doubt, finds additional reasons which lead him to conclude that the conversion is *l'shem shamayim*.

Rabbi Eliyahu Hazzan²⁸, in his responsa *Ta'alumot Lev*, is asked about a Jewish man who has married a gentile woman in a civil ceremony. The couple has had children and the woman now wishes to convert herself and her children as well. Rabbi Hazzan takes an interesting approach to resolving this problem. He writes:

... initially there is reason to permit her to convert as a corrective measure for the children to whom she has already given birth and who are influenced by her conduct, and those that will join them afterwards.²⁹

²⁷*Ibid.*, pp. 89-90.

²⁸Alexandria, 1845-1905.

²⁹Hazzan, *Ta'alumot Lev*, responsum number 29, page 44b. (Hereafter referred to as Hazzan.)

Hazzan sees it permissible to convert the woman for the sake of the children. In so doing, not only are the woman and her present children Jewish, but any subsequent children will also be Jewish. It would therefore appear that Hazzan is taking a very liberal approach to the understanding of the role of motivations in the conversion process. Indeed, further on Hazzan states that there is much room for interpretation.

And as for the matter of conversion, it has never been clear, nor will it ever be clear, that there is room to prohibit – the widely-accepted Halakha is: "A man who converts for the sake of a woman, or a woman who converts for the sake of a man, they are valid *gerim*," which is how the Talmud concludes . . .³⁰

Hazzan refers us to the baraita on *Yevamot* 24b where the halakha, as understood by Rabbi Isaac who quotes a teaching of Rav, rules that even those who convert for ulterior reasons are, *bedi'avad*, converts. This, for Rabbi Hazzan, indicates that the *lekhatilah* prohibition does not apply in a case where the couple lives together openly.

Aside from being liberal in his approach to accepting converts, Hazzan is also a pragmatist. He realizes the limitations in the case in question and states:

We also know that we are unable to separate them, and it is better that she live with him in a permitted state than in a prohibited one.³¹

It has been made known to those involved in this case that if the woman is not accepted for conversion the couple will remain together. As seen with other *poskim*, this would cause greater harm in that the Jewish man is breaking a Toraitic prohibition.

To further support the idea that it is better to break a minor prohibition than a major one, Hazzan relies on a responsum of the *RAMBAM*. The *RAMBAM* was asked regarding a certain Jew who acquired a gentile maidservant and brought her

³⁰*Ibid.*

³¹*Ibid.*, p. 45a.

into his house; the family becomes very upset and the question comes to the *RAMBAM* of what recourse does the family and the *beit din* have?³²

The *RAMBAM*, in his responsa *Pe'r Hador* states that this situation is not good. The *beit din* must:

... try with all ones strength and power to separate this maidservant, or he set her free and marry her.³³

However, as was taught in the Mishnah on *Yevamot* 24b, a man who is suspected of having had sexual relations with a slave, who is later freed, may not marry her. Indeed, the *RAMBAM* notes this but continues to allow such a marriage:

... because of the "measure for repentant sinners," and we say: "better that he should eat gravy and not forbidden fat itself, and we rely on what [the Sages] said [in *Berachot* 54a]: "A time to do for God by making void Your Torah" -- he is able to marry her.³⁴

For the *RAMBAM*, if there is any way to temper the breaking of a Toraitic prohibition, it should be used. It would appear that this particular Jew has no intention of removing this servant from his house. Seeing that this is the case, it would be better for the *beit din* to lessen the severity of his transgression in anyway possible. Indeed, that is the essence of the Talmudic text that *RAMBAM* quotes.

This text is a play on Psalms 119:126 where the verse reads: "It is time for the Lord to work; They have made void Your law." The verse as found in Psalms appears to mean that God should take action because the people have neglected the Torah. However, this verse, as it is being applied in the Talmud, has a different connotation. *Rashi* on this text states that since God desires peace between people most, one is:

³²Rabbenu Moses ben Maimon, *She'elot u'Teshuvot P'er Hador*, edited by David Yosef (Jerusalem, 1984) responsum number 132, page 260.

³³*Ibid.*, p. 261.

³⁴*Ibid.*

... permitted to void the Torah and to do that which appears to be a prohibition.³⁵

It is therefore possible for the *RAMBAM* to permit such a marriage because the end result, that of restoring peace, validates transgressing the Toraitic prohibition.

Hazzan follows this idea expressed by the *RAMBAM* and states in his closing remarks:

If our Rabbi, may his memory be for a blessing, wrote this in his day -- what else can we in our generation say, here in these lands of freedom and openness?³⁶

Hazzan realizes the idea of personal freedom and the lack of ultimate power of the *beit din* to force individuals to behave in a manner which is contrary to their own desires. For Hazzan, this idea was expressed as early as the *RAMBAM*. If it was true in his day, *kal v'chomer* it is in Hazzan's day. Therefore, the precedent has been established and Hazzan is merely following the example of the *RAMBAM*.

Rabbi Solomon Yehuda Lev Tabak,³⁷ in his responsa *Teshurat Shay*, is asked concerning a Jewish man who, several years earlier, married a gentile woman. Since then they have had children and now the woman and the children wish to convert. The question is put to Rabbi Tabak -- should the woman and the children be accepted, bearing in mind that if she is not they will continue to live together?³⁸

³⁵*Rashi* on *Berachot* 54a s.v. "Time to do for God, they have forsaken Your Torah."

³⁶*Hazzan*, p. 45.

³⁷Poland, died 1908.

³⁸Rabbi Tabak, *Teshurat Shai*, vol. 2 (Maramrosziget: Abraham Koyfmann and Son, 1910) responsum 3, p. 2b.

Rabbi Tabak begins his answer with an analysis of the *baraitot* on *Yevamot* 24b and the accompanying *Tosafot*. Tabak focuses much of his time on the issue of the "rumor" which was dealt with in the Talmudic text. Tabak concludes:

For it is even greater than this, if it is known that he had sex with her, there is no more suspicion of rumor or evil talk . . . In any case, with gossip, we do not derive proof.³⁹

The case under question deals with an individual who is not accused of having sexual relations with a gentile. Indeed, in the case in question, it is a known fact that he has had sex with her – he has children by this woman.

In addition, Tabak paraphrases the discussion found in the *Tosafot* on *Yevamot* 24b:

For thus, he certainly had sex with her *lekhatchilah*, he may not marry her lest she only converted in order that he may marry her. And if he married [her] one does not remove [her] for there is no [reason] to remove [her] on account of this suspicion.⁴⁰

However, in the case in question, the Jewish man has already married the gentile woman, and has already had sex with her, as is evident by the children. How then are these rulings to be applied? Tabak now turns his attention to the case and these issues:

And in our case, there is no doubt that if we do not permit her to convert and to marry him, they will live together just as they have in the past. And even if you are surprised that there is [reason] to be strict with regards to a doubt, there is a disagreement regarding this rabbinic prohibition, *lekhatchilah*. In any case, it is worthwhile to save him from a [transgressing] a prohibition of the Torah. There is no reason to be strict if, according to one's perspective, one doesn't permit her, he will continue to live with her even though she is a gentile.⁴¹

Not only does this case involve doubt, regarding the woman's motivation for conversion, but since they will continue to live together regardless of conversion,

³⁹*Ibid.*

⁴⁰*Ibid.*, p. 3a.

⁴¹*Ibid.*

there is reason to consider her for conversion. Indeed, Tabak cites another instance where a similar conclusion regarding a rabbinic prohibition is reached:

And see Eliyahu Rabbah . . . where one is permitted to break a rabbinic prohibition in order to save a Jew from breaking a serious permanent prohibition, let alone a sin.⁴²

Tabak also responds to issues raised by the Talmud and others regarding the couple's previous sexual relations. The Mishnah on *Yevamot* 24b prohibits the marriage because the rumor that people will say that they did indeed have sexual relations before the marriage. Tabak comments on the difference between this case and the case in the Talmud:

If it were only that he had sex with her but did not live with her, like in our case, where granted that if he did not live with her it would be possible to say that he did not want to live with her permanently unless she converted.⁴³

Since the Jewish man will continue to live with the gentile woman, he will be breaking a Toraitic prohibition. Tabak is of the opinion, as seen in other *poskim*, that it is better to break a rabbinic prohibition than to let someone break a Toraitic prohibition. For Tabak, this case seems to fall in the category of "rabbinic doubt," about which one can be lenient.⁴⁴

Rabbi Yehuda Lev Tzirelson⁴⁵ is asked about Jewish men who have married gentile women according to Brazilian civil law. The women now wish to convert and

⁴²*Ibid.*

⁴³*Ibid.*

⁴⁴*Ibid.*

⁴⁵Poland, 1860-1941.

also want to bring their children for conversion. The question put to Rabbi Tzirelson is, should the *beit din* accept them for conversion?

Rabbi Tzirelson begins his responsum by quoting the *RAMBAM* as follows:

The *RAMBAM* has already made mention (*Hilkhot Issurei Bi'ah*, 13:14) that the correct Mitzvah is not to convert these [women] for it is recognized that their conversion was only for the sake of material gains. In any case, in the matter under discussion, it is possible to permit the conversion, from the aspect of the reasons that will be explained, even though their primary reason [for converting seems to be for the sake of] marriage.⁴⁶

Although the *RAMBAM*, as presented by Tzirelson, seems to be against such a conversion, nevertheless, Tzirelson seems to be of the opinion that there is a possibility to accept these women for conversion. Indeed, as shall be shown, Tzirelson will again rely on the *RAMBAM* to further the possibility that the women should be accepted for conversion.

Tzirelson refers to the phenomenon of Jewish people marrying, and remaining married to, gentiles as *sha'at hadachak*, a time of distress.

Since the gentile women have already married their chosen Jewish mates by [civil] marriage and, along with this, the [fact that] they will certainly continue to dwell with them and also they already have children, we do not have, in the case before us, a more greater *sha'at hadachak* than this distressing moment!⁴⁷

Rabbi Tzirelson reasons that in a *sha'at hadachak* the halakhic *lekhatchilah* standard does not apply. Tzirelson also explores the alternatives to conversion that might resolve this problem. However, he concludes that divorce is not pragmatic, desirable or let alone a realistic solution⁴⁸. He does note, citing the *Hilkhot Issurei Bi'ah* 13:17, that it is possible to convert for less than ideal motivations.

⁴⁶Rabbi Yehuda Lev Tzirelson, *'Atzei Halbanon, Yoreh De'ah*, (Cluj: Abraham Koyfmann, 1922), responsum number 63, p. 48.

⁴⁷*Ibid.*

⁴⁸*Ibid.*

And concerning the situation of *bedi'avad*, there is no need to engage [in this discussion any further, for the *RAMBAM*] has already ruled that if the *beit din* transgresses and converts a gentile who seeks to convert for material motives, he is [nevertheless] a convert. Therefore, in the "time of distress" under discussion, it is perfectly valid to permit such a conversion *lekhatchilah*.⁴⁹

To further support this supposition, Tzirelson cites the law concerning a female slave with whom the men of the town behave licentiously: she is freed by her master so that she may be married. This is in order to remove the "*michshol*," the stumbling block, placed before the bonds-woman by the rumors of the people.⁵⁰ Tzirelson continues:

How much more so is such a policy correct in our case, wherein by means of converting these women, who have already cohabited with their Jewish husbands, the Court will save the latter from the more serious sin. For it is an obvious thing, that for the purpose of saving a person from a constant stumbling block such as this, from which these sinners are not free for even a moment, there is no room at all to be "strict" and to oppose accepting such converts.⁵¹

Tzirelson now turns to the central issue in this case -- are these women converting for the sake of marriage or not? Tzirelson relies on their previous marriage in determining this factor:

Since the gentile women in their marriages to their young Jewish husbands, according to their wedding practices which are firm and abiding according to the civil law, have already achieved their goal completely and are totally cleared [of the suspicion of converting] for the sake of marriage. . . . Indeed, we have no greater proof than this, that their desire is for the religion of Israel with a full heart.⁵²

Although not fully stated, Tzirelson seems to rely on the teaching of the Beit Yosef and the Shulchan Arukh that regarding determination of motivation for conversion, "it is all left to the discretion of the *beit din*." As far as Tzirelson is con-

⁴⁹*Ibid.*

⁵⁰*Ibid.*, 63b, p. 48, citing *Shulchan Arukh, Yoreh De'ah* 267:9.

⁵¹*Ibid.*, 63b, p. 48.

⁵²*Ibid.*, 63c, p. 48.

cerned, the fact that these women are already married means that they cannot be converting *l'shem ishut*.

Furthermore, Tzirelson understands the incident with Hillel as exemplifying the idea that it is up to the *beit din* to determine an individual's motivation for conversion. Tzirelson writes:

... the knowledge of Hillel here was only according to his scholarly conjecture alone, according to his understanding regarding the intentions of the one who was converting, ... [and after learning the Torah he came] to the religion without suspicion.⁵³

Tzirelson then joins the ranks of those who permit such conversions from the basis that it is up to the *beit din* to determine an individual's motivation for conversion. For Tzirelson, the fact that they are already married and have no intentions of separating, is enough to indicate that their desire for conversion is not *l'shem ishut*, but rather *l'shem shamayim*.

Rabbi Menachem Mendel Kirschbaum⁵⁴, in his responsa *Menachem Meshiv*, deals with the aspect of *kabbalat mitzvot* and conversion. He is asked regarding those who come to convert before a "meticulous" rabbi, meaning one who adheres strictly to *kabbalat mitzvot*, and whom, if rejected will:

... go to rabbis of the type who are not meticulous about immersion, and will then cohabit in a prohibited relation [as the conversion will not be effective]: Is it preferable that we receive such converts, so at least *bedi'avad* they will be valid converts?⁵⁵

⁵³*Ibid.*, p. 48-49.

⁵⁴Poland, died 1943.

⁵⁵Menachem Mendel Kirschbaum, *Menachem Meshiv*, vol. 1 (Lublin: Tzvekin), responsum number 42, p. 158b. (Hereafter referred to as Kirschbaum.)

Kirschbaum begins his responsum by citing the *baraita* on *Yevamot* 47b which discusses the conversion process. There it is stated that the reason for informing the prospective convert of some of the obligations of the Mitzvot is that:

... if he wishes to withdraw, he may withdraw.⁵⁶

To this, *Rashi* adds that "it is of no concern to us."⁵⁷ Kirschbaum does not agree with this statement of *Rashi*.

However, in a manner that does concern us [is when] he lives with a Jewish woman and their offspring will be blemished.⁵⁸

It therefore does "concern us" when the withdrawal of the prospective convert will cause more harm. Furthermore, Kirschbaum questions the relevance of the examination of the prospective convert as explained in the *Mishneh Torah* and the *Shulchan Arukh*, in light of current practices:

There, if they do not accept them they will withdraw. And what is not written in our case, that [if they do not accept them] they will [nevertheless continue to] live together.⁵⁹

Kirschbaum continues that it is an even more serious matter today because these people can seek a conversion from a less "traditional" rabbi. If this should happen, the damage done will increase exponentially:

But if these rabbis [who are not strict according to the Halakha] will accept them, they are not converts according to the Law of our Holy Torah. But in the registry of the community they will be considered as converts. And after many days and years, they [i.e., the members of the original community] will marry with them. In such a situation we do care very much [that they should convert properly].⁶⁰

⁵⁶loc. cit.

⁵⁷*Rashi* s.v. "if he separates." loc. cit.

⁵⁸*Kirschbaum*, p. 159a.

⁵⁹*Ibid.*

⁶⁰*Ibid.*

Kirschbaum understands *Rashi's* comment, it does not matter if an individual withdraws from the conversion process, as only applicable in *Rashi's* day. The situation is much different in Kirschbaum's time. So much so that presently, it does matter if the individual withdraws from the conversion process. Kirschbaum continues:

For this [reason], it is better that they be accepted, and not to examine whether they are converting for an ulterior motivation. But we must require *kabbalat mitzvot*, [the absence of] which invalidates conversion even *bedi'avad*.⁶¹

It therefore appears that for Kirschbaum, the threat of a possible *liberal* conversion, makes it necessary to repeal the examination aspect of the conversion process:

If, in our judgment, it seems that he will not desist, or that he will go to the Liberals who will accept him even in ways which invalidate conversion. . . For all these reasons, it is better that we not [determine motivations], instead only require of them *kabbalat mitzvot* -- [in which case] *bedi'avad* they are converts.⁶²

Kirschbaum believes that to not accept such a person for conversion will, in the end, cause more harm and damage than permitting the person to convert.

At any rate, here it is worse for he will think he is a Jew, when in fact he is judged a gentile. For it is better to accept them so that all will be according to halakhic rulings, and *bedi'avad* for all practical purposes, he is a convert.⁶³

Kirschbaum further supports his rationalization by citing the *takanat hashavim* of the *RAMBAM*. Kirschbaum also finds a similarity in the responsum of Rabbi Kluger. There, as shown in the analysis of Kluger's *Tuv Ta'am Veda'at*, the couple's desire to remain married, regardless of conversion, proved that the conversion was not for the sake of marriage. Kirschbaum writes:

⁶¹*Ibid.*

⁶²*Ibid.*

⁶³*Ibid.*, pp. 159a-159b.

The same is true in our case, that they will live together, [is further proof] that this is not for the sake of marriage and it is possible to accept them *lekhatilah*.⁶⁴

Furthermore, Kirschbaum states:

... if they do not permit them [to convert], they will [continue to] live together in [a state of] prohibition, or by means of a conversion, which is not really a conversion. And this is worse, for they will consider themselves to be Jews; certainly, there is [reason] to accept them since, regarding all aspects, everything will be strictly according to the Law.⁶⁵

Kirschbaum continues by citing other examples, from Kluger, Hoffman's *Melamed Lehoel*, and others who permitted a minor violation in order to avoid a more serious one.

Kirschbaum sees the possibility of obtaining a "liberal" conversion to have serious repercussions. So much so that he is willing to waive all requirements, except *kabbalat mitzvot*, for conversion. It is interesting to note that Kirschbaum does not stipulate what constitutes *kabbalat mitzvot* for him. He is concerned that the conversion process fulfills the requirements of the halakha. This, as previously seen, is circumcision for men and immersion for both men and woman.

Rabbi Chayim Grodzinski,⁶⁶ in his responsa *Achiezer* 26, is asked regarding a Jewish man who has married a gentile woman who now wishes to convert. Grodzinski begins his lengthy *responsum* by providing an overview of some of the arguments related to the acceptance of such a person for conversion. In his opening remarks, Grodzinski refers to a suggestion by the questioning rabbi:

⁶⁴*Ibid.*, p. 159b.

⁶⁵*Ibid.*

⁶⁶Vilna 1867-1939.

... perhaps it is possible to be lenient because if the *beit din* does not accept her as a proper convert by the ruling of Immersion and Acceptance of Mitzvot, she will go to a Reform *beit din*, and the conversion will not be according to Law.⁶⁷

This type of reasoning, that it is better to break a minor prohibition than to break a major one, has been suggested by other *poskim*. Further on, it will be shown that Grodzinski rejects this idea.

Grodzinski continues with an analysis of the material from *Yevamot* 24b. He cites both *Rashi* and the *RASHBA*'s understanding of the Mishnaic prohibition. The former relates it to the rumor of the prior sexual relation and the latter to the rumor regarding the woman's motivation for conversion.⁶⁸

From here, Grodzinski turns his attention to the issues involved in converting this woman. Should the woman be accepted for conversion? Is the conversion going to be for the sake of Heaven?

And regarding the matter: If [they should] accept her for conversion, on the face of it the ruling is simple – one does not accept [such a person for conversion] as been explained by the *RAMBAM* in *Hilkhot Issurei Bi'ah*, 13 and in the *TUR* and *Shulchan Arukh*, *Yoreh De'ah*, 268:12⁶⁹

Grodzinski cites the halakhic sources which conclude that if an ulterior motivation is discernable in the individual seeking conversion, that individual is not accepted for conversion. It would therefore appear that, for Grodzinski, rejection of individuals for conversion must be based on clear evidence that they are motivated by ulterior reasons. This is further supported by the following:

And see in the *Beit Yosef* where it is all left to the discretion of the *beit din*; that if one sees that [the prospective convert's] end is for the sake of heaven, one is permitted to accept them like the *Tosafot* wrote.⁷⁰

⁶⁷Chayim 'Ozer Grodzinski, *Achiezer*, Vol. 3 (Second Printing, New York: 1946), responsa no. 26:1, p. 30.

⁶⁸*Ibid.*

⁶⁹*Ibid.*, 26:2, p. 30.

⁷⁰*Ibid.*

If there is a doubt, a possibility, that the individual's conversion could be motivated *l'shem shamayim*, the *beit din* is permitted to accept such an individual for conversion. It is therefore extremely important for the *beit din* to clearly determine the motivations of an individual seeking conversion.

"The *beit din* cannot accept [someone for conversion] without investigating.⁷¹

It is in the course of the examination that the *beit din* becomes aware of the individual's desires and motivations.

However here, where they examined [him], and [his ulterior motivation] did not become known to them, there is room to be satisfied that his intention is with a full heart, since *bedi'avad* the Halakha is "that they are all converts," and only *lekhatchilah* does one not accept him. Here, where one is in doubt [regarding the individual's sincerity], one accepts him for in all [cases] of rabbinic doubts, one operates leniently.⁷²

It has been previously demonstrated that the source for the prohibition of accepting someone for conversion who is converting for less than ideal motivations, is rabbinic. It would appear that Grodzinski is of the opinion that when faced with a rabbinic prohibition and an instance where the person in question is in a state of doubt, it is possible to be lenient. However, it will be made clear further on that Grodzinski does not agree with this either.

It is possible that an individual could inform the *beit din* that his desire to convert is *l'shem shamayim*, nevertheless he is not accepted for conversion, as in the following:

⁷¹*Ibid*

⁷²*Ibid*

He cannot be a convert who was motivated for another reason, [such as] *l'shem ishut*, even though he testified that his intention was to convert [for the sake of Heaven]. [His sincere words] are not [really] words because there is an *umdana*⁷³ that proves that his intention was for the sake of marriage.⁷⁴

The *beit din* has enough information as to conclude that the individual in question is not totally sincere. Perhaps through his behavior, or by other testimony, at any rate, the *beit din* is of informed opinion that his motivation for conversion is not as he has so indicated. This type of a person is rejected for conversion.

However, in the case under question, there is no such *umdana*.

And even here, there is no *umdana* which proves that his intention is for the sake of marriage, or for any other reason. However, if it was true that the intention is for the sake of an ulterior motive, he is not a [accepted for conversion] because his heart is not with him.⁷⁵

If, in a case where there is doubt as to the individual's motivation and the informed opinion of the *beit din* is that the said person's motivation is *l'shem ishut*, than the *umdana* can ultimately serve as the basis for rejecting the individual from conversion.

However, an *umdana* can serve both ends. If an *umdana* can cause the rejection of an individual in a case of doubt, then so too can the *umdana* serve as a determining factor in accepting someone in a case of doubt. Indeed, Grodzinski states that the person in question should be accepted for conversion, even though his motivations are suspect, because::

Here there is no *umdana* that he has not accepted with a full heart.⁷⁶

⁷³A reasonable estimate by the court of the situation at hand.

⁷⁴*Ibid.*

⁷⁵*Ibid.*

⁷⁶*Ibid.*, 26:3, p. 30.

In other words, an *umdana* for Grodzinski is equivalent to the statement "it is all according to the discretion of the *beit din*" which we have learned in the *Beit Yosef* and elsewhere.

Grodzinski does not state that in the case under discussion there is no doubt as to the individual's motivation. Indeed, there still remains a question regarding the individual's motivation, perhaps she is converting *l'shem ishut*.

And the same is true in our case, one is suspicious until his righteousness is made clear. And what is the source for this reason? There are those who say that regarding anyone, where it is not clear to us if there is another reason for [their] converting, one does not accept them. But one does not act on a doubt *lekchatchilah*.⁷⁷

The reasons for the *beit din* acting leniently are not as those expressed earlier in this responsum. There it was stated that there is concern that the individuals, if rejected, may seek a non-halakhic conversion, Grodzinski writes:

And that which your excellency [suggested that one should] be apprehensive, lest she appears before a "Reformer", and this is truly a big fear, for in the company of Reformers the prospective convert will not be converted according to the law, as has been explained in *Shulchan Arukh, Yoreh De'ah*⁷⁸

Furthermore, Grodzinski states:

And note, that [their] *beit din* is not valid and [their] witnesses are not valid, and also the essence of *kabbalat mitzvot* [as understood by] their Reform interpreters, in their perfidious opinions, is not really "*kabbalat mitzvot*" and is suspect to [the condition of being] "except one thing. In any event, we have no need to be apprehensive about this regarding a proper *beit din* which depends only upon ways explained in the halakha."⁷⁹

As far as Grodzinski is concerned, a Reform conversion is no conversion at all. The author of the question to Grodzinski is justified in his concern that an individual, who is rejected, may seek such a conversion. However, for Grodzinski, this

⁷⁷*Ibid.*

⁷⁸*Ibid.*, 26:6, p. 30a.

⁷⁹*Ibid.* *

concern does not translate into a pretext for the *beit din* to permit the woman to convert.

Grodzinski is against this type of rationalization because:

There is no support to permit a minor prohibition in order that an ignorant person would not transgress a major prohibition.⁸⁰

Indeed, he further supports this statement by referring to the *Tosafot* on *Shabbat* 4a who discuss the statement: "sin so that your friend may merit." The *Tosafot* there are primarily concerned with a Shabbat prohibition which has already been broken. The consequence being that the major sin has already been performed. Grodzinski finds other incongruities between their case and the one under question:

According to the dispute there, it is possible to say that it doesn't pertain to our case, to say to the individual sin so that your friend will merit.⁸¹

The differences between the cases involve the punishments for the transgression. In the discussion on *Shabbat*, the punishment is *s'qilah* whereas in the Grodzinski's case it is *karet*. These are different forms of punishments, thus different cases altogether.

In addition, Rabbi Grodzinski cites the responsum of Rabbi Chayim of Tzans who ruled in a similar case that regarding the statement "sin so that your fellow may merit:"

and deduced that there aren't any scholars who permit this.⁸²

Therefore, the argument that it is better to break a minor prohibition and accept the woman for conversion, is not a valid one for Grodzinski. Nor does Grodzinski see it as a valid argument by other *poskim*.

⁸⁰*Ibid.*

⁸¹*Ibid.*

⁸²*Ibid.*

Grodzinski cites a responsum⁸³ of Solomon Kluger who, in a similar case, ruled that it is better to break a minor prohibition than a major one.

[Kluger suggested] a lenient [opinion] and permitted *lekhatchilah* in a case like this, which was in support of *Morenu Harav* Rabbi Joseph Caro, number 129, and of Rabbi Moses Isserles, number 177:5. But their case is not similar to our case [in that their case is] regarding a single Jewish woman.⁸⁴

Since Isserles' case does not deal with conversion but with matters of sexual impropriety, it is not proper to use it to derive a ruling in this case. Grodzinski also cites the *RAMBAM's* responsum in *Pe'r Hador*⁸⁵ which appears to be similar to the case in question. Grodzinski concludes that the cases are not similar:

And it was not made clear in the words of our sages if it is only [on account] of the ruling of the one "accused of having sexual relations with a servant" or if it is also on account of the conversion because from the language of the question it appears that she is a gentile.⁸⁶

Rabbi Grodzinski is of the opinion that *RAMBAM's* responsum is concerned only with issues of servitude and not conversion.

Returning now to the case under question, what, then, is Grodzinski's final decision. Is the woman to be accepted for conversion or not? If ~~she~~ is, will her conversion be considered for the sake of marriage or not? The answers will be evident upon examination of Grodzinski's concluding comments.

In any case it seems that as long as she is not converted, she will remain with him in her gentile status. If so, then this is not *l'shem ishut*, regarding that which was written, that she said that her intention [was] to convert for the sake of conversion, i.e. for the sake of Heaven.⁸⁷

⁸³From *Tuv Ta'am Veda'at*, Second Edition, responsum number 220.

⁸⁴*Grodzinski*, 26:7, p. 31.

⁸⁵See Rabbi Hazzan's responsum from *Ta'alumot Lev* further on.

⁸⁶*Grodzinski*, *Achiezer*, 26:7, p. 31.

⁸⁷*Ibid.*

For Grodzinski, this is clearly not a case of conversion *l'shem ishut*. The prospective convert's willingness to remain with their Jewish spouse without conversion negates any possibility that the conversion is for the sake of marriage. In addition, there is the added testimony that she is converting for the sake of Heaven. That, in conjunction with the *umdana*, is enough evidence for Grodzinski that the woman is indeed converting for the sake of Heaven.

This being so, there is no concern that the decision of the *beit din* to accept the woman is to be thought of as saying: "sin so that your fellow may merit." Her conversion, by an halakhic *beit din*, is considered as being *l'shem shamayim* and there is no need to speculate any further regarding the actions of the *beit din*.

And one does not guess (attempt) to prove the opposite, one accepts her. And this conversion thus appears to be according to the discretion of the *beit din*, there are grounds [to rule] leniently and to agree with the teaching of the *Gaon Morenu Harav* Solomon Kluger, of blessed memory.⁸⁸

In another responsum, Rabbi Grodzinski deals with issues involving the conversion of a gentile man, who has fallen in love with a Jewish woman, and now wishes to convert. One of the questions put to Rabbi Grodzinski is whether or not the *beit din*, or in this case the Rabbi, must "inquire after him" to determine the individual's motivation. Rabbi Grodzinski states that:

[The ruling of] inquiring after a man or a woman, has not been abolished, heaven forbid, ever and is operable now as before. Its source is a *baraita* which is explained in *Yevamot* (page 24b), that one does not accept those who are converting for the sake of marriage, or for any other reason, and therefore one must inquire after them.⁸⁹

This is familiar to us from the teaching of Rabbi Nechemiah on *Yevamot* 24b. The reasoning is most logical. If one who comes to convert *l'shem davar* is to be re-

⁸⁸*Ibid.*

⁸⁹Chayim 'Ozer Grodzinski, *Achiezer* (Second Printing, New York: 1946), responsum no. 27, p. 31.

jected, how is it possible to know this unless one examines the prospective convert? Grodzinski takes the logical process one step further and stipulates that this examination is an oral one.

And thus it is proved in *Menachot*, 44a [about Rabbi Chiya] who asked the [prospective] convert, "have you set your eyes upon one of my students?"⁹⁰ And this examination is an oral one.⁹⁰

However, in the case presented to Rabbi Grodzinski, it would appear that the man's intention for conversion is *l'shem ishut*. Rabbi Grodzinski continues:

However, regarding this [case], where the *beit din* knows clearly why he is converting, they are not permitted to accept him, and this test is not revoked in our days. However, the matter is left to the discretion of the *beit din*; if they think that in the end, his deed (conversion) will be for the sake of heaven, they are permitted to accept him.⁹¹

On the one hand, Rabbi Grodzinski clearly states that such an individual is not to be accepted for conversion. However, the tradition has demonstrated, with both Hillel and Rabbi Chiya, that it is possible to accept someone for conversion who is, at that moment, converting for ulterior reasons. There is one major stipulation to this, i.e. in the end the *beit din* must be sure that the conversion will be *l'shem shamayim*. Rabbi Grodzinski brings the evidence for this understanding in the following:

And the *Siftei Kohen* brought [as evidence] Hillel's action . . . only *lekhatilah*, one does not accept converts who are converting for ulterior motivations. But *bedi'avad*, he is not held back [from converting] even if it is clearly known that he is converting for ulterior motivations, for the Halakha is "they are converts," just as is concluded in *Yevamot* and just as we learn the halakha in *RAMBAM* and in the *Shulchan Arukh*.⁹²

Therefore, Rabbi Grodzinski has demonstrated in this responsum that although *lekhatilah* one does not accept an individual for conversion who is not

⁹⁰*Ibid.*

⁹¹*Ibid.*

⁹²*Ibid.*

motivated *l'shem shamayim*, nevertheless, it is all according to the discretion of the *beit din*. If they feel assured that the individual is converting for the sake of Heaven, then that person is accepted for conversion. Indeed, as *RAMBAM* demonstrated in *Hilkhot Issurei Bi'ah*, even if the *beit din* knows that the person is converting for ulterior reasons, once that person has completed the conversion process, then he is a convert.

Rabbi Ben Zion Ouziel⁹³ is asked concerning a Jewish man who several years earlier married a gentile woman. The couple has since had children and now the woman wants to convert and to be married according to Jewish marital rites and custom to the Jewish man.⁹⁴ Regarding this case, Ouziel was asked two main questions. The first being:

- 1) Is the *beit din* entitled to convert her, seeing that it is explicitly known that this woman is not converting for the "Sake of Conversion," but rather in order to marry the man according to Jewish Law?⁹⁵

It would appear that those who sent the question are of the opinion that the woman is converting solely to marry the man and not for the sake of Heaven. This being so, how is it possible for them to accept such a woman for conversion?

The second question is a direct outcome of the answer to the first question. If it is possible to accept the woman for conversion, and she indeed does convert, then:

⁹³Jerusalem, 1880-1953.

⁹⁴Rabbi Ben Zion Meir Chai Ouziel, *Piskei Ouziel* (Jerusalem: Mossad Harav Kook, 1977), responsum number 59, p. 349. (Hereafter referred to as *Piskei Ouziel*.)

⁹⁵*Ibid.*

2) Is it permitted for this "husband" to marry her according to Jewish marital rites after her conversion or should he be prohibited (from marrying her) based on the ruling of being "suspected of having sexual relations with a servant, etc.," and thus he is prohibited from marrying this gentile woman *lekhatilah*?⁹⁶

Ouziel begins by responding to question one and proceeds to cite the traditional sources which deal with issues of motivation for conversion. He opens by quoting the *Shulchan Arukh* where the initial phases of the conversion process are discussed.⁹⁷ At this stage of the conversion process the *beit din* is primarily concerned with the individual's motivation -- is the individual motivated to convert because of love for a Jewish person?

Ouziel continues with that which the *RAMBAM* wrote in *Hilkhot Issurei Bi'ah* 13:16. As shown in the earlier analysis, Maimonides was dealing with issues of ulterior motivations for conversion. The *RAMBAM* concluded there that although the lay-courts were converting people during the times of David and Solomon, nevertheless the high-courts were not fully accepting of these types of converts.

In addition, Ouziel brings that which the *Hagahot Mordekhai* wrote:

One who comes to convert in order [to receive] a thing of benefit, that person should not be accepted.⁹⁸

The *Hagahot Mordekhai* also refers to the incidents of Hillel and Rabbi Chiya. Concerning their acceptance of someone converting for ulterior motivations, the *Mordekhai* writes:

We see from this that the Torah permits conversion [of those who are motivated by ulterior reasons] only if we are convinced that eventually they will become converts "for the sake of Heaven."⁹⁹

⁹⁶*Ibid.*

⁹⁷Ouziel's presentation in his responsum number 59, is paraphrased in the following sentences.

⁹⁸*Ibid.* Citing the *Hagahot Mordekhai*, section 110.

⁹⁹*Hagahot Mordekhai*, section 110.

Ouziel also refers to Hillel and Rabbi Chiya and cites the conclusion of the *Tosafot* that both were certain that these individual's were converting for the sake of Heaven. Furthermore, Ouziel concludes his introductory remarks with the teaching of the *Beit Yosef* that:

... the whole thing depends on the discretion of the *beit din*.¹⁰⁰

Ouziel now turns to the issues in the case presented to him. Ouziel views that which occurred with Hillel and Rabbi Chiya as analogous to the case in question. Ouziel states:

We make an analogy from there to this case that this gentile woman, who is already married to a Jewish man, and presently [desires] to be married in a Jewish ceremony, [demonstrates that] she has drawn more and more closer to her husband's family and his "ways." And another thing, her children that were born to her and those that she will bear, from now on will be [considered] "legitimate" Jews.¹⁰¹

Furthermore, Ouziel believes that accepting the woman for conversion is not only halakhically possible, but the right thing to do.

Is this not [in fact] similar to that which Hillel and Rabbi Chiya did, who were certain [in their knowledge] that in the end [these prospective converts] would be complete converts and ... it is a commandment incumbent upon them to draw them near and to marry them in accordance to the covenant of the law of Israel and to remove the plague of assimilation which is an evil disease in the community of Israel.¹⁰²

It would therefore appear that, for Ouziel, the benefits of accepting this woman for conversion far outweigh any negative implications.

Ouziel now turns to the issue of marriage. The second question put to Ouziel dealt with whether after the conversion the Jewish man should be permitted to marry the woman.

¹⁰⁰*Piskei Ouziel* 59, p. 349.

¹⁰¹*Ibid.*

¹⁰²*Ibid.*

Ouziel begins his response to this question with the Mishnah from *Yevamot* 24b. As demonstrated from the Talmudic analysis, Rabbi Assi concluded that the reason for the prohibition is because of the rumors that people would believe that he was guilty of sexual impropriety. Ouziel concludes:

Apparently, his words tell us that if it was clearly known that he had sexual relations with her while she was a gentile, he is permitted to marry [her] *lekhatchilah*, for in this case there is no [reason] to fear that they would hearken to the original "rumors."¹⁰³

However, according to Ouziel, this is not totally correct. Ouziel cites the commentary of the *Nimukei Yosef* (on *Alfasi*) which learns from the *Tosefta*, *Yevamot* chapter 4 that:

... even if it is certain that he had sexual relations with her, he is prohibited marrying her on the grounds of perverting himself and herself for they might say that she converted on account of fornication, and because of fornication he married her.¹⁰⁴

Furthermore, Ouziel cites *RAMBAN's Hiddushim* to *Yevamot* 24b where the latter interprets *Rashi* in the *chumrah*. The *RAMBAN* indicates that if it is known that the man had sex with her, a divorce is required.¹⁰⁵ Indeed, Ouziel states that in this case there is no evidence that they have already been living together so the marriage is permitted.

We do not derive here because it was said on account of slanderous gossip, for in this matter, there is no prohibition, we do not derive [anything] from [slanderous gossip]. This is the substance of the discussion.¹⁰⁶

It therefore appears that the *beit din* does not rely upon slanderous gossip to derive any type of prohibition. The possibility exists for the man to marry the

¹⁰³*Ibid.*

¹⁰⁴*Ibid.* Citing *Rashi* on *Mechiltin* 84a.

¹⁰⁵*Ibid.*, loc. cit.

¹⁰⁶*Ibid.*

woman. Indeed, this is further substantiated by that which the *RAMBAM* wrote and to which Ouziel now refers to in arguments in favor of the conversion.

Ouziel cites the *RAMBAM* from his responsum in *Per Hador*. This has already been seen in Hazzan's *Ta'alumot Lev*. The *RAMBAM* permits a similar marriage based on *takanat hashavim*.¹⁰⁷ Ouziel understands this as follows:

If he is not permitted to marry her after she converts, they will remain married all their days while she is a gentile and their children will be children of mixed marriage, uprooted from the land of Israel, and God in His mercy will cause them to repent "And I will purge your dross as with lye, and will take away all your alloy; And I will restore your judges as at the first, and your counsellors as at the beginning."¹⁰⁸

Ouziel reasons that if this woman is not accepted for conversion, more damage would in fact be created by allowing an intermarriage to continue and would thereby cause further harm to the Jewish people. Rabbi Ouziel permits such a conversion and subsequent marriage because of the additional benefits which derive from it.

In another much lengthier responsum, written as a defense to the previous responsum, Ouziel presents the *baraitot* which deal with conversion and motivations for conversion which have already been seen in the Talmudic analysis section. In addition, Ouziel refers to the compendia literature, previously examined, and how those authors dealt with conversion and motivations for conversion. Ouziel, based on this material, concludes that:

From all that which has been said, we learn that even though there is a known ulterior reason for the conversion, in any case, if the *Dayan* sees that "one should perform good deeds even for wrong motives, and so eventually perform them for right ones" -- accept them *lekhatilah* and judge them like Righteous Converts.¹⁰⁹

¹⁰⁷*RAMBAM, Per Hador*, loc. cit.

¹⁰⁸*Piskei Ouziel* 59, p. 350. loc. cit.

¹⁰⁹*Piskei Ouziel* 61b, p. 357.

Indeed, this would appear to be a synthesis of the material which was presented in both the Talmudic section and the compendia literature section. The conclusion being that it is all according to the discretion of the *beit din*. In the case regarding a Jewish man married to a gentile woman, Ouziel again states that it is a positive thing to accept her for conversion:

... to accept prospective converts, such as these, *lekatchilah*, in order to save the man from sin and to purify his descendants from this time forward.¹¹⁰

In this way, one not only removes the man from sinning in his relationship with the gentile woman, but there is the added reward of securing proper status for the man's descendants.

Regarding those who are apparently converting for less than ideal reasons, Ouziel states:

From the words of the *RAMBAM* we learn yet another [teaching]: Prospective converts, of whom it is well known that are converting only for an ulterior motive, and they are converted not in accordance with a *Beit din*, as in the case of Solomon and Sampson who married women and then converted them, their conversion stands. And even if their ends betray their beginnings in that they [continue to] worship their idols, [it is] however, permitted to uphold their conversion.¹¹¹

It would therefore appear that even in the worst possible case, a conversion not in accordance with the *beit din* of someone who is blatantly converting for an ulterior motive is nevertheless regarded as a convert.

In the following responsum, Ouziel is asked concerning Jewish men who have married gentile woman and are not observant of the mitzvot of Shabbat, holidays, and kashrut. Furthermore it appears that:

¹¹⁰*Ibid.*, 61, p. 355.

¹¹¹*Ibid.*, 61d, p. 359.

... their intention is to bring their children under the Wings of the *Shechinah* completely.¹¹²

Ouziel begins by drawing a distinction between the case under question and other similar cases. In particular, Ouziel is responding to a medieval case where a gentile is immersed for the sake of slavery. However, since she did not fulfill the obligation of *kabbalat mitzvot*, she is still regarded as a gentile. To this, Ouziel responds:

But the truth is that our case is not similar to the case of Rabenu Yonah because the ruling of Rabenu Yonah is concerning an Arabic woman who was immersed for the sake of servitude and about this he wrote if she doesn't believe in the Torah of Moses and she did not observe the Mitzvot that women are obligated, she is like a gentile for all practical purposes.¹¹³

Having noted that this case is not similar to other cases where failure to fulfill the obligation of *kabbalat mitzvot* has rendered the individual, granted a slave, still a gentile, Ouziel now turns to discuss the aspects of the case under question. In particular, Ouziel turns to the conversion procedure ~~as~~ explained in the *Shulchan Arukh*. Based upon what is presented there, Ouziel concludes:

From here it is explicit that one does not require from him to observe the Mitzvot and also the *beit din* need not know that he will observe them, otherwise they would not accept converts in Israel for who would guarantee that this gentile will be faithful to all the Mitzvot of the Torah?¹¹⁴

If this is so, what then is the purpose of Talmudic injunction to inform the prospective convert of the more serious and minor mitzvot? Ouziel continues:

¹¹²Rabbi Ben Zion Meir Chai Ouziel, *Mishpetai Ouziel: Even Ha'ezher* (Jerusalem: Mossad Harav Kook, 1964), responsum number 20, p. 75-76. (Hereafter referred to as *Mishpetai Ouziel*.)

¹¹³*Ibid.*, p. 76.

¹¹⁴*Ibid.*, p. 77.

But the reason that one informs him some of the mitzvot is so that if he wants, he will withdraw and so that he may not say afterwards (after the conversion) If I only knew, I would not have converted. And this is *lekhatchilah*, but *bedi'avad*, if they did not inform him, it does not invalidate the conversion.¹¹⁵

With this in mind, Ouziel concludes that, regarding the obligation of *kabbalat mitzvot* and conversion:

From all that has been said we learn: that the stipulation of Mitzvot observance does not impede conversion, even *lekhatchilah*. . . the decisive proof is. . . once immersed, he is a Jew, so that if he reverts to his evil ways he is like an apostate Jew whose marriage is [still] recognized as valid.¹¹⁶

It would appear that Ouziel is stating that even *lekhatchilah*, if one has no intention of fulfilling *kabbalat mitzvot*, such a person is nevertheless accepted for conversion. Further on in this responsum, Ouziel makes the following statement:

From all that the Torah said, it is evident that it is permitted, even a Mitzvah, to accept individuals for conversion even though we know that they will not observe all the Mitzvot. [This is] because in the end they will have an opportunity to observe [the Mitzvot] and we are commanded to open for them such an opportunity. If they do not observe the Mitzvot, they bear the burden of their sin and we are not responsible.¹¹⁷

As a response to objections raised about Ouziel's lenient position regarding the *kabbalat mitzvot*, he writes:

Concerning the matter of acceptance of converts, his excellency came up with a new interpretation based upon his own reasoning: that nowadays, since we see and know . . . that most of the converts do not keep the Mitzvot of the Torah, even for a short time, therefore one does not accept converts today. And so he wrote to me in his letter from the third of *Shevat*.¹¹⁸

Ouziel recognizes the threat of such an attitude and adds:

¹¹⁵*Ibid.*

¹¹⁶*Ibid.*

¹¹⁷*Ibid.*

¹¹⁸*Ibid.*, p. 77-78.

If this is so, we have slammed the door in the face of potential converts -- Jews will not accept any one for conversion, even if it is absolutely clear that he is converting for the sake of Heaven.¹¹⁹

And this cannot be, because Ouziel sees Judaism as being very welcoming to converts and states:

... from the words of our Sages, may their memories be for a blessing, we learn that it is a Mitzvah to accept convert and to bring them under the wings of the *Shechinah*, because God loves converts. . .¹²⁰

Ouziel goes on to refer to the incident of the gentile who came to convert before Hillel. It would appear that regarding that gentile's conversion, there was no *kabbalat mitzvot*. Ouziel concludes, based on the words of the *Tosafot*, that the gentile must have been somewhat observant:

... it is proven that [the gentile's] end was sufficiently for the sake of Heaven even though he initially did not observe the Mitzvot of the Torah. At any rate, he eventually observed sufficiently, even though he was not observant close to his conversion.¹²¹

For Ouziel, *kabbalat mitzvot* is not a key factor in the conversion process. As long as there is some element of *kabbalat mitzvot*, then that requirement has been satisfied.

Ouziel is also concerned that if these women are not accepted for conversion more harm will ultimately be caused:

And it is very difficult to slam the door in the face of converts because it opens the gates wide and pushes Jewish men and women to change their religion and to leave Judaism or to assimilate with gentiles.¹²²

In addition, there is another aspect of these cases to consider and that is the children. Ouziel believes is not only concerned with the possible "loss" of Jewish men

¹¹⁹*Ibid.*, p. 78.

¹²⁰*Ibid.*

¹²¹*Ibid.*

¹²²*Ibid.*

and women if these people are not accepted for conversion, but with the children of these families as well.

In any rate, concerning their children, about whom we are certainly obligated to bring them near and not to ask if they are children of a Jewish mother, for her children are proper Jews.¹²³

Ouziel has reservations that by not accepting such people for conversion the Jewish children may also be lost. Even more, Ouziel is concerned with the children of a gentile mother.

... even if they are children of a gentile mother, they are [still] of Jewish stock and these are our lost flock. I see that if we totally banish them by [not accepting] their parents for conversion, we could be summoned [to the Divine Court] who will say about us: Neither have you brought back that which was driven away, nor have you sought that which was lost."¹²⁴

It is on this line of reasoning that Ouziel closes his remarks to this responsum. For Ouziel the stakes are very high. As he understands it, there is more to lose by rejecting these individuals and therefore they should be accepted for conversion. Ouziel concludes:

From this reason I say it is better for us that we not depart from the words of our Sages who transmitted this Halakha according to how the *Dayanim* saw it, namely, that their intention is for the sake of Heaven.¹²⁵

For Ouziel, there is a lenient side to the halakhic tradition which must be emphasized in cases like these. For the good of the individual, for the good of the family, for the good of the future generations, it is Halakhically sound to accept them for conversion.

¹²³*Ibid.*

¹²⁴*Ibid.* Ouziel is here quoting Ezekiel 34:4.

¹²⁵*Ibid.*

Rabbi Yechiel Ya'akov Weinberg¹²⁶ is asked about a Jewish man who has married a gentile woman in a civil ceremony. She is now pregnant and wishes to convert. According to Rabbi Weinberg's statements, the woman has already fulfilled one of the requirements for conversion -- *kabbalat mitzvot*.

She has accepted upon herself to act according to the law regarding: Shabbat Observance; kashrut; and Family Purity.¹²⁷

Further on in his opening comments, Rabbi Weinberg notes that nevertheless, most of the earlier *Gedolei Hador* have prohibited such a conversion. Rabbi Weinberg continues:

There are two reasons for the prohibition. Number one: If it is well known that their intention is for the sake of marriage, they are not accepted

. . . Reason number two: That "one who is accused of having sexual relations with . . . a gentile and she later converts . . . he may not marry."¹²⁸

Both of these reasons should come as no surprise. The basis for reason number one, as Weinberg so indicated, is the baraita on *Yevamot* 24b and how that baraita is further understood by the *RAMBAM* and the *Shulchan Arukh*. Reason number two has been shown before from the Mishnah on *Yevamot* 24b. Weinberg brings in *Rashi's* understanding of the Mishnaic prohibition in that it is:

"On account of slander, so that they will not say that the first rumor was true."¹²⁹

¹²⁶Berlin, 1885-1966.

¹²⁷Rabbi Yechiel Ya'akov Weinberg, *Seridei Eish*, vol. 3 (Jerusalem: Mossad Harav Kook, 1966), responsum number 50, p. 197. (Hereafter referred to as Weinberg.)

¹²⁸*Ibid.*

¹²⁹*Ibid.* Weinberg is here quoting the *Rashi* from *Yevamot* 24b.

Weinberg proceeds by dividing the issues of the case into two. On the one hand there is the marriage to deal with. Is he allowed to remain married to the woman after she converts? The other issue deals with the conversion. Is the woman's here converting *l'shem shamayim*, or *l'shem ishut*? This analysis will be looking at Weinberg's comments dealing with the latter of these issues.

Weinberg notes the comments of the *Beit Yosef* in dealing with the question of determining a prospective convert's motivations, a point which is repeated in the *Shulchan Arukh*. Weinberg writes:

And concerning the matter of the conversion, the *Beit Yosef* has already written (in #268) concerning the *Tosafot* of *Yevamot* 24b . . . "it is all according to the discretion of the *beit din*." If the *beit din* sees that her intention [to convert] is for the sake of Heaven, they are permitted to accept her.¹³⁰

Once Weinberg establishes that the final say regarding a prospective convert's motivation is the *beit din*, the question remains, is this woman's conversion to be considered for the sake of Heaven or for some ulterior reason?

And in the case under discussion there is [an] additional [reason] to permit [such a conversion], since they were married according to civil law, the conversion cannot be for the sake of marriage, because even if she does not convert, the husband will not divorce her and she will remain a gentile. If so, the conversion is for the sake of Heaven.¹³¹

The fact that they are already married is an important consideration. As has been shown in other similar cases, if it can be proven that the conversion is not connected to any marriage, then the conversion is not for the sake of marriage. In this case, if the woman is not accepted for conversion, the couple will nevertheless remain married. Therefore, the conversion cannot be *l'shem ishut*.

However, Weinberg realizes that this argument is not the strongest to use to prove the possibility to accept such a woman for conversion. Indeed, Weinberg

¹³⁰*Ibid.*

¹³¹*Ibid.*

quotes a Talmudic case concerning a possible conversion for the sake of marriage.

The Talmudic text presented here:

The slave of Rabbi Chiya bar Ammi once made a certain woman idolator immerse for purposes of marriage. Rabbi Joseph said: I could declare her to be a legitimate Jew. . . Rabbi Assi said: Was she not immersed for the purposes of *nidah*?¹³²

Rabbi Assi understands the immersion to be for the sake of her purity following the woman's menstrual cycle and not for the sake of conversion. This idea is furthered by *Rashi* in his initial comments. However, further on, *Rashi* comments that this may not necessarily be the case.

Immersion for *nidah* happened to be for her [immersion] for the sake of conversion for idolators do not immerse for *nidah*.¹³³

Weinberg chooses to use *Rashi's* initial comments on this text. Weinberg writes concerning this Talmudic text:

According to *Rashi* who wrote there: . . . that she did not convert for the sake of Heaven." Explicit proof that even if they already lived together, there is [reason] to suspect that the [conversion is for] the sake of marriage and not for the sake of Heaven.¹³⁴

It would therefore appear that regarding cases where the individual who wishes to convert is already married, it is still possible that the conversion may be motivated for the sake of marriage. Therefore, there is still room to reject such a woman for conversion.

However, their being allowed to remain married, with the woman still a gentile, poses additional problems for consideration.

And another thing, there is reason to suspect that if she considers herself to be a gentile, she will lead him to stumble by feeding him non-Kosher meat.¹³⁵

¹³²*Yevamot* 45b.

¹³³*Rashi* on *Yevamot* 45b s.v. "I could make her proper."

¹³⁴*Weinberg*.

¹³⁵*Ibid.*

This argument too, has been seen by other *poskim*. More problems could arise by refusing to accept the woman for conversion, therefore it would be better to accept her for conversion.

However, returning to the case under discussion, if the woman is already married to the man and pregnant, should she be allowed to convert? Weinberg gives his answer in his closing remarks:

At any rate, in our case, she married him according to the civil laws, there is an *umdana*¹³⁶ that her intention was for the sake of Heaven. Therefore if she accepts, truthfully, orally and written, that she will uphold the Jewish Laws of kashrut, Shabbat, and Family Purity, there is [reason enough] to permit [such a conversion].¹³⁷

As previously seen in the *Beit Yosef*, it is all according to the *beit din's* discretion. Here, Rabbi Weinberg feels there is an *umdana* which satisfies him that the woman is converting *l'shem shamayim*. However, it is not the *umdana* alone which influences Weinberg's opinion.

It was already stipulated that the woman has agreed and pledged herself to *kabbalat mitzvot*. Indeed, as far as Weinberg is concerned, that is the strongest evidence that the woman is converting for the sake of Heaven.

Rabbi Yitzchak Isaac Halevi Herzog¹³⁸ is asked about allowing the conversion of gentiles who have previously married Jews in a civil ceremony, so that they may have a Jewish wedding and make *Aliyah* to Israel. Additionally, some are pregnant

¹³⁶A reasonable estimate by the court of the situation at hand.

¹³⁷*Ibid.*

¹³⁸Belfast, Dublin, Jerusalem, 1889-1959.

and want their children to be born Jews and others already have children and they are also going to convert. The writer of the question informs Rabbi Herzog:

Until now, I have refused to convert these because their intention is not for the Sake of Heaven but for the sake of making *Aliyah* to Israel.¹³⁹

This Rabbi turned to Rabbi Herzog, then Chief Rabbi of the State of Israel, for a halakhic ruling on this matter. Rabbi Herzog begins his responsum by noting the ruling, from the *Shulchan Arukh*, which pertains to the Talmudic discussion on *Yevamot* 24b which deals with one accused of having sexual relations with a gentile who later converts. Rabbi Herzog writes:

The *Shulchan Arukh* 11:5 and 6, speak of two things: the one accused of having sex with a gentile, etc.; and an idolator, or a slave, who had sex with a Jewish woman, etc. And it needs to be said that regarding the one who had sex with her, the suspicion that she is converting for the sake of marriage, is a strong one. And if so she is not to be accepted *lekhatchilah*, and if she converts, he may not marry [her] *lekhatchilah*.¹⁴⁰

As previously seen, regarding the case where one has definitely had sex with a gentile who later wishes to convert, there is a strong reason to suspect that person's motivation is for the sake of marriage. Therefore, *lekhatchilah*, they are not accepted. However, what of the person who is only accused of the sexual impropriety? Herzog continues:

However with regards to one who is "accused," there is only a doubt, and because of this there is no [reason] to be suspicious in accepting her even *lekhatchilah*.¹⁴¹

Regarding instances where there is a doubt, Herzog is saying, it is possible to be lenient. Indeed, this understanding is more lenient than the Talmudic ruling on

¹³⁹Rabbi Yitzchak Isaac Halevi Herzog, *Responso: Heichal Yitzchak, Even Ha'ezer* (Jerusalem, 1959), responsum no. 21a, p. 108.

¹⁴⁰*Ibid.*

¹⁴¹*Ibid.*

this *baraita*. What role then, does the rumor play in a case where the prior sexual relation is a certainty? Herzog continues:

And [regarding the case where he certainly] had sex with her, even though there is no reason to suspect the force of the rumor, nevertheless, he may not marry [her] on account of a preventative measure, so that converts like these will not increase.¹⁴²

In order to dissuade other similar types of converts, any possible marriage resulting from a conversion which is *l'shem ishut*, is prohibited. This is in keeping with that which was discussed above when dealing with this *baraita*.

However, in the question presented to Rabbi Herzog, the people are already married. How then does Rabbi Herzog deal with the conversion issue now? He continues:

And to the matter in our case, there is [reason] to say that since they are bound in a civil marriage, and this bond is valid according to the law of the land, one does say that he or she converted for the sake of marriage.¹⁴³

The marriages of these people are recognized as valid and legally binding according to the civil laws of the land, therefore, Rabbi Herzog is of the opinion that they could not be converting for the sake of marriage. However, there is still reason to be concerned over motivations for conversion. Rabbi Herzog writes:

However, here there is another fear -- that the intention is for the sake of making *Aliyah* to Israel.¹⁴⁴

The question, as presented to Rabbi Herzog, deals with people who wish to make *Aliyah* to Israel. Is this desire strong enough so as to taint the conversion as one of *l'shem davar*? Herzog continues:

¹⁴²*Ibid.*

¹⁴³*Ibid.*, p.109.

¹⁴⁴*Ibid.*

However this is dependant upon their position in their [current] country. For if their position is thus, that as foreigners they are unable to remain in their country, it becomes evident that the intention [to convert] is not for the sake of heaven. However, if it is possible for them to remain in their country, and they want [to make *Aliyah*] to the Land of Israel, then the intention [to convert] is, on the face of it, for the sake of heaven.¹⁴⁵

Therefore, one's motivation is determined by the citizenship status in the home country. The possibility to remain in the "birth country," would provide strong evidence that the conversion is indeed for *l'shem shamayim*; there would be no other extraneous benefit to converting.

Furthermore, Herzog quotes Kluger's responsum in *Tuv Ta'am Veda'at* in further support of the leniency in the accepting of such people for conversion.

... when the matter is clear that they will not divorce, in any event, so that one or the other of them falls into bad ways, and where one or the other of them, the Jewish man or woman, might likely convert to Christianity, then it is possible to accept.¹⁴⁶

It would therefore appear that in order to save the individuals from performing a greater sin, like that of converting to Christianity, it is possible to accept them for conversion.

In addition, as seen in the *Beit Yosef* and the *Shulchan Arukh*, there is a degree of flexibility in exactly who is going to be accepted for conversion. It is, as was concluded there, up to the discretion of the *beit din*. Herzog echoes this idea as he continues:

However, regarding this there is a necessary, and indispensable condition, and that is for the Rabbi to examine and search until he is unquestionably sure, that the individual who came to convert, he being an emotional pious person, and when they explain to this person, either man or woman, the essence of our religion and the light in its commandments, with discernment and knowledge, being reasonable that they will keep, Shabbat and kashrut, Family Purity, and etc.¹⁴⁷

¹⁴⁵*Ibid.*

¹⁴⁶*Ibid.*

¹⁴⁷*Ibid.*

In addition to determining motivation for conversion, there is also the aspect of *kabbalat mitzvot*. The officiating rabbi must be assured that the individuals will observe some of the mitzvot. This is a lenient understanding of *kabbalat mitzvot*, certainly when comparing this statement with those made by other, more strict *poskim*.

Herzog acknowledges the teaching, from *Yevamot* 24b, that regardless of motivations, even "lion converts," "dream-converts," and "those who converted to be the king's servants," are converts. Yet, he does not fully support this position.

And know, that even though the ruling, already from the days of the *Tannaim*, may their memories be for a blessing, is that *bedi'avad* they are all converts, I have a serious doubt nowadays, because formerly, in Israel, the sinners were despised and persecuted among the people. And so when a gentile accepted upon himself Judaism, even though the primary reason that he came to this was marriage, it is known that he will be in a very bad position in the Jewish community.¹⁴⁸

Herzog explains the ruling, from *Yevamot* 24b, that "they are all converts" as referring to a different time with different conditions. A person whose conversion was not *l'shem shamayim*, would meet with communal pressure and other such forces to discourage conversions for such motivations.

Herzog is also concerned with the level of Mitzvot observance within the Jewish community. Herzog states that even the more prominent members of the Jewish community are less observant than they should be:

If he would not behave according to Torah, that which we do not have in our days, because so many are free, and not only that they do not meet with difficulty because of this, but they stand again at the head of the people and the community.¹⁴⁹

Herzog notes that times are very different today. The communal observance of the Mitzvot is no longer present. In addition, the leaders of the community are themselves lacking in total Mitzvot observance. Without this communal observance, Herzog views it as necessary to be very meticulous during a conversion. Herzog

¹⁴⁸*Ibid.*, no. 21c, p. 109.

¹⁴⁹*Ibid.*

strongly urges those rabbis who are officiating at conversion to take the matter most seriously:

Today the responsibility falls even more so upon the Rav to fully comprehend each case until his mind is at ease that these people have decided that they will truthfully observe our holy religion.¹⁵⁰

The other issue the questioning rabbi asked of Rabbi Herzog is dealing with gentile women married to Jewish men, and pregnant from those men, who now wish to convert so that their child will be Jewish. Herzog notes that there are two possibilities in this case.

... her intention, that the child will be Jewish, is *prima facie* a good intention, [namely] for the sake of heaven. And this is not in the manner of a conversion for an ulterior motive, which is to say [conversion] for *Aliyah* which is not a example of conversion for the sake of heaven.¹⁵¹

The other possibility is the following:

But, if the implication is that she, herself, does not want to be Jewish, if that be so, it would appear that her intention is only for her child, so that it will be easier for him to make *Aliyah* to the land of Israel, and for him to be comfortable there afterwards.¹⁵²

Though one might think that in this instance Rabbi Herzog is against such a conversion, in fact he makes no such statement. He refers to the preceding discussion and concludes that *hakol lefie re'ut beit din*:

However, the matter returns to that which was mentioned above, namely, it is dependent upon how the Rav sees it, just as I have explained above ... that if there is [reason] to accept her, one accepts her.¹⁵³

In the final analysis, Herzog relies upon the ruling of the *Beit Yosef* and the *Shulchan Arukh* which state that it is all according to the discretion of the *beit din* to determine the role and importance of an individual's motivation for conversion.

¹⁵⁰*Ibid.*

¹⁵¹*Ibid.*, no. 21d, p. 109.

¹⁵²*Ibid.*

¹⁵³*Ibid.*

Herzog has indeed indicated a variety of "grey areas" in understanding ones motivation. However, in all respects, he has understood this in the most liberal sense.

Chapter 7

It has been demonstrated that the modern day poskim are in two schools of thought regarding how an individual's motivation for conversion is to be interpreted.

The *machmirim* were concerned with the following issues: Proper motivation and intention; *kabbalat mitzvot*; and the potential consequences if the conversion were permitted.

Rabbi Solomon ben Aderet and Rabbi Jacob Ettlinger are primarily concerned with proper motivation. If the individuals seeking conversion could not demonstrate, beyond a shadow of a doubt, that their motivation to convert was *l'shem shamayim*, these people were not accepted for conversion.

Rabbi Isaac Bamberger also felt that an individual's motivation was an important consideration in granting a conversion. However, if the *beit din* is unsure of an individual's motivation, Bamberger demonstrated that the halakhic tradition permits the final determination to be made based on that individual's behavior following conversion.

In contrast to the *meikeilim*, Rabbi Bamberger does not feel that the prior sexual relations and civil wedding remove the suspicion of conversion *l'shem ishut*. For Rabbi Bamberger, a conversion is necessary in order to satisfy the couple's need to obtain a Jewish wedding. Therefore, any conversion would be *l'shem ishut* and not *l'shem shamayim* and so this individual must be rejected.

Rabbi Abraham Isaac Kook is also concerned with an individual's motivation for conversion. However, he does not view the motivation as being the deciding factor. The important factor in deciding upon the acceptance of an individual for conversion is that person's attitude with respect to *kabbalat mitzvot*. Rav Kook has demonstrated that individuals seeking conversion need not be sincere in their motivations. However, they must fulfill the requirement of *kabbalat mitzvot*. For Rabbi

Kook, not to require *kabbalat mitzvot* is tantamount to placing a *michshol* before the blind.

Rabbi Ya'akov Breisch also requires *kabbalat mitzvot*, though it is *kabbalat mitzvot* on his terms. Rabbi Breisch has demonstrated his skepticism regarding the ability of the modern Jew to observe the mitzvot, especially those regarding Shabbat, *nidah* and *kashrut*. For Breisch, since this is true regarding those born Jewish, it is all the more so true regarding those who convert.

Rabbi Breisch also views it as important to consider the environment in which the individual will live. Is it an environment conducive to observing the mitzvot? Rabbi Breisch did not believe that the individual, following conversion, would observe the mitzvot and therefore refuses to grant permission for such a conversion.

Furthermore, Rabbi Breisch holds that to convert someone is to obligate them to observe the mitzvot. If the prospective convert has no intention of observing the mitzvot, then the *beit din* is making them sin and transgress prohibitions by converting them. For Rabbi Breisch, there is too much at stake -- because the laws concerning the acceptance of converts are *miderabbanan* is no reason to be lenient.

Similar to this approach is that of Rabbi Moses Feinstein. Rabbi Feinstein also requires *kabbalat mitzvot* in order to grant conversion. It is not permissible, as far as Feinstein is concerned, to accept someone for conversion who has no intention of observing the mitzvot.

Moreover, like Breisch, Feinstein views the subsequent conversion of an individual who has no intention of observing the mitzvot as actually making the situation worse. In Feinstein's case, the individual would actually be breaking more serious prohibitions if they were converted. Therefore, in order to keep the individual from sinning even more, Rabbi Feinstein believes that it is better to reject such individuals than to accept them for conversion.

Those Poskim who were lenient based their decisions primarily on the following four reasons: *re'ut beit din*; *sha'at hadachak*; Conversion not considered *l'shem ishut*; and *takanat la-banim*. In addition, it could be said that the *meikeilim* view it as causing more damage not to grant the conversion.

It has been shown that the basic approach of Rabbi Chayim 'Ozer Grodzinski to the question of motivation for conversion is that it is all according to *re'ut beit din*. In the case before Grodzinski, there was doubt as to the individual's motivation. Grodzinski stated his own view that in cases of doubt it is permitted to be lenient. This, in combination with an *umdana* that the person was converting *l'shem shamayim*, led Grodzinski to conclude that it is best to grant such a conversion.

Rabbi Grodzinski also viewed previous sexual relations and living together as being relevant in determining motivation. The prospective convert's willingness to remain with her Jewish spouse irregardless of conversion, was enough proof for Rabbi Grodzinski that the conversion could not possibly be *l'shem ishut*.

Rabbi Grodzinski also stated that the possibility of receiving a non-halakhic conversion is a threatening menace to the Jewish people. If, upon rejection from a halakhic rabbi these people would seek a non-halakhic conversion (e.g. a Reform conversion), then more damage would be caused by rejecting such people for conversion. For Rabbi Grodzinski, it is far better that they receive an halakhic conversion and be halakhically Jewish than receive a non-halakhic conversion and therefore still be gentiles in the eyes of the Halakha.

This is not to say that Rabbi Grodzinski believes the *beit din* should violate the *halakha* in permitting conversions. The *beit din* must still operate within the confines of the *halakha*. For Grodzinski, this means that the *beit din* must be reasonably sure that the individual is converting *l'shem shamayim*. It is not possible for Grodzinski to permit a conversion which is not *l'shem shamayim*.

Similar to Rabbi Grodzinski was the opinion of Rabbi Yitzchak Isaac Ha-Levi Herzog. Rabbi Herzog also viewed the previous relationship as demonstrating the conversion was not *l'shem ishut* and that it is better to be lenient in cases of doubt. Rabbi Herzog also views that the acceptance of individuals for conversion is a matter which rests with *re'ut beit din*.

However, Rabbi Herzog only reluctantly expresses the possibility of permitting the conversion of those whose motivation is suspect. If the prospective convert is blatantly insincere, then he should not be accepted for conversion. However, if the prospective convert's desire to convert is not expressly *l'shem shamayim*, and it is possible for the beit din to discern a noble intention, then it is permissible to accept such a person for conversion.

Not only does Rabbi Yehuda Lev Tzirelson believe that the previous civil wedding and prior sexual relations remove the suspicion that the conversion is *l'shem ishut*, but he brings new terminology to the discussion of motivation for conversion. Rabbi Tzirelson referred to the modern times as "*sha'at hadachak*," an emergency situation.

Rabbi Tzirelson saw the threats to Jewish survival in the late 19th early 20th centuries, e.g. assimilation, conversion to Christianity, as requiring the beit din to ignore the *lekhatchilah* standard imposed by the *halakha*. The fact that these people, who had intermarried, chose to remain together with or without conversion, clearly demonstrated to Tzirelson that their conversion could only be *l'shem shamayim*.

In addition to these concerns, is that of the Jewish member in the relationship. Indeed, Rabbi Yechiel Ya'akov Weinberg sees the potential for greater damage to be perpetrated if the gentile is not allowed to convert. Rabbi Weinberg views it as highly possible that the gentile will lead the Jew to transgress greater and more serious prohibitions, such as *nidah* and *kashrut*. This is in sharp contrast with the

opinion of Rabbi Grodzinski who feared that if the *beit din* converts the gentile, such prohibitions (especially *nidah*) become more frequently violated.

Rabbi Weinberg demonstrated that in cases where the individual's motivation is suspect, there at least must be some form of *kabbalat mitzvot* in order for him to grant the conversion. Weinberg sees that the determination of what satisfies *kabbalat mitzvot* rests with *re'ut beit din*, yet Weinberg has some specific mitzvot in mind.

The declaration of the prospective convert to observe some of the mitzvot (for Weinberg this is Shabbat, kashrut and family purity) in addition to an *umdana* that the conversion is *l'shem shamayim*, is satisfactory for Rabbi Weinberg to grant the conversion.

Rabbi David Tzvi Hoffman combines many of the previously mentioned considerations. He follows the idea that it is *re'ut beit din* which decides conversions, but only to certain *beit din*. Rabbi Hoffman feels that it is better to have an halakhic conversion than a non-halakhic one, since liberal *batei din* are not recognized as reaching being authoritative.

Rabbi Hoffman views the couple remaining married irregardless of conversion as a complicating factor. In the case in question, the end result would be that the children are not Jewish. For Hoffman, it is better to break a minor prohibition than a more serious one and grant the conversion of the gentile.

Rabbi Ben Zion Meir Chai Ouziel extends the concept of the beneficial purposes in granting these types of conversion an additional step. Similar to the *poskim* mentioned above, Rabbi Ouziel views the power to decide conversions as something which rests with the "discretion of the *beit din*." Ouziel sees it as benefiting the children to grant the conversion -- the children would then be considered Jewish; to the Jewish people, by removing assimilation; and to the gentile as well.

Rabbi Ouziel distinguishes between the prerequisite of *kabbalat mitzvot* and *hoda'at mitzvot*. The prospective convert must be informed of some of the *mitzvot* and for Ouziel, by granting the conversion the *beit din* has given an opportunity to the gentile to observe the *mitzvot* and to fully accept the obligations of the *mitzvot*. In this way, is it beneficial to the gentile for it brings that person under the "wings of the *Shekhinah*."

Rabbi Solomon bar Yehuda Kluger shares the view of these *meikeilim* that such a conversion is not *l'shem ishut*. The couple has expressed their intention of remaining together regardless of conversion. Even more, the Jew has expressed his intention of converting to Christianity if the woman is not accepted for conversion. Kluger understands this to mean that her conversion could not possibly be *l'shem ishut*.

In addition, because Rabbi Kluger sees that the decision for granting conversion rests with the *beit din*, it is therefore possible to annul a rabbinic prohibition, especially in such a case as the one before Kluger.

Rabbi Menachem Mendel Kirschbaum follows the thinking of Kluger in that the couple's prior living together negates the possibility that the conversion is *l'shem ishut*. Kirschbaum is also concerned for the children of the couple if conversion is not granted – they will not be Jewish.

Kirschbaum demonstrated that he is also concerned by the possibility of the gentile obtaining a non-halakhic conversion. Since the final determination rests with the discretion of the *beit din*, Kirschbaum believes it better to accept such a person for conversion than to let them obtain a non-halakhic conversion. The latter, for Kirschbaum, is a more serious situation which should be avoided.

Rabbi Eliyahu Hazzan demonstrated that the conversion should be granted because the *lekhatichilah* standard of the Halakha does not apply in cases where the Jew and the gentile have lived together. In addition, Hazzan views such a conversion

as a corrective measure for the children -- the conversion would ensure the children's Jewish status.

Rabbi Hazzan also considers the continuance of the relationship irregardless of the conversion. For Hazzan, it is better that the couple live in a permitted relationship than in a prohibited one. Therefore, there is more to be gained by granting this conversion than by rejecting it.

Rabbi Solomon Yehuda Lev Tabak also views granting such a conversion as advantageous. If the Jew is going to continue living with the gentile, this is a Toraitic prohibition. When presented with a rabbinic prohibition or a Toraitic prohibition, Rabbi Tabak is of the opinion that it is better to break the rabbinic prohibition than the Toraitic one. It is therefore better for all involved to grant the conversion.

It has been demonstrated that the Talmudic sources view the effect of an individual's motivation for conversion in two phases. *Lekhatchilah*, an individual's motivation for conversion should be determined and those who have come to convert for ulterior reasons should be rejected. Conversion should be *l'shem shamayim* and not *l'shem davar acher*. However the Talmudic sources also make it clear that *bedi'avad*, regardless of an individual's motivation for conversion, once the individual has been circumcised (male prospective converts only) and immersed (male and female prospective converts) that person is a Jew.

In addition, the Talmud clearly presented cases where individuals were converted even though their motives were for ulterior reasons! Hillel and Rabbi Chiya both accepted for conversion persons whose immediate motivation was not *l'shem shamayim*. Indeed, it is on the basis of these incidents which the *RAMBAM* concluded that there are qualitative differences between converts based on motivations. Those who converted *l'shem davar* are not "righteous converts." The *Beit Yosef* and the *Shulchan Arukh* conclude (based on the Talmudic material, its later commenta-

tors, and the early compendia literature) that it is "all according to the discretion of the *beit din*." As such, the *batei din* have much latitude in reaching their halakhic decision.

Indeed, this latitude has been clearly demonstrated by the *poskim* here studied. Each *posek* will derive a response to a particular situation involving the question of motivation. It has been shown that this response, be it *machmir* or *meikeil*, is based in the halakhic tradition and equally authoritative to those who choose to follow it.

BIBLIOGRAPHY

- Asher, Jacob. TUR, Yoreh De'ah. Knigsberg: Gruber and Longrien, 1864.
- Azulai, Chayim Yosef David Yitzchak. Chayim Sha'al, vol. 1. Bleivno: Eliezer Se'don, 1792.
- Bamberger, Bernard J. Proselytism In The Talmudic Period. New York: KTAV Publishing House Inc., 1968.
- Bamberger, Yitzchak Dov Ha-Levi. Yad Halevi. Edited by Solomon Edled. Jerusalem: 1965
- Bleich, David J. Contemporary Halakhic Problems, vol. 1. New York: KTAV Publishing House, Inc., 1977.
- Bidlestein, Gerald J. "Who Is Not A Jew? -- The Medieval Discussion." Israel Law Review vol. 11, no. 3 (July 1976): 369 - 390.
- Breisch, Mordekhai Ya'akov. Chelkat Ya'akov. Jerusalem: *Machzikei Hadat*, 1951.
- Brown, Jonathan M. Modern Challenges to Halakhah. Chicago: Whitehall Co., 1969.
- Caro, Joseph. Shulchan Arukh: Yoreh De'ah. New York: Shulzinger, 1944.
- Kohen, Baruch Mordekhai. Pachad Yitzchak, Vol. 5. Jerusalem: Mossad Harav Kook, 1961.
- Kohen, Boaz. Kontras Hateshuvot. Special Printing, Budapest: *Hatzofah L'chokhmat Yisrael*, 1929.
- Daube, David. "Conversion to Judaism and Early Christianity." Ancient Jewish Law: Three Inaugural Lectures. Leiden: E. J. Brill, 1981.
- Edels, Samuel. MEHARSHA Ha-Arukh. Edited by Yitzchak Zev Meir. New York: *B'lashon*, 1971.
- Ederet, Solomon ben. Responsum of Rebenu Shlomo ben Aderet, vol. 1. B'nei Brak: 1982.
- Eichorn, David Max. Conversion To Judaism: A History And Analysis. United States: Ktav Publishing House, Inc., 1965.
- Eidensohn, Daniel. Yad Moshe. Brooklyn: Daniel Eidensohn, 1987.
- Ellenson, David and Levine, Robert. "Rabbi Z. H. Kalischer And An Halakhic Approach To Conversion." Journal of Reform Judaism (Summer, 1981): 50-57.

Eiger, Rabbi Akiva. Teshuvot Rabbi Akiva Eiger, vol. 1. New Printing. Brooklyn: Zendel Berman, 1974.

Ellenson, David. "Representative Orthodox Responsa on conversion and Inter-marriage in the Contemporary Era." Jewish Social Studies (): 209-220.

Ellenson, David. "The Development Of Orthodox Attitudes To Conversion In The Modern Period. Conservative Judaism 36 (Summer 1983): 57-73.

Encyclopedia Judaica, (1971), s.v. "Alfasi, Isaac Ben Jacob." By Simha Assaf and Israel Moses Ta-Shma.

_____, s.v. "Asher, Jehiel Ben." By Ephraim Kupher.

_____, s.v. "Caro, Joseph." By Ephraim Kupher

_____, s.v. "Codification of Law." By Menachem Elon.

_____, s.v. "Feinstein, Moses." By Luis Isaac Rabinowitz.

_____, s.v. "Maimonides, Moses." By Louis Isaac Rabinowitz, et. al.

_____, s.v. "Responsa." By Shlomo Tal.

_____, s.v. "Shulchan Arukh." By Louis Isaac Rabinowitz.

Encyclopedia Talmudit, (1954), s.v. "Gerut."

Epstein, Louis M. Marriage Laws In The Bible And The Talmud. Cambridge: Harvard University Press, 1942.

Feinstein, Moses. Igrot Moshe, Even Ha'ezer. New York: B'lashon, 1955.

Feinstein, Moses. Igrot Moshe, Yoreh De'ah. New York: B'lashon, 1960.

Freehof, Solomon B. A Treasury Of Responsa. Philadelphia: The Jewish Publication Society Of America, 1963.

Freehof, Solomon B. The Responsa Literature. Philadelphia: The Jewish Publications Society Of America, 1955.

Friedberg, Ch. B. Bet Eked Sepharim. Tel Aviv: M. A. Bar-Juda, 1951.

Friedman, Rabbi David. "The Status of Non-Halachic Marriage." The Journal of Halacha And Contemporary Society 8 (Fall 1984): 118-128.

Friedman, Rabbi Nathan Tzvi. Otzar Harabanim. Tel Aviv: M. Greenberg Printing Press, 1975.

Friedman, Theodore. "Conversion And Conservative Judaism."

Goodblatt, Morris S. "Converting Because Of Marriage Motives." Conservative Judaism 28, no. 3 (1974): 30-40.

- Grodzinski, Chayim 'Ozer. Achiezer, vol. 3, second publishing. New York: Moses Chayim Pallack, 1956.
- Haas, Peter J. "The Modern Study of Responsa." In Approaches to Judaism in Medieval Times, vol. 2, edited by W. Blumenthal. Chicago: Schaken Press, 1985.
- Halperin, Raphael. Atlas Eitz Chayim. Tel Aviv: Hakodesh Ruach Ya'akov, 1985.
- Hazzan, Rabbi Eliyahu. Ta'alumot Lev, vol. 3.
- Herzog, Yitzchak Isaac Ha-Levi. Heichal Yitzchak, Even Ha'ezer, vol. 1. Jerusalem: Agudah Lehotza'at Ketivei Rosh Ha-Rabanim, 1960.
- Hoenig, Sidney B. "Conversion During the Talmudic Period." In Conversion to Judaism: A History and Analysis, edited by David Max Eichorn, USA: Ktav Publishing House, Inc., 1965.
- Hoffman, David Tzvi. Melamed Lehoel, vol. 2. Frankfort on the Main: "Hermon," 1926.
- Horwitz, David Ha-Levi. Imrei David. New York: Grossman's Publishing House, 1966.
- Horwitz, Rav Mordekhai Ha-Levi. Mattei Levi, vol 2. Y. Koyfman, 1933.
- Kirschbaum, Menachem Mendel. Menachem Meshiv. Lublin: Rabbi 'Ozer Tzvekin.
- Klein, Isaac. A Guide To Jewish Religious Practice. New York: The Jewish Theological Seminary Of America, 1979.
- Kluger, Solomon. Tuv Ta'am Veda'at, first edition. New York: E. Grossman's Publishing House, 196-.
- Kook, Abraham Isaac Ha-Kohen. Da'at Kohen. Jerusalem: Mossad Harav Kook, 1969.
- Lubling, Rabbi Aaron. "Conversion In Jewish Law." The Journal of Halacha And Contemporary Society 9 (Spring 1985): 76-104.
- Maimon, Moses ben. Mishneh Torah, Sefer Kedushah. B'nei B'rak: Yeshivat Ohel Yosef, 1986.
- Maimon, Moses ben. P'er Hador. Edited by David Joseph. Jerusalem: Or Hamizrach, 1984.
- Maimon, Moses ben. Teshuvot Ha-RAMBAM, vol. 2. Edited by Yehoshua Blau. Jerusalem: M'kitzei Nerdmim, 1960.
- Meek, James. "The Translation Of Gerim In The Hexateuch And Its Bearing On The Documentary Hypothesis." Journal of Biblical Literature 69 (1930): 172-180.

- Moore, George F. Judaism in the First Centuries of the Christian Era: The Age of the Tannaim, Vol. 1. Cambridge: Harvard University Press, 1970.
- Mordekhai, Rav Solomon. She'elot U'teshuvot MEHARSHAM, vol. 6. Jerusalem: 1968.
- Ouziel, Ben Zion Meir Chai. Mishpetai Ouziel. Jerusalem: Mossad Harav Kook, 1964.
- _____. Piskei Ouziel. Jerusalem: Mossad Harav Kook, 1977.
- Passamanek, Dr. Stephen M. A Handbook Of Post Talmudic Halakhic Literature. Los Angeles: Hebrew Union College-Jewish Institute of Religion, [1965].
- Rosenbloom, Joseph. Conversion to Judaism: From the Biblical Period to the Present. Cincinnati: Hebrew Union College Press, 1978.
- Rubenstein, Rav Shmuel. "Giur L'shem Ishut -- B'halakha." Torah She-Ba'al Peh 13 (1971): 74-81.
- Schiffman, Lawrence H. Who Was A Jew?: Rabbinic and Halakhic Perspectives on the Jewish - Christian Schism. Hoboken: KTAV Publishing House, Inc., 1985.
- Seligson, David J. "In the Post-Talmudic Period." In Conversion to Judaism: A History and Analysis, edited by David Eichorn. KTAV Publishing House, 1965.
- Steinzaltz, Rabbi Adin. Guide To The Talmud: Concepts And Definitions. Jerusalem: Keter Publishing House, 1988.

Tanakh.

Talmud Bavli, Avodah Zarah.

_____, Bechorot.

_____, Chulin.

_____, 'Eruvin.

_____, Gerim.

_____, Gittin.

_____, Keritot.

_____, Ketuvot.

_____, Kiddushin.

_____, Menachot.

_____, Sanhedrin.

_____, Shabbat.

_____, Shevu'ot.

_____, Yevamot.

Tzirelson, Yehuda Lev Moshe Chayim. 'Atzei Halbanon. Kluj: Abraham Koyfmann, 1922.

Wagner, Rabbi Dr. Stanley M. "The Denver Conversion Program -- A New Halakhic Validation." His address to conference.

Weinberg, Rav Yechiel Ya'akov. Seridei Eish, vol 3. Jerusalem: Mossad Harav Kook, 1966.

Ya'akov, Yitzchak Isaac ben. Otzar Ha-sepharim. Vilna: 1880.

Zeitlin, Solomon. "Proselytes And Proselytism During The Second Commonwealth And The Early Tannaitic Period. In the Harry Austryn Wolfson, Jubilee Volume. Jerusalem: American Academy For Jewish Research, 1965.

Zeitlin, Solomon. "Who Is A Jew?" The Jewish Quarterly Review 69 (1958-1959): 241-270.