

A Right to Convert? Developing an Idea of Rav Soloveitchik

By Rabbi Chaim Jachter

Rav Yosef Dov Soloveitchik made in a very brief but highly intriguing assertion in his daily Shiur at Yeshiva University in 1985¹. He stated that every non-Jew enjoys a right to convert. Rav Soloveitchik did not present evidence for this assertion and did not develop this point at any length. However, he seemed quite certain about this point. We shall attempt to develop this idea and support it with Talmudic evidence as well as present some very important ramifications of this assertion of a giant of Jewish History.

Clarifying and Modifying the Idea

We begin by clarifying Rav Soloveitchik's assertion that he obviously refers to a non-Jew committed to living a fully observant Jewish life. Otherwise, this assertion would contradict the Gemara's (Bechorot 30b) insistence that "A non-Jew who is willing to accept the Torah except for one matter, even a nuance of rabbinic law, is not accepted for conversion".

We might also modify Rav Soloveitchik statement in light of an equally intriguing comment I heard from Rav J. David Bleich that the Torah has no concept of rights. Unlike the accepted Western attitude that, quoting the American Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights", Rav Bleich asserts that we can only be the beneficiaries of others' obligations. For example, a wife is not entitled to spousal support from her husband. Rather, in Rav Bleich's view, the wife is the beneficiary of the husband's obligation to support her.

Thus, we might slightly modify Rav Soloveitchik's formulation saying that since the Jewish People have an obligation to accept worthy converts into their midst, a committed non-Jew is the beneficiary of Am Yisrael's obligation to accept² him into the Jewish community³. Let us explain why Rav Soloveitchik's thesis is vitally important and proceed to support the idea from Talmudic sources.

¹ This author was present at the Shiur.

² There is no obligation nor is it Halachically desirable for us to actively encourage conversion. As we shall discuss, Halacha demands that we at first discourage a non-Jew who wishes to convert. However, the Torah does want us to set a positive and attractive example for all of humanity (Kiddush Hashem) and maintain portals of entry for interested and committed non-Jews. For example, the Gemara (Pesachim 87b) states "Why are the Jewish People scattered in all countries more than any other nation? In order for converts to join them". There is no fundamental obligation for non-Jews to convert but the Gemara (Berachot 17b) criticizes the non-Jews in the city Machsiya since not one of them converted despite the fact that they lived in a major center for Torah learning and observance and experienced many inspirational opportunities. The Gemara similarly criticizes the nation of Govai since none of its members converted. Apparently, the Torah is displeased with those non-Jews who did not take advantage of readily accessible opportunities for spiritual inspiration from their Jewish neighbors.

³ Rav Gedalia Felder in his introduction to his work on the laws of conversion "Nachalat Zvi" elegantly writes:

"Am Yisrael at all times opens its gates to all who wish to enter the vineyard of Hashem. It accepts all who come to be shielded beneath the wings of the Sechinah (divine presence) and extended equal rights as a

Rav Soloveitchik's Thesis and Jewish Thought

Rav Soloveitchik's thesis is of enormous Hashkafic (Jewish Thought) implications. It reflects the fundamental equality of Jews and non-Jews. The Seforno expresses this idea (introduction to his commentary to the Torah) as such:

"[After telling the story of the Tower of Babel] the Torah proceeds to relate how after the hope that all of humanity would be devoted to Hashem had vanished after three major failures⁴, Hashem separated the most righteous of all of humanity, Avraham and his descendents, to achieve the ultimate goal God has for humanity".

The Seforno does not, unlike Rabi Yehuda HaLeivi in his Sefer HaKuzari, believe that Hashem originally planned to create the Jewish People. Plan A was for all of humanity to draw close to Hashem and imitate Him to the extent possible, in keeping with man's being created in the image of Hashem⁵. Only after Plan A failed did Hashem unveil Plan B and introduce the idea of an Am Segulah (special nation). This means that Torah does not believe that Jews are inherently superior to non-Jews as Hashem wanted a special relationship with all of humanity⁶. Thus, since all of humanity should fundamentally been "Jewish", a committed non-Jew has the right to join Am Yisrael (or we have the obligation to accept him).

Rav Soloveitchik's thesis expresses another fundamental point. The Torah undoubtedly stresses the importance of the Jewish People's identity as the biological descendents of the Avot and Imahot. Nonetheless, The Torah believes that ideological affiliation is even more important than biological descent. For example, the Rambam instructs Ovadiah the Convert (in a famous letter) to recite "Elokeinu V'Elokei Avoteinu" (our God and the God of our fathers) in Shemoneh Esrei. The Rambam explains that the mandate given to Avraham Avinu by Hashem as the Av Hamon Goyim (the father of a multitude of nations; Bereishit 17:5) allows converts to view themselves as the descendents of Avraham Avinu. In Halachic documents, the convert is designated as the daughter or son of Avraham Avinu (Shulchan Aruch Even HaEzer 129:20).

Similarly,⁷ the Gemara (Gittin 57b) teaches "From among the descendents of Haman there were those who learned (or even taught⁸) Torah in Beni Berak". This dramatic assertion of Chazal teaches

native born Jew. However, it demanded from all complete rootedness in its culture and a spiritual attachment to the spirit of Am Yisrael, acceptance of the responsibility of Mitzvot, internalization of the spirit of Judaism in his soul and spirit and acceptance of the values of the nation and its way of life".

⁴ Adam and Chavah eating from the Eitz HaDa'at, The Dor HaMabul and the Dor HaPelagah.

⁵ This idea also appears in Seforno's introduction to his commentary to the Torah.

⁶ The Seforno (Shemot 19:6) similarly explains our status as a Mamlechet Kohanim as an obligation to set an example for all of humanity of developing a close relationship with Hashem.

⁷ For a discussion as to whether a biological descendent of the Avot and Imahot can lose his identity as Jew see Gray Matter 1:145-149.

⁸ This depends on whether one pronounces the word in this passage "למדו" as Lomdu or Limdu.

that even descendents of Amaleik⁹ are no longer considered Amaleik if they abandon the evil ideology of their ancestors¹⁰.

Rav Soloveitchik's Thesis and Jewish Practice

Rav Soloveitchik's thesis is of enormous Halachic importance as well. Suppose a non-Jewish family comes to a Beit Din in the United States as candidates for conversion and eventually proves to be exceptionally worthy to join our people but they are economically impoverished. Suppose as well that two of their children are developmentally disabled and require special education classes. Converting this family will cost the Jewish community tens of thousands of dollars in scholarship money each year. Nonetheless, if Rav Soloveitchik's thesis is correct, the community must accept this family regardless of the financial consequences. Similarly, a devoted candidate for conversion who is socially awkward or otherwise handicapped also would have to be accepted into the community even if some are (wrongly) uncomfortable with such people.

Moreover, Rav Soloveitchik's thesis teaches that converts should not be expected to pay exorbitant fees for the conversion process. While it is certainly sensible to demand payment of reasonable expenses, we must not treat conversion as an entrepreneurial opportunity¹¹. The Rabbinical Council of America and the Beth Din of America articulate a very appropriate approach in their Geirus Policies and Standards (GPS) document¹².

Fees: Conversion is a not-for-profit endeavor. Nonetheless, the candidate should be made aware at an early point in the process that he or she will bear certain reasonable expenses, including some or all of the following: Outside tutoring fees, purchase of study materials, Mikveh and Mohel costs and administrative fees to cover Beit Din costs. Each regional Beit Din should consider maintaining a "special cases" fund, for use as needed. It should share cost structures and arrangements with the RCA/BDA and the other regional Batei Din, for mutual benefit.

Finally, if Rav Soloveitchik's thesis is correct then it is inappropriate for Jewish communities to adopt a permanent policy to categorically reject all converts. Although Rav Zvi Pesach Frank (Teshuvot Har Zvi Yoreh Deah 216) endorses such a policy adopted by a specific community presumably due to concerns of intermarriage or improper conversions, it is improper for well established Jewish communities to maintain such a policy¹³.

⁹ Haman is regarded by Chazal as a descendent of Amaleik (Megillah 30a) since the Megillah repeatedly refers to Haman as "Agagi" and Agag is an Amaleikite king (Shmuel I Perek 15).

¹⁰ Kesef Mishneh to Rambam Hilchot Melachim 6:4 and Chazon Ish Yoreh Dei'ah 157:5. See, though, Margaloyit HaYam to Sanhedrin 96b number 13.

¹¹ Charging excessive fees for Torah services is wrong for other reasons as well see Mishnah Avot 1:13 (D'Ishtameish B'Taga Chalaf) and Bechorot 4:6 with the commentary of the Bartenura.

¹² Israel's government funded Chief Rabbinate stopped charging a conversion fee in 2005.

¹³ Teshuvot Minchat Asher 1:51 approves the Syrian Jewish community's 1935 ban on conversion to prevent intermarriage. One wonders whether Rav Weiss approves of continuing to upholding this ban eighty years later. It

The following information appears in the website of the Israeli not-for-profit organization ITIM: "There are at present no recognized rabbinic conversion courts and no Orthodox conversions in any Latin American country. Residents of Latin America who wish to convert do so before a rabbinic court in the United States, or – if the convert is eligible for Aliya status – in Israel". Rav Soloveitchik's thesis demands this situation be improved.

Let us proceed to marshal four proofs of Rav Soloveitchik's thesis.

Proof #1 to Rav Soloveitchik's Thesis from the Rambam

A most straightforward proof to Rav Soloveitchik's thesis is a passage from his beloved Mishneh Torah of the Rambam (Hilchot Issurei Bi'ah 13:2). The Rambam writes "In all generations when a non-Jew wishes to enter the covenant, seek shelter beneath the wings of the Shechinah [the divine presence], and accept the yoke of Torah, he requires immersion (Tevilah) in a Mikveh and Berit Milah for a male".¹⁴ The Rambam clearly makes the conversion contingent only upon the desire of the non-Jew and his commitment to Hashem and His Torah, and not whether we believe it is in our best interest to accept him into our midst.

Proof #2 to Rav Soloveitchik's Thesis – Menachot 44a

A powerful proof to Rav Soloveitchik's thesis may be derived from a most fascinating Talmudic passage. The Gemara (Menachot 44a) relates

[A Torah student] heard that there was a woman of ill repute in a faraway city who charged four hundred gold talents for her services. He sent her the exorbitant fee and set an appointed time to meet her. When he arrived at the appointed time ...as he was unclothing himself, the four fringes of his Tzitzit slapped him in his face. He immediately slid off the bed on to the floor, where he was quickly joined by the woman. "I swear by the Roman Caesar," the harlot exclaimed, "I will not leave you until you reveal to me what flaw you have found in me!" "I swear," the Jew replied, "that I have never seen a woman as beautiful as you. However, there is one Mitzvah that we were commanded by our God, and Tzitzit is its name. Concerning this Mitzvah the Torah twice states 'I am the L-rd your G d' -- 'I am the one who will seek retribution, and I am the one who will reward.' Now the four Tzitzit appeared to me as four witnesses, testifying to this truth. "I still will not leave you," the prostitute said, "until you provide me with your name, the names of your city, rabbi and the school in which you study Torah." He wrote down all the information and handed it to her. The woman sold all her possessions. A third of

is one matter to issue the ban in 1935 when the community was struggling to adjust to American life and it is quite another eighty years later when the Syrian Jewish community in this country, Baruch Hashem, is flourishing.

¹⁴ In the times when the Beit Hamikdash stood, all converts were also required to bring a sacrifice at the time of their conversion. The Gemara (Keritot 9a) clarifies that conversion can occur even if the Beit haMikdash is not functioning since the Torah (Bemidbar 15:14) describes converts presence among our people as a phenomenon that will occur in "all generations" (L'Doroteichem). Tosafot (Kiddushin 62b s.v. Geir) assert that it is for this reason a Beit Din is authorized to accept Geirim even if its members do not have authentic Semichah as a received tradition from the time of Moshe Rabbeinu (no rabbi has received such Semichah in at least than a thousand years).

the money she gave to the government (as a payoff so that they would allow her to convert to Judaism), a third she handed out to the poor, and the remaining third she took with her -- along with the silver and gold beds -- and she proceeded to the school which the man had named, the study hall of Rabi Chiya.

"Rabbi," she said to Rabi Chiya, "I would like to convert to Judaism." "Perhaps," Rabi Chiya responded, "you desire to convert because you have taken a liking to a Jewish man?" The woman pulled out the piece of paper with the information [and apparently related to Rabi Chiya all that transpired with the Jew she had encountered]. "You may go and claim that which is rightfully yours [apparently¹⁵, the right to convert]," Rabi Chiya proclaimed. She ended up marrying the man.

The fact that Rabi Chiya refers to the woman's conversion as something rightfully hers, demonstrates Rav Soloveitchik's assertion. The woman's abandonment of powerful third century Rome in favor of downtrodden Eretz Yisrael and her willingness to part with so much of her wealth to facilitate her moving to Eretz Yisrael, constituted ample proof that this woman's deserves to enter Am Yisrael.

Although we most often wait a considerable amount of time until a Beit Din converts a candidate for conversion, in this case it was most appropriate to convert her immediately even though she was interested in marrying a Jewish man. Ordinarily time is needed to demonstrate a conversion candidate's sincerity. In the Gemara's case, the woman's extraordinary sacrifice proves her to be more than worthy to the great honor of becoming a child of Avraham Avinu (who also left so much behind to begin anew in Eretz Yisrael).

The Gemara's case is similar to the following situation described in Teshuvot Igrot Moshe volume nine Even HaEzer 14 . Rav Moshe Feinstein responded to an inquiry from Brazil regarding the daughter of a non-Jewish woman (and a Jewish father) who was raised Jewish, attended Jewish schools, and was observant of Halacha, and only discovered that she was not Halachically Jewish upon becoming engaged to marry a Jew. The question posed was whether the Beit Din should be wary of converting such an individual. Rav Moshe answered that the Beit Din should not hesitate to convert her. Even though one might have argued that such a conversion should be deemed a conversion for ulterior motives (i.e. to be able to marry the man that she was engaged to), that is not the case, as the whole reason that she was interested in marrying a Jewish man was because of her Jewish upbringing and commitment to a Jewish life. Rav Moshe suggests that this was precisely the criticism of the Avot's handling of Timna (Sanhedrin 99b, as we shall soon discuss). They viewed Timna's interest in conversion as being motivated by her interest in marrying a member of the families of the Avot, and they therefore rejected her. While it was true that she was interested in marrying into the family, her primary motivation was altruistic, and her interest in marrying into the family was only because those were the people who shared her belief system.

¹⁵ It could also refer to a "right" to marry the young man who visited her.

In the case recorded in Menachot 44a the woman's incredible sacrifice clearly demonstrates her interest in marrying the Jewish man was motivated by her desire to marry a man with a similar belief system.

We should note that this Gemara is further explained in light of the Beit Yosef (Yoreh Dei'ah 268) who argues that "all depends on the judgment of the Beit Din". Beit Din may perform a conversion where the candidate has a Jewish partner if it is convinced that the candidate's conviction is sincere and resolute¹⁶.

Proof #3 to Rav Soloveitchik – Timna Mother of Amaleik

Chazal's presentation of Timnah's (Breishit 36:12) story constitutes highly compelling evidence to Rav Soloveitchik's approach. Chazal (Sanhedrin 99b) explain that she was unjustifiably denied conversion by our Avot (forefathers) and out of bitterness agreed to be a concubine to Eisav's son Eliphaz and bore Amaleik who inflicts great pain upon Israel. This Gemara is a very powerful proof that the Jewish people are forbidden to reject a committed candidate for conversion unless there is an extremely compelling reason to do so.

Proof #4 – The Mitzvah to Administer a Conversion: Shabbat 137b and Yevamot 47b

The Gemara (Shabbat 137b) rules that one who circumcises a convert recites a Berachah that includes the phrase "Asher Kideshanu B'Mitzvotav V'Tzivanu Lamul et HaGeirim". The word V'Tzivanu (and you have commanded us) strongly implies that there is a Mitzvah to perform an appropriate conversion. Similarly, the Gemara (Yevamot 47b) states that we should conduct a conversion ceremony as soon as the Beit Din determines that the candidate is ready, since "we do not delay the performance of a Mitzvah". Thus, we are obligated to accept a worthy conversion candidate exactly as Rav Soloveitchik taught.

Tosafot Harosh (to Shabbat 137b) wonders what Mitzvah is fulfilled when circumcising a convert that would justify the text of the Berachah when circumcising a convert. He answers "For we are commanded to love converts and it is impossible to be a [male] convert without Milah." This response implies that the act of accepting Geirim is included in the mitzvah of Ahavat HaGer (an idea expressed no less than thirty six times in the Torah; no other Mitzvah is emphasized to this degree).

¹⁶ The Beth Din of America's Geirus Policies and Standards document states (following the approach of the Beit Yosef).

Where marriage to a particular Jewish partner is a major incentive to a prospective conversion, there is an increased possibility that the Geirus may come with less than the complete commitment necessary for a conversion that would be in keeping with the standards we are trying to set for the regional Batei Din. Nonetheless, experience also shows that such a motivation can result in converts of the highest caliber. Conversion for the sake of marriage therefore requires the Beit Din to constantly reevaluate if the candidate and future partner are likely to subscribe to the requisite beliefs and practices. The Beit Din must be convinced that if the potential spouse were to disappear from the candidate's life, his or her commitment to the Jewish faith and people would not waver. These factors inevitably prolong the process and make examination of the prospective convert more intense. Indeed, should the couple mention a proposed wedding date as a deadline or goal, the Beit Din should respond that the process will take significantly longer than that.

Rav Yerucham Fishel Perlow (commentary to Sefer Hamitzvot of Rabbeinu Saadia Gaon end of Aseh 19) suggests that the Mitzvah to accept the convert is included in the Mitzvah of Ahavat Hashem (loving Hashem). The following Sifrei (Va'etchanan Piska 32) supports this approach:

You shall love God your Lord, project love of Him onto other people as your father Avraham [did], as it states (Bereishit 12:5) "And the souls that they made in Charan." If the whole world attempted to create one small mosquito and give it life, they would not be able. [How then did Avraham "make" people?] Rather, this teaches that Avraham Avinu converted them and took them under the wings of the Shechinah.

We may suggest a third explanation as to the identity of the Mitzvah to accept converts based on a powerful insight presented by Rav Hershel Schachter (Ginat Egoz 35:5). He poses the following questions, based on a comment of Rav Yisrael Yehoshua of Kutna, Yeshuot Yisrael (Choshen Mishpat 3), that relates to the relationship between the conversion process and Ma'amad Har Sinai. First, the Gemara (Yevamot 46a) establishes that Geirut must take place in the presence of a Beit Din. If conversion is modeled after Sinai, why is there a necessity for a Beit Din, as there was no Beit Din overseeing the giving of the Torah? Second, at Har Sinai we received the Torah in the presence of the Shechinah (Hashem's intense presence). Why do we not require the Shechinah to be present in order to perform a conversion? The answer is that at Har Sinai, precisely because of the presence of the Shechinah, there was no need for a Beit Din. However, for Geirut throughout the generations, the Beit Din serves as the representative of the Shechinah in accepting new members of the Jewish people.

Based on Rav Schachter's incredible insight, we may suggest that when accepting Geirim, Beit Din performs the Mitzvah of imitating Hashem's practice (Sotah 14a). Chazal here interpret the Torah's command "to follow in the ways of Hashem" (Devarim 13:5) as teaching that just as Hashem visited the sick (Avraham Avinu after the Berit) we should visit the sick, just as Hashem buried the dead (Moshe Rabbeinu) we should bury the dead and just as Hashem clothed those in need (Adam and Chavah) we should provide clothing to those who lack. One may argue similarly that just as Hashem accepted worthy candidates for conversion at Sinai we should accept deserving non-Jews in all generations.

Although we have presented four sources in Chazal that seem to conclusively prove that a devoted non-Jew enjoys the right to convert (or that we have the obligation to convert them), we now present five sources that seem to contradict Rav Soloveitchik's assertion.

Question #1 on Rav Soloveitchik – Kiddushin 62b

The Gemara discusses the following situation:

A man who tells a woman 'Behold you are betrothed to me after I convert or after you convert', the betrothal is invalid since the conversion is not in the control of the potential convert. Explains the Gemara regarding the Beit Din required for conversion "Who says these three [rabbinical judges] will agree to convert him".

If Rav Soloveitchik's thesis is correct, the Beit Din does not have the option to reject a worthy candidate. This Gemara, however, seems to give the Beit Din the option to reject the candidate. The answer could be that the Gemara simply reflects the reality that the Beit Din may improperly (as the Avot did with Timna) reject the candidate. Despite the fact that such an approach would be unjustified, it nonetheless reflects the reality that a conversion is not in the hands of the convert.

Question #2 on Rav Soloveitchik – Yevamot 109b

The Gemara (Yevamot 109b) makes a remarkable statement that “evil after evil will befall those who accept converts”. This seems to entirely reject Rav Soloveitchik's assertion of a worthy non-Jew's right to convert. However, Tosafot (ad. loc. s.v. Ra'ah) limit the Gemara's declaration to a Beit Din that either seeks to convince Nochrin to convert or converts individuals indiscriminately or impulsively. If, Tosafot continue, the candidate is persistent in his desire to convert (Tosafot allude to Rut 1:18) we should accept them. Tosafot cite the aforementioned case of Timna as part of their evidence to their assertion.

Question #3 on Rav Soloveitchik – Yevamot 47b

The Gemara (Yevamot 47b) quotes Rabi Chelbo who states “Geirim are as difficult for the Jews as Sapachat¹⁷”. While there are a wide variety of explanations for this phrase (Tosafot to Kiddushin 70b-71a presents no less than seven explanations), the most straightforward explanation that fits with both the context of the Gemara and the Rambam (Hilchot Issurei Bi'ah 13:18) is that it refers specifically to those Geirim who will not properly observe the Torah after their conversion. Meiri (Yevamot 109b s.v. L'olam) writes that R. Chelbo's concern is that one who converts for ulterior motives may tend, once the original motivation disappears, to become less careful in his observance and serve as a negative influence on other Jews. The Bach (Yoreh Dei'ah 268:4), however, assumes this understanding in Rashi and Rambam as well.

A most important ramification emerges from the discussion surrounding this passage. Tosafot (ad. loc.) quote an explanation from an authority known as Rabbeinu Avraham Geir¹⁸. Rav Yosef Adler reports that Rav Soloveitchik noted this fact when asked by Yeshiva University whether it may grant Semichah (rabbinical ordination) to a convert. He noted that Tosafot clearly permits a Geir to serve as a rabbi since they approvingly present the view of a convert and refer to him as a rabbi. On other occasions Rav Soloveitchik was fond of noting that the Rambam in his list of the Chachmei HaMesorah (pillars of the oral Jewish Tradition) in his introduction to his Mishneh Torah, the chain of great rabbis extending all the way to Moshe Rabbeinu, lists Shemayah V'Avtalon as converts. Rav Soloveitchik explains that the Rambam teaches that Geirim are worthy of the greatest title a human being can – inclusion as a member of the Chachmei HaMesorah.

Question #4 on Rav Soloveitchik – Yevamot 47b and Rambam (Issurei Biah 13:14)

¹⁷ A form of leprosy.

¹⁸ He explains this phrase to mean that since Geirim are so devoted to Mitzvot, the Jewish People suffer because it exposes their insufficient intensity commitment to Mitzvah observance.

The Gemara (Yevamot 47a-b) records:

Our Rabbis taught: If a [prospective] convert comes to convert nowadays, we say to him/her: "Why do you desire to convert? Do you not know that Israel at the present time is persecuted and oppressed, despised, harassed and overcome by afflictions¹⁹?" If he/she replies, "I know and yet am unworthy," we accept him/her immediately, and we inform him/her of some of the minor commandments and some of the major commandments. And we inform him/her of the punishment for the [transgression of the] commandments. We say to him/her: "You should know that before you had come, if you had eaten forbidden fats (Cheilev), you would not have been punishable with karet (Divine excision), if you had violated the Shabbat you would not have been punishable with stoning; but now were you to eat forbidden fats, you would be punished with Karet; were you to desecrate the Shabbat you would be punished with stoning." And just as we inform him/her of the punishment for [the transgression of] the commandments, so too do we inform him/her of the reward [granted for their fulfillment] ... and we inform him/her of some of the minor commandments and some of the major commandments - what is the reason? In order that if he/she desires to withdraw let him/her do so.

The practice to initially dissuade the prospective convert is both well known and well founded in the Tanach, as its basis is Naomi's attempts to dissuade Ruth and Orpah from conversion (Ruth 1:8-18). The question we must ask, though, is why attempt to dissuade the potential convert if he simply wishes to exercise his right (assuming such a right exists) to convert.

There are three explanations as to why we discourage a potential convert at first. The basic explanation, as indicated by the Gemara,²⁰ is the need to discover those whose commitment to Halacha and Jewish life is not firm, whose conversion would be detrimental to the Jewish people. They set a bad example and may bring punishment to the community since Kol Yisrael Areivim Zeh LaZeh (all Jews are responsible for each other) and this makes us collectively responsible for the deviant actions of all members of the Jewish people²¹. Beit Yosef (Yoreh Deah 268 s.v. U'kesheba) quotes Semag (Lo Ta'aseh 116) as explaining that the attempts at dissuading the potential convert serve to prevent any subsequent claim on his part of Mekach Ta'ut, that had he known what he was getting himself into he would never have converted.

An additional explanation is that not only is it not in the interest of the Jewish People to have uncommitted converts in their midst it is also not in the long term interest of the convert. As noted in this Gemara, the convert's entry into the Jewish People exposes him to consequences for failing to uphold Halacha. Thus, the obligation to provide advice that is in the best interest of the one who comes

¹⁹ This author once, while sitting on a Beit Din for conversion, posed this question to a potential convert. The candidate, who had been raised as a Jew - her mother had been converted in a reform ceremony - responded that even if I did not convert she would be persecuted since anti-Semites regard her as a Jew. Obviously, only the second concern, the consequences of failure to abide by Halacha, is a relevant concern for this someone in this predicament who wishes to become a Jew as defined by Halacha.

²⁰ Rabi Chelbo's aforementioned assertion is cited to explain this practice.

²¹ See Tosafot (Yevamot 47b s.v. Kashim) for a discussion as to whether Jews are collectively responsible for errant activities of converts.

for guidance (Eitzah HaHogenet Lo, based on the prohibition of Lifnei Iveir Lo Titein Michshol, Vayikra 19:14²²) compels us to warn potential converts of the potential downside of conversion.

In addition to attempting to dissuade the convert, the Rambam writes (Hilchot Bi'ah 13:4) that a Beit Din should investigate the motivation and sincerity of a prospective convert whether it is for money, a position, due to fear or due to interest in a member of the opposite gender. This is in keeping with the teaching of the Mishnah (Avot 5:16) that a love that is contingent upon an external factor is unstable; once the factor is eliminated the love dissipates.

The idea that emerges from all of these sources is that while it is a Mitzvah to convert a worthy convert and he/she may even enjoy a right to convert, Beit Din is obligated to make sure that unworthy candidates do not enter the ranks of the Jewish People. Conversion of individuals who will not observe the Torah does not serve the long term interest of either the candidate or the Jewish People.

Beit Din is placed in a very delicate and challenging role in its role as the selective gatekeeper for the Jewish People. On the one hand, it must not refuse entry to the deserving but also, on the other hand, must vigilantly protect the vineyard of Israel from those for whom it is best they not enter.

Question #5 on Rav Soloveitchik

We have seen that Rav Soloveitchik's assertion that a devoted non-Jew has a right to convert is compatible with Beit Din's obligation to restrict conversion to those who are committed to lifelong Torah observance. However, the Gemara (Yevamot 24b) states and the Rambam (Hilchot Issurei Bi'ah 13:15) codifies that during the times of King David and King Shlomo, Beit Din did not accept Geirim due to concern that the conversion is motivated by the prominence of the Jewish People at that time²³.

While it is understandable that during these eras Beit Din must exercise extra caution with those who convert but eliminating conversion entirely seems to devastate Rav Soloveitchik's postulating a right of a worthy non-Jew to convert. Why did Beit Din adopt such a sweeping policy which seems to make no exceptions during that era?

The answer appears to lie in the words of the Rambam (ad. loc.)

Nevertheless there were many converts who converted during the times of David and Solomon, before non-prestigious Batei Din (Hedyotot). The Sanhedrin (Supreme Rabbinic Court)

²² See Teshuvot Minchat Shlomo 1:35 where Rav Shlomo Zalman Auerbach asserts that a Beit Din who converts someone who seems most likely not to observe Mitzvot violates Lifnei Iveir Lo Titein Michshol. Teshuvot Minchat Elazar (4:63), in justifying the practice of teaching Torah to conversion candidates despite the Talmudic prohibition (Chagiga 13a and Sanhedrin 59a) of teaching Torah to a non-Jew, argues that if a Beit Din were to convert someone without previously educating him in the proper observance of Mitzvot (he specifically references proficiency in the Siddur), the convert would, upon conversion, violate numerous prohibitions, and the Beit Din would have violated the prohibition of Lifnei Iveir.

²³ Similar concern obtains in Israel today whose Law of Return grants automatic citizenship to any Jew. This law potentially motivates billions of people who live in third or second world countries to convert to enable them to become Israeli citizens and benefit from living in an affluent and attractive country. Batei Din throughout the world must exercise caution that candidates for conversion are not motivated by the lure of Israeli citizenship.

monitored these converts. They did not immediately reject them or accept them until they demonstrated their long term commitment to Torah observance and Jewish life.

In other words, even during the days of David and Shlomo a back channel was established to keep the gates of conversion open due to the right of devoted non-Jews to convert. Living amongst Jews after their less than ideal conversions served as a living laboratory to determine the validity of their conversions.

Interestingly, although the Gemara (ad. loc.) presents an opinion that during the times of Mashaich Beit Din will not accept converts, the Rambam does not cite this view. This certainly accords with Rav Soloveitchik's thesis as well as the words of Nevi'im such as Yeshayahu (Perakim 2 and 11), Michah (Perek 4) and Zechariah (Perakim 8 and 14) who envision the days of Mashiach as a time when many non-Jews will be attracted to make a pilgrimage to the Beit haMikdash and serve Hashem.

Four Applications of Rav Soloveitchik's Thesis

Now that we have presented evidence to Rav Soloveitchik's thesis that worthy non-Jews enjoy a right to convert and have defended his thesis from five potential challenges, let us proceed to apply his theory to four important situations.

Application #1 – The Candidate about whom we are Unsure of His Motivation

We have seen that Beit Din must selectively distinguish between worthy and unworthy candidates for conversion. It is not an uncommon situation, though, for a Beit Din to be unsure as to the worthiness of certain candidates. Teshuvot Rabbeinu Eliyahu Gutmacher (Yoreh Dei'ah 87) addresses this situation. He suggests that if a Beit Din has doubts about the sincerity of a potential convert but has no credible evidence of lack of sincerity, the approach of the Beit Din should be to accept rather than reject the convert. In Rabbeinu Eliyahu Gutmacher's opinion, the consequences of rejecting a genuinely sincere convert, as the Avot did with Timna, are more severe than of accepting a candidate who appears sincere to the Beit Din but may be masking ulterior motivations. He argues that the Avot presumably had at least speculative grounds for rejecting Timna but were nonetheless punished for doing so. If, however, a Beit Din were to accept a convert who, unbeknown to them, had ulterior motivations that he deliberately withheld from the Beit Din, the conversion would still be valid post facto (as the Gemara states, Yevamot 24b, assuming that the Geir sincerely accepted the yoke of observance) and the Beit Din would not be liable for any wrongdoing.

This approach certainly fits with Rav Soloveitchik's thesis. If a worthy non-Jew has a right to convert then in case of uncertainty as to the candidate's sincerity, he should be given the benefit of the doubt.

Application #2 – Converting an Adolescent

Rav Mordechai Willig at a Shiur delivered at a convention of the Rabbinical Council of America expressed a sense of unease with the conversion of adolescents²⁴. He noted that youngsters at this stage are unstable and adolescent conversion might not last a lifetime. Rav Willig does not contradict Rav Soloveithcik's assertion. It simply might not be in the long term interest of the Jewish People as well as the youngster for him to convert before reaching an age when he is capable of sound judgment.

Interestingly, we find precedent in other areas of Halacha for waiting until age twenty until we permit someone to make a decision of monumental importance. Halachah is well aware of the problematic nature of adolescent judgment as evidenced in the following rulings. The Rama (Y.D. 1:5) records that there are those who are strict and do not permit authorizing those under the age of eighteen to shecht (ritually slaughter) animals. Only upon reaching the age of eighteen "is (one) an individual of judgment who understands how to exercise caution." Most famously, the Shulchan Aruch (E. H. 1:3) records that there is no obligation to marry before the age of eighteen despite the fact that males become obligated in all other Mitzvot beginning at age thirteen. Obviously, one is not necessarily ready to assume the responsibility of marriage before eighteen. Thus, consistent with these Halachot, the Orthodox Union²⁵ instructs adolescents to refrain from alcohol even on Purim and wait to fulfill this mitzvah until they reach the age at which they will be "individuals of judgment who understand how to exercise caution".

Similarly, the Gemara (Gittin 65a) permits a youngster to sell real estate from his father's estate only after reaching the age of twenty. The Rambam (Hilchot Mechirah 9:12-13) and Shulchan Aruch (Choshen Mishpat 235:9) in codifying this Gemara explain "even though he understands business transactions, we are concerned he will not receive proper compensation since his is unduly inclined to have cash on hand and his mind is not yet settled and established in the ways of the world".

In later generations, the Jewish community of Lithuania invalidated marriages of those who married before the age of eighteen without parental approval²⁶. They similarly legislated that a Beit Din should pay no heed to notes of obligation undertaken without parental consent by youngsters below the age of eighteen. Rav Asher Weiss (Teshuvot Minchat Asher 1:119), citing these three precedents, invalidates an adolescents' agreement to donate even a life saving organ unless he has parental agreement²⁷.

Thus, it is reasonable for a Beit Din to wait until an adolescent reaches the age of twenty for conversion. In this way, we may be confident that his commitment will be a stable and lasting one. An exception would be in a case where the youngster is converting together with the rest of his family or to one who was raised as a Jew and practiced Halacha but there was discovered a technical Halachic flaw in their mother or grandmother's conversion. Since concern for lack of an ability to make a lifelong

²⁴ Presumably he refers even to a situation where there is parental consent. Converting an adolescent without parental consent might pose civil legal problems.

²⁵ See Gray Matter 4:266-270.

²⁶ Rav Asher Weiss (Teshuvot Minchat Asher 1:119) discusses whether this actually invalidates the marriage or only the agreement to marry.

²⁷ Though he notes that Rav Yizchak Zilberstein, citing his father-in-law Rav Yosef Shalom Eliashiv, disagrees.

commitment to Halacha is not relevant in such situations, a Beit Din would likely approve the conversion of adolescents in such situations.

Application #3 - A Sincere Convert who Misled the Beit Din about her Ancestry

Rav Asher Weiss (Teshuvot Minchat Asher 1:51) addresses an unusual case of a sincere convert who misled the Beit Din about her ancestry. The woman received misguided advice from a rabbi who exercised extremely poor judgment and advised the candidate to lie to the Beit Din and tell them that she has evidence her mother is Jewish, since she lights Shabbat candles and engages in various Jewish practice. The rabbi determined that she was sincere, which was later proven by her consistent observance of Jewish Law for years after her conversion. He advised her to tell this lie to give the Beit Din the impression that the woman was already possibly Jewish, thereby motivating the Beit Din to expedite the conversion process²⁸.

Rav Weiss concludes that if the Beit Din is convinced that it would have administered²⁹ the conversion even if it was they knew that the woman's mother was certainly non-Jewish then she need not convert once again. However, if the Beit Din is not certain, Rav Weiss rules

"It is proper to conduct another conversion since one should not enter any doubt regarding a conversion. One cannot countenance a situation where the woman and her children and grandchildren will live their entire lives harboring doubts concerning their Jewish identity".

The woman in this case was in theory entitled to convert when she did but might not have yet prove her worthiness to the Beit Din at the time of conversion³⁰. According to Rav Soloveitchik's thesis her conversion seems to have been valid since she was legitimately exercising her right to convert. On the other hand, one could argue that a Beit Din's presence and consent is required for Geirut. If the Beit Din was misled then there is a technical flaw in the Geirut since the Beit Din did not properly consent to the conversion³¹.

Application # 4 – Refusing to Perform a Geirut for a Committed Candidate.

Our final application brings Rav Soloveitchik's thesis to the forefront. A small and relatively isolated Diaspora community posed the following dilemma to Rav Asher Weiss (Teshuvot Minchat Asher 1:51). The Beit Din was convinced of the sincerity of the conversion candidate and his commitment to a

²⁸ Rav Weiss, of course, castigates the rabbi for such outrageous and unethical behavior.

²⁹ In this responsum Rav Weiss raises the fascinating question as to whether the Beit Din administers the non-Jew's conversion or if it actually performs the conversion.

³⁰ The woman cannot be faulted for deceiving the Beit Din since she was misled by the misguided advice of the rabbi she consulted. One cannot conclude from this behavior, her lack of commitment to the prohibition to avoid falsehood (MiDevar Sheker Tirchak, Shemot 23:7).

³¹ This would be analogous to a case where the convert had all the appropriate intent and commitment but a Halachic flaw was discovered in the structure of the Mikveh where the conversion immersion occurred (this is yet another reason for making every effort to satisfy all Halachic opinions when constructing and maintaining a Mikveh; see Gray Matter 2:258-261). A right to convert does not permit overlooking a technical flaw in the conversion proceedings.

lifetime of Torah observance. However, some of the Beit Din members and some of the community's leaders opposed administering the conversion due to three considerations: 1) The candidate appeared to have a "problematic and overly sensitive personality and therefore would not successfully integrate into the community and in his frustration and anger would cause damage to the community's image". 2) The candidate is a member of a very prominent family that is very famous in the Christian community and the conversion will enrage the family and cause a backlash of Anti-Semitism. 3) Since this Jewish community is small and isolated it will be difficult for him to find a marriage partner thereby increasing concern for his psychological stability.

The community wished to know whether the Beit Din has a right to reject a candidate due to policy concerns that do not relate directly to the conversion. Rav Asher Weiss expresses uncertainty in his response. On the one hand, he considers the aforementioned punishment we received for the Avot rejecting Timna's conversion, which Rav Weiss surmises occurred due to policy considerations³² similar to those of the community that posed the question to him. Rav Weiss proceeds to note that the Rambam (and Shulchan Aruch) presents the option to exclude a convert only on the basis of lack of commitment and no other consideration. He also notes that the Gemara (Gittin 57b and Sanhedrin 96b) records that Nevuchadnetzar's commanding general Nevuzadran, who had killed tens of thousands of Jews, was accepted as a convert despite his horrific past.

Nonetheless, Rav Weiss is not convinced that Beit Din is obligated to convert all devoted candidates. He cites the Jerusalem Talmud (Avodah Zarah 11a or 2:2) which he believes implies the right to refuse to convert someone who murdered a large number of Jews. He also cites the practice of Jewish communities which for generations did not accept converts. This refers to Jewish communities in areas where conversion to Judaism is illegal and often punishable by death³³. Rav Weiss seeks to conclude from these sources that a Jewish community might enjoy the right to not accept converts if it believes it will be harmed "physically, spiritually or financially" by doing so. Rav Weiss concludes that he is unsure about this matter.

While Rav Weiss is unsure since he does not find any of the evidence to be compelling in either direction, Rav Soloveitchik's thesis teaches that the Torah does not grant a right to reject committed converts other than in a situation where there is a fear for the safety of the community. Rav Weiss cites Brooklyn's Syrian Jewish community's ban on conversion issued in 1935 as a source for the possibility he raised. However, Rav Soloveitchik would not approve of this policy and no Halachic source is cited to support the Halachic legitimacy of this policy³⁴.

It seems that the only possible manner to reject this convert is to conclude that it is not in the interest of this gentile to convert and that the Beit Din would violate *Lifnei Iver Lo Titein Michshol*

³² The Gemara (Sanhedrin 99b) mentioned that Timna was a princess and Rav Weiss speculates that the Avot feared antagonizing her royal family members.

³³ The Aruch Hashulchan (late nineteenth and early twentieth century Lithuania), for example, writes in his heading to the laws of Geirut (Y.D. 268) "In our land we are not authorized to accept converts due to the *Dina D'Malchuta*, the law of the land".

³⁴ To cite a common Talmudic phrase "*Arvach, Arva Ba'ee*", the 1935 ban cited by Rav Weiss itself requires evidence of its Halachic legitimacy.

(Vayikra 19:14 with Rashi) by converting him. Otherwise, as Rav Soloveitchik asserts (and implied by the Timna incident as well as Rambam and Shulchan Aruch) a Beit Din must convert a worthy and committed conversion candidate.

Although Rav Asher Weiss is unsure about this matter, Rav Soloveitchik's assertion that a worthy non-Jew has a right to convert is supported by many Halachic sources and represents a fundamental cornerstone of proper functioning of a Jewish community that upholds the values of Avraham Avinu, the Av Hamon Goyim.

Conclusion

Rav Soloveichik's thesis that every non-Jew committed to a lifetime of devotion to Halacha and the Jewish community, is of monumental Halachic and Hashkafic importance. It is worthy not only for Beit Din members to bear this in mind, but it should be incorporated in the mindset of every Jew. It certainly constitutes a major step in further advancing and enhancing the prestige and majesty of Hashem's beautiful Torah and His very special People.