Rabbi Chaim Amsalem Discusses Conversion to Judaism

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Rabbi Chaim Amsalem has written extensively on the topic of conversion to Judaism. A former member of the Israeli Knesset, he works to bring individuals of Jewish ancestry back to their ancestral faith and people.

The truth is that Orthodox (i.e. halakhic) conversions require an initial acceptance of mitzvoth [kabalat mitzvoth] as a necessary element in the conversion. But the definition of "kabalat mitzvoth" is not what they [the rabbinic establishment in Israel] say, but [their view] is based on a limited group of rabbinic authorities, mainly from the Ashkenazic sector. The intention of "kabalat mitzvoth"actually entails a basic acceptance of the Jewish religion and what is implied by that acceptance: acceptance of the mitzvoth without specific connection to the degree of acceptance of mitzvoth. Even with acceptance of some of the mitzvoth, the convert is a valid convert even initially.

Isn't complete acceptance of mitzvoth essential for conversion?

There are several answers to this.

1. According to most Rishonim (medieval rabbinic authorities), a total acceptance to observe all mitzvoth is not required. This is the opinion of Maimonides.
2. According to the great Posek, Radbaz, acceptance of mitzvoth is ideal [but not mandatory]. The requirement is rabbinic, as was written [also] by Rabbi Shlomo Kluger.
3. The Rambam and Shulhan Arukh rule that if the process of kabalat hamitzvoth was omitted, the conversion is still halakhically valid after the fact.
4. Even those who argue that kabalat hamitzvoth is essential for conversion, the intention is that this is part of the process of conversion, whose basic requirement is circumcision [for males] and immersion in a mikvah in the presence of bet din.

Is there validity to a conversion that does not include an obligation to observe the mitzvoth?

Here we must expand the discussion. One first has to understand the Talmudic discussions relating to those who come to convert. Circumcision and immersion in the mikvah, with a bet din, are requirements that are clear and well-understood. But when it comes to kabalat hamitzvoth, we must clarify that the Talmud itself does not have this phrase; it only mentions informing the candidate of the mitzvoth and the acceptance, namely the person is informed of "some of the mitzvoth" in the words of the Gemara, and if he/she "accepts" then he/she is a convert. His/her acceptance means agreement to what he/she was informed. This informing [about the mitzvoth] is not a sine qua non of the process,

but is a way to let the convert know what he/she is entering into in becoming a Jew.

From the Talmuidic passages, we learn that the essential matter in becoming Jewish is to identify with the Jewish collective in all respects, "to suffer in their sorrows." Certainly, one who wishes to become Jewish must follow the entire process, but there was never a contingency between observing the mitzvoth and getting converted. The proof is from clear Talmudic passages relating to a convert who, following conversion, reverts to his/her previous religion and way of life, that such a person is still deemed a Jew in every way. We learn that there is no requirement to demand that the would-be convert accept to observe the mitzvoth, and [a lack of such acceptance] does not invalidate the conversion.

Isn't it the duty of the bet din to ascertain that the candidate for conversion intends to observe the mitzvoth?

This was never the responsibility of the bet din. However, there is a rule that the bet din must initially determine why the person wishes to convert; but if this was not done, such a person is a valid convert even if he/she came for an ulterior purpose e.g. to marry a Jew or for some other motive. This is a clear Talmudic position.

What are the boundaries for conversion?

Clearly, one who wishes to join the Jewish people is obligated in the basic mitzvoth that are fundamental to Judaism. The process includes circumcision and ritual immersion; faith in God and entrance into the traditions of the Jewish people.

What are these traditions of the Jewish people?

This varies depending on the times. In the past, when most Jews observed mitzvoth, then there would be an assumption that the convert be like all the other Jews i.e. fully observant of mitzvoth. In our times, though, most Jews do not observe the mitzvoth; today, though, and especially here in the land of Israel, most Jews are "traditional." And this blessed situation is improving. For example, a great many Jews are careful to observe the laws of mezuzah; they rest from work on Shabbat; they recite Kiddush on Shabbat and holidays; they light candles for Shabbat and holidays; they observe basic kashruth; they fast on Kippur; they avoid bread on Pessah; they observe Succoth, Hanukkah, Purim; they love fellow Jews; they guard the land of Israel; they participate in helping others and giving charity. Even if sometimes they sin and fail to observe all the mitzvoth, as a rule they understand and keep [many mitzvoth].

Is a person who converts by accepting the traditions of the Jewish people as outlined above, is such a person a valid convert according to halakha?

One must understand that there is a huge gap between our viewpoint—which is the long-held halakhic approach of Sephardic rabbis over the generations—who never required a would-be convert to transform into a meticulous observer of mitzvoth, because they knew that this would be nearly impossible or usual; but they strove to emphasize the basics i.e. that the candidate truly wants to adopt Judaism, has faith, and wants to be and live like all the other Jews. In our times, when most Jews are not scrupulously devoted to mitzvah observance, it is not reasonable to demand of a convert more than what most Jews are observing. Would that all Jews would be observant of the general traditions outlined above.

Where did the erroneous stringent approach arise?

We have explained that entering Judaism entails identification with the Jewish collective. In our times, most Jews are not fully observant of mitzvoth. One who wishes to join this majority should be accepted according to halakha, and with the hope that with time the person will advance in keeping mitzvoth. But [those who hold the stringent view] question the Jewishness of those who are not like them, thinking them Jewish only after the fact. According to them, they certainly don't want to add non-Jews to these [non-observant] Jews, who see such converts as a burden and scab; they love the [Talmudic phrase] that "converts are as difficult for Jews as a scab."

Are the conversions performed by the rabbis of the Israel Defense Forces and similar conversions only valid "after the fact"?

First, would that these converts would be accepted even after the fact! This would mean that the conversion was done and is accepted, following the halakhic rule that all such conversions are valid. But they [that espouse the stringent view] twist the halakhic sources so that [for them] such converts are not accepted even after the fact.

Would you expand on the position of Sephardic rabbis and their halakhic traditions?

Without going into all the details that I've explained in my books, we know from the rulings and protocols for conversion and from the entire spectrum of their writings, that in practice they followed the approach I've described above. In fact they converted all who came to convert even when most came with an ulterior motive such as in order to marry a Jew. Rabbi Benzion Uziel ruled that "the condition of accepting the mitzvoth is not a sine qua non for conversion." Thus ruled Rabbi Yitzhak Nissim who was Rishon leTsiyon, and so ruled Rabbi Unterman, and so ruled in practice Rabbi Ovadya Yosef even though his writings sometimes point one way and sometimes another way, all depending on the situation. It is clear that historians who will evaluate his views on conversion will see that he validated the conversions of 5000 male and female soldiers who were converted under the auspices of the Israel Defense Forces. This was the practice of the Chief Rabbinate in the past until the predominance of the extreme position.

Since there are stringent positions, why should the halakha follow the lenient view?

First, the halakha generally follows Bet Hillel who are lenient, rather than Bet Shammai who are stringent. Second, when there is a serious crisis within the Jewish people, when assimilation is frightening, when there are people of Jewish ancestry such as the benei anousim who seek conversion but are turned away—it is a mistake to be stringent and alienate them by making unrealistically high demands that are not required by the halakha. It is a mistake not to follow the lenient position. Moreover, even if the Sephardic approach was only "after the fact", at a time of crisis like the present it is proper to adopt this position even initially. An emergency situation is in the category of "after the fact," as is well known.

Does the stringent position sin against would-be converts?

Definitely. Not only is it a perversion of halakha as we've demonstrated, it is oppression of converts which is a serious violation of the Torah, and an oppression of those who have already converted "bedi-avad". The stringent position needlessly alienates those who wish to join the Jewish people, and this is a sin. It makes converts [who were converted according to the lenient view] question the validity of their conversions, as though they are turned back into non-Jews; this is a sin and a travesty. Stringency in matters of conversion today implies leniency when it comes to assimilation.

Is a conversion final or can it be annulled?

It is clear from the Talmud and halakhic sources that once a person has converted—and even if the conversion was dubious--the conversion is fully valid. Rabbi Yosef Karo in his Beit Yosef truly stated that "all depends on the evaluation of the bet din" that performs the conversion. This means that before a conversion, the bet din must decide whether to accept or reject the candidate for conversion; but once the conversion has taken place, it is unquestionably valid.

Is there a chance to free the State of Israel from the dilemma it confronts today?

As long as the dominant stringent approach of the rabbinic establishment is in place, there will never be a solution to the conversion problem, assimilation, and the return of those of Jewish ancestry who wish to return to their Jewish roots and faith.

What about the Chief Rabbinate of Israel?

If things do not change and the decision is to leave things in their hand, the result will be destruction, sin and divisiveness in society, hatred of religion—these will only increase in Israel.

What is the hope for the future?

The hope is that the Jewish people will understand the critical situation and will cast off the yoke of the extremists.