Acceptance of the Commandments for Conversion

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Rabbi Chaim Amsellem is an important figure in the religious and political life of the State of Israel. Among his publications are two learned volumes on the topic of conversion to Judaism. A book providing a Hebrew synopsis of these works, Mizera Yisrael, was published with the co-sponsorship of our Institute for Jewish Ideas and Ideals. Rabbi Amsellem has founded a new political movement in Israel—Am Shalem, which seeks to present an inclusive Judaism, much in the spirit of his own Moroccan Sephardic forebears. This article appears in issue 14 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

In the State of Israel, the topic of conversion frequently emerges at the top of the country's agenda. The successful immigration of Jews from the former Soviet Union, who lived for decades behind the Iron Curtain, created a complicated halakhic situation regarding the identities of some of these immigrants. According to the plain halakha, more than 300,000 of these immigrants are categorized as non-Jews, despite the fact that they descend from Jews (Jewish father, grandfather, etc.) There is no doubt that, in order to solve this problem, there is a need to convert these immigrants in consonance with Jewish law.

The general population in Israel doesn't understand the halakhic perspective, which views the conversion process as a deep transformational process that takes place within the convert and demands a qualitative change in the individual's faith, behavior, and way of life. Many of those who attack the rabbinic and Torah institutions charge them with a lack of sensitivity and flexibility. They ask with bewilderment how it is possible that one would place barriers in the path of a person who is prepared to endanger and sacrifice his life for the security of the Jewish nation.

It is important to remember that no matter the good will and intentions of the Jewish judges and rabbis, their true inner selves will not permit them to deviate from the letter of the law. However, our Torah is a Torah of life. According to the way of Torah and halakha, there is plenty of room for an approach that will provide a solution that will help pull the wagon of conversions out from the “mud” in which it is currently stuck.

To accomplish this, we need strength of character and many other qualities such as a penetrating ability to understand the opinions of the halakhic authorities and their logic, a broad perspective, and an ability to anticipate unknown complications.

These will enable us to act for the betterment of the general population. Not doing so will lead us down a path filled with fences and barriers and will in the end destroy the unity of our people. (This is the implication of the first Mishna in Pirkei Avoth, which teaches to “make a fence around the Torah.” We must make sure that every fence we create will benefit the Torah and not the opposite.) This demands the courage and valor to think differently, and all must be done with a strong adherence to the truth of Torah as understood by the classic commentaries.

Before setting out to find leniencies within the framework of halakha regarding conversions, we need to understand the circumstances that require us to explore the vast array of halakhic sources for leeway. This background will enable us to find a solution to the difficult problems that we face in our times.

The following are the basic issues that need to be considered:

1) The number of marriages between Jews and Hebrew-speaking non-Jewish immigrants is rapidly increasing. Assimilation is a very common problem in our region and impacts about 500,000 immigrants—and the numbers increase daily.

2) Because of increasing numbers of intermarriages, a distinction can arise between the Jewish nation and the Jewish faith—to the point that there will be two nations or a difference between an “Israeli” and a “Jew.” This endangers the Torah perspective that the “nation” and the “faith” are synonymous.

3) The more the problem grows, the more non-Jews will live in our midst, creating a demographic problem, which will add to the already existing demographic issues we face with our Arab neighbors and Arab citizens in the State.

4) A harsh stance on conversion by the Chief Rabbinate will only create more antagonism toward the Chief Rabbinate; the status of the rabbinate will further erode; and hatred of religion will increase. This is widely known and should be self understood with no need for further elaboration.

5) There is a pending law that advocates civil marriage as a legal alternative to a religious marriage. This law is gaining force and has negative religious implications. If we don't solve the problem of conversions and marriage in a manner that conforms to halakha, others will solve it through this law with its broad approach to allow civil marriage for all who desire it and not only for the non-religious.

6) The rigid stance of Haredim regarding conversions pushes people toward non-halakhic conversions and non-Orthodox movements.

Zera Yisrael—Jewish Ancestry

The key to understanding the halakhic basis for the conversion of immigrants from the former Soviet Union in the framework of either military or civilian conversion is the designation of "zera yisrael" (Jewish seed/ancestry). This means that even though a person born to a non-Jewish mother is not halakhically Jewish, if his father or grandfather is Jewish, he is described as coming from zera yisrael.

The halakhic implication of the designation of zera yisrael enables us to deal differently with people who have Jewish blood flowing through their veins than we do with other individuals who wish to convert. We can be more lenient with them despite the fact that before they convert, they are non-Jews, halakhically speaking. These people must be dealt with differently for they are the "outcasts" (nidakhim) and "lost ones" (ovdim), to whom Isaiah referred to when he said "And those who are lost in the land of Assyria and those cast away in the land of Egypt will come and they will prostrate themselves to God on the holy mountain in Jerusalem" (27:13). Ezekiel actually screamed against those who don't help these people and who create obstacles for them, chastising them with the words "The banished you did not retrieve; for the lost you did not search" (34:4).

Upon clarifying the opinion of our sages who are the halakhic authorities, we can conclude decisively that certain immigrants must be treated differently from others who desire conversion. They must have the following qualities: They come to convert here in Israel; they or their parents returned to Israel based on the Law of Return; and they have a clear Jewish family line.

The designation of zera yisrael not only enables us to be more lenient with conversion, but even demands that we reach out to these people. The Rashbash (Solomon ben Simon Duran, c. 1400–1467, Algiers) wrote in his responsa (368) that the Anusim (people who were forced to abandon Judaism but continued to maintain some Jewish practices) or their children who come to convert (since they married gentiles) are not only accepted for conversion even though they have ulterior motives, but that we should actively bring them close and under the wings of God's Presence. Similar decisions were also published by leading rabbis.

This perspective led Rabbi Meir Simcha HaKohen of Dvinsk to the following explanation on a verse regarding converts in the Torah in his book Meshekh Hokhma. It states in Parashat Kedoshim that "When a convert lives among you in your land, do not taunt him" (Leviticus 19:33). He explains this to mean that "even if it is possible that he is not a complete convert, that he wants to join the Congregation of Israel for some other reason, then do not afflict him, meaning, don't distance him and don't push him away." So we see that the halakha establishes numerous leniencies to avoid closing the door to converts.

Similar words were written by Rabbi Rafael Aharon ben Shimon in his book Nahar Mitzrayim (page 111a). He explained that we usually scrutinize converts to determine their motivation for converting, and if it is found that they are not converting for the sake of Heaven then they would not be converted. However, when the situation was a Jew who was in love with a non-Jewish woman; they were living together for some time; and, in some situations they even had children together; and the non-Jewish wife wishes to be converted, we accept the woman and children for conversion even if there are clear ulterior motives. Rabbi Rafael Aharon ben Shimon testifies that this happened many times "because to our great pain we cannot put the flag of religion" on anyone. It is clearly accepted that when we speak of those from zera yisrael, especially when they come from a place where all efforts were made to get them to forget their religion and Judaism, we should bring them close. The Rashbash (368) writes that people who do bring these people under God's Divine Presence are in the category described by Jeremiah (15:19) as "if you take the precious from the vile, you shall be as My mouth," meaning they have the power of God Himself.

That said, in regard to those who immigrated under the Law of Return with non-Jewish mothers, it is a mitzvah to bring these souls closer and to convert them even when it is not clear to us whether they will accept the fundamentals of Judaism with a full heart.

Therefore, any discussion about conversion of people who immigrated based on the Law of Return cannot be disconnected from the unique distinction of “Jewish descent.” Amazingly, in all the discussions of the sages in modern times regarding conversion and acceptance of mitzvoth they made no distinction between an ordinary non-Jew who comes to convert and someone with Jewish heritage. Many have gone so far as to say that “acceptance of mitzvoth” means that the convert must obligate himself to observe all mitzvoth. This has led to their quick retraction of conversions since they believe that if the convert transgresses just some mitzvoth then their conversion is null and void.

There are many great rabbis in our generation who agree in principle that we should be more lenient with those with Jewish roots than we are with other candidates for conversion. However, with regard to the fundamental of “acceptance of mitzvoth,” they make no distinction between them and others. They are simply unaware of the opinions of the earlier sages regarding the significance of having Jewish heritage and ancestry.

This is why the Chief Rabbi of Israel, Rabbi Ben Zion Meir Hai Uziel, felt the need to write in his Responsa Mishpetei Uziel (7:19, 4) that, according to all opinions, people of Jewish descent born to non-Jewish mothers are called “Jewish seed.” He went even further and wrote, “From all this we have learned that the condition of fulfilling the mitzvoth does not prevent a conversion even to begin with…from all that has been said we learn that it is permissible and a mitzvah to accept converts even though we know that they will not fulfill all the mitzvoth.”

My approach, to which many great Torah sages agree, assures that, on the one hand we bring close anyone of Jewish stock and help find permissible ways according to halakha to convert them, while, on the other hand, not rushing to usher non-Jews who are not of Jewish heritage into our nation. This approach, in my humble opinion, is correct according to halakha and is proper for the situation of the Jewish people in our times. I believe that in the future, with God’s help, this approach will solve the problem of the non-Jewish immigrants from the former Soviet Union who live in our midst in Israel. It is possible that segments in the Torah world will combat this approach, but I hope that those who are involved with the Torah of truth for the sake of Heaven will grab hold of this true path.

Conversions of Soldiers in the IDF

An additional consideration, which relates primarily to military conversions, is the recognition that soldiers who serve in the Israeli Defense Forces are prepared to give up their lives for the security of the nation and the protection of the State of

Israel. Through this noble act, they include themselves among those who “fight without fear with the intention to sanctify God’s name” who, according to the Rambam (Hilkhot Melakhim 7:15) “merit the World to Come.” Based on the Rambam’s words we can certainly include this mitzvah of risking one’s life for the general population as one of the mitzvoth that a convert accepts upon himself. The basic law requires that we simply inform the conversion candidate about some of the lighter and stricter mitzvoth, and if he accepts them we convert him or her immediately.

How lofty is the virtue of those who fight and sanctify God’s name to protect the Jewish nation in the land of Israel against those who rise against us to destroy us? They have great merits and these merits should, at the very least, be a reason to accept them for conversion. This builds on the fact that they are from zera yisrael, whom we are obligated to accept for conversion even when they come with ulterior motives. Rabbi Binyamin Kosis, the head of the rabbinic court in Tsefat wrote similar words in his book Megilat Sefer (negative commandments #116): “When one feels the suffering of Jewish subjugation and joins with them in their suffering, this demonstrates that his heart is complete and he wants very much to be a Jew.”

This brings to mind the following meaningful words of the Pele Yoetz of Rabbi Eliezer Papo: “…There are many Jews who, on the surface, appear to be empty vessels but have in their hands the mitzvah of saving Jews and, with this mitzvah, they overpower the Sages and Torah giants of Israel…”

An additional reason mentioned by HaRav Ovadiah Yosef regarding the Karaites is the desecration of God’s name if we don’t accept these converts. HaRav Ovadiah relates the following in regard to the conversions of the Karaites, whose leaders helped to establish the State of Israel and whose sons were drafted to defend it (Yabia Omer 8:12): “What will those who don’t observe Torah and mitzvoth say when they see that we distance those who sacrifice themselves for Israel?” He is conveying that it is a desecration of God’s name to act toward them with a distancing approach instead of reaching out to them. A similar concept was espoused by one of the great Lithuanian Rabbis, Rabbi Chaim Ozer Grodzienski, two generations ago in Reponsa Ahiezer (3:28). He writes that even though, in his opinion, Jewish courts should not be involved in these conversions, he does not think the rabbis should “make noise” and publicly condemn these conversions; he feared that it would cause a desecration of God’s name if those who didn’t know better were to accuse the rabbis of being obstructionists. These words definitely apply to IDF soldiers of Jewish descent who immigrated to Israel and who sacrifice

their lives for the Jewish people and Israel.

It is clear that without any acceptance of Torah and mitzvoth we cannot accept a conversion candidate. If we see that the candidate will continue to live exactly the way he lived before, with no visible change to demonstrate entrance into the Jewish people, then both heart and logic argue not to accept him. However, thank God, here in Israel, it is easy for a person to “observe tradition” by making Kiddush on Shabbat, fasting on Yom Kippur, lighting candles on Friday night, avoiding non-Kosher food, refraining from eating hametz on Pessah, celebrating Jewish holidays, and observing many other mitzvoth. Even the beloved mitzvah of tefilin (phylacteries) is performed by many who don’t observe Shabbat according to all the technicalities of halakha. Are we going to call these people non-Jews? Are we going to say they are not accomplishing anything by doing these actions? Of course not! So, if a convert undergoes circumcision and purification in a mikvah to become Jewish with an acceptance and actual fulfillment of the mitzvoth listed above, it definitely helps. They observe these in addition to the mitzvoth that any convert will likely desire to perform as defined by Rabbi David Zvi Ben Moshe Hoffman in his book Melamed L’Holl (Even HaEzer 3), such as the prohibitions of idolatry, adultery, and murder; the mitzvoth of charity, honoring parents, and loving neighbors. All of the above suffice when coupled with a general statement of acceptance of our laws. Then, with God’s help, together with his designated religious family who will strengthen him with warmth, and along with a supportive community, he will slowly but surely become a fully practicing Jew.

The arbitrary and shameless way in which IDF soldiers—and certainly those of zera yisrael—who converted through the military rabbinate are treated is the height of ingratitude. Not recognizing their conversions and retroactively nullifying them is contrary to halakha. All military conversions that were carried out from the time the State was established until today were performed by rabbis who live with fear of Heaven, and these conversions were recognized and certified by the Chief Rabbinate. They always received the full support of the law with no hesitation. So, what changed in recent years? The disgrace demonstrated to soldiers who serve the people and who dedicate and sacrifice their souls for the Jewish nation, with many of them studying Torah, is not tolerable. The great halakhic authorities over the course of all generations saw this type of readiness as decisive testimony regarding the seriousness of their intent to convert.

Acceptance of Mitzvoth

The primary dispute regarding conversion in the State of Israel revolves around the concept of Kabbalat haMitzvoth, acceptance of mitzvoth. Accepting the mitzvoth is one of the three central elements in the conversion process. It is clear that any attempt to circumvent halakha by accepting converts with no acceptance of mitzvoth is a distortion of halakha and will not succeed.

“Acceptance of mitzvoth” means accepting the fundamentals of Judaism. It is not simply a commitment to fulfill the mitzvoth. Its full meaning is a desire to be a Jew with all the implications that accompany the fact that the convert will now be called a Jew. This desire must manifest itself with the acceptance of mitzvoth, which testifies to the transformation that occurs within the convert. From the moment of the conversion and onward, the convert must behave like a Jew and feel connected to the Jewish people. However, we can assume that just as among those who are born Jewish, there are the more righteous, the average, and others, so, too, among converts there will be many types.

There can be no policy or process of conversion that skips over the step of “acceptance of mitzvoth.” According to all halakhic opinions, the convert must accept the mitzvoth. Therefore, it is impossible to issue a halakhic decision that a Jewish court should carry out conversions without an acceptance of mitzvoth—something I have been charged with by those who oppose me. After we tell the convert some of the mitzvoth imposed on a Jew along with the significance of the responsibility involved with conversion, he or she must verbally accept the mitzvoth taught without any reservations. If the individual says that he or she is not prepared to accept even one mitzvah then we do not accept that person as a convert. This is agreed to by all halakhic authorities without dispute.

On the other hand, the halakhic authorities agree (see Shulhan Arukh Yoreh Deah 268:12) that, ex post facto, if a Jewish court converted someone without teaching him any mitzvoth, but he was circumcised and went into the mikvah in order to become a Jew, then he is a convert. All halakhic authorities also agree that if the convert reverts back to his earlier behavior and does not fulfill mitzvoth, he is still considered to be a Jew and his post-conversion marriage is counted as a halakhic marriage. A return to his old way of life does not undo his conversion, even if it happens immediately after the conversion (Responsa Rashbatz 3:47).

Given all of the above, what is the debate? It revolves around a person who comes to convert according to halakha, but it appears that the person’s post-conversion lifestyle is not one of mitzvah observance. Some argue that this demonstrates that when the person declared that he or she would accept mitzvoth in front of the Jewish court, this was not a real acceptance since there

was never the full intention to observe all the mitzvoth. They go even further and claim that a court that accepts a candidate of this kind and converts him has collaborated in this wrongdoing. In their opinion, the fact that both sides knew beforehand that the convert would not observe all mitzvoth means that the convert's words were empty of meaning and this court has, de facto, performed a conversion without an acceptance of mitzvoth.

In my book, Zera Yisrael, I wrote against this approach at great length and proved that all we require from the convert is a verbal acceptance of the mitzvoth without any qualifications. If, after hearing the mitzvoth, one accepts them along with an honest expression of one's desire to be a Jew and to become part of the "inheritance of God" and endure sufferings that may afflict the Jewish people, that person is absolutely to be considered a person who has "accepted the mitzvoth." After these things have been done, there is no place, according to halakha, to test the person's intentions or for the court to make sure that this person plans to observe mitzvoth in the future. There is simply no such concept in halakha. Therefore, we can establish definitively that even if an individual is lacking in mitzvoth observance in practice, this does not detract from his acceptance of mitzvoth, and that individual is still considered to be a valid convert.

I brought decisive and clear proofs in my books mentioned above—reinforced by quotations from well-known halakhic authorities who wrote as such explicitly. Even more importantly, though, is that this has been the practice of the rabbinic courts of the Sephardic sages throughout the generations as well as the widespread practice of the Israeli Chief Rabbinate in former years. It is true that other opinions have become adopted in recent years as if they were the decisive and unanimous perspective but this is definitely not the truth, not correct, and not the halakha. Rav Ovadiah Yosef explained in an interview in the following manner (Monthly of the Religious Council of Tel Aviv-Jaffa 5729): "If the convert has a reasonable knowledge of Judaism and there is a likely chance that he will fulfill the mitzvoth, then we accept him."

It is difficult to qualify precisely the level of observance that a convert must accept. However, in order to build a general picture of the character of the convert, I will mention a few central and important items. As already mentioned, the court must be convinced that the candidate accepts the following upon himself: faith in God, distancing from all forms and any hint of idolatry including the trinity of Christianity, as well as all three cardinal sins—idolatry, adultery, and murder; observance of the seven Laws of Noah; minimal observance of traditional mitzvoth such as Kiddush on Shabbat, fasting on Yom Kippur, refraining from

hametz on Pessah, and similar practices. These are the most important elements that constitute the foundations of the religion and are not difficult even for a person who is just taking his first steps of living in a Jewish lifestyle. In general, it can be said that Jews who call themselves “traditional” fulfill these mitzvoth.

Conversion in Order to Be Traditional

The often used term “traditional” (masorati) has broad connotations. I have met people who, on the one hand, observe the Shabbat, put on tefillin, pray three times a day on a semi-regular basis, set aside time for Torah study, love Torah, and support the maintenance of Torah institutions, while on the other hand walk around without head covering, do not recite blessings on food at all times, and their wives dress immodestly and do not cover their hair. Many good people accept donations from these people without saying a negative word about them. Rather, they bring them close and praise them; and I have seen that in the end, they and their wives often end up returning more completely to religious observance. There are other masoratim who observe Torah and mitzvoth when it is convenient for them, they pray from time to time, and observe the Jewish holidays, yet they stumble regarding Shabbat desecration because they think that Shabbat desecration only refers to kindling a fire; they allow themselves to carry items in public areas lacking an eruv and transgress other Torah prohibitions. It is possible to broaden the scope of the meaning of being a “traditional” Jew a great deal. Since this term is very general and defines any person who observes some mitzvoth, every Jew is simply “traditional” since, as King Solomon teaches, “For there is not a just man upon earth who does good and does not sin” (Ecclesiastes 7:20).

It is known that the Jewish sages of Morocco took a lenient approach on many halakhic issues, and this was also true regarding conversion. The wise people and rabbis of our time are no greater than the sages of Morocco in their Torah scholarship and certainly not in their pure fear of God which avoided any pursuit of money, fame, or honor. Similarly, their fear of God was not embedded in ideological struggles such as Zionism and anti-Zionism and all the wasteful things that were imported here from Europe and came to embroil those who study Torah today. Those sages saw things with a scrutinizing eye and were farsighted for the betterment of the nation. They understood that in the matter of conversion, for the most part we need a policy in which “the left pushes away while more prominently the right brings close” with the “right” always being preferable to the “left.”

This is not the platform for a psychological study that will demonstrate that the moderate approach of the North African sages undermined those who wanted to destroy our religion. In fact, this is why movements and phenomena such as Reform and Conservatism never took hold in North Africa even during times when the Jewish situation was not good, to put it mildly, due to the Enlightenment. The assimilation-inducing ideas of Europe never overwhelmed the lands of North Africa. The great rabbis in their wisdom and spirit of gentleness made bridges connecting all the elements of the nation. The phenomenon of heresy as a revolt and an extreme militancy against Judaism did not exist there—even among those who were distanced from Judaism.

It is possible that the rabbis in Europe had no choice but to wage a strong battle against heresy to the point where any change was considered flawed and every leniency was suspected as having a spirit of deterioration. This captures the spirit of the well-known saying of the Hatam Sofer that “anything new is prohibited according to the Torah” (playing on the halakha that “new” grain that is called “hadash” is prohibited until the 16th of Nisan). Nevertheless, it is possible to suggest that with all this safekeeping of those who were faithful to our tradition, there were those who could not find their place within tradition and left the fold. They quickly felt themselves outside the framework and, often, opposite it, something that never existed in North Africa.

It is even more likely that the approach of the Sephardic Sages to conversion and to converts—and the fact that they did not place it on the public agenda because of their approach to Judaism—is what led to a lack of problems. Conversion situations were dealt with quietly without checking too much into the qualities of the convert and his intentions in areas where privacy is best.

In light of all this and in tandem with all that I wrote in my book, it is clear that it is permissible to convert the IDF soldiers, especially when the court insists that they observe the laws of kashruth, the prohibition of easting hametz on Pessah, fasting on Yom Kippur, making Kiddush on Shabbat, wearing tefillin and, of course, staying away from their earlier religion and faith. All this serves to create a broad base and a good chance that at a future time they will achieve complete and total observance.

Therefore, it is understood that someone who converts just to be "traditional," but has no plans to return to his previous faith in any way and he just wants the title "Jew," is not considered to be tricking the court. It is actually the opposite since he is telling the truth. This is unlike those who make great declarations and promises but then, in the end, keep nothing, or who attempt to fool the court in

order to convert for some personal benefit.

It is important to distinguish between the approach to conversion that I have been advocating and what people call "social conversion" or "conversion to become Israeli." Recently, we have begun to hear loud voices who want to see conversions in a social context with a complete removal of any halakhic dimension. In their opinion, it is enough that the convert integrates into Israeli society to transform him into a Jew. This opinion views Judaism only as a nation and completely ignores the religious element. I want to reiterate and emphasize that there can be no valid halakhic opinion that says that there is no need for an acceptance of mitzvoth. Acceptance of mitzvoth is an inseparable component of the conversion process since Judaism is both a nation and a religion. Being Jewish is to be part of the Jewish nation and to be subject to the halakha of the Jewish religion.

The halakha does not expect that immediately upon conversion the convert will instantly be transformed into a person who observes all 613 mitzvoth. But, on the other hand, both heart and mind prevent us from accepting into the Jewish people a person who has no element of the acceptance of the religion's mitzvoth and customs. Our sages understood throughout the generations that we must give a person time to change his and his family’s lifestyles and to become accustomed to fulfilling all the mitzvoth over time. Therefore, they established clear guidelines for the conversion process in the spirit of the teaching of Solomon, the wisest of all men, that “there is not a just man upon earth who does good and does not sin” (Ecclesiastes 7:20).

Invalidating a Conversion

When a candidate for conversion is prepared to completely accept the responsibility of mitzvoth, but the court doubts the quality of that acceptance, the final decision regarding this complicated issue is given over completely to the court. The court is permitted to decide whether or not to allow this person entry to the Jewish nation and to convert him based on how the details appear to it at the time and based on its assessment at that moment. This decision is built into the halakhic laws of conversion.

The decision to allow a conversion can be made for many reasons including the fact that the person is already married to a Jewish woman. The best reason, of course, is that the candidate for conversion demonstrates complete faith and willingness to fulfill all the mitzvoth. Or, the court can decide the exact opposite, that even if the candidate will perform all mitzvoth he will somehow cause

problems for the Jewish people and therefore must be rejected. Rav Ovadiah Yosef explained to the Knesset Internal Affairs Committee (November 16, 1976) that

Once the decision is made and the conversion takes place by a proper Jewish court with circumcision, immersion in the mivkah and an acceptance of mitzvoth, then the person becomes a Jew. This act cannot be overturned and, as the Gemara in Yebamoth teaches, "He is like a Jew in all matters. If he marries a woman, the marriage is valid."

Such a conversion cannot be nullified retroactively. The court cannot say ex post facto that we were wrong to accept this person. A conversion can only be nullified if it becomes clear that there was a qualitative flaw in the actual act of conversion, such as a lack of three qualified witnesses at the time of the conversion, omission of the circumcision, a flaw in the circumcision, immersing in an invalid mikvah, dipping only part of the body in the mikvah, or no one witnessing his mikvah immersion. In such situations the conversion is not being nullified, since it was never actually performed properly. Perhaps it would be best to simply explain it this way: It is possible for there to be a non-conversion, but it is impossible to nullify or uproot a conversion.

The implication of nullifying a conversion, when the convert is found not to be fully observant of Torah and mitzvoth, is very troubling and has severe ramifications. For example, if we are dealing with a married woman, the decision transforms her from a halakhically married woman to a non-Jewish woman. A non-Jewish woman does not need a get (divorce bill) to separate from her Jewish husband. Indeed, according to halakha she was never actually his wife (despite the fact that they lived together as husband and wife and had children together). Even in a situation of an agunah (a woman whose marital status is unknown) the Medieval commentators (Responsa Rashba 1:1,162) have written that "once she converts she converts" and we cannot free her from this marriage without a get. When there are difficult agunah questions or attempts to legitimize mamzerim, the court will try to solve the problem by proving that there was actually no conversion and that the flaw was in the process itself. However, nullifying a conversion that was performed according to the halakha is not possible. A person who does so is making a mistake in Torah law, allowing a halakhically married woman to remarry without a get, and causes an increase in mamzerim in Israel.

The widespread mistake in our time of nullifying conversions stems from an incorrect understanding of the concept of "acceptance of mitzvoth" and the meaning of the teaching that "lack of acceptance of mitzvoth hinders

conversions.” The broad range given to the court at the time of accepting the conversion does not exist after the conversion has been performed. Even if the convert reverts to his old ways, he is judged like a rebellious Jew but remains a Jew. As the Chief Rabbi Rav Odaviah Yosef said, “One can enter Judaism but not exit it.” (Protocol of the Constitution, Law, and Justice Committee December 1, 1976) The halakha does not demand that the convert be an expert in the entire Torah and all the mitzvoth and does not even demand that the judge be convinced that the convert will be as strict in lighter mitzvoth as with the stringent ones. The decision to accept or reject a potential convert is left to the court.

Even if the judge makes a mistake in his assessment, this does not undermine his ruling; therefore, once the person converts according to the law, he is a Jew.

What Can Be Done?

In writing my book, Zera Yisrael, I invested a great deal of thought and made the utmost efforts to uphold the truths of halakha. The ideas in the book were also brought before Torah sages so they could offer their opinions. Through discussions with them the words were carefully chosen and put into print. As a summary of the book’s content, I underscored four important points regarding conversion as agreed upon by a majority of halakhic authorities:

1) The convert must accept the responsibility of mitzvoth.

2) It must be clear that the potential convert’s true intention is to be a Jew with belief in the unity of God, the prohibition of idolatry, a rejection and distancing from his or her previous faith, and accepting some of the lighter and stricter mitzvoth that the court presents.

3) It is not necessary to know at the time of the conversion that a potential convert plans to observe everything, nor does the convert need to explicitly commit to complete observance.

4) If it is evident that that the potential convert has no intention to observe mitzvoth (for example, if one lives on a secular kibbutz where one will continue to desecrate the Shabbat, eat non-Kosher food, eat hametz on Pessah, and live exactly as one did prior to the conversion), then that person cannot be converted.

These are the points that must be adopted by anyone involved in conversion in the State of Israel. Establishing the process of conversion in the State of Israel based on these points will provide a solution to the conversion problems of the

vast majority of the immigrants of zera yisrael who want to convert. For this to occur, we need a strong and courageous Chief Rabbinate that seeks a path to solve the problems that lay at its doorstep.

Without wishing to cause fear or panic, I firmly believe that if we do not follow the lenient path provided by halakha (in the spirit of our sages, who taught that “the power to make things permissible is better,” Gittin 41b), then we will be faced with innumerable problems relating to Jewish identity, marriage, and divorce.

During the past several decades, policies on conversion have become highly publicized in the media. Rabbis and judges who espouse the lenient view are subjected to severe pressures from those who take a stringent view. Many who favor the lenient position become intimidated, and choose not to oppose the needlessly stringent policies that have gained credence within much of the rabbinic community. It is a fact that many of these rabbis lack the courage to stand up against the rabbinical, political, and media apparatus of the strict camp; therefore, most of them simply fall in line and remain silent.

A situation of this kind is inimical to the interests of the Torah world. Halakhic disputes must never devolve into antagonisms between people, political parties, or ideologies. Abstaining from conveying a halakhic opinion from fear of “what will they say?” goes against the philosophy of the Torah and halakha. Our Sages (Sanedrin 7a) interpreted the verse “you shall not be afraid of the face of man” (Deuteronomy 1:17) to mean, “do not hold back your words from any person.” To withhold one’s halakhic opinion, or to intimidate another to withhold his opinion, border on hilul Hashem—a desecration of God’s name.

Great thought, passion, and a feeling of a religious mission are required to fight this holy battle. One must follow the teaching that “let the weak say, I am strong” (Joel 3:10) and “in a place where there is no man strive to be a man” (Avot 2:5) and raise a true and clear voice without fear. This voice is based on the trustworthy foundations of the great medieval and modern commentators and on the continuous flow of halakhic decisions of the great teachers in later generations.

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Rav Ovadiah Yosef’s decision was recently publicized that according to halakha, IDF conversions are valid. This also emerges explicitly from the words of Rav Ovadiah Yosef in the protocol of the Knesset Internal Affairs Committee in 1976, which I quote in my book (and excerpts of which appear at the end of this article). Nevertheless, the Lithuanian rabbis and judges argued against me saying that I

distorted the sources. However, since it is clear beyond any doubt that Rav Ovadiah recognizes the validity of the IDF conversions, this confirms my thesis that according to halakha the definition of “acceptance of mitzvoth” is not immediate fulfillment of all the mitzvoth as my critics have argued. “Acceptance of mitzvoth” entails informing the candidate for conversion of the mitzvoth and his general acceptance of them without reservations. Once the court is convinced that his intentions are sincere and he is converted, the conversion can never be nullified.

Rav Ovadiah’s halakhic opinion that permits the IDF conversions was cause for great happiness for me, first and foremost for the sake of the soldiers themselves, who finally merited to be recognized as Jews. Beyond this, I am happy that, after the many attacks against me, my words and halakhic opinion were strengthened by the recognition and sweeping agreement of the greatest halakhic authority of our generation. I pray and hope that this decision will lead to the necessary change in approach regarding the conversion issue, and that we will merit the coming of the redeemer to Zion, speedily in our days, Amen.

Summary

This essay has raised the following basic points:

1) According to most early halakhic authorities, not informing the convert about the mitzvoth or his not accepting the mitzvoth do not nullify the conversion retroactively.

2) Even according to the opinion that this does nullify the conversion retroactively, the conversion is not conditional upon his actual fulfillment of the mitzvoth in practice.

3) That same opinion only requires an awareness that the convert will fulfill some of the mitzvoth after conversion.

4) We should be lenient with regard to conversions of non-Jews who live in Israel, are involved in Jewish society, speak Hebrew, and who will choose to marry Jews. Such candidates for conversion should only be required to go through those aspects of the conversion process that are absolutely mandatory and whose omission would invalidate the conversion.

5) All the more so, must we be lenient with the conversions of those who have Jewish roots, as is the case with the overwhelming majority of immigrants from the former Soviet Union who received Israeli citizenship and who are in the

halakhic category of zera yisrael.

6) The court that arranges the conversions must be composed of Torah scholars who will oversee the conversion according to Jewish law. The conversions are valid even if done in the presence of three laymen, as long as they fulfilled all the necessary steps in the conversion process.

7) These conclusions are written based on the opinion of most earlier and later halakhic authorities. The full discussion and actual sources are found in my published volumes on this topic.

8) The tradition of the Israeli Chief Rabbinate has historically been to deal leniently in this era of the ingathering of the exiles. They did not check up on converts to determine if they were fulfilling the mitzvoth or not; as long as candidates for conversion demonstrated the wish to be Jewish and the judges were convinced of their sincerity, the conversions were performed without hesitation.

The Eight Knesset
Fourth Sitting

Protocol No. 230
Of the Internal Affairs and Environment Committee
Tuesday, 23 Cheshvan 5737—November16 , 1976, 8:30 AM
(Excerpts from the testimony of Chief Rabbi Ovadiah Yosef)

Agenda: Establishing a National Rabbinic Court for Conversions

Chief Rabbi Ovadiah Yosef:

The concept of conversion, according to our Torah, is an absolutely positive act. Our Sages viewed it positively, as well. The Gemara in Sanhedrin (99b) relates that Timna came to our forefathers to convert and they refused to accept her. She sincerely wanted to convert, and our forefathers who refused to accept her were punished in that Amalek emerged from her descendants.

Our Sages teach (Pesahim 87b) that the Children of Israel were exiled among the nations just to enable converts to join them. Similarly, Baba Kama (38b) teaches that God commanded Moshe Rabbeinu not to kill the descendants of Ammon and Moab because, in the future, two converts to Israel would come from them—Ruth, the Moabite, and Naama, the Ammonite.

These sources demonstrate clearly that the Torah views conversion in a positive manner. The Torah, itself, added the mitzvah to “love a convert” (Devarim 10:9) over and above the general mitzvah to “love your neighbor as yourself” (vaYikra 19:18).

How, then, do we reconcile this with the teaching that “converts are difficult to Israel like a disease” (Yebamoth 109b)? The clear answer is that when a non-Jew converts for the sake of Heaven, out of love for the Torah and the Jewish people, it is a positive act. However, those who convert to benefit from the high standing of the Jewish people during our better times (ibid., 24b) or just to be able to marry a Jew (ibid.) are both “difficult to Israel like a disease.”
Thus, when a person wishes to convert, we first try to distance him. We say, “You see the Jewish people are looked down upon by the nations. Why would you want this?” (ibid., 47a) But if he persists, we accept him. This is what happened with Ruth, the Moabite. At first, Naomi said to her, “Go back to your nation,” but then she saw that Ruth was persistent and she stopped speaking to her in that manner. Her persistence was a sign that she wanted to convert for the sake of Heaven. (ibid., 47b and 109b)

There is a difference in our generation regarding how we deal with a person who converts for the sake of marriage. The rabbinic leadership has awakened to a new development. In the past, people married within their own nations. A non-Jewish man could not simply marry a Jewish woman nor could a Jewish man marry a non-Jewish woman. All kept to their traditions. It is only in recent generations, in light of the development of democracy and free rights, that people can do whatever they wish. And if they don’t get married according to the Torah’s laws they will continue to live together as husband and wife anyway. When a Jewish man is living with a non-Jewish woman and she then comes to convert, we view the situation in the following manner:

Even if the only reason for converting is marriage and they are already living together, the request to convert is for the sake of Heaven. This is a positive development.

The Torah giants in recent generations have disagreed about this question. Many Ashkenazi rabbis such as Rabbi Shimon Greenfeld of Hungary, Rav Weiss from Czernowitz, and others were stricter over this matter. However, many rabbis led by Rabbi Shlomo Kluger of Galitzia allowed these conversions for the reason outlined above. A similar decision was issued by Rabbi Yaakov Shaul Elyachar in his book, Yisa Ish, (Even HaEzer 7) and also from the rabbis in Egypt such as Eliyahu Hazan, HaRav Yosef Mashash, and others. Rabbi Uziel, in his book,

Mishpetei Uziel, (9:20) also allowed these conversions because of the development that I mentioned.
In practice, most rabbinic judges today accept this change and, therefore, even when they know that a woman who is coming to convert is doing so for the sake of marriage, they accept her. However, there are some who choose to follow the rabbis who forbade this and they refuse to accept these prospects. They are also aware of the new developments but still cannot accept this. When a non-Jewish woman comes to receive authorization from the Jewish religion when she is already living with him as a wife, they view this as converting for marriage and not out of a love of Torah. So, she is not looking to convert for the sake of Heaven but, rather, it is for marriage purposes. But those who allow such conversions don't investigate motivations too much and lean towards leniency. In practice, as I said, most rabbinic judges take the mitigating circumstances into account and allow these conversions. Just a small number refuse this and we cannot force a judge to decide one way or the other.

Disputes always existed between Bet Shamai and Bet Hillel with one being strict and the other more lenient. This is the foundation for the reality that certain rabbinic courts are strict while others are lenient.

An additional point: Even those who are lenient and hold that the issue of marriage should not prevent a conversion today, it still must be clear that when a person comes to convert, it must be a true conversion. He has to genuinely accept the yoke of Torah and mitzvoth (commandments). If a convert comes and declares, "I believe in the entire Torah except for one particular mitzvah that I do not accept," it is forbidden to convert him unless he verbally accepts the entire Torah—Written and Oral. But, we do take into account that it is possible that as of now he has not yet tasted the taste of Torah and he does not know it but over time he will learn more and will repent.

The Talmud in Shabbat (31a) teaches that "a person should strive to be yielding like Hillel and not picky like Shammai." When a person comes to convert, it could be that his original intentions are not for the sake of Heaven. However, "from ulterior motives it is eventually done for the right reasons" (Pesahim 50b) and, therefore, we accept him.

All of the above leads to the following conclusion. When a person appears before a rabbinic court for conversion, the more experienced the court, the more it can truly understand the ultimate intentions of that person and whether he will observe mitzvoth in the end or not. And it is not possible for every judge to make this type of assessment.

The rules above serve as the basis for the opinion regarding a potential convert who the rabbinic court assesses is not yet ready for conversion and tells him to come back at a later time since he may be more ready by then. That is to say, the guiding principle is that “the left hand pushes away while the right hand brings close” (Sotah 47b). The pushing away is not done out of harshness.

I have been overseeing various rabbinic courts for over 25 years. I began in Petah Tikva, then for seven years in Jerusalem, then in the Supreme rabbinic court in Jerusalem, and then Tel Aviv until I was chosen as the Chief Rabbi of Israel. In all of my dealings with my colleagues in the rabbinic courts I have seen that this is their approach. It could be that my good fortune was to be with rabbinic courts that were not strict. Whenever we saw the possibility of accepting someone, we did so with open arms. And the truth is, whenever I accepted a convert who I saw we could accept with open arms, I had great spiritual satisfaction and great happiness. When we know that we are doing pure work, not only do we not push away converts but we rejoice greatly over them. Only when there is significant doubt that perhaps the person will be a failure or will harm the nation do we push him away.

When I was deputy Chief Rabbi and head of the rabbinic court in Egypt over 30 years ago, a married couple came before us. We discovered that the man had converted and married this Jewish woman but then he reverted back to his former religion and became a priest. When we pleaded with him that he give his wife a Get (divorce document) so that she should not remain an aguna (bound to him and not able to remarry), he responded that it is not honorable for him, while wearing the clothing of a priest, to give his wife a Get. Only after great effort did he agree to come to me to give her a Get. Many mishaps like this one can occur where after the man fulfills his goals with the woman he desires, he returns to his old ways and will leave her helpless. The Gemara (Yebamoth 47b) states that “even if he reverts to his old ways, he is judged like a rebellious Jew.” We do not nullify his conversion. Rather, when he converted, he did so with good intentions and only afterwards he rejected the yoke of Heaven.

Now we can deal with the question of whether to establish a national rabbinic conversion court or not. When I was Chief Rabbi three and a half years ago, I voted for the establishment of such a court. When I was the head of the rabbinic court in Tel Aviv I, myself, dealt with many cases that could not be solved in the different rabbinic courts so I assembled what people mistakenly labeled a “field court” (because it was a lenient court). I invited Rabbi Eliezer Hagar, the general secretary of the Chief Rabbinate of Tel Aviv, and Rabbi Zohar and Rabbi Moshe

Mizrachi joined him. I called Rabbi Hagar and his colleagues and said to them: “There are many problems for which solutions were not found in the regional rabbinic courts. I charge you to deal with them.” Some background: The rabbinic court itself does not make the conversion happen, it simply decides if the conversion should go forward. After they decide that it should move forward, they bring 3 people from the Torah scholars in the secretariat and they convert the person.

That is how it was done in Jerusalem, Petah Tikva, and Tel Aviv. And that is what I did here. I told these men: “I deal with many cases in an exclusive manner and you make the conversion happen.” They don’t decide; they just carry it out. In the beginning of 5729 (fall of 1968) I became the Chief Rabbi of Israel. Rabbi Goren began his term after me, in Tamuz 5729 (summer of 1972), because he was still in the IDF. Even then, I did not have anyone to make the conversion happen. So, I thought: Better to establish a national court here in Jerusalem and it will help me carry out the conversions. Therefore, I voted then for a national conversion court.

Over time, I have come to recognize that there is no need for this. When someone comes before me and we need to convert him—and there are many difficult situations where we cannot delay and in the rabbinic courts it could take many months to get to a conversion, or when the woman who wants to convert is pregnant, etc.—I accept that person and decide to convert him. Who will make the conversion happen? Many times I have turned to the secretariat of the rabbinic court in Jerusalem or to Rabbi Hagar who I know well from Tel Aviv, and I place this upon them, depending on where the candidate lives. I send the rabbi a note: “Please convert this person,” and they do it. So, I have come to understand that establishing a national rabbinic court for conversions is not necessary for this purpose.

In principle, I am not against the establishment of a national conversion court. I see nothing inherently bad about it. However, I have concerns and the problems have to be looked at from all perspectives. When a court like this is established it must be true to its name and capable of fulfilling its mission. The three people who work for me today simply carry out conversions based on the directive they are given but I don’t know if they are qualified to decide on their own who is worthy of conversion and who is not. Today, we have around ten men who are certified by the Chief Rabbinate who hope to become rabbinic judges. If we take three of them and establish a national conversion court, these would be new judges, lacking experience. And I know this from personal experience. In 5707 (1946–1947) I was chosen to head the rabbinic court in Cairo. I know how much

doubt I had regarding every candidate for conversion whether to accept him or not. I know that new judges like these will not be able to decide. They will push many candidates away, the difficulties of the courts will remain, and what will have been accomplished?

Furthermore, when a case will come before a more experienced rabbinic court which is really overworked, knowing that there is a national conversion court the judges will say, “why should we bother with this conversion issue? We’ll send them to the special court.” This will cause problems and not blessings with all the waiting and dragging involved.

In my humble opinion, I don’t see any vital reason to establish a national conversion court. I always solved the pressing cases within a few days. For example, the rabbi of Kfar Saba, the rabbi of Dimona, and the rabbi of Nazareth Illit all came to me with pressing cases in which a date for a wedding was already set, etc. and it was discovered that the mother of the bride was not Jewish. In these situations I said, “Come to me and I will take care of it quickly,” and I did. However, I did not publicize this. We work very privately and don’t try to build our reputations on the account of these unfortunate people.

In the army, there is a rabbinic court connected to the army Chief Rabbinate. It is headed by Rabbi Peron and Rabbi Gad Navon. From the day that I became head of the Tel Aviv rabbinic court, they wanted a stamp of approval from a rabbinic leader that every conversion they do should be under my responsibility. I asked them: “Why don’t you turn to Rabbi Goren who serves with you all the time in the army?” They responded, “No, we want you.” I agreed. I accepted the responsibility. In the last year alone there have been 46 cases in the army rabbinate, aside from the conversions which I personally did over the past 40 years, and aside from the 70–80 Ethiopians who I converted according to halakha in Tel Aviv. I see this as my duty. And when I see that I did something according to the Torah—I am very happy and have great satisfaction. I don’t see this as something special but rather I am acting as an emissary of God.

And so, I don’t think there will be much trouble if there won’t be a national conversion court. When problems arise we always try to solve them. I cannot recall any situation which I could not solve. There may have been an isolated case here or there with a stubborn person who declares that he does not want to accept the burden of Torah and mitzvoth. This kind of person I, for sure, cannot convert. However even in such situations, I try to convince not only the convert, but also the convert’s spouse.

I want to reiterate: I am not doing favors for anyone. I am fulfilling my duty for the sake of Heaven. When I was the head of the rabbinic court in Tel Aviv, the first meeting I called with eight other heads of courts was on behalf of converts. I told them, “Please, don’t push them away. Do whatever you can for God’s sake to bring them close to prevent a desecration of God’s name in this regard.” We spoke frankly and in a friendly manner but despite this, there were challenging cases which they perceived as difficult and they did not want to accept many converts over a period of six years; but I accepted them. There was a story of an entire family, a mother with six children, and I accepted them. But it was all done quietly. Because of this, a national conversion court not only won’t help but it can actually cause harm. This is not because I am against it in principle; but if you want to have a national conversion court you must choose among veteran judges with experience and not from among the new judges who are afraid of making new decisions.

Not too long ago, a Jew from Sao Paulo came to me. There is a big dispute there regarding whether to accept converts or not. When I was there a year ago, they solved the problem. I said: “If you see that their intentions are proper then convert them. If there are more difficult scenarios, send them to Israel and I will solve them. You will teach the person the laws of Judaism and then grant him certification that he learned the laws and I will convert him.” On Friday a woman from Sao Paulo came to me with the certification and I converted her yesterday. (within just five days!) This is not a “field court,” but a body that takes action.

Three months ago there was a scenario in Dimona. The Chief Rabbi there came to me and said that a woman came to register for marriage. They had already set a date and booked the hall when they suddenly discovered that her mother was not Jewish. The rabbi said that if he sent the file to Be’er Sheva, it would take months. I said to him, “Send it to me” and within a few days I took care of the matter.

Knesset Member Be’eri said: “The rabbi, himself, mentioned that there were cases that were not dealt with for six years, a sign that something is not right.” I already said that the rabbinic court will not convert someone unless they are convinced that the person’s intention is to observe the mitzvoth in the future. When it is not convinced, it does not convert. The case of the six years was partly neglect caused by the candidate himself who did not listen to the rabbinic court, which requested that he go study the laws. But afterward, when he came and complained to me, the situation was solved. That case was an Arab man who married a Jewish woman and his sons were Jews according to our laws. The sons were believers who feared Heaven…. I had compassion for him. When I accepted

him, I had great happiness. These situations occur, but this also is not the fault of the rabbis. All problems can be overcome with calm and pleasantness.

Regarding the question of the city rabbis—I beseech you, members of the Knesset: Do not allow an opening for corruption in the Rabbinate. This issue has been trusted to the national rabbinic courts for more than 50 years and this is how it has to remain. These are legal courts which the State has recognized and they received its approval for this. Even the Supreme Court agreed to this and stated that it was legal to establish that the rules made by the Chief Rabbinate together with the higher rabbinic courts are legally binding. Therefore, God forbid for you to consider giving permission to each local rabbi to do conversions whenever he decides to do so.

Regarding the question of why we don't appoint people who will follow a more liberal path, it is impossible to know how a person will act in the future. Can I possibly know who will follow in my spirit and who will follow in the spirit of another? When I appoint someone to the national conversion court, I don't know what will come of it. It could happen that a new judge will be lenient and a veteran judge will come to him and question how he could be lenient. The new judge will be frightened because he is new and afraid and he won't want to deal with conversions anymore (even though he was correct to be lenient). Especially if a national conversion court will be established then other judges won't want to deal with conversions.

For example: Eight years ago a special court for conversion was established in Jerusalem to make progress on the issue of conversions. This court was so extreme that it did not want to accept any converts. What will we gain from this if we establish a special conversion court that won't convert anyone?

The Important Points that Emerge from This Protocol

1) Conversion is a positive act, and it is a merit to convert. When we accept converts, we do so with open arms.
2) When a man is already living with a non-Jewish woman as a couple (and certainly if they are already married by a civil court) and despite this she wants to convert, this is a sign that it is for the sake of Heaven.
3) Historically, most judges have acted this way, leaning toward leniency without investigating too much.
4) A potential convert who says that he cannot observe one law cannot be converted until he is willing to verbally accept the entire Torah. Even if he says that he is not accepting a mitzvah, there are arguments to explore his conversion.
5) If a convert reverts back to his old ways, he is viewed as a rebellious Jew. This

teaches us that a conversion is never nullified.
6) Pressing cases can be solved in days, and there are almost no situations that cannot be solved.
7) There can be isolated incidents where an obstinate person declares outright that he does not want to accept Torah and mitzvoth, and in this situation we cannot convert him.
8) A conversion judge must be lenient and not afraid to make the difficult decisions.
9) The difficult situations which were not solved were technical, according to the rabbi, where there was no one to carry it out.
10) There has always been pressure from rabbis who are stricter on rabbis who are lenient to the point of causing fear and this is why they did not want to deal with conversions. But no one person has a monopoly on the Torah and the interpretation of halakha.