The Proselyte Who Comes

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THE PROSELYTE WHO COMES[1]

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“We are gereem before Thee” (1Chr 29:15)

Rome was not surfeited with rulers as educated or as well-disposed towards the Jews as the Emperor Julian. And even though he evidently studied Judaism, Julian’s following remarks show him laboring under a sad misapprehension with respect to at least one element of Torah. For this is what he writes regarding the Torah’s attitude to non-Jews:

Moses says that the creator of the universe chose out the Hebrew nation, that to that nation alone did he pay heed and cared for it, and he gives him charge of it alone. But how and by what sort of gods the other nations are governed he has said not a word - unless indeed one should concede that he did assign to them the sun and moon... It is fair to ask ... Why G-d if he was not G-d of the Jews alone but also of the gentiles, sent the blessed gift of prophecy to the Jews in abundance and gave them Moses and the oil of anointing and the prophets and the law... But unto us no prophet, no oil of anointing, no teacher, no herald to announce his love for mankind ... Nay he looked on for myriads of years while men in extreme ignorance served idols [2]

His reference to the assignment of sun and moon to the nations suggests that he got the idea from Deuteronomy 4:19. That verse reads: “Lest you lift your eyes skywards and seeing the sun, the moon and the stars you are led on to bow down to them and worship them which Hashem your G-d assigned to all the peoples under heaven”. It is not difficult to see how this ‘assigning’ (especially if taken in conjunction with Dt 29:25) could have persuaded Julian that Moses considered idol worship predestined by G-d for all peoples except Israel. Indeed, some modern scholars concur with Julian’s understanding. For example, Jeffrey Tigay writes “The implication that worship of the heavenly bodies by other nations was ordained by G-d struck many traditional commentators as unlikely, since the prophets teach that one day all nations will abandon false religion and recognize the L-rd alone. … However … [t]he view that the nations will someday abandon idolatry and worship the L-rd alone is never expressed in the Torah, and Deuteronomy 4:19 is consistent with this.”[3] Too bad Julian did not consult one of those ‘many traditional commentators’! For as Tigay goes on to explain, those commentators include the sages who paraphrased the last clause of Dt 4:19 thus: “which the L-rd your G-d allotted to other peoples to give light to them”.[4]

But for the rabbis Scripture’s sombre depiction was not the worst news. Scripture portrays what is out there, and attributes everything to the Ultimate Cause. No, not depictions but the reality itself disquiets the rabbis, a reality that ostensibly bespeaks indifference to the spiritual welfare of the overwhelming majority of His creatures on the part of ‘G-d of the spirits of all flesh’. And their disquiet drives the rabbis now to ponder, now to agonize. One answer they came up with was that as a kingdom of priests (Ex 19:6) Israel was entrusted with the spiritual advancement of her fellow humans.

G-d gave Torah to Israel in order that they should bring it to the nations (Tanhuma Dt. 2).[5]
Hillel said: ‘[love your fellow humans] and draw them close to Torah’. This teaches that one breaks into people [’s lives] and causes them to enter under the shekhinah’s wings just as our father Abraham would break into people [’s lives] and cause them to enter under the shekhinah’s wings. Nor was Abraham alone; Sarah did the same as it says [Gen 12:5] ‘… also the souls they made in Haran’. Now even the whole world in joint effort cannot create so much as a single gnat. So what does ‘the souls they made’ signify? It signifies that the holy One blessed be He reckoned it unto them as though they had created [those that they caused to enter under the shekhinah’s wings] (Aboth de R. Nathan A, 12 [p.53]; Cf. Gen. Rab. 39:21). [6]
It says ‘If having knowledge he does not tell he shall bear his sin’ [Lev 5:1]. This

means unless you preach me as G-d among the nations of the world, you shall have to bear the brunt (Lev. Rab. 6:5).

With these and similar exhortations the rabbis inculcated a sense of noblesse oblige. The fact that Israel alone had been graced with the precious gifts of prophecy and revelation imposed on her the responsibility to share with others.

The extent of that sharing seems to have been in dispute as witnessed by our citations. The first citations, that speak of bringing Torah to the nations and drawing humanity at large to Torah, would appear to go further than the third that requires only the essentials of the faith to be shared. Obviously the latter is a minimalist approach, and like all minimalism in the moral sphere, it should probably be thought of as less than ideal. The Talmud recognizes two types of ger (= convert). The ger toshav renounces idolatry and accepts the principles of Jewish morality that follow from belief in the One.[7] Then there is the ger sedeq who becomes a full-fledged member of the covenantal community of Israel. This is how the groups referred to as wood-choppers and water drawers were integrated: “You all stand here today before Hashem your G-d your tribal chiefs, elders, officers ... the strangers that are in the midst of your camp, from your wood-choppers to your water-drawers ready to enter into the covenant of Hashem ... that He may constitute you this day as His people” (Dt 29:9-11).[8]

Some have questioned whether conversion existed in biblical times. They seem to forget that Covenant with Hashem is always a religious make-over; hence conversion.[9] Later, when the idea of covenant receded, circumcision took over Scripture’s covenantal lexis or, if you like, circumcision replenished the emptying shell of berith (=covenant) discourse.[10] Thus Achan’s breach of covenant (Jos 7:11), conjures up for the aggadah an epispastic Achan (San. 44a). “They, like adam, they broke a covenant” (Hos 6:7) implies that Adam was guilty of the same delinquency as Achan (San. 38b). In Elijah’s day circumcision was neglected - according to a widely attested aggadah - for Elijah complains “the children of Israel have forsaken your covenant” (1Kgs 19:14).[11] “Were it not for circumcision heaven and earth would have had no abidance as it says [Jer 33:26] If not for my covenant [with] the day and the night, [if] the laws of heaven and of earth I did not establish ...” [12] It is not impossible that the ‘entering into the covenant’ of Dt 29 also came to be read (consciously or otherwise) as a reference to circumcision. But of course there was no need to rely on such tenuous allusions when Ex 12: 48 spells it out:

If a ger sojourns with you and would offer the Passover unto Hashem, every male of his must be circumcised and then let him come forward and offer it for he shall

be as a resident of the land; but no uncircumcised one shall partake of it.

Just in case there lingered any doubt about the phrase ‘he shall be as a resident of the land’, one could always fall back on Numbers 15:15-16 - especially Onqelos’ rendering thereof:

O congregation, there shall be one and the same law for you and for the ger that converts; an everlasting law throughout your generations you and the ger shall be alike before Hashem. One Torah and one [system of] justice shall there be for you and for the ger that converts with you.

Thus the rabbis had unassailable authority not only for the acceptance of proselytes, but also for the ritual that sealed a ger sedeq’s transition from gentile to Jew.[13]

Going back to Julian, one gets the feeling that had Julian challenged the rabbis of his day like Tinneius Rufus two centuries earlier, their response might have tempered his bitterness. For Tinneius Rufus put it to R. Aqiba: “‘If your G-d loves the poor why does He not feed them?’ R. Aqiba answered ‘so that the rest of us might come to their aid and thereby escape Gehennah’” (B. B. 10a). As the rabbis see it, then, G-d invites humans to be active partners in bringing nourishment, both physical and spiritual, to those that lack. And in sharing His bounty with others, men and women find favor with G-d who will reward them accordingly. For it was axiomatic to the rabbis that the blessings G-d grants cannot be enjoyed selfishly. Or as Hillel’s apothegm expresses it “If I am for myself what am I?” (Aboth 1:14).

One could fill pages with the rabbis’ acclaim for proselytes and, conversely, their censure of those who were too quick to give up on potential converts. To cite two illustrations of the latter

1) Timna‘ was of royal lineage ... She wished to be converted. So she approached Abraham, Isaac and Jacob but none accepted her. Thereupon she went and became a concubine to Esau’s son Eliphaz, declaring: ‘Better to be a servant in this nation than a mistress in any other’. From her came Amaleq, who was to be Israel’s nemesis. Why so? Because they [the patriarchs] were wrong to turn her away [14] (San. 99b; cited by Tos. at Yeb. 47b s.v. qasheem).[15]

2) R. Yitzhaq said the night that Orpah parted from her mother-in-law she was set upon by hordes [of Philistines] and violated ... Thus it says [of Goliath in 1Sam 17:23] that he came [or was the result] of Philistine profligacy[16] (Ruth Rabbah 2:21; cf. Sot. 42b) [17]

In light of the foregoing, it might seem puzzling when we hear people assert (as they frequently do) that Judaism has reservations about conversion. Indeed many of us have heard conversion spoken of as if it were a concession - akin to divorce or the yefat to'ar law[18] - rather than a recommended or mandatory misvah.[19] And have we not just as often itched to tell our interlocutors that they were mistaken and to show them the adulation heaped by rabbis upon proselytes and the sacred institution of giyyoor? But then a little voice holds us back, admonishing us that it would be devious to show off one half of the picture without the other: the light without the shadows. For cheek by jowl alongside the adulation, the sources preserve traditions that discriminate against proselytes, including bona fide proselytes; and even a few that appear to discount the very premise of outsiders entering the Jewish fold.

Demurral vis-à-vis giyyoor has a long history. One of its earliest manifestations transpires from the polemic of Isaiah 56:3-8: "The foreigner who has attached himself to Hashem must not say Hashem will keep me separate from his people ... As for The foreigners who attach themselves to Hashem to serve Him, to love the name of Hashem, to be His servants, all who keep the sabbath and do not profane it and hold fast to my covenant; them will I bring to my holy mountain... This is the word of Hashem G-d who gathers the dispersed of Israel 'In addition to its [Israel's] dispersed I shall gather [others] unto it'". Evidently, there were people in Isaiah's society who, while not necessarily spurning conversion outright, saw those who attached themselves[20] to Hashem as not quite on a level with native Israelites. Some converts had apparently bought the myth of their own inferiority, until Isaiah was sent to disabuse them. Whether Isaiah succeeded in his own generation we are not told. What is certain is that qualms about converts and conversion persisted, notably among the Jerusalem priesthood of the Second Commonwealth. Although not all the sources displaying antipathy to gereem/gerooth can be pinned onto priests, nevertheless, the priestly belief that a person's worth is like a thoroughbred's, determined by seed and bloodline, fuels the anti-ger ethos.

Ezra chides Jewish men "who have married foreign wives thereby causing the holy seed to become intermixed with the peoples of the land" (Ezra 9:2). His indignation sparks off the zealotry of Shecaniah, spokesman for the chastened exogamists: "We pledge ourselves in covenant to our G-d to send away all these women and those born from them ..." (ibid. 10:3).[21] Had Ezra believed in conversion he might have modified Shecaniah's plan of indiscriminately bundling off not merely the foreign wives but also their children. For surely not all these women and children living under the roof of a Jewish paterfamilias would have

been diehard heathens. The fact that Ezra does not bother to ascertain the individuals' loyalties, suggests that in his book, once a gentile always a gentile.[22] One scholar to reach the same conclusion as to Ezra's probable motivation, is Daniel R. Schwartz. In his analysis of a certain Simon, whom Josephus mentions as a critic of King Agrippa,[23] this is what Schwartz has to say.

Examination of his [Simon's] criticism of Agrippa will lead us further. For it is clear that his position is a priestly one ... it was predicated on a genealogical argument, on the assumption that there is an absolute link between descent and access to holiness... a typically priestly point of view, for priests... are, in Judaism, determined by their descent. He who is not (believed to be) a descendant of Aaron cannot be a priest, no matter how dedicated to piety and sanctity he may be. But if the question "who is a priest?" is answered necessarily and sufficiently by descent ... it is natural to apply it to the question "who is a Jew?" as well, with the result that a gentile cannot become a Jew ... Note, for example, that when Ezra - as priestly as one could possibly be (Ezra 7:1-5!) - heard of the pollution of the "sacred seed" via intermarriage (Ezra 9:2), he apparently gave no thought to the possibility of conversion. but rather moved to destroy all the families involved. [24]

Schwartz hits the nail on the head. The Aaronide priests' attitude to conversion was hardly fortuitous. Rather does it appear to have been a corollary of their fixation on pedigree and their literal, somatic understanding of 'holy seed'. Both their preoccupation with lineage as well as their skepticism of conversion are widely attested. We believe these two tendencies to be intimately connected. Moreover, we strongly suspect that besides Ezra, most talmudic discrimination against gereem reflects the priestly legacy that, after the loss of the Temple, entered mainstream rabbinic discourse. This theory is supported by the fact that a predominance of the 'discriminatory' material pertains to priestly affairs, as we are about to see.

LINEAGE

Of the priests, the sons of Habaiah, the sons of Hakkoz, the sons of Barzillai ... these searched for their genealogical records[25] but they could not be found, so they were ousted from the priesthood. (Ez 2:61-62; Neh 7:62-63).

[A priest] who wishes to marry a woman of priestly family must check ... her mother, her mother's mother, her paternal and maternal grandmothers, the mothers and grandmothers of both her paternal and maternal grandmothers. If

the woman is of Levitical or [lay] Israelite family he must go back an additional generation (M. Qid. 4:4).

The chamber of Hewn Stone was where Israel's great Sanhedrin sat and judged the priesthood. A priest whose genealogy failed the test would put on black [robes], wrap himself in black and go hence and depart ... (M. Mid. 5:4).

SKEPTICISM TOWARDS GEREEM/GEROOTH[26]

Tobias the physician as well as his son and his manumitted slave [i.e. a convert] all saw the new moon in Jerusalem. The priests accepted him and his son but rejected his slave (M. Rosh Hashanah 1:7).

[Even] after the Temple was destroyed priests comported themselves with haughtiness and refrained from marrying daughters of proselytes (Qid. 78b).

If the supreme court issued a ruling but one of its members knew his colleagues were in error and told them so; or if the court reached its decision in the absence of the court president; or if one of its members was a proselyte, a bastard, a Gibeonite or an old man who had never fathered a child - in all these cases the court is not liable [to bring the sacrifice prescribed at Lev 4:14]. Because here [Lev 4:13] it says edah and there [Num 35:24] it says edah. Just as that edah's members must all be eligible to issue rulings so too this edah's (M. Hor. 1:4).

It was taught in a baraitha A court of three who are as literate as [accredited] judges shall serve for halisah. R. Yehudah requires five ... How do we know that actual accredited judges are not needed? Because it says 'in Israel' implying that rank-and-file Israelites suffice [for halisah] ... But R. Samuel bar Yehudah said 'in Israel' comes to teach something else namely, that halisah must be performed in a beth din of Israelites not a beth din of gereem ... When R. Yehudah invited R. Samuel bar Yehudah to be one of the five members of a halisah beth din, he declined saying: 'We have learnt that 'in Israel' means a beth din of Israelites and not a beth din of gereem - and I am a ger ... Rava said a proselyte is allowed by the Torah to judge his fellow proselyte as it says [Dt 17:15] 'You shall appoint over you a king whom Hashem your G-d chooses; from among your brethren shall you appoint over you a king'. Only 'over you' do we require that he be 'from among your brethren', but there is no objection to a proselyte judging his fellow proselyte ... (Yeb. 101a-102a).

On exiting the Temple, the high priest was escorted by a throng who, on spotting Shema'iah and Avtalyon, drifted away from him [the high priest] and followed Shema'iah and Avtalyon.[27] When the latter came to take leave of the high

priest he greeted them with ‘May the sons of nations[28] come in peace’... (Yom. 71b).

Aqabyah son of Mahalal’el[29] asserted four things ... that the bitter water ordeal is not administered to a proselytess or to a freed woman. The sages disagreed. They said to him ‘Karkemeet was a freed woman in Jerusalem and she was given to drink the bitter waters by Shema‘iah and Avtalyon’. He replied ‘the likes of her gave her to drink ...’ (M. Edu. 5:6).[30]

It was taught in a baraitha: What is the definition of a zonah [that Lev 21:7 forbids a priest to marry]? R. Eliezer says the epithet zonah is self explanatory.[31] R. Aqiba says a zonah is one who lives promiscuously.[32] ... R.Yehudah says a zonah is a woman incapable of child bearing. But the [other] sages say a zonah is none but a proselytess, a manumitted female slave and a woman who had been in a forbidden relationship[33] (Yeb. 61b).[34]

Undeniably, the first two zonah definitions attributed to the [other] sages rob conversion of its essential transformatory character. Prior to their conversion, proselytes will no doubt have contravened Mosaic and possibly Noahide Torah in all sorts of ways. But no other law, Mosaic or Noahide, that a person may have transgressed prior to conversion trails the convert into Israelitehood. Why the exception for fornication - nay, the mere suspicion of fornication?[35] The answer can be found only in the priestly scheme where body dominates and spirit languishes. In that system a convert’s soul, permeated as it may once have been with idolatry, is capable of living down its idolatrous past. But the body once tainted is irremediable. The approximation of the giyyoreth-zonah equation to priestly concepts is sometimes explained as rabbis having resigned themselves to the priests’ de facto avoidance of proselyte spouses. If that is so, the citation of Lev 21:7 as prooftext will have been a rabbinic flourish.[36] For the priests’ eschewal owed nothing to Lev 21:7, but, as noted above, was another aspect of their entrenchment in genealogy and ethnic ‘holiness of seed’. Alternatively, the anonymous giyyoreth definition of zonah represents an autonomous strand within rabbinic Judaism (perhaps with Shammaite leanings) that, in stark contrast to the (Hillelite) love for converts, tended to misprize them (see infra).

But whatever its history, the superstitious belief in an inherent disparity between a biological and an adoptive Jew, consolidated; thanks largely to the allure such self-congratulatory myths have among the disenfranchised. Still, allure notwithstanding, the Hillelite tradition was never abandoned. Every rabbinic expression of reluctance towards gereem/gerooth, is matched, if not outweighed, by affirmatory pronouncements. Take the giyyoreth-zonah example just

surveyed. For starters, neither R. Eliezer nor R. Aqiba subscribed to it.[37] Moreover:

It was taught in a baraitha: R. Shim‘on b. Yohai said a female proselyte who converted below the age of three years and a day may marry into the priesthood as it says [Num 31:18] ‘but every female minor who has not known man carnally spare for yourselves’ - and [the priest] Phineas was with them. But the sages say ‘spare for yourselves’ means take them [not in matrimony] but as slaves. Now all opinions [on marriage of priests to proselytes and to offspring of proselytes] are midrashically derived from a single verse [viz. Ezek.44:22] ‘A widow and a divorcee they [priests] shall not take to themselves as wives; but only virgins of the seed of the house of Israel’.... (Qid. 78a).

As the gemara at Qiddushin 78 proceeds to explain, those who forbid all female proselytes emphasize the phrase ‘Israelite seed’. R. Shim‘on, on the other hand, downplays ‘seed’ (or takes it less than literally). The word R. Shim‘on highlights is ‘virgins’, thereby arriving at the meaning: ‘those who attain their virginity in Israel’.[38] Thus according to this alternative tradition, priests’ avoidance of proselyte spouses has nothing to do with the stigma of zenooth. The presence of these two distinct traditions (Yeb.61 versus Qid. 78) within the Babylonian Talmud has occasioned lively and ultimately irresolvable debate, notably between Rambam and Ra’vad (Issure Bi’ah 18:3) and their respective followers. So much for the Bavli. The Yerushalmi preserves a third tradition: “It says ‘none but a virgin from among his people shall he [the high priest] marry’ [Lev 21:14] which implies that to marry a giyyoreth [not being from among his people] would be to transgress a positive command since a law inferred from one positive command is also positive” (Y. Yeb. 8:2 [9c], Qid. 4:6 [66a]). Another source not to recognize a giyyoreth as a woman forbidden to a priest under the terms of Lev 21 occurs at Sanhedrin 82a. A Hasmonean beth din is said to have decreed that a man cohabiting with a non-Jewess shall be reckoned guilty of violating four prohibitions. Two amora’im, R. Dimi and Rabin, agree as to the identity of the first three prohibitions but dispute the fourth. Rabin claims that the fourth involved a prohibition peculiar to priests viz., a priest who had relations with a gentile would be liable for consorting with a zonah.[39] R. Dimi, however, declares that gentile women cannot be presumed zonot ‘because their women are not so immoral’.[40] R. Dimi obviously rejects the giyyoreth-zonah equation. But as the 12th century Tosafist R. Moses of Pontoise points out,[41] even Rabin did not consider a gentile woman’s presumptive zenooth anything more than a Hasmonean innovation. And if a gentile’s zonah classification was merely Hasmonean and unscriptural, a fortiori a giyyoreth’s.

As for the high priest's slur on Shema'iah and Avtalyon, it comes as no surprise. The only question is whether in calling them gentiles he meant quite literally to repudiate gerooth; or, as seems likelier, to convey the ingrained priestly position that gereem were unequal Jews. Today we have confirmation of such condescension towards gereem in circles associated with the sacerdotal clan. To quote once again Daniel Schwartz:

[In] conjunction with the usual rabbinic notion that the Torah "equates the proselyte to the native-born with regard to all laws of the Torah," it follows that proselytes may enter [the Temple] along with born Israelites. But three pieces of earlier evidence, all from priestly circles, say otherwise. First of all, the inscriptions on the Temple mount which warned Gentiles not to enter referred to them as allogenes ("of foreign birth") .... Already Clermont-Ganneau, who first published the inscription found intact [in 1872] noted that, if taken literally, it would exclude converts as well. Second, a Qumran text (Q4 Florilegium 1, 3-4) looks forward to the future Temple which ... will not be polluted by the entry of "the Ammonite, nor the Moabite, nor half-breed [sic], nor the foreigner, nor the proselyte (ger) ... our third witness: the Temple Scroll ... makes clear that the status of proselytes, at least with regard to entry into the Temple, is lower than that of born Israelites.[42]

Horayot 1:4 (item b cited above) implies that gereem were disbarred from the higher judiciary. Perhaps this disbarment of gereem went back to the days when the priesthood was in charge of the Temple. Since the Temple was where the supreme court convened, it would have been off-limits to gereem. Not that the Mishnah offers this etiology, or any other for that matter. Indeed, the Mishnah appears to take as given the proselyte's inadmissibility to the Sanhedrin. But the Mishnah's reticence is compensated by the gemara, especially the Yerushalmi (Hor. 1:4 [46a]) that offers the following explanation. "It is written [Num 11:16] 'let them stand there with you'. Just as you [Moses] are neither a ger,[43] a Gibeonite nor a bastard,[44] so also shall they be neither gereem, Gibeonites nor bastards ...".

Now Torah is quite forthright in itemizing its judiciary's requisite qualifications. These include fortitude, fear of G-d, trustworthiness, having contempt for lucre (Ex 18:21); experience, being imbued with the spirit (Num 11:16-17); wisdom, discernment and understanding (Dt. 1:13). But absolutely nowhere does Torah so much as hint at DNA tests for judges or their progenitors. Only in the cultic realm does heredity reign (see Num 17:5), or to paraphrase Daniel Schwartz: the question 'who is a priest?' is answered necessarily and sufficiently by descent. In

light of the scriptural evidence, perhaps we should understand the Yerushalmi's patently forced derash[45] to be tongue in cheek, as if to say: if you can believe that Moses' value resided in his pedigree, then believe also that pedigree determined the selection of his deputies. But needless to say, that is not the conventional reading. Instead, Horayot's disbarring of gereem came to be viewed as normative halakhah, so much so that Shema'iah and Avtalyon were felt to be an embarrassment. At that point, this pair of sages, described elsewhere in the Mishnah (Hag. 2:2) as president and vice-president of the supreme court, had to be transmogrified from gereem into descendants of gereem - conveniently forgetting that when they want, the sources know how to designate descendants. Moreover, if the ger status of one's ancestors is the thorn in the side of the world's Aqabiahs and high priestly purists, where's their protest at other scions of converts, such as R. Aqiba[46] and those prophets descended from the proselytess Rahab (Meg.14b) who like R. Aqiba presided over bate din.[47]

But even if we grant that Horayot meant to deny the Sanhedrin the benefit of appointees such as an Obadiah[48] or a Yithra,[49] a Shema'iah or an Avtalyon[50] - its denial was not necessarily the last word. As noted earlier, wellnigh every instance of ger-wariness is offset by its converse. The converse of Horayot 1:4 may be discovered at Sanhedrin 4:2. "Anybody can qualify to try monetary cases, but to try capital cases none qualify except priests, Levites and Israelites whose daughters would be allowed to marry priests." Now we have seen a range of sources that prohibit matrimony between a priest and a convert - albeit each source invoking its own very distinct authority for the prohibition. The fact that these sources name specifically a giyyoreth, must surely imply that a born Jewess who happened to be parented by a proselyte would be above reproach.

So can a priest marry a ger's daughter? Well, it depends whom you ask.

The daughter of a male halal[51] is unfit to [marry into] the priesthood for ever ... R. Yehudah says the daughter of a male proselyte is like the daughter of a male halal. R. Eliezer b. Ya'akov says if a [native] Israelite marries a giyyoreth, their daughter is fit to [marry into] the priesthood; similarly the daughter of a proselyte father and a [native] Israelite mother. But if both parents were proselytes she is unfit to [marry into] the priesthood ... R. Yose says even if both parents were proselytes she is fit to [marry into] the priesthood (M. Qid. 4:6-7).

Thus R. Yehudah would disbar proselytes from the Sanhedrin for capital cases because a proselyte is a Jew whose daughter he deems unfit to marry a priest. R. Eliezer b. Ya'akov and R. Yose, on the other hand, in declaring the daughter of a

proselyte father eligible to marry a priest, ipso facto qualify that father to try capital cases.[52]

Lastly, we must confront the painful teaching of R. Samuel bar Yehudah - which brings us full circle. As if no Isaiah had spoken, this proselyte sage dredges up the old ‘racist’ bias that the prophet had contested all those centuries before. More amazing still, Rava appears to endorse R. Samuel’s prejudice and to broaden it. The only court from which R. Samuel debarred proselytes was a halisah court because of a unique exclusionary phrase Torah employs in connection with halisah. Rava, however, would seem to extend the debarment of proselytes by narrowing the scope of Torah’s ‘you’ (as in “over you”) to exclude adoptive Jews.[53] In other words, Torah’s use of ‘you’ in addressing Israel yields ‘you who were born Israelite’.[54]

Such corporeal definitions of Israel strike most of us as extremely baffling, as well they should. For they drive an ethnic wedge between Jew and Jew, which would seem to run counter to declared fundamentals of rabbinic gerooth:

R. Yose taught A proselyte once converted is like a newborn babe (Yeb. 48b; see also Yeb. 22a, 62a, 97b, Ket. 61b, Bekh. 47a).
Once he has immersed himself and emerged [from the water] behold he is like an Israelite in every respect (hare hu ke-yisrael le-khol debarav Yeb. 47b).

PRO AND CON IN THE AGGADAH

Arguably the most familiar aggadic comment on gerooth is R. Helbo’s quip:

Proselytes are hard[55] for Israel as [the dermatological condition that Lev 13-14 calls] sappahat (var. is on the skin). For it is written [Isa 14:1] ‘The ger shall join them and become attached[56] to the House of Jacob’ (Yeb.47b, cf. 109b).

In his magnum opus The Sages, Ephraim E. Urbach reminds us that R. Helbo’s own disciple R. Berakhyah distanced himself from his master’s interpretation of Isa 14:1.

Job said ‘no ger shall spend the night outdoors’ (Job 31:32). G-d rejects none of His human creatures but accepts them all; the gates are always open so that everyone that wishes may enter. Therefore, ‘no ger shall spend the night outdoors’ can be applied to the Holy One blessed be He ... R. Berakhyah asked: to whom does ‘no ger shall spend the night outdoors’ apply? It applies to gereem who shall one day be priests serving in the temple as it says ‘The ger shall join them and become attached to the House of Jacob’ - and the root SPH connotes

priesthood as it says [1Sam 2:36] ‘attach me (= sephaheni), I pray thee, to one of the priestly orders’. [57]
But let us not be unfair to R. Helbo. He was not disavowing (heaven forfend) Isaiah’s prophecy that gereem would be attached to the house of Jacob; he was merely warning that for Israel their absorption would not be without difficulty. Thus R. Helbo makes it perfectly clear that he is speaking from a national standpoint. For Israel’s composure gereem might be a bane (albeit integumentary - no danger to vital organs) and an inconvenience.[58] But then many misvot are at times inconvenient, and the path of avodat hashem is often strewn with trials and tribulations. In any event, whatever R. Helbo’s original purport, later amoraim declared that in acquainting the gerooth-candidate with the lofty responsibilities Judaism lays upon a person, R. Helbo would be satisfied. How so? Because frivolous candidates will be deterred by so burdensome a prospect (see Yeb. 47b). This shows that these later amoraim took R. Helbo’s words as an admonition to bate din to be on their toes. So long as a system was in place for weeding out the irresolute and gormless, R. Helbo asked no more.

Another aggadic passage often understood as cynical of gereem and their motives, occurs at Yebamot 24b: “Proselytes are not accepted in the Messianic era. Likewise, they were not accepted in the days of David and Solomon. R. El‘azar provided scriptural support. It is written [Isa 54:15] ‘the one that sojourns with you will fall upon you’ meaning to say, whoever joins you in your affliction shall abide with you in the days of your tranquility”. To the extent we are able to fathom this cryptic pronouncement, its equilibrator may be located at Tos. Ber. 6:4.[59]

On seeing a place from which idolatry has been uprooted one says: ‘Blessed be He who has uprooted idolatry from our land; just as it has been uprooted from this place so may it be uprooted from all places of Israel and may you turn the hearts of the idolaters to your worship’. This last clause ‘may you turn the hearts of the idolaters to your worship’ need not be recited outside the land [of Israel] because there a majority of the population is gentile. R. Shim‘on [var. R. Shim‘on b. El‘azar] says also outside the land one must say it because they are going to convert as it says [Zeph 3:9] Then will I give the nations pure lips so that all may invoke Hashem’s name and serve Him with one accord.

Thus R. Shim‘on does not look forward to a moratorium on gerooth in the Messianic era, but quite the contrary.[60]

Even more distrustful of gerooth, is an aggadah domesticated by Rashi through his comments to Ex 32 vv. 4 & 7. At verse 4 he writes “The worshippers of the

golden calf exclaimed ‘These are your gods o Israel’. They did not say our gods but your gods. From this we learn it was the mixed multitude [mentioned at Ex 12:38] ... who mobbed Aaron; they were also the ones that made it and then led Israel astray”. At verse 7 the words ‘your people has acted corruptly’ elicits the following from Rashi: “G-d does not tell Moses The people has acted corruptly but rather ‘your people’; ‘your’ denoting the mixed multitude that you [Moses] accepted and converted on your own initiative and without consulting me. You said ‘it is good that gereem cleave to the shekhinah [i.e. to G-d]’. Now it is they who have acted corruptly and corrupted [others].”[61]

One can scarcely imagine a damper more crushing to gerooth. If our master Moses is to be faulted for making converts without explicit divine concurrence, how far ought lesser mortals to run from conversion? Rashi, however, cannot be held solely responsible for the influence this aggadah has enjoyed. Maimonides outpaces Rashi by using it as underpinning for one of his more creative gerooth rulings. After codifying the ruling in question, Rambam continues “This is the reason the sages said ‘proselytes are hard for Israel as an affliction of leprosy’ because most of them have ulterior motives and mislead Israel. Yet, it is hard to separate from them once they have converted. Look at what happened in the wilderness in the incident of the golden calf and again at Kibroth-hattaavah. Indeed, the asafsoof[62] were in the vanguard of most of the [ten] ‘testings’[63]" (Issure Bi’ah 13:18).

Some have argued that the point of the mixed multitude aggadah was to warn against mass conversions; and no doubt, a sudden deluge of newcomers has the potential to saturate, or even disorient, a host community. Others bring up John Hyrcanus’ conversion of the Idumeans[64] to illustrate the mixed blessing of overambitious giyyoor. However, we must not discount the possibility that in John Hyrcanus’ day the atmosphere had already been infected with an aloofness towards gereem that got in the way of the Idumeans’ integration. Why, even King Agrippa was still being impugned on account of his Idumean extraction, at least in certain quarters. Earlier we had occasion to meet the erudite Simon, immortalized by Josephus for his gripe against Agrippa. As we saw, what bugged Simon was the king’s lineage, precisely the issue surrounding Agrippa in the Talmud’s recollection.

The high priest hands the Torah scroll to the king and the king stands to receive it but reads sitting down. King Agrippa, however, both received and read standing and was applauded by the sages. When he reached the verse ‘You shall not appoint over you a man who is a foreigner’ [Dt 17:15] he was seen shedding

tears. From the crowd rose thereupon the cry ‘Agrippa do not fear, you are our brother. You are our brother. You are our brother’ (M. Sot. 7:8).
This story pulls back the curtains on a rare scene of the giyyoor polemic in full throttle. First to heave into sight is Agrippa reverencing the Torah and earning, in turn, the sages’ approbation. In the next tableau the king is weeping - whether genuine or crocodile tears or a mixture is left moot. But what brings on the tears is not in doubt. As his Torah reading progresses, Agrippa reaches Dt 17:15, the verse on whose strength his (priestly?) foes would dethrone him as a man who did not satisfy the verse’s miqqereb ahekhah stipulation. At which juncture the hoi polloi voices its (Pharisaic?) understanding of Torah brotherhood whereby the pious, Torah-committed Agrippa is hailed a true brother. So much for the Mishnah and its memory of the conflicting appraisals of Agrippa’s zygotic Jewishness among divers factions.

As noted earlier, priestly notions increasingly seep into rabbinic deliberations. In the process, Agrippa’s endorsement by his contemporaries, both scholar and commoner alike, is cynically written off as humbug. The Bavli records a source that lambastes the crowd as toadies sucking up to an imposter, while the Yerushalmi credits the flattery with deadly consequences. These sources take it for granted that his lineage disqualified Agrippa for an office limited to ‘brothers’ by Dt 17:15. In so doing, they align themselves with the position attributed to Rava (Yeb. 102a) that also treats as axiomatic the inter-fraternity of none but native Jews. Let it be noted, withal, how none of these sources feels the need to cite Holy Writ. Dt 17:15’s kingship law is unambiguous: no nokhri (= foreigner) shall be appointed king but only a man miqqereb ahekhah (= from among your brethren). Thus Deuteronomy sets the dividing line between ineligible foreigner and eligible brother. Being a brother among brethren, the ger must surely find himself, by definition, on this side of the divide. Or does he? Incredibly, for these sources a ger would appear to fall on yonder side, placed there not at Scripture’s behest but ‘because he pullulated from a tippah pesulah (=an unfit droplet)’.[65] But if droplets determine who is and who is not miqqereb ahekhah, then what of prophets?

Sifre (Dt. 157) construes the phrase ‘your brethren’ of Dt 17:15 to exclude gentiles. Gentiles - not gereem.[66] Dt 18:18 stipulates that Israel’s prophets shall arise miqqirbekha me-aheka. Again, the way Sifre (Dt 175) deciphers the phrase, the only people excluded under the miqqirbekha me-ahekha provision are gentiles. Even Yehudah Halevi (d. c. 1140), whose racist theory of Israel's singularity notoriously correlates prophecy with pedigree,[67] never cites Dt 18:18. That is not to preclude the role the ger-versus-brother dichotomy may

have played in shaping Yehudah Halevi's thinking. All the same, he could not invoke Dt 18:18 because neither that verse nor any other Torah verse allows for gere sdeq to be classified as a distinct sub-division of Jews. No, it is not Torah that yields racism, but primeval instincts, primitive and feral, lurking just beneath man's consciousness. The priests exploited those subliminal proclivities to rationalize an hereditary priesthood. Eventually the rationalization took off and was accepted as self-evident. That explains why those who view the ger as a breed apart never feel constrained to provide scriptural authority. Chickens develop from eggs; butterflies from caterpillars; and the ger from a mysterious, undefined entity called tippah pesulah.

To recapitulate. Many of the texts reviewed so far, grade people according to the putative circumstances of their siring. This kind of scale, that takes embryonic purity more seriously than individual personality, smacks of a priestly provenance. You see, priestly purity-cum-holiness and defilement though firmly rooted in physicality, were possessed of metaphysical potency. Everything was either pure and therefore metaphysically sound or it was neither. Jewish seed Ezra had declared holy; other seed who knows? Consequently, priests had little use for conversion. If outside priestly purlieus converts were welcome, the priests for their part would regard them as second-class Jews. But we have also seen the vitality of a less carnal school that conceives of 'entering under the shekhinah's wings' as a total transformation - the ger retroactively standing upon Sinai and 'shedding the scum implanted by the serpent'.[68] The school that abnegates priestly taxonomies, declaring "all Israel eligible for kingship" (Hor.13a), and requiring a misbegotten Torah scholar to take precedence over a high-born but churlish priest.[69]

Amidst these cross-currents of the Talmudic ocean, we find post-Talmudic sources struggling to navigate a path. The overall tendency of these sources is to err on the side of caution. Let us consider the following rather typical example. The Talmud rules that pukka giyyoor requires a beth din of three (Yeb. 46b). The requirement is treated as scriptural, and as such the judges would have to be accredited (mumheen). For the number three is derived from the same Scripture that mandates accreditation (San. 2b et al.). Now the Talmud (San. ibid.) registers an exception to the mumheen requirement.

As for the mumheen requirement it is waived in line with R. Haninah's teaching. For R. Haninah said Torah law requires a single standard of cross-examination in all cases whether capital or civil as it says [Lev 24:22] 'A single [standard of] justice shall you have'. Why then have they [the rabbis] suspended it for [certain]

civil cases? So that the door will not be shut in the face of borrowers (San. 2b-3a).

Thus the scripturally mandated grilling of witnesses was set aside for cases involving loans in order to keep creditors lending; creditors that might otherwise be afraid of losing their money should the testimony break down under rigorous questioning. Likewise, insistence on mumheen posed an obstacle to borrowing. What about mumheen for giyyoor? Tosafot answers that question. “You may wonder how we [not being mumheen] can accept gereem. We would have to say that just as they worried about the door being shut on borrowers so too did they worry about the door being shut on gereem” (Yeb. 46b-47a s.v. mishpat). For Tosafot to extrapolate from the misvah of lending[70] to giyoor proves that in their eyes, giyyoor is a misvah of comparable standing. No doubt, Tosafot also took stock of the words Sifre places in Moses’ mouth. “[Moses] said to him, ‘pray, do not leave us [Num 10:31] ... Perchance you think [by leaving us] to increase the honor of Maqom whereas in reality you will lessen it. Think how many gereem and slaves you can cause to enter under the wings of the shekhinah. Therefore, be our guide [i.e. stay on] so as not to shut the door on gereem who [in the event of your departing] will reason: if Jethro threw in the towel what chance is there for us?’” (Sifre Num. 80 p.76).

A moment ago we referred to erring on the side of caution. In the context of giyoor it would entail giving candidates who are not blatantly bogus the benefit of the doubt. No judge hearing a giyyoor application, or any other business for that matter, is ever sure of a verdict’s repercussions down the road. Prognosticating forms no part of a judiciary’s halakhic warrant which is, instead, meticulously sifting information and critically examining their own integrity. For this is the halakhahic formula for judges: “a judge has nothing but what his eyes discern” (en lo la-dayyan ella ma she-‘enav ro’ot).[71] Provided no stone is left unturned in the pursuit of truth, and no recess of the soul unscoured for extraneous agendas and prejudices, the rest is up to Providence. Hillel will have followed the same course when deciding to receive gereem;[72] even the oddballs that his colleague Shammai had turned down. Although the Talmud avers that Hillel was no clairvoyant nor formally endowed with the holy spirit (San. 11a), he was obviously blessed with deep faith and compassion and the insightfulness that flows from them. Taking that first step of coming in search of conversion seems to have counted with Hillel, because Hillel starts out with the assumption that giyyoor is, in principle, pleasing in the sight of Hashem. Hillel preached “love your fellow humans and draw them close to Torah” (Aboth 1:12). It was also what he practiced. So how about Shammai? you ask. How did Shammai justify the short shrift he gave the gerooth-seekers knocking on his door?

Shammai's strategy parallels Hillel's inasmuch as it too plays safe when in doubt. Their major difference is the angle from which they view the world. Hillel, the devoted disciple of Shema'iah and Avtalyon,[73] was convinced that conversion was G-d's will as revealed in Torah. Had Shammai viewed giyyoor as a Torah desideratum he would not have sent his visitors packing. No. Shammai evidently had at least one foot in the priestly camp, treating conversion almost as a mirror image of divorce which though recognized by Torah, is restricted for use only in the event of flagrancy.[74] Once gerooth is classified as a misvah in reserve, to be taken out only on state occasions, Shammai's behavior falls into place. Conversion is all well and good for that paragon of propriety and submissiveness who comes dispirited and devoid of ego, not for smart alecs of the type Shammai dismisses (Shab. 31a). Besides, if there is no great virtue in spreading Hashem's faith, playing safe would presumably translate into sparing the existing Jewish community the effort of accommodating neophytes. If on top of that the ger is a Jew-not-quite (as some sources imply), then it is Hobson's choice to reject all but the worthiest, i.e. the least obtrusive.

This ambivalence to gerooth may not be entirely unrelated to the Shammaite belief that Jewish survival was best served by isolationism and by closing ranks. Although the immediate impetus for the so-called Eighteen Decrees is thought to have been political, there is no escaping the Decrees' xenophobic underpinning.[75] Survival mattered to Hillelites just as much, but their opposition to the Decrees stemmed from their alternative perception of the Torah's call. By means fair or foul, the Shammaites managed to muster the votes and the Decrees passed into law.[76] But the triumph was short-lived. Perhaps the Shammaites had overplayed their hand. In any case, the Hillelite school rebounded, and the later rabbis came to believe that Hillell's Halakhah, not Shammai's, met with divine approval.[77]

That is not to say Shammaite Halakhah ceased overnight. In their personal observance, individual rabbis continued to practice it. R. Tarphon, for instance, adopted the Shammaite recumbent posture when reciting the evening shema',[78] while R. Gamliel in his own home followed Beth Shammai in three halakhot pertaining to the festivals.[79] But when it comes to gerooth, which is hardly a question of private piety, there is no recorded lapse to Shammaism. At least not until the 19th century when gerooth can be said to have entered a new phase. Prior to the enlightenment - culminating for many minority communities with Napoleon and his emancipatory initiatives - proseletyzing had been forbidden and was a risky undertaking for both the convert and his/her Jewish sponsors. As freedom of religion began to displace medievalism on the European

continent, conversion to Judaism gained momentum. Another feature of the emancipatory stirrings, was the rise of modernist reforms within Judaism. Then, amidst the controversies between the emerging factions of what were to crystallize as orthodox, ultra-orthodox, liberal and arch-liberal strands of European Jewry, there recrudesces a Shammaite defensiveness towards gerooth. Or rather ostensibly Shammaite. For now gerooth itself was not the issue, but had become a mere pawn in a larger denominational struggle. It is understandable that Orthodoxy, which was an ideology in the making at the time, should try to demarcate its boundaries, especially vis-à-vis the progressives who were the irritant that had produced the orthodox pearl, so to speak. As with any demarcation strategy, each faction tended to illegitimate its rivals in the process of forging self-identity. In order to sharpen their respective identities each stressed the misvot the other downplayed. Because the progressives put the ethics of Torah above its ritual, Orthodoxy that came into being as a reaction, reversed its priorities, laying particular emphasis on praxis that suited a separatist agenda. But as noted, the separatism went hand in hand with an aggressive invalidation of all other Jews, not merely the card-holding Reformists, but any that remained outside the ever-narrowing confines of the orthodox fortress.

This is not the forum to rehearse the birth of European Jewish denominationalism. For one thing, the story has been covered in many serious studies.[80] Moreover, our sole interest in the 19th century is to discover how gerooth fared in the face of all the turmoil. To some degree it fell victim to the brawls. If non-Orthodox Judaism was inauthentic, then so were gentiles who adopted that brand of Judaism. Authentic Jews were exclusively the adherents of Orthodoxy, and for converts to reckon as Jews they would have to convert under Orthodox auspices.

From here on the story will be taken up by the manifestos[81] of R. Akiva Joseph Schlesinger (d.1922) a man who set much of the tone for an important branch of segregationist European Orthodoxy, and who later exported it to the Holy Land. When reading the manifestos let us remember that gerooth is not the butt of their animus so much as are rival groups who were admitting gereem on their own terms. The writing is also fueled by a palpable militancy born of fear; that insidious, gut fear of the unfamiliar and the alien. Even as we cringe at the author’s special pleading, it is only meet to try and visualize the unenviable predicament that beset Jewry in his place and time. However, no amount of sympathy for Rabbi Schlesinger can justify reliance upon arguments such as his (for he was not a lone voice merely the most articulate, and some might say, candid). With the benefit of hindsight we may understand his siege mentality and

its pretexts - pretexts that afford us no fig-leaf of cover in today's vastly different circumstances.

1) Selections from the General Introduction to Lev ha-'Ivri[82]

By divine plan humanity was predestined from the beginning to be divided into four species (or classes) each with its distinct mission. ... The first was given the seven Noahide laws ... and above all the misvah (or duty) to make the earth habitable through diligent study of nature, putting that knowledge to use for the benefit of the world. Never may they shirk this misvah even if they mean to exchange it for another misvah as it was taught [San. 58b] 'A gentile who observes the Sabbath deserves death'... Later, the holy One blessed be He separated the second species that He chose to be unto Him a kingdom of priests. From them He withdrew the misvah (or duty) of making the earth habitable. G-d's Torah alone was to be their care; and their life's purpose to carry out the 613 commandments, the written Torah and the oral ... The third species is the priestly that must be completely removed from all things mundane ... The fourth consists of the high priest of whom it is written [Lev 21:12] 'out of the sanctuary he shall not go'. Furthermore, the Cause of all causes established and fixed each of these [classes] in accordance with their respective souls and the quarry whence each was extracted so that each may attain the goal divinely willed for it. G-d also ordered that they shall endure for ever at their allocated posts and in their appointed positions, never interchanging from one to another and never trespassing or moving outside their boundaries. Thus, the Torah given at Sinai, being an inheritance of the congregation of Jacob, none of the other nations is allowed to delve into Israel's Torah - especially the oral - because the Torah has decreed that a gentile who occupies himself with Torah deserves death. Conversely, the Torah decrees that Israelites, whose sole enterprise must be Torah, any one of them who gets involved with the learning of the nations, likewise, deserves death. For anyone transgressing the words of the sages is worthy of death (Erub.21b) and is called a renegade (Nid. 12a) ...
And even though the holy One blessed be He granted permission to a Noahide to transfer from his patrimony by converting and entering the Israelite collective, nevertheless it is not a preferential (or glorious) misvah to accept proselytes as indicated in tractate Yebamoth: Proselytes will not be accepted in the time to come when the prophecy 'The whole earth shall be filled with the knowledge of the L-rd' is realized. Because even then every nation shall still maintain its immutable position ... May the Merciful One speedily bring to pass [the promise of' Zeph 3:9] 'Then will I give the nations pure lips so that all may invoke Hashem's name and serve Him with one accord' - Noahides according to their

duty, Israelites according to their statutes, priests on their watch and the high priest in his sacred office ...[83]

2) Remarks on the Acceptance of Proselytes that is on the Rise in our Generation[84]

'The heart of a king [and of princes] is in the hand of Hashem' (Prv 21:1) and it is from His hand that this thing has come upon us - this recent movement towards eliminating religious divisions and hatreds. Like wild beasts, they envy the Jew no more. Instead, people go their own ways following their hearts' promptings ... Ever since the declaration of liberty (also called freedom of religion) for all inhabitants of the land, it is no secret that the number of those attaching themselves to the House of Jacob has been increasing from day to day. But as for you, my brethren, what you need, is to know Hashem's will in His Torah and to keep His statute.

To be sure, our Rabbis say 'The holy One blessed be He, exiled Israel only in order that proselytes may join them' (Pes. 87b). On the other hand, they tell us 'Proselytes are hard for Israel as sappahat' (Yeb.47b) which hardship Rashi and Tosafot understand to inhere in the failure of proselytes to observe misvot punctiliously which, in turn, sets a bad example in Israel. These two statements would appear to contradict each other, and one must reconcile the contradiction. As it turns out, there is a third text that does just that. The text occurs at Yebamot 24b: 'Proselytes are not accepted in the Messianic era. Likewise, they were not accepted in the days of David and Solomon. R. El'azar provided scriptural support. It is written [Isa 54:15] the one that sojourns with you will fall upon you - meaning to say, whoever joins you in your affliction shall abide with you in the days of your tranquility'. Thus we see that the acceptable proselytes were those that suffered and risked their lives to enter under the Shekhinah's wings. For that kind of convert was Israel exiled. But those who come on a whim, let alone for their own satisfaction, they are unto Israel hard as sappahat. Of their ilk were the children of converts, or rather children of a mixed multitude, that were accepted in the days of Moses. From among them and their likes have emerged our tormentors: sappahat and [that other dermatological condition called] baheret Sadducees and heretics. But as birds of a feather flock together, so these, whose actions demonstrate that they are not of the children of Israel, exult to make converts in their own likeness. As the Rabbis predicted (ibid.) When many gentiles attach themselves you have sappahat and baheret.

And what is the exultation all about? Far better had they remained in their gentileness! Both for them and for us it would have been expedient because Sadducees and heretics are worse than idolaters as stated in our pure Shulhan

Arukh (Hoshen Mishpat 34:22). We do not seek to swell our ranks. O that the nations would take away some of ours; those among us who crave their ways, their tongue and their ideas, in their thousands and tens of thousands. Then Jacob might well rejoice [and] Israel be happy that our dross and dregs have been removed. Hashem has said 'You are few' (Dt 7:7). Then shall the redemption come without delay, as the Rabbis teach 'Proselytes [and those who marry underage wives] delay the Messiah' (Nid. 13b).

And please do not raise an objection either from the Talmud's description of Hillel's lenient acceptance of converts or from the analogous story at Menahot 44a. For as explained in the writings of the ARI [R. Isaac Luria d. 1572] of blessed memory, They [i.e. Hillel etc.] recognized the source of [peoples'] souls. But we need not dabble in the esoteric; a thoroughly exoteric source says virtually the same thing. Tosafot (Yeb. 24; s.v. lo) accounts for [Hillel's leniency] as follows: 'Hillel was confident that [the people he converted] would eventually come round to doing it for the sake of Heaven'. Hillel, then, was acting upon 'Hashem's secrets revealed to those who fear Him' [Ps. 25:14, cf. Sot. 4b].[85] Moreover, the Talmud rules that halakhah is not to be inferred from ma'aseh (B.B. 130b).[86]

Thus for us there is nothing outside the words of the Torah that are written in our pure Shulhan Arukh: 'When a proselyte comes to convert, they must say to him 'Are you not aware that Israel at the present time are despised and downtrodden?'etc.' (Yore De'ah 268:2). The ShaK (R. Shabbetai ha-Kohen) comments on this text that they must also be daunted (or intimidated)[87] perchance (or in the hope) they will withdraw because 'Proselytes are hard for Israel as sappahat'. Now it is true that Beth Yosef (in his commentary to Tur Yore De'ah 268) writes that even if the daunting was omitted the conversion is still valid. However, in his [later work] Shulhan Arukh he does not mention this, which suggests that he changed his mind. And in any case [R. Moses Isserles in his] Darke Moshe disagrees with Beth Yosef and states quite explicitly that without intimidation the conversion is invalid (see also Rambam Issure Bi'ah end of Chapter 13, where explanation is called for).[88]

In our present situation, so it appears to me, everybody would agree that the intimidation is indispensable and that, if anything, it ought to be redoubled. For today we are not exactly downtrodden and despised, thank G-d. Therefore one must be even more exacting upon them with regard to the stringencies of the misvot. These are the words of Rambam (Issure Bi'ah 13; also Shulhan Arukh Yore De'ah 268:12): "When a proselyte comes to convert they check to see lest the motive be money or marriage etc. If no such ulterior motive is found, then the proselyte must be apprised of the heaviness of the yoke of Torah and the effort involved in observing it so that they might withdraw" etc. Rambam continues:

‘Anyone that gives up idolatry for the sake of a worldly vanity, is no righteous proselyte’. Moreover, in Hilkhot Melakhim (8:11) he writes “only if he accepts them as being commanded by the holy One blessed be He, and as being made known to us through our teacher Moses. But if he observes them because his mind dictates it, then he is neither a toshab proselyte nor yet a righteous gentile”. And further on (Melakhim 10:9) he writes: ‘This is the general rule. They must not be allowed to invent a religion or their own man-made misvot. Their only choice is to become a righteous proselyte or else to stick with their own [Noahide] Torah. They shall neither add nor subtract’. Mark these words!

As for those who jump at the chance to multiply converts and apostates, it is upon them that the Rabbis pronounced their malediction ‘Misfortune upon misfortune shall visit those who accept proselytes’ (Yeb. 109b). They also say (Bek. 30b): nokhri habba le-hitgayyer afillu me-qabbel alav kol ha-torah hootz diqdooq ehad middibre sofreem en me-qableem oto (A non-Jew who comes to be converted even if he takes upon himself the entire Torah except for a single nicety of the Scribes’ Words, he shall not be accepted). [89]

Make sure, once the checks, searches and intimidations are done, that they take it upon themselves to be of the number of the downtrodden Jews, recognizable by their distinctive names, speech and attire; and where applicable, by sisith, sidelocks and beard. So beware that you bring them into Judaism rather than into Sadduceanism, heaven forfend. So now you know!

These two texts bristle with Shammaism. First of all they divest Hillel’s example of its ability to serve as precedent by kicking it upstairs. The inference: Shammai must have lacked Hillel’s supernatural discernment or else chose not to avail himself of it when conducting interviews. Either way, because it was allegedly miracle-free, Shammai’s modus operandi need not be marginalized. Above all it should be noted how these texts give pride of place to the Bekhorot 30b prescript that, according to Rashi, actuated Shammai and molded his giyyoor policy.

[Shammai] shooed him away because it is taught in a baraitha ‘A person who comes to accept the things pertaining to haberuth except for one thing and similarly a ger who comes to be converted and accepts upon himself the words [or things] of Torah except for one word [or thing] he is not accepted’ (Rashi at Shab. 31 a s. v. hosi’o binzifah). [90]

Hillel, Rashi goes on to inform us, was also aware of the Bekhorot 30b baraitha but, unlike Shammai, chose to interpret it less rigidly (Rashi ibid.).[91] The editors of the Talmud were not content to simply record the stories reflecting Shammai and Hillel’s contrasting approaches to wayward petitioners - and then sit on the fence. Rather did they see fit to add a postscript vindicating Hillel’s approach and by more than implication decrying Shammai’s. “In the course of time the three

proselytes [rebuffed by Shammai but later received by Hillel] met. They said ‘Shammai’s punctiliousness[92] sought to drive us from the world; Hillel’s meekness[93] brought us close under the wings of the Shekhinah” (Shab. ibid.).[94]

[1] “The rabbis speak of ‘The proselyte who comes to convert' even though at the time of coming the person is actually a gentile. The reason for this usage is that it would be offensive to refer to a person who has since converted by the epithet ‘gentile’” (Ritva to Ket. 11a).

[2] Against the Galilaeans translated by Wilmer F. C. Wright, Loeb Classical Library, The Works of the Emperor Julian vol. 3 pp. 341-343.

[3] JPS Commentary to Dt, excursus 7 p.435.

[4] See Meg. 9b; Y. Meg. 1: 8 [71d]; Mekhilta Bo 14 (p. 51); Tanhuma Ex. (Shemot 22); Sofrim 1:8; Sifre Dt 148.

[5] Buber edition Dt p. 2; Midrash Tanhuma Hamfo’ar vol. 2, Jerusalem 5754 p. 250; cf. Testament of Levi 14:4.

[6] The same aggadic understanding of Gen 12:5 is presupposed by the Talmud. “It was taught in the school of Elijah ‘The world has 6,000 years [of which] 2,000 are void, 2,000 Torah and 2,000 the days of the messiah’... When did the 2,000 of Torah begin? ... from ‘the souls they made in Haran’” (A. Z. 9a).

[7] See A. Z. 64b.

[8] See Rashi to Dt 29:10 and his source in Tanhuma. Also Shab. 146a; Yeb. 79a.

[9] Conversion rituals are, of course, quite another matter.

[10] The original idea of covenantal community being the antithesis of ethnic solidarity, it is understandable that where genealogy prevails covenant survives merely as a form, eviscerated of its definitional status. As Mendenhall notes (of an age long before the rabbinic) “...the basis of solidarity was no longer the covenant, but the myth of descent from a common ancestor” (The Tenth Generation pp.16-17). The rabbis made no attempt to revitalize the covenantal idea, but instead invested biblical references to covenant with the force of circumcision, the only berith in their experience. See Shaye J. D. Cohen’s “Your Covenant that You Have Sealed in our Flesh: Women, Covenant and Circumcision” in Studies in Josephus and the Varieties of Ancient Judaism, Louis H. Feldman Jubilee Volume (Leiden 2007, pp. 29-42).

[11] This Elijah aggadah climaxes in Pirqe R. Eliezer chapter 29.

[12] Ned. 32a; cf. M. Ned. 3:11; Shab. 137b.

[13] At any rate, a male proselyte's. The female proselyte's ritual was to be tevilah (=immersion) - adduced from Ex 19:10 that mandates ablutions preparatory to the Sinaitic covenant. Since the rabbis saw every conversion as a continuation of Sinai, they modelled conversion rites on Sinai. Accordingly: "Ribbi (R. Judah the Patriarch fl. c. 220) says '...your ancestors' entry into the covenant was [solemnized] with circumcision [for the men], immersion [for all] ... So too shall they [future proselytes] enter the covenant in the same manner'" (Ker. 9a). Of course, this still leaves a discrepancy between the single rite for one gender and two for the other. Which leads to the hoary question: Why would a rite of passage be chosen that pertains exclusively to men? This conundrum has piqued writers from as far back as Philo (see Philo Supplement 1, Questions and Answers on Genesis, translated from the ancient Armenian version of the original Greek by Ralph Marcus, London 1953 pp. 241-242). To situate Philo among other ancients who considered circumcision's gender implications, see "Why Aren't Women Circumcised?" by Shaye D. J. Cohen (in Gender and the Body in the Ancient Mediterranean, Maria Wyke ed., Oxford 1998 pp.136-154).

[14] Rashi adds: "[They were wrong to] turn her away from entering under the wings of the Shekhinah; they should have converted her".

[15] Tosafot juxtapose the Timna' aggadah to qasheem for the express purpose of mitigating the qasheem stricture (to be encountered anon) and cutting it down to size.

[16] Although the Keri is mi-ma'arkhot pelishteem (= the Philistine ranks), the derash exploits the Ketib: mi-ma'arot pelishteem.

[17] This example was brought to my attention by Rabbi Benjamin Z. Schmeltz, z.l.

[18] Dt 21:10-14; Qid. 21b et al.

[19] To which category accepting gereem belongs as demonstrated by - among others - R. Shim'on ben Semah Duran (d. 1444). "... accepting gereem is a misvah that devolves upon the religious courts to receive and not to turn them away. It is clearly implied by the statement in tractate Yebamot (47b) '[once his wholehearted commitment has been ascertained the male convert] shall be circumcised immediately because we have a rule that a misvah may not be

postponed without good reason’. The same rule is invoked by the Talmud with regard to levirate marriage. In the event that the oldest surviving brother is abroad but a younger brother is to hand, although the senior brother normally takes precedence, so as not to postpone the misvah, the junior shall perform the levirate duty. Thus we see that accepting gereem is a misvah on a par [with yibboom] ... Moreover, in tractate Ketuboth it says that when the applicant for gerooth is a minor, the underage ger is immersed [i.e. undergoes the attendant rites of giyyoor] with the consent of the religious court. Why so? Because of the misvah that obligates us to accept gereem” (Sefer Zohar Ha-raqiy‘a, p.37).

[20] The Hebrew is ha-nilvah; most likely a quasi-technical term for conversion (cf. “ve-nilvah ha-ger” at Isa 14:1).

[21] Cf. Neh 13:23-28.

[22] Proselytes are listed in M. Qid. 4:1 among the ten ranks (or rather castes) that removed from Babylon. Presumably this refers to the first wave of returnees under Zerubbabel, although the name of Ezra is associated with the ten castes in the course of the gemara (Qid. 69b). However, Ezra’s mention may be due to the Talmud’s telescoping of the two waves.

[23] Ant. XIX 7:4.

[24] Agrippa I, King of Judaea, Tübingen 1990 pp. 126-127.

[25] The Hebrew original translated ‘genealogical’ is ha-mithyahaseem - hithyahes deriving from the root YHS. All 20 biblical attestations of this word (mostly in the hithpa‘l as here) are confined to the post-Exilic books of Ezra, Nehemiah and Chronicles. It is highly telling that neither the word nor the idea (by any other name) occurs in demonstrably pre-Exilic books (but see Onqelos and other targums to Num 1:18).

[26] Schwartz lists the most egregious examples (op. cit. p. 129 n. 89).

[27] Named in the chain of Torah transmitters as teachers of Hillel and Shammai (Aboth 1: 10-12).

[28] This is a literal rendering of the Aramaic original ‘bene amameen’. However, there is no doubt that bene amameen (sing. mostly bar amameen) denotes gentile[s], and in Targum it is more or less the standard equivalent of biblical bene nekhar or nokhri (e.g. Lev 22:25; Dt 14:21, 29:21 et al.).

[29] Aqabyah is never identified as a priest. Yet the laws he champions at Eduyot 5:6 - leprosy, ritual purity, shearings of the firstborn of the flock and the water ordeal - all belong to the priestly domain. At Neg. 1:4 Aqabyah figures as one of three tannaim who dispute the consensus regarding another aspect of leprosy law. One of the two tannaim is definitely a priest namely R. Hananiah Segan Ha-kohaneem. Is expertise in leprosy law a priestly trait? Be that as it may, in his scorn for Shema'iah and Avtalyon qua proselytes, Aqabyah showed himself to be a chip off the block of the high priest we met at Yoma 71b. Finally, in Aqabyah's anthropology man has his beginning neither in the dust as per Gen 2:7, nor in the womb or the bowels of the earth (Ps 139:13-15) nor in a mould (Job 10:10) nor in any biblically located site. Aqabyah's focus is tippah seruhah (Aboth 3:1). Without putting too fine a point on it, in whose mind but a priest's (and a laboratory biologist's) would the thought of human incipiency conjure up tippah (= a droplet)?

[30] Like Karkemeet, Shema'iah and Avtalyon were not Jews-from-birth. They were proselytes (Ber. 19a, Rashi and Tosafot ibid.; Tosafot Hashalem: Commentary on the Bible, Jacob Gellis edition vol. 8 p.143; Y. Mo'ed Qatan 2:1; Rambam, introduction to Mishneh Torah and comment on Edu. 1:3; Bertinoro on Edu. 5:6 & Aboth 1:10). However, in the 17th century there was a move to deprive Shema'iah and Avtalyon of their proselyte status for the sake of harmonizing, as we shall see.

[31] I.e. it is to be understood in its commonly attested sense of a wife who is unfaithful to her husband (Rashi).

[32] Even though she is single (Rashi).

[33] E. g. she had been in an incestuous relationship; alternatively, an Israelite woman who had been married to [or in a relationship with] a Gibeonite or a bastard (Rashi).

[34] The Mishnah's parallel reads: "R.Yehudah says even if he [a rank and file priest] has a wife and children he may not marry a woman incapable of child bearing for she is the zonah spoken of in the Torah. But the [other] sages say zonah refers to none but a proselytess, a manumitted female slave and a woman who had been in a forbidden relationship" (Yeb. 6:5).

[35] "A proselytess [is reckoned a zonah] because she was surely married (or was in a relationship) when still a gentile ... and since gentiles do not have qiddusheen, her marriage (or relationship) renders her unfit" (Rashi Yeb. 61b s.v.

ella giyyoreth). The idea of presumption is even more clearly articulated by Rashi at Yeb. 60b s.v. kesherah likh-hunnah & Qid. 74b top, s.v. hakhee qa-amar.

[36] Some appeal to the Yerushalmi's ke-zonah formulation (giyyoret ke-zonah hee esel ha-kehunnah - Y. Qid. 4:1 [65b]) to show that priests' avoidance of giyyoret spouses was never understood to have scriptural warrant. But we must beware of forced harmonizations, especially as the convert definition in Yebamot nestles amidst a list of alternatives (as we have seen) that all appear to be serious attempts at defining zonah of Lev 21.

[37] Nor, as far we can tell, did the amoraim who held that Torah forbids a zonah not merely to priests but to all Israel (Yeb. 56b). To be sure, under the relaxation deduced from Num 5:13 the only zonah lay Israelites must avoid is a zonah by choice (whereas for priests even a coerced zonah is unlawful). In any case, the entire discussion presupposes that zonah of Lev 21: 7 (see Rashi Yeb. ibid. s. v. ba'lah loqeh) denotes a woman involved in some degree of infidelity and totally precludes the zonah=proselytess definition.

[38] Obviously two traditions are being conflated. According to the first R. Shim'on's source was Num 31:18, while here it is given as Ezek 44:22.

[39] See Rashi ibid.

[40] Cf. zo haita bikhlal shimmoor attributed to R. Ele'azar b. Zadok (Hor. 13a).

[41] Quoted in Tosafot San. 82a s.v. ve-iddakh and A. Z. 36b s.v. mi-shoom.

[42] King Agrippa, pp. 127-128.

[43] This statement appears to conflict with Ribbi. "Ribbi says '...your ancestors' entry into the covenant was [solemnized] with circumcision [for men], immersion and [a] blood [sacrifice offered] for acceptance. So too shall they [future proselytes] enter the covenant in the same manner'" (Ker. 9a; see n. 13 above). Cf. Rashi San. 82a "It was prior to Sinai that Moses had married Jethro's daughter, all at that time having the status of Noahides. When the Torah was given they all, she [Jethro's daughter] as well as proselytes of the mixed multitude included, entered into full misvah-hood".

[44] One cannot help sense the irony: "Amram married his father's sister Jochebed and she bore him Aaron and Moses" (Ex 6:20). At least according to some tannaim, such incest was forbidden even to Noahides (San.58b but see Rambam, Melakhim 9:5).

[45] Significantly, the Bavli rejects the Yerushalmi's derivation. Firstly, it informs us that Numbers 11's 'let them stand there with you' teaches that Moses presided in person over the 70 elders bringing their total to 71. R. Yehudah disputes Moses' participation in his court's proceedings - which leads him to the conclusion that a Sanhedrin's quorum is exactly 70 - not 71 (San. 16b-17a). Secondly, at San. 36b (in a discussion cognate, though not identical, with Horayot) Num 11:16 is declared inadequate authority for disbarring gereem and other 'genealogically impaired' Jews from the Sanhedrin. Instead, the Bavli proposes Ex 18:22's 'let them bear with you'. (Again, how ironic that these words are spoken by Jethro, a man who served for the rabbis as the paradigmatic ger-sedeq!)

[46] In the introduction to his Mishneh Torah, Rambam identifies as a ger R. Aqiba's father Joseph.

[47] R. Aqiba headed the Bene Beraq beth din (San. 32b). For R. Aqiba's calendrical activity see Ber. 63a; M. Yeb. 16:7; for the prophets': Y. San. 1:3 [19a] et al.

[48] The prophet Obadiah was a ger according to the Talmud (San. 39b).

[49] Yithra (also Yether) is portrayed as a ger who formed an important link in the transmission-chain of Oral Torah and played a major role in establishing halakhah (Yerushalmi Yeb. 8:3 [9c]).

[50] Bene Bathyra appear to have shunned Shema'iah and Avtalyon. When Hillel arrives on the scene, he upbraids the old Bathyra guard for spiting their own faces in failing to take advantage of the two sages. As for the 'sloth' to which the Bavli (but not the Yerushalmi) attributes Bathyra's 'underutilization' of Shema'iah and Avtalyon, it is in all likelihood a euphemism for something far more deliberate (Pes. 66a).

[51] Literally 'a profaned person'. Dealing with ordinary priests, Lev 21:7 says: "a woman who is a zonah and profaned they shall not marry and a woman divorced from her husband they shall not marry ... ". Further on, at Lev 21:14 it says of the high priest: "A widow and a divorcee and a profaned zonah none of these shall he marry ...". Even though the phrase 'a zonah and profaned' of verse 7 cannot be mistaken for anything but hendiadys (not to mention adjectival 'profaned' of verse 14) nevertheless, rabbinic midrash coaxed out of these adjectives an additional category of unfit wife that they called halalah. A halal was a son born from the disapproved union between a priest and a halalah.

[52] At Sifre Numbers 78 we meet tannaim in apparent agreement with R. Eliezer b. Ya‘akov and R. Yose. “What was the reward of Yonadav’s kin [who were Kenite converts]? ... [they were assured that] their progeny would continue to stand before Hashem. R. Yehoshua (var. lect. R. Yonathan) expostulated ‘[How could they stand before Hashem which connotes ministering within the sacred precincts] - surely gereem do not enter the hekhal [= the temple adytum] for no lay Israelite enters the hekhal! Rather did they sit on the Sanhedrin and deliver Torah rulings. According to an alternative opinion, their daughters married priests and consequently grandsons of theirs offered sacrifices upon the altar.”

[53] At least from the Sanhedrin, including the lesser Sanhedrin of 23 (Rashi Qid. 76b s. v. kol mesimot). Rambam, on the other hand, stretches Rava’s disbarment of gereem and applies it even to courts of three that try monetary cases. Rava thus appears at odds with all those talmudic statements that explicitly qualify a ger for monetary cases (San. 36b; Nid. 49b et al.). Evidently Rambam did not relish the idea of his Rava (as distinct from Rashi’s Rava) in disagreement with an array of sources. So he set about to diffuse the situation by positing that the ger qualified for monetary cases refers only to the ger who has a Jewish mother (Yad, Hilkhot Sanhedrin 11:11).

[54] The difficulty comprehending Rava’s derash (also cited in the name of ‘a master’ at Yeb. 45b and by R. Yoseph at Qid. 76b) is only amplified when we consult Sifre. There (Sifre Dt. 157) the phrase ‘your brethren’ of Dt 17:15 is said to exclude gentiles - not gereem; and then only from kingship, not judgeship. Even B.Q (88a) that does elicit a disqualification of gereem from Dt 17:15, it is still the crown alone that is denied a ger, not the bench. The same is true of the ger’s disqualification acknowledged in tractate B.B. (3b, end). Moreover, if the purpose of Rava’s derash is to disbar gereem, would it not create a glut of such derashot? As we have seen, Yerushalmi derives the ger’s disbarment from Num 11:16 and Bavli from Ex 18:22. Harmonizations that manage to improvise discrete uses for each derashah, cannot disguise their strain. If all that were not enough, the leap of faith Rava invites us to make seems beyond our capabilities, insofar as his derash (Yeb. 102a cited above) would have us extrapolate from monarchy to judicature. Yet in the Torah’s legislation, king and judge are distinct all round, including the lexis denoting their respective appointings. The king’s is designated SUM ‘AL, a term never uttered by Moses apropos judges. To be sure, at Ex 18:21 Jethro counsels Moses “ve-samta ‘alehem”. But significantly (in the midrashic world crucially so), verse 23 that reports the actualization of Jethro’s plan, substitutes va-yitten ... ‘al (from the root NTN) for Jethro’s SUM ‘AL. Even in Dt 1:13,15 Moses refers to his appointment of judges by the verbal phrases va-

’asimem be- and va-etten ‘alekhem - as if studiously avoiding SUM ‘AL.

[55] Hebrew: ‘qasheen’ - plural of qashe whose primary meaning is hard. As long as sappahat remains an unknown quantity (does it cause itching? soreness? unsightliness? all of these? or some other disagreeable sensation?) we have no choice but to render it by non-committal ‘hard’.

[56] In Hebrew: ve-nispehu - hence sappahat.

[57] Ex. Rab. 19:4 cited in The Sages (Heb.) Jerusalem 1978 p. 491. It is also worth noting that Rashi in his commentary to Isa 14:1 chose to side with R. Berakhyah inasmuch as he classifies ve-nispehu with sephaheni (1Sam 2:36) and me-histapeah (1Sam 26:19) while altogether omitting sappahat.

[58] Wherein the hardship inheres is a matter of debate. Rashi and Tosafot between them come up with no fewer than seven proposals (See Tos. Yeb 47b s.v.qasheem; Qid. 70b s.v. qasheem). Some modern scholars have speculated that the ‘hardship’ R. Helbo feared was not from the gereem themselves but from the Roman authorities who, from the Antonines on, all but outlawed conversion to Judaism. Representative of this understanding is the following comment of Alfredo Mordechai Rabello: “We cannot exclude the possibility that many of these discussions took place in reaction to the Roman legislation regarding circumcision and proselytism" (“The Attitude of Rome towards Conversions to Judaism" part XIV in The Jews in the Roman Empire: Legal Problems from Herod to Justinian, Aldershot, Hampshire 2000, p.43).

[59] Also Ber. 57b.

[60] Recognizing the tension between these Messianic visions, the Talmud (A. Z. 3b) attempts to harmonize by positing two types of conversion. The type that will cease is conversion effected by bate din. However, so-called gereem gerureem i.e. converts who adopt Judaism outside the official channels (see Rashi A. Z. 24a s.v. gerureem; and cf. the case of the convert - albeit, not dubbed garoor - who converted ‘among the gentiles’ [Shab. 68a-b]) will flourish in the future just as they did in the days of David and Solomon (when Jesse preached and Yithra responded Y. Yeb. 8:3 [9c] and when bate din were allegedly being unreceptive but 150,000 converted nonetheless Yeb. 79a). In a different context, the Talmud limits the Davidic-Messianic-age ban on beth din sponsored giyyoor. Even in good times, such as the Davidic and Messianic, it is only gereem whose motives for conversion are suspect that are turned away by the beth din. Pharaoh’s daughter, for example, would have been accepted, since someone of her station is unlikely

to be lured by Israel's material prosperity (see Yeb. 76a-b). Finally, it should be noted that neither ger garoor nor giyyoreth gerurah is attested; it is invariably in the plural gereem gerureem and refers to group conversions. Is it conceivable that for such groups a special giyyoor process had once obtained?

[61] For fuller versions of this aggadah see Ex. Rab. 42:6; Lev. Rab. 27:8.

[62] The word asafsoof is a hapax legomenon occurring at Num 11:4. Tannaim disputed its meaning. "The asafsoof in their midst were gereem gathered out of many places (Sifre Zuta ascribes this view to R. Shim'on b. Menasia). R. Shim'on b. Menasia says they were the elders of whom it is written [Num 11:16] 'gather for me (esfa lee) seventy elders' (Sifre Zuta ascribes this view to R. Shim'on)." (Sifre Num. 86 Horovitz ed. 1917 pp. 86 & 268). Rambam obviously opts for Sifre's anonymous definition (= R. Shim'on b. Menasia's of Sifre Zuta) and furthermore, lumps the mixed multitude together with the asafsoof - as does Rashi at Num 11:4. However, at Ps 78:31 Rashi defines asafsoof as "the elders of whom it is written 'gather for me'".

[63] An allusion to Num 14:22 "Ten times they have tested me and not listened to my voice" and to Aboth 5:4.

[64] Josephus Ant. XIII 9:1.

[65] San. 36b, Nid. 49b et al; see n. 29 supra.

[66] See n. 54 supra.

[67] Kuzari 1:95, 115.

[68] See Shab. 146a, Yeb. 103b, A.Z. 22b.

[69] Hor. ibid.

[70] Lending to the indigent is an obligation (see Mekh. to Ex 22:24 and its reliance on Dt 15:8). It was this same conviction of the duty to lend and the sinfulness of withholding loans from the needy that prompted Hillel to institute that other famous 'reform' - perozbol. "Hillel the elder saw that [from fear of forfeiting their loans to shemittah] the people were holding back from lending and thereby transgressing that which is written in the Torah [Dt 15:9] 'Beware lest your heart wickedly whisper to you 'the seventh year, the year of release is approaching' and you then begrudge your needy brother and lend him not' etc. So Hillel rose up and instituted perozbol" Git.36a).

[71] San. 6b end (and Rashi ibid.), B.B. 131a, Nid. 20b.

[72] As confirmed by R. Joseph Karo. “Regarding the man who came to Hillel and said ‘convert me so that I may aspire to the high-priesthood’, Tosafot explain that Hillel, like Ribbi in the case recorded in Hatekhelet [Men. 44a], was confident he [the convert] would eventually come round to doing it for the sake of Heaven. From here we learn that it is all up to the beth din’s discernment (de-hakkol lefee re’ot ‘ene beth din)” (Beth Yosef, Yore De‘ah 268 near end).

[73] A devotion so touchingly epitomized at Edu. 1:3.

[74] For the Shammaite position on divorce see M. Git. 9:10.

[75] The precise makeup of the 18 remains hazy, and varies from list to list even within sources (i.e. Tosefta, Bavli, Yerushalmi). Common to all lists, however, is the disproportionate number of separatist measures. See “Les Dix-huites mesures” by Solomon Zeitlin, REJ 68 (1914) pp. 22-36; Kovets Shneur Zalman Zeitlin [Heb.] Bitzaron 25:3 NY 1964 esp. p.6.

[76] See Shab. 17a-b; Y. Shab. 1:4 [3c].

[77] See M. Ber. 1:3; Erub. 13b; Yeb. 14a et al.

[78] M. Ber. 1:3.

[79] M. Bez. 2:6.

[80] E.g. Jacob Katz’s Masoret u-Mashber [Heb.] 1958; Tradition and Crisis 1993 and elsewhere in his oeuvre; Emanuel Etkes’s introduction to Ha-hadash Asur min Ha-torah by Moshe Samet (Heb.) Jerusalem 2005.

[81] Manifestos rather than halakhic directives - which they do not purport to be (whatever influence they may arguably have exerted on certain halakhic decisors).

[82] Vol. 1, Ungvar 1864. “Lev ha-‘Ivri. .. which appeared in two parts in 1864 and 1868, became an instant bestseller, quickly running through five editions. And it achieved considerable fame not only in Hungary but throughout central and eastern Europe. A few years later the Russian maskil Eliezer Sevi Zweifel could write from far-off Zhitomir, ‘I have never seen any book published in our time which has been greeted by the Jewish public with such great honor and tremendous jubilation as the book Lev ha-‘Ivri’.” Michael K. Silber “The Emergence of Ultra-Orthodoxy: The Invention of a Tradition” in The Uses of

Tradition: Jewish Continuity in the Modern Era, Jack Wertheimer ed. NY 1999 p.38.

[83] In this our author contradicts the Talmud's asseveration that Noahaism has no future in the Messianic age when 'all will worship Him in one accord' (A.Z. 24a, Rashi s.v. shekhem ehad).

[84] Lev ha-Ivri, from Kithbe R. Akiva Yosef Schlesinger, Jerusalem 1989 vol. 2 pp. 291-292.

[85] And accordingly his leniency cannot serve as precedent for those not divinely briefed. So what does our author propose in the absence of supernal input? Presumably, the uninitiated must willy nilly convert all lest genuine applicants be lost. For surely it is preferable to take on board a rotten apple, nay a hundred rotten apples, than risk shutting out a single righteous soul. Or is it?

[86] The noun ma'aseh denotes 'an event', 'a tale' or 'a precedent'. The Talmud ubiquitously invokes tales from the lives of its heroes for establishing halakhic precedent. R. Schlesinger seems to be suggesting that such use of precedent is proscribed at B. B. 130b.

[87] Le-ayyem which is Schlesinger's term, not his source's.

[88] One that would presumably have to neutralize Rambam's ruling: "A ger who was not checked out or not apprised of the misvot and their penalties, but underwent circumcision and/or immersion in the presence of three lay judges, such a person is a ger".

[89] When we open our gemara at Bekh. 30b we search in vain for Schlesinger's quote. Instead we find "A non-Jew that comes to receive words of Torah except for one thing he shall not be accepted. R. Yose son of R. Yehudah says even a single nicety of the Scribes' Words". This reading is corroborated by numerous witnesses. However, Rashi's gemara may have approximated Mekhilta of R. Shim'on b. Yohai "A ger who takes upon himself" etc. (see Mekh. of RaSBY to Ex 12:49; Rashi Suk. 28a s.v. diqduqe sofreem; but cf. Rashi Shab. 31a "A ger who comes to convert"; also next note). T. Demai 2:5 in standard printed editions has: "A ger that takes upon himself all the words of the Torah except for one thing he shall not be accepted. R. Yose son of R. Yehudah says even a small detail of the Scribes' niceties" (for T. variants see Lieberman's Tosephta Ki-fshuta Zera'im Jerusalem 1992, vol. 1 p. 212). Common to all variants, then, is the attribution of the view - that rejection of diqduqe sofreem impedes giyyoor - to a solitary tanna, namely R. Yose son of R. Yehudah. Schlesinger allows for the impression that R. Yose's stringency belongs to the stam (= the anonymous plurality).

[90] Thus according to Rashi, (who reads: “A ger who comes to convert” at Bekh. 30b) it was Shammai’s blind obedience to a literal understanding of that baraitha that locked him into his all-or-nothing position. On the other hand, those who read “A non-Jew that comes to receive words of Torah” would not necessarily connect the Bekh. 30b passage with gerooth. As noted above (f. n. 1), the stereotypical formula for referring to the seeker after conversion is ‘a ger who comes’ not a ‘non-Jew’. Hence, unless one has Rashi’s variant, one is going to be extremely circumspect about applying a ‘non-Jew’ or ‘gentile’ text to a ger. Commentators have suggested that this may be why Rambam codifies the all-or-nothing dictum of Bekh. 30b only in respect of ger toshav (Issure Bi’ah 14:8) but not in respect of a ger sedeq. Tur and Shulhan Arukh, that omit ger toshav laws, also omit all reference to Bekh. 30b. Incidentally, it is quite curious that a self-declared devotee of Shulhan Arukh such as our author should brandish a text Shulhan Arukh evidently considered extraneous to gerooth.

[91] If not for Rashi, one might have surmized that Hillel disagreed with the ger proviso of Bekh. 30b or considered it analogous to its companion provisos that deal with the priest, haber etc. Haberuth - whose central praxis was treating quotidian meals as if they were consecrated - owed nothing to Torah, written or oral. Of non-sacrificial meals Sifre has this to say: “‘The clean [person] shall eat it together with the unclean’ [Dt 12:22] Scripture is telling you that both eat of the same dish.” As for priests being catechized, this too has no support elsewhere. The oath that was administered to the high priest on the eve of Kippoor (M. Yom. 1:5) assured conformity to right practice. However, as far as commitment was concerned, the Sadducean priests, even while desisting from acting upon their errors, persisted in them as the gemara apprises us (Yom. 19b). Moreover, even priests that had worshipped at idolatrous shrines, once they repented of their apostacy were not denied their sacred emoluments (M. Men. 13:10). In short, it is far from self-evident that the Bekh. 30b baraitha represents the concensus.

[92] Or: ‘Shammai the stickler’.

[93] Or: ‘Hillel the meek’.

[94] Another version has one of Shammai’s rejects confiding to Hillel after the latter had converted him: ‘If you Hillel were like Shammai I would never have entered the congregation of Israel’ (Aboth de R. Nathan A, 15).