YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH PROJECT (VBM)

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**Laws of Conversion and Circumcision**

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**Shiur #04: The Role of Motive in Conversion (1)**

**Introduction**

The Torah appears to relate to the *ger tzedek*, a non-Jew who left his or her family and home and decided to join the Jewish People, just as Ruth left her land and people and pleaded with her mother-in-law, Naomi: “Your people will be my people and your God my God" (*Ruth* 1:16-17).

The Talmud, however, grapples with the conversion of those with other motives, such as personal benefit or even coercion. As we discussed last week, we can attribute the ambivalence expressed by certain Talmudic passages to this phenomenon.

This week, we will discuss whether the convert’s motivations impact upon the *beit din*’s decision to perform a conversion and whether these motivations may even undermine the validity of the conversion.

**Not “For the Sake of Heaven”**

The Talmud (*Yevamot* 24b) cites a debate regarding the validity of a conversion performed for “impure” motivations:

Both a man who converted for the sake of a woman and a woman who converted for the sake of a man, and similarly one who converted for the sake of the king’s table, [i.e. so that he could serve in a prestigious capacity] or for the sake of Solomon’s servants [who were also considered prestigious] – in all of these cases, they are not converts; this is the statement of R. Nechemia. As R. Nechemia would say: With regard to converts by lions [i.e. forced converts, such as the Samaritans (*Kutim*) described in *Melakhim II* 17:24–25], and converts who convert based on their dreams, and converts of the time of Mordechai and Esther [described in the verse, “And many from among the peoples of the land became Jews; for the fear of the Jews was fallen upon them”; *Esther* 8:17] – all of these are not converts until they are converted at this present time.

R. Nechemia maintains that conversions performed for personal benefit, as well as those that were coerced, are invalid.

This view appears in *Masekhet Gerim* (1:4) as well:

Anyone who converts on account of a woman, on account of love, or on account of fear is not a convert. And likewise, R. Yehuda and R. Nechemia used to say: Anyone who was converted during the days of Mordechai and Esther are not converts, as it is said, “And many from among the peoples of the land became Jews; for the fear of the Jews was fallen upon them” (*Esther* 8:17). And anyone who does not convert for the sake of Heaven is not considered a convert.

According to these passages, only one who converts “for the sake of Heaven” is to be considered Jewish. The *gemara* concludes, however, that “the *halakha* is in accordance with the statement of the one who says that they are all converts.”

How are we to understand the debate between R. Nechemia and the Rabbis? R. Nechemia may believe that the motivation for conversion is central to the conversion itself; only one who converts “for the sake of Heaven” is Jewish. The Rabbis, however, believe that as long as one intends to join the Jewish People and accept upon himself the Torah’s commandments, the convert’s primary motivation does not disqualify the conversion.

Alternatively, R. Nechemia and the Rabbis may disagree as to whether the convert’s motivation may affect how we view his intention to accept upon himself the yoke of the Torah. Indeed, the *Achiezer* (3:26:2) explains:

According to R. Nechemia, *geirut* is dissimilar to other legal acts, as the *kabbalat ha-mitzvot* itself and the conversion is in one’s heart, and as long as he converts without a full heart, he is not considered to be a convert.

The Ritva (*Yevamot* 24b, s.v. *halakha*) also appears to accept this understanding of R. Nechemia’s view. The Rabbis, in contrast to R. Nechemia, understand that one’s primary motivation for converting does not necessarily impact upon his ability to accept upon himself to fulfill the *mitzvot*.

The Talmud does not explicitly discuss whether it is prohibited to convert one whose motivations are not “for the sake of Heaven.” On the one hand, one might infer from the passage cited above, “the *halakha* is in accordance which the statement of the one who says that they are all converts,” that only after the fact, *be-di’avad*, are these conversions recognized. Similarly, the *gemara* (ibid.) teaches that “converts are not accepted in the days of the Messiah; likewise, they did not accept converts in the days of King David or in the days of King Solomon.” This passage implies that a *beit din* should not accept those converting for personal gain. On the other hand, the Talmud relates how Hillel converted a non-Jew who wished to become the *Kohen Gadol* (*Shabbat* 31a), and R. Chiya converted a non-Jew for the sake of marriage (*Menachot* 44a).

R. Eliezer ben Natan, known as the Ra’avan (*Yevamot* ch. 2), writes that “although one who converts for the sake of marriage is considered to be a convert … preferably (*le-khatchila*) they [*beit din*] should not accept him.” Tosafot (*Yevamot* 44a) explains that Hillel and R. Chiya agreed to convert those who had other motives because “[they] were certain that in the end his intention was for the sake of Heaven.”

For this reason, the Rambam (*Hilkhot Issurei Bi’ah* 13:14) writes:

The proper way of performing the *mitzva* is when a male or a female prospective convert comes, we inspect his motives for conversion. Perhaps he is coming for the sake of financial gain, in order to receive a position of authority, or he desires to enter our faith because of fear. For a man, we check whether he focused his attention on a Jewish woman. For a woman, we check whether she focused her attention on a Jewish youth. If we find no ulterior motive, we inform them of the heaviness of the yoke of the Torah and the difficulty the common people have in observing it, so that they will abandon [their desire]. If they accept [this introduction] and do not abandon their resolve, and thus we see that they are motivated by love, we accept them, as [indicated by *Ruth* 1:18]: "And she saw that she was exerting herself to continue with her and she ceased speaking with her."

The Rambam rules that it is the *beit din*’s responsibility to investigate it convert’s motives.

Although the *Rishonim* appear to agree the preferably a *beit din* should not convert someone whose motives are not “for the sake of Heaven,” the *Beit Yosef* (YD 268) writes that “this is dependent upon the perception of (*re’ut einei*) the *beit din*.”

**The Impact of the Convert’s Motivation upon the Validity of the Conversion**

As noted above, **t**he *gemara* clearly states that conversion performs “not for the sake of Heaven” are still valid. We explained that this opinion apparently holds that even one whose primary motivation to convert is “not for the sake of Heaven” may wholeheartedly desire to be Jewish and fulfill the *mitzvot*. However, the *Rishonim* still question whether, for example, a conversion performed for the sake of marriage is always valid.

There is much discussion regarding the Rambam’s position. Regarding those who convert for personal gain, he writes (ibid. 15):

For this reason, the court did not accept converts throughout the reign of David and Shlomo. In David's time, [they feared] that they sought to convert because of fear and in Shlomo’s time, [they feared] that they were motivated by the sovereignty, prosperity, and eminence which Israel enjoyed. [They refrained from accepting such converts, because] a gentile who seeks to convert because of the vanities of this [material] world is not a righteous convert (*ger tzedek*).

Nevertheless, there were many people who converted in the presence of ordinary people during the era of David and Shlomo. The *Sanhedrin* would view them with skepticism. Since they immersed themselves, they would not reject them, but they would not draw them close until they saw what the outcome would be.

The Rambam distinguishes between a “*ger tzedek*,” i.e., one who converts for the sake of Heaven, and those who convert for other reasons.

In addition, the Rambam writes that regarding those who convert for other reasons, “the *Sanhedrin* would view them with skepticism. Since they immersed themselves, they would not reject them, but they would not draw them close until they saw what the outcome would be.” What is the significance of not “draw[ing] them close until they saw what the outcome would be”?

Similarly, the Rambam (ibid. 17) describes a case in which a *beit din* did not carefully investigate the convert’s motives:

When a court did not check a [potential] convert’s background and did not inform him of the *mitzvot* and the punishment for [the failure to observe] the *mitzvot*, and he circumcised himself and immersed in the presence of three ordinary people, he is a convert. Even if it is discovered that he converted for an ulterior motive, since he circumcised himself and converted, he has departed from the category of gentiles and we view him with skepticism until his righteousness is revealed.

Even if afterwards, he [the convert] worships false deities, he is like an apostate Jew. If he betroths [a woman], the betrothal is valid, and it is a *mitzva* to return his lost object. For since he immersed himself, he became a Jew. For this reason, Shimshon and Shlomo maintained their wives even though their inner feelings were revealed.

Here too the Rambam writes that “we view him with skepticism until his righteousness is revealed.”

This question is especially significant because the *Shulchan Arukh* (YD 268:12) cites this Rambam.

Some suggest that according to the Rambam one who converts for motives other than “for the sake of Heaven” may be considered to be a “*safek ger*” – i.e. we are unsure whether the conversion is valid. For example, R. Chaim Ozer Grodzinski (1863 – 1940), in his *Achiezer* (3:26:3), distinguishes between a “true *ger*” and a “legal *ger*.” He maintains that while indeed the *halakha* is in accordance with those who say that those who convert for other reasons are considered to be converts, that is because there is a “*chazaka*” (a presumption) that they wholeheartedly accepted upon themselves the *mitzvot*. However, if he did not sincerely accept upon himself the *mitzvot*, then he the conversion is invalid. Therefore, R. Grodzinski suggests, the Rambam writes that when a convert’s motives were not examined, his conversion is viewed as a “*safek ger*” until his “righteousness is revealed.” R. Moshe Feinstein (*Iggerot* *Moshe*, YD 3:106) accepts this interpretation as well.

This understanding appears to contradict the words of the Rambam himself, who writes that “he has departed from the category of gentiles.” Furthermore, if these converts are not to be considered Jewish until “[their] righteousness is revealed,” then Shimshon and Shlomo Ha-Melekh still remained married to non-Jewish wives. As we shall see below, R. Yitzchak Ha-Levi Herzog (*Heikhal Yitzchak*, EH 1:20) rejects this understanding.

Others suggest that this conversion may be conditional, dependent upon the convert’s future behavior. Indeed, the *Hagahot Mordekhai* (*Yevamot* 110) maintains that the *halakha*, which states that “all agree with the statement on the one who says that they are all converts,” applies only afterwards, “when we see that their behavior is consistent [with the Torah], even if they initially converted for the sake of marriage.”

However, most *Acharonim* (*Da’at* *Kohen* 153; R. Herzog ibid.) maintain that even according to the Rambam, the conversion is not conditional or viewed as a doubt; rather, the convert is completely Jewish upon completing the conversion process. The Rambam maintains that until this convert whose motives were not properly investigated proves his intention to fulfill the *mitzvot*, he should be monitored and not brought closer to the Jewish community.

It is both interesting and important to note that the Rambam himself, in a well-known responsum (Blau, 211), instructs a *beit din* to perform a conversion for one whose motives are not “for the sake of Heaven.” Regarding a man who was suspected to have had relations with his *shifcha kena’anit* (Canaanite maidservant), the Rambam writes:

As we have already rules numerous times, he should release her and then marry her, and we do this in order to motivate him to repent (*takanat ha-shavim*), as “it is better to eat [prohibited] sauce, and not the fat itself.” And we rely upon the rabbis, who said, “It is time for the Lord to act, for your law has been broken” (*Tehillim* 119:126).

The Rambam clearly permits conversion, in certain circumstances, for the sake of marriage. We will return to this responsum next week, when we will discuss the attitude of halakhic authorities towards conversion for the sake of marriage during recent centuries.