YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Laws of Conversion and Circumcision (3)**

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In memory of Amos Dubrawsky (Amos ben Chagai HaLevi and Nechama Pearl) zt"l -
brother, son and friend. May his neshama have an aliyah.

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***Kabbalat Mitzvot* (1)**

In previous *shiurim*, we noted that the Talmud (*Keritut* 9a) states that a convert must join the Jewish People in the same manner as our ancestors did:

R. Yehuda Ha-Nasi says: “As you are, so shall the stranger be” (*Bamidbar* 15:15), which means as your ancestors were: Just as your ancestors entered the covenant only through circumcision and immersion in a ritual bath and the sprinkling of blood on the altar, so too they may enter the covenant only through circumcision and immersion and the sprinkling of some blood, which requires at least a bird-offering.

R. Yehuda Ha-Nasi asserts that that there are three parts of the conversion process: circumcision (for males), *tevila* (immersion in a *mikveh*), and, during the time of the *Beit Ha-Mikdash*, a bird-offering, accompanied by sprinkling of its blood.

While this passage describes the actions that the convert must perform (i.e., circumcision and immersion), it makes no mention of the convert's commitment to observe the *mitzvot*. Elsewhere, however, as we shall see, the *gemara* describes that the *beit din* informs the convert of some of the *mitzvot* (*hoda'at mitzvot*) and that the convert "accepts" the *mitzvot* (*kabbalat mitzvot*). The role this phase of the conversion process is subject to great debate, and even controversy.

This week we will begin our study of one of the most contentious aspects of conversion, which possibly bears the most practical ramifications: *kabbalat mitzvot*. We will first examine the place and necessity of *kabbalat mitzvot* in the process of conversion, and then we will attempt to define *kabbalat mitzvot* – what does it include and to what extent is the convert expected to commit to the complete observance of the *mitzvot*.

**Informing the Convert of the *Mitzvot* – *Hoda'at Mitzvot***

 The Talmud (*Yevamot* 47a) describes the interaction between the *beit din* and the convert:

The Sages taught: With regard to a potential convert who comes [to a court] in order to convert, at the present time [when the Jews are in exile], the judges of the court say to him: What did you see that motivated you to come to convert? Don't you know that the Jewish People, at the present time, are anguished, suppressed, despised, and harassed, and hardships are frequently visited upon them? If he says: I know, and although I am unworthy [of joining the Jewish People and sharing in their sorrow, I nevertheless desire to do so, then the court] accepts him immediately [to begin the conversion process].

And the judges of the court inform him of some of the lenient *mitzvot* and some of the stringent *mitzvot*, and they inform him of the sin [of neglecting the *mitzva* to allow the poor to take] gleanings, forgotten sheaves, and produce in the corner of one’s field, and about the poor man's tithe. And they inform him of the punishment for transgressing the *mitzvot*, as follows: They say to him: Be aware that before you came to this status, had you eaten forbidden fat, you would not be punished by *karet*, and had you profaned the Shabbat, you would not be punished by stoning [since these prohibitions do not apply to gentiles]. But now, once converted, if you have eaten forbidden fat you are punished by *karet*, and if you have profaned Shabbat, you are punished by stoning. And just as they inform him about the punishment for transgressing the *mitzvot*, so too, they inform him about the reward granted for fulfilling them. They say to him: Be aware that the World-to-Come is made only for the righteous, [and if you observe the *mitzvot* you will merit it,] and be aware that the Jewish People, at the present time, are unable to receive their full reward in this world; they are not able to receive either an abundance of good nor an abundance of calamities [since the primary place for reward and punishment is in the World-to-Come]. And they do not overwhelm him with threats, and they are not exacting with him [about the details of the *mitzvot*].

This passage describes the initial discussion between the *beit din* and the convert, during which they discourage the convert and attempt to investigate his motives. After ascertaining that he is truly interested in pursuing the conversion, the judges "inform him of some the lenient *mitzvot* and some of the stringent *mitzvot*." They also mention the reward for fulfilling the *mitzvot* and the punishment for violating them (*sechar ve-onesh*). The *gemara* teaches that this process is repeated before the convert immerses in the *mikveh*. This process is known as *hoda'at mitzvot*.

 Regarding the *hoda'at mitzvot*, the *gemara* states:

What is the reason to say this to him? It is so that if he is going to withdraw from the conversion process, let him withdraw already at this stage. He should not be convinced to continue, as R. Chelbo said: Converts are as harmful to the Jewish people as a leprous scab (*sappachat*) on the skin, as it is written: "And the convert shall join himself with them, and they shall cleave (*ve-nispechu*) to the house of Yaakov” (*Yeshayahu* 14:1). [This alludes to the fact that the cleaving of the convert to the Jewish people is like a scab.]

The *gemara* teaches that the judges inform the convert of the *mitzvot* in order to offer him an opportunity to withdraw from the process of conversion. The Rambam (*Hilkhot Issurei Bi'ah* 13:14) takes this a step further and explains, "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]." In other words, the Rambam believes that *hoda'at mitzvot* is part of the *beit din*'s effort to discourage the non-Jew from converting. (See also *Meiri*, *Yevamot* 47b.)

Furthermore, the *Semag* (*Mitzvot Lo Ta'aseh* 116) explains that the judges inform the convert of the *mitzvot* "in order that he will not later say: Had I known [about these *mitzvot*] I would not have converted."

 The *Rishonim* question whether the *hoda'at mitzvot* is an integral part of the conversion process and whether the conversion is valid without it. They note that the *mishna* (*Shabbat* 68a) teaches:

One who forgets the essence of Shabbat [i.e., one who is entirely ignorant of the *mitzva* of Shabbat according to Torah law] and performed numerous prohibited labors on multiple *Shabbatot* is liable to bring only one sin-offering [for all those labors, when he becomes aware that those actions were prohibited].

The Talmud, troubled by the notion that there is a Jewish person completely unaware of the Shabbat, explains:

Rav and Shmuel both said: Our *mishna* is referring to both a child who was taken captive among the gentiles and never educated **and a convert who converted among the gentiles** [and never learned the lawsof Shabbat].

The *gemara* asserts that this person is a convert who had never been taught the laws of Shabbat.

 Tosafot (s.v. *ger*) explains that the person converted in front of a *beit din* that did not inform him of the laws of Shabbat. The Ramban (s.v. *ger*) offers a different explanation: "[The *beit din*] erred and did not inform him of any of the *mitzvot*." Similarly, the *Ritva* (*Ketubot* 11a, s.v. *amar*; see also *Yevamot* 47a; *Nemukei Yosef*, *Yevamot* 16a, s.v. *tanu Rabbanan*) explains that while "ordinarily they must inform him of the lenient and stringent [*mitzvot*], that is a *mitzva*, but its absence does not disqualify [the conversion]." The Rambam (*Hilkhot Issurei Bi'ah* 13:17; see also *Maggid Mishnah*) and *Shulchan Arukh,* YD 268:12) rule accordingly.

**The Acceptance of the *Mitzvot – Kabbalat Mitzvot***

 The Talmud implies that in addition to informing the convert of the *mitzvot*, the convert "accepts" the *mitzvot*. For example, the *gemara* teaches that the only after "he accepts" is the [male] convert circumcised and then immersed. Similarly, commenting on the *beraita*'s assertion that the process described above applies both for a convert and from an emancipated slave, the *gemara* explains that this refers to "accepting upon oneself the yoke of *mitzvot* (*le-kabel alav ol mitzvot*)." In addition, the Talmud (*Bekhorot* 30b) cites the Tosefta (*Demai* 2:4), which teaches:

The Sages taught…Likewise, in the case of a gentile who comes to convert and takes upon himself to accept the words of Torah except for one matter, he is not accepted as a convert. R. Yosei son of R. Yehuda says: Even if he refuses to accept one detail of rabbinic law, he is not accepted.

Here too, leaving aside for now the scope of this statement, the Talmud describes the convert as accepting upon himself the *mitzvot* of the Torah.

 Is the convert expected to accept upon himself the *mitzvot*? What does that acceptance entail, and what if *beit din* omits this part of the conversion process? I will present three possible understandings of the notion of *kabbalat* *mitzvot*, which will guide us throughout our study of this topic.

 1) *Kabbalat mitzvot* is legal/procedural, i.e., part of the *beit din*'s interrogation of the conversion candidate, and possibly even a condition of accepting a convert. The *beit din*'s ability to accept a convert depends on the candidate's willingness to accept upon himself the *mitzvot* of the Torah. (See, for example, *Beit Meir* 12.)

 2) *Kabbalat mitzvot* is a ritual, and possibly a central component of conversion or one of three central components of conversion (i.e., *mila*, *tevila*, and *kabbalat mitzvot*).

 3) *Kabbalat mitzvot* is much more than a condition or component of the conversion process. Rather, accepting upon oneself the yoke of Torah observance is the definition, the essence of conversion. (See, for example, *Taz*, YD 268:9.)

 There are numerous important and practical differences between these understandings, including which parts of the conversion process must be performed in the presence of a *beit din*, whether a conversion is valid without an act of *kabbalat mitzvot*, understanding the absence of *kabbalat mitzvot* in the conversion of a minor, and the depth and extent of the convert's declaration and commitment. We will relate to these questions below.

 Regarding which parts of the conversion process must be performed in front of a *beit din*, in a previous *shiur* we noted that the Talmud (*Yevamot* 46b) clearly requires that a conversion be performed in the presence of three *dayanim*. However, the *gemara* does not specify which segment of the conversion process requires a *beit din*. This question may be central to understanding the role of a *beit din le-giyur* in the conversion process, as well as the nature of each of the individual components of the conversion process. We are currently interested in the role of *kabbalat mitzvot*.

 Some *Rishonim* (*Tosofot*, *Yevamot* 45b, s.v. *mi lo*; see also *Kiddushin* 62b s.v. *ger*) rule that only the *kabbalat mitzvot* must be performed in the presence of a *beit din*. Although the *tevila* should also preferably be in front of three *dayanim*, *be-di'avad*, the conversion is valid even if the convert immersed alone. The Rosh (*Yevamot* 4:31) and Ran (*Kiddusin* 26a) concur. Similarly, the Ramban (*Yevamot* 45b, s.v. *mi lo tavla*) explains that while *kabbalat mitzvot* must be performed in the presence of a *beit din*, if the convert then immerses alone, he is considered to be Jewish, but he may only marry a Jewish spouse if he immerses again in the presence of a *beit din*. The Ramban attributes this view to the Rif.

 Numerous *Acharonim* suggest that these *Rishonim* view *kabbalat mitzvot* as a distinct – and possibly central – ritual/act of the conversion process, which must therefore be performed in the presence of a *beit din*. As we shall see, the Rambam, *Shulchan Arukh*, and other *Acharonim* may subscribe to a different understanding of *kabbalat mitzvot*.

**The Rambam's Understanding of *Kabbalat Mitzvot***

 The Rambam (*Hilkhot Issurei Bi'ah* 13:14) describes the "proper way" for accepting converts:

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."

In the next chapter, the Rambam (ibid. 14:1-4) discusses the details of accepting a convert from a more practical perspective. Paraphrasing the Talmudic passages cited previously, he describes the investigation of the convert's background and motivation and how the judges inform the convert of the fundamentals of faith, of some of the *mitzvot* without elaborating, and of the punishment and reward reserved for the for those who violate and fulfill the *mitzvot*.

If he [the prospective convert] retracts and does not want to accept [the *mitzvot*], he goes on his way. If he accepts [their observance], we do not have him wait, but instead circumcise him immediately. If he was circumcised, we draw the blood of circumcision from him. We wait until he heals entirely and then immerse him. Three [judges] stand over him and inform him about some of the easy *mitzvot* and some of the more severe ones a second time while he stands in the water. If the convert is female, women position her in the water until her neck while the judges are outside. They inform her about some of the easy *mitzvot* and some of the more severe ones while she is sitting in the water. Then she immerses herself in their presence. Afterwards, they turn their faces away and depart so that they will not see her when she ascends from the water.

In this context, the Rambam describes that the *beit din* informs of the convert of the *mitzvot* before the immersion in the *mikveh*, after which he "accepts," and that they do so once again while the convert is in the water.

 In addition, the Rambam repeatedly describes the conversion process as entailing the acceptance of the *mitzvot*. For example, he writes: "[Non-Jews] may either become righteous converts and accept all the *mitzvot* or retain their statutes without adding or detracting from them" (*Hilkhot Melakhim* 10:9). Similarly, he describes that "whenever any of the gentiles convert and accept all of the *mitzvot* in the Torah" (*Hilkhot Issurei Bi'ah* 12:17), and what takes place "when a gentile desires to enter into the covenant, take shelter under the wings of the Divine presence, and accept the yoke of the Torah" (ibid. 13:4).

 Although the *hoda'at mitzvot* and the convert's acceptance of the *mitzvot* appear to be central to the conversion process, elsewhere (ibid. 13:17) the Rambam writes:

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] consecrates [a woman,] the consecration 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 feelingswere revealed

The Rambam rules explicitly that if the *beit din* "did not inform him of the *mitzvot*," the conversion is still valid.

 This ruling has spurred much discussion among the *Acharonim*. Although the Rambam repeatedly mentions the acceptance of the Torah and the *mitzvot*, his description of the conversion process implies that the actual "acceptance" relates to that which he was informed by the *beit din*. If, as the Rambam describes, the *beit din* does not inform the convert of the *mitzvot*, then there appears to be no acceptance of the *mitzvot* as well!

 There appear to be three different interpretations of the Rambam: Some believe that the Rambam does not require *kabbalat mitzvot*; others assume that while *hoda'a't mitzvot* may be omitted, *kabbalat mitzvot*, in some form, is an integral part of the conversion process; still others explain that *kabbalat mitzvot* is not merely a part of the conversion process, but rather defines the entire process.

 R. Yoel Sirkis (Bach 268, s.v. *u-le'inyan*), as understood by numerous *Acharonim* (see, for example, *Chemdat Shlomo* 29), implies that according to the Rambam, *kabbalat mitzvot* is not required. The Bach appears to maintain that *kabbalat mitzvot* is legal/procedural, i.e., part of the *beit din*'s interaction with the convert, but not one of the "acts" of *giyur*. As long as the *beit din* decides to accept the convert, the formality at *hoda'at* and *kabbalat mitzvot* is unnecessary.

 R. Shlomo Zalman Lipshitz (1765-1839), in his *Chemdat Shlomo* (YD 29, 30), offers a novel interpretation of the Rambam. He suggests that *hoda'at mitzvat* and *kabbalat mitzvot* are two separate entities. Informing the convert of the *mitzvot* is not an integral part of the conversion process; therefore, as the Rambam writes, "[if] a court did not check a [potential] convert's background and did not inform him of the *mitzvot*…he is a convert." However, *kabbalat mitzvot* is "the essence of conversion, entering into the Jewish religion." He notes that usually the *kabbalat mitzvot* is attached to the *hoda'at mitzvot* or, alternatively, is included in the immersion in the *mikveh* for the sake of conversion. However, the *Chemdat Shlomo* emphasizes, in contrast to the Bach's interpretation, he believes that *kabbalat mitzvot* is central of the conversion process.

 It is important to add that R. Lipshitz maintains that although *kabbalat mitzvot* is a separate, necessary component of conversion, it need not be articulated in words. He writes that at times, "it is included in the immersion of the convert, as since he immerses with the intention of becoming a convert and entering the Jewish religion, this is automatically considered to be a *kabbalat mitzvot*" (*Chemdat Shlomo* 29:22).

 R. Lipshitz sent this responsum to R. Meir Pozner, who, in his *Beit Meir* (12) rejected his thesis. R. Pozner insists that the *mila* and the *tevila*, "acts of sanctity [performed by] his body," affect the conversion. The *kabbalat mitzvot*, on the other hand, as mentioned above, is what convinces the *beit din* that the candidate is worthy to convert.

 On the other hand, a host of *Acharonim* reject the *Chemdat Shlomo's* explanation and maintain that according to the Rambam, if there is no *hoda'at mitzvot*, then by definition, there is no *kabbalat mitzvot*. However, they maintain that the very process of conversion, by definition, entails becoming part of the Jewish People and therefore becoming obligated in the *mitzvot*.

 For example, R. Joseph B. Soloveitchik writes (*Kol Dodi Dofek,* footnote 22):

I once heard from my father and master [R. Moshe Soloveitchik], of blessed memory, that Maimonides does not mean to say that a person who converted with the intention of not observing the commandments is deemed a valid convert. Such a notion would subvert the entire concept of conversion and the holiness of Israel, which exhausts itself in our obligation to fulfill God’s commandments. Maimonides’ opinion is that **the acceptance of the commandments, unlike immersion, is not a distinct act in the process of conversion that would require the presence of a court. Rather, it is an overriding characteristic theme in the conversion process that is predicated upon the acceptance of the responsibility for observing the *mitzvot*.** Therefore, if we know that the convert, at the time of immersion, is willing to accept the yoke of the commandments, the immersion effects conversion even though there was no special act of informing the convert about the commandments and his consenting to fulfill them, since the convert intends to live the sacred life of an observant Jew.

Other *Acharonim* offer similar explanations. For example, R. Avraham Erlang, in his *Birkat Avraham* (*Ketubot* 11a), explains:

*Kabbalat mitzvot* is not an independent component (of conversion), i.e., it is not the primary act of conversion, and it is not the act that causes the conversion. Rather… [the *beit din*] informs him of the *mitzvot* in order that he should know that part of the conversion, which he is about to accept upon himself, i.e., the identity and status of Israel, is the obligation of *mitzvot*, as through the conversion he becomes obligated in all aspects of a Jewish person… Therefore, it seems that if one converts and did not know about the *mtizvot*, this does not reflect something missing in the conversion…Rather, once he accepts upon himself the conversion, that automatically includes the *mitzvot*.

The *Birkat Avraham* insists that according to the Rambam, accepting the *mitzvot* is not a condition or the essence of the conversion. Rather, it is an inevitable byproduct of joining the Jewish People.

 In what way is joining the Jewish People related to the commandments? R. Tzadok Ha-Kohen of Lublin (*Tzidkat Ha-Tzadik* 54) explains the verse: "This one shall say, 'I am the Lord's,' and this one shall call himself by the name of Yaakov, and this one shall write [with] his hand, 'To the Lord,' and adopt the name Yisrael" (*Yeshayahu* 44:5) as follows:

That he should have this attribute, i.e., that he is named Yisrael, that is sufficient. And we find…a convert who converted among the gentiles, who brings a sin offering for [eating] prohibited fats, blood, for violating the Sabbath, and for worshipping *avoda zara*, and [the *gemara* says that] he was unaware that they are prohibited… And how is he considered to be a convert? In that he is called by the name Yisrael, and that is sufficient.

In other words, through the process of conversion (i.e., *mila* and *tevila*), he leaves behind his previous nation and joins the Jewish People.

 R. Asher Weiss (*Minchat Asher*, *Shabbat* 34) articulates this idea slightly differently. He asserts that there are two types of *kabbalat mitzvot*. The first is the foundation of any conversion – his desire to cling to God and to join the Jewish People. The second type of *kabbalat mitzvot* is the acceptance of the commandments, which is included in the two components of conversion, the *mila* and the *tevila*.

 R. Weiss suggests that these two acceptances are explicit in the Talmud. Recall that the *gemara* (*Yevamot* 47a) relates that the *beit din* first informs the convert of the *mitzvot*, which he accepts. Then, while the convert is immersed in the waters of the *mikveh*, he is once again informed of the *mitzvot*. R. Weiss suggests that the first acceptance relates to the conversion itself, which is, of course, absolutely necessary. The second acceptance, however, relates to the particulars of the *mitzvot* and is not strictly necessary. Similarly, the Rambam describes how "the gentile desires to enter into the covenant, take shelter under the wings of the Divine presence, and accept the yoke of the Torah." This is necessary. However, later, the Rambam rules that if the convert was not informed of the details of the *mitzvot*, his conversion is acceptable; since that is not inherent to the conversion process, it may be omitted.

 Next week, we will discuss the *Shulchan Arukh*’s understanding of *kabbalat mitzvot*, and then we will attempt to summarize the different understandings of the definition and scope of the *kabbalat mitzvot* discussed by the *Acharonim*.