

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

220 - CONVERSION - PART 2 - JEWS, NON-JEWS AND THE HALACHIC FRAMEWORK OF GERUT OU ISRAEL CENTER - SUMMER 2021

- In Part 1 last week we started a discussion on the hashkafic underpinnings of conversion and whether Judaism looks positively or negatively at the inclusion of converts in our religion.
- In this shiur we will look in more depth at the halachic foundations of conversion, with a view of being able in the next shiur to open up some of the recent controversial issues, especially in Israel.
- But before we look into the halachic structure, there is one more critical hashkafic question to ask - what exactly is the difference between Jews and non-Jews and how 'Jewish' is the convert?

A] WHAT IS A JEW?

- One of the most fundamental questions to be addressed in any discussion of conversion is 'how does it work'? In the case of a religion, such as Christianity, which is purely based on belief and dogma, a person can simply switch from one belief system to another. But since Judaism is not simply a religion, but entails being part of a family with common ancestors and a shared communal history, how can a non-Jew truly turn into a Jew?

1. Is conversion at all possible? This may sound like a rhetorical question since the answer is in the affirmative. Yet, this question goes to the very core of the institution of conversion, and as long as we do not deal with it, all deliberations concerning this matter are more or less meaningless. The reason for this is obvious: *Logically speaking, conversion to Judaism should not be possible.* Just as it is impossible for a Jew whose father is not a kohen (priest) to become a kohen, similarly, it should be out of the question for a Gentile to become a Jew. Either one is born into a family of kohanim, or one is not. Presumably, then, either one is born a Jew, or one is not. God chose the Avot and their descendants as His people, and it is only they who can claim to be Jews. It would follow, then, that one is either part of this nation, or one is not.
Yet, conversion to Judaism is possible! How? It is the philosopher, Michael Wyschogrod (1928–2015) who, in his book *The Body of Faith*, gives an authoritative answer to this question: *By means of a miracle.* A Gentile who converts to Judaism miraculously becomes part of the people of Israel. Unlike with Christianity, this does not just mean that the Gentile now shares the beliefs of Judaism, but rather that he or she literally becomes the seed of the Avot and Imahot. For this to happen, a quasi-biological miracle is required. The Gentile needs to be reborn as a direct descendant of Avraham and Sara. This is accomplished by immersion in a mikva, clearly symbolizing the mother's womb through which one is born. The proof for this far-reaching conclusion is the fact that, according to the Torah, a convert is technically allowed to marry his or her own mother, father, brother, or sister. This may sound immoral, but for the profound, reflective thinker it is most telling and meaningful. The Torah views a convert as a completely new human being, recently (re)born with no biological attachments except to Avraham and Sara. This speaks volumes.

R. Nathan Lopes Cardozo, Conversion is not about Halacha, The Times of Israel, Mar 18 2021

2. רבי יוסי אומר: גר שנתגייר כקטן שנוולד דמי

יבמות מה.

The halacha regards a convert as equivalent to a new-born child - an entirely new creation.

3. דין תורה שמותר לגר שישא אמו, או אחותו מאמו, שנתגיירו. אבל חכמים אסרו דבר זה, כדי שלא יאמרו: באנו מקדושה חמורה לקדושה קלה

שולחן ערוך יורה דעה סימן רסט סעיף א

This results in a total severing of the halachic familial relationship between a convert and their former non-Jewish family. Even though they are genetically related, if the convert's parents or siblings also converted, they could in theory all marry according to Torah law! However, the Rabbis however introduced a prohibition on such marriages on the grounds that it gives entirely the wrong impression. Conversion to Judaism is intended to raise the level of moral sensitivity, not lower it!

- There is a disagreement between authorities¹ as to whether a convert is prohibited to marry ALL relatives who would normally be prohibited to a Jew (ie on both the father's and the mother's side) or only those who were previously prohibited to them as a non-Jews (ie primarily on the mother's side)². Many authorities are also strict concerning any marriages which would be prohibited in local non-Jewish society.³
- If a man and woman were married as non-Jews and then convert, they must remarry as Jews⁴.
- If a Jew was previously in a relationship with a non-Jew who subsequently converts, there is significant halachic debate as to whether they may, or should, marry⁵.
- Where an entire family converts together, although there is strictly speaking no halachic relationships between the parents and the children, many (but not all) poskim are lenient on issues of *Yichud* and *Shemirat Negia*, since they have always been related to each other as immediate family.
- There is a halachic debate as to the mitzva of *kibbud av v'em* for non-Jewish biological parents (who do not convert) or Jewish biological (but non-halachic) parents who do convert. In the case of Jewish converted parents, most poskim require similar obligations to those of a standard parent/child situation. In the case of non-Jewish parents⁶, continued respect and care are also required, as long as this will not negatively influence the convert's Jewish children.
- People who were biological siblings as non-Jews will no longer be related as Jews. Although they may not marry (see above) there will be implications for other areas of halacha, such as witness testimony and inheritance.

A1] JEW & NON-JEWS - AN ISSUE OF 'HARDWARE' OR 'SOFTWARE'?

- Do Jewish sources regard Jews and non-Jews as different in their spiritual essence? Are their souls⁸, as it were, 'wired differently' from before birth? If so, how can this be switched as part of the conversion process?
- Or are Jews and non-Jews essentially the same spiritually, as they are essentially the same physically? If so, is conversion a kind of 'software upgrade' to from Torah 7 to Torah 613.

4. הוא [ר' עקיבה] היה אומר: חביב אדם שנברא בצלם. חבה יתרה נודעת לו שנברא בצלם שנאמר (בראשית ט) כי בצלם אלהים עשה את האדם. חביבין ישראל שנקראו בניו למקום. חבה יתרה נודעת להם שנקראו בניו למקום שנאמר (דברים יד) בניו אתם לה' אלהיכם....

משנה אבות ג"ד

The Mishna appears to understand that all humans are created as a 'tzelem Elokim'. Jews have a separate advantage in being the 'children' of God, with a special relationship that draws them close to Him⁹.

5. אַתָּן צִאֲנֵי צִאֲן מְרַעֲיֵי אָדָם אַתָּם אֲנִי אֱלֹהִים נֶאֱמַר אֲדַנְי הִי.

יחזקאל לד:לא

6. רשב"י אומר קברי עובדי כוכבים אינן מטמאין באהל. שנא': (יחזקאל לד) אַתָּן צִאֲנֵי צִאֲן מְרַעֲיֵי אָדָם אַתָּם. אתם קרויין אדם ואין העובדי כוכבים קרויין אדם.

יבמות סא.

On the other hand, there are other voices in Chazal, which see Jews and non-Jews as fundamentally different. Only Jews are truly called 'Adam' in the complete sense.

- Some commentaries seek to harmonize these sources.¹⁰ In other cases we see a clear difference in approach - classically between the Rambam on the one hand, and the more mystical thinkers, including the Kuzari, on the other.

1. An important resource in English on the practical halachot of a convert following conversion is *A Concise Code of Jewish Law for Converts*, Rabbi Michael J. Brody (Urim 2017). All of the issues discussed in this part of the shiur are addressed by Rabbi Brody, together with detailed sources.
2. In theory some marriages which are normally prohibited to born Jews should be still permitted to converts eg if a man marries a convert, divorces and then wishes to marry her converted biological paternal sister. In practice, most poskim are strict on such questions.
3. See Shulchan Aruch YD 269 and commentaries, in particular Aruch Hashulchan.
4. If there is any chance that she is pregnant from the non-Jewish marriage, the couple will need to wait 90 days before remarrying. If they chose not to remarry, no get is required. See Shulchan Aruch YD 269:9.
5. Many poskim are lenient on this. In a previous shiur we looked at the even more problematic case of a married Jewish woman who was involved in an extra-marital affair with a non-Jew who subsequently converted. Even though a married woman who commits adultery may never have a subsequent relationship with her husband or lover, in this case some poskim were lenient for a number of reasons including: (i) the different halachic status of a sexual relationship between a married woman and a non-Jewish man; and (ii) the 'new-born' status of the convert.
6. See Rambam Hilchot Mamrim 5:11.
7. This metaphor is used by Prof. Menachem Kellner in his analysis of the philosophical positions of Maimonides. He borrowed it in turn from Prof. Daniel Lasker. See in particular *Maimonides on Judaism and the Jewish People* (SUNY 1991) and *Maimonides' Confrontation With Mysticism* (Littman 2006).
8. Even more fundamental is the understanding of what exactly a soul is. Plato and Aristotle differed fundamentally on this. Plato understood that the soul exists in a spiritual realm before the body is created, is then joined with the body during life, and survives it following death. Aristotle saw the soul as part of the human which has the potential to connect with God intellectually during life. The concept of an essentially 'Jewish' or 'non-Jewish' soul sits far more easily with the Platonic than with the Aristotelian position. Jewish thinkers (based on classic Jewish sources rather than Plato and Aristotle) also disagree on this, with most taking a more essentialist view of an independent soul. Maimonides, however, takes a far more Aristotelian position.
9. The metaphor used at the Exodus (see Shemot 4:22) is that all nations are children of God but the Jewish people are firstborn in that family - with special responsibilities and some privileges.
10. See Maharal (Derech Chaim on Avot 3:14), who suggests that, although all people have a 'tzelem Elokim' once the Jewish people were chosen at Sinai, only they retain this in its fullest sense.

A2] MAIMONIDES ON JEWS & NON-JEWS

- Much has been written on the approach of Maimonides to Jewish essentialism, conversion and how these fit into his world view.¹¹

7. You ask me if you, too, are allowed to say in the blessings and prayers you offer alone or in the congregation: "Our God" and "God of our fathers," "You who have sanctified us through Your commandments," "You who have separated us," "You who have chosen us," "You who have inherited us," "You who have brought us out of the land of Egypt," "You who have worked miracles to our fathers," and more of this kind.
Yes, you may say all this in the prescribed order and not change it in the least. In the same way as every Jew by birth says his blessing and prayer, you, too, shall bless and pray alike, whether you are alone or pray in the congregation. There is no difference whatever between you and us. You shall certainly say the blessing, "Who has chosen us," "Who has given us," "Who have taken us for Your own" and "Who has separated us"¹²: for the Creator, may He be extolled, has indeed chosen you and separated you from the nations and given you the Torah. For the Torah has been given to us and to the proselytes Do not consider your origin as inferior. While we are the descendants of Abraham, Isaac, and Jacob, you derive from Him through whose word the world was created. As is said by Isaiah: "One shall say, I am the Lord's, and another shall call himself by the name of Jacob" (Is. 44:5).

Rambam, Letter to Ovadiah the Convert

The Rambam stresses that there is NO difference at all between a born Jew and a convert. Indeed, the 'yichus' of the convert is far stronger than that of the Jew since it connects directly to God!

8. וגר צדק הרי הוא כישראל לכל דבר.

רמב"ם הלכות שבת פרק כ הלכה יד

The Rambam rules that a convert is identical to a born Jew for all¹³ halachic purposes.

9. משה רבנו לא הנחיל התורה והמצוות אלא לישראל. שְׁנַאֲמַר (דברים לד:ד) מוֹרֶשֶׁה קְהֵלֶת יַעֲקֹב וְלִכְל הַרוֹצֵה לְהַתְגַּיֵּר מִשְׂאֵר הָאֲמוֹת. שְׁנַאֲמַר (במדבר טו:טו) כָּכֶם כָּגַר, אֲבָל מִי שֶׁלֹּא רָצָה אֵין כּוֹפֵין אוֹתוֹ לְקַבֵּל תּוֹרָה וּמִצְוֹת. וְכֵן צָוָה מֹשֶׁה רַבְּנוּ מִפִּי הַגְּבוּרָה לְכַף אֶת כָּל בָּאֵי הָעוֹלָם לְקַבֵּל מִצְוֹת שְׁנַצְטוּוּ בְּיָי נַח

רמב"ם הלכות מלכים פרק ח הלכה י

The Rambam rules that the Torah was given to the Jewish people and all future converts.

10. כָּל הַמְקַבֵּל שֶׁבַע מִצְוֹת וְנִזְהָר לַעֲשׂוֹתָן הֵרִי זֶה מִחֲסִידֵי אֲמוֹת הָעוֹלָם. וַיֵּשׁ לוֹ חֵלֶק לְעוֹלָם הַבָּא. וְהוּא שֶׁיִּקְבֵּל אוֹתָן וְיַעֲשֶׂה אוֹתָן מִפְּנֵי שֶׁצָּוָה בְּהֵן הַקְּדוֹשׁ בְּרוּךְ הוּא בְּתוֹרָה וְהוֹדִיעֵנוּ עַל יְדֵי מֹשֶׁה רַבְּנוּ שֶׁבְּיָי נַח מִקִּדְּם נִצְטוּוּ בְּהֵן

רמב"ם הלכות מלכים פרק ח הלכה י

The Rambam rules that a non-Jew who keeps the 7 Noachide law as a commandment from God has a place in the eternal soul World to Come.

- For the Rambam, in order to merit the World to Come a Jew must commit to the 13 Principles of Faith. Spiritual immortality is NOT a product of what type of soul one has (or even how many mitzvot one did) but of one's commitment to the essential beliefs of Judaism.

A3] THE KUZARI ON JEWS & NON-JEWS

11. 25. God commenced His speech to the assembled people of Israel: 'I am the God whom you worship, who has led you out of the land of Egypt,' but He did not say: 'I am the Creator of the world and your Creator.' ...
26. Al Khazari: If so, then is your belief confined to yourselves?
27. The Rabbi: Yes; but any non-Jew who joins us unconditionally shares our good fortune, without, however, being quite equal to us. If the Torah were binding on us only because God created us, then [all] people would be equal, since He created them all. But the Torah was given to us because He led us out of Egypt, and remained attached to us, because we are the chosen of mankind.
28. Al Khazari: Jew! I see you have quite changed, and your words are poor after having been so pleasant!

Kuzari 1:25-28

R. Yehuda HaLevi understands that a convert will NEVER be quite the same as a born Jew.

11. To start with see the two books by Prof Menachem Kellner op cit.

12. See Mishna Bikurim 1:4 which rules that a convert may bring bikurim but may NOT say the declaration which includes the phrase 'which God has sworn to our fathers to give us'. The Rambam rules against this and follows the position of the Yerushalmi (Bikurim 4:1) that the convert MAY also make the declaration - see Rambam's commentary on this Mishna and also Hilchot Bikurim 4:3 and Mishne LeMelech ibid.

13. The Rambam writes this in hilchot Shabbat in contrast to a 'Ger Toshav' who mostly retains the halachic framework of a non-Jew. There are in fact halachic areas in which converts are treated differently, even according to the Rambam. See for instance Hilchot Yibum 4:5, Hilchot Isurei Biah 19:12-13 concerning marriage to a Cohen, and Hilchot Edut 16:6 regarding a convert's ability to act as a dayan.

12. לא ישתנה הגר הנכנס בתורתנו עם האזרח, כי האזרחים לבדם הם ראויים לנבואה, וזולתם תכלית ענינם שיקבלו מהם ושיהיו חכמים וחסידים אך לא נביאים

Kuzari 1:115

Similarly, he understands that a convert, no matter how personally developed, can never become a prophet.

• The Kuzari also explains (1:95-96) that the difference between Jews and non-Jews is the 'inyan ha'Eloki' and the 'segula' which passed from Adam to Shet to Enosh etc and then to the Jewish people alone. In that sense they possess a fundamentally different Jewish essence¹⁴. This is also the position of the Zohar¹⁵.

13. דלכל איש ישראל, אחד צדיק ואחד רשע, יש שתי נשמות נפש אחת מצד הקלפה וסטרא אחרא, והיא המתלבשת בדם האדם להחיות הגוף כי בישראל נפש זו דקלפה היא מקלפת נגה שיש בה גם כן טוב, והיא מסוד עץ הדעת טוב ורע. מה שאין כן נפשות אמות העולם, הן משאר קלפות טמאות שאין בהן טוב כלל פרק ב ונפש השנית בישראל היא חלק אלוה ממעל ממש ...

תניא ספר לקוטי אמרים סוף פרק א-ב

The Sefer Tanya of the Alter Rebbe clearly identifies the radically different sources of Jewish souls (from the source of light and the Etz HaDa'at) as opposed to those of non-Jews (from the sources of impurity)¹⁶.

14. ז יכול אדם, שכל ההבדל שבין ישראל לעמים הוא מתבלט ע"י המצות שבפועל. שהרי אפשר להרעיון להיות מקיף והולך את כל האדם כולו. אבל סקירה של טעות היא זו. כי אם באמת היה הרוח והרעיון מקיף את הכל, לא היה צורך באותו ההבדל המעשי כלל, וגם לא היה מועיל ומתקיים. אבל תוכן הדבר הוא, שהיסוד הנפשי, שהרעיון הוא בנוי עליו, שעל יסוד אותו הרעיון כל הארג הגדול של החקה המעשית מתפשט, זה היסוד הוא העצם הנשמתי, שהוא מצביין את ישראל בתור חטיבה מיוחדת, חטיבה אחת בעולם. ומההבדלה הזאת נובעות הן כל ההבדלות המעשיות. ואפילו כשהאחרונות נפגמות אינן יכולות להגיע את פגמיהן ביסוד העליון, שהיא החטיבה הנפשית, שההבדלות כולן יונקות ממנה. ולעולם ישאר הבדל בין ישראל לעמים, כדי לבסס ע"י ההבדלה את התוכן החול ואת התוכן הקודש של העולם בתיקונו המרושם.

הרב אברהם י. הכהן קוק, אורות ישראל פרק ה אות ז

Rav Kook identifies the soul of the Jew and the soul of the non-Jew as entirely different realities. Even if the Jew is far estranged from Jewish practice and belief, their Jewish soul retains its spiritual connection to the spiritual essence of the Jewish people, in a manner that a non-Jewish soul could never do.

• If so, how could the totally different soul of a non-Jew be transformed into that of a Jew? One could relate to it as a miraculous spiritual rebirth. Alternatively, some sources suggest that the souls of convert were actually Jewish in essence and were 'at Sinai'.

15. ישראל שעמדו על הר סיני - פסקה זוהמתן, עובדי כוכבים שלא עמדו על הר סיני - לא פסקה זוהמתן. אמר ליה רב אחא בריה דרבא לרב אשי גרים מאי? - אמר ליה: אף על גב דאינהו לא הוו, מזלייהו הוו. דכתיב (דברים כט:יד) אַתְּ אֱשֶׁר יִשְׁעוּ פֶה עַמְנוּ עִמָּד הַיָּם לִפְנֵי ה' אֱלֹהֵינוּ וְאֵת אֱשֶׁר אֵינְנוּ פֶה וְגו'.

שבת קמו.

Chazal explain that the 'mazal' of converts was present at Sinai.

16. שנאמר (דברים כט:יג-יד) וְלֹא אֶתְכֶם לְבַדְכֶם [אֲנִלִּי כִרְתֵי אֶת־הַבְּרִית הַזֹּאת וְאֶת־הָאֱלֹהִים הַזֹּאת]. כִּי אֶת־אֱשֶׁר יִשְׁעוּ פֶה. אין לי אלא אותן העומדין על הר סיני, דורות הבאים וגרים העתידין להתגייר מנין? ת"ל: (דברים כט:יד) וְאֶת־אֱשֶׁר אֵינְנוּ פֶה.

שבועות לט.

Chazal state that, just as the souls of all later born Jews were included in the Brit, so were those of later converts.

17. אמר ריש לקיש - חביב הוא הגר שנתגייר מישראל בעמידתן על הר סיני. למה? לפי שאילולי שראו קולות וברקים וההרים רועשים וקול שופרות, לא היו מקבלים את התורה. וזה שלא ראה אחד מהם, בא והשלים עצמו להקב"ה וקיבל עליו מלכות שמים. יש לך חביב מזה?!

מדרש תנחומא (בובר) פרשת לך לך סימן ו

Other sources in Chazal seem to indicate that the converts were NOT at Sinai, which is the source of their greatness in that they chose the Torah without the Sinai experience!

14. See also Kuzari 1:27, 1:103, 2:36, 2:44, 2:50, 3:1, 3:17, 4:3.

15. The Zohar states (Bereishit 170) that the soul of a Jew derives from God but the soul of a non-Jew derives from the sources of impurity and has the quality of a 'nefesh behemit' (Bereishit 171). For more on this see *The Soul of a Jew and the Soul of a Non-Jew - An Inconvenient Truth and the Search for an Alternative*, Hanan Balk, Hakira Vol 16 p 47 - <https://hakirah.org/Vol%2016%20Balk.pdf> and <https://www.yutorah.org/lectures/lecture.cfm/744571/rabbi-hanan-balk/the-soul-of-a-jew-the-soul-of-a-non-jew-two-views/>

16. When R. Menachem Mendel Schneerson was asked whether these ideas should be omitted from an English translation of Tanya for fear that they may lead to anti-Semitism, he responded: 'In our day and age, one does not have to be a Chassid nor even a Kabbalist... nor even a confirmed believer, as long as one does not close his eyes to the stark facts, to see what kind of souls the nations of the world have. For all of the nations of the world were witnesses to what took place in Germany and the countries that it overran, yet they remained indifferent. In light of this, the words of the Alter Rebbe may even be an understatement!' (Letters from the Rebbe (Brooklyn, 1997), pp. 106-107). The Rebbe also stated that 'a non-Jew and every created thing does have a Divine spark, but it is not the same kind of Divine spark that a Jew has.'

B] CONVERSION - PERSONAL CHOICE OR TRIBAL STATUS?

- A *giyoret* may not marry a Cohen¹⁷. But what is the status of the child of a convert? Do they inherit any 'convert status' or are they entirely the same as a born Jew?

B1] THE DAUGHTER OF TWO CONVERTS - MAY SHE MARRY A COHEN?

18. ו ... רבי יהודה אומר: בת גר זכר כבת חלל זכר.

ז רבי אליעזר בן יעקב אומר: ישראל שנשא גיורת - בתו כשרה לכהונה. וגר שנשא בת ישראל - בתו כשרה לכהונה. אבל גר שנשא גיורת - בתו פסולה לכהונה. אחד גר ואחד עבדים משוחררים אפילו עד עשרה דורות עד שתהא אמו מישראל. רבי יוסי אומר: אף גר שנשא גיורת בתו כשרה לכהונה.

משנה מסכת קידושין פרק ד משנה ו-ז

*The Mishna records a three way machloket as to the status of the child of a convert. R. Yehuda rules that that if the father is a convert, then even if the mother is a born-Jew, the daughter has the status of a *giyoret* and may not marry a Cohen. R. Eliezer rules that, as long as one parent is a born Jew, the child may marry a Cohen. But if BOTH parents are converts, the children retain the status of converts until a born-Jewish woman marries into the family. R. Yosei rules that, even if both parents are converts, a child born after conversion is fully equal to a born-Jew.*

19. גרים ומשוחררים שנשאו אלו מאלו והולידו בת אפילו לאחר כמה דורות, הואיל ולא נתערב בהן זרע ישראל, הרי אותה הבת אסורה לכהן. ואם נשאת לא תצא הואיל והורתה ולידתה בקדושה. אבל גר או משוחרר שנשא בת ישראל, או ישראל שנשא גיורת או משוחררת בתו כשרה לכהונה לכתחלה.

רמב"ם הלכות איסורי ביאה פרק יט הלכה יב

The Rambam rules¹⁸ lechatchila like R. Eliezer ben Yaakov - that a daughter of two converts should not marry a Cohen. But he rules bedieved like R. Yosei - that the daughter is a full Jew and, if the marriage has already happened, there is no requirement for them to separate.

- Note that there is a similar halachic discussion as to whether a woman with a Jewish mother and non-Jewish father may marry a Cohen¹⁹. Such a marriage is certain discouraged, and according to some poskim prohibited²⁰. If the marriage already took place, almost all poskim rule that there is no requirement for them to separate. In the event that such a couple are already romantically connected, or even engaged, there is a major halachic debate as to whether a Rabbi should perform the wedding²¹.

B2] THE DAUGHTER OF A CONVERT FATHER - MAY SHE MARRY A MAMZER?

- An actual convert may marry a *mamzer/et*, although this is discouraged since any child will also be a *mamzer/et*.
- There is however a major debate as to the SECOND generation of a convert - for instance, the child of a converted man married to born-Jewish woman. In such a case, the child is certainly Jewish but is he/she on some level still a 'convert'?

20. גר שנשא בת ישראל או ישראל שנשא גיורת - הולד ישראל לכל דבר ואסור בממזרת.

רמב"ם הלכות איסורי ביאה פרק טו הלכה ט

The Rambam rules²² that a child of a convert and born-Jew is Jewish in all respects and may NOT marry a mamzer.

21. כהנים לויים וישראלים מותרים זה בזה והולד הולך אחר הזכר. בן הכהן - כהן. בן הלוי - לוי. בן הישראל - ישראל. ... וגר ... שנשא ליה או ישראלית הולד הולך גם כן אחר הזכר. לא שנא גר שנשא ישראלית או ישראל שנשא גיורת.

טור אבן העזר הלכות אישות סימן ח

*The Tur however, based on his father the Rosh and the position of the Ba'alei Tosafot, rules that the child of a convert and a born-Jewish woman, will retain the tribal *yichus* of the father and will still be considered a convert!!*

- Other Rishonim also follow this position and consider 'Ger' to be a tribal status which transfers to the child, just as that of 'Cohen', 'Levi' and 'Yisrael'²³.

17. Shulchan Aruch 6:8. This is because a Cohen must marry a born Jew or because a *giyoret* is considered a *zona* (which sometimes means a woman not born of a Jewish mother).

18. This also the ruling of the Shulchan Aruch EH 7:21.

19. The Rambam rules (Hilchot Isurei Biah 15:3) that such a woman is permitted to marry a Cohen. Other Rishonim rule that she is not permitted to marry a Cohen, at least lechatchila, and possible as a matter of doubt.

20. Although such a woman is fully Jewish and is permitted to marry a Yisrael or Levi, she is considered to be *pagum* - 'unfit' - to marry a Cohen. There is considerable debate in the poskim as to whether *pagum* in this context means 'not recommended' or 'invalid'.

21. R. Moshe Feinstein (Igrot Moshe EH 1:15) does not permit this. However, R. Ovadia Yosef (Yabia Omer 9:7 and 10:14) rules that a Rabbi may perform the wedding based on multiple levels of doubt - whether this woman may marry a Cohen and whether this man is in fact a true Cohen. This applies even more so if the couple might simply live together without marriage or marry in a non-Orthodox framework. For a detailed analysis of this question see Rabbi Brody op cit Supplemental Essays pp 146-167.

22. This is also the ruling of the Shulchan Aruch EH 4:23.

23. See Ran on Rif Kiddushin 30b who expresses surprise at the position of the Rambam! In all permitted marriages (in contrast to the marriage of a Jew and a non-Jew), the status of

C] HALACHIC CONVERSION

C1] TORAH SOURCES

- The Chumash clearly speaks about a convert to Judaism - *ger*, as compared with a born-Jew - *ezrach*. However, it does not explicitly deal with the laws of conversion, even though it clearly envisages that 'outsiders' can join the Jewish people.
- Pre-Sinai, it is not clear whether Avraham's family are considered Jewish, pre-Jewish or non-Jewish²⁴. Women, such as Rivka, Rachel and Leah, join the family²⁵ but they do not in any technical way 'convert'.
- The Jewish people enter into a Brit at Sinai - we will see below that Chazal understand this to be the Torah paradigm for conversion.
- Chovav/Yitro is pressed by Moshe to stay with/join the Jewish people (Bamidbar 10:29-32). It is not clear if he stays or returns to his people

22. (ד) לֹא־יִבְרָא עִמּוֹנֵי וּמוֹאָבֵי בְּקֹהֶל ה' גַּם דָּוָר עֲשִׂינִי לֹא־יִבְרָא לָהֶם בְּקֹהֶל ה' עַד־עוֹלָם: ... (ח) לֹא־תִתְעַב אֲדָמֵי כִּי אֲחִידָה הוּא לֹא־תִתְעַב מִצְרֵי כִּי־גֵר הָיִיתָ בְּאֶרֶץ: (ט) בְּנִים אֲשֶׁר־יִוָּלְדוּ לָהֶם דָּוָר שְׁלִישִׁי יִבְרָא לָהֶם בְּקֹהֶל ה': ס

דברים פרק כג

The Torah contains a number of prohibition of intermarriage to people who are not permitted to join the 'kahal Hashem', in some cases (Mitzri and Edomi) for a three generations and in other cases (Moavi and Amoni) permanently.

23. (א) כִּי יִבְיָאֵד ה' אֱלֹהֶיךָ אֶל־הָאָרֶץ אֲשֶׁר־אַתָּה בָּא־שָׁמָּה לְרִשְׁתָּהּ וְנָשַׁל גּוֹיִם רַבִּים מִפְּנֵיךָ הַחַתִּי וְהַגֵּרְגָשִׁי וְהָאֱמֹרִי וְהַכְּנַעֲנִי וְהַפְּרָזִי וְהַחִוִּי וְהַיְבוּסִי שְׂבַעַה גּוֹיִם רַבִּים וְעַצוּמִים מִמֶּךָ: (ב) וַיִּתְּנֶם ה' אֱלֹהֶיךָ לְפָנֶיךָ וְהִכִּיתֶם הַחֲרָם תַּחְרִים אֹתָם לֹא־תִכְרַת לָהֶם בְּרִית וְלֹא תִחַנְּסוּ: (ג) וְלֹא תִתְחַתְּנוּ בָּם בְּתֵדָה לֹא־תִתְּנוּ לְבָנְךָ וּבִתְּךָ לֹא־תִתְּקַח לְבָנֶיךָ: (ד) כִּי־יִסֵּר אֶת־בְּנֶיךָ מֵאֶחָיו וְעַבְדוּ אֱלֹהִים אֲחֵרִים וְחָרָה אַף־ה' בְּכֶם וְהִשְׁמִידֶךָ מִהָרָ:

דברים פרק ז

The Torah also prohibits intermarriage with the men or women of the Caananite nations.

24. (ד) כִּי יִסֵּר אֶת בְּנֵיךָ מֵאֶחָיו - זָנוּ שֶׁל גּוֹי כַּשִּׁישָׂא אֶת צַדִּיק יִסֵּר אֶת צַדִּיק אֲשֶׁר תִּלְדוּ לוֹ צַדִּיק מֵאֲחֵרֵי: לְמַדְנוּ שֶׁזֶן צַדִּיק הַצָּדִיק מִן הַגּוֹי קָרוֹי צַדִּיק. אֲדָל זֶן צַדִּיק הַצָּדִיק מִן הַגּוֹי אֵינוֹ קָרוֹי צַדִּיק אֲדָל צַדִּיק. שֶׁהֵרִי לֹא נֹאמַר עַל צַדִּיק לֹא תִקַּח כִּי תִסֵּר אֶת צַדִּיק מֵאֲחֵרֵי, אֲדָל כִּי יִסֵּר אֶת צַדִּיק וְגו':

רש"י דברים ז:ד

Rashi quotes Chazal²⁶ who point out that the verse is concerned that HE (a non-Jewish son-in-law) will lead astray one's grandson, indicating that the son of a non-Jewish man and Jewish woman IS still Jewish, but the son of a Jewish man and non-Jewish woman is not Jewish; hence matrilineal descent.

C2] TANACH SOURCES

25. (ח) וַתֹּאמֶר נַעֲמָל לְשִׁתִּי כַלְתִּי לְכַנֵּה לְכַנֵּה שֶׁבְנָה אִשָּׁה לְבֵית אִמָּה יַעֲשֶׂה ה' עִמָּכֶם חֶסֶד פֶּאֶשֶׁר עֲשִׂיתֶם עִם־הַיְבוּסִים וְעַמֹּדֵי: (ט) יִתְּנוּ ה' לָכֶם וּמִצְאֵן מְנוּחָה אִשָּׁה בֵּית אִישָׁה וְתִשְׁקֶן לָהֶן וְתִשְׁאָנָה קוֹלָן וְתִבְכְּינָה: (י) וַתֹּאמְרֵנָה לָהּ כִּי־אַתָּה נָשׁוּב לְעַמֶּךָ: (יא) וַתֹּאמֶר נַעֲמָל שְׂבַנָּה בְּנֵתִי לְמָה תִלְכְּנָה עִמִּי הַעוֹד־לִי בָנִים בְּמַעַי וְהֵיוּ לָכֶם לְאֲנָשִׁים: (יב) שְׂבַנָּה בְּנֵתִי לָכֶן כִּי יִזְקַנְתִּי מִהַיּוֹת לְאִישׁ כִּי אֲמַרְתִּי יִשְׁלִי תִקְוָה גַם הָיִיתִי הַלִּילָה לְאִישׁ וְגַם יִלְדֵתִי בָנִים: ... (יד) וְתִשְׁנָה קוֹלָן וְתִבְכְּינָה עוֹד וְתִשְׁקֶן עַרְפָּה לְחַמּוּתָהּ וְרוּת דָּבָרָה בָּהּ: (טו) וַתֹּאמֶר הִנֵּה שְׂבָה יְבַמְתָּךְ אֶל־עַמָּה וְאֶל־אֱלֹהֶיהָ שׁוּבִי אַחֲרַי יְבַמְתָּךְ: (טז) וַתֹּאמֶר רוּת אֶל־תַּפְּגַעִי־בִי לְעַזְבֶּךָ לְשׁוּב מֵאֲחֵרֶיךָ כִּי אֶל־אִשׁ תִּלְכִּי אֲלֶיךָ וּבְאִשׁ תִּלְיִנִי אֲלֵינוּ עַמְדָּ עִמִּי וְאֶלְהִיךָ אֱלֹהֵי: (יז) בְּאִשׁ תִּמְוֹתִי אֲמוֹת וְשֵׁם אֶקְבָּר כַּה יַעֲשֶׂה ה' לִי וְכֵה יִסְיוֹ כִּי הַמּוֹת יִפְרִיד בֵּינִי וּבֵינֶיךָ: (יח) וַתֵּרָא כִּי־מִתְאַמְצָת הִיא לְלִכְתּ אִתָּה וְתִחַדֵּל לְדַבֵּר אֵלַיךְ:

רות פרק א

The classic story of a non-Jew choosing to connect to the Jewish people is that of Rut²⁷. Although Naomi tried to dissuade her, Rut insisted on becoming a part of the Jewish people in Eretz Yisrael.

the child follows the father. As such, the child of a convert father must also be considered a 'ger' and will be permitted to marry a mamzer! See Aruch HaShulchan EH 8:2 who brings both sides of the debate - Rambam and Tur - without a clear conclusion on the psak. In practice, we would not encourage marriage to a mamzer even by a definite convert, and would certainly not permit the marriage of a child of a convert to a mamzer.

24. For a 4-part series on the Avot and Mitzvot see <https://rabbimanning.com/index.php/audio-shiurim/cji/>. This question is the subject of considerable debate in the Rishonim and Acharonim. In any event, all agree that the FULL kedushat Yisrael was only achieved at Matan Torah.

25. There is also a concern of men 'leaving' the family, such as in the case of Yitzchak - see Bereishit 24:8.

26. Kiddushin 68b.

27. The Abarbanel (Tefillot HaPesach) writes that one of the reasons we read the book of Rut on Shavuot is its connection to conversion and the correct halachic framework for approaching the prospective ger - see Yevamot 47b below.

26. (א) וְהַמֶּלֶךְ שָׁלְמָה אֶהָב נָשִׁים נְכָרִיּוֹת רַבּוֹת וְאֶת-בֵּת-פְּרָעָה מוֹאֲבִיּוֹת עַמֻּנִיּוֹת אֲדָמִיּוֹת צִדְנִיּוֹת חֲתֻלִּית: (ב) מִן-הַגּוֹלִים אֲשֶׁר אָמַר-ה' אֶל-בְּנֵי יִשְׂרָאֵל לֹא-תִבְאוּ בָהֶם וְהֵם לֹא-יָבֹאוּ בְּכֶם אֲכֹל יִטּוּ אֶת-לִבְבְּכֶם אַחֲרַי אֱלֹהֵיהֶם בָּהֶם דָּבַק שְׁלֹמֹה לְאַהֲבָה:

מלכים א פרק יא-ב

The Navi reiterates the prohibition of intermarriage, particularly marrying non-Jewish women.

27. (א) וַיִּכְכְּלוּת אֶלָּה נָגְשׁוּ אֶלַּי הַשָּׂרִים לְאֹמֹר לֹא-נִבְדָּלוּ הָעָם יִשְׂרָאֵל וְהַפְּהַנִּים וְהַלְוִיִּם מֵעַמֵּי הָאֲרָצוֹת פְּתוּעֵבְתֵיהֶם לְפָנַעֲלֵי הַחֲתֻנִּי הַפְּרָצִי הַיְבוּסִי הָעַמֻּנִּי הַמִּצְרִי וְהָאֲמֹרִי: (ב) כִּי-נִשְׁאַוּ מִבְּנֵיהֶם לָהֶם וּלְבָנֵיהֶם וְהִתְעַרְבוּ זָרַע הַקֹּדֶשׁ בְּעַמֵּי הָאֲרָצוֹת וַיִּדְּ הַשָּׂרִים וְהַסֹּגְנִים הִיָּתָה בְּמַעַל הַזֶּה רֵאשׁוּנָה:

עזרא פרק ט-א-ב

Ezra had to deal with the improper intermarriage of Jewish men with non-Jewish women²⁸ and the mixing of 'zera kodesh' - the holy race - with that of other peoples.

• It is not clear from these sources whether conversion would have been a possible option at that time. The intermarriage with non-Jewish women seems to be prohibited with no recourse to conversion²⁹.

C3] TALMUDIC SOURCES

28. רבי אומר מה ישראל שלא באו לברית אלא בשלשה דברים במילה ובטבילה ובהרציית קרבן, אף הגרים כיוצא בהם.

ספרי במדבר פרשת שלח פיסקא קח

The Sifrei³⁰ quotes R. Yehuda HaNasi as ruling that converts must undergo the same process to convert to Judaism as the people underwent at Sinai to enter into the Covenant with God. These are (i) circumcision; (ii) immersion in mikve; and (iii) bringing a korban.

29. (יד) וְכִי-יָגוּר אִתְּכֶם גֵּר אוֹ אֲשֶׁר-בָּתוּכְכֶם לְדַרְתֵיכֶם וְעָשָׂה אִשָּׁה רֵיחַ-נִיחֹחַ לָהּ כַּאֲשֶׁר תַּעֲשׂוּ כִּן יַעֲשֶׂה: (טו) הַקֹּהֶל תִּקַּח אֶחָת לְכֶם וְלָגֵר הַגֵּר תִּקַּח עִוְלָם לְדַרְתֵיכֶם כַּכֶּם כַּגֵּר יִהְיֶה לְפָנֶיךָ: (טז) תִּנְרָה אֶחָת וּמִשְׁפַּט אֶחָד יִהְיֶה לְכֶם וְלָגֵר הַגֵּר אִתְּכֶם: פ

במדבר פרק טו

The Torah sets out a general principle that, when a person converts to Judaism, they will be treated halachically the same as a born-Jew.

30. רבי אומר: (במדבר טו:טו) כַּכֶּם [כַּגֵּר יִהְיֶה לְפָנֶיךָ] - כאבותיכם. מה אבותיכם לא נכנסו לברית אלא במילה וטבילה והרצאת דם, אף הם לא יכנסו לברית אלא במילה וטבילה והרצאת דמים. להביא פרידה אחת א"א, שלא מצונו בכל התורה כולה. לא אמרו קן אלא להקל עליו.

כריתות ט.

The Gemara in Kritut learns from these pesukim that the 3 elements that underpinned the original 'conversion' at Sinai - mila, tevila and the sprinkling of blood of a korban (two birds or an animal) - are also essential in gerut through the generations.

31. גר שקיבל עליו כל דברי תורה חוץ מדבר אחד אין מקבלין אותו. ר' יוסה בי ר' יהודה אומר אפילו דבר קטן מדקדוקי סופרים.

תוספתא מסכת דמאי (ליברמן) פרק ב הלכה ה

Chazal, in the Tosefta, add a fourth element to conversion - acceptance of the Torah. Even if a potential convert rejects one detail of Torah, possibly even of Rabbinic law, the conversion is invalid.

28. This also indicates a prevailing position of matrilineal descent. The concern is with the children of non-Jewish women - see Nechemia 13:23.

29. This could indicate that conversion for the purposed of marriage was always prohibited. Some academics suggest that the stress on intermarriage with non-Jewish women, as opposed to men, is because men did have the option of conversion through circumcision, but women had no parallel option. See however below.

30. See also Mechilta d'R. Shimon bar Yochai Shemot 12:48 and Gerim 2:4 which have the same formulation.

32. תנו רבנן: גר שבא להתגייר בזמן הזה, אומרים לו: 'מה ראית שבאת להתגייר? אי אתה יודע שישראל בזמן הזה דוויים, דחופים, סחופים ומטורפים, ויסורין באין עליהם?' אם אומר: 'יודע אני ואיני כדאי, מקבלין אותנו מיד. ומודיעין אותנו מקצת מצות קלות ומקצת מצות חמורות, ומודיעין אותנו עון לקט שכחה ופאה ומעשר עני. ומודיעין אותנו עונשן של מצות. אומרים לו: 'הוי יודע, שעד שלא באת למדה זו, אכלת חלב אי אתה ענוש כרת, חללת שבת אי אתה ענוש סקילה. ועכשיו, אכלת חלב ענוש כרת, חללת שבת ענוש סקילה!' וכשם שמודיעין אותנו עונשן של מצות, כך מודיעין אותנו מתן שכרן. אומרים לו: 'הוי יודע, שהעולם הבא אינו עשוי אלא לצדיקים, וישראל בזמן הזה - אינם יכולים לקבל לא רוב טובה ולא רוב פורענות.' ואין מרבין עליו, ואין מדקדקין עליו. קיבל, מלין אותו מיד. נשתתירו בו ציצין המעכבין את המילה, חוזרים ומלין אותו שנית. נתפא, מטבילין אותו מיד. ושני ת"ח עומדים על גביו, ומודיעין אותו מקצת מצות קלות ומקצת מצות חמורות. טבל ועלה - הרי הוא כישראל לכל דבריו. אשה, נשים מושיבות אותה במים עד צוארה, ושני ת"ח עומדים לה מבחוץ, ומודיעין אותה מקצת מצות קלות ומקצת מצות חמורות. אחד גר ואחד עבד משוחרר. ובמקום שנדה טובלת, שם גר ועבד משוחרר טובלין. וכל דבר שחוצץ בטבילה, חוצץ בגר ובעבד משוחרר ובנדה.

יבמות מז.

Chazal quote a long Beraita relating to the specifics of the conversation process after the Churban (since the korban is not mentioned). It seems clear from this that a number of extra details emerge: (i) there is a requirement to try and dissuade the convert; (ii) the convert needs to be informed of some, but not all, of the mitzvot; (iii) the mila should precede the tevila; (iv) the process is also juridical, requiring the attendance of a Beit Din; (v) the normal halachot of mila and tevila apply.

33. ואין מרבים עליו, ואין מדקדקים עליו. אמר רבי אלעזר: מאי קראה? דכתיב: (רות א:יח) וַתֵּרָא כִּי־מִתְאַמְצֶת הִיא לְלֶכֶת אִתָּהּ וַתִּחַדְלֵל לְדַבֵּר אֲלֶיהָ. אמרה לה: אסיר לך תחום שבת! באשר תלכי אלך. אסיר לך יחוד! באשר תליני אלין. מפקדין שש מאות וי"ג מצות: עמך עמי. אסיר לך עבודת כוכבים! ואלהיך אלהי. ארבע מיתות נמסרו לב"ד: באשר תמותי אמות. ב' קברים נמסרו לב"ד! ושם אקבר. מיד, ותרא כי מתאמצת היא וגו'. ושני ת"ח עומדים על גביו. והא א"ר חייא א"ר יוחנן: גר צריך שלשה! הא א"ר יוחנן לתנא, תני: שלשה. טבל ועלה הרי הוא כישראל לכל דבריו. למאי הלכתא? דאי הדר ביה ומקדש בת ישראל, ישראל מומר קרינא ביה וקידושיו קידושין.

יבמות מז.

The Gemara goes on to clarify the requirements set out in the Beraita, including that the Beit Din must be three and not two. Also, it seems clear that if the convert was sincere at the time of conversion but later stops observing mitzvot, the conversion is still valid.

34. גר שנתגייר בין הגוים ועשה מלאכה בשבת ר' עקיבא מחייב ומונבו פוטר. והדין נותן שיהא פטור - הואיל ושוגג חייב חטאת ומזיד חייב כרת. מה מזיד אינו חייב עד שיבא לכלל ידיעה אף שוגג לא יהא חייב עד שיבא לכלל ידיעה

תוספתא מסכת שבת (ליברמן) פרק ח הלכה ה

The Tosefta discusses the case of a ger who converted 'among the non-Jews' and had never heard of Shabbat. But how could a conversion take place without the supervision of a Beit Din for mila, tevila and kabbalat hamitzvot?

35. גר שנתגייר בין הגוים. ושלשכ היו שם ולא כודיעו לו מלות שבת. דאס נתגייר צינו וצין עלמו אינו גר כדאמרינן ציצמות פרק החולץ.

תוספות הרא"ש שבת סח.

Most mefarshim understand that this expression simply means that the convert did not get any real education about mitzvot. He WAS supervised by a Beit Din and, bedieved, his lack of education does not invalidate the conversion.

36. ושמה תאמר גר שנתגייר בין הגוים - מיהא היאך אפשר שלא ידע ענין שבת מעולם!! והרי הוא צריך שלשה ומודיעים אותו מצות קלות וחמורות כמו שהתבאר ביבמות. אפשר בגר קטן שמטבילין אותו על דעת ב"ד ולא הכיר מעולם. או שמא נתגייר בלא שלשה וכמו שאמר שנתגייר בין הגוים. ולכתחילה הוא שצריך שלשה אבל בדיעבד אפילו בינו לבין עצמו על הדרך שפסקו שם גדולי הפוסקים:

בית הבחירה (מאירי) מסכת שבת סח.

However the Meiri understands the phrase literally - the non-Jew converted without any direct rabbinic supervision, simply following the rabbinic procedure!

• As such, Chazal clearly lay out 4 elements to conversion - mila, tevila, korban and kabbalat hamitzvot, which are based on what happened to our ancestors at Matan Torah. But where did these stages happen at Matan Torah?

37. א בשלשה דברים נכנסו ישראל לברית. במילה וטבילה וקרבת.

ב מילה היתה במצרים שנאמר (שמות יב:מח) וְכָל עֶרְלָא לֹא יֵאָכֵל בּוֹ. מִלְּאֹתָם מִשֶּׁה רַבְּנוּ שֶׁכֵּלְמָם בְּטֹלוֹ בְרִית מִילָה בְּמִצְרַיִם חוּץ מִשְׁבֵּט לְוִי וְעַל זֶה נֶאֱמַר (דברים לג:ט) וּבְרִיתְךָ יִנְצְרוּ.

ג וטבילה היתה במדבר קדם מתן תורה שנאמר (שמות יט:א) וְקִדְשְׁתֶּם הַיּוֹם וּמָחָר וּכְבַסְתֶּם שְׂמַלְתֶּם. וְקָרְבַּן שֶׁנֶּאֱמַר (שמות כד:ה) וַיִּשְׁלַח אֶת נְעָרָיו בְּנֵי יִשְׂרָאֵל וַיַּעֲלוּ עֹלֹת, עַל יְדֵי כָל יִשְׂרָאֵל הַקְּרִיבוּם.

ד וכן לדורות פשרצה העכו"ם להכניס לברית ולהסתופף תחת פנפי השכינה ויקבל עליו על תורה צריך מילה וטבילה והרצאת קרבן. ואם נקבה היא טבילה וקרבת שנאמר (במדבר טו:טו) כָּכֶם כָּגֵר. מִה אֲתֶם בְּמִילָה וְטַבִּילָה וְהִרְצַאת קָרְבַּן אִף הַגֵּר לְדוֹרוֹת בְּמִילָה וְטַבִּילָה וְהִרְצַאת קָרְבַּן.

רמב"ם הלכות איסורי ביאה פרק יג

The Rambam explains where each of these stages happened:

- Mila took place in Egypt in preparation for the korban Pesach. This mila appears to have served as a circumcision for conversion and not only to eat the korban Pesach³¹.
- Tevila too place many weeks later³² in the run-up to Matan Torah, where the people are told to 'sanctify themselves and wash their clothes.'³³
- Korban is described in the account of Matan Torah in parashat Mishpatim. The first-born bring olah offerings on behalf of the Jewish people³⁴.
- Kabbalat HaMitzvot is presented by the Rambam, not as one of the mechanics of conversion, but as a fundamental pre-condition. He does not bring a source from Matan Torah, although the declarations by the people³⁵ - 'na'ase' and 'na'ase venishma' are clear indications of their acceptance of the Torah.

38. וְכִי־יִגֹּר אֲתָכֶם גֵּר וְעִשָּׂה פֶסַח לָהּ' כְּתֻבָּת הַפֶּסַח וְכִמְשֹׁפֵטוֹ בֶּן יַעֲשֶׂה חֻקָּה אַחַת יְהִיֶּה לָכֶם וְלַגֵּר וְלְאִזְרָח הָאָרֶץ: כִּשְׂיִי - יְכוּל כָּל הַמִּתְגַּיֵּר יַעֲשֶׂה פֶסַח מִיָּד, תִּלְמוּד לומר חֻקָּה אַחַת וְגו'. אֵלֶּה כִּךְ מִשְׁמַעוּ - וְכִי יִגֹּר אֲתָכֶם גֵּר וְצָא עַת לַעֲשׂוֹת פֶּסַח עִם חֲזִירָיו כַּחֲקֵה וְכַמְשַׁפֵּט יַעֲשֶׂה.

במדבר ט:יד ורש"י

The Torah stresses that the laws of korban Pesach are identical for born-Jews and converts. Rashi explains that this verse is needed since we might have thought that, since korban Pesach is so fundamental to identity as a Jew, every convert would have to bring a special korban Pesach when they converted - at any time of the year!!! While this is not the case, it shows the unique qualities of korban Pesach - the only offering that every individual Jew is required to bring.

- In Part 3 we will be'H look more closely at the 4 halachic elements of conversion - mila, tevila, korban and especially the fourth - kabbalat hamitzvot. What does it mean for a convert to 'accept mitzvot'? How much do they need to know and how observant do they need to be? In particular, if their observance drops away over time, is there ever a situation where the conversion can be retroactively annulled?

31. See below as to role of the korban Pesach in the process of conversion.

32. We will see in the following shiur if this prolonged status of mila without tevila has any implications for contemporary conversion.

33. The Gemara (Yevamot 46b) questions whether this could simply be laundering the clothes (the expression *kibus begadim* is used in Chumash both for ritual purification (eg Vayikra 15:7) and for physical laundering (eg Vayikra 13:54). The Gemara therefore presents an ancient halachic tradition (*gemiri*) that any sprinkling for purification (such as the *mei chatat* of the *para aduma*) must be accompanied by tevila.

34. In the case of Matan Torah, the people may have had actual had the blood from these offerings sprinkled on them (the verses may alternatively indicate a regular sprinkling of blood on the altar on behalf of the people.) We will see if this has any relevance to contemporary conversion.

35. Nevertheless, Chazal identify an element of coercion at Matan Torah in the famous agadata (Shabbat 88a) that God held the mountain over their heads to force their acceptance. Again, we will examine whether this detail has any impact on the halachot of gerut.