

Performance of Mitzvos by Conversion Candidates

When Did Rus Convert?

The Gemara (*Kerisus* 9a) derives the necessary components of the conversion process from our collective experience at Sinai. The requirements of bris milah (for males), immersion in a mikvah, and bringing a korban (when there is a Beis HaMikdash) mirror the steps that the Jewish people took prior to receiving the Torah.¹ While we derive the formal steps of geirus from the conversion that we underwent at Sinai, we learn about the process leading up to conversion from the exchange between Naomi and Rus in *Megillas Rus*.

The Gemara (*Yevamos* 47b) records:

תנו רבנן גר שבא להתגייר בזמן הזה ... ואין מרבים עליו ואין מדקדקים עליו. אמר רבי אלעזר מאי קראה דכתיב ותרא כי מתאמצת היא ללכת אתה ותחדל לדבר אליה. אמרה לה אסיר לך תחום שבת באשר תלכי אלך. אסיר לך יחוד באשר תליני אליו. מפקדינן שש מאות וי"ג מצות עמך עמי. אסיר לך עבודת כוכבים ואלקיך אלקי. ארבע מיתות נמסרו לב"ד באשר תמותי אמות. ב' קברים נמסרו לב"ד ושם אקבר. מיד ותרא כי מתאמצת היא וגו'.

Our Rabbis taught: If nowadays, a man desires to become a convert ... "We should not persuade or dissuade him excessively." R. Eleazar said: What is the Scriptural proof? It is written



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(Rus 1:16-18), And when [Naomi] saw that [Rus] was determined to go with her, she left off speaking to her. She said "We are forbidden to leave the boundaries on Shabbat," Rus replied, "Where you go, I will go." [Naomi said] "We are forbidden to have secluded meetings between man and woman." [Rus replied] "Where you sleep, I will sleep." [Naomi said] "We have been commanded 613 commandments." [Rus responded] Your people shall be my people." [Naomi said] "We are forbidden from idolatry." [Rus replied] "Your God is my God." [Naomi said] "Four modes of death were entrusted to beth din." [Rus said] "Where you die, I will die." [Naomi said] "Two graveyards were placed at the disposal of the beth din." [Rus said] "And there will I be buried." Immediately, "[Naomi] saw that [Rus] was determined to go with her."

The simple reading of the pesukim, amplified by the Gemara's analysis, implies that Rus and Orpah had not

converted before marrying Machlon and Kilyon; only now that Naomi was returning to Beis Lechem did Rus express interest in converting. This is the position of R. Meir (*Rus Rabbah* 2:9) that *lo geirum v'lo hitbilu osam* — they did not convert them nor bring them to a mikvah. Rashi (*Rus* 1:12) accepts this approach and writes that when Machlon and Kilyon married Rus and Orpah, the latter remained non-Jewish.

Ibn Ezra (1:4) argues with Rashi, since, in his opinion, it is inconceivable that Machlon and Kilyon (who, according to *Bava Basra* 91a, were righteous people) would have married non-Jewish women.² He argues that Rus and Orpah must have converted earlier, and the conversation between Rus and Naomi reflects a reaffirmation on Rus's part of that which she had previously accepted (1:16).

While Rashi must contend with the



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difficulty of assuming that Machlon and Kilyon married non-Jewish women, Ibn Ezra's position raises the question of how Naomi could have encouraged her daughters-in-law to return to their idolatrous ways if they had indeed already converted and were halachically Jewish. R. Yoel Sirkus (author of the *Bayis Chadash* — the Bach), in his *Meishiv Nefesh* on Megillas Rus (1:4), attempts to somewhat reconcile the opposing positions. He suggests that while Rus and Orpah did indeed convert before their marriages, their conversions, having been performed for ulterior motivation (i.e. for the sake of marriage), were halachically suboptimal but valid post facto (based on *Yevamos* 24a). When the Medrash says that they did not convert, it means that they did not convert in the optimal fashion. Their status was similar to the status that the Rambam (*Issurei Biah* 13:14-15) ascribes to the wives of Shimson and Shlomo HaMelech.³⁴

The Need for a Conversion Process

The above analysis may be helpful in discounting a misconception that some have about the conversion process. It is common practice to require conversion candidates to undergo significant educational training — including both the theory and practice of Jewish law — and integrate into an observant community, so that they will have the requisite knowledge and experience to live an observant lifestyle upon conversion.⁵ *Minchas Elazar* (*Shu"t* 4:63) reasons that if a beis din were to convert someone without previously educating him or her in the proper observance of mitzvos (he specifically

references proficiency in the siddur), the convert would, upon conversion, violate numerous prohibitions due to lack of knowledge, and the beis din will have violated the prohibition of *lifnei iver*, causing the new convert to sin.⁶

Some have claimed that requiring conversion candidates to embark on a rigorous course of study and integration is an unnecessarily onerous addition of the contemporary rabbinate meant to inappropriately discourage conversion candidates.⁷ After all, they argue, Rus merely made a singular declaration of faith and commitment and she was immediately accepted as a convert. It is clear, however, in context, that whether Rus's statement was a reaffirmation of a previous conversion or whether it preceded an actual conversion, she had already been significantly exposed to the lifestyle to which she was committing herself and had been sufficiently trained in its details. In the ten years that Machlon and Kilyon were married to Rus and Orpah, they presumably had significant exposure to practical Judaism, and all that was left for Rus to do was make the commitment to embrace that lifestyle.

Tefillin and Mezuzah for Conversion Candidates

Our practice of having conversion candidates observe mitzvos in advance of the actual conversion is consistent with the ruling of Rambam (*Melachim* 10:10) that a non-Jew may voluntarily perform most mitzvos. However, there are some exceptions to this principle that may pose problems for the aspiring conversion candidate and require further analysis.

Radvaz (ad loc.) suggests that non-

Jews should not be permitted to perform mitzvos that require *kedushah v'taharah* (sanctity and purity) such as tefillin, Sefer Torah, and mezuzah.⁸ Remo (*Yoreh Deah* 291:2) cites *Shu"t Maharil* (Chadashos 123:2), who rules that a non-Jew should not be permitted to display a mezuzah for additional reasons. The Maharil was asked about a local non-Jewish ruler who requested a mezuzah to place in his fortress. The person asking the question expressed concern that failure to provide the mezuzah could lead to negative repercussions for the local Jewish community

Maharil responded that to the extent that the non-Jew who requested the mezuzah believed that it would protect him, if at some point he no longer felt protected, he would not treat it properly or dispose of it. At the very least, after this ruler's passing his children would likely throw it out. Second, there is a concern that Jews may be led to think that the individual displaying the mezuzah is himself Jewish, and may be misled into being hosted by the non-Jew (with the implicit fear that he may then kill the Jew).⁹ This is along the lines of the Gemara in *Menachos* (43a) that prohibits a Jew from selling a garment with tzitzis on it to a non-Jew lest the buyer pass himself off as a Jew and use his assumed identity to lure and then kill Jews.¹⁰

At first glance, the Radvaz's position would preclude a conversion candidate from wearing tefillin or affixing a mezuzah to his doorposts.¹¹ However, *Be'er Sheva* (*Shu"t* 36) appears to suggest that under certain circumstances a non-Jew may be entrusted with mezuzos. He cites a Yerushalmi in *Peah* (1:1) that relates an episode in which Rebbi sent a

mezuzah to Artivan, presumably a non-Jew, in response to his request for a gift. *Be'er Sheva* posits that since Rebbe identified Artivan as an individual who believed in the oneness of Hashem, he sent him a mezuzah to encourage him to continue his belief and to convert. Alternatively, *Be'er Sheva* suggests that Rebbe knew that Artivan was not an idolater, and that Rebbe believed that there was only an issue with providing idolaters with mezuzos. Both suggestions of the *Be'er Sheva* would presumably allow a prospective convert to affix mezuzos in his home.

Netziv (*Eimek She'ala*, Eikev 145:19) suggests an alternative explanation of the passage in the Yerushulami. Rebbe sent Artivan a mezuzah that had not been written for the purpose of affixing to a door, and thus lacked the kedusha of a regular mezuzah. To send a regular mezuzah would have been an inappropriate affront to the sanctity of the mezuzah. *Shoel U'meishiv* (*Hagos Yad Shaul, Yoreh Deah* 231:3) similarly suggests that the mezuzah that Rebbe sent was intended only as an amulet. According to this explanation, there would be no distinct dispensation for a prospective convert.¹²

Based on the Radvaz, Rav Moshe Klein, *Mishnas HaGer* (1:31), points out that a conversion candidate should not wear tefillin before the conversion has been completed. Some batei din have the practice of instructing a conversion candidate to put on tefillin for a few weeks prior to the actual conversion in order to allow for sufficient practice.¹³ The general practice is that conversion candidates are not instructed to put up mezuzos, but would not need to remove them if they move into a residence that already has mezuzos set up.

Studying Torah and Shabbos Observance

Reflecting the special connection between the Jewish People and the Torah, the Gemara (*Chagiga* 13a) prohibits a Jew from teaching Torah to a non-Jew and also (*Sanhedrin* 59a) derives that a non-Jew who learns Torah is deserving of severe punishment.¹⁴ This is codified in Rambam (*Melachim* 10:9). However, despite the dual prohibitions, common practice is to instruct conversion candidates in whatever Torah knowledge is necessary to facilitate their observance of Jewish law.¹⁵

This practice is consistent with a comment of the Maharsha (*Shabbos* 31a s.v. *amar lei mikra*) regarding the story of the non-Jew who came to Hillel and requested to convert on condition that he be allowed to wear the garments of the Kohen Gadol. The Maharsha assumes that Hillel did not, as the Gemara seems to indicate, convert him on the spot. Rather he instructed the interested party to study the relevant portion of the Torah so that he would realize on his own that a non-Kohen may not wear *bigdei kehuna*. In suggesting this answer, the Maharsha writes that there is no prohibition for a conversion candidate to study Torah.^{16 17}

Meiri (*Beis HaBechira, Sanhedrin* 59a s.v. *Ben Noach*) explicitly permits a non-Jew to study Torah if doing so will lead him to convert:

וכן הדין אם עסק בתורה שלא לכונת קיום עיקרי מצוותיה אלא שלבו חפץ לירד לידיעת תורתינו ותלמודינו ראוי ליענש מפני שבני אדם סבורים עליו שהוא משלנו מתוך שרואין אותו יודע ויבואו לטעות אחריו ומ"מ כל שהוא עוסק בעיקרי שבע מצות ובפרטיהם ובמה שיוצא מהם אע"פ שרוב גופי תורה

נכללים בהם מכבדין אותו אפילו ככהן גדול שאין כאן חשש לטעות אחריו שהרי אף בשל הוא עוסק וכל שכן אם הקירתו על דעת לבא עד תכלית שלימות תורתינו עד שאם ימצאנה שלימה יחזור ויתגייר ...

The same applies if one studies, not for the purpose of fulfilling its commands but because one's heart desires to know our Torah and Talmud. He is then worthy of punishment because people might think that he is one of us because they see his knowledge and might be lured by him. Nevertheless, one who studies the principles of the Seven Noachide Laws, their details and the laws derived from them, even though that would include most of the fundamentals of Torah law, we would honor him like the Kohen Gadol. There is no concern that a Jew might be tricked to follow him because he is studying what relates to him. This is certainly true if his inquiries are for the intent of fully understanding the Torah so that if he finds the Torah to resonate with him, he will convert.^{18 19 20}

The aforementioned Gemara in *Sanhedrin* also records that a non-Jew who observes Shabbos (even on another day of the week — see Rambam *ibid.*) is deserving of severe punishment. While there may be theoretical arguments to allow for a conversion candidate to fully observe Shabbos,²¹ common practice is to instruct a conversion candidate to largely keep Shabbos but to perform one melacha over the course of Shabbos.^{22 23} If a candidate may in fact be Jewish already but is preparing to undergo a conversion because of some doubt regarding his or her status, the candidate should fully observe Shabbos, as the consequence of a Jew violating Shabbos is more severe than that of a non-Jew who keeps Shabbos.²⁴

In his famous letter to Ovadia HaGer, the Rambam lauds the dedication and commitment of the righteous convert who leaves behind a comfortable lifestyle to embrace Judaism. He writes regarding the respect and admiration that a *ger tzedek* deserves:

You should know that the obligation that the Torah obligates us vis-a-vis converts is great. Regarding a father and a mother we are commanded to honor and fear [them]; regarding the prophets [we are commended] to listen [to them], and regarding the converts we are commanded to love them intensely from the heart ... and HaKadosh Baruch Hu Himself loves the convert ...

We should draw inspiration from the *geirei tzedek* in our communities in enhancing our own avodas Hashem, and embrace those who make the commitment to join the *am hanivchar*.

Endnotes

1 See Rambam (*Issurei Biah* 13:1-5). In a fascinating line, Meiri (*Beis Habechirah*, *Yevamos* 46a s.v. *U'ma sheamru*) implicitly wonders why every Jew is not required to undergo immersion, just as every male must receive a *bris milah*, as part of a personal acceptance of the Covenant.

2 *Meishiv Nefesh* to Rus 1:4 quotes a *Medrash HaNeelam* (*Zohar HaChadash*) that is consistent with Ibn Ezra's analysis.

3 For further analysis of the status of such conversions, see this author's "The Converts of Shushan" (*Torah To Go*, Purim 2016).

4 See *Tzitz Eliezer* 17:42:5, who points out the difficulties inherent in the Bach's presentation. *Tzitz Eliezer* quotes various suggestions that account for how Naomi could have attempted to dismiss Rus and Orpah if they had indeed already converted.

See commentary of R. Ovadia Yosef to *Megillas Rus* (appended to *Chazon Ovadia on Yom Tov*), who suggests that Machlon and Kilyon, who accepted Rus and Orpah as full *geirim*, and Naomi, who did not, took sides in a dispute between the Rishonim as to what

components of *geirus* are invalid even post facto if not performed in front of a *beis din*. Tosafos (*Yevamos* 45 s.v. *Mi*) assume that the presence of *beis din* is only necessary even post facto for *kabbalas hamitzvos*, the formal acceptance of the binding nature of Torah and mitzvos and commitment to live an observant lifestyle. As long as this declaration was made in the presence of a *beis din*, even if the *beis din* did not observe the *milah* and *tevilah*, the *geirus* is still valid. Rambam (*Issurei Biah* 13:7), however, assumes that *beis din* is necessary even post facto for *tevilah* (and perhaps *milah* as well). According to one opinion in Tosafos, if a woman goes to the *mikva* as a *niddah* subsequent to her conversion, that is the halachic equivalent of having a *beis din* present. Given that there was no *beis din* in Midyan, Machlon and Kilyon assumed like this position in Tosafos that *beis din* was not absolutely necessary and the conversions were therefore valid. Naomi assumed like the other Rishonim that without a *beis din* for at least some components of the *geirus* process the conversion would be ineffective, and therefore Rus and Orpah remained non-Jewish and Rus needed to convert in a valid fashion.

5 The following is an excerpt from the GPS (Geirus Policies and Standards) document that governs the *batei din* that operate under the auspices of the Rabbinical Council of America and the Beth Din of America:

i. As far as the halacha is concerned, conversion involves the creation of a transformed, fully reborn, new person. Becoming fully part of the Jewish family, one literally acquires a new family, a new life and as such one reorients one's entire being. The candidate will be expected to cultivate new friendships, new relationships, new social activities, new Torah commitments. Moreover, as with any Jew, the growth and learning process continues throughout one's life.

ii. As a result, a candidate must come to reside in a Torah observant community. It is not possible to learn and absorb Judaism and Torah living at a distance; it must be experienced on a daily basis, especially on Shabbat and holidays. The candidate must also experience traditional Jewish communal life in order to be familiar with the realities of living as a Jew, both in faith and in peoplehood.

iii. Ordinarily, this community will be one

in which fully observant families, other than that of the local rabbi, have sustained and can continue to sustain Orthodox life over the long term. Additionally, the candidate will have been living there for a significant period of time either without intention to move or with a commitment to move only to a similar community, and maintain an ongoing, positive relationship with a local rabbi.

6 *Minchas Elazar* suggests that in earlier times, proficiency in the *siddur* was not as critical a prerequisite for conversion as it is now, and therefore, the Gemara makes no mention of an educational period prior to conversion. In earlier times we accepted the basic halacha (*Sotah* 31b) that Shema and davening may be recited in any language and the *Shaliach Tzibur* would have in mind all those in the congregation who were incapable of davening on their own. In such an environment, not being able to daven in the original was not an impediment to converting. Nowadays that is no longer the case, and therefore more training is necessary. *Minchas Elazar* does not address other areas of Jewish law that would presumably also require practice in observing.

7 For an analysis of the appropriate attitude toward conversion candidates see this author's "Dissuasion and Encouragement: Complimentary Themes in the Conversion Process" (*Torah to Go*, Shavuot 2014).

8 While presumably the Radvaz is referring to allowing a non-Jew to don *tefillin* and to affix a *mezuza* to his doorpost, the intention of the reference to *sefer Torah* seems unclear. Rav Hershel Schachter suggested that the intent of the Radvaz may be to prohibit a non-Jew from receiving the honors of *hotza'ah* or *hagba'ah* and *gelilah*.

9 *Be'er Sheva* (*Shu"t* 36) cites a Talmudic source for not allowing non-Jews to use *mezuzos*. The Gemara (*Bava Metzia* 102a) rules that if a Jew vacates a residence that will be occupied by another Jew, he may not remove the *mezuzos* from the premises. If the residence will be occupied by a non-Jew he may remove the *mezuzos*. *Be'er Sheva* notes that the intent of the Gemara must be that the departing resident *must* remove the *mezuzos*, and not merely that he *may*, as there is no *chiddush* in saying that he may remove the *mezuzos* (see also *Shitah Mekubetzes* citing R"i MiLunil).

10 Remo does acknowledge more room for leniency than the Maharil. According to Remo if there is a concern that failure to

provide the mezuzah could endanger the Jewish population, then one would be allowed to give the mezuzah to a non-Jew.

11 It is arguable that the two reasons of the Maharil which form the basis of the Remo's ruling in *Hilchos Mezuzah* do not apply to a conversion candidate. There is less likelihood that a conversion candidate would treat a mezuzah with disrespect or pose a danger to other Jews by passing himself off as a Jew. R. Moshe Klein (*Mishnas HaGer* 1:32 and footnotes 75-76) assumes that this is the case with tzitzis as well. He further notes that even the Radvaz's position is not relevant to the wearing of tzitzis. As tzitzis are not considered to be objects of inherent kedusha there would be no objection to a prospective convert wearing them.

12 *Mishnas HaGer* (1:31) suggests, based on Netziv, that if tefillin are written specifically for the prospective convert there would be no objection to his wearing them.

13 Rav Schachter thinks that a conversion candidate should not recite a *birchas hamitzvah* prior to performing a mitzvah. Since the conversion candidate is not (yet) commanded to perform any given mitzvah, even if he is permitted to do so voluntarily, it would be an untruth to recite the formula *asher kidishanu b'mitzvosav v'tzivanu* — who has sanctified us with his mitzvos and commended us. My colleague Rabbi Zvi Romm suggested that a conversion candidate could avoid this concern and still recite such brachos by prefacing every *birchas hamitzvah* with the phrase (or a similar phrase): "A Jew in this situation would say *Baruch ata ...*" This is similar to a suggestion of R. Yitzchok Zilberstein recommends that if one is in doubt as to whether he is in the presence of more than six-hundred thousand people, such that he would have to recite the bracha of *Chacham Harazim*, he should recite the relevant passage from the Rambam or Shulchan Aruch that includes the text of the bracha (teshuva referenced at kikar.co.il).

14 See Tosafos (*Chagigah* 13a s.v. *Ein mosrin*) who address the need for both prohibitions. Although the Gemara uses the term *chayav misah* — is deserving of the death penalty, see *Kesef Mishneh* to Rambam who says that the reference to the death penalty is to *misah biydei shamayim* — death in the hands of Heaven and not by a beis din.

15 In addition to the *Minchas Elazar* cited earlier and the *Igros Moshe* cited below, this

is also the position of *Minchas Yitzchak* (1:36:1), *Tzitz Eliezer* (21:25), and *Shevet HaLevi* (7:162). See R. Ovadia Yosef (*Yabia Omer*, Y.D. 2:17:5), who records that the practice in Egypt that predated his arrival as Chief Rabbi of Cairo was to provide conversion candidates with an easy-to-read booklet written in the vernacular that outlined the basics of Judaism. See also R. Asher Weiss in *Geirus K'hilchasa*, Section II 9:2.

16 See R. Eliyahu Bracha, *Toldos Noach*, p. 570, and *Mishnas HaGer*, pp. 318-319 ft. 107, who discuss whether there would be room to permit the non-Jew in this case to study Torah while preserving the prohibition of a Jew teaching him Torah.

17 R. Akiva Eiger (*Shu"t* 1:41) was asked about the propriety of teaching Torah to a conversion candidate who resided in a locale where conversion to Judaism was illegal and was hoping to eventually relocate to a country where conversion would be possible. R. Akiva Eiger points out that Tosafos (*Yevamos* 24a s.v. *Lo*) understood that Hillel did indeed convert the individual immediately and that Tosafos implicitly disputes the Maharsha's leniency. He concludes that he does have the ability to allow teaching Torah to a conversion candidate. R. Moshe Feinstein (*Igros Moshe*, *Yoreh Deah* 3:90) finds R. Akiva Eiger's position difficult and assumes that the reluctance to allow a conversion candidate to study Torah must have been limited to the situation at hand, where it was not feasible to convert at that moment.

18 Regarding the Meiri's implication that there would be a collective interest in having a non-Jew study the Torah in order to discover the ultimate truth and convert, it is worth noting an interesting comment of Ibn Ezra (*Devarim* 31:12). Included in the Torah's list of attendees at the Hakhel gathering is *hager asher b'kirbecha* — the stranger in your midst. Ibn Ezra writes, "*ulay yisyahaid*" — perhaps he will become Jewish. Ibn Ezra clearly understood that the ger referenced here is not a *ger zedek*, an actual convert, but rather a *ger toshav*, a non-Jewish resident of the Land of Israel, and that there is a collective interest in having such a person convert. See *Pardes Yosef HaChadash* on this passuk for further source material on this matter.

19 There is a teshuvah of the Rambam (*Pe'er HaDor* 50) that may lead to a similar conclusion as the Meiri, although the printed teshuva has some lines that may appear

contradictory. See R. Eliyahu Bracha, *Toldos Noach* pp. 572-573 for an analysis of two versions of the Rambam's teshuvah.

20 There may be other mitigating positions that provide further allowance for teaching Torah to conversion candidates. Netziv (*Meishiv Davar* 2:77) argues based on various sources that a non-Jew is permitted to study Torah SheBichsav and is only proscribed from studying Torah SheBeal Peh. One of his primary proofs is the tradition (see *Sotah* 35b) that Yehoshua translated the Torah into seventy languages. See, however, R. Ovadia Yosef (*Yabia Omer*, Y.D. 2:17) who quotes many sources that dispute the Netziv's contention. *Shiltei HaGibborim* (end of the first perek of *Avodah Zarah*) quotes from the Riaz that the prohibition only applies to Chumash and the explanation of its pesukim and not to Neviim and Kesuvim, or at least those portions that deal with the consolation of the Jewish people. See *Tzitz Eliezer* (21:25), who analyzes (and rejects) the position of some authorities that the prohibition only applies to teaching the reasoning behind the laws but not the laws themselves. For a general treatment of the subject of teaching Torah to non-Jews see R. J. David Bleich, *Contemporary Halakhic Problems* Vol. II pp. 311-340 and *Toldos Noach* Chapter 10. See also *Mishnas HaGer* Part II Chapter 15.

21 The aforementioned Meiri views the prohibition of a non-Jew keeping Shabbos as being based on the same reason as the prohibition to study Torah. There is a concern that if a non-Jew keeps Shabbos others will incorrectly think that he is Jewish and be led astray. It is arguable that this concern does not apply to conversion candidates. *Tosafos Yeshanim* (*Yevamos* 48a s.v. *Zeh*) in one answer suggests that a non-Jew who intends to convert is permitted to keep Shabbos. R. Akiva Eiger (*Kamma*, *Hashmotos* to 121) quotes from R. Pinchas Horowitz (author of the *Haflaah*) that the prohibition for a non-Jew to keep Shabbos applies to the twenty-four-hour period beginning Shabbos morning and through motzaei Shabbos. According to this approach, which R. Akiva Eiger himself rejects, it would be permissible for a non-Jew to keep our Shabbos, so long as he performs melacha on motzei Shabbos.

In a pamphlet entitled *V'ahavatem Es HaGer* (2003), a guide for families that host conversion candidates published by the Israeli Conversion Authority (*Ma'arach HaGiyur*),

the author recommends instructing conversion candidates to keep Shabbos fully.

22 The most common suggestion in contemporary times has been to turn on a light once over the course of Shabbos. Given the recent movement away from incandescent bulbs (which according to many poskim constitutes a Torah prohibition of kindling a flame) in favor of fluorescent, halogen, or LED bulbs (which according to many poskim would only involve a rabbinic prohibition), perhaps the violation of a clearer Torah prohibition would be advisable.

23 The issue of whether a conversion candidate who has already undergone a bris milah but not yet gone to the mikva may (or should) observe Shabbos spurred much literature in the aftermath of an episode that took place in Yerushalayim in 1848. See, for example, *Binyan Tzion* 126. For a thorough analysis of this topic, see Rabbi J. David Bleich in *Contemporary Halakhic Problems* Vol. IV pp. 145-170.

24 *Minchas Chinuch* (mitzvah 32 section entitled *Assufi*) is bothered by the apparent Catch-22 situation of a person who is unsure as to whether he is Jewish. If he observes Shabbos he may violate the capital offense of a non-Jew keeping Shabbos and if he desecrates Shabbos he may violate the capital offense of a Jew violating Shabbos. He suggests that a person in situation violate a melacha through a *chatzi-shiur* — performing the action in a quantity less than that necessary to incur culpability. In Torah law there are many mitzvos and aveiros whose fulfillment or violation requires a certain minimum amount (*shiur*). However, the notion of *shiurim* does not apply to non-Jews. Thus, for example, a Jew is only liable for stealing if he stole an object worth at least a perutah; a non-Jew would be liable for stealing even if he stole an object worth less than a perutah.

If this individual of questionable status performs a melacha on Shabbos with only a *chatzi-shiur*, if he is really not Jewish he would be considered to have violated Shabbos. If he is Jewish, he would have only performed a *melacha* with a *chatzi-shiur*, which according to some is not Biblically prohibited (even though in general *chatzi-shiur* in other areas is considered Biblically significant), and according to others would not be prohibited if his intention is simply to avoid this Catch-22 situation.



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Pardes Yosef (Noach 43) quotes in the name of the *Chasam Sofer* that one who is of doubtful status should wear tzitzis in a *reshus harabbim* (public domain). If he is Jewish, then he will have done nothing wrong, as one is permitted to wear clothing in a *reshus harabbim*. However, if he is not Jewish, since he is not obligated in tzitzis the garment would be considered a *masa*, a burden, and to wear it in *reshus harabbim* would be considered a

violation of Shabbos.

R. Yitzchak Yosef (*Kuntreis HaGiyur*, printed in *Kenes HaDayanim* 5774, pp. 148-149) thinks that the notion of *safeik d'oraisa l'chumra* does not apply to non-Jews, and therefore if someone is of doubtful status, there is no consideration of being stringent to intentionally violate Shabbos, and he should fully observe Shabbos.