

## Halachos of Geirim

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- I. **General Introduction.** On the *יום טוב* of *שבועות* it is customary to read *מגילת רות*. Much of the *מגילה* provides the framework for the laws of *גירות*. While many people focus on the details of the conversion process, in this essay we will discuss the issues pertaining to the status of a person who has completed his conversion process. In what respects is he to be considered like a regular Jew and when is he treated differently than one who was born Jewish.
  
- II. **Interacting with converts.** Throughout the *תורה* we are warned many times to treat a convert with heightened sensitivity and love. In the words of Rabbi Eliezer Waldenberg, "countless statements of *הז"ל* speak of the great value and heightened sense of love [that we must have for converts]... to expound in detail on all of these statements of *הז"ל* would require an entire separate book". At a minimum, there are three specific *מצוות* where the torah issues explicit warning to deal more carefully with a convert. Additionally there is one *הלכה* where the torah seems to devalue the convert:
  - A. The *רמב"ם* (*הלכות דעות פרק ו' הלכה ד'*) writes that when one loves a convert he is in fulfillment of two distinct positive commandments: the *מצוה* to love each and every Jew, and the *מצוה* to love a *גר*. Additionally, we are told that *הקב"ה* loves *גרים*, and equated our responsibility to love *גרים* with our responsibility to love God Himself.
    1. In this respect the *רמב"ם* (*בתשובה לרבינו עובדיה הגר*) writes that the obligation one has toward converts actually exceeds the obligation one has toward his parent. While one has an obligation to honor and fear his parents, there is no obligation to love a parent. After all, it is possible to honor, fear, and accept the authority of a person who one does not love. Yet, the Torah requires that our treatment of *גרים* must reflect a sense of love. The *ספר החינוך* (*מצוה*) explains that the *גר* has earned this love. After leaving his nation and his family out of a love for

truth and a rejection of falsehood, the convert can reasonably expect that we act toward him with extreme kindness.

B. The (בבא מציעא דף נט:): records that one who verbally abuses a convert is in violation of three separate prohibitions. The גמרא explains that it is hypocritical for a Jew to mock a convert because of the dictum: מום שבך אל תאמר לחברך (one should not mock his friend regarding a blemish that he possesses himself). Since we were all גרים in מצרים we are in no position to look down upon those who are currently in that position.

1. The מנחת חינוך (מצוה תלא) questions who these prohibitions apply to. Should we only assume that the גר himself is included or perhaps the תורה even deals stringently with one who verbally abuses the children (or grandchildren) of a גר. While the מנחת חינוך does not marshal proof in either direction, he reasons that the prohibition should only include the verbal abuse of one who does not have relatives within the Jewish community. Thus, as soon as he is halachically related to his parents (i.e. a second generation גר) he is considered like any other Jew in this regard.

C. A final area where a convert must be treated with heightened sensitivity is in the area of issuing court judgments. The רמב"ם (הלכות סנהדרין פרק כ' הלכה יב) writes that while one is always prohibited from issuing a corrupt judgment (לא תעשו עול במשפט: פסוק), there is an additional prohibition in doing so against a convert (לא תטה משפט גר: פסוק).

D. There is one area where the הלכה does not demand that we treat a convert with greater sensitivity, and even demands that we are less sensitive to the convert. The משנה (הוריות דף יג:) states that all Jews (other than a freed slave) take precedence over a convert in receiving charity funds or redeeming them from captivity. The רמב"ם (הלכות מתנת עניים פרק ה') codifies this הלכה.

III. **Honoring ones parents.** One of the greater challenges that a convert faces upon joining our ranks is balancing his relationship with his biological family. On the one hand חז"ל teach us that גר שנתגייר כקטן שנולד דמי – a convert is no longer related to his previous family. On the other hand, emotionally it is difficult for one to completely sever his relationship with his biological family. If one were to act in an insensitive fashion toward his old family it may reflect poorly on our religion as a whole.

A. **Not cursing/honor.** The רמב"ם (הלכות ממרים פרק ה' הלכה יא) writes that a convert may not curse or hit or humiliate his parents, because doing so will give the impression that his level of obligation has actually decreased since he became a Jew. Instead, the רמב"ם writes, one must treat his parents with "a small measure of honor". The שולחן ערוך (יורה דעה סימן ) cites this ruling of the רמב"ם but omits the notion of "a small measure of honor". The commentaries on the רמב"ם struggled to find a source for this ruling of the רמב"ם. The גמרא does not make mention of these prohibitions toward a parent. A number of suggestions have been made to determine the source of the רמב"ם:

1. The רמב"ם based his ruling on a משנה (שם) כסף משנה (שם) writes that the רמב"ם based his ruling on a גמרא (יבמות דף כב) which explains that the only reason the rabbi prohibited a convert to marry his biological relatives (although they are not halachically related) is that if it were permitted, people would assume that those relationships that used to be prohibited to him have now become permitted to him. As such, the impression that would be given is that with his conversion, the גר has diminished his halachic status (שלא יאמרו באנו מקדושה חמורה לקדושה קלה). Similarly, exempting a convert from כיבוד אב ואם would give the impression that his former obligations are no longer binding because his status has been diminished.

a. Rav Moshe Feinstein זצ"ל חלק ב' יו"ד חלק ב' זצ"ל (שו"ת אגרות משה יו"ד חלק ב' זצ"ל) rejects the רמב"ם's explanation of the רמב"ם for the following reason. A non-Jew is

prohibited to have sexual relations with relatives. It is thus readily understood that if those same relationships were not prohibited for him as a Jew people would get the impression that his halachic status has diminished. However, a non-Jew has no obligation to honor his parents. Therefore, exempting a convert from *כבוד אב ואם* should not lead anybody to the conclusion that his halachic status is diminished.

2. (שולחן ערוך יו"ד סימן רמא) רבי עקיבה איגר explains the רמב"ם's concern differently. We are not worried that people will think his *halachic* status has been diminished. After all, even as a non-Jew he had no *halachic* obligation to honor his parents. The concern, however, is on a *practical* level. The רמב"ם is merely saying that since it is the accepted practice for a gentile child to honor his parents (although there is no halachic requirement to do so) it looks bad if he stops honoring his parents when he becomes Jewish.

a. Rav Moshe Feinstein takes strong issue with this interpretation of the רמב"ם as well. The רמב"ם's practice throughout his ספר is to cite הלכות from other sources without attributing them to their original source. Whenever the רמב"ם develops a novel law without an earlier source, he is careful to introduce the הלכה with the term "יראה לי". If רבי עקיבה איגר is correct that there is no precedent for this הלכה, the רמב"ם is veering significantly from his normal style. Additionally the language of the רמב"ם "שלא יאמרו רמב"ם" "שלא יאמרו רמב"ם" "שלא יאמרו רמב"ם" would be imprecise if he only means that it was "normal" for a gentile to honor his parent rather than a halachic obligation to do so.

3. In addressing the source of the רמב"ם, Rav Moshe Feinstein suggests that although gentiles do not

have a formal obligation of כיבוד אב ואם, they are required to have basic positive character traits such as הכרת הטוב. Jew and non-Jew alike are expected not to be כפוי טוב. Even אדם הראשון, who did not have the status of a Jew was taken to task for not expressing הכרת הטוב (in complaining about his greatest gift: חוה). The notion that there is an aspect of כיבוד אב ואם that is based on the requirement of הכרת הטוב, can be proven from a well known משנה in מציעא. מסכת בבא מציעא teaches that one should return his rebbe's lost article before returning his father's lost article because his father brought him into this world, but his rebbe brings him into the next world. Implicit in the משנה's ruling is that the extent to which one must honor his father or rebbe depends entirely on what they have done for him. The conclusion we must draw is that כיבוד אב ואם has an element of הכרת הטוב.

- a. With this approach, Rav Moshe explains the precise language of the רמב"ם when he writes that a convert must have "מקצת כבוד" for a parent. The exact parameter of "מקצת כבוד" is the amount of honor that would not involve כפיית טובה, which a gentile is also *halachically* obligated in. While this is a legitimate obligation, there is no explicit מצוה in the תורה to this end (see מלבי"ם דברים כז:טז), which leads the רמב"ם to use the vague terminology of "שלא יאמרו" שהוא בא מקדושה חמורה לקדושה קלה.

B. **Visiting a sick parent.** Rav Moshe Feinstein was asked about the permissibility of a convert visiting a sick biological parent. The parent had requested to see her child and grandchild before she died. The mother and daughter had not been in contact for twenty years, but they both were interested in renewing acquaintances. A number of possible leniencies were suggested:

1. The person asking the question of Rav Moshe thought to permit this visit based on the notion of

שמא יחזיר לסורו. The (קידושין דף יז:). גמרא allows a convert to inherit his parent lest the financial loss encourage him to rejoin his old religion. Similarly, argued the questioner, forbidding a woman to visit her ill mother may turn her away from a Jewish way of life. A convert is somebody who has already put their lives through one major upheaval, and may be more likely than another person to do it again.

- a. Rav Moshe remained unconvinced by this argument. He suggests that we may distinguish between one who has a financial interest in returning to their old faith (where *הז"ל* were clearly concerned) and a case where there is only an emotional difficulty with Judaism, but no draw to the old faith.
2. Despite rejecting the logic of the questioner, Rav Moshe supports the notion that this woman should be permitted to visit her biological mother. Rav Moshe suggests the following considerations in issuing a lenient ruling:
- a. The very fact that people will view a stringent ruling as evidence that the torah is unethical is reason enough to be lenient. The הלכה allows and even requires that we visit sick gentiles, support the gentile poor, and bury the gentile dead to preserve peace (מפני דרכי שלום).
  - b. Additionally, as we have mentioned, the רמב"ם rules explicitly that a convert must still have a small measure of honor for their biological parents. Although the שולחן ערוך does not record a *requirement* for converts to honor their parents, there is no indication that there would be any *prohibition* for them to honor their parents.
  - c. Finally, Rav Moshe argues, a refusal of a request to visit the parent may be considered

the equivalent of “cursing and hitting” the parent, which is explicitly forbidden by the שולחן ערוך. After all, the הלכה is concerned that one who does not fulfill the requests of a dying person (שכיב מרע) may worsen their condition, and ultimately kill them. Thus, refusal to visit may be considered far worse than merely “cursing and hitting”.

C. **Mourning for deceased parents.** The רמב"ם (הלכות אבל פרק ב' and the rule that a convert should not observe the laws of mourning (i.e. sit shivah) for his biological parents, even if the parents converted along with the children. Although this view is not unanimously held by the ראשונים (see מרדכי cited by רמ"א and the ראשונים), we who consider all אבלות to be only rabbinically required, certainly subscribe to this view (ש"ך שם ס"ק ה').

1. Rav Moshe Shternbuch (שו"ת תשובות והנהגות חלק א' סימן 100) was asked about a boy whose grandmother had undergone a reform conversion. Since the conversion was halachically unacceptable both he and his mother realized that they were not Jewish. As a result they each went through an orthodox conversion privately. Upon the mother's passing, the boy wanted to observe the laws of mourning. Rav Shternbuch ruled that although there is no *obligation* for him to mourn his mother, he is *permitted* to do so in order to retain the dignity of the family. The entire conversion was quiet and it would prove to be terrible embarrassing if people would see that he is not sitting שבעה for his mother. As precedent for allowing אבלות when the dignity of the family is at stake, Rav Shternbuch cites the opinion of the חתם סופר (cited in פתחי תשובה ריש סימן שמה) who permits a family of a suicide victim to mourn even though from a strictly halachic perspective, they are exempt from mourning. Although חז"ל expressed a general concern that people should not be given the impression that a woman who is a convert was born Jewish, considering the

circumstances Rav Shternbuch felt that there is ample room to be lenient in this case. However, Rav Shternbuch cautioned, the boy is only permitted to observe אבלות, but may not accept any of the leniencies of אנינות. Thus, he must recite ברכות and put on תפילין during the period before his mother's burial.

D. **Prayers/קדיש**. Rav Ovadiah Yosef (שו"ת יחוה דעת חלק ו' סימן ס') was asked whether a convert may pray for the recovery of their ill biological parent who is not Jewish. Additionally he was asked if the person were to die, may the deceased's Jewish biological child say קדיש for them.

1. In terms of the issue of praying for their recovery Rav Ovadiah cites the ruling of שולחן ערוך (יורה דעה סימן יורה דעה עבודת זרה א') who is dying unless there is a concern that refusal to help the person will strain relations between Jews and gentiles, possibly leading to a dangerous situation for the Jews. However, there is strong halachic precedent for doctors to treat gentile patients. No less an authority than the רמב"ם himself treated Muslim patients on a daily basis. The logic for this leniency is that the prohibition only applies to one who is an idolater, but a gentile who believes in one God may be treated by a Jewish doctor, even in the absence of sociological concerns. The רמב"ם's view is that Muslims are not considered to be עובדי עבודה זרה. Additionally, in the view of תוספות סנהדרין דף סג: even Christians are not considered to be idolaters. While gentiles are certainly required to believe in God, there is considerable debate amongst leading halachic authorities whether a gentile may believe in additional gods or forces that "aid" God – such as a trinity. Even if one maintains that gentiles are not permitted to believe in more than one God, the very fact that the parent requests the prayers of the Jewish child may indicate a willingness on the part of the parent to accept the fact that the one



Jewish God is the only one who can answer prayers.

a. Finally, Rav Ovadiah adds that one may certainly pray that the gentile do תשובה and decide to observe a halachically acceptable lifestyle (full observance of the שבע מצוות בני נח) and continue to do so in good health. The גמרא (ברכות דף י) records that when a group of wicked people were bothering רבי מאיר, his initial reaction was to pray for their deaths. However, his wife ברוריה correctly pointed out to him that it would be wiser to pray that they do תשובה and go on to live productive lives. The same may be argued in our case of the convert praying for a parent with errant beliefs.

2. In the event that the parent should perish, Rav Ovadiah suggests that the child may still recite קדיש for them. The fact that the parent may have been wicked should not stop the child from saying קדיש. After all, דוד המלך prayed for the soul of his wicked son (תוספות סוטה דף י: אבשלום). [We may add that the primary custom of reciting קדיש was instituted specifically for parents who were not great צדיקים and need all of the help they can get in עולם הבא.] The fact that they are not considered to be related to each other should not stop the child from saying קדיש, as it is already common practice that when one does not leave any relatives who can say קדיש for them, people who are completely unrelated say קדיש for them.

IV. **Performance of מצוות.** The רמב"ם (הלכות איסורי ביאה פרק יב הלכה יז) states clearly that anybody who has undergone a halachically viable conversion has a full status of a Jew. Thus, he is completely obligated in all mitzvos as any other Jew would be.

A. **Are גרים included in ערבות?** In addition to each Jew's personal obligation in מצוות, we are also required to see to it that our fellow Jews fulfill מצוות properly. This concept was popularized by the term "כל ישראל ערבים זה בזה". As applied in a halachic context this concept teaches that one who has already fulfilled a particular מצוה may repeat the performance of the mitzvah in order to allow another Jew to fulfill their obligation. The most common practical application of this concept is one who has recited קידוש in shul on שבת, but then recites קידוש a second time at home for the benefit of those family members who have not yet fulfilled their obligation. The ראשונים debate the status of גרים as it applies to this concept of ערבות:

1. The גמרא (נדה דף יג: וקידושין דף ע:) states that having גרים in כלל ישראל has a negative effect on the rest of the nation. The ראשונים offer various interpretations for this statement:
  - a. Rashi (נדה שם) writes that their general ignorance about the intricacies of מצוות causes punishment to befall the nation as a whole.
  - b. Additionally, there is a practical concern that when there are people who aren't sufficiently familiar with the מצוות, other Jews may learn from their errant ways.
  - c. תוספות (קידושין דף ע:) writes that the presence of גרים makes our lives more difficult in that we are held to a much higher standard of treatment בין אדם לחבירו when dealing with גרים than we are when dealing with people who are born Jewish. In fact the תורה warns us no fewer than twenty four times regarding the treatment of גרים. It is nearly impossible to interact with a גר and avoid violation of the prohibition to treat him respectfully as any slight to his honor will constitute the violation of a prohibition.

- d. ה"ר אברהם הגר also cite the opinion of גרים who suggested that the difficulty in having גרים in our midst lies not in their mistreatment of מצוות but in their particular scrupulousness in the performance of מצוות. Since the גרים show a much higher level of interest and care in performing מצוות, the lack of excitement and care that most Jews show becomes more apparent in contrast. It would be better for the Jews to never have גרים in their midst so that the contrast will never be so evident.
- e. Finally, רש"י cites those who explain that since all Jews are responsible to see to it that their fellow Jews observe מצוות, and are held accountable when they fail to do so (כל ישראל) (ערבים זה בזה), the presence of גרים who don't perform מצוות properly can have a negative effect on the rest of כלל ישראל who are held accountable for his behavior. However, רש"י flatly rejects this approach based on a passage in the גמרא. The גמרא states that Jews became accountable for each other's sins at הר סיני where this accountability was accepted by the 603,500 Jews who were present. Considering the absence of גרים at הר סיני, רש"י argues, converts as a whole were never included in ערבות.
2. There would seem to be various halachic ramifications to the idea of רש"י that a גר is not included in ערבות. For instance, if a גר were בעל תוקע who blew שופר in shul on the morning of ראש השנה and then wanted to blow the שופר again for somebody who had not yet heard תקיעת שופר, he may be unable to aid the second person in fulfilling their obligation. After all, generally speaking one who is not obligated in a מצוה cannot be מוציא another person who is obligated in the מצוה. Similarly, somebody who is only obligated rabbinically in a מצוה cannot be מוציא somebody who is obligated

biblically in a מצוה. The only reason one who has already blown שופר and is therefore no longer obligated in the מצוה may be מוציא somebody who has not yet heard the שופר is through the concept of ערבות. If another Jew has not fulfilled his מצוה, anybody included in ערבות is considered lacking in his own קיום המצוה and may therefore be מוציא the person who has not yet fulfilled his מצוה. If a גר is not included in ערבות, he should lack the ability to be מוציא somebody else in מצוות once he has fulfilled the מצוה himself.

- a. Rav Moshe Shternbuch (שו"ת תשובות והנהגות חלק ג' writes that perhaps one can suggest an approach that would allow גרים to be מוציא others in מצוות even after they have already fulfilled the מצוות themselves. Rav Shternbuch suggests that the exclusion of גרים from ערבות relates to the concept that קהל גרים לא איקרי קהל – are not considered part of the same community as the rest of כלל ישראל. This idea is only applicable to the community. As a community we would not get punished for the actions of גרים, nor would they get punished for our actions. Yet, as individual members of כלל ישראל they would be responsible to ensure our performance of מצוות as we are responsible to ensure their performance of מצוות. This distinction between ערבות qua community and ערבות qua individual may allow us to accept the ערבות of רש"י that גרים are not included in ערבות (on a communal level) yet may still be מוציא others in מצוות that the גר himself has already performed (on an individual level). Based on this distinction, Rav Shternbuch explains a comment of רבי עקיבא איגר in his glosses to the שולחן ערוך. The דגול מרבבה (סימן רעא) writes that one who davens in shul on Friday night may not be able to be מוציא his wife in קידוש when he comes home from shul. After all, one can fulfill his biblical obligation of קידוש through the davening

itself, while his wife who has not davened מעריב is still obligated in קידוש מדאורייתא. The only mechanism that such a person would have to be מוציא his wife is the concepts of ערבות. However, the ר"א (ברכות) tells us that women are not included in ערבות. In disagreeing with this דגול מרבבה רבי עקיבא איגר suggests that the ר"א never intended to exclude women from ערבות entirely, only to exclude them from ערבות in מצוות that they are personally not obligated to perform. Thus, women would be included in ערבות relating to the מצוה of קידוש, solving any problem with her husband reciting קידוש for her on Friday night. One can question the assertion of רבי עקיבא איגר on the grounds that women were not included in the count of 603,500 Jews who accepted ערבות at הר סיני. This would seem to imply that they are not included in any of the מצוות, not just those that they aren't obligated to perform. However, based on Rav Shternbuch's assertion רבי עקיבא איגר may be readily understood. It is true that women were not included in ערבות of the community at הר סיני. However, they are still included in ערבות on an individual level. רבי עקיבא איגר merely adds that even on an individual level, women are only included in ערבות for those מצוות that they are obligated to perform.

- B. פרו ורבו. In order to fulfill the obligation of פרו ורבו a man must have at least one son and one daughter. If a גר had children before converting, and subsequently converted along with his children (and according to some even if the children did not convert – (הלכת מחוקק אה"ע סימן א' ס"ק ט' – (שו"ע אבן העזר סימן א) פרו ורבו of מצוה he has fulfilled the מצוה). The question begs itself, though, why should the actions performed while he was a gentile serve to exempt him from מצוות as a Jew? After all if the man would have blown שופר as a gentile he would certainly be obligated to repeat the תקיעה after his conversion?

1. To amplify this question the טורי אבן points our טורי (גמרא (ראש השנה דף כח.) that according to the אבן לראש השנה דף כח.) (ראש השנה דף כח.) of one were to go temporarily insane on the first night of פסח, and consume מצה during his lapse of insanity, he would be required to consume another מצה as soon as he regains a sound mind and reasoning. The גמרא explains that the actions he has done while exempt from the מצוה (as a שוטה) cannot allow him to fulfill his obligation when he is obligated in the מצוה. Thus, it seems quite unusual that a גר would be in fulfillment of the מצוה of פרו ורבו based on the children that he had when he was not obligated in the מצוה (as a גוי).
  2. The מנחת חינוך (מצוה א' אות יג-יד) suggest that the nature of the obligation of פרו ורבו is fundamentally different than the obligations of other מצוות. Whereas in order to fulfill the מצוה of שופר one need only blow the שופר and he has completed the מצוה, when it comes to פרו ורבו actually having children does not signify the completion of the מצוה. There is in fact no מצוה to *make* children, only to *have* children. Each moment of a person's life there is a new obligation of פרו ורבו. If he has children he has fulfilled this obligation. If not, he has not fulfilled this obligation. The מנחת חינוך proves this understanding of פרו ורבו from the fact that one who had children who have since perished is still obligated in the מצוה of פרו ורבו.
- C. ברכת המזון. The חזון איש (אורח חיים סימן כח אותיות ד-ה) writes that one can question the logic behind the הלכה that one can recite ברכת המזון for seventy two minutes after eating a meal. On the one hand one may view the obligation of ברכת המזון as relating to the actual eating of the food, and the time cushion just allows for some lapse between the action that generates the obligation of ברכת המזון and the fulfillment of the obligation. On the other hand, it could be argued that the obligation of ברכת המזון is not generated by the eating, per se, but by the subsequent feeling of satiation that comes as a result of the eating. The time that one has in between the eating and the bentching is not a הפסק at all,

because as long as one is satiated he is generating the obligation in ברכת המזון. The נפקא מינה between these two possibilities, suggests the חזון איש, is a case of a גר who had a large meal immediately before his conversion. If the actual eating generates the obligation of ברכת המזון, he has eaten when he was a gentile and no obligation could have been generated. If, however, an eating inspired feeling of satiation generates the obligation of ברכת המזון, even the גר who ate prior to conversion would be obligated as the feeling of satiation extends beyond the time of conversion.

D. תפילות. The Jewish liturgy is laden with recitations that reference our forefathers. As a result, גרים have always questioned the proper נוסח for the various תפילות. Can a גר utter the phrase "אלקינו ואלקי אבותינו"?

1. The משנה בכורים פ"א מ"ד states that a גר does not recite the פרשת ביכורים upon bringing his first fruits to the בית המקדש because the קריאה includes the phrase "אשר תוספות (בבא בתרא דף פא). However, משנה. Instead we assume the position of ר' יהודה taken in the ירושלמי to be correct. ר' יהודה maintains that a גר may rightfully refer to אברהם יצחק ויעקב as his own forefathers because God had made אברהם into the אב – the father of all humanity. Indeed, the (שו"ת הרמב"ם סימן מג) רבינו עובדיה הגר in a letter to רמב"ם rules explicitly that phrases such as "אלקינו ואלקי אבותינו" "אשר קדשנו במצותיו וצונו" "אשר הבדילנו" "אשר בחר בנו" "שהנחלת את אבותינו" "שהוצאתנו מארץ מצרים" "שעשה נסים לאבותינו" may all be recited by a convert. As a matter of הלכה, the (או"ח סימן קצט סעיף ד) שולחן ערוך rules that a גר may recite ברכת המזון complete with the phrase "על הארץ שהנחלת לאבותינו".

E. טבילת כלים. When one purchases utensils from a non-Jew, even if they were never used before, he must immerse the utensils in a מקוה. Contemporary פוסקים have debated the obligation of a גר to immerse all of his utensils after his conversion. After all, these utensils have gone from the property of a gentile to the property of a Jew. The leading

פוסקים, however, are somewhat divided on this issue, mostly because we do not find an explicit statement requiring a גר to immerse all of the utensils he had owned previously anywhere in medieval halachic literature.

1. שם משמואל cites the author of ספר טבילת כלים as having stated in the name of his father (author of the אבני נזר) that when a person converts the טבילה of the convert himself can count for the utensils as well. This is a very enigmatic statement and does not seem to be supported by strong halachic proofs.
  2. שו"ת עטרת משה (יו"ד) cites the ספר גירות כהלכתא פרק ח' הערה יח as having ruled that a convert need not immerse his utensils because there has not been a transfer of possession directly from a non-Jew to a Jew. In his view, when a person converts all of his possessions become ownerless (הפקר) and after the conversion the גר subsequently reacquires his possessions from הפקר. The difficulty with this approach is that there seems to be little proof to the notion that a convert's possessions become הפקר upon his conversion.
  3. Rav Moshe Shternbuch (שו"ת תשובות והנהגות א:תמט) and Rav Shmuel Wosner (שו"ת שבט הלוי ד:צב) both conclude that a convert must immerse his utensils before using them. They point out that there is no requirement for any sort of "sale" to take place in order to obligate טבילת כלים as the very source in the torah for טבילת כלים relates to taking כלים from non-Jews as spoils of war. Rav Shternbuch does add, though, that perhaps one should not recite a ברכה on such a טבילת כלים in deference to those פוסקים who maintained that טבילה is not required at all.
- F. יתוד. As we have mentioned previously, when a person converts they are considered as if they have just been reborn. Their relatives are no longer considered to be related to them. Even if parents converts along with their children, they are not considered related to each other.



One of the problems that may arise from this הלכה, is that it would become extremely difficult for a normal family to function post-conversion while observing laws of יחוד. In order to address this concern, the פוסקים have taken different approaches:

1. (שו"ת בצל החכמה חלק ד' סימן יד) רב בצלאל שטרן suggests that while intuitively one may feel that there should be no reason to prohibit יחוד between a biological parent and child, as there is no chance that their יחוד will result in any sexual activity, nevertheless we do not have the ability to alter laws of the torah based on what seems logical. Rabbinic laws on the other hand can often be assessed and we may come to the conclusion that "בכי האי גונא לא גזרו" – the rabbis never intended their prohibition for this circumstance. As such, Rav Stern concludes, whenever the situation of יחוד is a דאורייתא (i.e. one man with one married women) the prohibition would apply even with גרים who are biologically parent and child. When, however, the situation is one of יחוד מדרבנן (i.e. the woman is not married or there is an additional man or woman in the room) one may assume that the rabbis would not have extended the prohibition to people who are biologically, if not halachically, parent and child.
2. Rav Moshe Shternbuch (שו"ת תשובות והנהגות א:תשעו) suggests a more lenient ruling in this case. First, Rav Shternbuch points out that in the very institution of יחוד, even on a דאורייתא level, we see that exceptions were made in cases where the practical concern is minimal. For instance, although a brother and sister cannot live alone together, they may have יחוד with each other from time to time. Similarly when a woman's husband is in the city the torah permits her to be alone with another man, as she fears her husband finding out about anything that would occur between the two of them. Clearly, the torah only prohibits יחוד in situations that may lead to further inappropriate

activity. Furthermore, Rav Shternbuch argues, the גר is not considered to be completely unrelated to his parents. As we have mentioned before, when it comes to the מצוה of פרו ורבו the biological connection is enough to consider the parent to have fulfilled his מצוה through this child. It stands to reason that for a הלכה such as יחוד the torah would follow the biological relationship, which guarantees fewer sexual temptations, rather than the halachic relationship that would indicate a prohibition.

- V. **Positions of Authority.** The גמרא (קידושין דף עו:) derives from the verse *שום תשים עליך מלך... מקרב אחיך* that any position of appointed authority over the people can only be filled by מקרב אחיך and cannot be filled by גר. The רמב"ם (פירוש המשניות לסוטה פרק ז משנה ז) writes that when the Jews reassured אגריפס המלך that he was their brother and was worthy of the throne in spite of the fact that he was a גר, they had committed a terrible sin. The רמב"ם (הלכות מלכים פ"א ה"ד) stresses that a convert may not even be appointed to positions involving a minimal amount of authority, even if he is appointed in charge of the spring of water from which the local fields are irrigated. The שולחן ערוך (יורה דעה סימן רסט) rules that while a גר may not serve as a judge for cases involving people who were born Jewish, he may serve as a judge for other גרים. Nowadays, the issue of a king never comes up and the issue of a judge comes up only rarely. However, the notion of a prohibition in appointing a גר to a position of authority is certainly relevant.

- A. Rav Moshe Feinstein (שו"ת אגרות משה יורה דעה חלק ד' סימן כו) was asked about appointing a גר to a position as a rebbe, a mashgiach, or even a ראש הישיבה. Rav Feinstein did not believe it appropriate to bring a proof from שמעיה ואבטליון who were גרים (the משניות even tell us that there were certain words in the Hebrew language that they could not pronounce because they were not born Jewish) because an exception to the normal rules may have been made for them (הוראת שעה) due to their status as the indisputable greatest תלמידי חכמים of their generation. This may have been no different than דבורה who in spite of being a woman was permitted to become a judge over all of Israel due to a

הוראת שעה. However, Rav Moshe writes, we have an obligation to look for leniencies in all questions that involve drawing a גר closer to us. Therefore, we may suggest the following lenient arguments:

1. The position of a ראש הישיבה is no greater a position of authority than any boss over his workers. Certainly a גר may be a boss. The only prohibition is when the גר is put into a position where he will have control over other people to force them to do something that they do not wish to do (such as a mashgiach in a restaurant). Fundamentally, anybody who comes to a ישיבה is doing so in order to learn torah. The ראש הישיבה merely facilitates that learning, and is not considered to be in a position of שררה. The שררה we speak of in relation to a Rabbi relates to the honor we must accord him and not any actual authority that he has over us.
  2. Furthermore, Rav Moshe argues, the prohibition is only in *appointing* a גר to a position of authority. If no appointment is necessary either because he takes it on his own or it is self evident that he should be in that position (as may have been the case with שמעיה אבטליון and דבורה) there is no prohibition for the גר to *be* in the position of authority.
    - a. This idea is similar to what the מנחת חינוך (מצוה תצו) suggests in relation to the appointment of a queen. We may not appoint a woman to be a מלך because the פסוק states "שום תשים עליך מלך" which we understand to be telling us "מלך ולא מלכה". Yet, the מנחת חינוך suggests, it is possible that if the king dies and he has no sons, his daughter may *inherit* the throne so long as she isn't *appointed* to the throne.
- B. Rav Herschel Schachter has reported that when the question came up whether Yeshiva University should allow a גר to attend their סמיכה program, Rav Soloveitchik pointed

out the above-cited תוספות in מסכת קידושין which quotes רבי אברהם הגר. The very title of רבי for a convert implies that one may ordain a convert regardless of what one thinks he may use that ordination to do professionally.

- VI. A גר who reverts back to his old religion. The שו"ע (יורה דעה סימן רסח סעיף ב') writes that a גר who has reverted to his old ways and has "converted out" of Judaism is still viewed by the הלכה to have the full status of a Jew. If he were to marry a Jewish woman the marriage is binding. The רמב"ם (הלכות איסורי ביאה פרק יג) adds that this is true even if it was later revealed that the convert had ulterior motives in converting. This is why both שמשון and שלמה remained married to their wives even after it became apparent that there were ulterior motives to their conversions. The גמרא (בכורות דף ל:) suggests that while a born Jew who is known to violate one particular prohibition is not automatically suspected of wrongdoing in all areas of torah, a convert who regularly violates one mitzvah is suspected of not properly fulfilling any מצוות and cannot be trusted at all. Interestingly, the שולחן ערוך and רמב"ם do not codify this statement as הלכה even though it does not seem to be disputed in the גמרא.
- VII. **Conclusion.** The life of a Jewish convert is a most complicated, difficult and rewarding one. In this essay we have begun to scratch the surface of some of those complexities. The underlying theme in all of the rabbinic literature on the subject is that we must treat גרים with heightened sensitivity, and accept anybody who has had a proper conversion into the Jewish community with open arms and with our full support.