The Converts of Shushan

Throughout most of Jewish history, conversion to Judaism was a relatively rare occurrence. As Jews were often persecuted, and conversion to Judaism was often illegal and potentially a capital offense, there was limited incentive to join the fold.¹ There were, however, notable exceptions in Biblical times. The Gemara (Yevamos 79a) derives from psukim in Melachim (1:5) that during the time of Dovid HaMelech 150,000 people converted to Judaism. Similarly, the pasuk in Megillas Esther (8:17) indicates that many converted during the time of Mordechai and Esther:

ובǁכל־מְדִינָה וּבְכָל־עִיר שִׂמְחָה וְשָׂשׂוֹן מֵעַמֵּי מַגִּיעַ דְּבַר־הַמֶּלֶךְ בְּכָל־מְדִינָה וּבְכָל־עִיר וְדָתוֹ מִשְׁתֶּה יוֹם וְיוֹם אֲשֶׁר חָזְרָה שָׁם הַדָּרֶךְ שָׁמָּה שָׁמָּה.

In every province and in every city, wherever the king’s commandments and decree reached, there was great gladness and joy for the Jews, a feast and a holiday. And many of the people of the land became Jews because the fear of the king and decree reached, there was great gladness and joy for the Jews, a feast and a holiday. 

This interpretation of the verse is a matter of dispute. Tosafos (Yevamos 24b s.v. Lo) are bothered by an apparent contradiction between two passages in the Gemara. The Gemara there quotes a beraisa that during the days of Dovid HaMelech and Shlomo HaMelech the Jewish people did not accept converts, as there was strong ulterior motivation to benefit from the economic prosperity that the Jewish people enjoyed at that time. Yet the Gemara that we quoted earlier refers to large numbers of geirim during the time of Dovid HaMelech. Tosafos suggest that the geirim of that time converted on their own and that the same was true of the converts of the time of Mordechai and Esther. That is the meaning of the term “misyahadim” — literally they “made themselves Jewish.” The implication of Tosafo’s language is that the subjects of Achashveirosh did not undergo a formal conversion process but rather conducted themselves as Jews. The Vilna Gaon in his commentary on Esther interprets this verse along these lines — they made themselves into Jews but were not in fact full Jews.²

Rashba and Ritva (Yevamos 79a) present a different resolution to this question, which reflects a different understanding of our verse. They answer that the geirim of Dovid HaMelech’s time (and presumably of Achashveirosh’s time as well) did convert, but they converted with a beis din of kedayot (laymen) and not an authorized beis din. Such conversions, while not prospectively sanctioned, would have been valid post facto, based on the conclusion of the Gemara (Yevamos 24b) that conversions performed for ulterior motivations are still valid post facto.³ According to this interpretation, misyahadim can mean that they literally and formally converted.

This answer of Rashba and Ritva is consistent with the words of the Rambam (Issurei Biah 13:14-15):

One should not think that Samson who saved the Jewish people, and Solomon King of Israel, who is called “the friend of God,” married gentile woman who did not convert. Instead, the matter can be explained as follows: The proper way of performing the mitzvah when a male or a female prospective convert comes, we inspect his motives for conversion. Perhaps he is coming for the sake of financial gain, in order to receive a position of authority, or he

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¹יראלו וְשָׂמָּה פַּחַד־הַיְּהוּדִים כִּי נָפַל עֲלֵיהֶם מֵעַמֵּי מַגִּיעַ בְּכָל־מְדִינָה וּבְכָל־עִיר שִׂמְחָה וְשָׂשׂוֹן מֵעַמֵּי מַגִּיעַ דְּבַר־הַמֶּלֶךְ בְּכָל־מְדִינָה וּבְכָל־עִיר וְדָתוֹ מִשְׁתֶּה יוֹם וְיוֹם אֲשֶׁר חָזְרָה שָׁם הַדָּרֶךְ שָׁמָּה שָׁמָּה.

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desires to enter our faith because of fear. For a man, we check whether he focused his attention on a Jewish woman. For a woman, we check whether she focused her attention on a Jewish youth. If we find no ulterior motive, we inform them of the heaviness of the yoke of the Torah and the difficulty the common people have in observing it so that they will abandon [their desire]. If they accept [this introduction] and do not abandon their resolve and thus we see that they are motivated by love, we accept them, as [indicated by Ruth 1:18]: “And she saw that she was exerting herself to continue with her and she ceased speaking with her.” For this reason, the court did not accept converts throughout the reign of David and Solomon. In David’s time, [they feared] that they sought to convert because of fear and in Solomon’s time, [they feared] that they were motivated by the sovereignty, prosperity, and eminence which Israel enjoyed. [They refrained from accepting such converts, because] a gentle who seeks to convert because of the vanities of this [material] world is not a righteous convert. Nevertheless, there were many people who converted in the presence of ordinary people during the era of David and Solomon. The Supreme Sanhedrin would view them with skepticism. Since they immersed themselves, they would not reject them, but they would not draw them close until they saw what the outcome would be. (Translation, Chabad.org)

R. Refoel Aharon Yoffen (footnote 758 to Ritva, Yevamos 77a, Mosad HaRav Kook edition) suggests that the crux of the difference between the answers in rishonim may be the status of conversions performed by a beis din of hedyotos. The Gemara (Yevamos 46b), based on the Torah’s usage of the term “mishpat,” or “judgment,” derives the requirement that the fundamental components of geirus be performed in the presence of a beis din. Tosafos (s.v. Mishpat) explain that based on the Gemara’s analysis, we would require a beis din of three “mumchim,” individuals who possess semicha handed down from generation to generation back to Moshe Rabbenu. Given that by the time of the Tosafos (and much earlier) formal semicha ceased to exist, Tosafos question how we are able to accept new geirim in our times.

Tosafos (ibid. and Kiddushin 62b, s.v. Ger) answer that our batei din are licensed to accept geirim based on the notion of shlichusayhu, or agency. The Gemara (Sanhedrin 2b-3a and Gittin 88b) explains that although certain monetary matters must be adjudicated in front of a beis din of three mumchim, the inability to settle such matters in a generation lacking mumchim would significantly restrict commercial activity. Rather, contemporary batei din operate though shlichusayhu, namely we view the dayanim of a beis din as the agents of the original mumchim and they are therefore authorized to adjudicate such matters. Similarly, in cases in which coercive measures may be warranted as part of a get process, shlichusayhu is operative. Tosafos explain that the same mechanism exists for accepting geirim.

Tosafos (Kidushin ibid.) quote a second explanation in the name of Rabbenu Nesanel. According to the simple reading of this position, there never existed a requirement that a beis din for geirus consist of mumchim. The Torah’s use of the term “l’doroseichem,” “for your generations” in the context of conversion teaches us that geirus may be performed at any time in history, even when there are no mumchim.

The approach of Tosafos that the non-Jews of the time of Dovid and Shlomo (and of the Purim story) did not legitimately convert assumes that geirus in principle requires a beis din of three mumchim, and absent that possibility we utilize the mechanism of shlichusayhu. When mumchim do exist, though, as in those earlier periods, there is no other option for performing geirus. Thus, given that the batei din of mumchim were unwilling to convert people during the time of Dovid and Shlomo due to suspect motivations, these people were unable to convert. The answer of Rashba and Ritva that the converts of the time of Dovid and Shlomo did convert legitimately, albeit with a beis din of hedyotos, assumes either that there never was a requirement of mumchim, or that even when mumchim existed a geirus performed by non-mumchim could be valid at least post facto.

R. Zvi Pesach Frank (Har Zvi, Yoreh Deah 216) suggests a significant practical difference between whether contemporary geirus operates based on shlichusayhu or not. In the 1920’s the Jewish community of Buenos Aires, Argentina promulgated a communal edict not to perform conversions. What would be the post facto status of conversions performed in Argentina at the time by ad hoc batei din, against the wishes of the community establishment? R. Frank argues that if contemporary geirus is predicated on shlichusayhu, a beis din cannot simultaneously flout the local edicts and claim to be a legitimate representative of batei din from previous generations. For this reason, in the particular case that he addressed, he recommended that the individual who had converted with an ad hoc beis din that was operating against the wishes of the established community
undergo another act of conversion with a more legitimate beis din.

A generation earlier, R. Meir Simcha of Dvinsk (Or Sameach, Issurei Biah 14:13) made a similar argument. According to R. Nechemia (Yevamos 24b), if an individual converts for the sake of marriage to a Jewish partner, the geirus is not valid. The Gemara concludes, however, that if such an individual did convert with the requisite steps and commitments of geirus, the geirus would be valid post facto. R. Meir Simcha questions whether a beis din that converts someone whose motivation is for the sake of marriage could legitimately claim that mantle of shlichusayhu. Since the act of geirus itself is performed in contravention to standard halachic protocol, we cannot view the members of that beis din as the agents of the original batei din.8

R. Moshe Sternbuch (Teshuvos V’hanhagos 1:610-611, 4:230) quotes the Or Sameach and assumes along similar lines that if a beis din converts people despite clear indications that the geirim will not lead an observant lifestyle, their conversions are invalid. Such a beis din may not tap into the authority of shlichusayhu. He argues further that once we establish that such a beis din may not invoke shlichusayhu, any conversion performed by that beis din, even in a situation of unquestionable commitment on the part of the convert, would be invalid. R. Sternbuch assumes that even if the authority to perform conversion nowadays does not stem from shlichusayhu, conversions performed by such a beis din would be invalid, as the dayanim are considered reshaim for participating in such a system. R. Avraham Sherman, a retired member of the current Beit Din Hagadol, the Supreme Court of Appeals of the Israeli beit din system, accepts this analysis in a well-publicized decision of the Beit Din Hagadol.10

Taking a contrary position, R. Gedalyau Axelrod of the Rabbanut Beit Din in Haifa (Migdal Tzofim 3:39), claims that if the beis din believes that they are following accepted halachic standards, even if others may dispute their analysis, conversions that they perform on candidates who possess the requisite commitment are indeed valid. Erroneously following a mistaken halachic position does not in and of itself disqualify the dayanim R. Sternbuch himself acknowledges the legitimacy of this approach. This latter position has been followed by much of the beis din establishment both in the United States and in Israel.

If we accept the validity of a conversion performed by a beis din of hedyotos, we must define the minimal knowledge base required of the members of such a beis din. In the context of a beis din for monetary matters, Shulchan Aruch rules (Choshen Mishpat 3:1) that a beis din of three may even contain hedyotos. Rema there adds that a beis din of three will invariably contain at least one member who is proficient in the relevant halachos; if none of the members of a beis din have such proficiency, that beis din is pasul.11

R. Moshe Feinstein (Igros Moshe, Yoreh Deah 1:159) assumes that the Rema’s qualification in Choshen Mishpat applies to geirus as well. In principle, as long as one of the members of the beis din is a talmid chacham who is proficient in hilchos geirus, a geirus performed by that beis din would be valid. The presumption in such a situation is that the talmid chacham will explain to the other members of the beis din the details of the steps of milah, tevillah, and kabbalas hamitzvos.12

R. Moshe Wolfson (Emunas Itecha 1 p. 283, citing Mara Deura’a DeYisrael, the biography of R. Yosef Chaim Zonnenfeld) relates that R. Isser Zalman Meltzer once asked R. Yosef Chaim Zonnenfeld why he was so scrupulous about immersing in a mikvah. R. Zonnenfeld replied that if immersion in a mikvah can transform
a non-Jew into a Jew, then all the more so can it have a transformative impact on a Jew. R. Wolfson suggests that this is an important lesson of Purim. However we interpret the term misyahadim, the miracle of Purim had a major impact on the conduct of the nations of the world. Should it not at least have the same effect on us?

Notes

1 See Shu’t Siach Yitzchak (R. Yitzchak Weiss), who lists 13 instances of geirim referenced in Shas.

2 See the commentaries of Ibn Ezra and Rabbenu Moshe Chalayo (in Mikraos Gedolos Toras Chayim) and Rablga who understand the word “misyahadim” along these lines. Manos HaLevi (R. Shlomo Alkavetz) writes that the non-Jews of the time knew that they would not be able to formally convert, but they presented themselves as Jews and dressed as Jews. Sfas Emes connects this to the custom of dressing up on Purim.

3 While the Rashba only presents this explanation, Ritva prefers an additional resolution. He concludes:

It would seem that there is no question from the outset. When the Gemara states that they did not accept conversions during the time of David and Shlomo, that was only by default. The assumption was that they were only doing so because of fear of the war of David or because of the wealth of Solomon. However, those who had proven their desire to convert because they saw the holiness of the Torah and the just measures of its laws and statutes were accepted as converts.

4 There is a dispute among rishonim as to what components of geirus are invalid even post facto if not performed in front of a beis din.

5 Rashba (Yevamos 45b s.v. Mi) explains within this opinion that shlichusayhu operates in financial matters, utilizing the mechanism of heker beis din heker, the authority of a beis din to render someone’s property ownerless, and in matters of marriage and divorce, based on the notion of kol dimekadesh ada’ata derabbamin mikadesh (people enter into marriage with the knowledge that their marriage may be regulated by rabbinic enactments). However, given that neither of these mechanisms exist for geirus, the theoretical power vested through shlichusayhu would not be sufficient to allow an individual who is non-Jewish by Torah law to marry a Jew. See, however, Nesivos HaMishpat (1:1) who argues that shlichusayhu operates on a Biblical level, and thus someone converted with such a mechanism would be considered fully Jewish by Biblical law.

6 Maharr Shik (Shu’t Yoreh Deah 248) assumes that even according to the explanation that conversions may always be performed for the sake of marriage. See, however, R. Shmuel Eliezer Stern (Geirus Kihilchasa Chapter 7 footnote 4) quotes R. Gershom Hagozer (12th century Germany) in his Klalei HaMilah who writes that a beis din for geirus must consist of three members who are not necessarily talmei chachamim.

7 See R. Shaul David Sithon, Shu’t Devar Shaul (introduction and 2-6), who, as the rabbi of Buenos Aires, spearheaded this effort and received the blessing of R. Avraham Yitzchak Hakohen Kook. R. Kook, in correspondence printed in that volume, offered that any serious conversion candidate could come to Jerusalem and attempt to pursue conversion with the Beis Din of Jerusalem. This edict was the forerunner to more expansive edicts later promulgated by Syrian Jews in the United States.