

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 (I 5) that during the time of Dovid HaMelech 150,000 people converted to Judaism. Similarly, the pasuk in Megilas Esther (8:17) indicates that many converted during the time of Mordechai and Esther:

וּבְכָל־מְדִינָה וּמְדִינָה וּבְכָל־עִיר וָעִיר מְקוֹם
אֲשֶׁר דְּבַר־הַמֶּלֶךְ וָדָתוֹ מֵגִיעַ שְׂמֵחָה וְשִׂשׂוֹן
לְיִהוּדִים מִשָּׂמֶחַ יוֹם טוֹב וְרַבִּים מֵעַמֵּי הָאָרֶץ
מִתְיַהֲדִים כִּי־נִפְלְּ פַחַד־הַיְהוּדִים עָלֵיהֶם:

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 Jews fell upon them.

The proper interpretation of this 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



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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 Tosafos’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 *hedyotot* (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):

אל יעלה על דעתך ששמשון המושיע את ישראל או שלמה מלך ישראל שנקרא ידו ה' נשאו נשים נכריות בגיותן, אלא סוד הדבר כך הוא, שהמצוה הנכונה כשיבא הגר או הגיורת להתגייר בודקין אחריו שמא בגלל ממון שיטול או בשביל שררה שיזכה לה או מפני הפחד בא להכנס לדת, ואם איש הוא בודקין אחריו שמא עיניו נתן באשה יהודית, ואם אשה היא בודקין שמא עיניה נתנה בבחור מבחורי ישראל, אם לא נמצא להם עילה מודיעין אותן כובד עול התורה וטורח שיש בעשייתה על עמי הארצות כדי שיפרשו, אם קבלו ולא פירשו וראו אותן שחזרו מאהבה מקבלים אותן שנאמר ותרא כי מתאמצת היא ללכת אתה ותחדל לדבר אליה. לפיכך לא קבלו בית דין גרים כל ימי דוד ושלמה, בימי דוד שמא מן הפחד חזרו, ובימי שלמה שמא בשביל המלכות והטובה והגדולה שהיו בה ישראל חזרו, שכל החזור מן העכו"ם בשביל דבר מהבלי העולם אינו מגייר הצדק, ואעפ"כ היו גרים הרבה מתגיירים בימי דוד ושלמה בפני הדיוטות, והיו ב"ד הגדול חוששין להם לא דוחין אותן אחר שטבלו מכ"מ ולא מקרבין אותן עד שתראה אחריתם.

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 is when a male or a female prospective convert comes, we inspect his motives for conversion. Perhaps he is coming for the sake of financial gain, in order to receive a position of authority, or he

desires to enter our faith because of fear. For a man, we check whether he focused his attention on a Jewish woman. For a woman, we check whether she focused her attention on a Jewish youth. If we find no ulterior motive, we inform them of the heaviness of the yoke of the Torah and the difficulty the common people have in observing it so that they will abandon [their desire]. If they accept [this introduction] and do not abandon their resolve and thus we see that they are motivated by love, we accept them, as [indicated by Ruth 1:18]: “And she saw that she was exerting herself to continue with her and she ceased speaking with her.” 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 gentile 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.⁴ 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 (*Kiddushin* *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*.⁵

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.⁶ 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.⁷ 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.⁸ 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 *shlichusayu*. 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*.⁹

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 beis 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

A Novel Approach to Drinking on Purim:

R. Chaim Zundel Maccabi, *Imrei Chaim* no. 52, suggests that the concept of drinking on Purim has its roots in the mass conversion that followed the defeat of Haman. While there were many who were interested in converting because they believed in the Torah, there were others who were not as sincere. Some were even tacit supporters of Haman. R. Maccabi suggests that Mordechai wanted to see which of these conversion candidates were sincere so he instituted that the celebration of Purim the following year would be a day of drinking wine. When one is drunk, one's inner feelings come out and therefore, through the drinking of wine, Mordechai was able to determine who was sincere and who was not. Since drinking wine was part of the original Purim celebration, it continued in subsequent years.

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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 Deara'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 mikveh. R. Zonnenfeld replied that if immersion in a mikveh 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 Ralbag 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:

ומסתברא דקושיא מעיקרא ליתא דההיא שלא
קבלו גרים בימי דוד ובימי שלמה היינו בסתם
דמסתמא הם אינם עושים אלא מפני פחד מלחמת
דוד או לשלחן מלכים ועושר שלמה, אבל באלו
הדברים הוכיחו שנתגיירו מפני מה שראו בזה
קדושת התורה ויושר חוקיה ומשפטיה ולכן קבלום.

It would seem that there is no question from the outset. When the Gemara states that they did not accept converts 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.

Tosafos (*Yevamos* 45 s.v. *Mi*) assume that the presence of a 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). *Shulchan Aruch* (*Yoreh Deah* 268:3) quotes both of these opinions.

5 Rashba (*Yevamos* 45b s.v. *Mi*) explains within this opinion that *shlichusayhu* operates in financial matters, utilizing the mechanism of *hefker beis din hefker*, the authority of beis din to render someone's property ownerless, and in matters of marriage and divorce, based on the notion of *kol dimekadesh ada'ata derabbanin 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 Maharm Shik (*Shu"t Yoreh Deah* 248) assumes that even according to the explanation that conversions may always be performed based on *l'dorsaichem*, when *mumchim* exist they may only be performed by *mumchim*.

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 Yerushalayim and attempt to pursue conversion with the Beis Din of Yerushalayim. This edict was the forerunner to more expansive edicts later promulgated by Syrian Jews in the United States.

8 Many contemporary *batei din* take the following approach to converting individuals who seek to convert for the sake of marriage. If the beis din is convinced that the commitment of the prospective convert transcends the relationship with the Jew, such that if the relationship were to end the convert would continue to lead an observant Jewish lifestyle, the *geirus* need not be characterized as being done for the sake of marriage. See, for example, *Achiezer* 1:26 for a related approach.

9 See a similar analysis by R. Avraham Yitzchak HaKohen Kook (*Da'as Kohan* 152). R. Moshe Feinstein (*Dibros Moshe, Yevamos* pp. 481-482) assumes that R. Meir Simcha's analysis is theoretically correct, but notes that common practice is to accept conversions performed for the sake of marriage.

10 *Ploni v. Ploni* 4 Adar I 5768 available at <http://www.rbc.gov.il/Pages/PiskeDin.aspx>.

11 This is based on Rosh (*Sanhedrin* 1:1) in distinction to the position of Ramah cited in *Tur* that requires three proficient members of a beis din. See also *Shach* (*Choshen Mishpat* 3:2).

12 R. Moshe assumes this to be the position of the Rambam (*Issurei Biah* 14:6), who does not use the term *talmidei chachamim* in describing the members of the beis din (although the Gemara, *Yevamos* 47 b, does use the term *talmidei chachamim*). 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 *talmidei chachamim* or three "*chashuvei ha'ir*," distinguished members of the city (who are not necessarily *talmidei chachamim*).

See, however, Meiri (*Beis HaBechirah, Yevamos* 47a s.v. *Af al pi* and 47b *U'micheivan*) who requires three *talmidei chachamim*. Meiri appears to understand *heduyot* as contrasting with *mumchim*, but not to the exclusion of *talmidei chachamim*. *Shu"t Mahram Shick* (*Yoreh Deah* 248) also requires *talmidei chachamim* for a beis din for *geirus*. See also *Shu"t Binyamin Ze'ev* 1:72.



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