
Rambam's Historical Approach to the Laws of Conversion

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A Contemporary Problem

In the recent debate about conversion raging in the political, halakhic and academic arenas, there are roughly two distinct and opposing camps. One camp claims that the validity of a conversion to Judaism (*giyyur*) is dependent not only on the correct rituals being performed during the conversion process, but, most importantly, also in the adoption of a distinct lifestyle and belief system: observant (usually fervently observant) Orthodoxy. The defenders of this proposition have even gone as far as positing that when a convert ceases to observe Jewish law as fervently as she once did, even after years of doing so, their original intentions can be brought into question, and, therefore, the *giyyur* can be retroactively annulled. This camp places paramount importance on lasting ideological and behavioral transformation as well as original purity of intention as the key markers of a valid conversion to Judaism.¹ The other camp claims that, although proper intention and commitment to Judaism's ideology and practice are certainly important and desirable, it does not have the same ability to impinge on the validity of the *giyyur* if the proper rituals were performed. In other words, the level of commitment to the ideology and practice of Judaism before or after the *giyyur* determines if one is a good Jew but not whether one is a Jew or not. Conversion, for this camp, is not contingent on the inner process of the candidate, nor can it be undone by any of her future actions.

A Troublesome Prooftext

In the realm of *halakhah*, the first camp is eager to call on a long list of latter day authorities to support its views. Many rabbis since the 19th century have expressed views that make conversion contingent on motivation and ideological compliance. Most of them hail from the Ashkenazi Orthodox camp that arose in response to the challenges of modernity in Eastern and Central Europe.² As for the second camp, its strongest argument for their view of conversion comes from quoting the *Rishonim* and, in particular, the Rambam (Rabbi Moses ben Maimon, 1135-1204) on this topic. He says:

A convert whose intentions were not checked nor who was informed about the commandments and their punishment, but was circumcised and immersed in front of three laymen: he is a convert. Even if we know that he is converting for an ulterior motive, if he was circumcised and immersed he is no longer considered a Gentile, although we are suspicious of him until his righteousness becomes apparent. And even if he returns and worships an idol he is considered

as a sinning Israelite. (*Mishneh Torah, Hilkhot Issure Biah* 13.17)³

The importance of the Rambam's support lies not only in his weight as a halakhic authority in his own right, but also because Rabbi Yosef Karo's *Shullhan Arukh* quotes his opinion almost verbatim,⁴ thus canonizing it -in the eyes of many- as the final word in *halakhah*. The view of the Rambam, although it mentions the fact that the convert's righteousness needs to be confirmed by her behavior, places the onus of the validity of the conversion on its rituals: circumcision and immersion. This almost sacramental view of conversion is surprising, to say the least, coming from the mouth of the rabbi who introduced the idea that the central part of Judaism was the attachment to a series of beliefs.⁵ For the Rambam, the essence of Judaism is its philosophical and theological content and not the rituals that embody them. Thus, it is only natural to expect that in the process of converting to Judaism the determinant issue would be to confirm the reception of these fundamental religious truths and not the rituals performed. In one of his earlier texts, he seems to imply that attachment to these beliefs is the essence of being Jewish:

When these principles [the Thirteen Principles of Faith] are established for a **human being** and he believes in them truly, he has entered the Congregation of Israel, and it is our duty to love him and forgive him and all that Hashem commanded us concerning mutual love and brotherhood. Even if he does what is considered a transgression because of his appetite or his being overpowered by his evil inclination, he is punished according to the size of his rebellion but [still] he has a share [in the world to come] and he is considered as a **sinning** Israelite. But when a **human being** raises doubts concerning one of these principles, he is considered outside the Congregation [of Israel] and has rebelled against God, and is called a "heretic" and an "*apikoros*" and a "cutter of the shoots". And it is our duty to hate him and to destroy him, and of him it is said: "I will hate those who hate the Lord" (Psalms 139.21) (*Perush la-Mishnayot, Sanhedrin* 10:2, **my emphases**)⁶.

There seems to be, then, a stark tension between the Rambam's halakhic approach to conversion and his philosophical and religious definition of Judaism. Although many authors in the past decades have made a career of pointing out the disparities between the philosophical Maimonides and the great halakhist the Rambam, we have plenty of evidence that our author was not shy in introducing particularities of his philosophico-religious worldview into his halakhic framework.⁷ Given the strength of his commitment to a content-driven and defined Judaism, there must have been a profoundly strong reason for him not to side with his philosophical self, as it were, in this issue and introduce radical changes to the topic at hand. In his ideal description of the conversion process, the Rambam introduces these theological concepts as the core values that the new Jew must busy herself with. This process is described in the Talmud (BT *Yevamot* 47a-b). And although he preserves most of the language of the Talmud, he also seamlessly adds his own requirements to the process (underlined in the

quotation):

And we inform him of the principles of the religion which are the Oneness of God and the prohibition of idolatry, and we expand upon this. And we inform him of some easy commandments and of some hard commandments and **we do not expand upon this**, and we inform him of the sin of *leket, shikheh'a, peah* and *maaser sheni* [agricultural commandments], and we inform him the punishment of the commandments. (*Hilkhot Issure Biah* 14.2, **my emphasis**).

In his reworking and reformulating of the rabbinic process of conversion, the Rambam goes as far as emphasizing the theological acceptance of philosophical principles while de-emphasizing the original rabbinic requirement of instructing the convert in some key commandments. Thus, this text shows us how far he was willing to go in the integration of his philosophical approach to conversion into his halakhic rulings. And yet he does not go far enough as to overturn ritual as the central factor for determining if a conversion is valid or not (*Issure Biah* 13:17).

Some Solutions to the Riddle

Sagi and Zohar answer this puzzling question by claiming that the Rambam recognizes two different strata of Jewish identity. An ethnic stratum predicated collectively on the Jewish people and an axiological-religious stratum that applies exclusively to the individual. Now, for the Rambam, the latter is paramount and defines the purpose of Judaism: allowing people to develop intellectually correct notions of the Creator. However, this is the goal of Judaism and not its pre-condition. Very few people, indeed, achieve perfection in this intellectual realm. Therefore, belonging to the lower, simpler, ethnic definition of who is a Jew should not be contingent on a goal that only a blessed few achieve.⁸

This is an interpretation of the Rambam that can be appealing to a modern, and especially Israeli, audience for whom the break between ethnicity and religion is a familiar concept. However, it seems to me that our author would have found this categorization alien if not aberrant. In other words, to our modern eyes for which these are two distinct and independent categories, the Rambam may be separating an ethnic belonging from a religious fulfillment in Judaism, but I do not think that he is doing so willingly or that this is the source of the tension in his writing. As per the text quoted above from the *Perush la-Mishnayot*, Jewish peoplehood devoid of a religious mission is unthinkable in the Maimonidean philosophical and halakhic project.

In my opinion, this tension manifested in the halakhic works of the Rambam is actually part of his ingenious solution for a tension that is found within the rabbinic corpus itself. Despite his additions and reinterpretations, the halakhic project of the Rambam does not wander far off from his rabbinic sources. If there are tensions within the *Mishneh Torah*, these tensions can usually be traced back to diverging opinions within

the Talmudic and rabbinic corpus. Concerning the puzzling leniency of the Rambam in matters of *giyyur*, the tension stems from the internal differences among the *sugyyot* from which the Rambam builds his approach to this topic which cover almost the entire rabbinic corpus on the issue.⁹ By taking a closer look at how he quotes and interprets these different *sugyyot*, and how he solves the tensions between their seemingly contradictory content, we will be able to better understand the original tension within the work of the Rambam himself and how he solves it.

The Rambam deals with the laws of conversion in two chapters of his book on forbidden relationships (*Hilkhot Issure Biah* 13-14). In it the correct process for conversion is described three separate times (13:1-5, 13:14, 14:1-6). Each view is consistently more strict than the one that precedes it. The first version requires circumcision and immersion as the basis for *giyyur* (together with a Temple offering when it is standing). The second version requires all of the above but is preceded by a lengthy examination of the convert's motivations. The third version (which we quoted before) adds to the process a speech of discouragement as well as a basic curriculum that the prospective candidate needs to be taught. Given the legendary care with which the Rambam wrote the *Mishneh Torah*, this contradictory redundancy should not be assumed casual. These three processes are different because each manifests the author's reworking of a different *sugya* on the issue of conversion.

The fact that each of them has different requirements for *giyyur* is subtly solved by the Rambam through placing each of these approaches as a step in the historical development of *giyyur* itself. By making explicit some temporal markers that were implicit in the *sugyyot*, the Rambam traces a historical genealogy of *giyyur* and its requirements from the revelation at Sinai to our days. By explicitly setting these *sugyyot* as descriptions of different historical realities, the Rambam solves the tension within the rabbinic corpus' different descriptions of conversion. This in turn, as we shall see, will also shed light on the causes of the Rambam's puzzling lenient approach. Before that we shall analyze each of the sources individually.

Conversion at Sinai (*Issure Biah* 13:1-5 and *BT Keritot* 9a)

The beginning of the Rambam's analysis of the process of conversion begins with a detailed analysis of the preparations undergone by the Israelites before receiving the Torah at Mount Sinai. According to rabbinic sources,¹⁰ the entire people of Israel converted before receiving the Torah, and every conversion that happens subsequently needs to conform to the patterns set at that momentous occasion. It is noteworthy, that the rabbinic antecedents of conversion are set historically in the generation that left Egypt and not, as one could easily assume, in the person of Avraham.¹¹ This rejected choice would have certainly pleased the Rambam. Throughout his work, Avraham represents the self-taught philosopher who reaches the basic beliefs about a unique incorporeal creator by strength of his intellect alone.¹² If we were to look for a better candidate to

embody the idea of conversion as an adoption of the right set of ideas, we could not do any better than Avraham. Strangely enough, faithful to his rabbinic prooftexts, the Rambam does not mention Avraham even once in his treatment of conversion. This does not mean that he is content with quoting the Talmud *verbatim*. Indeed, in the additions and reworkings of the Talmudic text as they appear in the *Mishneh Torah* we can start to adumbrate his solution to the problem. Presenting the texts side to side will prove enlightening:

<p>BT Keritot 9a</p> <p>Rabbi said: “as it is for you, so shall it be for the convert” (Numbers 15:15). In the same way that your forefathers entered the covenant only through circumcision, immersion and a blood offering, so too they [i.e. converts] will not enter the covenant but through circumcision, immersion and a blood offering.</p>	<p>Mishneh Torah Issur Bnei Nocharim, 134 Through that thing Daniel entered the covenant [at Sinai]: through circumcision, through immersion and through an offering. [...] 4. And thus, throughout the generations, when a Gentile wants to enter the covenant and to gather themselves under the wings of the <i>Shekhina</i> and to receive upon himself the Yoke of Torah- he needs circumcision, immersion and an offering. And if it is a female convert [she needs] immersion and an offering. Since it was written: “as it is for you, so shall it be for the convert”- (Numbers 15:15) in the same way you [entered the covenant] through circumcision, immersion and an offering, so thus the convert throughout the generations [enters the covenant] through circumcision, immersion and an offering.</p>

In the Rambam’s formulation of the *suggya*’s content, he makes explicit the fact that this foundational procedure through which the Jewish people became Jewish also holds “throughout the generations” (**ledorot**). I believe that this is certainly something that the *suggya* conveys, and that the Rambam is not reading this into his interpretation. The fact that the Rambam is introducing an epochal and historically sensitive reading of the material can be easily confirmed by the explicit contrast he makes, in the next *halakhah*, between the conditions for *giyyur* “throughout the generations” and their application “in these times” (*bazeman hazeh*).

What is the sacrifice (needed) of the convert? An animal burnt offering or two turtle-doves or two young pigeons as a burnt offering. Yet **in these times** when there are no sacrifices: he shall be circumcised and immersed; and when the Temple is built he shall bring his sacrifice. (*Issure Biah* 13.5)

The halakhic rulings of the Rambam stem directly from the rabbinic text. It is the opinion of the rabbis that when sacrifice is impossible, conversion can happen independently of it. However, presenting this material within a time frame in which there is a before and after will allow for a more nuanced reading of the material as a whole. In other words, in his codification efforts and by the addition of these clear temporal markers (“throughout the generations”, “in these times”) the Rambam is organizing the rabbinic sources of conversion into a cohesive system of evolving legislation. In other words, by sensitizing his readers to the particular historical context in which the rabbinic legislation emerged and how each successive stratum adds to the previous one, he can build a cohesive view of the process of conversion in which later practices can differ with earlier ones without contradicting each other.

Conversion in the Time of the Kings **(Issure Biah 13:14-18 and BT Yevamot 24b)**

The second description of the process of conversion introduces the figure of a *Bet Din* that is in charge of assessing the motivations of the convert and has the power of “receiving her” or “rejecting her” (i.e. allowing them to finish the ritual components of the conversion). The impetus for this, it seems, is trying to answer the paradox that great leaders (e.g. Samson and Solomon) in the Jewish Biblical past married non-Jews without any mention of conversion. His solution is that these great leaders did indeed convert their non-Jewish spouses, but since they did not follow the proper procedure of examining their motivations, the Scripture considered it “as if” (*keilu*) they were Gentiles.¹³ This is not to say that the Rambam denies their conversion. After all, these sets of *halakhot* conclude with the “troublesome” lenient proof-text that we quoted at the beginning of this essay (*Issure Biah* 13:17). However, the Rambam claims, these women have fallen short of the ideal of conversion by coming to the ritual with the wrong set of motivations, all of which was absent in the description of the process at Sinai and, therefore, absent from the halakhic requirements “throughout the generations.” Something new has been added to the laws of conversion. In his own words:

Do not imagine that Samson, the savior of Israel, and Solomon, the King of Israel who is called Friend of the Lord, married Gentile women in their Gentilehood. Rather, this is the **secret**: that the **proper mitzvah** is that when a male or female convert comes to convert we inspect after him or her lest they be motivated by money that they might win or by power that that might acquire or by the fear to enter our creed. And if he is a man, we examine after him, lest he has set his eyes

on a Jewish woman. And if she is a woman, we examine after her, lest she set her eyes on an Israelite man. And if no such pretext was found, we inform them the difficulty of the yoke of the Torah and the toil that is entailed in its fulfillment on those who are ignorant, so that they may desist. If they accept this and do not desist, and we see them that they returned out of love [for Judaism] we receive them, for it is said: “and she saw that she was stubbornly following her, and she stopped talking to her”. (Ruth 1.18) (*Issure Biah* 13.14, **my emphases**)

The issue of motivation is introduced into the discussion about conversion as the way of fulfilling the “proper *mitzvah*.” What could have served as a catalyst for the introduction of a new requirement in the laws of conversion? As with the first set of rules, it is very helpful to review the rabbinic sources from which the Rambam is deducing these laws. The only possible source for these laws, in my opinion, is a pair of consecutive *sugyot* in *Yevamot* 24b which discuss the issue of proper motivation (love for Judaism) versus improper motivation (e.g. pecuniary, sexual, political) for conversion. In the first of these two *sugyot*, there is a tension between a statement of Rabbi Nechemia that claims that all conversions with extraneous motivations are not valid, and Rav’s claims (transmitted by Rabbi Yitzchak ben Shemuel ben Martha) that the *halakhah* follows the opinion contrary to Rabbi Nechemia (i.e. that they are valid converts). The latter ruling is followed by the Rambam in his final statement in which all converts who follow proper procedure, regardless of motivation, are accepted (*Issure Biah* 13:17). Nevertheless, he also seems to be creating room in the halakhic system for the concerns expressed by Rabbi Nechemiah’s statement, by introducing the examination of motivation as a strong *desideratum* in the conversion process.

The second *sugya* which discusses the moratorium on conversions that will exist in the Messianic age and that existed during the days of David and Solomon, also finds a way into the Rambam’s argument (which confirms that these two *sugyot* are in fact the source for these *halakhot*). In *Issure Biah* 13:15 the Rambam discusses the fact that no *Bet Din* received converts during the time of David and Solomon. However, given the exegetical direction of his argument (explaining how Solomon could have married a Gentile), the Rambam transforms the absolute moratorium on conversions of the Talmud into a moratorium only of the Great *Bet Din*. In fact, the Rambam says, there were many conversions to Judaism done during the Davidic monarchy in front of laymen (*bifne hedyyotot*), that is, without the sanction and supervision of a proper *Bet Din*. It is in this way that Solomon and Samson converted their wives with the terrible consequences that we all know. However, although not ideal, he is willing to recognize that these conversions are valid.

In my opinion, the Rambam’s presentation of this rabbinic material as belonging to a particular historical stage of development, that is, as historically sensitive material, can provide an answer to our question. Given the preeminence in this material of the figures of David, Solomon and Samson, and the mention of Israel’s prosperity and

power as enticing motivations to convert, I think the Rambam is presenting that the catalyst for the introduction of stricter evaluations of intent in front of a *Bet Din* was a historical response to said periods of power and prosperity. Whereas the conditions for conversion at Sinai were quite reduced, the greater desirability of conversion during the golden age of the Davidic kingship forced the development of these new requirements. If the first set of *halakhot* in the *Mishneh Torah* describe conversion “throughout the generations” (*ledorot*), this second set of requirements supposes a far more developed and complex scenario where people might be interested in converting for ulterior motives. And although sexual motivation (conversion for marriage) has found a way to endure as an incentive for conversion, all the other ulterior motives (political power, intimidation, social advancement) would make very little sense in any other historical context aside from the noted Biblical one.¹⁴

Furthermore, I do not believe that this historical sensibility is one that is being forced upon the sources by the Rambam. The rabbinic discussion of this development seems to clearly understand that the conditions for conversion evolve and differ according to the needs and mandates of the time. The *sugya* says:

Rabbi Nechemiah used to say: Neither lion-converts, nor dream-converts, nor the converts of Mordekhai and Esther are converts until they convert at the present time (*bazeman hazeh*). [The anonymous voice of the Talmud inquires:] How can it be said “at the present time”? Rather say: “like at the present time!” (*kevazeman hazeh*). (BT *Yevamot* 24b)

Both Rabbi Nechemiah and the anonymous *stam* are aware that the conditions for conversion are stricter and therefore different “at the present time” than in previous times. The Rambam seems to complete the picture by clarifying that what this means practically is to enquire motives in front of a *Bet Din* as it is done in the conversion ritual of an exilic reality (which will be analyzed in detail in the next section). In the historical conception of the rabbis and the Rambam, this is not viewed as a projection of an exilic ceremony and its peculiarities to the mythical past, but rather as an argument *a fortiori*. If today, when Jews have no political power or social appeal we examine the motivations of the convert, how much the more so should we do it at a time when these powerful motivations were in place. Thus, in the evolution of conversion we have moved from the simple rituals that sufficed as a propaedeutic to the receiving of the Torah at Sinai to a second stage of regal privilege where the system needs to be protected by the *Bet Din* as a gate-keeper, albeit not an exclusive or absolute one, from those who seek admittance for their own gain.

Conversion in Exile (*Issure Biah* 14.1-6 and BT *Yevamot* 47a-b)

The third and final presentation of the *halakhot* of conversion is based almost word

for word on the seminal *beraita* from *Yevamot* 47a-b that all the other codes of law among the *Rishonim* after the *Mishneh Torah* accept as the only and definitive rabbinic stance on the issue.¹⁵ Here, aside from the requirements of circumcision and immersion and an analysis of the leading motivations by a *Bet Din*, there is a vague description of a basic curriculum that the prospective convert needs to learn before becoming a Jew. Seeing the beginning of the *beraita* paired to its Maimonidean treatment, the pattern of historical evolution once again appears in both texts as a clear and definite factor. In the Talmud's age, as in the Rambam's, the pervasive reality that defined belonging to the Jewish community was Exile. The first question posed to the seeking convert "in the present time" (*bazeman hazeh*) is whether she is willing to withstand the contemporary perils and risks of Jewish life. Far behind are the days where the *Bet Din* was trying to sniff out the freeloaders and the opportunists. With the opening question, the *Bet Din* is making sure that the convert knows the complex and dangerous social and historical reality she is joining, while also preserving the collective by pushing away those who are not willing to commit to the very real downside of Jewish existence in Exile. As we did above, the underlined text marks clear additions made to the rabbinic text by the Rambam [all marked emphases are mine].

BT Keritot 9a	Mishneh Torah Issure Biah 13.1, 13.4
<p>Our rabbis taught: a convert who comes to convert <i>in the present time</i> we say to him: "What did you see that you came to convert? Don't you know that Israel in the present time is persecuted and oppressed and despised and overcome by afflictions?" If he says: "I know and I am not worthy," we receive him immediately.</p>	<p>1. How do we receive the <u>righteous convert [in the present time]</u>? When he comes to convert from the Gentiles, <u>we check him and if we find no ulterior motive</u>, we say to him: "What did you see that you came to convert? Don't you know that Israel <i>in the present time</i> is persecuted and oppressed and despised and overcome by afflictions?" If he says: "I know and I am not worthy," we receive him immediately.</p>
<p>And we inform him of some easy commandments and of some hard commandments, and we inform him of the sin of <i>leket</i>, <i>shikheha</i>, <i>peah</i> and <i>maaser sheni</i>, and we inform him the punishment of the commandments. We say to him: Know that until you came to this religion if you ate forbidden fats you were not liable for excision, if you desecrated the Sabbath you are not liable for stoning. Now, after you convert, if you eat forbidden fats you are liable for excision and if you desecrate the Sabbath you are liable for stoning.</p>	<p>2. <u>And we inform him of the principles of the religion which are the Oneness of God and the prohibition of idolatry, and we talk extensively about this exposition.</u> And we inform him of some easy commandments and of some hard commandments and <u>we do not burden him</u>, and we inform him of the sin of <i>leket</i>, <i>shikheha</i>, <i>peah</i> and <i>maaser sheni</i>, and we inform him the punishment of the commandments. What do we say to him? Know that until you came to this religion if you ate forbidden fats you are not liable for excision, if you desecrated the Sabbath you are not liable for stoning. Now, after you convert, if you eat forbidden fats you are liable for excision and if you desecrate the Sabbath you are liable for stoning. <u>And you do not burden him, and you do not go into detail, lest you cause him to be bothered and go astray from the good way to a bad way, since in the beginning you only attract people with words of appeasement and ease as it is said: "I drew them with human cords, [and then] with bands of love"</u> (Hos. 11:4)</p>

The opening of both texts clearly emphasizes that this description applies exclusively “to the present time” (*bazeman hazeh*). And even if the texts were less vocal about the temporal contingency of this situation, it is hard to imagine the description of Israel as being “persecuted, oppressed and despised” in the heroic age of Biblical kings that we described in the previous section. These texts speak directly to a people that has lost its political autonomy and that is subject to frequent persecution. It is not hard to understand why in those circumstances the conditions for conversion would be more demanding. Further, given that Jewish life has been divested of its social and political perks (compared to the Biblical period), it is easy to understand the addition of the curriculum of commandments that now is essential to the conversion process: devoid of national power and territory, it is religious obligations that define the Jewish experience. It is the portable fatherland of Torah obligations that defines the social limits of Jewish peoplehood and is why they are designated, by the rabbis and the Rambam, as a key element of the process of conversion and not something that the convert can assimilate later after the conversion, as could be construed in the first two stages of the historical development.

Aside from setting this rabbinic text in its proper temporal context as the third stage in a developing history of conversion, it seems to me that the Rambam is doing something even bolder. As we mentioned in the beginning of this article, one of the most blatant additions of the Rambam’s philosophical agenda to the process of conversion manifests in this part of the argument (*Issure Biah* 14:2). Here, the Rambam makes his own addition to the conversion curriculum set by the rabbis. While in the Talmudic account the extent of the curriculum consisted in learning “some easy commandments and some hard commandments,” our author says that one should not spend too much time in this rabbinic curriculum but should emphasize learning “the principles of religions which are the Oneness of God and the prohibition of idolatry.” Our author has placed the traditional conversion curriculum on a second plane and has emphasized theology. By doing so, he is not only reinterpreting rabbinic tradition but, according to our historical reading of the process of conversion, he is inaugurating a fourth stage in the development of conversion.

For the rabbis of the Talmud, the introduction of learning as part of the conversion ceremony was a way of responding to the political needs of Exile and how they had changed the essence of what it meant to be a Jew. For the Rambam, the introduction of theology as a necessary part of this process serves a similar purpose. The great risk to which he and his generation are responding is not the dissolution of Jewish identity through the catastrophes of Exile and the lack of a homeland. Rather, he saw heresy and theological lack of sophistication as the greatest threat to the nature of Judaism.¹⁷ Thus, any newcomer to the faith should be exposed to these principles before any other. By emphasizing theological commitments, he does not only modify the existing rabbinical process of conversion, but really inaugurates a new stage in which these concerns take center stage, even unto the extremes that we are witnessing in our

generation in which non-Orthodox converts are disqualified because of their converting rabbis' seeming lack of fealty to the entirety of the doctrines set forth by Maimonides himself in the Thirteen Principles of Faith. Given that lack of belief in these principles puts oneself out of the pale of the Jewish religious polity, then these rabbis do not even count as proper lay witnesses for the confirmation of a convert.

The Four Historical Stages of Conversion and their Inner Dynamic

In his halakhic presentation of the topic of conversion, the Rambam presents three different sets of requirements and desiderata for a Gentile to become Jewish. We have shown that these three different presentations stem from individual treatments of the topic of conversion in rabbinic literature that imply a historical sensitivity to the particularities of when and to whom these laws would apply. The Rambam, in his close reading of the text, emphasizes this historical sensitivity and organizes the *halakhot* of conversion as representing different stages of historical development that build on the innovations and requirements of their immediate predecessors. The three rabbinic historical stages of conversion are: 1) Conversion at Sinai, 2) Conversion in the prosperous age of kings, and 3) Conversion in Exile. Each stage requires a more careful selection process and evaluation aside from the ritual requirements of conversion, immersion, and sacrifice (when applicable). Given the additions and particular modifications that the Rambam applies to the rabbinic text that describes the third stage, we posited that the Rambam himself was describing a fourth stage of conversion, which could be characterized as: 4) Conversion in Exile during a time of perplexity, adding several theological requirements that were not present in any of the previous stages.

With this information in mind, we can revisit the original question of this essay: how can the Rambam hold doctrinal commitment on such a high esteem, in his halakhic and philosophical works, while at the same time accepting the validity of conversions that do not guarantee or even examine the doctrinal commitment of the candidate? According to our analysis, he is forced to accept the validity of these conversions on halakhic and not on ideological grounds. Although we have been focusing on how the Rambam justifies the additions to the corpus of laws on conversion throughout the ages and because of the different challenges posed during each historical period, by setting these laws as stages in a historical process he has to ascribe precedence to the original stage.

Thus, the essence of conversion is defined by the foundational experience of the conversion at Sinai, while any other further development throughout the ages, however necessary and justified, stands vis-a-vis this experience as a *humrah*, a halakhic stringency. The laws of conversion "in the present time" show several layers of rabbinic development and legislation with concrete pedagogical and social goals, and yet these developments cannot replace or overturn the halakhic weight of the original Torah definition of conversion which, like the rest of the Torah, holds value "throughout the

generations.” It would not be a stretch to consider that this Sinaitic ruling on conversion holds the status of a *deoraita* definition of conversion, while all the rest of the stages simply express different evolving *derabbanan* developments and fences applied to the concept. Thus, according to this analysis, the Rambam is forced by the weight of his own sequential reading of rabbinic texts on the topic, to go against his ideological preferences and insist that the ritual definition of conversion as circumcision and immersion holds as valid, even when the different historical “updates” to the Law are not being observed.

This analysis of the Rambam’s halakhic approach to conversion can also shed some light on the contemporary debate that brought it to our attention. Following his historical argument, we find that he would side with one camp in affirming that every generation is indeed entitled to articulate their demands and preferences for the process of conversion and to add them to the halakhic process. Thus, the community has the right to raise the bar as high as it wants in the expectations, procedures and limitations according to the particular needs of the time. *Lekhatyilah* (*ab initio*), conversion should be a challenging and demanding process that requires absolute commitment and purity of intention. However, I think that the Rambam would also articulate the views of the opposing camp by claiming that, *bediavad* (after the fact), the basic ritual is the bedrock upon which the entirety of the institution of conversion is built. Therefore, he would accept converts who fall short of ideal ideological commitment provided that they had performed the correct ritual.¹⁸ And he would do it not for the sake of social or political reasons, as it is argued today, but because of halakhic necessity. Learning from the Rambam’s commitment to halakhic grounding, even when it contradicts his own preferences and ideology, could certainly add some balance and sanity to a discussion that has threatened to pull the Jewish people apart for quite some time.

NOTES

- 1 Although this camp, especially in its current incarnation, may be introducing new elements and stringencies into the traditional halakhic discourse about *giyyur* (as proven by Avi Sagi and Zvi Zohar in their seminal work on conversion: *Giyyur v’zehut yehudit. Iyyun be-yesodot ha-halakhah*. (Jerusalem, 1997), it also represents a very ancient trend in the way conversion is conceptualized not only in Judaism but also in many other Western religious systems. Since the Hellenistic schools of philosophy gave shape to the concept of religious conversion in the West, it has been described as a *metanoia*, an inner “change of mind” from one system of thought and practice to another. This is the term used in the New Testament and developed by Paul and the Church Fathers who were very interested, given the strong proselytizing trend in Christianity, in fleshing out exactly what constituted a proper conversion. So too the Jewish defenders of this kind of conversion are concerned deeply with the religious motivations and inner process of the convert, judging by the intensity of the *metanoia*, the change of mind, whether a person has fully converted or not to Judaism. For a classic presentation of *metanoia*

and its history in Antiquity see A.D. Nock's *Conversion: The Old and the New in Religion from Alexander the Great to Augustine of Hippo* (Oxford, 1933) and Shaye Cohen's *The Beginning of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley, 1999).

- 2 See Sagi/Zohar, *Giyjur v'zehut yehudit* (pp. 44-82).
- 3 All translations from the Hebrew are mine.
- 4 See *Shulkhan Arukh, Yoreh De'ah* 268.12.
- 5 For Orthodoxy (proper belief) as an innovation of the Rambam see Menachem Kellner's *Must a Jew Believe Anything?* (Oxford, 2006). Here, the author contrasts the non-dogmatic rabbinic and pre-Medieval notion of *Emunah* as a personal relationship of trust between Man and his Creator ("**believing in**"), with the systematic theology presented by the Rambam in which **belief that** specific propositions are true is the marker of who is a good Jew.
- 6 Rav Kafih's Hebrew translation of the text (Jerusalem, 1965) reads thusly:
כאשר יהיו קיימים לאדם כל היסודות הללו ואמונתו בהם אמיתית, הרי הוא נכנס בכלל ישראל, וחובה לאהבו ולחמול עליו וכל מה שצוה ה' אותנו זה על זה מן האהבה והאחווה, ואפילו עשה מה שיכול להיות מן העבירות מחמת תאותו והתגברות יצרו הרע, הרי הוא נענש לפי גודל מריו ויש לו חלק, והוא ממושעי ישראל. וכאשר יפקק אדם ביסוד מאלו היסודות הרי זה יצא מן הכלל וכפר בעיקר ונקרא מין ואפיקורוס וקוצץ בנטיעות, וחובה לשנותו ולהשמידו ועליו הוא אומר: "ימשאךך ה' אשנא" (תהי' קלס:כא)
- 7 The most salient examples would be: the requirement to affirm the validity of Aristotle's argument for the existence and immateriality of God (*Hilkhot Yesode Ha-torah* 1.1-5), the canonization of God's immateriality as a principle whose denial loses one's place in the world to come (*Hilkhot Teshuvah* 3.7), and the canonization of the Aristotelian doctrine of the Golden Mean as one of the cornerstones of Jewish Ethics (*Hilkhot Deot*).
- 8 See Sagi/Zohar, *Giyjur v'zehut yehudit* (pp. 33)
- 9 One notable exception, which none of the Rishonim quote or work into their rulings, is a beraita found in Talmud BT *Bekhorot* 30b which says that: "A Gentile who comes to receive the words of the Torah with the exception of one, we do not receive him. Rabbi Yose bar Rabbi Yehudah says: even [if the Gentile does not receive] one of the clarifications of the Scribes (**dikduke soferim**) [we do not receive him]." One can only speculate why the Rambam did not include this piece of rabbinic legislation in his system. Nevertheless, this beraita has become a favorite proof-text for the maximalist camp among the Aḥaronim who believe that conversion should imply a total transformation of the person measured by fealty to the entirety of the halakhic system in all of its details. [For a discussion of this *beraita* see David Golinkin, "A Responsum Regarding the Annulment of Conversion," <http://www.schechter.edu/responsa.aspx?ID=23>, accessed on April 4, 2012., ed.]
- 10 See BT *Keritot* 9a and BT *Yevamot* 46a-b.
- 11 In the first *sugya* that contains the longest treatment of the topic of conversion in the Talmud (BT *Yevamot* 46a: *Tannu rabanan: ger shemal velo taval...*), the rabbis extract the requirements for circumcision and immersion from the behavior of *avoteinu* (our forefathers) and *imahot* (the mothers), terms traditionally reserved for the patriarchs and the matriarchs of Genesis. However, the proof-texts brought by the *sugya* identify these ancestors as the generation that stood at Sinai. I thank my teacher Dr. David Kraemer for pointing this out to me.
- 12 See especially *Hilkhot Avodah Zarah* 1:3. It is exclusively in this long treatment of Avraham's discovery of the divine truths, that the Rambam hints -in his Mishneh Torah- that attachment to these truths makes the descendants of Avraham into a distinct people. Speaking of the

descendants of Jacob he says: והיה הדבר הולך ומתגבר בבני יעקב ובנולדים עליהם ונעשית בעולם אומה: שהיא יודעת את ה' ("And the thing [Avraham's correct arguments for the existence of one God] grew and strengthened itself in the descendants of Jacob and **those who attached themselves to them**, so that they became in the world a nation who knew God..."). This passage, which seems to hint to converts ("those who attached themselves to them"), is the clearest hint in the *Mishneh Torah* of theological definition of Judaism. It is, however, absent from the halakhic description of the process of conversion.

- 13 See *Issure Biah* 13:16:
 ולפי שגייר שלמה נשים ונשאן, וכן שמשון גייר ונשא, והדבר ידוע שלא חוזרו אלא בשביל דבר, ולא על פי ב"ד גיירום חשבן הכתוב כאילו הן גויות ובאיסורן עומדין.
- 14 Interestingly enough, for contemporary applications of these categories enriching the discussion about conversion, the establishment of the State of Israel and the economic and social ascendancy of the American Jewish community might have reactivated these ulterior motives as plausible reasons that might attract someone to embrace Judaism.
- 15 See *Tur/Shulhan Arukh Yoreh Deah* 268.
- 16 Indeed, most MSS and early printings of the *Mishneh Torah* lack the bracketed first mention of "in the present time," being found exclusively in the very authoritative "Sefer Mugah" (the authorized and corrected copies of the *Mishneh Torah* held by the Egyptian Jewish community). According to Shabbtai Frankel's extensive *apparatus criticus* to his edition of the *Mishneh Torah* (*ad locum*, p. 589), this insertion of "in the present time" follows the language of the *beraita* in the Talmud. Although, as he also points out, most MSS of the Talmud also lack this first mention of "*bazeman hazeh*" (which could easily be explained by a scribal *homoioteleuton*). Only Moscow 1017, Vatican III, and the printings of Venice, Soncino and Vilna contain this repetition of "*bazeman hazeh*", while Moscow 594, Munich, Oxford, Cambridge 3207, First printed edition of the Rif, MSS JTS Rif and Rif Kosta 1509 all lack it. Regardless of this ALL MSS and printed editions of the *Mishneh Torah* and of the Talmud contain the second occurrence of "*bazeman hazeh*" as part of the question that the *Bet Din* asks the prospective candidate.
- 17 Let us not forget that it was the Rambam's obsession with doctrinal correctness, Orthodoxy - as it were-, that gave us the first canon of dogmatic theology in Jewish history: the Thirteen Principles. This keenness for proper theological thought also permeates the *Mishneh Torah* (especially in its opening chapter: *Hilkhot Yesode Ha-torah*) and his philosophical endeavors. According to Menachem Kellner in his book *Maimonides' Confrontation with Mysticism* (London, 2006), one of the central goals of the Maimonidean project (halakhic and philosophical) was to purge the Judaism of his age from popular and mystical proto-kabbalistic (pre-Zoharic) conceptions which, in his eyes, contradicted not only his Greco-Arab rationalist view of the world, but also rabbinic and even Biblical understandings of certain key religious concepts.
- 18 He would also view with horror the annulment *post-facto* of properly sanctioned conversions. In one of the most *sui generis* readings of Rabbi Helbo's famous statement that "converts are hard on Israel like a rash", the Rambam affirms: "Our Sages claimed that converts are hard on Israel like a rash because most of them return because of an unworthy motive, and they lead Israel astray. *And it is hard to separate from them once they have converted.* [like a rash]" (*Issure Biah* 13:18).

