

## *Loving the Convert Prior to a Completed Conversion: With a Test Case Application of Inviting Conversion Candidates to Pesach Seder and Yom Tov Meals*

By: MICHAEL J. BROYDE and BENJAMIN J. SAMUELS

### Introduction

The Torah enjoins us numerous times concerning the mitzvah of *Ahavat ha-Ger*,<sup>1</sup> which literally means the love of the stranger or sojourner, though is primarily understood in Jewish legal sources to refer more specifically to loving the convert to Judaism.<sup>2</sup> Furthermore, the Torah commands us that “you shall love your neighbor as yourself” (Leviticus 19:18), and also charges us to love God (Deuteronomy 6:4), creating multiple duties of love as halakhic obligations. This article will explore the question: When does the duty to love the convert commence and does it impact the conversion process? Does it apply only to a newly converted Jew, or to a Noahide who is in the process of converting, or even to a Gentile who has expressed an interest in converting?

The process of conversion to Judaism can be divided into three fundamental stages: In the first stage, the person makes a personal decision

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<sup>1</sup> See Leviticus 19:34; Deuteronomy 10:18-19. The Torah also prohibits oppressing the convert, “*lo toneb*” and “*Lo tonu*”—see Exodus 22:20; Leviticus 19:33; *TB Bava Metzvia* 58b, 59b, and Ben Zion Katz, “Don’t Oppress the Ger,” *Seforim Blog* <<https://seforimblog.com/2019/07/dont-oppress-the-ger/>>.

However, this article will not investigate the question of when the prohibition against oppressing a convert begins, which may or may not track in parallel with the mitzvah of *Ahavat ha-Ger*.

<sup>2</sup> See Yehuda Rock, “*Parsbat Ekev – Mihu ‘ha-Ger’?*” <<https://etzion.org.il/he/פרשת-עקב-מיהו-הגר>>.

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Rabbi Michael J. Broyde served in a variety of rabbinic roles over the past 30 years and is a law professor at Emory University. He completed this article while a Visiting Professor of Law at Stanford University Law School (Fall 2019).

Rabbi Benjamin J. Samuels, PhD, has served as rabbi of Congregation Shaarei Tefillah in Newton, Massachusetts since 1995, and teaches widely in the Greater Boston Jewish community.

to join the Jewish people; in the second, that person undergoes the educational and experiential process of Judaization toward conversion; and in the final stage, the person undertakes the ritual completion of conversion, standardly defined by circumcision for a man, immersion in a *mikveh* and verbal acceptance of the yoke of commandments for a man or woman—all under the supervision of a rabbinical court.<sup>3</sup> At which stage does the mitzvah to love the convert begin? And if the mitzvah of *Abavat ha-Ger* only attaches after a completed conversion, then what is added by this mitzvah when there is already an obligation of *Abavat Yisrael*—to love our fellow Jews?<sup>4</sup>

This question has considerable practical ramifications. If the obligation of *Abavat ha-Ger* starts before a conversion is halakhically completed, how does the duty to love the convert-to-be texture and shape the conversion process? What impacts would it have upon the attitudes and behaviors of rabbinical courts, supervising rabbis, host communities, and individual Jews in their interactions with prospective converts? What is the personal halakhic status of a convert-to-be within the Jewish community, and what rights and responsibilities attend such standing? Might this question have even larger implications for our halakhic obligations and emotional attitudes toward self-identifying members of the greater Jewish community who may not have halakhic status as Jews? To explore this question, we focus on a test case of inviting a person in the process of conversion for a Pesach Seder or a Yom Tov meal.

This essay is divided into two parts, besides this Introduction and the Conclusion. Part I presents, in three sections, the general schools of thought as to when the mitzvah of *Abavat ha-Ger* commences. First, in Section One, we consider the view of Rambam that only a full convert—that is, post-conversion—must be loved. Additionally, we explore whether Rambam advances other reasons to love a convert-to-be. We also consider other halakhic authorities subsumed within this school of thought. Next, in Section Two, we analyze the more nuanced views of Rosh and Raavad who understand the mitzvah of *Abavat ha-Ger* as attaching somewhere earlier along the conversionary process. Finally, in Section

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<sup>3</sup> See Benjamin J. Samuels, “The Contemporary Rabbinat and Conversion,” in *Conversion, Intermarriage, and Jewish Identity*, edited by Adam Mintz and Marc D. Stern (Hoboken, NJ: Ktav, 2015) pp. 347-381.

<sup>4</sup> The redundancy problem of *Abavat Yisrael* combined with *Abavat ha-Ger* is compounded by a certain paradox of praxis. As an extension of Mishnah *Bava Metz'ia* 58b, one is not supposed to identify nor treat a convert post-conversion as different from a born Jew, and yet the mitzvah of *Abavat ha-Ger* demands specialized and preferential treatment. See Michael J. Broyde, *A Concise Code of Jewish Law for Converts* (New York: Urim, 2017) pp. 11-12.

Three, we examine the view of Rabbi Yitzchak of Barcelona who applies the mitzvah of *Abavat ha-Ger* to a person professing a desire to convert to Judaism, and Rashba who similarly believes that a convert-to-be earns halakhic status as a *ger* even before conversion is fully completed.

The underlying issue of whether there is a duty to love the convert-to-be, or at least to help the conversion candidate progress in their process, has marked consequences regarding halakhic practice, educational inclusivity, and interpersonal relations. Thus, in Part II, we examine the practical test-case of inviting a convert-to-be for meals on Yom Tov, and to a Pesach Seder more specifically, in order to demonstrate the ramifications of each school's understanding of *Abavat ha-Ger*. We note in this part that echoes of each of the three major views of the *rishonim* about the status of a convert-to-be can be found in the various views of *poskim* concerning inviting a convert-to-be for festival meals.

## Part I: Loving the Convert: Before, As Part Of, or Only After Conversion?

### Section One: The Duty to Love Applies Only After Conversion

The question of whether there is a formal duty to love the convert-to-be is implicitly discussed by the Rambam in his formulation of the obligation to love the convert. Rambam (*Mishneh Torah, Hilkhbot De'ot* 6:4) formulates the obligation as follows:

אהבת הגר שבא ונכנס תחת כנפי השכינה שתי מצות עשה, אחת מפני שהוא בכלל ריעים ואחת מפני שהוא גר והתורה אמרה ואהבתם את הגר, צוה על אהבת הגר כמו שצוה על אהבת עצמו שנאמר ואהבת את ה' אלהיך, הקדוש ברוך הוא עצמו אוהב גרים שנאמר ואוהב גר.

Loving a convert who has come and entered under the protection of the Divine Presence fulfills two positive commandments: one, since the convert is included within [loving] “neighbors”; and two, because this person is a convert and the Torah states: “you shall love the convert” (Deuteronomy 10:19). God has commanded us to love a convert just as He has commanded us to love Him, as the Torah says: “you must love God, your Lord” (Deuteronomy 11:1). God loves converts as the Torah says: “and He loves converts” (Deuteronomy 10:18).<sup>5</sup>

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<sup>5</sup> In the preceding paragraph (*Hilkhbot De'ot* 6:3), Rambam upholds the midrash-halakhic interpretation of Leviticus 19:18, “and you shall love your neighbor as yourself,” as an obligation of *Abavat Yisrael*—loving fellow Jews. See *Sifra, Kedoshim* 3:8:4, which also compares the duty to love one’s Jewish “neighbor” to

In three different ways, it is clear from Rambam that this commandment is limited to people who have already become Jewish and does not apply to a person who has not yet completed the conversion process. First, Rambam notes that the convert is one who has already come forward and entered under the “wings” of conversion—i.e., Divine protection for Jews. Second, Rambam connects this obligation to the general duty to love all Jews, and thereby constrains the term “*ger*” to one who is also your Jewish neighbor. Third, by connecting the duty to love the convert to God’s love of converts, Rambam arguably understands the mitzvah of loving the convert to be an extra obligation upon Jews to love Jewish converts.<sup>6</sup>

This is borne out as well by the formulation found in Rambam’s *Sefer Ha-Mitzvot* (*Aseh* 207), which defines the parameters of the mitzvah as such:

והמצוה הר"ז היא שצונו לאהוב את הגרים והוא אמרו יתברך (עקב י) ואהבתם את הגר, ואף על פי שהיה נכלל בזה עם ישראל באמרו ואהבת לרעך כמוך, לפי שזה הגר גר צדק, אבל בעבור שנכנס בתורתנו הוסיף לו האל אהבה וייחד לו מצוה נוספת ...

The 207<sup>th</sup> *mitzvah* is that we are commanded to love converts, as God, may He be blessed, said: “You shall love the convert” (Deuteronomy 10:19). Even though [loving] the convert is also included

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loving the *ger*. Indeed, the Torah’s very language in Leviticus 19:34 regarding a convert, “and you shall love him as yourself,” literally parallels Leviticus 19:18, “and you shall love your neighbor as yourself.” See also Jacob Jaffe, “Poetry, Conversion and the Memorial Prayer,” <<http://www.hakirah.org/Vol17Jaffe.pdf>>.

<sup>6</sup> See Rambam’s “Letter to Ovadia *ba-Ger*,” [*Responsa*, Freiman ed., no. 369] for a fuller articulation of this point. There is some uncertainty in the *aharonim* as to whether an *‘eved kenani* is considered a convert regarding *Ahavat ba-Ger*. See *Minḥat Hinukh* 431, and *Pri Megadim, Eishel Avraham*, OḤ 156. Since a Canaanite slave is obligated in some mitzvot, the question arises as to whether such a person should be considered: a type of convert; a partial convert whose process will be completed after manumission; or a Gentile functionally obligated through subjugation to support the Jewishly-observant environment of his master. Although beyond the scope of this article, the question of whether a *ger toshav* is loved under the mitzvah of loving the convert or some other commandment requires further clarification. However, it should be noted that there exist halakhic indicators that a *ger toshav* enjoys special status. For example: one, he can validly slaughter kosher meat as a matter of Torah law (*Taḥ*, YD 2:1); two, the Talmud imposes upon him obligations of Sabbath observance (*TB Keritut* 9a); three, Jews have a duty to save the life of an endangered *ger toshav* (Ramban, *Commentary on Maimonides’ Book of Commandments, Aseh* 16); and others.

in [loving another] Jew, per “love your neighbor as yourself,” since this *ger tzedek*—righteous convert—has now joined in our Torah, God increased love toward him, and assigned an extra commandment [to love him]...<sup>7</sup>

A similar formulation can be found in *Semag* (*Aseh* 10). Indeed, *Sefer Haḥinukh* (431) is even more explicit than the Rambam in this regard. He states:

שנצטוינו לאהוב הגרים, כלומר שנוהר שלא לצער אותם בשום דבר, אבל נעשה להם טובה ונגמול אותם חסד כפי הראוי והיכולת. והגרים הם כל מי שנתחבר אלינו משאר האומות שהניח דתו ונכנס בדתנו, ועליהם נאמר (דברים י: יט) ואהבתם את הגר כי גרים הייתם.

We are commanded to love converts, that is to say, we are warned not to distress them in any way, but we shall do good to them, and endow them with loving-kindness, as appropriate and possible. The converts are all those who join us from the other nations, **having abandoned their religion and joining ours**. About them it is said, “You shall love the convert since you were once strangers...” (Deuteronomy 10:19).<sup>8</sup>

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<sup>7</sup> Rabbi Joseph B. Soloveitchik interprets Rambam’s careful formulation as further limiting the mitzvah of loving the convert to righteous converts, and not to less-than-fully sincere, albeit halakhically valid converts. The Rav states (*Reshimat Shiurim, Yevamot* 35b):

ועוד נראה דמצות אהבת הגר וכדומה חלין רק בנוגע לגר צדק ולא בגר בעלמא.

The duty to love the convert and other such mitzvot only applies to a righteous convert, and not a typical convert.

Rabbi Soloveitchik is proposing that the duty to love a convert does not apply, for example, to a person who converts for the sake of marriage, even though that conversion is valid. Per the Rav, there is still a duty to love the convert as a Jew, but without the additional “bonus” of *Abavat ha-Ger*. See also Avraham Sherman, “Conversion: Mitzvah, Discretionarily Permitted, Forbidden,” *Torah Sheba’al Peh*, vol. 19. Jerusalem: 5748 (1988), pp. 76-77. R. Sherman opines that Rambam’s requirement of emotional love toward the convert stems from a *ger tzedek*’s framing spiritual commitments.

<sup>8</sup> See R. Sherman, *ibid.*, p. 77, who differentiates between *Sefer Haḥinukh*’s understanding of *Abavat ha-Ger* as primarily superintending social interaction and kindness, and Rambam who focuses on emotional love, even as it is expressed behaviorally. R. Sherman also reconciles the aforementioned redundancy problem per this distinction. The mitzvah of loving one’s neighbor legislates social acts of loving-kindness; see Rambam, *Mishneh Torah, Laws of Mourning* 14:1. The mitzvah of *Abavat ha-Ger* requires an additional valence of emotional love toward a *ger tzedek* who stands as an exemplar of spiritual commitment. For the spiritual and social aspects of conversion, see also Aharon Lichtenstein, “On Conversion,” *Tradition* 23:2, Winter 1988, pp. 1-18.

A considerable number of normative Jewish Law authorities adopt this view, whether explicitly or implicitly. For example, *Magen Avraham* (OC 156:2) when discussing the duty to love the convert inserts a single word to make this clear. He states:

אהבת הגר שנתגייר.

You should love the convert **who has already converted**.<sup>9</sup>

*Mahatzit Hasbekel* (156:2) quotes *Magen Avraham's* formulation of “the convert who has already converted,” as does *Mishnah Berurah* (156:4), directly limiting the duty to love the convert to one who has already converted.<sup>10</sup> *Arukh Ha-Shulhan* (156:8) likewise limits the mitzvah to the already converted, although he adopts the longer formulation of Rambam

<sup>9</sup> *Magen Avraham* OH 156, admittedly, is an unusual halakhic source. *Shulchan Arukh* OH 156 in short form speaks to “The Laws of Commerce,” and refers to a couple of halakhot that may arise in a workday. *Magen Avraham*, in a lengthy gloss, broadens the scope of the concerns of daily religious living and enumerates many other relevant mitzvot in what appears as a less legally formal writing-style. Nonetheless, we know of no reason not to consider *Magen Avraham's* formulation of Loving the Convert as a normative halakhic interpretation. Subsequent commentators on *Shulchan Arukh* follow *Magen Avraham's* example of expansion, and often quote him verbatim. Cf. *Shulchan Arukh HaRav* 156 who inexplicably omits *Ahavat ha-Ger*, while citing *Magen Avraham's* other mitzvot of daily relevance.

<sup>10</sup> *Mishnah Berurah's* view here is consistent with his formulation in his *Sefer Mitzvot Hakatzar* 61, which parenthetically notes: “(the convert is also a member of the Jewish People).” The full text reads:

מצות עשה לאהוב את הגר. שנאמר (דברים י:יט): "ואהבתם את הגר". וזוהי מצוה נוספת על "ואהבת לרעך כמוך," (שהרי הגר הוא גם כן בכלל ישראל). והקדוש ברוך הוא אוהב את הגר, דכתיב (שם י:יח): "ואוהב גר לתת לו לחם ושמלה", ונאמר (שמות כג:טו): "ואתם ידעתם את נפש הגר", ופירוש "גר" כאן, הוא: שבא מארץ אחרת ומעיר אחרת לגור אתנו, ומכל שכן גר שנתגייר. ונוהג בכל מקום ובכל זמן, בזכרים ובנקבות.

A Positive Commandment to Love the Convert: As it states (Deuteronomy 10:19) “and you should love the convert.” This is an additional mitzvah upon “love your neighbor as yourself” (since the convert is also part of the Jewish People). God loves the convert, as it states (Deuteronomy 10:18): “God loves the convert to give him bread and clothes,” and it states (Exodus 23:15): “You know the life of the stranger/convert.” And the explanation for the word “*ger*” here is: one who comes from another land or another city to reside with us, and even more so a convert who converts. This mitzvah applies in all places and times for men and women.

in *Hilkhot De'ot* (6:4), connecting the duty to love the convert to the obligation to love all Jews. He states:

הגר שבא ונכנס תחת כנפי השכינה שתי מצות עשה אחת מפני שהוא בכלל ריעים ואחת מפני שהוא גר שנאמר (דברים י' ט) ואהבתם את הגר.

The convert who has come and has entered under the wings of the Divine Presence [must be loved] per two commandments: one, since because he is included among [Jewish] “neighbors”; and two, because he is a convert, as it states, “You shall love the convert” (Deuteronomy 10:19).

What does this mean as a matter of halakhah? A practical, albeit pre-modern, example might help clarify this view. The Torah (Exodus 23:5; Deuteronomy 22:4) mandates that when one sees a Jew’s animal struggling with the load it is carrying, one must stop and help the Jew unload and reload his animal. Consider a Jew who has only enough strength to help with a single instance of loading or unloading. This Jew encounters several people, including born Jews, converts, and non-Jews struggling with burdensome loads on their pack animals. Whom should this Jew help? Rabbi Joseph Teomim, in *Pri Megadim* (*Eishel Avraham* 156:2), his classical commentary on *Magen Avraham*, opines as follows:

ומה שכתב אהבת הגר ב' מצות עשה, שם הלכה ד'. ונפקא מינה אי יש ישראל לפרוק וגר לטעון, עדיף לטעון לגר, שיש בו עשה יתירה ועדיף.

Regarding that which he wrote, that “Loving the Convert” is two positive commandments ... A practical difference is that if a born Jew needs assistance unloading and a convert needs assistance loading (a case in which unloading usually takes precedence), it is better to help the convert load since by doing this one fulfils an additional commandment, which is better.

Rabbi Teomim proposes that we help the convert, who is now Jewish, before a born Jew, as this manifests the added love Jews are required to show to converts. By helping the convert, one fulfills two duties: loving

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The author of the *Mishnah Berurah* seemingly follows Rambam here, yet also expands the definition of “ger” to “one who has come from another land or another city to dwell with us.” Does this follow *Sefer Hahinukh*’s (431) moralistic expansion of the mitzvah of *Abavat ha-Ger* to include anyone dislocated from their homeland and family who may feel like a stranger among us? Does this refer to a Jew who relocates to a new community and may feel like a stranger? Or might this even refer to a non-Jew who is in the process of converting to Judaism? It is unclear. See *Encyclopedia Talmudit*, s.v. “*Abavat ha-Ger*,” 1:211, fn. 17.

the convert and loving the Jew—which is one more than one fulfills if one bypasses the convert and helps only the born Jew.

In short, this school of thought understands the mitzvah to love the convert as applying only to people who have already converted to Judaism. This appears to be the predominant halakhic viewpoint.<sup>11</sup> Rambam, and those Jewish law authorities who follow his view, therefore assert that there is no obligation to love the convert when dealing with a person who is not yet Jewish, even if they are on the path to conversion. Of course, this does not necessarily mean that there is no duty to convert a person who wishes to join the Jewish People, it means only that there is no formal duty to love the convert-to-be per the mitzvah of *Ahavat ha-Ger*.

### **Other Reasons Why for Rambam There Still May Be a Duty to Love, or at Least Help, the Convert-to-be**

Even if the mitzvah of *Ahavat ha-Ger* does not apply, per Rambam, to a person prior to the completion of conversion, there still may be a general duty to facilitate conversion for people who wish to convert *and are ready for conversion*, and this might generate a duty to engage in conduct that is loving. The Talmud (*TB Yevamot* 47b) cites a *beraita* which asserts this:

קיבל מלין אותו מיד: מ"ט שהו"י מצוה לא משהינן

If he (i.e., the conversion candidate) accepts upon himself [all of the aforementioned commitments], then they (i.e., the rabbinical court) should circumcise him immediately. [The Gemara asks:] What is the reason [to act immediately]? [Because] we do not delay the performance of a mitzvah.

Which mitzvah is being referenced? There apparently is a general obligation incumbent upon a rabbinical court to fulfill its duties, one of which is to convert a ready conversion candidate. Thus, the recently published encyclopedic work on conversion, *Mishnat Ha-Ger*, states: “It is a mitzvah incumbent on a *beit din* to accept converts after due examination of their fitness.”<sup>12</sup> But, why there is such a duty remains unclear. Is this a mitzvah obligation incumbent on the People of Israel, who, in turn, are represented by the formal rabbinical leadership of the *beit din*? Or is there a category of mitzvot that apply solely to a *beit din*? Or do all Jews—both

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<sup>11</sup> See *Pri Megadim, Eishel Avraham* 156:2, discussed below. Similarly, *Mabit*, “Letter About the Ways of God,” *Ne’ilat Shearim* 1:9, notes that this mitzvah, “adds more love to the love of all Jews.” See also *Responsa Divrei Malkiel* 6:78; *Responsa Aseh Lekha Rav* 3:29; *Responsa Ateret Paz* EH 1:3; *Iggerot Moshe* EH 5:1; *Tzitz Eliezer* 18:65; *Teshuvot Vehanbagot* 2:691; *Lehorot Natan* 13:74; and others.

<sup>12</sup> Moshe Klein, *Mishnat Ha-Ger* 3:14 (Machon Mishneh Torah, 2008).



learned leaders as well as simple Jews—have a personal obligation to assist serious aspirants to Jewish conversion?

There are two basic approaches to these questions, each of which deeply impacts upon the duty of how we treat and relate to the convert-to-be. The first approach can be found in Rambam's understanding of another halakhic obligation to love—namely, the mitzvah of *Abavat Hashem*, loving God. The second approach is to posit that even though the mitzvah of *Abavat ha-Ger* only applies post-conversion, there indeed is an independent mitzvah incumbent upon a *beit din* to convert ready candidates, which creates a duty to assist them to convert, and sometimes looks like “love.”

### Loving God Creates a Duty to Facilitate Conversion and Love the Person Seeking to Convert

In *Sefer Ha-Mitzvot*, Rambam's meticulous enumeration of the 613 mitzvot, Rambam intentionally first lists a Jew's fundamental obligations toward God: to believe in and demonstrate knowledge of God, affirm God's unity, love and fear God, pray and cleave to God, swear by God's name, emulate God, and sanctify the Divine name.<sup>13</sup> These mitzvot are theologically primary to the plentitude of the Torah's mitzvot, and foundational to the entirety of the halakhic system.<sup>14</sup> It is also worth noting that in Rambam's account of preparing a person for conversion, Rambam likewise emphasizes the candidate's embrace of primary Jewish theological doctrines prior to concerns of religious praxis and social affiliation.<sup>15</sup> In elucidating the mitzvah of *Abavat Hashem* (loving God) in *Sefer Ha-Mitzvot* (*Aseh* 3), whose importance Rambam signifies by positioning it as positive commandment number three, Rambam states:

They (i.e., our Sages) have already said that this mitzvah includes [facilitating] that all humanity seeks and are called to the service of God,

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<sup>13</sup> See *Sefer Ha-Mitzvot*, *Mitzvot Aseh* 1-9.

<sup>14</sup> See Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven: Yale University Press, 1980) pp. 356 ff.; “What Must a Jew Study—and Why?” in *Visions of Jewish Education*, ed. Seymour Fox, Israel Scheffler, and Daniel Marom (Cambridge: Cambridge University Press, 2003) pp. 46-76.

<sup>15</sup> See *Mishneh Torah*, *Hilkhot Issurei Biah*, 13:2: “We make known to [a person who comes to convert] the principles of the religion, which are [belief in] the unity of God and the prohibition of idolatry, and we go to great lengths to expound this matter (i.e., doctrinal theological fundamentals).” *Shulhan Arukh* YD 268:2 includes Rambam's requirement to theologically orient and educate a conversion candidate as a necessary part of the conversion process, something which is perhaps assumed, but understated in earlier rabbinic sources.

may He be exalted, and to believe in Him. This is because when you love a person, you place [the concerns] of your heart upon him, and praise him and desire for other people to love him. Applying this metaphorically, so too, if you truly love God per your understanding of God's truth, you will, without a doubt, demand of and call to heretics and fools the true knowledge [of God] that you know.

[We learn that this *mitzvah* includes spreading love for God to others from] the language of Sifri: “You shall love God (Deuteronomy 6:5)—make God beloved among the creatures as your father Abraham did, as it is written, ‘The souls that he made in Haran’ (Genesis 12:5).”

That is to say, just as Abraham, who had loved God, as Scripture attests, “Abraham, who loved Me” (Isaiah 41:8), as a result of his great understanding of God, and strong love for God, sought to bring people to belief, so too, you shall love God to the extent that you draw others to Him.

Thus, we see that Rambam includes in the *mitzvah* to love God also a duty to bring others to the love of God, just as Abraham, per *Sifri*, created converts to monotheistic belief.<sup>16</sup> In *Mishneh Torah, Hilkehot Avodah Zarah* (1:3), Rambam retells:

[There in Haran,] he began to call in a loud voice to all people and inform them that there is one God in the entire world and it is proper to serve Him. He would go out and call to the people, gathering them in city after city and country after country, until he came to the land of Canaan—proclaiming [God's existence the entire time]—as it states: “And He called there in the name of the Lord, the eternal God” (Genesis 21:33).

When the people would gather around Abraham and ask him about his statements, he would explain [them] to each one of them according to their understanding, until they turned to the path of truth. Ultimately, thousands and myriads gathered around him. These are the men of the house of Abraham.

A modest reading of Rambam's *Sefer Ha-Mitzvot* would suggest that as an extension of the *mitzvah* of *Ahavat Hashem* (loving God) there is a duty incumbent upon every Jew, per his or her capacity and competency, to emulate Abraham and bring others to monotheistic belief and love of

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<sup>16</sup> See also *Genesis Rabbah* 39:14, cited by Rashi on Genesis 12:5, which explains that Abraham proselytized the men, and Sarah the women.

God.<sup>17</sup> One might claim that one can dispatch this duty by creating Noahides, rather than Jewish converts. However, one may more strongly counterclaim that post-Sinai, a lover of God's unique and special relationship with the Jewish people naturally supports a process of enabling like-hearted people to convert and join the Jewish People.<sup>18</sup> Since God loves converts, "v'obeiv ger" (Deuteronomy 10:18), Jews manifest their own love of God, who loves converts, by helping people seeking conversion.<sup>19</sup> A maximalist reading of Rambam's *Sefer Ha-Mitzvot* would opine that an extension of our obligated love of God is a duty not only to help, but also even to love those who seek to convert.

For rabbinical judges comprising a *beit din*, this translates into a duty to facilitate conversion for those professing their belief in and love of God, and concomitant desire to accept upon themselves the yoke of commandments.

Part and parcel of Rambam's approach, however, defines the conversion candidate worthy of such help and love as a *ger tzedek-to-be*, one who is motivated by spiritual commitments as much as social affiliation. Rambam articulates readiness for conversion as follows (*Mishneh Torah, Issurei Biah* 13:4):

וכן לדורות כשירצה העכו"ם להכנס לברית ולהסתופף תחת כנפי השכינה ויקבל עליו עול תורה צריך מילה וטבילה והרצאת קרבן, ואם נקבה היא טבילה וקרבן

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<sup>17</sup> See Yerucham Perlow, *Sefer Ha-Mitzvot of Rabbi Saadia Gaon, Aseh* 19, who understands this extension of love of God as an obligation incumbent upon each Jew.

<sup>18</sup> See Azriel Ciment, *Mitzvat Ha-Melekh*, Chicago: Ot Chaim, 2005, p. 46, who clearly understands Rambam's expansion of *Abavat Hashem* as referring to making converts.

<sup>19</sup> See *Bamidbar Rabbah* 8:2 for a powerful parable describing why God loves converts: A king has many flocks of sheep... and one day a stag appears and joins the sheep. The stag grazes with the sheep and returns with them at night, as if he were a sheep. When the shepherds tell the king of the stag... the king takes great pride and interest in it and ensures that the shepherds treat the stag with special care. The shepherds question the king, asking "you have thousands of animals over which you take no personal interest... so why do you care so much about this one animal?" The king answers them, "My sheep have only this flock to join, and cannot leave, but this stag has the whole world to choose from, yet he chose my flock. He surely deserves my special attention and care."

The midrash concludes that we, as the Jewish people, should give tremendous credit to converts who have chosen to leave their family and their people to join our ranks. Our love of the king—God—ensconces our love of the convert.

שנאמר ככם כגר, מה אתם במילה וטבילה והרצאת קרבן אף הגר לדורות במילה וטבילה והרצאת קרבן.

And so, for all future generations, when a Gentile desires to enter into the covenant, take shelter under the wings of the Divine Presence, and accept the yoke of the Torah, he must undergo circumcision, immersion, and the offering of a sacrifice. And if (the Gentile) be a woman—immersion and a sacrifice, as it says (Numbers 15:15), “as it is for you, so too for the convert”—just as you (entered into the covenant) with circumcision, immersion, and the offering of a sacrifice, so too a convert throughout all the generations likewise (gains entry) through circumcision, immersion, and the offering of a sacrifice.

Per Rambam, a convert must desire to enter the covenant of Israel and seek spiritual closeness with God. The readiness of a convert is contingent upon his or her spiritual aspirations, and a *beit din* has a duty to bring a convert’s desire to fruition. In the words of the Talmud (*TB Yevamot* 47b) cited above, this is not a mitzvah to be unnecessarily delayed. Which mitzvah? Per Rambam, the mitzvah of *Abavat Hashem*.<sup>20</sup> Thus, although Rambam limits the mitzvah of *Abavat ha-Ger* to a Jew post-conversion, Rambam’s understanding of the mitzvah of *Abavat Hashem* requires the proper, just, and kindly treatment of conversion candidates, including helping them to convert. We manifest our love of God by loving people who seek to join God’s community.

Raavad, at first glance, seemingly concurs with Rambam, as he too points to the verse in Genesis 12:5, “and the people they (i.e., Abraham and Sarah) created in Haran,” as establishing a mitzvah to bring Gentiles to Jewish conversion. In *Ba’alei Hanefesh (Sha’ar Hatevillah)*, Raavad asserts that when converting a minor, a *beit din*, per *TB Ketubot* 11a, recites the blessing formula of “*asher kideshanu be-mitzvotav*—who sanctified us with His commandments” immediately prior to the immersion of the child in a *mikveh*. He writes:

<sup>20</sup> Chaim Jachter, “A Right to Convert? Developing an Idea of Rav Soloveitchik,” <[http://www.torahleadership.org/categories/a\\_right\\_to\\_convert\\_rcj.pdf](http://www.torahleadership.org/categories/a_right_to_convert_rcj.pdf)>. R. Jachter writes: “Rambam clearly makes the conversion contingent only upon the desire of the non-Jew and his commitment to Hashem and His Torah, and not whether we believe it is in our best interest to accept him into our midst.” Why isn’t conversion likewise dependent on the wishes of the Jewish people, whose rabbinical representatives on a *beit din* may seek to reject a particular candidate for reasons unrelated to halakhic demands? The answer is that Jews bear a halakhic duty to convert those who wish to become converts. Cf. *Minhat Asher* 1:51 who seems to posit that there is no such obligation.

כל המצוות כולן מברך עליהן עובר לעשייתן. ואם תאמר הא אמרינן עלה הוץ מטבילה ושופר, ההיא בטבילת גר דמקמי טבילה לא חזי לברכה דאכתי גוי ... ונ"ל דוקא בגר גדול, אבל בגר קטן שב"ד מטבילין אותו אי נמי בעבד קטן שרבו מטבילו בשלשה, שבית דין והאדון מברכין עליהם קודם הטבילה כדין כל שאר המצות. ואם תאמר היכן צונו, מואת הנפש אשר עשו בחרן.

For all mitzvot one recites the blessing prior to their performance. And if you say that we say this for all matters other than immersion and blowing the shofar, since in [the case of] immersion of a convert it is inappropriate to recite a blessing [prior] since the person is still a Gentile ... It appears to me that this is limited to an adult convert, but a minor who is immersed based on the determination of the rabbinical court, or [the case of] a minor slave whose master immerses him in front of three [judges], since the rabbinical court, or master, [are performing the mitzvah] then they make the blessing before immersion like the rule for all other commandments. And if you ask, "Where were we thus commanded?" [we answer], from the verse: "the people they created in Haran" (Genesis 12:5).<sup>21</sup>

How, though, does Raavad construe an everlasting commandment from Abraham and Sarah's exemplary model of bringing people to monotheistic belief? The Torah never explicitly says that Abraham was thus commanded by God, as he had been regarding circumcision. Additionally, this occurred before the Revelation at Sinai when the commandments of the Torah were conferred upon the Children of Israel and their descendants.<sup>22</sup> Thus, it is possible that Raavad locates this commandment within the mitzvah of *Ahavat Hashem*, akin to Rambam.<sup>23</sup>

For the larger group of halakhic authorities cited above who concur with Rambam's conclusion and limit the mitzvah of *Ahavat ba-Ger* to a Jew post-conversion, the outstanding question is whether they also follow Rambam's view within his larger halakhic system that the mitzvah of *Ahavat Hashem* accommodates helping, and perhaps even requires loving, the convert-to-be.<sup>24</sup> If so, this nicely explains why it is a mitzvah for a *beit din* to convert a ready candidate.

If not, then we would still need to identify what obligation exists, if any, upon a *beit din* to convert a worthy aspirant. Tashbetz (*Zohar Haraki'a*,

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<sup>21</sup> Raavad, *Ba'alei Hanefesh, Sha'ar Hatevillah*, 3.

<sup>22</sup> See R. Sherman, note 7 at pp. 77-78, who asks these questions in the name of Rabbi Menachem Mendel Kasher.

<sup>23</sup> For an alternate interpretation of Raavad, see Section Two below.

<sup>24</sup> See Sherman, Avraham. "Conversion: Mitzvah, Discretionarily Permitted, Forbidden," *Torah Sheba'al Peh* vol. 19, 5748 (1988), pp. 74-87.

*Mitzvat Aseh* 40) opines that since the Talmudic passage cited above (*TB Yevamot* 47b) calls conversion by a *beit din* a mitzvah, then there must be an independent mitzvah enumerated within the 613 mitzvot for a *beit din* to convert ready candidates.<sup>25</sup> Tashbetz, however, seemingly agrees with Rambam that the mitzvah of *Abavat ha-Ger* only applies post-conversion.

Another way, however, to understand why a *beit din* has an obligation to convert a ready candidate is to see the mitzvah of *Abavat ha-Ger* as attaching prior to full conversion, which brings us to the next school of thinking on this topic.

### **Section Two: The Duty to Love the Convert After Conversion Also Entails Loving the Convert-to-Be Prior to Conversion**

The second school of thought on the question of “when does the mitzvah to love the convert begin?” posits that this obligation attaches during the conversion process, and is an outgrowth of loving the convert post-conversion. The logic for this view is as follows:

1. There is a clear and well-established mitzvah to love the convert post-conversion.
2. The most important way to love the convert is to ensure that the convert successfully integrates into the Jewish people after conversion.
3. To be successful, the conversion process must start far before completion, and involves prior to the conversion much preparation for life as a Jew after conversion.
4. Hence there is a duty to craft a successful conversion process, so that we can subsequently love the convert as a Jew.

The clearest exposition of this idea can be found in *Tosafot Harosh* (*Shabbat* 137b). Rosh addresses the question: Why should we make any sort of blessing over the circumcision of a convert-to-be? After all, circumcision, while necessary for conversion, does not complete the conversion process. Until verbal acceptance of the yoke of mitzvot and immersion in a mikveh have been completed, no conversion has taken place. After circumcision, a man who is “*mal velo taval*—circumcised but not immersed” is still a Gentile and not Jewish. Rosh answers:

המל את הגרים אומר אשר קדשנו במצותיו וצונו למול את הגרים, כי נצטוינו  
לאהוב את הגרים ואי אפשר להיות גר בלא מילה.

One who circumcises converts-to-be recites [the blessing], “who sanctified us with His commandments and directed us to circumcise

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<sup>25</sup> See *Tosafot, Yevamot* 109b, s.v. *ra'ah achar ra'ah*, and Yerucham Perlow, *Sefer Ha-Mitzvot of Rabbi Saadia Gaon, Lo Ta'aseh* 363.

converts,” **since we were commanded to love the converts, and it is impossible to be a convert without circumcision.**

Rosh asserts that the duty to love the convert is fulfilled by circumcision, even if it is only a preliminary, albeit necessary, condition, after which the convert-to-be is still a Gentile, and can even change his mind and choose not to convert. The duty to love the convert post-conversion, however, creates a mitzvah for people to help the person become a successful convert, which cannot be done without circumcision (for a man).

While Rosh contextualizes this application in the context of the penultimate stage of circumcision, the question remains as to how soon after the commencement of a conversion process does the mitzvah of *Ahavat ha-Ger* attach. Since a successful conversion process requires spiritual and theological reorientation, extensive Jewish literacy, Jewish communal and cultural socialization, and fluency in and comfort with halakhic praxis—in other words, a comprehensive conversion process, then crafting such a process would, per Rosh’s logic, fulfill the mitzvah of *Ahavat ha-Ger*, even though the candidate is yet still a Gentile.<sup>26</sup> Superintending a process that creates converts who live faithfully and happily as Jews is a manifestation of love, and thus is entailed by God’s commandment to love the convert, even prior to the actual conversion.<sup>27</sup>

Loving the convert-to-be at preliminary stages within the conversion process is therefore an exercise in anticipatory, strategic preparation. If converts are not loved, whether before or after their conversion, they might abandon Judaism after conversion to return to a Gentile community that better loves them. The concern of “*shema chozeir lesuro*—lest the convert return to their old faith” is thus commonly articulated in both

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<sup>26</sup> R. Joseph Rosen (the Rogatchover), *Tzofnat Pa’aneach*, Mahadurah Tinyana, *Hilkehot Yesodei HaTorah* 5:5, proposes that upon the completion of a successful conversion, Jewish status is retroactively conferred, at least to the stage of circumcision within a conversionary process. See J. David Bleich, “Observance of Shabbat by a Prospective Proselyte and by a *Ger She-Mal ve-lo Taval*,” *Tradition* 25:3, Spring 1991, p. 59 fn. 9.

<sup>27</sup> For another legal analogy, consider the “mitzvah” to marry, which, according to most authorities, is really only a prelude to the mitzvah of having children, and yet we recite blessings over its enactment. *Makhsheir mitzvah* are generally treated as mitzvot, as reflected in their rabbinic blessing formulations.

halakhic and midrashic sources.<sup>28</sup> At the same time, there is also something retrospective entailed in Rosh's understanding. Since we have to love the convert after conversion, then even prior to conversion we must support the candidate's mastery of the many aspects of Jewish life that need to be present after conversion, in order to assure a successful conversion and lasting commitment. Furthermore, at the time it is done, such support is a mitzvah of loving the convert, and, in the case of circumcision, per Rosh, a blessing can be recited. As another example, a person cannot start learning how to be an observant Jew only after their conversion is over. Therefore, to ensure a successful conversion, even at the most preliminary stages of the conversionary process, we put aside the prohibition of teaching Torah to a Gentile and teach Torah to the convert-to-be.<sup>29</sup> This holds true for training in most other commandments as well.

<sup>28</sup> See *Tosafot*, *Kiddushin* 70b; *Bamidbar Rabbah* 8:2, cited above in fn. 19. For the etymology of the Talmudic expression “*chozeir lesuro*,” see Finkelstein, *Menachem. Conversion: Halakha and Practice*, trans. Edward Levin. Ramat Gan, Israel: Bar Ilan University Press, 2006, p. 245, fn. 278.

<sup>29</sup> See *Maharsha*, *Chidushei Aggadot*, *Shabbat* 31a. Also see *Iggerot Moshe* YD 3:90, who powerfully notes:

עוד כתב מהרש"א בה"א בשבת דף ל"א דעכו"ם הלומד תורה כדי להתגייר מותר משום דמפרש דלא גייריה הלל להנכרי שרצה להתגייר ע"מ שיעשוהו כ"ג עד שלמד שא"א לו להיות כ"ג ומה שלמדו תורה הוא משום דכיון דבא לגייר שרי ללמוד תורה... ותמוה איך כתב בסוף שכיון שאזדא ראיית מהרש"א אין בכחי להתיר הא גמ' מפורשת שמותר ושכן צריכין לעשות אף שבדיעבד הוא גרות בלא זה כמפורש בשבת...

Also Maharsha writes in *Hidushei Aggadot*, *Shabbat* 31, that a Gentile who learns Torah in order to convert is engaging in permitted activity since it is clear that Hillel did not convert the Gentile who wanted to [convert to] become a High Priest until he studied [Torah] and thereby learned that he could not possibly become a High Priest. And their teaching him Torah is permitted since he came to convert. ... And it is astonishing that [Rabbi Akiva Eiger] [disputes] and dismisses Maharsha, concluding that he doesn't have the power to permit [teaching a conversion candidate] Torah, since a Talmudic source clearly permits, and thus we need to do so, even if a conversion [absent a preparatory Torah learning process] is valid after the fact.

Rabbi Moshe Feinstein posits that even those who do not agree with Maharsha and do not allow teaching Torah to a convert-to-be (like Rabbi Akiva Eiger) are only referring to a person who is far away from conversion. However, asserts Rabbi Feinstein, all agree that a person who is shortly going to convert has to be taught Torah, as otherwise he or she will be dysfunctional as a Jew. This aligns with the view of Rosh who applies post-conversion halakhic principles



Similarly, Raavad cited above in Section One, arguably aligns with Rosh's view that the mitzvah of *Ahavat ha-Ger* post-conversion by necessity applies pre-conversion in order to ensure a successful conversion and lasting commitment. Although Raavad cites the same proof text as Rambam—"And if you ask, 'Where were we thus commanded?' [we answer], from the verse: 'the people they (i.e., Abraham and Sarah) created in H̄aran' (Genesis 12:5)"—there is no clear indication that Raavad understands the mitzvah to facilitate conversion as an extension of the mitzvah of loving God. Raavad just as easily may share in Rosh's reasoning and believe that in order to create converts, one must treat them in a loving fashion before conversion.<sup>30</sup>

In sum, Rosh, and possibly Raavad, minimally argue that while there is no duty to love a convert-to-be prior to conversion per se, since there is a duty to love the convert after conversion, we must also treat the conversion candidate lovingly prior to conversion. In other words, part of loving the convert after conversion, is loving the convert-to-be prior to conversion.<sup>31</sup>

### Section Three: Loving the Convert Applies at the Time of Expressed Desire to Convert

The final school of thought proposes that the mitzvah of loving the convert applies to the convert-to-be at the time he or she expresses a desire to convert. Rabbi Yitzchak Barcelona (hereafter RI Barcelona) posits in his *Azharot*, a liturgical poetic summary of the mitzvot, that the mitzvah

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and praxis earlier in the conversion process, and has applications as well to the test case (Part II below) concerning the permissibility of inviting conversion candidates to festival meals.

<sup>30</sup> Raavad certainly doesn't align with Rashba cited in the next section below, i.e., that a blessing on circumcision is recited because quasi-Jewish status has been earned by the convert-to-be, otherwise Raavad would allow an adult conversion candidate to make his own blessing before circumcision and immersion.

<sup>31</sup> By analogy, consider the love of a child by a parent prior to birth. Just like there is a mitzvah to invest in and raise one's children after they are born, sometimes one needs to invest in the mitzvah of raising one's children even before they are born, such as prenatal care. In the case of a convert, it is an open question of whether extending backward the mitzvah of *Ahavat ha-Ger* prior to conversion is a *deoraita* or *derabbanan* extension.

to love the convert applies to anyone who comes and expresses interest in converting.<sup>32</sup> He writes (in poetic meter):

Shelter in your shadow a convert who comes to convert when he says, "In You, O God, I seek Shelter." You shall accept him, and make known to him some commandments, minor and major, lest he turn in his spirit and say, "What have I done!?" <i>I cannot go with these, for I have not tried them.</i> (I Sam 17:39)	יחסה בצלכם גר הבא להתגייר באומרו בך יי חסיתי יקבלוהו ויודיעוהו קצת מצות קלות וחמורות פן יחזור ברוחו ויאמר מה עשיתי לא אוכל ללכת באֵלֶּהָ פִּי לֹא נִסִּיתִי (שמואל א יז:לט)
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It is clear from this formulation, that RI Barcelona is discussing a convert-to-be prior to conversion. Rabbi Yerucham Perlow, in his commentary on the *Book of Commandments of Rav Saadia Gaon* (*Aseh* 19), discusses this view:

הן אמת שראיתי באזהרת הר"י אלברגלוני דנראה מדבריו ז"ל דס"ל דבכלל עשה  
 דואהבתם את הגר נכללת ג"כ המצוה לקבל גרים להכניסם תחת כנפי השכינה.  
 שכתב שם ז"ל יחסה בצלכם גר הבא להתגייר באומרו בך ה' חסיתי. יקבלוהו  
 ויודיעוהו קצת מצות וכו' עכ"ל ... על כרחך צריך לומר דאע"ג שעכשיו כשבא  
 לפנינו אכתי לאו גר הוא, מ"מ כיון דבקבלה זו מתגייר קרינן ביה "ואהבתם  
 את הגר". ... ואין כאן מקום להאריך בזה. אבל הרי אנו רואים דהר"י אלברגלוני  
 ז"ל מכניס אותה בכלל עשה דאהבת גרים.

In truth, I saw in the *Azharot* of Rabbi Yitzchak of Barcelona of blessed memory that it appears from his words that he holds the view that included in positive commandment "and you shall love the

<sup>32</sup> *Azharot* of Rabbi Yitzchak Barcelona (ברגלוני in some texts) is admittedly an unlikely halakhic source. *Azharot* is part of a poetic tradition of the early medieval era in which mitzvot are summarized in short sentences to be recited liturgically at various times. We are more familiar with the similar liturgical form of *Akdamos* that we recite on Shavuot. For more on the RI Barcelona, see Israel M. Ta-Shma, *Talmudic Commentary in Europe and North Africa: Literary History*, vol. 1, Hebrew University Press, 1999:168-169. There is considerable evidence that RI Barcelona was a halakhic scholar of considerable stature, though his Talmudic works have primarily been lost to us and his ideas, for the most part, have not participated in the crucible of halakhic debate past the Sephardic Middle Ages. He may even be a direct ancestor of Ramban, as TaShma notes. Ramban quotes him six times in his commentary on the Talmud, and he is also cited by the Rashba, Rosh, Ran, *Nemukey Yosef*, and *Shita Mekubetzet*. *Beit Yosef* cites him as a halakhic source in *Hoshen Mishpat*. While he may be remembered generally by his surviving poetry, he was known in the Sephardic orbit as a thoughtful master halakhist, as well. For our purposes, since "rediscovered" by R. Yerucham Perlow in his commentary on *Sefer Ha-Mitzvot leRaSaG* (*Aseh* 19), his view of the duty to love the convert applying to the convert-to-be has been widely recounted and discussed in the halakhic literature on conversion.

convert” (Deuteronomy 10:19) is also the mitzvah to receive converts and to bring them under the protection of the Divine Presence. He writes there: “Shelter in your shadow a convert who comes to convert/ When he says, ‘In You, O God, I seek Shelter’. They should accept him and teach him some of the commandments...” It is necessary to say therefore that even though as of now when he comes before us he is not [yet] a convert, nonetheless since [his expressed desire to convert constitutes a halakhic commitment, i.e.,] “an acceptance” by which he is converting, we apply to him “and you shall love the convert”... This is not the place to expand upon this, but we see that Rabbi Yitzchak of Barcelona of blessed memory includes this as part of the commandment to love the convert.

Rabbi Moshe Klein in *Mishnat Ha-Ger* includes RI Barcelona’s view in the central text of his contemporary summative compendium on the laws of conversion:

There are those who write that the mitzvah of loving the convert attaches immediately from the time that [the person] reveals his mind and intention that he desires to take refuge under the sheltering wings of the Divine Presence, and not only after he completes his conversion process, therefore one should help him in all ways he needs from the time he begins the conversion process.<sup>33</sup>

The approach of RI Barcelona solves the important conceptual problem cited above in the introduction – namely, if the mitzvah of *Abavat ha-Ger* attaches only after a completed conversion, what is added by this mitzvah when there is already an obligation of *Abavat Yisrael*—to love our fellow Jews. For RI Barcelona, the mitzvah of *Abavat ha-Ger* principally applies *during the conversion process*, rather than upon completion of conversion, when the mitzvah of loving your neighbor now protectively covers the newly fashioned Jew.

Not surprisingly, this approach is nicely consistent with the view of Saadia Gaon who believes that there is not a unique mitzvah at all to love a Jewish convert. Per Rav Saadia, the primary duty is to treat the convert

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<sup>33</sup> Klein, Moshe, *Mishnat Ha-Ger*, p. 193. See also Rabbi Eliezer Melamed, <<https://www.yeshiva.org.il/midrash/7772>>, who seemingly assumes that *Abavat ha-Ger* applies to a conversion candidate, though he doesn’t explicitly quote RI Barcelona. However, Rabbi Melamed told one of us (BJS, January 2019) that while the mitzvah of *Abavat ha-Ger* influences his kindly approach to conversion candidates, he doesn’t believe the mitzvah attaches until the conversion is completed.

identically to a born-Jew, with no favoritism in any direction.<sup>34</sup> If that is the case, then the mitzvah to love the convert is solely and exclusively focused on the convert prior to conversion, rather than on the convert post-conversion, when this person as a full and complete Jew is covered by the mitzvah of *Ahavat Yisrael*.

Without explicitly discussing the mitzvah of loving the convert-to-be, Rashba (*Yevamot* 71a) presents a similar idea regarding the recitation of a blessing on a conversionary circumcision:

אלא לאתויי גר שמל ולא טבל וקסבר אינו גר עד שימול ויטבול. קשיא לי א"כ  
היינו גוי ואף על פי שמל הרי הוא כערל דהו"ל כערבי מהול, וליתא דשאני הכא  
דמילתו לשם יהדות ואף על פי שלא נגמר גירותו מ"מ כבר התחיל ונכנס קצת  
בדת יהודית שאינו צריך אלא טבילה

This comes to include a convert who is circumcised but not immersed, and he holds the view that he is not considered a convert

<sup>34</sup> See Commentary of R. Yerucham Perlow, *Sefer Ha-Mitzvot leRaSaG, Aseh* 82. It is worth adding here that Rav Saadia Gaon counts in his own *Azharot* listing of commandments, “כְּאֲזָרְחָה מִכֶּם יְהִיֶה לְכֶם הַגֵּר הַגֵּר אִתְּכֶם,”—“as a citizen among you shall be the convert who resides with you” (Leviticus 19:34) which emphasizes equivalence, and denies the special duty to love the convert uniquely. See for example, the *Azharot* as found in the *Siddur of Rav Saadia Gaon*, eds. Israel Dodson, Simcha Assaf, and Issachar Yoel, p. 159, line 22, as found at <<http://www.daat.ac.il/daat/mitsvot/rasag-taryag.pdf>>. We were recently shown a yet unpublished—but shortly forthcoming—manuscript of the newly rediscovered complete *Sefer Ha-Mitzvot of Rav Saadia Gaon*, which had been lost for centuries. This work, entitled *ספר המצוות הוא כתאב אלשראיע לרס"ג* (Jerusalem: Ben Zvi Institute & Keren Harav Rosen, 2019) was written in Judeo-Arabic, has been translated into Hebrew with annotations by Rabbis Chaim Sabato, Nissim Sabato and Eyal Fischer. Chapter 25, “Those Who Convert,” makes it clear that Rav Saadia Gaon does not codify the duty to love the convert as a mitzvah at all, exactly in line with his *Azharot*, as noted above, and as recognized by Rabbi Yerucham Perlow. Instead, Rav Saadia Gaon believes that the duty is to treat a convert “כאזרח,” like a born Jew,” interpreting Leviticus 19:34 as: “The convert residing among you must be treated as your native-born.”

The redundancy problem, a core tension within Rambam’s view, is neatly solved by this approach. Only a person who is not yet Jewish, but is seeking to become Jewish, is loved under the rubric of loving the soon-to-be convert. For the already converted, this view mandates that one loves the convert as any other Jew, and further, one loves the convert precisely by ignoring the convert’s pre-conversion history and treating the convert like every other Jew. However, Jewish law, as it developed, seems to have rejected this view based on Rambam’s and others’ incorporation of the duplicative duty to love the convert after conversion, requiring other resolutions to the redundancy problem.

until [both] circumcision and immersion [are complete]. This is difficult for me, since this person is still a Gentile. And even though he is circumcised, he is [, Jewishly speaking,] like one who is uncircumcised, like a circumcised Muslim. But this is wrong. It is different because his circumcision is for the sake of Judaism, **and even though he has not finished converting, nonetheless he has already started [to convert], and has partially entered into the Jewish religion, since all he needs [to complete the process] is immersion.**

According to Rashba, a person attains the quasi-status of a convert even before he fully finishes the process, and halakhic Jewish identity is gained in stages.<sup>35</sup> Rashba clearly sees this as applying during the penultimate stages of a conversion process, at the very least immediately prior to circumcision. Where along the conversion process does a candidate attain this standing? For example, what marker along a conversionary process would endow such status upon a woman for whom circumcision isn't possible? And, if indeed, the Rashba believes it is possible to attain a quasi-status of a *ger* prior to full conversion, does the mitzvah of *Abavat ha-Ger* obligate us to love the convert-to-be who has attained such standing?

There are a number of halakhic indications that a person who has made significant progress in a conversion process has attained partial Jewish status. Formally, this is discussed in the halakhic literature regarding one who has been circumcised but remains un-immersed in a *mikveh* – i.e., *ger she'mal velo taval*.<sup>36</sup> However, there is reason to believe that it is not circumcision per se that creates new standing, but the commitment to God and Judaism, i.e., *berit*—covenantal commitment, that leads to circumcision. Thus, such quasi-Jewish halakhic status is accessible to women

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<sup>35</sup> Joel Wolowelsky, “Two Aspects of Jewish Identity,” *Shofar* 13:2, 1995, p. 22. Rabbi Wolowelsky highlights a distinction first introduced by Rabbi Aharon Lichtenstein between “*shem Yisrael*”—the name of, or affiliation with the People of Israel, which per Rosh and Rashba, is gained in stages, and “*kedushat Yisrael*”—the sanctity of Israel, which is achieved upon completion of conversion. See Lichtenstein, Aharon, “Brother Daniel and the Jewish Fraternity,” *Judaism* 12:3, Summer 1963, pp. 260-280, and is reprinted in Aharon Lichtenstein, *Leaves of Faith; the World of Jewish Learning*, vol. II (Jersey City, NJ: Ktav, 2003-2004) pp. 57-83.

<sup>36</sup> See R. Bleich, *ibid.*, pp. 46-62. See also *Tosafot Yesbeinim*, *Yevamot* 46b, who explains why a special midrashic derivation is required to exclude a person who is *mal velo taval* from participating in the *korban Pesach*: “[S]ince once they are circumcised they exit the status of being an ‘*arel*—an uncircumcised one who cannot eat the *korban Pesach*, even though they have not become “*yehudim gemurim*, complete Jews,” until they immerse. See also *Tosafot Yesbeinim*, *Yevamot* 48b.

for whom circumcision is not part of the conversion process, as well as to men.<sup>37</sup> As a result of gaining status as a *ger*, a fully committed conversion candidate may keep Shabbat and learn Torah, normally proscribed to Gentiles.<sup>38</sup> *Tzitz Eliezer* (10:28) permits medically treating a person who is *mal velo taval* on Shabbat without resorting to the halakhic justification of avoiding *eivah* (i.e., potentially mortally dangerous ill will). Likewise, the general duty of rescue of Jews in trouble also applies to such a person.<sup>39</sup> If a person fully committed to completing a conversion process dies before completing conversion, such a person may be eulogized as a Jew and be buried in a Jewish cemetery.<sup>40</sup> Such a person may possibly even be counted in a *zimmun*.<sup>41</sup>

Since, in this model, per RI Barcelona, once a Gentile expresses a serious interest in becoming Jewish, he or she develops the status of a *ger*, which is not one who has converted, but one who wants to convert. After they have converted, they are simply a Jew, and one must love them as one loves all Jews, no more and no less.

Allow us here to provide a more elaborate Talmudic and linguistic explanation of this view. In rabbinic literature, the word “*ger*,” when standing alone, sometimes means a person who is pursuing conversion but has not yet converted, sometimes means a person who has already converted, and sometimes means a person who has taken some significant steps to convert, such as circumcision, but has not yet finished the process. When the Talmud wishes to make it clear that it is speaking about

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<sup>37</sup> Wolowelsky, *ibid.*, pp. 22-23.

<sup>38</sup> For a full discussion of these issues, see R. Bleich, *ibid.* To think about this conceptually, consider the case of a man who immersed, but is not yet circumcised, who upon circumcision then becomes Jewish (Rama YD 268:1), or a woman who verbally affirmed *kabbalat ha-mitzvot* in front of a *beit din* and is awaiting immersion in a *mikveh*. Each of these cases is arguably akin to a convert-to-be who was circumcised but not yet immersed. See *Sefer Hahasidim* 690, who explicitly forbids feeding non-kosher food to a conversion candidate who has accepted upon himself mitzvah observance, yet still awaits circumcision.

<sup>39</sup> See *Iggerot Moshe* EH 5:1.

<sup>40</sup> See *Responsa Tzeror BaKesef* YD 18, quoted in R. Daniel Tirani, *Ikkarei Dinim* 1, OC 40; *Responsa Minhat Elazar* 3:8; *Kol Bo Avelut*, p. 190, fn. 21; *Wolowelsky*, *ibid.* pp. 24-25.

<sup>41</sup> See Wolowelsky, *op cit.*, p. 23, citing R. Yaakov Kamenetsky, *Emet leYaakov al haTorah*, New York: 5746/1986, commentary to Genesis 17:4, pp. 60-61. We are certainly of the view that if one invites a person for a Yom Tov meal while unaware of his status as a conversion candidate, one should rely on this view and not disinvite the person in order to avoid the generation of animosity or hurt feelings.

one who has already converted, it uses the phrase “*ger shenitgayer*” (גר) (שנתגייר) and not just the single term “*ger*.” When the Talmud wants to make reference to one who is a Gentile but has had circumcision for the sake of conversion, it uses the phrase, “*ger she’mal velo taval*” (גר שמל ולא) (טבל). This helps explain the countless times (more than 50) that the two Talmuds use the longer phrase of “*ger shenitgayer*” to denote a person who has already converted. This also helps explain the frequent use in the rabbinic literature of the phrase “*ger haba lehitgayer*” (גר הבא להתגייר), which really should be “*goy haba lehitgayer*” (גוי הבא להתגייר), since this person is still a Gentile. Rather, RI Barcelona indicates that when the Torah mandates that one love the *ger* it is *not referring uniquely to one who has already converted, but instead to one who is in the process of converting*. One who has converted is simply a Jew and not a convert, and according to Rav Saadia Gaon is no longer entitled to the special love of a *ger*, but only the special love of every Jew.<sup>42</sup>

The RI Barcelona therefore tracks with Rashba by identifying this convert-to-be as developing an intermediate status, somewhat akin to a Canaanite slave: not yet a Jew, but no longer a Gentile. As Rambam (*Issurei Biah* 12:11) notes:

העבדים שהטבילו אותם לשם עבדות וקבלו עליהם מצות שהעבדים חייבים בהם  
יצאו מכלל העכו"ם ולכלל ישראל לא באו.

The Canaanite slaves who are immersed as slaves and accepted the commandments that slaves are obligated in, have left the status of Gentiles, but have not yet entered the status of Jews.

As cited above, the classic example of this is the status of a man who has been circumcised for the sake of conversion but has not yet immersed—*mal velo taval*. The fundamental conceptualization of this status is driven by different categories of people noted in rabbinic literature who are half-way in, but not yet converted, and are certainly not fully Jewish as a matter of law. Writing about such a case, *Binyan Tzion* (91) notes:

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<sup>42</sup> The view of RI Barcelona need not adopt the view of Rav Saadia Gaon that there is no special love needed for one who has already converted, although it does fit nicely. In truth, we find this view very persuasive textually, and but for the fact that most—and particularly Rambam—reject this view (as explained in Section One above), we might consider it normative. Let us note that the combined views of Rosh, Rashba, Raavad, and RI Barcelona strongly make a halakhic argument that the duty to love the convert applies to the convert-to-be, and together their views provide a counterweight to Rambam’s view, both in logic and authority.

ולכן נלענ"ד דאף שעדיין לא נכנס לכלל ישראל גמור עד שטבל מכ"מ משעה שנכנס לברית מילה כבר נבדל מכלל בני נח.

Thus, it appears to me that even though this person has not become fully Jewish until immersion, nonetheless, once he is circumcised, he has separated from the Gentile population.

A similar sentiment can be found in a responsum of Radvaz (3:917) which also addresses the question of a man who is circumcised but not immersed. After concluding that wine he touches is not prohibited to drink, Radvaz writes:

ולענין להצטרף לכל דבר שבקדושה ולענין אי חיישינן לקידושיו הדבר ברור שאינו כישאל לשום דבר דקייל"ן מל ולא טבל כאלו לא מל. אלא שיצא מכלל עכו"ם שמצוה להחיותו ואין מגעו ביין טמא ולכלל ישראל לא בא עד שיטבול ודברים ברורים הם.

On the matter of counting him for sacred matters (e.g., a minyan), and whether we worry for the validity of his enacting Jewish marriage, the matter is clear that this person is not like a Jew for any such matters, since we hold that one who is circumcised but not immersed is like he is not circumcised [and thus is still not Jewish]. But this person has left the status of a Gentile and there is a duty to provide essential support for life (e.g., nourishment) and his touching wine does not prohibit it, but he is not Jewish until he immerses. This is clear.

A responsum of *Minhat Elazar*<sup>43</sup> (3:8) goes even further in that it grants Jewish identity to someone who was not even in the process of converting but was identified as Jewish socially, and by the government. The facts of this case are simple and important. A Jewish man intermarried, and the woman never converted. They had a one-year-old son who died, and the man wanted to bury his infant son in a Jewish cemetery. The local secular law authorities identified the child as Jewish, as per the religion of his father, even though as a matter of halakhah such was not the case. After confirming that the child was certainly not Jewish as a matter of halakhah, and was not even on a path to conversion, and was not to be considered circumcised for conversion, the Munkacser Rav permitted the

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<sup>43</sup> The author of *Minhat Elazar* was the rabbi of the city of Munkacs, where he was also a Hasidic Admor and Rosh Yeshiva. In 2008, Rabbi Gedalia Dov Schwartz expressed to MJB that "if the Munkacser could be *meikil* (lenient) in this case, and he was a *kanai* (extremist), this is a reason for others to be *meikil* also in similar situations." We suspect that it explains the views of Rabbi Gedalia Dov Schwartz on inviting a convert for a Yom Tov meal as well, as will be explained in Part II. (We note our deepest prayers that God should grant Rabbi Schwartz a speedy recovery.)



child to be buried in the Jewish cemetery—albeit in a distant location in the Jewish cemetery, since he has a Jewish identity that attached to him as a matter of social reality. While the child never entered under the sheltering wings of the Divine Presence, the child did reside under the protection of the Jewish community, and thus is entitled to be buried in a Jewish cemetery. While not an example of *Abavat ha-Ger*, this responsum is illustrative of the existence of a variety of “half-in” persons. The approach of *Minbat Elazar* certainly recognizes that a convert-to-be who is already functionally a member of the Jewish community by identity is entitled to such a status.

Echoes of the basic approach of RI Barcelona are present in all of these cases: once one leaves the Gentile community and somewhat (socially or theologically or religiously) enters the Jewish community in fact, even if not as a matter of halakhah, then one becomes a *ger* halfway between a Gentile stranger and Jewish seeker and sojourner, and the community is called to treat that person with love and compassion. The mitzvah of *Abavat ha-Ger* thus applies to a *ger haba lehitgayer*—literally, a convert who comes to convert.

### **Conclusion to Part I: There Are Many Reasons and Rationales to Act with Love to a Convert-to-Be**

In summation:

1. Beginning with *Mishneh Torah*, halakhic codes and their commentaries primarily follow Rambam’s view that the mitzvah of *Abavat ha-Ger* attaches only post-conversion.
2. Rosh, and possibly Raavad, advance the application of *Abavat ha-Ger* to earlier stages in a conversion process in order to enable *Abavat ha-Ger* more fully after conversion.
3. Rabbi Yitzchak of Barcelona sees the mitzvah of *Abavat Ha-Ger* as commencing when a Gentile expresses a desire to convert and thereby becomes a *ger haba lehitgayer*. Rashba likewise understands Jewish status to be achieved in stages. Many cases in the responsa literature support the view that different stages of spiritual commitment and communal affiliation create new halakhic statuses, with a variety of attendant practical halakhic outcomes, one of which may indeed be a pre-conversion obligation of the mitzvah of *Abavat ha-Ger*.
4. Many Jewish law authorities recognize that there is a duty incumbent upon a *beit din* to convert one who is ready for conversion, and that there is a mitzvah to superintend a successful conversion process. This mitzvah to receive converts and treat them kindly, perhaps even lovingly, can be identified as: (1) *Abavat Hashem*, per Rambam, and

those who adopt his view of *Abavat ha-Ger*; (2) *Abavat Ha-Ger*, per Rosh, possibly Raavad, Rabbi Yitzchak Barcelona, and possibly Rashba; (3) an independent mitzvah for a *beit din* to receive converts, per Tashbetz.

Functionally, for all the above-cited views other than the first, an attitude of loving-kindness (whether formally driven by *Abavat Ha-Ger* or not) applies even prior to conversion, and even Rambam adopts this basic approach albeit for a different reason, i.e., the mitzvah of *Abavat Hashem*.

## **Part II: A Test Case: Inviting the Convert-to-Be for a Pesach Seder or a Yom Tov Meal**

The mitzvah of *Abavat ha-Ger* functions both as a specific duty, and as an encompassing, orienting directive.<sup>44</sup> As mentioned above in the introduction, the question of when does the mitzvah of *Abavat ha-Ger* commence thus has broad ramifications for both praxis and policy. If the obligation of loving the convert includes a conversion candidate, and not just a post-conversion newly fashioned Jew, then this mitzvah would assume orienting power even before a conversion is completed. It would consequently impact upon how conversion candidates are welcomed and supported through their conversion process by the varied members of the Jewish community, including *dayanim* (rabbinical court justices), rabbis, teachers, communal leaders, and Jewish members of the larger and more local Jewish community. Part of its encompassing directive and orienting influence would arguably even impact upon the adjudication of specific halakhic practices.

The halakhic scenario of whether and in what way it is permissible to invite a conversion candidate to a Pesach Seder or Yom Tov meal provides an excellent test case to gauge how the commencement-time of the mitzvah of *Abavat ha-Ger* indeed influences *pesak halakhab*. The Talmud (*TB Beitza* 21b) teaches that preparation of food on Yom Tov is permissible only for the sake of Jews and not for the sake of Gentiles.<sup>45</sup> Thus,

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<sup>44</sup> Rambam in his introduction to *Sefer Ha-Mitzvot* excludes Torah directives that are too generalized from his enumeration, see principle 4. However, mitzvot that have specific application, as well as broad-reaching, orienting force, are indeed counted. For example, *Mitzvat Aseh* 8, the duty to walk in God's ways and emulate God's noble attributes.

<sup>45</sup> This is based on the Rabbi Akiva's midrash-halakhic reading of Exodus 12:16: "On the first day, a holy convocation...no work shall be done on them; only that alone which is eaten by everyone may be prepared for you"—"for you," i.e., Jews, "and not for Gentiles." See also *TB Beitza* 20b, 28b.

the Sages did not permit a Jew to invite a non-Jew for a meal in his home on Yom Tov lest the food run out, and the Jewish host be tempted to avoid embarrassment and impermissibly prepare more food for the Gentile guest.<sup>46</sup> Rambam (*Hilkehot Yom Tov* 1:13) and *Shulhan Arukh* (OC 512:1) record this prohibition as normative law. This proscription—at first glance—seems to be an insurmountable obstacle to inviting converts-to-be for a Yom Tov meal, since before conversion, a candidate is yet still a Gentile.<sup>47</sup>

At the same time, the factual predicate of inviting conversion candidates to a Seder or a Yom Tov meal is also important to state: It is almost universally agreed to by rabbis involved in training converts that participation in Yom Tov meals generally, and a Pesach Seder specifically, are important, perhaps even necessary, Jewish educational experiences for a conversion candidate. A proper and successful conversion depends on

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<sup>46</sup> See *TB Beitza* 21b: “Rabbi Yehoshua ben Levi said: We invite a Gentile [to a meal] on Shabbat, and we do not invite a Gentile on Yom Tov, as a protective decree lest he increases on his behalf.” *Rashba*, *Beitza* 21b, s.v. “*Gezeira*,” explains the concern as lest an additional, non-kosher dish be prepared exclusively for the Gentile, which has no license by virtue of the halakhic principle of “*ho'e'il*—since guests might come” (*TB Pesachim* 46b), because it cannot even potentially be enjoyed by the Jewish hosts or unexpected Jewish guests. Cooking extra kosher food for a Gentile in the same pot as food prepared for Jews should be permitted for three reasons: first, per “*ho'e'il*”; second, per the halakhic principle of “*mitokel*” (*TB Beitza* 12a), i.e., once a labor is permitted for an allowable purpose, it is deemed generally permitted; and third, more ingredients in a pot makes for a better dish, see *TB Beitza* 17a; *Shulhan Arukh* OH 503:1. *Rosh*, *Beitza* 2:4, and *Ran*, *Beitza* 10b *bedapei haRif*, s.v. “*ve'ei me'amin*,” both define the concern here as lest additional separate dishes be cooked for the Gentile, which they understand as rabbinically proscribed by Rabbi Yehoshua ben Levi's decree. Others, like *Shitah Mekubetzet*, *Beitza* 12a, s.v. “*liffigei*,” understand the aforementioned midrash halakhah excluding Gentiles from the permit of cooking disallows cooking for them in all cases, even the same pot. Most later halakhic authorities generally follow *Rosh* and *Ran*, see *Shulhan Arukh* and *Rama* 512:1, *Mishnah Berurah* 512:4, as well as *Arukh Ha-Shulhan* 512:2.

<sup>47</sup> Rabbinical scholarship addressing this question includes: Barilai, Mordechai. “The Status of the Conversion Candidate Prior to the Completion of his Conversion,” *Hama'ayan* 3:4, Tammuz, 5764; Benayahu Broner. “Hosting Conversion Candidates for the Night of the Seder,” *Tzohar Torah Journal* vol. 14, Spring 5763, pp. 133-137; Kraus, Gavriel. “Regarding Inviting a Gentile Intending to Convert for a Yom Tov Meal,” *Kol HaTorah* 62, 5767, pp. 48-50; and Michael Zylberman, “Hosting Conversion Candidates for Yom Tov Meals,” 2018, <<https://www.yutorah.org/sidebar/lecture.cfm/918128/rabbi-michael-zylberman/inviting-conversion-candidates-for-yom-tov-meals/>>.

effective preparation. Beyond the direct lesson of how halakhically to observe the Jewish holidays, Yom Tov meals, and especially a Pesach Seder, demonstrate to a convert-to-be the central Jewish religious aspiration of rejoicing on holidays in spiritual connection to God; the foundational theological themes and master narratives of Jewish history; the importance of peoplehood, community, and family; the halakhic differences between Shabbat and Yom Tov, etc.

The question then is what to do about inviting the convert-to-be for a Pesach Seder or a Yom Tov meal? Surveying the extant halakhic approaches to this question, we suggest that there are three basic categorical approaches to this issue, each of them reflecting the above presented competing visions of the duty of loving the convert-to-be.

### **Section One: Practical Ramification if the Duty to Love Applies Only After Conversion**

Most halakhic authorities seemingly follow Rambam's view that the mitzvah of *Abavat ha-Ger* only applies to a complete convert. Furthermore, among these authorities, few explicitly indicate that they espouse Rambam's programmatic expansion of the mitzvah of *Abavat Hashem* to include loving outreach to would-be converts. Correspondingly, it would stand to reason that this large group of Jewish law authorities do not advocate for leniencies regarding including Gentiles at Jewish holiday meals. Indeed, from the relative silence of contemporary halakhic texts regarding exceptions to the rule prohibiting inviting Gentiles for Yom Tov meals, and the paucity of discussion about inviting conversion candidates, we can infer that conversion candidates have not normatively been deemed exceptions to this prohibitory rule.<sup>48</sup>

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<sup>48</sup> Although this constitutes an admittedly tenuous argument from silence, one still cannot help but notice that many who have written on hilkhot Yom Tov and Pesach are primarily silent on the matter of inviting Gentiles who are conversion candidates. As Rabbi Asher Weiss notes, the silence of the *poskim* sometimes speaks volumes (see, for example, *Minbat Asher* 3:66). In the *Eretz Yisrael* context, *Shemirat Shabbat Kehilkhatoh*, vol. 2 (5749), makes no mention of inviting Gentiles who are conversion candidates to a meal in his discussion of the laws of Yom Tov, see Index, s.v. "נכרי," p. 460. While Rabbi Simchah Bunim Cohen's *The Laws of Yom Tov* (ArtScroll, 1997), pp. 36-43, in the American context, briefly discusses the prohibition of inviting Gentiles to a Yom Tov meal or Pesach Seder, and allows for an uninvited Gentile guest, or a Gentile business associate whose lack of an invitation may generate animosity, no mention is made of a conversion candidate. One might opine that the lack of discussion reflects a sociological reality of the scarcity of conversion candidates within the segments

There may also be a secondary motivation at play—namely, once they convert, converts to Judaism will similarly be expected not to include Gentiles at their own Yom Tov meals. The argument goes: part of the process of preparing conversion candidates well is to inculcate within them an appreciation of how finicky and strict they will need to be after they convert towards not cooking for the many Gentiles within their social orbit—biological family and loved ones, as well as other candidates for conversion—who will want to come for a holiday meal. Only by role-modeling for a convert a firm line regarding not cooking for Gentiles on Yom Tov, including converts-to-be who are still Gentiles, will we properly train the convert to do the same in their Jewish lives. Creating leniencies for any type of Gentile, therefore, should be neither normative, nor occasionally acceptable.<sup>49</sup>

## **Section Two: Practical Ramification if the Duty to Love Functionally Applies Before Conversion**

A second school of thought, aligned with Rosh and Raavad's views of the mitzvah of *Ahavat ha-Ger*, and even Rambam's view of an expansive mitzvah of *Ahavat Hashem*, believes that part of loving a convert post-conversion requires us also to treat a conversion candidate lovingly. This school would therefore argue that the mitzvah of loving the convert directs us to

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of the Orthodox community that tend to produce specialized halakhic treatises and contemporary codes. It is unclear if said sociological reality reflects a certain negative orientation toward conversion to Judaism and its aspirants, or at least a halakhic view that there is no binding Torah obligation to love the conversion candidate.

<sup>49</sup> Both Rabbi Yosef Karo and Rama, *Shulhan Arukh*, OH 512:1, uphold as normative law the Talmudic prohibition (*TB Beitza* 21a) of inviting Gentiles to one's home for festival meals. *Mishnah Berurah* 512:6, notes, contra Rama, that even sending food as a gift to a Gentile's home on Yom Tov should be forbidden since it may entail cooking extra. However, *Mishnah Berurah*, *ibid.*, in the name of "*aharonim*," rules leniently in cases of animosity or financial loss so long as one is cooking on Yom Tov for both Jews and Gentiles, even including food items, like blintzes, each of which requires individuated preparation. The question is whether concerns of animosity or financial loss should even permit including Gentiles at a Yom Tov meal? As mentioned, contemporary author Rabbi Simchah Bunim Cohen, *ibid.*, p. 43, rules leniently. Might by extension such concerns likewise lead us to permit the inclusion of conversion candidates since their exclusion might also generate animosity or hurt feelings? However, even here there is no special exemption being suggested for conversion candidates, rather more general circumstantial exceptions for Gentiles of different types.

search hard to find valid halakhic license to allow a conversion candidate to participate in Yom Tov meals. This school of thought does not grant special essential status to a conversion candidate, but would argue that in practice, we must meet the educational needs of the convert-to-be and thoroughly ground their conversionary preparation in functional knowledge of Jewish living.<sup>50</sup>

Since this approach doesn't grant special status to the conversion candidate per se, but still categorizes an aspiring convert as a current Gentile, it must rely on at least one of the variety of creative leniencies that have been suggested to allow a Gentile to eat at the home of Jew on Yom Tov.<sup>51</sup> These leniencies are listed below in preferential order of halakhic viability, as we sense it, with 1 and 2 being indisputably proper:

1. Gentiles who drop in without an invitation may be fed, as they have no expectation of plentiful food, since they were not previously invited.<sup>52</sup>
2. One can invite any Gentile for a festival meal that coincides with Shabbat. Whenever Yom Tov falls out on Shabbat, the Talmudic decree proscribing inviting Gentiles to Yom Tov meals does not apply since further food preparation is prohibited in any event.<sup>53</sup>

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<sup>50</sup> See R. Kraus, *ibid.*, for a clear articulation that a conversion candidate is yet still fully a Gentile. Also see R. Nissim Karelitz, *Hut Shani* OH 512:1, p. 64: "A Gentile intending to convert, and at present is learning the rules of the holy Torah, his status is as a Gentile regarding this matter"—i.e., the laws proscribing inviting Gentiles to a Yom Tov meal.

<sup>51</sup> While many of these leniencies developed in the medieval and early modern periods, they have taken on new import in the past century with rising intermarriage rates, a preponderance of non-observant Jews who may have a halakhic status akin to a Gentile regarding cooking on Yom Tov, an increased appreciation for educational Jewish outreach, and rising interest in conversion to Judaism. See, for example, *Responsa Bemareb Habezek*, 3:56, p. 94; Lau, Yisrael-Meir. "Inviting a Secular Jew to a Festival Meal," *Techumin* vol. 31, 5771, pp. 175-180; Chaim Jachter, "Cooking for Non-Observant Jews on Yom Tov," <<https://www.koltorah.org/halachah/cooking-for-non-observant-jews-on-yom-tov-by-rabbi-chaim-jachter>>.

<sup>52</sup> Rambam, *Mishneh Torah, Hilkhos Yom Tov* 1:13; See also *Maggid Mishneh*, ad loc.; *Beit Yosef* OH 512; *Shulhan Arukh* 512:1; *Mishnah Berurah* 512:10-11; R. Simchah Bunim Cohen, *ibid.*, p. 39. Cf., however, Tur OH 512 who further requires a verbal disclaimer that no more food will be prepared just in case the available servings prove insufficient.

<sup>53</sup> See *TB Beitza* 21b. The rabbinic decree was limited to a situation in which a Jew can cook for a Jew, but not for a Gentile. In a situation in which no additional cooking is allowed for anyone, one can invite a Gentile. When the food runs

3. In a hotel setting or any situation where a Gentile is actually doing the cooking, there is no prohibition for a Gentile to cook for other Gentiles on Yom Tov.<sup>54</sup>
4. One can say to Gentiles that one hopes or expects to see them without actually inviting them or one can tell a Gentile that Jewish law prohibits their invitation, but if they come over uninvited, they are welcome to eat.<sup>55</sup>
5. One can transfer the food to the possession of the non-Jew prior to Yom Tov, and thus the Gentile is eating his own food.<sup>56</sup>
6. If the person is a conversion candidate, one can assume that the candidate is anxious to make a good impression, and comes beseechingly without demands, so that there is no fear that the host will feel pressured to make extra dishes to make a good impression in the opposite direction.<sup>57</sup>

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out, one tells all—Jew and Gentile alike—that no more food can be prepared. Therefore, only on Yom Tov were the Talmudic rabbis afraid that Jews would be embarrassed to tell a Gentile that it is prohibited to cook additionally for a Gentile, but permitted to cook for a Jew. For more on this, see R. Moshe Yehuda Leib Zilberberg, *Responsa Zayit Ra'anan* Volume 2:7 (paragraph 4), which discusses cases of overlap of Shabbat and Yom Tov, each of which do not have identical rules as the other. Thus, for example, in the matter of inviting Gentiles for a meal, the Shabbat rule is more lenient, even though, generally, Yom Tov rules regarding food are more lenient.

<sup>54</sup> See, for example, *Minbat Yitzchak* 2:118 and 4:47, as well as *Piskei Tesbuvo* 512:1.

<sup>55</sup> This leniency is based on *Beit Yosef's* OC 512 understanding of Rambam, *Mishneh Torah*, *Hilkehot Yom Tov* 1:13, via the interpretation of *Maggid Mishneh*, ad loc., that the Talmudic decree forbids invitation, and not the feeding of Gentiles, per se. This and other *beterim* can be found in R. Mordechai Barilai, *ibid.*, pp. 22-32, fn. 49-55, and R. Michael Zylberman, *ibid.* See also R. Nissim Karelitz, *ibid.*, p. 64, who writes that if one merely states, “I have food available for you,” without any formal invitation that would be permissible. *Shulhan Arukh HaRav* OH 512:1 limits the prohibition to an invitation to dine, leading later authorities to permit an invitation for conversation, see R. Yisrael Meir Lau, *ibid.*, p. 178.

<sup>56</sup> See for example R. Gavriel Krauss, *ibid.*, who explains in detail how to do this. R. Yisrael Sklar (ed.), *Hiddushei HaRashba LeMasekhet Beitza* (Jerusalem: Mossad HaRav Kook) p. 175, fn. 188, credits this approach to Rabbi Yosef Shalom El-yashiv.

<sup>57</sup> See for example *Shulhan Shlomo* OH 512:7 which notes:

ונשאל מרן זללה"ה אודות ראש ישיבה ברוסיה שנהוג שם שהרב מארח בחורים לסעודות יו"ט, וחלק מהבחורים הם גויים גמורים החפצים להתגייר, כיצד ינהג? ואמר מרן זללה"ה שלדעתו אין צריך בנד"ד לזכות את מנותיהם מעי"ט, משום שכל הגזירה היתה שמא לכבודו ירבה עבורו, ובפרט להשיטות שריבוי בשיעורין הוא אסור רק מדרבנן החשש הוא שבישל במיוחד עבורו, וזה שייך רק באורח שהמארח

Rabbi Asher Weiss, as cited by his student Rabbi Akiva Dershowitz, generally allows one to invite non-Jews to Yom Tov meals in extenuating situations.<sup>58</sup> The following factors motivate his lenient view:

1. Today, most people pre-cook their festival food in advance of Yom Tov, and thus the reason for the original Talmudic proscription is less relevant.
2. Meiri allows one to invite a Gentile to a Yom Tov meal so long as one says to him upon his arrival, "I have invited you on condition that you are satisfied with what has been prepared for you as it is not possible for us to add more for you."<sup>59</sup> It is easy to say this in our day, since nothing new is cooked for anyone!

מתכבד בו (כמש"כ במ"ב ס"ק ג), אולם אורח המארח עושה טובה שהוא מארח בביתו, אין חשש שיבשל בעבורו, וביותר נראה שבגד"ד כל מטרח האירוח היא לצורך התקרבות ליהדות, וא"כ אדרבא המארח יסביר לו את ההלכה שאסור לבשל במיוחד בשבילו ביו"ט...

Our master [Rabbi Shlomo Zalman Auerbach] זצ"ל was asked about a Rosh Yeshiva in Russia who was inviting many students for meals on Yom Tov. Several of the students were Gentiles who desired to convert. What should the Rosh Yeshiva do? Rabbi Auerbach replied that in his view there is no need in this situation to legally transfer to them their food on the eve of the Festival, since the whole rabbinic decree here was that maybe in honor of the guest the host will cook more, and particularly according to those opinions that hold that adding more is only prohibited rabbinically lest one cook a unique portion for that person [i.e., a Gentile]. This is limited to a guest whose presence honors the host (as *Mishnah Berurah* 512:3 notes). But this is not applicable to a guest whom the host benefits by his hospitality, [and thus,] there is no fear that the host will cook more for him. Indeed, it is more logical to conclude that, in this case, the entire purpose of hospitality here is to bring them closer to Judaism. If so, then the exact opposite is true, and the host will explain to the guest the halakhah that is prohibited to cook uniquely for him on Yom Tov...

<sup>58</sup> Akiva Dershowitz, "Inviting Gentiles to Meals on Yom Tov in Present Times," *Ohr Yisroel* 75 (Tishrei 5778), pp. 137-142. The factual predicates of this *teshuvah* and novel *halakhic* approaches to this issue are changing social, cultural, and technological aspects of Jewish life in modern society. In short, for example, with the advent of refrigeration and easy reheating, people rarely cook on Yom Tov itself anymore, but tend to prepare cooked-food items in advance. This might hold less true, though, in the Diaspora for the observed second day of Yom Tov. It is certainly true, however, for the first-night Seder, for which (nearly) all cooking is done before Yom Tov.

<sup>59</sup> *Meiri, Beitza* 21b. We would like to add another rationale, also grounded in the Meiri. One who looks closely at the authentic text of the *Meiri (Beit Ha-Behirah*



3. The *Sefer HaTanya's* view (quoted by *Magen Avraham*) is that if the food is already prepared before Yom Tov one may invite a Gentile.<sup>60</sup>
4. Rashba explains that the reason one may cook food for his non-Jewish servant on Yom Tov is that the householder will cook a copious amount for his needs and his servant will make do with whatever had been cooked, without likely concern of additional cooking for the servant. Since nowadays we cook all our food before Yom Tov, like in the case of the non-Jewish servant, there is little likelihood of additional cooking.<sup>61</sup>

With specific regard to a conversion candidate, let us add that if the absence of a Gentile would diminish the festive joy of the Jews present, many authorities permit inviting him or her so long as the food is already prepared.<sup>62</sup> Furthermore, *Tzitz Eliezer* argues that many *rishonim*, led by Rashba, limit the whole prohibition of inviting Gentiles to situations where the Jew might cook non-kosher food for his Gentile guest, which

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*Beitzah*, ed. Y. S. Lange and K. Schlesinger (Jerusalem: 5729), pp. 117–118) sees that the Meiri does not apply this decree proscribing cooking for idolaters to monotheistic and civilized Gentiles. A convert-to-be certainly meets Meiri's standard for exemption.

<sup>60</sup> *Magen Avraham* 512:2. Cf. *Mishnah Berurah* 512:3; *Sha'ar Hatzion* 512:3,4.

<sup>61</sup> *Rashba*, *Beitzah* 21b. See, for example, *Kaf Hachaim* 512:7 who notes that one can make coffee for a Gentile guest, so long as a Jew drinks some also, even if one's "true" intent is to serve the Gentile, because being a good host, and manifesting *derekh eretz*, are also considered great needs of the festival. Of course, we acknowledge the sociological underpinnings of the statement, "Since nowadays we cook all our food before Yom Tov," and we suspect that this might not be true at all times and for all places. There may also be differences in practice between Israel and various diaspora communities.

<sup>62</sup> See *Biur Halakhab* 512, s.v., "*assur le-hazmeno*." Although *Biur Halakhab* emphasizes festive joy as the license, and not avoidance of animosity, others legitimately affirmatively inviting important Gentiles to a Pesach Seder if that reduces hatred of Jews. See for example, *Ma'adnei Shlomo*, p. 24:

...והוסיף מרן זללה"ה שבשנים קדמוניות היה נהוג שהיו מזמינים גויים נכבדים לליל הסדר כגון קונסולים, וכנראה שהיה ענין חשוב שלא ישנאו את היהודים וגם הדבר היה ידוע שליל פסח הוא זמן מיוחד שמזמינים אותם,  
Rabbi Shlomo Zalman Auerbach ז"ל adds that in the days of old the custom was that eminent Gentiles were invited for Pesach Seder like diplomatic consuls. It appears that it was important that these people not hate the Jews and it was well known that Seder night was a special time to invite them.

See also R. Mordechai Barilai, *ibid.*, p. 32, who notes that the practice of Rav Herzog, the late Ashkenazic Chief Rabbi of Israel, was to invite Gentile ambassadors for Seder.

is very unlikely for a convert-to-be who comes specifically for dining in a kosher home.<sup>63</sup>

Relying on these many and diverse halakhic leniencies allows for the crafting of a conversion process that enables the convert-to-be to participate in festival meals and learn what needs to be learned. The orientation of seeking leniency is inspired by either the mitzvah of *Abavat ha-Ger* or *Abavat Hashem*, but also needs to satisfy the halakhic rules that more normatively proscribe inviting Gentiles for festival meals.

It is also possible to argue that one should be more lenient here than in other situations of inviting a Gentile for a meal based on an *Abavat ha-Ger* orientation. Let us explain how and why: Although Rabbi Moshe Feinstein follows the view of the first school which applies *Abavat ha-Ger* only post-conversion, he understands the orienting mitzvah of *Abavat ha-Ger* as mandating leniency in all halachic situations for which the mitzvah applies.<sup>64</sup> Rabbi Feinstein writes (*Iggerot Moshe* YD 4:26):

אבל למעשה יש לידע, שהמצווה של ואהבתם את הגר (דברים עקב י:יט) מחייבת אותנו לקרבם ולהקל בכל עניינים אלו.

But on a practical level, one needs to know that the commandment to love the convert obligates us to draw in the convert and be lenient on all these matters.

It is important not to under-read this responsum. Rabbi Feinstein avers that when there is more than one reasonable halakhic approach that impacts a person to whom the mitzvah of loving the convert applies, one should adopt the view that expresses love for converts, and brings them closer, and better integrates them, even if more halakhically lenient than one might otherwise be accustomed. One does this by seeking halakhic constructs that diminish the exclusion of converts. Of course, Rabbi Feinstein affirms that one cannot transgress halakhah to make a convert feel more comfortable, welcome, or integrated, but must develop legitimate halakhic solutions. To put it in a slightly different way, for Rabbi Feinstein, the mitzvah of *Abavat ha-Ger* is fulfilled when given the choice between two legitimate halakhic outcomes, a *p'sak* is rendered and a pathway forward is set that is favorable to the convert.

If one thought that the mitzvah to love the convert requires loving treatment of the convert-to-be as well, then, per this approach, one would be prepared to rely on leniencies to invite a conversion candidate to a

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<sup>63</sup> *Rashba, Beitzah* 21b. *Tzitz Eliezer* 8:17.

<sup>64</sup> See *Iggerot Moshe* EH 5:1 for why we think Rabbi Feinstein seems to rule that loving the convert does not apply prior to conversion.

Pesach Seder or Yom Tov meal, in ways one would not for a committed Gentile.<sup>65</sup>

### Section Three: Practical Ramifications if the Duty to Love Essentially Applies Before Full Conversion

The school of thought associated with RI Barcelona, who maintains that the duty to love the convert-to-be commences with his or her expressed intent to convert, allows for a deeper structure of halakhic leniency for a conversion candidate. Likewise, per Rashba's aforementioned view, since Jewish status is gained in stages, somewhere further along the conversion process the convert-to-be stops being a complete Gentile, even if they have not as of yet become a full Jew.<sup>66</sup> In this model, the rabbinic decree

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<sup>65</sup> See for example, Rabbi Nissim Karelitz, who suggests in *Hut Shani, Yom Tov* 4:3 that he does not think that one can rely on the *beter* of transferring ownership of a festival meal to a Gentile prior to the onset of Yom Tov in order to justify inviting the Gentile to a Yom Tov meal. However, he is cited in *Leket Hilkehot Yom Tov* 3:4 as stating unambiguously that one can rely on this *beter* for a person who is a candidate for conversion. What justifies the difference in these contradictory rulings is that the duty to love the convert allows for leniency. See also *Mishnah Berurah*, Dirshu edition, on 512:1. While this is certainly true if one holds *Ahavat ha-Ger* begins prior to conversion, it also may be true for adherents of the first two schools represented in Part I of this article. For more on this, see Reiss, Yona, *Kanfei Yona*, 2018, pp. 128-132 (Chapter 10).

<sup>66</sup> Allow us to present this view in a philosophical model. In *Kol Dodi Dofek: Listen—My Beloved Knocks* (ed. Jeffrey R. Woolf, trans. David Z. Gordon. Hoboken, NJ: KTAV, p. 65), Rabbi Soloveitchik observes that Jewish identity is a composite of two types of covenantal relationships with God: *Berit Avot* and *Berit Sinai*, the covenant of national belonging through Abraham and the other Patriarchs, and the covenant of Torah obligation through Moses and Sinai. Similarly, Rabbi Aharon Lichtenstein asserts in his aforementioned essay, "Brother Daniel and the Jewish Fraternity," that Jewish identity has two components: *Shem Yisrael*, halakhic Jewishness; and *Kedushat Yisrael*, membership in the Jewish people and their destiny. Per Rabbis Soloveitchik and Lichtenstein, one can claim that one can theoretically be part of the Jewish people without being Jewish as a matter of Jewish law, and conversely, that one can put oneself outside of Jewish destiny, even if one is halakhically Jewish, as, for example, in the case of an apostate who per most authorities is still Jewish as a matter of Jewish law. A convert-to-be who has religiously, socially, and culturally joined the Jewish people and is just awaiting a formal conversion—even if not yet circumcised—may have already entered the "Covenant of Abraham," thereby gaining *shem Yisrael*, and thus be entitled to the privileges thereof. As mentioned earlier, *Minbat Elazar* 3:8 proposes that burial in a Jewish cemetery is one such outgrowth of this intermediate status. RI Barcelona posits that the mitzvah of loving the convert is another.

prohibiting inviting a Gentile does not apply to the convert-to-be at all. This convert-to-be is not the *nokbri* whom one is prohibited to feed, since this person is already connected to the Jewish community. Furthermore, as mentioned above, Rashba understands the prohibition to invite Gentiles to a Yom Tov meal to be based on a concern of cooking non-kosher for them, something not applicable to a person who has achieved partial Jewish status.<sup>67</sup> Among contemporary halakhic authorities, this approach is taken by Rabbi Gedalia Dov Schwartz of the Chicago Rabbinical Council and Beth Din of America, and Rabbi Shlomo Aviner.<sup>68</sup> This approach is hinted at by others as well,<sup>69</sup> and it has also been recorded as the position of former Israeli Chief Rabbi Avraham Shapiro.<sup>70</sup>

### Conclusion of Part II:

In Part I of this article, we showed that there are three different basic halakhic ways to view the convert prior to conversion. Part II shows that these three views produce three different results practically in the “test case” of inviting a convert-to-be for a meal on Yom Tov. This tripartite method of analysis and application can be applied to other areas of halakhah impacting upon conversion candidates, and the aforementioned different schools correlate with different levels of halakhic stringency and leniency.<sup>71</sup>

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<sup>67</sup> See *Tzitz Eliezer* 8:17, who excludes non-observant Jews from the decree of not inviting Gentiles based on *Rashba, Beitzah* 21b. This is true as well for a convert-to-be who is also only interested in kosher food.

<sup>68</sup> Rabbi Gedalia Dov Schwartz’s rationale is based on *Binyan Tzion* 91, and *Minhat Elazar* 3:8, and is cited by R. Zylberman, *ibid.* In 2008, one of us [MJB] heard this directly from Rabbi Schwartz, as well. For Rabbi Shlomo Aviner’s view, see <<http://www.ravaviner.com/2011/04/shut-sms-109-hilchot-pesach.html>>.

<sup>69</sup> See, for example, *Yavetz, Yevamot* 48b; *Mekor Hessed* commenting on *Sefer Hahashidim* 690. See R. Mordechai Barlai, *ibid.*, p. 31.

<sup>70</sup> Such is noted by the editor (not the author) at R. Benayahu Broner, *ibid.*, p. 137, fn. 12.

<sup>71</sup> Consider for example how this might apply to the duty of loving people who have undergone a non-halakhic conversion, and who identify as fully Jewish, without actually being Jewish as a matter of Jewish law. The approach of RI Barcelona—and maybe the broad general approach of Rosh, Raavad, and Rashba that once a person undertakes significant steps to acquire Jewish identity, one has developed the status of a *ger* for the purpose of the mitzvah to love the *ger*, also impacts how we ought to view people who undergo such non-halakhic conversions. A close look at the language and formulation of the RI Barcelona and Rashba indicates that once one seeks to put oneself Jewishly under the wings of the Divine, one develops an interim status of both no longer being

#### IV: Conclusion

This exploration of the mitzvah to love the convert has revealed a fault line that is quite clear in the *rishonim*. On one side is Rambam who directly rules that the duty to love a convert applies only after conversion, though he upholds that the mitzvah of loving God entails a duty to lovingly convert people who wish to become Jewish. On the other side are many *rishonim* who rule in various ways that the duty to love converts applies before the actual conversion has been completed. Rosh, Raavad, and Rashba's view is that this applies only after concrete steps toward conversion have taken place. RI Barcelona avers that the duty applies upon expressed interest to convert.


While most post-medieval halakhic authorities follow the view of Rambam, there is a considerable number of weighty *rishonim* who have adopted the broader view, and more than a small number of *aharonim* who

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a Gentile for some rules and being a *ger*—a convert-to-be—for other rules. This is particularly true according to the approach of Rosh who sees circumcision as achieving a new stage of identity. For a woman, one would have to posit a corresponding stage in her conversionary process. Logic would indicate that this is even more so true for someone who sincerely thinks that they have already successfully converted, even if as a matter of halakhah they are not yet Jewish, and if a man cannot count in a minyan, and if a woman cannot fulfill mitzvot for other women either. There is logic to the claim that such people should be considered akin to a “convert-to-be,” somewhat like the category of *mal velo taval*. Rambam (*Mishneh Torah, Hilkhot Melakhim* 8:10) suggests that there may be a time limit of a year from professed desire to convert before a *beit din* to circumcision (for a man), and by implication until the completion of a conversion process. However, in that context, the delay indicates a change of heart, or a lack of identification, which is not the case for people who consider themselves Jewish. The duty to love them would then already apply in the model of all these *rishonim* other than the Rambam. Other mitzvot might apply to them as well, like the duty of rescue—see, for example, *Iggerot Moshe* EH 5:1, who requires the saving of Ethiopian Jews as Jews, even though Rabbi Feinstein rules that they are not to be considered halakhically Jewish, or the ruling of the Munkacser Rebbe (*Minhat Elazar* 3:8) that such a person can be buried in a Jewish cemetery. See also R. Mordechai Barilai, *ibid.*, 30, who cites Rabbi Shlomo Goren as explicitly permitting the burial of non-Orthodox converts in a Jewish cemetery, albeit at a distance of eight *amot*, since they lived as Jews in all ways. See also Goren, Shlomo. “Our Connection to Those Who Converted non-Halachically,” *Tehumin* vol. 23, 2003, p.209, and “Burial of a Soldier Who Was Not Jewish, but Had a Jewish Father,” *Tehumin* vol. 26, 2006, p. 217. This is even more so true, we note, for cases of people who have converted according to minority views within the halakhic community, whether normatively accepted *bedieved*, or *lehumrah*, or not at all.

consider it as well, and factor this view into contemporary halakhah. In the prototypical example at hand—inviting a convert-to-be for a Pesach Seder or Yom Tov meal—we see how this approach is applied in fact, from those who prohibit any leniencies at all, to those who seek leniencies for the convert-to-be within the conventional halakhic framework, to those who are consistently lenient.

Further, while the mitzvah of *Abavat ha-Ger* has specific halakhic applications, it also engenders an orienting influence toward those who are seeking to convert and conversion, more generally, and in the adjudication of halakhic issues, more particularly. The question of whether *Abavat ha-Ger* applies to conversion candidates also has ramification for broader conversion policy.

May we be blessed to form a community that is lovingly welcoming to converts.<sup>72</sup> 

<sup>72</sup> Finally, we wish to propose that upholding RI Barcelona’s approach as more widely normative in the *risbonim* than generally understood solves a widely discussed problem in the *Sefer Hahinukh, mitzvah* 431. After explaining in the opening discussion of the mitzvah to love the convert, and noting that the mitzvah is limited to converts who join the Jewish community, *Hinukh* then adds:

ויש לנו ללמד מן המצוה היקרה הזאת לרחם על אדם שהוא בעיר שאינה ארץ מולדתו ומקום משפחות אבותיו, ולא נעביר עליו הדרך במוצאנו אותו יחידי ורחקו מעליו עוזריו, כמו שאנו רואים שהתורה תזהירנו לרחם על כל מי שצריך עזר, ועם המדות הללו נזכה להיות מרחמים מהשם יתברך, וברכות שמים ינחו על ראשינו, והכתוב רמז טעם הצווי באמרו כי גרים הייתם בארץ מצרים, הזכיר לנו שכבר נכונו בצער הגדול הזה שיש לכל איש הרואה את עצמו בתוך אנשים זרים ובארץ נכריה, ובזכרנו גדל דאגת הלב שיש בדבר, וכי כבר עבר עלינו, והשם בחסדיו הוציאנו משם יכמרו רחמינו על כל אדם שהוא כן.

We should learn from this precious commandment to have mercy on a person who is in a city that is not the land of birth and the place of his ancestral family. And we should not pass this person by on the road when we find him alone and those who can help him are far away. Just as we see that the Torah warns us to have compassion on anyone who needs help. And with these traits, we will merit to receive mercy from Blessed God, and the blessings of Heaven will rest upon our heads. And Scripture hints to the reason of the command when it states, “since you were strangers in the Land of Egypt.” It mentions to us that we were previously harmed by this great pain that there is to every person who sees themselves among foreign people and in a foreign land. And upon our remembering the great worry of the heart that there is in the matter, and that it already passed over us and that God, in His kindnesses, took us out of there, our mercies for any person like this will overwhelm [us].

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These famous words, the *Minbat Hinukh* suggests, was an attempt to introduce an additional valence of ethical and extra-legal insight to these legal rules. We wish to suggest a different approach: this insight of the *Hinukh* may seek to expand the legal approach of RI Barcelona that the mitzvah applies not only to people who are seeking to join the Jewish people, but to any stranger, Jew or not, who is lost and seeking shelter under the protective wings of the Jewish community. It is very much the style of the *Hinukh* to introduce the legal insights of the Ramban, Rashba, and the Spanish commentators (like RI Barcelona) into his essentially Maimonidean work, and these words accomplish that.