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שע"י "חדר הזדאה" שכונת מנחת יצחק פעיה"ק ירושלים תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochohs compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Halochohs of

Geirim

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לעשות רצונך
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Halachos of Geirim

Parshas Bo 5782

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Halachos of a Child Ger

Through Beis Din

1. Sometimes a small child is brought to beis din to be converted. This could happen when a whole family converts together or when a Jewish couple adopts a non-Jewish child. How does a child's geirus take effect if the child himself does not have the understanding to accept the mitzvos?

זכין לאדם שלא בפניו

2. The Gemara says (כתובות דף י"א ע"א) that while a child does not have the understanding to effect his own geirus, beis din can grant him geirus due to the halachic concept that we may benefit a person even if he is not present (ש"ע י"ד סי' רס"ח סי' ס"ז). There are a few approaches as to the status of a child's geirus through beis din and whether it is different than an adult's geirus:

3. **Beis din effects it.** Some say that an adult ger effects his own geirus and only needs beis din because the word "משפט" [lit., a trial] is applied to geirus (יבמות מ"ה). When it comes to a child ger, beis din effects the geirus through the halachic concept of זכיה. According to this, a child's geirus is only derabanan since the concept of זכיה does not apply to a child on a deoraisa level (תוס' כתובות שם ד"ה מטבילין).

4. **Beis din supplies the daas.** Others hold that whether he is a child or an adult, the ger always effects his own geirus. For a child, who does not have the daas to have in mind that his tevillah and milah are for geirus, beis din supplies the proper intention (תוס' סנהדרין דף ס"ח ע"ב, בית יעקב שם, ברכת שמואל קידושין סי' י"א).

5. **Beis din effects every ger's geirus.** Yet others hold that geirus is always effected by beis din, who accepts the ger into the Jewish religion. But it must be to the ger's benefit; by using "זכין לאדם כו", the Gemara was showing that it is indeed a benefit to the child (ביאור). (אחר בתוס' שם, קובץ שיעורים כתובות סי' ל"ג משנת). (הגר סי' נ"ג).

Only If the Family Keeps Torah and Mitzvos

6. When a child is converted, beis din must first ensure that Torah and mitzvos are kept in the home he will grow up in, e.g., his mother's or father's home. If the family is lax about Torah observance, it will make it difficult for the child to keep Torah and mitzvos; instead of benefiting him, the geirus harms him. Thus, if a secular Jewish family adopts a non-Jewish child and wants to convert him to have one religion in the home, beis din should not convert him since it will not be easy for him to keep the mitzvos (ש"ת מנחת אלעזר ח"ג י"ד סי' ח'; ש"ת זכר יצחק סי' ב', ש"ת (מנחת יצחק ח"ג סי' צ"ד, קובץ תשובות ח"א סי' ק"ג, ש"ת שבט הלוי ח"ו סי' ר"ב).

7. **Bedeived.** Even if a beis din converted him, the kashrus of the geirus is questionable. Number one, in terms of the actual geirus, if the child will not be able to keep the mitzvos, his geirus gives him obligations that are difficult to keep; a child's geirus has to benefit him and this one does not. And in terms of the dayanim, dayanim who agree to accept such a ger might not be kosher dayanim (היכל הוראה ח"ה הוראה קכ"ח).

Can Object When He Grows Up

8. When the child turns thirteen years and one day old and has two adult hairs, if he wants, he can object to the geirus done in his

childhood and annul it (ש"ע שם ס"ז וחי) retroactively (ש"ת חת"ס י"ד סי' רנ"ג). However, if he knows he is a ger and continues keeping the mitzvos after becoming a gadol (ריטב"א כתובות דף י"א) or if he was informed after becoming a gadol of some of the mitzvos along with their reward and punishment and he continues keeping the mitzvos (ריטב"א בשם תוס' שם), he is no longer able to retract; he has the full status of a ger for all purposes.

9. **Didn't know he was a ger.** If a boy who was converted as a child and grew up as a Jew was not told he was a ger until later, e.g., at sixteen years old, he can object to his geirus then (יש"ש כתובות פ"א סי' ל"ה). If he continues keeping mitzvos and does not object, he can no longer object. Thus, it is generally advisable to inform such a person that he is a ger so that he can either object or accept the yoke of mitzvos and complete his geirus (ש"ת (אג"מ י"ד ח"א סי' קס"ב, ש"ת שבט הלוי ח"ה סי' ק"נ). However, if an adopted child was converted, it could be when he becomes a gadol he should not be told he is a ger since it can be assumed that continuing to live as a Jew like his adoptive parents is of benefit to him (תשובות והנהגות ח"ד סי' רל"א).

Pregnant Giyores

10. If a pregnant woman converted and then gave birth, her child, who was conceived as a non-Jew but born as a Jew, does not require tevillah (גמ' יבמות דף ע"ח ע"א, יבמות דף ע"ח ע"א, ש"ע שם ס"ז). Some say that the mother's tevillah makes the child into a full-fledged Jew (ריטב"א יבמות דף מ"ז ע"ב) and his mitzvah of milah is like any other Jew's; thus, it would override Shabbos (ש"ת (אחיעזר ח"ד סי' מ"ד).

11. Others say it depends on whether a fetus is halachically considered a part of its mother (רמב"ן יבמות דף ע"ח ע"א). According to the poskim who hold it is not, the baby would need milah for the sake of geirus, and he is not a Jew until he gets a milah for geirus in front of beis din. Also, his milah would not override Shabbos (ש"ת בנין ציון סי' כ"ב).

12. Yet others hold if it is a girl, she does not require tevillah, but if it is a boy, he needs milah for geirus and then tevillah for geirus because the order of milah before tevillah is essential (רשב"א יבמות).

13. The minhag is to be machmir to satisfy all opinions. Therefore, his milah is not done on Shabbos (צפנת פענח פ"א מילה ה"י) and it is done in front of beis din for the sake of geirus (עי' מש"כ (ש"ת חוקי חיים ח"א סי' צ' במעשה שהיה, ומש"כ לענין פדיון הבן).

14. **Beis din must know she is pregnant.** Since there is a possibility that the fetus is converted in its own right, not merely as a part of its mother, beis din must know the mother is pregnant so they can have the fetus in mind too. Otherwise, the geirus does not take effect on the fetus (דגול מרבבה סי' רס"ח).

15. **Can't object.** Some poskim hold that a child ger who was conceived as a non-Jew but born as a Jew cannot object to his geirus when he becomes a gadol since he was born to a Jewish woman (הג' תפארת) (למשה הובא בפתח"ת סי' רס"ח סק"ה).

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Validity of Different Types of Geirus

Feigned Geirus

16. Many people in Israeli society view a conversion certificate as they do any other civil document: you need to get it, and when necessary, show it, e.g., to register a marriage or get accepted to an educational institution. They think that as long as someone has the paper, he can be registered as a Jew; how he got it is irrelevant. In this way, it is like a document needed for a mortgage or a flight... However, this is not the case. The Torah is Toras Emes, and there is only one way for a person to attach himself to it and become a Jew: by undergoing the proper, halachic geirus process according to our mesorah from the Torah. We wrote last week (Issue 252) that if a "ger" merely said he accepts the mitzvos as a ceremonial text that he was told to say, but it is safe to assume he will not keep the mitzvos with care, his geirus is totally invalid (75 רבנים לבית יוסף, קוני הגיור האזרחי והצהל"י עמ"ס).

Reform Geirus

17. It is accepted without question by all poskim that a geirus performed by a Reform beis din [even if the dayanim are male...] has no validity whatsoever. All their activity is a joke with no relevance to halachah. They deny that Torah is from Shomayim; there is no need to take their geirus into consideration even as a chumra – it is not even a safeik. A marriage following a Reform conversion is meaningless and does not require a get to dissolve it. In fact, it would be problematic to arrange a get as a chumra because it will lead people to think there was a real geirus (הגר"מ פיינשטיין, הגר"פ שיינברג, שואלים בתשובה סי' י"א, הגריש"א, (ישא יוסף ח"ו סי' ק')).

Conservative Geirus

18. A Conservative geirus is also worthless. They also deny multiple mitzvos of the Torah and do aveiros that disqualify them from being dayanim; even a derabanan aveirah disqualifies a person from being a dayan (פ"ת חר"מ סי' ז'). Thus, a Conservative geirus is the same as a Reform geirus. However, sometimes instead of performing the geirus themselves, they take a kosher beis din and perform the entire geirus process with a true acceptance of mitzvos. In such a case, it is possible the geirus is effective, so each case must always be investigated (יוד"ד ח"א סי' ק"ס, שואלים בתשובה שם).

IDF Geirus

19. In the IDF, there is a system of geirus wherein soldiers who have no intent to keep Torah and mitzvos can take a short course with information about Judaism – sometimes given by secular or Reform lecturers – and be converted. They say the text to accept the mitzvos as a mere ceremony without actually accepting the mitzvos. The IDF Rabbinical leaders rely on an invented rationale that there are two types of geirus: one to join the Jewish religion and another to join the Jewish people – to join the Jewish people, they say, it is unnecessary to accept the mitzvos.

20. It is quite obvious that their words are completely and utterly worthless. The elements of geirus have not changed since Matan Torah, from where we learn that accepting the entire Torah and all the mitzvos is essential; without it, a geirus does not even work bedieved (see Issue 252, par. 24). Accordingly, their geirus process is a big joke. It is very clear that these soldiers do not accept the mitzvos, which is indispensable to geirus. Thousands of soldiers have used this system to "join the Jewish people," and on this basis, they receive official certification to marry Jewish women. In truth, they are 100% not Jewish according to halachah (תשובה"י ח"ו סי' ר"ה); all the gedolei Yisroel protested this (עי' באריכות משי"כ הרב א"ח שרמן לגבי תוקף הגיור ההמוני).

Geirus L'Chumra

Questionable Geirus

21. Cases sometimes come to beis din involving geirus of uncertain kashrus, e.g., it is not clear whether the dayanim of a mediocre beis din were kosher, it is not clear whether the ger accepted the mitzvos, etc. Sometimes, a person whose mother or grandmother converted comes to beis din, but it is difficult to ascertain the kashrus and authenticity of the geirus. Perhaps they find that perhaps the geirus was done by the Reform and is completely invalid (above, 17) or it was done by other irresponsible rabbis who are not careful about accepting geirim. In many of these cases, the individual wants to undergo the geirus process again.

22. **Ethiopian immigrants.** There are some communities with unclear Jewish status that immigrated to Israel from various places in the world. For example, the poskim questioned the Jewish status of the Ethiopian **Beta Israel** community. Some consider them Jews based on the Radvaz (ח"ד סי' רי"ט, ח"ו סוף סי' ה'), but nearly all of the leading poskim held they must undergo geirus to be considered full-fledged Jews. This is because they only follow what is written in the Torah, but they do not act in accordance with Chazal (מכתב רבני עדה"ח משנת) (תשמ"ו, והמנח"י, הגר"מ פיינשטיין, הגרש"ז, הגריש"א, תשובה"י ח"א סי' תשס"ז).
23. The status of the **Ethiopian Falash Mura** is even more questionable, as some of them converted to Christianity. All poskim agree they must undergo geirus to be considered Jews (משפט הגרים פרק א אות ה).
24. **India.** There is a similar question about the Jewishness of the **Bene Israel** community from India. The Jewishness of the **Bnei Menashe** community, which immigrated to Israel from India, is even more questionable. Thus, members who want to be Jews without any doubt must undergo geirus. Before they marry, they must be investigated to make sure there were no gittin in the family; otherwise, there is a possibility of mamzeirus since their gittin were not arranged properly (תשובות והנהגות שם).
25. **Investigating mitzvah observance.** When a case of geirus l'chumra comes before beis din, the beis din must properly investigate to ensure the person in fact keeps all the mitzvos and follows the Torah path like a true Jew. If he does, a geirus l'chumra could be arranged. If he does not keep the mitzvos properly or he continues living like a Conservative or secular Jew, it is clear he does not accept all the mitzvos – if so, what does another geirus accomplish?
26. When performing a geirus l'chumra, hatafas dam bris is usually done before a kosher beis din so that the bris is for the sake of geirus. The individual must reaccept all the mitzvos of the Torah and do a tevillah before beis din. He does not make a brachah since it is not clear he is actually a ger.

ואהבתם את הגר

Mitzvah to Love Geirim

27. We are commanded to love geirim. This means we may not cause them any sort of pain. We must be kind to them and do chessed with them according to our abilities. This applies to anyone who abandons his former religion and joins ours. The posuk says about them (דברים י', י"ט) "ואהבתם את הגר כי גרים הייתם בארץ מצרים". Even though a ger is also considered "רעך" and thus included in the mitzvah of "ואהבת לרעך כמוך", Hashem gave an additional mitzvah to specifically love a ger (לשון החינוך מצוה תל"א) a ger (דברים ו', י"ח) "ואוהב גר לתת לו לחם ושמלה". Therefore, we are also commanded to love geirim since we are commanded to love Hashem, Who loves geirim (דברים י"ז, דעות ה"ד) (רמב"ם פ"ו דעות ה"ד). One who has extra love for geirim demonstrates love for Hashem and His Torah, as he loves geirim due to his love for Hashem and His Torah (יערות דבש), (דרוש א' ביאור ברכת על הצדיקים).

Do Not Cause a Ger Pain

29. We are warned in several places in the Torah not to take advantage of a ger, whether physically or financially. Besides for the issur of ona'ah that applies to every Jew, as the posuk says, "לא תונו איש את אחיו" (ויקרא כ"ה, י"ד), and "לא תונו איש את עמיתו" (שם י"ז), there is a special issur of ona'ah to a ger: "וגר לא תונה ולא תלחצנו" (חור"מ סכה"ב). Therefore, one should keep very far away from this issur (חור"מ סכה"ב). One who has extra love for geirim demonstrates love for Hashem and His Torah, as he loves geirim due to his love for Hashem and His Torah (יערות דבש), (דרוש א' ביאור ברכת על הצדיקים).
30. **Child of a ger.** The mitzvah to love a ger and the issur to upset a ger also apply to the children of a ger, even if they were conceived and born as Jews, since they have no relatives (תשובות) (פמ"ג אי"א סי' קנ"ו סק"ב, תשובות) (והנהגות ח"א סי' תר"כ עכ"פ לגבי הלאו).
31. **Integrating into the community.** One of the most difficult things for a family of geirim is to integrate into the community like any other Jew. Thus, it is a great mitzvah to help geirim with anything that can bring them closer. One can help a ger in shul or help get his children into chinuch institutions since, as mentioned, there is also a special mitzvah to love the child of a ger.

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