

From: Rappsj@aol.com[SMTP:Rappsj@aol.com]
Sent: Thursday, June 08, 2000 2:28 AM
To: mj-ravtorah@shamash.org
Subject: Shiur HaRav Soloveichik ZTL on Rus V'Inyanei Gayrus

gayrus.00

Shiur HaRav Soloveichik ZT"L on Rus V'Inyanei Gayrus

(Shiur date: 5/24/68. Tape #5285)

The Parsha of Mattan Torah, receipt of the Torah at Mount Sinai, was the story of Gayrus, conversion of the Jewish people. The children of the patriarchs converted en masse at Maamad Har Sinai. Hence the connection to Ruth. The story of Mattan Torah and Ruth together comprise the topic of conversion. The Vilna Gaon says this is why we read Megilas Ruth on Shavuos, another story of conversion. Even though on the surface, the connection between Ruth and Shavuos is the centrality of the harvest cycle to both and its role in the service in the temple (Omer and Shtay Halechem), the principle of conversion is a fundamental connection between the events at Mount Sinai and the story of Ruth. As Boaz tells Ruth, she should be blessed for leaving everything behind to join a people that she did not know and for coming under the wings of the Shechina of the God of Israel, in other words she converted. The same idea is found at Maamad Har Sinai where the Torah tells the story of the conversion of Bnay Yisrael in conjunction with the Revelation of God on Mount Sinai.

If Ruth shares the principle of Gayrus with the day of Shavuos, why then do we read Ruth on the second day of Shavuos? Why not read it on the first day, when the Torah reading is from Parshas Yisro, Kabbalas Hatorah and Gayrus? In fact, the Masechet Sofrim says that we read half of Rus on the first day and the second half the next day. According to Chazal, the dialogue between Ruth and Naomi over the latter's insistence that Ruth return to her homeland is the essence and procedure through which we accept converts to this very day. Ruth replied to Naomi that she will follow her wherever she may go, Naomi's people and God are now Ruth's. That is why we read this part on the first day according to Masechet Sofrim (14:18).

Besides Gayrus, Ruth also introduces the Kinyan of Chalipin (exchange. Kinyan Sudar is the same as Chalipin), Shalaf Ish Naalo etc. What is the difference between Chalipin and other forms of Kinyan? Is Chalipin a Kinyan Kesef, or is it a separate form of Kinyan unto itself? Some say that it is really Kesef, the only distinction is that whereas by Kesef there is a requirement to use a Shave Prutah, and item or coin of minimally a Prutah value, Chalipin allows the use of any form of Kli, regardless of minimum value. According to Rashi, in Kdushin cases where we invalidate Chalipin, we do so because of the possibility of using an item that is valued at less than a Pruta. In such cases Chazal said that there is a lack of Gmiras Daas, complete acceptance, of Kdushin that is of such minimal value, and not because there is something inherently wrong with the use of the Kinyan Chalipin. According to Rabbeinu Tam, Chalipin does not establish Kdushin because Chalipin is not Kesef, and Kesef is one of the acceptable Kinyanim according to the Torah for Kdushin, not Chalipin.

Regardless, Chalipin is unique from other forms of Kinyanim in 2 ways. The first is that Chalipin is the only form of Kinyan that applies to Mtaltilin (liquid assets) and Karka(fixed, land assets). As its says in Megilas Rus, Lkayem Kol Davar. The second is that all Kinyanim work on a Davar B'en, when the item is extant. If someone were to tell another that he owes him \$100, the latter could not collect on that statement (Mchusar Amana). However if someone wants to obligate himself to pay a sum of money, the only way to accomplish the obligation is via Chalipin/Sudar. For example we use Sudar to create the Ksuba obligation between groom and bride. Without Sudar we could not create the Hischayvus, obligation to pay, between parties. Only obligations of Hekdesh and Tzedakah apply to someone when he utters the obligation, Amiraso Lgavoah... If someone gave a Shtar Hischayvus he is obligated, but besides the use of such a Shtar (contract), Sudar is the only Kinyan that can obligate someone. This is the meaning of Zos Hateudah Byisrael, that Kinyan has the same effect as a Shtar Chov. Without the permission of the obligating party to create it, a Shtar would be considered written testimony and would be unacceptable because of Mpihem Vlo Mpi Ksavam. When two parties enter into a Kinyan Sudar, the witnesses can document the transaction on their own without permission from the parties to the transaction. Al Hageulah Val Hatemurah means that Sudar/Chalipin applies in cases where the item of exchange does not equal the value of the purchase item as well as in exchanges of equal value, trading a cow for a donkey. Without Sudar we would have difficulty in many areas, including bride and groom and the sale of Chametz to a non-jew.

So what is the connection between Chalipin and Ruth? After all, Boaz and the other redeemer could have used other forms of Kinyan in this case. The Rav explained that in the final analysis conversion is Hischayvus, self obligation. What constitutes conversion? Milah and Tvila, circumcision and immersion in a ritual bath. The Jews underwent Milah in Egypt (Himol Lachem Kol Zachar) and Tvila at Sinai (Vayaz Moshe min Hadom). Conversion also requires Kabbalas Ol Mitzvos, accepting the commandments of Hashem.

The Rambam (Issurei Biah 13:11) (based on a Braysa in Yevamos) says that we must investigate the motives of a prospective convert. Perhaps he is doing so for financial reasons, or perhaps he expects an important appointment or he is converting out of fear. If it is a male, perhaps he wants to marry a Jewish woman. If female, perhaps she wants to marry a Jewish young man. [The Rav remarked that we must be vigilant nowadays as these reasons are behind a majority of present day conversions.] The Rambam continues (Issurei Biah 14:1) that we must ask him why he wants to convert and try to dissuade him from converting by telling him how oppressed the Jewish people are nowadays. How does the Gemara derive that we have to instruct the convert this way? From the conversation between Naomi, Ruth and Orpa when she instructed them to return to their homes as she had no hope of bearing additional children that would marry them. Naomi told them that she was punished by Hashem. Was Naomi afraid that they would regret converting later? After all we find converts, including Onkelos the convert, who reached great heights. Naomi did not need to concern herself that they would back out of their conversion. Rather Naomi was instructing them that a convert must be prepared to participate in the trials, tribulations and suffering of the Jewish people. A convert might say that he or she is willing to convert and accept the Jewish religion and laws but he wants to remain separate from the rest of the Jewish people. This is not conversion. Rather the prospective convert has to say that he is not worthy to participate in the difficult life of the Jewish people. He must accept the yoke of

suffering that goes along with being part of the Jewish people. After that he can accept the yoke of Mitzvos. Ruth said first that Amaych Ami, I accept to become part of your nation, I accept the same destiny, the same obligation to suffer as part of the Jewish people. Only after that declaration can she accept Elokayich Elokoy, can she share a common God. Once the convert is willing to accept this common destiny we accept him/her.

Indeed this was the same transformation that the Jews underwent in Egypt prior to their becoming Bnay Yisrael, the Chosen People. They had to go through the shared experience of slavery and oppression to forge a common destiny between the people, to turn 12 tribes into a single nation. The Torah tells us that when Moshe became of age he went out among his brethren to observe and aid them in their suffering. The Torah tells us that Moshe saw an Egyptian striking a Jew and he killed the Egyptian. Without this knowledge and feeling of anguish that Moshe felt on their behalf, without his willingness to involve himself in their suffering and come to the aid of his fellow Jew, he could not have become the great Moshe Rabbeinu who led us out of Egypt.

Likewise, Naomi was telling her daughters-in-law that she is an old broken woman returning to her land. Why should they return with her? Perhaps there will still be famine there and the people will be suffering greatly. Perhaps next year there will be another famine and the cycle will repeat itself. Why should they want to participate in this suffering? After all, they were the daughters of royalty. Orpa left and Ruth remained. Ruth answered each of Naomi's points, that whatever fate and suffering befalls Naomi will befall Ruth. Only death will separate them. When Naomi heard that Ruth was ready to participate in all that it means to be a Jew including the inherent suffering, she no longer argued with Ruth and accepted her decision.

The Rambam (Issurei Biah 14:1) says that we tell him some of the fundamental principles of Judaism, we instruct him regarding some of the simpler Mitzvos (Mitzvos Kalos) and the more difficult Mitzvos (Chamuros), we teach him about Leket, Shikcha and Peah. Why do we tell him about Matnos Aniyim? Because Bnay Noach (Noachide) are forbidden to steal, they are punishable with death for stealing even less than a Pruta worth because the Ben Noach's personality prevents him from forgiving another who takes anything from him, no matter how insignificant. So now the convert will see that poor people are entering his field and taking Leket Shikcha and Peah, he will think that they are stealing, or based on his old nature he would not allow them to take anything from him. We have to tell the convert that as a Jew he has an obligation to help his fellow Jews, he has to allow them to take Leket Shikcha and Peah. The Rambam (Hilchos Matnas Aniyim 10:2) says that a Jew and all that are Nilva Alayhem (convert) must be prepared to aid their fellow Jew. For if a brother, Ach, (one Jew) will not take pity on another brother, Ach, (a fellow Jew) then who can the Jew depend on? The non-Jew who despises him? This is the fundamental principle of the brotherhood of Jews, The interpersonal relationship of Jews is not based on the principle of Arayvus (one Jew acting as a guarantor for another Jew) or on the principle of Chaveyrim (friendship) but on Achva, brotherhood. The convert must be ready to share in the suffering of his fellow Jew. The convert might say that he is willing to Keep Shabbos but he can't bring himself to part with his money and give charity to another. In order to be a convert he must make a complete break with his inherent insular nature and be willing to take pity on someone else. He must manifest that attitude through his

willingness to give charity to a fellow Jew, a complete stranger. This is the first thing we tell the convert. This is based on the story of Ruth.

Orpah and Ruth were sisters. Typically, sisters have the same basic personalities and character traits. Yet Orpah left and Ruth remained with Naomi. Apparently Ruth had the extra attribute of Chesed. She was willing to take care of an elderly, ill woman, Naomi. After all she was the daughter of the king of Moab. Yet she was fluent in Chesed. Ruth wanted to fulfill the requirements of conversion, to care for a fellow Jew and feel his pain, by caring for Naomi. She displayed the greatest acts of Chesed since Avraham Avinu. This trait of extreme Chesed was recognized by Boaz when he blessed her for leaving her family, for accompanying Naomi and for her acts of kindness throughout. It was remarkable that someone who came from the home of the King of Moab, the harshest and cruelest of nations, would be capable of displaying such acts of kindness.

Reb Chaim was an outstanding individual in his acts of Chesed, perhaps according to the Rav, even greater in charity than in scholarship. According to Reb Chaim a Rav has to care for the downtrodden and the less fortunate. Like King David who did Tzedaka and Mishpat. Reb Chaim said that by nature he was harsh. He was able to break his nature and become the master of charity. He was there when the town of Brisk burned down to help rebuild. He was also available to play with small children. He cared for widows and orphans. This is the fundamental principle of Judaism, to recognize the importance of Leket Shikcha and Peah, and perform acts of charity and kindness to a fellow Jew even if by nature one is not pre-disposed to act in this way.

The Rambam continues that we must instruct the prospective convert that Judaism mandates punishments for transgressing the commandments. The convert must know that Judaism requires effort and sacrifice. One must keep Shabbos and be willing to sacrifice for it. One must keep the laws of Kashrus, even when it would be simpler to mix meat and milk. Indeed, many non-observant Jews lack this appreciation of Mitzvos and the effort and sacrifice that being a Jew demands. This is what Rus said to Naomi, she will follow Naomi wherever she goes, meaning she will follow the laws of Tchum Shabbos. Where she rests she will also rest, meaning she will keep the laws of Yichud, etc.

The Rambam says that once the convert agrees to all this we do not delay the process, but we circumcise him immediately. Conversion requires Milah and Tvilah and prior to the immersion we instruct the convert regarding some of the simple and complex commandments. Why do we need to instruct him a second time about the simple and complex Mitzvos prior to immersion? What is the difference between these 2 instructions? With Milah, the Kdushas Yisrael does not apply yet. It only applies at the time of Tvilah. Therefore at the time that Kdushas Yisrael applies he must be instructed. Why instruct specifically at the time of Tvilah? Because there are 2 laws associated with Kabblas Ol Mitzvos by a Ger. The first is that just like all acts of purchase or gifts (kiddushin, gittin, kinyan etc.) One requires Daas, freedom from coercion and with knowledge of what he is doing. If he does not understand what Judaism requires, if he does not understand the Mitzvos, then it is a Mekach Taus, an error in sale. He must understand that he will be required to participate in the suffering of his fellow Jew. He must be a brother to other Jews. First we instruct him regarding the Koved, the difficulties that come along with Judaism and being a Jew.

Otherwise, Mekach Taus would destroy the conversion, just like any other Kinyan.

The second instruction occurs at the time of Tvila: a convert is tovel to accept Mitzvos and through that acceptance he achieves Kdushas Yisrael. The Ger does not achieve Kdushas Yisrael simply because he immersed himself in the Mikvah. The Rambam says that Milah took place in Egypt and Tvila took place at Mount Sinai. The Ramban disagrees and says that there was Tvila in Egypt as well otherwise they would not have been able to eat the Korban Pesach, for a non-jew was specifically enjoined from eating the Pesach. So the Ramban asks what did they need another Tvila at Mount Sinai? The Ramban answers that up till the time of the exodus the people had the same level of sanctity as Avraham, who had 1 Mitzvah to fulfill, that of circumcision. When the Jews were given additional Mitzvos in Egypt regarding the Korban Pesach, the additional Mitzvos required them to undergo a conversion process, for they now would attain a different status beyond that of Avraham. The Tvila in Egypt was for the conversion beyond the level of Abraham. At Sinai they accepted yet more Mitzvos. They therefore required an additional Tvila to consummate the conversion at Sinai. From this we observe that Gayrus is measured by the level of Mitzvos accepted. When the Jews accepted new Mitzvos they required another Tvila, another conversion. When the convert is Tovel he has to do so in order to attain a Hischayvus Bmitzvos. So Kdushas Yisrael is measured by Hischayvus Bmitzvos. In monetary transactions we require a Kinyan Sudar to affect the Hischayvus, obligation, likewise in conversion the Tvila for the purpose of Hischayvus, obligation to keep the Mitzvos, consummates the conversion. The first law of instruction vis a vis conversion is that you must teach the convert what the Mitzvos are so that he knows what he is getting involved in. The second law of conversion is that the instruction prior to the Tvila takes on a different status, that of Kabbalas Mitzvos and Hischayvus that goes hand in hand with Tvila. Tvila is the Kinyan that consummates the conversion. His act of Tvila expresses his acceptance of the Mitzvos.

Therefore Ruth teaches us Gayrus and also Kinyan Chalipin. What is the connection between them? Chalipin teaches us that a Jew can obligate himself in things that the Torah did not obligate him. The same applies to the convert, who obligates himself to accept the Torah that he was not obligated in beforehand. Also the convert has to accept the obligation to break his nature of harshness and to become a Baal Chesed. Without the story of Ruth it is conceivable that we would not have the concept of Gayrus. This is the connection between Gayrus and Chalipin and the third aspect of Ruth, acts of Chesed.

Back to the Rambam (Issurei Biah 13:11). The Rambam says that there were 2 Geirei Tzedek, righteous converts, mentioned in Tanach, Avraham and Ruth. What does the Rambam mean by the term Geirei Tzedek?

We must understand the difference between the Kabbalas Mitzvos of Ruth and that of Bnay Yisrael at Sinai of Naaseh Vnishma. Why did Chazal derive Kabbalas Ol Mitzvos for a convert from Ruth and not from Parshas Yisro/Mishpatim? Why do we ignore the Parsha in the Torah in favor of the story of Ruth? Based on the precedence of Naaseh to Nishma, Tosfos says that at Mount Sinai we were coerced to accept the Torah, Kofah Alayhem Har Kgigis, Hashem suspended the mountain over them and proclaimed that if Bnay Yisrael accept the Torah all will be well, otherwise they will be buried where they stood. By Ruth there was no coercion.

However we still need to understand why we would defer to a Passuk from Ksuvim to derive the Kabbalas Ol Mitzvos for conversion when we could derive a concept from the Torah.

The Beis Halevi asks how could the Jews obligate themselves at Mount Sinai with Naaseh Vnishma? After all they did not yet know which Mitzvos Hashem would give them. We have a rule that one can't obligate himself with a Davar Sh'ayno Katzuv, an unbounded and unspecified obligation. If Kabbalas Ol Mitzvos was Davar Sh'ayno Katzuv, it is essentially an Asmachta, so how did the Jews become obligated to keep the Mitzvos at Sinai? He answers that the concept of Tnai, conditional acceptance, does not apply to Kabbalas Hamitzvos. According to the Ramban there is no Asmachta [a purchase based on a chance event, e.g. a bet, where there is a lack of Gmiras Daas due to the uncertainty of the outcome] by Gittin and Kidushin because it is sinful for a man to mislead a woman in the subject of marriage and divorce. Therefore we do not allow a man to claim that his words were an Asmachta and that he didn't really intend to marry this woman. The Beis Halevi applies the same concept to Kabbalas Hatorah at Mount Sinai, that an event of such magnitude does not lend itself to the restrictions of Asmachta and therefore Bnay Yisrael were able to obligate themselves accordingly. [Even though in general we say that Asmachta Lo Kani, Kinyan requires complete understanding by the parties to the transaction and certitude regarding the object in question, we suspend this requirement when it comes to the acceptance of Torah and Mitzvos at Sinai. The very essence of obligating ones self to Torah requires a willingness to to respond in an unlimited fashion to the requirements of Torah.]

The Rav raised the following question: On Shavuos Moshe received only the Luchos. When Moshe received the second Luchos he also received the rest of the Torah. We do not find any other mention that Bnay Yisrael underwent another conversion process with the second Luchos or when they received the complete Torah at the end of Moshe's life. Apparently the original conversion at Sinai was sufficient. How could that be if they had not yet received all the Mitzvos? We must understand what the Luchos represented. Reb Saadiah Gaon says that when Hashem told Moshe to come up top Mount Sinai and He will give Moshe the Torah and Mitzvos it refers to the Luchos that represent the Taryag Mitzvos. According to Rabbeinu Saadiah Gaon all 613 Mitzvos are contained in the principles of the 10 commandments. Since Moshe and Bnay Yisrael converted based on what was contained and represented by the Luchos, they accepted all 613 Mitzvos at the time of the original conversion at Sinai. The Luchos played a key role in allowing Bnay Yisrael to accept all 613 Mitzvos via the Luchos. The Jews at Mount Sinai were able to accept all the Mitzvos through the summary of the ten commandments since the full 613 had not yet been explained to them. However once Moshe concluded teaching and writing the full Torah subsequent conversions required the specification of the full 613 Mitzvos, converts would not be able to avail themselves of the summary of the Luchos as Bnay Yisrael did at Mount Sinai. The Story of Ruth represents conversion based on the specification of all 613 Mitzvos, as derived by Ruth's response to Naomi.

The Ramban says (Issurei Biah 13:14) that we should not think that Shimshon and Shlomo married non-Jewish women. The Rambam explains (Sod Hadavar Kach Hu) it in terms of a major revelation, a strange terminology for the Rambam. When the prospective convert comes we must investigate his motives carefully. If he has no ulterior motives, we explain to him the difficulties of keeping the Torah and Mitzvos. If after all the attempts to dissuade him he still

wants to convert we accept him, as it says that Naomi realized that Ruth was determined to convert, so she refrained from further attempts to dissuade her.

The Rambam defines a Ger Tzedek as one who accepts Judaism out of love of Judaism and Hashem while a regular Ger, like Gerei Dovid V'Shlomo and Mordechai and Esther, converts out of fear or because of marriage, are considered [plain] converts. If both Geirei Tzedek and Geirei Dovid and Shlomo are considered converts, what is the difference between them? The Rambam says that Beis Din Hagadol suspected them (non-geirei tzedek types) yet they did not chase them away (Lo Dochin) but neither did they welcome them (Lo Mkarvan). Despite the fact that the Beis Din Hagadol refused to convert them, there still were many converts who converted for many reasons at the time of Dovid and Shlomo. They were not considered Geirei Tzedek but were still considered converts. Even though the wives of Shlomo are referred to as Nashim Nochriyos, they were still converts but were not considered Geirei Tzedek. Even though they are called Nochriyos they were still considered converts. Why does the Navi refer to them as Nachriyos?

The Rambam says that a convert who is circumcised and had Tvila who returns to worship idolatry is considered like a Jew who worships idolatry whose Kiddushin is still valid. From the Rambam we see that the difference between Geirei Tzedek and regular converts (as in the time of Dovid and Shlomo) is represented by their acceptance of Mitzvos. If they came to Judaism with ulterior motives their Kdushas Yisrael is incomplete. That is why the Rambam split up the laws of Geirei Tzedek and those of Dovid and Shlomo and combines the converts of Dovid and Shlomo with the converts that we must observe and investigate to ascertain their actions. Even though they are circumcised and underwent Tvila but did so before 3 Hedyotos (non-experts in Jewish law), such converts are lacking in Kabbalas Hamitzvos, hence they require observation. And if they act inappropriately, then they do not attain the status of full Kdushas Yisrael, and we limit their interaction with the Jewish community via restricting their marriage into the Jewish community at large.

>From the Rambam we derive that there are 2 halachos in Geirus. 1) a convert created through Milah and Tvila 2) a convert created through Milah, Tvila and Kabbalas Hamitzvos. From the Rambam it appears that Lchatchila, according to the fullest intent of the law, a convert who is lacking a valid Kabbalas Hamitzvos and Kdushas Yisrael cannot marry a Jew. He has to keep all the Mitzvos and we have to return his lost items, however he is lacking as far as Yichus is concerned. A convert requires Milah, Tvila and Korban. The Rambam says that a convert requires Korban because until he brings his Korban he is lacking Kdushas Yisrael, he is Mchusar Kapporah, and cannot enter the Mikdash. The Kdushas Yisrael is lacking. The Rambam (Mchusrei Kapporah 1:2) says that a convert that had Milah and Tvila but did not bring Korban is prevented from eating Kodshim because until he brings his Korban he is not the same as the rest of Bnay Yisrael. Just like you require full Kdushas Yisrael for Achilas Kodshim which is attained through bringing his Korban to complete his conversion, so to full Kdushas Yisrael is required for marriage into the Jewish community. If that is the case how do we accept converts today when there is no Korban? How can a Ger marry into the community today? So the Gemara answers that there is a special Gzeiras Hakasuv to allow it.

>From the Rambam it would appear that Lchatchila ones should not allow such incomplete converts to marry into the community. The Rambam says that the converts in the time of Shimshon and Dovid and Shlomo gave the impression that they were Geirei Tzedek. Only afterwards did they reveal their true intentions. According to the Rambam these converts did not have full Kdushas Yisrael because they were lacking in Hischayvus Bmitzvos. The Rambam says that since they had Milah and Tvila they are no longer non-Jews. Once the women converted, even though they were not Geirei Tzedek, Shimshon and Shlomo married them as they were subject to Kdushin at that point, even though according to the Rambam Lchatchila they should not have been allowed to marry into the Jewish community.

What is the status of a convert who converts for marriage or financial reasons and later keeps all the Mitzvos correctly and for the proper reasons, what is his status? Is he a Ger Tzedek or a plain Ger with an incomplete Kabbalas Hamitzvos? The Rav said that when he starts to keep the Mitzvos for the appropriate reasons he creates the full Kdushas Yisrael at that time, even though at the time of his conversion he was lacking in Kdushas Yisrael, Kdushas Yisrael that can only come together with the appropriate keeping of Mitzvos. The moment he starts to keep the Mitzvos correctly he consummates the Kdushas Yisrael and becomes a Ger Tzedek. It makes no difference when he starts to keep Mitzvos correctly, even though at the time of the conversion he was lacking. The conversion applies even to someone who is lacking Kabbalas Hamitzvos and remains as such until he acts appropriately and graduates to the status of Ger Tzedek. Even though Shlomo's wives later revealed themselves as idolatrous they retained the status of Geirim. Even if the convert returned to his idolatrous ways he has the same status as a Jewish Mumar who is still considered a Jew.

Copyright 2000, Josh Rapps and Israel Rivkin, Edison, NJ. Permission to reprint this Shiur, with this notice, is granted. To subscribe to this service, send email to listproc@shamash.org with the following message: subscribe mj-ravtorah firstname lastname.