

Approaches to Conversion  
in Medieval European  
Rabbinic Literature:  
From Ashkenaz to Sefarad

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Evidence for the successful conversion of non-Jews in Ashkenaz (northern France and Germany) during the High Middle Ages (1050–1300) can be found within the rabbinic literature of this period, an especially felicitous development given the virtual absence of any archival material that might shed light on this phenomenon.<sup>1</sup> R. Joel b. Isaac *ha-Levi* of Bonn (d. c. 1200, father of Rabiah and a noted German Tosafist and halakhist in his own right) describes an actual case of conversion in which the convert was able to embrace Judaism fully and completely: “And the Spirit went forth from the Lord and rested in the heart of that man (וְרוּחַ נְשָׂא מֵאֵת ה' וַיֵּנַח בְּלִבּוֹ) (האיש הזה), R. Abraham son of Abraham our father.”<sup>2</sup>

R. Joel *ha-Levi* further characterizes this convert, whom he had

the opportunity to observe over a lengthy period of time (*va-yagar immanu yamim rabbim*), as an *ish tam ve-yashar yoshev ohalim*. Nonetheless, despite the *ger's* deep interest in studying Torah and his pure intentions (*ve-yadati ki kavvanato la-shamayim*), R. Joel did not permit him, as rabbinic authorities in Speyer had, to study the text of the Bible from the Latin (referred to in this responsum as *leshon galahim*, the language of priests), which was more familiar to him at this point than Hebrew was. R. Joel did allow him, however, to serve as a *shaliah zibbur* (cantor or prayer leader), against the position taken by the rabbinic authorities in Wurzburg, although this issue depends on halakhic considerations beyond the basic religious worthiness of the convert, such as whether the *ger* may fully recite those sections of the prayers that describe the lineage and inheritance of the Jewish people vouchsafed to them through the Patriarchs.<sup>3</sup>

At the same time, however, the deep respect that R. Joel displays for this convert as he joined the Jewish religion and community does not necessarily demonstrate that R. Joel was supportive of ongoing conversions as a desired result per se. Indeed, nearly a century prior to this episode, the chronicle of the First Crusade composed by R. Solomon b. Samson records the case of an unnamed *ger zedeq* in the northern Rhineland town of Xantes, who inquired of a certain R. Moses *ha-Kohen* (known locally as the *Kohen ha-Gadol*) as to what his fate would be if he slaughtered himself in the name of the Holy One (אם אשחט את עצמי על יחוד שמו הגדול מה תהא עלי). R. Moses responds that he would be joined together with all of the other Jewish martyrs (עמנו תשב במחיצתנו). At the same time, however, he would also be situated along with other converts to Judaism (כי גר צדק תהיה ותשב עם שאר צדיקים גרי צדק במחיצתם ותהיה עם אברהם אבינו (שהיה תחילה לגרים)).<sup>4</sup>

R. Moses clearly intended to encourage and to praise the convert in this instance, suggesting perhaps that the nature of his reward would be even loftier than those martyrs who were not converts. And yet, R. Moses' response also suggests that truly righteous converts were considered to be "equal to but separate from" the rest of the righteous. In any case, it is difficult to translate the very positive sentiments expressed in this passage to the larger context of conversion

as a whole. The act of martyrdom rendered this convert very special. But even in this instance, there is a measure of separation presumed between fully righteous converts and those righteous Jews who were born as Jews, even as this R. Moses cannot be identified as a known rabbinic or halakhic authority, and R. Solomon b. Samson's Crusade chronicle does not carry any inherent halakhic valence.<sup>5</sup>

In a similar vein, while the leading twelfth-century northern French Tosafist (and contemporary of R. Joel *ha-Levi* of Bonn), R. Isaac b. Samuel (Ri) of Dampierre (d. 1189), wrote that "if potential proselytes are persistent in their sincere desire to convert (מתאמצין לדהתייר)," and are not accepted immediately (i.e., too quickly) or for purposes of marriage, "we should surely accept them (יש לנו לקבלם),"<sup>6</sup> he also maintains that the Talmudic axiom, "converts are difficult for Israel" (קשים גרים לישראל), is based on another Talmudic assertion, that "the Divine presence rests fully only with families of pure lineage (ואין השכינה שורה אלא על משפחה מיוחסת)."<sup>7</sup> In short, we are dealing here with some rather nuanced texts and conceptions, both halakhic and non-halakhic, whose meanings are not always unified or unequivocal.

## II

Contemporary scholarship has consistently assumed that the rabbinic attitudes toward converts in northern France and Germany were fundamentally similar, and that where and when attitudes did change, they did so in similar or parallel ways.<sup>8</sup> However, on the basis of several manuscript passages and a concomitant rereading of published materials, it is possible to show that the Tosafists in northern France were more welcoming and tolerant of prospective converts over time than were their German counterparts. This can be seen not only with regard to the interpretation of descriptive Talmudic passages, but also in the ways that they framed and discussed the halakhic requirements for conversion. This dichotomy is further supported by the evidence put forward by Kenneth Auman, from both Jewish and Christian sources, which suggests that there was a steadier stream of converts to Judaism in northern France than in Germany during the twelfth and thirteenth centuries,<sup>9</sup> and, even

more significantly as we shall see, by aspects of the self-image of these often like-minded yet ultimately distinct centers of Jewish life and scholarship in northern Europe. Moreover, this difference can also be correlated with the nature of the relationship between the Jewish populace in each of these geographic centers, and the various groups of church figures who lived and served there.

Not surprisingly, dedicated converts to Judaism tended to reach out to – or to be brought to the attention of – leading Tosafists in both northern France and Germany. In turn, these rabbinic figures, who were often impressed with the achievements and devotion of the converts, sometimes welcomed them into their homes, and otherwise expressed their guidance and support.<sup>10</sup> There appears, however, to be a sharp difference in the levels of rabbinic involvement with those who sought to convert to Judaism, at a point prior to their conversions. Northern French Tosafists dealt with procedural questions of how a particular conversion should be performed and with problems that actually arose during that process, and did not only put forward Talmudic interpretations or larger, theoretical halakhic prescriptions in these matters.

German Tosafists commented on the relevant Talmudic *sugyot* and issued halakhic rulings based on those *sugyot*, but these efforts tended to be much less innovative or reflective than those of their northern French counterparts. The German rabbis presented or summarized the Talmudic material with little or no comment, and did not make efforts to correlate (or to qualify) the Talmudic requirements in ways that the northern French authorities did. Moreover, there does not appear to have been a single instance in which a German Tosafist discusses or puts forward the case of a potential convert (i.e., prior to his or her conversion), whose process of conversion generated a specific halakhic problem or query. Among northern French Tosafists, on the other hand, such instances are relatively easy to come by, not only in *Tosafot* texts themselves but also within responsa and briefer rulings (*pesaqim*) by these Tosafists. While documentation exists for northern French Tosafists who dealt with specific cases and questions of individuals undergoing a *giyyur* process, there is no such documentation for German Tosafists.

This finding is both surprising and suggestive because typically, the writings of the German Tosafists focus much more heavily on recording the application of halakhic policies and principles in actual cases (מעשים), than does the Tosafist literature of northern France. Indeed, German Tosafists often shared such actual *ma'asim* (and the approaches that they took) with their colleagues in order to allow these colleagues to express their own halakhic or judicial opinions, in a way that French Tosafists did not.<sup>11</sup> With regard to matters of conversion, however, these typical patterns are not at all evident, which further suggests that the relative silence and less flexible approach maintained by the German authorities with regard to pre-*gerut* cases and policies were carefully considered and quite deliberate. In short, it would appear that German Tosafists and rabbinic authorities during the twelfth and thirteenth centuries were far less encouraging of potential converts to Judaism than their counterparts in northern France. What follows is a detailed presentation and analysis of sources from both sides of the divide. Toward the end of the study, two larger reasons or causes for this distinction will be proposed, and a consideration of how these views may have impacted rabbinic perspectives in Spain will also be presented.

### III

R. Isaac of Dampierre (Ri) dealt directly with a number of procedural problems and situations in connection with actual instances of *gerut*, and he offers several creative Talmudic interpretations that address such matters as well, although he does not rule in a consistently lenient fashion. As recorded in a unique gloss to a manuscript passage in *Sefer Mordekhai* to tractate *Yevamot*, Ri composed a *pesaq* in a case that was brought to his attention, of a candidate for conversion who had been circumcised (incorrectly) at night in front of three individuals, two of whom were related and technically unacceptable as judges (since they were married to sisters). Ri ruled that in the absence of any confirmation that the circumcision had been performed by day, it was proper in his view (יתכן בעיני) to now draw some blood (as an indicator of circumcision) since the process of conversion is to be treated as a case of *mishpat*. This means that all of

its main constituent parts must be undertaken during the day, as per the scripturally mandated requirements for the meeting of a rabbinic court. Although Ri was apparently less concerned in this instance with the fact that two of these individuals were related (since there were ultimately two non-related judges from among the three who had witnessed the circumcision or the immersion), he cautions that moving forward, it is necessary to appoint three non-related judges for these purposes and to conduct all of these aspects of the conversion process by day in the presence of three appropriate judges or judicial figures, who are neither related nor otherwise unfit to serve.

Ri adds that leniencies with respect to witnessing the immersion and the circumcision are possible to countenance after the fact (*be-di'avad*), since the Talmud at one point in פרק החולין (Yevamot 45b) allows the immersion of the *ger* to follow the model of the immersion of a *niddah*, for which three (male) witnesses are not typically present in any fashion, and yet the immersion is considered valid for that purpose. However, where it is possible to do everything *a priori* in accordance with the court procedures indicated by *mishpat*, even with respect to the immersion and circumcision, this is clearly the preferred approach (as indicated by the Talmud in another passage in the same chapter, Yevamot 47b). It should be noted that at no point does Ri allow for any deviation with regard to the basic acceptance of Judaism and its commandments, which must precede the circumcision and the immersion. For this portion of the conversion process, a duly constituted group of three unrelated judges must be present.<sup>12</sup>

Ri was asked whether two converts are permitted to marry each other and he responded in the affirmative. Some rabbinic authorities were concerned about this, lest both partners return to their pre-conversion ways, and they cited proof from a *Tosefta* passage to this effect. Ri, however, saw no halakhic difficulty in such a case, since the Talmud itself clearly does not prohibit this marriage.<sup>13</sup>

*Tosafot* texts to tractate *Avodah Zarah* record in Ri's name a ruling in the case of a convert who had accepted the commandments and undergone circumcision but did not properly immerse. Although this conversion was considered incomplete and did not confer full

Jewish status upon the candidate, Ri ruled (according to his student, R. Judah b. Isaac Sirleon, d. 1224) that the touch of this person did not render wine unfit for Jewish consumption.<sup>14</sup> The parallel passage in the standard *Tosafot* to tractate *Avodah Zarah* concludes that Ri did not wish to implement this lenient ruling in practice, although this final comment may well be a subsequent addendum.<sup>15</sup>

Ri's halakhic sensibilities regarding the shortcomings in the case of an actual conversion court described above make their way (in partial and somewhat abbreviated forms) into several collections of northern French *Tosafot*, although his insistence on requiring *a priori* (לכתחילה) three judges for all aspects of the conversion process does not. Indeed, there appears to be an assertion in these later Tosafist passages, against the approach of Ri, that the paradigm (and rules) of *mishpat* apply only to the initial *qabbalat ha-mizvot*. The specific issue of circumcision at night is not raised in these variant passages, even as the question of immersion at night is.<sup>16</sup> This may perhaps constitute another example of the disconnect that sometimes existed between interpretational formulations and strategies recorded in *Tosafot* texts, and the practical *pesaqim* of important Tosafists such as Ri.<sup>17</sup>

In light of the firm insistence by all French Tosafists during the twelfth and thirteenth centuries that *qabbalat ha-mizvot* had to be undertaken in the presence of three judges, even as the immersion of a convert is deemed to be valid after the fact if fewer observers were present, *Tosafot* passages discuss why it was indeed so necessary to have three judges for *qabbalat ha-mizvot* (as derived from the verses that link *gerim* to *mishpat*), since there are several types of Jewish monetary law that can be tried in front of a single expert judge (*yahid mumheh*). These *Tosafot* quickly conclude that no such easement is possible in the case of conversion, but they further assert (as do the standard *Tosafot* to Yevamot 46b–47a) that the three judges whose presence is required need not be formally ordained experts (as is required for certain more complex forms of monetary law). This is because the Talmud derives that present-day judges may generally perform necessary and fairly common judicial functions, as duly constituted representatives of the fully invested judicial system of

yore in the land of Israel when the original form of authorization or *semikhah* was in vogue (שליחותיהו קא עברינגן).

The ongoing occurrences of common types of cases that required judicial services to adjudicate them meant that present-day judges had to be authorized to hear them, even if they were not ordained with the original form of *semikhah*. As the concluding passage in *Tosafot ha-Rosh* to *Qiddushin* puts it (found also in *Tosafot ha-Rosh* on a related *sugya* in tractate *Gittin*, and in the standard *Tosafot* to *Yevamot*): “Just as the rabbis were concerned that borrowers should not be stymied [lit., the door should not be locked in their faces] in their attempts to borrow money [since the lenders would tend not lend if there was no way to appoint judges who could adjudicate any disputes that arose], they were also concerned about ‘the door not becoming locked in the face of [potential] converts.’”<sup>18</sup>

The standard *Tosafot* to *Qiddushin* conclude with a formulation by R. Netan'el of Chinon (c. 1180–1260), who studied with Ri's student, R. Isaac b. Abraham of Dampierre (Rizba), and was later linked with R. Yehi'el of Paris and the Tosafist academy at Evreux, that provides a second justification for the ability of judicial tribunals consisting of non-*mumhim* tribunals to continue to handle cases of *gerut*: “Regarding [the laws] of a *ger*, the word *le-doroteikhem* is written [in the Torah], which suggests that these laws apply in all contexts even though we do not now have *mumhin* since there are no longer any who are ordained. The word *ule-doroteikhem* means for all generations, forever.”<sup>19</sup> Here again, these formulations of Tosafist interpretation would appear to ratify the presence of actual halakhic conversion activities “on the ground.”<sup>20</sup>

Ri's leading student and immediate successor, R. Samson of Sens does not refer to any actual cases involving potential adult converts. He does, however, describe the physical difficulties in performing the ritual circumcision or extraction of blood (for purposes of conversion) on a one-year old Christian child “in our neighborhood,” who was being converted according to the Talmudic principle that a minor convert could be immersed (and initiated into Judaism) under the authority of the Jewish court (*Ketubot* 11a, גר קטן מטבילין, אותרו על דעת בית דין).<sup>21</sup>

Several of Ri's views, including both his leniencies and some of his concerns, made their way into the (prescriptive) *Sefer Mizvot Gadol* by R. Moses of Coucy (d. c. 1250, and a student of Ri's direct student, R. Judah Sirleon). As Ri did in his *pesaq*, R. Moses stresses that three judges are necessary *a priori* for the immersion, and that the immersion must be done by day (as a function of *mishpat*), and cannot be done at night or on the Sabbath, although he rules that an immersion at night is acceptable after the fact (noting that the early geonic code, *Halakhot Gedolot*, held that an immersion on Sabbath was completely acceptable). Against the various northern France *Tosafot* passages that we have seen, and perhaps somewhat closer to Ri's stated preferences in his written *pesaq*, R. Moses of Coucy required that three judges be present for the immersion under all conditions.<sup>22</sup>

R. Moses of Coucy lays out the details of the conversion process as they appear in several *sugyot* in tractate *Yevamot*. He notes that the requirements to inform the potential *ger* of a selection of difficult (or costly) commandments, and of the punishments that were assigned for the violation of various commandments, were intended primarily as a means of dissuading the candidate or alternatively, as a means of properly warning him in advance about what his new responsibilities would be, as a matter of fairness and not necessarily as a means of dissuading him.<sup>23</sup> Similarly, *Semag* presents a mixed series of views as to the desirability of converts for the Jewish people, reflecting the range of opinions that had been noted by Ri and other northern French Tosafists, including a formulation that compares *gerim* most favorably to the Jews who stood at Mt. Sinai.<sup>24</sup> Once again, R. Moses stresses as Ri did (and perhaps even more so) that three judges must be present not only for the initial acceptance of the *mizvot* by the convert, but also for the confirmation of his (or her) acceptance at the time of immersion.<sup>25</sup>

#### IV

If we look at the way that German Tosafists and rabbinic authorities during the twelfth and thirteenth centuries dealt with the Talmudic *sugyot* that discuss *gerut*, we are struck by the differences not only

in terms of their conclusions but also with respect to the methods employed and the halakhic values expressed in the course of these interpretations. R. Eli'ezer b. Nathan (Raban, d.c. 1165) discusses matters of *gerut* in two sections of his *Even ha-'Ezer*. In the first instance, which is included among his collected responsa in the first part of this work, one of Raban's sons-in-law asked him to explain a *sugya* in *Yevamot* (97b), which raises the concern that people will be dissuaded from undergoing conversions. Ostensibly, an earlier *sugya* in *Yevamot* (47b) which deals with the procedures for telling a potential convert about certain difficult *mizvot*, expects that this detail may well dissuade the individual from converting, which is seen as an appropriate result.

Raban responds by distinguishing between the circumstances in each case. He does not appear to entertain the possibility, as *Semag* later did, that the more practical *sugya* in *Yevamot* (47b) does not seek to dissuade the convert per se, but rather to let him (or her) know what his responsibilities will be, so that he will not be able to put forward the claim subsequently that he was unaware of the consequences of his actions.<sup>26</sup>

When Raban discusses the procedural *sugyot* in *Yevamot* (45b–47a) in the body of his halakhic work, he offers little analysis of any of the procedures and does not address any deviations at all from the Talmudic requirements that might occur (*be-di'avad*), twice stressing that three rabbinic scholars must be present at both the point of initial acceptance and also when the acceptance is re-enunciated at the point of immersion (for women as well as for men), which must take place during the day because of the requirement of *mishpat*. He also repeats that the goal of imparting the information concerning the stringent *mizvot* is to dissuade the potential convert. Raban follows the Talmudic material to the letter, but he does so in a way which suggests that there was nothing especially current here. Nor does he offer any guidance for exigencies that might occur, as Ri and others in northern France did.<sup>27</sup>

Just prior to his instruction in this section concerning the immersion of a female convert, Raban includes a brief paraphrase of the *sugya* (in *Ketubot* 11a) concerning the conversion of a *ger*

*qatan*. He concludes, however, with a similarly brief paraphrase of the final piece of the Talmudic discussion (*Yevamot* 48b, end), which is a *Baraita* on the theme of why *gerim* suffer and are downtrodden at this time.<sup>28</sup>

Raban's grandson, Rabiah (of Bonn and Cologne, d. c. 1225), also appears to have been rather unyielding with regard to the composition of a *beit din* for the various facets of *gerut*. A passage in *Sefer Mordekhai* begins by noting that R. Isaac Alfasi ruled (based on a passage in *Yevamot* 45b) that *be-di'avad*, an immersion for purposes of conversion could be effective even if fewer than three people were present. The *Gemara* presents the case of a female convert who had given birth to a child and had gone to the *mikveh* (to remove her status as a *niddah*) once she was married. According to Rif's understanding, this *sugya* indicates that just as the immersion of a *niddah* is valid even if it was not witnessed, so too this convert's immersion is valid after the fact, at least in order to consider her child as born of a Jewish mother (and there is an analogous situation of a man who immerses after his conversion to remove the taint of *qeri*).

The *Mordekhai* passage then cites Rabiah from his no longer extant *Sefer Avi'asaf*. Although Rabiah was prepared to understand the initial *sugya* a bit differently than Rif did (in that the mother's subsequent immersion would also confirm her own conversion *be-di'avad*), the larger Talmudic construct which accepts the immersion of a *niddah* to ratify the conversion does so only if it was also possible to verify that this woman conducted herself publicly in accordance with the tenets of the Jewish religion (*mitnaheget ke-dat yehudit*) even prior to her immersion as a *niddah*; otherwise, her conversion was not valid to any extent. As such, it is not simple at all according to Talmudic law to establish the validity of a conversion if three judges were not present at the convert's immersion.<sup>29</sup>

Similarly, Rabiah sought to limit the possibility of a minor (and especially a baby or a very young child) converting to Judaism via the principle of *ger qatan matbilin 'oto 'al da'at beit din*. This procedure was still in vogue in northern France even for babies and young children, as was noted above for R. Samson of Sens. However,

according to another passage in *Sefer Mordekhai* to *Yevamot*, Rabiah maintained that the *sugya* of *ger qatan* (*Ketubot* 11a and see also *Sanhedrin* 68b) applies only to a minor who himself came before the community and its court and asked that he be converted to Judaism. This *sugya* informs us that we may honor his request, even though he is technically not a *bar da'at*. If, however, the minor does not want this change in status (meaning that he does not initiate this request), a conversion performed by the *beit din* alone would not be valid.

As proof for this understanding of the (limits of the) Talmudic procedure, Rabiah notes that from the practical standpoint, a *ger qatan* can be accepted only when Jews are able to overcome the power of non-Jews within the larger society (*ידם תקיפה*), for if this were not the case, the Jewish community would ostensibly not be allowed to accept such converts at all.<sup>30</sup> As such, if the concept of *ger qatan matbilin 'oto 'al da'at beit din* meant that minor children could be converted to Judaism by the *beit din* without the need for them to request this change in status, why was there no attempt to convert as many minors from other religions as possible?

Although Rabiah's limitation of the *sugya* of *ger qatan* was not widely cited, there are no references to any actual cases in which a *ger qatan* was converted to Judaism in Germany in this period. There are a small number of German rabbinic sources that discuss the need for a convert who was born circumcised to undergo *hatafat dam berit*, but these discussions are presented incidentally with regard to the larger halakhic problem – and not as actual cases that had to be resolved – of whether a Jew who was born already circumcised was allowed to have *hatafat dam berit* on the Sabbath. The theoretical situation of the convert was introduced principally as a foil.<sup>31</sup>

A similar pattern is evident for R. Isaac b. Moses of Vienna, author of the halakhic compendium, *Sefer Or Zaru'a*. R. Isaac studied in northern France with R. Judah Sirleon and R. Samson of Coucy (who were both students of Ri), but he also studied in Germany with Rabiah and R. Simhah of Speyer (as his main teachers there among others, including R. Judah *he-Hasid*).<sup>32</sup> Among his own responsa that were included in *Sefer Or Zaru'a* is one which suggests that R. Isaac did not follow Ri's halakhic approach to *gerim*, and identifies

instead with the less flexible German approach.<sup>33</sup> This assessment emerges from the larger halakhic context or setting in which his position on *gerim* was offered.

In this responsum, R. Isaac addresses the issue of whether a *get* can be given at night. He concludes that just as a *get* may not be written and produced at night, it may not be given at night, deriving this in part from the immersion of a *ger* that cannot take place at night – since immersion is an integral part of the conversion process which is linked with the word *mishpat* (and formal rabbinic pronouncements of *mishpat* can take place only by day). In doing so, however, R. Isaac notes that in fact, there is nothing about the immersion of the convert in specific that is associated with *mishpat*. Indeed, this word or concept, as it is linked by the Torah with *gerim*, applies mainly to how a convert is to be treated once he has been accepted as a Jew (personally, religiously and economically, with respect to sacrificial offerings and so on). Nonetheless, the unequivocal Talmudic requirement is that the immersion must take place during the day night by convention, since “all issues concerning a *ger*” are governed by the rubric of *mishpat*. Similarly, R. Isaac concludes, in the case at hand, since the writing of a *get* may not take place at night according to an explicit scriptural derivation or linkage, neither may the giving of a *get* take place at night.<sup>34</sup>

It should also be noted that R. Isaac of Vienna's approach to the immersion of a *ger* was occasioned by the *get* case and does not necessarily reflect an actual situation of *gerut* at all. Indeed, the only other discussion of moment in the voluminous *Sefer Or Zaru'a* that even touches upon *gerut* is found within a responsum that deals with the need for every repentant sinner (*ba'al teshuvah*) to undergo immersion as a form of expiation, in accordance with a teaching of R. Simhah of Speyer. In his discussion, R. Isaac suggests that the immersion a returning apostate undergoes is undertaken to atone for the now prohibited acts that he or she had committed as a non-Jew. Although this formulation perhaps implies that the same is true, at least in part, for the immersion of a new convert to Judaism, Maharil (d. 1427) is the first Ashkenazic rabbinic authority to say so explicitly.<sup>35</sup> There is certainly no evidence from here that R. Isaac

dealt with actual cases of *giyyur*, nor is there any further discussion of the laws of *gerut* in *Sefer Or Zarua'* (with the indicative exception of its recording of the case of the *ger qatan* in Sens noted above, which was dealt with by R. Samson of Sens).

Indeed, R. Simhah of Speyer (as cited by R. Meir of Rothenburg) was the only German Tosafist to offer support for a significant procedural adjustment regarding *gerut* – in accordance with a view that had been enunciated by a northern French rabbinic scholar, R. Judah b. Yom Tov – that a lone judge alone could preside over conversions as a kind of *yahid mumheh*. At the same time, however, R. Simhah's formulation is focused on technical aspects and requirements of *mishpat* (and the role of a *yahid mumheh*), and there is no evidence that this position was ever enunciated – or implemented by him – in an actual case.<sup>36</sup>

The wide-ranging work of supererogatory ethics and religious behavior produced by the German Pietists, *Sefer Hasidim*, which is often seen as a gauge of the sensitive social and personal issues that confronted the Jews in Germany *circa* 1200,<sup>37</sup> refers to *gerim* in only a handful of sections, even as it refers to apostates, whose presence in Ashkenaz by the late twelfth and early thirteenth centuries can be amply documented, in nearly fifteen sections.<sup>38</sup> Two of the sections in *Sefer Hasidim* about *gerim* are quite positive, although they refer to those who have already converted and focus on points of broader spirituality. In one instance (found only in the so-called “French recension” of *Sefer Hasidim*), an expansion of the imperative to love the *ger* is suggested.<sup>39</sup>

The second passage recommends that it is better for a truly good and compassionate *ger* (כל שיש לו לב טוב) to marry a *giyyoret* with a similar disposition (so that together they will practice modesty and kindness, and do business ethically), than to marry a Jewess from birth (מוטב להתחתן בזרעם מלהתחתן בזרע ישראל) who does not have these fine character traits. The union with a *giyyoret* will result in the *ger's* progeny moving forward to be righteous and good (*zaddiqim ve-tovim*).<sup>40</sup> Although this passage calls to mind Ri's (lenient) ruling noted above, that a *ger* and a *giyyoret* may marry (against the view of some other authorities), *Sefer Hasidim's* formulation here

highlights and upholds the fundamental separation between the lineage of *gerim* and that of the Jewish people as a whole.<sup>41</sup>

In another passage, one of the few that appears to address a situation involving an actual candidate for *giyyur* prior to his conversion, *Sefer Hasidim* maintains, in this instance against a lenient ruling proposed by Ri (n. 14), that if a male convert was not able to be circumcised due to the fears on the part of the local community about taking this step (such that no immersion was able to take place either), his touch still renders Jewish wine undrinkable, even as other Jews should not go so far as to feed him non-kosher food at this point.<sup>42</sup> Moreover, *Sefer Hasidim* advises that an impotent man should marry a *giyyoret*, as per the Talmudic ruling that one who impotent is permitted to marry a woman of lesser lineage.<sup>43</sup>

The anonymous author of the halakhic compendium, *Sefer Assufot*, was a student of Rabiah, and of R. Eleazar b. Judah of Worms (d. c. 1230), author of *Sefer Roqeah*. *Sefer Assufot* includes a fairly lengthy manual of circumcision composed by an unnamed *mohel*, which was based heavily on the teachings and instructions (*kelalei ha-milah*) of a *mohel* of note, R. Gershom b. Jacob *ha-Gozer*. Within this manual is a section that begins with *Hilkhot Gerim*, and concludes with a brief section entitled *hilkhot nashim ha-migayrot*.<sup>44</sup>

The section is characterized by a clear degree of strictness and rigidity. It opens with the need to inform the potential convert, as per the Talmudic instruction (*Yevamot* 47a), about the downtrodden state of the Jewish nation, which is told to the potential convert in order to dissuade him (since *qashim gerim le-Yisra'el ke-sappahat be-or*), adding that “most certainly at this time when there is [=conversion constitutes] a grave danger to life, conversions are not performed (כ”ש בזמן הזה שהיא סכנת נפשות שאין מגיירין).” Assuming that the candidate – and the religious authorities – wish to proceed nonetheless, the text continues with a regimen about *qabbalat hamizvot*, again noting that if the candidate resigns after hearing the list of commandments obligations and punishments, this is an acceptable consequence (ואי פריש יפרוש).

This section specifies that one who is circumcised but does not immerse, or one who immerses himself but is not circumcised, is



treated as a non-Jew in every respect, and renders wine not kosher by his very touch. Moreover, one does not properly become a *ger* until he has undergone circumcision and immersion, in that order. Indeed, “there was a case in Mainz with a *ger* who was immersed and then circumcised, and the rabbinic scholar of Mainz required him to undergo another immersion since this must be preceded by circumcision,” yet another example of the strictness that typifies this text. A major concern of the unnamed rabbinic authorities involved in the Mainz case (which is perhaps the only actual case that we know of in which German rabbinic figures considered the halakhic status of a convert prior to his conversion) also seems to have been the blessing: how can the convert make his blessing on the immersion, since he is not yet obligated to perform *mizvot* as a Jew before his circumcision occurs? Perhaps the pain of the circumcision will cause him to withdraw from pursuing the conversion process to its conclusion. This constitutes an additional layer of deterrence that is not found in the Talmudic regulations.

The treatise goes on to rule unequivocally that an immersion undertaken for removing the status of *qeri* or of a *niddah* is unacceptable, and that the immersion cannot be done at all in the evening or on the Sabbath (although it is noted that *Midrash Sekhel Tov* does allow immersion on the Sabbath, similar to the ruling of the *Halakhot Gedolot* that was adduced by *Semag*). In all instances, three Torah scholars or *hashuvei ha-ir* must be present to witness the immersion (just as the original intake and questioning concerning acceptance of the commandments required a formally constituted *beit din*). At the point of immersion, these three figures review with the candidate the obligations incumbent upon a convert to Judaism, as well as the potential punishments and rewards, and the candidate must once again accept all of this upon himself.

The *Assufot* text requires the convert prior to his immersion to cut his hair and pare the nails on both his hands and his feet (וצריך למזייה ולמשקל טופריה דיריה ודרגליה), acts that appear to be necessarily independent of the standard requirement to eliminate any traces of *he'avei mizvot* prior to immersion. The precise phrasing of this requirement

originates in a passage from *Hilkhot ha-Rif* to tractate *Shabbat*, in which R. Isaac Alfasi outlines the procedures for *giyyur* (from whence it reached both *Pisqei ha-Rosh* and *Arba'ah Turim*), and it is possible that *Hilkhot ha-Rif* is the source for the passage here as well.<sup>45</sup> At the same time, however, these very requirements are mentioned in German rabbinic sources from this period that deal with the return of a repentant apostate, and it is therefore possible that these acts of penance for the returning apostate were added by *Sefer Assufot* to the requirements for conversion as well.<sup>46</sup> In any case, once the convert has properly undergone all of these various procedures, *Sefer Assufot* concludes that it is incumbent upon all Jews to accept and love him.

In the brief section about a woman who sought to convert, the *Assufot* text calls for her to fast each day for a month before her immersion (with the exception of the Sabbath). This was perhaps meant as an act of expiation, an aspect that was noted above in connection with *Sefer Or Zaru'a* (and with regard to the preparations for immersion just outlined), although there is no explanation given for this practice by *Sefer Assufot* itself. Other women should put the female convert into water up to her neck, at which point two *talmidei hakhamim* or *tovei ha-ir* stand outside. This leniency, that two witnesses rather than a full court are sufficient for this aspect of the process, is based on a *sugya* in *Yevamot* (47b), although these two rabbinic scholars also inform her again of the various *mizvot*, and of their punishments and rewards. The woman is then required to specify that she is aware of the requirement of a *niddah* to immerse.

Again, according to *Sefer Assufot*, if these demands cause the potential convert to walk away from the process, so be it (אם פירשה תיפרוש). If, however, the potential female convert accepts all of this, she is immersed immediately and is considered “kosher for the entire Torah,” and is permitted to marry a Jewish man. Also, this woman cannot be immersed at night, but only by day. In short, the *Sefer Assufot* material reads very much like the limiting approach that was advocated in Germany already by Raban.<sup>47</sup>

## V

There are two overarching reasons that may account for the rather stark differences with regard to the acceptance of *gerim* that we have outlined between the writings of the rabbis of northern France and Germany during the twelfth and thirteenth centuries on both the theoretical and practical levels, differences that are supported and confirmed by the smaller number of converts overall who appear to have been accepted in Germany as compared to northern France.<sup>48</sup> The first is the value or consideration of lineage, *yihus*, and its role in the development and ongoing existence of the Jewish communities in northern France and Germany. As Avraham Grossman has demonstrated in several studies, this concept or value was an exceptionally powerful one in Ashkenaz, from the eleventh century onward. However, while the rabbinic circles of northern France placed significant value on this consideration, the rabbinic families of Germany were even more committed to it. Thus, for example, Grossman maintains that Rashi, whose lineage was certainly quite proper but not especially outstanding, became a very significant scholar in northern France. It remains an open question if he could have succeeded his teachers as an academy head in the Rhineland.<sup>49</sup>

As noted toward the beginning of this study, Ri of Dampierre was well aware, on the basis of a Talmudic formulation, of the differences between *gerim* and those born as Jews in terms of the possibility of their receiving the presence of the *Shekhinah*. Nonetheless, there was little if any discussion within northern France about the practical application of this kind of larger spiritual principle, and there is no indication that marrying accepted converts, who had expended full effort and intention during their conversion (in Ri's words as cited above, מתאמצין להתגייר) constituted a diminution in any way in the individual status of the Jew who married them. As such, northern French rabbinic authorities did not hesitate to rule leniently on behalf of potential converts, and to deal with them benevolently even before they had completed the conversion process. Although no German halakhist would necessarily disagree once the conversion process had been completed, it was left to Ri of

Dampierre to exclaim (in a halakhic context), וקשיא לר"י פשיטא דמה, וכי בכל המצוות אין גר צדק בכלל ישראל.<sup>50</sup>

On the other hand, *Sefer Hasidim*, and the contemporary German Tosafist, Rabiah (responding to his father, R. Yo'el *ha-Levi*), appear to have enunciated an identifiable hierarchy in this regard. Rabiah utilizes the term מוכח שבהאיך in identifying the members of the larger Jewish community, who must be especially careful in terms of marriage partners and thus may not marry a *giyyoret* or a *shifhah ke-na'anit*.<sup>51</sup> The *hakham* in *Sefer Hasidim* counsels individuals on instances in which it is appropriate to marry women with "defective" or "lesser" *yihus*; in one such discussion, *Sefer Hasidim* actively follows the Mishnaic and Talmudic prescription (*Yevamot*) that an impotent man should marry a *giyyoret*.<sup>52</sup> Given the extra measure of sensitivity to these considerations of *yihus* found among the Jewish communities in Germany, it may be possible to understand the relative stringency and inflexibility that German Tosafists and other rabbinic decisors displayed with regard to the Talmudic regulations governing conversion (including the need to rule on cases of potential converts in practice), even as they fully welcomed those who made it through this arduous process in any case.

Perhaps even more telling is that there appears to have been a significant difference in the ways that the Jewish communities of northern France and Germany interacted with the surrounding Christian society, which also likely impacted the issue before us. Conversion to Judaism was a grave offense throughout Latin Christendom during the medieval period, and there are a host of doctrinal (and temporal) texts and materials that speak strongly against this possibility.<sup>53</sup> There is evidence to suggest that during the late twelfth century, when efforts to prevent conversion to Judaism were largely in the hands of local bishops, and in the first half of the thirteenth century when responsibility for enforcement of this restriction was transferred to the mendicant orders, both the local bishops and the mendicant friars were closer in terms of proximity to and possible impact on the Jewish communities in Germany, than they were to the communities of northern France.<sup>54</sup> It should also be noted that in two recent studies on rabbinic attitudes toward apostates, *meshumadim*,

during the late twelfth and early thirteenth centuries, I have found that German Tosafists were significantly more sensitive than their northern French counterparts toward separating these apostates from the larger Jewish community. Jewish apostates who wished to return to the community were allowed to do so only after demonstrated acts of repentance, and a clear rejection of their prior state.<sup>55</sup>

Thus, while there is little (if any) mention in Jewish sources about Christian pressures against conversion to Judaism in northern France, there are several explicit and strongly worded reflections of this concern in Germany. In addition to the statement in *Sefer Assufot* (from the mid-thirteenth century) noted above, that it is presently a *sakkanat nefashot* to convert anyone to Judaism, and a passage in *Sefer Hasidim* (composed in Germany during the first quarter of the thirteenth century) which indicates that the circumcision of a potential convert could not be performed because the Jews of his town feared doing so lest the Christians become aware of it,<sup>56</sup> R. Meir of Rothenburg (d. 1293) describes in a responsum the case of four Jews who were ordered by the ruling authorities to testify under oath about the identity of a fifth Jew, who was a *ger*; they faced confiscation of their property if they did not tell the truth. Although they would have been permitted to swear falsely (that the fifth Jew was not a convert), or to otherwise prevaricate in their response (even if they would thereby have been required to forfeit some of their own assets) since this was a case of *sakkanat nefashot/piqquah nefesh*, they testified instead that he was indeed a convert.

Maharam notes that most fortuitously, this *ger* was not burned at the stake, adding that the Heavens had great mercy on him since R. Meir would have believed that “not one in a thousand is saved [from this fate], since even when apostates [from Judaism to Christianity] testify against a convert [to Judaism], he is burned, how much more so when Jews testify against him.” Instead, the *ger* was assigned a very stiff monetary penalty in this instance, for which, according to R. Meir, the other Jews involved were required to repay him. It is R. Meir’s great astonishment, however, that the *ger* escaped the fate of being burned at the stake in this instance (which was otherwise apparently enforced) which is most striking.<sup>57</sup>

A responsum by R. Hayyim Eli’ezer, son of R. Isaac *Or Zaru’a* and a student of R. Meir of Rothenburg, mentions the case of a certain Rabbi Isaac who circumcised *gerim* and as a result, his community was placed under some kind of serious charge (or the threat of physical persecution), an *’alilah*, by the Christian authorities.<sup>58</sup> Taken together, all of these various rabbinic sources suggest that the pressure being brought to bear by the Christians in Germany, when Christians converted to Judaism, was often much more than just rhetoric.<sup>59</sup>

Although manuscripts of *siddurim* and *mahzorim* from northern France as well as western and eastern German rites from the thirteenth and fourteenth centuries (not to mention liturgies from Italy and Spain) retain the blessings to be recited at the circumcision of a *ger*, their presence may be akin to the material found in *Sefer Assufot*: the laws and procedures for conversion must always be kept “on the books,” as part of the halakhic and ritual process. Nonetheless, the extent to which these blessings had occasion to be recited in medieval Germany remains unclear. At the same time, their recitation in northern France during this period appears to have been more likely.<sup>60</sup>

## VI

We now turn briefly to the situation in Christian Spain. On the one hand, archival evidence exists, of the kind that we do not possess from Ashkenazic lands, which suggests—according to a recent and detailed study of the archives of the Crown of Aragon – that there was a steady trickle of converts that increased throughout the thirteenth century and into the fourteenth century and especially after 1340, but well before the calamitous Christian persecutions and attacks of 1391.<sup>61</sup>

At the same time, however, it is difficult to find any sustained non-theoretical discussion of the requirements, rituals or procedures for prospective *gerim* in the responsa of either of the two leading rabbinic figures at this time, Ramban (1194–1270) or Rashbam (d. c. 1310).<sup>62</sup> Both Ramban and Rashba commented on the central Talmudic *sugyot* in *Yevamot* (45b–47a) in their *hiddushim*, but there is

no suggestion that any of this analysis was being implemented on a practical level, and no actual cases are mentioned or even indicated.<sup>63</sup> Although the more narrative Spanish *hiddushim* of the thirteenth century do not lend themselves as easily as the glosses of the *Tosafot* to the inclusion of cases that arose, the presence of converts in Christian Spain as indicated by the archival literature, coupled with the relative silence of Spanish responsa and commentaries regarding the process of ongoing conversion, suggest that unlike the situation in northern France, the conversions were being carried out in Spain at a more local rabbinic level with less awareness or input on the part of the leading rabbinic scholars of the day. This possibility is perhaps a reflection of the less insular and more cosmopolitan nature of Hispano-Jewish society as compared to its Ashkenazic counterpart, and of the existence of a much more formal communal rabbinate in Spain already at this time.<sup>64</sup>

Nonetheless, the *hiddushim* of Rashba's student, R. Yom Tov b. Abraham Ishvilli (Ritva, d. c. 1225), seem to represent something of a departure. I have suggested elsewhere that Ritva was the first talmudist in Christian Spain to put forward a firm procedure, based on a talmudic construct as formulated in a variant *Tosafot* text of which he was aware, for monitoring the return of penitent apostates (מישומרים החוזרים בתשובה) to the Jewish community.<sup>65</sup> With regard to conversion as well, Ritva appears to bring together a series of unified regulations within his *hiddushim* to tractate *Yevamot* to guide and support the efforts of a duly constituted *beit din* to supervise conversions, which were apparently occurring in increasing numbers. In this instance, however, Ritva does not consistently follow an Ashkenazic approach, just as he does he not adopt most of the positions found in earlier Sefardic sources (such as the codes of Rif and Rambam), or even the approaches of his more immediate predecessors, Ramban and Rashba.

Rather, Ritva posits that a rabbinic court may not countenance any deviation whatsoever with regard to the most essential details that are necessary for a conversion to be effective. He concludes that three judges must always be present (with no exceptions, even after the fact) for the *kabbalat ha-mizvot* (the acceptance of the

commandments as a whole) and for the circumcision and ritual immersion (*tevilah*) as well, since these too are a crucial aspects of the conversion process.<sup>66</sup> Moreover, none of these aspects may take place at night, under any condition.<sup>67</sup> However, if the court forgot to impart some of the additional instructions that are meant to be given to the convert about the nature and requirements of various specific precepts, this can be allowed after the fact.<sup>68</sup>

Similarly, Ritva is fairly lenient about not disqualifying a convert with ulterior motives, since the rabbinic court cannot ascertain what was in the mind of the convert in any case,<sup>69</sup> although in this situation (which was considered to be a problem even by northern French Tosafists), Ritva had a number of earlier precedents upon which to rely, including Maimonides' *Mishneh Torah*.<sup>70</sup> In short, for Ritva, the rabbinic court must try to do its very best in accordance with Talmudic law. Once it has properly initiated and overseen the central aspects of the conversion process (anchored by the all-important procedure and act of *qabbalat ha-mizvot*), the conversion is considered to be fully valid, irrespective of any other deficiencies that may arise.

Somewhat surprisingly, R. Jacob b. Asher (d. 1349, a younger contemporary of Ritva, who does not appear overall to have been aware of Ritva's *hiddushim*) presents the procedures for conversion in his *Arba'ah Turim* in a much more equivocal fashion. R. Jacob first records (and appears to subscribe to) the lenient Tosafist view that after the fact, three judges are not required for the circumcision and immersion and these ceremonies may be done at night; only the initial *qabbalat ha-mizvot* much be overseen by all three judges during the daytime. But R. Jacob also notes the position of R. Isaac Alfasi, which he (alone) understands to mean that having fewer than three judges for any central aspect is unacceptable, as is conducting these procedures at night.<sup>71</sup> *Arba'ah Turim* is unclear about whether the specific instructions about the various *mizvot* and obligations that are incumbent upon the new convert are absolutely required. Indeed, it is left to R. Yosef Karo (d. 1575) to cite the position, which he attributes to *Nimmukei Yosef* (and appears verbatim in *Hiddushei ha-Ritva*), that the absence of these discussions does not invalidate



- ha-Hadashah – Muqdashim li-Prof. Yaakov Katz*, ed. I. Etkes and Y. Salmon (Jerusalem, 1980), 15; and see also Habermann, 37, 53, 100–103. Two or three additional converts who perished during 1096 are also noted: an unidentified male as well as נורת הפציבה הגיורת, a married woman whose name is mentioned twice. See S. Salfeld, *Das Martyrologium des Nuernberger Memorbuches* (Berlin, 1898), 9. Extant local martyrologies from late-thirteenth century Germany record the names of three martyrs who were burned at the stake. Two of them, who were called Abraham b. Abraham *Avinu* (one of whom hailed originally from northern France, and the other from Augsburg in southwest Germany), were associated with the defacing of crosses (מאס בצלמים... מאס באלוהי העמים וקצץ ראשי הצלמים), ostensibly in imitation of the defiling of idols by the biblical Abraham. The third, Isaac b. Abraham *Avinu* lived in Wurzburg (in central Germany). On these martyrs, and the descriptions of their status and death, see Reiner, “Ha-Ger,” 747–750. Cf. Grossman, *Hakhmei Ashkenaz ha-Rishonim* (Jerusalem, 1981), 360–361, 404, 408, who suggests that these sources from the period of the First Crusade and beyond support the abiding conception and importance of *yihus* within the Jewish communities of Germany, which can be found in distinctly rabbinic circles and writings as well; and see below, n. 52.
6. See *Tosafot Yevamot* 109b, s.v. *ra'ah 'ahar ra'ah le-meqablei gerim*; and cf. *Tosafot Yevamot* 24b, s.v. *lo bimeiv David*; *Haggahot Mordekhai li-Yevamot*, sec. 110 (end); and below, n. 48. See also ms. Vercelli (bishop's seminary) C235 (1MHM #30923), fol. 291d (in a marginal gloss): רעה אתר רעה תבא למקבלי גרים. אר"י היינו היכא. שמשאיין אותו ברברים להתגייר או אם מקבלים אותו מיר. אבל אם הם מתאמצים להתגייר יש לנו לקבלם שזרי ע"ז מצינו שנענשו אברהם יצחק ויעקב שלא קבלו לתמוע שבאת' להגייר וחלכה והיתה פילגש לאליפז בן עשו ונפק ממנה עמלק רצעויה לישראל כדאמ' באגד' חלק. וגם יהושע קבל רתב הזונה ונעמי רות וזמואביה. ובפרק במה מרליקין שגייר הלל אותו שאמ' גיירני ע"מ שתשימיני כ"ג ואותו רע"מ שתלמדני כל התור' על רגל אתר אע"פ שלא דזיו מתאמצים להתגייר ms. JTS Rab. 526 (#39216), fol. 190v; and ms. Moscow Guenzberg 1329 (#47575), fol. 148v. On Ri's use of the phrase להתגייר, see Ruth 1:18. Ri's formulation is recorded anonymously in a number of *Mordekhai* texts. See, e.g., ms. JTS Rab. 655 (#41475), fol. 220r; ms. Hamburg 247 (#1051), fol. 91r; ms. Toronto-Friedberg 3-004 (#70562), fol. 98v; ms. Montefiore 129 (#4641), fols. 126v-127r; ms. Parma (de Rossi) 1334 (#13031), fol. 247v; ms. Vatican 324 (#8635), fol. 230v; and see also *Tosafot ha-Rosh to Yevamot* 109b, s.v. *ra'ah*.
  7. See *Tosafot Qiddushin* 71a, s.v. *qashim gerim*. Cf., *Tosafot ha-Rosh*, ad loc., ed. D. Metzger (Jerusalem, 2006), 598; *Tosafot ha-Rosh to Niddah* 13b, s.v. *qashim gerim*, ed. Y.A. Steinberger (Jerusalem, 2006), 106–107; *Tosafot Yevamot* 47b, s.v. *qashim gerim*; and below, n. 12.
  8. See e.g., B. Z. Wacholder, “Cases of Proselytizing,” 297–301; Auman, “Conversion from Christianity to Judaism,” 11–16; Reiner, “Ha-Ger,” 764–765; and Katz, above, n. 1.
  9. See Auman, *ibid.*, 46–54, 57–60.
  10. See, e.g., above, III, 2–3, for the close contacts with *gerim* involving R. Joel *ha-Levi* of Bonn and Rabbenu Tam. See also *Sefer ha-Yashar le-Rabbenu Tam (heleq*

*ha-teshuvot*), ed. S. Rosenthal (Berlin, 1898), 106–108 (sec. 51); Urbach, *Ba'alei ha-Tosafot*, 1:130–131; and Wacholder, 295–297, for the case of a recently deceased *ger* who had been taught Scripture and *Mishnah* “night and day” (following his conversion) by a brother of one of Rabbenu Tam's leading students, R. Moses of Pontoise. The *ger*'s subsequent death prompted a rather complex question about the original allocation of his assets (which disbursed them in the main to his devoted teacher, the brother of R. Moses of Pontoise), and whether these assets could have been willed at a later point by the convert to his own brother's son, who was himself a *ger*. This question was dealt with by R. Meshullam of Melun, R. Elijah of Paris and Rabbenu Tam himself. *Mordekhai le-Massekhet Mo'ed Qatan*, secs. 907–908, records a situation (*ma'useh*) that came before Ri, concerning whether a *ger* should observe formal *ivelut* for his deceased mother (who had also converted to Judaism). The *Mordekhai* passage then correlates this decision with the question of inheritance of the parent in this instance by the *ger* (ר"י על גר) מעשה בא לפני ר"י על גר שנתגייר הוא ואמו ואמו ממה. והורה להתאבל עליה אע"ג דאמרי' פ"ק דקידושין קורבת הגר אינו לא מדברי תורה ולא מדברי סופרים היינו קורבת זהאב. אבל קורבת זהאם יש לו תיים... אך לענין ידושה נראה לר' מאיר וס'י תתקת! דאינו יורש את אמו רכטון שנוולד רמי דרוקא לעניו איסור מחמדינן משום רלמא אתי לאחלופי בישראל. אבל לענין ירושת אמו לא דהא סתמא דאמרי' פ"ק דקידושין גר את הגר לא מד"ת ולא מדי"ס ולא מפליג בין אביו ואמו Cf. *Mordekhai Mo'ed Qatan*, sec. 938; and Wacholder, 301 (n. 57). *Mordekhai Bava Mezi'a*, sec. 258–259 [= ms. Vercelli C235, fol. 38d], recounts the story of a convert who dwelled in the house of R. Isaac *ha-Levi* of Speyer (and perhaps became his student). When this *ger* passed away, a question arose as to whether an amount of gold found within the deceased's clothing belonged to R. Isaac *ha-Levi* or to the student of R. Isaac who made this find (וכן אירע מעשה לפני ריב"א שמת גר בכיתו והתוין אתר מן התלמידים בזהב) The opinion of R. Barukh of Mainz (d. 1221) is then cited, that קנין תצר does not acquire a lost object. [Wacholder's suggestion (297–298, n. 43) that Riva here is possibly Riva *ha-Bahur* (grandson of the better-known Riva *ha-zagen* of Speyer) is unlikely. Although R. Barukh of Mainz was a younger contemporary of Riva *ha-bahur*, the *Mordekhai* passage also contrasts Riva's view to a position of Rabbenu Tam. See also ms. Vienna 72, fol. 106d.] Questions concerning the distribution of a *ger*'s assets after his death were presented for adjudication before both Raban of Mainz and his grandson, Rabiah of Cologne, but there does not appear to have been any relationship between the converts and the rabbinic figures in these instances. See R. Eliezer b. Nathan, *Even ha-'Ezer*, ed. S. Ehrenreich (repr. Jerusalem, 1975), fol. 196b (*massekhet Bava Mezi'a, hilkhot dinin*); A. Aptowitzer, *Mavo la-Rabiah* (repr. Jerusalem, 1984), 479; and cf. *Teshuvot Rabiah*, ed. Deblitzky, vol. 2 (Bnei Brak, 2000), sec. 1007. As recorded in his no longer extant *Sefer ha-Hokhmah*, R. Barukh of Mainz was also asked about the status of land that belonged to Jews which a non-Jew had taken possession of via *hazaqah*, where the non-Jew subsequently converted and advanced an additional claim on the land. See *Mordekhai Bava Batra*, sec. 553; and cf. Simcha Emanuel, *Shivrei Luhot* (Jerusalem, 2006), 133 (n. 136).



אטבלה לזוויא עוברת כוכבים לשם אנתתא [ולשם גירות]... מי לא טבלה לנוזיה... וקשו; וזא אמרי' לקמן (מו ע"ב) רג' צריך שלשה משפט כתיב ביה... ועור דאין ררך נשים שילכו ענהם אנשים בשעת טבילה ואשה אינה ראויה לרון... וי"ל הא רבעינן שלשה היינו לקבלת המצוות אבל לא לטבילה... ומיהו קשה שטבילת נרה בלילה ולקמן אמרי' דאין מטבילין גר בלילה (מו ע"ב). ותי' רבינו מאיר דמולא קאמר אין מטבילין גר בלילה מ"ט משפט כתיב ביה כדאמר גר צריך שלשה משפט כתיב ביה, אלמא רלא גמרינן ליה ממשפט דאין לו רין ממשפט אלא לענין גוף הרבר שצריך שלשה אבל לא לזמן הטבילה. וגם פשוטו: רקרא הכי איירי ושפטתם כתיב ביה דזווי שתיים ואין ב"ד שקול ולילה לא הוי אלא מדרבנן ולכתחלה זוא רלא הא ריעבר שפיר רמי. א"נ רבבלת מצות (R. Meir of Rothenburg studied in northern France with several Tosafist colleagues of R. Moses of Coucy, including R. Yehi'el of Paris and R. Samuel of Evreux.) See also *Tosafot Yeshanim ha-Shalem 'al Massekhet Yevamot*, ed. A. Shoshana (Jerusalem, 1994), 273 (to *Yevamot* 46a, s.v. *mi lo tavlai*): המצוות אבל משום טבילה לא צריך. וצ"ל רהכא מיירי כשקבלה כבר המצוות והוריעה מצות קלות ומצות אלא משום טבילה לא צריך. and cf. *Hiddushei ha-Ritva 'al Massekhet Yevamot* (46b), ed. Jofen, 2:311. On the northern French provenance of all of these *Tosafot* collections, see Urbach, *Ba'alei ha-Tosafot* 2: 620–625, and 630–633. The initial layer of our *Tosafot Yevamot* comes from the study hall of Rabbenu Tam, followed by a layer from the students of Ri (including *Tosafot* of R. Samson of Sens). *Tosafot Qiddushin* were edited by a student of R. Isaac b. Shne'ur of Evreux (d. c. 1250), on the basis of the *Tosafot* of R. Shimshon *mi-Shanz*, and additional material from other students of Ri of Dampierre. On *Tosafot ha-Rosh*, see Urbach, 2:587–598 (and see esp. 595 and 596, n. \*39, for Rosh's addenda from Maharam of Rothenburg); and cf. *Hiddushei ha-Ramban le-Massekhet Ketubot*, ed. E. Chwat (Jerusalem, 1993), editor's introduction, 32–37. The essential French formulation is also found in *Sefer Mordekhai li-Yevamot*, sec. 33. See also, e.g., ms. Vercelli c235, fols. 291b–c (in the body of the text of *Sefer Mordekhai*): מי לא טבלה לנירוחה. ואת' ומה בכך וזא לא טבלה בפני שלשה ואמ' לקמן גר שנתגייר בינו לבין עצמו אינו גר. ואמ' נמי גר צריך ג' משפט כתיב ביה. וי"ל רלא בעינן ג' לעיכובא של רבר אלא לקבלת המצוות ומשעה שיחרה את עצמו: שקבלה בפני ג'... משמע רטבילה צריך ג' היינו לכתחלה... ומי' עיכובא ליכא בריעבר and similarly in ms. Vatican 141, fols. 174v–175r.

17. See e.g., S. Emanuel, "Ha-Meneqet ha-Nozrit Bimei ha-Benayim – Halakhah ve-Historiyyah," *Zion* 73 (2008), 21–40; and cf. R. Aharon Lichtenstein, "Gerut: Leidah u-Mishpat," *Torah shebe-'Al Peh* 13 (1971), 82–94.
18. See *Tosafot Qiddushin* 62b, s.v. *ger*; and *Tosafot ha-Rosh* (62b), s.v. *mishpat*, ed. Metzger, 531–532. The final sentence in the *Tosafot ha-Rosh* passage reads: וכמו שחשו: (and similarly in *Tosafot Yevamot* 47a, s.v. *mishpat*.) See also *Tosafot ha-Rosh 'al Massekhet Gittin*, ed. H. B. Ravitz (Bnei Brak, 1974), 296 (to *Gittin* 88b, s.v. *ki 'avdinan shlihutaihu be-milta di-shekhaha*: הא נמי תקנתא זיא דמקבלין גרים שלא תנעול רלת בפני גרים ועברינן שליחותיהו בהכי *Tosafot Gittin* 88b, s.v. *be-milta*, citing Ri.
19. *Tosafot Qiddushin* 62b, *ibid*: עוד אמר הר"ד נתנאל רבגר כתיב לדורותיכם רמשמע בכל ענין: *Tosafot Qiddushin* 62b, *ibid*: עוד אמר הר"ד נתנאל רבגר כתיב לדורותיכם רמשמע בכל ענין: ולדורותיכם רמשמע לדורות אע"ג שאינן מומחין רעל כרחק השתא ליכא מומחין שהרי אין סנוכין. ולדורותיכם רמשמע לדורות

- עולם. On R. Netan'el of Chinon and *Tosafot Yevamot* (and his connections to Ri and to Evreux), see Urbach, *Ba'alei ha-Tosafot*, 1:480–81, 2:623 (n. 15); *Tosafot Yeshanim 'al Yevamot*, ed. Shoshana, editor's introduction, 22–24; and A. Grossman, "R. Netan'el me-Chinon: mi-Gedolei Ba'alei ha-Tosafot be-Zarefat ba-Me'ah ha-Yod Gimme'l," *Mehqerei Talmud* 3, ed. Y. Sussmann and D. Rosenthal (Jerusalem, 2005), 1:174–84.
20. See also the *Tosafot* to *Yevamot* found in ms. Vatican 162 (#8624), fol. 47r, s.v. *tiqqunei gavra* (= *Tosafot Yevamot* 46b): ואע"ג ולענין טומאה שרי לטבול בשבת משום דנראה: לעמוד שם בשעת טבילה להוריעו המצוות כמיקר שאני הכא רבעי (שאני) ושינן תלמידי חכמי' לעמוד שם בשעת טבילה להוריעו המצוות and ms. Rome Angelica Or. 38 (#11692), *Tosafot* to *Qiddushin*, fol. 35v: גר צריך ג' היינו לקבל עליו במצות אבל בשעת טבילה לא בעי ובפ' החולץ פי' וגם היאך מקבלי' [= *Shitat ha-Qadmonim 'al Massekhet Qiddushin*, ed. Blau, 155].
  21. See *Sefer Or Zarua'*, pt. 2, sec. 99, ed. Makhon Yerushalayim, vol. 2, 145 (at the end of the section): זה כמה שנים הביאו תינוק גוי כבן שנה שהיה בשכונתינו שנוולר כשהוא מהול: ואין לך ארם הבא לקרוע עור המכסה את ראש הגויה ער שתתגלה כל העטרה שלא היה מביאו לידי סכנה כפלים מן המשוך כי נתמעטו הלכות וחכמת וזאומנים. ומפני רבים אמרתי להטיף רם בעלמא עיין סריטה מראש הגויה בחתיכת מילה שחוקתים בראש זוגיה וכרי הוא רב לסמוך עליו בשעת הרחק... ושלוש משמוש כן אברהם. See also Wacholder, 306. The addressee of this responsum by R. Samson was R. Judah, the son of (*ha-qadosh*) R. Yom Tov of Joigny. (R. Judah was also a student of Rabbenu Tam, as his father had been.) See Urbach, *Ba'alei ha-Tosafot*, 1:146, 318. *Sefer Or Zarua'*, *pispei Bava Qamma*, sec. 436, also records R. Samson of Sen's description of how a *beit din* was constituted in Sens, in response to a question from his student, R. Jacob b. Solomon of Courson. Cf. my "Religious Leadership during the Tosafist Period," 289–290.
  22. See *Sefer Mizvot Gadol*, ed. Machon Yerushalayim, vol. 2 (Jerusalem, 1993), 195 ( *mizvat lo ta'aseh* 115–116): וצריך: והואיל והרבר צריך ב"ד אין מטבילין אותו בשבת ולא ביום טוב ולא בלילה כראיתא בירושלמי הערל. ואם הטבילתו, הרי זה גר כראמרי' בירושלמי, ריינין שטעו וזנו בלילה, ריינין רין שנ' ושפטו את זעם בכל עת. ובה"ג פסק מטבילין בשבת ולכתחלה. טבל בינו לבין עצמו אפי' בפני שנים אינו גר וכן א' ר' יוחנן ור"ל בירושלמי שנים שרנו אין רייניהם רין ובגר כתוב משפט שנ' משפט אחר יהיה לכם ולגר וכת' ושפטתם צרק בין איש ובין אחיו ובין גירו. וגר קטן מטביליו אותו על רעת ב"ד וכו'.
  23. See *Sefer Mizvot Gadol*, ed. Machon Yerushalayim, 2:198: כל רבר שחוצץ בטבילה: חוצץ בגר ובעבר משוחרר ובנרה. אמרי' ביבמות פ' שני (בר': שאתר גר שנתגייר לשם אשה וגירות שנתגיירה לשם איש... הלכה כולם גרים הם. ולכן קיימו משוון והגיבור ושלמה את נשותיהן אע"פ שנתגיירו לשם רבר אחר. ת"ד בפרק החולץ גר שבא להתגייר או' לו מה ראתו וכו' אם אמר יודע אני שהוא כן ואיני כדאי מקבלין אותו מיד ומודיעין לו מקצת מצות קלות ומקצת מצות חמורות... פי' שמה יחזור בו ולא יתגייר ומה"ק: שמה יחזור מלהתגייר) לפי שמוקפדין על פחות משות פרוטה ומודיעין אותו עונשן של מצוות... וכשם שמודיעין אותו מקצת עונשן של מצוות, כך מודיעין אותו מתן שכרן של מצוות... ואין מרבין עליו הזכרת עונשים ואינונים ואין מדרקקים עליו להוריע לו כי אם מקצת שנ' ותרא כי מתאמצת היא וכו' ומכל מקום מזכירין להם מקצת עונשים ברי שלא יאמר אחר מכן [עמ' ר'] אילו הייתי יודע לא הייתי מתגייר. ובפ' התולץ אומר הטעם שמוזכרין להם העונשים מפני שהוא טוב לישראל שלא יתגיירו גרים רא"ד חלבו קשים גרים לישראל כספחת וכו'. צא ולמד מה אידע במרבר במעשה העגל ובקברות התאוה... וגם מתערבין בישראל. ואין שכינהו



שורה אלא על משפחות המיוחסות בישראל. ועוד שבבמה מקומו הזוהרה תורה על אונאת גר ואין יכולים בטוב לזוהר על אונאתו. ויש עוד פי' מפני המזוכים שבהם שהקב"ה רואה נכאילו גרים שעובו כל משפחתם וכל טוב העולם הזה בשביל לענוד הקב"ה וישראל אין עוזרין אותו בלב שלם. ואני ראיתי במדרש (תנחומא ללך לך פ' ו) שהגרים לא ראו את הקולות והלפידים ומ"מ באים בצד ומצוק להטחונפץ בצל כנפי השוכנה.

24. Note that in *Semag, mizvat 'aseh* 74 (ed. Venice, 1517), fol. 152b, R. Moses urges that since, according to the Talmud, the purpose of the exile of the Jewish people among the nations of the world is to attract proselytes, Jews should deal honestly with non-Jews as well because if they behave inappropriately or unfairly, no one will want to join them. Cf., J. Katz, *Exclusiveness and Tolerance*, 80; and R. Reiner, "Ha-Gerim," 769 (nn. 86–87).
25. See *Semag*, ed. Machon Yerushalayim, 2:200: רוחנו וינעל רוחנו ויהוה ירושה רחש וישאר וינעל רוחנו 2:200: רע... וחוא ויהשמו רים ותוא וילהומ אלא הוצמה ויהשמ ויא רייגתהל לבק סא ונראבש סירברה תוצמ תצקמ ותוא ויעירומו ויבג לע סירמוע השלשו. רים ותוא ויליבטמ אפרתנ... והוליכטיש סביישום סישנ, השא החיה סאו. רבר לכל לארשיכ אות ירה, הלעו לבט. תורומה תוצמ תצקמ חולק הלעתכש תחוא וארי אלש ירכ ויאצויו סהינפ ויריחמ ויהו סהינפכ תלבט זכ רחאו... סימב תחוא סימה זמ. It should be noted, however, that there is only a bit of ancillary discussion of *gerut* in R. Eliezer of Metz' *Sefer Yere'im* (see *Sefer Yere'im ha-Shalem*, secs. 31–32, 180–181 (where the blessings for the circumcision are noted), 402, and no discussion in either the published or manuscript versions of R. Barukh b. Isaac's *Sefer ha-Terumah*. These two works were typically among *Semag's* most important sources. *Semag's* firm insistence that the immersion take place in the presence of three may also reflect the influence of Maimonides; see *Mishneh Torah, hilkhot 'issurei bi'ah*, 13:6.
26. *Sefer Raban*, ed. Ehrenreich, fols. 29b–30a, sec. 36: נתקשה חנני בסוגיא ישל שמועה זו ויבמות רף צז ע"ב בני יורן אמתא אישחרורו. שרו להו רב אחא למינסב נשי רהררי ורב ששת אמר פירוש נשים שנשאו משנשתחררו. ומת אחר מהן או גירש החיר ר' אחא לאתיו לישאנה ורב ששת אמר משום שלא יאמרו הבאים מקרושה חמורה לקרושה קלה ומימנעי ולא מגיירי. ואי קשיא מה בכך אי ממנעי הא אמרן לעיל בפרק זחולץ ורף מז ע"ב מוריעין אוהן מקצת מצוות ותמורות ראי פירוש טוב הוא לנו שיפרוש משום ר' חלבו ר' אמר קשים גרים לישראל. חריץ היכי רפרישי משום חומר תורתנו שבת הוא לנו ולית לן בה. אבל אי פרשו משום קלות תורה, גנאי הוא לנו ויש לנו לזוהר כזה וכו'.
27. See *Sefer Raban*, ed. Ehrenreich, fol. 243a: א"ר יוחנן [גר] צריך שלשה [מו]. שיטבול ויקבל: גירות בפניהם... [וטובל] בפני ג' רמשפט כתיב ביה ומה משפט ביום [ובג] אף טבילת גר ביום ובג' ואינו גר ער שימול ויטבול. ת"ד [מז]. גר שבא להתגייר אומרים לו מה ראית שבאת להתגייר אתה יודע שישראל בזמן הזה וכו'... ואם אמר אני יודע ואיני כראי מקבלין אותו מיד ומודיעין אותו מקצת מצוות קלות ומקצת תמורות וכו' וכישם שמודיעין לו עונשין כך מודיעין לו שכרן של מצוות וכו' אין מרבין עליו ואין מרקקין עליו. קיבל מלין אותו מיד... נתרפא מטבילין אותו מיד ו' תלמירי חכמים עומרים עליו ומודיעין אותו מקצת מצוות קלות ומקצת תמורות. טבל ועולה, הרי הוא כישראל לכל רבריו. מודיעין אותו מקצת מצוות וכו' ראי פריש משום ר' קשים גרים לישראל כספתח... ואין מרבין עליו כרכתיב ותרא כי מתאמצת היא ללכת אתה ותחרל לרבר עליה... אשה שבאה להתגייר נשים מושיבות אותה במים ער צוארה וג' ת"ה מוסרין לה מבחור ומודיעין אותה מקצת המצוות ועונשין ושכרן ובמקום שהנדה טובלה, שם גר ועבר משותרד טובלין וכל רבר שחוצץ בטבילה חוצץ בגר ובמשותרד

28. ר"א שאין עושינ מאהבה אלא מיראה. וי"א מפני ששהו עצמן מלבוה תחת כנפי השכינה יבמות רף מה ע"ב] יכילנא: See *Sefer Mordekhai 'al Massekhet Yevamot*, secs. 35–36: לאכשורי בה ובכרה כרר אסי. מי לא טבלה לנירתה. ומ"ש האלפסי רלכתלה בעינן ג' ותכא ברעבר ולהכי מכשרו בכרתה אבל אינהו בעי ג' לכחלה לאינסובי בת ישראל ליחא, רהא קאמר יכילנא לאכשורי בה ובכרתה אלא ברעבר הוי גר גמור. ורוקא שהו רגילין לנהוג בתורת יהדות בפרהסיא מקמי טבילה נדה וקרי ואותם היו רגילין לנה ולקרי. אבל לא נהג בתורת יהדות הא אמר לקמן [רז' מז ע"א] מעשו: באחר שאמר נתיירתי ביני לבין עצמי כו' ער לרברך עובר כוכבים אהו משמע אפי' ברעבר נמי לא. אביאסף. This passage is found similarly in ms. Vercelli c235, fol. 291b; ms. Budapest 201, fol. 269c; ms. Parma 929, fol. 235; ms. Vienna 72, fol. 213c. See also above, n. 12.
30. See *Mordekhai 'al Massekhet Yevamot*, sec. 40 (immediately following an entirely different citation from *Avi'asaf* concerning an apostate): גרסינן פ"ק רכתובת רגר קטן: מצאתי כתוב בשם רבי אבי"ה: ראיירי כגון שאמר גיירוני וקמ"ל אע"ג אין לו דעת שומעין לו רכות הוא לא אבל אם אין רוצה אינו גר. תרע רזא מירי כשיד ישראל תקיפה עליהם כראמירין בתר זכי ואם הגרילו יכולים למחות וא"כ נגייר כל בניהם הקטנים. See also, e.g., ms. Vatican 324, fol. 229d; ms. Vienna 72, fol. 230r; and ms. Moscow-Guenzberg 1329, fols. 148r–v.
31. See e.g., *Sefer Rabiah*, vol. 1, sec. 285. Cf. *Sefer Roqeah*, ed. Schneerson, fols. 59–60 (sec. 108); and *Shibbolei ha-Leqet, hilkhot milah*, ed. S. Buber (Vilna, 1887), fol. 185b (sec. 1).
32. On R. Isaac of Vienna's teachers, see Urbach, *Ba'alei ha-Tosafot*, 1:436–439; and Uzi Fuchs, "Iyyunim be-Sefer Or Zaru'a le-R. Yizhaq b. Mosheh me-Vienna," (M.A. thesis, Hebrew University of Jerusalem, 1993), 12–40.
33. For a similar pattern of *pesaq* on the part of R. Isaac in an unrelated case, see my "The Appointment of *Hazzanim* in Medieval Ashkenaz: Communal Policy and Individual Religious Prerogatives," *Spiritual Authority: Struggles over Cultural Power in Jewish Thought*, ed. H. Kreisel et al. (Beer Sheva, 2009), 5–31.
34. See *Sefer Or Zaru'a*, sec. 745 (responsum to R. Avigdor Katz of Vienna), ed. Makhon Yerushalayim, 1:640 (sec. 5; on this responsum, cf. Uzi Fuchs, "Shalosh Teshuvot Hadashot shel R. Yizhaq Or Zaru'a," *Tarbiz* 70 [2001], 109–114, 121–127): רוקא אעישוי [הגט] כתי' ואלה המשפטים ולא על זנחניה. וראיה לרבר בהחולץ ויבמות רף מז ע"ב] ראמר ר"ח בר אבא א"ר יוחנן גר צריך שלשה מ"ט משפט כתיב ביה ופירש"י וכן רבינו יהודה בן נתן רה"ט ראיין טובלין גר בלילה ואע"ג רלא אשכחן רכתי' משפט אטבילה גר אלא בפ' אמור כתי' [בענין מברך את השם וגבי מכה נפש אדם ונפש בוזמוז] משפט אחר יהיה כגר כאזרה יהיה ובשלח לך אנשים גבי קרבנות, תורה אחת ומשפט אחר יהיה לכם ולגר הגר אתכם ובכי תצא כתי' לא תטה משפט גר יחום... אבל טבילה גר לא אשכחן רכתי' משפט רלא כתי' טבילת גר בתורה אלא רילפי' לה מאבות רהא כתיב ושפטתם צרק בין איש ובין אחיו ובין גרו. אפ"ה לא אמר' רמשפט כתי' בגר היינו רוקא לענין מברך ומכה וקרבנות וריני ממונות ולא לענין טבילה, רלא כתיבא באורייתא אלא מוקמינן ליה אכל עניני גר ואפי' אטבילת גר ואע"ג רלא שייך בשבילתו שום ריני ממונות שאינו גובה שום ממון ע"י טבילתו ופסקינן הלכתא ראיין מטבילין גר בלילה. מעתה יש לך ללמך מכאן אפי' אי הוה כתוב ואלה המשפטים בפירוש אעשוי, אין לומר רוקא אעשוי קאי ולא אנתינת הגט מק"ץ רטבילה שאינו גובה ממון, ק"ו נתינת גט שהיא [גובה] כתובה וכו' כ"ש רמוקמינן ביה המשפטים וישפיר ילפינן מינה ראיין נותנין גט בלילה רמשפט כתיב ביה אלא ביום רוקא

35. See *Sefer Or Zarua*, pt. 1 (responsa) sec. 112, ed. Machon Yerushalayim, 1:105–107; וכן קבלתי מאורי הרב רבינו שמחה שכל בעלי תשובה צריכין טבילה... שכל אותם הימים שהיתה שרונה בין העכו"ם היתה אוכלת משלהם ועכשיו הטבילה בדי שבתור; *Sefer Maharil: Minhagim shel Rabbenu Yaakov Molin*, ed. S. Spitzer (Jerusalem, 1989), 315 (*hilkhot erev yom ha-kippurim*); and cf. *Teshuvot u-Pesaqim*, ed. E. Kupfer (Jerusalem, 1973), 290–291 (sec. 171).
36. See *Sefer Mordekhai li-Yevamot*, sec. 33. See also ms. Vercelli C235, fol. 291c (in the body of *Sefer Mordekhai*): על הך מלתא רמרארייתא לא בעי ג' ליעובא כי מרארייתא חד נמי כשר בדיני ממונות כראמי בריש סנהדרין אלא מדרכון הוא דאצידי ג' בגיורת כמו בדיני ממונות. וכן מצא מארי והמחרי"ם בשם רבי שמחה הל' ולדכ"ו זיפשיד דלא והי' אלא חד בשע' טבילה; and ms. Budapest 201, fol. 269c; ms. British Museum 537, fol. 345v; ms. Vienna 72, fol. 231d; and ms. Parma (de Rossi), fol. 235r (sec. 419). The R. Judah b. Yom Tov mentioned in this passage was the grandson of Rashī's son-in-law R. Judah b. Nathan, who married the widow of Rabbenu Tam's brother, R. Isaac b. Meir and was the grandfather of R. Judah Sirleon. See Urbach, *Baalei ha-Tosafot*, 1:46, 58, 120, 227, 229, 284, 307, 321, 329. Cf. ms. Moscow-Czernoberg 155 (#4839), fols. 23r–25r, for responsa from a R. Judah b. Yom Tov and several other late-thirteenth century figures regarding a husband and wife who both apostatized and continued to live together, and now wanted to return to the Jewish community. See also ms. Mantua 33 (#813), secs. 662–670; *Teshuvot Maharam b. Barukh defus Prague*, ed. M. A. Bloch (Budapest, 1895) #1020; and above, n. 12.
37. See, e.g., I. Ta-Shma, *Halakhah, Minhag u-Mezi'ut be-Ashkenaz, 1100–1350* (Jerusalem, 1996), 112–118, 125–127; Elisheva Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe* (Princeton, 2004), 17, 42, 159–163, 168; A. Grotzman, *Pious and Rebellious: Jewish Women in Medieval Europe* (Waltham, Mass., 2004), *passim*; Ivan Marcus, *Piety and Society* (Leiden, 1981), 2–17; and my *Jewish Education and Society in the High Middle Ages* (Detroit, 2007), 20–21, 31, 36–41, 86–89, 137–141.
38. On apostates in Ashkenaz at this time, see e.g., my "Returning to the Jewish Community in Medieval Ashkenaz: History and Halakhah," *Turim: Studies in Jewish History and Literature Presented to Dr. Bernard Lander*, ed. M. Shmidman, vol. 1 (New York, 2007), 69–97; and "Changing Attitudes toward Apostates in Tosafist Literature, Late Twelfth – Early Thirteenth Centuries," *New Perspectives on Jewish-Christian Relations in Honor of David Berger*, ed. E. Carlebach and J. J. Schacter (Leiden, 2011), 297–327.
39. See SHB, ed. R. Margoliot (Jerusalem, 1957), sec. 116. On the French reception of *Sefer Hasidim*, see e.g., my "Peering through the Lattices: Mystical, Magical and Pietistic Dimensions in the Tosafist Period" (Detroit, 2000), 33–35; and Haym Solovitchik, "Piety, Pietism and German Pietism: *Sefer Hasidim* 1 and the Influence of *Hasidei Ashkenaz*," *Jewish Quarterly Review* 92 (2002): 455–466.
40. See SHB, ed. J. Wistinetzki (Frankfurt, 1924), 1097 = SHB 377.
41. See also SHP 1098, and R. Reiner, "Ha-Ger," n. 77; in SHP 215 (=SHB 89) rules stringently, in accordance with the *siyya* in *Yevamot* (48b) noted also by Raban, above, n. 28), that a *ger* must pay any outstanding monetary obligations that he

- incurred, even though he is spiritually considered to be שנוי. Cf. *Tosafot Sanhedrin* 71b, s.v. *ben*. Similarly, *Sefer Hasidim* writes that the *ger* still requires expiation (*kapparah*) if he had committed a murder, since even as a non-Jew, he knew that this act is sinful.
42. See SHP 214 (=SHB 690): על מצות עשה לעשות, על מצות, על כל המצות, על מצות עשה לעשות. וכני העיר יראים למולו והיה בבית יהודי ועל מצות לא תעשה שלא לעשות ומבקש שימולו אותו. ובני העיר יראים למולו והיה בבית יהודי דר עד שימולו אותו יהיה מאכילו נבילות וטריפות כי אמר כל זמן שלא מל ולא טבל הרי הוא כמו נכוי. אמר לו חכירו זה לענין ישר' שמגעו אסור שאם נגע בינו אסור לשחות. אבל כבר קיבל כל המצוות עליו איך יתכן להאכילו טריפות.
43. See SHP 1911–1912 (עצה שלא): אחד חתכו אבן מערותו וכשגדל בקש לקחת אשה ונתן החכם עצה שלא יתנו לו. ואמר זה לחכם ונתן לו עצה לישא גיורת כי כרות שפכה מותר לישא גיורת... אשה ואינו מוליד בידוע שפשע שלו ולא יתנו בה ישראל כי כרות שפכה הוא... לא יקה אלא גיורת (שמא כרות שפכה הוא); and below, n. 52. At the same time, however, R. Judah *he-Hasid* does note that there are instances in which a *ger* results from a soul of a Jew which the angel who oversees pregnancies mistakenly placed in the womb of a non-Jewish woman; see *Teshuvot Baalei ha-Tosafot*, ed. I.A. Agus (New York, 1954), 286, and the passage from R. Eleazar of Worms' prayer commentary cited in Reiner, "Ha-Ger," 765 (n. 75). SHP, sec. 986, maintains that התורה קשה לגרים מפני הבושה. This notion about *gerim* is expressed, however, as a counter example in the context of a larger argument by *Sefer Hasidim* that when a person is trained from his youth to observe *mizvot*, it is not difficult for him to continue to do so when he gets older. Indeed, he will not so easily abandon *mizvot* at that point because to do so would cause him to feel *boshet*. See also SHP sec. 1011: אל תחזיק טובה לעצמך כי אם למדת תורה הרבה אל תחזיק טובה לעצמך כי אם להם ללמוד, אלא האיש נוצר (לא) ולא יבטל רגע אחד לכך נוצרת. והלא נשים וגרים שנוצרו אין להם ללמוד, אלא האיש נוצר (לא) ולא יבטל רגע אחד.
44. See *Zikhron Brit la-Rishonim*, ed. J. Glassberg (Berlin, 1892), 132–136 (= ms. Montefiore 134, fols. 85a–86a). On this work, see e.g., I. Ta-Shma, *Halakhah, Minhag u-Mezi'ut be-Ashkenaz*, 96–97; and E. Baumgarten, *Mothers and Children*, 46–54.
45. See *Hilkhot ha-Rif 'al Massekhet Shabbat*, fol. 55b (to the end of chapter nineteen); *Pisqei ha-Rosh le-Shabbat*, 19:11; *Arba'ah Turim, Yoreh De'ah*, sec. 268; and *Beit Yosef*, ad loc., s.v. *ve-zin marbin 'alay*. Cf. above, n. 23.
46. See the *pesaq* attributed to *Avi ha-'Ezri* (=Rabiah) in *Semaq mi-Zurikh*, ed. M. Ha-Shoshanim, vol. 2 (Jerusalem, 1977), 49 [*mizvah* 156: כשישוב צריך]; the passage in the *Sifra* commentary attributed to R. Samson of Sens (which was definitely not composed by a Frenchman, but rather by a German contemporary of Rabiah and student of R. David Muenzberg; see my "Returning to the Jewish Community in Medieval Ashkenaz," 86–87, n. 34), *parashat Emor, parsheta* 14, n. 1 [Jerusalem, 1959], fol. 110b, which lists both shaving the head and cutting the nails; and see also R. Avigdor Katz of Vienna (a student of R. Simhah of Speyer), *Perushim u-Pesaqim le-R. Avigdor* (Jerusalem, 1996), 409–10 (*pesaq* 454–564, to Deut. 21:13); and *Qizur Sefer Mizvot Gadol le-R. Avraham b. Ephraim*, ed. Y. Horowitz (Jerusalem, 2005), 194. This passage is virtually identical to that of Rabiah, although it is cited here simply from אגריים (R. Avraham b.

Ephraim (who composed his work c. 1265) was a student of the French Tosafist R. Tuvyah of Vienne, but he cites a number of passages from Rabiah in his work in the name of *Avi ha-Ezri*, although several of these may come from Rabiah's no longer extant work *Avi'asaf*. See my "Returning to the Jewish Community," n. 38; and above, nn. 32–33. On the linkage between these conversion procedures and those mandated for returning apostates, see also Ramo's gloss to *Orah Hayyim* 531:7 (citing *Terumat ha-Deshen*); *Bah to Arba'ah Turim*, *ibid.*, s.v. ומ"ש קבל מלין מיד; and *Shakh*, *Yoreh De'ah* sec. 268, n. 7.

47. See above, nn. 26–28. See also the *Haggahot Mordekhai li-Yevamot*, sec. 110: אני 'הריוט הבותר נראח לי דמי שבא לפנינו וידוע לנו שבשביל תועלת רבר הם עושים אין לקבלם וכו', and cf. above, n. 14. R. Avigdor Katz of Vienna (d. c. 1270) is one of the few German rabbinic authorities of his era to exhibit a wide range of interests in *gerim* and *gerut* in both exegetical and halakhic contexts, although his awareness of rabbinic materials from northern France and Italy (in addition to Germany) is well-attested. See his *Perushim u-Pesaqim le-Rabbenu Avigdor*, 43, 58, 103, 113, 162, 228, 361, 400, 410–411, 463–464, 474; and cf. my *Peering through the Lattices*, 107–109, 225–227; S. Emanuel, *Shivrei Luhot*, 173–181; and the next note.
48. Among the learned converts who surfaced in northern France during this period, mention should be made of R. Yehosefiah ha-Ger, who composed a number of *piyyutim*, and R. Avraham (b. Avraham) ha-Ger whose well-known opinion on the usefulness of *gerim* in urging other Jews to fulfill the commandments is cited in *Tosafot Qiddushin* 71a, s.v. *qashim*. See, e.g., E. E. Urbach, *Ba'alei ha-Tosafot*, 1:226. Interestingly, R. Avigdor Katz of Vienna, who was perhaps hailed originally from northern France, cites the approach of R. Avraham b. Avraham in the name of his learned French ancestor (the Tosafist student of Rabbenu Tam, R. Menahem b. Perez) from Joigny. See *Perushim u-Pesaqim le-R. Avigdor*, 361: ופ"י רבינו זקינו וירא כי יונ"י קשים הם לישראל כספחת לפי שהם מהייבנים לישראל שהרי הגר שבא נמטפה פסולה הוא ירא ה' ונמרה נפשו למצות קונו ק"ו לישראל שהיה להם לעשות כמה וכמה רצון אביהם שבישמים
49. See A. Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 400–415; *idem.*, "Yihus Mishpahah u-Meqomo ba-Hevrah ha-Ashkenazit be-Ashkenaz ha-Qedumah," *Peraqim be-Toledot ha-Hevrah ha-Yehudit Bimei ha-Benayim uve-'Et ha-Hadashah*, ed. I. Etkes et al. (Jerusalem, 1980), 9–23; *idem.*, "Yerushat Avot be-Hanhagah ha-Runhanit shel Qedillot Yisrael Bimei ha-Benayim ha-Muqdamim," *Zion* 50 (1985): 207–220; *idem.*, *Hakhmei Zarefat ha-Rishonim* (Jerusalem, 1995), 281; and cf. above, nn. 4–5.
50. See *Tosafot Bava Mezi'a* 111b, s.v. *mi-gerkha*; and Urbach, 237, n. 41. (*Tosafot Rabbenu Perez* ad loc. does not record this citation.)
51. See *Teshuvot Rabiah*, ed. D. Deblitzky, 2:284 (#1026).
52. See Ephraim Shoham-Steiner, *Harigim Be'al Korham* (Jerusalem, 2008), 230–234; *SHP*, sec. 19; and above, nn. 41, 43. *Semag*, *lo ta'aseh* 118; *Pisqei ha-Rosh* *Rosh li-Yevamot*, 8:1–3; and *Arba'ah Turim*, *Even ha-'Ezer*, sec. 5:1, all report the Talmudic (and Mishnaic) rulings (*Yevamot* 75b–76b) that an impotent Jew may marry a *giyyoret*. The discussion in these sources revolves around the question of whether the impotence was genetic, or if it was caused by injury or medical procedure, and

there is no indication (except in *Sefer Hasidim*) that this ruling was being followed in practice. Talmudic exegesis regarding the question of whether קהל גרים איקרו לא קהלו איקרו (see, e.g., *Qiddushin* 73a and *Yevamot* 77b, and see also *Tosefia Qiddushin* 5:1) does not appear to have directly impacted these discussions.

53. See, e.g., Solomon Grayzel, *The Church and the Jews in the Thirteenth Century* (New York, 1966), 22–26, 59–60, 199–200; *idem.*, *The Church and the Jews in the Thirteenth Century*, vol. 2, ed. K. Stow (New York, 1989), 13–17, 102–103, 122–123; Robert Chazan, *Church, State and Jew in the Middle Ages* (West Orange, 1980), 191–194; J.M. Ziolkowski, "Put in No-Man's Land: Guibert of Nogent's Accusations against a Judaizing and Jew-Supporting Christian," *Jews and Christians in Twelfth Century Europe*, ed. Van Engen and Signer, 110–122; J.R. Rosenbloom, *Conversion to Judaism: From the Biblical Period to the Present* (Cincinnati, 1978), 71–83; and the varied examples collected in K. Auman, "Conversion from Christianity to Judaism," 20–43. The monk Rigord of St. Denis, in accounting for Phillip Augustus' expulsion of the Jews from the royal realm in 1182, included the following claim: "When they made a long sojourn there, they grew so rich that they claimed as their own almost half of the whole city, and they had Christians in their homes as menservants and maidservants, who were open backsliders from the faith of Jesus and judaized with the Jews." See R. Chazan, *Medieval Jewry in Northern France* (Baltimore, 1973), 43–45; and cf. W.C. Jordan, *The French Monarchy and the Jews* (Philadelphia, 1989), 9–10, 33–37.
54. On the bishops who monitored conversions, see e.g. Alfred Haverkamp, "Baptised Jews in German Lands during the Twelfth Century," *Jews and Christians in Twelfth-Century Europe*, ed. Van Engen and Signer, 255–310. On the monasteries and the Jews of Germany, see, e.g., J.D. Young, "Neighbors, Partners, Enemies: Jews and the Monasteries in Germany in the High Middle Ages," (Ph.D. diss., Notre Dame, 2011), esp. 183–192, which documents the "neighborly relations" (and close proximities) between Jews in Germany and various monks and friars during the early thirteenth century, which also meant that anti-Christian behavior could be monitored more closely. Indeed, see Jeremy Cohen, *The Friars and the Jews*, 229–234. The Franciscan friar, Berthold Von Regensburg (who was active c. 1240–1270) in his German vernacular sermons railed against the Jews who collaborated to lead the faithful astray, in very specific and intimate terms: "A Jew wants to make conversation with you, so that you might therefore become weaker and weaker in your belief... he has thought out for a long time how he will converse with you, in order that you might thereby become even weaker in your faith. For the same reasons, it is declared by scripture and the papacy that no unlearned man should speak with a Jew." In 1233, Pope Gregory IX admonished the German clergy of Germany regarding Christians who "of their own free will adopt their [the Jews'] faith, following their rites and permit themselves to be circumcised, publicly professing themselves Jews." See S. Grayzel, *The Church and the Jews in the Thirteenth Century*, 199. In the very same year, the Church Council in Mainz "excommunicated such Christians as choose to live in Jewish homes in order to act as their servants," and order their colleagues



- גר ביו"ט שהרי אינו גר ער שימול מהלי' גר כיון שאינו גר ער שימול ויטבול דילמא פריש קורם וכן דנתי לפני מ"ה הר"ם והודה לדינדי טבילה. Although the expression וכן דנתי לפני מ"ה הר"ם והודה לדינדי can refer to the presentation of the theoretical halakhic possibilities, it often indicates the occurrence of an actual case that had to be resolved.
67. See *Hiddushei ha-Ritva*, ed. Jofen, 2:311 [ms. JTS Rab. 715, *ibid*]: ש"מ אין מטבילים גר בלילה, ונתלקוהמפרשים ז"ל אם הטבילוהו בלילה [בריעבר] אם עלה לו. ונראים רבדי האומר שאינו טבילה כיון שזוהא [עיקר] הגירות כתחלת רין הוא שאם רנו אותו בלילה שאין רינו רין. וזרמב"ם ז"ל. Ramban and Rashba also took the lenient view in this matter (as did *Semag* and *Rosh*). See *Hiddushei ha-Ritva*, ed. Jofen, nn. 191, 194.
68. See *Hiddushei ha-Ritva*, ed. Jofen, 2:322–323 [ms. NY JTS Rab. 715, fols. 7r–v]: ומוריעים אותו קלות ותמורות. פי' וסבדא רדבוותא ז"ל אם לא הוריעוהו אינו מעבב, והכי משמע בפ' כלל גרול. Despite Ritva's reference here to rabbinic predecessors, quite a number of medieval halakhists, including Tosafists and Ramban and Rashba, required that at least some specific precepts be delineated. See *Hiddushei ha-Ritva*, *ibid*, n. 231.
69. See *Hiddushei ha-Ritva* [*Yevamot* 24b], ed. Jofen, 1:779 (פלגי רבנן דרבנן פליגי). (ועל ר' נחמיה וסתם מתניתין רבנן הוא והסוברים שכולם גרים).
70. *Hilkhot Issurei Bi'ah*, chapter 13. For the position of the Tosafists, see above, n. 6. See also the portion of the *Haggahot Mordekhai* passage cited above, n. 47.
71. *Arba'ah Turim*, *Yoreh De'ah*, sec. 268:3. R. Joel Sirkus, in his *Bayit Hadash*, ad loc., notes that no other authorities concur with R. Jacob's understanding of Alfasi (which is the position explicitly developed by Ritva, and comports with the original view of Ri of Dampierre). Rather, Rif agrees that these requirements are not necessary after the fact, if they had not been fulfilled. See also above, n. 29.
72. *Arba'ah Turim*, *Y.D.* 268:2; and *Beit Yosef* and *Darkhei Mosheh*, ad loc. At the end of sec. 268, R. Jacob, like Ritva, subscribes to the Maimonidean view, that converts with ulterior motives are nonetheless accepted, at least after the fact. See also *Haggahot Maimuniyyot* to *Hilkhot Issurei Bi'ah*, 13:7. R. Jacob b. Asher's contemporary, R. Yeroham b. Meshullam (a student of R. Asher b. Yehi'el in Spain, who like R. Jacob and his father R. Asher made his way to Toledo from the north via Provence, although in R. Yeroham's case from northern France rather than from Germany) adds that although conversion for an ulterior motive is justified on the basis of *Yevamot* 24b, it should certainly be considered valid in contemporary Jewish society, וכל שכן בזמן הזה שישראל שרויין בצער. See *Sefer Toledot Adam ve-Havvah, netiv sheloshah ve-esrim, heleq rev'i* (fol. 200a).
73. Regarding immersion for a returning apostate, see *Nimmuqei Yosef* to *Yevamot* 47b (fol. 16b in the pagination of the Rif), *ve-katav ha-Ritva*. On conversion, see *Nimmuqei Yosef* to *Yevamot* 45b (fol. 15b in the pagination of the Rif), s.v. *mi lo tavil ke-qer yo* (that the immersion of a convert must take place before a duly constituted court of three under all conditions); *NY* to *Yevamot* 46b (fol. 16a in the pagination of the Rif), s.v. *'ein matbilin ba-laylah* (that the immersion of a convert may not take place at night); *NY* to *Yevamot* 47a (fol. 16a), s.v. *u-modi' in 'oto* (that if the convert was not informed prior to his conversion about some of the specific *miqvot* that he must observe – but that he had accepted the *miqvot* generally – the conversion is

- nonetheless valid); and *NY* to *Yevamot* 24b (fol. 5b in the pagination of the Rif), end (that those who convert with ulterior motives do not invalidate their conversions).
74. See, e.g., above, n. 72; and *Beit Yosef* to *Yoreh De'ah*, sec. 268 (end), s.v. *Baal Halakhot*. On the fate of *Hiddushei ha-Ritva* versus that of *Nimmuqei Yosef*, see, e.g., Israel Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, vol. 2 (Jerusalem, 2000), 69–74, 90–91. See also, e.g., R. Hayyim Yosef David Azulai (Hida, d. 1806), *Birkei Yosef* (Vienna, 1859), *Even ha-'Ezer*, fol. 1b (ר' יא. ס"ק א, ס"א), who cites a passage from Ritva's *hiddushim* to tractate *Yevamot* based on a manuscript (הריטב"א בתירושי יבמות כ"י).
75. See *Shulhan 'Arukh*, *Y.D.*, sec. 268. Only the ruling in 268:4, that the immersion of a convert at night is acceptable after the fact, is (partially) attributed by *Be'er ha-Golah* to *hiddushei ha-Rashba li-Yevamot* (46b; and see above, n. 67).

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