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CONTENTS: Kaufman (Page 1); Baumol (Page 11)

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'Knocking on Open Doors' - Intuition and Experience in the Legal Thought of Rav Shimon Shkop

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One of the most unique thinkers in the tradition of analytical learning is Rabbi Shimon Shkop, *Rosh Yeshiva* of the Telshe yeshiva (henceforth referred to as Rav Shimon). Unlike the dominant strain of thought among inheritors of the *Brisker* tradition, which saw the role of the student of *halakhah* as primarily one of understanding the 'what' rather than the 'why', Rav Shimon's approach was unique in its insistence on inquiring after the internal logic of the *halakhah*. Rav Shimon's analytical style (*derekh ha-limmud)* was characterized by articulating the logic behind elemental features of the system of *halakhah*, and through this process coming to deeper and more fundamental understandings of basic principles. It was this insistence on inquiring into the foundations of the *halakhah* which led to the characterization of Rav Shimon in his *yeshiva* years as someone who was "knocking on open doors".[1] His magnum opus, the seven-part *Sha'arei Yosher*, applies his unique method to some of the fundamental *sugyot* in the

[1] Reported by R. Avraham Yitzchak Bloch in a eulogy for Rav Shimon

sedarim of *Nashim* and *Nezikin*, modeled after the systemic treatment of Rabbi Aryeh Leb Heller in his *Shev Sh'mateta*.

In a seminal article, Elisha Friedman has argued that Rav Shimon's unique *derekh ha-limmud* emerged out of the broader philosophical and ideological context in Telshe, which stressed the importance of individuality and subjectivity in religious life. [2] In contrast to the dominant analytical trend, which held that the depths of Torah wisdom were above human comprehension, Rav Shimon believed that the capacity for true understanding of the Torah is latent within each person. The process of Torah study, far from being a removed analysis of objective forms, is an attempt to uncover the resonance of the *halakhah* within our inner selves.

> "Since R. Shkop accepts the ideology of Telshe that the Torah reflects the deepest convictions of the human soul, there is no bifurcation between Divine command and human reasoning. Instead, human beings in their inner recesses feel that the truth of the Torah is perfectly in consonance with their own subjective experience of reality, and this deep unity is what leads to the deepest obedience to God's commandments."

In this vein, Friedman identifies the project of *Sha'arei Yosher* as follows:

> "R. Shkop claims that Divine wisdom, at its core, must reflect the human experience. Only through offering reasons in halakhic study can one hope to arrive at the truth of Torah. Shaarei Yoshor includes philosophical speculation in order to validate the halakhic discussion's authenticity."

Friedman's analysis here is illuminating both in what it reveals and what it obscures. It is certainly important that Rav Shimon deems it necessary that *halakhah* resonate with human reasoning. At the same time, this formulation asserts that the function of *Torah* study is to 'validate' the inherent goodness of the *halakhah*. One attempts to work out the reasoning of a given ruling or concept not because their own reasoning is privileged above the *halakhah*, but because any sufficient honest analysis will eventually reveal the resonance of the *halakhah* with one's deepest understanding. Ultimately, the logic of *halakhah* is still framed as the ultimate barometer of truth; the analytical process is only a means by which we come to align our own minds with the *halakhic* truth.

This analysis leads Friedman to a unique approach to one of Rav Shimon's most famous innovations, that being his distinction between religious law

[2] See Elisha Friedman, *Natural Law And Religious Philosophy in R. Shimon Shkop's System* (Tradition Journal, 2016).

and financial law (*torat ha-mishpatim*). For Rav Shimon, the Torah's rules which regulate financial interactions presuppose an existing economic reality. When the Torah commands "do not steal," this commandment can only be understood by a society which already has a concept of ownership. The Torah thus does not establish financial realities, but rather imposes various obligations and restrictions on top of an existing system. Rav Shimon rearranges much of the bedrock of *halakhic* financial law around this assertion, and the results are some of the most innovative and influential aspects of Rav Shimon's *halakhic* thought.

Friedman sees Rav Shimon's introduction of *torat ha-mishpatim* as a solution to a thorny problem: generally, *halakhic* discourse is a closed system, where the terms are defined by and seen through the lens of the system itself. However, rules relating to finances necessarily draw on experience external to the Torah's system, since they are predicated on existing realities which predate the giving of the Torah, both chronologically and conceptually. It is therefore necessary to incorporate this external understanding into the study of these *halakhot*, since without them, the *halakhah* cannot resonate. As Friedman writes:

> "Financial matters have a reality independent of the Torah and therefore one's deepest subjective experience of financial matters is also developed in response to the existing reality. This is, according to Telshe ideology, not distinct from the experience of financial matters that the Torah discusses. All these experiences reflect ultimately the same truths. If so, R. Shkop argues there must also be halakhic ramifications to the external concepts of property which exist outside the Torah. Unlike ritual, which has no existence outside the Torah, money does; in this, it is different from other areas of halakhah. The halakhah, collapsing distinctions between Divine wisdom and human experience, takes into account the rules of property as human beings subjectively experience them. R Shkop's method is then seen to embrace human reason both as the motivator to study the reasons of the halakhah, as many have noted, but reason also plays another role as the creator of new halakhic legislation."

We thus have two distinct accounts of the role of human reason in the study of *halakhah* in Rav Shimon's thought. In most areas of *halakhah*, reason serves only to clarify and verify the essential correctness of the *Torah*'s rulings. Reasons are offered only as a means to get at the essential truth, which can be known by its resonance with a person's own intellect. Regarding financial matters, however, we bring to bear not only our intellect, but our experiences; as

such, in order to have a *halakhah* which reflects the unified truths of Divine and human wisdom, the external structures of finances must be taken into account within the analysis.

This formulation, at least as regards the non-financial aspects of *Torah*, is focused primarily on the result of the *halakhic* analysis, that is, that the analytical process is both concluded and verified when the most resonant explanation has been uncovered. What this formulation does not address is the role of intuition within the analysis itself, and how it affects the process of discovery. Closely tied to this problem is the limitation of human experience to the strictly financial realm, where it can be quantified in terms of concrete knowable facts about social arrangements. In truth, humans bring a host of intuitive assumptions with them to any inquiry, informed by their experience of the world and of their own cognitive processes. This experience is the very means by which the *halakhic* inquiry can actually be verified; the *teretz* 'makes sense' precisely because it aligns with our broad range of experiences.

In fact, much of the brilliance of Rav Shimon's method is his ability to give intuitive, experiential, logical explanations (*sevarot*) to explain *halakhic* phenomena, rather than relying on a strictly mechanistic view of the *halakhah*. It is in this sense that Rav Shimon can be said to be "knocking on open doors" – his method serves to make explicit the inherently human underpinnings of *halakhic* thinking, and through this to reveal the internal logic of the *halakhah*. The method used in regards to *torat ha-mishpatim* is in fact indicative of Rav Shimon's general approach to *halakhah*.

In this article, I will show one example of how Rav Shimon's approach prioritizes intuitive explanations rooted in experience even in discussions not primarily relating to financial law. We will focus on Rav Shimon's approach to the *halakhic* concepts of *rov* and *chazakah* in order to demonstrate how his *halakhic* methodology prioritizes explanations rooted in human experience and intuition.

Halakhah has two main tools by which it contends with situations of doubt. The first tool, *rov*, looks to the majority as the determining factor; that is, we assume the situation we are dealing with follows the majority of cases. The second tool is called *chazakah*, a sort of holding pattern which assumes that situations do not change unless we have good reason to say so.

In Bava Kamma 46a, we find a *machloket* between Rav and Shmuel in a case where one buys a cow which turns out to be too violent to use for labor. Rav claims that since most people buy cows for the purpose of field work (rather than for consumption), the buyer can charge that the sale was made under false pretenses (*mekach ta'ut*). Shmuel argues that since there are a minority (*mi'ut*) of people who buy cows to slaughter and eat, the sale cannot be assumed to be invalid. Shmuel formulates the principle *ein holkhin ba-mamon achar ha-rov* – in monetary cases, we cannot decide based on a statistical majority. Tosafot (Bava Kamma 27b) are bothered by a

sugya in Sanhedrin (3b), which states that the principle that monetary cases follow the ruling of the majority of judges is derived from a *kal ve-chomer* (derivation *a fortiori*) from capital cases. If in capital cases, which are more stringent, we nevertheless rely on a majority of judges, we can certainly rely on this same majority when dealing with monetary issues, which are relatively less serious. Tosafot wonder why we cannot make a similar derivation as regards a statistical majority (*ruba de-leita kaman*) – since we follow statistical majorities in many capital cases (see for example Sanhedrin 69a), we should be able to derive the same *kal ve-chomer* regarding monetary cases. Why then, does Shmuel insist that monetary cases cannot be decided by a statistical majority? Tosafot give the following cryptic answer:

And there is to say (ie. we can answer), that there regarding judges is different, that the minority is as though it is not there, and there is no reason to say 'establish the money in the possession of the person who originally owned it', since the court has taken the money from the original owner. However, as regards other monetary considerations, where there is both a minority and a prior owner, we do not follow the majority.

There appear to be two aspects to the answer of *Tosafot* as to why the *kal ve-chomer* regarding judges cannot be applied to other instances of statistical majorities:

1) The *rov* regarding judges is different, since there is no meaningful *mi'ut* to speak of.
2) When considering a court case, there is no room to assume that the money should remain with the current owner (*muchzak*), since once the court rules who the money belongs to, they re-assign the ownership.

The problem in *Tosafot* is that these two points appear to be unconnected. Individually, each point would serve as a reasonable distinction to explain why in monetary cases we follow a majority of judges, but not a statistical majority. Other versions of this discussion in Tosafist writings, from other schools, indeed provide either one of the two answers, or split them into two separate points. Taken together, however, it is very difficult to explain exactly how the two points connect into one answer.

Rav Shimon tackles this *Tosafot* in two separate places in *Sha'arei Yosher*. Taken together, his reading of the *Tosafot* reveals a fresh approach to the concepts of *rov* and *chazakah* which prioritizes the experiential as an explanation for the *halakhic* ruling. The first instance we will analyze where Rav Shimon addresses this *Tosafot* is in Shaarei Yosher 3:3, where Rav Shimon explains why the minority of judges is considered functionally nonexistent. Rav Shimon explains that the principle of following the *rov* as regards judges is not based on any claim about the truth or falsehood of their ruling. Rather, the rule is a *din torah* – a basic rule within the system that judgements are decided based on the majority of judges. Given that this is the case, once we know what the majority has ruled, the

minority is no longer a relevant factor - the court speaks in one voice, and it is the voice of the majority. Since the *rov* here is not making any claims to the truth, it is not operating in the same stream as *chazakah* - it therefore is capable of overriding or sidestepping the *chazakah* that money should stay with the original owner (*chezkat mamon*), despite our general principle stating the contrary.

Initially, this explanation appears quite similar to a standard feature of analytical *halakhic* thinking, that being the *gezerat ha-katuv*, the self-justifying normative demand which does not require any underlying logic. On closer investigation, however, we can see that Rav Shimon is actually introducing a careful distinction between areas of *halakhah* which deal with courtroom law and areas of *halakhah* which serve to create norms for daily living. The formal, procedural rules of a courtroom will necessarily be more static than rules which govern daily living.

The second place where Rav Shimon addresses this *Tosafot* is in a cryptic comment at the beginning of *Sha'ar* 2, which addresses *chazakot*. To understand Rav Shimon's argument, some background is required:

The *gemara* (Chullin 10b) derives the principle of *chazaka* from the *halacha* of a *kohen* who checks a house for a *nega*, a blemish which would render it impure. The *kohen* checks the size of the *nega* to determine whether it is sufficiently large to cause impurity, and if it is not, he declares the house pure. The *gemara* asks: how is the *kohen* permitted to assume that the *nega* did not change size as he closed the door to the house while leaving, and thereby render the house impure? We must conclude that the *kohen* is allowed to assume that the size of the *nega* did not change. This serves as the source for the general rule that one may rely on a *chazakah*, an assumption that a situation did not change as long as there is no reason to believe that it did.

Rav Shimon is bothered by the following question. The *chazakah* regarding the size of the *nega* is a *chezkat ha-guf*, a *chazakah* which addresses a question about a physical reality. The *gemara* in Ketubot (75b) indicates that *chezkat ha-guf* is uniquely powerful, and that it is followed over any other *chazakah*. As such, how can we derive that we follow any other *chazakah* from the case of the *kohen* where the *chazakah* in question is the uniquely powerful *chezkat ha-guf*?

Rav Shimon answers: the principle of *chazakah* is a legal principle which is used to give a starting point to help in resolving situations of doubt. In other words, *chazakot* are the *Torah*'s way of responding to questions. Every reference to *chazakah* is an attempt to address the core question within a given case – thus, the relevant *chazakah* will always be the one which addresses the question from which all the other questions emerge. For example, when considering whether a given person successfully dipped in a *mikvah*, we consider the *chezkat kashrut* regarding the *mikvah* rather than the *chezkat tumah* of the person. We also consider the *chezkat kashrut* of a knife for *shechitah* rather than the *chezkat eiver min hachai*

of an animal which has not yet been slaughtered. Although we could consider the halakhic questions, these questions hinge on the fundamental question of what actually happened. To put this differently, *chazakot* provide a tool for approaching and moving through an unclear situation. The guiding principle is to make as few assumptions as possible - we make an assumption about the reality based on *chazakah*, and act in accordance with all of those implications. Answering the question about the realia automatically leads to an understanding of the halachic situation, as the halachic situation emerges from the realia.

It is therefore not problematic that all *chazakot* are derived from the strong *chezkat ha-guf* of *nega'im*. In the end, there is no conceptual difference between a *chezkat haguf* and any other *chazaka.* The rule of *chazaka* teaches us that in situations of doubt, we can act based on a presumption that the previous circumstances did not change. Once we derive this principle, it is logical to always consider the *chezkat ha-guf* first, since the halachic question is always dependent on the realia. This does not mean, however, that the *chezkat ha-guf* is any more logical or robust than other *chazakos* - rather, once we derive a principle of *chazakot*, it always makes sense to first look at the *chezkat ha-guf*.

Already, we see how Rav Shimon's approach to the question of how *chazakot* function prioritizes the experiential as the best means for understanding the *halakhah*. The *halakhah* structures its rules about assumptions not around abstract *halakhic* questions, but round the practical realia in which the questions are based. This move simultaneously grounds the conversation about *chazakah* in terms that are familiar and intuitive, external to the *halakhic* system, and allows for Rav Shimon to free himself from hyper-formalist understandings of the 'power' which different *chazakot* hold. In other words, Rav Shimon's suggested *sevara* here is grounded in an experiential intuition, and this line of thought allows him to move towards a more resonant understanding of the *halakhah*.

To better understand this second point, we continue with Rav Shimon's objection to the view of Rabbi Jacob Joshua Falk on this question. R. Falk is quoted by Rabbi Aryeh Lev Heller (Shev Sh'mateta 1:15) to the effect that even though in general, we follow *rov* rather than following a *chazakah*, a *chezkat ha-guf* can override a rov. This is derived by the transitive property: since we know that we cannot decide monetary cases based on a *rov*, but we can decide them based on *chezkat ha-guf* (as is clear in Ketubot 75a), it is logical to conclude that *chezkat ha-guf* is stronger than *rov*.

Rav Shimon disputes this setup based on the principle outlined above. Both *rov* and *chazakah* are methods given by the Torah to handle situations of *safek* – we either assume the most likely scenario, or we assume that nothing within the scenario has changed. In regards to monetary cases, the method of *rov* cannot be used, and so we default to the principle of assuming *chazakah*. Once we are using *chazakot*, however, we must act

based on the most fundamental *chazakah* in the situation, the *chezkat ha-guf*. The 'superiority' of *chezkat ha-guf* does not exist on a formal power-scaled list of options for resolving *sefeikot*. Rather, each tool is contextual and used in the situation which most logically requires it. As a result, the rules governing *chazakah* and *rov* are reformulated to reflect personal experience, and thereby become more intuitive and resonant.

Regarding why *rov* cannot be used in financial cases, Rav Shimon appears to provide two reasons:[3]

As regards the power of a majority, which the Torah says we should follow: this is because it is more likely that the situation actually occurred in this way, if it is truly the majority… and there would be room to say that even though a majority is applicable for the rest of the rules in the Torah, regardless, as regards monetary disputes, the minority, when combined with the chazakah of the original owner of the money, is sufficient to change the ruling, as it changes [the reliability of] the clarification rendered by the majority. However, when there is a chezkat ha-guf which resolves the root doubt – not through clarifying matters, but rather through a Torah law as regards how one approaches situations [hanhagah] that we assume the situation has remained as it appeared to us, and this Torah law does not apply to monetary matters – but if the monetary question emerged as a result of the clarification of the doubt, then the chazakah would function… and even as regards the majority, we have found situations where it functions for monetary cases, in situations where the monetary question is a direct result of the majority, ***such as a majority of judges, which works even for monetary cases for this exact reason, as Tosafot write at the beginning of Perek Ha-Meniach.*** *And this is not the place to elaborate on this…*

Rav Shimon is extremely cryptic here, but he appears to draw two distinctions between *rov* and *chazakah*:

1) Regarding a *rov*, there is always a *mi'ut* which can be combined with the *chezkat mamon*.
2) The *mamon* **is** a direct result (*toladah*) of the *chazakah* in a way that it is **not** regarding the *rov*.

The relationship between these two factors is unclear, but Rav Shimon concludes by stating that in situations where the *mamon* can be considered a *toladah* of the *rov*, we will use *rov* in a monetary case – this, says Rav Shimon, is exactly what *Tosafot* is speaking about in Bava Kamma 27b.

To unpack what Rav Shimon is saying here, let us begin by examining the distinction drawn between *rov* as a *birur* and *chazakah* as a *hanhagah*. This cannot be understood to mean that *rov* provides some real factual clarity into the situation which *chazakah* does not - obviously, in some cases there will be instances where the *rov* is untrue. Rather,

[3] For the Hebrew text, see here

both *rov* and *chazakah* are methods of handling a situation of *safek*. When following *rov*, we are choosing to act based on the most likely scenario. When following *chazakah*, we are choosing to act as though nothing has changed in the situation. Both *rov* and *chazakah* are *hanhagot*, in that they are ways of approaching an objectively unclear situation - the difference between them is that *rov* is premised on a statistical likelihood that this is the "correct" option, and *chazakah* is nothing more than a guiding principle for how to begin approaching an otherwise totally unclear scenario.

In general, the fact that *rov* is premised on logical grounds makes us more likely to use it as a means of approaching unclear situations. This leads to the general principle that *rov* is preferred: *ruba ve-chazakah ruba adif*. As regards monetary disputes, there is a specific issue because of the dynamics of two people making claims in court. Since each side makes an argument about what happened, following *rov* would be to *a priori* presume one party's claim over the other. In other words, the *hanhagah* of *rov* posits two options for what occurred, and chooses to assume the most likely option. This is generally a good strategy, except in a situation where the fairness of the system rests on assessing both claims equally. As such, Shmuel's position is that in monetary cases, we should use our other model for creating starting assumptions, that of *chazakah*.

There are two advantages to using *chazakah* in monetary disputes. First, *chazakah* does not first posit two options and then pick one of them to act upon. Rather, it chooses the situation which makes the fewest assumptions, though there may be any number of alternatives. Second, *chazakah* addresses the underlying questions which generate the dispute in front of us, rather than the question which is at stake between the claimants. To put this in Rav Shimon's language, there is always a *mi'ut* which contradicts the *rov*, and the monetary question is a *toladah* of the *chazakah* – that is, rather than the *chazakah* weighing in on the dispute itself, the *chazakah* sets the scene for the dispute.

We are now well equipped to understand Rav Shimon's explanation as a reading of *Tosafot* in Bava Kamma. The reason the *rov* of judges works despite there being a *chazakah* is because of the unique nature of this *rov*, which does not have a *mi'ut*, since we only are concerned with the final ruling of the court. This is relevant in terms of understanding why this *rov* cannot be used as a model for extending other *rov*s into *dinei mamanot* - this *rov* is uniquely positioned to function in *dinei mamanot* because it is not premised on the two options which the claimants are disputing, but rather a question outside of their claims – that is, what is the court's decision? The answer to this question, like a *chazakah*, has direct ramifications on the monetary question, but it is not simply a reframing of the question which is at stake between the claimants. Thus, this *rov* can work to extract *mamon*, since in this fundamental way, it causes us to form our assumptions about the case in a manner more

analogous to *chazakah*.

Taking a step back, what observations can we make about Rav Shimon's method from this brief case study? First, it is notable that Rav Shimon's fundamental assertion about *chazakot* is premised on human processing. Rav Shimon's basic assertion is that the most fundamental *chazakah* in any given scenario is the one which resolves the question about what occurred in the world around us, rather than the one which resolves the *halakhic* question. The thinking which underlies this resolution is clearly based on assigning primacy to perception over *halakhic* reality. In other words, it is the *halakhah* that is constructed to map onto human reasoning, not human reasoning which must be refined until it aligns with the *halakhah*. This is notable because *chazakot* are relevant within all areas of *halakhah*, not just monetary questions. Even *sevarot* in the realm of *issur ve-heter* are premised upon this basic assumption that *halakhah* is supposed to make sense.

Second, the distinction drawn by Rav Shimon between *rov* and *chazakah* does reveal a distinction between monetary cases and non-monetary cases. However, the distinction is not that monetary cases are based on external experience, whereas other situations are based in abstract *halakhah*. Just the opposite: monetary judgements often require rigid rules which do not map onto external experience. The realm of *dinei mamanos* is the closest thing to what we would call 'law' in secular terms, and it is the place where formalism is most relevant as an analytical tool. Outside of the courtroom, *halakhah* is to be understood primarily from the subjective viewpoint of the practitioner.

Third, the distinction drawn between the categories of *rov* and *chazakah* is not absolute. There are situations, such as the *rov* of judges, where *rov* is assumed to function in a similar manner to *chazakah*, since the manner in which it gives us information about the situation is most similar to *chazakah*. Primacy is assigned not to pre-existing conceptual categories but to the ways in which practitioners of *halakhah* relate to and process those categories. It therefore naturally emerges that the best way to come to an understanding of *halakhah* is by interrogating the perception of practitioners and formulating the *halakhah* in those terms.

Rav Shimon's conceptual frameworks often feel far more satisfying than other analytical solutions for this exact reason – he takes as a starting point that *halakhah* was made for humans, and is fundamentally a human system. Here Rav Shimon is in conflict with much of the dominant legacy of the analytical school. H*alakhah* should work with us, and we should work with *halakhah*. We do not need to twist ourselves into knots to align with abstract theoretical models. We do not need to rewire our cognition to think in terms of Platonic *halakhic* forms. If we are studying Torah correctly, we will find that there is no need to beat our common sense into submission. All of the doors we need to walk through are already open.

Masoret Ha-Giyyur: A Defense of a Broader Tradition of Psak in Conversion

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Review of R. Eliezer Melamed, *Masoret Ha-Giyyur* [Heb.] (Mekhon Har Bracha, 2023)

One of the great joys in my life—and also one of the great frustrations—has been guiding individuals on their journeys to become Jewish. Over the years, on three different continents, as a teacher, a *dayyan* on a *beit din*, and often simply as an advocate, I've helped facilitate the conversion of dozens of candidates, many of whom are now living in Israel. But it hasn't been easy. The process is demanding and often lengthy: my students typically spend between a year and a half and three years in the program, largely because I insist that they reach real readiness—full observance and genuine knowledge across the breadth of halakhah.

I didn't invent that standard. I was taught it in *semikhah* classes at Rabbi Isaac Elchanan Rabbinical Seminary over thirty years ago, and I assumed there was no other halakhic alternative. I viewed converts who did not yet know and observe all *mitzvot* as less than ideal—but still fully Jewish, unless they openly and defiantly flaunted *aveirot* immediately after conversion. Over the years, I have seen candidates live up to the lofty ideal of immediate full observance, and I have taken great pride in them. But I have also seen some fall short of full observance—some even rejecting a halakhic lifestyle entirely—and that has brought me consternation, along with the fear that perhaps I was doing a disservice to the Jewish people.

It isn't only that conversion is a difficult process, or that many candidates struggle to live up to the very high standards set for them. I also genuinely sympathize with their plight. All they want is to join the Jewish people, yet they often find themselves in a frustrating and opaque process—jumping through hoops, waiting for responses from the *beit din*, preparing for tests, and never quite knowing whether they have enough of what it takes to become a Jew.

Each case is different, of course, yet many follow a similar route as they enter into a new web of Jewish communal life, compounded by adherence to law, understanding of the social pressures, and existential loneliness. Almost all the candidates I have encountered ask the same question with a mix of hope and apprehension: "But will I be accepted as Jewish in the State of Israel?" And because, in their eyes, acceptance by Israel is the gold standard, I've noticed that some candidates present themselves as Jews according to what they think is expected, i.e., more than according to what they genuinely believe it means to be a Jew. I've even caught myself telling my own students, "I think you can be lenient in this halakhah—but don't say that on the test in front of the *beit din*."

I have overseen conversions both in Israel and in the Diaspora. Each setting has its own flavor, but

the core challenges are often the same. I don't know whether anyone has a reliable global count of Orthodox conversions each year, but I did look into the data for Israel. In May 2025, the *Times of Israel* published an article lamenting the "thousands of converts unrecognized by the state, stuck in limbo."[1]

The article notes a striking gap between those who begin the process and those who complete it:

> According to data from the Conversion Authority at the Prime Minister's Office (the body in charge of facilitating and ratifying all conversions performed in Israel outside the army), only about half of those who start the process to convert actually manage to complete the journey. Between 2022 and 2024, some 13,600 opened a file to convert, but only 6,400 succeeded.

One student of mine, whose father was Jewish, studied seriously for a year and converted through a private *beit din*, only to discover that the Israeli Rabbinate did not recognize it, so once in Israel she underwent a second conversion and, knowing what the system required, dressed up and played the part of a fully observant Jew (to that system's standards) in order to be approved. She now lives in Israel, unobservant, married to an Israeli who serves in the IDF, with two children. Have I wronged her? Has she 'fixed the system'?

Even the testing can become its own barrier, with exams so demanding that some rabbis accompanying the candidates would struggle to pass them, leading some converts to fail multiple times for not having advanced knowledge of intricate Jewish law, before finally succeeding. I recall hearing one rabbi ask a candidate a particularly detailed question in the laws of *kashrut*, which led to a debate amongst the *beit din* members themselves in order to arrive at an agreed-upon answer.

And then there are those who keep "upgrading" conversions—Reform to Conservative to Orthodox—only to find that suspicion follows them even once they seemed to have 'graduated' into an Orthodox framework, navigating the different *batei din* to find which one 'is accepted by all' – a utopian vision since *batei din* in certain countries consider their level of standards above Israel's! There is an eerie feeling some converts carry with them, like an illness in remission, never entirely free of the worry that the doubt will return.

Taken together, these cases help explain the quiet, invisible majority as well, namely, those who choose not to convert at all, not because Judaism is not important to them and not because the Jewish people do not matter to them, but because

[1] Rossella Tercatin, "Ahead of Shavuot, thousands of converts remain unrecognized by state, stuck in limbo," Times of Israel (May 28, 2025).

the process seems unclear, humiliating, or simply impossible to navigate. The bottom line is simple: for too many candidates, conversion has become a mess.

The picture grows even more complex when we distinguish between conversion outside of Israel, where Orthodox *batei din* and programs operate in many countries, and conversion within Israel, where an estimated 400,000–500,000 Israeli citizens from the Former Soviet Union identify fully as Israeli yet are not halakhically Jewish. In Israel, the question is shaped not only by halakhic debate but also by institutional and political realities, including the outsized influence of the Haredi establishment over official conversion policy.

The practical demands of the process raise basic questions. How much knowledge and fluency in halakhic practice is expected of a candidate? What does genuine *kabbalat ha-mitzvot* (acceptance of the *mitzvot*) require at the moment of conversion? How should *batei din* evaluate someone who embraces Jewish identity and destiny while not fully committing to observance? Beneath all of this lies the central issue that R. Eliezer Melamed places at the heart of his Hebrew book, *Masoret Ha-Giyyur* (the Tradition of Conversion): does halakhah mandate a single, uniform model of conversion based on only one definition of *kabbalat ha-mitzvot*, or has the *mesorah (tradition)* historically made room for more than one legitimate approach?

R. Melamed, the *rosh yeshivah* of Yeshivat Har Bracha, where he also serves as the town rabbi, is the author of the *Peninei Halakha* series and many other works. After writing on most of normative halakhah, he turned his focus to the thorny topic of conversion. Ever the iconoclast, he breaks the barriers here and makes a bold claim to change the paradigm of what conversion in cases of emergency should be about! Of course, R. Melamed would love every convert to "observe all *mitzvot* in earnest" (104),[2] but the reality of the world is more complex. And what should the Jewish world do with the tens and hundreds of thousands who will be lost to us without a new approach?

He outlines his standards for these cases in Chapter 10. There, he divides prospective converts into four categories (155), of which he is ready to disqualify only one of them: Category 1 is the *kofer,* a person who rejects God and rejects Jewish identity, indifferent to the sacred tradition of our forefathers. Category 2 is *zehut yehudit* (Jewish identity), a person who will live a *hiloni* (secular) lifestyle but is deeply connected to Jewish culture and tradition. As such, they will certainly observe and even cherish many *mitzvot* and practices which reflect the special Jewish identity, such as *brit milah, bar mitzvah,* weddings, funerals,

[2] Parenthetical number citations are to R. Melamed's book.

building up the land of Israel, supporting Jews returning to the homeland, supporting the army, identification with Jews all over the world and willingness to fight for them, respect for the Jewish Bible and the words of the Sages, and placement of a premium on the *mitzvot bein adam la-havero*—interpersonal laws such as kindness and *tzedakah*. They will often have a Friday night Shabbat dinner and prefer not to work on Shabbat, will hold a Seder for Pesach, light Hanukkah candles, and sometimes fast on Yom Kippur.

Beyond them is Category 3, the *masorati* (literally, "traditional"). This individual not only respects tradition but is more connected to *mitzvot* and open to observance. Their connection to Jewish tradition comes out of a sacral sense, commitment to religion and not just respect for the culture. Finally, Category 4 is the *dati*—the religious individual who lives a life committed to Torah values and fearing heaven, and observes *mitzvot* with diligence and deliberateness.

R. Melamed, without saying this outright in this book, has said in other forums that Category 2—*zehut yehudit*—is sufficient to justify conversion today, in light of our fear of losing so many Jews to intermarriage and assimilation.[3]

R. Melamed proves that there always existed a different standard of conversion based on a different definition of *kabbalat ha-mitzvot* (103). He is willing to challenge a Rabbinate which for the last fifty years has made a concerted effort to deny any legitimacy to leniency, to choose only one definition of *kabbalat ha-mitzvot*, and to cut out large swaths of the Jewish population who are enmeshed in mixed relationships.

In recent decades, the debate on conversion has increasingly focused on standardization, as many settings operate with a single Orthodox benchmark, and local *batei din* are judged not only by their halakhic reasoning but by whether other authorities will recognize their decisions. That focus can push the process beyond what appears in the classical sources, especially in Israel, where recognition affects citizenship, marriage, personal status, and one's overall standing and status in the nation. That some conversion candidates also take up arms, placing themselves in danger to life and limb in the defense of that nation and its citizens, only further raises the stakes.

This dynamic became more visible about a decade ago, when the press reported on an internal list of diaspora Orthodox rabbis whose conversions were not accepted by the Israeli Chief Rabbinate, including some rabbis who are prominent communal leaders.[4] The episode highlighted how recognition can hinge on centralized criteria "developed far from the communities in question.

[3] See, e.g., "Questions That Arose Regarding Conversion" [Heb.]. This compilation of rabbinic decisions by R. Melamed clearly states that, though he believes in acceptance of *mitzvot*, his version of such acceptance is based on the notion of *zehut yehudit*.

[4] See Ben Sales, "160 rabbis, including top US Orthodox leaders, on Israeli Rabbinate 'blacklist'," *The Times of Israel* (July 9, 2017).

Around the same period, the Rabbinical Council of America described its interest in standardizing conversion procedures in line with the Chief Rabbinate's requirements, a move that illustrates how even major Diaspora institutions have felt pressure to align with the Israeli system in order to secure recognition. No doubt, the RCA leaders were looking out for their constituents' best interest by ensuring they receive the 'golden ticket' of Rabbanut *gushpanka* (seal of approval), yet what they might have been willing to lose in that gambit is marginal positions, nuanced cases, rabbis with broader vision, and communities with special needs.

And so, the RCA and the flagship Modern Orthodox institution, Yeshiva University, have in the past decades adopted the (there is only one real) position of how to convert, of what *kabbalat ha-mitzvot* means, that has been taught to hundreds of *semikhah* students including this author. R. Melamed shows in his book that, historically, there was never just one way. He brings proof after proof that, over the course of 150 years, different communities had different needs and rabbis *paskened* in strict fashion or lenient, all within the framework of Orthodox Judaism.

We might argue that, even if we accept the historical position that there was never a true standard, the reality today has changed. Today we are living in a global village and a world of *kibbutz galuyot* (ingathering of exiles). In the nineteenth century, *batei din* in Minsk may have had little interest in the standards in Prague (and certainly as between Fez and Odessa!). The *geirim* from one would rarely seek to marry members of another, so a universal standard was not necessary. Times have changed and so have needs.

R. Melamed might answer very clearly (and boldly) that, first, there has never been one standard of *psak* in this matter and, the modern era notwithstanding, we should still respect the authority and wisdom of each *beit din* in each country given that they are most expert in the needs of conversion there. Additionally, he would say that as long as the Jewish world is losing Jews to intermarriage and assimilation, we are still in *she'at ha-dehak* (extenuating circumstances). As such, let the standard be *zehut yehudit*, and let the hundreds of thousands of prospective converts join the Jewish people lest they disappear off the face of the earth.

Some might argue that the majority view should still be maintained and assert that 'everyone has always accepted that a convert must accept all *mitzvot* under all conditions'. R. Melamed's book is a response to that widespread error, proving that to never have been the case in Jewish history and *psak*. R. Melamed devoted two years of his life and gathered a team of rabbis and historians to answer this question. Although he does not say so, his is a voice that the *Hardal* (*Haredi dati le'umi*, associated with a stringent Haredi lifestyle while still maintaining Zionist ideology) and the Haredi worlds cannot ignore. Having sold over one million copies of *Peninei Halakha* (his compendium of Jewish law), his is a voice which resonates, and he is not shy in sharing his positions.

In Chapter 1, which he calls "The Question," R. Melamed claims that most conversion candidates who declare at the time of conversion that they will live a religious lifestyle do not end up living out that commitment. Dedicating his attention to the conversion crisis in Israel, he argues that the majority of these cases concern people who want to be Jewish but not completely religiously observant. What of them?

As for the Diaspora, he notes that intermarriage continues to grow and stands today at 50%, and he warns of the danger of losing Jews and Jewish families. His question is simple: can one convert prospective Jews who do not plan on observing all the commandments? His answer at the outset is a typically halakhic one: throughout history in the world of rabbinic *psak* there have been strict positions and lenient positions. The book is presented as an attempt to explore that debate, to show that it has always existed, and to demonstrate that a significant body of rabbinic authorities adopted more lenient approaches in this area.To evaluate that claim, R. Melamed argues, we have to return to the classical foundations of *giyyur*, to arrive at a precise definition of *kabbalat ha-mitzvot* (Chapter 7) and then trace the actual record of modern *psak* (Chapter 10).

R. Melamed's claim will likely surprise some readers and perhaps irritate others. He posits that the classic rabbinic sources are less stringent than the standards of many contemporary rabbis. The Talmud's basic conversion model is sound, the *Rishonim* largely operate within that model, and many *Aharonim* do as well. What has changed is less the halakhah itself than the lens through which it is read, in a way that increasingly assumes there is only one path, one standard, and one uniform set of expectations that must be demanded in every place and time. R. Melamed claims that this change took place quite recently and that it opposes hundreds of years of healthy rabbinic diversity.

To see why he thinks this, it helps to go all the way back to Tanakh. The Torah speaks repeatedly about the *ger* (e.g., Exodus 22:20; Leviticus 19:33-34; Numbers 15:15-16; Deuteronomy 10:19), yet it does not provide a technical procedure for becoming one, and while that absence is often treated as a problem, it can also be read as a clue: the Torah is far more concerned with how the *ger* is treated—ethically, legally, and socially—than with the administrative mechanics of their entry. Even Ruth, the emblematic narrative most associated with conversion, does not function as a halakhic manual in any sense, since Ruth is a paradigm of loyalty and covenantal attachment, while the category of formal "halakhic conversion," with its later procedural vocabulary, is in important ways anachronistic when being read back into the biblical story.

Rather, Hazal provide the skeleton of conversion law, and strikingly, the spine is not long. The central Talmudic passage appears in *Yevamot* 47a: when a person comes to convert, the *beit din* says, "Don't you know that the Jewish people at the present time are anguished, suppressed, despised, and harassed, and hardships are frequently visited upon them," and if the candidate responds, "I know, and I am unworthy,"

the candidate is received immediately. The *beit din* then teaches "some easy laws and some hard laws," along with the principles of reward and punishment, and the process proceeds to *brit milah* (for males) and immersion in a *mikveh*, while maintaining an approach that is serious but not endless and, importantly, includes an explicit instruction not to overwhelm the candidate.[5]

R. Melamed treats that last point as more than a technicality; for him it reflects a philosophy of conversion. It assumes sincerity can exist even amid imperfect knowledge, and it insists that while Judaism is demanding, a *beit din* should not crush the human being that approaches it. If this is the core model, then much of what we see today can feel less like simple continuity and more like escalation, since prolonged surveillance, extreme social demands, and repeated high-stakes examinations are not self-evidently demanded by the Talmudic framework itself, even if such measures are sometimes defended as policy or community protection.

There have been periods throughout Jewish history in which conversion was held back or even ceased entirely (see Chapter 6), and certain communities even accepted upon themselves to not engage in this endeavor, perhaps relying on an inflammatory statement of R. Helbo on *Yevamot* 47b that "converts are difficult for Israel like a scab."[6]

R. Melamed is controversial, not because he is in any way lax about halakhah, but because he does not equate halakhic integrity with the automatic adoption of the strictest available position, and because he writes with unusual openness toward the larger Jewish world, including Jews who are not fully observant. He has also shown a willingness to stand firm when challenged by religious establishments that prefer uniformity to complexity. Perhaps for that reason, it is striking that he waited until this, his twentieth book, to address the third-rail of conversion, and when he finally did, he chose a title that reads like a declaration of intent.

He calls the work *Masoret Ha-Giyyur*—"The Tradition of Conversion"—and frames it explicitly as an exploration of the tradition of halakhic decision-making in recent generations regarding converts who, as the subtitle continues, are "connected by family to Israel ('*kerovei Yisrael*'), even when it is likely that they will not live an observant lifestyle." In the current climate, saying that out loud is a provocation, since it runs against the prevailing rhetoric that equates conversion with guaranteed future observance at maximal levels, and it forces a question many would rather

[5] Translations of Talmudic texts are from *Sefaria*, with modifications by the author.

[6] There is, however, a rich debate about the meaning of this statement, as recorded in *Tosafot* to *Kiddushin* 70b, s.v. kashin, and especially the opinion of one of the *ba'alei Tosafot* quoted there, named R. Avraham Ger! See also Chapter 5 of *Masoret Ha-Giyyur* for an in-depth analysis.

keep hidden: what do we do with the tens or hundreds of thousands who are already enmeshed in a Jewish family but are unable or unwilling to commit entirely to full observance?

Should they and their partner be forever excluded from the Jewish nation as a result? Should we continue to lose Jewish men (mostly) due to their falling in love with a partner who will identify as Jewish but not follow every law? Should the Israeli population look askance at hundreds of thousands of Jews from the former Soviet Union who want to be recognized by Israel but don't necessarily have the halakhic bona fides?

That, at least, is the mission of the book, and it helps explain why it has generated such intense reaction, since it challenges not only particular policies but the assumption that there has always been only one acceptable way.

Reactions were swift from the *Hardal* movement, such as one from R. Uri Betzalel Fisher who said there is no such thing as conversion without acceptance of *mitzvot*, period.[7] Or a public letter with fifty rabbi signatories stating unequivocally that there is no place for R. Melamed's psak. The signatories read like a who's who in the *Hardal* rabbinic world, including Rabbis Lior, Neventzal, Tau, Hakohen, Aviner, Eliyahu and others.[8] Others rejected his readings of the responsa of previous generations, claiming R. Melamed misquoted them or made suppositions which weren't written clearly.[9]

Anticipating this attack, R. Melamed's *Masoret Ha-Giyyur* is a hefty and demanding work, thorough in both scope and documentation, and clearly written for a reader who is fluent, well-read, and patient enough to work through its 895 pages. The purpose is to prove beyond a shadow of a doubt that there has always been a lenient position counterbalancing the strict one, and that the lenient position, in the eyes of R. Melamed, far outweighs the strict. Although it appears under R. Melamed's name, it reflects a major team effort including R. Maor Cayam as well as eight rabbis of the Machon, with substantial historical research contributed by R. Dr. Boaz Huttrer and R. Zuriel Halamish.

The project has also expanded beyond the book itself, including a podcast and a Facebook group called "*Koh Giyyeru Rabboteinu*" (So Did Our Rabbis Convert), which together form a kind of public platform for the sources, the history, and the arguments that the volume advances. Their main purpose is to expose to the *beit midrash* of the world the multiplicity of rabbinic decisions throughout the span of 150 years and to engage

[7] R. Uri Betzalel Fisher, "Criticisms of the Approach of R. Eliezer Melamed to Conversion" [Heb.], *Emunat Itekha* 137 (5783), 87-95.

[8] Yishai Elmakies, "A New Rabbinic Front Against R. Eliezer Melamed: His Views Have No Place in Halakhah" [Heb.], *Kippah* (May 17, 2022).

[9] See for instance R. Binyamin Tevdi, "R. Melamed Quotes Sources in a Tendentious Manner" [Heb.], *Srugim* (Oct. 3, 2022).

the Jewish intellectual world in a serious discussion about *psak*.

In structure, the volume is essentially several books in one. First, it addresses the foundational halakhic question at the heart of contemporary debate: confronting the Talmudic concern of *giyyur le-shem nisu'in* (converting for reasons of marriage), which encompasses Chapter 2. Whether one may (or actually should) be lenient in cases of emergency such as preventing assimilation is addressed in Chapter 4, and whether a conversion can be valid in cases where full *kabbalat ha-mitzvot*—as that term is commonly understood today—is absent is addressed in Chapter 7. The volume also follows the Talmudic and post-Talmudic discussions that shape the contours of that question in Chapter 5.

Second, in its longest section, it devotes more than 500 pages to a detailed mapping of roughly 120 years of rabbinic *psak* on conversion, moving across countries and communities wherever Jewish life produced responsa and rulings, and in the process documenting an array of approaches rather than a single uniform model.

As an aside, it explores the historical profiles of the rabbis and the communities in which they served, tracing patterns of modernization, enlightenment, secularization, and assimilation, and suggesting that conversion became an especially pressing halakhic issue in the later nineteenth century, when conversion to Judaism became legally possible in various states and therefore arose more frequently as a practical communal question.

Having assembled both the halakhic framework and the historical record, the book presents its larger claim about the tradition of conversion in modern times—namely, that divergent halakhic positions reflect variously legitimate approaches, and that the expectation of a single standardized model is itself a relatively recent development.[10] Although even the Talmud expects the candidate to 'accept' some strict laws and some lenient laws, such that one does not expect there to be no standard for joining the Jewish people, a basic, general status of *zehut yehudit* should be adopted, as mentioned above.

Early on, R. Melamed frames the discussion not only as a technical halakhic inquiry but as a response to a real communal dilemma, and in Chapter 4 he presents the position that one may be lenient in order to save a Jewish partner from assimilation, offering eight distinct arguments in

[10] R. Melamed does not discuss the impetus for the sanitizing of rabbinic diversity in the last half -century in this book, but has definite views of it. In talks which this author attended and through a new book which discusses this in depth (Huttrer and Halamish, *The Story of the Vienna Conversions: The Making of a Mahloket*, Mekhon Har Bracha, 2025), R. Melamed explains that a shift has taken place in Israel and the Diaspora which attempts to shut down diverse opinions and maintain the hegemony of the Chief Rabbinate. To explain why that happened when it did requires fuller attention in another article.

support of such a stance (31).

Among them are the concern for saving the Jewish partner from possible apostasy, preventing the Jewish partner's future children from being raised as non-Jews, protecting the born-Jewish children of a Jewish woman whose non-Jewish partner may otherwise draw the household away from Judaism, and rescuing the Jewish partner from the ongoing prohibition of living with a non-Jewish woman. On this last point, he cites a responsum of Rambam (ibid). Chapter 5 expands this theme further, attempting to establish—through halakhic and communal reasoning—the value of leniency in cases where refusing conversion may result in the loss of Jews and Jewish families.

A major turning point comes in Chapter 7, where he addresses the various definitions of *kabbalat ha-mitzvot*. As expected, the term becomes a central fault line, since the debate turns not only on whether *kabbalat ha-mitzvot* is required, and to what degree, but on what "acceptance" means, which commandments are included, and what threshold of practice is assumed at the moment one becomes Jewish. In his characteristic method, R. Melamed surveys a range of approaches—more stringent and more lenient—and anchors the discussion in the relevant Talmudic sources, while also noting how later *posekim* applied those sources in practice. The chapter concludes by suggesting that, while there is broad agreement that *kabbalat ha-mitzvot* is a required concept, a more lenient interpretation of the term (by, e.g., R. Yisrael Be'eri (128) and R. David Tzvi Hoffman (129)) understands "*kabbalah*" primarily as accepting entry into the Jewish people and its covenantal framework, whereas the more stringent reading treats it as a formal commitment to accept every commandment and obligation from the outset.

Chapter 10 functions as something like a "bottom line" map of the opinions, outlining four different positions that the authorities take on the matter ranging from strictness to the point of annulling the conversion all the way to leniency and imperative to help such a convert. He identifies eighteen rabbinic authorities who reject conversion without full acceptance of all *mitzvot*, including R. Moshe Feinstein, (160 and 761-769) R. Yitzhak Shmelkes (158), R. Tzvi Hersh Meisels (158), R. Meir Arik (159), and R. Yosef Shalom Elyashiv (161).

A second position holds that one should not convert someone who does not accept *mitzvot*, yet once the conversion was performed it is accepted, and he associates this view with twenty-two authorities. The major proponents in this camp are R. Yitzhak Bamburger (163), R. Yehezkel Bennet (163), R. Kook (166), R. Avraham Shapira (167), and R. Gedaliah Felder (171).

A third, intermediate position argues that a conversion is valid so long as the candidate accepts a "traditional Jewish lifestyle," and he lists fourteen authorities in this category. Proponents are R. Azriel Hildesheimer (172), R. David Tzvi Hoffman (355-358), R. Yaakov Shor (732-735), R. Tzvi Pesach Frank (174), R. Isser Yehuda Unterman (175), R. Eliezer Yehuda Waldenberg (176), and R. Hayyim Ozer Grodzinski (177).

Finally, he presents the most lenient position that permits converting those who accept Jewish identity, particularly in order to save Jews from living a life married to a non-Jew and in many cases bringing non-Jewish children into the world, and he lists a very large number of authorities in this camp. The most important view is that of former Sephardic chief rabbi, R. Ben Tzion Meir Hai Uziel, who wrote many responsa about this topic (178-9, 803-811). Other lenient authorities include R. Yitzchok Weiss (181), R. Yaakov Avigdor (182), R. Avraham Preis (769-772), R. Levi Rabinowitz (184) and R. Chaim Hirschenson (184). Another thirty rabbis are identified in a separate category of those whose views "appear from their words" (185), though not explicitly. In a footnote he attempts to total the positions and arrives at an approximate two-to-one ratio of lenient to strict opinions. This is part of the problem in the eyes of R. Melamed's detractors, because the 'two-to-one' argument doesn't hold water when the minority consists of "heavy hitters" and the majority are less well-known rabbis.

This chapter is, in many ways, the heart of his argument, not only because it asserts that there has always been a live debate with multiple legitimate approaches, varying by community and circumstance, but also because it claims that the lenient positions are not marginal in the historical record, as R. Hayyim Ozer was the leader of Lithuanian rabbis, R. Waldenberg was a member of the *Beit Din Ha-Gadol* and a respected posek, R. Tzvi Pesach Frank was the rabbi of Jerusalem, and R. Uziel was the *Rishon Le-Tzion*. For R. Melamed, that finding strengthens the broader purpose of the book: to show that contemporary insistence on a single conversion standard in the case of a *she'at ha-dehak* is not the only faithful reading of halakhic tradition, and that the mesorah of *psak* contains significant room for responsible leniency in the cases that now dominate communal reality.

The second section of the book—"History, Sociology, and the Modern Conversion Story"—is a remarkable journey through the sociology of religion and the modern history of conversion, tracing developments from the nineteenth century onward, as governments began granting civil rights that made conversion to Judaism legally possible and socially consequential, and continuing through the twentieth century and into the present.

R. Melamed and his team present a sweeping survey of Jewish life in numerous countries, describing communities as they confront enlightenment, secularization, assimilation, and rising intermarriage, and showing how conversion emerges as a practical halakhic problem precisely in the places and moments when Jews and non-Jews begin to live with fewer barriers separating them.

Some critics argue that R. Melamed goes too far. Even within the more liberal Religious Zionist world, many of those most involved in conversion policy are not advocating for a "responsibility-free" conversion. In practice, conversion frameworks—whether run privately or under official auspices—generally assume that candidates are moving toward some meaningful level of *shemirat ha-mitzvot*, even if expectations

and timelines vary. From that perspective, R. Melamed's repeated emphasis on conversions where full observance is not expected can sound, to some readers, like a step beyond what serious halakhic practitioners are actually proposing, and it may leave his argument exposed to critique from multiple sides.

R. Melamed, however, might respond that this reading misses the book's larger aim. His goal is not to promote a maximalist leniency, but to present an unusually broad, carefully documented survey of the range of positions that appear in the halakhic record, and then to reopen the conversation about how communities should navigate reality responsibly. In that framework, mapping the full spectrum—including its more permissive poles—is a way of clarifying what has existed within halakhic discourse, and of making room for a more workable middle ground that takes both the strict concerns and the human stakes seriously.

Whatever one concludes about the book's halakhic recommendations, this section alone has the potential to educate readers deeply, both about Jewish communal history and about the conditions that generated the modern conversion debate.

I was edified by the sheer historical and informational nature of this book, which truly fulfills its title's focus on the "tradition" of how rabbis over the centuries have approached the complex story of conversion, especially when the candidates will not fulfill all the *mitzvot*. This book is a wonderful addition to the Jewish bookshelf.

But will it change policy? Will the Rabbinate heed its call to "return the crown to the olden days" (based on *Yoma* 69b) and, recognizing that we are in a state of emergency, open the floodgates of conversion by changing the definition of *kabbalat ha-mitzvot*? I doubt it. The Haredi position is entrenched, and signs of slowing down and adopting a more lenient view do not appear on the horizon. If anything, the opposite seems to be the case.

R. Melamed, the consummate Talmudist, might be undeterred and quote the famous passage in *Ta'anit* 23a: "just as my father planted seeds for me, I plant for my sons." R. Melamed will continue to educate, espouse, and fight for truth in this and all areas of halakhah in the hope of changing the minds of rabbis throughout the world.

At least this rabbi's mind was changed.

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