

HM 7:1.2012b

**Concurring Opinion with Rabbi Joseph Prouser's Responsum
On "Ana Ger Ana: May a Convert to Judaism Serve on a Bet Din?"
Rabbi Reuven Hammer – June 5, 2012**

This paper was submitted, in June 2012, as a concurrence to Ana Ger Ana: May a Convert to Judaism Serve on a Bet Din? by Rabbi Joseph Prouser. The following voting members of the committee endorsed this paper: Rabbis Susan Grossman and Daniel Nevins. Dissenting and concurring papers are not official positions of the CJLS.

In general I am in agreement with this Teshuvah which seeks to permit a *ger* to serve on *batei din*. I am troubled, however, by the fact that the p'sak begins with the following statement:

A convert to Judaism may not serve on a Bet Din adjudicating capital cases or overseeing the ritual of Chalizah.

Granted this is largely a theoretical limitation, I nevertheless disagree with it and would rule that the convert can serve even in those cases. The negative ruling is based on a rabbinic interpretation of Deuteronomy 17:14-15. That verse specifically states that "a foreigner...one who is not your kinsman" may not be named a king over Israel. As Rabbi Prouser correctly writes, this restriction was extended by the rabbis "to bar converts to Judaism from lesser offices of public trust and authority.." It is upon that basis that Rabbi Prouser excludes the convert from judging capital cases and dealing with the ritual of Chalizah. I believe that this interpretation of the verse is unwarranted from the beginning. That verse speaks only about a sovereign. In any case the words "not your kinsman" cannot and should not be applied to the convert who indeed *is* our kinsman. This degradation and insult to the convert should be rejected by us, even if the practical effect is minimal. We must declare a *ger* to be an Israelite for all purposes and therefore eligible to serve on any Bet Din whatsoever.