

Addendum I on: May a Conversion Obtained by Deceit be Annulled?

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This paper was intended as a challenge to Rabbi Steven Saltzman's responsum entitled "May a conversion Obtained Through Deceit be Annulled?" which was adopted on June 14, 1989

In this paper I would like to question Rabbi Steven Saltzman's conclusion in which he seems to be certain that: "Where it can be clearly demonstrated, as it can be in our case, the proselyte acted dishonestly, withholding information vital to our ability to make a coherent decision, then the conversion may be considered null and void."

The Gibeonites "Converted" Under False Pretenses

We are all familiar with the story of the Gibeonites who deceived Joshua by "taking old sacks upon their asses, and wine bottles, old, and rent, and bound up;..."

Who are ye? And from whence come ye? And they said unto him, 'From a very far country thy servants are come because of the name of the Lord thy God: for we have heard the fame of him, and all that he did in Egypt.'

And because Joshua believed their story he "made peace with them, and made a league with them, to let them live: and the princes of the congregation swear unto them."

However, after Joshua finds out that the Gibeonites deceived him, he does not nullify his oath. Instead the Bible says: "But all the princes said unto all the congregation, We have sworn unto them by the Lord God of Israel: now therefore we may not touch them."

But because of the deception, Joshua tells them: "Now therefore ye are cursed and there shall none of you be freed from being bondmen, and

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hewers of wood and drawers of water for the house of my God” (Joshua Chapter IX).

According to the *Talmud* in *Yevamot* 79a this episode between Joshua and the Gibeonites was not merely a political arrangement but rather a religious conversion. When Joshua finds out that the Gibeonites accepted Judaism under false pretenses, he does not nullify it, but merely imposes a penalty upon them.

Whoever of the seven nations [of Canaan] converts is not prohibited by the Torah from marrying an Israelite. And it is well-known that none save the Gibeonites converted, but Joshua decreed that they may not marry Israelites.

Finally, let me quote *Yevamot* 76a that explicitly refers to the Gibeonites as converts.

בעו מיניה מרב ששת פצוע דכא כהן מהו בגיורת ומשוחרת בקדושתיה קאי ואסיר או דלמא לאו בקדושתיה קאי ושרי? א"ל רב ששת תניתוה פצוע דכא ישראל מותר בנתינה ואי ס"ד בקדושתיה קאי אקרא כאן לא תתחתן בם אמר רבא אטו התם משום קדושה ולא קדושה הוא דלמא מוליד בן ואזיל פלח לעבודת כוכבים וה"מ בהיותן עובדי כוכבים כי מגיירי בישראל שרי ורבנן דגזרו וכו' ...

They inquired of Rav Sheshet: May a Kohen with injured genitals marry a convert or freed slave? Is he still sanctified, therefore prohibited or is he not, therefore permitted. Said Rav Sheshet: You have learned this! An Israelite with injured genitals may marry a Netinah. If he were still sanctified [as an Israelite] one should apply the verse: “You may not marry them.” Says Rava: Is that due to his sanctification or lack thereof? Perhaps [the concern is] lest he bear a son who will worship the stars. But that applies only when they were idolators. Once they converted it was permitted, but the sages prohibited it...

Why the Conversion was Valid

As to the question why indeed did not Joshua nullify the conversion?

R. David Kimhi advances two reasons. One, Joshua was concerned about the *חלול השם* the desecration of god’s name the nullification might cause. A similar reason is advanced in *Yevamot* 79a as to why David saw fit to punish King Saul’s children for his mistreatment of the Gibeonites. “But, surely, it is written, the fathers shall not be put to death for the children! R. Hayya b. Abba replied in the name of R. Yohanan: It is better that a letter be rooted out of the Torah than the Divine name shall be publicly profaned.” This would have been the case had the crime against the Gibeonites been allowed to go unpunished.

The second reason advanced by Radak is: an oath given in public may not be nullified even when that oath was made under false pretense.

We Dare not Nullify the Conversion of the Two Arabs

It seems to me the case before us is a carbon copy of that of Joshua. His reasons for not nullifying the conversion are equally applicable today. And if Joshua did not dare to nullify the conversion of the Gibeonites, how dare we nullify the conversion of two Arabs!