

The Qualifications of a *Bet Din*

In one community there is a scarcity of observant Jews. Even two knowledgeable Jewish chaplains in the area are non-observant in the traditional sense, though they are ordained rabbis. Is it preferable to include two more-observant lay people in the Bet Din for conversion rather than rely on non-observant rabbis?

The Mishnah (*Sanhedrin* Chapter 1) lists the number of judges required to preside over almost every conceivable kind of action. Interestingly, the number required for conversion as well as the qualifications of the presiding judges are absent.

As far as the number of judges for conversion, the Talmud (*Yevamot* 46b) tells us that three men are required and this is codified as law (Shulhan Arukh, *Yoreh De'ah* 268:3). As far as the qualifications of all judges is concerned, our tradition is quite specific. Courts of three ought to be composed of judges who evidence wisdom, humility and piety. Judges must be men of integrity and above bribery. They must be humane and reputable. (See *Encyclopedia Talmudit*, vol. 3, p. 165 *in extenso*.)

Ideally, the court of three presiding over conversions ought to be composed of *mumhim*, learned experts. However, the halakhic authorities are divided over whether this is an absolute requirement. Compare the view of Rabbi Netanel (cited by Tosafot, *Kiddushin* 62b, s.v. *ger*), who is more lenient, with the view of the anonymous Tosafists (*Yevamot*, *loc. cit.*, s.v. *tikkunei gavra*) who insist that the overseers of conversion must be learned experts. To be noted, Rabbi Menahem Hameiri (*Yevamot*, *loc. cit.*) writes that all Jewish men may be considered learned experts when it comes to serving on a court overseeing conversion since the judges' role is to casually explain the *mitzvot* and impress upon the candidate the seriousness of performance.

Practically speaking, then, *hedyotot*, i.e., qualified laymen, may be asked to serve on a *Bet Din* for conversion. However, non-observant rabbis may not. Non-observant rabbis are not considered laymen but *mumhim* who know the law but are ideologically disinclined to observe it. Such individuals are disqualified from serving on any *Bet Din* (Shulhan Arukh, *Hoshen Mishpat* 34:2, 22). This means that principled, deliberate non-observance of the central practices of Judaism like—but not limited to—Shabbat and *kashrut*, would disqualify anyone from serving on a *Bet Din*, even if he holds the title “Rabbi”.

It would therefore be proper for the observant rabbi to supervise a conversion with two reasonably observant laymen rather than with two non-observant rabbis.

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