

Rabbi Daniel Sperber

There is something almost paradoxical in the very need to write this study. For in the past the norms of modesty were very stringent, and yet rabbis witnessing a female convert's immersion in the mikveh was not perceived as immodest. Yet nowadays, where there is great laxity in the contemporary norms of modesty, women express their discomfort in being watched by the male beit din during the conversion process. And this despite the fact that in the overwhelming majority of cases, the woman is cloaked in a loose robe and the beit din only witness her when her whole body is immersed in the water and only her head shows. Perhaps, it is precisely because of this modern contemporary laxity in the norms of modesty that women are troubled by the "male gaze".

Be that as it may, since women already express their dissatisfaction, and even distress, at the fact that there are three men witnessing their immersion, the demands of their sense of dignity, and the fact of their discomfort makes it incumbent upon us to seek an acceptable halachic solution to obviate and even remove the cause of their distress.

Rabbi fox has examined all the relevant sources in detail, both ancient, mediaeval and modern, and suggested convincingly that "knowledge" does not require "sight". Here, the knowledge on the part of the beit din, and their certainty that the immersion was in accordance with all the detailed halachic requirements, should be sufficient to legitimate this stage of the conversion process. Though this is an innovative approach, Rabbi Fox has shown that it has its basis in traditional texts, and hence, his suggestion should be taken most seriously.

It should not be thought for one moment that Rabbi Fox's responsum is an attempt to change a long-established halachah as a direct response to a recent unfortunate Washington Scandal that recently was publicized in the media. Far from it, the question posed is a serious challenge to the contemporary female convert. And despite the proximity of timing between the "scandal" and this response, it stands in its own right as a courageous effort to confront a totally unrelated situation that faces the modest and sensitive female convert in our present society. The suggested solution should therefore be carefully and judiciously considered by all *batei-din le-giyur*.