

there will be some disagreement as to the child's relationship to previous children of its mother in a possible levirate situation, or whether or not it is too closely related to them to be permitted to be a witness in a Jewish court in cases affecting them (since relatives may not be witnesses) there is no question that the child (though not conceived "in holiness" but born "in holiness") is obligated to fulfill the commandments because it is fully Jewish.

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## CHANGING THE SURNAME OF A CONVERT

## QUESTION:

A candidate for conversion is named William Christian. When the man is converted, should this surname be changed and a more Jewish-sounding name be substituted for it? (From Rabbi Fred Pomerantz, Pittsburgh, Pennsylvania.)

## ANSWER:

THE PROCESS of conversion has been developed in great detail in the legal literature. All of these laws are to be

found in Maimonides' *Yad, Hilchot Issure Biah*, Chapter 13 and 14, and in the Shulchan Aruch, *Yore Deah* 268 and 269. It is noteworthy that although the laws of the reception of *gerim* are given in both these places in full detail, not a single mention is made of any requirement to give the candidate a Jewish name in place of his Gentile name. If this *were* a requirement, it would surely have been mentioned. It is clear that if no Jewish name is added (or substituted) no requirement of the law has been neglected.

However, even though this giving of a new name is not a requirement, nevertheless it has long been customary to do so. Thus we have the name of Abraham the Proselyte in *Tosfot, Kidushin* 71a, and of course, also Obadiah, to whom Maimonides sent his famous letter. Apparently the Jewish name was given to the convert at the time of his circumcision, just as the custom developed to name a Jewish male child at the time of his circumcision. The *Encyclopedia Talmudit*, in the article "Ger," page 442, says that "someone has written that at the circumcision of a proselyte, following the benediction, we recite a prayer similar to the naming prayer of a Jewish child: 'Maintain this man (in place of the words, 'this child') . . . and may his name be called in Israel, 'so-and-so, the son of Abraham.' " The *Encyclopedia* gives as the source a book by Gershon the Mohel, page 134. The new name is nearly always "Abraham" because Abraham is "the father of proselytes."

As a matter of fact, the custom of giving a Jewish name to the *ger* is very old and goes back to the Tosefta. The Tosefta, in *Gitin* VI, 6, speaks of a *get* given by a *ger* to his wife. It says that if the *ger* changed his name back to his heathen name, the *get* is nevertheless valid. It is evident from this statement that the *ger* now had a Jewish name. This statement of the Tosefta is frequently quoted in the legal literature, indicating therefore that the situation to which it refers is not unusual. The *Tosfot*, in *Gitin* 34b, cites this statement of the Tosefta in connection with the well-known decision of Rabbenu Tam which was that if a Jewish apostate in giving a *get* to his wife puts into the document his new Christian name, the *get* is invalid. The *Tosfot* contrasts this with the case of the proselyte whose *get* is *valid* if he goes back to his Gentile name. The Tosefta is also quoted by the *Tur* in *Even Haezer* 129. The *Machzor Vitry*, page 779-80, likewise quotes the Tosefta and adds the words, "even though his name is not this" (i.e., even though his name had been changed to a Jewish name). The *Shulchan Aruch* (*Even Haezer* 129:6) also quotes the Tosefta and adds, "even though his Gentile name has sunk" (into oblivion). That is to say, even though he is no longer known by his Gentile name, he may nevertheless revive it for the purposes of the *get* and the *get* will be valid.

All of this indicates that even though it is a custom to give the convert a Jewish name, the original Gentile name still has status, because if he uses it in a *get*, the

*get* is valid; which is the reverse situation to that of the Jewish apostate, who, if he uses his new Gentile name, the *get* is invalid.

If, therefore, in the case inquired about, this candidate were called "Abraham Christian," it would be quite in accord with tradition. However, there would be no real precedent for the changing of his surname (his family name) which in this case is "Christian." There could not be any precedent for such a change because until modern times, Jews had no surnames. Therefore all names and changes of names mentioned in the literature refer only to the personal name.

Of course one might argue that, also, the surname or family name might well be changed, since a proselyte is considered in the law to be "a new-born child" and therefore does not have any more relationship with his former Gentile family (*b. Yevamot* 21a). But the Talmud, on that very page, mitigates that statement because if the rule were taken literally, there would be no objection in Jewish law to his marrying his close blood-relative since there is no longer a relationship. The rabbis forbid this overstressing of the idea (that he has no relatives any more) by saying that if this were taken literally and he would be permitted to marry a blood-relative, he could scornfully say, "I left a higher sanctity (where such marriage was forbidden to me) and have been now converted to a lower sanctity." Therefore the Talmudic statement that he is now separated from his former family is not to be taken too literally

and, in our case, that could hardly be a motive for changing his former family name.

Of course it is true that for a Jew to have a family name of "Christian" sounds a little incongruous, although that is not too serious a matter. We certainly have, in large congregations, other converts who retain their original name, Kelly or McGuire, or even members of Jewish birth with names like Evans, Smith, and Johnson. Of course, all such names are merely Gentile, whereas this name also has religious significance. The result of the convert retaining this family name would be that it would be unmistakable to any other member of the congregation that this man was not born a Jew, but is a convert. A general knowledge in the congregation of this fact revealed by his name is not, however, something to be avoided. In fact it is something to be noted and even recorded. Jewish law has certain limitations and, one might say, certain special rights that a convert has. A convert, for example, may marry an illegitimate (*Kidushin* 72b). In fact that is oneway in which an illegitimate can attain legitimacy, because the child of such a marriage would now have the status, not of illegitimacy, but of a proselyte. The law requires that this sort of marriage be permitted for ten generations or, as the Shulchan Aruch says (*Even Ha'ezer* 4:22) "until it is forgotten that this family is proselyte." In the number of generations in which it is remembered, such a marriage between the proselyte family and an illegitimate family will create no surprise, and everybody will

know why it is permitted. That is why it is important, for a number of generations at least, for the fact to be generally known in the community that this is a proselyte family. The same applies to the appointment of a king or any position of government in the Jewish community. In this case it is not a "right," but a disability of a proselyte family (*Yad Melachim* I:4). Therefore for this reason, too, it should be generally known that this is a proselyte family. In other words, if the retention of the family name "Christian" marks this as a proselyte family, this fact in itself is in accordance with the spirit of Jewish law.

To sum up: None of the laws dealing with reception of proselytes *require* that a new Jewish name be given, although this practice has grown up as a custom since ancient times. Necessarily, since they had no surnames, the new name when given was always the given name (or as we say in modern terminology, the Christian name) and not the family or surname as in this case. The fact that the family name will indicate that this is a family of proselytes is in accordance with the spirit of Jewish law and is no ground, therefore, for changing it.