

# Warder Cresson: Moroccan Convert or First U.S. Consul General in Jerusalem?

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Paradigm	Example
The Avos seemed to violate prohibitions	Yaakov married two sisters
The Avos needed to not fulfill certain mitzvos	The Avos needed to violate Shabbos
The Avos chose not to fulfill certain mitzvos	Avraham waited to circumcise himself until commanded to do so

## 1. Responsa of Rabbi Asher Lemmel

<p>Teach us our master regarding an incident that occurred here in the holy city of Jerusalem (may it be speedily be rebuilt) on Tuesday, the 23 of Adar Sheni 5608 (1848). A gentile had come from Morocco for the purposes of conversion to Judaism before the Ashkenazi Beis Din in Yerushalyaim. He was circumcised and accepted all of the mitzvos according to the Torah. On the following Shabbos, he had not fully recovered yet from his circumcision and thus had not yet immersed in the mikvah.</p>	<p>ילמדנו רבינו בעובדא דאתא לידן פעה"ק ירושלם ת"ו יום ג' כ"ג לירח אדר שני שנת תר"ח העבר לפ"ק נימול א"י אחד שבא הנה ממדינת מאראקא לשם גירות בפנינו בד"צ דקהל אשכנזים הי"ו וקיבל עליו המצות כדין וכדתה"ק ובש"ק שלאחריו עדין לא היה נתרפא ממילתו ולא טבל עודנה</p>
<p>It was told to me that due to his zeal for mitzvos, he was scrupulous in observing Shabbos, and even though he was still considered to be a "sick person who is not in mortal danger" refused to allow a</p>	<p>הגידו לי לאמר מזריזתו במצות איך הוא נזהר בשביתת שבת הגם שהוא עודנו בכלל חולה שאין בו סכנה אינו מניח לגוי להבעיר אש בביתו והשבתי להם לדעתי לא מבעי'</p>

<p>gentile to kindle a fire in house. I responded to them that in my opinion, it is not only permitted for [the convert] himself to perform work on Shabbos, but he is even obligated... to do work on Shabbos as long as he had not immersed for the purpose of conversion. They returned to the convert on Shabbos after mincha and told him [my ruling] in my name. He complied by writing some words on a paper.</p>	<p>שמותר לו לעשות מלאכה בשבת אלא אפילו מחויב ומוזהר על יום ולילה לא ישבותו וחייב לעשות מלאכה בשבת כ"ז שלא טבל לשם גירות וכה עשו השומעים למשמעתי והלכו אצל הגר והגידו לו בשמי כן בש"ק לאחר תפלת המנחה וכן עשה כי כתב איזה אותיות</p>
<p>The next day when word spread throughout the holy city, the Sephardic and Ashkenazic sages rallied against me at this innovation that had never been heard before...They remembered many converts that had been circumcised here in the holy city and they had never heard something like this before. And from could I innovate something that had not been mentioned by earlier sages?! I responded that they should perhaps give me space to reinforce my position. Although it would have been appropriate for me to discuss the matter with the sages and rabbis of the holy city before the incident, [I didn't] due to the fact that it was already after mincha time late in the afternoon so Shabbos was almost over. Moreover, the matter seemed so obvious to me that there was no potential problem at all!</p>	<p>ויהי ביום המחרת כאשר נשמע הדבר בעה"ק ת"ו פה צווחו עלי חכמי ספרד וחכמי אשכנזים הי"ו על דבר חדש הלזו אשר לא נשמע מעולם ... והמה זוכרים כמה גרים שנימולו פעה"ק ת"ו ולא נשמע כזאת ומנין לי לחדש דבר אשר לא שערום הראשונים והשבתי להם אולי מקום הניחו לי להתגדר בו. ואמינא טעמא דידי האמנם מהראוי היה להתייעץ בזה עם חכמי ורבני עיה"ק פה הי"ו טרם נעשה המעשה אמנם מחמת כי כבר הי' אחר תפלת המנחה לעת ערב ובין כך יצא ש"ק ובעיני הי' הדבר פשוט שאין כאן איסור כלל</p>

## 2. Genesis 8:22

עַד כְּלַיְמֵי הָאָרֶץ אֲרָעַ וְקָצִיר וְקָר וְחָם וְקִיץ וְחָרֵף וַיּוֹם וְלַיְלָה לֹא יִשְׁבְּתוּ:

So long as the earth endures, Seedtime and harvest, Cold and heat, Summer and winter, Day and night Shall not cease."

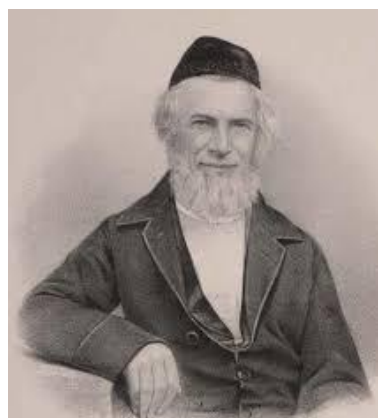
### 3. Sanhedrin 58b

ואר"ל עובד כוכבים ששבת חייב מיתה שנא' (בראשית ה, כב) ויום ולילה לא ישבותו ואמר מר אזהרה שלהן זו היא מיתתן אמר רבינא אפי' שני בשבת

Reish Lakish said, a gentile who observes Shabbos is liable for the death penalty because it says (Genesis 8:22) day and night they shall not cease. And the master said, their warning is their punishment. Ravina said, even if they rest on Monday [they are liable].

### 4. Yevamos 46a

דאמר ר' חייא בר אבא אמר ר' יוחנן לעולם אין גר עד שימול ויטבול וכיון דלא טביל עובד כוכבים הוא  
Rabbi Chiya bar Abba said in the name of Rabbi Yochanan that a person is not a convert until he has been circumcised and immersed. So since he is not a convert, he is still a gentile.



### 5. Responsa Binyan Tzion 91

"Altona, Friday 26 Iyar 1849

To the great Rabbi Asher Lemel, Former Chief Dayan in Galen and presently in the holy city of Jerusalem"

<p>I have researched other locations which accept converts, and they have also told me that they have never insisted on a convert not observing Shabbos before immersion. And I have endeavored to find a reason for this, since your legal decision is well reasoned, but I have seen that halacha appears to follow the custom [against your opinion]. For even logically, such an opinion contradicts rational thought: since circumcision is called a covenant (which we say in its blessing), and Shabbos is called a covenant, how could we say that once someone enters into a covenant they are forced to desecrate the other covenant that Hashem make with the Jews who follow</p>	<p>חקרתי בשאר מקומות שמקבלים גרים ונאמר לי שגם שם מעולם לא הקפידו על זה שלא ישמור הגר שבת קודם הטבילה. ונתתי אל לבי למצוא טעם לזה אחרי שלכאורה פסק מעכ"ת נ"י מוסד על אדני הדין ואמת אבל א"ע ראיתי שהדין עם המנהג דכבר מצד הסברא יהי' מתנגד אל השכל אחרי שמילת הגר נקרא ברית שמברכים עלי' כורת הברית כדאמרינן שבת (דף קל"ז) וגם שבת נקרא ברית כדאמרינן שם (דף קל"ב) איך נאמר אחר שנכנס לברית האחת יהי' מוכרח להפר</p>
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<p>his commandments?! Therefore, in my humble opinion it appears that even though he hasn't entered completely into the category of a Jew until immersion, nevertheless from the moment of circumcision he has separated from gentiles</p>	<p>ברית האחרת שכרת הקב"ה עם ישראל מקיימי מצותיו ולכן נלענ"ד דאף שעדיין לא נכנס לכלל ישראל גמור עד שטבל מכ"מ משעה שנכנס לברית מילה כבר נבדל מכלל ב"נ...</p>
<p>And behold it says in Tractate Shabbos that the Jews were commanded about the laws of Shabbos at Marah. And it is clear from the text that the Jews kept Shabbos even before they arrived at Mount Sinai... And since they did not immerse themselves until Sinai, the Jews must have kept Shabbos when they were circumcised but not immersed even though gentiles are adjured from resting based on the verse "day and night you shall not rest!" Therefore, one must say that there is either an explicit verse regarding Shabbos [which makes an exception to the rule] ... or it is as we said earlier that through the covenant of circumcision, they entered the covenant of Shabbos.</p>	<p>והנה בשבת (דף פ"ז) אמרינן דעל שבת נצטוו ישראל במרה וכן מוכח מהכתובים שכבר קיימו ישראל שבת קודם שבאו להר סיני ... וכיון דטבילה לא הי' עד סיני ע"כ קיימו ישראל שבת כשמלו ולא טבלו אף שב"נ מוזהר על יום ולילה ל"י וע"כ צ"ל או שגזיה"כ הי' שלענין שבת יצאו מכלל ב"נ ונילף משם ... או כאשר כתבנו שע"י שנכנסו לברית מילה נכנסו ג"כ לברית שבת</p>

## 6. Yevamos 71a

ורבי עקיבא האי תושב ושכיר מאי עביד ליה... לאתויי גר שמל ולא טבל

What does Rabbi Akiva use the phrase "sojourner and renter" for? It comes to include a convert who has been circumcised but not yet immersed [they are not able to partake of the Passover Sacrifice].

## 7. Rashba Yevamos 71a

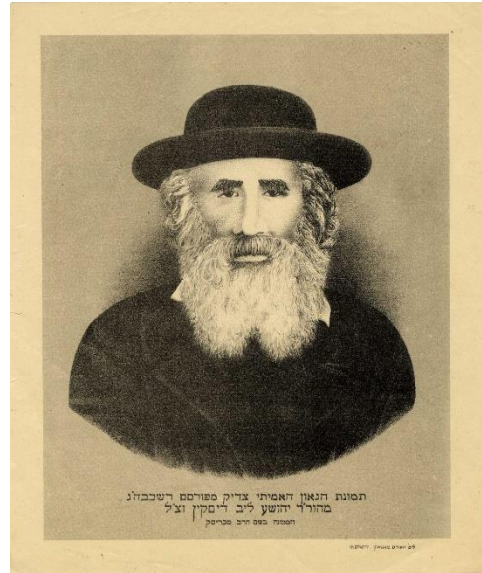
קשיא לי אם כן היינו עכו"ם, ואף על פי שמל הרי הוא כערל דהוה ליה כערבי מהול. וליתא דשאני הכא דמילתו לשם יהדות, ואף על פי שלא נגמר גירותו, מכל מקום כבר התחיל ונכנס קצת בדת יהודית שאינו צריך אלא טבילה .

I found [the Talmud's answer] troubling: If [the answer] is correct, then he is just an ordinary gentile. And even if he is circumcised, then he is neverhtelss considered uncircumcised like a

circumcised Arab [whose circumcision is not halachically valid]?! But that is not true – this scenario is different since his circumcision was for the purpose of becoming a Jew. Even though his conversion process was not yet complete he nevertheless initiated the process and began to enter the Jewish religion and only needs immersion [to complete the process].

**8. Toldos Chachmei Yerushalayim 4: Additions to Volume 3 pg. 67**

עוד מחדש שם הגרש"ס, שהיהדות מתחילה עם המילה, אלא שקודם שטבל יש לו רשות לחזור, ולאחר שטבל נעשה גר למפרע. וא"כ אין צריך לחלל שבת משתי פנים: מצד שנעשה גר למפרע, ומצד שהחלול שבת הרי זה כחזרה וכאילו עוקר את המילה.



Rabbi Shmuel Salant also opined that Jewish status begins with circumcision, but before immersion one is allowed to repudiate it, and after immersion the Jewish status is conferred retroactively. Therefore, one does not need to violate Shabbos for two reasons: 1) because he is retroactively Jewish at that point and 2) desecration of Shabbos would constitute a repudiation of the circumcision.

**9. Contemporary Halachic Problems 4:7**

Rashba's comment did not go unnoticed by R. Asher Lemel. He cites Rashba's statement but regards it as merely an analysis of the provisions of Jewish law that would have been applicable in the absence of a verse designed to exclude the unimmersed convert from partaking of the paschal offering. The effect of that exclusion, argues R. Asher Lemel, is to establish that the status of such a convert is identical to that of a non-Jew in every respect.

**10. Rambam Laws of Kings 10:9**

עכו"ם שעסק בתורה חייב מיתה. לא יעסק אלא בשבע מצות שלהן בלבד. וכן עכו"ם ששבת אפלו ביום מימות החל אם עשאהו לעצמו כמו שבת חייב מיתה. ואין צריך לומר אם עשה מועד לעצמו. כללו של דבר אין מניחין אותן לחדש דת ולעשות מצות לעצמן מדעתן. אלא או יהיה גר צדק ויקבל כל המצות. או יעמד בתורתו ולא

יוסיף ולא יגרע. ואם עסק בתורה או שבת או חדש דבר. מכין אותו ועונשין אותו ומודיעין אותו שהוא חייב מיתה על זה. אבל אינו נהרג

A non-Jew who busied himself with Torah is liable with his life<sup>112</sup>. He must involve himself in their Seven Commandments only. Similarly, a non-Jew who “rested” as one would on Shabbos, even on a weekday, is liable with the death penalty. There is no reason to mention (that he is culpable) if he invented his own holiday. The principle here is that we do not permit them to make a new religion and create new commandments for themselves based on their own reasoning. They may only become Righteous Converts and accept upon themselves all the Commandments, or they must observe their own (Seven) Laws only, and not add or detract from them. If a non-Jew busied himself with Torah or made Shabbos or made up something new, we give him lashes and punish him and tell him that he is liable with the death penalty for doing this. But he is not executed.

### **11.Minchas Asher: Breishis (2019 ed.) 17:6**

ולבי אומר לי, דכאשר אדם שובת משום ספק שמא ישראל הוא, אין הוא בכלל “עכו”ם ששבת” ... כיון שאין שביתתו אלא משום מצות ישראל, אין בזה איסור כלל, וכן לגבי האבות דכל שביתתם משום דין ישראל שנהגו בו, אין הם בכלל דין עכו”ם ששבת.

ויסוד הדבר נראה לענ”ד, דבאיסור זה דעכו”ם ששבת, שאינו מז’ מצוותיו ואינו מסור לבי”ד אלא לשמים, אין איסור אלא כשכונתו לשבות בתור גוי ומשתמש בשרביטו של מלך, אבל כשכונתו לשבות מתורת ישראל אין בו איסור כלל, וכך מסתבר לגבי גוי שעוסק בתורה

My heart tells me that when a person rests due to a doubt that one might be Jewish, one is not considered “a gentile who observes Shabbos”... Since his rest is because of the mitzvah, there is no prohibition at all. Similarly regarding the Avos, their rest was because of the Jewish law that they observed. Thus, they were not considered “a gentile who observes Shabbos.”

The idea behind this reasoning appears to me in my humble opinion that the prohibition of a gentile resting, which is not one of the Seven Noahide Laws and thus not given to the jurisdiction of the court (but to Heaven), there is only a prohibition if one has in mind to rest as a gentile. But if one’s intent is to rest as a Jew there is no prohibition. It also makes sense to make this argument regarding teaching Torah to a gentile.

## **12. Chiddushei Hagrach 436**

מבואר בדבריו דהאיסור של שבת אצל עכו"ם הוא משום שאסור לו לחדש דת ולעשות מצוה לעצמו והנה נחזי אנן גבי האבות אם היה כבר עליהן שם ישראל ודנו זה מבואר מכמה מקומות... ומכ"ז מוכח **דבהחפצא היו עליהם שם ישראל אלא דבדין היה דין בן נח**. ולפי"ז נראה דלא שייך כבר לומר דהיה עליהם דין עכו"ם ששבת מכיון שבחפצא היו כבר ישראל והם שייכים לשבת אלא דלא נצטוו ואין זה חידוש דת עליהם כ"... משא"כ לעכו"ם דל"ש לשבת א"כ הם מחדשין לעצמן דת בשמרם שבת ומשו"ה חייבם מיתה.

It is clear from [Maimonides's] words that the prohibition of resting for a gentile is because the prohibition is to innovate a religion and to make a mitzvah for one's self. So now let us determine whether the Avos had the status of Jews? This has been discussed in many instances... **and it is clear that in essence, they had the name of Jew, but they had the law of a gentile**. Therefore, it appears that they would not fall under the category of a "gentile who rests" since they in essence were Jews and connected to Shabbos, just they weren't obligated to fulfill it, so it would not constitute innovating religion... unlike a gentile who is not connected to Shabbos, so their observance would constitute innovation of religion and thus they incur the death penalty.

## **13. "Rabbi Jacob Ettlinger and Warder Cresson" (The Seforim Blog, Rabbi Yirmiya Milevsky)**

**What brought this Moroccan to Jerusalem and what prevented him from converting in his homeland where a very significant Jewish population and rabbinic court was present?**

Some time ago I came across an article by Frank Fox, entitled "Quaker, Shaker, Rabbi: Warder Cresson, the Story of a Philadelphia Mystic." Pennsylvania Magazine of History and Biography 95, no. 2 (April 1971): 147-194 Philadelphia. (Unless otherwise indicated all information and quotes are from the article.) The narrative follows the unorthodox journey of Cresson. Born in 1798 and grew up following the habits of the Quaker elders.

Warder displayed a mind immersed in Scriptures. In 1829, Cresson wrote a condemnation on the "Babylon" of Pennsylvania, attacking wealth and social distinction. "It will certainly be admitted," he began, "that all the misery and troubles that afflict the human family arise aspiring from ...selfishness." The lack of true religion, he wrote, a faith that ought to be

expressed through self-denial and universal love, had brought about tyrannies and caused slavery and bloodshed.

Cresson became familiar with a Jewish leader in Philadelphia, Rabbi Isaac Leeser, a pioneer of the Jewish pulpit in the United States. Leeser, the minister of Congregation Mikveh Israel since 1829, was using his pulpit to educate and to revive the deteriorating communal and religious organizations.

Another contemporary, whose views affected Cresson, was Mordecai M. Noah, who addressed Christian and Jewish audiences in New York and Philadelphia in the early 1840s and urged a return to Zion as the only solution to the Jewish problem of persecution. In 1825, he attempted to establish “Ararat”, a city of refuge for the Jewish people on Grand Island in the Niagara River. In 1844, Cresson



decided to go to Washington and to apply for the position of the first American Consul to Jerusalem. by May 17, was officially notified of his appointment. His appointment was rescinded within a short time. Nevertheless, Cresson made his way to Jerusalem.

After his arrival Cresson wrote critically of the high salaries paid to the missionaries who lived “in the very best houses, bought most splendid Arabian horses and dressed in the most luxurious and stylish manner.” As for their practical work, he wrote that, “To further their imposing and enterprising object they built a church which has cost them more than \$150,000; then a hospital and Dispensary, sent physicians from England, set up an institution of Industry and also a college and schools, all to entrap and instruct the poor, dirty, oily, greasy, starving Jews and to tempt and provide them with good livings, fine English clothing, upon the only one condition that they will give their names and use all their influence to support and promote the



interest of their Society for introducing and establishing Sawdust instead of Good Old Cheese, amongst the poor Jews in Jerusalem and Palestine.” According to Cresson, the missionaries failed to get a single Jew to apostatize.

In 1847, Cresson began writing, “The Key of David the True Messiah”, in which he began his journey towards Judaism. Finally, after denying the divinity of Jesus, Cresson was ready for the final step of his spiritual journey. He writes, “I remained in Jerusalem in my former faith until the 28th day of March, 1848,” he wrote, “when I became fully satisfied that I could never obtain Strength and Rest, but by doing as Ruth did, and saying to her Mother-in-Law, or Naomi ‘Entreat me not to leave thee for whither thou goest I will go’... In short, upon the 28th day of March, 1848, I was circumcised, entered the Holy Covenant and became a Jew.”

Cresson - or Michael Boaz Yisroel ben Avraham - returned to the United States for a few years. Upon his return to Jerusalem in 1852 he married a Sephardic woman named Rachel Moledano. Cresson died in 1865 and was buried on Mount Olives. Many aspects of his life are quite intriguing and fascinating. However, one detail provides the answer for the mystery regarding the “Moroccan” convert in Rabbi Jacob Ettlinger’s response. Cresson identifies the date of his conversion, The 28th of March 1848 – the day Warder Cresson became Michael Boaz Yisrael – corresponds to the 23rd of Adar Sheini in the Jewish year (5)608. In other words, the conversions occurred on the same day! The response indicates that conversions in Jerusalem were pretty unusual, (והמה זוכרים כמה גרים שנימולו פעה”ק ת”ו) And they recall conversions from the past...) making it difficult to believe that there were two conversions on that specific day.

**Consequently, I believe that the non-Jew in Rabbi Jacob Ettlinger’s response did not come from Morocco but rather from America. In Hebrew, the spelling of America can be easily mistaken for Morocco (“מאראקא”). Cresson indeed came to Jerusalem “for the sake of conversion”.**