YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Laws of Conversion and Circumcision (3)**

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In memory of Rabbi Jack Sable z”l and

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***Tevilat Ha-Ger***

Last year, we began our study of the laws of *giyur* (conversion). We noted the Torah's special treatment of the convert, and we explored *Chazal's* attitude towards conversion in general and converts in particular. We discussed the significance of the convert's motivations, as well as the role of the *beit din*, and we introduced each of the components of *giyur* (*mila*, *tevila*, *kabbalat mitzvot*).

This year, we will dedicate a number of *shiurim* to the *tevila* (immersion) of a convert. We will then discuss *kabbalat mitzvot* and the conversion of children. We will also present some of the challenges posed by conversion in the modern era, especially in the State of Israel.

***Tevilat Ha-Ger***

As we discussed previously, the Talmud (*Keritut* 9a) explains that a convert enters the Jewish People in the same manner as our ancestors did:

R. Yehuda Ha-Nasi says: “As you are, so shall the stranger be” (*Bamidbar* 15:15), which means: As your ancestors were: Just as your ancestors entered the covenant only through circumcision and immersion in a ritual bath and the sprinkling of blood on the altar, so too they may enter the covenant only through circumcision and immersion and the sprinkling of some blood, which requires at least a bird-offering.

R. Yehuda Ha-Nasi asserts that that there are three parts of the conversion process: circumcision (for males), *tevila* (immersion in a *mikveh*), and, during the time of the *Beit Ha-Mikdash*, a bird-offering accompanied by sprinkling of its blood, which is not applicable nowadays.

The *gemara* (*Yevamot* 46a) cites a debate regarding whether it is absolutely necessary to perform both *mila* and *tevila*, or whether one of these acts may suffice, and if so, which one. The Talmud concludes that both R. Yehoshua and R. Eliezer maintain that *tevila* alone is sufficient, as the *imahot* (foremothers) immersed but were not circumcised. They disagree as to whether circumcision alone suffices. The Sages, however, disagree, and maintain that “whether he immersed but was not circumcised or whether he was circumcised but did not immerse, he is not a convert until he is circumcised and he immerses.” This is the conclusion of the *gemara* as well. The Talmud adds that a woman who wishes to convert must immerse, since she cannot be circumcised (*i-efshar*). The Rambam (*Hilkhot Issurei Bi’a* 13:1-4) rules, in accordance with the *gemara*, that both *mila* and *tevila* are essential components of the conversion process.

Although the Talmud clearly requires *tevila*, the *Rishonim* debate numerous issues concerning the immersion of a convert. For example, must the *mila* and *tevila* be performed in a specific order? The Talmud (*Yevamot* 47b) teaches that after the *beit din* informs the convert of the difficulties and hardships entailed in joining the Jewish People, the convert accepts all that has been said, "they circumcise him immediately … when he is healed [from the circumcision], they immerse him immediately … [and] once he has immersed and emerged, he is like a born Jew in every sense."

Tosafot (ad loc. s.v. *matvilin*) explains that this passage implies that the *mila* is performed **before** the *tevila*. The Rambam (*Hilkhot Issurei Bi'a* 14:5; see also *Hilkhot Mila* 1:7) concurs. Some *Rishonim* (see Rashba ad loc. and Ritva ad loc.) note that the *gemara* explicitly states that "they circumcise him immediately … so that we do not delay the performance of a *mitzva*." If it were possible to perform the *tevila* first and then circumcise the convert, that would certainly be preferable!

Why is it crucial that the *tevila* be performed last? The Rashba (ibid.) explains: “Since the *tevila* embodies the essence of the conversion, leaving the impurity of being not Jewish and entering into the sanctity of Israel, therefore it [the *tevila*] must be at the end.” Similarly, the Ritva (ibid.) writes that “when he is uncircumcised, the *tevila* does not work, as it is similar to one who immerses while still holding something impure (*tovel ve-sheretz be-yado*) and therefore, even after the fact, the *tevila* is invalid.”

However, the Ramban (ad loc. s.v. *nitrapeh*) disagrees with these *Rishonim* and insists that there is a different reason for delaying the *tevila*. Generally, the convert is first circumcised, as a means of deterrence, but if he immersed before being circumcised, the conversion is valid. Furthermore, Tosafot cites as a proof another passage, which teaches that when a pregnant woman converts, her son is considered to be Jewish and *tevila* is not required. Since the child is not circumcised until after he is born, clearly the order of the *mila* and *tevila* does not matter. We will discuss this passage when we study the laws of the conversion of a pregnant woman.

The Rema (YD 268:1) cites both views. The Shakh (2) rules that one who immersed before being circumcised should immerse again.

This debate may be rooted in a fundamental question regarding the circumcision of a convert: Is the *mila* a mere preparation for the *tevila*, and the *tevila* actually affects the conversion (Tosafot, Rambam, Rashba, Ritva)? Or are the *mila* and *tevila* both significant parts of the conversion process, such that it may not matter which is performed first (Ramban). This fundamental question may affect other halakhic issues as well.

***Tevilat Ha-Ger*, *Kabbalat Mitzvot*, and Intention**

 The Talmud (*Yevamot* 47b) relates that "when he is healed from the circumcision, they immerse him immediately, and two Torah scholars stand over him at the time of his immersion and inform him of some of the lenient *mitzvot* (*miktzat mitzvot kalot*) and some of the stringent *mitzvot* (*miktzat mitzvot chamurot*)." Although the *beit din* already informed the convert of the *mitzvot*, the *gemara* teaches that the *beit din* once again informs the convert of the *mitzvot* before the *tevila*.

 The commentators appear to disagree regarding the function of this second *kabbalat ha-mitzvot*. Rashi (s.v. "*umodi'in*; see also Tosafot Rid) explains that "now, via the immersion, he converts, and therefore it is at the times of the *tevila* he should accept upon himself the yoke of *mitzvot*." Rashi implies that although the *beit din* informs the convert regarding the *mitzvot* before deciding whether or not to accept him, the primary time for *kabbalat mitzvot* is before the convert immerses. Furthermore, one might suggest that *kabbalat mitzvot* actually defines the immersion as a *tevila* for the sake of conversion.

 Alternatively, the Levush (YD 268:2) explains that that the *beit din* informs the convert of the *mitzvot*, again upon immersing in order to "encourage him (*le-zarzo*) during the act [of *tevila*]." The Levush appears to maintain that the primary *kabbalat ha-mitzvot* was performed earlier; the *beit din* informs him of the *mitzvot* again in order to encourage him to fulfill the *mitzvot* after the conversion.

 In any case, while the convert must not immerse merely for the sake of cleanliness, if a woman immerses with the intention of purifying herself after her menses, or if a man immerses with this intention of purifying himself from *tume'at keri* (i.e., the impurity associated with a seminal emission), the conversion is valid (see *Yevamot* 45b; *Yerushalmi* *Kiddushin* 3:12; *Shulchan Arukh*, YD 268:3).

***Chatziza* and *Chafifa***

One who immerses in a *mikveh* to purify one's self from ritual impurity, or a woman who immerses after her menses in order to permit marital relations with her husband, must be careful that the water covers the entire body and that there is not a *chatzitza*, i.e., a barrier, between the water and the body.

Regarding one who immerses for the sake of conversion, the Talmud (*Yevamot* 47b) teaches:

And anything that interposes [between one’s body and the water of the *mikveh*] with regard to immersion also interposes [and invalidates the immersion] for a convert.

The *Shulchan Arukh* (YD 268:2) rules accordingly.

 The Talmud (*Bava Kama* 82a) records that Ezra Ha-Sofer instituted "that a woman should first comb [her hair] and only then immerse [in a *mikveh* after being ritually impure]." The *Rishonim* (see, for example, Tosafot, *Nidda* 66b, s.v. *im*) discuss whether this enactment entails washing one's hair or one's entire body. Does this obligation apply to a convert before immersing?

 Many *Rishonim* (Tosafot ibid., Ramban and Rashba *Chullin* 10a, et al.) assume that all those who immerse must first do *chafifa* (i.e., a thorough cleansing and examination of the body). Therefore, it is customary to require a convert to perform *chafifa* before immersing.

 Interestingly, numerous *Rishonim* (Behag, *Hilkhot Mila*; Rif, *Shabbat* 55b; Rosh, *Shabbat* 19:11; *Tur,* YD 268) record that the convert should shave all of his hair before immersing. Although the *Shulchan Arukh* does not cite this practice, the Rema (YD 268:2) writes that the convert should shave his hair and cut his nails before immersing.

 R. Yoel Sirkis (Bach, YD 268; see also 267:7) offers two reasons for this practice. First, he explains that this may be due to the fear of *chatziza*. He then suggests that this practice may be based upon R. Moshe Darshan's explanation of the purification of the Levites (see Rashi, *Bamidbar* 8:7). R. Moshe explains that shaving bodily hair is a part of the process of attaining forgiveness, as we see regarding the *metzora*. Similarly, the Bach records that it was customary for apostates, upon returning to Judaism, to shave all of their hair before immersing in the *mikveh*.

 The Shakh (7) explains that the practice is clearly not due to a fear of *chatziza*, as a convert who performed *chafifa* would then not need to shave the hair on his body. Some explain that the Shakh clearly does not believe that a convert must perform *chafifa*.

 Similarly, R. Meir Simcha of Dvinsk, in his Ohr Sameach (*Hilkhot Issurei Bi'a* 4:8) explains that Ezra's enactment did not apply to all who immerse; rather, the obligation to comb one's hair and examine one's body was intended to ensure that Jewish men, who had begun to take non-Jewish wives, would be particularly attracted to their Jewish wives and would leave their non-Jewish wives. He refers to this a "*le-to'elet kiyum ha-uma* – for the benefit of the continuity of the nation." Clearly, this reason does not apply to the convert.

 In practice, it is not customary for a convert to shave his hair before the *tevila*. Rather, before immersing, a convert is instructed to wash and comb his or her hair and trim and clean his or her fingernails. Furthermore, although the convert is instructed to wash and brush his or her hair and thoroughly examine his or her body before the *tevila*, if this was not done, the *tevila* and the conversion is valid (see *Sefer Mishnat Ha-Ger,* *Hilkhot Gerim*, *Dinei Tevilat Ha-Ger*, 14).

**The Blessing Reciting over the *Tevila***

 The immersion of a convert is a unique *mitzva* in that it is performed before the person is actually Jewish. Given this, when should the convert recite the blessing?

 The Talmud (*Pesachim* 7b) teaches that although in general, one recites a blessing before performing a *mitzva*, in the case of immersion, the blessing is said afterwards:

R. Yehuda said that Shmuel said: With regard to all the *mitzvot*, one recites a blessing over them prior to their performance (*over le-asiyatan*)… R. Chisda said: Except for prior to immersion alone.

The *gemara* adds that after immersion, the following blessing is recited: “Blessed … Who has made us holy through His *mitzvot* and commanded us concerning immersion (*al ha-tevila*).”

The *Rishonim* disagree as to which immersion the Talmud refers. Rashi (ibid. s.v. *de-akatei*) explains that the *gemara* refers to a man who wishes to immerse before studying Torah, in accordance which the Talmudic statement that Ezra established that a man who experiences a nocturnal emission should immerse before studying Torah (*Berakhot* 20b); this practice is no longer observed. Rashi adds that because of this case, the rabbis instituted that whenever one immerses, even for other reasons (i.e., *nidda* or conversion), the blessing should be recited afterwards. The Rif (4a) and Tosafot (ad loc., s.v *al ha-tevila*) cite Rabbeinu Chananel, in the name of a Ga’on, who disagrees and explains that the *gemara* refers specifically to the immersion of a convert, who is unable to say the blessing before he immerses, as he is not yet obligated in *mitzvot*.

Although this debate is relevant for the immersion of a *nidda*, as we shall see, the Rambam (*Hilkhot Berakhot* 11:7) and the *Shulchan Arukh* (YD 268:2) rule that a convert recites the blessing after immersing.

 Interestingly, it is customary in many conversion courts for a convert to immerse twice – that is, to immerse, say the blessing, and then immerse again. The source and rationale for this practice are not clear. Some suggest that it may be rooted in a similar practice observed by women who immerse after menstruating. As mentioned above, the *Rishonim* disagree as to whether a *nidda* should say the blessing before the immersion (Rambam; *Shulchan Arukh*, YD 200) or afterwards (Tosafot; Rema ibid.). R. Yishayahu Horowitz, in his *Shnei Luchot Ha-Brit* (*Shelah*), suggests that a woman should immerse twice, before and after the blessing, in accordance with both opinions. It is possible that the custom to instruct a convert to immerse before and after the blessing is based upon this practice. Others suggest that while the first immersion is for the sake of conversion, the second immersion is for the sake of additional purity (*tahara*) upon entering the Jewish People.

 At times, if there is a doubt regarding whether the candidate is already Jewish, the *beit din* may perform the immersion as a "*giyur le-chumra*" and instruct the convert not to say a blessing.

***Tevilat Ger Katan* (The Immersion of a Minor)**

 The Talmud does not mention a blessing recited upon converting a minor (*ger katan*). The *Acharonim* (*Chatam Sofer*, YD 1:253; see also *Da’at Kohen*, YD 151) relate this doubt to a broader question regarding the conversion of a minor: Does the possibility that the child may renounce conversion upon becoming an adult (*mecha’ah*) undermine the conversion from that moment forward or retroactively? They suggest that if the conversion can be cancelled retroactively, then it is possible that a blessing should not be recited upon circumcising or immersing a minor.

 The blessing over the conversion of a child may also depend upon whether the adult who brings the child to *beit din* immerses him or if this is done by the *beit din* itself (*al da’at beit din*). The Raavad (*Baalei Ha-Nefesh*, *Sha’ar Ha-Tevila* 3) writes that regarding a *ger katan*, “the *beit din* immerses him… and recites the blessing ‘*al tevilat gerim’* before the *tevila*, as is done when performing other *mitzvot*.” This passage implies that the *beit din* is supposed to recite the blessing before the child immerses.

R. Yechiel Yaakov Weinberg (*Seridei Esh* 2:69) disagrees. He writes that the child should recite the blessing, as the blessing in incumbent upon the convert. If the child is unable to say the blessing, no blessing is recited.

 R. Yaakov Ariel (*Be-Ohala shel Torah* 1:37; see also *Afarkasta De-Anya*, YD 3:189) suggests that when someone enters the water with the young convert to help him immerse (often a parent), that person should recite the blessing before submerging the child. Similarly, one might distinguish between the conversion of a child *al da'at beit din*, in which case the *beit din* should recite the blessing, and the conversion of a child by his father in the presence of the *beit din*, in which case the father should recite the blessing.

 The common practice, however, is that a member of the *beit din* present at the *tevila* recites the blessing before the child is immersed. Some maintain that the blessing should be said after the *tevila*, like all other *tevilot*.

***Shehechiyanu***

R. David ben Shlomo ibn Zimra (1479–1573), known as the Radbaz, records that he was asked by *anusim* (those whose ancestors were forced to convert to Christianity and who wished to convert to Judaism) whether they should recite the *Shehechiyanu* blessing upon being circumcised. He responds that while they should not say the blessing after the circumcision,

After the *tevila* he should bless *Shehechiyanu*, as at that moment the conversion is complete since he has immersed … and he has full happiness upon entering under the wings of the *Shekhina*. If one is obligated to say *Shehechiyanu* upon the performance of a particular *mitzva*, and he says, "Blessed… He who sanctified us …” over the entire Torah which he has just accepted upon himself, how much more so that he should say the blessing! (Radbaz, 1:434).

Later *Acharonim*, such as the *Birkei Yosef* (YD 265:15), *Pitchei Teshuva* (YD 268:1), *Seridei Esh* (2:69), R. Tzvi Pesach Frank (*Seder* *Kabbalat Gerim*, in *Har Ha-Mor* 5) and R. Matzliach Mazuz (*Ish Matzliach*, YD 31), record this practice as well.

 The Radbaz appears to base this practice upon the assumption that one who performs a *mitzva* for the first time should say the *Shehechiyanu* blessing. Indeed, the Rema (YD 28:2) rules that one who slaughters an animal for the first time should recite the *Shehechiyanu* blessing upon fulfilling the *mitzva* of *kisuy ha-dam* (covering the blood). Similarly, the Taz (OH 22:1) rules that one who wears *tzitzit* or *tefillin* for the first time should recite *Shehechiyanu*. The *Shakh* (YD 28:5) disagrees; based on Tosafot (*Sukka* 46a, s.v. *ha-oseh*), he rules that one does not say *Shehechiyanu* upon laying *tefillin* for the first time. The *Peri Chadash* (YD 28:5) and *Mishna Berura* (22:2) concur.

 Interestingly, the Chatam Sofer (OH 1:55) cites the *Peri To'ar* (YD 55), who rules that although one who performs a *mitzva* for the first time does not say *Shehechiyanu*, one who enters into the obligations of *mitzvot*, i.e., a thirteen year old boy upon the occasion for his bar-mitzva, does say the *Shehechiyanu* blessing. According to this reasoning, it would see that a convert should say the *Shehechiyanu* blessing as well.

 Finally, the Bach (OH 29; see also *Eliya Rabba* 22) rules that one may recite the *Shehechiyanu* blessing even when in doubt, as the principle of "*safek berakhot le-hakel*" does not apply.

 Although all of the matters mentioned above are subject to debate, a convert who wishes to recite *Shehechiyanu* upon emerging from the *mikveh* upon the occasion of entering the Jewish People and the yoke of Torah and *mitzvot* certainly has upon whom to rely.

*Massekhet Gerim* (1:1) teaches that after the convert has emerged from the *mikveh,* the *beit din* should encourage him:

We tell him good and encouraging words: "To Whom have you clung? Happy are you! [You have clung] to He who said and the world was created, blessed be He, as the world was only created for the sake of Israel, and only Israel are called the children of God, and only the Jewish People are considered to be adored by God. And all that we said to you [before the conversion] was only in order to increase your reward.

It is proper to once again encourage and embrace the convert after he emerges from the *mikveh* and has entered the Jewish People.

 Next week, we will discuss the role of *beit din* during the *tevila*, as well as the presence of men during the *tevila* of female converts.