

**YESHIVAT HAR ETZION**  
**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**  
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TALMUDIC METHODOLOGY  
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**SHIUR #7: GER KATAN (PART 2)**

The previous shiur addressed the concept of zakhin and whether it is necessary for the performance of geirut upon a gentile katan. Tosafot in Sanhedrin claim that legal zakhin is not necessary for this geirut, whose various stages are performed personally by the katan.

Tosafot in Ketubot (11a) take a diametrically opposite approach. They believe that strict zakhin is applied and vital to the success of this geirut. In fact, the entire Tosafot is dedicated to solving the problem of how zakhin might apply to an individual who is both a katan and as yet a gentile. Tosafot throughout shas believe that zakhin is an offshoot of classic shelichut. As such, it should apply only to shelichut candidates. This prospective convert has two conditions that undermine his candidacy for shelichut, and, by extension, for zakhin: he is both a minor and a gentile. Overcoming these obstacles is a difficult task and exacts a heavy toll. Tosafot is forced to concede that zakhin only operates at a de-rabanan level for this ger katan, and hence the geirut is only valid mi-de-rabanan. One attitude, though, is quite clear from Tosafot: they felt that literal zakhin underlies this form of geirut. This position merely sharpens our original question: which aspect of geirut requires zakhin? Isn't the child himself immersing and personally undergoing mila?

One possible solution would be that zakhin allows others to accept mitzvot on behalf of the katan. As stated in the previous shiur, acceptance of mitzvot is an indispensable part of geirut. Presumably, the minor is incapable of weighing this decision. We might accept mitzvot on his behalf through the magic of zakhin.

Another, slightly different scenario would suggest that aside from the actions necessary to become a ger (mila, tevila and acceptance of mitzvot), the convert must also generate 'da'at,' or creative intent, to produce his ultimate state of being a Jew. Rav Chayim described certain halakhic states which can be achieved only through creative intent coupled with ceremonial actions. For example, kiddushin is a combination of presenting money, reciting a formula and actively creating that state through creative will. As a katan is incapable of this 'da'at,' we might claim that

through zakhin we supply this creative intent. This would, of course, assume that geirut is the type of halakhic process which indeed requires a type of da'at of which the katan is incapable.

Both these solutions work upon the premise that there are aspects of geirut which cannot be achieved through purely physical actions. Though the katan can immerse and undergo mila, he may not be able to accept mitzvot and he may not be able to generate the type of halakhic will or creative intent necessary to achieve the desired state. We provide these missing ingredients through the power of zakhin.

This suggests a certain novelty about zakhin. Typically, we apply zakhin to authorize the performance of an ACTION on behalf of an innocent beneficiary. Zakhin, if applied to geirut, allows decisions to be reached, and perhaps da'at to be supplied. This allowance suggests a much broader view of zakhin, in fact one which might not stem from shelichut. Shelichut might authorize execution of certain actions, but zakhin allows decisions to be reached and mental da'at to be provided. It would certainly pull zakhin away from the category of shelichut and toward a more independent and powerful definition.

Alternatively, perhaps this gemara should not be employed toward a global definition of zakhin. The mishna speaks of beit din 'immersing' the katan. According to the gemara, beit din is involved, Rav Huna's statement reads "Beit Din can immerse a prospective ger who is a katan." Are they involved here merely in the same capacity in which they function in classic conversions (which require the presence of beit din), or are they also the agents employing zakhin? Whatever zakhin supplies, does beit din play the role of zakhin in addition to the role of beit din supervising this geirut – as they do any geirut? The Me'iri specifically asserts that anyone can stand in as zakhin as the representative of this katan. Even if we read the gemara literally – that beit din serves the zakhin function, we might simply claim that this is a practical convenience: since beit din oversees the process anyway (as they would any geirut), they are also asked to play the zakhin role.

Might we claim otherwise? Could we suggest that fundamentally, beit din must act as the zakhin agents as well? Beit din might have unique authority to reach decisions and supply da'at in a manner which typical or standard zakhin cannot. The gemara in Kiddushin (42a) describes the institution of Apotropus - the person appointed by beit din to initiate several decisions on behalf of defenseless, young orphans. Can we see this gemara as paradigmatic or as authorizing beit din for a broad range of decisions for a broad range of ketanim (even gentile ketanim)?

Might this also solve Tosafot's issue of applying zakhin to an individual (katan, gentile) who does not enjoy shelichut rites? The Shakh, in his Nekudat Ha-kessef to Yoreh De'ah (305), suggests parts of this approach. If we adopt this view, we cannot infer from this gemara anything about the general scope of zakhin. If Tosafot in Sanhedrin asserted that our halakha does not require zakhin, this approach might suggest that our halakha benefits from a uniquely powerful form of zakhin.