

THE FOURTH PEREK OF YEVAMOS IS DEDICATED

לע"נ דוד בן יצחק איסאק

Daf 45 is Dedicated L'Zecher Nishmas

Rifkah bas Avrohom



THE HAKUK EDITION

ENGLISH TOPICS ON THE DAF

Dedicated L'Refuah Shlaima for Yaakov ben Victoria

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Daf Hashovua Yevamos Daf 45

Tevillas Geirim

At the bottom of daf 45b, there are several stories of geirus. Part of the conversion process is immersion in a mikvah, and the Gemara says that as long as they went to the mikvah for some reason – nidda or keri – it's good enough.

The big question on this is from a later Gemara, that tevilla for a ger requires a beis din to oversee it – three dayanim. **Tosfos** asks that when a woman goes to the mikvah for nidus, there are not usually any men around to be a beis din. How could it possibly be valid for geirus?

Tosfos suggests that the beis din is necessary for kabalas mitzvos, to accept upon oneself to adhere to all the mitzvos of the Torah. The immersion itself, however, doesn't technically need dayanim, although it is preferable to do so. Alternatively, if it is easily known that the person was toivel, that suffices.

The **Rambam** has a whole different take on our Gemara, which avoids Tosfos' question in the first place. He says that if we see a convert doing all the practices of Jews, *such as going to the mikvah for nidus*, we can assume she had a proper conversion. The same is if we see a man going to the mikvah for keri. But we won't allow him or her to marry a Jew until another tevilah is done in front of Rabbis, or witnesses to the effect (Hilchos Issurei Biyah 13:9).

Evidently, the Rambam is learning our Gemara that going to the mikvah for nidda or keri is not considered *the* tevilah for geirus, but is an *indication* that they must have

done it right. If we see them doing all the other things Jews do, we can assume they did the geirus properly, too. Even so, this suffices only to validate their offspring; for them to marry someone needs a verified tevilah (Maggid Mishnah).

These are two tracks of the Rishonim to learn our sugya. The main practical difference between them is if the halachos detailed in the Gemara for the milah and tevilah are me'akev, compulsory, and their violation invalidate the geirus. They include doing it before a kosher beis din and in the daytime. Either way, kabalas mitzvos must be done with three dayanim and in the day. Both opinions are brought by the **Shulchan Aruch** (Y.D. 268:3). According to Tosfos, if the milah and tevilah were done with only two people in attendance, [before relatives – Rema,] or at night, b'dieved it is valid. According to Rambam, though, it is not.

The Acharonim debate the phrase in the Shulchan Aruch “with two people.” Once it’s not a beis din of three, what’s the difference if it’s two or even one? The only time we need two is to be witnesses. But since the Rema allows even relatives, who are not kosher witnesses, it would seem that this is not a requirement? Thus writes the **Shach** – even in front of one person, the geirus works b'dieved. Rabbi Moshe Feinstein adds that really nobody has to be there, because one attendee has no more halachic power than if the ger did it alone!

The Shach continues, however, that it could be the Shulchan Aruch actually meant that two people must be there, as witnesses. If the convert was a known non-Jew and wants to change his status (chazaka) to that of a Jew, we need some sort of proof for it. The Prisha and Bach explain it in this way. With this understanding, the Rema’s comment that relatives would also suffice is his own personal opinion, since the Shulchan Aruch requires kosher witnesses.

Interestingly, another topic in these halachos also revolves around an addition the Rema inserted into the words of the Shulchan Aruch. A later Gemara (Daf 47) elaborates on the process of a ger’s kabalas mitzvos. Here, too, *three people* should list off a number of mitzvos for the ger to accept (seif 2). The Rema adds onto “three” the words “talmidei chachomim.” Does the Shulchan Aruch agree to this clause?

Rav Moshe Feinstein (Igros Moshe Y.D. 1:159) asserts that although the Gemara mentions talmidei chachomim, it does not particularly need to be so. He quotes many other sugyos where the term is used but is not necessary. So why does Rema stress it? Probably just to ascertain that the three people are well-versed enough to do it right. They need to tell the potential ger the long speech printed in the Shulchan Aruch, as well as to make sure the other parts of the geirus are done properly.

On the other hand, some sources indicate that “talmidei chachomim” *is* to be taken literally. The **Meiri** here says that dayanim mumchim are not necessary, but they should be talmidei chachomim. **Rav Shternbuch** shlit”a notes the language of the Shulchan Aruch, “All the aspects of geirus – to inform him about mitzvos, the milah and the tevilah – should be done with three people *who are fit to judge.*” This means we need men who are so learned they could potentially become dayanim (Teshuvos V’hanhagos 1:618). The sefer **Geirus K’Hilchosoh** rules like this (Ch. 7 pt. 3).