

THE FOURTH PEREK OF YEVIAMOS IS DEDICATED

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THE HAKUK EDITION

ENGLISH TOPICS ON THE DAF

Dedicated L'Refuah Shlaima for Yaakov ben Victoria

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Daf Hashovua Yevamos Daf 46

A ger who had milah but did not go to the mikvah is the subject of our Gemara. The final word is from Rabbi Yochanan on amud beis who paskens that he is not a ger.

However, it is not as simple as it sounds.

Tosfos asks from a later Gemara in which Rabbi Akiva says that a ger who had milah but not tevillah cannot eat the korbon pesach. The problem is, what is his point? If he holds like Rabbi Yehoshua here, the man is not a ger, so it's obvious he can't partake. And if R' Akiva holds like Rabbi Eliezer, he is a full-fledged Jew, so why *can't* he eat it?

He answers that R' Akiva's opinion is similar to R' Yehoshua's, but from a different source. R' Yehoshua's source is from the assumption that the Avos had tevillah, but R' Akiva derives the halacha from the possuk of korbon pesach. Thus, without the derasha of the korbon, R' Akiva would not know that tevillah makes him into a ger!

The **Rashba** on daf 71 offers another explanation, which aroused a great furor when such a case came up, as we'll see. He contrasts a non-Jew who is circumcised for personal reasons, which the Gemara considers still an "orel," and one who undergoes milah with the intention to convert. "Even though he did not complete his conversion, he at least *started it and entered somewhat into the covenant of Judaism*, since he lacks only tevillah." That is why R' Akiva requires a possuk to preclude him from eating the

pesach – he is already somewhat a Jew! Still, the Torah tells us, he cannot yet eat the korbon.

According to the Rashba, then, although without tevillah he is not fully a ger, he is already a partial ger after milah. Rabbi Yosef Engel (**Gilyonei Hashas**, here) explains the mechanisms of these two steps of geirus. Milah removes the gentile aspect from the person, and tevillah imbues him with kedusha of a Jew.

This case actually happened in Yerushalayim, in 1848. A fellow came to the Beis Din to become a ger, and he was mal under their auspices. He waited a few days to go to the mikvah, however, until he recovered from the procedure. On the coming Shabbos, people came to tell the substitute head of the Badatz, who was taking the place of **Rav Shmuel Salant**, that the man was being very vigilant to avoid melachos. The Rabbi ruled that he was not yet a ger, and must be mechalel Shabbo! Since a non-Jew is forbidden to keep Shabbos, and our Gemara says that until tevillah he is not yet a Jew, he must do some melacha on Shabbos. He instructed that the man write a few words.

After Shabbos, many other Rabbonim voiced their objection to this ruling. Mostly, they argued that it was a new idea which they never heard. In desperation, the Rabbi sent off letters to R' Salant, then in Warsaw, and the Aruch L'ner, in Germany, hoping for their approval. Unfortunately, they did not agree with him, either! Let's see what they wrote.

Rav Salant quoted the Rashba above, that once he does milah he is a partial Jew. The only exception we find is from eating the korbon pesach, so he should keep Shabbos just like he fulfills all the other mitzvos in the Torah. Indeed, they had just informed him of the obligation to keep Shabbos, when he had milah and kabalas mitzvos! (see the lengthy responsa in Toras Rabbi Shmuel Misalant, Vol. 1 Siman 31)

In a teshuvah printed in his **Binyan Tzion** (91), the Aruch L'ner echoed this psak. He records that he asked around other Botei Din, and they did not insist that such a ger be mechalel Shabbos. He continues that the Rabbi seems correct in his ruling, though, so sought to explain the minhag to allow the man to keep Shabbos. He raised several arguments:

Milah is referred to as a "bris" in the Torah. So is Shabbos; why would entering one "covenant" with Hashem require him to profane another covenant? Having a bris already separates him from the other nations, and he may already keep Shabbos.

He proves this precedent from a Tosfos in Kerisos (9) which opines that those who had milah in the generations from Avraham Ovinu until yetzias Mitzrayim did not need to do it again. Although they probably did not go to a mikvah, their milah l'shem geirus sufficed "to separate them from the other nations."

One more historical proof is that Klal Yisroel was commanded about Shabbos in Marah, on the way to Har Sinai. Although they had milah before they left Mitzrayim, they were not tovel until Matan Torah. Yet, they started keeping Shabbos, already! Therefore, such a ger may keep Shabbos.

This point is bolstered in **Teshuvos Avnei Nezer** (Y.D. 351) by the Zohar's comment that they actually *completed* their brissim in Marah. They had brissim in Mitzrayim, but apparently did not do priyah (pulling back the foreskin) until then. Immediately following the second and final stage of the bris, Hashem commanded them about Shabbos. We see clearly that milah is enough to be obligated in keeping Shabbos!

But the Avnei Nezer argues the opposite way, as well. All this fits only with the Rashba, as we've said. According to Tosfos, there is no basis for such a concept. And even the Rashba doesn't say explicitly that he's chayiv in Shabbos and the other mitzvos. He muses that if the Rishonim had seen the Zohar above, they might have ruled differently. Without the Zohar's insight, though, it's a little specious to connect the milah they had in Mitzrayim with mitzvas Shabbos in Marah, a while later. He concludes "tzorich iyun" – the matter is unresolved.

Many other poskim side with Rav Salant that he is a quasi-ger. The **Radvaz** wrote that if such a ger touches wine it is not yayin nesech, and we have a chiyuv to support him financially. On the other hand, he cannot complete a minyan or be mekadesh a woman. "He is not like a Yisroel for any matter... He has left the category of a non-Jew but has not entered Klal Yisroel until he is tovel" (Teshuvos, 907; Chashukei Chemed here brings several more teshuvos).