YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Before Sinai: Jewish Values and Jewish Law**

**By Rav Dr. Judah Goldberg**

For easy printing, see

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**Dedicated in memory of Gertrude Spiegel *a"h***

**by Patti and Michael Steinmetz and Family**

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**Shiur #10: Jewish Peoplehood (3): Conversion at Sinai – Paradigm and Exception**

 The previous *shiurim* explored the two facets of conversion that, as R. Soloveitchik described in his seminal essay “*Kol Dodi Dofek*,” correspond to the twin covenants that bind the Jewish people, *berit Avot* and *berit Sinai*. In standard conversion, as R. Soloveitchik stresses, these two dimensions are inseparable. Neither can one join the Jewish people as a social unit without simultaneously embracing the responsibility of *mitzvot*, nor can one indulge in the Jewish religious experience as an outsider who remains separate from the community to whom the privilege of Divine intimacy was granted.

The next few *shiurim*, however, will consider exceptions to the standard process of conversion, in which one of the two dimensions is downplayed or absent or the balance between them is shifted. Some of the cases are purely historical, and others are somewhat esoteric. However, examining the extremes can help us understand the various aspects of conversion in relative isolation, as well as probe the boundaries of the “typical.” As the overall flexibility of conversion, both as a goal and as a process, has become a flashpoint for debate in contemporary Judaism, reflecting on exceptions can also teach us about the range of possibilities for the mainstream.

**Conversion at Sinai**

On the one hand, *Chazal* point to the experience of the Jews at Sinai as the universal paradigm for conversion:

Rebbe said: “‘As for you [will it be for the convert]’ (*Bamidbar* 15:15)—[that is,] as for your ancestors. Just as your ancestors entered the covenant through circumcision, ritual immersion and sacrifice, so too [future converts] will enter the covenant through circumcision, ritual immersion and sacrifice.’” (*Keritut* 9a)

Sinai represents the quintessential forging of a covenant, and therefore any gentile forever after who wants to participate in the covenant must follow the pattern set by Sinai.[[1]](#footnote-1)

 However, if we step back and reflect on the relevance of Sinai to the lone, searching soul who stumbles upon Judaism, we immediately notice some incongruities. True, by standing at the foot of Mt. Sinai, the Jews went from carrying minimal halakhic burden to being bound by 613 *mitzvot*, just as the interested gentile wishes to do. However, the comparison ends there. The potential convert is a total foreigner in every sense, emerging from an alien world and trying to penetrate a new community. How can he be compared to the descendants of Avraham, Yitzchak and Ya’akov who stood at the brink of a new covenant but whose lives as slaves-turned-victors had already been saturated with an acute awareness of their otherness as Jews? Can their respective conversions really be indistinguishable?

1. **After *Har Sinai* – Can I Marry My Sister?**

 Perhaps the most striking demonstration of the total metamorphosis that conversion entails is the severance of all previous familial ties. “According to Biblical law, a convert may marry his mother or his maternal sister who has converted” (Rambam *Hilkhot Issurei Bi’a* 14:12), for “one who has converted is like a newborn babe” (*Yevamot* 22a) whose blood ties have been dissolved.

 Based on this principle, some *Acharonim* (post-Renaissance authorities) raise an interesting question. If Sinai was indeed the prototype for conversion, does that mean that each Jew present at the Giving of the Torah became akin to a “newborn babe,” disconnected from all others? In the wake of *Har Sinai*, could a Jew technically marry his sister or his mother?

 R. Meir Simcha of Dvinsk actually embraces this logic, maintaining that the very principle that a convert is like a newborn is derived from God’s blanket instruction after the Giving of the Torah for the men to “return to your tents,” a euphemism for their wives (*Devarim* 5:27 and *Meshekh Chokhma* there). Even though some of their previous relationships should have been rendered forbidden by Torah law, they were allowed to continue with them, for all Jews at *Har Sinai* were “like newborn babes!”[[2]](#footnote-2)

 Others decline this conclusion for various reasons. The Maharal differentiates between voluntary conversion, through which the individual becomes “like a newborn babe,” and the mandatory conversion of Sinai,[[3]](#footnote-3) which did not erase previous identities (*Gur Aryeh*, *Bereishit* 46:10).[[4]](#footnote-4) A different answer to this problem is quoted in the name of R. Soloveitchik, based on a novel interpretation of the principle that “one who has converted is like a newborn babe.” R. Soloveitchik suggests that it is the process of conversion, rather than the outcome, which irreversibly severs the convert’s ties to his relatives, even if they subsequently convert as well.[[5]](#footnote-5) However, regarding the collective transformation at Sinai, as the entire people underwent conversion as a single unit, family relationships were maintained. At no point was one individual separating himself from his surroundings, which is what strains family ties and ultimately leaves the convert isolated, as if he were “a newborn babe” (*Reshimot Shiurei Maran Ha-Grid Ha-Levi*, *Yevamot*, 510-511).

 Based on our understanding of the dual nature of conversion, perhaps we can suggest yet another answer to this problem. Let us ask ourselves: On the brink of the Giving of the Torah, did anyone need to lecture those who stood at the foot of Mt. Sinai about Jewish suffering? Did the “nation of survivors from the sword” (*Yirmiyahu* 31:1), who had emerged from generations of servitude and had narrowly avoided genocide, need to be told that “Jews in the present era are afflicted and crushed and subjugated and strained, and suffering comes upon them,” as the standard convert must hear (Rambam *Hilkhot Issurei* *Bi’a* 14:1)? Or can we presume that their identification with *berit Avot*—more, their embodiment of it through their own personal journey from slavery to redemption—was sufficient?

 In other words, the Jews at Sinai indeed entered a covenant, but only one. Their assumption of obligation towards the 613 *mitzvot* models the process for future seekers, but they cannot possibly exemplify the abandonment of a former identity and embrace of a new one, for they did nothing of the sort! Whereas the individual convert breaks former ties and joins a new community, those who left Egypt showed up at Mt. Sinai celebrating their distinct identity as the progeny of Avraham, Yitzchak and Ya’akov and the bearers of their forefathers’ legacy.

 Translating this argument into more formal terms, we can say that the principle of “one who has converted is like a newborn babe” is not a function of his entrance into *berit Sinai*, but of his joining *berit Avot*.[[6]](#footnote-6) It is not his obligation in *mitzvot* which affords him his new identity, distinct from his former one and removed from all those who were connected to it, but his participation in a new community. At Sinai, however, where Jews stood proud of their heritage and lineage and where the proceedings built upon that very foundation, their original identities followed them into their new lives as observers of the law. Moshe, the son of Amram, remained such even after the Giving of the Torah, and so Aharon and Miriam remained his brother and his sister, respectively, with all of the attendant ramifications.[[7]](#footnote-7)

**2. Circumcision of the Levites**

 Basic to the laws of conversion is the need for the three elements of circumcision, immersion and the offering of a sacrifice (in the time of the Temple), derived in *Keritut* 9a from the experience of our ancestors at Sinai. Regarding their circumcision, the Rambam writes that it occurred “in Egypt… for they had all ignored the covenant of circumcision in Egypt, except for the tribe of Levi, and regarding this does it say, ‘And your covenant did they protect’ (*Devarim* 33:9)” (*Hilkhot Issurei Bi’a* 13:2).

It is not clear from the words of the Rambam whether this last observation is parenthetical or carries legal implications. Indeed, the Ramban asks for clarification: “And if you ask, how did the tribe of Levi enter under the Divine canopy?” (*Yevamot* 46a) If circumcision is such a critical step for conversion, what could the Levites, who had performed this rite long ago, do?

The Ramban offers two possible answers to this problem. The first is that each of the Levites had a drop of blood drawn from the site of circumcision (*hatafat dam berit*), which is the classic solution for any convert whose foreskin has previously been removed (see Rambam *Hilkhot Mila* 1:7). The second, which the Ramban prefers, is that the Levites did not require any substitute for circumcision, for the act of ritual circumcision had already been fulfilled in them. For a gentile with no connection to Jewish heritage, the removal of the foreskin is a meaningless act that does not obviate the need for the rite of circumcision at the time of conversion. For the Levites, however, their circumcisions constituted halakhically endowed acts. Because of this, the Levites had the same status at Sinai as women, who required only immersion.[[8]](#footnote-8)

*Tosafot*, however, add something to the Ramban’s approach:

Even though those who were circumcised in the days of Avraham did not undergo circumcision during the Exodus, still, when they circumcised themselves to begin with, **they circumcised in order to enter the covenant of God and to separate from the rest of the nations**, and now they also immersed. (*Keritut* 9a)

In contrast to the Ramban, who only negates the Levites’ current need for circumcision by equating them to women, *Tosafot* claim that their earlier circumcisions were themselves laden with covenantal meaning. Their circumcisions were not performed as part of becoming responsible for *mitzvot*, but they were done, in the words of the Rosh, “**in order to enter the covenant that God forged with Avraham**” (*Shita Mekuvetzet Keritut* 9a #33). According to *Tosafot*, circumcisions that preceded the Exodus were a manifestation and fulfillment of *berit Avot*. As such, they needed no repetition later, for the significance of the convert’s circumcision—“to separate from the rest of the nations” and “to enter the covenant that God forged with Avraham”—had already been achieved.[[9]](#footnote-9)

 On one level, *Tosafot* distinguish between the Jews at the time of the Exodus and a gentile who wishes to convert at a later point. The Jews of the Exodus already participated in *berit Avot*, thereby obviating the need for repeat circumcision for those who had already undergone one, while a gentile is entering both covenants at once and therefore requires a fresh act of circumcision in all circumstances. On another level, though, R. Soloveitchik differentiates between the significance of circumcision and the significance of immersion for conversion more generally:

Circumcision, which was given to Abraham the Hebrew, the father of Jewish fate, and which was fulfilled in Egypt prior to the offering of the Paschal sacrifice—the symbol of redemption from Egypt—signifies the fateful otherness of the nation, its necessary isolation and uniqueness…. If the Covenant of Fate is not sealed in the flesh, then the singularity of peoplehood is absent and the gentile remains outside the bounds of the Covenant of Egypt.[[10]](#footnote-10)

Immersion in a *mikveh*, in contrast to circumcision, represents the integration of man into his great destiny and his entry into the Covenant of Sinai…. It is not coincidental that the act of accepting the yoke of commandments is tied to immersion…. If the convert is circumcised and does not immerse himself, then the association of man to destiny is missing, and the gentile is fenced off from the Covenant of Sinai and from a halakhic identification with a holy nation. (*Kol Dodi Dofek*, 74-75)

For the Rav, circumcision and immersion mediate the convert’s entrance into *berit Avot* and *berit Sinai*, respectively. His approach amplifies *Tosafot*’s point that a Jew who had already been circumcised did not require any further circumcision rite prior to the Giving of the Torah.

**3. Where Were the Judges at Sinai?**

 Another core requirement for conversion is the presence of a *beit din* (rabbinic court), as mandated by *Yevamot* 46b: “Rabbi Chiyya son of Abba said in the name of Rabbi Yochanan: ‘a convert requires three [judges]; ‘judgment’ (*Bamidbar* 15:16) is written by him.’” In light of this, *mori ve-rabbi* R. Hershel Schachter poses a simple question: Where was the *beit din* at Sinai (*Ginnat Egoz* 35:5)? How was the Sinaitic conversion valid without a *beit din*, and, conversely, how can *halakha* require something that the Sinai prototype does not model?

 R. Schachter answers by suggesting that the role of the *beit din* in conversion is to represent, and even invite, the Divine presence. At Mt. Sinai God forged a covenant with the Jewish people directly and without intermediaries: “Face to face did God speak with you at the mountain” (*Devarim* 5:4). Similarly, every conversion that follows is not a personal act of commitment, but an establishment of a covenant between two parties. On one side stands the convert-to-be, and on the other stands the *beit din*, whom the Divine presence accompanies, for “God stands in the Divine assembly” (*Tehillim* 82:1).[[11]](#footnote-11)

 *Mori ve-rabbi* R. Aharon Lichtenstein, however, associates the judges and their “judgment” with a very different aspect of the conversion process:

*Knesset Yisrael* does not merely mediate between the *ger* and the Almighty. She is a participant, and not just a broker; a concerned party, and not just an agent of God…. The *ger* is born both as a servant of God and as a citizen of the nation, and hence the appropriateness of a *bet din* to judge and accept him. (“Conversion: Birth and Judgment,” 194, 197)

Implied in R. Lichtenstein’s words is that the *bet din* does not primarily represent the Divine, but the Jewish people. The convert asks to enter two different covenants, one spiritual and one national, and the primary role of the *beit din* (though not necessarily its exclusive one) is to oversee the latter.

 Using this approach, we can easily see why the presence of a *beit din* was not necessary at Sinai. Sinai was the paradigm for all future commitments to the covenant of *mitzvot*, but the social dimension of joining a nation was completely absent. Admittedly, national purpose took on added layers through Sinai, but the core identity had already been formed through *berit Avot*. As R. Lichtenstein himself writes of the Jews at Sinai, “There is neither a judging nor a judged congregation; rather, a people standing together on the threshold of emergence into the world, and entering, without mediator or midwife, the world of eternal life as the lot of God’s inheritance” (198).

**Conclusion**

 To summarize, while future conversion must include all of the components of Sinai, the Revelation at Sinai does not necessarily overlap completely with the standard conversion process. As the Jews of Sinai were already participants in *berit Avot*, some elements, such as the presence of a *beit din* or repeat circumcision for those who have already received one, were unnecessary at Sinai. Similarly, some of the consequences of standard conversion, such as the dissolution of all previous familial ties, may have been absent.[[12]](#footnote-12)

 Notably, this analysis does not only contribute to our understanding of this one historical anomaly. Through utilizing the various components of conversion to reflect upon the experience at Sinai, the Revelation at Sinai becomes a tool through which to reflexively sharpen our understanding of the conversion process in general. Circumcision, the presence of a *beit din* and the principle that “one who has converted is like a newborn babe” all emerge as functions, at least in part, of *berit Avot*. Even so, when a prospective gentile embraces the totality of Judaism in one fell swoop, the various elements of conversion—circumcision and immersion, *beit din* and acceptance of *mitzvot* and, in R. Lichtenstein’s terms, “birth and judgment”—may interweave.[[13]](#footnote-13) Thus the conversion process ultimately resembles the outcome for which it yearns—a unified whole in which spirituality and national destiny merge.

**For Further Thought:**

1. Does circumcision necessarily need to precede immersion? What should we learn from the Jews of Sinai? See Ramban, Rashba and Ritva *Yevamot* 47b who debate this issue.

**Questions or Comments?**

Please email me directly with your feedback at judahlgoldberg@gmail.com!

1. Also see Ramban *Shemot* 25:1. [↑](#footnote-ref-1)
2. R. Meir Simcha specifically addresses relationships that are permitted by Noahide law and forbidden by Torah law, but his logic should presumably apply to any forbidden relationships. [↑](#footnote-ref-2)
3. See *Shabbat* 88a: “‘They stood under the mountain’ (*Shemot* 19:17). Rav Avdimi the son of Chama, the son of Chasa, said ‘This teaches that the Holy One, blessed be He, hung the mountain over them like a pail and said to them, ‘If you accept the Torah, good; and if not, there will be your burial.’’” [↑](#footnote-ref-3)
4. Also see the introduction to *Shav Shemateta*, letter *tet*. [↑](#footnote-ref-4)
5. Similarly, *mori ve-rabbi* R. Hershel Schachter (*Eretz Ha-tzvi* 16:4) quotes R. Soloveitchik that a Jew and a gentile cannot share any family relation. Thus, at the moment that a convert gains his new identity as a Jew, all familial ties necessarily evaporate. This understanding of “one who converts is like a newborn babe” is based on the position of Rabbeinu David, who claims that a baby who is born to a convert after her relative has also converted would actually be Biblically forbidden to the relative (*Chiddushei Ha-Ran*, *Sanhedrin* 58a). Fundamentally, blood ties persist even after the conversion, but the act of becoming Jewish renders them meaningless for that convert. One who is born after a conversion, however, and never faces a Jew-gentile chasm, is considered a full relative. Also see *mori ve-rabbi* R. Aharon Lichtenstein, “Conversion: Birth and Judgment,” *Leaves of Faith: The World of Jewish Living*, 206, n. 14. [↑](#footnote-ref-5)
6. This point may be subject to a debate in *Yevamot* 48b. Rabbi Chananya, the son of Rabban Gamliel, claims that converts are punished by Heaven for violations of Noahide law that preceded their conversions. Rabbi Yossi, however, protests that “one who has converted is like a newborn babe!” As *Tosafot Ha-Rosh* observe, “even the first opinion agrees with regard to family relationships that [a convert] is like a newborn babe.” Rabbi Chananya, it seems, views this principle as a narrow statement about the convert’s isolation from his birth family, which his association with *berit Avot* accomplishes. Rabbi Yossi believes that this principle has consequences for his spiritual standing as well, which may mean that it is actually his spiritual transformation into one obligated in *mitzvot* that renders him “like a newborn babe.” However, see *Tosafot Yeshanim* (as well as *Tosafot* *Sanhedrin* 71b), who further marginalize the halakhic relevance of Rabbi Yossi’s statement. [↑](#footnote-ref-6)
7. Also see R. Shaul Yisraeli, *Chavot Binyamin* 2:67, who presents a similar line of reasoning. Furthermore, the Maharal’s distinction mentioned earlier might also relate to the fundamentally different nature of the experience at Sinai from that of typical conversions, rather than to the narrow variable of voluntariness. Also see *Netzach Yisrael* ch. 11 regarding why the Revelation at Sinai had to be coercive. [↑](#footnote-ref-7)
8. Also see Ramban *Yevamot* 47b s.v. *ha* (towards the end). Regarding the Ramban’s position, R. Soloveitchik writes: “It is apparent from Nahmanides’ statement that circumcision is not as integral an act as immersion in the process of conversion. The object of circumcision is to remove the convert from the category of uncircumcised. If he was not circumcised, he cannot become infused with *kedushat yisrael* [the sanctity of a Jew], because an uncircumcised person may not enter the covenant. Accordingly, if the convert is circumcised, he need only immerse himself in order to convert” (*Kol Dodi Dofek: Listen—My Beloved Knocks*, trans. David Z. Gordon, 104-105n). [↑](#footnote-ref-8)
9. Also see *Shiurei Ha-Grid al Masekhet Keritut*, 182-185. [↑](#footnote-ref-9)
10. This term is synonymous with *berit Avot*; [see *shiur* #6](http://www.vbm-torah.org/archive/sinai/06sinai.htm), footnote #7. [↑](#footnote-ref-10)
11. See *Sanhedrin* 6b; compare to *Tosefta* *Sanhedrin* 1:4. Also see Ramban *Shemot* 21:6 and *Bamidbar* 11:16. [↑](#footnote-ref-11)
12. In theory, we could claim that *Keritut* 9a never intended to hold up the Revelation at Sinai as a paradigm for comprehensive conversion, but only for “entering the covenant” of *mitzvot*—*berit Sinai*. In that case, entering *berit Avot* is not addressed at all by Sinai. However, according to the Rambam, the model set by our ancestors is not restricted to the events at Sinai but begins with their circumcision in Egypt, which, as R. Soloveitchik explained, solidified their participation in *berit Avot*. Also see Ramban *Yevamot* 46a regarding the historical circumcision prior to the Giving of the Torah. [↑](#footnote-ref-12)
13. We will return to the role of the *beit din* in conversion in future *shiurim*. Regarding the complex role of circumcision in conversion, see *Yevamot* 46a-b, Ramban 45b-46a, 47b, and R. Soloveitchik’s extensive discussion in the notes to *Kol Dodi Dofek*, 103-109n. [↑](#footnote-ref-13)