

OVERVIEW of the Daf

1) The conversion of a slave (cont.)

The reason a non-Jewish slave acquires his freedom when he immerses himself for the sake of conversion is explained.

R' Chisda unsuccessfully challenges this ruling. R' Avya limits Rav's ruling to a non-Jew sold by an idolater into slavery but not if the non-Jew sold himself into slavery.

This assertion is successfully challenged.

Shmuel rules that the Jewish buyer of the non-Jewish slave must hold down the slave while he is immersed.

A related incident is recorded.

Rava taught R' Pappa that when a Jew acquires a non-Jew as a slave by paying his taxes the slave requires a document of freedom to be freed.

A related incident is presented that teaches that conversion is not complete until the convert immerses in the mikveh, one should avoid wine into which an idolater poured water and turmus beans technically should not be prohibited as food cooked by idolaters.

2) Conversion

A Beraisa presents a three-way dispute concerning the procedures necessary for conversion.

The opinion of the first two Tannaim is successfully challenged and the Gemara explains that the dispute between R' Yehoshua and R' Eliezer relates to whether it is sufficient to be circumcised without immersion.

The Gemara identifies the source that indicates that our ancestors immersed in addition to the circumcision that was done.

R' Chiya bar Abba in the name of R' Yochanan rules that conversion requires circumcision and immersion.

The necessity for this ruling is challenged and the Gemara explains that Chachamim in the original Beraisa reflect the opinion of R' Yosi.

The Beraisa that presents a dispute between R' Yosi and R' Yehudah is presented and explained.

A related incident is cited and three halachos can be derived from the Beraisa.

R' Chiya bar Abba in the name of R' Yochanan explains why the presence of three people is necessary for conversion.

A Beraisa teaches the guidelines for when we accept the claim that a person converted.

Distinctive INSIGHT

The process of purifying in a mikveh

בהדי דדלי רישיה ממיא אנהו ליה זולטא דטינא ארישיה וכו'

The Gemara suggests that a container of cement be placed upon the slave so that as he lifts his head out of the mikveh he already be in the midst of working for his master, and that he not be given even a moment to declare his independence.

Kesef Mishnah (Avos Hatum'ah 6:16) cites a Tosefta (from Machshirim 2:5) that teaches that a person who is ritually impure does not become purified as he enters the water of the mikveh, but rather as he exits the mikveh. The Achronim discuss the precise intent of the Kesef Mishnah. Does the person become pure only when completely leaves the mikveh, or is it tahara obtained when he begins to emerge?

Our Gemara seems to contain an answer to this question. Minyamin was the slave of Rav Ashi. He was taken to the mikveh to immerse to be a slave of a Jew. Ravina and Rav Acha were assigned the job to administer the situation properly. As soon as Minyamin raised his head out of the water, they were careful to have a package waiting to be placed upon him so that he would be carrying it immediately. This suggests that lifting one's head out of the water after the immersion in the mikveh was not yet effective, and there was still an opportunity for the slave to declare his independence, unless his master would exercise control over him immediately, as he did. It must be, then, that it is not until his entire body leaves the water that purity is achieved. This proof, however, is not conclusive, as noted by פרדס יוסף (Parashas Metzora). He explains that the story of Minyamin could be referring to where the package was arranged while the slave was totally immersed, even before he raised his head from the water, but after he raises his head from the water it would be too late to subjugate him.

Some bring a proof to resolve this question from a Mishnah in Mikvaos (7:6). A mikveh has precisely forty se'ah, and two people enter, one after the other. The first person is tahor, because he entered into a mikveh with the requisite volume of water. The second person is not tahor, because it is inevitable that some water remained on the body of the first person, and the mikveh became depleted. Now, if we say that the process only completes when the person exits the mikveh totally, even the first person should fail to become tahor, because the effect of the mikveh is only determined at the moment the person becomes tahor, and the person himself has depleted the mikveh by the time he exits completely. It must be, therefore, that the mikveh causes its effect once the person exits even partially. ■

HALACHAH Highlight

Converting someone who cannot be circumcised

טבל ולא מל ר' יהושע אומר הרי זה גר כו' וחכמים אומרים כו' אין גר עד שימול ויטבול

If a person immersed but was not circumcised R' Yehoshua says he is a valid convert... Chachamim say... one is not a convert unless he is circumcised and has immersed.

Our Gemara records a dispute between R' Yehoshua and Chachamim whether a conversion is valid if a person immerses but is not circumcised. R' Yehoshua maintains the conversion is valid because we find that the women who left Mitzrayim converted without circumcision, thus circumcision is not essential for a valid conversion. Chachamim disagree because we do not derive a possibility from an impossibility. Thus, the relationship between circumcision and the validity of circumcision cannot be derived from women. Shulchan Aruch¹ follows the opinion of Chachamim and circumcision is essential for a valid circumcision.

Rav Tzvi Pesach Frank², the Har Tzvi, was asked about a potential convert who, due to medical conditions, could not safely be circumcised. It was suggested that although circumcision is essential for a valid conversion, perhaps this case is similar to the case in Shulchan Aruch of a person whose member was severed altogether where circumcision is not necessary. Har Tzvi demonstrates that there is no parallel between a case where circumcision is not possible due to missing body parts and where it is not advised because of a medical condition. He suggests, however, that our Gemara has bearing on this question. The reason Chachamim disagreed with R' Yehoshua was because we do not derive a possibility from an impossibility. It could be argued that a person who due to a medical condition cannot be circumcised should be considered in the

REVIEW and Remember

1. Why is it necessary to hold a slave when he immerses in the mikveh?

2. What is the status of a convert who was circumcised but did not immerse in the mikveh?

3. What is the source that the Jews immersed before they received the Torah?

4. How many people must be present when a convert immerses in the mikveh?

category of one for whom it is impossible to be circumcised, like women, and circumcision should not be essential. Support for this explanation can be found in the commentary of the Gra³. Concerning the earlier mentioned case of a man whose member was severed, Gra writes that circumcision is not essential because this man is categorized with those for whom circumcision is impossible and thus comparable to women for whom circumcision is not essential.

Rav Frank concludes this response, however, with a certain degree of uncertainty about the matter. He is uncertain whether one can equate something that is physically impossible, i.e. circumcising a woman or a man without a member, with something that is physically possible but medically dangerous. ■

1. שו"ע יו"ד סי' רס"ה סע' א'
2. שו"ת הר צבי יו"ד סי' ר"כ
3. גר"א יו"ד סי' רס"ה אות ד'

STORIES Off the Daf

Removing the lien

הקדש...מפקיעה...מידי שיעבוד

It is hard for us to imagine the subtlety and insidiousness of the early Haskalah movement as it penetrated into the observant communities of eastern Europe. One of the gedolei Yisroel once commented on the success of the so-called “enlighteners.” “The same evil inclination that entices us to be lazy in our avodah is what energizes the maskil to get up in the morning and fight Yiddishkeit!”

The influence of the Haskalah has continued unabated, and contemporary gedolim have always been vigilant on stemming

its influence in the yeshivos. Rav Shach, zt”l, once advised a boy whose friend seemed to be moving quite quickly in the wrong direction to be very careful. The Rosh Yeshiva chided the boy, “Don’t you know that you have enough negativity inside yourself to help his warped opinions find a comfortable home in your heart?”

During the last two hundred years, the maskilim have found very fertile ground in the hearts of the young and foolish. Despite their sometimes sophisticated-seeming arguments, most of them didn’t go adrift because of deep intellectual questions. They became “freethinkers” so that they could act out their hearts’ desires unimpeded by conscience.

One time, a certain chassid was slowly moving away from his traditional practices

and beliefs, and was gradually becoming more modern in his actions and dress. When this young man visited with the Damasek Eliezer of Vizhnitz, zt”l, the Rebbe asked pointedly, “What has happened to you?”

The young man replied, “Rebbe, what can I do? I have a strong yetzer hara which does not allow me to break free of acting on my bad impulses.”

The Rebbe responded, “The Gemara in Yevamos 46a states that declaring something hekdesch is one way in which a person can remove a lien from it. But this can be read another way: through consecrating and sanctifying yourself, you can remove the yetzer hara’s lien on yourself! If you wish to be freed from your bad impulses you must act to sanctify yourself right now!” ■

