

HALAKHA

Consecration, leavened bread abrogate a lien – חֲקֻדָּשׁ, חֶמֶץ – With regard to consecration, Rabbeinu Tam and the Rambam hold that even consecrating an item with sanctity that inheres only in its value is effective to abrogate a lien upon it, whereas Rashi and the Ra'avad hold this applies only when one consecrates an item to the extent that the item is endowed with inherent sanctity. The abrogation caused by the onset of the prohibition of leavened bread is also true of the onset of any prohibition that prohibits one from gaining any benefit from the item. Even in a case where the lien is abrogated, the debt supported by the lien still exists, and the creditor may still attempt to collect it (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin* 7:14, and *Sefer Mishpatim*, *Hilkhot Malve VeLoveh* 18:6–7; *Shulḥan Arukh*, *Hoshen Mishpat* 117:7).

Emancipation abrogates a lien – שְׁחִירוֹ מִפְּקִיעוֹן מִיְדֵי שְׁעָבוֹד – If one designated his slaves to be the sole property from which repayment of his debt may be collected and he then emancipated the slave, then the emancipation is effective and the lien is thereby abrogated. The debtor must still repay the creditor. Although the slave is no longer bound to the debt, the creditor is forced to write a bill of emancipation for him so that he will not later try to claim that the slave should be considered his own due to the lien that once existed upon him (Rambam *Sefer Kinyan*, *Hilkhot Avadim* 8:16; *Shulḥan Arukh*, *Yoreh De'a* 267:68).

Before her and after her – לִפְנֵיהָ וְאַחֲרֶיהָ – In a case where a Jew purchases a slave from a gentile and the slave preempts the owner and immerses on his own accord, if he immersed in the presence of his owner then he becomes a freeman, and if the immersion was not in the presence of his owner then he becomes free only if it was explicitly stated that the immersion was for the sake of becoming a freeman. This is according to the opinion of Rambam, based on the version of the text by which the Rif held. The *Shulḥan Arukh*, following the version of the text by which Rashi held, rules: In a case where a convert has owned a slave since before his conversion, if the slave immersed prior to the owner's conversion, the slave would thereby become a freeman, but if he immersed only after the owner's conversion, then he becomes free only if it was explicitly stated that the immersion was for the sake of becoming a freeman (*Tur*, citing Rosh; Rambam *Sefer Kinyan*, *Hilkhot Avadim* 8:19; *Shulḥan Arukh*, *Yoreh De'a* 267:9).

A gentile's body is acquired – נִכְרִי גּוֹפֵוּ קוֹנֶה – If a gentile sells himself as a slave, of his own volition, to a Jew, then the Jew acquires his body, and if the slave immerses, he cannot unilaterally define that immersion as one for the sake of becoming a freeman (*Shulḥan Arukh*, *Yoreh De'a* 267:9).

PERSONALITIES

Beloreya the female convert – בִּלְרוּיָא הַגֵּיּוֹרֶת – The name Beloreya is probably a variant of the name Valeria, a name used in Rome for women of the gens Valeria, which was one of the most celebrated and wealthy families in Rome. Beloreya converted during the Second Temple period, and the Talmud relates several questions that she posed to Rabban Gamliel concerning the meanings of various verses in the Bible.

Rav Avya – רַב אַוּיָא – A fourth-generation Babylonian *amora*, Rav Avya was a prominent disciple of Rav Huna but also studied in Eretz Yisrael with Rabbi Ami and Rabbi Yoḥanan. Rav Huna respected him greatly and valued his comments and questions. He married the sister of Rami bar Pappa, and some of his children became *amora'im* themselves. The most famous of these children, Rav Aḥa, son of Rav Avya, is quoted many times in the Talmud as a disciple of Rav Ashi.

גוי גופא לא קני ליה, מאי דקני ליה – הוא דמקני ליה לישראל, וכיון דקדם וטבל לשם בן חורין – אפקיעיה לשעבויה, בדרבא. דאמר רבא: הקדש, חמץ, ושחרור – מפקיעין מידי שעבוד.

מתיב רב חסדא: מעשה בבִּלְרוּיָא הַגֵּיּוֹרֶת שְׁקִדְמוּ עֲבָדֶיהָ וְטָבְלוּ לִפְנֵיהָ. וְבֵא מֵעֵשָׂה לִפְנֵי חֲכָמִים וְאָמְרוּ: קָנוּ עֲצַמָּן בְּנֵי חוֹרִין. לִפְנֵיהָ – אִין, לְאַחֲרֶיהָ – לֹא!

אמר רבא: לפניה – בין בסתם בין במפורש. לאחריה, במפורש – אין, בסתם – לא.

אמר רב אַוּיָא: לא שנו אלא בלוקח מן הגוי, אבל גוי גופיה – קני.

His previous gentile owner **did not have ownership of the slave's body**, since a gentile is unable to have ownership of another's body; rather, he had rights to only the slave's labor. And only **that which he owned in him was he able to sell to the Jew**. Therefore, before immersion, the Jew had rights to only the slave's labor, but not ownership of his body, and therefore, **once the slave preempted his owner and immersed for the sake of conversion to make him a freeman, he abrogates his master's lien upon him**.

The Gemara notes: This explanation is in accordance with the opinion of Rava, as Rava said: Consecration of an item to the Temple, the prohibition of leavened bread^h taking effect upon a leavened food, and the emancipationⁿ of a slave abrogate any lien^h that exists upon them.

Rav Hisda raised an objection from a *baraita*: There was an incident involving Beloreya the female convert^p in which her slaves preempted her and immersed before herⁿ own immersion for her own conversion. And the details of the incident came before the Sages, and they said: The slaves acquired themselves and became freemen. Rav Hisda explains how the *baraita* poses a challenge: The *baraita* implies that only because the slaves immersed before her, while she was still a gentile, that yes, they became freemen; however, had they immersed after her,^h i.e., after she had already converted, then no, they would not have become freemen. The reason for this is presumably that upon her conversion she attains the rights to her slaves' bodies, and therefore their immersion for the sake of becoming freemen would be ineffective. However, this contradicts the Gemara's explanation above that when a Jew gains ownership of a slave from a gentile, he has a right to only the slave's labor.

To resolve the challenge Rava said: When the *baraita* says that because they immersed before her they acquired themselves, that is whether they immersed without a specified intention or whether they immersed with explicit intention to convert and become freemen. However, had they immersed after her, if they did so with explicit intention to convert, then yes, the immersion would achieve that end, but if they did so without a specified intention, then no, their immersion would, by default, be considered for the sake of slavery and they would not become free.

Rav Avya^p said: They taught that one acquires only the rights to the slave's labor only with regard to a Jew who purchased a slave from a gentile slave owner, but if a gentile sold his own body as a slave directly to a Jew, then the Jew acquires^h his body.

NOTES

Consecration, leavened bread, and emancipation, etc. – הקדש, חמץ, ושחרור וכו' – In the present case, the slave's owner never actually emancipated him. Nevertheless, the slave's immersion rendered him a freeman, and in that way he effectively emancipated himself (*Tosafot Yeshanim*).

And immersed before her – וטבלו לפניה – The early commentaries record two different versions of the Gemara's text here that lead to two fundamentally different conclusions.

The text of the *Halakhot Gedolot*, Rif, and Rambam reads: Immersed in her presence. According to this version, when slaves immerse in the presence of their owner, unless the owner explicitly states otherwise, it is assumed that the owner consents to the fact that their immersion should be for the sake of conversion, and so they become freemen. However, if slaves immerse not in the presence of their owner, they cannot unilaterally define their immersion to be for conversion, and therefore they remain slaves. Essentially, only the owner has the ability to define the nature of her slaves' immersion.

The present text, which is the version by which Rashi and the Razah held, reads: Immersed before her, meaning their immersion preceded her own. According to this version, the ability for the slaves' immersion to effect their conversion is dependent on whether it took place while their owner was a Jew or a gentile. As a gentile, she would have rights to only their labor, and so their immersion could abrogate her lien upon them. However, if she immersed first and was already Jewish, then she would have already attained ownership of their bodies, and therefore they would not be able to immerse for the sake of conversion without her consent.

An underlying assumption of both explanations is that in some cases an immersion whose purpose was unspecified is considered, by default, to be for the sake of conversion. The *Yosef Lekah* explains the rationale for this. In truth, the very act of immersion demonstrates an acceptance of the system of mitzvot; why else would the slaves be immersing? Therefore, unless it is made explicit that the immersion is for the sake of slavery, it is considered for the sake of conversion.

Then one needs to hold him tightly – צָרִיךְ לְתוֹקֵפוֹ – Rashi explains that this is necessary to demonstrate the owner's dominance over the slave. However, Rabbeinu Hananel and the Rif simply write that the slave must be held tightly in order to ensure the validity of the immersion. Simply read, it would appear that they mean only that the owner should ensure the slave is fully immersed in the water. Based on this understanding of their statements, the Razah rejects their explanation, seemingly because he assumes that it is such an obvious point that it should be unnecessary to state it. However, the Ramban in *Milhamot HaShem* claims that the Rif's intention is similar to that of Rashi; if the owner is in physical control of the slave's immersion, it is clear that it is the owner who is in charge of the immersion, and therefore the nature of the immersion is defined by his intentions.

He passed him to them – מְסַרְיָהוּ נִהְלִייהוּ – Some commentaries suggest that from the fact that the Gemara mentions the involvement of only two Sages in this incident, it would appear that it is sufficient to have two judges preside over the immersion. The Ramban rejects this possibility outright, insisting that three judges are always required. He explains that even in this incident, there was certainly an additional judge present at the time. Presumably, the third judge was not of equal stature as Ravina and Rav Aḥa, and so he was not mentioned out of deference to them.

They placed a bucket of clay – אָנְחוּ לִיהָ וּלְטָא דְטִינָא – This act was not halakhically significant. It was done only in order to demonstrate and publicize the fact that the man was still a slave so that no one could later suggest that the immersion might have been for the sake of making him a freeman (Rashba; *Nimmukei Yosef*).

LANGUAGE

Bridle [*arvisa*] – אַרְוִיסָא – From the Middle Persian *arwēs*, meaning a rope or bridle.

דְּכֹתִיב 'וְגַם מִבְּנֵי הַתּוֹשָׁבִים הַגֵּרִים עִמָּכֶם מִהֶם תִּקְנֶה' – אֵתֶם קוֹנִים מֵהֶם, וְלֹא הֵם קוֹנִים מֵהֶם. מִזֶּה.

וְלֹא הֵם קוֹנִים מֵהֶם, לְמַאי? אֵילִימָא לְמַעֲשֵׂה יְדֵיו – אֵטוּ גוֹי לֹא קָנִי לִיָּה לְיִשְׂרָאֵל לְמַעֲשֵׂה יְדֵיו? וְהַכֹּתִיב "אוּ לְעַקְרֵי מִשְׁפַּחַת גֵּר" וְאָמַר מֶר: "מִשְׁפַּחַת גֵּר" – זֶה הַגּוֹי! אֵלָּא לֹא – לְגוֹפִיָּה, וְקָאֵמַר רַחֲמֵנָא "אֵתֶם קוֹנִין מֵהֶם" – אֲפִילוּ גוֹפִיָּה.

פְּרִיךְ רַב אַחָא: אֵימָא בְּכִסְפָּא וּבְטְבִילָה! קְשָׂא.

אָמַר שְׁמוּאֵל: וְצָרִיךְ לְתִקְפוֹ בְּמִים.

כִּי הָאֵי דְמִנְיָמִין, עֲבָדִיה דְּרַב אֲשִׁי, בְּעָא לְאַטְבּוּלִי, מְסַרְיָהוּ נִהְלִייהוּ לְרַבִּינָא וְרַב אַחָא בְּרִיה דְּרַבָּא, אָמַר לְהוּ: תְּזוּ דְמִינִיכּוֹ קְבָעִית לִיָּה. רְמוּ לִיָּה אַרְוִיסָא בְּצוּרִיָּה, אֲרַפּוּ לִיָּה. וְצִמְצְמוּ לִיָּה.

אֲרַפּוּ לִיָּה – כִּי הֵיכִי דְלֹא לְהוּ חֲצִיצָה, צִמְצְמוּ לִיָּה – כִּי הֵיכִי דְלֹא לְקָדִים וְלִיָּמָא לְהוּ: לְשֵׁם בֶּן חוֹרִין אֵי טוֹבֵל. בְּהַדִּי דְדָלִי רִישִׁיָּה מִמְּיָא, אָנְחוּ לִיָּה וּלְטָא דְטִינָא אַרְוִיסָא. וְאָמְרוּ לִיָּה: זִיל אֲמַטִּי לְבֵי מָרְךְ.

As it is written: "Moreover, of the children of the strangers that sojourn among you, of them you may acquire" (Leviticus 25:45). The verse states only that you, i.e., Jews, can acquire a slave from them, i.e., a gentile slave, but they cannot acquire a slave from you, i.e., a Jewish slave, and they cannot acquire a slave from one another.

When it is derived that: **But they cannot acquire slaves from you, to what type of acquisition is it referring? If we say it is for his labor, is that to say that a gentile cannot acquire a Jew for his labor?** Isn't it written: "And if a stranger who is a settler with you becomes rich, and your brother becomes poor beside him, and he sells himself to the stranger who is a settler with you, or to the offshoot of a stranger's family" (Leviticus 25:47), and the Master said in explanation of the phrase "a stranger's family" that this is referring to a gentile. If so, the verse explicitly states that a Jew can sell himself as a slave to a gentile. **Rather, is it not that the reference is to selling his body, and the Merciful One states that you, i.e., Jews, can acquire a slave from them, which means even his body.** Accordingly the verse indicates that a Jew can acquire a gentile slave's body, but a gentile is unable to acquire ownership of another's body, even that of another gentile.

Rav Aḥa refutes Rav Avya's explanation: Say that the verse is referring to acquiring a gentile slave by both purchasing him with money and then by immersing him for the purpose of slavery, and only in that case does it teach that a Jew acquires the gentile slave's body. However, until he has been immersed the acquisition is not fully complete, and therefore if the slave immerses himself with the intention to become free, then his immersion would achieve that end. The Gemara concedes: This is difficult.

Shmuel said: And if one wishes to ensure that one's slave does not declare the immersion to be for the sake of conversion, then one needs to hold him tightly^{NH} in the water in a way that demonstrates the owner's dominance over the slave at that time, thereby defining the immersion as one for the sake of slavery.

That is as demonstrated in this incident involving Minyamin, Rav Ashi's slave: When he wished to immerse him, he passed him to^N Ravina and Rav Aḥa, son of Rava, to perform the immersion on his behalf, and he said to them: Be aware that I will claim compensation for him from you if you do not prevent my slave from immersing for the sake of conversion. They placed a bridle [*arvisa*]¹ upon his neck, and at the moment of immersion they loosened it and then immediately tightened it again while he was still immersed.

The Gemara explains their actions: They initially loosened it in order that there should not be any interposition between the slave and the water during the immersion, which would invalidate it. They immediately tightened it again in order that the slave should not preempt them and say to them: I am immersing for the sake of becoming a freeman. When he lifted his head from the water they placed a bucket of clay^N upon his head and said to him: Go and bring this to the house of your master. They did this in order to demonstrate that the immersion had been successful and that he was still a slave.

HALAKHA

A Hebrew slave sold to a gentile – עֶבֶד עִבְרִי הַנִּמְכָּר לְגֵיטִי: A Jew may be sold as a slave only to either a born Jew or to a convert, but it is not permitted to sell him to a gentile. This applies both in the case where the court sold the Jew or where the Jew sold himself. Nevertheless, if a Jew sold himself to a gentile, the transaction is valid, even if he sold himself directly into the services of idolatry (Rambam *Sefer Kinyan*, *Hilkhot Avadim* 1:3).

One needs to hold him tightly – צָרִיךְ לְתִקְפוֹ: One who immerses his slave needs to perform some act of enslavement at the same time. For example, he could hold him tightly in the water. By doing so he prevents the slave from immersing for the sake of becoming a freeman and thereby acquiring himself (Rambam *Sefer Kinyan*, *Hilkhot Avadim* 8:19 and *Sefer Kedusha*, *Hilkhot Issurei Bia* 13:11; *Shulḥan Arukh*, *Yoreh De'a* 267:9).

PERSONALITIES

Pappa bar Abba – פַּפָּא בַר אַבְבָּא: Also known as Rav Pappa bar Abba, he was a well-respected and wealthy man who lived during the same time as Rav Pappa (see 21b). It seems that there were close relations between Rav Pappa and the house of Rav Pappa bar Abba; apparently the members of that household related to Rav Pappa as their rabbi and master, asking him various questions in *halakha*. The sons of Rav Pappa bar Abba were Torah scholars and are found participating in talmudic discussions concerning matters of *halakha* together with Rav Pappa and Ravina.

LANGUAGE

Poll tax [karga] – כַּרְגָּא: Related to the Middle Persian word *harg*, meaning tribute.

Writ of slavery [moharka] – מוֹהַרְקָא: From the Middle Persian *muhrak*, which means a document.

Treasury [tafsa] – טַפְסָא: The correct reading of this word, preserved in some manuscripts and commentaries, is *sefata*. It apparently is related to the New Persian term *safad*, meaning basket.

HALAKHA

The writ of slavery of these, etc. – מוֹהַרְקִיָּהוּ דְהֵי וְכוּ': If a gentile king declares that all of those who do not pay their taxes shall be sold to those who do, that law is halakhically binding, and a slave acquired in this matter is considered a Canaanite slave in every respect (Rambam *Sefer Kinyan, Hilkhot Avadim* 1:8; *Shulhan Arukh, Yoreh De'a* 267:18).

אָמַר לֵיהּ רַב פַּפָּא לְרַבָּא: חָזִי מַר הֵי דְבֵי פַפָּא בַר אַבְבָּא דִּיהֵבִי זִוּי לְאִינְשֵׁי לְכַרְגֵּייהוּ, וּמִשְׁעַבְדֵי בְהוּ. בִּי נַפְקִי, צְרִיכֵי גִטָּא דְחִירוּתָא אִו לָא?

אָמַר לֵיהּ: אִיבּוּ שְׂכִיבֵי לָא אָמְרֵי לְכוּ הָא מִלְתָּא, הֲכִי אָמַר רַב שֵׁשֶׁת: מוֹהַרְקִיָּהוּ דְהֵי בְטַפְסָא דְמַלְכָּא מְנַת, וּמַלְכָּא אָמַר: מֵאן דְלָא יְהִיב כַּרְגָּא – מִשְׁתַּעַבְדַּד לְמֵאן דִּיהִיב כַּרְגָּא.

Rav Pappa said to Rava: Has the Master seen those of the house of Pappa bar Abba^p who give money to the tax-collectors on behalf of poor peopleⁿ to pay for their poll tax [*karga*],^l and as a result they would enslave them. Anyone who did not pay the tax would be taken as a slave for the king. By paying for such people's taxes, the members of the house of Pappa bar Abba essentially purchased those people, who had become the king's slaves, for themselves. Rav Pappa asked: **When those slaves go free, do they require a bill of emancipation,**ⁿ because the members of the house of Pappa bar Abba actually attained ownership of the slaves' bodies, **or not**, as they were owned only for the sake of their labor?

He said to him: Were I deadⁿ I could not say this matter to you, so it is good that you have asked me while I am still alive, as I know that this is what Rav Sheshet said with regard to the matter: **The writ of slavery [moharkayehu]^l of these^h residents of the kingdom rests in the treasury [tafsa]^l of the king,** and in fact all the residents of the kingdom are considered to be full slaves of the king, i.e., he owns their bodies, irrespective of whether they pay their taxes. **And so when the king says: One who does not give the poll tax is to be enslaved to the one who does give the poll tax on his behalf,** the king's decree is fully effective in making those residents full slaves of those who paid for them. As such, they will require a bill of emancipation when they are freed.

NOTES

Give money on behalf of people, etc. – יְהִיבֵי זִוּי לְאִינְשֵׁי וְכוּ': The Gemara does not state who these people were. Most commentaries assume that they were gentiles. Accordingly, Rav Pappa's question is whether they were enslaved only for the sake of their labor or even to the extent that their bodies were owned. However, Rabbeinu Hananel explains that these people were *gerei toshav*, i.e., gentiles who reside in Eretz Yisrael and observe certain mitzvot. In many regards, the status of a *ger toshav* is not similar to that of other gentiles. Rav Pappa therefore inquired whether or not their bodies can be fully owned as slaves in the same way as a gentile slave. Others explain that these people were Jews. According to this opinion, the question is whether it is possible to become a Hebrew slave in this manner; normally the status of a Hebrew slave is attained only if the Jew either sells himself or is sold as a slave by the court. Although Rav Pappa lived in a generation in which the status of a Hebrew slave could no longer be attained in the standard manner, it is possible that they might still be considered Hebrew slaves since the law of the land defined them as such (Ritva).

Do they require a bill of emancipation – צְרִיכֵי גִטָּא דְחִירוּתָא: According to the opinions that these people were gentiles, various questions are raised: Why did Rav Pappa ask only about the need for a bill of emancipation? Would such slaves also require immersion for the sake of slavery? Why didn't Rav Pappa ask about that as well? The Ramban explains that the issue of immersion is directly dependent on whether there is a need for a bill of emancipation; therefore, there was no need to ask about it. If a bill of emancipation is required, that is because even the slaves' bodies were owned. Therefore, it would also be necessary to immerse them. If there is no need

for a bill of emancipation, then it is apparent that they were acquired only for the sake of their labor, and so no immersion would be necessary.

The Gemara above explains that one gentile cannot acquire the body of another. If so, since these slaves were acquired from the gentile king, how is it possible for their new owners to have gained ownership of their bodies, a state which consequently requires a bill of emancipation? The commentaries explain that although it is true that under normal circumstances one gentile cannot acquire the body of another, in the present case the law of the land afforded the king such rights, and such rights are recognized as halakhically binding. This is because the king's ownership is not based on a mutual agreement but on the power of the king over his subjects.

Based on this discussion, some suggest that there may be a further example where one gentile can own the body of another in a case where one gentile takes another as a prisoner of war. In such a case it is possible that since the ownership of the captive is similarly not based on mutual agreement but due to the power of the captor over his captive, in that case as well the captor would acquire ownership of his captive's body (see *Tosefot HaRosh* and *Rashba*).

Were I dead – אִיבּוּ שְׂכִיבֵי: This strange expression was also used once by Rava's teacher Rav Nahman with regard to his own teacher Shmuel (*Shabbat* 152b), as well as by Rav Yehuda with regard to his teacher Rav (*Avoda Zara* 55a). *Ben Yehoyada* on *Shabbat* 152b suggests that the teachers of these *amoraim* had whispered various teachings to them, and they therefore assumed that no one else had heard them and that if they died, the statements would have been lost forever.

Gavla – גבֵּלָא: Gavla is apparently a reference to the area of the Golan in the northern part of Eretz Yisrael. Despite the fact that it was relatively close to the centers of the Jewish settlement in Tiberias and its environs, it was nevertheless not considered a place of Torah scholars, and it was populated by both Jews and gentiles.

Lupines – תורמוסין: Lupine is the name of several plants from the legume family, of the *Faboideae* subfamily. White lupine, *Lupinus albus*, and yellow lupine, *Lupinus luteus*, are the most commonly grown kinds. The seeds of lupines, which can grow to a diameter of up to fifteen centimeters, are edible. However, due the presence of alkaloids, the natural taste of the seeds is extremely bitter. In order to prepare them for consumption one must cook them repeatedly in water. To this day the cooked seeds of lupines are sold as a delicacy.



White lupine



European yellow lupine



Lupine seeds

LANGUAGE

Lupine [turmus] – תורמוס: From the Greek *θήρμος*, *thermos*, meaning lupine, the lupine plant from the legume family.

רבי חייה בר אבא איקלע לגבֵּלָא. חזא בנות ישראל דמעברן מגרים שְׁמְלוּ וְלֹא טָבְלוּ, וְחִזָּא חֲמָרָא דִּישְׂרָאֵל דְּמוּגֵי גוֹיִם וְשָׁתוּ יִשְׂרָאֵל, וְחִזָּא תוֹרְמוֹסִין דְּשִׁלְקֵי גוֹיִם וְאָכְלוּ יִשְׂרָאֵל, וְלֹא אָמַר לְהוּ וְלֹא מִידֵי.

S The Gemara relates: Rabbi Hiyya bar Abba once happened to come to Gavla.⁸ He saw Jewish women there who had become pregnant from converts who were circumcised but had still not immersed to complete their conversion process; and he saw wine of Jews that gentiles were pouring,⁹ and Jews were drinking it; and he saw lupines [*turmusin*]¹⁰ that gentiles were cooking, and Jews were eating them; but he did not say anything to them.

אָתָּא לְקַמְיָה דְּרַבִּי יוֹחָנָן. אָמַר לֵיהּ: צֵא וְהִכְרֵז עַל בְּנֵיהֶם שְׂהֵם מְמוּזְרִים, וְעַל יַיִנָם מְשוּם יַיִן נֶסֶךְ, וְעַל תוֹרְמוֹסִין מְשוּם בִּישׁוּלֵי גוֹיִם, לְפִי שְׂאִינָן בְּנֵי תוֹרָה.

Later, he came before Rabbi Yohanan and told him what he had witnessed. Rabbi Yohanan said to him: Go and make a public declaration concerning their children that they are *mamzerim*, and concerning their wine that it is forbidden because it is like wine poured as an idolatrous libation, and concerning their lupines that they are forbidden because they are food cooked by gentiles. One should be stringent and make such a declaration because they are not well-versed in Torah, and if they are left to be lax in this regard they will eventually transgress Torah prohibitions.

עַל בְּנֵיהֶן שְׂהֵם מְמוּזְרִים – רַבִּי יוֹחָנָן לְטַעְמֵיהָ, דְּאָמַר רַבִּי חֵיִיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: לְעוֹלָם אֵין גֵּר עַד שְׂיִמּוּל וְיִטְבּוּל, וְכִיּוֹן דְּלֹא טָבִיל – גוֹי הוּא. וְאָמַר רַבָּה בַּר בַּר חֲנָה אָמַר רַבִּי יוֹחָנָן: גוֹי וְעַבְדֵּי הַבָּא עַל בֵּית יִשְׂרָאֵל – הוֹלֵד מְמוּזָר.

The Gemara explains: With regard to the declaration concerning their children that they are *mamzerim*, Rabbi Yohanan conforms to his standard line of reasoning in two *halakhot*: The first is as Rabbi Hiyya bar Abba said that Rabbi Yohanan said: One is never considered to be a convert until he has been circumcised and has immersed.¹¹ And since the convert in the case in Gavla had not immersed, he is still considered a gentile. And the second *halakha* is as Rabba bar bar Hana said that Rabbi Yohanan said: With regard to a gentile or a slave who engaged in intercourse with a Jewish woman, the offspring of that union is a *mamzer*.

וְעַל יַיִנָם מְשוּם יַיִן נֶסֶךְ – מְשוּם "לֶךְ לֶךְ", אָמְרִין נְזִירָא, "סְחוֹר סְחוֹר, לְכַרְמָא לֹא תִקְרַב".

And the reason to declare concerning their wine that it is forbidden because it is like wine poured as an idolatrous libation¹² is that although their wine was not actually poured as an idolatrous libation, it was prohibited by rabbinic decree due to the maxim that: Go, go, we say to a nazirite, go around and go around, but do not come near to the vineyard. Although a nazirite is prohibited only from eating produce of the vine, he is warned not even to come into close proximity of a vineyard as a protective measure to ensure that he will not transgress this prohibition. So too, in many cases, the Sages decreed certain items and actions to be prohibited because they understood that if people would partake of them, they would eventually transgress Torah prohibitions.

NOTES

That gentiles were pouring – דְּמוּגֵי גוֹיִם: Rashi explains that the gentiles did not actually touch the wine itself but merely poured it; nevertheless, that was sufficient to render it forbidden. Apparently, according to Rashi it was this point that provided the novelty of the case, which Rabbi Hiyya bar Abba was initially unaware of. Rabbi Avraham min HaHar argues that it was unanimously understood that if a gentile actually pours wine, the wine is thereby rendered forbidden.

The novelty in this case was that although the gentiles in fact merely diluted the wine by pouring water into it, the wine was nevertheless forbidden because by pouring the water, they caused the wine to be moved. This is sufficient to render the wine forbidden because the rabbinic prohibition is on account of the fact that idolaters sometimes worship their deity by simply swirling the wine around, and so it applies in any case where a gentile causes the wine to move.

HALAKHA

When is one considered a convert – מִתֵּי נִחְשָׁב גֵּר: One is considered to be a convert only once he has both been circumcised and immersed in a ritual bath. This is in accordance with the opinion of Rabbi Yohanan (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 13:6).

Rema cites opinions that nowadays, since idolaters do not pour libation offerings of wine to their idols, it is permitted to derive benefit from their wine, and so it is permissible to take wine from them in exchange for repayment of a debt or in other cases of possible loss (*Tur*, citing Rashbam and Rosh). Nevertheless, one may not trade in it *ab initio* (*Haggahot Maimoniyot*). There are those who are lenient even in this regard, but it is proper to be stringent (*Smag*; Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 11:3; *Shulhan Arukh*, *Yoreh De'a* 123:1).

Their wine because of wine poured as a libation – יַיִנָם מְשוּם: It is forbidden to derive benefit from wine touched by gentiles. This is due to a rabbinic decree that was issued on account of wine poured as a libation offering to idols. The

Food cooked by gentiles – בישולי גוים: The prohibition against eating foods cooked by gentiles does not stem from concern that some forbidden foods might have been mixed in. Rather, it is an independent rabbinic decree, issued by the Sages, to prevent Jews from intermingling with gentiles. It is for this reason that the prohibition is limited to items of significance, i.e., those that would appear on a king's table, and for which the act of cooking was significant, i.e., the food would not be eaten raw. In such cases, the fact that the gentile provided such foods to the Jews demonstrates a level of devotion and honor that could lead to an undesirable closeness between them.

Because they were not well versed in Torah – שאינן בני תורה: This justification for a stringent ruling is offered in several places in the Talmud. It is used in places in which the correct practice requires a nuanced understanding of the *halakha* and the ability to distinguish between permitted practices and similar prohibited ones. In places in which Torah scholars lived, the Sages were lenient based on the assumption that they would know how to maintain the appropriate halakhic distinctions.

Circumcision of our forefathers – מילה באבותינו: Although the Torah does not explicitly record the fact that the children of Israel were circumcised prior to the revelation at Sinai, this may be inferred in several ways. The simplest way, suggested by the Rambam, is that they must have circumcised themselves before leaving Egypt in preparation for the Paschal lamb that they brought there, since there is an explicit Torah prohibition prohibiting an uncircumcised male from partaking of the Paschal lamb. Since that circumcision was performed for the sake of observing a mitzva, it was also valid as a preparation for the national conversion that was effected by the revelation at Sinai (see also Ramban).

HALAKHA

Food cooked by gentiles – בישולי גוים: Any food item that is not eaten raw and appears on the table of kings in order to eat bread with it is subject to the rabbinic prohibition of food cooked by gentiles. This prohibition applies even to food cooked by a gentile in a Jew's house with his utensils. Most commentaries rule that a food is subject to the prohibition only if both the above stated conditions are fulfilled (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:14; *Shulhan Arukh*, *Yoreh De'a* 113:1).

The Paschal lamb...is brought...from non-sacred animals – פסח...בא...מן החולין: All offerings brought by an individual, including the Paschal lamb, may be brought only from non-sacred animals (Rambam *Sefer Kedusha*, *Hilkhot Ma'aseh HaKorbanot* 16:15).

ועל תורמוסן משום בשולי גוים – לפי שאינן בני תורה, הא בני תורה שריו והאמר רב שמואל בר רב יצחק משמיה דרב: כל הנאכל כמות שהוא חי – אין בו משום בשולי גוים, והא תורמוס אינו נאכל כמות שהוא חי, ויש בו משום בשולי גוים!

רבי יוחנן באידיך לישנא סבירא ליה דאמר רב שמואל בר רב יצחק משמיה דרב: כל שאין עולה על שולחן מלכים לאכול בו את הפת – אין בו משום בשולי גוים. וטעמא דאינן בני תורה, הא בני תורה – שרי.

תנו רבנן: גר שחל ולא טבל, רבי אליעזר אומר הרי זה גר, שכן מצוינו באבותינו שחלו ולא טבלו. טבל ולא מל, רבי יהושע אומר: הרי זה גר, שכן מצוינו באמהות שטבלו ולא מלו. והכמים אומרים: טבל ולא מל, מל ולא טבל – אין גר עד שימול ויטבל.

ורבי יהושע נמי – גילף מאבות, ורבי אליעזר נמי – גילף מאמהות! וכי תימא: אין דנין אפשר משאי אפשר –

והתניא, רבי אליעזר אומר: מנין לפסח דורות שאין בא אלא מן החולין – נאמר פסח במצרים ונאמר פסח בדורות, מה פסח האמור במצרים – אין בא אלא מן החולין, אף פסח האמור לדורות – אין בא אלא מן החולין.

And the final declaration concerning their lupines that they are forbidden because they are food cooked by gentiles^{NH} is issued because they are not well versed in Torah.^N The Gemara expresses astonishment: Does this imply that were they students of the Torah their lupines would be permitted? Didn't Rav Shmuel bar Rav Yitzhak say in the name of Rav: Any food item that is eaten as it is, raw, is not subject to the prohibition of food cooked by gentiles, even when cooked by them? But a lupine is not eaten as it is, raw, and therefore it is subject to the prohibition of food cooked by gentiles.

The Gemara explains that Rabbi Yohanan holds in this matter in accordance with the opinion of the other version of what Rav Shmuel bar Rav Yitzhak said in the name of Rav: Any food item that lacks sufficient importance such that it does not appear on the table of kings in order to eat bread with it is not subject to the prohibition of food cooked by gentiles. Lupines lack importance and are therefore permitted even if cooked by gentiles. And consequently, the only reason to make a declaration prohibiting the residents of Gavla from eating them is because they are not well versed in Torah, and if they are left to be lax in this regard they will eventually become lax in actual Torah prohibitions; by inference, to those well versed in Torah, it is permitted.

S During their sojourn in Egypt, the children of Israel had the halakhic status of gentiles. At the revelation at Sinai they entered into a national covenant with God in which they attained their status of the Jewish people. This transformation was essentially the mass conversion of the people, and so their preparation for the revelation provides a paradigm of the process required for conversion for all generations. The *tanna'im* disagree as to which aspects of that original conversion are to be derived for all generations.

The Sages taught in a *baraita*: With regard to a convert who was circumcised but did not immerse, Rabbi Eliezer says that this is a convert, as so we found with our forefathers following the exodus from Egypt that they were circumcised^N but were not immersed. With regard to one who immersed but was not circumcised, Rabbi Yehoshua says that this is a convert, as so we found with our foremothers that they immersed but were not circumcised. And the Rabbis say: Whether he immersed but was not circumcised or whether he was circumcised but did not immerse, he is not a convert until he is circumcised and he immerses.

The Gemara questions the opinions in the *baraita*: But let Rabbi Yehoshua also derive what is required for conversion from our forefathers; why didn't he do so? And let Rabbi Eliezer also derive the *halakha* from our foremothers; why didn't he do so? And if you would say that Rabbi Eliezer did not derive the *halakha* from our foremothers because he holds one cannot derive the possible from the impossible, i.e., one cannot derive that men do not require circumcision from the *halakha* that women do not require it, because for women it is a physical impossibility, that claim may be refuted.

It would appear that Rabbi Eliezer does not accept that principle, as isn't it taught in a *baraita* that Rabbi Eliezer says: From where is it derived with regard to the Paschal lamb brought throughout the generations that it may be brought only from non-sacred animals?^H A Paschal lamb is stated in the Torah in reference to the lamb that the Jewish people brought prior to the exodus from Egypt, and a Paschal lamb is stated in reference to the yearly obligation throughout the generations. The association between them teaches that just as the Paschal lamb stated in reference to Egypt was only brought from non-sacred animals, since prior to the giving of the Torah there was no possibility to consecrate property, so too, with regard to the Paschal lamb stated in reference to the obligation throughout the generations, it may be brought only from non-sacred animals.

The possible from the impossible – אֶפְשָׁר מִשְׁאֵי אֶפְשָׁר: This issue is present in every system of logical thought with regard to logical constructs that are based on inductive reasoning. In fact, in certain areas of mathematics there are proofs based on inducing the possible from the impossible.

אָמַר לִיהוֹשֻׁעַ רַבִּי עֲקִיבָא: וְכִי דָנִין אֶפְשָׁר
מִשְׁאֵי אֶפְשָׁר? אָמַר לִיהוֹשֻׁעַ: אֵף עַל פִּי
שְׂאֵי אֶפְשָׁר – רַאֲיֵה גְדוּלָהּ הִיא,
וְנִלְמַד הִיא מִנֶּה.

Rabbi Akiva said to him: But can one derive the possible, i.e., the *halakha* for the Paschal lamb throughout the generations, where a possibility exists to bring it from consecrated animals, from the impossible,^N i.e., from the Paschal lamb in Egypt, where it was not a possibility? Rabbi Eliezer said to him: Although it was impossible to bring the Paschal lamb in Egypt from consecrated animals, nevertheless, it is still a great proof, and we may learn from it. It is apparent, then, that Rabbi Eliezer holds that one can derive the possible from the impossible. Therefore the original question stands: Why didn't Rabbi Eliezer derive from the foremothers that circumcision is not essential for conversion?

אֲלֵא The Gemara concedes: Rather, the *baraita* must be reinterpreted as follows:

Perek IV

Daf 46 Amud b

בְּטָבֵל וְלֹא מָל – בּוֹלֵי עֲלָמָא לֹא
פְּלִיגִי דְמַהֲיָנִי. כִּי פְּלִיגִי – בְּמָל וְלֹא
טָבֵל. רַבִּי אֱלִיעֶזֶר יִלְיָף מֵאֲבוֹת, וְרַבִּי
יְהוֹשֻׁעַ: בְּאֲבוֹת נִמְי טְבִילָה הָוָה.

With regard to one who immersed but was not circumcised, everyone, i.e., both Rabbi Yehoshua and Rabbi Eliezer, agrees that the *halakha* is derived from the foremothers that immersion alone is effective. Where they disagree is with regard to one who was circumcised but had not immersed; Rabbi Eliezer derives that it is effective from the forefathers, and Rabbi Yehoshua disagrees because he maintains that in the conversion of the forefathers there was also an immersion.

מִנָּא לִיהוֹשֻׁעַ? אֵילִימָא מִדְּכֹתִיב "לֶךְ אֵל
הָעָם וְקַדְשֵׁתֶם הַיּוֹם וּמָחָר וּכְבִּסוּ
שְׂמֹלֹתֵיכֶם," וּמָה בְּמִקּוֹם שְׂאֵין טְעוֹן
כְּבוּס – טְעוֹן טְבִילָה, מִקּוֹם שְׂטַעוֹן
כְּבוּס – אֵינּוּ דִין שְׂטַעוֹן טְבִילָה?

The Gemara asks: From where did he derive this? If we say that he derived it from the fact that it is written that in preparation for the revelation at Sinai, God commanded Moses: "Go unto the people and sanctify them today and tomorrow, and let them wash their garments" (Exodus 19:10), as Rabbi Yehoshua understands that the washing mentioned in this verse is the ritual immersion of clothes, this leads to the following *a fortiori* inference: Just as in a case where one became impure through contact with some source of impurity, washing, i.e., immersion, of clothes is not required but immersion of one's body is required, then in a case where washing of clothes is required, as in the preparation for the revelation at Sinai, isn't it logical that immersion of one's body should also be required?

וְדִלְמָא נְקִיּוּת בְּעֲלָמָא?

The Gemara rejects the proof: But perhaps when the verse states that they had to wash their clothes, it was merely for cleanliness and not for the sake of ritual purity. If so, no *a fortiori* inference can be drawn from it to the case of immersion for ritual purity.

אֲלֵא מִהֵכָּא: "וַיִּקַּח מֹשֶׁה אֶת הַדָּם
וַיִּזְרֹק עַל הָעָם" וּגְמִירֵי דְאֵין דְּהָוָה
בְּלֹא טְבִילָה.

Rather, Rabbi Yehoshua derived it from here, where the verse states with regard to the formation of the covenant at Sinai: "And Moses took the blood" and sprinkled it upon the people" (Exodus 24:8), and it is learned as a tradition that there is no ritual sprinkling without immersion. Therefore, our forefathers also must have immersed at Sinai, and consequently that is also an essential requirement for all conversions.

NOTES

And Moses took the blood, etc. – וַיִּקַּח מֹשֶׁה אֶת הַדָּם וגו' – The commentaries note that Onkelos translates this verse as: Moses took the blood and sprinkled it upon the altar to atone for the people, which explicitly assumes that the sprinkling of the blood was not upon the people but upon the altar. Rabbi Eliezer of Metz explains that the Gemara here differs with Onkelos on this matter. However, *Tosafot Yeshanim* suggests that Onkelos's translation might be in accordance with the opinion of Rabbi Eliezer, who does not accept the opinion of Rabbi Yehoshua and

could therefore interpret the verse differently. Indeed, Maharatz Hayyut notes that elsewhere the Gemara explicitly states that Onkelos's translation is always in accordance with the opinions of Rabbi Eliezer and Rabbi Yehoshua, and if so, it makes sense that it renders the verse here according to one of them. If Rabbi Eliezer does not interpret the verse as Onkelos does, he could explain that it is referring to an act of sprinkling that took place after the giving of the Ten Commandments, as is suggested by the sequence of the verses in the Torah.

Immersion of the foremothers – טְבִילָה בְּאִמּוֹת: The Gemara here is clearly referring to the women who were present at the revelation at Sinai as our foremothers. The Ritva questions the propriety of referring to them as such when the Gemara elsewhere states decisively that only four women are privileged with this title: Sarah, Rebecca, Rachel, and Leah. To resolve this difficulty, the Ritva suggests that the restrictions on the title foremother are limited to its use in prayer. Another resolution is suggested by the *Ahavat Eitan*, who suggests that since the Gemara here is referring to the entire generation and not to any specific individuals, it is acceptable to refer to them as foremothers. The Meiri cites a novel interpretation that the Gemara here is actually referring to the original four Patriarchs. This interpretation assumes that the three Patriarchs and four Matriarchs all required some act of conversion to become the forebearers of the Jewish people. The Patriarchs underwent circumcision, whereas the Matriarchs immersed.

As, if so, with what were they brought – דָּאָם כֵּן בְּמָה נִכְנְסוּ: The Rashba asks why the Gemara does not consider the possibility that the sprinkling of blood upon them is what effected their conversion. He answers that even if one were to claim that the sprinkling of the blood was part of the process, one cannot escape the conclusion that there was an immersion, since there is no ritual sprinkling without immersion, and therefore it is reasonable to assume that the immersion itself is part of the process of conversion. Furthermore, it is not certain that the blood was actually sprinkled upon the women; perhaps it was only sprinkled upon the men (see *Tosafot*). In fact, *Tosafot Yeshanim* explain the phrase “upon the people” as excluding the women.

Ultimately, the *halakha* is ruled in accordance with the understanding that the sprinkling was upon both men and women. There is therefore general agreement that full conversion actually involves four requirements: Acceptance of the mitzvot, circumcision, immersion, and sacrifice of a bird as a burnt-offering. The requirement to sacrifice an offering parallels the sprinkling of the blood at Sinai. Nowadays, when it is no longer possible to bring offerings, the conversion is considered valid even without it, as is explained in *Karetot* (9a) and elsewhere.

The court may not immerse a convert on Shabbat – אֵין מְטַבְּלִין גַּר בְּשַׁבָּת: This ruling stands in contradistinction to the *halakha* that one may immerse on Shabbat in order to purify himself from a state of ritual impurity. Various distinctions have been offered between the two cases: *Tosafot* explain that immersing in order to purify oneself from a state of ritual impurity is a private matter. However, a conversion is performed in the presence of three judges and is therefore considered a public event. Since it is performed in public, the Sages prohibited it since it might appear in the eyes of the public to be similar to preparing a vessel for use. *Tosafot Yeshanim* suggest that immersing in order to purify oneself from a state of ritual impurity is permitted because the change in status is considered minor and is therefore not considered similar to preparing a vessel for use. However, the change effected by conversion is significant and is therefore prohibited. According to the Rambam, the question does not even arise. The Rambam explains that the reason to prohibit the immersion is not because it might resemble preparing a vessel for use but because presiding over conversion is considered to be an act of judgment and it is prohibited for a court to issue judgments on Shabbat.

HALAKHA

Immersion of a convert on Shabbat – טְבִילַת גַּר בְּשַׁבָּת: Since the immersion of a convert is an act of judgment performed by the court, a convert may not be immersed on Shabbat or on a Festival. Nevertheless, if he does immerse, he is thereby rendered a convert (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 13:6; *Shulhan Arukh*, *Yoreh De'a* 268:4).

רַבִּי יְהוֹשֻׁעַ, טְבִילָה בְּאִמּוֹת מִנֵּלְן?
סְבָרָא הוּא, דָּאָם כֵּן – בְּמָה נִכְנְסוּ תַּחַת
כַּנְפֵי הַשָּׁמַיִם?

אָמַר רַבִּי חִיָּיָא בַר אֲבָא אָמַר רַבִּי יוֹחָנָן:
לְעוֹלָם אֵינוּ גַר עַד שְׂיִמּוּל וְיִטְבּוֹל.
פְּשִׁיטָא, יַחֲדָי וְרַבִּים הִלְכָה פְּרַבִּים!

מֵאֵן חֲקָמִים – רַבִּי יוֹסֵי.

דִּתְנֵי: הָרִי שְׂבָא וְאָמַר מִלְּתִי וְלֹא
טְבִילַתִּי – מְטַבְּלִין אוֹתוֹ, וּמָה בְּכֶךְ,
דְּבָרֵי רַבִּי יְהוּדָה. רַבִּי יוֹסֵי אוֹמֵר: אֵין
מְטַבְּלִין.

לְפִיכֶךְ מְטַבְּלִין גַּר בְּשַׁבָּת, דְּבָרֵי רַבִּי
יְהוּדָה. וְרַבִּי יוֹסֵי אוֹמֵר: אֵין מְטַבְּלִין.

אָמַר מֵר: לְפִיכֶךְ מְטַבְּלִין גַּר בְּשַׁבָּת,
פְּשִׁיטָא, כִּינּוּן דְּאָמַר רַבִּי יְהוּדָה בְּחֻדָּא
סְנִיָּא, הִיכָא דְמֵל לְפִינּוּ – מְטַבְּלִין,
מֵאֵי לְפִיכֶךְ?

מַהוּ דִּתְנֵימָא: לְרַבִּי יְהוּדָה טְבִילָה עֵיקַר,
וְטְבִילָה בְּשַׁבָּת – לֹא. דְּקָא מִתְקַן
גְּבָרָא, קָא מְשַׁמַּע לֵן דְּרַבִּי יְהוּדָה אוֹ
הָא אוֹ הָא בְּעֵי.

The Gemara asks: **And with regard to the opinion of Rabbi Yehoshua, from where do we derive that also in the case of our foremothers there was immersion?**^N The Gemara answers: **It is based on logical reasoning, as, if so, that they did not immerse, then with what were they brought^N under the wings of the Divine Presence?** Therefore, they also must have immersed.

Rabbi Hiyya bar Abba said that Rabbi Yoḥanan said: A man is never considered a convert until he is both circumcised and has immersed. The Gemara asks: **Isn't this obvious?** In all disputes between an individual Sage and many Sages the *halakha* is in accordance with the opinion of the many Sages; it is therefore obvious that the *halakha* is in accordance with the Rabbis.

The Gemara explains: **Who are the Rabbis referred to in the baraita?** It is Rabbi Yosei. Since Rabbi Yosei is merely an individual Sage, it was necessarily for Rabbi Yoḥanan to state explicitly that the *halakha* is ruled in accordance with his opinion.

Rabbi Yosei's opinion is as it is taught in a *baraita*: With regard to a convert who came and said: **I was circumcised for the sake of conversion but I did not immerse, the court should immerse him, as what would be the problem with that;** this is the statement of Rabbi Yehuda. Since in any case the court immerses him, Rabbi Yehuda does not require proof of the convert's claim that he was circumcised for the sake of conversion because he holds that it is sufficient to be either circumcised or immersed for the sake of conversion. **Rabbi Yosei says:** The court does not immerse him. He holds that both circumcision and immersion must be performed specifically for the sake of conversion and are indispensable parts of the conversion process. Therefore, since it is impossible to verify the convert's claim with regard to his circumcision, there is no benefit to having him immerse.

The *baraita* states a ramification of their dispute: **Therefore, the court may immerse a convert who was already circumcised on Shabbat;** this is the statement of Rabbi Yehuda. Since he holds that circumcision alone effected conversion, the immersion will not effect any further change in his status, and so it is permitted on Shabbat. **And Rabbi Yosei says:** The court may not immerse him.^{NH} Since he holds that both circumcision and immersion are necessary to effect a conversion, the immersion will effect a change in his status by making him Jewish. Therefore it is prohibited to do so on Shabbat by rabbinic decree, because it appears similar to preparing a vessel for use.

The Gemara analyzes the latter clause: **The Master said in the baraita: Therefore, the court may immerse a convert who was already circumcised on Shabbat.** The Gemara asks: **Isn't this an obvious extension of his opinion; since Rabbi Yehuda said that either one of circumcision or immersion is sufficient, where a convert was circumcised in our presence the court may certainly immerse him, even on Shabbat. What, then, is the need for the baraita to include the clause that begins with: Therefore?**

The Gemara explains: It is necessary to explicitly teach this ramification lest you say that according to Rabbi Yehuda the immersion is in fact the principal act that effects conversion, and when he said in the first clause that a convert who claims to have been circumcised should be immersed since there is no problem with that, his reasoning was that he holds it is only immersion that effects the conversion. **And therefore performing the immersion on Shabbat would not be permitted, as it establishes the person with a new status and so would be prohibited by a rabbinic decree because it appears similar to preparing a vessel for use. The latter clause is therefore necessary to teach us that Rabbi Yehuda requires either this or that, i.e., either immersion or circumcision alone is sufficient to effect a conversion.**

A convert requires three – גר צריך שלשה – The commentaries explain that this is derived from the fact that Rav Safra taught that the case involved three Sages. *Tosafot* explain that this must certainly have been Rav Safra's intention because the third scholar mentioned was not of the same caliber as the first two, and therefore it does not stand to reason that he would name him together with them unless his intention was to teach the need for a court of three. Furthermore, some note that Rav Yosef and Rav Safra would not have been particular to mention the names of the additional Sages who were present just so that the record of events would be more accurate. Rather, they clearly sought to teach a ruling by doing so. This is also suggested by the Gemara's formulation: And Rav Yosef taught, which indicates that he was adding to the statement of Rabba and was not in dispute with him (*Ramat Shmuel*).

Someone who came and said: I am a convert – מי שבא ואני גר אמי: This discussion applies only to one who is known to have been a gentile. If he had not been known originally as a gentile he would be accepted even without proof that he had converted, because he could just as easily have passed himself off as a Jew (Rabbeinu Tam; Ramban; Rashba), or because it is a fact that could easily be verified later and therefore it can be assumed he would not lie about it (Ritva). However, the Rambam writes that this applies only in Eretz Yisrael, whereas elsewhere a convert should never be accepted based on his own testimony without witnesses (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 13:10).

רבי יוסי אומר אין מטבילין. פשיטא, דבין דאמר רבי יוסי תרתי בעינן – תקוני גברא בשבת לא מתקנינן!

The Gemara analyzes the next statement in the *baraita*: Rabbi Yosei says: The court may not immerse him. The Gemara asks: Isn't this an obvious extension of his opinion? As, since Rabbi Yosei requires two acts, both circumcision and immersion, to effect conversion, we may certainly not establish that person with a new status on Shabbat by completing his conversion by immersing him.

מהו דתימא: לרבי יוסי מילה עיקר, והתם הוא דלא הואי מילה בפנינו, אבל היכא דהויא מילה בפנינו – אימא ליטבול זה בשבתא. קא משמע לן דרבי יוסי תרתי בעי.

The Gemara explains: It is necessary to explicitly teach this ramification lest you say that according to Rabbi Yosei circumcision is in fact the principal act that effects conversion, and it is only there, in the first clause of the *baraita*, where the circumcision was not performed in our presence and so there is no way to verify whether it was done for the sake of conversion, that Rabbi Yosei states that the court should not proceed to immerse him; however, where the circumcision was performed in our presence, one might say that the conversion was already effected by the circumcision, and therefore let us immerse this convert on Shabbat. The latter clause is therefore necessary to teach us that Rabbi Yosei requires two acts, both circumcision and immersion, to effect conversion.

אמר רבה: עובדא הוה בי רבי חייא בר רבי, ורב יוסף מתני רבי אושעיא בר רבי, ורב ספרא מתני רבי אושעיא ברבי חייא, דאתא לקמיה גר שמל ולא טבל אמר ליה שהי כאן עד למחר ונטבלינג.

Rabba said: There was an incident in the house of Rabbi Hiyya bar Rabbi, and as Rav Yosef teaches it, Rabbi Oshaya bar Rabbi was also present, and as Rav Safra teaches it, a third Sage, Rabbi Oshaya, son of Rabbi Hiyya, was also present, in which a convert came before him who was circumcised but had not immersed. He said to the convert: Remain here with us until tomorrow, and then we will immerse you.

שמע מינה תלת: שמע מינה גר צריך שלשה, ושמע מינה: אינו גר עד שימול ויטבול, ושמע מינה: אין מטבילין גר בלילה. ונימא: שמע מינה נמי בעינן מובחין! דלמא דאיקלעו.

Rabba said: Learn from this incident three principles: Learn from it that a convert requires a court of three^N people to preside over the conversion, as Rav Safra taught that the case involved three Sages. And learn from it that one is not considered to be a convert until he has been both circumcised and immersed. And learn from it that the court may not immerse a convert at night, as they instructed him to remain there until the following day. The Gemara suggests: And let us say that one should also learn from it that we require a court of experts to preside over the conversion, as Rav Safra identified that three expert Sages were present. The Gemara rejects this: Perhaps they simply happened to be there, but in fact three laymen would suffice.

אמר רבי חייא בר אבא אמר רבי יוחנן: גר צריך שלשה "משפט" כתוב ביה.

Rabbi Hiyya bar Abba said that Rabbi Yoḥanan said: A convert requires a court of three to preside over conversion, because "judgment," is written with regard to him, as the verse states: "And one judgment shall be both for you and for the convert that sojourns with you" (Numbers 15:16), and legal judgments require a court of three judges.^H

תנו רבנן: מי שבא ואמר: "גר אני", יכול נקבלנו – תלמוד לומר "אתך" – במוחזק לך. בא ועדיו עמו מנין – תלמוד לומר "וכי יגור אתך גר בארצכם".

The Sages taught in a *baraita*: With regard to someone who came and said: I am a convert,^N one might have thought that we should accept him; therefore, the verse states: "And if a convert sojourns with you in your land, you shall not oppress him" (Leviticus 19:33). The emphasis on "with you" suggests that only someone who was already presumed by you to be a valid convert should be accepted as a convert. If he came and brought witnesses to his conversion with him, from where is it derived that he is to be accepted? It is from the beginning of that verse, which states: "And if a convert sojourns with you in your land."

HALAKHA

Conversion in a court – גיור בבית דין – One is considered to be a convert only after he accepts upon himself the yoke of mitzvot, undergoes circumcision, and immerses in a ritual bath. These acts must be performed before three individuals suitable for

sitting in judgment and must be done during the day. After the fact, if one immersed at night, the conversion is still valid (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 13:6; *Shulhan Arukh, Yoreh De'a* 268:3).