

NOTES

I have derived only that a convert is accepted in Eretz Yisrael – אין לי אלא בארץ – *Tosafot* explain that the Gemara here considers the possibility that conversion would be possible only in Eretz Yisrael. *Tosefot HaRosh* suggests a rationale for such an opinion. In Eretz Yisrael a convert stands to gain from the bounty of the land and the other benefits of living there. Therefore, it is less likely that a convert would revert back to his previous ways if he lives in Eretz Yisrael than if he lives elsewhere. Due to the concern that exists with a convert outside Eretz Yisrael, it is conceivable that the possibility of converting there is entirely precluded.

HALAKHA

One who comes and says: I converted – מי שבא ואמר – *נתיגיירתי*: If one presumed to be a gentile and claims to have converted in accordance with the *halakhot* of conversion, whether in Eretz Yisrael or outside Eretz Yisrael, he is not accepted as a convert and may not marry in the congregation of Israel until he brings witnesses to his conversion. This ruling is in accordance with the opinion of the Rabbis (Rambam *Sefer Kedusha, Hillkhot Issurei Bia* 13:7; *Shulhan Arukh, Yoreh De'a* 268:10).

אין לי אלא בארץ. בחוץ לארץ מנין?
תלמוד לומר "אתך" – בכל מקום שאתך.
אם כן מה תלמוד לומר "בארץ" – בארץ
צריך להביא ראיה, בחוץ לארץ – אין
צריך להביא ראיה. דברי רבי יהודה.
וחכמים אומרים: בין בארץ בין בחוץ
לארץ – צריך להביא ראיה.

בא הוא ועדיו עמו – קרא למה לי? אמר
רב ששת, דאמר: שמענו שנתגייר בבית
דין של פלוני. סלקא דעתך אמינא: לא
ליהמנייהו, קא משמע לן.

"בארץ", אין לי אלא בארץ, בחוץ
לארץ מנין? תלמוד לומר "אתך" – בכל
מקום שאתך. והא אפיקתיה! תדא
מ"אתך" וחדא מ"עמך".

וחכמים אומרים: בין בארץ בין בחוץ
לארץ צריך להביא ראיה. ואלא, הא
בתיב "בארץ"!

ההוא מיבעי ליה דאפילו בארץ מקבלי
גרים. דסלקא דעתך אמינא: משום
טיבותא דארץ ישראל קמגיירי, והשתא
נמי דליכא טיבותא – איכא לקט שכחה
ופאה ומעשר עני, קא משמע לן.

אמר רבי חייא בר אבא אמר רבי יוחנן:
הלכה, בין בארץ בין בחוץ לארץ – צריך
להביא ראיה. פשיטא, יחיד ורבים הלכה
ברבים! מהו דתימא: מסתבר טעמא
דרבי יהודה, דקמסייעי ליה קראי, קא
משמע לן.

I have derived only that a convert is accepted in Eretz Yisrael;^N from where do I derive that also outside of Eretz Yisrael he is to be accepted? The verse states "with you," which indicates that in any place that he is with you, you should accept him. If so, what is the meaning when the verse states: In the land? This indicates that in Eretz Yisrael he needs to bring evidence that he is a convert, but outside of Eretz Yisrael he does not need to bring evidence that he is a convert; rather, his claim is accepted. This is the statement of Rabbi Yehuda. And the Rabbis say: Whether he is in Eretz Yisrael or whether he is outside of Eretz Yisrael, he needs to bring evidence.

The Gemara analyzes the *baraita*: In the case when he came and brought witnesses to his conversion with him, why do I need a verse to teach that he is accepted? In all cases, the testimony of witnesses is fully relied upon. Rav Sheshet said: The case is where they say: We heard that he converted in the court of so-and-so, but they did not witness the actual conversion. And it is necessary to teach this because it could enter your mind to say that they should not be relied upon; therefore, the verse teaches us that they are relied upon.

As cited above, the latter clause of the *baraita* states: "With you in your land" (Leviticus 19:33). I have derived only that a convert is accepted in Eretz Yisrael; from where do I derive that also outside of Eretz Yisrael he is to be accepted? The verse states: "With you," which indicates that in any place that he is with you, you should accept him. The Gemara asks: But didn't you already expound that phrase in the first clause of the *baraita* to teach that one doesn't accept the claims of an individual that he is a valid convert? The Gemara explains: One of these *halakhot* is derived from the phrase "with you" in the verse cited, and the other one is derived from the phrase "with you" in a subsequent verse (Leviticus 25:35).

The *baraita* states: And the Rabbis say: Whether he is in Eretz Yisrael or whether he is outside of Eretz Yisrael, he needs to bring evidence. The Gemara asks: But isn't "in your land" written in the verse? How can the Rabbis deny any distinction between the *halakha* inside and outside of Eretz Yisrael?

The Gemara explains: That phrase is necessary to teach that even in Eretz Yisrael, the Jewish people should accept converts, as it could enter your mind to say that it is only for the sake of benefiting from the goodness of Eretz Yisrael, and not for the sake of Heaven, that they are converting, and therefore they should not be accepted. And it could also enter your mind to say that even nowadays, when God's blessing has ceased and there is no longer the original goodness from which to benefit, one should still suspect their purity of motives because there are the gleanings, the forgotten sheaves, and the corners of fields, and the poor man's tithe from which they would benefit by converting. Therefore, the verse teaches us that they are accepted even in Eretz Yisrael.

Rabbi Hiyya bar Abba said that Rabbi Yoḥanan said: The *halakha* is that whether a convert is in Eretz Yisrael or whether he is outside of Eretz Yisrael, he needs to bring evidence.^H 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. The Gemara explains: It is necessary to state this lest you say that Rabbi Yehuda's reason is more logical, being that the verse supports him when it states: "In your land." Therefore, it is necessary for Rabbi Yoḥanan to teach us that the *halakha* is not in accordance with his opinion.

Do you have witnesses – יֵשׁ לְךָ עֵדִים – *Tosafot* ask how the convert could possibly have had witnesses if he had converted in private. *Tosafot HaRosh* explains that from here it is apparent that the need for a court of three to be present at the conversion is essential, and if three are not present, the conversion is invalid even after the fact. Accordingly, even if two witnesses were present, the conversion would still be defined as being in private. Other commentaries assume that a conversion can be valid even if performed in the presence of a single judge. If so, the question raised by *Tosafot* remains. One commentary suggests that Rav Yehuda's question was whether the individual had witnesses that he converted before he had children (*Yam shel Shlomo*). Alternatively, the Ra'avad suggests that it had previously been assumed that the individual here had always been a Jew. Rav Yehuda therefore asked him to provide witnesses that he was once a gentile (see Ramban and Rabbi Avraham min HaHar).

You are deemed credible in order to render yourself unfit – נֶאֱמַן אֶתָּה לְפָסוּל אֶת עַצְמְךָ: The commentaries explain that since the testimony about his children was inadmissible, none of it could be accepted. Rav Yehuda's ruling that the convert was able to render himself unfit is based on the principle that if one claims that an item or action is prohibited to him, he is thereafter obligated to relate to that item or action as though it were indeed prohibited, irrespective of whether that claim could have been accepted as testimony in court (see *Tosafot* and *Nimmukei Yosef*).

You are not deemed credible in order to render your children unfit – אֵין אֶתָּה נֶאֱמַן לְפָסוּל אֶת בְּנֵיךָ: The early commentaries ask: Even if that man was deemed credible with regard to his children, why would that render them unfit, since the *halakha* is that the offspring of a gentile and a Jewish woman is a Jew of unflawed lineage? The commentaries note that it is insufficient to resolve this question by assuming that this statement in accordance with the opinions that the offspring of a gentile and a Jewish woman is unfit for the priesthood, because according to Rabbi Yehuda, even the daughter of a valid convert is unfit to marry into the priesthood (see *Tosafot*, Ra'avad as cited by Ramban, and Rashba). Some explain that Rabbi Yehuda holds in accordance with the opinion of Rabbi Akiva, which is not accepted as *halakha*, that the offspring of a gentile father is actually a *mamzer* (see *Tosafot* and Ramban). Others explain that the case here was that both parents were converts who testified that they had not converted properly, and therefore according to their claim the children were not actually Jewish (Ramban; see *Yam shel Shlomo*). One commentary suggests that the disqualification referred to here is not a halakhic one; rather, it refers to the harm caused to the children's name by virtue of the fact they would be considered to be the children of gentiles (Rabbi Avraham min HaHar).

Ravina said that this is what he said to him, etc. – רַבִּינָא אָמַר: הֵכִי – *Rav Nahman bar Yitzhak* and *Ravina* appear to disagree over whether or not a gentile is deemed credible to testify about his son. One commentary explains that their dispute concerns the essential nature of the unique credibility that is afforded to a father with respect to his son. *Rav Nahman bar Yitzhak* holds that this credibility is an extension of the standard *halakhot* of testimony. Therefore, just as a gentile is disqualified from providing testimony in a standard case, he is also not deemed credible with respect to his son. *Ravina* holds that the credibility that is afforded to a father is a unique *halakha* that is not based on the standard *halakhot* of testimony. Accordingly, there is no reason that a gentile should be excluded (*Hiddushei Batra*).

You are not deemed credible in order to render your grandchildren unfit – וְאֵי אֶתָּה נֶאֱמַן לְפָסוּל בְּנֵי בְנֵיךָ: Most commentaries follow the understanding of this statement suggested by *Tosafot*: Since he is not deemed credible with regard to his grandchildren, then if he has any grandchildren from the children he is testifying about he is not deemed credible with regard to those children either, because rendering his children unfit will perforce have an effect on the status of his grandchildren. In contrast, the *She'iltot deRav Aḥai Gaon* does differentiate between children and grandchildren. He explains that a father is given the unique ability to render his children unfit; however, his power is limited so that no ramifications of his claims will be passed down to affect his grandchildren.

תָּנוּ רַבָּנֵינוּ: "וּשְׁפֹטֶתֶם צְדָק בֵּין אִישׁ וּבֵין אֶחָיו וּבֵין גֵּר" מִכָּאן אָמַר רַבִּי יְהוּדָה: גֵּר שֶׁנִּתְגַּיֵּיר בְּבֵית דִּין – הֲרִיזוּהוּ גַר, בֵּינוּ לְבֵין עַצְמוֹ – אִינוּ גַר.

מַעֲשֵׂה בְּאֶחָד שֶׁבָּא לִפְנֵי רַבִּי יְהוּדָה, וְאָמַר לוֹ: נִתְגַּיֵּירְתִּי בֵּינוּ לְבֵין עַצְמִי. אָמַר לוֹ רַבִּי יְהוּדָה: יֵשׁ לְךָ עֵדִים? אָמַר לוֹ: לֹא. יֵשׁ לְךָ בְּנִים? אָמַר לוֹ: אֵין. אָמַר לוֹ: נֶאֱמַן אֶתָּה לְפָסוּל אֶת עַצְמְךָ, וְאֵי אֶתָּה נֶאֱמַן לְפָסוּל אֶת בְּנֵיךָ.

[מִי] אָמַר רַבִּי יְהוּדָה אֲבָנִים לֹא מַהֲיָמָה? וְהִתְנַיֵּא: "יָכִיר" – יִכְיֶרְנוּ לְאַחֲרָיִם. מִכָּאן אָמַר רַבִּי יְהוּדָה: נֶאֱמַן אָדָם לומר: זֶה בְּנִי בְכוֹר. וְכִשֶּׁם שֶׁנֶּאֱמַן לומר: זֶה בְּנִי בְכוֹר כִּךָ נֶאֱמַן לומר: בְּנִי זֶה בֶּן גְּרוּשָׁה הוּא, אוּ בֶּן חִלּוּזָה הוּא. וְחֻקֵּי אֲמִרָה: אִינוּ נֶאֱמַן.

אָמַר רַב נַחֲמָן בַּר יִצְחָק, הֵכִי קָאָמַר לֵיהּ: לְדַבְּרֵיךָ גוֹי אֶתָּה, וְאֵין עֵדוֹת לְגוֹי רַבִּינָא אָמַר: הֵכִי קָאָמַר לֵיהּ: יֵשׁ לְךָ בְּנִים? הֵן, יֵשׁ לְךָ בְּנֵי בְנִים? הֵן. אָמַר לֵיהּ: נֶאֱמַן אֶתָּה לְפָסוּל בְּנֵיךָ, וְאֵי אֶתָּה נֶאֱמַן לְפָסוּל בְּנֵי בְנֵיךָ.

The Sages taught: The verse states that Moses charged the judges of a court: "And judge righteously between a man and his brother, and the convert with him" (Deuteronomy 1:16). From here, based on the mention of a convert in the context of judgment in a court, **Rabbi Yehuda said:** A potential convert who converts in a court is a valid convert. However, if he converts in private, he is not a convert.

The Gemara relates: There was an incident involving one who was presumed to be Jewish who came before Rabbi Yehuda and said to him: I converted in private, and therefore I am not actually Jewish. **Rabbi Yehuda said to him:** Do you have witnesses^N to support your claim? **He said to him:** No. **Rabbi Yehuda asked:** Do you have children? **He said to him:** Yes. **Rabbi Yehuda said to him:** You are deemed credible in order to render yourself unfit^{MH} to marry a Jewish woman by claiming that you are a gentile, but you are not deemed credible in order to render your children unfit.^N

The Gemara asks: **But did Rabbi Yehuda actually say that with regard to his children he is not deemed credible? But isn't it taught in a baraita:** The verse states: "He shall acknowledge [*yakir*] the firstborn, the son of the hated, by giving him a double portion of all that he has" (Deuteronomy 21:17). The phrase "he shall acknowledge" is apparently superfluous. It is therefore expounded to teach that the father is deemed credible so that he can identify him [*yakirenu*] to others. From here **Rabbi Yehuda said:** A man is deemed credible to say: This is my firstborn son,^H and just as he is deemed credible to say: This is my firstborn son, so too, a priest is deemed credible to say: This son of mine is a son of a divorced woman and myself, or to say: He is a son of a *halutz* and myself, and therefore he is disqualified due to flawed lineage [*halal*]. **And the Rabbis say:** He is not deemed credible.^H If Rabbi Yehuda holds that a father is deemed credible to render his children unfit, why did he rule otherwise in the case of the convert?

Rav Nahman bar Yitzhak said that this is what Rabbi Yehuda said to him: According to your statement you are a gentile, and there is no testimony for a gentile, as a gentile is a disqualified witness. Consequently, you cannot testify about the status of your children and render them unfit. **Ravina said that this is what Rabbi Yehuda said to him:**^N Do you have children? **He said:** Yes. **He said to him:** Do you have grandchildren? **He said:** Yes. **He said to him:** You are deemed credible in order to render your children unfit, based on the phrase "he shall acknowledge," but you are not deemed credible in order to render your grandchildren unfit,^N as the verse affords a father credibility only with respect to his children.

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Deemed credible in order to render himself unfit, etc. – With regard to one who was presumed to be Jewish who comes and says that he converted in private, he is deemed credible in order to render himself unfit and is therefore prohibited from marrying a Jewish woman until he converts in the presence of a court. If he has children, he is not deemed credible in order to render his children unfit. This is in accordance with the opinion of Rabbi Yehuda as explained by *Rav Nahman bar Yitzhak* (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 13:8; *Shulḥan Arukh*, *Yoreh De'a* 268:11).

He is deemed credible to say: This is my firstborn son – A father is deemed credible to say concerning one of his sons, or even concerning someone who was presumed not to be his son at all, that he is in fact his firstborn son. He is likewise deemed credible to say that someone who was presumed to be his firstborn son is not actually his firstborn. The Rema writes that once a father has claimed that a certain person is his firstborn, he can no longer claim that someone else is (*Tur*, citing Ramban; *Beit*

Yosef, citing Ran; Rambam *Sefer Mishpatim*, *Hilkhot Naḥalat* 2:14; *Shulḥan Arukh*, *Hoshen Mishpat* 277:12).

Credibility to render a son unfit – A father is deemed credible to render his son unfit, e.g., if he were to say that the son of his wife is not actually his own son and is therefore a *mamzer*. This is true only if that son does not have any children. If the son does have children, then the father is not believed even with regard to his own son. This is in accordance with the opinion of *Ravina*. The Rema, citing the Ramah, writes that if the son was presumed to be legitimate based on the testimony of his father, then the father is no longer able to render him unfit. In addition, a man is deemed credible to render unfit only someone who was always presumed to be his son, e.g., the child born to his wife. Therefore, if a single woman announces that her son is actually the child of so-and-so, that man is not deemed credible to claim that the child is a *mamzer* (*Terumat HaDeshen*; Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 15:16; *Shulḥan Arukh*, *Even HaEzer* 4:29).

תנאי נמי הכי רבי יהודה אומר: נאמן אדם לומר על בנו קטן, ואין נאמן על בנו גדול. ואמר רבי חייה בר אבא אמר רבי יוחנן: לא קטן קטן ממש, ולא גדול גדול ממש, אלא קטן ויש לו בנים – זהו גדול, גדול ואין לו בנים – זהו קטן.

והלכתא כוותיה דרב נחמן בר יצחק. והתנאי כוותיה דרבינא! הווא לענן "יביר" איתמר.

תנו רבנן: גר שבא להתגייר בזמן הזה אומרים לו: מה ראית שבאת להתגייר? אי אתה יודע שישראל בזמן הזה דוויים, דחופים, סחופים ומטורפין, ויסורין באין עליהם? אם אומר: יודע אני ואיני כדאי – מקבלין אותו מיד.

ומודיעין אותו מקצת מצוות קלות, ומקצת מצוות חמורות, ומודיעין אותו עון לקט שכחה ופאה ומעשר עני, ומודיעין אותו ענשן של מצוות, אומרים לו: הוי יודע שעד שלא באת למדה זו, אכלת חלב – אי אתה ענוש ברת, חללת שבת – אי אתה ענוש סקילה, ועבשיו, אכלת חלב – ענוש ברת, חללת שבת – ענוש סקילה.

ובשם שמודיעין אותו ענשן של מצוות, כך מודיעין אותו מתן שכרן. אומרים לו: הוי יודע שהעולם הבא אינו עשוי אלא לצדיקים, וישראל בזמן הזה אינם יכולים לקבל

This opinion of Ravina is also taught in a *baraita*: Rabbi Yehuda says: A man is deemed credible to say about his minor son that he is unfit, but he is not deemed credible to say about his adult son that he is unfit. And in explanation of the *baraita*, Rabbi Hiyya bar Abba said that Rabbi Yohanan said: The reference to a minor son does not mean one who is literally a minor, who has not yet reached majority, and the reference to an adult son does not mean one who is literally an adult, who has reached majority; rather, a minor who has children, this is what the *baraita* is referring to as an adult, and an adult who does not have children, this is what the *baraita* is referring to as a minor.

The Gemara concludes: And the *halakha* is in accordance with the opinion of Rav Nahman bar Yitzhak. The Gemara asks: But isn't it taught in the *baraita* in accordance with the opinion of Ravina? If there is a *baraita* that supports his opinion, the *halakha* should be in accordance with his opinion. The Gemara explains: That *baraita* was stated concerning the matter of "he shall acknowledge," that a father is deemed credible to render his son unfit; however, if one claims he is a gentile, he is not deemed credible to say the same about his son.

§ The Sages taught in a *baraita*: With regard to a potential convert who comes to a court in order to convert, at the present time, when the Jews are in exile, the judges of the court say to him:¹⁴ What did you see that motivated you to come to convert? Don't you know that the Jewish people at the present time are anguished, suppressed, despised, and harassed, and hardships are frequently visited upon them? If he says: I know, and although I am unworthy of joining the Jewish people and sharing in their sorrow, I nevertheless desire to do so, then the court accepts him immediately to begin the conversion process.

And the judges of the court inform him of some of the lenient mitzvot¹⁵ and some of the stringent mitzvot, and they inform him of the sin of neglecting the mitzva to allow the poor to take gleanings, forgotten sheaves, and produce in the corner of one's field, and about the poor man's tithe. And they inform him of the punishment for transgressing the mitzvot, as follows: They say to him: Be aware that before you came to this status and converted, had you eaten forbidden fat, you would not be punished by *karet*, and had you profaned Shabbat, you would not be punished by stoning, since these prohibitions do not apply to gentiles. But now, once converted, if you have eaten forbidden fat you are punished by *karet*, and if you have profaned Shabbat, you are punished by stoning.

And just as they inform him about the punishment for transgressing the mitzvot, so too, they inform him about the reward granted for fulfilling them. They say to him: Be aware that the World-to-Come is made only for the righteous, and if you observe the mitzvot you will merit it, and be aware that the Jewish people, at the present time, are unable to receive their full reward in this world;

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מה אומרים לבא – מה אומרים לבא – מה אומרים לבא – מה אומרים לבא: When a gentile comes to convert, the judges of the court say to him: For what reason do you seek to convert? Don't you know that the Jewish people are oppressed and suffer nowadays? If he accepts this upon himself, the court informs him of some of the lenient mitzvot and some of the stringent

mitzvot, and informs him of the punishment for not observing the mitzvot. The judges should not overwhelm him, nor are they exacting with him, and they inform him of the reward given for performance of the mitzvot in the World-to-Come (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 13:14; *Shulhan Arukh*, *Yoreh De'a* 268:2).

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Some of the lenient mitzvot – מקצת מצוות קלות: The Meiri explains that since the gentile system of law does not relate to less serious issues and does not demand a commitment to minutiae, it is necessary to teach him some of the more

lenient mitzvot and thereby demonstrate that the halakhic system is all-encompassing and relates to every detail of life. If he is unable to commit to this, he is given the opportunity to withdraw.

לֹא רוֹב טוֹבָה וְלֹא רוֹב פְּרוּעָנוֹת. וְאִין מְרַבֵּין עָלָיו. וְאִין מְדַקְדְּקִין עָלָיו.

קִיבֵל – מְלִין אוֹתוֹ מִיָּד. נִשְׁתַּיְרוּ בוּ צִיּוֹן הַמַּעֲבָדִין אֶת הַמִּלָּה – חוֹזְרִים וּמְלִין אוֹתוֹ שְׁנֵי. נִתְרַפָּא – מְטַבְּלִין אוֹתוֹ מִיָּד. וְשְׁנֵי תַלְמִידֵי חֲכָמִים עוֹמְדִים עַל גְּבִיו, וּמוֹדִיעִין אוֹתוֹ מִקְצַת מִצְוֹת קְלוֹת וּמְקַצַּת מִצְוֹת חֲמוּרוֹת. טָבֵל וְעָלָה – הֵרִי הוּא בְּיִשְׂרָאֵל לְכָל דְּבָרָיו.

אֶשָּׂה – נָשִׁים מוֹשִׁיבוֹת אוֹתָהּ בַּמַּיִם עַד צְוֹאָרָה, וְשְׁנֵי תַלְמִידֵי חֲכָמִים עוֹמְדִים לָהּ מִבַּחוּץ, וּמוֹדִיעִין אוֹתָהּ מִקְצַת מִצְוֹת קְלוֹת וּמְקַצַּת מִצְוֹת חֲמוּרוֹת.

אֶחָד גֵּר וְאֶחָד עֶבֶד מְשׁוּחָר. וּבְמִקְוֵה שְׁנֵיהֶם טוֹבְלֵת – שֵׁם גֵּר וְעֶבֶד מְשׁוּחָר טוֹבְלִין. וְכָל דְּבָר שְׁחֹצֵץ בְּטַבְּלָהּ – חוֹצֵץ בְּגֵר וּבְעֶבֶד מְשׁוּחָר וּבְנֵדָה.

they are **not** able to receive either an abundance of good nor an abundance of calamities,^N since the primary place for reward and punishment is in the World-to-Come. **And they do not overwhelm him** with threats, **and they are not exacting with him** about the details of the mitzvot.

If he accepts upon himself all of these ramifications, then **they circumcise him immediately**. If there still remain on him shreds of flesh from the foreskin that invalidate the circumcision, **they circumcise him again a second time** to remove them. When he is healed from the circumcision, **they immerse him^N immediately^H**, and two Torah scholars stand over him at the time of his immersion and inform him of some of the lenient mitzvot and some of the stringent mitzvot. Once he has immersed and emerged, he is like a born Jew in every sense.

For the immersion of a woman: Women appointed by the court seat her in the water of the ritual bath up to her neck, and two Torah scholars stand outside the bath house so as not to compromise her modesty, and from there they inform her of some of the lenient mitzvot and some of the stringent mitzvot.

The procedure applies for both a convert and an emancipated slave^{HN} who, upon immersion at the time of his emancipation, becomes a Jew in every sense. **And in the same place that a menstruating woman immerses**, i.e., in a ritual bath of forty *se'a* of water, **there a convert and an emancipated slave also immerse**. And anything that interposes between one's body and the water of the ritual bath with regard to immersion^N of a ritually impure person, in a manner that would invalidate the immersion, also interposes and invalidates the immersion for a convert, and for an emancipated slave, and for a menstruating woman.

NOTES

Nor an abundance of calamities – לֹא רוֹב פְּרוּעָנוֹת: This is a continuation of the explanation with regard to the reception of reward for the performance of the mitzvot. Although the Jewish people suffer in exile, the calamities will never dominate to such an extent that the nation might cease to exist completely, as has occurred with other nations (Rabbi Avraham min HaHar).

When he is healed, they immerse him – וְאִין מְטַבְּלִין אוֹתוֹ: The Ramban asks why the convert does not first immerse and only then undergo circumcision; doing so would avoid the delay in the conversion process while the convert waits for his wound to heal. The Ramban suggests that since the circumcision is difficult and painful, the insistence that he perform it first provides another opportunity for him to withdraw from the process.

The basic assumption of the Ramban is that even if the immersion would precede the circumcision, the conversion would be valid. The Ramban adduces proof for this assumption that the order of the two rituals is not essential from the case of a pregnant convert. The Gemara elsewhere states that the immersion of a pregnant woman counts for her fetus as well. However, if the fetus is a male, it will require circumcision once it is born. It would appear, then, that even if the immersion precedes the circumcision the conversion is still valid.

The Rashba and the Ritva reject the Ramban's claim and dismiss his proof. They claim that the immersion must always be the final stage of the process. They bring an analogy to support their claim from the *halakha* of immersing vessels purchased from gentiles, which requires that the vessels first be purged of any non-kosher substances and only then may they be immersed.

With regard to the Ramban's proof, the commentaries suggest various alternative ways to interpret that Gemara. Some claim that the immersion can count for the fetus despite the fact it has not yet been circumcised only because at the time of the immersion the fetus was still unfit for circumcision (*Tosafot*). Others explain that the immersion is effective only according to the opinions that a fetus is halakhically considered to be an extension of the mother's body. Consequently, the immersion alone effects the fetus's conversion (*Rid*). Other commentaries claim that the immersion is valid for the fetus only if it emerges that the fetus was female, but if the fetus turns out to be male, once it is born it will require first circumcision and then immersion in the correct order (see *Rashba*).

Immersion of an emancipated slave – טְבִילַת עֶבֶד מְשׁוּחָר: The early commentaries debate whether the immersion of a slave upon his emancipation is required by Torah law and effects the full conversion of the slave, rendering him a Jew, or whether it is only a rabbinic requirement and in actual fact the conversion process was completed when he was initially immersed upon becoming a slave, and the emancipation is only to remove his slave status (see *Tosafot*, *Tosefot HaRosh*, and *Meiri*).

And anything that interposes with regard to immersion – וְכָל דְּבָר שְׁחֹצֵץ בְּטַבְּלָהּ: *Rashi* explains that the Gemara compares the case of a ritually impure person immersing to purify himself to the case of conversion. The present version of the Gemara text supports this. However, other commentaries had a variant text in which the comparison is to the immersion of a woman who is ritually impure due to menstruation, who immerses in order to be permitted to her husband (see *Ramban* and *Ritva*).

HALAKHA

Circumcision and immersion – מִלָּה וְטְבִילָה: Once a convert has been made aware of the ramifications of conversion and he nevertheless commits to undergo the process, he is circumcised immediately. As soon as his wound heals, he is immersed to complete the process (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 14:5; *Shulhan Arukh*, *Yoreh De'a* 268:2).

Immersion of a convert and an emancipated slave – טְבִילַת עֶבֶד מְשׁוּחָר: A convert or an emancipated slave requires immersion in a ritual bath that is valid for the immersion of a menstruating woman. Any substance that is considered an interposition and would invalidate the immersion of a menstruating woman also invalidates the immersion of a convert or slave (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 13:13 and *Sefer Tahara*, *Hilkhot Mikvaot* 2:22; *Shulhan Arukh*, *Yoreh De'a* 268:2).

NOTES

Converts are as harmful to the Jewish people as a leprous scab – קָשִׁים גֵּרִים לְיִשְׂרָאֵל כְּסַפְחַת – Many different interpretations have been suggested in explanation of this statement. *Tosafot* suggest four different explanations. One explanation, also suggested by the Rambam, is that it is common for converts to revert to their old ways and beliefs, and when they do they exert a corrupting influence on other Jews. This is similar to the mixed multitude of peoples who accompanied the Jewish people in the exodus from Egypt and caused the sin of the Golden Calf. *Tosafot* on *Kiddushin* 70b cite the Gemara elsewhere that the continuing exile and dispersion of the Jewish people occurs in order to provide an opportunity for converts to join them. Consequently, it emerges that converts are actually part of the cause of the exile. *Tosafot* there also cite the opinion of Rabbi Avraham the convert. He claims that converts are generally punctilious and strict with regard to the mitzvot, and therefore their behavior casts aspersions on the practice of those born Jews who are not as vigilant.

And they inform him of the sin of gleanings, forgotten sheaves, etc. – מוֹדִיעִין אוֹתוֹ עַן לֶקֶט – Some commentaries connect this statement to the Gemara above (47a), where it is stated that a gentile might seek to convert in order to benefit from gleanings and forgotten sheaves. Consequently, he must be informed that there is a sin involved in denying these items to poor people, and it is not merely a right that the poor have (*Arukh LaNer*).

It is prohibited for us to go beyond the Shabbat limit – אָסִיר לָן תַּחֲוֹם שַׁבָּת – The Maharsha explains that Naomi informed Ruth of this *halakha* in fulfillment of the requirement to inform a potential convert of some of the lenient mitzvot, of which the Shabbat limit is one.

HALAKHA

A gentile is executed on account of stealing less than the value of a *peruta* – בֶּן נֹחַ נִהְרַג עַל פְּחוֹת מְשֻׁה פְּרוּטָה – A gentile is liable for theft and is punished with execution, even for stealing an item whose value is less than a *peruta* (Rambam *Sefer Shofetim, Hilkhhot Melakhim* 9:9).

אָמַר מֶר: גֵּר שֶׁבָּא לְהִתְגַּיֵּר אוֹמְרִים לוֹ: מַה רְאִיתָ שֶׁבָּאתָ לְהִתְגַּיֵּר? וּמוֹדִיעִים אוֹתוֹ מִקְצַת מִצְוֹת קְלוֹת וּמִקְצַת מִצְוֹת חֲמוּרוֹת. מֵאֵי טַעְמָא? דְּאֵי פְּרִישׁ – נִפְרוּשׁ. דְּאָמַר רַבִּי חֵלְבֹן: קָשִׁים גֵּרִים לְיִשְׂרָאֵל כְּסַפְחַת, דְּכִתְיִב וְנִלְוֶה הֵיגַר עֲלֵיהֶם וְנִסְפְּחוּ עַל בֵּית יַעֲקֹב.

”וּמוֹדִיעִים אוֹתוֹ עַן לֶקֶט שֶׁכַּחַה וּפְאָה וּמַעֲשֵׂר עֲנִי.” מֵאֵי טַעְמָא? אָמַר רַבִּי חֵיָא בְרַ אֲבָא אָמַר רַבִּי יוֹחָנָן: בֶּן נֹחַ נִהְרַג עַל פְּחוֹת מְשֻׁה פְּרוּטָה, וְלֹא מִיָּתֵן לְהִשְׁבֹּן.

(וּמוֹדִיעִים אוֹתוֹ עַן שֶׁכַּחַה וּפְאָה). ”וְאֵין מְרַבִּים עָלָיו וְאֵין מְדַקְדְּקִים עָלָיו.” אָמַר רַבִּי אֶלְעָזָר: מֵאֵי קְרָאָה – דְּכִתְיִב ”וַתֵּרֶא כִּי מִתְאַמְצֶת הִיא לְלֶבֶת אֶתָּה וַתַּחְדֵּל לְדַבֵּר אֵלֶיהָ”.

אָמְרָה לָהּ: אָסִיר לָן תַּחֲוֹם שַׁבָּת – ”בְּאֶשֶׁר תִּלְכִּי אֲלֵךְ”, אָסִיר לָן יַחֲוֹד – ”בְּאֶשֶׁר תִּלְיִנִי אֶלֵּיךְ”.

The Gemara analyzes the *baraita*. The Master said in the *baraita*: With regard to a potential convert who comes to a court in order to convert, the judges of the court say to him: What did you see that motivated you to come to convert? And they inform him of some of the lenient mitzvot and some of the stringent mitzvot. The Gemara asks: What is the reason to say this to him? It is so that if he is going to withdraw from the conversion process, let him withdraw already at this stage. He should not be convinced to continue, as Rabbi Helbo said: Converts are as harmful to the Jewish people as a leprous scab [*sappahat*]^N on the skin, as it is written: “And the convert shall join himself with them, and they shall cleave [*venispehu*] to the house of Jacob” (Isaiah 14:1). This alludes to the fact that the cleaving of the convert to the Jewish people is like a scab.

The *baraita* continues: And they inform him of the sin of neglecting the mitzva to allow the poor to take gleanings, forgotten sheaves,^N and produce in the corner of one’s field, and about the poor man’s tithe. The Gemara asks: What is the reason to specifically mention these mitzvot? Rabbi Hiyya bar Abba said that Rabbi Yohanan said: Because a gentile is executed even on account of stealing less than the value of a *peruta*,^H since gentiles are particular about even such a small loss, and an item that a gentile steals is not subject to being returned, i.e., he is not obligated to return it to its owner. Since gentiles are unwilling to separate even from items of little value, a potential convert must be made aware that he if converts, he will be required to relinquish some of his property to others.

The *baraita* continues: And they inform him of the sin of neglecting the mitzva to allow the poor to take gleanings, forgotten sheaves, and produce in the corner of one’s field. And they do not overwhelm him with threats, and they are not exacting with him about the details of the mitzvot, i.e., the court should not overly dissuade the convert from converting. Rabbi Elazar said: What is the verse from which this ruling is derived? As it is written: “And when she saw that she was steadfastly minded to go with her, she left off speaking with her” (Ruth 1:18). When Naomi set out to return to Eretz Yisrael, Ruth insisted on joining her. The Gemara understands this to mean that Ruth wished to convert. Naomi attempted to dissuade her, but Ruth persisted. The verse states that once Naomi saw Ruth’s resolve to convert, she desisted from her attempts to dissuade her. The Gemara infers from here that the same approach should be taken by a court in all cases of conversion.

The Gemara reconstructs the original dialogue in which Naomi attempted to dissuade Ruth from converting: Naomi said to her: On Shabbat, it is prohibited for us to go beyond the Shabbat limit.^{NB} Ruth responded: “Where you go, I shall go” (Ruth 1:16), and no further. Naomi said to her: It is forbidden for us to be alone together^B with a man with whom it is forbidden to engage in relations. Ruth responded: “Where you lodge, I shall lodge” (Ruth 1:16), and in the same manner.

BACKGROUND

Shabbat limit – תַּחֲוֹם שַׁבָּת: By rabbinic decree, and some say by Torah law, on Shabbat one is not permitted to travel more than a certain distance away from the place where he established his residence at the onset of Shabbat. That distance is known as the Shabbat limit. Even animals and inanimate objects have a limit, determined by the limit of the person to whose care they are entrusted, beyond which they may not be taken. Generally, the Shabbat limit is defined as two thousand cubits outside of one’s city in every direction.

Being alone together – יַחֲוֹד: A man and a woman between whom sexual relations are forbidden are forbidden to be alone together in a manner in which it would be possible for them to engage in intercourse. Typically this means that they may not be secluded in a closed room together. According to tradition, in the era of King David this prohibition was extended to prohibit a man from being alone with an unmarried woman. Exceptions to these rules include a father and daughter and a mother and son. A man is also forbidden to be alone with two women.

We are commanded to observe six hundred and thirteen mitzvot, etc. – מִפְקְדֵינֵי שֵׁשׁ מֵאוֹת וּשְׁלֹשׁ עֶשְׂרֵי מִצְוֹת וְכוּ'. Some commentaries explain Naomi's statement and Ruth's response in the following manner: There are many mitzvot that apply only to certain segments of the community, e.g., only to men, priests, etc. Therefore, it is not possible for a single individual to fulfill all six hundred and thirteen mitzvot on his own; rather, their fulfillment is only fully achieved by the collective efforts of the entire people. This is the meaning of Ruth's response: "Your people are my people" (*Iyyun Ya'akov*; *Arukh LaNer*).

Idolrous worship is forbidden to us – אָסִיר לָן עֲבוּדָה זָרָה – The commentaries question why Naomi had to inform Ruth of the prohibition against idolrous worship when it was already prohibited to Ruth as one of the seven Noahide laws. One commentary suggests that it was necessary because the punishment for a Jew is more severe than the punishment for a gentile (*Shevut Ya'akov*). Others suggest that it was necessary because the prohibition for a Jew is more encompassing: It includes any expression of veneration toward a deity, such as embracing or kissing (*Maharsha*); it prohibits a Jew from even possessing an object of idolrous worship in his home (*Riaf*); a Jew is punished for having idolrous beliefs even if he never expresses them in action (*Iyyun Ya'akov*); and a Jew is prohibited from associating a deity together with God (*Arukh LaNer*).

We do not delay the performance of a mitzva – שְׂהוּי מִצְוָה לֹא מִשְׁהִינֵי – Although the Gemara states immediately that converts are as harmful as a leprous scab, and on 109b it is stated: Evil after evil will befall those who accept converts, *Tosafot* explain that this refers only to converts who were not initiated according to the process described in the Gemara or were encouraged to convert even though they were unwilling. However, if a gentile sincerely wishes to convert then there is a mitzva to accept him immediately, and one must not delay the performance of this mitzva. This may be seen from the midrash's comment that Abraham was punished for not accepting Timna when she wished to convert and join his family, and she eventually married Esau's son and gave birth to Amalek. Some early authorities write that the mitzva of converting gentiles is derived from the verse: "And you shall love the convert" (Deuteronomy 10:19), implying that one who desires to convert should be loved and encouraged (Rabbi Yehuda of Barcelona). Others derive the mitzva from the general mitzva to love God, which the *Sifrei* interprets to include Abraham's actions in encouraging people to worship God. In the same way, accepting converts enables them to enter a deeper relationship with God (Rabbi Yeruham Fishel Perla).

HALAKHA

Shreds that invalidate the circumcision – צִיצֵין הַמַּעֲבָבִין – **הַמִּילָה**: If following circumcision, some of the flesh of the foreskin remains upon the greater part of the height of the corona, even in a single spot, and certainly if it surrounds the entire circumference (*Shakh*), then the circumcision is invalid and the extra flesh must be removed (Rambam *Sefer Ahava, Hilkhoh Mila* 2:3; *Shulhan Arukh, Yoreh De'a* 264:5).

He has immersed and emerged, he is a Jew – טָבַל וְעָלָה – **הָרִי הוּא כִּישְׂרָאֵל**: Once the conversion process has been completed as required the convert is considered to be a Jew in every sense. Therefore, even if he reverts back to his old ways and engages in idolrous worship, he is still considered to be a Jew, albeit an apostate Jew, and so if he betroths a Jewish woman, the betrothal takes effect (Rambam *Sefer Kedusha, Hilkhoh Issurei Bia* 13:17; *Shulhan Arukh, Yoreh De'a* 268:2).

מִפְקְדֵינֵי שֵׁשׁ מֵאוֹת וּשְׁלֹשׁ עֶשְׂרֵי מִצְוֹת – "עֲמֹךְ עַמִּי", אָסִיר לָן עֲבוּדָה זָרָה – "וְאֵלֶיךָ אֱלֹהֵי", אֲרַבַּע מִיתוֹת נִמְסְרוּ לְבֵית דִּין – "בְּאִשׁוֹר תְּמוֹתֵי אָמוֹת", שְׁנֵי קְבָרִים נִמְסְרוּ לְבֵית דִּין – "וְשֵׁם אֶקְבֹּר".

Naomi said to her: **We are commanded to observe six hundred and thirteen mitzvot.**^N Ruth responded: "Your people are my people" (Ruth 1:16). Naomi said to her: **Idolrous worship is forbidden to us.**^N Ruth responded: "Your God is my God" (Ruth 1:16). Naomi said to her: **Four types of capital punishment^B were handed over to a court** with which to punish those who transgress the mitzvot. Ruth responded: "Where you die, I shall die" (Ruth 1:17). Naomi said to her: **Two burial grounds^B were handed over to the court**, one for those executed for more severe crimes and another for those executed for less severe crimes. Ruth responded: "And there I shall be buried" (Ruth 1:17).

מִיד – "וְהִרְאָה כִּי מִתְאֲמָצֵת הִיא וְגו'".

Immediately following this dialogue, the verse states: "And when she saw that she was steadfastly minded she left off speaking with her" (Ruth 1:18). Once Naomi saw Ruth's resolve to convert, she desisted from her attempts to dissuade her.

"קִיבֵל – מָלִין אוֹתוֹ מִיד." מֵאִי טַעֲמָא? שְׂהוּי מִצְוָה לֹא מִשְׁהִינֵי.

The *baraita* continues: If he accepts upon himself all of these ramifications, then **they circumcise him immediately.** The Gemara asks: **What is the reason to act immediately?** It is that **we do not delay the performance of a mitzva.**^N

"נִשְׁתַּיִרוּ בוֹ צִיצֵין הַמַּעֲבָבִין הַמִּילָה" וְכוּ'. בְּדִתְנֵן: אֵלּוּ הֵן צִיצֵין הַמַּעֲבָבִין הַמִּילָה: בְּשָׂר הַחוּפָה אֶת רוֹב הָעֵטְרָה, וְאֵינוֹ אוֹכֵל בְּתֵרוּמָה. וְאָמַר רַב יִרְמְיָהּ בְּרַ אָבָא אָמַר רַב: בְּשָׂר הַחוּפָה רוֹב גּוֹבְהָה שְׁל עֵטְרָה.

The *baraita* continues: If there still remain on him shreds^B of flesh from the foreskin that invalidate the circumcision,^H he is circumcised a second time to remove them. The Gemara explains: This is as we learned in a mishna (*Shabbat* 137a): **These are the shreds of flesh that invalidate the circumcision** if they are not cut: Any fragments of the flesh that cover the greater part of the corona. If such shreds remain, the child is considered uncircumcised, and he may not partake of *teruma*. And in explanation of this mishna, Rav Yirmeya bar Abba said that Rav said: This also includes the flesh that covers the greater part of the height of the corona.

"נִתְרַפָּא מִטְבִּילִין אוֹתוֹ מִיד", נִתְרַפָּא אִין, לֹא נִתְרַפָּא – לָא. מֵאִי טַעֲמָא? מִשּׁוֹם דְּמִיָּא מְרוּז מְבָה.

The *baraita* continues: When he is healed from the circumcision, **they immerse him immediately.** The Gemara infers from the precise formulation of the *baraita* that when he has healed, then yes, he is immersed, but as long as he has not healed, then no, he is not. **What is the reason for this?** It is because water agitates a wound.^B

"וּשְׁנֵי תַלְמִידֵי חֲכָמִים עוֹמְדִים עַל גְּבוּי". וְהָא אָמַר רַבִּי חֵיָא אָמַר רַבִּי יוֹחָנָן: גַּר צְרִיךְ שְׁלֵשָׁה! הָא אָמַר רַבִּי יוֹחָנָן לְתַנָּא: תַּנֵּי שְׁלֵשָׁה.

The *baraita* continues: **And two Torah scholars stand over him** at the time of his immersion. The Gemara asks: **But didn't Rabbi Hiyya say that Rabbi Yohanan said that a convert requires a court of three to be present at his conversion?** The Gemara answers: In fact, **Rabbi Yohanan said to the tanna** reciting the mishna: Do not teach that there are two Torah scholars; rather, **teach that there are three.**

"טָבַל וְעָלָה הָרִי הוּא כִּישְׂרָאֵל לְכֹל דְּבָרָיו". לְמַאי הִלְכְתָּא? דָּאִי הָדָר בֵּיהּ, וּמִקְדָּשׁ בֵּית יִשְׂרָאֵל – יִשְׂרָאֵל מִמֶּנּוּ קָרִינָא בֵּיהּ, וְקִידוּשֵׁי קִידוּשֵׁין.

The *baraita* continues: Once he has immersed and emerged he is a Jew^H in every sense. The Gemara asks: **With regard to what halakha is this said?** It is that if he reverts back to behaving as a gentile, he nevertheless remains Jewish, and so if he betroths a Jewish woman, although he is considered to be an apostate Jew, his betrothal is a valid betrothal.

BACKGROUND

Four types of capital punishment – אֲרַבַּע מִיתוֹת...בֵּית דִּין – These capital punishments are prescribed by the Torah and administered by a court of twenty-three members. They are, in diminishing order of severity: Stoning, burning, decapitation, and strangulation.

Two burial grounds – שְׁנֵי קְבָרִים – According to *halakha* one may not bury a wicked person adjacent to a righteous person (*Sanhedrin* 47a). Even one who transgressed a severe prohibition must be buried separately from one who transgressed a less severe prohibition. For this reason, the court maintained two separate burial grounds, one for those executed for more serious crimes and one for those executed for less serious crimes.

Shreds – צִיצֵין – Circumcision involves two stages: First, the foreskin covering the corona is removed, and then the underlying

membrane is ripped and folded back. Occasionally, and especially if this second stage is not performed in the proper manner, part of the membrane remains in its place, covering the corona. These are the shreds the Gemara refers to here.

Water agitates a wound – מִיָּא מְרוּז מְבָה – Submerging a wound in water for an extended period can occasionally result in a light renewal of bleeding. In the Gemara here, however, the reference seems to be to a different phenomenon related specifically to ritual baths. In the Talmudic period, ritual baths were formed from collections of rain water that had been gathered, often in caves and the like. Such water can be presumed to contain different micro-organisms such as bacteria and algae. These could certainly cause the wound to become infected, even severely so.

An emancipated slave does not need to accept upon himself – עֶבֶד מְשׁוּחָרֵר אֵין צָרִיךְ לְקַבֵּל – At the time of his emancipation, a slave must immerse in the presence of three judges. However, he need not be informed of the basic beliefs and mitzvot and he need not accept these upon himself, since he was already informed of them and accepted them at the time that he was immersed for the sake of becoming a slave (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 13:12; *Shulhan Arukh, Yoreh De'a* 267:7).

A beautiful female prisoner of war who accepted the mitzvot upon herself – יְפֵת תּוֹאֵר שֶׁקִּבְּלָה עָלֶיהָ מִצְוֹת – A beautiful female prisoner of war who accepts the mitzvot upon herself may be immersed for the sake of conversion, upon which she becomes a Jew. In such a case, the procedures described by the Torah do not apply. If she does not initially accept the mitzvot upon herself, then the procedures described by the Torah must be fulfilled. Her captor then resides with her until she agrees to accept the mitzvot upon herself, at which point she may be immersed for the sake of conversion (Rambam *Sefer Shofetim, Hilkhot Melakhim* 8:5).

“אֶחָד גֵּר וְאֶחָד עֶבֶד מְשׁוּחָרֵר.”
קְסָלְקָא דְעֵתְךָ לְקַבֵּל עָלֶיךָ עוֹל מִצְוֹת,
וְרַמְיָנָהּ: בְּמַה דְּבָרִים אֲמֹרִים – בְּגֵר,
אֲבָל בְּעֶבֶד מְשׁוּחָרֵר – אֵין צָרִיךְ
לְקַבֵּל!

אָמַר רַב שֵׁשֶׁת: לֹא קָשְׁיָא, הָא – רַבִּי
שְׁמַעוֹן בֶּן אֱלֵעָזָר, הָא – רַבָּנָן.

דְּתַנְיָא, “וּבְכַתְּהָ אֶת אֲבִיהָ וְאֶת אִמָּהּ”
וְגו’ בְּמַה דְּבָרִים אֲמֹרִים – שְׁלֵא
קִבְּלָה עָלֶיהָ, אֲבָל קִבְּלָה עָלֶיהָ –
מִטְּבִילָהּ, וּמוֹתֵר בָּהּ מִיָּד.

רַבִּי שְׁמַעוֹן בֶּן אֱלֵעָזָר אוֹמֵר: אִף עַל פִּי
שְׁלֵא קִבְּלָה עָלֶיהָ – בּוֹפָה, וּמִטְּבִילָהּ
לְשֵׁם שְׁפָחוֹת, וְחוֹזֵר וּמִטְּבִילָהּ לְשֵׁם
שְׁחָרָרָהּ, וּמוֹתֵר בָּהּ מִיָּד.

The *baraita* continues: This applies both for a convert and for an emancipated slave. The Gemara considers the meaning of this clause: If it enters your mind to interpret the *baraita* to mean that a convert and an emancipated slave are the same with regard to accepting upon oneself the yoke of mitzvot, then one could raise a contradiction from that which is taught in another *baraita*: In what case is this statement that there is a need to accept the yoke of mitzvot said? It is with respect to a convert; however, an emancipated slave does not need to accept upon himself^H the yoke of mitzvot when he immerses for the sake of emancipation. Rather, the immersion alone is sufficient to emancipate him and thereby render him a Jew.

Rav Sheshet said: This is not difficult, as this *baraita* that states that an emancipated slave is not required to accept the yoke of mitzvot is in accordance with the opinion of Rabbi Shimon ben Elazar, whereas that *baraita* that implies he is required to do so is in accordance with the opinion of the Rabbis, the first *tanna* of the following *baraita*.

As it is taught in a *baraita*: The Torah permits a Jewish soldier to take a beautiful female prisoner of war out of her captivity in order to marry her. Before he may do so, she must first undergo the process that the Torah describes: “And she shall shave her head, and do her nails; and she shall remove the raiment of her captivity from upon her, and she shall remain in your house and bewail her father and her mother a month of days” (Deuteronomy 21:12–13). She may then be immersed for the sake of conversion, even though she does not accept upon herself the yoke of mitzvot. At that point it is permitted to marry her. The *baraita* asks: Under what circumstance are these matters stated? It is when she did not accept upon herself the yoke of mitzvot; however, if she willingly accepted upon herself^H the yoke of mitzvot, he may immerse her for the sake of conversion, and he is permitted to marry her immediately without the need for her to undergo the process described in the Torah.

Rabbi Shimon ben Elazar says: Even if she did not accept upon herself the yoke of mitzvot, the need for the process can still be circumvented if he forces her and immerses her for the sake of slavery, and then he again immerses her for the sake of emancipation and thereby emancipates her, rendering her a Jewess. Rabbi Shimon ben Elazar holds that the immersion of a slave for the sake of emancipation is effective even if the slave does not accept upon himself the yoke of mitzvot.

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וּמוֹתֵר בָּהּ מִיָּד.

And he is permitted to marry her immediately afterward, without the need for her to undergo the process described in the Torah. The fact that the Rabbis do not suggest this course of action is evidently because they hold that even if she were to be rendered a slave and then immersed for the sake of emancipation, she would become Jewish only if she also accepted upon herself the yoke of mitzvot. Rav Sheshet assumes that the Rabbis would similarly rule that a regular slave who was immersed for the sake of emancipation becomes Jewish only if he also accepts upon himself the yoke of mitzvot.^N

NOTES

The dispute between Rabbi Shimon ben Elazar and the Rabbis – מַחְלֻקֵּת רַבִּי שְׁמַעוֹן בֶּן אֱלֵעָזָר וְחַכְמַיִם – Rabbi Shimon ben Elazar and the Rabbis dispute whether or not a slave who immersed upon his emancipation must accept the yoke of mitzvot in order to become Jewish. The Ramban discusses this dispute at length and suggests three possible interpretations of its parameters (see Rashba).

According to Rashi, all agree that the initial immersion of the slave for the sake of entering into slavery, after he is first

purchased from a gentile, may be performed against his will. The dispute here concerns the immersion upon a slave’s emancipation: Must that immersion be accompanied by the slave’s acceptance of the yoke of mitzvot? The Ramban cites passages in the Jerusalem Talmud and *Pirkei deRabbi Eliezer* that support this interpretation.

A different interpretation, which appears consistent with the rulings of the Rif and Rambam, also assumes that the dispute concerns only the immersion upon a slave’s emancipation.

However, this interpretation assumes with regard to the initial immersion for the sake of slavery that everyone agrees that it requires the slave’s consent.

A third interpretation, suggested by *Tosafot*, is that the dispute concerns both the original immersion for the sake of slavery and the immersion upon emancipation. The Rabbis assume that in both cases the immersion must be performed with the consent of the slave.