

An emancipated slave does not need to accept upon himself – עֶבֶד מְשׁוּחָר 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 – יֵשֶׁת תּוֹאֵר שְׁקִבְלָה 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 מְשׁוּחָר.”
קִסְלָקָא דְעֵתְךָ לְקַבֵּל עָלֶיךָ עוֹל מִצְוֹת,
וְרַמְיָנָהּ: בְּמַה דְּבָרִים אֲמֹרִים – בְּגֵר,
אֲבָל בְּעֶבֶד מְשׁוּחָר – אֵין צָרִיךְ
לְקַבֵּל!

אֲמַר רַב שֶׁשֶׁת: לֹא קָשִׁיָא, הָא – רַבִּי
שְׁמַעוֹן בֶּן אֱלֵעָזָר, הָא – רַבָּנִן.

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

רַבִּי שְׁמַעוֹן בֶּן אֱלֵעָזָר אָמַר: אִף עַל פִּי
שְׁלֵא קִבְּלָה עָלֶיהָ – בּוֹפָה, וּמִטְּבִילָהּ
לְשֵׁם שְׁפָחוֹת, וְחֹזֵר וּמִטְּבִילָהּ לְשֵׁם
שְׁחִירָה, 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 himself¹ 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 herself¹ 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.

Perek IV
Daf 48 Amud a

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

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The dispute between Rabbi Shimon ben Elazar and the Rabbis – מַחְלֻקֹת 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.

המפקיר – One who renounces ownership of his slave – עבדו: If one renounces ownership of his slave, the slave is set free but still requires a bill of emancipation. This is in accordance with the conclusion of the Gemara in tractate *Gittin* (Rambam *Sefer Kinyan, Hilkhot Avadim* 8:13; *Shulhan Arukh, Yoreh De'a* 267:64).

One who purchases a slave from a gentile or a Jew – הליקח מנכרי ומישראל: If a slave is purchased from a gentile, before the slave is immersed for the sake of slavery, he must willingly accept the yoke of mitzvot upon himself. However, if he was purchased from a Jew, he need not do so (Rambam *Sefer Kedusha, Hilkhot Issurei Bia* 14:9; *Shulhan Arukh, Yoreh De'a* 267:3).

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ואין צריך – And he does not require a bill of emancipation – גט שחרור: This opinion of Shmuel is subject to a debate on *Gittin* 38b. The Gemara there cites the opinion of Rav that although when one renounces ownership of his slave, the slave is no longer subjugated to his master, he still requires a bill of emancipation in order to fully modify his status from a slave to a freeman in order to permit him to marry a Jewish woman.

אמר רבא: מאי טעמא דרבי שמעון בן אלעזר – דכתיב "כל עבד איש מקנת כסף", עבד איש ולא עבד אשה? אלא: עבד איש אתה מל בעל כרחו, ואי אתה מל בן איש בעל כרחו.

Rava said: What is the rationale for Rabbi Shimon ben Elazar's opinion? As it is written with regard to the Paschal lamb: "Every slave of a man that is bought for money, when you have circumcised him, then he may eat of it" (Exodus 12:44). Could the use of the phrase "slave of a man," rather than just: Slave, possibly indicate that the verse applies only to a man's slave but not a woman's slave? Certainly not; rather, the phrase "slave of a man" means that the slave himself is a man, i.e., an adult, and teaches that a slave who is a man you may circumcise against his will, and there is no need for him to accept upon himself the yoke of mitzvot, but you may not circumcise a gentile's son who is a man, i.e., an adult who is not a slave, against his will.

ורבנן? אמר עולא: כשם שאי אתה מל בן איש בעל כרחו כך אי אתה מל עבד איש בעל כרחו. ואלא, הכתיב "כל עבד איש" – ההוא מיבעי ליה לכד שמואל.

The Gemara asks: And how would the Rabbis counter this argument? Ulla said that the Rabbis reason that just as you may not circumcise a son who is a man against his will, so too, you may not circumcise a slave who is a man against his will. The Gemara asks: But isn't it written: "Every slave of a man"? The Gemara explains: The Rabbis require that verse for that which Shmuel said.

דאמר שמואל: המפקיר עבדו יצא לחירות, ואין צריך גט שחרור, שנאמר "כל עבד איש מקנת כסף", עבד איש ולא עבד אשה? אלא: עבד שיש לו רשות לרבו עליו – קרוי עבד, ושאיין רשות לרבו עליו – אין קרוי עבד.

As Shmuel said: With regard to one who renounces ownership of his slave,^H the slave is emancipated, and he does not even require a bill of emancipation,^N as it is stated: "But every slave of a man that is bought for money." Could the use of the phrase "slave of a man," rather than just: Slave, possibly indicate that the verse applies only to a man's slave but not a woman's slave? Certainly not; rather, the use of the phrase indicates that only a slave whose master has possession of him, and can rightfully be described as: a slave of a man, is called a slave, but a slave whose master does not have possession of him is not called a slave, and therefore he is considered a freeman and does not require a bill of emancipation.

מתקיף לה רב פפא: אימור דשמעת להו לרבנן ביפת תואר, דלא שייכא במצות. אבל עבד דשייך במצות – הכי נמי דאפילו רבנן מודו.

Rav Pappa strongly objects to Rav Sheshet's claim that the Rabbis of the *baraita* would hold 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: Say that you heard that the Rabbis insist on the acceptance of the yoke of mitzvot with regard to the case of a beautiful female prisoner of war, who was not involved in any mitzvot before being emancipated; however, with regard to a slave, who was initially involved in mitzvot before his emancipation, since as a slave he was obligated to observe certain mitzvot, perhaps even the Rabbis would agree that there is no need for the slave to accept upon himself the yoke of mitzvot.

דתנאי: אחד גר ואחד לוקח עבד מן הגוי צריך לקבל. הא לוקח מישראל – אין צריך לקבל.

As it is taught in a *baraita*: Both in the case of a convert and in the case of one who purchases a slave from a gentile whom he is now emancipating, the convert and the slave need to accept upon themselves the yoke of mitzvot in order to become Jewish. The Gemara infers: The *baraita* states the need to accept the yoke of mitzvot only in the case where one purchases a slave from a gentile, but if one purchases a slave from a Jew, then the slave does not need to accept upon himself the yoke of mitzvot, since he was involved in mitzvot before his emancipation.

ממי? אי רבי שמעון בן אלעזר – האמר לוקח מן הגוי נמי אין צריך לקבל. אלא לאו – רבנן, ושמע מינה: דלוקח מן הגוי צריך לקבל, אבל לוקח מישראל – אין צריך לקבל.

In accordance with whose opinion is this taught? If one suggests that it is in accordance with the opinion of Rabbi Shimon ben Elazar, that is incorrect because didn't he say that also in the case of one who purchases a slave from a gentile, the slave does not need to accept upon himself the yoke of mitzvot? Rather, must it not be in accordance with the opinion of the Rabbis? And so, conclude from this *baraita* that in the case of one who purchases a slave from a gentile, the slave needs to accept upon himself the yoke of mitzvot, but in the case of one who purchases a slave from a Jew,^H the slave does not need to accept upon himself the yoke of mitzvot.

HALAKHA

Immersion of an emancipated slave – טבילת עבד – מְשׁוּחָר: An emancipated slave must be immersed in the presence of three people in order to become Jewish and be allowed to marry a Jewish woman (Rambam *Sefer Kedusha, Hilkhhot Issurei Bia* 13:13; *Shulhan Arukh, Yoreh De'a* 267:3).

And do her nails – ועשתה את צפרניה – A beautiful female prisoner of war must grow her fingernails during the month she remains in her captor's home. This is in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Shofetim, Hilkhhot Melakhim* 8:5).

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And do her nails – ועשתה את צפרניה – One commentary explains that the dispute between Rabbi Eliezer and Rabbi Akiva is based upon two different understandings of the purpose of the procedures delineated by the Torah: Rabbi Eliezer views the procedures as a process of purification in anticipation of her conversion, which is performed at the conclusion of the process. The shaving of her head is also part of this process and is similar to the preparations of the Levites, who shaved their heads as part of their consecration, and the leper, who shaved as part of his purification process. Apparently, the idea is that in preparation for becoming pure, one should remove extraneous parts of the body. Therefore, he interprets the phrase “do her nails” as referring to removing them. This is paralleled in the custom that an apostate Jew, as part of his process of repentance, would shave his head and cut his nails. According to some opinions, a convert must do so as well.

Rabbi Akiva, however, views the procedures as part of the Torah's attempt to make the woman less appealing in the eyes of her captor in the hope that ultimately he will refrain from taking her as a wife. Accordingly, the purpose of shaving her head is to negatively affect her appearance, and likewise, the phrase “do her nails” refers to letting them grow (Malbim).

It should be noted that Rabbi Akiva certainly was aware of the verse relating to Mephibosheth that supports Rabbi Eliezer's opinion; nevertheless, he understood that the context of the phrase here indicates a meaning other than its standard meaning (*Gilyonei HaShas*).

Perek IV
Daf 48 Amud b

HALAKHA

She shall bewail her father and her mother – ובכתה את אביה ואת אמה – A beautiful female prisoner of war, during her month-long stay in her captor's home, cries over her separation from her previous religion and her captor may not prevent her from doing so. This is in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Shofetim, Hilkhhot Melakhim* 8:5).

A month of days – ירח ימים – The time designated for a female prisoner of war to perform the procedures delineated by the Torah is thirty days. This is in accordance with the opinion of the first *tanna*. Nevertheless, her captor must wait an additional two months before taking her in marriage, so that if it later emerges that she is pregnant, it will be clear whether the captor is the father (Rambam *Sefer Shofetim, Hilkhhot Melakhim* 8:5 and *Lehem Mishneh* there).

ואלא קשיא אחד גר ואחד עבד משוחרר! כי תניא ההיא – לענן טבילה תניא.

תנו רבנן: “וגלחה את ראשה ועשתה את צפרניה” רבי אליעזר אומר: תקיף, רבי עקיבא אומר: תגדיל.

אמר רבי אליעזר: נאמרה עשיה בראש ונאמרה עשיה בצפרנים, מה להלן העברה – אף כאן העברה. רבי עקיבא אומר: נאמר עשיה בראש, ונאמר עשיה בצפרנים. מה להלן ניוול – אף כאן ניוול.

וראייה לדברי רבי אליעזר “ומפבשת בן שאול ירד לקראת המלך לא עשה רגליו ולא עשה שפמו”. מאי עשיה – העברה.

תנו רבנן: “ובכתה את אביה ואת אמה”.

רבי אליעזר אומר: “אביה” – אביה ממשי, “אמה” – אמה ממשי. רבי עקיבא אומר: “אביה ואמה” – זו עבודה זרה, וכן הוא אומר “אומרים לעץ אבי אתה” וגו’.

“ירח ימים” – ירח שלשים יום. רבי שמעון בן אלעזר אומר: תשעים יום, “ירח” – שלשים, “ימים” – שלשים, “ואחר כן” – שלשים.

מתקיף לה רבינא: אימא “ירח” – שלשים, “ימים” – שלשים, “ואחר כן” – כי הני! – קשיא.

The Gemara asks: **But if so, it is difficult** to understand the meaning of the *baraita* cited above: This applies **both for a convert and for an emancipated slave**. That phrase appears to refer to the need for both a convert and an emancipated slave to accept the yoke of mitzvot, which is mentioned in the *baraita* beforehand. The Gemara explains: **When that clause is taught, it is taught only with regard to the matter of immersion,**^h which is mentioned immediately beforehand, but not with regard to the need to accept the yoke of mitzvot that is mentioned prior to that.

Having cited it above, the Gemara focuses on the case of the beautiful female prisoner of war: **The Sages taught:** The verse states: **“And she shall shave her head and do her nails”** (Deuteronomy 21:12).^{HN} The phrase “do her nails” is ambiguous. **Rabbi Eliezer says:** It means **she cuts** her nails. **Rabbi Akiva says:** It means **she grows** them.

Each *tanna* explains the basis of his opinion: **Rabbi Eliezer said:** An act of **doing** is stated with regard to the head, that she should shave it, and an act of **doing** is stated with regard to the nails; just as there, with regard to the hair on her head, the Torah requires its removal, so too, here, with regard to her nails, the Torah requires their removal. **Rabbi Akiva says:** An act of **doing** is stated with regard to the head, that she should shave it, and an act of **doing** is stated with regard to the nails; just as there, with regard to the hair on her head, the Torah requires that she do something that makes her repulsive, so too, here, with regard to her nails, the Torah requires she do something that makes her repulsive, i.e., allowing them to grow.

And a proof for the statement of Rabbi Eliezer may be adduced from the verse that states: **“And Mephibosheth, the son of Saul, came down to meet the king; and he had neither done his feet nor done his mustache”** (II Samuel 19:25). What is the meaning of **doing** in that context? Clearly it means the removal of his toenails and his mustache.

The Sages taught in a *baraita*: The verse states: **“And she shall bewail her father and her mother** a month of days and after that you may come to her” (Deuteronomy 21:13).

Rabbi Eliezer says: **“Her father”** means her actual father and **“her mother”** means her actual mother. Rabbi Akiva says: **Her father and her mother; this is referring to the idolatrous deity** that she had worshiped but will no longer be able to worship, and so it says: **“They say to a tree: You are my father, and to a stone: You have given birth to us”** (Jeremiah 2:27).^h

The verses states: **“A month of days”**^h and after that you may come to her” (Deuteronomy 21:13). This means a **thirty-day month**. Rabbi Shimon ben Elazar says: She must wait **ninety days**. This is derived as follows: The phrase **“a month”** connotes **thirty** days; the word **“days”** adds another **thirty** days; and the words **“after that”** indicate another period equal to one previously mentioned, i.e., a further **thirty** days.

Ravina strongly objects to this: If the words **“after that”** indicate another period equal to one previously mentioned, then one should say: The phrase **“a month”** connotes **thirty** days; the word **“days”** adds another **thirty** days; and then the words **“after that”** add another period which is equal to the total sum of all those days she has already waited, i.e., an additional sixty days. The Gemara concedes: Indeed, this is **difficult**.

One may maintain, etc. – **מְקַיְמִין עֲבָדִים וְכוּ** – *Tosafot* explain that Rabbi Akiva's opinion is based on the fact that Abraham was commanded to circumcise everyone in his household including his slaves; if so, clearly one is not allowed to leave them uncircumcised. *Tosafot* conclude, therefore, that it is apparent that Rabbi Akiva's prohibition to maintain a slave without circumcision is by Torah law. This also explains why Rabbi Yishmael had to adduce biblical support for his claim that it is permitted to do so (see *Tosefot HaRosh* and *Mekhilta*).

One who purchases a slave at twilight – בְּלוֹקֶת עֶבֶד בֵּין הַשְּׁמֹשׁוֹת: The Ritva explains that one should not conclude that the verse is referring only to this specific case. Rather, it refers to all cases where, due to some unavoidable circumstances, the master was unable to circumcise his slave before the onset of Shabbat, e.g., if no one who could perform the circumcision was available.

This is a *ger toshav* – זֶה גֵר תוֹשֵׁב: The status of a *ger toshav*, and which mitzvot he is required to observe, is subject to significant debate both in the Gemara and the early commentaries. In order to explain the Gemara here, Rashi cites the opinion that a *ger toshav* must observe the prohibitions of Shabbat in the same manner as a Jew. *Tosafot* and the Ramban object to this explanation and explain that even if he is not obligated to observe Shabbat, it is prohibited by Torah law for him to perform any labor on behalf of a Jew. This is in contrast to the general prohibition against benefiting from labor that a gentile performed for a Jew, which is a rabbinic prohibition. The Ramban also cites an opinion that a *ger toshav* is prohibited from performing labor on Shabbat to the same extent that a Jew is prohibited from performing labor on a Festival. Accordingly, certain labors that are necessary for the preparation of food are permitted.

לֹא פָקַדָה לְמִילִתְיָהּ – **He did not make his refusal explicit** – Rashi suggests two interpretations. According to the first, the phrase refers to the slave: As long as the slave does not explicitly state that he will not consent to be circumcised, the master is permitted to maintain him. According to the second interpretation, the phrase refers to the slave owner and should be translated as: He did not fix a time for the matter. Accordingly, it means that it is permitted for an owner to maintain his uncircumcised slave only if he set a time by which he will circumcise him. This time would have to be set at the moment of purchase. *Tosafot* cite the interpretation of Rabbeinu Yitzhak, which is also the explanation of Rav Hai Gaon, that, on the contrary, once the slave has agreed to be circumcised it is then prohibited to maintain him in an uncircumcised state; rather, he must be circumcised and immersed immediately. However, if the slave refuses to be circumcised, then one is allowed to maintain him as such.

HALAKHA

One who purchases a slave from a gentile and he does not wish to be circumcised – בְּלוֹקֶת עֶבֶד מִן הַגּוֹי וְלֹא רָצָה: If one purchases a slave from a gentile and the slave does not wish to be circumcised, then he abides with him up to twelve months. If, after this period, the slave still refuses to be circumcised, the master then sells him on to gentiles. This is in accordance with the opinion of Rabbi Yehoshua ben Levi (Rambam *Sefer Ahava*, *Hilkhot Mila* 1:6 and *Sefer Kedusha*, *Hilkhot Issurei Bia* 14:9; *Shulhan Arukh*, *Yoreh De'a* 267:4).

S The Sages taught in a *baraita*: One may maintain^N slaves that are not circumcised under one's control; this is the statement of Rabbi Yishmael. Rabbi Akiva says: One may not maintain such slaves, even for a moment. Rabbi Yishmael said to him: But it says with regard to Shabbat: "And the son of your maidservant will be refreshed" (Exodus 23:12). The verse prohibits a Jewish master from allowing his slave to perform labor on Shabbat. The Gemara will explain that this is referring to an uncircumcised slave. It is therefore apparent that it is permitted to keep such a slave. Rabbi Akiva said to him: The verse speaks of one who purchases a slave at twilight^N on the eve of Shabbat and therefore does not have the opportunity to circumcise him before the onset of Shabbat.

The Gemara notes: **In any event, in the opinion of everyone** the verse: "And the son of your maidservant will be refreshed," is written with regard to an uncircumcised slave. From where is this inferred? As it is taught in a *baraita*: "And the son of your maidservant will be refreshed"; the verse speaks of an uncircumcised slave. Do you say it speaks of an uncircumcised slave, or perhaps it is speaking only of a circumcised slave? When it says elsewhere: "And the seventh day is a Shabbat to the Lord your God, you shall not do any labor, you, and your son, and your daughter, and your slave, and your maidservant... so that your slave and your maidservant may rest like you" (Deuteronomy 5:13), a circumcised slave is already mentioned; how, then, do I uphold the verse "And the son of your maidservant will be refreshed"? It must refer to an uncircumcised slave.

The verse continues: "And the stranger [*ger*]" (Exodus 23:12). This is referring to a gentile who observes certain mitzvot [*ger toshav*].^N Do you say that this is a *ger toshav*, or perhaps it is only a righteous convert [*ger tzedek*], who is a Jew in every sense? When it says elsewhere: "And your stranger [*ger*] that is within your gates" (Deuteronomy 5:13), a righteous convert is already mentioned. How, then, do I uphold the verse "And the stranger [*ger*]"? It must be that this is a *ger toshav*.

Rabbi Yehoshua ben Levi said: In the case of one who purchases a slave from a gentile and the slave does not wish to be circumcised,^H he abides with him up to twelve months. If, after this period, he will still not be circumcised, he then sells him on to gentiles.

The Sages said this *halakha* before Rav Pappa and asked: In accordance with whose opinion is it? It seems that it is not in accordance with the opinion of Rabbi Akiva, as, if it were in accordance with the opinion of Rabbi Akiva, didn't he say: One may not maintain an uncircumcised slave even for a moment? Rav Pappa said to them: You can even say that it is in accordance with the opinion of Rabbi Akiva, since perhaps that *halakha* of Rabbi Yehoshua ben Levi applies only where the slave did not make his refusal to be circumcised explicit;^N however, where he did make his refusal to be circumcised explicit, since he has made it explicit, it is prohibited to maintain him, as Rabbi Akiva rules.

Rav Kahana said: I said this *halakha* before Rav Zevid from Neharde'a. He said to me: If so, that Rabbi Akiva agrees that one may temporarily maintain a slave who has not explicitly refused to be circumcised, then when Rabbi Akiva said to Rabbi Yishmael that the verse with regard to an uncircumcised slave is referring to one who purchases a slave at twilight on the eve of Shabbat, let him instead answer him that the verse is referring to this case of a slave who has not explicitly refused to be circumcised. The Gemara explains: Rabbi Akiva said only one out of two possible reasons why it would be permitted to be in possession of such a slave.

תנו רבנן: מקיימין עבדים שאינם מלין, דברי רבי ישמעאל. רבי עקיבא אומר: אין מקיימין. אמר ליה רבי ישמעאל: הרי הוא אומר "וינפש בן אמתך!" אמר ליה: בלוקת עבד בין השמשות ולא הספיק למולו הכתוב מדבר.

דכולי עלמא מיהת "וינפש בן אמתך" בעבד ערל כתיב, מאי משמע? דתניא: "וינפש בן אמתך" – בעבד ערל הכתוב מדבר. אתה אומר בעבד ערל, או אינו אלא בעבד מהול? כשהוא אומר: "למען ינוח עבדך ואתך כמוך" – הרי עבד מהול אמור, הא מה אני מקיים "וינפש בן אמתך!" – בעבד ערל.

"והגר" – זה גר תושב, אתה אומר זה גר תושב. או אינו אלא גר צדק? כשהוא אומר "גרך אשר בשעריך" – הרי גר צדק אמור, הא מה אני מקיים "והגר" – זה גר תושב.

אמר רבי יהושע בן לוי: הלוקח עבד מן הגוי ולא רצה למול, מגלגל עמו עד שנים עשר חדש. לא מל – חוזר ומוכר לגוים.

אמרוהו רבנן קמיה דרב פפא: כמאן – דלא כרבי עקיבא, דאי רבי עקיבא – האמר אין מקיימין! אמר להו רב פפא: אפילו תימא רבי עקיבא, הני מילי – היכא דלא פסקא למילתיה, אבל היכא דפסקא למילתיה – פסקא.

אמר רב פהנא: אמריתא לשמעתיא קמיה דרב זביד מנהרדעא, אמר לי: אי הכי, כי אמר ליה רבי עקיבא בלוקת עבד בין השמשות – לישני ליה הא! תדא מתרי טעמי קאמרו.

שֶׁלַח רַבִּין מִשְׁמִייה דְרַבִּי אֵילְעָא, וְכָל רַבּוּתֵי
אָמְרוּ לִי מִשְׁמוֹ: אֵיזְהוּ עֶבֶד עָרַל שְׁמוּתָר
לְקַיָּמוֹ – זֶה שְׁלֵקְחוּ רַבּוֹ עַל מְנַת שְׁלֵא
לְמוֹלוּ. אָמְרוּהוּ רַבְנֵי קַמְיָה דְרַב פַּפָּא: כִּמְאֵן –
דְּלֵא פְרַבֵּי עֲקִיבָא, דְּאִי רַבִּי עֲקִיבָא – הָאֵמַר:
אֵין מְקַיָּמִין! אָמַר לְהוּ רַב פַּפָּא: אֲפִילוּ תִימָא
רַבִּי עֲקִיבָא, הֲיֵינּי מִיְלֵי – הֵיכָא דְלֵא אֲתֵינִי
בְּהַדְיָה, אֲבָל הֵיכָא דְאֲתֵינִי – אֲתֵינִי.

Ravin^p sent a message citing a *halakha* in the name of Rabbi Ilai: And all of my teachers said to me in his name: What is the case of an uncircumcised slave whom it is permitted to maintain? This is one whose master purchased him on condition not to circumcise him.^h The Sages said this *halakha* before Rav Pappa and asked: In accordance with whose opinion is it? It seems that it is not in accordance with the opinion of Rabbi Akiva, as, if it were in accordance with the opinion of Rabbi Akiva, didn't he say: One may not maintain an uncircumcised slave even for a moment? Rav Pappa said to them: You can even say it is in accordance with the opinion of Rabbi Akiva, since perhaps that ruling of Rabbi Akiva applies only where the master did not make a condition with regard to the slave that he would not be circumcised; however, where he did make such a condition, since he made a condition, even Rabbi Akiva would concede it is permitted to maintain him.

אָמַר רַב כְּהֵנָא: אָמְרִיתָא לְשִׁמְעֵתָא קַמְיָה
דְרַב זְבִיד מְנַהֲרֵדְעָא, וְאָמַר לִי: אֵי הָכִי, בִּי
קָאֵמַר לִי רַבִּי עֲקִיבָא בְּלוֹקַח עֶבֶד בֵּין
הַשְּׁמִשׁוֹת וְלֵא הַסְפִיק לְמוֹלוּ – לִישְׁנֵי לֵיָה
הָא!

Rav Kahana said: I said this *halakha* before Rav Zevid from Neharde'a and he said to me: If so, that Rabbi Akiva agrees that one may maintain a slave who was purchased on condition that he would not be circumcised, then when Rabbi Akiva said to Rabbi Yishmael that the verse with regard to an uncircumcised slave is referring to one who purchases a slave at twilight on the eve of Shabbat and therefore does not have the opportunity to circumcise him before the onset of Shabbat, let him instead answer him that the verse is referring to this case of a slave who was purchased on condition that he would not be circumcised.

וְלִישְׁנֵי עֵמִיךְ – לִישְׁנֵי לֵיָה הֵךְ! אֶלָּא: חַד מִתְרִי
וְתַלְתַּי טַעְמֵי קָאֵמַר.

The Gemara responds: But even according to your reasoning that Rabbi Akiva disagrees, since you do agree with Rav Pappa's resolution of Rabbi Akiva's opinion with the *halakha* of Rabbi Yehoshua ben Levi, let Rabbi Akiva answer him that the verse is referring to that case of a slave who has not explicitly refused to be circumcised. The Gemara answers: Rabbi Akiva said only one out of two or three possible reasons that it would be permitted to be in possession of such a slave.

יְתִיב רַבִּי חֲנִינָא בַר פַּפִּי וְרַבִּי אָמִי וְרַבִּי יִצְחָק
נַפְחָא אֶקִילְעָא דְרַבִּי יִצְחָק נַפְחָא, וְיְתִיבֵי
וְקָאֵמְרֵי: עִיר אַחַת הָיְתָה בְּאַרְצָא יִשְׂרָאֵל וְלֵא
רְצוּ עֲבָדֶיהָ לְמוֹלוּ, וְגִלְגְלוּ עִמָּהֶם עַד שְׁנַיִם
עֶשְׂרֵי חֹדְשֵׁי, וְחִזְרוּ וּמְכָרוּם לְגוֹיִם. כִּמְאֵן –

Rabbi Hanina bar Pappi, and Rabbi Ami, and Rabbi Yitzhak Nappaḥa were sitting in the courtyard of Rabbi Yitzhak Nappaḥa. They were sitting and saying: There was one city in Eretz Yisrael whose slaves did not wish to be circumcised. Their masters abided with them until twelve months had passed and then sold them to gentiles. In accordance with whose opinion did they act?

PERSONALITIES

Ravin – רַבִּין: Ravin was a fourth-generation *amora* who studied in Eretz Yisrael under Rabbi Abbahu, Rabbi Zeira, and Rabbi Ilai. He is known in the Jerusalem Talmud as Rabbi Avin or Rabbi Bun. He is best known for all of the traditions that he brought with him from Eretz Yisrael to Babylonia, which are frequently quoted in the Talmud with the introductory phrase: When Ravin came.

The source of many of the traditions that Ravin brought with him was Rabbi Yoḥanan, and they were considered to be very precise. Apparently, Ravin also returned to visit his teachers in Eretz Yisrael and sent messages, possibly by letter, back to Babylonia, containing the traditions he learned from them (see *Ketubot* 49b and *Bava Metzia* 114a).

HALAKHA

He stipulated not to be circumcised – הֲתֵנָה שְׁלֵא לְמוֹלוּ: If a slave stipulated from the outset that he does not wish to be circumcised, and similarly, in times and places when the government prohibited conversion (*Mordekhai*), it is permitted to maintain

the slave in one's house for as long as he wishes. This is in accordance with the opinion of Rabbi Yehoshua ben Levi and Rav Pappa (Rambam *Sefer Ahava*, *Hilkhot Mila* 1:6; *Shulḥan Arukh*, *Yoreh De'a* 267:4 and in the comment of Rema).

כי האי תנא. דתנא: הלוקה עבד מן הגוי ולא רצה למוול – מגלגל עמו עד שנים עשר חדש, לא מל – חוזר ומוכרו לגוים. רבי שמעון בן אלעזר אומר: אין משהין אותו בארץ ישראל מפני הפסד טהרות. ובעיר הסמוכה לספר – אין משהין אותו כל עיקר, שמא ישמע דבר, וילך ויאמר לחברו גוי.

It is in accordance with the opinion of this *tanna*, as it is taught in a *baraita*: In the case of one who purchases a slave from a gentile and the slave does not wish to be circumcised, the master abides with him for up to twelve months. If, after this period, the slave will still not be circumcised, the master then sells him to gentiles. Rabbi Shimon ben Elazar says: One may not allow him to remain in Eretz Yisrael due to the loss of ritually pure items he could cause. As long as the slave remains uncircumcised, he is considered to be a gentile; therefore, by rabbinic decree, ritually pure items that he touches are considered to be impure. And in a city that is near to the border^N he may not be allowed to remain at all, lest he hear some secret matter concerning security and go and say it over to his fellow gentile in an enemy country. However, once he has been circumcised and accepted the yoke of mitzvot, this concern no longer exists.

תניא, רבי חנניא בנו של רבן גמליאל אומר: מפני מה גרים בזמן הזה מעוניין, ויסורין באין עליהן – מפני שלא קיימו שבע מצות בני נח. רבי יוסי אומר: גר – שנתגייר בקטן שנולד דמי. אלא מפני מה מעוניין – לפי שאין בקיאים בדקדוקי מצות כישראל, אבא חנן אומר משום רבי אלעזר: לפי שאין עושין מאהבה אלא מיראה.

It is taught in a *baraita*: Rabbi Hananya, son of Rabban Gamliel, says: For what reason are converts at the present time^N tormented and hardships come upon them? It is because when they were gentiles they did not observe the seven Noahide mitzvot. Rabbi Yosei says: They would not be punished for their deeds prior to their conversion because a convert who just converted is like a child just born^N in that he retains no connection to his past life. Rather, for what reason are they tormented? It is because they are not as well-versed in the intricacies of the mitzvot as a born Jew, and consequently they often inadvertently transgress mitzvot. Abba Hanan says in the name of Rabbi Elazar: It is because they observe mitzvot not out of love of God, but only out of fear of the punishments for failing to observe them.

אחרים אומרים: מפני ששהו עצמם להכנס תחת כנפי השכינה. אמר רבי אבהו ואיתומא רבי חנניא: מאי קראה – 'ישלם ה' פעלך ותהי משפחתך שלמה מעם ה' אלהי ישראל אשר באת לחסות' וגומר.

Others say: It is because they waited^N before entering under the wings of the Divine Presence, i.e., they are punished for not converting sooner than they did. Rabbi Abbahu said, and some say it was Rabbi Hanina who said: What is the verse^N from which it is derived that one should convert at the earliest opportunity? Boaz said to Ruth: "The Lord shall recompense your work, and your reward shall be complete from the Lord, the God of Israel, under whose wings you have come to take refuge" (Ruth 2:12).

NOTES

A city that is near to the border – עיר הסמוכה לספר: The Gemara in tractate *Eiruvin* maintains that if marauders attack a border city, one may desecrate the Sabbath to confront them even if their sole intention is to steal produce. The early commentaries explain that that reason for this is because if they would succeed in entering into a border city, that would pose a significant security risk as it would allow them to penetrate further into the country. Similarly, the requirement to decimate an idolatrous city in Eretz Yisrael does not apply if that city is on the border, as doing so might encourage the enemy to attack other cities nearby. In the Gemara here, the concern is that the slave might know the language of the enemies, and since he lives adjacent to the border he would be able to direct them as to how to conquer the border cities (*Meshekh Hokhma*).

It remains unclear why, when discussing the fact the slave could disqualify ritually pure items, the *baraita* states: One may not allow him to remain, but when discussing the danger of leaving him near a border city, it states more emphatically: He may not be allowed to remain at all.

Rabbi Moshe Feinstein suggests that it is easier to protect ritually pure items in the short term until one finds a buyer for the slave, and therefore one may delay before selling the slave. However, in a border city, where there is imminent danger that the slave will undermine the security of the city, he must be sold to gentiles immediately.

Converts at the present time – גרים בזמן הזה: The commentaries note that the Gemara emphasizes that this question applies specifically to the present time because those who convert at times when the Jews are of superior status are suspected of having chosen to convert not for the sake of Heaven. At the present time, however, when the Jews are downtrodden, it is certain that the

conversion is for the sake of Heaven and so the question of why they suffer so much arises (*Iyyun Ya'akov*).

Tormented and hardships come upon them – מעוניין, ויסורין באין – עליהן: The Ritva explains that the question is asked specifically about converts. Born Jews might naturally conclude that they suffer due to the sins of their fathers. Converts, on the other hand, have no apparent reason to be suffering.

Like a child just born – בקטן שנולד דמי: A convert is absolved of sins he committed while he was still a gentile only in cases where the punishment is in the hands of Heaven. However, if he was liable to be punished by the courts, converting will not exempt him from his liability (*Tosafot Yeshanim*).

Because they waited – מפני ששהו עצמן: One commentary explains that this cannot refer to the fact that they did not decide to convert earlier, as gentiles are not commanded to convert. Rather, it refers to the time between the decision to convert and the actual act of conversion itself; once a convert has decided to convert he should act quickly to complete the process (*Ya'avetz*).

What is the verse, etc. – מאי קראה וכו': Rashi and *Tosafot* explain that this verse is cited in support of the opinion attributed to: Others. The Maharsha explains that the proof is derived from the fact that Boaz gave Ruth a double blessing. The blessing: "God shall recompense your work," is for the act of conversion itself, and "Your reward shall be complete" is for the promptness involved. Re'em Horowitz, however, suggests that this verse is cited only to provide a source for the phrase: To enter under the wings of the Divine Presence. The Ritva holds that the verse is adduced to prove the statement of Rabbi Yosei that a convert is like a child just born. See *Arukh LaNer*, who explains how the verse provides proof for all of these positions.