



לע"נ ברוך בענדיט וברכה גרוס ע"ה
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The Hakuk Edition English Topics on the Daf

Dedicated l'refuah sheleima for Yaakov ben Victoria

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THE FOURTH PEREK OF YEAMOS IS DEDICATED:

לע"נ ר' שלמה זלמן בן ר' חנוך הכהן עהרנשטרייך ■ לע"נ דוד בן יצחק איסאק

Yevamos Daf 48

We conclude our discussion about geirus on this daf. The Gemara here discusses a parallel sugya to geirus, the emancipation of an eved K'naani. Although there are some differences from regular geirus, he needs to go to the mikvah like any other convert. Let's explore this topic, and thereby clarify the unusual status of the eved k'naani.

When a Jew purchases a non-Jew to be his slave, the eved must undergo a process similar to geirus. He needs a bris, must accept the mitzvos, and goes to the mikvah. If he is set free, he essentially becomes a full Jew (see Shulchan Aruch Siman 267).

Tosfos (47b) says that our sugya implies that when an eved is freed, he needs tevillah. Although when he became an eved he had tevillah, upon his emancipation he needs another one. The problem with this assumption is a Gemara in Gittin. If a man gives a document of marriage to his shifcha K'naanis (a female eved K'naani), it doubles as a shtar shichrur as well. But, asks Tosfos, what happened to the tevillah? Tosfos says that the case is where she already went to the mikvah beforehand.

Other Rishonim approach this question differently. Tosfos Harosh suggests that the tevillah is only midirabonon, so the shichrur may work even without it. The Ritva

states this as a matter of fact, using it as a precedent for another case (a Jewish apostate who does teshuva should go to the mikvah – see Terumas Hadeshen 86). The Ramban brings Rishonim on both sides of the dispute.

A middle ground seems to be the Rambam. He writes: “When an eved is freed he needs another tevillah in front of three people, in the day, as he thereby completes his conversion. He doesn’t need to accept upon himself mitzvos, since he already did so when he became an eved” (Hilchos Issurei Biyah 13:12).

The Rambam is saying that the eved’s conversion began when he was purchased as an eved and is now completed when he again goes to the mikvah and is freed. That implies, wrote Rav Chaim Brisker, that it is midioraisa. What are these two stages of his conversion? The first made him into an eved, obligated only in the mitzvos women must do – not mitzvos aseï shehazman grama, time-bound positive mitzvos. When he’s freed, he becomes a full male Jew. (Female shifchos Knaanim also upgrade their

status; until freed, she may marry other avodim Knaanim, etc.)

Thus, it is a machlokes Rishonim if the tevillah upon emancipation is min haTorah or midirabonon. From where does this argument derive?

Rabbi Yaakov Moshe Kulefsky zt”l (Kiddushin Siman 22) offered a beautiful explanation. As stated, an eved Knaani is obligated in all mitzvos a Jewish woman must do. There are two ways to look at it. Either he is a partial Jew, or he is essentially a full Jew but the Torah exempted him from some of the mitzvos. The first option is that he is not enough of a convert to be relevant to all the mitzvos. In the latter option, we may say that he is exempt for the same reason women are – since they are obliged to care for their husband and family, they are absolved of any mitzvos aseï shehazman grama. So too, an eved is subservient to his master, so does not have to stop his work to do a time-sensitive mitzvah.

These two explanations may fit into the two schools of thought from the Rishonim we quoted. If he was not a full Jew until now, when he goes free he must be tovel like any other ger – midioraisa! That is

how Tosfos and Rambam learn. On the other hand, Ritva and others may view the initial "geirus for avdus" as already a complete conversion – just with the clause that as long as he is an eved, he is pattur from some mitzvos. Thus, when he is freed, automatically he becomes a regular, full Jew; an additional tevillah is only midirabonon!

Other commentaries reflect these two viewpoints. What is the source that an eved is chayiv in mitzvos that women are obligated in? A gezeira shava – the word "loh" appears in pesukim concerning both of them (Chagiga 4a). However, the Turei Even asks a compelling question. The possuk of "loh" by avodim is about a shifcha Knaanis (Vayikra 19:20) – a woman. If so, how do we know that male avodim are also exempted; maybe only a shifcha is, since she is anyway female?

It must be, concludes the Turei Even, that this drasha is not reducing the extent of an eved's mitzvos, but increasing them. How

so? Without the gezeira shava, we would assume an eved Knaani is exempt from all the mitzvos! The drasha teaches us that he is obligated at least as much as women are. He notes that "they did not yet enter Klal Yisroel" – he clearly understands that the initial tevillah for avdus does not function as a complete conversion.

An application of the degree of an eved's geirus is if he performs one of the time-bound mitzvos. The Ashkenazic custom is that women may make a blessing when doing such mitzvos, such as lulov and sukka even though they are exempt. Can an eved Knaani? Rav Chaim Brisker is quoted as saying that he cannot! He does not have sufficient "kedushas Yisroel," so can't say "Who commanded me with His mitzvos." On the other hand, the Gra"z in Shulchan Aruch Harav, Hilchos tzitzis (17:3) writes that they may bless. Once again, this may depend on their understanding of the nature of an eved's conversion (Chavatzeles Hasharon, Parshas Vayeilech).