

OVERVIEW of the Daf

1) A child whose father is a non-Jew or slave (cont.)

The earlier assertion that R' Shimon Hateimani agrees that the child born to a non-Jewish father or slave is a mamzer is successfully challenged.

R' Yosef, therefore, asserts that it is Rebbi who agrees that the child born to a non-Jewish father or slave is a mamzer.

A related incident is recorded which introduces a dispute whether the child born to a non-Jewish father or slave is a mamzer.

R' Yehoshua ben Levi maintains that the child is damaged with regard to kehunah.

Abaye questions the authenticity of the report from R' Dimi that Rebbi ruled the child born to a non-Jewish father is a mamzer, when Ravin reports in Rebbi's name that the child is not a mamzer.

Other Amoraim who rule leniently are cited.

2) The child of a father who is half slave and half free

Rabbah rules that a child born to a father that was half-slave and half-free is untainted.

R' Yosef unsuccessfully challenges this explanation.

A number of related incidents are recorded.

The Gemara rules that the child born to a non-Jewish father or slave is fit, whether the Jewish mother was married or not.

Additional incidents are presented.

3) The conversion of a slave

R' Chama bar Gurya in the name of Rav rules that if a person purchases a non-Jewish slave and the slave immerses himself for the sake of conversion the slave acquires his freedom. ■

REVIEW and Remember

1. What is the consequence of a child declared genealogically impaired (מקולקל)?

2. Is one obligated to share one's family history for a shidduch?

3. What is the status of a child born to a half-slave half-free man and a married woman?

4. Is intention to convert necessary when a woman immerses in a mikveh?

Distinctive INSIGHT

Placing a task upon a slave before he immerses

הלוקח עבד מן העובד כוכבים וקדם וטבל לשם בן חורין קנה עצמו בן חורין

If an owner wants to avoid having his servant obtain his freedom, he should make sure that he places a physical assignment or task for the servant to perform while he is still in the water of the mikveh before he exits.

This is the basis for a comment of אגרא דכלה (Parashas Yisro, #253). There are thirty six cases where כרת is the punishment. Among them, thirty four are negative commandments, while two of them are positive commandments, where failure to comply earns a person this severe penalty. The two positive mitzvos in this category are milah and the korban Pesach. Why are these two mitzvos unique in this manner? Furthermore, why is it that Hashem commanded these two mitzvos to the Jews while they were still in Egypt? At that time they were still enslaved and under the control of Pharaoh. What was the purpose of them fulfilling these two acts of allegiance to Hashem at this early moment?

Technically, as the Jews were about to be freed from the slavery of Egypt, if any one of them would have entered into a mikveh for the purpose of being released from bondage, before accepting upon himself to serve Hashem, he could have become a "free man," without being subservient to Hashem, חס ושלום. Therefore, while they were still in Egypt, before they were officially free, Hashem placed upon them the yoke of Heaven so that they would not be able to declare themselves free of Hashem's service. This also explains why noncompliance with these two mitzvos results in כרת. Anyone who wantonly abandons his obligation to do milah or korban Pesach shows that he wishes to remove the yoke of Heaven from his self. Measure for measure, the appropriate retribution is clearly that he should be removed from the congregation.

The verse teaches (Shemos 12:24): "You shall guard these [mitzvos], as a statute for you and your children for all generations." This teaches that it is the fulfillment of these mitzvos which leads to a commitment for your and your children, forever. ■

HALACHAH Highlight

The immersion of a female convert

אמר ר' אסי מי לא טבלה לנדותה

R' Assi said that she must have immersed herself for her niddah status.

The Gemara¹ gives a detailed description of the process that must be followed when immersing a convert, and there is an interesting discrepancy between the procedure for a male and the procedure for a female. When detailing the procedure for a male, the Baraisa is explicit that the immersion must take place in the presence of Beis Din, whereas when detailing the procedure for a female there is no direct reference to the presence of Beis Din at the moment of immersion. This gives rise to a dispute whether Beis Din's presence is necessary for the immersion of a female. According to some opinions² the presence of Beis Din is necessary for her acceptance of mitzvos but not for the actual immersion. As far as the immersion is concerned, we assume that if Beis Din saw her enter the mikveh and she was accompanied by an upright Jewish woman, we can assume that the immersion took place. Proof to this position can be found in a comment of Tosafos³ in reference to the incident recorded in our Gemara. The

Gemara relates that a man was referred to as the "son of an Aramean woman." R' Assi declared the reference unwarranted since his mother conducted herself as a Jew and at some point immersed as a niddah, which counts as an immersion for conversion. Tosafos questions the validity of this immersion since immersion requires the presence of Beis Din. One of the resolutions suggested by Tosafos is that the presence of Beis Din is only necessary for her acceptance of mitzvos but not for her immersion.

Shulchan Aruch⁴, on the other hand, follows the dissenting opinions which maintain that Beis Din must be present even at the time of the immersion. This presents a difficulty in terms as the practical matter of maintaining standards of tznius for the woman who is converting. One practical solution mentioned by Rav Ovadiah Yosef⁵ is to take a large sheet with a hole cut out of the middle and spread it over the entire mikveh. After a woman assists the convert into the water she lifts her head out of the hole in the sheet so that only her head is visible. At that time they inform about some of the mitzvos and watch her immerse. Thus she immerses in the presence of Beis Din without compromising any standards of tznius. ■

1. גמ' לקמן מז

2. ע' שו"ת יביע אומר ח"א יו"ד סי' י"ט אות א' וב'

3. תוס' ד"ה מי לא טבלה

4. שו"ע יו"ד סי' רס"ח סע' ב'

5. שו"ת יביע אומר הנ"ל אות י"ב ■

STORIES Off the Daf

"Who hasn't immersed to be rid of her niddus?"

אמר רב אסי מי לא טבלה לנדותה

After several years of growth and study, a baalas teshuvah of marriageable age was admitted to a well-known Beis Yaakov seminary in America. She was an excellent student of very refined character, who blended in beautifully with her fellow talmidos. Being slightly older than the other girls, she was approached by a member of the community with a shidduch; the boy was learning well in the local yeshiva, and came from a well-respected Sephardic family. The boy and girl seemed suited to one another, but when the boy's family in-

quired as to whether the girl's parents had observed the halachos of taharas mishpachah and the answer was in the negative, the suggestion was withdrawn.

In distress, the girl ran to her menaheles, and broke down in tears. "I understand there is something called pegam niddus, but why I am responsible for my parent's actions? Isn't there something I can do to rid myself of this?"

Her understanding menaheles said gently, "What makes you think you have a pegam niddus? Just because this boy's family is particular on this matter does not mean that there is something wrong with you!"

The girl looked at her mentor unbelievably. The Rebbetzin went on, "This question came before Rav Moshe Feinstein, zt"l, twenty years ago. A boy asked

about whether he should marry a very lovely, sensitive, G-d-fearing girl even though her parents were not observant. Shouldn't he worry about pegam niddus? Rav Moshe answered that the proof of the pegam is in the child's behavior. If we see that a boy or girl from an irreligious home nevertheless grows up into a true yirei Shomayim, it must be that there is no pegam. He explained that Hashem sometimes orchestrates events that the mother went swimming in the ocean or a lake just before she conceived, and through פרטית השגחה the child was born without any niddah taint at all. The ways of Hashem are beyond our understanding—and it is clear from your יראת שמים and middos tovos that you are as pure as anyone else! You have nothing to be ashamed of!" ■