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Yevamos Daf 46

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rav Chama bar Gurya said in the name of Rav: If one purchases a slave from an idolater and before the owner had a chance to immerse the slave for the sake of conversion to the status of being a slave (*owning a Canaanite slave requires that the slave converts to Judaism through circumcision and immersion; he is regarded as a partial Jew and is obligated in mitzvos that are incumbent upon Jewish women; if the owner frees him afterwards, he immerses himself again and is regarded as a full-fledged Jew*), the slave preempted and immersed himself for the sake of conversion to become a free man, he has acquired himself and he becomes a free man.

What is the reason for this? The idolater does not own the slave; rather, he owns the rights to his labor. That which he owns, he can sell to a Jew. Since the slave preempted and immersed himself for the sake of conversion to become a free man, he has nullified his lien.

This follows Rava’s principle: Rava said: Consecration (*of an animal to the altar*), becoming prohibited as chametz and the freeing of slaves can release an *apotiki* from the lien of a creditor. (*A person may designate any type of property as security to the creditor without placing it in the possession of the creditor. The creditor has a lien on this property, and if the debt is not otherwise repaid, the creditor can collect his debt from the security. This security is called an apotiki. Rava teaches us that there are three instances where the lien can be revoked or cancelled, and the creditor must be reimbursed through other means. If an animal designated as an apotiki was consecrated for a korban, the consecration is effective and the lien is revoked. If the object designated as an apotiki to a gentile was chametz and Pesach arrived while the Jew still had possession, it becomes forbidden for any Jew to*

*derive benefit from the chametz, and he is obligated to destroy it; the lien from the chametz is dissolved. If the apotiki is a slave and the owner frees the slave, the emancipation is effective, and the slave becomes a free man. One cannot have a monetary right on a Jewish man and therefore the lien is cancelled.*)

Rav Chisda asks on Rav from the following Baraisa: There was an incident regarding Beloria the convert whose slaves preempted her and immersed themselves before she performed her conversion. The Chachamim said: The slaves acquired themselves and have become free men.

We can infer from this Baraisa that they became free men only because they immersed themselves prior to her immersion, but if they would have done so afterwards, they would not have acquired themselves. This would be inconsistent with Rav’s opinion who holds that a slave owned by a Jew could acquire themselves with an immersion on their own accord.

Rava answers: If they would immerse themselves before her immersion, they would acquire themselves as free men even if they performed an unspecified immersion. However, if they would immerse themselves after her immersion, they would acquire themselves as free men only if they specified that they are immersing for the sake of a full conversion; otherwise, we would assume that their immersion is for the sake of becoming a slave, and they would not gain their freedom. (45b3 – 46a2)

Rav Avya qualified Rav’s ruling: This was taught only when the Jew is purchasing the slave from another gentile; however, if he sells himself as a slave to the Jew, the Jew

acquires complete ownership of the slave. (*Even if the slave immerses himself with the intent to create a full conversion, he will not become free since he is owned by the Jew.*) For it is written in Scripture: Also from the children of the residents that do live among you, from them may you buy: you may buy from them but they may not buy from you, nor may they buy of one another. 'But they may not buy from you'. — What can this refer to? If it be suggested [that it refers] to one's manual labor, may not an idolater, [it may be asked,] buy an Israelite to do manual labor? Surely it is written: Or to an idol of a sojourner's family, and a Master said that by 'sojourner's family' an idolater was meant? Consequently, it must refer to his person; and the All Merciful said: You may buy from them, even their persons. - Rav Acha objected: It might be said [to refer to acquisition] by means of money and ritual immersion! — This is a difficulty. (46a2)

Shmuel said: The owner should firmly hold the slave in the water. (*This is done in order to override the possible intention of the slave during the immersion; since he is working the slave during the immersion, it is obviously for the sake of becoming a slave and not for gaining his freedom.*)

The Gemora relates an incident to illustrate this ruling: Rav Ashi wanted to immerse his slave Minyamin. He gave him over to Ravina and Rav Acha the son of Rava, and he said to them: "I will demand reimbursement from you if he immerses himself for the sake of becoming a free man." They placed a leash around his neck, which they loosened and tightened around his neck while he was in the water. They loosened it because they did not want it to be a chatzitzah between the water and his skin. They tightened it around him in order to indicate that the immersion was for becoming a slave, and not to gain his freedom.

When he lifted his head out from the water, they placed a pail of cement on his head, and told him to bring it to his master's house. (46a2 – 46a3)

Rav Pappa said to Rava: The master must have observed the men of Pappa bar Abba's house who advance sums of money

on people's accounts in respect of their head taxes, and then force them into their service. Do they, when set free, require a deed of emancipation or not? He replied: Were I now dead I could not have told you of this ruling. Thus said Rav Sheishes: The seal of bondage for these people is deposited in the king's archive, and the king has ordained that whoever does not pay his head tax shall be made the slave of him who pays it for him. (46a3)

Rabbi Chiya bar Abba went to the city of Gavla. He saw Jewish women who had become pregnant from converts who had been circumcised, but had not immersed themselves yet. He also saw wine belonging to Jews, which idolaters diluted with water, and the Jews were drinking it. He also saw *turmesin* (*type of beans*) that were stewed by the idolaters and then eaten by the Jews. He did not say anything to them regarding these issues. He came before Rabbi Yochanan, and Rabbi Yochanan told him: "Go out and announce that their children are *mamzeirim*, their wine is forbidden on account of *yayin nesech* (*libations for an idol*), and their *turmesin* cannot be eaten because they have been cooked by idolaters. This is because they are not learned in Torah (*and they would not understand the distinction between turmesin and other foods*).

The Gemora explains: Their children are *mamzeirim* because Rabbi Yochanan maintains that one is not regarded as a convert until he circumcises and immerses in a *mikvah*. Rabbah bar bar Chanah had said in the name of Rabbi Yochanan: A Canaanite slave or an idolater who cohabits with a Jewess, the child born will be a *mamzer*.

Their wine was regarded as *yayin nesech* even though the idolaters did not touch the wine; they merely poured water into it. This is based on the principle that we tell a Nazir, who has taken a vow not to drink wine, "Go around and do not come near the vineyard."

Their *turmesin* cannot be eaten because they have been cooked by idolaters. This is because they are not learned in Torah. The Gemora asks: Otherwise, would it be permitted?

Didn't we learn elsewhere that Rav Shmuel bar Rav Yitzchak said in the name of Rav: Anything which is normally eaten raw is not subject to the prohibition against gentile cooking, but *turmesin* cannot be eaten raw, and therefore should be subject to the prohibition against gentile cooking?

The Gemora answers: Rabbi Yochanan followed a different version of Rav Shmuel bar Rav Yitzchak's statement in the name of Rav. He said: The food must be "important" — that is, food that would be suitable fare for a dinner served to dignitaries. Food which is not fit to be served at such a table even as an accompaniment to the bread is not subject to the prohibition of gentile cooking. *Turmesin* are not served on a king's table and therefore would not be subject to the prohibition of gentile cooking. Since the people of Gavla would not understand the distinction between *turmesin* and other foods, Rabbi Yochanan ruled that they should not eat it. (46a3 - 46a4)

We learned in a Baraisa: A convert who was circumcised but did not immerse, Rabbi Eliezer says he is a convert, for we find by our forefathers (*prior to receiving the Torah*) that they circumcised themselves, but they did not immerse. If he immersed, but did not circumcise himself, Rabbi Yehoshua says: He is a convert, for we find by the mothers that they immersed, but obviously did not circumcise themselves. The Chachamim say: If he immersed but did not circumcise himself, or was circumcised but did not immerse, he is not a convert until he was circumcised and immerses.

The Gemora asks: Why doesn't Rabbi Yehoshua learn from the fathers, and why doesn't Rabbi Eliezer learn from the mothers? And should you reply that a possibility may not be inferred from an impossibility, surely [it may be retorted] it was taught: Rabbi Eliezer said: From where is it deduced that the pesach offering of later generations may be brought from chullin only? Those in Egypt were commanded to bring a pesach offering and those of later generations were commanded to bring a pesach offering; as the pesach offering spoken of in Egypt could be brought from chullin only, so may also the pesach offering which had been

commanded to later generations be brought from chullin only. Said Rabbi Akiva to him: May a possibility be inferred from an impossibility! The other replied: Although an impossibility, it is nevertheless a proof of importance and deduction from it may be made!

The Gemora reinterprets this dispute: If he immersed, but did not circumcise himself, everyone agrees that the conversion is effective (*because that is how the mothers converted prior to receiving the Torah*). The argument is by a convert who was circumcised but did not immerse. Rabbi Eliezer learns from our forefathers that he is a convert, and Rabbi Yehoshua maintains that the conversion is not effective. Rabbi Yehoshua is of the opinion that the fathers also underwent immersion.

The Gemora cites the Scriptural source according to Rabbi Yehoshua that our forefathers immersed themselves as part of their conversion process.

The Gemora asks: How do we derive that the mothers immersed themselves?

The Gemora answers: It is only logical to assume that; for otherwise, how did they enter under the wings of the Divine Presence? (46a4 – 46b1)

Rabbi Chiya bar Abba stated in the name of Rabbi Yochanan: A man can never become a convert unless he has been circumcised and has also performed the prescribed ritual immersion. Isn't this obvious? [In a dispute between] an individual and a majority the halachah is, surely, in agreement with the majority! — The expression 'Sages' is in fact meant for 'Rabbi Yosi'. For it was taught: If [a convert] came and stated, 'I have been circumcised but have not performed ritual immersion' he is 'permitted to perform the immersion and [the proper performance of the previous circumcision] does not matter; these are the words of Rabbi Yehudah. Rabbi Yosi said: He is not to be allowed immersion, hence it is permissible for a convert to perform the



prescribed immersion on the Shabbos; these are the words of Rabbi Yehudah. Rabbi Yosi, however, said: He is not to be allowed to perform the immersion.

The Master said, 'Hence it is permissible for a convert to perform the prescribed immersion on the Shabbos; these are the words of Rabbi Yehudah'. Seeing that Rabbi Yehudah stated that one suffices is it not obvious that, if circumcision has been performed in our presence, he is permitted to perform immersion! Why then, 'Hence'? — It might have been assumed that in the opinion of Rabbi Yehudah, immersion forms the principal [part of the initiation], and that immersion is not to take place on the Shabbos because, thereby, a man is improved; hence we were taught that Rabbi Yehudah requires either the one or the other.

'Rabbi Yosi, however, said: He is not to be allowed to perform the immersion'. Isn't this obvious? Since Rabbi Yosi said that both are required [immersion must be forbidden as] the improvement of a man may not be effected on the Shabbos! — It might have been assumed that in the opinion of Rabbi Yosi circumcision forms the principal [part of the initiation] and that the reason there is because the circumcision had not been performed in our presence but where the circumcision had taken place in our presence it might have been assumed that a convert in such circumstances may perform the prescribed immersion even on the Shabbos, hence we were taught that Rabbi Yosi requires both. (46b1 – 46b2)

## **INSIGHTS TO THE DAF**

### **LAWS OF BISHUL AKUM**

by Rabbi Neustadt

Question: With so many women today in the work force, is it permitted for non-Jewish household help to cook kosher food in one's kitchen if the cooking is done under the supervision of an observant Jew?

Discussion: With the intention of limiting social interaction between Jews and non-Jews — for socializing is often the first step towards assimilation, the Rabbis decreed against eating certain types of perfectly kosher food which were cooked, baked or roasted by a non-Jew, even if a Jew supervised the entire process from beginning to end. This is the Rabbinical prohibition known as bishul akum. Even b'diavad, if a non-Jew cooked these foods — whether in the home of a Jew or in a manufacturing plant — it is forbidden (in many cases) to eat them; the cooked food is now considered non-kosher even though the raw food was totally kosher before being cooked by the non-Jew. The pots and pans which in which the food was cooked would — in some cases — have to undergo a koshering process before one would be allowed to use them again for kosher food.

Question: Which types of foods are susceptible to the restrictions of bishul akum?

Discussion: There are basically two criteria which define the type of food which is forbidden because of bishul akum:

- The food must be "important" — that is, food that would be suitable fare for a dinner served to dignitaries. Thus most dishes of poultry, meat, potatoes, pasta, eggs or fish are included, as long as they are prepared in a manner in which important people are customarily served in a formal setting. Candies, potato chips, Pringles, beer, breakfast cereals, canned tuna salmon and sardines, popcorn, etc. are not considered "important" foods no matter how skillfully and tastefully they are prepared.

- Foods which are edible raw (under normal conditions) are exempt from the prohibition of bishul akum, even if they were cooked. Thus most fruits and vegetables, cheeses, water, milk and peanut butter, for example, are exempt from bishul akum, even if they were prepared in a manner fit for a king, since all of these foods are edible when in a raw state.



Question: We have established that “cooking” by a non-Jew renders the food bishul akum. Does that mean that a non-Jew may not participate in any phase of food preparation?

Discussion: The only phase of food preparation that is forbidden to a non-Jew is to place the pot or pan on the stove or inside the oven. The non-Jew may cut, chop, grind, grate, mix, season, etc. He may also turn on the gas or electricity in the stove or oven, regulate the temperature throughout, stir or baste the food while it is cooking, and remove the food once it is cooked or baked. All this is permitted l’chatchilah, as long as the non-Jew is being supervised to ascertain that no kashrus laws are transgressed.

Question: If the non-Jew has already placed the food on the stove or into the oven but has not yet turned on the fire, can the food still qualify as bishul Yisrael?

Discussion: As long as the Jew turns on the fire, the food is considered bishul Yisrael. But, l’chatchilah, this should only be relied upon in this exact case, where the food is already on the stove or in the oven and the fire is being lit after the food has been placed on the stove or in the oven. In the reverse case, where first the Jew turned on the fire and then the non-Jew placed the food on the stove or in the oven, some poskim hold that this is not considered bishul Yisrael. B’diavad, however, most poskim maintain that the food is not considered bishul akum and is permitted to be eaten.

Question: If the non-Jew has already turned on the fire and placed the pot or pan on the stove or inside the oven but the food is not yet completely cooked and ready to eat, can the food still be salvaged and not considered bishul akum?

Discussion: There yet remain three options for the food to be considered bishul Yisrael:

- Remove the pot or pan from the fire or the oven, hold it for a moment, and then replace it. This is permitted l’chatchilah.

- Stir, mix or flip the food over while the pot or pan is still on the fire.

- Regulate the temperature of the fire, either by raising it a bit to hasten the cooking or by lowering it a bit to prevent burning or singeing.

However, if the food is already completely cooked and ready to be eaten, it is too late to avail oneself of any of these three options. The food is considered bishul akum.

### **DRINKING COFFEE HEATED BY A GENTILE**

The Gemora states: Anything which is normally eaten raw is not subject to the prohibition against gentile cooking. (*Water does not need to be heated and therefore should not be subject to this prohibition.*)

The Radvaz in his teshuvos (3:637) writes: It is permitted to drink coffee heated by a gentile and it is not subject to the prohibition against gentile cooking; even though coffee cannot be eaten in its raw state, it is something which does not eaten at a king’s table as an accompaniment to the bread and therefore it is permitted. There is also no concern that they cooked something forbidden in those pots beforehand, since it is well known that they have designated utensils for the coffee (because otherwise, the taste of the coffee would be ruined). He concludes: One should not drink coffee in the accompaniment of gentiles since that will result in many transgressions.

It is brought like that in the Hagahos from the Maharikash (114) as well. He rules that one should be stringent about drinking coffee in a coffee house of gentiles, similar to the halacha regarding wine and beer. Furthermore, it is considered a *moishev leitzim* (i.e. a session of jesters) and should be avoided.

The Knesses Hagedolah in his sefer Ba’ey Chayei (Y”D 145) disagrees and maintains that coffee heated by a gentile is prohibited to drink. He states: Anything which is eaten or



drunk at the royal table by itself, even if it does not come as an accompaniment to the bread is subject to the prohibition of gentile cooking. Furthermore, the requirement that the food must be something that accompanies bread on the royal table is limited to food items, not liquids. He continues: "Even though when I was younger, I would rely on those who ruled that it is permitted, I have now investigated it thoroughly and cannot find a reason for its permission and therefore I refrain from drinking it." He found that the Arizal prohibited drinking coffee heated by a gentile. He concludes that he is not prohibiting it for the public, but he himself refrained from drinking it.

Pri Chadash (114:6) writes that it is permitted based on Tosfos (Avodah Zarah 31b): Wheat is nullified in water in regards to reciting the blessing of *shehakol*, so too it is nullified in regards to the prohibition against gentile cooking. Similarly, the coffee is nullified in the boiling water that it is being cooked with and it is therefore not subject to the prohibition against gentile cooking.

Teshuvos Beis Yehudah (Y"D 21) objects to the reasoning of the Pri Chadash. The Gemora Brochos (39a) rules: The proper blessing on water which was cooked with vegetables is *ha'adamah* and this is the ruling of the Shulchan Aruch (205:2). The reasoning is based on the fact that this is the common method for these vegetables. Accordingly, the blessing on coffee should be *ha'adamah* as well. Our custom of reciting *shehakol* on coffee is astounding, but we cannot add to this novelty by being lenient with the prohibition against gentile cooking.

Rabbi Yaakov Emden in his sefer Mor U'ktziah (204) writes that actually the proper blessing on coffee should be *ha'eitz* since it is a fruit from a tree and that was the original intent of those that planted the coffee beans; to drink from the liquid. He concludes that the custom is to recite a *shehakol* anyway, similar to date beer and barley beer.

#### DAILY MASHAL

The Pesach commemorates our Exodus from Egypt, whereby our subservience to anyone other than Hashem was removed, allowing us to become "His servants." This indicates that ultimately, no man is meant to be under the dominion of any force other than Hashem. This includes the dominion of other human beings, spiritual forces or forces of nature. Rather, all of these are themselves under the dominion of Hashem. Indeed, it is for this reason the festival of Pesach is timed specifically to occur during springtime, where the forces of nature – having lain dormant during the winter months – awaken to resume their function with full potency. It is specifically at this time we need the korban Pesach to remind us that Hashem alone controls and guides all forces – including the forces of nature.