

16 Adar II 5776
March 26, 2016



Kiddushin Daf 15

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

If He Sells Himself, No Gifts

The *Gemora* asks: What is the reason why the *Tanna Kamma* says that someone who sells himself as a servant does not receive gifts when he goes free?

The *Gemora* (*Abaye, see 14b*) answers: The verse stated by one who is sold by *Beis Din*, “*You should surely give gifts to him.*” This (*to him*) implies that the gifts should be given to him (*to one who was sold by Beis Din*), and not to one who sells himself. Rabbi Elozar holds that this means that the gifts are only given to the servants, not to their inheritors.

The *Gemora* asks: Why shouldn’t the gifts be given to his inheritors? Just as a worker’s wages are given to his inheritors, so too, his gifts should be given to his inheritors!?

The *Gemora* answers: Rather, Rabbi Elozar derives that this teaches us that the gifts are given to him, and not to his creditors. This verse is needed to teach him this, as he generally holds like the teaching of Rabbi Nosson. For it has been taught: Rabbi Nosson said: How do we know that if one has a claim of a *maneh* against his fellow and that fellow against another fellow, we will take out a *maneh* from this one (*the debtor’s debtor*) and give it to that one (*the original creditor*)? It is written: *And he shall give it to the one to whom he is guilty.* Therefore, the word “(*you should give gifts*) to him” teaches that in this case,

the master must give the gifts only to the servant himself, not to someone that is owed money by the servant.

The other *Tanna* does not need to derive this, as he in general argues with the principle of Rabbi Nosson. (15a)

Canaanite Slave-woman

The *Gemora* asks: Why does the *Tanna Kamma* say regarding someone who sells himself as a servant that this master cannot give him a Canaanite slave-woman?

The *Gemora* answers: The verse states by one who is sold by *Beis Din*, “*If his master will give to him a woman.*” This (*to him*) implies that only he (*one who was sold by Beis Din*) can be given a slave-woman, but not one who sells himself.

The other opinion holds that “*to him*” teaches that the master can force a Canaanite slave-woman upon him.

The *Tanna Kamma* derives this from the verse, “*Ki mishneh sechar sachir*” (*as will be explained soon*). The *braisa* states: “*Ki mishneh sechar sachir avadcha*” -- “*For twice the amount of a hired worker he worked for you.*” A regular worker works only during the day, while a Jewish servant works during the day and night. Is it really possible that a Jewish servant works by day and by night? Doesn’t the verse state, “*For it is good for him to be with you*”? This implies that he is having the same quality food

and drink (*as his master; how can we say that the servant must work at night!*)?!

Rabbi Yitzchak says: From here we derive that his master has the ability to give him a Canaanite slave-woman (so that they can produce more servants for him, and this is called “working at night”).

The other *Tanna* says that this source alone might imply that the Jewish servant has the option to refuse. He therefore requires the verse, “to him” to teach that his master may force him to be with a Canaanite slave-woman. (15a)

Who Doesn't Derive “Sachir-Sachir”?

The *Gemora* asks: Who, then, does not derive the *gezeriah shavah* “sachir-sachir?” [We concluded that both the *Tanna Kamma* and Rabbi Elozar do derive the *gezeriah shavah*.]

The *Gemora* answers: It is the following *Tanna*. The *braisa* states: “And he (a Jewish servant) will return to his family (by *Yovel*).” Rabbi Elozar ben Yaakov says: Who is this referring to? If it is someone who sells himself, it was already stated in the verse previously. If it is referring to a *nirtza* (a servant who had his ear pierced because he desires to stay longer), it was already said (that he goes free on *Yovel*). It must be referring to someone who is sold by *Beis Din* two or three years before *Yovel*, that he is set free on *Yovel*. If this *Tanna* held of “sachir-sachir,” why would he require a special verse for this teaching?

Rav Nachman bar Yitzchak answers: He really does hold of “sachir-sachir.” This is because we might think that only one who sells himself, who has not (clearly) sinned, goes out on *Yovel*. However, perhaps someone who sinned (stole), and *Beis Din* sold him to pay back what he could not pay back, should not go free on *Yovel*? This is why a special verse is required.

The *braisa* states: If it is referring to a *nirtza*, it was already said (that he goes free on *Yovel*). Where was it said? The *braisa* states: The verse says, “And a man will go back to his possessions, and a man will go back to his family.” What is this referring to? Someone who sells himself and someone who is sold by *Beis Din* are already referred to. It must be discussing someone who became a *nirtza* two or three years before *Yovel*, and he is set free in any event on *Yovel*. What is the implication in the verse that this is what it is referring to? The verse says, “A man.” What applies to a man that does not apply to a woman? It must be a *nirtza* (as a woman cannot be a *nirtza*).

The *Gemora* explains: A special verse is required both for one who is sold by *Beis Din* and a *nirtza*. A verse is required by someone sold by *Beis Din*, as his time has not come to go free. However, a *nirtza* whose natural time to go free is *Yovel* might still deserve a fine (as the *Torah* did not want him to become a *nirtza*). The verse teaches us that he goes free anyway. If it would only say a verse regarding a *nirtza*, one might think he goes free as he already served his mandatory six years. However, someone sold by *Beis Din* only two or three years before *Yovel* perhaps would not go free. This is why a verse is required.

The *Gemora* explains: Both the verse, “Forever (until *Yovel*)” and “And you will return” are required. If it would only say, “forever,” one might think it literally means that he is a servant forever. This is why the verse says, “And you will return.” If it would only say the latter verse, I would think that it only applies to one who did not serve six years. However, if he did, one might think that he is only a *nirtza* for six years, as his additional time should not be more severe than the regular period of time he had to serve. This is why the verse says that it is “forever,” meaning until *Yovel* (very possibly more than an additional six years).



The *Gemora* returns to its question: Who is the *Tanna* who does not derive “*sachir-sachir*?”

The *Gemora* answers: It is Rebbe. The *braisa* states: “*And if he (a Jew who sold himself to a gentile) will not be redeemed with these (redemption by relatives).*” Rebbe says: He is redeemed with these, not six years. One might say: If someone (*regular Jewish servant*) who cannot be forcibly redeemed by relatives can be free after six years, certainly a Jew sold to a gentile who can be forcibly redeemed (*through payment*) goes free after six years! This is why the verse says, “*With these*,” implying that he is only redeemed through money, not six years. If Rebbe derived “*sachir-sachir*,” he should derive that a Jewish servant’s relatives can also forcibly redeem him!

Rav Nachman bar Yitzchak says: Rebbe also derives “*sachir-sachir*.” However, the verse states (*regarding a Jew sold to a gentile*), “*He will redeem him*.” This implies that this applies only to him (*he can be redeemed by relatives*), not a regular Jewish servant sold to a Jew.

The *Gemora* asks: Who argues on Rebbe?

The *Gemora* answers: It is Rabbi Yosi HaGelili and Rabbi Akiva. The *braisa* states: “*He will not be redeemed with these*.” Rabbi Yosi Ha’Glili says: “*With these (his relatives)*,” he is redeemed and goes free. If an ordinary Jew redeems him, he must work for him. Rabbi Akiva says that the opposite is true.

What is Rabbi Yosi HaGelili’s reasoning? The verse “*And if he will not be redeemed with these (he will go out on Yovel)*” implies that if he is redeemed by non-relatives, he will then go out on *Yovel* (*meaning that he will work until then*). Rabbi Akiva understands the verse as stating, “*If he will only go out with these (by relatives), he will go out on Yovel (meaning that he will work until then).*”

The *Gemora* asks: Does the verse say, “*Only go out with these?*” [*Rabbi Yosi HaGelili seems correct that the verse does not seem to say what Rabbi Akiva teaches.*]

The *Gemora* answers: Rather, their argument hinges on other verse. “*Or his uncle, or the son of his uncle will redeem him*.” This refers to redemption by relatives. “*Or if his hand will reach*,” refers to redemption on his own. “*And he will be redeemed*,” refers to redemption of non-relatives. Rabbi Yosi HaGelili understands that a verse can explain only the verse before it. Just as one who redeems himself goes out free, so too, one who is redeemed by relatives, goes out free (*and does not have to work for anyone*). Rabbi Akiva says: The verse explains only the verse following it. Just as one who redeems himself goes out free, so too, one who is redeemed by non-relatives, goes out free (*and does not have to work for anyone*).

The *Gemora* asks: If so, what does the verse “*With these*,” teach?

The *Gemora* answers: We would think that a verse can be read in either the context of the previous verse or following verse, and therefore in every case he goes totally free when redeemed.

The *Gemora* asks: If so, our original question remains!

The *Gemora* answers: Rather, they argue regarding logic. Rabbi Yosi says: It is understandable that the redemption of non-relatives means that he must work for them, as otherwise they will not redeem him (*and the Torah wants him to be redeemed*)! Rabbi Akiva says: It is understandable that he must work for his relatives, as otherwise he will sell himself everyday (*pocket the cash he received from his sale, and his relatives will have to redeem him again*). (15a – 15b)



INSIGHTS TO THE DAF

MAIDSERVANT

The *Gemora* used a verse to teach us that a Jewish maidservant does not have the option of remaining a servant by becoming a *nirtza*.

The Rishonim ask: Why is a special verse necessary for this? Since the *halachah* is that only a servant sold by *Beis Din* can become a *nirtza*, but not one who sells himself; isn't it therefore obvious that a maidservant cannot become a *nirtza*? She is not sold by *Beis Din*!?

Tosfos answers: It could have been said that anyone who is sold without their consent can become a *nirtza*, and in this respect, a maidservant is similar to someone sold by *Beis Din*. Her father sells her and she has no say in the matter. Another verse is required to teach us that she cannot become a *nirtza*.

DAILY MASHAL

Taking the Terms of Employment into Account

Our Daf repeatedly cites the pasuk (Devarim 15:14,18) "Adorn him generously [ha'anakah]. . . for to you his six years' work is worth twice as much as a hired hand." In this pasuk the Torah explains that the eved should be given a generous ha'anakah after having worked for six long years.

However, it would seem that the slave, who is entitled to receive standard market wages, has been paid for his years of work. If so, why should he be awarded such a lavish ha'anakah?

The Netziv of Volozhin elucidates this matter in Ha'amek Davar. A worker who signs a contract to work for a number of years is much more valuable than a worker who is hired on a daily basis and has no obligation to work for his employer for an extended period of time. One can give the permanent worker long-range tasks that will take several years to finish. On the other hand, one cannot have a day-worker perform such tasks since today could be his last day. The Torah thus tells the adon that he should take the added benefits he derives from an eved Ivri into account as well and grant him a large ha'anakah accordingly.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: What is derived from the fact that it says, "b'Yisroel" twice by *chalitzah*?

A: We learn that *chalitzah* must take place in a *Beis Din*, and we derive that she becomes permitted to a *Yisroel* afterwards.

Q: How do we know that a woman does not acquire herself by submitting to *chalitzah*?

A: It says, "a book of severance." Only a *get* can sever a marriage; not *chalitzah*.

Q: Can a slave sell himself for longer than six years?

A: Yes; if he stipulates in the beginning.