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Kiddushin Daf 20

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Daf Notes is currently being dedicated to the neshamot of

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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

By Himself

The *braisa* states: “If *b’gapo* he will come in, *b’gapo* he will go out.” This means that he came into slavery “*b’gufo*” -- “with his body,” and will therefore go out with his body (*the Gemora will explain this shortly*). Rabbi Eliezer ben Yaakov says: This means that he came into slavery single, and he will go out single.

The *Gemora* asks: What does it mean that he will go out of slavery with his body?

Rava answers: This means that he does not go free if his master cuts off one of his limbs, as does a Canaanite slave.

Abaye asks: This is derived from the verse, “*She should not go out as the slaves go out!*”

The *Gemora* answers: If that was the only teaching, one might think that she does not go out like a Canaanite slave who does not receive compensation for the limb, but rather goes out and receives compensation! This is why the verse additionally states, “*b’gapo yeitzei.*”

The *Gemora* asks: What does Rabbi Eliezer ben Yaakov mean when he says that he will go out single?

Rav Nachman bar Yitzchak answers: It means that if he comes into slavery with a wife and child, his master can give him a Canaanite slavewoman (*to have relations with*). Otherwise, he cannot. (20a)

Increase and Decrease

The *braisa* states: If he was sold for one hundred and then became worth two hundred, how do we know that his value is only considered one hundred (*with respect to redemption*)? The verse states, “*From the money of his purchase (he will return his redemption).*” If he was sold for two hundred and is now only worth one hundred, how do we know he is considered worth one hundred? The verse states, “*Per his years.*” We only know this is true by a servant sold to a gentile. Being that he is supposed to be redeemed by relatives, it is clear the buyer has the weaker hand. What if he is sold to a Jew? The *gezeirah shavah* of “*sachir-sachir*” tells us the law is the same if he is sold to a Jew.

Abaye said: I am like Ben Azzai in the marketplace in Teveria! [*When he was feeling clearheaded he would make this proclamation, indicating that people could ask any question they wanted on any topic, just as they did to Ben Azzai who was known to have been very sharp and lived in Teveria.*]

One of the Rabbis asked him: The verses quoted in the *braisa* above could really be derived to give the servant a more stringent redemption price or a more lenient one. Why do we derive them leniently?

[*Abaye answered:*] This is because the Torah treated such a servant leniently, as indicated in the following *braisa*. The *braisa* states: “*For it is good for him with you.*” This teaches that he should be with you in food and drink. You

should not eat fine bread while he eats coarse bread, or drink old wine while he drinks new wine, or sleep on feathers while he sleep on straw. This law created the phrase: Someone who buys a servant is as if he has bought himself a master.

The *Gemora* says: One can reject this by saying that this is only regarding things like food and drink. However, regarding his redemption, we should be stringent as per the statement of Rabbi Yosi the son of Rabbi Chanina. He stated in a *braisa*: Come see how difficult (*of a sin*) it is to deal with the most minor sin of *Shemittah*. If a person sells *Shemittah* fruit, he will end up selling his possessions (*due to poverty*), as the verse states, “*In the year of Yovel, a person will return to his ancestral heritage.*” The verse states immediately afterward: “*And if you will sell something to your friend or buy something from your friend.*” [The indication is if you will sell, meaning *shemittah* fruit, you will end up selling your possessions.] If a person does not notice the error of his ways, he will end up selling his fields, as the verse states, “*When you friend will become poor and he will sell from his ancestral heritage.*” If it does not come to his hand (*meaning he still does not repent*), he then ends up selling his house, as the verse states, “*When he will sell a house in a city with a wall.*”

The *Gemora* asks: Why did the *braisa* say, “If a person does not notice” (*if he decides not to repent*) and then it says, “If it does not come to his hand” (*meaning that it is a foregone conclusion that he will not repent*)?

The *Gemora* answers: This is as Rav Huna states: Once a person sins and then sins again, it is permitted to him. Is it really permitted? It is like it is permitted to him. [Accordingly, the *braisa* explained the last verse to mean that he will not repent, for he repeated the sin, and it becomes permitted to him.]

The *braisa* continues: If it does not come to his hand, he will end up selling his daughter, as the verse states, “*And if a man will sell his daughter.*” Even though this verse is not near the other verses, the person must have sold his daughter, as people say that one would rather sell his daughter before taking loans with interest. Why do they say this? One’s daughter pays off her slavery all the time, while interest keeps accruing. If this does not come to his hand, he borrows with interest. This is as the verse states, “*When your friend will become poor, and his hand will reach with you.*” Near this verse another verse states, “*Do not take from him (interest etc.)*.” If this does not come to his hand, he eventually sells himself, as the verse states, “*If your brother becomes poor and he is sold to you.*” “*You*” here does not mean you, but rather to a convert, and not a regular convert, but rather a “*ger toshav*” (*a gentile who accepts not to worship idols and possibly the rest of the seven Noahide laws*). This is as the verse states, “*to a ger toshav.*” It then states he is sold, “*to the family of a convert,*” implying to idolaters. “*L’eiker,*” implies he is sold to the service of the idols themselves. [Since he is sold into slavery because of his sins, perhaps we should treat him stringently.]

Abaye answered: There, the verse itself instructs us (*to have compassion on him and redeem him*), for the Beis Medrash of Rabbi Yishmael taught: Being that this person allowed himself to be sold into the service of idolatry, perhaps we should just say to push the rock after the person who fell (*and not redeem him*)? The verse therefore states, “*After he is sold he will have redemption; one of his brothers will redeem him.*” One might say that the Torah cares about his redemption in order that he should not get lost among the idolaters. However, with regarding the calculation in redeeming him, perhaps we should be strict due to the teaching of Rabbi Yosi above?

Rav Nachman bar Yitzchak answered: There are two verses. One verse says, “*If there are many years,*” and one verse says, “*If there are few years left.*” Are there many

years and few years (*can it be more than six years*)? Rather, the verse indicates that the case where his value increases (*greater years*) can be derived from, “*the money of his purchase,*” and the case where his value decreases (*few years*) can be derived from “*according to his years.*”

The *Gemora* asks: Perhaps the verses mean the following: If he worked for two years and he has four years left, he should give four years worth from “*the money of his purchase.*” If he worked for four years and has two years left, the value of two years should be given from “*according to his years.*” [*The Gemora is suggesting that the verse is not dealing with increases or decreases in value.*]

The *Gemora* answers: If so, the verse should so, “If there are many years,” or “If there are few years left.” Why does it say, “If there are within the years?” This implies that if within the years there is an increase, its law is derived from the verse, “*from the money of the purchase.*” If there is a decrease, it is derived from “*according to the years.*”

Rav Yosef commented: Rav Nachman derived the meaning of these verses like a “Sinai” (*the mountain on which the Torah was given*). (20a – 20b)

Redeemed Halfway

Rav Huna bar Chinana inquired of Rav Sheishes: If a Jewish servant is sold to a gentile, can he be redeemed halfway (*to lessen his time of servitude by half*)? We derive a *gezeirah shavah* of “*geulaso*” from an ancestral field. This might teach us that just as such a field cannot be partially redeemed, so too, this slave cannot be partially redeemed. Or perhaps we only use this *gezeirah shavah* to be lenient, not stringent (*depending on the situation, it could be a leniency or a stringency*)?

He replied: Didn’t we say there (18a) that he is only totally sold (*for what he stole*), not halfway sold? So too, he is only totally redeemed, not partially redeemed.

Abaye says: If you will say he can be partially redeemed, it can be both a leniency and a stringency. It is a leniency if when he was sold for one hundred, and fifty was given for half of the years, and his value afterwards increased to two hundred. If he is partially redeemed, he now only has to give one hundred and can be redeemed. If he cannot be redeemed partially, he owes one hundred and fifty (*as the other fifty is as if it was given for safekeeping*).

The *Gemora* asks: Didn’t we say that if he increases in value, it is not counted, from the verse, “*From the money of his purchase?*”

The *Gemora* answers: The case is where he was expensive, became cheap, and then became expensive again (*and the redemption was done in the cheap phase*).

There will be a stringency if he was sold for two hundred, and he was redeemed for half equaling one hundred, and then his value fell to one hundred. If he is redeemed halfway, he gives fifty and is free. If he is not redeemed halfway, he can go free without adding anything.

Rav Huna bar Chinana inquired of Rav Sheishes: If a house in a walled city is sold, can he be redeemed halfway? We derive a *gezeirah shavah* of “*geulaso*” from a field of inheritance. This might teach us that just as such a field cannot be partially redeemed, so too this house cannot be partially redeemed. Or perhaps we only derive this by the field, not by the house?

He answered: From Rabbi Shimon’s teachings we derive that one may borrow to redeem, and that he can partially redeem. This is as the *braisa* states: “*If he will surely redeem.*” This teaches that one may borrow to redeem, and that he can partially redeem. Rabbi Shimon explains:



Why is this? We find by an ancestral field that the seller has power, meaning that if he did not redeem it by *Yovel*, it goes back to his possession. However, he does not have power in that he cannot borrow to redeem, and cannot partially redeem. Someone who consecrates such a field, whose power is weak, meaning that if he did not redeem it by *Yovel*, it goes to the *Kohanim*, is strong in that he can borrow to redeem and can partially redeem. Someone who sells a house in a walled city, whose power is similarly weak, in that if a year goes by and he did not redeem the house, it will go to the *Kohanim*, should similarly have the strength to borrow to redeem and partially redeem.

The *Gemora* asks from a *braisa*. The *braisa* states: “*If he will surely redeem.*” This teaches that one may borrow to redeem, and that he can partially redeem. One might think, if regarding an ancestral field, where the seller has power, meaning that if he did not redeem it by *Yovel*, it goes back to his possession, yet he does not have power in that he cannot borrow to redeem, and cannot partially redeem, certainly someone who consecrates such a field, whose power is weak, meaning that if he did not redeem it by *Yovel*, it goes to the *Kohanim*, should also be weak and be unable to borrow to redeem and to partially redeem! This is not necessarily a good *kal vachomer*. One who sells an ancestral field is unable to redeem it for two years, while one who consecrates can redeem it whenever he wants! On the other hand, someone who sells a house in a walled city should demonstrate that this is not a question, as they can redeem right away but cannot borrow to redeem and partially redeem. [This *braisa* shows that someone who sells a house in a walled city cannot partially redeem, unlike the other *braisa*.]

The *Gemora* answers: The first *braisa* is authored by Rabbi Shimon, while the second *braisa* is authored by the *Chachamim*. (20b)

INSIGHTS TO THE DAF

ANOTHER WIFE!?

Rav Nachman bar Yitzchak answers: It means that if he comes into slavery with a wife and child, his master can give him a Canaanite slavewoman (*to have relations with*). Otherwise, he cannot.

The commentators ask: Isn't this illogical? If he doesn't have a wife, the master should be able to give him a slavewoman, and if he does have a wife, why should the master give him another wife?

The Daas Zkeinim explains that if he is married to a Jewish woman, he will not be so attracted to the Canaanite slavewoman and will not follow her ways. However, if she is his only wife, he is liable to follow her ways. The Torah did not want this.

DAILY MASHAL

REPENTANCE IN THE SAME SITUATION

It is written [Yirmiyah 22:10]: *Cry intensely for one who leaves, because he will not return again and see the land of his birthplace.* Rav Yehudah said: This is referring to one who departs this world without children.

Rav Huna said: The verse is referring to a person who committed a sin and repeated it. The *Gemora* states: Rav Huna is following his reasoning stated elsewhere that one who commits a sin and repeats it; it has become permitted to him.



The *Gemora* asks: Do you actually think that it is permitted? The *Gemora* answers: Rav Huna means that it becomes to him as if it was permitted.

The *Gemora (Yoma 86b)* explains that a true penitent is one who committed a sin in the past and then the opportunity for the same sins comes again a first time and a second time and he is saved from the sin on both occasions.

The *Sefer Chasidim* writes that a person should not put himself into a situation where he is tempted to sin, because he may not be able to withstand temptation.

The *Tzlach* questions the words of the *Sefer Chasidim* from the commentary of the *Kli Yakar* in *Parshas Chukas*, who writes regarding the phenomena of the *Parah Adumah* that the *Parah Adumah* was capable of rendering pure those that were impure and conversely, rendering impure those that were pure.

The *Kli Yakar* likens this idea to certain medicines that are beneficial for one who is ill but can prove fatal for one who is healthy. There is a parallel between remedying the body and remedying the soul. One who wishes to repent must be with the same woman that he sinned with the first time, at the same time of the year in which he had sinned, and at the same place where he sinned with her. Thus, the temptation to sin is particularly strong, as his Evil Inclination will entice him to respond exactly as he did before. By resisting the temptation, he demonstrates that he is a true penitent.

The *Kli Yakar* adds that this is what the *Gemora (Brochos 34b)* means when it states that in the place where penitents stand, the completely righteous do not stand, i.e. the completely righteous cannot stand in a place of temptation. Yet, according to the *Sefer Chasidim*, a righteous person is not permitted to endanger himself by entering into such a situation.

TRANSGRESSION COMMITTED ONLY ONCE

The *Gemora* states that if one commits a transgression and repeats it, it becomes like it is permitted to him.

Rav Shach was once giving rebuke and he questioned if there is any among us that have committed a sin and not repeated it. Woe is to us.

The *Mabit* in *Beis Elokim (shaar hateshuva ch 11)* writes that our sages have said if one commits a transgression three times, it becomes like it is permitted to him. Did he have a different version in the *Gemora* than us? Our *Gemora* states this to be correct if a person commits a sin even twice.

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

Q: What does it mean that *yiud* needs knowledge?

A: Either that he must be an adult, or that he must inform her that he is marrying her.

Q: If a man says to his minor daughter, "Go and accept your *kiddushin*," is it valid?

A: Yes (*according to Rabbi Yosi the son of Rabbi Yehudah who maintains that the money for the purchase of a maidservant was not for the kiddushin*).

Q: Can a father sell his daughter as a maidservant on the condition that the master does not perform *yiud* with her?

A: It is a *machlokes Tannaim*.