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Kiddushin Daf 23

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
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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

***Being Freed Against His Will***

The *Mishna* had stated: He acquires himself if the master is given cash on his behalf. These are the words of Rabbi Meir.

The *Gemora* asks: The *Mishna* implies that he acquires himself with money from others, but not on his own. What is the case? If it is that someone else is acquiring him against his will, this is against Rabbi Meir’s statement that it is detrimental for a (*Canaanite*) slave to go free. The *braisa* states: We can acquire something for someone when he is not present if it is meritorious for him to acquire it, not if it is detrimental to him to acquire it. [*Accordingly, one could not do this against his will.*] The case therefore must be that the slave wants to go free. This teaches us that a slave cannot acquire something without it belonging to his master.

If so, let us look at the latter part of the *Mishna* which states: He can free himself by document. This implies that others cannot receive the document for him. Why can’t they receive the document for him? If you will say the *Mishna* means that even he can receive his document (*and certainly others*), and this teaches that his document and ability to acquire arrive at the same time, the *braisa* implies otherwise. The *braisa* states: He can acquire himself with a document, but not through others. These are the words of Rabbi Meir.

Abaye answers: In fact, the case regarding being redeemed with money is against his will. Money is

special in this regard, as being that it acquires him against his will, it is also able to redeem him against his will.

The *Gemora* asks: If so, one should also be able to receive a document freeing the slave against his will!

The *Gemora* answers: The documents buying him and freeing him are two different documents.

The *Gemora* asks: The monies were also two separate monies!

The *Gemora* answers: However, their nature is the same (*the nature of the two documents is different*).

Rava answers: When the master receives the money, he is doing so of his own interests (*and therefore he does not have to represent the slave*). However, when someone else receives a document freeing the slave, he is doing so on behalf of the slave, and therefore cannot do so without the consent of the slave.

The *Chachamim* (*in the Mishna*) had said: He is freed with money on his own.

The *Gemora* asks: This implies that he is not freed with someone else’s money. Why? Even though it is without his knowledge, the *Chachamim* hold that it is meritorious for a slave to be freed. If so, why don’t we apply that which we learned in the *braisa* mentioned

above that we can acquire something for someone when he is not present if it is meritorious for him to acquire it, but we cannot if it is detrimental to him to acquire it.

If you will say that when the *Chachamim* say he can acquire on his own, they mean even on his own, and they say that a slave can acquire on his own independent of his master, the second part of their statement in the *Mishna* seems to contradict that thought. It states: He acquires himself with a document. This implies he does not acquire with a document on his own. The *Gemora* asks: How could they say this? Don't they agree that a slave's freedom document and his ability to acquire arrive at the same time? If you will say it means, "even through others," and their point is that it is meritorious for him to be free, why don't they simply say, "(He can acquire himself) with money and documents, whether on his own or through others"?

The *Gemora* answers: It must be that they hold that both he and others can acquire with money, but only he can acquire through a document. This is the opinion of Rabbi Shimon ben Elozar. He states in a *braisa*: He can even acquire through a document through others, but not on his own. There are therefore three opinions among the *Tannaim* (see *Rashi at length*).

Rabbah says: What is Rabbi Shimon ben Elozar's reasoning? He derives a *gezeirah shavah* of "lah-lah" from a woman (*who is getting divorced*). Just as a woman is only divorced if her husband puts the *Get* in a domain that does not belong to him, so too, a slave is only freed if his document is put in a place that does not belong to the master. (23a)

### ***Slave Appointing a Messenger***

Rabbah inquired: Can a Canaanite slave make a messenger to accept his *Get* for him from his master? Do we say that being that we derive his laws from a woman (*who can make a messenger*), he too can make a messenger? Or do we say that a woman who can accept her *Get* can make a messenger, but he, who cannot accept a *Get* cannot make a messenger? After Rabbah asked the question, he resolved that he can make a messenger, based upon the above *gezeirah shavah*.

The *Gemora* asks: Rav Huna the son of Rav Yehoshua says that *Kohanim* are Hashem's messengers. If we would say that they are our messengers, is it possible that there is something that a person themselves cannot do, yet they have the power to create a messenger to do it for them?

However, based on what we just said, this logic seems flawed. After all, a slave cannot accept his own *Get*, yet, he can make a messenger who will accept it for him!?

The *Gemora* answers: This question is incorrect. A regular Jew cannot have anything to do with bringing a *korban*. A slave, however, has a connection with emancipation documents. This is as the *braisa* states: It appears that a slave can act as a messenger to accept his friend's *Get* from his friend's master. However, he cannot accept a *Get* from his own master. (23a – 23b)

### ***Redeeming with his own Money***

The *Mishna* had stated: The *Chachamim* say: He acquires himself with money on his own (*he gives the redemption money to his master*), with a document received by others, as long as the money is given to him by others (*on condition that his master not take ownership of the money*).

The *Gemora* asks: Let us say that they argue about the following. Rabbi Meir says: A slave does not have the ability to acquire independent of his master, and a woman cannot acquire without her husband. The *Chachamim* hold that they can.

Rabbah says in the name of Rav Sheishes: Everyone holds that there is no acquiring for a slave or a wife independent of the owner or the husband. Here the case is where a person gave the slave a *manah*, and said that he is giving it on condition that his master has no rights in it. Rabbi Meir says that when the person instructed the slave to acquire it, the slave acquires it and therefore the master immediately acquires it, and when he says “on condition (*that your master not acquire*)” he has not said anything valid. The *Chachamim* say: His condition is valid.

Rabbi Elozar says: Everyone agrees that the slave acquires it, and therefore the master immediately acquires it. Here the case is where someone else gave him a *manah* on condition that he uses it to go free. Rabbi Meir says that when the person instructed the slave to acquire it, the slave acquires it and therefore the master immediately acquires it, and when he says “on condition (*that your master not acquire*)” he has not said anything valid. The *Chachamim* say that he is not really giving it to the slave either, as he only said “on condition that it should be used by him to go free.” (23b)

## INSIGHTS TO THE DAF

### KOHANIM AS AGENTS

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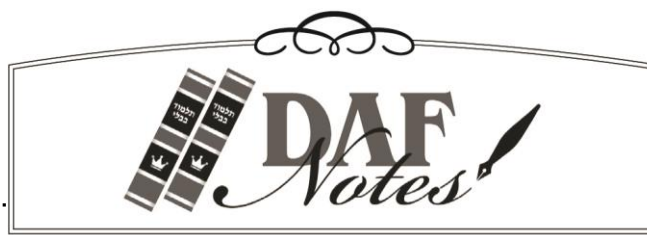
woman (*who can make a messenger*), he too can make a messenger? Or do we say that a woman who can accept her *Get* can make a messenger, but he, who cannot accept a *Get* cannot make a messenger? After Rabbah asked the question, he resolved that he can make a messenger, based upon the above *gezeirah shavah*.

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The *Gemora* in *Nedarim* (35b) poses the identical inquiry and states that a practical difference between the two perspectives is with regard to someone who declared that he would not derive benefit from a certain *Kohen*. If the *Kohen* is our agent, he will not be permitted to perform the service for the one who vowed against him. However, if the *Kohen* is an agent of Heaven, he would be permitted to perform the service for him.



The Rishonim ask: Why didn't the *Gemora* there resolve this inquiry from that which Rav Huna said here that if we would say that they are our messengers, is it possible that there is something that a person themselves cannot do, yet they have the power to create a messenger to do it for them?

- 1) Tosfos answers that the *Gemora* wished to resolve the inquiry from a *Mishna* or a *braisa*, not from an Amoraic statement.
- 2) Furthermore, Tosfos notes that we can only prove from Rav Huna that the *Kohanim* are also agents of Heaven, and not only our agents, for if they would only be our agents, how can they perform the service when the *Yisroel*, who sent them, cannot perform it! However, it can still very well be that they are the agents of both.
- 3) The Ritva answers that we can prove from Rav Huna that the *Kohanim* are agents of Heaven only when they are offering the *korbanos* of a *Yisroel*; however, there would still be a matter of doubt with respect to a case when they are sacrificing the *korbanos* for another *Kohen*. Here, Rav Huna's logic would not be applicable, for the sender is able to perform the service himself!

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

Q: When does the servant say, "I love my master etc. I do not want to go free"?

A: Once before he begins his last *perutah* of service, and once after this time begins.

Q: Which *halachah* do we learn regarding a Jewish servant from the verse, "since it has been good for him with you"?

A: The master cannot eat bread of fine flour and give his servant bread from inferior flour.

Q: Why isn't it regarded as a *kinyan meshichah* when you call a slave and he comes towards you?

A: He is walking by his own will.