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Kiddushin Daf 24

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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

Rabbi Meir and the Chachamim

The *Gemora* asks that both Rabbi Meir and the *Chachamim* seem to contradict themselves. The *braisa* states: A married woman does not redeem (*her husband's*) *ma'aser sheini* without adding a fifth of its value (*a law that applies when the owner redeems his own ma'aser sheini*). Rabbi Shimon ben Elozar says in the name of Rabbi Meir: She can redeem it without adding a fifth. What is the case where they argue? If it is the husband's money and his *ma'aser sheini*, she is merely the husband's agent (*and she should surely have to add one fifth*)! If it is her money with which she is redeeming her husband's *ma'aser sheini*, the Torah says, "A man," implying not a woman (*who is using her own money*)! Rather, the case must be where someone else gave her the money on condition that she will use it to redeem the *ma'aser*. [*The Chachamim seem to hold his condition is invalid and it is hers, while Rabbi Meir seems to say it is valid. This is the opposite of the braisa quoted on 23b.*]

Abaye says: The opinions in the *braisa* must be switched around (*Rabbi Meir says it is considered hers and she must redeem with a fifth*).

Rava says: This is not necessary. The case is where she inherited *ma'aser sheini* from her father. Rabbi Meir's opinion is based on his opinion that *ma'aser sheini* is as if it is *hekdesh*, and therefore the husband does not own it. The *Chachamim* hold that it is like regular

money, and therefore she is merely redeeming it for her husband. (23b – 24a)

Eye and a Tooth

The *braisa* states: A Canaanite slave goes free if his eye or tooth, or other limbs that do not grow back, are knocked out by his master.

The *Gemora* asks: Both a tooth and eye are explicitly stated in the verse (*Shemos 21:27*). However, how do we know this applies to other limbs as well?

The *Gemora* answers: We derive them from teeth and eyes. Just as teeth and eyes are open blemishes that do not grow back, so too any open blemishes that do not grow back (*caused by his master*) set a Canaanite slave free.

The *Gemora* asks: Let teeth and eyes be two verses that are exceptions, and together they should teach us that this *halachah* would not apply by any other limbs?

The *Gemora* answers: Both are needed (*and therefore the fact that the Torah stated both is not a reason that we cannot derive that there are other cases*). If the Torah would have only written about teeth, we would think that this even applies to baby teeth. This is why the Torah stated "eye." If it had only said "eye," we would think that just as an eye was created with the person, so too, only limbs that are created with the



person can set him free. This is why it was necessary for the Torah to say “tooth.”

The *Gemora* asks: Why don't we say, “When he will hit,” is general (*implying any limb*), “a tooth or an eye,” is specific, and therefore apply the dictum that the Torah must be telling us that the rule must be based exclusively on an eye and tooth. Only they cause him to go free, nothing else!

The *Gemora* answers: The verse states, “He will be sent free,” which is again a general statement. This tells us that the rule should not be only what is specifically stated, but rather things that are similar to an eye and tooth. Just as teeth and eyes are open blemishes that do not grow back, so too any open blemishes that do not grow back (*caused by his master*) set a Canaanite slave free.

The *Gemora* asks: We should also derive that what is cut off must be something that stops working completely and does not heal. Why, then, does the *braisa* state: If he ripped at his beard and thereby dislocated his bone, he goes free!? [*Is there anything obvious there?*]

The *Gemora* answers: In fact, “He will be sent free,” is an inclusive statement, including every case.

The *Gemora* asks: If so, if he hit his slave's hand and it became withered temporarily, he should also be set free! Why, then, does the *braisa* state that in such a case he is not set free?

The *Gemora* answers: If that would be the case, the Torah would never have given the specific case of teeth and eyes (*it must be that there are some parameters*). (24a – 24b)

Going Free

The *braisa* states: In all cases where a slave has a limb cut off, he goes free, but he still requires a document of freedom. These are the words of Rabbi Shimon. Rabbi Meir says: The document is unnecessary. Rabbi Elozar says: It is necessary. Rabbi Tarfon says: It is unnecessary. Rabbi Akiva says: It is necessary. Those who compromised before the sages said: Rabbi Tarfon seems correct regarding a tooth and an eye, as the Torah gave him his freedom. Rabbi Akiva seems correct regarding other limbs, as this was a Rabbinic penalty.

The *Gemora* asks: Was this a Rabbinic penalty? It was derived from a verse!

The *Gemora* answers: Rather, he means that because it was derived by the Rabbis, he requires a document of freedom.

The *Gemora* asks: What is Rabbi Shimon's reasoning?

The *Gemora* answers: He derives a *gezeirah shavah* of “*shiluach-shiluach*” from a (*divorced*) woman. Just as a woman is divorced with a document, so too, a slave requires a document to set him free.

The *Gemora* asks: How does Rabbi Meir respond to this?

The *Gemora* answers: If the word “free” would have been said at the end of the verse, he would agree. However, being that it was said at the beginning, the implication is that he is free even before being given a document.



The *braisa* states: If they hit him on his eye and blinded it or on his ear and made him deaf, he goes free. If he hit something else (*i.e. a wall*) opposite his eye or ear and this caused him not to see or hear, he does not go free.

Rav Shemen said to Rav Ashi: This implies that a (*damage inflicted by*) noise is nothing. Didn't Rami bar Yechezkel teach: If a rooster put its head inside a glass vessel and made a loud noise that broke it, the owner has to pay for the full value of the damages? Additionally, Rav Yosef said that it was said in the house of Rav: If a horse neighed or a donkey brayed and this caused vessels to break, the owner must pay half of the damages.

He answered: A person who is damaged is different, as being that he has knowledge, he allows himself to be damaged. This is as the *braisa* states: If someone scares his friend, he is exempt from being forced to pay by man, and obligated to pay by Heaven. What is the case? If he blew opposite his ear causing him to go deaf, he is exempt. If he holds onto him and blows into his ear, he is obligated to pay for the damages (*for then, it is regarded as a direct damage*).

The *braisa* states: If he hit the slave on his eye and it became weak, or on his tooth and it became loose, if he can still use it (*in his service*) the slave does not go free. If not, he goes free. Another *braisa* states: If his eye was weak and the hit caused him to go blind, or if his tooth was loose and the hit knocked it out, if he was able to previously use it, the slave goes free. If not, he does not go free.

The *Gemora* explains that both *braisos* are necessary. If it would only say the former *braisa*, one would think that this is because he previously had good vision and

now has weaker vision. However, when he originally had weaker vision, perhaps he would never go free. If it would only say the latter case, one would think that in this case he goes free because he totally blinded him. However, if he did not entirely blind him, he does not go free. This is why the former case is necessary.

The *braisa* states: If his master was a doctor and the slave asked him to heal his eye and he ended up blinding him, or to heal his tooth and he ended up taking out the tooth, he has played a trick on his master and goes free. Rabban Shimon ben Gamliel says: The verse says, "*And he will destroy it,*" implying that it has to be done with intent to destroy (*not heal*).

The *Gemora* asks: What do the *Chachamim* do with the verse, "*And he will destroy it*"?

The *Gemora* answers: They require it for the following *braisa*. The *braisa* quotes Rabbi Eliezer as stating: If someone stuck his hand inside his maidservant and blinded the fetus inside her, he does not go free. This is as the verse states, "*And he will destroy it,*" until he intends to destroy. [*He understands that the intent has to be to deal with the eye or limb that was cut off, not if he just reached blindly and ended up cutting off a limb.*]

The *Gemora* asks: How does Rabban Gamliel derive this is true?

The *Gemora* answers: He derives this from the fact that the verse could have merely said, "*and he will destroy.*" The added "*it,*" teaches this lesson. The *Chachamim* do not derive that this added it is significant in this fashion.

Rav Sheishes says: If his eye was blind and his master took it out, he goes free. Why? He is now missing a



limb. The *braisa* states: We find that an animal, to qualify to be brought as a *korban*, must not have a blemish and (*sometimes*) must be male, but we do not find these qualifications regarding birds. One might think that even if a bird's wing dried up (*and fell off*), its foot was cut off, or its eye was put out that it can be brought. The verse therefore states, "From the bird," but not if the bird is totally missing (*a limb*). (24b)

INSIGHTS TO THE DAF

Putting Tefillin on a Paralyzed Arm

If a man hits his non-Jewish slave mutilating one of his limbs, the eved goes free. Our Daf teaches us that if the arm shriveled up after his adon hit him, it is considered as if severed from his body and he also goes free. This is only when the damage is irreversible, but if medical treatment can cure the eved he remains in slavery.

Accordingly, Achronim write (Chessed LeAvraham §51) that if a person's left arm dried up and has been diagnosed as incurable, the arm is as if severed from his body. He certainly cannot put tefillin on that arm, but poskim disagree whether that person should not put on tefillin at all, or perhaps he should put it on his right arm without reciting a beracha (Mishnah Brurah 27:6). However, the Avnei Nezer writes (Responsa Avnei Nezer Orach Chaim I §1) that even if the arm has incurably dried up, it should be well checked whether it has totally dried up until considered detached from the body. How can we test that? We should prick the dried arm. No blood emitting from the wound shows the arm is totally dried up, and the halacha is in such an instance that he should not put tefillin on it. However, if the wound bleeds, the arm is not considered as detached from the body and he should put tefillin on it

(see *ibid.*, where the Avnei Nezer proves this from the Rashba in our sugya).

The difference between a paralyzed arm and a dried-up arm: Rav Moshe Feinstein zt'l (Igros Moshe, Orach Chaim I §8) rules that a fundamental difference exists between a dried-up arm and a paralyzed arm. When an arm has dried up, the arm itself is sick and has no life. This is obvious from the fact that the arm doesn't bleed even after pricking it. A paralyzed arm is different. The arm is paralyzed because his brain and nerve system cannot properly transmit messages to his muscles to move it. The arm itself is not deficient and is alive, and therefore he should put tefillin on it. R. Moshe zt'l adds that he remembers that when his father zt'l was paralyzed in the last seven months of his life he put tefillin on his left paralyzed arm.

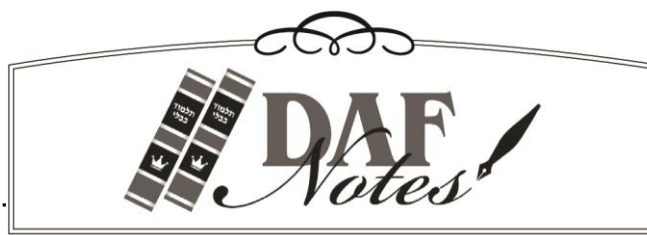
DAILY MASHAL

Afflictions Purge a Person's Sins

The *Gemora* states that if a master knocks out the tooth of his slave, or if he blinds his eye, he must release the slave.

It is noteworthy that Rabbi Yochanan in the *Gemora* in Brochos (5a) derives from here that a person is considered fortunate if Hashem inflicts him. It is taught through a *kal vachomer* as follows: If the loss of a tooth or an eye, which is only one of the limbs in a person's body, nevertheless, a slave gains his freedom because of it, then afflictions, which cleanse the person's entire body, should certainly free a person from sin because of them!

Rish Lakish derives this same lesson from a different source. He says: The word *covenant* is written with respect to salt and the word *covenant* is written with



respect to afflictions. Just as salt sweetens the meat, so too, afflictions will cleanse a person from his sins.

The Bobover Rebbe in Kedushas Tziyon notes that there is a distinction between the two expositions. According to Rabbi Yochanan, the afflictions will only cleanse a person if they emanate from Heaven, similar to the *halachos* of a slave, where he will only be set free if his master knocks out his tooth or eye. He will not gain his freedom if someone else injures him. However, according to Rish Lakish, any type of afflictions will cleanse him, in the same manner as the salt sweetening the meat. It makes no difference as to who applies the salt.

Based upon this, Rav Tzvi Pesach Frank explains the following. It is written [Shmos 6:5]: *And also, I heard the moans of the children of Israel, whom the Egyptians are holding in bondage, and I remembered My covenant.* The Jewish people thought that the Egyptians were their masters and they were those who were afflicting them. They did not realize that their suffering was decreed from Heaven. Because they didn't know who was causing them their hardships, they did not gain their freedom. It was only because Hashem remembered His covenant, that all afflictions cleanse a person from his sins, that was the reason they were released from the bondage.

Reb Meir Shapiro adds to this: If a slave does not come to court and testify that his master knocked out his tooth or eye, he will not gain his freedom. If he says that it happened by happenstance, he will not go free. So too, it is with afflictions. If a person does not believe with complete faith that the afflictions are affecting him because of Divine Providence, the afflictions will not purge him of his sins. However, if this principle was

derived through the *gezeirah shavah* from salt, it would not make any difference.

The Rashba was asked the following question: If a slave initiates a fight with his master and strikes the first blow, and the master counters with some strikes of his own and knocks out the slave's tooth, will the slave gain his freedom?

He replied that the slave goes free. The proof is from the aforementioned *Gemora*, where Rabbi Yochanan derived that afflictions will cleanse a person from his sins through a *kal vachomer* from the laws of the slave. How can the two be compared? Afflictions come to a person because he has sinned! It was his own fault! Perhaps, then, those afflictions will not purge him from his sins!? Evidently, we see that a slave also gains his freedom, even if he was the one who initiated the fight!