

26 Adar II 5776
April 5, 2016



Kiddushin Daf 25

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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

Visible Organs

The *Gemora* relates the following incident: The elders in Nezoniah did not come to Rav Chisda’s lecture. Rav Chisda thereupon said to Rav Hamnuna, “Place a ban on them.” Rav Hamnuna went to them and asked, “Why didn’t you come to his lecture?” They replied, “Why should we come when we have asked him something and he has not answered us?” Rav Hamnuna asked them, “Did you ever ask of me something without receiving a response?” [*The Ben Yehoyadah explains the connection.*] So they posed the following question to him: If a master castrates his slave, is that regarded as an opened blemish (*and he would go free*), or not? Rav Hamnuna did not know the answer to this question. They asked him, “What is your name?” He said to them, “Hamnuna.” They said to him, “It is not Hamnuna, but rather, it is Karnuna (*an uneducated person who hangs around by the corners*.)” Rav Hamnuna reported back to Rav Chisda what had transpired. Rav Chisda told him: They asked you a question which could have been resolved from a *braisa*. For we have learned in a *Mishna*: The twenty-four tips of the limbs in a person’s body cannot become *tamei* due to *mychyah* (*some healthy skin within the whitish patch of skin will render a person to be a metzora; it cannot be classified as tzaraas unless the entire spot can be seen at one time; this excludes the tips of the limbs*). And these are them: The tips of the fingers and the toes, the tips of the ears, nose and male member, the tips of a woman’s breasts. Rabbi Yehudah says: Even the tips of a man’s breasts. A *braisa* was taught regarding this *Mishna*: The

tips of these limbs can set a slave free. Rebbe said: Even castration. Ben Azzai said: Even the tongue.

Rav Chisda explains the *braisa*: What is Rebbe adding from the first opinion? He must be referring to the castration of the testicles. [*This proves that the inquiry of the elders is a matter of a Tannaic dispute.*]

The *Gemora* asks: And does Rebbe not hold that the loss of the slave’s tongue will set him free? But we learned in a *braisa*: If one was sprinkling the purification waters on a *tamei* person (*where the halachah is that it must fall on a revealed part of the body*) and it fell on his mouth, Rebbe holds that the sprinkling is valid, whereas the *Chachamim* maintain that it is not valid. Are they not discussing the tongue (*proving that the mouth is regarded as “visible” according to Rebbe*)?

The *Gemora* answers that the *braisa* is discussing a case where the waters fell on his lips. This is a novelty, for you might have thought that since one can close his lips (*in a manner that they would not be visible*), it should not be regarded as a visible part of his body. Rebbe teaches us that he holds that it is still regarded as “visible.”

The *Gemora* asks: But we have a *braisa* which explicitly states that they are discussing a person’s tongue? And furthermore, we learned in a different *braisa* (*regarding a blemish that disqualifies a bechor*) that if most of the animal’s tongue is removed, it constitutes a blemish. Rebbe said: Even if most of the speaking part of its tongue

is removed, it is a blemish. [Evidently, Rebbe holds that the tongue is regarded as “visible.”]

The *Gemora* explains the *braisa* differently: Rebbe holds that castration frees a slave, and certainly the loss of his tongue will set him free. Ben Azzai maintains that the loss of his tongue will set him free, but castration will not.

Ulla says: Everyone agrees with respect to *tumah* from a *sheretz* (the Torah enumerates eight creeping creatures whose carcasses transmit *tumah* through contact) that the tongue is regarded as visible. Since it is written, “that which he shall touch,” the tongue can also be touched. They agree with respect to immersion that the tongue is regarded as hidden (and therefore the water of the *mikvah* is not required to touch the person’s tongue). This is because it is written, “And he shall immerse his flesh in the water.” Just as his flesh is outside his body, so too, any organ that is outside his body must touch the water. Their argument is only with respect to sprinkling. Rebbe compares the purification *halachos* to *tumah* and the *Chachamim* compare it to immersion. The dispute is based upon their interpretation of a verse written in the Torah.

The *Gemora* asks: Does Rebbe hold that the tongue is regarded as hidden with respect to immersion? But Ravin said in the name of Rav Adda, who said in the name of Rabbi Yitzchak: There was an incident regarding the slave woman of Rebbe, who immersed herself in a *mikvah*, and when she came out, there was a bone found between her teeth. Rebbe required her to immerse again (for it was regarded as a *chatzitzah* – an interposition). [Evidently, Rebbe maintains that the water must enter a person’s mouth, and the tongue is not regarded as “hidden.”]

The *Gemora* answers: While it is true that Rebbe holds that the water is not required to enter the person’s mouth, it must, however, be a place which is fit for the water to enter (and since a bone was lodged between her

teeth, the water could not touch her entire mouth; this invalidated her immersion).

This logic follows the opinion of Rabbi Zeira, who says in regards to a *korban minchah*: A flour-offering that is fit for mixing (of the flour and the oil of the offering; with one log of oil for sixty *esronim* of flour, and a maximum of sixty *esronim* in one pan, perfect mixing is possible), the mixing is not critical to it (and the offering will be valid even without mixing); whereas, a flour-offering that is not fit for mixing (where, the proportions of the mixture were less than a log for sixty *esronim* or where more than sixty *esronim* were placed in one pan), the mixing is critical (and the offering will not be valid).

The *Gemora* cites a *braisa* where this matter (if the testicles are considered “visible” or not) is disputed among the *Tannaim* (with respect to *korbanos*): Rabbi Yehudah holds that if the male member is blemished and even if the testicles are blemished, the animal is disqualified as a *korban* (even if the scrotum remains undamaged; this is because the testicles are considered “visible”). Rabbi Eliezer ben Yaakov said: It is regarded as a blemish only if the male member is damaged (for he holds that the testicles are considered “hidden”). Rabbi Yosi holds: If the testicles are squashed or crushed, it is regarded as a blemish (for that is visible). However, the blemishes of “torn or severed” (mentioned in the Torah) only applies to the male member; not to the testicles. (25a – 25b)

Mishna

A large animal is acquired through “handing it over” (but not through “pulling it near”). A small one is acquired through lifting it (but not through “pulling it near”); these are the words of Rabbi Meir and Rabbi Eliezer. The *Chachamim*, however, say that a small animal is acquired through “pulling it near.” (25b)



Acquiring a Large Animal

Rav lectured in the town of Kimchunya and said: A large animal is acquired through “pulling it near.”

Shmuel found the students of Rav and asked them: Did Rav actually say that a large animal is acquired through “pulling it near”? But didn’t we learn in a *Mishna* that it is acquired through “handing it over”? And Rav himself has stated that a large animal is acquired through “handing it over”! Did he retract from that statement?

The *Gemora* answers: He did retract, for he now ruled according to the *Tanna* cited in the following *braisa*: The *Chachamim* say: Large animals and small animals are acquired through “pulling it near.” Rabbi Shimon said: They are acquired through lifting.

Rav Yosef asks: How can one acquire an elephant, according to Rabbi Shimon?

Abaye answers: Through *chalifin* (the buyer gives the seller something as a token exchange to settle the transaction). Alternatively, the buyer can rent the place where the elephant is standing (and he acquires it by the fact that it is now standing in his courtyard).

Rabbi Zeira says: The buyer can bring four vessels and places them underneath the elephant’s feet.

The *Gemora* notes: This would prove that the vessels of the buyer in the domain of the seller can be used as a manner of acquiring something (and this is a matter of dispute in *Bava Basra*)!?

The *Gemora* answers: Rabbi Zeira is discussing a case where the animal is in a *simta* (a side area adjacent to a public domain; this is not regarded as a public domain or a private one, and everyone would agree that the vessels of the buyer can be used to acquire something).

Alternatively, an elephant can be acquired by placing bundles of vines (*three tefachim high*) in front of it (and when it steps onto the vines, it is as if the buyer has lifted it off the ground). (25b – 26a)

INSIGHTS TO THE DAF

L’chatchilah and B’dieved

The *Gemora* explains that while it is true that Rebbe holds that the water is not required to enter the person’s mouth, it must, however, be a place which is fit for the water to enter (and since a bone was lodged between her teeth, the water could not touch her entire mouth; this invalidated her immersion).

This logic follows the opinion of Rabbi Zeira, who says in regards to a *korban minchah*: A flour-offering that is fit for mixing (of the flour and the oil of the offering; with one log of oil for sixty *esronim* of flour, and a maximum of sixty *esronim* in one pan, perfect mixing is possible), the mixing is not critical to it (and the offering will be valid even without mixing); whereas, a flour-offering that is not fit for mixing (where, the proportions of the mixture were less than a log for sixty *esronim* or where more than sixty *esronim* were placed in one pan), the mixing is critical (and the offering will not be valid).

Tosfos asks: If the Torah repeated the *halachah* of “mixing,” it should be critical to the *minchah*, and if it did not, why is it necessary for it to be “fit for mixing”?

Tosfos answers: Although it is written many times in the Torah, it is not mandatory for it to be mixed, since it is not written in the language of a commandment. We may only derive that the flour and oil should be fit for mixing.

Tosfos in *Niddah* writes that none of those verses are extra, for they are all necessary to teach various *halachos*.



If so, they ask: Why is it necessary for it to be “fit for mixing”?

Tosfos answers: Since the Torah was particular that a mixing should be done, it is only logical that it should be fit for mixing, for otherwise, the *mitzvah* would be negated completely.

The Rishonim similarly ask with regards to immersion: Why is it required that his mouth (*or other areas*) should be a place where water is fit to enter?

Tosfos answers: It is because it is written: *And he shall immerse all his flesh in the water*. This would seemingly include even all the hidden areas. However, since we expound the verse “*his flesh*” to be referring only to the exposed parts of the body, the term “*all his flesh*” teaches us that all parts must be fit for the water to enter.

Evidently, Tosfos holds that this *halachah* is a Biblical requirement. Other Rishonim hold that it is only a Rabbinical obligation.

Tosfos in *Niddah* asks: Why isn't there a requirement at least *l'chatchilah* that the water should enter even the hidden areas (*the same way there is a halachah that the minchah should l'chatchilah be mixed*)?

Tosfos answers: With respect to immersion, there is no logic to mandate that the water should enter even the hidden areas of his body, for the Torah is only interested in the person becoming *tahor*; since *b'dieved* he will be *tahor* anyway (*even if the water does not come into contact with these areas*), what sense is there to require it in the first place? However, with respect to mixing the *minchah*, which is a *mitzvah*, it is understandable that the Torah desires that the *minchah* should be mixed, even though it will be valid even if it isn't.

My Rosh Yeshivah, Rabbi Avrohom Chaim Levin Shlit”a explains this Tosfos in the following manner: When the discussion pertains to a *chalos* (*something taking effect*), it is either valid, or it is not. It is not logical to state that in order for something to be effective, the Torah wants it done in this specific manner. However, even if that is done, it is effective anyway. [*L'chatchilah and b'dieved cannot be said regarding a Torahdike chalos.*] However, when we are discussing a *mitzvah*, it is possible to say that there are different levels with respect to the fulfillment of the *mitzvah*. One will fulfill the *mitzvah* regardless, but it is still preferable to do it in a certain specific manner.

DAILY MASHAL

The Ponivezher Rav told the story of how when the Chofetz Chaim was a young newlywed, he sat and learned with great financial deprivation. His wife would obtain bread from a baker, on credit, which she would serve to her husband with a glass of tea as his daily meal. After a while, the baker refused to extend any more credit. When the young woman placed the lone cup of tea in front of the Chofetz Chaim, she burst into tears. The Chofetz Chaim stood up and exclaimed: "Satan! I know you will stop at nothing to prevent me from learning. It won't work!", and he continued to learn. The Ponivezher Rav added, "If the Chofetz Chaim had given in to despair, there would likely have been no Mishna Berurah, no Chofetz Chaim-Shemiras Halashon, and the world would have missed out on perhaps the greatest Gadol of recent times. Who knows how many others could have been a Chofetz Chaim, but gave up, for various reasons? Who knows how many bakers have such a fate in their hands, everyday?"