



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Kiddushin Daf Tes Zayin

UBISHTAR

- **Ulla** said, this is based on the pasuk of "ihm acheres yikach lo", in which the Torah compares the amah ivriya to another wife, and thereby teaches that just as a wife can be acquired with a shtar, an amah ivriya can be as well.
 - **Q:** This makes sense according to the view (**R' Huna**) that the master is the one who writes the shtar when purchasing an amah ivriya. However, according to the view (**R' Chisda**) that it is the father of the amah ivriya who writes it (more aligned to the sale of real estate), this cannot serve as the source, so what is the source? **A: R' Acha the son of R' Yaakov** said, the pasuk regarding amah ivriya says "lo seitzei k'tzeis ha'avadim", which teaches that she does not go out in the ways of a non-Jewish slave, but she can be acquired in the way of a non-Jewish slave – i.e. with shtar.
 - **Q:** Maybe it teaches that she can be acquired like a slave with chazakah!? **A:** The pasuk regarding non-Jewish slaves says "v'hisnachaltem osam livneichem achareichem", which teaches that it is only they ("osam") who can be acquired with chazakah.
 - **Q:** Maybe the "osam" teaches that it is only they who can be acquired with shtar!? **A:** The pasuk of "lo seitzei" teaches to include something, so it must be shtar.
 - **Q:** Why do we choose to include shtar and to exclude chazakah? **A:** It makes sense to include shtar, because a shtar can be used by a woman to terminate a marriage.
 - **Q:** Maybe we should rather include chazakah, since it is the kinyan that must be used when being koneh the possessions of a ger!? **A:** Chazakah is not a kinyan that is ever used in marriage. **A2:** The pasuk of "ihm acheres" teaches that it is shtar that should be included.
 - **Q:** What does **R' Huna** darshen with the pasuk of "lo seitzei k'tzeis ha'avadim"? **A:** It teaches that an amah ivriya does not go out free if the master knocks off one of her limbs (although a non-Jewish slave would go out free if that were to happen).
 - **R' Chisda** says, the word "k'tzeis" is extra, and can be used to teach this drasha.

V'KONEH ES ATZMO B'SHANIM

- This is based on the pasuk that says "sheish shanim yaavod uvashvi'is..."

BAYOVEL

- This is based on the pasuk that says "ahd shnas haYovel yaavod imach".

B'GRAON KESEF

- **Chizkiya** said, the pasuk of "vihefda" written by an amah ivriya teaches that the amah ivriya must be allowed to redeem herself from slavery by paying the master for the amount of years left to her slavery.
- A Braisa says, the eved ivri can acquire himself back with money, items of value, or with a shtar.
 - **Q:** He can use money based on the pasuk of "mikesef miknaso". He can use items of value based on the pasuk of "yashiv ge'ulaso", which teaches that whenever money may be used items of value may be used instead. However, what basis is there to use a shtar? If this means that he can write a promissory note for his value, that would be a redemption of money!? Rather it must mean that the master can write a get shichrur for him. But, why would that be necessary? Why not just tell him in front of 2 people or in front of Beis Din "You are free to go"!? **A: Rava** said, from this Braisa we see that the

body of the eved ivri is owned by the master, and a verbal waiving of his rights to the remaining value of the eved ivri would not be effective.

YESEIRAH ALAV AMAH HA'IVRIYA

- **Reish Lakish** said, an amah ivriya acquires herself back upon the death of her father, based on a kal v'chomer: if simanim, which don't remove her from the reshus of her father, are able to remove her from the reshus of her master, then death of her father, which removes her from the reshus of the father, should surely remove her from the reshus of the master.
 - **Q: R' Hoshaya** asked, if this is true, then when the Mishna listed the methods to freedom of the amah ivriya that do not apply to an eved ivri the Mishna should list that an amah ivriya has an additional method of freedom!? **A:** The list in the Mishna is not complete, because it left out other methods as well.
 - **Q:** What else did it leave out? **A:** It left out her freedom upon the death of the master.
 - **Q:** That is not considered to be "left out", because death of the master applies to an eved ivri who is a nirtza!? **A:** The reason the Mishna didn't list the death of the father is because it only listed methods that have fixed times associated with them, and the death of the father does not have a set time.
 - **Q:** Simanim don't have a set time, and yet the Mishna lists it!? **A: R' Safra** said, it has no upper time limit, but it does have a lower time limit, as a Braisa says, simanim that grow before a certain age do not have the status of simanim.
 - **Q: R' Sheishes** asked, a Braisa says, **R' Shimon** says there are 4 categories of freed slaves who are entitled to receive severance gifts, 3 of these categories apply to men, and 3 apply to women, but all 4 categories can't apply to one of the genders (only 3 out of the 4), because a man doesn't go out with simanim, and a woman doesn't become a nirtza. Now, according to **Reish Lakish** he should also list the category of freedom upon the death of the father!? You can't say that the list is not complete and items were left out, because **R' Shimon** numbers the list as being 4 categories, and a numbered list is meant to be complete!? You can't say that he only listed items that have a set time, because he listed simanim and they don't have a set time!? If you will try to answer like **R' Safra** said above, we can still ask that the list includes death of the master, which doesn't have a set time!? **A:** The list actually does not include the death of the master. The 4 categories referred to in the Braisa are: freedom at 6 years, freedom at Yovel, freedom at Yovel for a nirtza, and freedom of the amah ivriyah with simanim. Also, since **R' Shimon** said there are not 4 categories for one gender, it must be that death of the master is not included, because if it was, there would be 4 that apply to a woman.
 - **Q: R' Amram** asked, a Braisa says, these are the servants who get severance upon their freedom: one who is freed at 6 years, one who is freed at Yovel, one who is freed upon the master's death, and an amah ivriyah upon her freedom with simanim. Now, according to **Reish Lakish** the Braisa should also list death of the father!? You can't that the list is not complete and items were left out, because the list begins by saying "these", which means the list is meant to be complete!? You can't say that he only listed items that have a set time, because he listed simanim and they don't have a set time!? If you will try to answer like **R' Safra** said above, we can still ask that the list includes death of the master, which doesn't have a set time!? **TEYUFTA of Reish Lakish!**
 - **Q: Reish Lakish** relied on a kal v'chomer, so how can we say that he is refuted!? **A:** The kal v'chomer can be refuted, because we can ask that simanim are different in that they come about due to a change in the body, whereas death of the father has nothing to do with a change to her body.
 - **Q:** One Braisa says that the severance gifts of the eved ivri goes to himself, and of the amah ivriyah goes to herself. Another Braisa says that the severance of the amah ivriyah and her finds go to the father, and the master only gets compensated for the time that the amah ivriyah spent on the find. Now, the Braisos can be reconciled if we hold like **Reish Lakish**, because we can say that the first Braisa is discussing where she was freed upon death of the father, and the second Braisa is discussing where she was freed with simanim. Otherwise, how do we reconcile the Braisos!? **A:** Both Braisos can be talking

about where she was freed with simanim. The first Braisa is discussing where she no longer has a father, and the second Braisa is discussing where she does have a father.

- **Q:** The first Braisa's mention of the amah ivriya's severance going to herself is necessary to teach that it does not go to her brothers if she does not have a father. However, what is the purpose of telling us that the severance of the eved ivri goes to himself? Who else should it go to!? **A: R' Yosef** said, the Braisa stated it unnecessarily. **A2: Abaye** said, **R' Sheishes** said this Braisa is the view of **Tutai**, who said that even if the eved owes money, this severance goes to him, and not to his creditor, and that is the chiddush of the Braisa.
- The Braisa quoted earlier says, these are the servants who get severance upon their freedom: one who is freed at 6 years, one who is freed at Yovel, one who is freed upon the master's death, and an amah ivriyah upon her freedom with simanim. However, a servant who ran away and one that was freed through redemption do not get severance. **R' Meir** says that although a servant who ran away does not get severance, one who was freed via redemption does get severance. **R' Shimon** says there are 4 categories of freed slaves who are entitled to receive severance gifts, 3 of these categories apply to men, and 3 apply to women, but all 4 categories can't apply to one of the genders (only 3 out of the 4), because a man doesn't go out with simanim, and a woman doesn't become a nirtza.
 - **Q:** How are these halachos known? **A:** A Braisa says, we would think that only a servant who leaves at 6 years should get severance (since the obligation is written in the parsha of that servant). How do we know to include one who is freed at Yovel or upon death of the master or an amah ivriyah with simanim? The pasuk repeats by saying "tishalchenu" and then "v'chi sishalchenu", which teaches to include all forms of freedom. Based on this we would think to even include a runaway and one who was redeemed. The pasuk therefore says "v'chi sishalchenu chafshi *me'imach*", which teaches that it only applies when he is "sent from you", which teaches to exclude the runaway and the one freed via redemption, who are not sent by the master. **R' Meir** says that a redeemed servant is "sent by the master", because he must accept the proportionate amount for the years left, and therefore he is included in the severance obligation.
 - **Q:** A runaway must complete the term of 6 years when he returns, so why would he not be entitled to severance at that time, as a Braisa says, the pasuk of "sheish shanim yaavod" teaches that a runaway must complete his term. The Braisa then says, we would think that a slave who was sick during his term must make up the time he lost. The pasuk says "uvashvi'is yeitzei", which teaches that he goes out at the 7th year without making up the time!? **A: R' Sheishes** said, the Braisa above was discussing where he ran away and Yovel came before he was returned. We would think that since he is now freed with Yovel he should get severance. The Braisa therefore teaches that he is not entitled to severance.
 - **Q:** The Braisa quoted above said that if he was sick he need not make up the time. Does this mean to say that even if he was sick for all 6 years he need not make up the time? A Braisa says that if was sick for 3 years he need not make up the time, but if he was sick for all 6 years he would have to make up the time!? **A: R' Sheishes** said, the first Braisa is discussing where even when he was sick he did needlework. That is when he would not have to make up the time.
 - **Q:** This second Braisa seems to contradict itself. On the one hand it says that if he was sick for 3 years he need not make up the time, which suggests that if he was sick for 4 years he would. The Braisa then says that if he was sick for all 6 years he must make up the time, which suggests that if he was sick for 4 years he would not have to make up the time!? **A:** The Braisa means to say, that if he was sick for 4 years it is as if he was sick for 6 years, and he would therefore have to make up the time during which he was sick.