



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

### Kiddushin Daf Chuf Beis

- A Braisa says, the pasuk says "ihm amor yomar" and teaches that he must say this twice. If he says it twice at the beginning of the 6 year term and not at the end, he does not become a nirtza, because the pasuk says "lo eitzei chafshi", which teaches that he must say so at the time he is going to be set free. If he says it at the end of the six year term, but not at the beginning, he does not become a nirtza, because the pasuk says "ihm amor yomar ha'aved" – he must say it while he is an eved.
  - **Q:** Why do we need to learn that he does not become a nirtza if he says it at the beginning of the term based on the pasuk "lo eitzei chafshi"? We should learn if from the fact that it is not possible to say "ahavti es adoni es ishti v'es banai"! Also, the Braisa said he must say so at the beginning of the term, based on the pasuk of "ha'aved". At the end of the term (before it is over) he is still an eved, and therefore that should be sufficient!? **A: Rava** said, "beginning of the term" means when there is still a prutah of value left to the term, and "end of the term" means when there is no longer a prutah of value left.
- A Braisa says, if the eved has a wife and children, but the master does not, he cannot become a nirtza, because he can't say "ki ahevcha v'es beisecha". If the master has a wife and children but the eved does not he cannot become a nirtza, because he cannot say "ahavti es adoni es ishti v'es banai". If the eved loved the master, but the master did not love the eved he cannot become a nirtza, because the pasuk says "ki tov lo imach". If the master loved the eved but the eved did not love the master he cannot become a nirtza, because the pasuk says "ki ahevcha". If he is sick and the master is not sick he cannot become a nirtza, based on the pasuk of "ki tov lo imach". If the master is sick and the eved is not he cannot become a nirtza based on the pasuk of "imach".
  - **Q: R' Bibi bar Abaye** asked, what if both are sick? There is "imach" but there is no "ki tov lo imach", so what is the halacha? **A: TEIKU.**
- A Braisa says, "ki tov lo imach" teaches that one must give the eved ivri the quality of food and drink and bedding that is equal to the quality that the master himself has.
- A Braisa says, the pasuk says "v'yatza mei'imach hu uvanav imo". **R' Shimon** says this teaches that during the term of servitude, the master is obligated to support the eved's children. **R' Shimon** darshens a similar drasha regarding the wife of the eved, from the pasuk of "v'yatza ishto imo". Both pesukim are needed. If we would only have the pasuk regarding the children, we would say they must be supported, because they have no way of supporting themselves. However, a wife can go and work and is therefore not supported. If we would only have the pasuk regarding the wife, we would say that she must be supported, because it is not typical for a women to go and beg for money. However, children can go and beg and therefore need not be supported. That is why both pesukim are needed and teach that the wife and the children must be supported.
- A Braisa says, if the pasuk would say "azno badeles" we would think to pierce the door near his ear. [The Gemara asks, the pasuk says "v'ratza adonav es azno", which clearly says his ear must be pierced!? Rather, the thought would be to pierce his ear, and to then pierce the door near his ear.] The pasuk therefore says "b'azno uvadeles", which teaches that he pierces the ear until he gets all the way through and hits the door. The pasuk says "deles" which can be understood to mean even if the door is not hanging. The pasuk therefore says "mezuzah" to teach that just as the doorpost is standing, the door must be standing as well.
- **R' Yochanan ben Zakai** darshened, why is it that retziya is done to the ear? He said, Hashem says, the ear that heard My voice at Sinai when I said that the Yidden should be My servants,

and not servants to others, and yet this person went and took a master for himself, that ear must therefore be pierced.

- **R' Shimon bar Rebbi** darshened, why is it that retziya is done at the door and doorpost? He said, Hashem says, the door and doorpost were witness in Mitzrayim when I passed over their houses and said that the yidden should be slaves to Me, and not to others, and I then took them out to freedom, and yet this person went and took a master for himself, therefore let the piercing take place in front of them.

#### MISHNA

- An eved knaani can be acquired with money, shtar, or chazakah. He can acquire himself back: according to **R' Meir** by others giving money for his redemption, or by he himself receiving a shtar shichrur. The **Chachomim** say he can acquire himself with money that he himself gives, and with a shtar if it is done through other people, as long as the money was from other people.

#### GEMARA

- **Q:** How do we know that a slave may be acquired in these 3 ways? **A:** The pasuk says that eved knaani slaves are to be inherited like other inherited items. The Torah thereby makes a hekesh from eved knaani to a field and teaches that just as a field is acquired with money, shtar, or chazakah, the same is true for an eved knaani.
  - Based on this we would think that just as a field returns to its owner at Yovel, the same is true for a slave, and he should be returned to himself at Yovel. The pasuk therefore says "l'olam bahem taavodu", to teach that he does not go free at Yovel.
- A Braisa says, a slave can even be acquired with chalipin. The reason our Mishna did not list this is because our Mishna only listed methods that are not effective for other moveable assets.
- **Shmuel** said, an eved knaani can be acquired with meshicha. This is accomplished by grabbing the slave and making him move towards him. However, if he calls him and the slave thereby moves towards him, he would not be acquired through that.
  - **Q:** We can understand why our Mishna did not list this method, because (as we said above) he doesn't list kinyanim that apply to other moveable items. However, why didn't the Tanna of the previously mentioned Braisa mention this method? **A:** He only lists methods that apply to land and moveable items. However, meshicha only applies to moveable items, and it is therefore not listed by the Braisa.
  - **Q:** A Braisa says that calling an animal and thereby making it move is a form of meshicha!? **A:** An animal moves based on the will of its master, and the movement due to calling is therefore considered to be meshicha. An eved has intellect, and therefore such movement based on him being called is considered to be done by his own will, and it therefore does not serve as meshicha.
    - **R' Ashi** said, that an eved who is a minor is considered to be like an animal in this regard.
- A Braisa says chazaka is done as follows. If the eved removed the shoe for the master, or carried his keilim to the bathhouse, or undressed him, or washed him, or rubbed him with oil, or scraped his skin for him, or dressed him, or put on his shoe for him, or lifted him, the master has acquired the eved. **R' Shimon** says, chazakah can't be better than hagbaha, because hagbaha can be used as a kinyan even when standing in the reshus of the seller.
  - **Q:** What does **R' Shimon** mean to say? **A:** **R' Ashi** said, the **T"K** said that if the eved lifts the master the master is koneh the eved, but if the master lifts the eved the master is not koneh the eved. To that, **R' Shimon** said that even in the second case the master would be koneh the eved, because hagbaha is koneh in every place.
  - **Q:** If we say that when the eved lifts the master the master is koneh him, we should also say that a non-Jewish maidservant should be koneh with bi'ah, because in the act she supports his weight and thereby "lifts" him!? **A:** Lifting is koneh when the master has benefit from it and the eved has tzaar from it. However, in bi'ah, since both parties have hana'ah, it can't act as a kinyan.
    - **Q:** What about where the bi'ah was done in an unnatural way, so that she doesn't have hana'ah from the act? **A:** **R' Achai bar Ada of Acha** said, first of all,

maybe she has hana'ah from such a bi'ah as well. Second of all, the pasuk makes a hekesh that teaches that all bi'ahs are treated the same.

- **R' Yehuda Hindu'ah** was a ger who had no heirs. He became sick. When **Mar Zutra** went to visit him he saw that he was holding by dying. He told **R' Yehuda's** slave "take off my shoes and carry them to my house". Some say that the slave was an adult, and he was being koneh him at the time of **R' Yehuda's** death, without allowing him a moment of freedom in which to be koneh himself. Others say the slave was a minor, and although **Abba Shaul** says that a minor slave of a ger cannot be koneh himself upon the death of the ger, **Mar Zutra** didn't hold like him and therefore wanted to ensure that he did not have a moment of freedom in which to be koneh himself.