



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

Kiddushin Daf Chuf Daled

- A Braisa says, an eved knaani goes free if the master causes the destruction of his tooth, his eye, or any of the limbs that do not regenerate themselves.
 - **Q:** The halacha that he goes free with the destruction of his eye or tooth is written clearly in a pasuk. How do we know that he goes free with destruction of the other limbs? **A:** They are compared to his tooth and eye. Just as a tooth and eye are mumin that are exposed and do not regenerate, so too any of the limbs that result in mumin that are exposed and do not regenerate themselves will set the slave free.
 - **Q:** Maybe we should say that the pasuk of tooth and of eye are 2 pesukim saying the same concept, and the rule is that when we have 2 pesukim saying the same concept we cannot learn from them to any other place (if it was meant to teach to other places, the Torah would have only written one pasuk, not both)!? **A:** These 2 pesukim are needed, because one could not be learned from the other, and if so, they are not considered to be 2 pesukim that say that same concept. They are both needed, because if the pasuk would only mention the case of tooth, we would think that a baby tooth is included and knocking it out would set the eved free, even though a new tooth will grow in its place. The Torah therefore writes the case of eye, to teach that only something that does not regenerate itself. And, if the Torah would only write the case of eye, we would think to say that the only thing that can set him free is something that he was born with (like an eye), but a tooth would not set him free. Therefore, the Torah had to write the case of tooth as well.
 - **Q:** Maybe we should darshen the pasuk as follows – “ki yakeh” is a klal, “shein v’ayin” is a prat, and the rule is that when we have a klal followed by a prat, the only things included in the klal are the things mentioned in the prat, which would mean that only a tooth and an eye can set him free!? **A:** The words “lachafshi yishalchenu”, which follow the prat, act as another klal, and therefore we have a klal, prat, uklal, where the rule is that we include other items that are similar to the prat. Therefore, we will include all other limbs whose destruction creates an exposed mum and which will not regenerate.
 - **Q:** Maybe we should say that just as a tooth and an eye upon destruction can no longer do their obvious function, so too, only a limb that can no longer do its obvious function can set him free? However, a Braisa says that if a master pulls the beard of his slave and dislocates a bone in the jaw, the slave goes free. Now, this bone has no obvious function, and as such should not set him free!? **A:** The words “lachafshi yishalchenu” are actually a “ribuy”, and when darshened, it teaches to include all limbs, even those without obvious functions.
 - **Q:** If it is to be darshened as a ribuy, then even if the injured limb will regenerate itself he should go out free, and a Braisa clearly says that this is not the case!? **A:** If that were true, what would the pesukim of tooth and eye be teaching?
- A Braisa says, **R' Shimon** says, a slave goes out free for destruction of any of the 24 limbs, but he would still be required to get a shtar shichrur in order to marry a Jewish woman. **R' Meir** says he would not need a shtar shichrur. **R' Eliezer and R' Akiva** hold like **R' Shimon**, and **R' Tarfon** holds like **R' Meir**. Those who decide matters before the **Chachomim** said, **R' Tarfon's** view seems correct when dealing with the actual tooth or eye, since they are specifically written in the Torah, and the view of **R' Akiva** seems correct for the other limbs, since it is based on a penalty of the **Chachomim**.

- **Q:** It is a drasha in the pasuk, not a penalty of the **Chachomim!**? **A:** They meant that since it is based on a drasha, and is not explicit in the pasuk, they required a shtar shichrur so that the master not be able to later claim that the slave is not free.
- **Q:** What is the reason for **R' Shimon's** view? **A:** He learns a gezeira shava on the word "send" from a woman. Just as a woman is released from her marriage only with a shtar, a slave is also only released from his servitude with a shtar.
 - **R' Meir** would say, since the pasuk says "lachafshi yishalchenu" (putting "lachafshi" first), it teaches that he goes out fully free without a shtar.
- A Braisa says, if the master hit the slave in the eye and blinded him, or on the ear and made him deaf, the slave would go out free. However, if he hit a wall near the slave's eye and that caused him to become blind, or if he hit a wall near his ear and caused him to become deaf, he would not go out free.
 - **Q: R' Shemen** said to **R' Ashi**, does this mean that a sound is considered to be insignificant in causing the injury? **Rami bar Yechezkel** taught a Braisa and we have learned elsewhere as well, that if an animal breaks keilim based on its yells, the owner must pay. This shows that sounds are considered to be significant in causing damage and injury!? **A: R' Ashi** said, a person is different, because he has intellect, and as such it is he who allows himself to be scared and causes the injury upon himself. In fact, a Braisa even says that if someone yells into another person's ear and causes him to become deaf, he would be patur.
- A Braisa says, if the master hit the slave's eye and caused his vision to become impaired, but did not blind him, or if he hit his tooth and caused it to become loose, but it did not fall out, then the halacha is that if the eye or tooth still have enough function to be used, the slave would not go out free. If not, the slave would go out free. Another Braisa says, if the slave's vision was already impaired and the master then fully blinded it, or if his tooth was already loose and the master then knocked it out, the halacha is, if he was able to use the eye and the tooth before the total destruction, he would go out free. If he was not able to use it before the total destruction, the destruction would not set him free.
 - Both these Braisos are necessary. If we would only have the first Braisa, we would say that in that case he goes out free, because the slave had a healthy eye or tooth, but in the second Braisa, where it was anyway impaired, even total destruction would not set him free. If we would only have the second Braisa, we would say only in that case he goes out free, because he has caused total destruction. However, in the first Braisa, where he did not cause total destruction, he would not go out free. Therefore, both Braisos are needed.
- A Braisa says, if a slave's master was a doctor, and the slave asked him to apply medicine to his eye, and in the process of doing so the slave was blinded, or he asked him to scrape around his tooth, and in the process the tooth was knocked out, in both of these cases the slave can laugh at his master and he goes out free. **R' Shimon ben Gamliel** says, the pasuk of "vishichasah" teaches that a slave does not go free unless the master intended to destroy the eye or tooth.
 - **Q:** What do the **Rabanan** darshen with this word? **A:** They use it for the drasha of **R' Elazar** in a Braisa, who says that the pasuk teaches that the slave only goes out free if the master intended to do something to the eye or tooth, whether beneficial or not, and in that action destroyed the eye or tooth. It is only then that the slave will go free. However, if for example, the master was helping his maidservant to deliver a baby, and while doing so accidentally blinded the baby, the baby would not go free.
 - **R' Shimon ben Gamliel** says, the pasuk could have said "vishicheis" and instead said "vishichasa". The extra "hey" teaches another drasha. The **Rabanan** don't darshen the extra "hey".
- **R' Sheishes** said, if a slave was already blind and the master knocked the eye out of its socket, the slave would go out free, because the master has now made the slave to be missing a limb. We can see this from a Braisa as well. The Braisa says that a bird that is valid as a korbon even if it has a mum, but if it is missing a limb (such as if its eye was knocked out of its socket) it would become passul. The same concept would therefore apply to a slave and would set him free.
- **R' Chiya bar Ashi in the name of Rav** said, if a slave had an extra finger and the master cut it off, the slave would go out free. **R' Huna** said, that is true only if the extra finger was in line with his other fingers.