



Daf In Review – Weekly Chazarah

Maseches Kiddushin, Daf כ – Daf כו

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

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- A Braisa says, the pasuk says “ihm b'gapo yavo b'gapo yeitzei”. This means, that if he enters servitude with his body intact, he must leave with his body intact. **R' Eliezer ben Yaakov** says, this means if he enters servitude alone, he must leave alone.
 - **Q:** What does it mean that if he enters servitude with his body intact, he must leave with his body intact? **A: Rava** said, this means that he is not freed if the master knocks off one of his limbs.
 - **Q: Abaye** asked, that is learned from “lo seitzei k'tzeis ha'avadim”!? **A:** Based on this pasuk alone we would think he doesn't go out like a non-Jewish slave (who goes out free if his limb is knocked off), rather he is paid the value of the limb and *then* goes out free (and in that way is different than the non-Jewish slave). The other pasuk therefore teaches that he does not go out free at all based on injury of the limb.
 - **Q:** What does it mean that if he enters servitude alone, he must leave alone? **A: R' Nachman bar Yitzchak** said, this means that if he had a wife and children before he became a slave, his master may give him a non-Jewish maidservant to marry. If he came into servitude single, he may not be given a wife.
- A Braisa says, if an eved ivri was purchased for a maneh, and his value then increased to 2 maneh, how do we know that for purposes of graon kesef we use the original purchase price? We learn this from the pasuk of “mikesef miknaso” (from the purchase price). If he was purchased for 2 maneh and his value then decreased to one maneh, how do we know that for purposes of graon kesef we use the lower, decreased value? We learn this from the pasuk of “kefi shanav” (which suggests that we look at his current value). We would think that this only applies to a Yid who was sold to a goy, since the goy is put at a disadvantage regarding the halacha that a relative may redeem the Yid, he is also put at a disadvantage regarding these circumstances as well. How do we know the halachos in these circumstances apply to a Yid sold to a Yid as well? We learn this from the gezeirah shava on the word “sachir”.
 - **Q:** One of the **Rabanan** asked **Abaye**, why do we darshen these pesukim as a kulah for the eved ivri, maybe we should darshen then I'chumra (that he has to pay graon kesef on the higher value)? **A: Abaye** said, we find that the Torah was lenient with the eved ivri in other areas, so it must be that the Torah meant to be meikel here as well. We find this in a Braisa, which teaches that one must give food and drink and bedding to the eved ivri of equal quality to what the master himself has.
 - **Q:** Maybe the Torah is only meikel with the eved ivri in matters of physical comforts, but with regard to redemption the Torah is machmir? The reason to say so would be based on a Braisa in which **R' Yose the son of R' Chanina** says that the cause of one becoming poor to the point of having to sell himself is the aveirah of dealing with the produce of shmitta! **A: Abaye** said, the Torah tells us that even if the person is forced to sell himself to the avodah zara itself, there is an obligation to redeem him. We see that Torah has pity on the eved ivri, and therefore it must be that the pesukim teach to allow him to use the lower valuation for purposes of graon kesef.
 - **Q:** Maybe there is an obligation of redemption so that he not assimilate with the goyim, however, regarding the redemption payment we are machmir based on the reason of **R' Yose the son of R' Chanina**!? **A: R' Nachman bar Yitzchak** said, the reason we are meikel for the eved ivri is based on the words of the pasuk. The pasuk of “mikesef miknaso” says “ihm ohd rabos bashanim” (if there is a lot left to the years), and the pasuk of “kefi shanav” says “v'ihm me'aht nishar bashanim” (if there is a small amount left to the years). Now, are there years that are longer and years that are shorter!? Of course not. Rather, the pasuk means that if the *value*

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became a lot, we are to look at the purchase price, and if the *value* became little, we are to look at the current value.

- **Q:** Maybe the pesukim are simply saying that if there are many years left to his servitude (e.g. there are still 4 years left) you pay for that proportionate amount of the purchase price, and if there are only a few years left (e.g. there are only 2 years left) then you pay off the remaining years. The pesukim are simply giving examples of how the amount is calculated!? **A:** If that is what the pesukim were teaching the pesukim should say “shanim”. Instead, the pesukim say “bashanim”, which is better understood as referring to the increasing or decreasing value of the eved ivri.
- **R’ Yosef** said, **R’ Nachman bar Yitzchak** has darshened these pesukim in the way they were meant to be understood when given on Sinai.
- **Q: R’ Huna bar Chinina** asked **R’ Sheishes**, if a Yid is sold to a goy, may he be partially redeemed or not? Do we learn a gezeira shava on the word “ge’ulaso” from a field, and just as a field cannot be partially redeemed so too this eved ivri cannot be partially redeemed, or maybe we say that a partial redemption is allowed when it is a leniency for him, and not when it is a stringency for him? **A: R’ Sheishes** said, just as we said (earlier) that he is only sold for his stealing when his value is not more than the value of the stolen items, because he must be sold in total, and not in part, here too we will say that he must be redeemed in total, and not in part.
 - **Abaye** said, if we allow partial redemption, it can lead to a leniency and to a stringency. An example of it leading to a leniency would be if the eved is purchased for 100 zuz, and the master is then immediately given 50 zuz as partial redemption. If the partial redemption is effective, then even if his value goes up to 200 zuz, since half was already redeemed, he only needs to give another 100 zuz for full redemption. However, if the partial redemption is not effective, then he must give another 150 zuz to achieve full redemption.
 - **Q:** We have previously said that the eved must only pay the lower of the purchase price or the current value, so why would he ever have to pay his increased value!? **A:** The case must be where he was purchased for 200 zuz, his value went down to 100 zuz, at which time he gave 50 zuz for partial redemption, and his value then went back up to 200 zuz. In this case, if he had not given any money previously, he would now have to give 200 zuz, because the current price does not exceed the purchase price. Therefore, if the partial redemption is effective, it is a leniency, because he only needs to give another 100 zuz.
 - **Abaye** continues and says, an example of it leading to a chumra would be where he was purchased for 200 zuz and immediately gave 100 zuz as a partial redemption, and his value then dropped to 100 zuz. If the partial redemption is effective, he would still need to give another 50 zuz to be fully redeemed. If the partial redemption is not effective, the original 100 zuz that he gave will now serve as the full amount of redemption.
- **Q:** The halacha is, if a person sells his house in a walled city, he may redeem it for one year. After that time it forever remains the property of the buyer. **R’ Huna bar Chinina** asked **R’ Sheishes**, may the house be partially redeemed or not? Do we learn a gezeira shava on the word “ge’ulaso” from a field, and just as a field cannot be partially redeemed so too this house cannot be partially redeemed, or maybe we say that partial redemption is only invalid where the Torah specifically says so, and otherwise it is valid? **A: R’ Sheishes** said, we can learn from the drasha of **R’ Shimon** that the house can be redeemed with borrowed money (which is something that is not allowed for a sold field) and can be partially redeemed. In a Braisa **R’ Shimon** says, the pasuk of “ihm go’el yigal” teaches that if a person made his field hekdesch (in which case, if he does not redeem it before Yovel it becomes the property of the Kohanim forever) he may redeem it with borrowed money and may partially redeem it as well. The reason these things are allowed regarding this field but not for the field that is sold is because the field that is sold will anyway come back to him at Yovel. Therefore, we are stricter regarding its redemption. However, the field that was made hekdesch stands to be lost forever, and therefore we allow it to be redeemed even with borrowed funds and even partially. Now, this same logic can be applied to a house of a walled city that was sold. Since it stands to be lost forever, we allow it to be redeemed even with borrowed funds and even partially.

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- **Q:** Another Braisa clearly says that a house in a walled city that is sold may not be redeemed with borrowed money and may not be redeemed partially!? **A:** This second Braisa follows the view of the **Rabanan** (who don't darshen the reason for pesukim, and therefore we don't say that since the Torah allows this by a field that was made hekdesch, and since the same reason applies to a house of a walled city that was sold, we allow the borrowed funds for redemption and partial redemption after sale of this house as well), whereas the earlier Braisa follows **R' Shimon** (who does darshen the reason for pesukim and therefore does apply similar logic to a place where the same reason should apply).
 - **Q:** One Braisa says a house sold in a walled city can be redeemed with borrowed money and can be partially redeemed, and another Braisa says that it cannot be done in either of those ways!? **A:** The first Braisa follows **R' Shimon** and the second one follows the **Rabanan**.

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- The previous Gemara darshened a kal v'chomer to teach that a field that was given to hekdesch cannot be redeemed with borrowed money or be partially redeemed. The Gemara tried refuting that kal v'chomer and then reestablished it by saying that a house in a walled city that is sold, although it can be redeemed immediately, it may still not be redeemed with borrowed money or be partially redeemed.
 - **Q: R' Acha the son of Rava** asked **R' Ashi**, maybe the house in the walled city is treated stringently because we find that the Torah is more stringent regarding it, in that it can only be redeemed for one year. However, a field that was made hekdesch, since it can be redeemed until Yovel, maybe it can also be redeemed with borrowed money or partially be redeemed? **A: R' Acha Saba** said to **R' Ashi**, we will learn the halacha with a tzad hashava. The common ground between redeeming a field that was sold and a house of a walled city that was sold is that they are both able to be redeemed, and neither of them could be redeemed with borrowed money or be partially redeemed. We can say that a field given to hekdesch fits into this group as well, and therefore also cannot be redeemed with borrowed money or partially be redeemed.
 - **Q: Mar Zutra the son of R' Mari** asked **Ravina**, we can ask that the common ground between the sold field and the sold house is that they both cannot be redeemed in the second year after the sale (the field cannot be redeemed until after 2 years of the sale, and the house may only be redeemed in the first year), whereas a field given to hekdesch may be redeemed immediately, so maybe it can also be redeemed with borrowed money or be partially redeemed!? **A: Ravina** said, we see that an eved ivri sold to a goy may be redeemed immediately and still he may not be redeemed with borrowed money or be partially redeemed. So we see that immediate right to redemption does not allow something to be redeemed with borrowed money or be partially redeemed.
- **Q: R' Huna bar Chinina** asked **R' Sheishes**, may relatives redeem a house that was sold in a walled city or not? Do we learn the gezeirah shava of "ge'ulaso" from a sold field, and just as the field may not be partially redeemed, but may be redeemed by relatives, so too the house may not be partially redeemed, but may be redeemed by relatives, or do you say that the gezeirah shava only comes to teach regarding partial redemption, and that's it? **A:** He answered, it may not be redeemed by relatives.
 - **Q:** A Braisa says, the pasuk of "b'chol...geulah titnu" teaches to include redemption by relatives in the case of houses and eved ivri. Presumably, this is referring to a house in a walled city, and we see that it may be redeemed by relatives!? **A:** It is referring to houses in an unwalled city.
 - **Q:** We don't need a pasuk for a house in an unwalled city, because it is clearly dealt with in the pasuk "ahl sdei haaretz yeichashev", which teaches that it is treated like a regular field!? **A:** The Braisa is following **R' Eliezer** from another Braisa where he says that the pasuk of "b'chol...geulah titnu" teaches that there is an obligation for relatives to redeem a field that was sold.
 - **Q: Ravina** asked **R' Ashi**, if we say that the pasuk comes to include a house sold in a walled city, I understand the pasuk's use of the word "v'chol". However, if the pasuk is only coming to include a house in an unwalled city, why does the pasuk use the word "v'chol"? **KASHYEH**.

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- **Q: Abaye** asked, a Braisa says, the pesukim regarding an eved ivri sold to a goy says “yigalenu” three times, to teach that all redemptions are done like this. Presumably, this means to include the redemptions of a house in a walled city and of an eved ivri sold to a Yid, that they may both be redeemed by relatives!? **A:** It comes to include the redemptions of a house in an unwalled city and of a field.
 - **Q:** Those are learned from a clear pasuk!? **A:** It is needed to teach the halacha of **R’ Nachman bar Yitzchak**, that the obligation falls on the closer relative first.
 - The halacha of **R’ Nachman bar Yitzchak** was taught regarding the following.
 - **Q:** The question was asked, can an eved ivri sold to a Yid be redeemed by relatives according to the **Rabanan**? We have the gezeira shava of “sachir” to learn from the eved ivri sold to a goy, but maybe we also learn from “yigalenu” that relatives only redeem by the eved ivri sold to a goy? **A:** The Braisa says the pasuk of “b’chol...geulah titnu” teaches to include redemption by relatives in the case of houses and eved ivri. Presumably, this is referring to an eved ivri sold to a Yid, and we see that it may be redeemed by relatives!? **A:** It is referring to an eved ivri sold to a goy.
 - **Q:** A clear pasuk teaches that such an eved is redeemed by relatives!? **A:** The pasuk of “b’chol” teaches that redemption by relatives is an obligation.
 - **Q:** A Braisa says the pesukim regarding an eved ivri sold to a goy says “yigalenu” three times to teach that all redemptions are done like this. Presumably, this means to include the redemptions of a house in a walled city and of an eved ivri sold to a Yid, that they may both be redeemed by relatives!? **A:** It comes to include the redemptions of a house in an unwalled city and of a field.
 - **Q:** Those are learned from a clear pasuk!? **A:** **R’ Nachman bar Yitzchak** said, this teaches that the obligation falls on the closer relative first.

V’HANIRTZA NIKNEH BIRTZIA

- This is based on the pasuk of “v’ratza adonav es azno bamartzei’ah...”

V’KONEH ES ATZMO BAYOVEL UVIMISAS HA’ADON

- The pasuk says “va’avado”, which teaches that he does not serve the son or daughter, and “l’olam” teaches that he serves until Yovel.
- A Braisa says, the pasuk says “martzeya”, which would seem to teach that only an awl (pointed tool used for making holes) may be used to pierce his ear. **R’ Yose the son of R’ Yehuda** says, the pasuk therefore says “v’lakachta” to teach that anything that can be taken in the hand may be used. **Rebbi** says, just as an awl is made of metal, so too any tool that is used for this must be made of metal. **Another** drasha is, “hamartzeya” teaches to allow the use of the large awl. **R’ Elazar** said, **Yudin Beribi** darshened, when they pierce the ear they pierce only the earlobe. The **Chachomim** say, an eved ivri who is a Kohen may not become a nirtza because it would make him a baal mum. Now, a hole in the earlobe would not make him a baal mum. It must be that they hold the piercing was done to the upper part of the ear.
 - **Q:** What is the machlokes between **R’ Yose the son of R’ Yehuda and Rebbi**? **A:** **Rebbi** darshens with a klal uprat – “v’lakachta” is a klal, “martzeya” is a prat, “b’azno uvadeles” is another klal. Therefore we have a klal, prat, uklal, in which case we can only include other items similar to the prat. Therefore, just as the prat is made of metal, so too any tool used must be made of metal. **R’ Yose the son of R’ Yehuda** darshens with a ribuy umiut – “v’lakachta” is a ribuy, “martzeya” is a miut, “b’azno uvadeles” is another ribuy. Therefore we have a ribuy, miut, v’ribuy, in which case we include all other items and exclude only one. Therefore we will only exclude making the hole using a liquid of some sort.
 - **Q:** How does the word “hamartzeya” teach to include the large awl? **A:** As **Rava** once said, that the word “hayareich” refers to the important of the thighs, so too “hamartzeya” refers to the distinguished of the awls (the large one).
 - **Q:** Why do the **Chachomim** say a Kohen cannot become a nirtza because it will make him a baal mum? What is wrong with him becoming a baal mum? **A:** **Rabbah bar R’ Sheila** said, the pasuk says “v’shav ehl

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mishpachto”, which teaches that he is to be returned to the full status of his family, and if he becomes a baal mum he would not be able to do the Avodah.

- **Q:** Can the master of an eved ivri who is a Kohen give the eved a non-Jewish slave to marry? Maybe he is like any other Yid and can be given one, or maybe since he has many extra mitzvos, he is not to be given such a woman as a wife? **A: Rav** said it is mutar to give him this wife, and **Shmuel** said it is assur.
 - **Q: R’ Nachman** asked **R’ Anan**, why didn’t you ask **Shmuel**, the **Rabanan** in the Braisa said a Kohen cannot become a nirtza because it would make him a baal mum. Now, if **Shmuel** is correct, the reason he cannot become a nirtza is because he cannot say “ahavti es adoni es ishti v’es banai”!? To this question there is no answer.
- **Q:** May a Kohen marry a “yefas toar” (a non-Jewish woman that he captured at war)? Maybe he is like any other Yid and can marry her, or maybe since he has many extra mitzvos, he may not? **A: Rav** said it is mutar and **Shmuel** said it is assur.
 - All would agree that the first bi’ah with her is mutar for the Kohen, because the Torah was only matir her with realization that the yetzer harah may be too strong to fight, and a Kohen is subject to the same yetzer harah. The machlokes is only regarding the second bi’ah. In that case **Rav** says it is mutar, for once she becomes mutar to him she becomes fully mutar to him and **Shmuel** says it is assur, because she becomes a geyores, who is assur for a Kohen to marry.
 - **Others** say that all would agree that the second bi’ah is assur because she is a geyores, who is assur for a Kohen to marry. The machlokes is regarding the first bi’ah. In that case **Rav** says it is mutar because the Kohen has the same yetzer harah as everyone else, and **Shmuel** says it is assur because he cannot fulfil the pasuk of “vahaveisa ehl toch beisecha” (he cannot marry her), and therefore is not included in the parsha of yefas toar.
- A Braisa says, “v’ra’isa bashivya” teaches that the Yid must have seen her and been attracted to her at the time of her capture. “Eishes” teaches that she is mutar even if she was married. “Yefas toar” teaches that the Torah allowed this only out of realization for the strength of the yetzer harah. “V’chashakta” teaches that she is mutar even if she is not beautiful. “Bah” teaches that he may only take one yefas toar, not two. “V’lakachta” teaches that kiddushin with her will be effective even though she may not be a full-fledged geyores. “Lecha l’isha” teaches he cannot take two even if he plans on keeping one for himself and giving the other to someone else. “Vahaveisa” teaches that he may not have bi’ah with her during the war, only later on.

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- 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’eved” – 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’eved”. 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”.

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- **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.

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- **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.

-----Daf ל"ג-----23-----

V'KONEH ES ATZMO B'KESEF...

- **Q:** **R' Meir** in the Mishna seems to hold that money can be used only through other people, but not through money given on his own. What are the circumstances of the case? It can't be where other people are freeing the slave without his knowledge, because **R' Meir** holds that it is considered a bad thing for the slave to be set free and therefore could not be done without his knowledge. Rather, it must be that it is being done with his knowledge, and the chiddush is that it can only be done by other people, because he holds that it is impossible for the slave to have any money that does not belong to the master. If so, why does **R' Meir** say that if he is freed with a shtar it must be given to him, which suggests that it can't be given to someone else? If it is being done with his knowledge, why can't someone else accept the shtar for him? You can't say that **R' Meir** means to say that he can *even* accept the shtar on his own, and the chiddush would be that he is koneh his hand and the shtar at the same moment, because a Braisa clearly says that **R' Meir** says that a shtar can only set him free when it is accepted by him directly!? **A:** **Abaye** said, the case is where he was freed without his knowledge. However, since he can be acquired with money against his will, he can also be freed with money against his will.
 - **Q:** If so, the same should be said about shtar!? **A:** The purchase shtar and the shtar shichrur are very different, and therefore cannot be compared in this way.
 - **Q:** The money used for purchase and the money used for freedom are also very different!? **A:** The coins are the same and there is no noticeable difference between the two.

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- **A: Rava** said, when it comes to money, it is the acceptance of the master that sets him free, and it can therefore be done without the slave's consent. Regarding shtar, it is the acceptance by the other people on behalf of the slave that sets him free, and that can only be done with his knowledge and consent.

VACHACHOMIM OMRIM B'KESEF AHL YIDEI ATZMO

- **Q:** The **Rabanan** seem to say that he can be freed if he himself gives the money, but not by having other people give the money for him. Why would this be? You can't answer that the case is that it was done without his knowledge, because the **Rabanan** hold that it is a good thing for him to be freed, and as such it can be done on his behalf without his knowledge!? You can't say that they mean to say that he can *even* free himself on his own, and surely other can give money on his behalf, and the chiddush is that a slave is able to acquire money without it belonging to his master, because the end of the Mishna says he can be freed with a shtar on his behalf, but can't accept a shtar on his own. Now, we pasken that he can accept a get on his own, because he acquires his hand and the shtar at the same moment!? If you will say that the Mishna means that he can *even* be freed with a shtar given to others on his behalf, and the chiddush is that it is considered a good thing for him to be freed, then the **Rabanan** should have taught the cases of money and shtar in one case – he can be freed with money or with shtar, either directly on his own or given/accepted on his behalf!? **A:** We must say that **Rabanan** hold that money can be given from his own or by others on his behalf, whereas a shtar can only be accepted on his behalf by others, but not by himself, and that statement regarding shtar is following **R' Shimon ben Elazar**, who says so in a Braisa.
 - **Rabbah** explains, the view of **R' Shimon ben Elazar** is based on a gezeirah shava on the word "lah", learned from a woman. Just as by a woman her get is only effective if it leaves the reshus of the husband, so too by a slave, the get shichrur will only be effective when it leaves the reshus of the master, and giving it to the slave himself does not accomplish it leaving the reshus of the master.
 - **Q: Rabbah** asked, according to **R' Shimon ben Elazar**, can a slave appoint a shaliach to accept the shtar on his behalf? On the one hand, the gezeirah shava should teach that just as a woman may appoint such a shaliach, the slave should be able to do so as well. On the other hand, maybe a woman can do so because she has the ability to accept the get on her own, but a slave who does not have the ability to accept the shtar can't appoint a shaliach either. What is the halacha? **A: Rabbah** answered, the gezeirah shava will teach that he can appoint a shaliach.
 - **Q:** We have learned that **R' Huna the son of R' Yehoshua** said that Kohanim must be considered to be the sh'luchim of Hashem (when they bring korbanos), because since we (non-Kohanim) ourselves can't bring korbanos, we wouldn't be able to have a shaliach do it for us. According to what **Rabbah** just said, we see that a person can appoint a shaliach to do something for him that he himself could not do!? **A:** There is a difference between these cases. A non-Kohen has no connection to bringing korbanos at all, and therefore cannot appoint a shaliach to do so. A slave does have the ability to accept a shtar shichrur on behalf of another slave of another master, and therefore he is considered to be connected to the concept of shtar and can appoint a shaliach to accept a shtar on his behalf.

UVILVAD SHEYIHEI HAKESEF MISHL ACHEIRIM

- **Q:** Maybe we should say that the machlokes is that **R' Meir** holds a slave cannot acquire anything without his master having rights to it and similarly a wife cannot acquire anything without her husband having rights to it, whereas the **Rabanan** hold that a slave can acquire something without his master having rights to it and similarly a wife can acquire something without her husband having rights to it? **A: Rabbah in the name of R' Sheishes** said, it may be that all agree that a slave cannot acquire anything without his master having rights to it and similarly a wife cannot acquire anything without her husband having rights to it, and the case in the Mishna is where a person gave money to the slave on the condition that his master have no rights to the money. In that case **R' Meir** holds that the slave acquires the money, but the condition is meaningless and therefore the master acquires the money, and the **Rabanan** hold that the condition is valid, and therefore the master does not get any rights in the money.
 - **R' Elazar** says, in this case all would agree that the master would get rights to the money. The case of the Mishna is where a person gave money to the slave and gave it on the condition that it be used to

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gain his freedom. In that case **R' Meir** holds that the slave acquires the money, but the condition is meaningless and therefore the master acquires the money, and the **Rabanan** hold that the slave does not acquire the money at all, because it was given for his freedom, not to him, and therefore the master is not automatically koneh the money, and it can therefore be used to gain his freedom.

- **Q:** A Braisa says, a woman may not redeem maaser sheini without adding a fifth of the value (which is what must be done when the owner of the maaser sheini is redeeming it himself), and **R' Shimon ben Elazar in the name of R' Meir** says that a woman does redeem without adding a fifth. Now, what is the case of the Braisa? If she is using her husband's money and it is her husband's maaser, then she is simply being his shaliach, and all would hold that she must add a fifth!? If she is using her own money (from her nichsei melug) and it is the husband's maaser, then all would learn from the pasuk that says "ish" that she would not have to add a fifth!? Rather, we must say that the case is where someone else gave her money on the condition that it be used to redeem the maaser, and we see that the **Rabanan** (the **T"K**) hold that the husband would acquire the money and **R' Meir** says that he would not. This is a contradiction to their views regarding the parallel case of the slave, above!? **A: Abaye** says we must flip the shitos in the Braisa. **Rava** says the Braisa is discussing maaser that was inherited by the woman from her father. **R' Meir** holds (like he does elsewhere) that maaser is considered to be the property of Heaven, and therefore the husband does not acquire this from his wife, therefore when she then uses his money to redeem the maaser she does not pay a fifth, because he is not the owner. The **Rabanan** hold that maaser sheini is considered to be the property of the person, and therefore, as soon as she acquires it, it becomes the property of the husband, and therefore, when she then uses his money to redeem it, she must add a fifth since she is simply his shaliach.

-----Daf טו--24-----

- 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

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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” is 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

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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.

-----Daf דב-----25-----

- The Elders of the city of Nezonian did not go to the shiur of **R' Chisda**. **R' Chisda** told **R' Hamnuna** to go and put them in cheirem. **R' Hamnuna** went and asked them why they had not shown up to shiur. They said, why should we come when we ask questions and don't receive answers? **R' Hamnuna** said to them, have you ever asked me a question and not been answered? They then asked him, if a master makes his eved into a sris by the beitzim, is it considered an exposed mum, and he would go free, or not? **R' Hamnuna** did not know what to answer. They said to him, your name should be Karnuna (a more derogatory name) rather than Hamnuna. He then went back and told **R' Chisda** what happened. **R' Chisda** told him, that question can be answered from a Braisa. A Mishna says regarding a certain halacha of tzaraas that there are 24 limbs to which this halacha applies – the tips of the 10 fingers and 10 toes, the tips of the ears, the tip of the nose, and in a man the tip of his eiver, and in a woman the tip of her dadim. **R' Yehuda** says that the tips of a man's dadim are also included in the halacha. A Braisa then says, the loss of any of these would cause a slave to be set free. **Rebbi** adds an eved who is made into a sris. **Ben Azzai** adds the eved who loses his tongue. Now, **Rebbi** can't be referring to a sris of the eiver itself, because that is already included in the list when it says the eiver of a man. Rather, he must be referring to the sris of the beitzem. Thus we see that **Rebbi** holds it would set an eved free and the **T"K** and others hold that it would not. Therefore, the answer to the question of the Elders is that it is a matter of dispute.
 - **Q:** In the Braisa **Rebbi** said that an eved would go free for becoming a sris, and **Ben Azzai** added the case of the eved who lost his tongue. Does **Rebbi** hold that an eved would not go free for losing his tongue? A Braisa says that **Rebbi** says if the parah adumah ashes (which must be sprinkled onto the exposed part of the tamei person's body) were sprinkled onto someone's mouth, it is an effective sprinkling, and the **Chachomim** say that it is not effective. Presumably, this refers to the person's tongue, and we see that **Rebbi** considers it to be an exposed part of the body!? **A:** The “mouth” refers to the person's lips, not his tongue. The chiddush is, that although a person sometimes closes his lips so tightly that they are not visible, they are still considered to be exposed.
 - **Q:** A Braisa clearly says that **Rebbi** is referring to the tongue!? **A:** Rather, in the earlier Braisa **Rebbi** means to include a sris and one who loses his tongue, and **Ben Azzai** argues and says that only losing the tongue would set him free, not the sris. Although it would make more sense to first quote **Ben Azzai** and then quote **Rebbi** (who agrees with **Ben Azzai** and then adds an additional case), the Tanna listed it this way, because this is the order in which he heard it, and the Braisa's order is kept in the order in which it was originally heard (so that it is more easily remembered).
 - **Ulla** said, all agree that the tongue is considered exposed with regard to becoming tamei from contact with a sheretz, based on the pasuk of “asher yigah bo”, and the tongue is something that can be touched. Also, with regard to tevilah, the tongue is certainly considered to be hidden (not exposed) and

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the mikvah water need not touch the tongue, based on the pasuk of “v’rachatz bisaro bamayim”, which teaches that only something exposed like the skin must have the water touch it. The machlokes is only regarding being sprinkled upon by the parah adumah. **Rebbi** compares that case to the case of becoming tamei, and the **Rabanan** compare it to the case of tevila. They both darshen the pasuk of “v’hiza hatahor ahl hatamei”. **Rebbi** darshens that the tahor and tamei are placed together in the pasuk to teach that it should be compared to the case of becoming tamei with a sheretz. The **Rabanan** say that the pasuk then says “v’rachatz bamayim”, which teaches to compare it to the case of tevila. The **Rabanan** feel this is a more telling drasha, because it is more logical to compare the case of becoming tahor (with parah adumah) to a case of becoming tahor (by mikvah). **Rebbi** says the pasuk of parah adumah is separated with the words of “v’chibes bigadav”, and therefore the end of the pasuk (“v’rachatz bamayim”) is not part of this drasha.

- **Q:** How could we say that **Rebbi** holds that the tongue is considered like a hidden part of the body for purposes of tevila? We have learned that **Ravin in the name of R’ Ada in the name of R’ Yitzchok** said that a maidservant of **Rebbi** once realized after going to the mikvah that she was toivel with a bone stuck in between her teeth, and **Rebbi** required her to go to the mikvah again. We see that **Rebbi** holds that the water must be able to get in between the teeth, which means that the inside of the mouth is *not* considered to be a hidden place with regard to tevila!?
- A:** Although he holds that water does not need to go into the mouth, he holds that there can’t be any chatzitza in the mouth, so that water *could* reach anywhere in the mouth if it were to go in. This is based on the logic of **R’ Zeira**, when he said that a Korbon Mincha need not be fully mixed with the oil, as long as it was placed into a bowl in a way that it was possible for it to be fully mixed with the oil.
- With regard to the question of whether sris of the beitzem sets an eved free, we find that it is actually a machlokes among Tanna’im in a Braisa.

MISHNA

- **R’ Meir and R’ Eliezer** say, a large animal is acquired with “mesira” (handing over), and a small animal is acquired by lifting. The **Chachomim** say that a small animal is acquired with meshicha (pulling it).

GEMARA

- **Rav** darshened in the city of Kimchunya, a large animal is acquired with meshicha. **Shmuel** asked the talmidim of **Rav**, we have learned in our Mishna that a large animal is acquired with mesira, and **Rav** said so as well! Did **Rav** retract his position!? The Gemara says, in fact **Rav** did change his position based on the version of the machlokes in a Braisa. The Braisa says that the **Chachomim** said, large animals and small animals are acquired with meshicha, and **R’ Shimon** said that both these animals are acquired with lifting (“hagbaha”).
 - **Q: R’ Yosef** asked, according to **R’ Shimon**, how does one acquire an elephant? **A: Abaye** said, one can be koneh an elephant with chalipin, or by renting the place on which the animal stands, and thereby be koneh with kinyan chatzer. **R’ Zeira** said, the buyer brings 4 keilim and puts them under the feet of the elephant, and it is considered as if it has entered his reshus.
 - **Q:** Based on **R’ Zeira’s** method, we should learn that the keilim of the buyer can be used to be koneh in the seller’s reshus (which is a matter of dispute throughout the Gemara)!? **A:** The case would be where this is done on a side street, which doesn’t belong to the seller or the buyer.
 - **Another** way that one can be koneh an elephant would be by placing twigs on the ground and having the elephant walk up onto the twigs, thereby “lifting” the elephant.

-----Daf 16-----26-----

MISHNA

- Real property can be acquired with money, a shtar, or chazakah. Moveable property can only be acquired with meshicha.

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- Moveable property can be acquired along with real property (known as “kinyan agav”) when it is acquired with money, shtar, or chazakah. Moveable property can create an obligation to swear on real property along with its own obligation to swear.

GEMARA

- **Q:** How do we know that real property can be acquired with money? **A:** **Chizkiya** said, the pasuk says “sados bakesef yiknu”.
 - **Q:** That pasuk then says “v’kasuv basefer v’chasom”, so maybe money only works when there is a shtar along with it? **A:** Since the word “yiknu” is written only after the mention of money, the pasuk teaches that the kinyan is made with money, and the shtar is only there to evidence the sale.
 - **Rav** said, money only works in a place where there is no custom to write a shtar on the sale. If the custom is to write a shtar, the sale is not final until the shtar is written and given over. However, if the buyer specifically states that he wants to be able to choose whether the sale becomes final with the money or with the shtar, then he may do so, even if it doesn’t fit with the custom.
 - **R’ Idi bar Avin** would do this. When he would buy land he would say, if I choose to have the money finalize the sale, so be it (doing so would prevent the seller from backing out once the money was given to him), and if I choose to have the shtar finalize the sale, so be it (doing so would allow **R’ Idi** to back out until the shtar was actually handed over).
- **Q:** How do we know that real property can be acquired with a shtar? It can’t be based on the pasuk of “v’kasuv basefer v’chasom”, because we have stated that the pasuk refers to a document of proof, not of acquisition!? **A:** The pasuk says “va’ekach es sefer hamiknah”.
 - **Shmuel** said, real property can be acquired with a shtar only when the property is being transferred as a gift. However, if it is a sale, money must be given to make the acquisition effective.
 - **Q: R’ Hamnuna** asked, a Braisa says that a shtar can be used for acquisition of sale, and makes no mention of money!? **A:** He answered, the Braisa is talking about a case where the person is selling the field because of the poor quality. In that case the seller wants the sale to take effect, even without having received the money. **A2: R’ Ashi** said, the Braisa is discussing a case of a gift. The reason he made it sound like it was a sale was so that the recipient would be in a better position and could collect for the field if it was ever taken away from him.
- **Q:** How do we know that real property can be acquired with chazakah? **A:** **Chizkiya** said, the pasuk says “ushvu b’areichem asher tifastem”. In the yeshiva of **R’ Yishmael** they said we learn this from the pasuk of “virishtem osah vishavtem bah”.

V’SHE’EIN LAHEM ACHRAYUS EIN NIKNIN ELAH BIMISHICHA

- This is based on the pasuk of “v’chi simkiru mimkar la’amisecha oh kanoh miyad amisecha”. This teaches that it is acquired by being passed from “hand to hand” (meshicha).
 - **Q:** According to **R’ Yochanan**, who says that D’Orasia moveable property is acquired with money, how will he explain the Mishna? **A:** The Tanna of the Mishna only lists the kinyan that was enacted by the **Rabanan** for moveable properties – the kinyan of meshicha.

NECHASIM SHE’EIN LAHEM ACHRAYUS

- **Q:** How do we know there is the concept of “kinyan agav”? **A:** **Chizkiya** said, the pasuk says “vayiten lahem avihem matanos...ihm arei mitzuros b’Yehuda”.
- **Q:** Does the moveable property being acquired with the kinyan agav have to be piled onto the real property that is being acquired, or not? **A:** **R’ Yosef** said, a Mishna says that **R’ Akiva** says, any minute piece of land can be used for a kinyan agav. Now, if the moveable property must be piled onto the land, what can be acquired along with a minute piece of land? **A:** **R’ Shmuel bar Bisna** said, the Mishna may be discussing the case of putting a needle into that land, to be koneh the needle along with the land.
 - **Q: R’ Yosef** asked, do you think the Tanna would teach a whole case to deal with the acquisition of one needle!? **A: R’ Ashi** said, it is possible for the needle to have a precious diamond on it that is worth a lot of money.

Daf In Review – Weekly Chazarah

- **Q:** Maybe we can answer the question from the following Braisa, in which **R' Elazar** said that a person once wanted to give a lot of moveable property away, so he bought a “beis sela” of land (presumably a piece of land the size of the sela coin), and gave away hundreds of animals and barrels using a kinyan agav. Now, if the items must be piled on the land, how could all these items have fit onto this tiny piece of land!? **A:** The land was actually a large piece of land that could hold all these items. The reason it is referred to as a “beis sela” is because it was rocky land.
- **Q:** Maybe we can answer the question from the story of a person who was looking to give away a number of items, so he bought a small parcel of land and said “I hereby give this square tefach to so-and-so and with kinyan agav I give 100 animals and 100 barrels”. Now, that amount of items cannot fit onto a piece of land that small! It must be that they need not be piled up in that piece of land!? **A:** The case was where he wanted to give money equal to the value of the 100 animals and barrels. In fact, this makes sense, because if he wanted to give actual items, why was he told that the only way he could give away these items was with kinyan agav? Why couldn't he use the kinyan of chalipin? It must be that he was transferring money.
 - **Q:** If he was transferring money, why couldn't he use kinyan meshicha for the money? Why was he told that his only option was kinyan agav? It must be that the recipient was not present to make the meshicha. We can give the same answer and say that the recipient was not there to do chalipin. If so, there is no proof to say that the case is discussing the transfer of money rather than the actual items.
 - **Q:** Why couldn't he have someone else do the meshicha for the recipient? **A:** He was afraid that the person would then take the items for himself. That is what was meant that this was his “only option”, because based on the way he felt, the only option was kinyan agav.
- **Q:** Maybe we can answer the question from the story in a Mishna, where **R' Gamliel** was on a ship and realized that he forgot to take maaser off of his produce back home. He immediately designated a portion for maaser rishon and said “it is hereby given to **Yehoshua**, and the place underneath it is rented to him (so that he can be koneh it)”. He then did a similar exercise with maaser ani and **R' Akiva** (who was the “gabbai tzedakah”). Now, since he rented them the land under which the maaser was sitting, we see that the items must be piled on the land to make a kinyan agav!? **A:** It may be that he only did that so that **R' Yehoshua and R' Akiva** not feel rushed to remove the produce from his land.
- **Q:** Maybe we can answer the question from a halacha stated by **R' Chiya bar Avin in the name of R' Huna**, who said that if a seller writes a shtar of sale for a piece of land without the buyer present (which is something that may be done), as soon as the buyer makes a chazakah in the field, he is automatically koneh the shtar wherever it may be. We see that the shtar does not have to be in the field in order to be koneh it with kinyan agav!? **A:** It may be that the case of a shtar for the field is different, because the shtar is the means by which someone holds onto the land, and he is therefore koneh it without having to come onto the concept of kinyan agav.
 - **Q:** We have clearly learned that the halacha of **R' Chiya** is an example of the concept of kinyan agav!? **A:** This is a clear proof that we do not need the items to be piled onto the land for kinyan agav to be effective, **SHEMA MINAH**.