

OVERVIEW of the Daf

1) Acquiring a Jewish slave with money (cont.)

Rav Tavyomi in the name of Abaye continues to explain the second dispute in the Baraisa.

Rav Tavyomi in the name of Abaye suggests an explanation for the third dispute in the Baraisa.

Rav Tavyomi in the name of Abaye suggests an explanation for the fourth dispute in the Baraisa.

The Gemara resumes its search for the opinion that does not expound a גזירה שוה using the word שכיר.

The suggestion that the Tanna who does not expound the גזירה שוה is R' Eliezer ben Yaakov is rejected.

Tangentially the Gemara identifies the source that a נרצע goes free at Yovel.

The necessity for separate expositions to teach that a נרצע and a slave sold by Beis Din go free at Yovel is explained.

The Gemara reconciles the contradiction between the exposition that teaches that a נרצע goes free at Yovel and the verse that states that he is enslaved forever.

It is suggested that the Tanna who does not expound the גזירה שוה of שכיר is in accordance with the position of Rabbi.

R' Nachman bar Yitzchok rejects this suggestion.

The Gemara identifies the Tannaim who disagree with Rabbi.

A suggested explanation is presented of the dispute between R' Yosi HaGalili and R' Akiva.

This explanation is rejected and an alternative explanation is offered.

This explanation is also rejected and another explanation is suggested.

R' Chiya bar Abba in the name of R' Yochanan suggests that there is a view, Rabbi, who rejects the position of R' Yosi HaGalili and R' Akiva.

The Gemara begins to clarify Rabbi's perspective on the different expositions. ■

REVIEW and Remember

1. Is a person who sold himself into slavery given gifts when he goes free?
2. Why is it necessary for the Torah to teach that a נרצע and one who was sold by Beis Din go free at Yovel?
3. What is the point of dispute between R' Yosi HaGalili and R' Akiva?
4. Why, according to Rabbi, does any redemption set a slave free?

Distinctive INSIGHT

The verse is dealing with a slave whose ear was pierced (נרצע)

אמר רבא בר שילא אמר קרא "איש", איזהו דבר שנוהג באיש ואין נוהג באשה? הוי אומר זו רציעה

The Gemara determined that there are three verses which teach the law of a slave going free at yovel. They are "Until the Yovel year he shall work for you" (Vayikra 25:40). This verse speaks about a person who had sold himself as a slave. The second verse is "And he shall return to his family" (Vayikra 25:41), which deals with a person sold by the court due to a theft he could not repay. The third verse is "And you shall return each man (איש) to his inheritance, etc." (Vayikra 25:10). The Gemara concludes that this final verse is dealing with one who has had his ear pierced, and it teaches that the slave goes free upon the arrival of the yovel year, even if the ear had been pierced only two or three years earlier.

The Gemara inquires about the interpretation of the last two verses, and it asks where is it indicated in the verses that the one (25:41) is speaking about a slave sold by the court, while the other (25:10) is the one dealing with the slave with his ear pierced? Rava bar Shila answers that the final verse cited (25:10) says that "each man (איש)" is returned at yovel. What aspect of of slavery applies only to men, and not to women? It is the halacha of remaining beyond six years of one's initial term, and being subject to having one's ear pierced. This therefore indicates that this verse refers to the slave with the pierced ear.

Tosafos immediately asks that only a man is sold as a slave when he cannot pay back a theft, not a woman. The Gemara could have identified being sold by the court as the aspect of slavery which also applies to men only, and not to women. This would have undermined the answer of the Gemara completely, as the verse in Vayikra 25:10 could be dealing with one who is sold by the court! Tosafos answers that "being sold as a slave" does apply to women. Although only a man can be sold by a court, a woman can be sold by her father when she is young. Having the ear pierced, however, applies to men only, and not to women at all. This is why the verse which discusses איש best refers to having the ear pierced.

Ra'avad answers that the verse in Vayikra 25:10 actually says the word "איש" twice. Therefore, it is dealing with a situation which applies to men in two respects. One is the fact that he can be sold by the court (which in a certain regard can also apply to women), and the other aspect is where his ear is pierced when he wishes to remain as a slave beyond his initial six-year term. ■

HALACHAH Highlight

"Right hearted"

ר' אליעזר אומר מנין לרציעה שהוא באזן ימנית

R' Eliezer said, "How do we know the piercing is done in the right ear?"

The Gemara derives from a gezeirah shavah that a Jewish slave who wishes to remain in slavery should have the hole bored in his right ear. Meiri¹ comments that even someone who is a lefty will have his right ear pierced. Semag² explains that the reason for this ruling is that one ear is not stronger than the other. In other words, one should not think that the reason the Torah teaches that the right ear is pierced is that it is the stronger ear which would lead one to think that a lefty would have his left ear pierced since that is his stronger ear. Therefore, Semag explains that regardless of whether one is a righty or a lefty his hearing will be the same on both sides and it is a decree of the Torah (גזירת הכתוב) that the piercing is performed on the right ear and there is no distinction between a righty and a lefty.

There are many fascinating discussions that relate to

righties and lefties. One interesting question is whether there is a concept of a "lefty - איטר" when it comes to the heart. In other words, if a man is born with his heart on his right side rather than on his left side does this effect where he should put on his tefillin? One exposition teaches that tefillin are normally put on the left arm because that is the weaker hand but another exposition teaches that tefillin are put on the left arm because that is the arm that is closest to the heart. According to the second reason one could argue that one born with his heart on his right side would be obligated to put his tefillin on his right arm. Teshuvos Eretz Tzvi³ asserts that the placement of tefillin is not going to be changed by the location of one's heart. He demonstrates from the Gemara in Menachos (37a) that the exposition related to the tefillin being placed near the heart is only cited to teach where on the arm the tefillin are placed but it is not utilized to determine whether the tefillin are placed on the right or left arm. That matter is determined by the exposition that teaches that tefillin are placed on the weaker arm.

1. מאירי יבמות ק"ב. ד"ה חלצה.

2. סמ"ג עשין נ"ב.

3. שו"ת ארץ צבי (פראמער) סי' קט"ו. ■

STORIES Off the Daf

A cruel creditor

"ת"ל ונתן לאשר אשם לו..."

A certain man borrowed a large sum of money from an acquaintance. Sadly, he suffered some business setbacks and could not repay. The lender, a very ruthless man when it came to business, immediately confronted him.

"You borrowed the money so you must repay it by hook or by crook!"

The debtor demurred, "I am afraid I can't afford it. But you owe my father a hefty sum and he is willing to allow your debt to cancel out mine."

"Very well," the lender replied,

"but you owe me a lot more. I am sorry to say that either you will find the remaining money or you will go to debtor's prison. You borrowed it. You'd better find someone else to lend it to you to keep you out of prison."

The debtor was shocked. "Why should you be able to put me in prison just because I can't afford to pay the rest? I want to go to our moreh tzekek."

His creditor answered, "That's fine, but I only agree to allow your father's debt to cancel your debt to me on condition that you repay the rest. If we go to the moreh tzedek, I will demand the entire sum from you..."

The two went before the Divrei Rivos, zt"l. After hearing their delib-

erations, he ruled in favor of the borrower on both counts. He answered, "The debtor doesn't need your consent to cancel out his debt with your debt to his father, since we follow Rav Nosson who learns this from the verse, 'He will give to the one he sinned against,' that one person's debt cancels another. The halachah is that a debtor's assets can be used as repayment only until he is left with a certain minimum of possessions. If he doesn't have more to repay with, you cannot send him to prison if he has sworn that he doesn't have the money to repay you. Your claims are therefore invalid. He will repay when he has the money!"¹ ■

1. שו"ת דברי ריבות, סימן ש"ב