

## OVERVIEW of the Daf

### 1) Clarifying Rebbi's position

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

### 2) Acquiring a slave with a document

Ulla suggests a source for the Mishnah's ruling that a slave can be acquired with a document.

It is noted that this explanation will not work for R' Chisda's explanation.

R' Acha bar Yaakov suggests an explanation that will work for R' Chisda's position as well.

This explanation is unsuccessfully challenged.

An exchange is recorded between R' Huna and R' Chisda regarding some of the earlier mentioned expositions.

### 3) A slave's acquisition of himself

The sources that a slave goes free after six years, at Yovel and by paying the prorated value of his slavery are presented.

A Baraisa teaches that a slave can acquire himself with a document and the Gemara wonders about the circumstances of the case.

Rava explains why it is necessary for the owner to write a document, and why an oral declaration of emancipation is not sufficient.

### 4) The Jewish maidservant

Reish Lakish suggests a קל וחומר that would teach that a Jewish maidservant goes free from slavery when her father dies.

R' Hoshaya unsuccessfully challenges this assertion.

R' Sheishes unsuccessfully challenges Reish Lakish's position.

R' Amram successfully challenges Reish Lakish's assertion and the Gemara explains the flaw in his original קל וחומר.

### 5) Severance gifts

Two conflicting Beraisos are cited concerning who collects the severance gifts when a maidservant goes free – herself or her father.

One resolution is suggested that assumes Reish Lakish's principle to be correct.

An alternative resolution is offered that does not rely upon Reish Lakish's refuted principle.

The Gemara wonders why, in the first Baraisa, was it necessary for the Tanna to teach that the severance gifts are given to slaves.

R' Yosef maintains that it was indeed unnecessary whereas Abaye offers a suggestion why it was necessary.

A Baraisa is cited that discusses which slaves receive and which slaves do not receive severance gifts.

Another Baraisa is cited that provides a source for the rulings of the previous Baraisa.

The position of R' Meir in the Baraisa is clarified.

A Baraisa is cited that demonstrates that a slave who ran away is obligated to make up the time he was away. ■

## Distinctive INSIGHT

*The nature of paying הענקה after the death of the master*

מתיב רב עמרם: ואלו מעניקים להם היוצא בשנים וביובל ובמיתת האדון

The Gemara later (17b) elaborates and expounds upon the halacha of a Jewish maidservant and that she is released from her servitude with the death of her master. She does not continue to work for the son. This halacha is also in our Mishnah (14b) in reference to a slave who has had his ear pierced and is working beyond his original six-year term. The Gemara cites a Baraisa which teaches that הענקה – the financial stipend which is provided for a slave who obtains his freedom, is provided whether the slave is freed after his six-year term, with yovel, or with the death of the master.

The financial stipend for a slave who is being freed is based upon the slave's service for the master. In the case where the master dies, we find that the sons must provide this severance pay for the slave from the estate of their father. Keztos Hachoshen (39, #1) notes that according to one opinion (earlier, 13b) שיעבודא לאו דאורייתא (a lien against property for an obligation is not a Torah law). Therefore, responsibility to pay the slave, which is a debt, should not be inherited by the heirs.

Keztos answers that the obligation to provide the slave his stipend does not begin with the death of the master. Rather, we must say that the sons inherit the slave, and he is then immediately released from their ownership. It is the sons, therefore, who have a direct obligation to pay the הענקה. The Keztos, however, writes that the logic behind this explanation is not too strong.

The מקנה, however, says that a son paying the הענקה is not due to his owning the slave, but due to a שיעבוד he inherits from his father.

Kehilas Yaakov (#23) notes that the Keztos could have advanced his question even according to the opinion which holds שיעבודא דאורייתא. The only time a debt can transfer from the father to the son is when the obligation to pay has been established during the father's lifetime. It then continues and applies to his estate, and the heirs must honor it. However, הענקה is different, in that it only begins with the death of the father who owned the slave, and with the subsequent release of the slave from servitude. All opinions would have to contend with how this new payment can be transferred to the heirs.

Kehilas Yaakov explains that the obligation to provide הענקה does not begin at the moment the slave is released, but it applies already from when the slave was working, while the master was still alive. This debt can transfer to the sons. ■

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 ר' שלמה בן ר' משה זכרני ע"ה Lob

# HALACHAH Highlight

## Naming a child after one of the letters of the Aleph Beis

אמר ר' יוסף יו"ד קרת קא חזינא הכא

R' Yosef stated, "I see a 'yud' that was made into a large city."

Rashi<sup>1</sup> explains that the expression "יו"ד קרת קא חזינא הכא" means, "I see a 'yud' that was made into a large city. Aruch<sup>2</sup>, however, cites in the name of earlier commentators that the expression קרת יו"ד is the name of a person. Ritva<sup>3</sup> also maintains that קרת יו"ד is the name of a person, and specifically identifies it as the person mentioned in the Gemara Taanis (23b - 24a) who was known to be cold-hearted and did not even demonstrate compassion for his own children. Accordingly, the meaning of the expression is that the question you asked is very difficult, but it is nevertheless incorrect, similar to יו"ד קרת who was improperly tough on his children.

Rav Yosef Chaim of Baghdad<sup>4</sup>, the Ben Ish Chai, was asked an interesting question. There was a man who yearned to name his child after one of the letters of the Aleph Beis. His friends, however, discouraged him from naming his child after a letter by claiming that there is no record amongst Rishonim or Achronim that anyone named their child after a letter in the Aleph Beis. He thus inquired whether there is any reason to refrain from naming his child after a letter in the Aleph Beis. Ben Ish Chai responded that there is no reason for concern whatsoever, and as the parent he has the right to name his child as he wishes. No one can protest his choice of

# REVIEW and Remember

1. What is the source that a Jewish slave can be acquired with a document?

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2. What logic led Reish Lakish to assert that a Jewish maid-servant acquires her freedom upon the death of her father?

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3. At what age do physical signs of maturity indicate that a child has reached the stage of maturity?

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4. Which slaves do not receive severance gifts?

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a name. Furthermore, those who protest by claiming that there is no precedent to name a child after a letter of the Aleph Beis are mistaken. In addition to the explanation of Aruch and Ritva to our Gemara, we find (Pirkei Avos 5:23) a Tanna named בן הייא הייא who taught that one's reward is determined by the effort that one put into the mitzvah. We also find the Gemara (Taanis<sup>5</sup> 22b) refers to a scholar named יו"ד. ■

1. רש"י ד"ה יו"ד קרת.
2. ערוך ערך ידקרת.
3. ריטב"א ד"ה גרסת רש"י זכרונו לברכה.
4. שו"ת תורה לשמה שאלה ת"ב.
5. ע"י רש"י שם ד"ה רמי בר רב יוד. ■

# STORIES Off the Daf

## The terms of employment

"עבד עברי גופו קנוי..."

For many centuries, it was the custom for people to hire private teachers for their children. This was especially important for those who lived in distant places. If one lost his tutor, he had no guarantee that he would find another one at all. Even if he did, every day wasted was an eternal loss for his son's education. For this reason, the agreement between teacher and the student's fathers was binding for a certain period of time. A tutor could not leave until his tenure was finished.

A certain melamed was hired by a

wealthy man who was a bit particular. The wages were very good, but there were several reasons why the work was progressively more difficult for the melamed. It is therefore very understandable that when the ba'al habayis was annoyed with the melamed and told him to leave his employment, the melamed was quite happy.

After thinking it over for a day or so, the ba'al habayis cooled off. He was basically happy with his performance, and he decided that he would have to be a fool to send the melamed away. Since a long time still remained until the end of their contract, it was a big loss for him.

He summoned the melamed and told him that he had reconsidered and wished him to stay until the end of his

tenure, after all.

The melamed was not pleased. "But you told me to leave at the end of the week—and I want to leave."

The two decided to consult with the Rashba, ז"ל who ruled in favor of the ba'al habayis. "The lien the ba'al habayis has on the melamed is not dissolved by mere words. The proof to this is from Kiddushin 16. There we find that even while standing before two witnesses he told his Jewish slave to leave, the slave is not released from his obligation since his body is indebted to his master.

"Since we find a worker is compared in certain respects to a Jewish slave in Bava Metziah 12, the same holds true here..."<sup>1</sup> ■

1. שו"ת רשב"א, חלק א', סימן תתע"ג

