

OVERVIEW of the Daf

1) Applications of R' Yosi the son of R' Yehudah's position (cont.)

The Gemara continues to expound the word לאמה according to R' Eliezer. The Gemara enlightens R' Meir's opinion.

Two conflicting Beraisos are cited whether a girl may be sold to relatives.

The identity of the authors of the two Beraisos is identified.

2) The Jewish slave

A Baraisa is cited that presents a dispute about the meaning of the verse **אם בגפו יבא בגפו יצא**.

Rava explains the intent of Tanna Kamma.

Abaye unsuccessfully challenges this interpretation.

R' Nachman bar Yitzchok explained the meaning of R' Eliezer ben Yaakov's position.

3) גרעון כסף

A Baraisa discusses the method of calculating the pro-rated value of a slave.

Abaye was asked why the Baraisa expounded the verses leniently when it could have expounded them stringently as well.

Abaye explains why the verses are expounded leniently and cites a Baraisa that supports his assertion.

Abaye's explanation is challenged from another Baraisa.

In the course of citing this Baraisa the Gemara interrupts to clarify some ambiguous points.

Abaye resolves the challenge to his position.

Another challenge to Abaye's explanation is presented.

R' Nachman bar Yitzchok offers an alternative explanation of the Baraisa. This explanation is unsuccessfully challenged.

4) Redeeming a Jewish slave

R' Sheishes was asked whether a Jewish slave owned by an idolater has the option to be redeemed by halves.

The background for the question is explained.

R' Sheishes answers that a Jewish slave cannot be redeemed in halves.

Abaye explains how the previous question produces a stringency and leniency. Abaye's explanation for the lenient case is challenged and revised.

5) Partial redemption of a house

R' Sheishes was asked whether one who sold his house in a walled city can redeem that house in halves.

R' Sheishes cites an exposition of R' Shimon to demonstrate that the house in a walled city could be redeemed in halves.

R' Huna bar Chinana cites a Baraisa to challenge R' Sheishes' position. ■

Distinctive INSIGHT

Must a slave be treated better than the master himself?

מכאן אמרו כל הקונה עבד עברי כקונה אדון לעצמו

Tosafos notes that the expression "It is as if the master has acquired a master for himself" which the Gemara uses suggests that a master must treat a Jewish slave even better than he treats himself. Tosafos asks, however, why it is not sufficient for the master to treat the slave the same as he does himself. Why does the Jewish slave have to be treated better?

Tosafos illustrates that, in fact, it is necessary to sometimes give preference to the slave. For example, as the Yerushalmi points out, it may be that there is only one pillow available. If the master takes it for himself, he is not fulfilling the dictum "it shall be good for him with you." If the master decides not to use the one pillow and not to give it to the slave, this would be a selfish expression of **מדת סדום**, which is prohibited. Therefore, the master would have no choice other than to forfeit it and give it to the slave, thus resulting in the slave's being treated better than the master.

The Achronim question this ruling of Tosafos and ask why the master would have to surrender the one pillow to the slave. There is a famous opinion of Rabbi Akiva about two people who are stranded in a desert, and only one has water with which to survive. The halacha is that he must keep it for himself, as the verse states, "**וְחִי אֶחָד עִמָּךְ**—Your brother should live with you," which we understand to mean "**חֵיךְ קוֹדְמִים**" - your life takes precedence over the life of others. Similarly, we should understand the verse here which uses that same terminology – "**כִּי טוֹב לוֹ עִמָּךְ**" – to indicate that although one must support his slave, the comfort of the master should still take precedence. A number of answers are offered to deal with this question.

Maharit explains that in the case of the one container of water, if the owner would offer it to his friend, the friend would immediately find himself confronted with a situation where the original owner is now at risk of dying. He would have to fulfill the mitzvah of forfeiting the water to save him, and the flask of water would have to be returned. The scenario would then repeat itself endlessly. This is why we therefore say that the first owner should just keep it for himself. In our case, the master has to provide for the slave and give him the pillow. However, the slave has no obligation to provide for the master. It is therefore reasonable that he receive the pillow, and not have to return it to the master.

חשק שלמה explains that when being bought, the slave is in violation of the Torah's rule "**עבדי הם**." We at least afford him the one "pillow" advantage in order that in one area the slave be the "master" to his master. ■

Today's Daf Digest is dedicated

לזכר נשמת הרב הקדוש

רבי אלימלך בן הרב הקדוש רבי אליעזר ליפמאן זצלה"ה
 מליזענסק

HALACHAH Highlight

Banishing someone who may become an apostate

הואיל והלך זה ונעשה כומר לעבודת כוכבים אימא לידחי אבן אחר הנופל

Since this fellow went and became an attendant of idols I would say that we should push a stone on after the one who has fallen

Rema¹, in the name of Terumas Hadeshen² rules that when a person is deserving of banishment (נידוי) it should be pronounced even when there is a concern that the pronouncement will lead the person away from living as a Jew (יצא לתרבות רעה). Taz³ expresses astonishment regarding this halacha. How is it possible to ignore the possibility that someone will leave the path of Judasim altogether? After he quotes the source cited by Terumas Hadeshan and demonstrates that that source does not prove that a person should be banished when it may lead a person to give up his Judasim he cites our Gemara as proof to the opposite. Abaye demonstrates from a verse that even after a person's sinful ways led him to be sold as a slave, nevertheless, the Torah instructs us to be compassionate towards him and redeem him from slavery. This clearly demonstrates that one must exercise caution at the possibility of one who may abandon his Judaism. Furthermore, if the Torah instructs us to redeem someone who is already attending to idols certainly one must be compassionate and exercise concern for a person who has not yet reached that stage.

Shach⁴ writes that one could refute all the proofs offered by Taz based on the principle that since it is Beis Din's responsibility to banish this fellow they cannot be concerned with what it may lead to since this would create a slippery slope that

REVIEW and Remember

1. What is the meaning of the phrase **אם בגפו יבא בגפו יצא**?
2. What is the rationale to deal stringently regarding the redemption of a slave?
3. How is a slave redeemed by halves?
4. What is the rationale behind R' Shimon's teaching that someone can borrow money to redeem his house and that he can redeem it in halves?

would ultimately undermine the authority of Beis Din. Teshuvav Chavos Yair⁵ also disagrees with the position of Taz and refutes the proof from our Gemara and writes that since this person has not yet violated the prohibition against idolatry it is a great mitzvah to redeem him from the possession of the idolater. Pischei Teshuvah⁶ cites many other authorities who agree with Shach and Rema that the banishment should be pronounced without concern for the consequences. He also cites a teshuvah of Chasam Sofer who discusses this halacha in a case where there is a concern that the children of the one who disavows his Judaism will follow their father's path. ■

1. רמ"א יו"ד סי' שלי"ד סעי' א'.
2. תרומת הדשן פסקים וכתבים סי' קל"ח.
3. ט"ז יו"ד שם סק"א.
4. נקודת הכסף שם.
5. שו"ת חות יאיר סי' קמ"א.
6. פת"ש שם סק"א. ■

STORIES Off the Daf

Acquiring a slave, acquiring a master

"הקונה עבד עברי כקונה אדון לעצמו..."

Rav Elimelech of Lizhensk, zt"l, would often present before Hashem the positive points of the Jewish people, begging Him to have mercy, especially during the Days of Awe.

Before blowing the shofar on Rosh Hashanah he would say, "In the piyut **לא יין** we say, 'to the One who acquires his slaves in judgment, to the One who is merciful to His nation on the Day of Judgment.' I, Elimelech son

of Eliezer Lippa, give myself leave to remind You, Master of the World, the words of the sages on page 20 of tractate Kiddushin: 'Whoever purchases a slave, it as if he has acquired a master,' ... Seeing that it explicitly states in Your Torah, 'They are slaves to Me,' You are obligated to provide for all Your people's needs in accordance with the law. For You must surely fulfill the verse, '...It will be so good for him with you, he will not want to leave you...'"¹

But we find this very same expression from our Gemara used in a much lighter note as well. The Chozeh of Lublin, zt"l, enjoyed verbally sparring with one of his star pupils, Rav Tzvi Hirsch of

Ziditchov, zt"l. Once, when Rav Tzvi Hirsch was taking leave of his great Rebbe, he requested a loan for expenses on his trip home. The Chozeh acquiesced, but after he gave over the money he quipped, "Reb Hirscheleh! Now that you have fallen into my hands you are mine, for does it not say in the verse, '**עבד לוח** '?"

"On the contrary," Rav Tvi Hirsch instantly parried. "Now the Rebbe has fallen into my hands! For the Gemara in Kiddushin 20 states explicitly that one who purchases a slave for himself has actually acquired a master!"² ■

1. שרי המאה, חלק ד', עמוד 55
2. אוצר שיחות צדיקים, עמוד ר"יח