

OVERVIEW of the Daf

1) The kohen marrying the **יפת תואר** (cont.)

The Gemara concludes citing the Baraisa that expounds upon the verses related to the **יפת תואר**.

2) **נרצע**

A Baraisa is cited that discusses the statements the slave must make to become a **נרצע**.

The Baraisa's ruling, that the slave's statement made at the beginning of the six years but not at the end of the six years does not qualify the slave to be a **נרצע**, is unsuccessfully challenged.

Another Baraisa is cited that enumerates other qualifications necessary to be a **נרצע**.

R' Bibi bar Abaye inquires whether a slave can become a **נרצע** if both he and the master are ill and the matter remains unresolved.

3) The master's obligation to the slave

Two Baraisas are cited that discuss the slave owner's obligations towards his slave.

The Gemara explains the necessity of the Torah to teach that the slave owner must provide for the wife and children of the slave.

4) **נרצע** (cont.)

A Baraisa is cited that describes the piercing of the slave's ear and concludes with a philosophical perspective of why the piercing of the slave's ear is done in the way mandated by the Torah.

5) **MISHNAH:** The Mishnah discusses the method of acquisition of a non-Jewish slave and the method by which he reacquires his freedom.

(Overview...Continued on page 2)

REVIEW and Remember

1. When does the slave have to make the necessary declarations to qualify as a **נרצע**?
2. Why is buying a Jewish slave akin to purchasing a master?
3. Why is the piercing of the slaves ear done on the doorpost?
4. How does one acquire a non-Jewish slave by means of **חזקה**?

Today's Daf Digest is dedicated
 In loving memory of
מרת פייגע בת ר' דוד ע"ה
 Mrs. Florence Bodanis o.b.m

Distinctive INSIGHT

The ear that heard at Sinai...

מה נשתנה אזן מכל איברים שבגוף

R' Yochanan ben Zakkai said: This ear that heard at Sinai (Shemos 20:13) "Do not steal", and he went and he stole, and it heard (Vayikra 25:55) "For Bnei Yisrael are slaves to Me," and he went and acquired a [different] master for himself, let it be bored.

Let us analyze the comment of R' Yochanan ben Zakkai. The Torah clearly states (Vayikra 25:39) that if a person becomes destitute, he can sell himself to be a slave. Why should this be allowed, if it is in violation of the verse to be servants of Hashem alone? Furthermore, the verse which describes our being servants of Hashem alone is not speaking to the servant and prohibiting his being enslaved, but it is addressing the one who owns the slave, warning him not to treat his servant harshly. This master must know that the Jewish people are the subjects of Hashem and must not be mistreated. Accordingly, the verse cited by R' Yochanan ben Zakkai contains no warning not to sell oneself into slavery. Finally, the slave who has his ear pierced has to suffer this indignity for having heard and then ignored the prohibition at Har Sinai of "Do not steal." After stealing, he had no money to repay the theft, and the court was forced to sell him as a form of compensation for his debt. This is problematic, for our sages have taught that the utterance at Har Sinai of "Do not steal" is not referring to stealing money, but rather to kidnapping (see Rashi, Shemos 20:6). We should expect the law of piercing the ear to apply to one who kidnaps, for this is the law which was heard at Sinai, and not the case where one steals money.

Ri"f on Ein Yaakov explains that the solution to these questions is that the Torah does allow a person who has descended into poverty to sell himself to another Jew as a slave. The master who acquires him is then warned not to subject this servant to extreme work conditions, for the Jewish people are servants of Hashem and must be treated with respect. At the end of six years, this master is commanded to release his worker, and he must furnish him with a financial endowment to begin his independent life (see Devarim 15:13-14). This is the moment when this man can begin life anew, and with a fresh infusion of financial resources. However, when he chooses to remain as a slave until the yovel, it is then that his choice is in violation of the Torah's guidelines, and this is when his ear should be pierced.

Finally, when a person steals and cannot pay back, he is to be sold as part of the retribution which is appropriate for this case. When he has served his term, his punishment is over, and he should go free. When he elects to remain a slave rather than a free man, he is selling himself into servitude, and this is a form of allowing the kidnapping of his own soul. This is when he is in violation of the guidelines of the Torah of "Do not steal," and it also undermines the concept that we should be servants of Hashem alone. ■

HALACHAH Highlight

Is there a Biblical obligation to financially support one's wife?

מכאן שרבו חייב במזונות אשתו
From here we see that a slave owner is obligated to provide financial support to his slave's wife

Rav Shlomo Kluger¹, author of Chochmas Shlomo, cites authorities who maintain that a husband's obligation to support his wife is a Rabbinic obligation rather than Biblical. Chochmas Shlomo expresses astonishment that someone could subscribe to such a position when our Gemara indicates that a husband is Biblically obligated to support his wife. The Gemara deduces from the language of the pasuk that states that the slave's wife will leave servitude with him that while the slave was in servitude the slave owner was obligated to provide her with financial support. This clearly indicates that the husband was Biblically obligated to provide financial support for his wife for if that was not the case, how could the slave owner carry a greater obligation than the husband?

Rav Ovadiah Yosef² takes note of the fact that Ramban³ in his commentary to the Torah already addressed that question. Ramban writes that even though a man's obligation to financially support his wife is only Rabbinic, nonetheless, since the common practice is that husbands support their wives Hashem commanded the slave owner to behave like a compassionate father to the wife and children of his slave. Proof to the explanation of Ramban can be found in our Gemara as well. The Gemara expounds another phrase to teach that the slave owner is obligated to financially support the child of the slave as well. Certainly the obligation of a father to support his children is only Rabbinic and nonetheless the Torah can create an obligation upon the slave owner to provide for his slave's children.

Rav Ovadiah Yosef continues to analyze the different sources

(Overview...Continued from page 1)

6) The acquisition of a non-Jewish slave

The Gemara cites the source that teaches the methods of acquiring a non-Jewish slave.

This derivation is unsuccessfully challenged.

A Baraisa maintains that a non-Jewish slave could also be acquired with chalipin.

The reason the Tanna of our Mishnah did not include this method of acquisition is explained.

Shmuel asserts that a non-Jewish slave could be acquired through משיכה.

The Gemara explains why the Tannaim of the Mishnah and Baraisa did not mention this method.

The method of משיכה described by Shmuel is unsuccessfully challenged.

7) Acquiring a slave with chazakah

A Baraisa explains how a slave is acquired with chazakah.

R' Ashi clarifies a point in the Baraisa.

The Gemara explores the possibility that cohabitation with a female slave will constitute an act of acquisition by means of chazakah but the suggestion is rejected.

A related incident is recorded. ■

and opinions that weigh in on whether a husband is Biblically or Rabbinically obligated to provide financial support for his wife and concludes that the obligation is only Rabbinic⁴. This question is extremely important when a Beis Din has to issue a ruling regarding a dispute whether a woman deserves financial support from her husband as there are numerous issues that depend upon whether it is a Biblical or Rabbinic obligation⁵. ■

1. חכמת שלמה אה"ע סי' ס"ט.
2. שו"ת יביע אומר ח"ג אה"ע סי' י"ד אות ה'.
3. רמב"ן על התורה ר"פ משפטים.
4. שו"ת יביע אומר הנ"ל אות י'.
5. שו"ת יביע אומר הנ"ל אות י"א והלאה. ■

STORIES Off the Daf

"The ear that heard my voice on Mount Sinai..."

"אזן ששמעה קולי על הר סיני בשעה שאמרתי כי לי בני ישראל עבדים...ירצעו"

The Mashgiach of Gateshead Yeshiva, Rav Moshe Schwalb, zt"l, would often say in the name of the Ponevezher Rav: "From Kiddushin 22 we can learn the importance of even the lowliest Jew. There we find that Rabban Yochanan ben Zakai explains that we do נרצע specifically on the ear since Hashem says, 'The ear that heard on Har Sinai that they are My slaves and not

slaves of slaves acquired a different master? Let his ear be pierced!' But whom are we talking about here anyway? A Jew who stole and had no money to repay, so he was sold into slavery. Such a person is of the absolute dregs of society. Yet even so, he is held responsible to feel the difference between one who is a slave of Hashem as opposed to the slave of a slave, and if he doesn't he is judged for this and is punished for failing to internalize what he heard on Har Sinai.

He would conclude, "Even the worst Jew, even if he is in the midst of a spiritual fall, is the beneficiary of the special treasures unique to a Jewish soul. Even if we

are not on the level of actually being Hashem's slaves in action, we are still potentially His slaves. Going and choosing to acquire a human master for himself is an absolute contradiction to his identity as a Jew!"¹

Rabbeinu Bachayah similarly explains why a Jewish slave is called an eved ivri not an eved Yisrael. Yisrael is the name we received as a nation after receiving the Torah at Sinai. "Ivri" refers to our level before Matan Torah. A slave is pierced in order to remind both him and his master that they are both Hashem's slaves.² ■

1. הרב מפנונבז, חלק ג', עמוד קפ"ה
2. רבינו בחיי, שמות, כ"א: ו'

