



## Lashevet Yetzara

The first *perek* of *Eduyot* lists a number of debates between *Beit Shamai* and *Beit Hillel*, where *Beit Hillel* ultimately concedes. The *Rambam* in his introduction to the *masechet* notes the significance of these *Mishnayot* as they demonstrate that the *Tanaim* were motivated by a pursuit for truth rather than any other motives.

One of these debates (1:13) was also studied this week as part of *Daf Yomi* (*Erchin* 2a). The debate is regarding how to deal with a half *eved* (servant) half *ben churin* (free person). This case can occur if two people jointly purchased an *eved* and then one of the parties frees his share. *Beit Hillel* maintained that the *eved* would serve the remaining master one day, and then look after his own needs on the next. *Beit Shammai* however argued that while that solution satisfied the financial interest of the remaining party, the *eved's* needs were being neglected – the *eved* would not be able to marry. Considering his half-half status, he would not be able to marry a maidservant or a Jewess. Leaving him in that state is not a solution since "the world was created for procreation". They cite the following *pasuk* to support that claim: "*lo tohu vera'ah, lashevet yetzarah*" - "... He did not create it for emptiness; He fashioned it to be inhabited" (*Yeshayahu* 45:18). *Beit Shammai* therefore argued that the remaining master is forced to free the *eved*. A loan contract for half the *eved's* value is also written, obligating the *eved* to pay the second master. This solution satisfies both the needs of the half *eved* and the remaining master. *Beit Hillel* ultimately agreed that this is the correct solution.

The *Tosfot* (*Gittin* 42b, s.v. *lo tohu*) ask why *Beit Shammai* cited the *pasuk* from *Yeshayahu* rather than the more obvious choice of "*pru u'rvu*" (be fruitful and multiply) from *Bereishit*. The *Tosfot* provide two answers. The first is that if the half-*eved* could have fulfilled the *mitzvah* of *lo tohu* by marrying a *shifcha*, despite not being able to fulfil the *mitzvah* of *pru u'rvu*<sup>1</sup>, *Beit Shammai* would not have forced the master to free him.

Based on this first answer, the *Ketav Sofer* explains that the inability to fulfil the *mitzvah* of *pru u'rvu* alone would not be enough, since it would be defined as *ones* – beyond his control – and he would therefore be exempt. The *Ketav Sofer* continues that *lo tohu* compels use to free the slave, not because of it is a personal *mitzvah* (like *pru u'rvu*) but rather because it expresses the will of *Hashem* that "he fashioned [the world] to be inhabited". The *Ketav Sofer* uses this explanation to rationalise why the solution is referred to as being "*mipnei tikkun olam*" – in order to improve the world. It is motivated by a broader interest, instead of the *eved's* specific needs.

The second answer is that the *Mishnah* is teaching us that *lo tohu* is a "*mitzvah raba*" – a great *mitzvah*. The *Tosfot* cite the *Gemara* (*Megila* 27a) that lists two exceptional circumstances in which one can sell a *sefer Torah*. The first is to fund the study of *Torah* and the second is to fund a marriage. When justifying the latter, the *Gemara* cites this *pasuk*, *lo tohu*, to stress the importance of the *mitzvah*.

Finally, the *Tosfot* cites the *Rivam*, who explains that the reason why *lo tohu* was chosen is because it applies equally to an *eved* and *ben churin* – both halves of this individual. This unlike the *mitzvah* of *pru u'rvu* that only applies to a *ben churin*.

Based on the *Ketav Sofer* above, we can perhaps suggest the difference between the three answers of why the *Mishnah* did not cite "*pru u'rvu*" as the motivation. According to the first answer we see the motivation to free the *eved* is not for him to fulfil any *mitzvah*, but to heed to *Hashem's* desire of *lo tohu*. According to the second answer, the *mitzvah* of *lo tohu* itself is exceptional which alone is enough to free the *eved*. According to the *Rivam* however, the driving force to free this half-*eved* was to enable him to fulfil a *mitzvah* that applied to him completely in his current state.<sup>1</sup>

Yisrael Bankier

<sup>1</sup> See the *Chatam Sofer* (41b, s.v. *she'neemar*) that provides a different explanation for the difference between these three answers that has a practical implication on which circumstance one can sell a *sefer Torah* to fund a marriage.

**Revision Questions**

שבועות ח': וי'

- Regarding the previous question, what if the *sho'el* made a *shevuah* denying ever having borrowed the ox? (ח': וי')
- What are the two general rules brought at the end of the *masechet*? (ח': וי')

עדות א': א' - ג'יג

- What are the three debates between *Shammai* and *Hillel* brought in the beginning of the *masechet*? (א': ג' - ג')
- What is different about how we rule in these three cases? (א': ג' - ג')
- In the final case, what is strange about the way *Hillel* presents his case? (א': ג')
- What is special about the conclusion in the third case? (א': ג')
- Why does the *Mishnah* mention the opinions of *Shammai* and *Hillel* if the *Halacha* does not follow their opinions? (א': ד')
- Why does the *Mishnah* mention a minority opinion if the *Halacha* follows the majority? Provide two answers. (א': ה' - ו')
- What are the two requirements for a *Beit Din* to overrule a decision of another *Beit Din*? (א': ה')
- What is unique about the debates in *Mishnayot* 7-11? (א': ו')
- What is the debate regarding how *rova atzamot* is calculated and for what law is it important? (א': ו')
- What are the four opinions regarding the treatment of *karshinei trumah*? (א': ח')
- What is the debate regarding exchanging *ma'aser sheni* money? (א': ט')
- Can one transfer the *kedushah* from *ma'aser sheni* fruit and money onto money? (א': ט')
- List all the opinions in the debate regarding exchanging *ma'aser sheni* money in *Yerushalaim*. (א': י')
- What are the two debates between *Beit Shammai*, *Beit Hillel* and *Shammai* regarding chairs? (א': י"א)
- What is common about the last three *Mishnayot* in the first *perek*? (א': י"ב)
- To what circumstances did *Beit Hillel* restrict the ability for a woman to remarry if she returns from overseas and claims that her husband passed away? (א': י"ב)
- How did *Beit Shammai* convince *Beit Hillel* that when a woman is able to remarry based on her own testimony alone, that she can also collect her *ketubah*? (א': י"ב)
- How does a person become a "half-slave half-free"? (א': י"ג)
- Explain the debate regarding how such a person is treated. (א': י"ג)

**Melbourne, Australia**

**Sunday -Thursday**  
10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

**Friday & Shabbat**  
10 minutes before *Mincha*  
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9:00am  
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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 June כ"ג סיון	24 June כ"ד סיון	25 June כ"ה סיון	26 June כ"ו סיון	27 June כ"ז סיון	28 June כ"ח סיון	29 June כ"ט סיון
Eduyot 1:14-2:1	Eduyot 2:2-3	Eduyot 2:4-5	Eduyot 2:6-7	Eduyot 2:8-9	Eduyot 2:10-3:1	Eduyot 3:2-3

