



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Gittin Daf Lamed Tes

- **Q:** Maybe we can say that whether a slave that was made hekdesch by his master goes out free is actually a machlokes among Tanna'im? A Braisa says, if one is makdish his slave, the slave is not subject to me'ilah. **R' Shimon ben Gamliel** says the slave's hair is subject to me'ilah. Presumably we can say that the **T"K** says the slave does not become hekdesch and **R' Shimon** says that he does!? **A:** If this was the machlokes, they would have argued on whether or not the slave is "kadosh", not whether or not he is subject to me'ilah. Rather, all agree that the slave becomes hekdesch. The machlokes is whether a slave is compared to real estate in the sense that it is not subject to me'ilah, or not.
  - **Q:** If that is the machlokes, why do they argue about the hair of the slave? Let them argue about the slave itself!? **A:** All agree that the slave is like real estate and is not subject to me'ilah. The machlokes is regarding the slave's hair that is long and ready to be cut – whether it has the status of being already cut off the slave, and therefore subject to me'ilah, or not.
    - **Q:** Maybe this machlokes is the same as the machlokes in a Mishna. The Mishna says that **R' Meir** says, if one gives a partial monetary admission of guilt on grapes still on the vine he must swear, for although one does not swear when the asset is real estate, he would swear on the grapes. The **Chachomim** say that he does not swear, because it is considered to be real estate. **R' Yose the son of R' Chanina** explained, that the machlokes is regarding grapes that are ready to be cut off the vine. In that case **R' Meir** says they are considered as if they are already cut off. Maybe this machlokes regarding the slave's hair is the same as that one? **A:** It may be that **R' Meir** only says that regarding grapes, because the longer they are left on the vine at that point, the more they will deteriorate. However, the hair of a slave does not deteriorate, and maybe that is why it is always considered to be attached to him.
- **R' Chiya bar Yosef** said over the ruling of **Rav** (that a slave who was made hefker goes out free) to **R' Yochanan**. **R' Yochanan** asked him, did **Rav** really say that?
  - **Q:** Why did **R' Yochanan** seem so surprised? We have learned that **Ulla in the name of R' Yochanan** said, if one makes his slave hefker, the slave goes out free but requires a get shichrur!? **A:** **R' Yochanan** was surprised and asked "Did **Rav** really hold like me?" **A2:** Others say that **R' Chiya** told this to **R' Yochanan**, but left out the fact that he also said that a get shichrur will be needed. It was to that missing fact that **R' Yochanan** asked, "didn't **Rav** also say that a get shichrur is needed"? This makes sense, because **R' Yochanan** himself requires a get shichrur to be given in this case.
- We have learned that **Ulla in the name of R' Yochanan** said, if one makes his slave hefker, the slave goes out free but requires a get shichrur.
  - **Q:** **R' Abba** asked **Ulla**, if a ger dies (in which case all his assets become hefker) and leaves over slaves, the slaves are koneh themselves and become free. **Abba Shaul** says the adult slaves are koneh themselves, but the minors become the property of whoever takes possession of them first. Now, who can write a get shichrur for these slaves (given that their master is dead)? According to **R' Yochanan**, they shouldn't be allowed to marry a Jew, because they are not fully free!? **A:** **R' Nachman** said, that **Ulla** holds that a slave is like a married woman (via a gezeira shava) and although when the master is

alive **R' Yochanan** says that the hefker slave requires a get shichrur, when the master is dead, no get shichrur would be required.

- **Q:** If so, then just as a man's wife is not inherited by his children, his slaves should also not be inherited to his children!? **A:** The pasuk teaches that they are.
- **Q:** If so, if one makes his slave hefker and then dies, he should also go out free without a get shichrur. So, why does **Ameimar** say that this slave is left in a place of being only partially freed? **A:** **Ameimar's** ruling is a KASHYEH.
- **R' Yaakov bar Idi in the name of R' Yehoshua ben Levi** said the halacha follows **Abba Shaul** (that the adult slaves go out free and the minors belong to whoever is koneh them first). **R' Zeira** asked him, did you hear this explicitly from him or did you derive it from something else he had said? **R' Zeira** explained, maybe you are deriving it from where **R' Yehoshua ben Levi** quoted **Rebbi** that we learn a gezeirah shava from a woman to a slave, which teaches that just as a woman needs a document to remove her issur to marry, so too a slave that was made hefker needs a document in order to marry a Jew. Now, presumably we will say that the slave being discussed is one, who like a woman, is not owned by the master, but only has an issur of marriage on him. This refers only to an adult slave who is koneh himself from hefker. However, a minor slave would not be koneh himself, and could therefore still marry another slave. This would follow the view of **Abba Shaul**. However, the reason that this would not be a valid derivation is because we can use the gezeirah shava to teach that just as a woman requires a document for divorce – whether she is an adult or a minor, so too the slave discussed may be referring to a minor slave as well, which would not follow the view of **Abba Shaul**. **R' Yaakov bar Idi** responded, I have heard this statement explicitly from **R' Yehoshua ben Levi**.
- **R' Chiya bar Abba in the name of R' Yochanan** said that the halacha does *not* follow **Abba Shaul**. **R' Zeira** asked him whether he heard this explicitly or not. **R' Zeira** explained, if you were deriving it from the derivation explained above (which **R' Yochanan** was a part of as well), that is not a valid derivation, because maybe we should derive like the initial derivation in the previous paragraph, which would then follow the view of **Abba Shaul**. **R' Chiya bar Abba** responded, I heard this explicitly from **R' Yochanan**.
- **Q:** We have learned above, that **Rebbi** said, a servant that was made hefker can only get married if he receives a get shichrur. However, in a Braisa **Rebbi** says that if a slave is given to hekdesch, the slave may himself give money for his own redemption, and he would then be free. This means that even money can make him free to marry a Jew!? **A:** **Rebbi** holds that money or a get shichrur can be used to set the slave free. However, when a slave is made hefker, his monetary ownership has left. To remove the remaining issur, a get shichrur must be used. This argues on a Braisa in which **R' Shimon in the name of R' Akiva** says that money can never fully free a slave – only a get shichrur can do so.
  - **Rami bar Chama in the name of R' Nachman** paskens like **R' Shimon**. **R' Yose bar Chama in the name of R' Yochanan** says the halacha does *not* follow **R' Shimon**.
  - The Gemara brings how other of the **Rabanan** paskened, including one view of the **Rabanan** that said that **R' Nachman** followed **R' Shimon**. However, **Rabbah bar Shilas** discovered that this was based on the following story. A maidservant went to her dying master and asked him to free her. He threw her his hat and said “Be koneh this hat and be koneh yourself” (attempting to make a kinyan chalipin). **R' Nachman** said she did not go out free. Now, they thought the reason for **R' Nachman's** psak was because he held like **R' Shimon**. However, in truth he held she did not go out free, because he held that to make a kinyan chalipin the keili used must be from the buyer, and in the case it (the hat) came from the seller (the master).
    - The Gemara says in the name of **R' Hamnuna** that the halacha follows **R' Shimon**, but the Gemara says that the halacha does not follow **R' Shimon**.