



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

Gittin Daf Mem

- **Q: R' Zeira in the name of R' Chanina in the name of R' Ashi in the name of Rabbi** said, if a slave marries a Jew in the presence of his master, he goes out free (his master would not let him marry a Jew if he wasn't free). **R' Yochanan** asked, you have learned this great chiddush? What I have learned is a Braisa that says, if a master gives a kiddushin document to his maidservant, **R' Meir** says it is a valid kiddushin and the **Chachomim** say that it is not. If the **Chachomim** say that in that case it doesn't prove that the maidservant is a free woman, then they would surely not agree with what you said in the name of **Rabbi**!? **A:** We can answer that **Rabbi** was talking about a case where the master was involved in the wedding. His involvement shows that he must have already freed him (because he would otherwise not allow a marriage to take place in issur).
 - **Q:** Can it be that a person would be more careful that his slave shouldn't enter into a marriage in sin, but would not be as careful for himself (if he would be as careful, his giving of the marriage document to the maidservant should show that he had freed her)? **A: R' Nachman bar Yitzchak** said, the case in the Braisa is that the master gave her the document and said "go out from slavery with this and become married to me with this". **R' Meir** says that the document can serve as a get shichrur as well, and the **Rabanan** say that it cannot.
- **R' Yehoshua ben Levi** said, if a slave puts on tefillin in front of his master, he goes out free (he would not have let him put on tefillin unless he had freed him).
 - **Q:** A Braisa says, that in such a case he would not go out free!? **A: Rabbah bar R' Shila** said, **R' Yehoshua ben Levi** was discussing where the master put the tefillin on the slave. That is why it is telling that he was freed.
- **R' Dimi in the name of R' Yochanan** said, if a dying man says "I don't want my heirs enslaving my maidservant", we would force the heirs to write a get shichrur to her. **R' Ami and R' Assi** said to **R' Yochanan**, you would agree that her children would remain slaves for the heirs, so why are they forced to free her (maybe the father meant that they shouldn't work her, but not that they should free her)!?
 - **R' Shmuel bar Yehuda in the name of R' Yochanan** said, if a dying man says, "my maidservant was always good to me, so I want her to be satisfied in return", we force the heirs to satisfy her, even if that can only be accomplished by letting her free. The reason we do this is because it is a mitzvah to fulfill the instructions of the dead.
- **Ameimar** said, if a slave is made hefker, he can never get married, because he is free in a monetary sense, but is still assur as a slave, and at this point there is no way to free him from the issue (a get shichrur could only be effective when it also removes the monetary ownership).
 - **Q: R' Ashi** asked, we have learned from **Ulla in the name of R' Yochanan**, and others, that a hefker servant is free and requires a get shichrur!? **A: Ameimar** said, it means that he needs a get shichrur, but can't have an effective one. Therefore, he is left with no remedy.
 - **Others** say that **Ameimar** said if a slave is made hefker and the master then died, that slave has no remedy, because he is no longer monetarily owned, but still has the issur of being a slave. However, this issur is not inherited by the master's children, and they can therefore not give him a get shichrur to have it removed.

- **Q:** We said above from **R' Dimi in the name of R' Yochanan** that when a dying man gives up his monetary rights in his maidservant we force the heirs to write a get shichrur!? **A:** That statement of **R' Dimi** is a mistake.
 - **Q:** What is the mistake? That it was never said in a language of hefker? This would mean that if it was said in a language of hefker they would be forced to write a get shichrur!? **A:** **Ameimar** said, I hold that **R' Yochanan** never made this statement.
 - There were Jewish owned slaves that were sold to goyim. When these goyim died, **Ravina** told them to go back to the heirs of their Jewish masters and have a get shichrur written. The **Rabanan** asked **Ravina**, we have learned that **Ameimar** said that a hefker slave whose owner had died is left without a remedy!? He said, I hold like **R' Dimi**, who argued on that. They asked, we have learned that **R' Dimi's** statement was said in error!? **Ravina** answered, it was only an error in the sense that the man did not use language of hefker. Had he used language of hefker, the statement would have been correct.
 - The Gemara paskens like **Ravina**.
- There was a slave owned by partners, and one of the partners freed his share of the slave (in which case we force the remaining partner to free his half as well). The remaining partner quickly gave his share to his minor son. **R' Yosef the son of Rava** sent to **R' Pappa**, this fellow dealt dishonestly with us, we shall deal in a similar manner with him. They appointed an "apitrapis" for the child, and jingled some coins to the child, thereby convincing him to have a get shichrur written for his share in the slave.
- A Braisa says, if a person says "I have freed my slave", or "he is made free" or "he is hereby free", the slave becomes free. If he says "I will make him free", **Rebbi** says he becomes free and the **Chachomim** say that he does not become free.
 - **R' Yochanan** said, all the above is true as long as these statements were written into a document, and not simply said orally.
 - There is a similar Braisa regarding the giving of land, whereby if one says it was given, using the past or present tense, it is considered to be given. If he uses the future tense, **R' Meir** says it is given, and the **Chachomim** say it is not.
 - **R' Yochanan** said, all the above is true as long as these statements were written into a document, and not simply said orally.
- A Braisa says, if a person says that he freed his slave and the slave says he was never freed, we assume that the owner freed him by having someone be koneh the slave for himself, and he is therefore free. If the person said I wrote a get shichrur and gave it to the slave, and the slave said it was never written or given to me, the slave is believed as "hoda'as baal din".
 - The Braisa says that these two different cases and results would apply when one person says he gave a field to another person and the recipient says it was never given to him.

MISHNA

- If a master designated a slave as an "apotiki" (the place that the creditor can turn to for collection of his debt if the debtor is otherwise unable to pay) for a creditor, and the master then freed that slave, according to the letter of the law the slave is not obligated for anything at all. However, for the benefit of the world we force the master to free the slave and have the slave write a note for his value. **R' Shimon ben Gamliel** says the slave does not have to write the note, rather the original master (the debtor) has to write the note.

GEMARA

- **Q:** Which master is the one who freed him? **A:** **Rav** said the Mishna means that the first master freed him. The Mishna says that according to the letter of the law the slave is not obligated to the second master (the creditor) at all, as **Rava** says, that freeing of a slave removes any obligation of apotiki that may be on him. However, for the benefit of the world, so that the creditor not tell people that the freed slave is his slave (making people think that he is not a full

Jew), we make the creditor write a get shichrur for the slave, and the slave writes a note for his value. **R' Shimon ben Gamliel** says that the debtor must write the note, not the slave. The machlokes is that **R' Shimon** holds one would be chayuv for damaging the lien of someone else, and therefore the debtor himself (who did the damage by freeing the slave) must pay. The **T"K** holds that such a person is patur, and therefore he does not need to pay.

- **A2: Ulla** said, the Mishna means that the second master (the creditor) freed him. The Mishna then means to say, that according to the letter of the law the slave is not obligated to keep the mitzvos (he does not become free by the creditor freeing him, because the creditor does not own him). However, for the benefit of the world, since people hear that he was freed (although legally he was not) we force the first master (the debtor) to now free the slave, and the slave must write a note for his value. **R' Shimon ben Gamliel** says it is the creditor who must write the note, since he is the one who caused the loss. Based on this, the machlokes is that **R' Shimon** holds one is liable when he damages in a way that the damage is unrecognizable ("hezek she'eino nikar") and the **T"K** holds that he is not.
- **Ulla** doesn't say like **Rav**, because the Mishna wouldn't refer to the creditor as the slave's master. **Rav** doesn't say like **Shmuel**, because the Mishna would not refer to the creditor as the freer of the slave.