

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

Gittin Daf Mem Beis

- Rabbah said, the machlokes between Rebbi and the Rabanan (whether a person can free half
 his slave) is only when he frees half his slave and leaves the other half in his possession.
 However, if he freed half the slave and sold the other half or gave the other half as a gift, since
 the entire slave is leaving his possession, all would agree that the slave is koneh half of himself.
 - Q: Abaye asked, there is one Braisa that says, if a person gives all his possessions to two of his slaves, they each are koneh half the possessions and they free each other. There is a second Braisa that says, if a person says "all my possessions should go to my two slaves", they are not even koneh themselves. Presumably we would say that the first Braisa follows Rebbi and the second Braisa follows the Rabanan, and we see that they argue even when the owner totally divests himself of the slave!? A: We can say that both Braisos follow the Rabanan. The first Braisa is discussing where he told each slave "all my possessions are given to you", whereas in the second Braisa he said to each of them "half my possessions should be given to you", and we assume he meant to give the same half to both of them, and because he is retaining half, they are not koneh themselves.
 - Q: The end of the second Braisa explicitly says, if the person says to each of the slaves "half my possessions are given to you", they are not koneh. Obviously, the earlier part is not talking about that case!? A: The end of the Braisa is explaining that this is the case in the earlier part of the Braisa. This must be the understanding, because if the earlier part of the Braisa discusses where he gave each of them all of his possessions, there would be no reason to state the case of where he gives only half his possessions.
 - The Gemara says, this reason is no proof as to the intent of the Braisa. It
 may be that the Braisa has to say the case of half his possessions just so
 that it becomes clear that the earlier part of the Braisa is discussing
 where he gives all of his possessions.
 - A: We can say that the second Braisa is discussing where it was given in one document to both slaves, and such a document can't work to free them, just as one get can't work to divorce two women. The first Braisa is discussing where it was given to them in two separate documents. However, both Braisos can hold that freeing half a slave is effective if the owner is divesting himself of the entire slave.
 - Q: If the second Braisa is discussing where it was given in one document, why does it give the case of where he gave half his possessions to each slave? Even if he gave all his possessions to both slaves it would be ineffective, because it was given in one document!?
 A: The Braisa is saying that when it is in one document, even if he gives all his possessions to each of them, they will not be koneh. The Braisa then adds, that even if it was given in two documents, if he only gave half to each, they would still not be koneh.
 - A: We can say that both Braisos discuss where two documents were given, but in the first Braisa they were given simultaneously (and is therefore effective) and in the second Braisa they were given one after the other.

- **Q:** If they were given one after the other, why isn't the first one koneh everything, including himself and the other slave as well!? **A:** We must use one of the earlier answers.
- A: R' Ashi said, in the second Braisa he referred to them as "my servants". This tells us that he did not mean to free them.
 - Q: Rafram asked, maybe he means to say that they used to be his slaves!?
- If an ox gored a half-freed slave: if it happened on the day that he is working for his master, then the payment for damages goes to the master. If it happened on the day that he works for himself, the payment for damages goes to himself.
 - Q: Based on this, on the day he works for his master he should be allowed to marry a
 maidservant, and on the day he works for himself he should be allowed to marry a
 Jew!? A: His monetary status can change daily, but his issur status cannot change daily
 like that.
 - Q: A Braisa says, if an ox killed a half-freed slave, half the penalty (paid by one whose ox kills a slave) goes to the master and the other half goes to the slave's heirs. Now, according to the halacha stated above, the penalty should be paid to whoever he was working for on the day he was killed!? A: This Braisa is different, because the principal value of the slave is permanently lost. That is why it gets divided.
 - Q: What would be the case in which the halacha was stated? It would be where the ox injured the slave in a way that he will eventually be restored to full health. Now, that only works according to **Abaye**, who says that the owner of the ox would have to pay for the temporary loss in the slave's value. However, according to **Rava** he would not pay for that, so what would the case be according to him? **A:** Either we can say that the case would be where the slave was injured by a person, not an ox (and a person who injures must also pay for the temporary loss in value). Or we can answer that the halacha stated above is not from a Mishna or Braisa, and **Rava** may therefore argue on the halacha.
- **Q:** If a slave is freed but still needs to receive his get shichrur, and an ox then killed him, would he still be considered a slave, in which case the penalty must be paid, or not? The pasuk says the penalty must be paid to the "master". Is the former owner still the "master" at this point in time? **A:** The Braisa quoted earlier said, if an ox killed a half-freed slave, half the penalty (paid by one whose ox kills a slave) goes to the master and the other half goes to the slave's heirs. Presumably this is following **B"H** after he retracted his shita and then agreed with **B"S**. Therefore, the slave in the Braisa stands to be fully freed and awaits his get shichrur, and yet we see that the penalty is levied.
 - Q: It may be that the Braisa is following B"H before he retracted his ruling, in which case
 the slave is to remain a half-slave and is therefore not a freed slave awaiting his get
 shichrur.
 - Q: Maybe we can bring a proof from a Braisa. The Braisa says, if a master knocks out the tooth of a slave and then blinds the slave's eye, the slave goes out free based on the tooth (and he presumably now waits to get his get shichrur), and then gets paid for the blinding of the eye. Now, if it is true that the penalty for his death would go to the master if the slave is awaiting his get shichrur, then surely his master wouldn't have to pay him for an injury that the master himself afflicts as he is awaiting his get shichrur! A: This Braisa is no proof, because it may be following the view (it is a machlokes in a Braisa) that the slave does not even need a get shichrur to be freed if the master knocks out his tooth.
- Q: If a slave of a Kohen is freed but still needs a get shichrur, may he still eat terumah? Is the slave still considered to be "kinyan kaspo" of the Kohen at this point? A: R' Mesharshiya quoted a Mishna that if the child of a Kohen and of the Kohen's slave became confused at birth, these two children may eat terumah (since each is either a Kohen or the slave of a Kohen), and when

they grow up they each free the other one. In this Mishna, the slave (whichever one he is) is awaiting his get shichrur, and we see that he may eat terumah.

The Gemara says this is no proof. In this case, if Eliyahu would come he could tell us which child is the Kohen and which is the slave, and the slave is therefore clearly "kinyan kaspo" at this point. With regard to a slave that is awaiting his get shichrur, because his monetary ownership was already removed, it may be that he is no longer called "kinyan kaspo" and may therefore not eat terumah.