



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

### Gittin Daf Mem Gimmel

- **Q:** If a person sells his slave only for the right to collect the penalty if he is killed by an ox, is this a valid sale (the penalty is something not yet in existence) for this right or not? This is a question according to **R' Meir** (who usually holds that one can sell something that is not yet in existence), because maybe **R' Meir** only says so regarding fruit that will grow, because it is normal that it will grow. However, regarding the penalty for an ox killing a slave, since it is not usual, and even if it does happen there is no guarantee that the owner of the ox will end up paying (if one admits to guilt he becomes patur from having to pay the penalty), maybe even **R' Meir** would agree that this right cannot be sold. This is also a question according to the **Rabanan** who normally say that one cannot sell something not yet in existence, because maybe they only say that regarding fruit of a tree, which is actually not in existence. However, in the case of the slave's penalty, the slave is in existence and the ox is in existence, and therefore maybe they would agree that this sale would be effective. What is the halacha? **A:** A Braisa discusses a Kohen's slave's right to eat terumah and discusses the case of a slave who has absolutely no value. Now, if a slave can be sold for the penalty, every slave has some value (he can be sold for the penalty), and if so, how can it be said that a slave has absolutely no value? It must be that he cannot be sold for the penalty.
  - The Gemara says, that is no proof, because it may be that the Braisa is discussing a slave that is a treifa, in which case there would be no penalty collected if he were killed.
    - **Q:** Even such a slave has *some* value, because he can serve his master in some capacity!? **A:** The Braisa is discussing a slave full of boils, who is someone that the master does not even want to see.
- **Q:** If a half-freed slave gives kiddushin to a Jewish woman, does the kiddushin take effect? Even if we say that when a full Yid is mekadesh half a woman it would take effect, that may be based on the fact that he has the ability to be mekadesh the whole woman, but a slave who doesn't have that ability, may not be able to do so. Also, even if we say that when a full Yid is mekadesh half a woman it would not take effect, that may be based on the fact that he has limited the extent of his acquisition, but regarding a slave, who has done all he can, maybe it would be effective? **A:** A Braisa says, if a half-freed slave was killed by an ox, the master gets half the penalty and the slave's heirs get half of the "kofer" payment. Now, if a half-freed slave can't marry a Jew, how is it possible that he has heirs? It must be that he can marry a Jewish woman.
  - **R' Ada bar Ahava** said, this is no proof, because the Braisa may be talking about where the ox made the slave into a treifa (without actually killing him), in which case he must still make the payments, and when the Braisa says the payment goes to his heirs, it means that it goes to the slave himself.
    - **Q: Rava** said, there are 2 questions here: one, the Braisa uses the terms "heirs"; two, **Reish Lakish** has said that kofer only gets paid after death!? **A: Rava** therefore said, the Braisa means that his heirs *deserve* to get half the kofer, but since he has no heirs, the half kofer is not paid.
- **Rava** said, just as a half-freed slave can't give an effective kiddushin to a Jewish woman, similarly, a half-freed maidservant can't accept an effective kiddushin from a Jewish man.
  - **Rabbah bar R' Huna** said, just as a Jewish woman cannot accept kiddushin for half of herself, so too, a half-freed maidservant cannot accept kiddushin from a Jewish man.



- **Q:** What is meant by “according to his custom”? **A: R’ Huna bar Yehuda** said, it means that he places a necklace with a seal on the slave, showing that it belongs to him as collateral. Once that is done, the slave is free from the Yid.
  - **Q: R’ Sheishes** asked, a Braisa discusses a field that is used as collateral and also discusses when the collateral was done “according to his custom”. Now, this can’t refer to a necklace, because that clearly doesn’t apply to a field!? **A: R’ Sheishes** therefore said, “according to his custom” means that a payment date was written in the document.