



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

### Gittin Daf Mem Daled

- A Braisa says, if a goy forcibly takes a slave from a Jew as payment for a loan, or if a goy otherwise took the slave by force, the slave does not go out free (the Jew never consented to the goy's taking of the slave).
  - **Q:** A Braisa says, if a Jew's granary was forcibly taken by the king, if it was taken for repayment of a loan, the Jew must still give maaser for the produce of the granary, and if it was taken for no reason he need not give maaser. We see that something taken for a debt is viewed as if it has been sold, which is not what the earlier Braisa said!? **A:** The case of the seized field is different, because the Jew is gaining from the amount of maaser (since even the amount of maaser is taken in repayment for the loan), and he therefore must give the maaser based on his benefitting that amount.
  - **Q:** We have learned that **Rav** said, if one sells his slave to a non-Jewish blackmailer (so that he leave him alone), the slave goes out free!? **A:** In **Rav's** case he could have appeased him with another asset and didn't. The Braisa is discussing where he could not have done so.
- **Q: R' Yirmiya** asked, what is the halacha if a Jew sold the slave temporarily, for a period of 30 days? Would he go out free? **A:** Presumably in the case of **Rav**, the blackmailer was going to return the slave at some point, and still we see that the slave goes out free.
  - It may be that **Rav** was discussing a blackmailer that would keep the slave permanently.
  - **Q: R' Yirmiya** asked, what if he sold the slave without the right to put the slave to work (and therefore the slave won't be forced to be oiver on mitzvos)? What if he sells him without the right to make the slave be oiver on any mitzvos? What if he sells him without the right to make the slave work on Shabbos and Yom Tov? What if he sold him to a "ger toshav" (who keeps the 7 mitzvos of bnei Noach)? What if he sells him to a Jew who does not keep the Torah? What if he sells him to a Kuti? **A:** We can answer one question based on a Braisa which says that selling a slave to a ger toshav is like selling the slave to a goy. With regard to selling to a Kuti or a Jew who doesn't keep the Torah, some say it is like selling to a goy, and others say it is like selling to a Yid.
- **Q:** They asked **R' Ami**, if a slave gave himself up to non-Jewish kidnappers, and the master cannot get him from them by Jewish law or by civil law, is the master allowed to accept money from them as payment for the slave if they offer payment? **A: R' Zerika** said, a Braisa says, if a Jew sells his house in EY to a goy, the money he receives is assur to benefit from. If the house is taken forcibly and cannot be taken back by Jewish or civil law, the Jew is allowed to take money for the house. The same would presumably hold true in our case of the slave.
  - The Gemara says, it may be that the **Rabanan** were not goizer in the case of the house, since people need a place to live, allowing this will not lead people to sell their house to a goy. However, regarding a slave, maybe they were goizer against accepting the money so that one not come to sell his slave to a goy. On The other hand, maybe there is no difference and therefore one may accept the money.
  - **R' Ami** sent a response, that in this case it would be mutar for him to take the money, since there is no way to get the slave back.
- **R' Yehoshua ben Levi** said, if one sells his slave to a goy, we penalize him that he must try and buy back the slave for up to 100 times the slave's value.

- **Q:** Does this actually mean up to 100 times its value, or is that just an exaggerated term?  
**A:** We find that **Reish Lakish** said, that one who sells a large animal to a goy is penalized and must buy it back for up to 10 times its value. Presumably this is the same severity as the slave, and we see that he need only spend up to 10 times its value. Therefore, the 100 times must be an exaggeration.
  - The Gemara says, the cases are not the same. The slave is oiver on mitzvot every day that he is under the control of the goy. Therefore, it may be that by the slave he must spend considerably more.
- **Another version** says that **R' Yehoshua ben Levi** said, if one sells his slave to a goy, we penalize him that he must try and buy back the slave for up to 10 times the slave's value. The Gemara asks whether that is the actual limit or whether he must pay more if necessary. The Gemara answers, that we find that **Reish Lakish** says that one who sells a large animal to a goy is penalized and must buy it back for up to 100 times its value. Presumably this is the same severity as the slave, and we see that he must spend even 100 times its value. Therefore, the same would be by a slave. The Gemara says, that the cases may be different, because after redemption of the slave, the slave goes out free, and maybe that is why he need not spend as much to redeem him.
  - **Q:** The Gemara asks, if that is the reason for the difference, that would only account for having to spend one time the value more on the animal than on the slave!? **A:** It may be that since the sale of the slave is not common, the **Rabanan** were not goizer to spend as much on the redemption.
- **Q: R' Yirmiya** asked **R' Assi**, if a person sold his slave to a goy and then died, do we penalize the heirs to buy back the slave as well? Even if we say that a Kohen who intentionally makes a mum in a bechor and is penalized that he may not eat the bechor based on that mum, and we say that his heirs are penalized and also can't eat the bechor based on that mum, it may be that we are strict regarding bechor, because making the mum is an issur D'Oraisa, but selling a slave is only an issur D'Rabanan and therefore maybe we do not penalize the heirs. And, even though we find that although we penalize one who purposely left work to be done on Chol Hamoed (and would prohibit that work from being done even if it will result in a loss), we do not penalize his heirs and would allow them to do the work that was left for Chol Hamoed (to prevent the loss), it may be that we don't penalize them because the father did not actually commit an issur in that case (he did not yet work on Chol Hamoed), but regarding the slave, since the issur was done, do we say that we would only penalize him and he is no longer alive, or do we say that we penalize his money, and the heirs must therefore spend money from the inheritance to redeem the slave? **A: R' Assi** said, we have learned a Mishna that says that if one worked a field during shmitta in a way that is assur D'Oraisa he is penalized and may not work the field the year after shmitta. **R' Yose the son of R' Chanina** said, if this person died after working the field in this way on shmitta, his children would be allowed to work the field the next year. We see that the **Rabanan** did not penalize the heirs. **Abaye** said, we see this same concept where someone made another person's produce tamei. Although the **Rabanan** were goizer that he must pay for the damage (albeit unnoticeable damage), if the person died, his children would not have to pay for such damage. We see again that the **Rabanan** did not penalize the heirs.

#### OH L'CHUTZA LAARETZ

- A Braisa says, if one sells his slave from EY to chutz laaretz, the slave goes out free and requires a get shichrur from the second master. **R' Shimon ben Gamliel** says, sometimes he would go out free and sometimes he would not. For example, if the document of sale says "I am selling this slave to ploni the Antuchi" (from Antuchya), he would not go out free, because it may mean that he is originally from there, but there were no current plans to relocate the slave to there. However, if the document says "I am selling my slave to ploni the Antuchi of Antuchya", he would go out free, because that suggests that the intent is to move the slave there.
  - **Q:** A Braisa says, if the document says "this slave is sold to the Antuchi" he goes out free, but if it says to "the Antuchi who lives in Lod" he would not go out free!? **A: R' Shimon ben Gamliel** is discussing where this buyer had a real house in EY (so there is no

reason to think he will take the slave to chutz laaretz) and the second Braisa is discussing where he only had a temporary house in EY.

- **Q: R' Yirmiya** asked, if a man from Bavel marries a woman from EY and the woman brings slaves into the marriage, and their intention is to eventually settle back in Bavel, would the slaves go out free (is it considered as if the woman is selling her slaves to chutz laaretz)? This is a question whether we hold that at divorce a woman can demand the return of her dowry (so it is never considered to be sold to the husband and the slaves would therefore not go out free, or maybe it is encumbered to the husband during the marriage and would therefore be considered as if they were sold to him), and is also a question if you hold that the husband can refuse to return the dowry (and it is therefore considered as if it was sold to him, or maybe it is still never truly owned by him, but rather he has rights to the produce only, and therefore it is as if it was never sold to him). What is the halacha? **A: TEIKU.**
- **R' Avahu** said, **R' Yochanan** taught me that if a slave follows his master to Surya, and the master sells him there, the slave goes out free.
  - **Q: R' Chiya** has taught a Braisa that when a slave voluntarily leaves EY he loses his right to freedom by being sold there!? **A: R' Yochanan** is discussing where the master's plan was to return to EY (therefore if he is sold to remain there permanently, he goes out free). **R' Chiya** was discussing where the intent was to remain in chutz laaretz.
    - There is a Braisa which can be understood with this distinction as well.
- **R' Anan** said, I heard two things from **Shmuel**. One was that a slave sold to chutz laaretz must be freed, and the second that a field sold in Yovel is not sold at all. Regarding one of these **Shmuel** said that the money must be given back to the purchaser and regarding one it need not be given back, but I don't remember regarding which one each of these it was said. **R' Yosef** said, we can figure this out on our own. The Braisa said that a slave sold to chutz laaretz must be freed by the second master. We see that the sale is a valid sale, and therefore the money would not have to be returned. With regard to the sale in Yovel he said "the sale is not a sale". That would suggest that the money must be returned. **R' Anan** was not aware of this Braisa and therefore could not come to this conclusion on his own. Also, the fact that **Shmuel** said "the sale is not a sale" may mean that the "seller" keeps the money as a present.
- **Abaye** asked **R' Yosef**, why is it that the purchaser of the slave is the one who is penalized (he must let him free and does not get his money returned)? **R' Yosef** said, if there was no willing buyer the slave would not be sold to chutz laaretz, so it is the buyer who is responsible. **Abaye** asked, if there was no seller, there would be no purchaser, so the seller should be liable!? The Gemara says, it makes sense to penalize the purchaser, because we should penalize the place where the prohibited item (i.e. the slave) is (which is with the purchaser).