

18.04.11; 43b (משנה 11) → 45a (אטו כולי חמרי לאו כריסייהו חיוורין ניהו)

1. לא יִשְׁבוּ בְּאֶרֶץ פֶּן יִחַטְיאוּ אֹתָךְ לִי כִּי תַעֲבֹד אֶת אֱלֹהֵיהֶם כִּי יִהְיֶה לְךָ לְמוֹקֵשׁ: שְׁמוֹת כג, לג  
 2. לא תִּסְגִּיר עֶבֶד אֶל אֲדֹנָיו אֲשֶׁר יִנְצֵל אֶלֶיךָ מֵעַם אֲדֹנָיו: דְּבָרִים כג, טז  
 3. וְכֵן תַּעֲשֶׂה לְחַמְרוֹ וְכֵן תַּעֲשֶׂה לְשִׁמְלָתוֹ וְכֵן תַּעֲשֶׂה לְכָל אֲבֹדָת אַחִיד אֲשֶׁר תֵּאבֵד מִמֶּנּוּ וּמִצִּאֲתָהּ לֹא תִּוְכַל לְהַתְעַלֵּם: דְּבָרִים כג, ג

- I 11 – if an עבד כנעני is sold to a non-... he goes free
- a note (ברייתא): he also needs a גט שחרור
    - i unless he's written an אונו, stating "when you flee him, I have nothing more to do with you"
  - b extension (ברייתא): if he borrows money from non-Jew, using עבד as lien, once the non-Jew has done נימוסו –he's free
    - i definition of גימוסו (ר' הונא בר יהודה) – his seal (of ownership)
      - 1 challenge (ר' ששת): (sharecroppers or)non-Jew who gave their field to a ישראל as collateral – even though he did נימוסו – it's still exempt from תר"מ (→ נימוסו cannot mean "his seal")
      - 2 rather: it means "time" – i.e. the time for collection has come
        - (a) challenge: if the time for collection has come, it's obvious that the עבד is considered the non-Jew's
        - (b) answer1: the time didn't arrive; in our case, lien=slave himself; in the other, lien = the fruits (not field)
        - (c) answer2: loan made with intent for collateral –which wasn't collected (in our case – קנס against ישראל)
  - c status of coerced collection: if a non-Jew takes the עבד as payment, or he is pillaged – he doesn't go free
    - i challenge: if the court seizes his granary – if it is for a legitimate debt, he is חייב במעשרות; else, פטור
      - 1 answer: in that case, he also gains – some of his debt is paid with מעשר (he gained from מעשר)
      - 2 ruling (רב): if he sells his slave to a non-Jewish judge –goes free (should have appeased him with money)
  - d Series of details questions: selling for 30 days; excluding wages; except for מצוות (allowing him to continue observance); except for שבת ויר"ט; to a גר תושב, apostate or כותי? All but גר are unresolved - גוי:גר תושב
  - e If a slave throws himself at the invading army: may the owner, who is unsuccessful in returning him – accept money?
    - i Attempted proof: if a non-Jew seizes a Jew's house and he can't restore it – he may take its value in cash
      - 1 Note: he may even list it in their courts – to save something from their pillaging
    - ii Rejection: there's no reason to make a גזרה in such a case, for noone will willingly sell their house – which is untrue about slaves
    - iii Ruling (ר' אמר): if he can't restore the slave, he may take his value in payment and list it in their courts
  - f Fine assessed to one who sells his slave to non-Jew: ריב"ל (i.e. up to how much he must spend to free him)
    - i Version #1: fine up to 100x the value
      - 1 Question: is this a real amount or an exaggeration?
      - 2 Proof: (ר"ל) – if one sells a בהמה גסה to non-Jews (prohibited) we fine him 10x (so 100x seems a גזומה)
        - (a) Defense: perhaps the slave is more severe, since every day he is prevented from fulfilling מצוות
    - ii Version #2: fine up to 10x the value
      - 1 Question: is that a real amount?
      - 2 Proof (ר"ל): if one sells a בהמה גסה to non-Jews, we fine him 100x (we assume the same for a slave)
        - (a) Defense (of 10x): the slave goes free, so we don't fine him as much
        - (b) Question: if so, fine the animal-seller 11x (1 time more, not 90x)
        - (c) Answer: selling a slave to a non-Jew is unusual, no special גזרה made there
  - g related question: if he sells his slave to a non-Jew and dies, is his son fined (to redeem him) or not?
    - i Resolution: when he violates an דאורייתא איסור, the son is also fined; not here (or any other דרבנן קנס)
- II 11 – ...or if he sells him to לארץ, he goes free
- a ברייתא: he requires a גט from his new master (in חר"ל)
    - i note (רשב"ג): he may not go free – if he sells him to an Antiochan, he doesn't go free (may refer to his birthplace)
    - ii Challenge: if he sells him to "an אנטוכי", he goes free, to "an אנטוכי who lives in לוד (e.g.)" – he doesn't go free
      - 1 Answer: if the Antiochan (e.g.) has a house in א"י, he doesn't go free; else, he does
  - b Question: if a בן חר"ל marries a בת א"י and he intends to go back – do the slaves go free?
    - i Even if: slaves are his "right", he doesn't own them; yet, even though they may be her "right", the פירות are his – תיקו
  - c Ruling (שמואל ר' יוחנן): if the master goes to חר"ל and sells the slave (who followed him) – if he plans to return – master must free him; otherwise, not
    - i heard this and another ruling from שמואל (field sold during יובל - no sale); only in case of field, sale reverted
    - ii note: we fine the buyer of the slave (to lose him) – since that's where the איסור happens (in חר"ל)
  - d case: slave fled to א"י, owner was told to free him (and get a שט"ח for his value) as per interpretation of vv. 1-2
    - i limitation: only if he runs from חר"ל to א"י, as opposed to case with חסדא ר' חסדא's slave (where he claimed him as per v.3)