

19.01.20

22b (משנה ג) → 23b (אבל לא מיד רבו שלו)

1. והתחלתם אתם לבניכם אחריכם לרשת אהזה לעלם בהם תעבדו ובאחיהם בני ישראל איש באחיו לא תרדה בו בפרך: ויקרא פרק כה פסוק מו
 2. ואת זכר לא תשכב משכבי אשה תועבה הוא: ויקרא פרק יח פסוק כב

I עבד כנעני of an קנין משנה ג'

a Acquired:

i כסף

ii שטר

iii חזקה

1 examples: taking master's clothes to bathhouse, untying his shoes etc.

(a) הגבהה – if he lifts up the master – קנין (חזקה) but not the inverse

(b) dissent: ר"ש – הגבהה should also work, as it is valid everywhere else

(i) → if his master lifts him, קנה

1. challenge: if so, ש"כ should be acquired בביאה (=הגבהה)

2. block: הגבהה is only considered that if it is a burden (no pleasure) for "lifter"

a. Note: even ביאה שלא כדרכה may be pleasurable – and v. 2 equates them

2 Story: א גר (without heirs) was dying, זוטרא came to visit him

(a) When: he saw that the גר was about to die, he directed the man's slave to serve him

(i) Perhaps: the slave was an adult, and he needed to be מחזיק before master died

(ii) Or perhaps: he was a minor, and he required this contra שאול אבא, who says that minor slaves may be seized (in case of גר שאין לו יורשים) by anyone

iv source: v.1 equates ע"כ to שדה אחוזה, which is bought with these 3 methods

1 challenge: if so, they should go free at יובל as does שדה אחוזה

2 answer: v. 1b לעולם

v additional methods:

1 (ברייתא) חליפין

(a) Omission: our משנה only lists methods not applicable to מטלטלין

2 (שמואל) משיכה

(a) Omission (from ברייתא): only methods which apply to קרקע (only משיכה applies to מטלטלין)

(b) Examples: calling him is **not** משיכה (unlike animal or minor slave, who responds to the call of the master; the adult slave comes on his own); but dragging him is a משיכה

b acquires his freedom

i כסף

1 ר"מ – others'

(a) question: is this with his consent (in which case, why can't he use his own?) or without it (which won't work, since ר"מ holds - in re: שטר שחרור - that it is a disadvantage for a slave to go free – גיטין א:ו – בע"כ so can he be freed)

(i) answer1 (אב"י): w/o his consent; money is different, since he can be bought בע"כ, so can he be freed

(ii) Answer2 (רבא): re: כסף, the receipt of his master causes him to go free (no חבין לאדם שלא בפניו); re: אין חבין לאדם... שטר, it is the acceptance by others that causes him to go free (and fails due to ...)

2 חכמים – his own money (as long as it belongs to others)

(a) question: why not others'? (can't mean even his own – then they should say "שטר וכסף" in any case")

(i) answer: רשב"א – disallows שטר קבלת until it gets to his own רשות (אשה::) – which ע"כ doesn't have

1. question: according to רשב"א, may an ע"כ become an agent to receive his own גט

a. answer: yes, as per לה:: from אשה

b. challenge: why is this different from רב הונא's observation about כהנים as דרחמנא

i. his argument: they must be; else how could they do something for us which we can't

c. disanalogy: ישראל are utterly divorced from קרבנות

d. but: גט שחרור is associated with עבד (for himself)

ii שטר

1 ר"מ – he receives it himself

2 חכמים – others receive it for him