

19.01.21; 23b (ובלבד שיהא הכסף משל אחרים) → 25a (על גב היד) (שנספרת על גב היד)

1. ואם גאל יגאל איש ממעשרו חמשיתו יסף עליו: ויקרא כז, לא
 2. וכי יכה איש את עין עבדו או את עין אמתו וישחתה לחפשי ישלחנו תחת עינו: שמות כא, כז

- I Continuation of analysis of 'משנה ג' – exit alternatives of an עבד כנעני and the dispute ר"מ/חכמים about money
- a ר"מ: must come from outsider; חכמים – may come from him; as long as it is owned by others
- b *suggestion*: perhaps their dispute revolves around the purview of an ע"כ (אשה::) of financial autonomy
- i *rejection*: all agree that ע"כ (אשה::) has no financial autonomy
- ii *ששת*: dispute is in case where another gave him money on condition that his master has no control over it
- 1 ר"מ: condition is invalid, money goes directly to master
- 2 חכמים: condition is valid and may be used for redemption
- iii *אלעזר*: all agree, in such a case, that the money goes to master
- iv *dispute*: in case where other gave him money on condition that he use it for freedom
- 1 ר"מ: condition is null and master acquires money
- 2 חכמים: condition is valid, since slave never owned it either – goes directly to master for freedom
- v contradictions between positions of ר"מ & חכמים here vs. positions in re: redemption of מע"ש by wife
- 1 ר"מ – she may redeem without paying חומש (i.e. she is not considered owner)
- 2 חכמים – she must pay חומש (considered owner)
- (a) *answer 1 (אבי)*:
- (i) *case cannot be his money and his מע"ש* – then she's just doing his agency
- (ii) *case cannot be her money and his מע"ש* – then all would agree to no חומש as per v. 1
- (iii) *Case must be*: an outsider gave her money ע"מ it be used only for מע"ש
- (iv) *positions*: must be switched here
- 1 ר"מ (*now רבנן*): condition works and she is an "outsider"
- 2 ר"מ (*now רבנן*): condition doesn't work and she is "owner"
- (b) *Answer2 (רבא)*: no need to switch
- (i) *Case*: מע"ש was inherited from her family
- 1 ר"מ: maintains that מע"ש is גבוה (=הקדש) – never acquired by husband → it's "others"
- 2 רבנן: maintain that מע"ש is ממון הדיוט – acquired by husband → owned by husband
- II leaving via עין וועין (and ראשי אברים) – v. 2
- a *source (for other limbs)*: inferred from עין וועין, which are *not* שני כתובים as each is necessary
- i *if*: we only had עין וועין that it even applies to baby teeth
- ii *if*: we only had עין וועין it only applies to that with which he was born (and doesn't come in later) – צריכא
- iii *explanation*: כלל/פרט/כלל – follows example of פרט(ים)
- 1 *just as*: עין וועין are exposed מומים, so too all exposed מומים
- (a) *Challenge*: why not read פרט(ים) more narrowly – they don't return and cause work loss
- (i) *Note*: if he pulls on his slave's beard and disjoints the mandible – he goes free
- 1 *answer*: עין וועין expands to include this as well
- 2 *challenge*: if so, why not send him free if he hurts his arm but it will restore
- 3 *answer*: עין וועין are there to limit to permanent, irrevocable injuries
- b Requirement of גט שחרור in this case – dispute among תנאים
- i הכרעה – in re: עין וועין, no need (as per ר"ט) – explicit; in re: others, required (as per ר"ע) as it is מדרש חכמים
- 1 *arguments*: גט; שלוח: שלוח from אשה – need גט;
- (a) *counter*: עין וועין is written *before* ישלחנו → he's already free and needs no שחרור
- c Range of injuries
- i If the master makes a loud sound (e.g.) and deafens him – doesn't go free
- 1 *Note*: unlike animal, (damage via sound renders owner liable) – since people generate their own damage
- ii *Partial injuries*: if he injures but the limb is still usable – doesn't go free; if it was injured and unusable and he knocks it out – doesn't go free (i.e. standard is if injury causes loss of function) *justified*
- iii *If*: master is a doctor and slave requests treatment, during which he is maimed – goes free
- 1 *Dissent (רשב"ג)*: based on ושחתה, doesn't go free
- (a) *counter*: ושחתה excludes master who is ob/gyn and maims baby during delivery (רשב"ג – from שחתה)
- iv *If*: he was blind and master knocked out his eye – still goes free as מוחסר אבר (parallel – מומי עופות)
- v *דב*: if he had an extra digit and it was in line with other fingers and was cut off – goes free