

מסכת גיטין · דף י"ג ע"א

Elucidated Talmud · Statement and Proof · Navy & Gold Edition

THE SUGYA

In this daf, we continue our deep dive into the sugya of "zachin leadam shelo befanav"—whether we can acquire a benefit for someone without their direct knowledge. We look at the debate between Rabbi Meir and the Rabbis regarding a slave's emancipation. Rabbi Meir argues that freeing a slave is actually a disadvantage for him, bringing proof from the fact that a priest's slave loses his right to eat holy terumah once freed. The Gemara also explores the psychological reality of a slave, explaining that he might prefer his current status because it allows him a more unrestricted lifestyle with a Canaanite maidservant, which would be forbidden to him as a free Jewish man.

We then move on to a new Mishnah that discusses a person who gives instructions to deliver a get to his wife or a bill of manumission to his slave, but passes away before the delivery is made. Since the agency is canceled upon death, the documents cannot be delivered. However, if he instructed to give money to someone, we do fulfill his wishes after his death. The Gemara brings Rav's qualification that this only applies if the money was piled up in a corner, leading to a beautiful analysis of whether we are dealing with a healthy person or a shechiv mera (a person on his deathbed).

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

QUESTION

”וַיִּמָּה אֵילֹו עֶבֶד כֹּהֵן שֶׁבָּרַח וְאַשְׁתּוֹ כֹּהֵן שֶׁמָּרְדָּה עַל בַּעֲלָהּ – הֲלֹא אוֹכְלִים בְּתְרוּמָהּ; וְזֶה – אֵינוּ אוֹכְלִים”
– שֶׁפִּיר קָאָמַר לְהוּ!

The Gemara asks: As for Rabbi Meir's argument, "And what would be if there was the slave of a priest who fled, or the wife of a priest who rebelled against her husband – do they not continue to partake of teruma; but this slave who was emancipated **does not partake** of teruma at all?" – **he is saying well to them!** How do the Rabbis answer this?

ANSWER

אָמַר רַבָּא: הֵיִינוּ דְקָא מַהֲדָרִי לִיהּ בְּמַתְנִיתִין: מִפְּנֵי שֶׁהוּא קִנְיָנוּ.

Rava said: This is what they answered him in the Mishnah: "Because he is his acquisition."

EXPLANATION

דָּאִי בָּעִי, שֶׁקִּיל אַרְבַּעַה זְוִזֵי מִיִּשְׂרָאֵל וּפָסִיל לִיהּ כָּל הֵיכָא דְאִיתִיהּ.

This means **that if** the master **desires, he can take four zuz from an Israelite** to sell him the slave's labor, **and** thereby **disqualify him** from eating teruma **wherever he is**. Since the master already has the power to disqualify him, freeing him does not strip him of an absolute right.

QUESTION

וְלִרְבִּי מֵאִיר – תִּינַח עֶבֶד כֹּהֵן, עֶבֶד יִשְׂרָאֵל מֵאִי אִיכָּא לְמִימַר?

The Gemara asks: **And according to Rabbi Meir, this works out well** regarding the slave of a priest, whose freedom disqualifies him from teruma; but regarding the slave of an Israelite, what is there to say? Why is freedom considered a disadvantage for him?

ANSWER

אמר רבי שמואל בר רב יצחק: מפני שמפסידו משפחה כנענית.

Rabbi Shmuel bar Rav Yitzchak said: Because by freeing him, the master causes him to lose the right to marry a Canaanite maidservant.

OBJECTION

אדרבה, הרי הוא מתירו בבת חורין!

The Gemara objects: **On the contrary**, by freeing him, behold he permits him to marry a free woman! This is surely an advantage.

RESOLUTION

עבדא בהפקי'א ניהא ליה – זילא ליה, שכיחא ליה, פריצה ליה.

The Gemara answers: A slave prefers a life of licentiousness with a maidservant, because she is lowly to him, she is available to him, and she is **unrestricted to him** without the formal obligations of marriage.

מִשְׁנָה MISHNAH

MISHNAH

מתני' האומר "תנו גט זה לאשתי, שטר שחרור זה לעבדי", ומת – לא יתנו לאחר מיתה.

MISHNAH: One who says, "Give this bill of divorce to my wife," or "this bill of manumission to my slave," and then he dies – they shall not give it to them after his death.

MISHNAH

"תנו מנה לאיש פלוני", ומת – יתנו לאחר מיתה.

But if he said, "Give a maneh to Mr. So-and-so," and then he dies – they shall give it after his death.

גְּמָרָא GEMARA

STATEMENT

גמ' אמר רב יצחק בר שמואל בר מרתא משמיה דרב: והוא שצבורין ומונחין בקרן זוית.

GEMARA: Rav Yitzchak bar Shmuel bar Marta said in the name of Rav: And this ruling that they give the money after death is only when the coins are piled up and placed in a corner at the time of his command.

QUESTION

במאי עסקינן? אי לימא בבריא, כי צבורין מאי הוי? הא לא משו!

The Gemara asks: **With what are we dealing?** If we say we are dealing with a healthy person, even when they are piled up, **what of it?** Behold, the recipient **did not pull** the money to perform a meshichah, and a healthy person's verbal gift of movable property is not binding without an act of acquisition!

QUESTION

וְאֵלָּא בְּשָׂכִיב מָרַע, מַאי אִירָא צְבוּרִין? כִּי אֵין צְבוּרִין נָמִי, דְּהָא קָיָמָא לָן דְּדַבְרֵי שָׂכִיב מָרַע –
בְּכַתוּבִים וּבְמִסוּרִין דָּמוּ!

But rather, we must be dealing with a person on his deathbed. If so, why specifically must they be piled up? Even when they are not piled up it should also be given, as we establish that the words of a person on his deathbed are like documents written and delivered!

ANSWER

אָמַר רַב זְבִיד: לְעוּלָם בְּבָרִיא, וְכִדְרָב הוּנָא אָמַר רַב – דָּאָמַר רַב הוּנָא אָמַר רַב: "מָנָה לִי בִידָהּ, תִּנְהוּ
לוֹ לְפָלוּנִי", בְּמַעֲמַד שְׁלִשְׁתָּן – קָנָה.

Rav Zevid said: Actually, the Mishnah is dealing with a healthy person, and it is in accordance with that which Rav Huna said in the name of Rav. For Rav Huna said in the name of Rav: If one says to another, "I have a maneh in your possession, give it to So-and-so," in the presence of the three of them, the recipient acquires it. This type of transfer only works for a specific deposit, which is why the coins must be piled up.

ANSWER

רַב פִּפְאָ אָמַר: לְעוּלָם בְּשָׂכִיב מָרַע, וּכְאִידָהּ דָּרַב – דָּאָמַר רַב: שָׂכִיב מָרַע שְׁאָמַר "תִּנְנוּ מָנָה לְפָלוּנִי
מִנְכֶּסֶי"; "מָנָה זֶה" – נוֹתֵנִין, "מָנָה" סֵתָם – אֵין נוֹתֵנִין, חֲיִישִׁין שְׁמָא מָנָה קָבוּר קָאָמַר.

Rav Pappa said: Actually, the Mishnah is dealing with a person on his deathbed, and it is in accordance with another ruling of Rav. For Rav said: A person on his deathbed who said, "Give a maneh to So-and-so from my property" – if he said "this maneh," we give it; but if he said "a maneh" without specification, we do not give it, because we are concerned that perhaps he meant a buried maneh whose location is unknown, and he did not intend to give any other money.

RULING

וְהַלְכָתָא: לְקָבוּרָה לָא חֲיִישִׁין.

The Gemara notes: **And the halacha is, we are not concerned for a buried sum of money.**

QUESTION

רַב פִּפְאָ מַאי טַעְמָא לָא אָמַר כְּרַב זְבִיד?

The Gemara asks: **What is the reason that Rav Pappa did not say an explanation like Rav Zevid** to explain Rav's statement?

SUMMARY

The Gemara resolves the dispute between Rabbi Meir and the Rabbis by explaining how a master always retains the power to disqualify his slave from terumah, and clarifies that emancipation is considered a disadvantage because a slave prefers the unrestricted lifestyle permitted to him in his current status. Moving to the next Mishnah, the Gemara explains that while divorce and manumission documents cannot be delivered after the giver's death, monetary gifts can be. To explain Rav's ruling that the money must be piled up, the Gemara presents two approaches: Rav Zevid suggests the Mishnah speaks of a healthy person using the mechanism of "maamad sheloshtan" (a three-party gathering), which only works for a distinct

deposit, while Rav Pappa suggests it speaks of a shechiv mera, where we require the money to be clearly designated so we do not have to worry that the giver was referring to some lost, buried treasure.

למעשה WHAT TO TAKE HOME

The Gemara on Gittin 13a teaches us a profound lesson about human nature and our spiritual struggles. In discussing the emancipation of a slave, the Gemara notes a startling reality: "A slave prefers a life of licentiousness." Even though freedom grants him the elevated status of a free man, he may actually prefer the lowliness of servitude because it demands less responsibility and allows him to remain comfortable in his lower habits.

This is the classic struggle of the yetzer hara. How often do we find ourselves holding back from spiritual growth, from climbing higher in our avodah, simply because the "freedom" of Torah and mitzvos requires discipline? The yetzer hara whispers to us that it is easier to stay where we are, comfortable in our old habits, rather than taking on the responsibility of a higher, more refined life. We must recognize this whisper for what it is: the desire of the slave to remain in chains because they are familiar.

True freedom is the ability to transcend our lower nature and connect to Hashem. When we face moments of growth, we must push past the comfort of the familiar and choose the elevated path of the neshama.

Today, identify one area of your avodah where you have been holding back out of comfort or habit, and take one small, active step to elevate yourself in that area.