

שלחן ערוך
יורה דעה
הלכות עבדים

סימן רסז

Shulchan Aruch
Yoreh Deah
Laws of Slavery

Translated by R' Asher Meza of
TorahJudaism.org

סימן רסז - הלוקח עבד כנעני אסור
לקימו ערל, וטבילתו וברכתו ומילתו וכל
דיני עבד ושפחה,

Siman 267 (Summary)

When a person acquires a canaanite slave it is forbidden to keep him uncircumcised, (these laws cover) his immersion, the blessing he says, his circumcision and all the laws of slaves and maidservants.

א מִצְוֹת עֲשֵׂה עַל הָרֵב לְמוֹל עֶבְדָּיו. עֵבֶר הָרֵב וְלֹא מְלוֹ, מִצְוָה עַל בֵּית דִּין לְמוֹלוֹ. אֶחָד עֶבֶד שֶׁנּוֹלַד בְּבֵית יִשְׂרָאֵל, וְאֶחָד שֶׁקָּנָא מִהָעוֹבֵד כּוֹכָבִים, חֵיב לְמוֹלוֹ. וְאִינָם נְמוּלִים אֶלָּא בַּיּוֹם. וְיֵלִיד בֵּית נְמוּל לְח', וּמִקְנֵת כֶּסֶף נְמוּל בַּיּוֹם שֶׁנִּלְקַח, אֶפְלוּ לְקַחוּ בַּיּוֹם שֶׁנּוֹלַד, נְמוּל בַּיּוֹמוֹ. וַיֵּשׁ מִקְנֵת כֶּסֶף שֶׁנְּמוּל לְח', וַיֵּשׁ יֵלִיד בֵּית שֶׁנְּמוּל לְאוֹתוֹ יוֹם שֶׁנּוֹלַד. כִּיצַד, לְקַח שְׁפָחָה וְעֶבְרָה עִמָּה, וְיֵלְדָהּ, הֵרִי זֶה נְמוּל לְשִׁמוּנָהּ. וְאִף עַל פִּי שֶׁלְקַח הָעֶבֶר בְּפָנָי עֲצָמוֹ, וְהֵרִי הָעֶבֶר מִקְנֵת כֶּסֶף, הוֹאִיל וְלְקַח אִמּוֹ קִדְּם שֶׁנּוֹלַד, נְמוּל לְשִׁמוּנָהּ. לְקַח שְׁפָחָה לְעֶבְרִיָּה, אוֹ שֶׁלְקַח שְׁפָחָה עַל מְנַת שְׁלֹא לְהַטְבִּילָהּ לְשֵׁם עֲבָדוֹת, אִף עַל פִּי שֶׁנּוֹלַד בְּרִשּׁוֹתוֹ נְמוּל בַּיּוֹם שֶׁנּוֹלַד, שֶׁהֵרִי הַנּוֹלַד הַזֶּה כְּאִלוֹ הוּא מִקְנֵת כֶּסֶף לְבִדּוֹ, וְכְאִלוֹ הַיּוֹם קָנָאוֹ, שֶׁאִין אִמּוֹ בְּכֻלָּל שְׁפָחוֹת יִשְׂרָאֵל, כְּדִי שִׁיְהִיָּה הֵבֶן יֵלִיד בֵּית. וְאִם טְבִלָהּ אִמּוֹ אַחַר שִׁילְדָהּ, הֵרִי זֶה נְמוּל לְשִׁמוּנָהּ.

Seif 1

It is a positive commandment for a master to circumcise his slaves, If the master fails to circumcise them then it is a mitzvah on the Beit Din to circumcise them. A slave boy born in a Jewish household or one purchased from an idolater, you are (still) required to circumcise. A slave not born in your home is circumcised the same day, even if you acquired him the day he was born, you circumcise him the same day.

There are slaves who are purchased that are circumcised on the eighth day as well as slaves born in your home that you circumcise the same day. What do we mean?

Should one purchase a maidservant and purchase the rights to her fetus (separately), when she gives birth, the baby should be circumcised on the eighth day.

Although the fetus itself was purchased alone, since he purchased the mother before the child

was born, the child should be circumcised on his eighth day.

If one acquires a maidservant or her offspring or one acquires (purchases) a maidservant with the intent of not immersing her for the sake of slavehood, even though her offspring is born in his home, the child should be circumcised on the day he was born,

This is because the child is considered as if he alone had been purchased , and it is as if he purchased him this day.

His mother is not among the maidservants of the Jewish people, so that the child could be considered home-born slave. And if she immerses after she gives birth, the child should be circumcised on the eighth day.

ב כִּשְׁמֵי שְׂמִילַת הַבָּנִים דּוֹחָה אֶת הַשַּׁבָּת, כִּךְ מִילַת הָעֶבְדִּים
שֶׁהֵם נְמוּלִים לְשִׁמוּנָה דּוֹחָה אֶת הַשַּׁבָּת, חוּץ מִיֵּלִיד בֵּית
וּמְקַנֵּת כֶּסֶף שְׁלֵא טְבֻלָּה אִמּוֹ עַד שִׁילֻדָּהּ, שְׁאֵף עַל פִּי שֶׁהֵם
נְמוּלִים לְשִׁמוּנָה אֵינָם דּוֹחִים אֶת הַשַּׁבָּת.

Seif 2

Just as the circumcision of sons supersedes the Shabbat, so too, the circumcision of those slaves who are circumcised on the eighth day supersede Shabbat, with the exception of one born in your home and or purchased whose mother did not immerse herself until after she gave birth. Although such a slave is circumcised on the eighth day, his circumcision does not supersede Shabbat.

א הַעֶבֶד הַנִּלְקַח מֵהָעוֹבֵד כּוֹכְבִּים, אֹמְרִים לוֹ: רְצוֹנְךָ שֶׁתִּכְנַס לְכָלֵּל עֲבָדֵי יִשְׂרָאֵל וְתִהְיֶה מִהַכְּשָׁרִים, אוֹ לֹא. אִם רָצָה, מוֹדִיעִין לוֹ עֲקָרֵי הַדָּת, וּמְקַצֵּת מִצּוֹת קְלוֹת וְחֲמוּרוֹת וְעִנְשָׁן וּשְׂכָרְךָ, כְּמוֹ שְׁמוֹדִיעִין אֶת הַגֵּר, וּמִטְבִּילִין אוֹתוֹ כְּגֵר וּמוֹדִיעִין אוֹתוֹ כְּשֶׁהוּא בְּיָמָיו.

Seif 3

A Slave that was purchased from an idolater, we tell him: If he wishes to enter and join the slaves of Israel and become acceptable or not, is he agrees

we inform him of the fundamentals of the faith, some of the minor commandments and some of the more severe ones and punishments and rewards, like we do with a convert. Then we immerse him like we do with a convert and inform him while he is in the water.

ד לְקַח עֶבֶד גָּדוֹל מֵהָעוֹבְדֵי כּוֹכָבִים, וְלֹא רֹצֵה הָעֶבֶד לְמַל, מְגַלְגֵּל עִמּוֹ כָּל י"ב חֳדָשׁ. יִתֵּר עַל כֵּן, אֲסוּר לְקַיְמוֹ כְּשֶׁהוּא עָרֵל, אֶלָּא חוֹזֵר וּמוֹכְרוֹ לְעוֹבְדֵי כּוֹכָבִים.

Seif 4

When one purchases a slave from an idolater and the slave does not want to be circumcised, we are patient with him for a total of twelve months. Any more than this it is forbidden to hold on to an uncircumcised individual so one must then sell him to idolaters..

ה אִם מָל אֶת עֶבְדוֹ וְהִטְבִּילוֹ בְּעַל כְּרוֹחַ לְשֵׁם עֲבָדוֹת, לֹא עָשָׂה כְּלוּם.

Seif 5

If one circumcised and immersed his slave against his will for the sake of becoming a slave, his actions are of no consequence.

עֶבֶד קָטָן אוֹ שׁוֹטֵה, מִטְבִּילִין אוֹתוֹ עַל דַּעַת בֵּית דִּין.

Seif 6

A slave which is a child or an imbecile we immerse him on the authority of the court.

כְּשִׁישְׁתַּחֲרַר הָעֶבֶד צָרִיךְ טְבִילָה אַחַר כֶּךָ בְּפָנֵי שְׁלֹשָׁה, וְאִין צָרִיךְ לְקַבֵּל עָלָיו מִצְוֹת וְלִהְיוֹדִיעוֹ עֲקָרֵי הַדָּת, שֶׁכֶּבֶר הוֹדִיעוּהוּ כְּשֶׁטְבַל לְשֵׁם עֲבָדוֹת.

Seif 7

When a slave is released we immerse before three witness, he does not need to accept upon himself the commandments nor do we inform him of the fundamentals of the faith, because he was already informed when we immersed him for slavery.

ח עֶבֶד שֶׁמָּלְאוּ רַבּוֹ וְחָזַר לְגִיּוּתוֹ וּמָכְרוּ לְעוֹבְדֵי כּוֹכָבִים, וְחָזַר
יִשְׂרָאֵל וּקְנָאוּ מִמֶּנּוּ, הֵרִי הוּא כִּי־שִׂרְאֵל מוֹמֵר וְאִינוּ צָרִיךְ טְבִילָה
אֶלָּא מִלְּקוּת.

Seif 8

A slave that was circumcised that rebels and becomes haughty and one sells him to idolaters, and then returns to the Jew who sold him, he is considered like an apostate Jew and there is no need to immerse him only lash him.

ט הַלּוֹקֵחַ עֶבֶד מִן הָעוֹבְדֵי כּוֹכָבִים, אֵין הַגּוֹיף קָנוּי לוֹ עַד
שֶׁיִּטְבְּלוּנוּ לְשֵׁם עֲבָדוֹת. הַלֵּכךְ אִם קָדַם וְטָבַל לְשֵׁם בֶּן חוֹרִין,
הֵרִי הוּא בֶּן חוֹרִין. לְפִיכֵךְ צָרִיךְ לְהַטִּיל עָלָיו שׁוּם עֲבוּדָה בְּעוֹדוֹ
בַּמַּיִם, שֶׁיְהִי נִרְאֶה כְּעֶבֶד, שֶׁלֹּא יִקְדָּים וְיֹאמְרוּ: אֲנִי טוֹבֵל לְשֵׁם
בֶּן חוֹרִין. אֲבָל עוֹבְדֵי כּוֹכָבִים שֶׁמוֹכְרִים אֶת עַצְמוֹ לְיִשְׂרָאֵל, קוֹנֶה
גּוֹיפוֹ מִיָּד וְאִינוּ יְכוּלִים לְהַקְדִּים לְטָבַל לְשֵׁם בֶּן חוֹרִין.

Seif 9

If one acquires a slave from an idolater, we do not own him until we are able to immerse him in the name of slavehood.

If for whatever reason we purchase him before and then immerse him (it will end up being) for the sake of attaining his freedom, he therefore will be a free man. For this reason we need impose any form of servitude on him while in the water, so that it will look like he is a slave, if not beforehand he will say, I am immersing for sake of becoming a free man. However if an idolater sells himself to a Jew, we purchase him immediately and not give him the chance to immerse for the sake of his freedom.

■ בַּמָּה דְּבָרִים אֲמוּרִים, שְׁכַשְׁלַקְח עֶבֶד מִהָעוֹבֵד כּוֹכְבִים אֵין
הַגּוֹף קָנוּי לוֹ, כְּשֵׁאוֹתוֹ עוֹבֵד כּוֹכְבִים קָנָה אוֹתוֹ עֶבֶד עַל יְדֵי
שְׁנִמְכָר לוֹ הוּא עֲצָמוֹ. אֲבָל אִם קָנָאוּ בְּדִינָא דְּמַלְכוּתָא, דְּקָנִי
לִיה גּוֹפִיָּה, וְלִקְחוּ מִמֶּנּוּ יִשְׂרָאֵל, אִם קָדָם וְטָבֵל לְשֵׁם בֶּן חוּרִין
לֹא קָנָה עֲצָמוֹ בּוֹ חוּרִין.

Seif 10

This is what we are saying, that the slave we took from the Idolater we don't own him (his body), when he (the) idolater purchases him as a slave by means of the slave selling himself. However if he is

purchased (by the Idolater) according to the local law, his body belongs to him (his master), and then if he is acquired by a Jew (it belongs to him), and he purchased him (his body) before (immersion) and then he immerses him it will be for his freedom and he would of bought himself a free man.

יא מִי נְשִׂישׁ לוֹ שִׁפְחָה וְעַדִּין לֹא טָבְלָה לְשֵׁם עֲבָדוֹת, אָסוּר לְאַחַר לְהַטְבִּילָה בְּלֹא רְשׁוּת הָאָדוֹן.

Seif 11

He who has a maidservant and has still not immersed her for slavehood, it is forbidden to do so afterwards (before the fact) without permission from her master.

יב הַמֵּל אֶת הָעֶבְדִּים, מְבַרֵךְ: אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו וְצִוָּנוּ לְמוּל אֶת הָעֶבְדִּים. וְאַחַר כֵּן מְבַרֵךְ: אֲקַב"ו לְמוּל אֶת הָעֶבְדִּים וְלִהְטִיף מֵהֶם דָּם בְּרִית וְכו' בְּרוּךְ אַתָּה ה' כּוֹרֵת הַבְּרִית.

Seif 12

When one circumcises a slave he blesses, Blessed are you Lord King of the universe who has sanctified us with his commandments and commanded us to circumcise slaves. And afterwards we bless:AKB”V to circumcise slaves and extract from them the blood of the covenant and so forth, blessed are you Lord who establishes the covenant.

יג. צָרִיךְ לְכַסּוֹת עֲרוֹתוֹ בְּשַׁעַת בְּרַכָּה, כִּיּוֹן שֶׁהוּא גָדוֹל

Seif 13

One needs to cover his nakedness while saying the blessing.

יד אֵין עֶבֶד עֲבָרִי נוֹהֵג אֶלָּא בְּזִמְן שֶׁהַיּוֹבֵל נוֹהֵג. וְהֵי מְלִי
לְמַקְנֵיהָ גּוֹפִיָּה לְשֹׁאֵר דִּינֵי עֶבֶד עֲבָרִי, אֲבָל הֵיכָא דְקִנְיָה שִׁבְאֵי
לְמַעֲשָׂה יְדִיו בְּדִינָא דְמַלְכוּתָא, כְּגוֹן שֶׁנִּשְׁבָּה בְּמַלְחָמָה
שֶׁמְכָרוּהוּ גּוֹבֵי הַמַּס, הַדָּר מְצִי לְזַבּוּנֵי יִשְׂרָאֵל לְמַעֲשָׂה יְדִיו,
וּמְצִי הָאִי עֶבֶד לְמִיָּהֵב לְרַבֵּיהָ יִשְׂרָאֵל דְּמִי מְקַנְתוּ אוּ דְּמִי שְׂוִיו,
וְנִפְיָק, וְיַד הָאֲדוֹן עַל הַתְּחַתּוּנָה לְקַח הַפְּחוֹת.

Seif 14

There is no authority for Hebrew Slaves except in the era that the Jubilee was observed. This is said in the terms of purchase (like from a Beth Din) relating to all the rules governing Hebrew Slaves. However, in the situation when his (Hebrew Slaves) talent is sold under the secular law, such as he was detained in war or sold by tax authorities, then he may employ (The Hebrew Slave) for that talent only. The (Hebrew Slave) serves his Jewish Master for the amount paid or the value of acquiring him, and he (Hebrew Slave) is released. The hand of the Master is at a loss to accept the least.

10 אֲנָשִׁים שְׂאִינָם נוֹהֲגִים כְּשׂוֹרָה, מִתָּר לְרַדּוֹתָן בְּחֻזְקָה
וְלֹהֲשִׁתְּעִיבַד בָּהֶם.

Seif 15

People who do not act in as they should— it is permissible to subjugate them by force and be served by them.

טז מֶלֶךְ שֶׁגָזַר שֶׁכֹּל מִי שֶׁלֹּא יִתֵּן הַמַּס הַקָּצוּב עַל כָּל אִישׁ וְאִישׁ יִשְׁתַּעֲבַד לְזֶה שֶׁנָּתַן הַמַּס עַל יָדוֹ, הֲרִי זוֹ מִתֵּר לְהִשְׁתַּמֵּשׁ בּוֹ יוֹתֵר מִדְּאִי, אֲבָל לֹא כְּעֶבֶד. וְאִם אֵינוֹ נוֹהֵג כְּשׁוֹרָה, מִתֵּר לְהִשְׁתַּמֵּשׁ בּוֹ כְּעֶבֶד.

Seif 16

If a king decrees that all who do not pay taxes be enslaved to the person who pays the head tax for him, a person who pays the head tax for someone may use that person for labor beyond the ordinary measure. He may not, however, use him as a slave. If, however, that person does not conduct himself properly, he may utilize him as a slave.

יז הַקּוֹנֶה עֶבֶד עוֹבֵד כּוֹכָבִים מִיִּשְׂרָאֵל, אוֹ מֵעוֹבְדֵי כּוֹכָבִים, וְכֵן עוֹבֵד כּוֹכָבִים שֶׁמָּכַר עַצְמוֹ לְיִשְׂרָאֵל אוֹ שֶׁמָּכַר בְּנָיו וּבָנוֹתָיו, הֲרִי הוּא כְּעֶבֶד כְּנַעֲנִי, אֲלֵא שְׂאוֹתוֹ שְׁלוּקָה מֵעוֹבְדֵי כּוֹכָבִים אֵין גּוֹפוֹ קְנוִי אֲלֵא לְמַעֲשֵׂה יָדָיו, אֲלֵא אִם כֵּן קָנָאוּ בְּדִינָא דְּמַלְכוּתָא וּבְכָלֵם, כָּל זְמַן שֶׁלֹּא הִטְבִּילוּ לְשֵׁם עֲבָדוֹת, דִּינֵוּ כְּעוֹבְדֵי כּוֹכָבִים לְכָל דְּבָר. וְלֵאחֵר שֶׁיִּטְבִּילוּ לְשֵׁם עֲבָדוֹת, הוּא עֶבֶד וְחֵיב בְּמִצּוֹת שֶׁהָאִשָּׁה חֵיבַת בְּהוֹן, וּבְעֶבֶד זֶה מִתֵּר לְעֶבֶד בְּפָרֶךְ. וְאִף עַל פִּי שֶׁהִדִּין כָּךְ, מִמֵּדַת חֲסִידוֹת וְדַרְכֵי הַחֲכָמָה שֶׁיֵּהָא אָדָם רַחֲמָן וְלֹא יִכְבֵּיד עָלוֹ עַל עֲבָדוֹ וְלֹא יִצַּר לוֹ, וְיֵאָכִילָהוּ.

וַיִּשְׁקֶהוּ מִכֹּל מֵאֲכָל וּמִשְׁקָה, וְלֹא יִבְזֶהוּ לֹא בַיָּד וְלֹא בַדְּבָרִים
וְלֹא יִרְבֶּה עָלָיו צַעֲקוֹת וְכַעַס, אֲלֵא יִדְבֵר עִמוֹ בְּנִחַת וַיִּשְׁמַע
טַעֲנוֹתָיו.

Seif 17

If one buys an Idolatrous slave from a Jew or from another Idolater, and as well as an idolater who sold himself to a Jew or sold himself his sons and daughters, they are as cannanite slaves.

However if he is acquired by an Idolater we don't purchase his body however we could purchase him for his talent/work, unless he was bought according to local law or similiar, anytime that we do not immerse him for slavery, they have the status idolaters in all respects.

And if we immerse one for slavery, hes a slave and obligated to the mitzvot that pertain to woman, and because its a slave it is permitted to give him oppressive labor. Although this is the law according to our standards of decency and the ways of our sages which expects a person to be merciful and not make his slave carry a heavy yoke nor cause him distress, He should also allow them to partake

of all the food and drink he serves, Similarly, we should not embarrass a slave by our words nor should one shout or vent anger upon them but rather speak with them pleasantly, and hear their complaints.

יח מֶלֶךְ עוֹבֵד כּוֹכָבִים שֶׁעָשָׂה מִלְחָמָה וְהָבִיא שְׁבוּיִים וּמְכָרָם, וְכֵן אִם הָרִשָׁה לְכָל מִי שֶׁיִּרְצֶה שְׂיִלֶךְ וַיִּגְנֹב מֵאִמָּה שֶׁהָיָה עוֹשֶׂה עִמּוֹ מִלְחָמָה יָבִיא וַיִּמְכַר לְעַצְמוֹ, וְכֵן אִם הָיָה דִינָיו דָּכָל מִי שֶׁלֹּא יִתֵּן הַמַּס יִמְכַר אִו מִי שֶׁיַּעֲשֶׂה, כָּךְ וְכָךְ אִו לֹא יַעֲשֶׂה, יִמְכַר, הָרִי דִינָיו דִּין וְעָבַד הַנִּלְקַח בְּדִינִים אֵלֹו הָרִי הוּא כְּעָבַד כְּנַעֲנִי לְכָל דָּבָר.

Seif 18

An Idolatrous king that makes a war and brings captives to be sold, so he let anyone who wants to go and capture (people) from a nation we're at war with and bring (captives) to sell as slaves, or if his laws state that whoever does not pay his taxes - or does such and such or fails to do such and such - may be sold as a slave, the laws he ordains are

binding, and these individuals are considered Canaanite slaves with regard to all matters.

יט הָאִשָּׁה קוֹנָה שְׂפָחוֹת אֲבָל אֵינָה קוֹנָה עֲבָדִים, אֲפִלּוּ קַטְנִים, מִפְּנֵי הַחֲשָׁד.

Seif 19 A woman can own female slaves but not male slaves, even male children out of suspicion.

כ יְכוּל הָרַב לֹאמַר לְעֲבָדָיו: עֲשֵׂה עִמִּי וְאִינִי זָנָךְ. אֲבָל עֲבָדֵי נְכֹסֵי מְלוּג, חַיֵּב לְזוּנָם.

Seif 20

A master may tell his slave: "Work for me, but I will not feed you," however slaves a wife acquired through inheritance one has an obligation to feed.

כא הַקּוֹטֵעַ יָד עֶבֶד כְּנֻעֲנִי שֶׁל חֵבְרוֹ, נוֹתֵן חֲמִשָּׁה דְּבָרִים לְאָדוֹן וְהָעֶבֶד נִזוֹן מֵהַצְּדָקָה, אֲף עַל פִּי שֶׁהָאָדוֹן לוֹקֵחַ הַשָּׁבֶת, שֶׁהֵרִי

יכול לומר לו: עשה עמי, ואיני זנך. והרפוי, נותן לרפואתו. ואם
אמדוהו להתרפאות בה' ימים, ועשו לו סמים חזקים שמהר
להתרפאות בג' ימים, האדון לוקח היתרון אף על פי שהעבד
נצטער בסמים החזקים.

Seif 21

If one amputates the hand of his neighbors
canaanite slave, he must give his master 5 things
and to the slave he rightfully sustains him, although
the master gets paid for his damages, you can say
to him (the slave):work for me and I'll sustain you.
Although you must allow him to recover if he
estimates his recuperation will take 5 days, and if
you make him a tonic for strength and he quickly
recuperates in 3 days, then the master can take
and profit in spite of his slaves anguish (bec of the
tonic).

כב כל מה שקנה עבד, קנה רבו. בין שמצא מציאה או נתנו
לו מתנה, בין שנתנה לו האדון או אחר

לֹא זָכָה בָּהּ אֱלֹא הַכֹּל לְאֲדוֹן, בֵּין גּוֹף בֵּין פְּרוֹת. אֶפְלוּ אָמַר
לִיָּה: עַל מְנַת שְׂאִין לְרַבֵּךְ רְשׁוּת בּוֹ אֲנִי נוֹתֵן לָךְ, אִינּוּ כְּלוּם
אֱלֹא אִם כֵּן יֹאמֶר: אֲנִי נוֹתֵן לָךְ עַל מְנַת שְׂתִיצָא בּוֹ לְחֵרוֹת

Seif 22

Everything a slave purchases belongs to his master, whether he finds it or it is give to him as a gift, whether given to him by his master or someone else,

It all belongs to the master, (as does) the field and what it produces, even if someone says to him: (i'm giving you this) on the condition that your master has no right to it, it is (still) of no effect unless you say: I am giving you this on the condition that you go out with it to freedom.

כג עֶבֶד כְּנֻעִי, בֵּין קִנְאוֹ בְּעוֹדוֹ עוֹבֵד כּוֹכְבִים בֵּין קִנְאוֹ אַחַר
שֶׁהִטְבִּילוֹ רַבּוֹ, נִקְנָה בְּכֶסֶף אוֹ בְּשֶׁטֶר אוֹ בְּחִזְקָה, בֵּין קִנְאוֹ
מֵעוֹבֵד כּוֹכְבִים בֵּין קִנְאוֹ מִיִּשְׂרָאֵל. וְחִזְקָה הוּא שִׁישְׁתַּמֵּשׁ בּוֹ,
כְּגוֹן שִׁיתִּיר לוֹ מִנְעָלוֹ אוֹ, יִנְעִילֵנוּ אוֹ שֶׁהוֹלִיךְ כְּלִיו לְבֵית
הַמֶּרְחָץ, אוֹ הַלְבִּישׁוֹ אוֹ הַפְּשִׁיטוֹ, הַרְחִיצוֹ, סָכוּ אוֹ גִּרְדוּ

Seif 23

A canaanite slave, whether you bought him while he was an idolater or whether you bought him after his master immersed him, is acquired by money or a document or under an accepted presumption, whether he bought him from an idolater whether he bought him from a Jew. It becomes an established presumption when he uses him, such as having the servant untie his shoe, put on his shoe, or having him carry his clothes to the bathhouse or dress him or undress him, washes him, anoints or scrubs him.

כד הַגְּבִיּוֹת הָעֶבֶד לְרַב לְצַרְךָ תִּשְׁמִיט, קִנְאוֹ. הַגְּבִיּוֹת הָרַב לְעֶבֶד, לֹא קִנְאוֹ.

Seif 24

If the slave lifts the master like a utilized commodity, the slave is acquired.

If the master lifts the slave, the slave is not acquired.

כה נִקְנָה בַּחֲלִיפִין . וְכֵן נִקְנָה בַּמְשִׁיכָה , שֶׁתִּקְפוּ וּמִשְׁכוּ אֵלָיו .
אָבֵל אִם קָרְאוּ וְהוּא בָּא אֵלָיו , לֹא קָנָא אֶלָּא אִם כֵּן הוּא קָטָן .

Seif 25

If one acquires a slave through an exchange. he's acquired through pulling, or forcibly pulling the slave to himself. However if one called the slave and then he came he is not acquired unless he was a child.

כו הָעֶבֶד קוֹנֶה אֶת עַצְמוֹ בְּכֶסֶף אוֹ בְּרֵאשִׁי אִיבָרִים אוֹ בְּשֵׁטֶר .
כִּי־צִד קוֹנֶה אֶת עַצְמוֹ בְּכֶסֶף , כְּגוֹן שֶׁנָּתַן אֶחָד לְרַבּוֹ מְעוֹת וְאָמַר
לִיהִ: עַל מְנַת שְׂיִצָּא עֲבָדְךָ בְּהֵם לְחֵירוֹת , כִּי־וּן שֶׁקִּבֵּל הָרַב
הַכֶּסֶף אוֹ שְׂוֵה כֶּסֶף יֵצֵא הָעֶבֶד לְחֵירוֹת וְאִין צָרִיךְ דַּעַת הָעֶבֶד .
וְכֵן אִם נָתַן אֶחָד לְעֶבֶד מְעוֹת וְאָמַר: עַל מְנַת שֶׁתֵּצֵא בְּהֵם
לְחֵירוֹת , אִם רָצָה הָאָדוֹן לְקַבֵּל הַמְּעוֹת יֵצֵא הָעֶבֶד לְחֵירוֹת , וְאִם
לֹא רָצָה , לֹא קָנָה הָעֶבֶד הַמְּעוֹת

Seif 26

A slave acquires his freedom with either money, or from losing the tips of his limbs or with by securing a bill of ownership.

How is it done by money?

For example when someone else gave the slave's master money and tell him: This amount is yours for the sake of giving your slave his freedom, Once his master receives the money or merchandise worth money, the slave is granted his freedom, this all could be done without the knowledge of the slave. Similarly, the slave can be freed if a person gives the slave money, specifying that it is given to him "with the intent that he use it to obtain his freedom." If the Master wishes to accept the money the slave acquires his freedom if not the slave does not (even) keep the money.

כז כִּי־צִד בְּרֵאשֵׁי אֲבָרִים, עֶבֶד שֶׁמַּל וְטָבַל לְשֵׁם עֲבָדוֹת, אִם סָמָא אָדוֹנָיו אֶת עֵינָו, אוֹ הַפִּיל שֵׁנוֹ, אוֹ חָסְרוּ אֶחָד מִרֵּאשֵׁי אֲצָבָעוֹתָיו יָדָיו וְרַגְלָיו, אוֹ רֵאשֵׁי אֲזָנָיו, אוֹ רֵאשֵׁי הַחֹטֵם, אוֹ רֵאשֵׁי הַגְּוִיָּה, אוֹ רֵאשֵׁי הַיָּדַיִם שֶׁבְּאִשָּׁה, יוֹצֵא לְחֵרֹת וְצָרִיךְ גֵּט שְׁחָרוּר. אָבֵל חֵתֶךְ לְשׁוֹנוֹ, אִינוֹ יוֹצֵא לְחֵרֹת

Seif 27

How does a slave acquire his freedom by the loss of one of his limbs? A slave that is circumcised and immersed for the sake of slavehood, if he was blinded by his master, or if he knocked out his tooth or is made to lose the tip of a finger or toes or nose or penis or nipples of a woman, he (or she) is granted his (or her) freedom and receives a bill of release. However if his tongue is cut off he is not set free.

כח יִסְרֹסוּ בַּבְּיָצִים וְנִתְקַן מֵהַכִּיס לְגַמְרֵי, יוֹצֵא לְחֵירוֹת. אָבֵל אִם
כָּרְתָם וְעִדִּין תְּלוּיִים בַּכִּיס, אֵינוֹ יוֹצֵא לְחֵירוֹת.

Seif 28

If the slave was castrated completely, he is set free. However if his genitals are slightly cut but still intact he does not gain his freedom.

כט הִיָּתָה לוֹ אֶצְבַּע יִתְּרָה וְחִתְּכָה, אִם עוֹמְדָת בְּסִדֵּר
הָאֶצְבָּעוֹת יוֹצֵא לְחֵירוֹת.

Seif 29

If there is a slave with an extra finger gets it cut off by his master, if the finger stands in the order of the other fingers he is set free.

ל. תִּלְשׁ בְּזָקְנוֹ וְדָלְדַל בּוֹ עֶצֶם מִהַלְחִי, יוֹצֵא לְחֵירוֹת.

Seif 30

If the master pulls out the slaves beard and by doing so dislocates his jaw bone he is granted his freedom.

לא. הִכָּהוּ עַל יָדוֹ וְצִמְתָּהּ וְסוּפָה לְחֹזֶר, אֵינוֹ יוֹצֵא לְחֵירוֹת.

Seif 31

If the master struck his hand and it became swollen, he doesn't receive his freedom.

לב. הִפִּיל שֵׁנוֹ שָׁל קָטָן שְׁעָתִיד לְהַחֲלִיפָהּ, אֵינוֹ יוֹצֵא לְחֵירוֹת.

Seif 32

If the master knocks out the tooth of child that will grow back the child (slave) does not receive his freedom.

לג הִיְתָה עֵינוּ כִּהְיָה קָצַת וְהִכְהוּ בָּהּ וְסִמְאַהּ, אִם מִתְחִלָּה הָיָה יָכוֹל לְהִשְׁתַּמֵּשׁ בּוֹ קָצַת, יוֹצֵא בּוֹ לְחֵירוֹת. אָבֵל אִם חֲטָטָהּ, אֶפְלוּ לֹא הָיָה יָכוֹל לְהִשְׁתַּמֵּשׁ בּוֹ כְּלָל, יוֹצֵא לְחֵירוֹת שְׁהָרִי חֶסֶרוֹ אֵבֶר. וְהוּא הַדִּין בְּאֶחָד מֵרֵאשִׁי אֲבָרִים שֶׁהָיָה בְּטֵל וְאִינוֹ עוֹשֶׂה בּוֹ מְלָאכָה, אִם חָתְכוּ יוֹצֵא בּוֹ לְחֵירוֹת שְׁהָרִי חֶסֶרוֹ אֵבֶר.

Seif 33

If his eye was not functioning well and then it was struck and he was blinded, if at the beginning he was able to use it (atleast) some, he goes free. However if the master cut it out, even if he wasn't able to use it at all the slave goes free because the master caused him to lose an organ.

The same law applies with regard to any other of the tips of the organs that are not functional and cannot be used for labor, if they are cut the slave is released because of losing an organ/limb.

לד הִכְהוּ עַל עֵינוּ וְחִסַּר מֵאוֹרָה, עַל שֵׁנוּ וְנִדְדָהּ, אִם יָכוֹל לְהִשְׁתַּמֵּשׁ בּוֹ עֲדֵין אִינוֹ יוֹצֵא לְחֵירוֹת.

Seif 34

If the master struck his eye and the slaves vision was impaired or struck him on his tooth and it

becomes loose, if he is able to use them (where he was struck) he does not go free if not he does go free.

לה הִכָּהוּ עַל עֵינוֹ וְסִמְאַהּ, עַל אָזְנוֹ וְחִרְשָׁהּ, יוֹצֵא לְחֵירוֹת. אָבֵל
אִם הִכָּה בַכֶּתֶל כְּנִגְדַּד עֵינוֹ אוֹ כְּנִגְדַּד אָזְנוֹ וְנִבְעַת עַד שֶׁאֵינוֹ רוֹאֶה
וְאֵינוֹ שׁוֹמֵעַ, אֵינוֹ יוֹצֵא לְחֵירוֹת.

Seif 35

If the master struck the eye and blinded the slave, or his ear and made him deaf, the slave is freed. However if he struck his eye or ear against a wall and in turn becomes mentally disturbed to the point that he can't see or cannot hear he doesn't go free.

לו בְּכָל אֵלוֹ אֵינוֹ יוֹצֵא לְחֵירוֹת עַד שֶׁיַּעֲשֶׂה הָאָדוֹן בְּכֹוֹנָה. לְפִיכָךְ
אִם כָּוֵן לְזָרֵק אָבֵן בְּבֵהֶמָה, וְנִפְלָה בְּעֶבֶד, וְחִתְּכָה אֶצְבָּעוֹ אוֹ
הַפִּיל שָׁנוֹ, אֵינוֹ יוֹצֵא לְחֵירוֹת. וְכֵן אִם הוֹשִׁיט יָדוֹ לְמַעֵי שְׂפָחָתוֹ,

וְסִמָּא עֵין עֵבֶר שְׁבִמְעִיהָ, אִינוּ יוֹצֵא לְחֵרוֹת שְׁהָרִי לֹא יָדַע דְּבָר
שְׁתִּתְכֹּן לוֹ. אָבֵל אִם הָיָה רַבּוֹ רוֹפֵא וְאָמַר לִיהִ: כְּחַל עֵינִי,
וְסִמָּאָה, יוֹצֵא לְחֵרוֹת שְׁהָרִי כִּין לְאֵבֶר.

Seif 36

In all these cases the slave doesn't go free for actions done unintentionally by the owner. Thus if the master intended to hit an animal with a rock but instead hit the slave and cut a finger or knocked out a tooth the slave does not go free. And If the master inserted his hand into the womb of his maid-servant and blinded the eye of the fetus within, he is not granted his freedom, for he was not aware of the entity thus he could intend to strike it. However if the Master is the slaves doctor and the slave told him: "Treat my eye for me," and he ends up blinded it, the slave goes free because his intention/attention was on the Limb/Organ.

לז מִי שְׁחָצִיו עֶבֶד וְחָצִיו בֶּן חוֹרִין, אוֹ עֶבֶד שֶׁל ב' שְׁתִּתְכֹּן, אִין
יוֹצֵאִין בְּרָאשֵׁי אֵיבָרִים, מִשּׁוּם דְּאָמַר קְרָא: עֶבְדוֹ הִמְיָחַד לוֹ

Seif 37

One who is half slave and half free, or a slave which is owned by two masters he does not receive his freedom by losing the tips of his limbs, because the Pasuk says that one's slave belongs uniquely to himself.

לח עֶבְדֵי צֵאן בִּרְזָל יוֹצְאִים בְּרָאשֵׁי אַבְרָיִם לְאִישׁ, אָבֵל לֹא לְאִשָּׁה. וְשֵׁל נִכְסֵי מְלוּג, אֵין יוֹצְאִין לֹא לְאִישׁ וְלֹא לְאִשָּׁה.

Seif 38

A slave that is considered a heritage asset is not released because of the loss of the tips of their limbs or organs if the husband was the cause but not if the wife caused it. And if its usufruct property he doesn't go free because he neither belongs to the husband or wife.

לט הַפִּיל שֵׁן עֶבְדוֹ וְסָמָא עֵינוֹ, יוֹצֵא בְּשֵׁנוֹ וְאִינוֹ נוֹתֵן דְּמֵי עֵינוֹ. וְאִם תִּפֹּס אֵין מוֹצִיאִין מִיָּדוֹ. וְאִם כָּתַב לוֹ גֵּט שְׁחָרוּר בֵּין הַפִּיל שֵׁנוֹ לְסָמָא עֵינוֹ, חֵיב לִיתֵן לוֹ דְּמֵי עֵינוֹ

Seif 39

If one knocks out the tooth of his slave and blinds his eye, he goes free and does not have to pay damages for his eye. If he seizes the money owed to him we don't remove it from his hand. And if he (his master) writes him a bill of release in the middle of knocking his tooth and blinded his eye, he is obligated to pay damages for his eye.

מ יְצִיאַת הָעֶבֶד בְּרֵאשֵׁי אֵיבָרִים, אֵף עַל פִּי שֶׁהוּא קָנָס, נוֹהֵג בְּזִמְנֵי הַזֶּה, שָׂאֵם בָּאוּ עֵדִים בַּדָּבָר אֵינוּ יְכוּלִּים לְהַשְׁתַּמֵּשׁ בּוֹ. וַיֵּשׁ מִי שֶׁכָּתַב שְׂמֻשְׁמֻתִין אוֹתוֹ עַד שֶׁיִּכְתֹּב לוֹ גֵּט שְׁחָרוּר.

Seif 40

The releasing of slaves because of lost limbs, even though it is a fine, our custom today is that if witnesses come regarding the thing tell him that he can't use him.

And there are some who write that we excommunicate him until he writes him a document of release.

מא כִּיצַד בְּשֵׁטֶר, כּוֹתֵב עַל הַנִּיר אוֹ עַל הַחֶרֶס: הֲרִי אֶתָּה בֶן חוֹרִין, אוֹ הֲרִי אֶתָּה לְעַצְמְךָ, אוֹ אֵין לִי עֶסֶק בְּךָ, וּמוֹסְרוֹ לִידוֹ אוֹ לְאַחַר בְּשִׁבְלֹו, אֶפְלוּ בְּלֹא יְדִיעַת הָעֶבֶד, שְׁזִכּוֹת הוּא לוֹ שְׂיִיצֵא מִתַּחַת יַד רַבּוֹ לְחֵרוֹת, וְאִם מוֹחָה בְּיָדוֹ מִלְּקַבְּלוֹ, לֹא יֵצֵא בּוֹ לְחֵרוֹת.

Seif 41

How does a slave achieve his freedom through the transfer of a legal document? The master must write to him on a paper or on a shard: "Behold, you are a free man," "Behold, you are your own property," "I no longer have anything to do with you," And handed over to him or to another for him, Even without the knowledge of the slave because it is benefit to him to be freed from under the master's hand to freedom, however if he protests when he receives it he does not go free.

מב. אָמַר לוֹ אֶחָד מֵאֵלוּ הַלְּשׁוֹנוֹת עַל פֶּה, אֵינוֹ כְּלוּם.

Seif 42

If others informed him with those expressions (verbally) “ it is of no consequence”.

מג הכותב לשפחתו: הרי את מתרת לכל אדם, אין זה לשון שחרור.

Seif 43

For his female slave if he writes: Behold you are permitted to anyone, it is of no consequence.

מד מסר לו השטר בפני עדים, או שהיו העדים חתומין בו ומסרו לו בינו לבין עצמו, יצא בו לחרות. ויש אומרים שצריך שימסרנו לו בפני עדים. ואם אנו רואים אותו חתום אין צריך שיבואו לפנינו עדי מסירה שאנו תולים שבדין נמסר.

Seif 44

If he is given the document in the presence witnesses. or, if witnesses have signed on the bill of release and he gives the slave the bill of release in private, he attains his freedom. There are those who say that it needs to be given to him in the presence witnesses.

And if we see it signed, there is no need for us to receive testimony ascribing that it was legally delivered.

מה בְּנִשְׁפָּה דְּבָרִים שְׂוִים שְׁחֲרוּרֵי עֲבָדִים לְגִטֵי נָשִׁים, וּבְנִשְׁאָר
הַדְּבָרִים הָרִי הֵם כְּנִשְׁאָר כָּל הַנְּשֻׁטָּרוֹת. וְאֵלּוּ הֵם הַנְּשֻׁפָּה

1. פְּסוּלִים בְּעֶרְכָּאוֹת שֶׁל עוֹבְדֵי כּוֹכָבִים.

2. וּכְשָׂרִים בְּעֵד כּוֹתֵי.

3. וּצְרִיכִים כְּתִיבָה לְשֵׁם הַמְּשִׁתַּחֲרֵר עֲצָמוֹ.

4. וְאֵין נִכְתָּבִים בְּמַחְבֵּר.

5. וְאֵין חוֹתְמִים עֲדֵיהֶם אֶלָּא זֶה בְּפָנָי זֶה.

6. אַחַד גִּטֵי נָשִׁים וְאַחַד שְׁחֲרוּרֵי עֲבָדִים שְׂוִים בְּמוֹלִיךְ וּמִבִּיא.

Seif 45

There are six things in where a bill of release given to a slave is equivalent to a bill of divorce. With regard to other matters, a bill of release is equivalent to other legal documents. These are the six:

1) they are not acceptable if prepared by the courts of idolaters;

- 2) they are acceptable if one witness is a cuthean,
- 3) they must be written for the sake of the slave who is being freed;
- 4) they may not be written on an article that is attached to the ground;
- 5) the witnesses may sign only in the presence of each other; and
- 6) the same laws apply to a bill of divorce and a bill of release with regard to bringing these legal documents from one place to another.

מו כיצד, כל השטרות העולים בערכאות של עובדי כוכבים, כשרים בתנאים שנתבארו בהלכות הלואה, חוץ מגטי נשים ושחרורי עבדים.

Seif 46

What is implied? All legal documents that are composed by idolaters are acceptable provided they conform to all the conditions stated in Hilchot

Halva'ah with the exception of bills of divorce for women and bills of release for slaves.

מז כָּל שֵׁטֶר שֵׁיִשׁ עָלָיו אֶפְלוּ עַד אֶחָד כּוֹתֵי, פְּסוּל, חוּץ מִגֵּיטֵי נָשִׁים וְשִׁחְרוּרֵי עֲבָדִים שֶׁהֵם כְּשָׂרִים בְּעַד אֶחָד יִשְׂרָאֵל וְעַד אֶחָד כּוֹתֵי, וְהוּא שִׁיְהִי כּוֹתֵי חֵבֵר. וּבְזִמַּן הַזֶּה שֶׁהַכּוֹתֵי כְּגוּיִים לְכָל דְּבָרֵיהֶם, אָנוּ לְמַדִּים מֵהֶם לְצִדּוּקִים, שֶׁהַצְּדוּקִים בְּזִמַּן הַזֶּה כְּמוֹ כּוֹתֵי בְּאוֹתוֹ זִמַּן, קִדְּם שֶׁגָּזְרוּ עֲלֵיהֶם שִׁיְהִיו כְּגוּיִים.

Seif 47

Any legal document that is signed by even one witness who is a cuthean is not acceptable, with the exception of bills of divorce for women and bills of release for slaves, provided the Cuthean is known to be precise in his observance.

In the present age, when the Cutheans are considered as gentiles with regard to all matters, we apply the laws stated with regard to them to the Sadducees. For the Sadducees in the present era are considered like the Cutheans of the previous era, before it was decreed that they would be considered like gentiles.

מח בְּגִט אִשָּׁה הוּא אוֹמֵר: וְכָתַב לָהּ (דְּבָרִים כד, א ג) לְשִׁמָּהּ. וּבְגִט שְׁחָרוּר הוּא אוֹמֵר: אוֹ חֲפֻשָּׁה לֹא נָתַן לָהּ (וַיִּקְרָא יט, כ), עַד שֶׁיִּכְתֹּב לְשִׁמָּהּ.

Seif 48

With regard to a woman's bill of divorce, Deuteronomy 24:1 states: "And he shall write to her, "for her sake" and a document free a female (canaanite) slave reads "Nor was freedom given to her," Leviticus 19:2 teaching that the bill of release must be written for her sake.

מט בְּגִט אִשָּׁה הוּא אוֹמֵר: וְכָתַב וְנָתַן מִי שְׂאִינוֹ מְחָסֵר אֶלָּא נְתִינָה, יֵצֵא הַכּוֹתֵב בְּמַחְבֵּר וְאַחַר כֵּךְ קִצֵּץ, שְׁהָרִי מְחָסֵר קִצִּיצָה וְנְתִינָה. וּבְגִט שְׁחָרוּר הוּא אוֹמֵר: נָתַן לָהּ לֹא יֵהָא מְחָסֵר אֶלָּא נְתִינָה.

Seif 49

With regard to a woman's bill of divorce, Deuteronomy 24:1 states: "And he shall write to her, he who does not (the bill should be written) on a substance that is lacking only to be given.

This excludes a bill of divorce that is written while the article on which it is written is attached and afterwards detached. For it is lacking both being detached and being given.

Similarly, with regard to a bill of release, it is written: "given to her," (Lev 19:2) teaching that the bill of release should be lacking only being given.

נא אֶחָד גָּטִי נָשִׁים וְשִׁחְרוּרֵי עֶבְדִּים אֵינָם חוֹתְמִים אֶלָּא זֶה בְּפָנָי זֶה.

Seif 50

Witnesses may not sign bills of divorce for women and bills of release for slaves outside each other's presence.

נא כִּי־צַד שְׂוִין בְּמוֹלִיךְ וַיִּמְבִּיא, שֶׁהֵמְבִיא גֵט שִׁחְרוּר בְּאֶרֶץ יִשְׂרָאֵל אֵינוֹ צָרִיךְ לֹמַר: בְּפָנַי נִכְתַּב וּבְפָנַי נְחָתָם, וּבְחוּצָה לְאֶרֶץ אִם אֵין עֵדִים מְצוּיִים לְקִיּוּמוֹ וְאָמַר הַשְּׁלִיחַ: בְּפָנַי נִכְתַּב וּבְפָנַי נְחָתָם, זֶה קִיּוּמוֹ, וְאִם בָּא הָאֲדוֹן וְעִרְעַר אַחַר כֵּן, אֵין מִשְׁגִּיחִין בּוֹ.

Seif 51

What is meant by the statement that the same laws apply to bills of divorce and bills of release with

regard to bringing these legal documents from one place to another?

When an agent brings a bill of release from one place to another in the land of Israel, he does not have to testify that it was written and signed in his presence.

And in the diaspora, if there are no witnesses present to verify the authenticity of the bill of release, and the agent states that it was written and signed in his presence, its authenticity is considered as verified. Afterwards, if the master comes and protests, no attention is paid to him, as we have explained with regard to a bill of divorce.

נב כְּשֵׁם שֶׁהָאִשָּׁה מְבִיאָה גְטָה וְאִינָה צְרִיכָה לְקִיּוּמוֹ, הוֹאִיל וְהֵגִט יוֹצֵא מִתַּחַת יָדָהּ, כִּךְ הָעֶבֶד שֶׁשִּׁטָּר שְׁחֲרוּר יוֹצֵא מִתַּחַת יָדוֹ אֵינוֹ צָרִיךְ לְקִיּוּמוֹ.

Seif 52

Just as when a woman brings a bill of divorce, she does not have to have the authenticity of the

document verified, because the bill of divorce is in her possession so when a servant's bill of release is in his possession, he does not have to have the authenticity of the document verified.

נג וְכִשֶׁם שֶׁהָאִשָּׁה אוֹמְרָת: בְּפָנַי נִכְתָּב וּבְפָנַי נִחְתָּם, אִם הִתְנָה עָלֶיהָ, כֵּן הָעֶבֶד.

Seif 53

Just as the woman must say: "It was written and signed in my presence," when it was stipulated that she do so, as we have explained in that context, the same applies for a servant/slave.

נד. כָּל הַכָּשִׁיר לְהַבְיֵא גִט הָאִשָּׁה כָּשִׁיר לְהַבְיֵא גִט הָעֶבֶד.

Seif 54

Everyone who is acceptable to bring a bill of divorce to a woman (as the husband's agent) is also acceptable to bring a bill of release for a slave (as the agent of the master.)

נה הָעֶבֶד מִקְבֵּל לְחֵירוֹ גַּט מִיַּד רַבּוֹ שֶׁל חֵירוֹ, אָבֵל לֹא מִיַּד רַבּוֹ שֶׁל עַצְמוֹ.

Seif 55

A slave may receive a bill of release for another slave from that slave's master, but not from his own master.

נו הַמּוֹסֵר גַּט שְׁחָרוֹר לְעֶבֶד עַל מְנַת שְׂשִׁיטַתְחָרָר בְּבֵית דִּין, לֹא שָׂנָא אִם כְּתוּב בּוֹ: עַצְמְךָ וּנְכָסֵי קְנוּיִים לְךָ, לֹא שָׂנָא אִם כְּתוּב בּוֹ: כָּל נְכָסֵי קְנוּיִים לְךָ, עַצְמוֹ קָנָה עַל פִּי דְבוּרוֹ שְׂשִׁיטַתְחָרָר: בְּפָנַי נִכְתָּב וּבְפָנַי נִחְתָּם; נְכָסִים לֹא קָנָה עַד שְׂשִׁיטַתְחָרָר בְּחוֹתְמָיו.

Seif 56

If one transfers a bill of release for a servant with the intention that he be released in a court, we do not differentiate if it says: Yourself and the assets you purchased, we do not differentiate if it says: all my property is acquired by you, he acquired his own person by saying: Before me it was written and signed; However he does not acquire it until the authenticity of the document is verified.

נז הכותב כל נכסיו לעבדו, יצא לחרות, שהוא בכלל הנכסים וקונה עצמו בכלל הנכסים. אבל אם שיר מקצת הנכסים, בין קרקע בין מטלטלין, בין פירש השויר בין לא פרשו, בין היו לו נכסים אחרים חוץ מאלו ששיר בין לא היו לו נכסים אחרים, ואפלו כתב לו: עצמך וכל נכסי קנויים לך חוץ מדבר פלוני, לא יצא לחרות ולא קנה הנכסים.

Seif 57

If someone writes over all his assets to his slave, the slave acquires his freedom, for he is included in assets and acquires himself in all those assets. However if is left over small assets, whether its attached to the ground or his personal belongings, whether he specifies a portion or not, whether he has other assets of those leftover whether they werent other assets, even if he writes to him : yourself and all my assets should be acquired to you besides one object, he does not go out free and does not acquire the assets.

נח הכותב שטר ארוסין לשפחתו, אף על פי שאמר לה: צאי בו לחרות והתקדשי בו, אין זה לשון שחרור ואינה לא מקדשת ולא משחררת.

Seif 58

Regarding a document for erusin of a maidservant, although it states: go out to freedom and go be betrothed, these are not the words of release, (thus) she is not betrothed nor released.

נט המשחרר שני עבדים בשטר אחד, לא קנו עצמם. לפיכך הכותב כל נכסיו לשני עבדיו בשטר אחד, אף עצמם לא קנו. ואם כתב בשתי שטרות, קנו ומשחררין זה את זה. במה דברים אמורים, כשכתב בכל שטר משניהם: כל נכסי נתונים לפלוני ופלוני עבדי, אבל אם כתב: חצי נכסי לפלוני עבדי, וחצי נכסי לפלוני עבדי, אף בשני שטרות לא קנו כלום.

Seif 59

One who liberated two slaves with one document, they do not acquire their freedom. Therefore if a person writes a single legal document transferring all his property to two slaves, they do not acquire

their freedom. If the master wrote two documents, one for each slave, they acquire their freedom.

When does the above apply? When the master wrote in each legal document: "All my property is given to so and so and so and so, my slaves.

If, however, he writes: "Half of my property is given to so and so, my slave, and the other half is given to so and so, my slave," even if the owner wrote two documents, the slaves do not acquire anything.

○ המִשְׁחֵר חֲצֵי עֲבָדוֹ, בְּשֵׁטֶר, לֹא קָנָה הָעֶבֶד אֶת חֲצֵי וְנִשְׂאָר עֶבֶד כְּמוֹ שְׁהָיָה. אֲבָל אִם שִׁחַר חֲצֵי בְּכֶסֶף, שְׁנָתַן לוֹ דְּמֵי חֲצֵי כְּדֵי לְהַשְׁתַּחֲרֵר, קָנָה, וְהוּא חֲצֵי בֶן חוּרִין. בַּמָּה דְּבָרִים אֲמוּרִים, בְּשִׁחַר חֲצֵי בְּשֵׁטֶר וְנִשְׂאָר בּוֹ חֲצֵי הָאֲחֵר, אֲבָל אִם מָכְרוּ אוֹ נָתְנוּ לְאֲחֵר, בֵּין שְׁהָיָה הַשְׁחָרֹר וְהַמְכִירָה אוֹ הַנְּתִינָה כְּאֶחָד, בֵּין שֶׁקָּדַם הַמְכִירָה אוֹ הַנְּתִינָה לְשִׁחָרוֹר, קָנָה הָעֶבֶד אֶת חֲצֵי, וְהַלּוּקָח אוֹ הַמְקַבֵּל חֲצֵי הָאֲחֵר. וְכֵן עֶבֶד שֶׁל שְׁנֵי שְׁתַּפִּים שִׁשְׁחָר אֶחָד מֵהֶם אֶת חֲלָקוֹ, אֶפְלוּ בְּשֵׁטֶר, קָנָה, וְהוּא חֲצֵי בֶן חוּרִין.

If one free his slave halfway with a bill of release, the slave does not acquire half of his person, and he is a slave just as he was before. However if he releases half of a slave, because of a monetary payment - e.g., he took money for half his worth with the intent of freeing that half - he acquires (half his freedom). Thus, he is half slave and half free man.

When does the above apply? When the master released half of the slave (with a bill of release) and retained half. If, however, he sold half the slave and gave away the other half after, whether the liberation was through the selling or as a gift likewise whether the sale preceded it or after the release the slave acquires half of his person, and acquires or accepts the other.

Similarly, when a slave is owned by two partners, and one frees his half - whether through money or through a legal document - the slave acquires his half, and he is half slave and half free man.

או הכותב לשפחתו מעברת: הרי את בת חורין וילדך עבד, דבריו קיימים. את שפחה וילדך בן חורין, לא אמר כלום.

Seif 61

When a master writes a bill of release for his maidservant who is pregnant, stating "You are free, but your child-to-be remains a slave," his words are binding. If, however, it states: "You remain a maid-servant, but your child-to-be is free," it is of no consequence.

בו מי שחציו עבד וחציו בן חורין, אינו יכול לשא לא שפחה ולא בת חורין, לפיכך כופין את רבו לשחררו, וכותב לו שטר על חצי דמיו. ובעוד שלא כתב לו גט שחרור, מעשה ידיו לעצמו, ואם המיתו שור אינו משלים לא קנס ולא כפר.

במה דברים אמורים, בעבד, מפני שהוא מצוה על פריה ורביה; אבל שפחה, תשאר כמו שהיתה ועובדת את עצמה יום אחד, ואת רבה יום אחד, ואם הפה אדם על ידה וצמתה וסופה לחזר, אם הפה ביום שעובדת את רבה, הניזק לרבה. ואם ביומה, הניזק לעצמה. אבל אם נקטעה ידה, וכן כל דבר שאין סופו לחזר, חולקין הניזק היא והאדון. ואם המיתה, נותן חצי הקנס לאדון ופטור מחצי הכפר.

Seif 62

A person who is a half slave and half free is not permitted to marry a maid-servant or a free woman. Therefore, we compel his master to write a bill for the other half's value.

And if he still doesn't write him a bill of (full) release, his talents (work of his hands) belong to himself, and if his bull kills he doesn't have to pay a fine or the kofer.

When does the above apply? For a male slave. For a male is commanded to be fruitful and multiply. A maid-servant, however, should remain in her immediate state and serve her herself one day, and the master the next. If a man strikes her on the hand and it withered, but it will eventually return and heal, if he struck her on a day she was serving her master he is liable for the damages if on another day she is liable, however if he severs the hand, as well as all any body part that does not return or heal itself, the portion of the damage is split between her and her master. If she dies

we give half of the fine to the master and exempt him half of the kofer.

א עֶבֶד שֶׁל שְׁנַי שֶׁתַּפִּין שֶׁשִּׁחְרַר אֶחָד מֵהֶם חֵלְקוֹ, כּוֹפִין אֶת הַשְּׁנַי שֶׁשִּׁחְרַר גַּם הוּא חֵלְקוֹ. וְאִם יָדַע מִחֲבֵרוֹ שֶׁרָצָה לְשַׁחֲרַר חֵלְקוֹ, וְהִקְנָה חֵלְקוֹ לְבָנוֹ קָטָן וְאַחַר כֵּן שִׁחְרַר חֲבֵרוֹ, אֵין בֵּית דִּין יְכוּלִין לְכַף לְקָטָן לְשַׁחֲרַר, אֲבָל מֵעַמִּידִים לוֹ אֶפּוֹטְרוֹפּוֹס וְשֵׁם אֶת הָעֶבֶד בְּדָמִים, וְנוֹתֵן קֶצֶת מִהַדָּמִים לְקָטָן, כְּדִי שֶׁיִּתְרַצֶּה בְּשִׁחְרוּרוֹ וְיִשְׁחַרְרֵנוּ הָאֶפּוֹטְרוֹפּוֹס בְּדָמִים שֶׁקִּבַּל הַקָּטָן, וְיִכְתֹּב לוֹ הָאֶפּוֹטְרוֹפּוֹס שֶׁטָר שִׁחְרוּר עַל שְׁמוֹ. וְדוֹקָא כִּהָא גֻּנְא, שֶׁכּוֹן לְהַפְקִיעַ תִּקְנַת חֲכָמִים, אֲבָל אִם מִת וְהִנִּיחַ בֶּן קָטָן וְאַחַר כֵּן שִׁחְרַר הַשֶּׁתֶּף חֵלְקוֹ, אֵין מֵעַמִּידִים אֶפּוֹטְרוֹפּוֹס לְקָטָן לְשַׁחֲרוֹ, אֲלָא עוֹבֵד אֶת עַצְמוֹ יוֹם אֶחָד וְאֶת הַקָּטָן יוֹם אֶחָד, עַד שֶׁיִּגְדִיל.

Seif 63

A slave owned by two masters. One set him free as to his half. We thus compel the second one to also free his share. However if he thought to himself: If the Rabbis hear of it, they will compel me to set him free. So he transferred him to his minor son, For no beit din can force his son to release the

slave, however the court can appoint a guardian for the minor who will entice the child with coins and then the guardian will write a bill of emancipation in the child's name. And certainly like this intentionally take away the enactment of the sages, however if the father dies and minor son inherits his half, we do not appoint a guardian to the minor in order to free the slave, (what do we do) The slave will remain only half free and thus work for himself one day and one day for the minor until he (the minor) grows up (and the court could then compel him.)

TO הַמִּפְקִיר עֶבְדוֹ, יֵצֵא לְחֵרוֹת וְצָרִיךְ גֵּט שְׁחֵרוֹר. וְאִם מֵת קִדְּם שְׁשֻׁחָרוֹ, הַיּוֹרֵשׁ כּוֹתֵב לוֹ גֵּט שְׁחֵרוֹר.

Seif 64

If someone declare his slave ownerless, the slave is granted his freedom. A bill of release is composed for him. If the master who declared him ownerless dies, his heir should compose the bill of release.

סה גַּר שְׁמִית וְאִין לוֹ יוֹרְשִׁים, וְהָיוּ לוֹ עֲבָדִים גְּדוֹלִים, זָכוּ בְּעֶצְמָם וְהָרִי הֵם בְּנֵי חוֹרִין. קִטְנִים, אִין לָהֶם יָד לְזָכוֹת בְּעֶצְמָם וְכָל הַקּוֹדֵם בָּהֶם זָכָה.

Seif 65

A convert who dies without heirs, and they were older slaves, they acquire themselves and are free, however regarding children they cannot acquire themselves and thus are not freed.

י עֶבֶד שֶׁנִּשְׁבָּה וּבְרַח, וּבָא אַחַר שְׁנֵי־אֲשֵׁר רַבּוֹ מִמֶּנּוּ, אֵינוֹ יָכוֹל לְהַשְׁתַּעֲבֵד בּוֹ עוֹד וְכוֹפִין אוֹתוֹ לְכָתֹב לוֹ גֵּט שְׁחָרוֹר.

Seif 66

A slave who is captured and then escapes, If his master despaired of regaining ownership of him, he is granted his freedom and we compel his master to write him a document of release.

ז עֶבֶד שֶׁנִּשְׁבָּה, אִם נִתְיָאֵשׁ מִמֶּנּוּ רַבּוֹ רֵאשׁוֹן, כָּל הַפּוֹדָה אוֹתוֹ לְשֵׁם עֶבֶד יִשְׁתַּעֲבֵד בּוֹ וְהָרִי הוּא שְׁלוֹ, וְאִם פָּדָהוּ לְשֵׁם בֶּן חוֹרִין, הָרִי זֶה בֶּן חוֹרִין. וְאִם לֹא נִתְיָאֵשׁ מִמֶּנּוּ רַבּוֹ רֵאשׁוֹן,

הפודה אותו לשם עֶבֶד נוטל פְּדִיוֹנו מֵרַבּוּ וְחֹזֵר לְרַבּוּ, וְאִם
פָּדָהוּ לְשֵׁם בֶּן חֹרִין, חֹזֵר לְרַבּוּ רִאשׁוֹן בְּלֹא כְּלוּם.

Seif 67

A slave that is captured and his first master despaired of regaining ownership of him, anyone who redeems him with the intent that he remain a slave may subjugate him, and he becomes his property. If he redeemed him with the intent that he become free, he is granted his freedom.

If the slave's first owner did not despair of regaining ownership, one who redeems the slave with the intent that he remain a slave should take back the money he spent to redeem him from his owner, and the slave is returned to his original owner. If he redeemed him with the intent of freeing him, he is returned to his original owner without any owing anything.

no עֶבֶד שֶׁשָּׁעֲשָׂאוּ רַבּוֹ אֶפְסוּתֵיקִי לְבַעַל חֹבּוֹ וְאַחַר כֵּן שִׁחְרָרוּ,
הִפְקִיעוּ מִיָּדֵי שֶׁעֲבֹד וְהָרִי הוּא בֶּן חֹרִין, וְצָרִיךְ לְשַׁלֵּם לְבַעַל
חֹבּוֹ, וְכוֹפִין לְבַעַל חֹבּוֹ שֶׁיִּכְתֹּב לוֹ גֵּט שִׁחְרוּר.

Seif 68

If a master makes a slave as collateral for his creditor and then frees the slave, the slave is freed, because he was expropriated from slavery he is free, and thus the value must be paid to his debtors, and we compel his debtors to write him a document of freedom.

טו יִשְׂרָאֵל שָׁבָא עַל שְׁפָחָה, אֶפְלוּ הִיא שְׁפָחָתוֹ, הַיֵּלֵד עֶבֶד.
וַיֵּשׁ אֹמְרִים שָׁאֵם בָּא עַל שְׁפָחָתוֹ אוֹ קִדְשָׁהּ, הַיֵּלֵד בֶּן חוֹרִין,
לְכֹל הַדְּבָרִים (רַב נִטְרוּנְאִי גָאוֹן וְרַא"שׁ וְעוֹד פּוֹסְקִים). וַיֵּשׁ מִי שְׁאֹמֵר שְׂאָף עַל
פִּי שְׁלִשְׁאָר דְּבָרִים דִּינֹו כְּבֶן חוֹרִין, אֵינֹו מִתֵּר בְּבֵת חוֹרִין עַד
שִׁיקִיבֵל גִּט שְׁחֵרוֹר.

Seif 69

When Israelite has relations with a female slave, even though she is his slave her offspring is also (his) slave. Some say that if he has relations with his maid servant or a prostitute, the child is born free, for all who say this (Rav Nitrona Gaon and other poskim). there are (also) those who say that the rest of the things are similar to a male slave's freedom (however) it's not allowed for a free

maidservant until she's receives a document of freedom.

ע עֶבֶד שֶׁהִשְׂיֵאוּ רַבּוֹ בֵּת חוֹרִין, אוֹ שֶׁהִנִּיחַ לוֹ רַבּוֹ תְּפִלִּין בְּרֵאשׁוֹ, אוֹ שֶׁאָמַר לוֹ רַבּוֹ לְקִרּוֹת ג' פְּסוּקִים בְּסֵפֶר תּוֹרָה בְּפָנֵי הַצֶּבּוּר, וְכֵן כָּל כַּיּוֹצֵא בְּאֵלוֹ הַדְּבָרִים שֶׁאִינוֹ חַיֵּב בָּהֶן אֲלָא בֶּן חוֹרִין, יֵצֵא לְחֵרֻת, וְכּוֹפִין אֶת רַבּוֹ לְכַתֵּב לוֹ גֵּט שְׁחֵרֹר, אֲבָל אִם לָזֶה מֵעֶבְדוֹ, אוֹ שֶׁעָשָׂא אֶפּוֹטֵרוֹפּוֹס, אוֹ שֶׁהִנִּיחַ תְּפִלִּין בְּפָנֵי רַבּוֹ, אוֹ שֶׁקָּרָא ג' פְּסוּקִים בְּצֶבּוּר בְּפָנֵי רַבּוֹ וְלֹא מָחָה בּוֹ, לֹא יֵצֵא לְחֵרֻת.

Seif 70

If a master marries his slave to a free woman, places tefillin on his head, or tells his slave to read three pesukim from a sefer torah in front of others, regarding matters that only a freed person is obligated to he becomes a free man. (if his master refuses) We compel him to compose a bill of release for him.

If, however, a person borrows money from his slave, makes him a guardian, if the slave puts on tefillin before his master, or reads three verses in

the synagogue in his master's presence, and his master does not protest against him, he does not obtain his freedom.

עא אָסוּר לְלַמֵּד אֶת עֶבְדוֹ תוֹרָה, וְאִם לְמַדּוֹ לֹא יֵצֵא לְחֵירוֹת.

Seif 71

It is forbidden for a master to teach his slave Torah. If he teaches him, he is not granted his freedom

עב יֵשׁ מִי שֶׁשְׂאוֹמֵר שֶׁעֶבֶד שֶׁנִּדְרָר נִדְרָר שֶׁכּוֹפִין אוֹתוֹ לְעֵבֵר עָלָיו, כְּגוֹן שֶׁנִּדְרָר שֶׁלֹּא לֶאֱכֹל בֶּשֶׂר וְכִיּוֹצֵא בּוֹ, וְאָמַר לוֹ רַבּוֹ: מוֹפָר לָךְ, יֵצֵא לְחֵירוֹת, שֶׁכִּיּוֹן שֶׁלֹּא כָּפָה אוֹתוֹ בְּמָקוֹם שֶׁיֵּשׁ לְכַפּוֹתוֹ גְּלָה דַעְתוֹ שֶׁהִפְקִיעַ שְׁעִבּוּדוֹ.

Seif 72

There are those who say that if a slave takes a vow that obligates him on something, such as he vowed not to eat meat or the like, and his master says: "The vow is annulled." (in other words) because he did not compel him in a situation (in

which he should have compelled him,) he was showing that he was releasing him.

עג הַמְשַׁחֵר עֶבְדוֹ בְּכָל לָשׁוֹן וְהוֹצִיא מִפִּי דְבָרִים שֶׁמִּשְׁמַעַן שְׁלֵא נִשְׁאַר לוֹ עָלָיו שֶׁעֲבוֹד כָּלֵל וְשִׁגְמַר בְּלָבוּ לְדַבֵּר זֶה, אֵינוֹ יָכוֹל לְחַזֵּר בּוֹ וְכוֹפִין אוֹתוֹ לְכַתֵּב גֵּט שְׁחָרוֹר.

Seif 73

One who frees his slave speaking in any language and uttered words which state that his intentions are that he no longer has any authority over him, and he has resolved to accept this step, he cannot retract and we compel him to write a bill of release even though he has not written one already..

עד כָּתַב בְּשֵׁטֶר: אֶעֱשֶׂה פְּלוֹנִי עֶבְדִּי בֶן חוֹרִין, וּמָסְרוּ לְיָדוֹ, לֹא יֵצֵא לְחֵרוֹת. אָבֵל אִם כָּתַב: עָשִׂיתִי פְּלוֹנִי עֶבְדִּי בֶן חוֹרִין, אוֹ עָשִׂיתִי הוּא בֶן חוֹרִין אוֹ הֵרִי הוּא בֶן חוֹרִין, אוֹ יֵהָא בֶן חוֹרִין, וּמָסְרוּ לְיָדוֹ, יֵצֵא לְחֵרוֹת. אָבֵל אִם אָמַר לוֹ עַל פֶּה אֶחָד מִלְּשׁוֹנוֹת אֵלוֹ, לֹא יֵצֵא לְחֵרוֹת. וְהֵנִי מִלִּי בְּבִרְיָא, אָבֵל שְׁכִיב מֵרַע שְׁאֵמַר אֶחָד מִלְּשׁוֹנוֹת אֵלוֹ, יֵצֵא לְחֵרוֹת, וְצָרִיךְ גֵּט שְׁחָרוֹר.

לְהַתִּירוֹ בְּבֵת חוֹרֵין, וְכוֹפִין אֶת הַיּוֹרְשִׁים לְכַתְּבוֹ לוֹ. וְאֶפְלוּ
בְּרִיא, אִם אָמְרוּ דְּרַךְ הוֹדָאָה, יֵצֵא לְחֵרוֹת וְצָרִיךְ גַּט שְׁחָרוּר,
וְכוֹפִין אֶת רַבּוֹ לְכַתְּבוֹ לוֹ.

Seif 74

When a person writes a document that states: I'll make my slave free, and he gives it to him he does not receive his freedom but if he writes I have made or he may go free or behold he is free or he will be free and then the document is given to him he goes free. However if he says this to him in one of these other languages he does not go free and in a case where the master is deathly ill person if he says it to him in one of these languages, he goes free and will need a document of release to be permitted to marry a free woman and we compel the heirs to write it. Even though he is healthy, if they told him through a confession he goes free and needs a bill of release and we compel his master to write one.

עה האומר: עשיתי פלוני עבדי בן חורין, והוא אומר: לא עשאתי, חוששין שמא זכה לו על ידי אחר. אבל אם אומר: כתבתני גט שחרור ונתתני לו, והוא אומר: לא כתב ולא נתן, הודאת בעל דין כמאה עדים והרי זה עבד.

Seif 75

When one says: that he released his slave and the slave says has not been released, we suspect that the master had another person acquire the bill of release on behalf of the slave.

If the he said: "I composed a deed of release and gave it to him," and the slave says: "You didn't write it nor did you give it," the admission of a litigant is equivalent to that of a 100 witnesses, and thus he remains a slave.

עו אומר לאחר זכה בגט שחרור זה לעבדי, יצא לחרות אף על פי שלא הגיע ליד העבד. אבל אם אומר: תנו גט זה לעבדי, אינו יכול לחזר בו, ולא יצא העבד לחרות עד שיגיע הגט לידו. לפיכך האומר: תנו גט זה לעבדי, לא יתן לאחר מיתה.

Seif 76

If he says afterwards take possession of this bill of release to free my slave, the slave goes free although he doesn't come near to the slave however if he says give this bill of release to my slave, he cannot change his mind, and the slave will not be free till the document reaches his hand.

Therefore he who says: Give this document to my slave (and the master dies) the document is not given after his death.

עז מי שצוה בנשעת מיתתו: פְּלוֹנִית שְׁפָחְתִּי אֶל יִשְׁתַּעֲבְדוּ בָּהּ יוֹרְשִׁים, הָרִי זֶה שְׁפָחָה כְּמוֹ שְׁהִיְתָה, וְאָסוּר לַיּוֹרְשִׁים לְהִשְׁתַּעֲבֵד בָּהּ. וְאִם אָמַר: עֲשׂוּ לָהּ קוֹרַת רוּחַ, כּוֹפִין אֶת הַיּוֹרְשִׁין, וְאִין מִשְׁתַּעֲבְדִין בָּהּ אֶלָּא בְּמִלְאָכָה שֶׁהִיא רוֹצָה בָּהּ. וְאִם צִוָּה וְאָמַר: שְׁחַרְרוּהָ, כּוֹפִין אֶת הַיּוֹרְשִׁים לְשַׁחֲרַר אוֹתָהּ.

Seif 77

When a master commands at the time of his death:

"My heirs should not subjugate so and so, my

maid-servant," she is still considered a maid-servant as before, but it is forbidden for his heirs to subjugate her.

And if he says: "cause her to be content," we compel the heirs not to make her perform any tasks other than the ones that she desires to perform. If he commanded them to free her, we compel them to free her.

ענ שְׁכִיב מֵרַע שְׁפָתַיב כָּל נִכְסָיו לְעֵבְדוֹ, וְעָמַד, חוֹזֵר בְּנִכְסָיו
וְאִינוֹ חוֹזֵר בְּעֵבֶד, שְׁהָרִי כֹּבֵר יֵצֵא עָלָיו שֵׁם בֶּן חוֹרִין.

Seif 78

A deathly ill person who wrote that all his possessions be given to his slave, and then recovers from his illness, the statement regarding the possession is retracted. If this happened

regarding giving the slave his freedom it is not retracted, for he has already gained the reputation of being a free man.

עט הַמְשַׁחֵר אֶת עַבְדּוֹ עוֹבֵר בְּעֵשֶׂה דְלֵעוֹלָם בָּהֶם תִּעְבְּדוּ וּמִתָּר לְשַׁחֲרוּ לְדַבֵּר מִצְוָה, אֶפְלוּ הִיא מִדְּבָרֵיהֶם, כְּגוֹן שְׁלֹא הָיוּ בְּבֵית הַכְּנָסֶת י' הָרִי זֶה מְשַׁחֵר עַבְדּוֹ וּמִשְׁלִים בּוֹ מִנֵּין י', וְכֵן כָּל כַּיּוֹצֵא בְּזֶה. וְכֵן שְׁפָחָה שְׁנוֹהֶגִין בָּהּ הָעַם מְנַהֵג הַפְּקָרָה, כּוֹפִין אֶת רַבָּה וּמְשַׁחֲרָהּ, כִּי שִׁתְּנֵשָׂא וַיִּסּוֹר הַמְּכַשׁוּל .

Seif 79

One who releases his slave transgresses a positive commandment (Lev 15:26) “forever you will make them work for you.” it is permitted to free a slave for the sake of a Mitzvah, even a rabbinic one, for example if one was short a man in the synagogue for a making a minyan, if one only had 9 one should free his slave to make 10, and so forth.

As well as a maid servant if it is customary for her to behave inappropriately with others we compel her master to free her, in order that the barrier be removed.

פ הַמוֹכֵר עֶבְדוֹ לְעוֹבֵד כּוֹכָבִים אוֹ לְגֵר תּוֹשָׁב, יֵצֵא לְחֵירוֹת, שְׂאֵם בְּרַח מֵהַגּוֹי אֵין רַבּוֹ יִכּוֹל לְהַשְׁתַּעֲבֵד בּוֹ עוֹד. וְאִם לֹא בְּרַח, קוֹנְסִים אֶת הָאֲדוֹן לְפָדוֹתוֹ עַד עֲשָׂרָה בְּדָמָיו, וְלִכְתֹּב לוֹ גֵּט שְׁחָרוּר לְהַתִּירוֹ בְּבֵת חוֹרִין. וְקִנְסָה זֶה אֵין גּוֹבִין אוֹתוֹ וְדָנִין בּוֹ אֶלָּא בְּבֵית דִּין מִמַּחֲסִים. וְאִם מֵת הַמוֹכֵר, אֵין קוֹנְסִין הַיּוֹרֵשׁ לְהַחְזִיר הָעֶבֶד לְשְׁחָרוּר

Seif 80

If one sells his slave to an idolater or Ger toshav he goes free, and if he escaped from a gentile, the master could not enslave him again. If he didn't escape We compel the previous owner to buy him back from the gentiles at even ten times his value. He then composes a bill of release for him, and the slave is released from slavery. This fine is only collected and brought to judgment in a court of expert judges. If the seller dies, we do not require his heir to return the slave so that he can free him.

פא עֶבֶד שְׂמַל וְטָבֵל לְשֵׁם עֲבָדוֹת וְהִפִּיל עַצְמוֹ לְיַד גּוֹי, וְאֵין רַבּוֹ יִכּוֹל לְהוֹצִיאוֹ, אוֹ שְׁנִשְׁבָּה וְאֵין רוֹצִים לְתַנּוֹ לְפִדְיוֹן, מִתָּר לְטַל מֵהֶם דָּמָיו וְיִכּוֹל לְכַתֵּב לָהֶם שְׁטָר מְכִירָה עָלָיו.

Seif 81

A slave who has been circumcised and immersed himself to become a slave, but afterwards he is captured by gentiles and his master cannot get him back and they refuse to sell him back it is permitted to take money and one can write a bill of sale for them.

פב הַמּוֹכֵר עֶבְדוֹ לְחוּצָה לְאֶרֶץ אוֹ לְסוּרְיָא אוֹ לְעֵכוֹ, יֵצֵא לְחֵירוֹת וְכוֹפִין אֶת רַבּוֹ הַשְּׂנִי לְכַתֵּב לוֹ גֵּט שְׁחָרוֹר וּמִפְסִיד הַדָּמִים. וְאֶפְלוּ אִם אָמַר: אֵינִי רוֹצֵה לְהוֹצִיאֹ לְחוּצָה לְאֶרֶץ, אֲשַׁתְּעַבְדּוּ בּוֹ בְּאֶרֶץ יִשְׂרָאֵל, אֵין שׁוֹמְעִין לוֹ.

Seif 82

If one sells his slave outside of the land of Israel, Syria or Acco he goes free, we compel his new master to write him a bill of release and he forfeits the sale at a loss. Even if he says: I won't take him out of the land, I will enslave him in the land of Israel we do not listen to him.

פג עֶבֶד שֶׁיֵּצֵא אַחֵר רַבּוֹ לְסוּרְיָא וּמָכְרוּ שָׁם, אֲבִיד זְכוּתוֹ. בַּמָּה דְּבָרִים אָמוּרִים, כְּשֶׁיֵּצֵא רַבּוֹ עַל מְנַת שְׁלָא לְחַזֵּר לְאֶרֶץ יִשְׂרָאֵל, אֲבָל אִם דַּעַת רַבּוֹ לְחַזֵּר וַיֵּצֵא אַחֲרָיו וּמָכְרוּ שָׁם, יֵצֵא לְחֵרוֹת וְכוּפִין אֶת הַלּוֹקֵחַ לְשַׁחֲרֵהוּ

Seif 83

When a slave follows his master to Syria, and his master sells him there, the slave is considered to have forfeited his privilege.

When does the above apply? When his master took him to the diaspora with the intent not to return to Eretz Yisrael. If, however, his master's intent was to return, and the slave followed him with that intent, should the master sell him there, he is granted his freedom, and we compel the purchaser to release him.

פד עֶבֶד שֶׁאֲמַר לְעֵלוֹת לְאֶרֶץ יִשְׂרָאֵל, כּוּפִין אֶת רַבּוֹ לְעֵלוֹת עִמּוֹ אוֹ יִמְכֹּר אוֹתוֹ לְמִי שֶׁיַּעֲלֶהוּ שָׁם. רָצָה הָאֲדוֹן לְצֵאת לְחוּצָה לְאֶרֶץ, אֵינוֹ יְכוּל לְהוֹצִיא אֶת עֶבְדּוֹ עַד שֶׁיִּרְצָה. וְדִין זֶה בְּכָל זְמַן, אֲפִלּוּ בְּזְמַן הַזֶּה שֶׁהָאֶרֶץ בְּיַד גּוֹיִים.

Seif 84

When a slave asks his master to move to Eretz Yisrael, we compel his master to move there with him or to sell him to someone who is moving there. When a master living in Eretz Yisrael desires to move to the diaspora, he cannot compel the slave to move with him against his will. This law applies in all times, even in the present era, when the land is ruled by gentiles.

פה עֶבֶד שֶׁבָּרַח מִחוּצָה לָאָרֶץ לָאָרֶץ, אֵין מְחַזְרִין אוֹתוֹ לְעִבְדוּת, וְעָלִיו נֶאֱמַר: לֹא תִסְגִּיר עֶבֶד אֶל אֲדֹנָיו וְאוֹמְרִים לְרַבּוֹ שְׂיִכְתֹּב לוֹ גֵּט שְׁחָרֹר וְיִכְתֹּב לוֹ שֵׁטֶר חוֹב בְּדַמְיוֹ עַד שֶׁתִּשְׁיֵג יָדוֹ וְיִתֵּן לוֹ. וְאִם לֹא רָצָה הָאֲדוֹן לְשַׁחְרְרוֹ, מִפְּקִיעִים בֵּית דִּין שֶׁעֲבוּדוֹ מֵעָלִיו וְיִלַּךְ לוֹ.

Seif 85

When a slave flees from the diaspora to Eretz Yisrael, he should not be returned to slavery. Concerning such a person, it states: "Do not return a slave to his master."

His master is told to compose a bill of release for him, and he writes a promissory note for his master for his worth, which the master holds until the freed slave earns that money and gives it to him. If the master does not desire to free him, the court invalidates his ownership of him, and the slave is free to go on his way.

