

However, it is beneficial for a minor

אבל קטן זכות הוא לו –

OVERVIEW

The גמרא stated that even though that by an עבד ועכו"ם it is **ניחא ליה**; however by a קטן it is a **זכות** for him to become a Jew for **ניחא ליה** does not apply to him since **לא טעם טעם איסור**. Our תוספות reconciles this with a seemingly contradictory משנה.

anticipates a difficulty: תוספות

והא דתנן בפרק קמא דגיטין¹ (גם זה שם) האומר תנו גט זה לאשתי ושיחרור זה לעבדי -

And regarding that which we learnt in a משנה in the first פרק of גיטין, 'one who says, "Give this bill of divorce to my wife or this bill of emancipation to my slave", the rule is -

רצה לחזור בשניהם יחזור² דברי רבי מאיר³ -

If he **wants to retract in both** these cases (of אשה ועבד), **he may retract, this is the view of ר"מ**. This concludes the משנה, and it seemingly does not differentiate between an עבד גדול and an עבד קטן in both instances the master may retract.

responds: תוספות

היינו בעבד גדול דבקטן מודה רבי מאיר דזכות הוא לו דלא ניחא ליה בהפקירא -

This ruling of ר"מ is only by an **adult עבד** (who is **ניחא ליה**), for by a **minor עבד**, even ר"מ admits that it is a **זכות** for him to be freed, since the minor is not **ניחא ליה בהפקירא** -

כדאמרין הכא משום דלא טעים טעמא דאיסורא –

Since he was not **טעים טעמא דאיסורא**, as the גמרא states here.

offers an alternate resolution: תוספות

אי נמי⁴ איירי אף בעבד קטן וכגון שהוא של כהן דחוב הוא לו שיצא לחירות -

Or ר"מ may be discussing even an **עבד קטן** (that the master may retract, for it is a **חוב** for him), and that is for instance in a case where the קטן is the slave of a כהן, in which case it is a **חוב** for the קטן to be freed -

¹ See previous footnote # 1. תוס' ד"ה מהו [יא,ב]

² ר"מ maintains that both a אשה and a שטר שחרור are a חוב for an עבד ועכו"ם respectively.

³ The question is that by an עבד קטן it is not a חוב for him to be freed (as the גמרא states here) for **לא טעם טעם איסור** so he is not **ניחא ליה**. The rule should be that if he sent a שטר שחרור for his עבד קטן, the master should not be able to retract. See 'Thinking it over' # 1.

⁴ See 'Thinking it over' # 2.

לפי⁵ שמפסידו⁶ מלאכול בתרומה:

Since this freedom causes him a loss for it prevents him from eating תרומה.

SUMMARY

A master cannot retract if he sent his עבד קטן a שטר שחרור even according to ר"מ, since it is a זכות for him; unless he is an עבד כהן where he loses his תרומה rights.

THINKING IT OVER

1. תוספות asks why can the master be חוזר by an עבד קטן since it is a זכות for him.⁷ Why did not תוספות answer than אין זכייה לקטן מן התורה so they cannot be זוכה the עבד on his behalf,⁸ and the חכמים did not see fit to make a תקנה for this עבד that he should be זוכה?⁹

2. Do the two answers of תוספות disagree with each other,¹⁰ or do they complement each other?¹¹

⁵ An עבד קטן (whether a גדול or a קטן) may eat תרומה as long as he is an עבד כהן, for he is considered קנין כספו (the acquisition of the s'kel money). See ויקרא (אמור) כב,יא which states 'ואכל בו וגו' and ויקרא (אמור) כב,יא. This is a great benefit to them, for תרומה is less expensive than חולין, since the demand for תרומה is less (for only כהנים and their families and עבדים can it) and it is plentiful in the s'kel house.

⁶ See the משנה וגמרא there in יב,ב, where this is the (other) reason why ר"מ maintains that it is a חוב for an עבד כהן to be משוחרר and therefore the master can retract.

⁷ See footnote # 3.

⁸ See previous מטבילין תוס' ד"ה מטיבילין (especially that he may marry a בת ישראל on account of this שחרור מדרבנן).

⁹ See פרדס יצחק אות סז.

¹⁰ See footnote # 4. Perhaps the first answer maintains that even by an עבד כהן קטן it is still a זכות for him; since לא he would rather be a ישראל even if he loses his תרומה rights.

¹¹ See שלמה.