

ונעשה כמי שהקנה לה אחד מאבריה -

And it becomes as if he granted her one of her limbs

Overview

רבי rules that if a master freed the fetus of his שפחה, she can be זוכה for him and the fetus is free. The גמרא explained that this rule is valid (even though one עבד cannot be מקבל a שחרור on behalf of his fellow עבד), because רבי maintains המשחרר חצי (he freed half [part] of the שפחה) and עובר ירך אמו הוא, so therefore it is as if he granted her one of her limbs.

asks: תוספות

תימה לרבינו יצחק היתה עוברה היאך זכתה לו –

The ר"י is astounded! In this case where the שפחה was pregnant, how can the שפחה acquire the שחרור on behalf of the fetus ; for -

אף על גב דירך אמו הוא כיון דידה היא כיד רבה¹ שלא שיחרר אלא העובר -

Even though the עובר is אמו ירך, nevertheless, since her hand is still like her master's hand because the master only freed the עובר, not the שפחה -

ואפילו שיחרר כולה חוץ מידה לא הוה לה לזכות לו -

So even if he freed her completely besides her hand, which the master retained for himself, she would not be able to acquire the שחרור on the עובר's behalf –

responds to an anticipated difficulty:² תוספות

דכשמשחרר כולה יש לה כח לזכות משום דגיטה וידה באין כאחד³ -

For it is only when he frees her completely that she has the power to acquire the שחרור for herself, because of the concept that her emancipation and her hand come simultaneously -

כדאמרינן בפרק קמא דקידושין (דף כג, א) :

As the גמרא states in the first פרק of קידושין. Our תוספות does not answer this question.⁴

¹ When the master gave her the שחרור on behalf of the עובר it is as if the שטר never left the hand of the master, for we have a rule that יד עבד כיד רבו, it is considered as one hand, so no one received a שטר on behalf of the עובר. If the master is holding the שטר he cannot be זוכה it to the (עובר) unless he gives to someone else (who has an independent יד) to be זוכה for the עובר, however the שפחה has no יד of her own; it belongs to her master.

² According to what תוספות is saying now it would seem that it is impossible for an עבד to receive a שחרור to become freed since יד עבד כיד רבו.

³ When the master gives her the גט she simultaneously acquires her hand independent from her master and acquires possession of the גט, which frees her (including her hand).

⁴ See תפארת יעקב.

Summary

How can the woman be זוכה the שחרור for the עובר, since ידה כיד רבה?

Thinking it over

How does תוספות explain the rule of רבי that קנה עבדו חצי עבדו; how can that be since יד עבד כיד רבו?⁵

⁵ See תוספות הרא"ש.