

Since it was expounded by the sages

הואיל ומדרש חכמים הוא –

OVERVIEW

The גמרא says that (the מכריעין maintain) regarding a slave who goes free because one of his limbs were cut off (as opposed to going free because of שן ועין), requires a גט שחרור to be completely free, since this mode of emancipation is not stated explicitly in the תורה, rather it is expounded by the חכמים.¹ Our תוספות explains why this should make a difference.

אומר רבינו תם דחיישינן שמא ימצאנו בשוק ויאמר לו עבדי אתה² -

The ראש ר"ת says that regarding this עבד who is going free because of the (other) שן ועין, we are concerned perhaps his master will find him in the marketplace and say to him, 'you are my slave'; therefore we require the master to write a שטר שחרור for this עבד, so the master cannot make such a claim later on -

אבל בשן ועין לא חיישינן³ דזיל קרי בי רב הוא:

However if the עבד was freed because his שן ועין were knocked out, we are not concerned that the master will claim 'עבדי אתה', for everyone knows that an עבד is freed with שן ועין, since it is clearly written in the תורה!

SUMMARY

The reason to require a גט שחרור for an עבד who is יוצא בשאר אברים is so that the owner should not claim later 'עבדי אתה',

THINKING IT OVER

Is the view of the מכריעין that agree with ר"ע by an עבד who goes out בשאר אברים that he requires a גט שחרור, the same as the view of ר"ע regarding this same עבד, or is the requirement according to ר"ע and according to the מכריעין it is only מדרבנן, so the master should not say 'עבדי אתה'?⁴

¹ רש"י ד"ה עבד.

² Additionally by making such a claim in public he will be מוציא לעז on the children of this freed עבד, since not everyone is aware of this מדרש חכמים that a slave is freed אברים.

³ Therefore there is no need for the master to write a גט שחרור to an עבד who is יוצא בשן ועין.

⁴ See תוספות הרא"ש.