

## המוכר עבדו לפרהנג עובד כוכבים –

### One who sells his slave to a gentile *PFarhang*

#### OVERVIEW

רב ruled that if one sells his slave to a פרהנג נכרי, the slave goes out free. There is a dispute between רש"י and תוספות, as to what this means.

פירש בקונטרס<sup>1</sup> מציק ושם עלילות ומכרו לו באותן דמים שהעליל<sup>2</sup> -

רש"י explained that פרהנג is a מציק (an extortionist) and he created a libel against the ישראל that the ישראל owes him a sum of money, and the ישראל sold the עבד to the מציק for those monies which the libelously claimed –

פרש"י asks on תוספות:

וקשה דלא שייך על זה לשון מכירה<sup>3</sup> ולישנא שהיה לו לפייס ולא פייס<sup>4</sup> לא משמע הכי<sup>5</sup> -

And there is a difficulty with this explanation for the expression 'מכירה' (sale) is not appropriate in this case, and the expression, 'he should have appeased him and he did not appease him', does not seem to support פרש"י –

Another question on פרש"י:

ועוד דמדמי<sup>6</sup> למוכרו לשלשים יום -

And additionally the גמרא compares the case of פרהנג מכרו to the case where he sold his עבד for thirty days; according to רש"י what is the comparison?!

תוספות offers his explanation:

ונראה דהפרהנג נוטל עבדו על כורחו אלא שנותן לו דמים<sup>7</sup> -

And it appears to תוספות that פרהנג takes his slave against his will, however

<sup>1</sup> בד"ה פרהנג.

<sup>2</sup> The מציק insisted (through blackmail) that the ישראל owes him a sum of money (which was not true). The ישראל, in order to free himself from this extortion, gave him the עבד in lieu of the money which he demanded.

<sup>3</sup> רב said 'המוכר עבדו וכו''; selling implies receiving money (or payment). Here however the master received nothing. See 'Thinking it over'.

<sup>4</sup> The גמרא said the reason the עבד is לחירות, is because the owner should have appeased the פרהנג (by offering him a token of payment) and he did not appease him, but rather allowed him to take the עבד.

<sup>5</sup> According to רש"י that the פרהנג was extorting a large sum of money (the value of the עבד), how could he have appeased him with a small payment. Alternately according to רש"י the גמרא should have simply said; 'he should not have given him the עבד to pay off the blackmail'.

<sup>6</sup> ת"ש המוכר עבדו לפרהנג וכו' responds גמרא that ר' ירמיה posed a query what is the rule if he sold his עבד for thirty days. The גמרא responds 'וכו' indicating that the two cases are similar.

<sup>7</sup> It is now understood why it is called a מכירה, for the ישראל received payment.

the **פרהנג** pays him (the **ישראל**) **money** (the market value) -

לכך פריך דאמאי יצא לחירות כיון דהוי בעל כורחו כמו גבאו בחובו -

Therefore the **גמרא** asks, why should the **עבד** be freed, since this happened against the **ישראל's** will; it is like when someone (a **נכרי**) collects the **עבד** for a loan that is owed to him, where the **ברייטא** just ruled that **יצא לחירות** -

ומשני דהיה לו לפייס דכיון דנותן דמים ודאי היה מתפייס בדבר מועט<sup>8</sup> -

And the **גמרא** answered that he should have appeased him, for since he is paying money (market price) for the **עבד**, he surely would have been appeased with something minor -

ומדמי לו נמי למוכרו לשלשים יום דאחר שגומר מלאכתו דרכו להחזירו לישראל -

And this explains why the **גמרא** compares it to the case of selling the **עבד** for thirty days, since after the slave finishes his work for the **פרהנג**, he usually returns the **עבד** back to the **ישראל** -

וישראל מחזיר לו הדמים:

And the **ישראל** returns to him his money; therefore it is similar to a temporary sale.

## **SUMMARY**

According to **רש"י**, the **פרהנג** extorts the **עבד** from the **ישראל** through some scheme, however according to **תוספות** the **פרהנג** coerces the **ישראל** to sell him the **עבד** (temporarily) for the market value.

## **THINKING IT OVER**

**פרש"י** asks on **רש"י** that the **מכירה** is not **שייך** here according to **פרש"י**. However one can argue that according to **רש"י** that he is willingly giving him the **עבד** instead the money he is demanding; that is a regular **מכירה**; however according to **תוספות** that the **פרהנג** takes the **עבד** בע"כ, how is that considered a **מכירה** (even if he is paying him)?<sup>9</sup>

<sup>8</sup> If he is paying the market price for the **עבד**, he certainly would agree to forgo the **עבד** and receive something for free instead.

<sup>9</sup> See **תפארת יעקב**.