

## המוכר עבדו לסוריא מהו –

**What is the ruling when one sells his slave to סוריא?**

### OVERVIEW

The המוכר cites a query that was presented to ר"ה ב"א, whether the המוכר עבדו לסוריא יצא לחירות. Our תוספות wants to know why the question was not posed concerning גיטין (as well); what is the גט that comes from סוריא?

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תוספות rejects one option:

**אין לומר דבגט פשיטא להו דהוי כחוצה לארץ כדתניא בסמוך ובעבד מבעיא להו -**  
**One cannot say that** concerning bringing a גט from סוריא, they<sup>1</sup> **were certain that** סוריא is considered **like** חו"ל and בפ"נ is required<sup>2</sup>. Even though this ruling is indeed valid **as the ברייתא will shortly teach us**<sup>3</sup> that סוריא is considered **גיטין**<sup>4</sup> concerning חו"ל. Nevertheless we cannot say that they were certain concerning גיטין; **they only queried** concerning the law of selling a **slave** to סוריא –

We cannot make this assumption –

**דאם כן הוה סברתם איפכא ממה דפשיטא ליה לרבי חייא בר אבא:**  
**For if this is so;** that even though concerning גיטין they were sure that סוריא is considered חו"ל, nevertheless concerning עבד they were not sure whether it is considered חו"ל or א"י, then **their reasoning would be the exact opposite of what ר' חייא בר אבא was certain.** ר"ה ב"א inferred from the משנה, that since ר"מ said עכו that means that concerning עבדים, the city עכו is not considered א"י. We derive from this that according to ר"ה ב"א it is more likely that a location will be considered א"י for גיטין than for עבדים, as we see concerning עכו; that it is א"י for גיטין and המוכר עבדו לסוריא מהו. If we were to assume that those who asked concerning גט מסוריא maintained that concerning חו"ל; that would be the exact opposite of the assumption of ר"ה ב"א. According to ר"ה ב"א if a place is חו"ל concerning גיטין it would certainly be considered חו"ל concerning עבדים. Therefore there would be no room for the question המוכר עבד לסוריא מהו; for if we assume that it is חו"ל for גיטין it is

<sup>1</sup> ר"ה ב"א who were querying בני הישיבה.

<sup>2</sup> Therefore they did not query ר"ה ב"א.

<sup>3</sup> Obviously though, they did not know of this ברייתא, otherwise that would not have asked concerning עבד. It is extremely unlikely that they only knew the part of the ברייתא concerning גיטין.

<sup>4</sup> תוספות is explaining why one may give credence to such an assumption; since it is indeed a correct one.

<sup>5</sup> See 'Thinking it over' # 3.

certainly for חו"ל עבדים. It would seem highly unlikely that ר"ה ב"א and those that posed the question should have diametrically opposed assumptions. It is therefore plausible to state that they were unsure<sup>6</sup> as to the status of גיטין in סוריא as well<sup>7</sup>.

### **SUMMARY**

Those who asked the question concerning עבדו לסוריא cannot have maintained that ר"ה ב"א clearly states that it is easier to attain the status of א"י for גיטין than for עבדים.

### **THINKING IT OVER**

1. What is the דין if one sells his slave to בבל?
2. Are the criteria for saying יוצא לחירות and בפ"נ the same?<sup>8</sup>
3. Why indeed is it easier to consider a place א"י for גיטין,<sup>9</sup> than for עבדים?<sup>10</sup>

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<sup>6</sup> See א"י סוריא is like א"י; that they assumed that concerning גיטין, we assume that סוריא is like א"י.

<sup>7</sup> Perhaps the reason they asked concerning עבדים only, instead of גיטין as well, is that they were studying the laws of עבדים at the time. See מהר"ם שי"ף for other possibilities.

<sup>8</sup> See רש"ש, סוכ"ד אות ח and רש"י, סוכ"ד אות ח.

<sup>9</sup> See footnote # 5.

<sup>10</sup> See זיו הים בד"ה ונראה ליישב.