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Gittin Daf 12

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Master and the Slave

The *Mishnah* had stated: If the master does not want to support his slave, he does not have to, but he is obligated to support his wife.

The *Gemora* notes that you can learn from this *Mishnah* that the master can tell the slave, “Work for me, but I will not feed you.”

The *Gemora* objects to this proof by saying that the *Mishnah* is dealing with a case where the master told the slave, “Keep your earnings for your food” (*but if the slave is working for the master, he must be provided with food*).

The *Gemora* asks: If that is what the *Mishnah* is referring to, then the parallel case of the wife would be where the husband told her, “Keep your earnings for your food.” Why does the *Mishnah* rule that the husband cannot make such a deal with his wife?

The *Gemora* answers: The *Mishnah* is referring to a case where she does not have the ability to support herself (*and therefore the husband is still obligated to maintain her*).

The *Gemora* asks: Let us say that the case of the slave is also where he cannot support himself?

The *Gemora* answers: If a slave’s work is not worth the food that fills his stomach, what do his master and mistress want him for! [*A master is not mandated to support his slave. If he cannot support himself, he should go out and beg door to door for his food. The husband, however, is obligated to*

support his wife. If she cannot support herself with her earnings, the husband must make up the shortfall.]

The *Gemora* attempts to bring a different proof: If a slave has fled to one of the cities of refuge (*for killing a person by mistake*), his master is not obligated to support him; and not only that, but whatever he earns belongs to his master. It is evident from here that a master can say to a slave, “Work for me, but I will not feed you.”

The *Gemora* disagrees with the proof: We are dealing here with the case in which the master said to him, “Keep your earnings for your food.”

The *Gemora* asks: In that case, why does it say that what he earns belongs to the master?

The *Gemora* answers: The *Baraisa* is referring to his surplus income.

The *Gemora* asks: There is surely no need to tell us that (*for whatever the slave acquires belongs to the master; and if the slave does not need this for his sustenance, it surely belongs to the master*)?

The *Gemora* answers: There is a novelty in this teaching, because otherwise, you might have thought that since the master does not provide for him when he does not earn, he (*the master*) should not take anything from him when he does earn (*because he might need it on a different day*). The *Baraisa* teaches us that this is not so.

The *Gemora* asks: Why does the *Baraisa* teach us this *halachah* with respect to a city of refuge?

The *Gemora* answers: You might have thought that cities of refuge are an exception, because it is written: *that he might live*; perhaps a special provision should be made for one who is exiled there. The *Baraisa* teaches us that this is not so.

But let us consider the end of the *Baraisa*: But if a woman has fled to a city of refuge, her husband is obligated to support her. Obviously the husband did not say to her, “Keep your earnings for your food,” because if he did, why should he have to support her? And since that is the case here, then we presume that the first part of the *Baraisa* is also discussing a case in which the master did not say to the slave, “Keep your earnings for your food.” [This would contradict our interpretation of the *Baraisa*!]

The *Gemora* answers: The *Baraisa* is discussing the case where the master or husband did say, “Keep your earnings for your food.” The reason why the husband is obligated to feed her is because we are referring to a case where she does not have the ability to support herself.

The *Gemora* asks: But since in the last part of the *Baraisa* it said that if the husband said to her, “Keep your earnings for your food,” he is within his rights. This demonstrates that the preceding part of the *Baraisa* deals with the case where he did not say so!

The *Gemora* explains the last ruling of the *Baraisa* as follows: If she does earn enough to sustain herself, and he said to her, “Keep your earnings for your food,” he is within his rights.

The *Gemora* asks: Why does the *Baraisa* teach us this *halacha* with respect to a city of refuge?

The *Gemora* answers: You might have thought that cities of refuge are an exception, because it is written: *The very honor of a princess is within (and perhaps she should not be expected to be forced to find work in a foreign city)*. The *Baraisa* teaches us that this is not so. (12a1 – 12a3)

The *Gemora* asks: Perhaps this question (*if the master can force the slave to work for him without sustaining him*) is a matter of a *Tannaic* dispute? For we learned in a *Baraisa*: Rabban Shimon ben Gamliel says: A slave has a right to say to his master in a year of scarcity, “Either sustain me or let me go free.” The *Chachamim* say that the master can do as he pleases. Shall we say that the point at issue between them is this: the *Chachamim* maintain that a master can say to his slave, “Work for me but I will not feed you,” and Rabban Shimon ben Gamliel holds that he cannot?

The *Gemora* rejects this argument: Do you really think so? In that case (*that Rabban Shimon ben Gamliel holds that the master cannot force him to work without providing him with food*), why does it say, “Either sustain me or let me go free”? It should say, “Either sustain me or let me keep my earnings in place of my food”! And furthermore, why should the rule apply specially to years of scarcity?

Rather, the *Baraisa* is discussing the following case: The master has said to the slave, “Keep your earnings for your food,” and in a year of scarcity he cannot earn enough. Rabban Shimon ben Gamliel holds that the slave can say to the master, “Either sustain me or let me go free,” so that people may see me and have pity on me (*and give me food*).” The *Chachamim*, however, hold that those who pity free men will also pity slaves (*for they are obligated to perform mitzvos just like a woman*).

The *Gemora* attempts to bring a proof that the master can force the slave to work for him without sustaining him: Rav said: If a man consecrates the hands of his slave (*so that now, every perutah that the slave earns will belong to hekdesh, and cannot be used to purchase food*), that slave may borrow money with which to eat, work and repay his loan with his earnings. We may conclude from this that the master can say to the slave, “Work for me, but I will not sustain you.” [Obviously, Rav is discussing a case where the master is not feeding him directly. One is only allowed to consecrate something which is his. If the master is consecrating the slave’s earnings, it is evident that his earnings belong to the

master even though the master is not providing him with food.]

The *Gemora* rejects the proof: Rav is discussing a case where the master is providing food for his slave.

If so, the *Gemora* asks, why is the slave borrowing money to eat?

The *Gemora* answers: He is borrowing money for the extra food which he needs.

The *Gemora* asks: But the Temple treasury can say to him, "Just as you could do without the extra until now, so you can do without extras now"? — The Temple treasury itself prefers this, so that its slave should be in good condition.

The *Gemora* asks: How can Rav say that the slave should work and pay back his debt; as soon as he works a little bit, the earnings automatically become *hekadesh* (and they cannot be used for his debt)?

The *Gemora* answers: He repays his creditors with less than a *perutah* at a time (since less than a *perutah* does not become consecrated).

The *Gemora* explains that this *Baraisa* is actually a proof that Rav holds that the master does not have a right to force his slave to work without feeding him: For Rav said: If a man sanctifies the hands of his slave, that same slave can go on working for his keep, for if he does not work, who will look after him? If you say that the first ruling refers to the case where the master provides [the slave's keep], and that in consequence a master is not at liberty [to say to his slave, "Work for me, but I shall not maintain you"], and that the latter ruling refers to a case where he does not provide for him, all is well and good; but if you say that the first ruling refers to the case where the master does not provide the slave's keep, and [so we rule that] he can say [to the slave, "You must work for me etc.", what is the sense of saying [in the second ruling]: If he does not work who will look after

him? Let anyone who will look after him! We conclude therefore that the ruling is that a master cannot say [to his slave, "Work for me, but I shall not support you."]

The *Gemora* proves that Rabbi Yochanan disagrees, for Rabbi Yochanan said: If a man cuts off the hands of his friend's slave, he pays the loss of earnings and the doctor bills to the master, and that slave receives his food from charity. Conclude from this that Rabbi Yochanan holds that the master may tell his slave, "Work for me but I will not feed you" (for the master is taking the money of his earnings, but he is not providing food to his slave).

The *Gemora* disagrees with the proof: Rabbi Yochanan is discussing a case where the master is providing food for the slave.

The *Gemora* asks: If so, why is he taking from charity?

The *Gemora* answers: He is using the charity for the extras (which he requires because of the damages).

The *Gemora* asks: If so, why did Rabbi Yochanan say that he receives his food through charity (which would indicate his daily food)? He should have said that he is maintained through charity!

Rather, it is a proof that Rabbi Yochanan holds that the master may tell his slave, "Work for me but I will not feed you." (12a3 – 12b2)

Rabbi Yochanan had said: If a man cuts off the hands of his friend's slave, he pays the loss of earnings and the doctor bills to the master.

The *Gemora* asks: [What need is there to tell me this in] the case of the 'loss of time', which is obvious? — The 'loss of time' is mentioned because the medical costs [had to be mentioned].

The *Gemora* asks: Shouldn't the medical expenses belong to the slave? He is the one who needs the money in order to become healed!

The *Gemora* answers: Rabbi Yochanan is discussing the following case: The doctors calculated that he should require five days of treatment, but they gave him a painful drug which healed him in three days. Rabbi Yochanan teaches us that the slave is not compensated for his extra suffering. (12b2 – 12b3)

INSIGHTS TO THE DAF

Food and Medicine for the Slave

*** Rabbi Yochanan said: If a man cuts off the hands of his friend's slave, he pays the loss of earnings and the doctor bills to the master, and that slave receives his food from charity.

The *Gemora* explains that Rabbi Yochanan is discussing a case where the master is providing food for the slave, and he is taking from charity for the extras.

Rashi explains that the slave requires additional food because of his medical condition.

The Nesivos Hamishpat writes that the additional food will speed up the recovery process. This, the slave must pay for himself. The damager is not required to pay for that.

The Chazon Ish disagrees: He states that if this additional food will be beneficial to improve his medical condition, he would not have to pay for it himself; it would be included in the doctor bills. Rather, the *Gemora* is discussing the delicacies which are given to a sick person in order to cheer him up. This is not included in the medical bills.

*** The *Gemora* concludes that the master can say to the slave, "Work for me, but I will not sustain you."

Reb Yechezkel Abramsky explains that the master is not completely exempt from sustaining the slave when he is working for him. The master has the right to tell him that he should worry himself with regards to his food. This is why Tosfos says that during a famine year, where people will not have pity on the slave and he will not be able to find food, the master is obligated to feed him, and if he doesn't, the slave can demand his freedom.

DAILY MASHAL

Afflictions Refine his Character

We saw in the Mishnah the opinion of R' Meir that it is disadvantageous for a slave to be emancipated because if his master is a Kohen, the emancipation deprives him of his ability to eat Terumah.

The *Gemora* elaborates on the dispute between R' Meir and the Chachamim and eventually concludes (on 13a) that although that reason is relevant only to the slave of a Kohen, the rule is true for all servants because a slave is permitted to be with a Canaanite maidservant. The *Gemara* asks that on the contrary, as a slave, he is not permitted to marry a Jewish freewoman, and the *Gemora* answers that as opposed to a free woman, a maidservant appears to him to be wanton and promiscuous, and that lifestyle appeals to him more than the respectable marriage he could have if he was set free.

The Maharatz Chayos and others ask that if it is always true that it's disadvantageous for a slave to be emancipated, why does the Torah say that if a master wounds his slave to the extent that he loses certain body parts the slave is set free; this appears to be punishing the slave and adding another difficulty to his wound!?

The Gerrer Rebbe, known as the Beis Yisroel, answers based on the *Gemora* in Brachos 5a that derives from this very law of the slave's emancipation when wounded that afflictions purge all of a person's sins. He explains that the afflictions

refine a person's character, and after that refinement, the licentious lifestyle is no longer as appealing to him, and he prefers to elevate himself and live the more restrained lifestyle of a free man.

Who started the Fight?

Rabbi Yochanan states that a person is considered fortunate if Hashem inflicts him. It is taught through a *kal vachomer* as follows: If the loss of a tooth or an eye, which is only one of the limbs in a person's body, nevertheless, a slave gains his freedom because of it, then afflictions, which cleanse the person's entire body, should certainly free a person from sin because of them! Rish Lakish derives this same lesson from a different source. He says: The word *covenant* is written with respect to salt and the word *covenant* is written with respect to afflictions. Just as salt sweetens the meat, so too, afflictions will cleanse a person from his sins.

The Bobover Rebbe in Kedushas Tziyon notes that there is a distinction between the two expositions. According to Rabbi Yochanan, the afflictions will only cleans a person if they emanate from Heaven, similar to the *halachos* of a slave, where he will only be set free if his master knocks out his tooth or eye. He will not gain his freedom if someone else injures him. However, according to Rish Lakish, any type of afflictions will cleanse him, in the same manner as the salt sweetening the meat. It makes no difference as to who applies the salt.

Based upon this, Rav Tzvi Pesach Frank explains the following. It is written [Shmos 6:5]: *And also, I heard the moans of the children of Israel, whom the Egyptians are holding in bondage, and I remembered My covenant.* The Jewish people thought that the Egyptians were their masters and they were those who were afflicting them. They did not realize that their suffering was decreed from Heaven. Because they didn't know who was causing them their hardships, they did not gain their freedom. It was only because Hashem remembered His covenant, that all

afflictions cleanse a person from his sins, that was the reason they were released from the bondage.

Reb Meir Shapiro adds to this: If a slave does not come to court and testify that his master knocked out his tooth or eye, he will not gain his freedom. If he says that it happened by happenstance, he will not go free. So too, it is with afflictions. If a person does not believe with complete faith that the afflictions are affecting him because of Divine Providence, the afflictions will not purge him of his sins. However, if this principle was derived through the *gezeirah shavah* from salt, it would not make any difference.

The Rashba was asked the following question: If a slave initiates a fight with his master and strikes the first blow, and the master counters with some strikes of his own and knocks out the slave's tooth, will the slave gain his freedom?

He replied that the slave goes free. The proof is from the aforementioned *Gemora*, where Rabbi Yochanan derived that afflictions will cleanse a person from his sins through a *kal vachomer* from the laws of the slave. How can the two be compared? Afflictions come to a person because he has sinned! It was his own fault! Perhaps, then, those afflictions will not purge him from his sins!? Evidently, we see that a slave also gains his freedom, even if he was the one who initiated the fight!