



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Gittin Daf Yud Beis

SHE'IHM YIRTZEH SHELO LAZUN...

- **Q:** From the Mishna it seems that a master can tell his slave “work for me, but I will not feed you”? **A:** The Mishna may be talking about a case where the master tells him to keep his earnings to support himself. However, if the master takes the earnings, he would have to support the slave.
  - **Q:** The equivalent case of a wife (where the Mishna says he wouldn't be able to shun support) would be where he tells her to keep her earnings for her support. Why couldn't he do that? **A:** The case is where the wife does not earn enough to support herself, in which case the husband must help and support her.
    - **Q:** This must be the case by the slave as well, so why does the master not have to support the slave? **A:** If a slave can't earn enough to support himself he is of no value to his master, and the master need not support him.
- **Q:** We have learned in a Braisa, that if a slave runs to galus in an “arei miklat” (he killed someone b'shogeg), his master does not need to support him and the slave's earnings go to the master. We see that a master can tell a slave “work for me and I will not support you”!? **A:** This too is a case where the master told him to keep his earnings and use it for support.
  - **Q:** If so, why does the Braisa say that the earnings go to the master? **A:** It means that if he earns more than needed for his support, that excess goes to the master.
    - **Q:** It is obvious that any excess is given to the master!? **A:** We would think that since in this case if he doesn't earn enough the master still does not have to give him, maybe therefore if there is excess he doesn't get it. The Braisa teaches that he does get it.
    - The reason the Braisa gives the case of the arei miklat is, that we would think that there may be a greater obligation to support him when he is in the arei miklat, because the pasuk says “vachai”. The Braisa teaches that there are no increased obligations.
  - **Q:** The Braisa continues and says that if a wife is forced to run to arei miklat, the husband must continue to support her. Now, if the case is that he tells her to keep her earnings for her support, then why would he have to support her? It must be that he didn't tell her to do that. That must mean that in the case of the slave he also did not tell him to do that!? **A:** He actually did tell that to his wife, but the case is where she does not earn enough to support herself.
    - **Q:** The Braisa then says, if the husband told his wife to keep her earnings for support, he may do so. Now, this means that the previous part of the Braisa is *not* talking about that case!? **A:** The entire Braisa is discussing where he told her to keep her earnings for support. This part of the Braisa is adding, that if she does earn enough for her support, he may have her keep her earnings and not support her.
      - **Q:** That seems to be obvious!? **A:** We would think that he may not do so, because a woman should not be wandering a strange city looking for work. The Braisa teaches that he may nevertheless tell her to work and to keep her earnings.
- **Q:** Maybe we can say that this concept of a master saying “work for me and I will not support you” is actually a machlokes among Tanna'im. A Braisa says, **R' Shimon ben Gamliel** says that in a year of hunger a slave may tell his master “Either feed me or free me”. The **Chachomim** say he

may not do so, and it is solely up to the master to decide when to free him. Presumably the machlokes is that the **Chachomim** say a master may tell his slave to work for him without being supported, whereas **R' Shimon** says that this may not be done? **A:** This cannot be the machlokes, because according to **R' Shimon** the slave should be saying “either feed me or allow me to keep my earnings for support”, and he should not be mentioning anything about getting freed. Also, if this were the point of machlokes, why would a year of hunger be different than any other year? Therefore, we must say that the case in the Braisa is where the master told the slave to take his earning and support himself, and in a year of hunger his earnings are not sufficient to support himself. **R' Shimon** says the slave can demand to be supported or freed so that people will have mercy on him (as a full-fledged Jew) and give him food. The **Rabanan** say that whoever will have mercy on him as a freed Jew will also have mercy on him as a slave, and therefore there is no reason to allow him to force his master to free him.

- **Q: Rav** said, that if a person is makdish the hands of his slave, the slave should borrow money for food and work for the creditor thereby paying him back for the borrowed funds. We see from here that a master can say work for me and I will not support you!? **A:** The case is where the master is providing him with food. The reason he is borrowing is for additional food that he wants beyond what he needs.
  - **Q:** Hekdesh should be able to say – until now you existed on less food, so you should not be allowed to borrow and repay with work now!? **A:** Hekdesh is ok with him eating more, because that will lead to him being more productive in general.
  - **Q:** How can he pay back with work? All his work belongs to hekdesht!? **A:** Hekdesh only takes effect on something worth at least a perutah. In this case the creditor “collects” on the work at each interval when it is still below the value of a perutah.
  - We can prove that **Rav** holds that a master may not force his slave to work without feeding him, because **Rav** said elsewhere that if a slave’s hands are made hekdesht, he works to buy food and eats, because if not, who will give him food? Now, if we understand the previous statement of **Rav** to mean that the master was supporting him, and a master may not make him work without support, that is why in this case we must allow him to work for his food. However, if we understand **Rav** to say that a master may force him to work without feeding him, why is **Rav** in this case concerned with how he will get fed? It is not the master’s obligation or the obligation of Hekdesh to feed him!
- We find that **R' Yochanan** says that a master may force his slave to work without supporting him, because he says, if one cuts off the hand of his friend’s slave, he must pay the value of the lost earnings and the medical expenses to his master and the slave gets fed from tzedaka. We see, that although the master is getting the work he need not support him.
  - The Gemara says this is no proof, because the case may be where the master was supporting him.
    - **Q:** Then why is he getting food from tzedaka? **A:** For food beyond what he needs to live.
      - If this was what **R' Yochanan** meant, he would have used verbiage that more clearly says that. From the fact that he didn’t, we see that he means he is getting his essential food from tzedaka, and we see that a master can force his slave to work without supporting him.
  - **Q:** It is obvious that the master gets the lost wages, so why did **R' Yochanan** need to say that? **A:** The halacha of the medical expenses is not obvious and the halacha of lost wages, although unnecessary, was said along with the medical expenses.
    - **Q:** The medical expenses should go to the slave so that he can use it to get healed!? **A:** **R' Yochanan** is referring to a case where the slave underwent extra pain to heal in a shorter time period, and therefore had extra money left over from the medical expense payment. We would have thought that since he suffered the extra pain he should also benefit from the extra money. **R' Yochanan** teaches that this money goes to the master.
- A Braisa says, **R' Elazar** said, we told **R' Meir** that it is a zechus for a slave to be freed, and he responded that it is not, because a slave of a Kohen would lose his right to eat terumah. We said

to him, the master can decide to not feed the slave even without freeing him, so there is no disadvantage to his being freed! He responded, if the slave of a Kohen ran away he would continue to have the right to eat terumah, but once he is freed he no longer has that right. The **Chachomim** then said, with regard to divorce, we agree that it is not a benefit for her, because divorce makes her passul to eat terumah and ends her right to be supported.

- The Gemara explains the back and forth in the Braisa as follows: After they explained why he is not disadvantaged for losing his master as a source of support, **R' Meir** said, that doesn't take away the fact that the slave of a Kohen loses out by going free, and if you will try and say that the shaliach is not disadvantaging the slave by taking the get shichrur, because the master can simply throw the get at the slave, I will tell you that if the slave runs away the master will not be able to free him and he will be allowed to continue eating terumah.
  - **Q:** How do the **Rabanan** answer that challenge? **A:** **Rava** said, this is what the **Rabanan** meant in the Mishna when they said "he eats because he is the Kohen's property". This means, that even if the slave runs away, the Kohen can accept a few perutahs from a non-Kohen and sell him the slave, thereby making it now assur for him to eat terumah. Therefore, it is not the freedom that prevents him from eating terumah, it is his ownership by the Kohen.
- **Q:** **R' Meir** has only stated why he feels that freeing the slave of a Kohen is disadvantageous to him. What about the slave of a non-Kohen? **A:** **R' Shmuel bar R' Yitzchak** said, it is disadvantageous to him, because he loses the ability to marry a non-Jewish maid.
  - **Q:** That is actually an advantage, because he gains the ability to marry a Jewess!? **A:** He rather be allowed to marry a non-Jewish maid, because he need not treat her with the same respect as a free woman, she is more available to him, and she is more of a "prutza".