

A slave also; when it is not sufficient

עבד נמי בדלא ספיק –

OVERVIEW

The גמרא states that there is a difference between a wife and a slave where the husband and master told them each respectively, 'go support yourself with your handiwork'. Regarding a wife if her handiwork is insufficient to support herself, the husband is obligated to make up the difference; however by a slave, the גמרא concluded, the master is not obligated to make up the difference. תוספות clarifies why the גמרא initially thought the master would be obligated to feed the slave if he told him למזונותיך.

תוספות asks:

ואם תאמר אטו משום דלא ספיק יהא רבו חייב לזונו –

And if you will say; is it indeed so, that because the slave cannot earn sufficiently to support himself, his master should be obligated to feed him?!

ולא יוכל לומר לו צא מעשה ידיך במזונותיך¹ –

And the master cannot tell the slave, 'spend your handiwork for your food'?!'

תוספות asks an additional question:

ועוד קשה הלשון דקאמר עבדא דנהום כריסיה לא שוי² –

And furthermore the expression which the גמרא uses, namely 'a slave who is not worth the bread of his stomach is not worth that his master should keep him', this expression is difficult -

הוה ליה למימר בהדיא דלא מחייב לזונו –

The גמרא should have stated clearly that the master is not obligated to feed the slave -

כיון דאמר ליה צא מעשה ידיך במזונותיך –

Since the master told him, צא מעשה ידיך במזונותיך!

¹ The owner is releasing the עבד from working for him. If the עבד cannot support himself, why should the owner (who is not receiving any benefit from the עבד) be required to support him more than anyone else.

² The גמרא seems to be answering that such a slave that cannot even support himself is worthless, and since he is worthless for his master, therefore the master is not required to support him. The true answer however is that since he released the עבד from working for him; the עבד is on his own (regardless whether he can support himself or not)!

answers: תוספות

ואומר רבינו יצחק דסלקא דעתיה דרגילות הוא שעבד עצמו הולך ועובד את רבו –
And the גמרא initially assumed that (since) it is usual for a slave to work for his master -

אפילו כשאמר ליה צא מעשה ידיך במזונותיך³ –
Even if the master told him, צא מעשה ידיך במזונותיך, -

משום הכי בעי למימר (אף על גב⁴) דלא ספיק שיתחייב במזונות –
Therefore the גמרא assumed that the master should be responsible to feed the עבד (even) in a case where his work is insufficient to support himself -
כיון שמכל מקום עובדו –

Since nonetheless the עבד is working for him -
משום הכי מהדר ליה בלשון זה עבדא דנהום כריסיה לא שוי כולי⁵ –
Therefore the גמרא responded with this expression 'עבדא דנהום כריסיה לא שוי', etc. instead of saying 'but he told him במזונותיך'.

expains that according to the abovementioned, another difficulty will be resolved:
ולהכי קאמר לעיל שמע מינה יכול הרב לומר לעבד עשה עמי ואיני זנך⁶ –
And therefore the גמרא said previously, we derive from the משנה, that the master can say, 'work for me, but I will not feed you' -

דאפילו מיירי דאמר ליה צא מעשה ידיך במזונותיך –
For even if the משנה is discussing a case where the master said צא מעשה ידיך במזונותיך -
מכל מקום כיון שעובדו היה לו להתחייב במזונותיו⁷ אי לאו משום דיכול –

Nevertheless the גמרא assumed in the ס"ד that since the slave is working for the master, the master should be obligated to feed him, unless we assume that because the master can tell him עשה עמי ואיני זנך.

³ The slave (perhaps) feels more comfortable to continue working for his master (hoping that his master will compensate him for his work), rather than to find employment by strangers.

⁴ Others amend this to 'היכא'. In the תוה"ר it reads: דא לא ספיק וכו'.

⁵ The master is willing to forgo the (minimal) work the עבד is doing and not be required to feed him. See 'Thinking it over'.

⁶ The גמרא infers from the משנה (which states that the master need not feed the עבד) that the master can say to the עבד, 'work for me but I will not feed you'. How does the גמרא derive this? Perhaps the master cannot say, 'עשה עמי ואיני זנך', and when the משנה states that the master has the right not to feed his slave that is in a case where he told the slave במזונותיך!

⁷ If the master cannot say עשה עמי ואיני זנך, that means that if the slave works for the master; the master is obligated to feed him, therefore even if the master said צא מעשה ידיך וכו', nevertheless if the slave is working for the master, then the (גמרא assumed that the) master must feed him. However the תרצן misunderstood the מקשן (he did not understand that the מקשן is discussing a case of צאי and the עבד is still working for the master), therefore he answered that the משנה is in a case of וכו'. See מהרש"א.

ועוד דסלקא דעתיה דמיירי בלא אמר ליה דומיא דאשה דבדלא ספיק לא שכיח:⁸ offers an alternate explanation to the last question:

ועוד דסלקא דעתיה דמיירי בלא אמר ליה דומיא דאשה דבדלא ספיק לא שכיח: **And an additional** explanation is **that** the גמרא **assumed that** the משנה is discussing **a case where** the master **did not tell the slave** צא מעשה ידיך (and nevertheless he is not obligated to feed him) **just as by a woman** (where the גמרא also assumed that we are not discussing a case where he told her צאי מעשה ידיך במזונותיך⁹; the reason for this assumption **is that it is not common**¹⁰ that a person's work **should not be sufficient** to sustain him.

SUMMARY

The מקשן assumed that (even if the master said במזונותיך ידיך במזונותיך) that he is obligated to feed his slave if the slave works for him (unless we maintain that the master can say עשה עמי ואיני זנך).

THINKING IT OVER

Initially the גמרא assumed that in a case where the אדון told the slave צא מעשה ידיך במזונותיך, but the עבד continues to work for the אדון, the אדון is חייב במזונות even if the work of the עבד is insufficient to cover the cost of מזונות. The conclusion is that if the work of the עבד is insufficient, the אדון is פטור from מזונות (if he told him צאי מעשה ידיך וכו' ¹¹). What are the respective סברות of the גמרא and ה"א?¹²

⁸ See footnote # 6.

⁹ If by an אשה we are discussing a case where the husband told her במזונותיך ידיך במזונותיך, then indeed why is he obligated to feed her.

¹⁰ The מקשן assumed that we cannot say that by an אשה we are indeed discussing a case where the husband told her צאי מעשה ידיך וכו' (see previous footnote # 9) and the reason the husband must feed her is because her handiwork is insufficient to support her, the מקשן rejects this solution for it is unusual that a woman cannot support herself with her מעשה ידיה. [However, the תרצן insists that indeed the משנה is discussing a case of צא מעשה ידיך and לא ספיק (both by אשה and עבד).]

¹¹ See footnote # 5.

¹² See סוכ"ד אות ט בד"ה בקצרה.