

ומר סבר אינו יכול – And this master maintains, he cannot

OVERVIEW

The גמרא initially assumed that the dispute whether the slave could tell his master during a hunger, 'either feed me or set me free (the view of רשב"ג)', or he cannot (the view of the חכמים), depends on whether the master can tell his slave, 'עשה עמי ואיני זנך' (the חכמים) or not (רשב"ג). Our תוספות clarifies the meaning of הוציאני לחירות.

והא דקתני או הוציאני לחירות לאו דוקא¹ –

And that which the ברייתא teaches that the slave can say, 'or set me free', it **does not** mean **precisely** that the slave can demand to be set free -

אלא כלומר שיהיה מעשה ידי לעצמי כמו לבן חורין²:

Rather the ברייתא means to say that the עבד has the right to demand **that my handiwork should belong to me just like a free man.**

SUMMARY

מעשה ידיו the עבד retains the right to merely means that the הוציאני לחירות

THINKING IT OVER

1. Seemingly this which תוספות wishes to clarify (regarding הוציאני לחירות)³ is discussed immediately in the גמרא; what is תוספות concern (or alternately [if we accept תוספות explanation], what is the גמרא asking later)?⁴

2. Why did not תוספות attempt to explain the necessity of mentioning 'שנת' according to the ה"א, just as he explained 'הוציאני לחירות' according to the ה"א?⁵

¹ It appears from the גמרא (which says that רשב"ג maintains that the master cannot say to the slave עשה עמי) that the reason the עבד can say הוציאני לחירות או פרנסני is because the master has no right to tell the slave עשה עמי ואיני זנך. However, the fact that the master must feed the עבד (if he works for him) cannot give the עבד the right to demand freedom, if the master cannot feed him. At most he can demand that his work should belong to him (see 'Thinking it over'). תוספות explains that indeed this is the meaning of הוציאני לחירות.

² should be understood in this limited fashion; that the מעשה ידי of the עבד belongs to him (like the מעשה ידי of a free man), but not to the master.

³ See footnote # 1.

⁴ See אמ"ה # 68.

⁵ See מהוד"ב.