

His healing belongs to him

רפואתו ידידה הוא –

OVERVIEW

The גמרא asks how can we say that רפואתו לרבו when 'we know' that the master must heal the slave. משנה תוספות will reconcile our גמרא with a contradicting משנה.

תוספות anticipates a difficulty:

והא דתנן בפרק החובל (בבא קמא פז, א) בעבד כנעני שלו פטור מכולן -

And regarding this which the משנה teaches in פרק החובל that if one wounds his own עבד כנעני, he is exempt from all payments (seemingly) including ריפוי that he is not obligated to heal his עבד. Why does the גמרא here simply assume that רפואתו ידידה הוא, meaning that the payment for healing the עבד must be used to heal the עבד?¹

תוספות responds:

שמה יש לחלק דאף על גב דכשחבל בו אחר נותן רפואתו לעבד הוא שחבל בעבדו לא מיחייב - Perhaps we can differentiate between the two cases, that even though when another person wounded his עבד, he pays the רפואה to the עבד, however when the master wounds his עבד, the master is not obligated to pay for his רפואה.

תוספות offers an alternate solution:

אי נמי דאי עביד ליה סמא חריפא דפטור מן המותר כדאמרת הכא:

Or you may also say; that the משנה when it says that the master is פטור it means that if the master healed him with a strong medicine (which reduced the cost of healing), the master is exempt from paying the עבד the rest of the expense that it could usually cost if regular medicine was used. This would be in agreement with what the גמרא states here.

SUMMARY

A master who wounds his own slave is either completely exempt from healing him, or is exempt from paying the difference when a חריפא is used.

THINKING IT OVER

What is the logic of differentiating between another who wounds the עבד and the master who wounds his עבד?²

¹ Perhaps the master needs to be paid the healing fee, but he may keep the money for himself without healing the עבד.

² נה"מ מ.