

חבלי ביה אחריני יהבי ליה לרביה –

Others wound him; they give the payment to his master

OVERVIEW

The גמרא queried whether the master of a שחרור גט מעוכב receives the קנס. The גמרא assumed that if the master receives the קנס, it is obvious that if someone wounded a שחרור גט מעוכב, the payment would go to the master. תוספות rationalizes this assumption.

תוספות responds to an anticipated difficulty:

אף על גב דמעשה ידיו לעצמו¹ כיון דקנסא לרבו חבלה נמי לרבו -

Even though that the **handiwork** of a שחרור גט מעוכב **belongs to** the slave, nevertheless **since the קנס belongs to the master** (according to the current assumption), the payment for a **wound also belongs to the master -**

דמה² לי קטליה כולו ומה לי קטליה פלגא:

For what difference does it make **whether he killed him completely** (where קנסא (לרבו) **or whether he killed him halfway** (meaning wounding him) in both cases the payment is to the master.

SUMMARY

The payment for wounding goes where the payment for killing goes.

THINKING IT OVER

What is this logic of קטליה פלגא ומה לי קטלא כולו ומה לי קטליה פלגא, so that the master receives payment for his wounded עבד?³

¹ A שחרור גט מעוכב is a slave only regarding his prohibition of marrying a ביה ישראל; in all other aspects including his work he is like a free man, so מעשה ידיו belong to him. Wounding the עבד is a loss to the עבד (he cannot earn money) not to the master (who will receive nothing from the slave's work), so why does the חבלה payment go לרבו?!

² See ב"ק סה,א. Wounding a person is the beginning of the process of killing him.

³ See נחלת משה.