

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

Ameimar or R' Chisda rejects the assertion that R' Eliezer and Chachamim disagree whether it is permitted for one to seize the property on behalf of a creditor when it harms the interest of others.

2) "Work for me but I will not feed you"

The Gemara infers from the Mishnah that a master may say to his slave, "Work for me but I will not support you."

The inference is rejected in favor of an alternative interpretation.

This interpretation is unsuccessfully challenged.

Another unsuccessful attempt is made to demonstrate that a master can say to his slave, "Work for me but I will not feed you."

It is suggested that the issue is disputed by Tannaim.

This suggestion is rejected in favor of an alternative interpretation of the Baraisa.

Another unsuccessful attempt is made to demonstrate that a master may say to his slave, "Work for me but I will not support you."

Tangentially, the Gemara explains how, according to Rav, it is possible for a slave to pay back a debt if everything he produces becomes sanctified.

The Gemara successfully demonstrates that a master may force his slave to work for him without supporting him.

3) A slave's lost earnings and medical expenses

It is suggested that the novelty of R' Yochanan's earlier ruling is that the owner collects the slave's medical expenses.

The case in which this ruling applies is identified.

4) The dispute between R' Meir and Chachamim

A Baraisa records a more detailed account of the exchange between R' Meir and Chachamim presented in the Mishnah.

The Gemara elaborates on some of the exchange. ■

Today's Daf Digest is dedicated
 By Mr. & Mrs. Dennis Ruben in memory of their parents
 ר' אברהם וואלף בן ר' בערל ז"ל
 ר' חיים שלום בן ר' בנדיט מאיר ז"ל

Today's Daf Digest is dedicated
 l'ilui nishmas Chaim ben Yitzchak
 (Harvey Bresler, Washington DC)

Distinctive INSIGHT

Payments for medical treatments of a slave

רפואתו דידיה היא דבעי איתסויי ביה

Rav Yochanan taught that one who cuts off the hand of his fellow man's slave must pay compensation for the slave's lost earnings and medical expenses to the master. The Gemara challenges this statement, noting that the medical payments should go the slave himself, as he is the one who must pay for his own treatment. The Gemara answers that, normally, the slave would, in fact, receive these funds. However, we are speaking about a case where the treatment was estimated to take five days. The slave endured a more aggressive treatment which, although it took only three days, subjected the slave to more pain than he would have had during the five-day treatment. We might have thought that the slave thereby "earned" the savings of the two extra days he did not have to be treated. The ruling of Rav Yochanan is, however, that the payment goes to the master.

Rav Elchonon Wasserman (see *קובץ ביאורים גיטין סקי"א*) asks why the Gemara is so sure that the funds to pay for the slave's medical expenses should go to the slave. The rule is "everything which a slave receives is owned by his master." Although the master might use the money to heal the slave, nevertheless, the funds should technically be owned by the master, not the slave. He answers that had the compensation for medical expenses been categorized as part of the monetary payments for the injury, these funds would be owned by the master. However, payment for injuries are actually not a monetary right, but they are an obligation of the perpetrator to restore the health of the victim. This, therefore, is an issue directly between the slave and the one who injured him.

תפארת יעקב does not agree with the premise that the medical payments are given to the slave. He therefore explains that the Gemara never assumed that the payment for healing the slave should go to the slave himself. The concept is that the master is the owner of any monetary payments that are paid. However, after receiving the funds, the master is not obligated to arrange that his slave be healed. This is just like if a person had an ox that became injured, where he has no requirement to treat it and have it cured. Rather, the Gemara was in the process of challenging the statement of Rav Yochanan, as it does not seem to contain any novel information. Is it not obvious that the payment for both the lost earnings as well as the payment for medical treatments must be paid to the master? If the master wants to restore his slave to his health so that he can continue working, of course he should be afforded the financial compensation in order to do so! What, therefore, asks the Gemara, is the *חידוש* in the words of Rav Yochanan? The Gemara answers that the *חידוש* is in a case where the slave received accelerated treatments. ■

HALACHAH Highlight

Collecting medical expenses for a married woman

ועבדו ליה סמא חריפא ואתסי בתלתא יומי

And they made for him a more potent medication and he was healed in three days

Rav Betzalel Stern¹, the B'tzeil Hachochmah, was asked whether a husband has any rights to the money his wife receives as reparations following the war. Due to space limitations, our discussion will relate to who has the right to collect the medical expenses.

B'tzeil Hachochmah cites Rosh² who rules that if a married woman is injured and the doctors estimate that she will need five days of medical care and then she was given a more powerful medication that healed her in three days, she has the right to keep the additional funds since she suffered more in order to be healed faster. Rambam, in contrast, rules that money collected for a married woman's medical expenses goes to the husband, but he does not qualify this ruling. Although it seems as though the disagreement between Rosh and Rambam is broad, Rambam could be explained as referring to a case where the doctors estimated that she would need five days of treatment and she fully recovered in three days without taking a stronger dose of medication. The reason the husband keeps the extra funds is that he ultimately bears the responsibility for his wife's health; therefore, just like if her treatment required more than five days the husband would be obligated to pay that additional amount, so too, if it turns out that she recovers in only three days the extra money goes to the husband. It is reasonable that Rosh agrees with this ruling.

The disagreement will be a case where it was expected that she would need five days of treatment and as a result of taking a

REVIEW and Remember

1. Is a poor person permitted to take פאה from his own field?

2. What halacha did the Gemara think could be derived from the verse כל כבודה בת מלך פנימה?

3. Who receives lost wages compensation and doctor's fees when someone cuts off the hand of a slave?

4. Why would it be a disadvantage for a slave to go free?

stronger medication she recovered in three days. Rambam reasons that just like in the case of the עבד כנעני discussed in our Gemara where it is ruled that if the slave takes a more potent medication the extra money is given to the slave owner, so too if a married woman takes a stronger medication that heals her faster the extra money should go to the husband. Rosh disagrees and notes that the cases are not parallel. In the case of the slave the owner takes the leftover money since, as the slave owner, he has the rights to all the damages, including payment for pain (צער). In contrast, the husband does not receive the money collected for the pain his wife endured and therefore if she healed faster by taking a stronger medication she keeps the extra money since it was generated through her pain. B'tzeil Hachochmah proceeds to assert that Rosh misunderstood Rambam and all opinions would agree that if she healed faster on her own the extra money goes to the husband and if she takes a stronger medication the extra money is hers ■

1. שו"ת בצל החכמה ח"ג סי' ט"ו.

2. רא"ש כתובות פ"ו סי' א'.

3. רמב"ם פ"ד מהל' חובל ומזיק ה"ו. ■

STORIES Off the Daf

The Test

"אשה שגלתה... בעלה חייב במזונותיה..."

A wealthy Jew was seeking a son-in-law wanted for his daughter. He was looking for a genuine gaon, one who would be among the truly great of the next generation. But what test would determine who had the deep understanding and learning which are necessary for true gadlus?

Rav Shlomo Zalman Auerbach, zt"l, told about one prospective father-in-law's test. "When the future father-in-law of the Ohr Someach, zt"l, met with the young

Rav Meir Simchah, he devised a very difficult question to be answered by the prospective chosson. This question had stumped many great scholars, so it seemed to be an appropriate query.

"After preliminary greetings, the older man asked, 'There is a teshuva from Rambam to the Chachmei Luniel. They inquired about the source of a certain halachah in the Yad Hachazaka and Rambam responded that he had searched in all the most logical places for the source—Sanhedrin, Makos, and Bava Kama—but was unable to locate it. Eventually, he found the source in an entirely unexpected tractate. My question to you is: can you work out which halachah they were dis-

cussing?"

"The future chosson thought for a few moments and then replied, 'The halachah in question concerned a woman who killed someone negligently and is exiled to one of the cities of refuge. Presumably, the source for this halachah should be in tractate Makos, Sanhedrin, or could possibly be in Bava Kama. To Rambam's surprise it is actually in Gittin 12 in a tangential way. The Gemara states there that if one's wife is exiled to a city of refuge, he must still support her.

Rav Shlomo Zalman concluded, "The father-in-law consented to the match and the two met and married!" ■

¹ "יישורון", ניסן תשס"ה, עמוד תצ"ט

