

מסכת גיטין • דף י"ב ע"א

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THE SUGYA

In this daf, we are zocheh to delve deeper into the sugya of seizing a debtor's property on behalf of a creditor when it causes a loss to others. The Gemara analyzes whether the machlokes between Rabbi Eliezer and the Rabbis regarding a person who collects pe'ah on behalf of a poor man actually mirrors this case, or if there are unique halachic factors at play in each scenario. We also begin a beautiful, practical discussion regarding the fundamental obligations of a master toward his slave and a husband toward his wife.

We then move into a major yeshivish discussion about whether a master has the legal right to tell his slave, "Work for me, but I will not sustain you." The Gemara carefully weighs this question, comparing the halachos of a slave to those of a wife, and analyzing how we handle a situation where a slave's earnings are not sufficient to cover his basic sustenance.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

OBJECTION

דלמא לא היא;

Perhaps that is **not** so, and this is not the point of dispute between Rabbi Eliezer and the Rabbis.

EXPLANATION

עד כאן לא קאמר רבי אליעזר ה"ה, אלא דמיגו דאי בעי מפקר להו לנכסיה, והוי עני וחזי ליה – ומיגו דזכי ליה לנפשיה זכי לחבריה;

For **until here**, i.e., only there, **did Rabbi Eliezer say** his opinion **there** regarding pe'ah, **except** because of the argument **that since if he wanted, he could declare his property ownerless and become a poor person, and** then the pe'ah would be **fit for him** to take for himself, **and since he can acquire it for himself, he can acquire it for his fellow** poor person; **but here**, where he seizes property on behalf of a creditor, he cannot acquire it for himself, so he cannot acquire it for another.

EXPLANATION

אבל ה"ה, לא.

But here, in our case, he can **not** do so.

EXPLANATION

ועד כאן לא קאמרי רבנן ה"ה, אלא דכתיב: "לא תלקט לעני" – לא תלקט לו לעני;

And until here, i.e., only there, **did the Rabbis say** their opinion **there** that one cannot acquire on behalf of the poor person, **except** because **it is written: "You shall not gather for the poor,"** which they expound to mean: **You shall not gather on behalf of the poor** person; **but here**, where one seizes property on behalf of a creditor, this verse does not apply, and therefore the Rabbis did not rule that the action is ineffective.

EXPLANATION

אבל הקא, לא.

But **here**, in our case, they do **not** apply this restriction.

QUESTION

ורבי אליעזר, האי "לא תלקט" – מאי עביד ליה?

And as for **Rabbi Eliezer**, this verse of "You shall not gather," what does he do with it? How does he interpret this phrase?

ANSWER

מיבעי ליה להזהיר לעני על שלו.

He **requires** it to warn a poor person with regard to his own field, that he is not permitted to gather pe'ah from it for himself.

משנה MISHNAH

MISHNAH

שאם ירצה שלא לזון כו':

We learned in the Mishnah: **As**, if the master **wishes not to sustain** his slave, he is allowed to act accordingly.

גמרא GEMARA

QUESTION

שמעת מינה, יכול הרב לומר לעבד: "עשה עמי ואיני זנך?"

The Gemara asks: Do you **conclude from it** that a master is able to say to his slave: "Work for me but I will not sustain you"?

ANSWER

הקא במאי עסקינן – דאמר ליה: "צא מעשה נדיך למזונותיה".

The Gemara rejects this: **With what** are we dealing here? We are dealing with a case where he said to him: "Spend your earnings to sustain yourself."

QUESTION

דכותה גבי אשה – דאמר לה: "צא מעשה נדיך במזונותיה"? ! אשה אמאי לא?

The Gemara asks: If so, in the **corresponding situation** with regard to a wife, where the husband said to her: "Spend your earnings to sustain yourself," why may he **not** do so? Why does the Mishnah rule that one cannot exempt himself from his obligation to provide sustenance for his wife?

ANSWER

אשה – בדלא ספקא.

The Gemara answers: The **wife** mentioned in the Mishnah is one **whose earnings are not sufficient** for her sustenance, and in that case the husband may not stipulate in this manner.

OBJECTION

עָבֵד נִמְי בְּדָלָא סָפִיק!

The Gemara objects: If so, the case of the **slave also** is referring to a situation **where his earnings are not sufficient** for his sustenance, and yet his master can refuse to sustain him!

EXPLANATION

עָבֵדָא דְנִהוּם כְּרִסְיָהּ לָא שְׂוִיָא, לְמָרִיהּ וּלְמָרְתֶּיהּ לְמָאי מִיתְבָּעִי?

The Gemara explains: **A slave who is not worth** even **the bread that he consumes**, for what is he needed by his master or his mistress? If the value of his labor does not even pay for the cost of his sustenance, why is he kept at all? The Mishnah certainly does not refer to a case of this kind.

PROOF

תָּא שְׁמַע: עָבֵד שְׁגָלָה לְעָרֵי מְקֻלָּט אֵין רַבּוֹ חַיִּיב לְזוּנּוֹ, וְלֹא עוֹד אֶלָּא שְׁמַעְשָׁה יָדָיו לְרַבּוֹ.

Come and hear a proof from a baraita: With regard to a slave who was exiled to one of the cities of refuge, his master is not required to sustain him. And not only that, but his earnings belong to his master.

INFERENCE

שְׁמַע מִינָּהּ, יָכוֹל הָרַב לֵאמֹר לְעָבֵד "עֲשֵׂה עִמִּי וְאֵינִי זֹנֶה!"

Conclude from it that a master is able to say to his slave: "Work for me but I will not sustain you!"

ANSWER

הָכָא בְּמָאי עֲסָקִינָּהּ, דְּאָמַר לֹו: "צֵא מַעֲשֵׂה יָדֶיךָ לְמִזְוִנוֹתֶיךָ."

The Gemara answers: **With what are we dealing here?** With a case **where he said to him:** "Spend your earnings to sustain yourself."

QUESTION

אִי הָכִי, מַעֲשֵׂה יָדָיו אִמָּאי לְרַבּוֹ?

The Gemara asks: **If so**, if the master said this to the slave, then **why do his earnings belong to his master?**

ANSWER

לְהַעֲדָפָה.

The Gemara answers: This refers **to his surplus earnings** beyond his sustenance.

QUESTION

הַעֲדָפָה, פְּשִׁיטָא!

The Gemara asks: Isn't it **obvious** that any **surplus** belongs to the master, as he owns the slave?

ANSWER

מהו דתימא, פיון דכי לית ליה לא יחייב ליה, כי אית ליה נמי לא לישקול מינה, קא משמע לן.

The Gemara answers: **Lest you say** that since, when he does not have enough the master does not give him sustenance, when he does have a surplus the master should also not take it from him, therefore the baraita teaches us that the surplus belongs to the master.

QUESTION

ומאי שנא לערי מקלט?

The Gemara asks: **And what is different with regard to** a slave who was exiled to **one of the cities of refuge**, concerning whom the baraita was stated?

ANSWER

סלקא דעתך אמינא: "וחי" – עביד ליה חיותא טפי, קא משמע לן.

The Gemara answers: **It might enter your mind to say** that since the verse states: "And he shall live," we should provide for him extra livelihood, therefore the baraita teaches us that no special obligation of this kind applies.

OBJECTION

והא מדקתני סיפא: אבל אשה שגלתה לערי מקלט – בעלה חייב במזונותיה;

The Gemara raises a difficulty: **But from the fact that the latter clause teaches:** However, with regard to a woman who was exiled to one of the cities of refuge, her husband is obligated to provide her sustenance;

INFERENCE

מכלל דלא אמר לה, דאי אמר לה, בעלה אמאי חייב?

this implies **by inference** that he did not say to her "spend your earnings for your sustenance," for if he had said to her this, why is her husband obligated to sustain her?

OBJECTION

ומדסיפא דלא אמר לה, רישא נמי דלא אמר ליה!

And since the latter clause is a case where he did not say to her, the first clause regarding the slave is also a case where he did not say to him! Thus, the master is exempt even without such a statement.

ANSWER

לעולם דאמר ליה, ואשה בדלא ספקה.

The Gemara answers: **Actually**, the first clause is a case where he said to him, and the case of the wife is where her earnings are not sufficient.

OBJECTION

והא מדקתני סיפא: ואם אמר לה "צאי מעשה ידיך במזונותיה" – רשאי, מכלל דרישא דלא אמר לה!

The Gemara objects: **But from the fact that the latter clause teaches:** And if he said to her: "Spend your earnings to sustain yourself," he is permitted, this implies **by inference** that the first clause of the baraita is a case where he did not say to her!

ANSWER

הָכִי קֹאֵמֶר: וְאִם מְסַפֶּקֶת, וְאָמַר לָהּ: "צֵאִי מַעֲשֵׂה יָדֶיךָ בְּמִזְוֹנוֹתֶיךָ" – רָשָׁאִי.

The Gemara answers: **This is what it is saying:** And if her earnings are sufficient, and he said to her: "Spend your earnings to sustain yourself," he is permitted.

QUESTION

מְסַפֶּקֶת, מַאי לְמִימָרָא?

The Gemara asks: If her earnings are **sufficient**, what is the **purpose of saying** this? It is obvious that he may do so.

ANSWER

מַהוּ דִּתִּימָא: "כָּל כְּבוֹדָהּ בֵּת מְלָךְ פְּנִימָה", קָא מַשְׁמַע לָן.

The Gemara answers: **Lest you say** that because of the verse: "The entire glory of the king's daughter is within," she should not have to go out to work, **therefore it teaches us** that he may still tell her to sustain herself from her earnings.

QUESTION

לִימָא כְּתַנָּאִי – רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: יָכוֹל הָעֶבֶד לומר לְרַבּוֹ בְּשָׁנֵי בְּצוּרָת: "אוּ פְּרִנְסִנִי, אוּ הוּצִיאֲנִי לְחֵירוֹת".

The Gemara suggests: **Shall we say** that this is **like a dispute between Tannaim**? As Rabban Shimon ben Gamliel says: A slave is able to say to his master in years of drought: "Either sustain me, or set me free."

STATEMENT

וְחֻכָּמִים אוֹמְרִים: הָרְשׁוֹת בְּיַד רַבּוֹ.

And the Sages say: The choice is in the hand of his master.

QUESTION

מַאי, לָאוּ בָּהּא קָמִיפְלָגִי – דְּמָר סָבַר: יָכוֹל, וּמָר סָבַר: אֵינִי יָכוֹל?

What, is it not about this that they disagree – that one Master, the Sages, holds that the master is able to say "work for me and I will not sustain you," and one Master, Rabban Shimon ben Gamliel, holds that he is not able to do so?

OBJECTION

וְתִסְבָּרָא?! הָאִי "אוּ פְּרִנְסִנִי אוּ הוּצִיאֲנִי לְחֵירוֹת"?! "אוּ פְּרִנְסִנִי אוּ תֵּן לִי מַעֲשֵׂה יָדֶי בְּפְרִנְסָתִי" מִיבָּעִי לִיהָ!

The Gemara rejects this: **And can you understand it so?!** If that were the dispute, this formulation of "Either sustain me or set me free" is difficult; "Either sustain me or give me my earnings for my sustenance" is what he should have said!

QUESTION

וְעוֹד: מַאי שְׁנָא בְּשָׁנֵי בְּצוּרָת?

And furthermore: What is different about years of drought that this rule is specified?

EXPLANATION

אֵלָא הָכָא בְּמַאי עֲסָקִינָן – דָּאָמַר לוֹ "צֵא מַעֲשֵׂה יָדֶיךָ לְמִזּוֹנוֹתֶיךָ", וּבְשָׁנֵי בְּצוּרָתָא לֹא סָפֵק;

Rather, with what are we dealing here? With a case where he said to him: "Spend your earnings to sustain yourself," and in years of drought his earnings are not sufficient to sustain him.

EXPLANATION

רַבִּין שִׁמְעוֹן בֶּן גַּמְלִיאֵל סָבַר: אוּ פְּרִנְסִנִי אוּ הוֹצִיאֲנִי לְחֵירוֹת, כִּי הֵיכִי דְחִזּוּ לִי אֵינְשֵׁי וּמְרַחֲמִין עָלַי.

Rabban Shimon ben Gamliel holds: The slave can say, "Either sustain me or set me free, so that people will see me as a free man and have mercy on me" and give me charity.

EXPLANATION

וּרְפִנֵן סָבְרִי: מֵאֵן דְּמִרְחָם אַפְּנֵי חֲרִי, אַעֲבֹד נְמִי רַחוּמֵי מְרַחֵם.

And the Sages hold: Whoever has mercy on free people, will also have mercy on a slave and feed him, so he does not need to be freed.

PROOF

תָּא שְׁמַע, דָּאָמַר רַב: הַמְקַדִּישׁ יָדֵי עֲבָדוֹ, אוֹתוֹ הָעֶבֶד לֶזֶה וְאוֹכֵל, וְעוֹשֶׂה וּפּוֹרֵעַ.

Come and hear another proof, as Rav said: One who consecrates the hands of his slave, that slave borrows and eats, and works and pays back his debt.

INFERENCE

שְׁמַע מִינָּהּ, יָכוֹל הָרַב לֵאמֹר לְעֶבֶד: "עֲשֵׂה עִמִּי וְאֵינִי זָנָה!"

Conclude from it that a master is able to say to his slave: "Work for me but I will not sustain you!"

ANSWER

הָכָא בְּמַאי עֲסָקִינָן – בְּמַעֲלָה לֹא מִזּוֹנוֹת.

The Gemara answers: With what are we dealing here? With a case where the master provides him with sustenance from another source.

QUESTION

אֵי הָכִי, לְמַאי

The Gemara asks: If so, for what purpose did he consecrate his hands?

SUMMARY

The Gemara first clarifies that the dispute between Rabbi Eliezer and the Rabbis regarding pe'ah cannot be easily equated with seizing property on behalf of a creditor, as there are distinct textual derivations and logical distinctions—such as the fact that a person collecting pe'ah could theoretically make himself ownerless and acquire it himself. The Gemara then transitions to analyzing our Mishnah's ruling that a master can choose not to sustain his slave. Although the Gemara initially attempts to prove that a master may force a slave to work without providing food, it rejects this by explaining that the Mishnah refers to a case where the slave is told to use his own earnings for sustenance. This is contrasted with a wife, whom a husband must sustain if her earnings are insufficient. Finally, the Gemara brings a proof from a baraita regarding a slave exiled to a city of

refuge, concluding that while the master does not have to sustain him there, any surplus earnings beyond the slave's basic food costs still belong to the master.

למעשה WHAT TO TAKE HOME

In today's daf, we see a powerful discussion about a slave who is exiled to a city of refuge. The Gemara notes that while his master is not obligated to sustain him there, the slave's earnings still belong to the master. The Gemara asks: how can this be? The Torah says regarding the city of refuge, "V'chai"—that the killer must be provided with the means to live! The Gemara answers that the master must leave him enough to survive, but any extra earnings (ha'adafah) go back to the master.

Think about this deeply, my friend. Even in a place of exile, a place of spiritual displacement where a person is paying for a terrible mistake, the Torah demands "V'chai"—he must be given the ability to live and survive. Hashem never cuts a person off completely, no matter how far they have fallen or where they have been exiled. There is always a baseline of chesed, a spark of life that Hashem keeps burning within you.

At the same time, the master still owns the "ha'adafah," the extra success. This teaches us a profound lesson in bitachon and humility. We often strive for the "extras" in life, thinking our hard work is what produces abundance. But the truth is, our basic sustenance is guaranteed by Heaven, and any extra success we achieve does not truly belong to our own strength—it belongs to our Master, the Ribbono shel Olam, to be used for His service.

Today, when you feel overwhelmed or spiritually distant, remind yourself of "V'chai"—Hashem is keeping you alive and wants you to thrive right where you are. Take one minute during your workday to stop and verbally acknowledge that your livelihood and any extra success you experience today come directly from Hashem, and dedicate that success back to Him.