

## A בס"ד

## Intro

מסכת בבא מציעא דף פ"ח learn "H Be we will Today  
Some of the topics we will learn about include:

טבל מתחייב במעשר

One must separate מעשר from produce before eating it if מירחו בכרי

Its processing into piles was completed and it is ready for threshing.

Additionally, רבי ינאי requires

יראה פני הבית

They enter one's house, while רבי יוחנן maintains

אפילו חצר קובעת

It suffices to enter one's courtyard.

לוקח

The Torah exempts purchased produce from מעשר. The  
בגין רבנן obligated it in מעשר, even before completing its processing.

## A

טבל מתחייב במעשר

מירחו בכרי

יראה פני הבית

אפילו חצר קובעת

לוקח

## B גורן למעשרות

The Gemara establishes the stage at which various crops  
are considered processed.

אדם במחובר

ושור בתלוש

The Torah explicitly grants permission for an employee  
working with attached produce to eat while he works, and  
forbids one from muzzling his animal while it works with  
detached produce. The Gemara brings several sources  
that

אדם בתלוש

ושור במחובר

Workers may also eat from detached produce, and  
animals from attached produce.

## B

גורן למעשרות

אדם במחובר

ושור בתלוש

1 So let's review...

The Gemara cites a מחלוקת regarding at what point crops become obligated in מעשר:

One Pasuk says

בערתי הקדש מן הבית

Referring to the crops entering a house;

While another Pasuk says

ואכלו בשעריך ושבעו

Referring to the crops entering the gate of one's courtyard;

Therefore, רבי נאי says

אין הטבל מתחייב במעשר

עד שיראה פני הבית

Crops only become obligated in מעשר when their processing into piles is complete and ready for threshing, AND they entered one's house.

However, the Pasuk also refers to a gateway, teaching us

דמעיל ליה דרך שער

לאפוקי דרך גגות וקרפיפות דלא

They are only obligated if they come in through an ordinary doorway, not through rooftops or backyards.

On the other hand,

רבי יוחנן maintains

אפילו חצר קובעת

They become obligated in מעשר when their processing is complete AND even if they enter one's courtyard.

However, the Pasuk also refers to a house, teaching us

חצר דומיא דבית

מה בית המשתמר

אף חצר המשתמרת

Just as a house is a guarded area, only a guarded courtyard obligates in מעשר.

1

The Gemara cites a מחלוקת regarding at what point crops become obligated in מעשר:

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אין הטבל מתחייב במעשר

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2 The Gemara challenges both interpretations from a ברייתא cited in the previous Daf:

כנפש  
כנפש של בעל הבית  
כך נפש של פועל  
אוכל ופטור

The owner may snack from the produce during the harvest and is not obligated in מעשר, and the workers may do so as well. And as Rashi explains;

לא אמרינן  
הואיל באגריה אכיל  
הוה ליה כמקח וקובעת למעשר

We do not consider his rights to the produce to be akin to a sale, which would obligate him to take מעשר even from unprocessed produce.

We can therefore infer

הא לוקח חייב  
Actually buying produce DOES obligate it in מעשר, and מאי לאו בשדה

Seemingly, this is true even in the fields, where the worker eats, and as Rashi explains,

מקח לא עדיף מגמר מלאכה

If a purchase obligates unprocessed produce in מעשר even when in the field, surely processing the produce obligates in the fields as well, and the produce does not need to enter the house or the courtyard?

2

?

ברייתא

כנפש

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3 The Gemara answers

בתאנה העומדת בגינה  
ונופה נוטה לחצר עסקינן  
ולמאן דאמר לבית לבית

We are discussing a tree that is in one's garden, but its branches reach into his courtyard or his house, and the fruits are in the house or courtyard as soon as they are picked.

Therefore,

בעל הבית עיניו בתאנתו  
ולוקח עיניו במקחו

The owner is focused on his crop, and so until the entire crop is processed and brought into his house or courtyard they are not completed and פטור ממעשר, while one who buys produce is only concerned with his purchase, and they are חייב במעשר as soon as they are picked.

3

בתאנה העומדת בגינה  
ונופה נוטה לחצר עסקינן

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The owner is focused on his crop, and so until the entire crop is processed and brought into his house or courtyard they are not completed and פטור ממעשר.

While one who buys produce is only concerned with his purchase, and they are חייב במעשר as soon as they are picked.

4 The Gemara earlier inferred  
הא לוקח חייב  
Buying produce DOES obligate it in מעשר מדאורייתא.  
The Gemara now refutes this Halachah from the following ברייתא:  
מפני מה חרבו חנויות של בית הינו  
שלש שנים קודם ירושלים  
מפני שהעמידו דבריהם על דברי תורה  
The shops of בית הינו were destroyed three years before  
Yerushalayim because they ignored the laws of the רבנן  
and relied on the Torah.  
שהיו אומרין  
They would expound these Pesukim:  
עשר תעשר ואכלת  
ולא מוכר  
תבואת זרעך  
ולא לוקח  
Neither the seller nor the buyer is obligated in מעשר.  
Although the רבנן obligated the buyer to separate מעשר,  
these people relied on the Torah's exemption.  
Clearly,  
מדרבנן  
וקרא אסמכתא בעלמא  
The obligation for a buyer to separate מעשר is only מדרבנן.  
Likewise, the inference from the worker's exemption to  
obligate a buyer to tithe even unprocessed produce is only  
מדרבנן.

4

*We can therefore infer*  
**הא לוקח חייב**  
*Actually buying produce*  
*does obligate it in מעשר*  
*מדאורייתא*

**?**  
ברייתא

**מפני מה חרבו חנויות של בית הינו**  
**שלש שנים קודם ירושלים**  
**מפני שהעמידו דבריהם על דברי תורה**  
*The shops of בית הינו were destroyed*  
*three years before Yerushalayim because they ignored*  
*the laws of the רבנן and relied on the Torah.*

**שהיו אומרין**  
*They would expound these Pesukim:*  
**עשר תעשר ואכלת – ולא מוכר**  
**תבואת זרעך – ולא לוקח**  
*Neither the seller nor the buyer is obligated in מעשר.*  
*Although the רבנן obligated the buyer to separate מעשר,*  
*these people relied on the Torah's exemption.*

*Clearly,*  
**מדרבנן – וקרא אסמכתא בעלמא**  
*The obligation for a buyer to separate מעשר is only מדרבנן.*  
*Likewise, the inference from the worker's exemption*  
*to obligate a buyer to tithe even unprocessed produce*  
*is only מדרבנן.*

5 The Gemara retracts, and expounds the term כנפשך differently:  
כנפשך  
מה נפשך אם חסמת פטור  
אף פועל אם חסמת פטור  
The prohibition of לא תחסום שור בדישו, not to muzzle an ox  
while it works with produce, does not apply to workers.  
This is derived from this Pasuk: Just as one may refrain  
from eating his produce, one is not liable for this prohibi-  
tion if he unlawfully forbids his worker from eating.  
=====

5

**כנפשך**

**מה נפשך אם חסמת פטור**  
**אף פועל אם חסמת פטור**  
*The prohibition of לא תחסום שור בדישו,*  
*not to muzzle an ox while it works with produce,*  
*does not apply to workers.*

*This is derived from this Pasuk:*  
*Just as one may refrain from eating his produce,*  
*one is not liable for this prohibition if he unlawfully*  
*forbids his worker from eating.*

**6** The Gemara returns to רבי ינאי's earlier ruling  
 אין הטבל מתחייב במעשר  
 עד שיראה פני הבית  
 Crops are only obligated in מעשר when their processing is  
 complete AND they entered one's house.

The Gemara now suggests

כי קאמר רבי ינאי  
 בזיתים וענבים  
 דלאו בני גורן נינהו

He was only referring to crops such as olives and grapes  
 intended for eating, which are not put in a pile; and  
 therefore, they become obligated in מעשר when they are  
 brought into the house. However,

חטין ושעורין

גורן בהדיא כתיב ביה

Regarding wheat and barley, the Pasuk explicitly refers to  
 the crops piled on the threshing floor, indicating that they  
 become obligated even in the fields, if they require this  
 process.

Rashi points out

הא דרבי אושיעא  
 אדם מערים על תבואתו  
 לית ליה האי תירווצא

The Gemara often refers to people using the loophole of  
 bringing their grain into their house through the rooftops  
 to exempt them from מעשר, which clearly rejects this  
 approach.

=====

**7** The Gemara now contrasts a worker's rights to eat with  
 the prohibition to muzzle a working animal:

אשכחן אדם במחובר

כי תבא בקמת רעך וקטפת מלילת בידך

The Pasuk grants workers the right to eat when working  
 with attached produce.

אשכחן שור בתלוש

לא תחסום שור בדישו

The Pasuk grants animals the right to eat when working  
 with detached produce.

**6** *רבי ינאי*  
**אין הטבל מתחייב במעשר**  
**עד שיראה פני הבית**

*Crops are only obligated in מעשר*  
*when their processing is complete*  
*and they entered one's house.*

**כי קאמר רבי ינאי**  
**בזיתים וענבים**  
**דלאו בני גורן נינהו**

*He was only referring to crops such as olives and grapes*  
*intended for eating, which are not put in a pile;*  
*therefore, they become obligated in מעשר when they are*  
*brought into the house.*

*However,*

**חטין ושעורין**  
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*Regarding wheat and barley, the Pasuk explicitly refers to*  
*the crops piled on the threshing floor,*  
*indicating that they become obligated even in the fields,*  
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*Rashi points out*

**הא דרבי אושיעא**

**אדם מערים על תבואתו לית ליה האי תירווצא**

*The Gemara often refers to people using the loophole*  
*of bringing their grain into their house through the rooftops*  
*to exempt them from מעשר,*  
*which clearly rejects this approach.*

*Contrasting a worker's rights to eat*  
*with the prohibition to muzzle a working animal*

**אשכחן שור בתלוש**  
**לא תחסום שור**  
**בדישו**

*Grants animals*  
*the right to eat when working*  
*with detached produce*

**אשכחן אדם במחובר**  
**כי תבא בקמת רעך**  
**וקטפת מלילת בידך**

*Grants workers*  
*the right to eat when working*  
*with attached produce*

8 The Gemara now inquires

אדם בתלוש  
ושור במחבור  
מנלן

What is the source that those who work with detached produce may eat, and that animals who work with attached produce may eat?

The Gemara offers several sources:

1.

The Pasuk says that רעך, a worker, may eat from קמה, attached produce.

אמר קרא

קמה קמה ב' פעמים

אם אינו ענין לאדם במחבור

תנהו ענין לאדם בתלוש

The Pasuk repeats the word קמה to include detached produce, and

אמר קרא רעך רעך ב' פעמים

אם אינו ענין לאדם במחבור

תנהו ענין לשור במחבור

The Pasuk repeats the word רעך to allow animals, as well, to eat attached produce.

2.

The Pasuk says

כי תבא בכרם רעך

Without specifying what sort of work he is doing.

Therefore,

מי לא עסקינן

ששכרו לכתף

ואמר רחמנא ליכול

This includes those who transport the produce, indicating that one who works with detached produce may also eat.

8

אדם בתלוש - ושור במחבור  
מנלן

1

כי תבא

בקמה רעך

וקטפת מלילת

בידך וזרמיש

לא תניף

על קמת

רעך

אמר קרא

רעך רעך

ב' פעמים

אם אינו ענין

לאדם במחבור

תניפו ענין

לאדם בתלוש

To allow animals to eat attached produce

אמר קרא

קמה קמה

ב' פעמים

אם אינו ענין

לאדם במחבור

תניפו ענין

לאדם בתלוש

To include detached produce

2

כי תבא בכרם רעך  
ואכלת ענבים כנפשיך שבעך

מי לא עסקינן

לשכרו לכתף - ואמר רחמנא ליכול

This includes those who transport the produce, indicating that one who works with detached produce may also eat.

9

3.

כל מילי איתנהו בחסימה  
דילפינן שור שור משבת

The word שור does not refer only to oxen, because we derive from the Pesukim regarding Shabbos that this term always includes all animals. Therefore, לכתוב רחמנא

לא תדוש בחסימה

שור דכתב רחמנא למה לי

The Pasuk could have omitted this word, and simply written, "Do not thresh with a muzzle?"

Therefore, the extra word teaches

לאקושי

חוסם לנחסם ונחסם לחוסם

To compare the Halachos of the muzzler, i.e. the people, with the Halachos of the muzzled, i.e. the animals;

מה חוסם אוכל במחובר

אף נחסם אוכל במחובר

Just as human workers may eat from attached produce, animals may also eat from attached produce, and

מה נחסם אוכל בתלוש

אף חוסם אוכל בתלוש

Just as animals may eat while working with detached produce, human workers may also eat from detached produce.

9

3

## כל מילי איתנהו בחסימה דילפינן שור שור משבת

The word שור does not refer only to oxen, because we derive from the Pesukim regarding Shabbos that this term always includes all animals. Therefore,

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The Pasuk could have omitted שור, and simply written, "Do not thresh with a muzzle?"

Therefore, the extra word teaches

לאקושי חוסם לנחסם ונחסם לחוסם

To compare the Halachos of the muzzler - the people, with the Halachos of the muzzled - the animals;

מה נחסם  
אוכל בתלוש  
אף חוסם  
אוכל בתלוש

Just as animals may eat while working with detached produce, human workers may also eat from detached produce.

מה חוסם  
אוכל במחובר  
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אוכל במחובר

Just as human workers may eat from attached produce, animals may also eat from attached produce.