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Intro

Today we will Be"H learn מסכת בבא מציעא of אין ס סר מסכת. Some of the topics we will learn about include:

אוכל פועל

The Gemara discusses many Halachos regarding the rights of a worker to partake of the produce with which he's working, including:

יותר משכרו

Whether he may eat more than the value of his wages; אשכול אחד

Whether he may eat if he was hired to cut a single cluster, and whether he may eat the first cluster of the crop; ביאת כל אדם

Whether anyone is entitled to work in a field in exchange for partaking of the produce;

אמר תנו לאשתי

אוכל פועל
יותר משכרו
אשכול אחד
ביאת כל אדם
אמר תנו לאשתי

Whether he can transfer this right to a family member;

Whether he can arrange for payment in lieu of partaking of the produce, and whether he can do so on behalf of his children, slaves, or wife.

Some of these Halachos depend if

משלו הוא אוכל

או משל שמים הוא אוכל

Whether the right to eat is an addition to his wages, or a gift?

The Gemara also references the following Halachos: יכול הרב לומר לעבד

עשה עמי ואיני זנך

Whether a master is entitled to his slave's wages if he does not feed him;

And

קביעות יין למעשר

Whether wine is obligated in מעשר

משיקפה

When the skins and seeds are skimmed off the wine in the cistern, or

משישלה

When the foam is skimmed off the wine in the barrel;



משיקפה

משישלה







So let's review...

Zugt di Mishnah

אוכל פועל קישות אפילו בדינר

כותבת

נות בדינר ואפילו בדינר

A worker may eat a cucumber or a date, even if it is worth a dinar, far more than his wages.

רבי אלעזר חסמא אומר

לא יאכל פועל יתר על שכרו

He may not eat produce worth more than his wages. וחכמים מתירין

The חכמים allow this; but they add אבל מלמדין את האדם שלא יהא רעבתן

ויהא סותם את הפתח בפניו

We advise him not to eat too much, so that he will find future employment.

The Gemara asks:

חכמים היינו תנא קמא

Seemingly, the תנא קמא are in agreement with אנא דנא למא that one may not eat more than the value of his wages?

The Gemara suggests three possible points of contention between איז and the חכמים:

1.

איכאָ ביִנייהו

אבל מלמדין

They disagree whether we advise him to limit his consumption:

תנא קמא

לית ליה מלמדין

לרבנו

אית להו מלמדין

The תנא קמא holds we do not advise him, while the חכמים hold we do.





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2. איכא בינייהו

דרב אסי

They disagree regarding the following statements of רב רב?

אפילו לא שכרו אלא לבצור אשכול אחד

אוכלו

Even if he was hired to cut only a single cluster, he may eat it. Even though

ליכא לקיומא לבסוף

The owner is not left with anything.

Additionally,

אפילו לא בצר

אלא אשכול אחד

אוכלו

He may eat the first cluster he cuts, and we do not say ליתב ברישא והדר ליכול

Let him first harvest for the owner, and then eat.

Accordingly,

תנא קמא

אית ליה דרב אסי

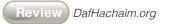
חכמים

לית ליה דרב אסי

The תנא קמא agrees with רב אסי, and permits him to eat a single cluster, even if its value exceeds his wages. רבי disagrees regarding eating more than his wages, while the חכמים disagree regarding a single cluster.









3.

איכא בינייהו

דרנ

They disagree regarding the following Halachah recorded by Rav:

איסי בן יהודה אומר

כי תבא בכרם רעך

בביאת כל אדם הכתוב מדבר

The Pasuk does not specifically refer to workers. Therefore, anyone can enter the field and partake.

Now, Rav disagreed, and commented

לא שבק איסי חיי לכל בריה

No one will have any crops left!

However, רב כהנא explained

דלמא בעושין בסעודתם דעבדו ואכלו

איסי בן יהודה allows anyone to assist with the harvest in exchange for partaking of the crop.

Nevertheless, רב disagrees, because

אפ"ה ניחא ליה לאיניש

לאוגר אגורי וניקטפיה לפריסיה

ולא ניתו כולי עלמא ואכלו ליה

A person would rather pay workers who will consume a limited amount, instead of everyone eating from his crop.

Accordingly, תנא קמא לית ליה דאיסי חכמים אית להו לאיסי

חנמים only permits hired workers to eat. The חנמים allow him to eat more than his wages because they hold everyone is entitled to work and eat.

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The Gemara now offers two explanations of the מחלוקת רבי אלעזר ותנא קמא:

1.

רבי אלעזר חסמא אומר לא יאכל פועל יתר על שכרו

Because

פועל משלו הוא אוכל

As Rashi explains

תוספת שכר הוא שהוסיפה לו תורה

The Torah awarded him the right to eat as a supplement to his wages. Therefore, he may not eat more than his wages, because

דאין תוספת מרובה על העיקר (e.r.)

The addition cannot exceed the basic wages.

According to this reasoning;

אמר תנו לאשתי ובני

יהבינן להו

He can give the produce he would have eaten to his family instead, because (Rashi)

כי היכי דבידו ליתן שכרו לכל מי שירצה

It's part of his wages.

However, the תנא קמא says

אוכל פועל קישות

אפילו בדינר

Because

משל שמים הוא אוכל

As Rashi explains;

במתנת גמילת חסדים כשאר מתנת עניים

The Torah gave it to him as a separate gift. Therefore, he may eat even more than his wages, because זכי ליה רחמנא

The Torah granted him this right regardless of his wages. (e.r.)

According to this reasoning;

אמר תנו לאשתי ובני

לא יהבינן להו

He cannot give the produce he would have eaten to his family instead, because

לדידיה זכי ליה רחמנא

לאשתו ולבניו לא זכי להו רחמנא

This privilege was given to him, but not to his family.

Two explanations of the spilow between

1

יבי אוצר מסמא אומר

לא יאכל פועל יתר על שכרו

Because

פועל משלו הוא אוכל

As Rashi explains

תוספת שכר הוא שהוסיפה לו תורה

The Torah awarded him the right to eat as a supplement to his wages. Therefore, he may not eat more than his wages, because אין מאססת מורדע אא דאיקר:

According to this reasoning;

אמר תנו לאשתי ובני יהבינן להו

He can give the produce he would have eaten to his family instead

י פיבי דבידן איתן לברן אבא מי ליירצה Because it is part of his wages.



אוכל פועל קישות אפילו בדינר

Because

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As Rashi explains;

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because LIND 31/25

The Torah granted him this right regardless of his wages.

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Recause

אפידיד זכי אידי רחמן א - אלחן ואבניו אל זכי אדו רחמן. This privilege was given to him, but not to his family



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The second explanation is as follows:

כו"ע משלו הוא אוכל

All agree that this right is a supplement to his wages. However, they disagree how to expound the term כנפשך: אלעזר רבי אלעזר explains

כנפשר

בדבר שמוסר נפשו עליו

The term refers to his wages, for which he often engages in dangerous behavior, and the Pasuk is limiting his right to eat to the amount of his wages.

The חכמים expound

מה נפשך אם חסמת פטור

אף פועל אם חסמת פטור

The Pasuk compares the worker to the employer, exempting him from the prohibition of לא תחסום, and כנפשך is not referring to his wages. Therefore, he is not limited to the amount of his wages.

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The Gemara now cites the Mishnah on דף צ"ג to resolve the question whether

משלו הוא אוכל

OR

משל שמים הוא אוכל

The Mishnah there rules קוצץ אדם על ידי עצמו

A worker can arrange payment in lieu of eating the produce: and

על ידי בנו ובתו הגדולים

על ידי עבדו ושפחתו הגדולים

ועל ידי אשתו

He can do so on behalf of his adult children or slaves, and his wife.

מפני שיש בהן דעת

Because they have the mental capacity to waive this right;

אבל אינו קוצץ לא על ידי בנו ובתו הקטנים ולא על ידי עבדו ושפחתו הקטנים ולא על ידי בהמתו

He cannot arrange payment in lieu of the produce on behalf of his minor children or slaves, or his animals, מפני שאין בהן דעת

Because they lack the mental capacity to waive this right;

משלו הוא אוכל

משל שמים הוא אוכל

קוצץ אדם על ידי עצמו

A worker can arrange payment in lieu of eating the produce;

על ידי בנו ובתו הגדולים על ידי עבדו ושפחתו הגדולים ועל ידי אשתו

He can do so on behalf of his adult children or slaves, and his wife.

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He cannot arrange payment in lieu of the produce on behalf of his minor children or slaves, or his animals,

מפני שאין בהן דעת

Because they lack the mental capacity to waive this right.







Now, the Gemara understands לא על ידי בהמתו

> He cannot violate the prohibition of לא תחסום, and cause his animal to suffer.

However, regarding קטנים, if

משלו הוא אוכל

קטנים נמי נקוץ להו

If it's part of the wages, he's entitled to these rights, just as he receives the minor's wages?

Clearly,

משל שמים הוא אוכל

It is a gift, and so he cannot waive it on his son's behalf.

The Gemara answers

בשאין מעלה להן מזונות

The Mishnah discusses where the father does not support his children, and so he is not entitled to their wages, and therefore cannot waive this right on their behalf. Nevertheless.

קוצץ על ידי בנו ובתו הגדולים

He can waive it for his adult children, because

Even though he does not support them, they agree to waive this right.

The Gemara understands

לא על ידי בהמתו

He cannot violate the prohibition of לא תחסום. and cause his animal to suffer.

However, regarding קטנים

משלו הוא אוכל קטנים נמי נקוץ להו

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The Mishnah discusses where the father does not support his children, and so he is not entitled to their wages. and therefore cannot waive this right on their behalf.

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קוצץ על ידי בנו ובתו הגדולים

He can waive it for his adult children, because

ידעי וקא מחלי

Even though he does not support them, they agree to waive this right.

The Gemara notes a contradiction: The Mishnah on דף צ"ג says אינו קוצץ על ידי עבדו ושפחתו הטקנים He may not waive this right on behalf of his minor slaves, while a ברייתא states קוצץ על ידי עבדו ושפחתו הכנענים בין גדולים בין קטנים

A person CAN arrange payment even on behalf of his

בין גדולים בין קטנים A person CAN arrange payment even on behalf of his minor slaves?

קוצץ על ידי עבדו

ושפחתו הכנענים

אינו קוצץ עבדו ושפחתו

this right on behalf of his minor slaves





minor slaves?



The Gemara offers two interpretations of this מחלוקת:

According to the opinion אין הרב יכול לומר לעבד

עשה עמי ואיני זנך

A master is not entitled to his slave's wages if he does not feed him, we can explain that everyone agrees משלו הוא אוכל

However.

כאן בשאין מעלה להן מזונות

וברייתא במעלה להן מזונות

The Mishnah discusses where he does not support them, and so he is not entitled to their wages, while the ברייתא discusses where he does support them, and so he is entitled to their wages.

Nevertheless, the ברייתא agrees אינו קוצץ על ידי בנו ובתו הקטנים

He cannot waive the rights of his minor children, because צערייהו דבנו ובתו הקטנים

לא זכי ליה רחמנא

Although he receives their wages, he is not entitled to waive their right to the produce, thereby causing them suffering.



According to the opinion אין הרב יכול לומר לעבד עשה עמי ואיני זנר

A master is not entitled to his slave's wages if he does not feed him, we can explain that everyone agrees

משלו הוא אוכל

וברייתא במעלה להן מזונות

The ברייתא discusses where he does support them, and so he is entitled to their wages.

בשאין מעלה להן מזונות

The Mishnah discusses where he does not support them, and so he is not entitled to their wages,

Nevertheless, the knins ago

אינו קוצץ על ידי בנו ובתו הקטנים

He cannot waive the rights of his minor children, because

צערייהו דבנו ובתו הקטנים לא זכי ליה רחמנא

Although he receives their wages he is not entitled to waive their right to the produce, thereby causing them suffering.

According to the opinion

יכול הרב לומר לעבד

עשה עמי ואיני זנר

A master is always entitled to his slave's wages, even if he does not feed him, we must explain

מר סבר משלו הוא אוכל

ומר סבר משל שמים הוא אוכל

The Mishnah holds משל שמים הוא אוכל, and so he cannot waive the right of a minor, while the ברייתא holds משלו הוא אוכל, and so he can waive their rights, since he's entitled to their wages.

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יכול הרב לומר לעבד עשה עמי ואיני זנך

A master is always entitled to his slave's wages, even if he does not feed him, we must explain

ומר סבר משל שמים הוא אוכל

he can waive their rights, since he's entitled to their wages.

מר סבר משלו הוא אוכל

and so he cannot waive the right of a minor.









The **G**emara continues citing the Mishnah on דף צ"ג:

השוכר את הפועל

לעשות בנטע רבעי שלו

הרי אלו לא יאכלו

One who works with נטע רבעי, which may not be eaten outside of Yerushalayim, may not partake of the produce. However.

ואם לא הודיעם

פודה ומאכילו

If they were unaware that it was נטע רבעי, and so they expected to partake, the owner must redeem some of the produce and feed them.

Now, if

משל שמים הוא אוכל

איסורא לא זכי להו רחמנא

The Torah does not grant them the right to eat forbidden produce, and so they have no claim to the produce. Clearly,

משלו הוא אוכל

They are entitled to food as an addition to their wages, and so they were hired under false pretenses?

The Gemara answers

משום דמיחזי כמקח טעות

Although it's not an actual מקח טעות, it resembles one, and he must compensate them.

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השוכר את הפועל לעשות בנמע רבעי שלו הרי אלו לא יאכלו

One who works with נטע רבעי, which may not be eaten outside of Yerushalayim, may not partake of the produce.

However.

ואם לא הודיעם פודה ומאכילן

If they were unaware that it was גטע רבעי, and so they expected to partake, the owner must redeem some of the produce and feed them.



Now. if

משל שמים הוא אוכל איסורא לא זכי להו רחמנא

The Torah does not grant them the right to eat forbidden produce, and so they have no claim to the produce.

Clearly,

משלו הוא אוכל

They are entitled to food as an addition to their wages, and so they were hired under false pretenses?

משום דמיחזי כמקת טעות

Although it's not an actual מקח טעות, it resembles one, and he must compensate them.







The Mishnah there continues

נתפרסו עגוליו נתפתחו חביותו

הרי אלו לא יאכלו

If cakes of figs came apart, or barrels of wine opened, the produce is already processed and obligated in מעשר, and so the workers may not partake.

ואם לא הודיען מעשר ומאכילן

If they expected to partake, the owner must tithe some of the produce and feed them.

Now,

מידע ידע דאיטביל להו למעשר

In this case it is obvious that they were obligated in מעשר, and so we cannot explain

מיחזי כמקח טעות?

The Gemara offers two solutions:

1.

לרבי עקיבא דאמר

משיקפה

According to the opinion that wine becomes obligated in מעשר when the seeds and skins are skimmed off in the cistern, we are discussing

שנתפתחו חביותיו לבור

The wine drained back into the cistern, and so they were unaware whether it had been skimmed.

2.

לרבי אושיעא דאמר

רבי עקיבא אומר

משישלה

According to the opinion that wine becomes obligated in מעשר when the foam is skimmed off in the barrels, שלא נתפתחו חביות לבור

The wine is still in the barrel, and he was unaware whether the foam was skimmed off.



If cakes of figs came apart, or barrels of wine opened, the produce is already processed and obligated in מעשר and so the workers may not partake.

ואם לא הודיען מעשר ומאכילן

If they expected to partake, the owner must tithe some of the produce and feed them.



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In this case it is obvious that they were obligated in מעשר, and so we cannot explain

?מיחזי כמקח טעות



אנה צקיהל הלאני משיקפה

According to the opinion that wine becomes obligated in מעשר when the seeds and skins are skimmed off in the cistern,

שנתפתחו חביותיו לבור

The wine drained back into the cistern, and they were unaware whether it had been skimmed.



רבי עקיבא אומר משישלה

According to the opinion that wine becomes obligated in מעשר when the foam is skimmed off in the barrels,

שלא נתפתחו תביות לבור

The wine is still in the barrel, and he was unaware whether the foam was skimmed off.



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