

**A** בס"ד  
Intro  
Today we will learn בע"ה ע"ו דף and begin the sixth Perek of מסכת בבא מציעא;  
Some of the topics we will learn about include:

The Mishnah's Halachah of השוכר את האומנין והטעו זה את זה  
אין להם זה על זה אלא תרעומות  
If a person hired workers, and they deceived each other, the victim has no monetary claim, but merely a grudge against the deceiver.

The Gemara's first approach  
הטעו זה את זה  
דאטעו פועלים אהדדי  
דאמור ליה בעל הבית זיל אוגר לי פועלים  
ואזל איהו ואטעינהו

One worker deceived all the others, in that the owner instructed him to hire workers, and he deceived them in their payment amount.

The Gemara's second approach  
הטעו זה את זה  
חזרו זה בזה

The owner or the workers retracted from doing the job.

**B** The Halachos regarding חזרו זה בזה  
1.  
בשלא הלכו  
If the חזרה was in the morning before the workers went out to the workplace, the Mishnah rules  
אין להם זה על זה אלא תרעומות

2.  
הלכו  
נותן להן שכרן משלם  
If the owner was חוזר after the workers went out to the workplace but before they began to work, the owner must pay them their wages for the entire day, because it is considered that the job already started. However,  
אבל אינו דומה עושה מלאכה ליושב בטל  
They are paid only as much as one who usually does this hard work would be willing to remain idle from his more difficult type of work.

3.  
התחילו במלאכה  
בדבר שאין אבוד  
If the workers were חוזר after they began the actual work, and the work could be put off for the next day without incurring a loss, there is a Machlokes:  
The תנא קמא holds

שמין להן מה שעשו  
The owner pays them as per the work that was done.  
רבי דוסא holds

שמין להן מה שעתידי להעשות  
The owner also considers the work that remains. And the Gemara will explain.

4.  
התחילו במלאכה  
בדבר האבוד  
ואין שם פועלים לשכור  
If the workers were חוזר after they began the actual work and the work cannot be put off without a loss, and there are no other workers available for this pay;

שוכר עליהן או מטען  
The owner either hires more expensive workers with the pay that he owes the former workers, or he fools these workers into continuing their work.

**A**

השוכר את האומנין  
והטעו זה את זה  
אין להם זה על זה  
אלא תרעומות

הטעו זה את זה  
דאטעו פועלים אהדדי  
דאמור ליה בעל הבית זיל אוגר לי פועלים  
ואזל איהו ואטעינהו

הטעו זה את זה  
חזרו זה בזה

**B**

חזרו זה בזה

הלכו  
נותן להן  
שכרן משלם

בשלא  
הלכו

התחילו במלאכה  
בדבר האבוד  
ואין שם פועלים  
לשכור

התחילו  
במלאכה  
בדבר  
שאינ אבוד

1

So let's review ...

Zugt Di Mishnah

השוכר את האומנין והטעו זה את זה  
אין להם זה על זה אלא תרעומות

If a person hired workers and they deceived each other, the victim has no monetary claim, but merely a grudge against the deceiver.

The Gemara offers two approaches to the Mishnah's Halachah:

1.

הטעו זה את זה

דאטעו פועלים אהדדי

One worker deceived the others, as follows:

דאמר ליה בעל הבית זיל אוגר לי פועלים

ואזל איהו ואטעינהו

The owner instructed him to hire workers and he deceived them in the amount of their wage, in one of two ways:

1.

Either

דאמר ליה בעל הבית בתלתא

ואזיל איהו אמר להו בארבעה

The owner offered to pay less, only three זוז per day, and the worker hired them for more, for four זוז per day, and in the end they were paid only three זוז;

אין להם זה על זה

The workers have no monetary claim to the מטעה, because he had told them

שכרכם על בעל הבית

You will receive your wages from the owner, not from me.

However, they bear תרעומת toward the מטעה for one of three possible reasons

1.

Either because

דאיכא דמגר בארבעה

There are others who pay four זוז, to whom they could have hired themselves out instead;

2.

OR, because the workers claim

כיון דאמרת לן בארבעה

טרחינן ועבדינן לך עבידתא שפירתא

We did superior work because we assumed that we would be paid four זוז.

3.

OR

בבעל הבית עסקינן

The workers also owned land, and they would not work for others for less than four זוז.

2.

Another way that one worker deceived the others, is as follows:

דאמר ליה בעל הבית בארבעה

ואזיל איהו אמר להו בתלתא

The owner offered to pay more, four זוז, and the worker hired them for less, three זוז, and they were paid only three זוז;

אין להם זה על זה

The workers have no claim to the מטעה, because

סבור וקביל

They consented to a lesser wage.

However, they do bear תרעומת toward the מטעה, because the

Pasuk states

אל תמנע טוב מבעליו

One shall not withhold a benefit from others.

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1

משנה

**השוכר את האומנין והטעו זה את זה  
אין להם זה על זה אלא תרעומות**

*If a person hired workers and they deceived each other, the victim has no monetary claim, but merely a grudge against the deceiver*

*Two approaches to the Mishnah's Halachah:*

1

**הטעו זה את זה**

**דאטעו פועלים אהדדי**

*One worker deceived the others, as follows:*

**דאמר ליה בעל הבית**

**זיל אוגר לי פועלים**

**ואזל איהו ואטעינהו**

*The owner instructed him to hire workers and he deceived them in the amount of their wage*

*In one of two ways:*

**דא"ל בעל הבית**

**בארבעה**

**ואזל איהו אמר להו**

**בתלתא**

**אין להם זה על זה**

*The workers have*

*no claim to the מטעה*

*because סבור וקביל*

*They do bear תרעומת*

*toward the מטעה,*

*because the Pasuk states:*

**אל תמנע טוב**

**מבעליו**

**דא"ל בעל הבית**

**בתלתא**

**ואזיל איהו אמר להו**

**בארבעה**

*The workers have no*

*monetary claim to the מטעה,*

*because he had told them*

*שכרכם על בעל הבית*

*They bear תרעומת*

*toward the מטעה:*

**דאיכא דמגר בארבעה**

**OR**

**כיון דאמרת לן בארבעה**

**טרחינן ועבדינן לך**

**עבידתא שפירתא**

**OR**

**בבעל הבית עסקינן**

2

2. The Gemara offers a second approach to the Mishnah's Halachah:  
 הטעו זה את זה  
 Means  
 חזרו זה בזה  
 The owner or the workers retracted from the job. And as the Braisa explains, this Halachah applies in a case of שלא הלכו  
 The חזרה was in the morning before the workers went out to the workplace:  
 אין להם זה על זה אלא תרעומת  
 The victim has no monetary claim because the job was not yet started.  
 Therefore, if the owner was חוזר, he can say to the workers תשכירו עצמכם לאחרים  
 You can still hire yourselves out to others.  
 And if the workers were חוזר, they can say to the owner צא ושכור אחרים  
 You can still hire other workers.  
 However, they can have תרעומת, because of the additional effort to find other work or other workers.  
 =====

2

*The Gemara offers a second approach to the Mishnah's Halachah*

**2**

*פוטרו זה את זה means*

**חזרו זה בזה**

*The owner or the workers retracted from the job*

*This Halachah applies in a case of*

**שלא הלכו**

*The חזרה was in the morning before the workers went out to the workplace:*

**אין להם זה על זה אלא תרעומת**

*The victim has no monetary claim because the job was not yet started*

*Therefore...*

<p><i>If the owner was חוזר,</i>  <i>he can say to the workers</i>  <i>You can still hire yourselves out to others</i></p>	<p><i>If the workers were חוזר,</i>  <i>they can say to the owner</i>  <i>You can still hire other workers</i></p>
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*However, they can have תרעומת, because of the additional effort to find other work or other workers.*



3

The Braisa continues,

בד"א שלא הלכו

אבל הלכו פועלין ומצאו שדה כשהיא לחה

If the owner was חוזר after the workers went out to the workplace but before they began to work; for example, the workers went out and found the field wet and not in a condition to be worked;

נותן להן שכרן משלם

The owner must pay them their wages for the entire day, because it is considered that the job already started.

However,

אבל אינו דומה עושה מלאכה ליושב בטל

They are paid only as much as one who usually does this hard work would be willing to remain idle from his more difficult type of work.

3

*The Braisa continues...*

**בד"א שלא הלכו**

**אבל הלכו פועלין**

**ומצאו שדה כשהיא לחה**

*and not in a condition to be worked;*

**נותן להן שכרן משלם**

*The owner must pay them their wages*

*for the entire day*

*Because it is considered*

*that the job already started*

**אבל אינו דומה**

**עושה מלאכה ליושב בטל**

*They are paid only as much as one who usually does this hard work*

*would be willing to remain idle*

*from his more difficult type of work*



5 The Braisa continues  
 בד"א שלא התחילו במלאכה  
 אבל התחילו במלאכה  
 If the workers were חוזר after they began the actual work,  
 it depends on the type of work;  
 1.  
 בדבר שאין אבוד  
 If the work can be put off without incurring a loss; and the  
 pay was בקבלנות, for the job;  
 The owner תנא קמא holds  
 שמין להן מה שעשו  
 The owner pays them for the work that was done; for  
 example,  
 כיצד קבלו קמה לקצור בשני סלעים  
 קצרו חציה והניחו חציה  
 If the workers agreed to cut the field for the wage of two  
 סלעים and they cut only half the field, and then were חוזר;  
 שמין להן את מה שעשו  
 ואם סלע נותן להם סלע  
 They are paid one סלע in proportion to their work.  
 היה יפה ששה דינרים  
 נותן להן סלע  
 Even if the market price increased to six דינר, equivalent to  
 1 ½ סלע, and it would now cost him an additional ½ סלע to  
 cut the remainder of the field, the owner stills pays them  
 one סלע even though he suffers a loss.  
 רבי דוסא disagrees and says  
 שמין להן מה שעתידי להעשות  
 The owner also considers the work that remains to be  
 done; and therefore  
 היה יפה ששה דינרים  
 נותן להם שקל  
 If the market price increased to six דינר, equivalent to 1 ½  
 סלע, the owner pays them only one שקל, equivalent to ½  
 סלע, because he must pay an additional ½ סלע to cut the  
 remainder of the field.  
 =====



6 The Braisa continues

2.

התחילו במלאכה

בדבר האבוד

ואין שם פועלים לשכור

If the workers were **חוזר** after they began the actual work and the work cannot be put off without a loss, and there are no other workers available for this wage, as in the Mishnah's case,

שכר את החומר ואת הקדר להביא פרייפרין

If a person hired a wagon driver to bring prepared wood to build a canopy for a wedding; OR

וחלילים לכלה או למת

To bring flutes for a wedding or a funeral; OR

ופועלין להעלות פשתנו מן המשרה

וכל דבר שאבד

He hired workers to take out his flax that was soaking;

Or any other forms of work that cannot be put off without a loss;

וחזרו בהן

מקום שאין שם אדם

If the workers were **חוזר** and there were no other workers available for this wage; all agree

שוכר עליהן או מטען

He either hires more expensive workers, or he fools these workers into continuing their work.

As the Gemara in Daf ע"ה explains

שוכר עליהן עד כדי שכרן

The owner hires more expensive workers up to the entire pay that he owes the former workers. And if

שבאת חבילה לידו

שוכר עליהן עד ארבעים וחמשים זוז

If the owner has their bag of tools in his possession, he hires workers even for a greater amount of 40 - 50 זוז, and pays them with their tools.

OR

מטען

אומר להן סלע קצצתי לכם

באו וטלו שתיים

He fools these workers by offering to pay them a double wage of two סלע, while in the end he pays them only their initial wage of one סלע.

6

*The Braisa continues...*

**התחילו במלאכה  
בדבר האבוד  
ואין שם פועלים לשכור**

*As in the Mishnah's case*

**שכר את החומר ואת הקדר להביא פרייפרין**

**וחלילים לכלה או למת**

**ופועלין להעלות פשתנו מן המשרה**

**וכל דבר שאבד**

**וחזרו בהן מקום שאין שם אדם...**

**שוכר עליהן או מטען**

**אומר להן  
סלע קצצתי לכם  
באו וטלו שתיים**

*He fools these workers  
by offering to pay them  
a double wage of 2 סלע,  
while in the end  
he pays them only  
their initial wage  
of one סלע*

**שוכר עליהן  
עד כדי שכרן**

*The owner hires  
more expensive workers  
up to the entire pay  
that he owes  
the former workers*

7 The Braisa concludes, however  
אבל יש שם פועלים לשכור  
אין לו עליהן אלא תרעומת  
If there are other workers available for this wage, the  
owner has no claim to them because he can hire other  
workers, but he may bear תערומת toward them.

7 *The Braisa concludes*

אבל יש שם פועלים לשכור  
אין לו עליהן אלא תרעומת

*If there are other workers available for this wage,  
the owner has no claim to them  
because he can hire other workers  
But he may bear תערומת toward them*