



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Metzia Daf Tzaddik Aleph

- A Braisa says, if a person muzzles an animal and threshes with it, he is chayuv malkus and he must pay the owner of the animal 4 kavs if the animal was a cow and 3 kavs if it was a donkey.
 - **Q:** We have learned that one does not get malkus and have to pay for the same action, so how does the Braisa say he gets malkus *and* has to pay? **A:** **Abaye** said, the Braisa follows **R' Meir**, who holds that one can get malkus and have to pay money for the same action. **A2: Rava** said, the Braisa can even follow those that argue on **R' Meir**. Although that view holds that Beis Din cannot enforce a payment for an act for which one received malkus, there is still an obligation to pay, and if the actor wants to fulfil his Heavenly obligation, he must pay. **A3: R' Pappa** said, he is chayuv to give the animal the amount of food from the time that he does meshicha on the animal. He is not chayuv malkus until he begins threshing. Therefore, the two obligations are not coming at the same time.
 - **R' Pappa** said that he was asked two questions in the Yeshiva of **R' Pappa bar Abba**, and he answered that both are assur – one was truly assur according to halacha, and the other was truly mutar, but he felt the need to rule l'chumra. The first question asked was whether one may knead dough with milk, and he said it is assur. This is in fact the halacha, as can be seen in a Braisa, that making milchig or fleishig bread is assur. The second question was whether it is assur as kilayim to put two species of animals (with one being a male and the other a female) in the animal pen together, and he said that was assur as well. However, in truth, **Shmuel** has said that one is only oiver the issur of klayim if he actually forces the mating to happen (actually placing the organs together).
 - **Q: R' Achdivoi bar Ami** asked, a Braisa seems to say that even holding the animal by the horns to prevent it from moving away from the other animal would be assur as klayim!? **A:** When the Braisa says “holding”, it actually means putting the organs together, but wanted to use less explicit verbiage.
 - **R' Yehuda** said, with a male and female of the same species one may even be involved in putting the organs together and it is not even considered to be an issue of “pritzus”, because he is involved in his work (of trying to get the animals to mate) and will therefore not come to have improper thoughts.
 - **Q: R' Achdivoi bar Ami** asked, the Braisa seems to suggest that only holding the animal by the horns to prevent it from moving away from the other animal is mutar, but not touching the organs!? **A:** When the Braisa says “holding”, it actually means putting the organs together, but wanted to use less explicit verbiage.
 - **R' Ashi** said that he was asked by the people of the house of **Rabana** the Reish Galusa, what is the halacha for one to take an animal (e.g. a male) of a certain species and put it into a pen with two (female) animals – one of its own species and one of another species? Do we say that since there is an animal of his species he will not bother with the other species, and it is therefore mutar to put them all together, or not? **R' Ashi** paskened l'chumra even though the halacha does not say to be machmir in this case, because he was concerned with conduct of the slaves of the Reish Galusa, and therefore felt the need to be machmir.

MISHNA

- If the worker is only working with his hands and not with his feet, or if he is only working with his feet and not his hands, or even if he is only working with his shoulder and not his hands or his feet, he may eat from the produce that he is working with. **R' Yose the son of R' Yehuda** says, he may only eat if he works with his hands and his feet.

GEMARA

- The **T"K** holds that the pasuk of "ki savo b'kerem rei'echa" refers to any work done, whether with the hands, feet, etc. **R' Yose the son of R' Yehuda** holds that the worker may eat only if he is working like the ox mentioned in the pasuk – just as the ox works with his hands and feet (his front and back legs), so too a worker must work with his hands and feet in order to be allowed to eat from the produce.
 - **Q: Rabbah bar R' Huna** asked, according to **R' Yose**, what would be the halacha if one threshes with geese or chickens (which only have two legs)? Would he be over if he were to muzzle them? Do we say that the animal must be like the ox in that it uses all its energy, and these birds are also using all their energy, and it would therefore be assur, or do we say that it must be like the ox in that it must use its hands and feet, and the birds are therefore not included in the issur? **TEIKU**.
- **R' Nachman in the name of Rabbah bar Avuha** said, with regard to workers who were hired to trample on grapes in the press, if they have not yet walked the entire length and the entire width, they may only eat grapes. Once they have gone the entire length and width, they may even drink from the wine as well.

MISHNA

- If a worker was working on figs, he may not take from the grapes, and visa-versa. However, he may hold himself back from eating the inferior produce until he gets to the superior produce, and eat there.
 - In all cases the worker may only eat while he is actually working. However, to prevent a loss to the employer, the **Chachomim** said that the workers may eat while they go from one row to another, and on their way back from the winepress, and that the donkey may eat while it is being unloaded.

GEMARA

- **Q:** If the worker is working on one grapevine, may he eat from the grapes of another grapevine? Do we say that a worker may only eat from the type of produce he is currently picking for the owner, and therefore this would be mutar, or do we say he may only eat from what he is actually putting into the basket of the owner, and therefore he may not go to another vine? And, if you will say that he must eat from the actual vine being worked on, how can an ox ever eat from attached produce (presumably he is pulling a wagon for workers who are working on a vine behind him, and therefore, the vine he can reach is not the vine being worked on)!? **A:** With regard to the proposed proof from the ox, **R' Shisha the son of R' Idi** said, that is not a proof, because the case can be with a very long vine, which can reach to where the ox is standing.
 - **Q:** With regard to the main question, maybe we can answer from our Mishna. The Mishna says, if a worker was working on figs, he may not take from the grapes. This suggests, that in a case of "figs and figs" which is like a case of "figs and grapes" (i.e. they are from different trees or different vines) he would be allowed to take!? **A: R' Shisha the son of R' Idi** said, the Mishna can be discussing a case where the second vine hangs over the vine that is being worked on, and only in that case may the worker eat from that second vine.
 - **Q:** Maybe we can answer from the next part of the Mishna. The Mishna said, the worker may hold himself back from eating the inferior produce until he gets to the superior produce. Now, if he may eat from another vine, why does he have to wait until he gets there? Why can't he go immediately and eat from there? **A:** The Mishna there means that he would have to wait so as not to waste time during the time that he is supposed to work. Our question is where his wife or children are available to bring grapes from

another vine to him, so there would be no issue of wasting time from work. The question is whether he may have them take from another vine.

- **Q:** Maybe we can answer from the next part of the Mishna. The Mishna said the **Chachomim** said that the workers may eat while they go from one row to another, and on their way back from the winepress. It was presumed that walking from one place to another is considered to be actual work, and yet the Mishna says they may eat as a Rabbinic enactment, not D'Oraisa. We see that D'Oraisa eating from a vine other than the one being worked on would not be allowed! **A:** It may be that a worker may eat from another vine, and the reason the workers in this part of the Mishna may not eat D'Oraisa is because walking from one assignment to another is not considered to be actively "working", and as such they have no right to eat from the produce.
 - **Others** say that the proof sought to be brought was, that it was presumed that walking is not considered to be "working", and that is why the Mishna says he may not eat based on D'Oraisa. This suggests, that if he was working he would be allowed to eat D'Oraisa even from a vine that he is not currently working on! To that, the Gemara says, it may be that a worker may *not* eat from another vine, and walking from one assignment to another is considered to be doing actual work. That is the reason the Rabbinic enactment was needed.

UVACHAMOR KISHEHI POREKES

- **Q:** From what can the animal eat as it unloads? The produce is too far for it to reach!? **A:** The Mishna should be read as saying "until it unloads" (it may eat from the load on its back).
 - According to this understanding, our Mishna is a proof to a Braisa that says that a donkey and camel may eat from the load on their backs as long as the owner does not take from the load and feed them by hand.