



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

Bava Metzia Daf Tzaddik Beis

MISHNA

- A worker may eat a cucumber (if that is what he is working on) even if it is worth a dinar, or a date even if it is worth a dinar. **R' Elazar Chisma** says, a worker may not eat more than the value of his work, but the **Chachomim** say it is mutar. However, we teach a person not to be a glutton, because that would close the door on any future employment opportunities.

GEMARA

- **Q:** The **Chachomim** seem to be saying the same thing as the **T"K**? **A:** The difference between them is whether we teach him not to be a glutton – the **T"K** says we don't do that, and the **Chachomim** say that we do. **A2:** We can also say that the difference between them is the halacha of **R' Assi**, who said that even if a worker was hired to pick one cluster of grapes, he may eat the grapes (the **T"K** would agree with this and the **Rabanan** would disagree).
 - **R' Assi** also said, even if the worker has so far only picked one cluster of grapes, he may eat it.
 - Both these rulings are necessary. If we would only have the first ruling, we would say in that case he may eat, because there are no more clusters that will be picked, and therefore, if he doesn't eat this one now, he will not get to eat anything. However, when he will be picking additional clusters we would think that he must put the first one in the owner's basket and then may take for himself. That is why the second ruling is necessary. If we would only have the second ruling, we would say that in that case he may eat immediately, because there will be other clusters for the owner. However, in the first case, where there are no more cluster that will be picked, we would think to say that the worker may not eat it. That is why both rulings were necessary to be said.
 - **A3:** We can also say that the difference between them is the halacha of **Rav**, who said that he found in the hidden writings of **R' Chiya** that the pasuk of "ki savo b'kerem rei'echa" allows any person to go and eat from the field at that time. The **T"K** would argue and say this pasuk only refers to a worker, whereas the **Rabanan** agree with **Rav**.
- **Q:** Is the entitlement to the produce that the worker gets considered to be his own food (is it additional wages) or is it considered to be Heaven's food, which Hashem then gives him as a gift. The difference would be where he tells the employer to give this right to his wife or children instead. If the right is truly his, he has a right to give it away. If it is given to him from Heaven, he would not have a right to give it away to someone else. What is the halacha? **A:** We can bring a proof from our Mishna, which says that the worker can eat even more than the value of his work. Now, this must mean that it is a gift from Hashem, because if it is additional wages, how does it make sense for the additional wages to be more than the actual wages?
 - **Q:** It doesn't make sense in the same way to say that it is given to him from Heaven in an amount more than his wages. Rather, just as there we will say that it is given to him in that amount, we can also say that it may be additional wages even though it is more than the base wages!?
 - **Q:** Maybe we can bring a proof from the later part of the Mishna, which brings the machlokes between **R' Elazar Chisma and the Rabanan**. Presumably we can say that the machlokes between them is that **R' Elazar** holds that it is considered to be additional wages of the worker, and the **Rabanan** hold it is a gift from Heaven. **A:** It may be that all hold that it is considered to be additional wages, and the machlokes is in how to darshen the word "kinafshicha" – **R' Elazar** says it limits the amount he may eat to the amount of wages he is entitled to get, and the **Rabanan** say it teaches that just as the

- owner may muzzle himself to prevent himself from eating produce in the field, if he does so to a worker he would be patur as well.
- **Q:** Maybe we can bring a proof from a Braisa. The Braisa says, if a nazir does work in a vineyard and says to give his entitlement to eat grapes to his wife or children (because he may not eat grapes himself), we do not listen to him. This must be because the entitlement is considered to be a gift from Heaven! **A:** It may be that that case is different because we take away the entitlement from the nazir as a penalty for having accepted work in a vineyard (and having tempted himself with the grapes).
 - **Q:** Maybe we can bring a proof from a Braisa. The Braisa says, if a worker says to give his entitlement to his wife or children, we do not listen to him. This must be because the entitlement is considered to be a gift from Heaven! **A:** When the Braisa says “worker” it is referring to a nazir.
 - **Q:** The other Braisa already specifically discusses a nazir!? **A:** These Braisos were taught at different times, and therefore the language of one has no bearing on explaining the language of the other.
 - **Q:** Maybe we can bring a proof from a Braisa. The Braisa says, we learn that we don’t listen to the worker who says to give his entitlement to his wife or children, from the pasuk of “v’ehl kelyicha lo sitein”. This can’t refer to a nazir, because the reason we would not listen to a nazir is as a penalty, not based on this pasuk! **A:** It may be that the Braisa refers to a nazir as well. However, since it refers to him as a “worker”, the Braisa brings a pasuk that has to do with a worker.
 - **Q:** Maybe we can bring a proof from a Mishna. The Mishna says, if a worker is hired to spread figs to dry, he may eat from them and is patur from maaser. If the worker makes a condition that he should be allowed to eat and his son should be allowed to eat, or that his son should eat by taking the entitlement due the worker, the worker can eat and is patur from maaser, and the son can eat but must give maaser. Now, if the worker’s entitlement is part of his wages, why does the son have to give maaser? It must be that it is considered to be a gift from Heaven. **A: Ravina** said, it may be that it is his own additional wages, and still we make the son give maaser, because it looks like the produce was purchased for the son.
 - **Q:** Maybe we can bring a proof from a Mishna. The Mishna says, if a worker was hired to work on “netah revai” (produce of a tree in its 4th year, which must be eaten in Yerushalayim), he may not eat the produce. If he wasn’t told beforehand that he would be working on netah revai, the owner must redeem the produce and give it to the worker to eat. Now, if we say that the entitlement is a gift from Heaven, why would he have to redeem it to give it to the worker? In a case where an issur is involved (like netah revai) the gift is simply not given to him from Heaven! **A:** It may be that the entitlement comes from Heaven. Still, we make the owner redeem the produce for the worker, because it looks like a case of “mekach ta’us”.
 - **Q:** Maybe we can bring a proof from the end of this Mishna, which says, if a worker was hired to put back together cakes of figs or to reclose barrels of wine that were opened, he may not eat from them (because they were already chayuv in maaser). If the worker did not know this beforehand, the owner must give maaser for this produce and give the produce to the worker to eat. Now, if we say that the entitlement is a gift from Heaven, why would he have to redeem it to give it to the worker? In a case where an issur is involved the gift is simply not given to him from Heaven! **A:** It may be that the entitlement comes from Heaven. Still, we make the owner redeem the produce for the worker, because it looks like a case of “mekach ta’us”.
 - **Q:** In the case of a cake of figs that fell apart, it is possible to say that the worker did not realize that they were already chayuv in maaser. However, when a barrel of wine was opened, he surely knew that it was already chayuv in maaser, so how can we say that there is a mekach ta’us? **A: R’ Sheishes** said, the case is that the barrel of wine opened up back into a wine storage pit.
 - **Q:** A Braisa says that wine in the storage pit is already chayuv in maaser!? **A:** The Mishna follows **R’ Akiva** who says that it does not become chayuv in maaser until one removes the foam from the top of

the wine, and the worker claims that he did not know that the foam was already removed.

- **Q:** Why can't the owner tell the worker that he should have thought that the wine already had the foam removed!? **A:** They are in a place where the one who removes the foam is also the one who puts the wine into barrels (since it wasn't in barrels, he has no reason to think that the foam was already removed).
- Now that **R' Zvid** taught that **R' Akiva** said that wine becomes chayuv in maaser after the foam was removed from the wine in the barrel, we can say that the worker was hired to reseal the barrels (the wine was still in the barrel) and he can tell the owner that he had no idea that the foam was already removed. Although the owner can say that he should have thought that it was, the worker can answer that they are in a place where the person who seals the barrel is the one who removes the foam, and therefore, since the barrel was not sealed, it must be that the foam was not removed either.
- **Q:** Maybe we can bring a proof from another part of that Mishna. The Mishna says, a worker may make up with the owner that he waives his entitlement to eat the produce, and will instead get more wages. He may also do so for his adult children, his adult slaves, and for his wife, since they have mental capacity to waive their right. However, he may not do so for his minor children, his minor slaves, or for his animals, because they don't have the mental capacity to waive a right. Now, we assumed that the case is where he is supporting his children, slaves, and wife. Based on this, this would make sense if we say that this right is a gift from Heaven, because that is the reason why he cannot make this deal for the minors, because they don't have the capacity to waive the right. However, if it is really part of their wages, since he is entitled to their wages (because he supports them) he should be able to waive the right to eat and take more money instead! **A:** This is no proof, because the case is where he is not supporting his children, slaves, and wife.
 - **Q:** If he is not supporting them, why is he allowed to make his adult children waive their right to eat the produce? **A:** The adults fully waive their right at the request of their father/master, and that is why it can work there.
 - **Q:** **R' Oshaya** taught a Braisa that says that a person can make a deal to waive the rights of his minor slaves in exchange for more pay. This contradicts the last Braisa!? Presumably, both Braisos are discussing where he supports them, and the machlokes between the Mishna and the Braisa is that the Mishna holds the entitlement is a gift from Heaven, whereas the Braisa holds it is part of his additional wages!? **A:** It may be that they both agree that the entitlement is considered to be extra wages, and there is no machlokes at all. The Mishna is discussing a case where the master does not support them, and the Braisa is discussing a case where he does.
 - **Q:** If the Braisa is talking about where he supports his minor slaves, why does that same Braisa say that he would not be able to make that deal for his minor children? If the case is that he supports his minors, he should be able to make the deal for them as well!? **A:** Although the wages belong to the father (because he is supporting them), he does not have the right to waive their entitlement to eat, because that would cause them tzaar, and he has no right to cause them tzaar.
 - **Q:** The explanation that the Mishna is discussing a case where the master is not supporting the slave, and that is why he cannot make a deal to take away his entitlement, only fits according to the view that a master may not tell a slave that he must work for him (the master will keep the earnings) and the master will also not support him. However, according to the

view that a master may say that, why would the fact that he is not supporting the slave prevent the master from making the deal to waive his entitlement? **A:** Rather, we must say that the Mishna and the Braisa are both discussing cases where the master is not supporting the slaves. The machlokes is whether a master who is not supporting his slave may have the slave work and keep the wages for himself (i.e. the master).

- **Q:** This would mean that **R' Yochanan** (who holds that a master may do so) argues on a Mishna and follows a Braisa!? **A:** Rather, we can say that the Mishna and the Braisa both hold that the entitlement to eat produce while the worker works is a gift from Heaven, and therefore he may not waive the right of the minors. When the Braisa says that the master may make a deal, it means that the master may accept money to feed the slaves before they go work, so that they should not be hungry and not eat a lot as they work.
- **Q:** If this is what the Braisa means, why does the Braisa say it is assur to do so for an animal!? **A:** Rather, we must say that the machlokes between the Mishna and the Braisa is as follows – the Mishna holds that the entitlement of a worker to eat produce is a gift from Heaven, and the Braisa holds that this entitlement is considered to be his, as part of his wages.