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Bava Metzia Daf 89

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Threshed (Grain)**

The *braisa* states: “*Threshed (i.e grain).*” Just as this refers only to something that grows from the ground and a worker can eat it, so too anything that grows from the ground can be eaten by a worker. This excludes a worker who is milking, or one who turns milk into solids, or one who is making cheese, since it does not grow from the ground, a worker cannot eat from it.

The *Gemora* asks: Why do we need this teaching? We can derive it from the verse: *When you will come into the vineyard of your fellow.*

The *Gemora* answers: This is necessary. I might think that being that the verse states, “*standing grain,*” it might include anything that stands, even if they do not grow from the ground. [“*Kamah*” -- “*standing*” refers to stalks of grain that are standing. However, they also could technically refer to anything standing.] This is why this teaching is necessary.

Another *braisa* states: *Threshed.* Just as this refers only to something that grows from the ground and a worker can eat it when it is completed, so too anything that grows from the ground can be eaten by a worker when it is completed. This excludes someone who weeds in a garlic and onion field, as being that this is not the final stage of the process, he cannot eat from them.

The *Gemora* asks: Why do we need this teaching? We could derive this from the verse: *And into your vessel do not place?* [We derive from here that when one is placing the produce into the owner’s basket, he may also eat from this produce.]

The *Gemora* answers: This teaching is necessary, for when one separates the small onions from the large onions. [Small onions are edible, but are not wanted in the field as the farmer wants to make place for the big onions. The farmer still wants the small onions. The worker is therefore placing into the owner’s vessel, meaning this would not be excluded from the verse above. One might therefore think that the worker can eat the small onions. The verse regarding a finished product excludes the ability for the worker to take the small onions, as overall the harvest is not in a finished stage.]

Another *braisa* states: *Threshed.* Just as this is something that is not finished with respect of *ma’aser* and a worker can eat it, so too anything not finished regarding *ma’aser* can be eaten by a worker. This excludes someone who separates dates and figs (that are stuck to each other). Being that they are ready to have *ma’aser* separated from it, he cannot eat from them.

The *Gemora* asks: Doesn’t a different *braisa* say that he can eat from them?

Rav Pappa answers: That *braisa* is referring to bad dates that are not yet ripe. [They are separated in order to be placed in conditions where they will eventually ripen.]

Another *braisa* states: *Threshed.* Just as this is something that is not finished for (the taking of) *challah* (since the flour was not mixed with water to form the dough yet) and a worker can eat it, so too anything not finished for *challah* can be eaten by a worker. This excludes someone who kneads, shapes and bakes the dough. They cannot eat



because the dough has already reached the stage where it needs to have *challah* taken from it.

The *Gemora* asks: We should know that the worker cannot eat because it was already liable to have *ma'aser* taken! [The *braisa* earlier said that even at this stage the worker can no longer eat from it!]

The *Gemora* answers: This *braisa* is talking about bread made outside of *Eretz Yisroel*, where there is no obligation of *ma'aser*.

The *Gemora* asks: If so, there is no obligation of *challah* either!?

The *Gemora* answers: Actually, the *braisa* is talking about *Eretz Yisroel*. However, it is discussing a case in the seven years that they conquered the land, and the seven years after that when they divided the land.

This is as the master has stated: The seven years when they conquered and seven years when they divided the land, they were obligated to take *challah*, but exempt from *ma'aser*. [This is based upon Scriptural verses.]

The *Gemora* asks: The actual *ma'aser* obligation is not the main point (which causes the worker's right to eat to cease). The main point is that it is already a finished product. [The flour with which the bread was made is indeed a finished product.]

Rather, Ravina answers: One must put both *braisos* together. *Threshed*. Just as this is something that is not finished for *ma'aser* and (the taking of) *challah* and a worker can eat it, so too anything not finished for *ma'aser* and *challah* can be eaten by a worker. (89a)

### **Toasting the Fruit**

The *Gemora* inquires: Can a worker toast what he is eating (from the field) over a fire? Is this like "grapes" and another thing, or not? [The *Gemora* earlier (87b) derives from the

*verse*, "grapes" that the worker is only allowed to eat grapes, not something else with the grapes, for then, he will be eating much more than his share. The *Gemora* here inquires whether or not toasting is like adding another thing to the grapes, for he is enhancing its taste, and the worker will thereby eat more.]

The *Gemora* attempts to answer this question from a *braisa*. The *braisa* states: An employer may give his workers wine in order that they should not eat a lot of grapes, and the workers may dip their bread in brine in order that they will eat a lot of grapes (as they will be hungrier). [This seems to be proof that a person could prepare the way he will eat the food.]

The *Gemora* rejects this proof, as the *braisa* only discusses making the workers more or less hungry. What is the law regarding preparation of the food itself?

The *Gemora* attempts to answer this question from a *braisa*. The *braisa* states: The workers can eat the grapes at the heads of the rows (they wait until they reach the end of the rows where the grapes are sweeter due to the exposure from the sun), as long as they do not toast them over a fire. [This seems to be proof it is forbidden.]

The *Gemora* rejects this proof. This is because he will interrupt his working because he is busy toasting his food. What if his sons or wife are with him? [Can they toast the food while he works?]

The *Gemora* attempts to answer this question from a *braisa*. The *braisa* states: A worker should not toast (the fruit) and then eat it, nor should he put it in a hot pile of earth (to heat it up), nor should he crush it by hitting it on a rock in order to eat it. Rather, he should break it up with his hands in order to eat it. [This seems to be proof that it is forbidden.]

The *Gemora* rejects this proof. This is because he will interrupt his working because he is busy toasting his food. It is logical that this is the reasoning of the *braisa*. If the

problem is that he is not supposed to sweeten the fruit (*by toasting it*) before eating it (*but rather it is only allowed to be eaten as is*), how does crushing it on a rock make it sweeter? However, the *Gemora* says that it is possible that crushing it on a rock will make it a little sweeter (*and therefore there is not a conclusive proof that it would be permitted for his wife or child to sweeten it while he works*).

The *Gemora* attempts to answer this question from a *braisa*. The *braisa* states: Workers who were harvesting figs, dates, grapes, and olives may eat while they are harvesting and do not have to take *ma'aser*, as the Torah gave them these (*the rights to these*) fruits. They should not eat it together with their bread, unless they ask permission from their employer to do so (*as it makes them eat more*). He also should not dip them in salt and eat them. [*The fact that he cannot dip it in salt implies that he also cannot toast it.*]

The *Gemora* rejects this proof, as salt is clearly in the category of “another thing” (*as opposed to toasting where no other food is being added*).

The *braisa* had stated: One should not dip the fruit in salt and eat it.

The *Gemora* asks a question from a *braisa*. The *braisa* states: If someone hires a worker to dig and cover the roots of exposed olive trees, he is not allowed to eat (*for this is not the completion of the work*). If he hired the worker to harvest grapes, olives, or other fruits, he can eat without taking *ma'aser*, as the Torah gave them these (*the rights to these*) fruits. If the worker made a deal with the employer that he should be able to eat the fruit (*when he otherwise would not be allowed to*), he can eat one at a time, but not two at a time. [*This is considered gathering them into a pile which would mandate the taking of ma'aser.*] He can dip them in salt and eat them.

What is this last statement referring to? If it is referring to the second part of the *braisa*, being that he made a deal that he can eat them, he should be able to eat it however he

wants! It must be referring to the first part of the *braisa* (*that a regular worker can eat the fruit with salt, unlike the other braisos previously quoted in the Gemora*)!?

Abaye answers: There is no contradiction. The first *braisa* was talking about *Eretz Yisroel*, and the second was talking about outside of *Eretz Yisroel*. In *Eretz Yisroel*, dipping in salt is enough to establish that the fruit should be obligated in *ma'aser*. Outside *Eretz Yisroel*, where taking *ma'aser* is not a Torah law, it is not enough to establish that the fruit should be obligated in *ma'aser*.

Rava asks: Is it possible that in *Eretz Yisroel* the dipping will obligate *ma'aser* according to Torah law, and outside of *Eretz Yisroel* it will be totally permitted?

Rather, Rava answers: In *Eretz Yisroel* and outside of *Eretz Yisroel*, if one fruit is dipped in salt, it is not enough to establish that the fruit should be obligated in *ma'aser*, and if two fruits are dipped, it is obligated. If the worker made an arrangement to be able to eat (*and therefore he is regarded as a buyer*), whether or not he dipped in salt, he can only eat one at a time in order for him not to have to take *ma'aser*. If he did not make an arrangement and did not dip, he can even eat two at a time without taking *ma'aser*. If he does dip, he can eat one at a time without *ma'aser*, and he should not eat two at a time, even if he was given permission from the employer to dip. This dipping makes it obligated in *ma'aser*.

The *Gemora* asks: How do we know that this dipping in salt (*even when permission is not needed to eat from the fruit*) would obligate a worker in taking *ma'aser*?

Rav Masna answers: The verse states: *Because he gathered his grain like stalks.* [*Rashi explains gathering means at least two stalks, and this causes a “silo” whose contents require the taking of ma'aser.*] (88b – 89a)

## INSIGHTS TO THE DAF

### **Toasting the Grapes**

The *Gemora* inquires: Can a worker toast what he is eating (*from the field*) over a fire? Is this like “grapes” and another thing, or not? [*The Gemora earlier (87b) derives from the verse, “grapes” that the worker is only allowed to eat grapes, not something else with the grapes, for then, he will be eating much more than his share. The Gemora here inquires whether or not toasting is like adding another thing to the grapes, for he is enhancing its taste, and the worker will thereby eat more.*]

The *Gemora* does not resolve this question.

The Rishonim therefore rule that the worker should not toast the food prior to eating it, for this is a doubt concerning a Biblical law, and we must rule stringently. The Ritva, however, concludes that if he does toast it and eat it, he is not liable to pay the owner, for since there is a doubt regarding the ruling, perhaps he was halachically entitled to eat it in this manner.

The Rambam rules that the worker’s wife (*even though he himself is not interrupting his work*) is not permitted to toast the food for her husband to eat. The Raavad challenges this by saying that the *Gemora* did not rule conclusively regarding this issue.

The Lechem Mishnah explains that the Raavad is troubled why the Rambam stated this *halachah* as if it is conclusive, when in truth, it is a matter of uncertainty. A halachic difference would emerge in the case where the worker had the fruits toasted. If the ruling is a definite one, he would be required to pay; if it is a doubt, he would be exempt!

The Ohr Sameach answers that since the matter is left in doubt, it is as if he was engaged at the outset that he will not toast the grapes in order to eat them. Therefore, the ruling would be that if the workers ate it in that manner, he would be obligated to pay for it.

### **QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF** to refresh your memory

Q: When will produce be Biblically obligated in *ma’aser*?

A: R’ Yannai – once it enters the house; R’ Yochanan – once it enters the courtyard. [*According to one opinion in the Gemora, this dispute applies only to olives and grapes.*]

Q: Why were the stores of Beis Hino destroyed three years before the destruction of Yerushalayim?

A: It was because they based their actions upon the words of the Torah (*and transgressed the Rabbinic prohibitions*).

Q: Is there a prohibition to muzzle a worker?

A: No.

### **DAILY MASHAL**

#### **He Who Adds Only Makes Worse**

The Chafetz Chayim zt”l used to say that the adage of Yosei ben Chanan Ish Yerushalayim (Avos 1:5) “Let the poor be members of your home” is meant for when a host’s exaggerated care for a guest only causes his growing discomfort. A host sometimes worries that he is not honoring a guest enough and the Tanna therefore says “Let the poor be members of your home”. Treat your guests lightly and naturally, like your family, and refrain from over-polite formalities that may add to his discomfort as being, at any rate, a stranger (Ahavas Chesed, Likkutim).