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Bava Metzia Daf 92

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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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

Mishna

A worker may eat a cucumber, even for a *dinar*, and dates, even for a *dinar* (even though these are very expensive). Rabbi Elozar Chisma says: A worker may not eat more than his wages. The *Chachamim*, however, permit this, but they teach a man not to be ravenous, thereby closing the door against himself (for he will not find employment by others). (92a)

Difference between the Tannaim

The *Gemora* asks: Are the *Chachamim* saying the same thing as the *Tanna Kamma*?

The *Gemora* answers: The difference between them is the ruling of teaching them (not to be ravenous, thereby closing the door against himself). The *Tanna Kamma* does not hold of this, whereas the *Chachamim* do.

Alternatively, the *Gemora* answers that the difference between them is with respect of Rav Assi’s ruling, for Rav Assi said: Even if was hired merely to gather a single cluster, he may eat it. [The *Tanna Kamma* accepts this, and means as follows: A worker may eat cucumbers even if he was hired only to work on these which he actually eats and even if they are worth a *dinar*, while Rabbi Elozar Chisma holds that he may not eat more than his wages. The *Chachamim* permit him to eat more than his wage, but he cannot eat all that he was hired for.]

Rav Assi also ruled: He may eat the first cluster that he picked (in a case where he was hired to pick clusters the entire day).

The *Gemora* explains why both of his rulings were necessary.

Alternatively, the *Gemora* answers that the difference between them is with respect of Rav’s ruling, for Rav said: I found a hidden scroll (during the time that it was forbidden to write the Oral Law, some would write it privately in order that they wouldn’t forget it) in Rabbi Chiya’s house that was written as follows: Issi ben Yehudah said: When you come into your fellow’s vineyard. The Torah refers to the coming in of any man (even if he is not the hired worker). Whereon Rav commented: Issi has not left life for anyone (since any person can enter his field and eat).

Rav Ashi said: I said this over to Rav Kahana and I asked him: Perhaps Issi was discussing people who work for their meal (that was their wage); they are allowed to work and eat (even without specific permission from the owner). He told me that even then, a person prefers to hire workers to harvest his vineyard, rather than have any person enter and eat. [The *Tanna Kamma* would not agree with Issi, but the *Chachamim* do.] (91a)

Worker’s Right to Eat

The *Gemora* inquires: Does the worker eat from his own food (*his wage*), or is he eating from Heaven's food (*similar to the gifts given to the poor*)?

The *Gemora* notes a practical difference between the two understandings: If the worker would tell the employer that the food should be given to his wife or children. If it is his own, then it could go to his wife and children as well; however, if it is a gift from Heaven, then it is only he who is entitled to it, not his wife or children.

The *Gemora* attempts to resolve this from our *Mishna*: A worker may eat a cucumber, even for a *dinar* and dates, even for a *dinar*. Now, if you will say that he is eating for his wage, should he be allowed to eat (*in the amount of*) a *zuz* when he was hired for a sixth of a *zuz*?

The *Gemora* rejects this proof by asking if it would be any more understandable if we would say that the food he eats is a gift from Heaven. Why would he be able to eat (*in the amount of*) a *zuz* when he was hired for a sixth of a *zuz*? The answer must be that the Torah gave him such a right! If so, even if he is entitled to the food on the account of his wage, we can say that the Torah allowed him to eat even more than his wage.

The *Gemora* attempts to resolve this from the next part of our *Mishna*: Rabbi Elozar Chisma says: A worker may not eat more than his wages. The *Chachamim*, however, permit this, but they teach a man not to be ravenous, thereby closing the door against himself (*for he will not find employment by others*). Now, is the argument not that Rabbi Elozar Chisma holds that he is eating for his wage (*and that is why he cannot eat more than his wage*) and the *Chachamim* hold that it is a gift from Heaven?

The *Gemora* rejects this proof by saying that they all maintain that he is eating for his wage, but they are arguing regarding the word "*kenafshecha*." Rabbi Elozar Chisma holds that this connotes something that he would

risk his life for (*his wage; he would climb up a high tree*). The *Chachamim* understand the word to mean that just as if a person would muzzle his own mouth (*while working*), he would be guiltless, so also, if he would muzzle the mouth of his worker (*either by force or by paying him extra*), he would be free from punishment.

The *Gemora* attempts to resolve this from a *braisa*: If a *nazir* (*who has taken a vow not to drink wine*) was working in a vineyard and he said, "Give the food to my wife and children," we do not listen to him. Now, if he is eating for his wage, why wouldn't we listen to him?

The *Gemora* answers: It is because of the principle that we tell a *nazir*, "Go around and do not come near the vineyard." [*We penalize him and do not allow him to take the grapes, for we do not want him working in a vineyard.*]

The *Gemora* attempts to resolve this from a different *braisa*: If a worker was working in a vineyard and he said, "Give the food to my wife and children," we do not listen to him. Now, if he is eating for his wage, why wouldn't we listen to him?

The *Gemora* answers: The *braisa* is referring to a *nazir*.

The *Gemora* notes that the two *braisos* were not taught at the same time (*and that is why one says "nazir" and one says "worker," even though they are both referring to a case of nazir*).

The *Gemora* attempts to resolve this from another *braisa*: How do we know that if a worker says, "Give the food to my wife and children," we do not listen to him? It is from the verse: *You may not put it in your vessel*. And if this *braisa* is also referring to a *nazir*, why would it bring down the verse? It should say that it is on account that we tell a *nazir*, "Go around and do not come near the vineyard"!?

The *Gemora* answers: It is referring to a *nazir* and that is the reason. But since the *braisa* used the term “worker,” it cited the verse dealing with a worker.

The *Gemora* attempts to resolve this from a *Mishna*: If one hired a worker to spread the figs out (*in order for them to dry*), he may eat from them and he is exempt from separating *ma’aser* from it (*for they did not dry yet; the process was not completed*). If the worker stipulates, “It is upon condition that I and my son eat from it,” or, “My son should eat for my wage,” he eats and is exempt from separating *ma’aser* from it, and his son eats but is obligated to take *ma’aser*. Now, if he is eating for his wage, why would his son be liable in *ma’aser* (*in the case where he stipulated that the son should eat for his wage*)?

Ravina answers: It is because it appears as if it is a purchase.

The *Gemora* attempts to resolve this from a *Mishna*: If one hires workers to work upon his *neta revai* – (*the fruit that grows from a tree in its fourth year; it must be brought to be eaten in Yerushalayim, or it can be redeemed and the money used in Yerushalayim to buy food*), they may not eat (*for it is forbidden; they are not compensated in any way for the lost wages, for they know beforehand that they cannot eat from the produce*), but if the employer did not notify them (*that they would be working on neta revai*), he must redeem produce and give them to eat from it. Now, if you will say that he eats as a gift from Heaven, why must he redeem the produce and give them to eat? Surely the Torah does not award him produce from that which is forbidden!?

The *Gemora* answers: There it is because it looks like an erroneous transaction.

The *Gemora* asks: Let us consider the next part of the *Mishna*: If his fig cakes fell apart or if his barrels of wine burst open, his workers (*who were hired to help him out*)

may not eat (*for the produce is already subject to the ma’aser obligation*). But if he did not notify them, he must separate *ma’aser* (*from the figs and the wine*) and give them to eat from it. Now, if you will say that he eats as a gift from Heaven, why must he separate *ma’aser* and give them to eat? Surely the Torah does not award him produce from that which is forbidden!? And should you answer that here too it is because otherwise it would appear like an erroneous transaction, I can reply that as for the breaking of his fig cakes, it is understandable, since it does appear like an erroneous transaction (*for the workers might not have known that the figs were previously pressed and subject to the ma’aser obligation*); but if his barrels of wine burst, where is the erroneous transaction? Surely the workers knew that wine was already subject to the *ma’aser* obligation (*for once it reaches the cistern, it is subject to ma’aser*)!?

Rav Sheishes answers: It means that his barrels burst open into the cistern (*and the workers did not know that the wine was previously in the barrels*).

The *Gemora* asks: But it was taught in a *braisa*: Wine is subject to the *ma’aser* obligation when it descends into the cistern (*and obviously it was in the cistern already*)?

The *Gemora* answers: The *Mishna* is following the opinion of Rabbi Akiva, who ruled that wine is not subject to the *ma’aser* obligation until the scum is removed (*after the seeds and the skin float to the top of the cistern; this happens when the wine starts to ferment*). The workers can say to the employer, “We did not know (*that this process was done already*).

The *Gemora* asks: But let the employer say to them, “The possibility that it was skimmed already should have occurred to you!”

The *Gemora* answers: It refers to a place where the same person who draws the wine from the cistern into the



barrels is the one who skims it (*and therefore they were correct in assuming that the wine did not become subject to the ma'aser obligation yet*).

And now that Rav Zevid taught a *braisa* from the *Beis Medrash* of Rabbi Oshaya that wine becomes subject to the *ma'aser* obligation when it descends into the cistern and it is skimmed, and Rabbi Akiva said that it is when the foam skimmed from the barrels (*when the fermenting process continues; before the barrels are sealed*), you may even say that the barrels did not burst open into the cistern (*but rather, the barrels became unsealed*), yet the workers can say to the employer, "We did not know that the foam had been skimmed."

The *Gemora* asks: But let the employer say to them, "The possibility that it was skimmed already should have occurred to you!"

The *Gemora* answers: It refers to a place where the same person who seals it is the one who skims off the foam (*and therefore they were correct in assuming that the wine did not become subject to the ma'aser obligation yet*).

The *Gemora* attempts to resolve the inquiry from the first part of the *Mishna*: A man may stipulate to receive payment instead of eating for himself. He may make the same stipulation for his adult son or daughter, his adult slave or slavewoman, or his wife, because they have understanding (*that they are waiving their rights to the produce*). But he may not stipulate for his minor son or daughter, his minor slave or slavewoman, nor for his animals, because they have no understanding (*and cannot waive their rights*).

Now, the *Gemora* assumes that he (*the father, master, or husband*) provides support for them. And if you say that the worker eats as a gift from Heaven, it is understandable that he cannot stipulate to deprive them of their rights. But if you maintain that he eats for his wages, let him

make this stipulation even for the minors (*for the entitlement to eat the produce could be exchanged for money*)!?

The *Gemora* answers: We are dealing with a case where he was not providing them with food (*and therefore he cannot exchange the produce for money*).

The *Gemora* asks: If so, he should not be able to stipulate for the adults either!?

The *Gemora* answers: Adults know their rights and can waive them.

The *Gemora* asks: But Rabbi Hoshaya taught a *braisa*: A man may stipulate to receive payment instead of eating for himself. He may make the same stipulation for his wife, but not for his animals. He may stipulate for his adult son and daughter, but not if they are minors. He may stipulate for his Canaanite slave or slavewoman, whether they are adults or minors. Now, presumably, both the *Mishna* and the *braisa* are referring to the same case where he was providing them with food, and they differ in the following: The *Tanna* of the *braisa* maintains that the worker eats for his wages (*and therefore the father has jurisdiction to exchange the produce for money*), whereas the *Tanna* of the *Mishna* holds that he eats as a gift from Heaven (*and therefore he has no jurisdiction to exchange it for money, and they have no understanding to waive it themselves*).

The *Gemora* deflects this proof by saying that they all hold that he eats as his wages, yet there is no difficulty, for the *Mishna* is referring to a case where he was not providing them with food, and the *braisa* was referring to a case where he was.

The *Gemora* asks: If so, let him make this stipulation even for the minors!?

The *Gemora* answers: The Torah did not empower him to cause anguish to his son and daughter (*by withholding the food that they would receive through working*).

The *Gemora* asks: How did you explain the *Mishna*? You explained it to be referring to a case where he was not providing them with food. This is understandable if you would hold that a master is not entitled to say to his slave, “Work for me, but I will not maintain you,” but if you maintain that a master is entitled to say to his slave, “Work for me, but I will not maintain you,” what is there to say (*for the master should still be entitled to make that stipulation*)?

The *Gemora* answers: Really both the *Mishna* and the *braisa* are referring to the same case where he was providing them with food, and they differ in the following: The *Tanna* of the *braisa* maintains that a master is entitled to say to his slave, “Work for me, but I will not maintain you,” whereas the *Tanna* of the *Mishna* holds that a master is not entitled to say to his slave, “Work for me, but I will not maintain you.”

The *Gemora* asks: would Rabbi Yochanan, who holds that a master is entitled to say to his slave, “Work for me, but I will not maintain you,” leave the *Mishna* and follow the *braisa*?

Rather, the *Gemora* answers: Both the *Mishna* and the *braisa* hold that the workers eat as a gift from Heaven, and they both hold that the master cannot stipulate to exchange the produce for money, and Rabbi Hoshaya’s *braisa*, when it says that he may stipulate, means that he may stipulate food (*the employer pays the master to feed his slaves a lot before they come to work in order that they won’t eat so much produce*).

The *Gemora* asks: So why can’t that be done by animals as well?

Rather, the *Gemora* concludes that it must be that the *Tanna* of the *braisa* maintains that the worker eats for his wages (*and therefore the father has jurisdiction to exchange the produce for money*), whereas the *Tanna* of the *Mishna* holds that he eats as a gift from Heaven (*and therefore he has no jurisdiction to exchange it for money, and they have no understanding to waive it themselves*). (92a - 93a)

INSIGHTS TO THE DAF

Shimshon and the Lion

It is written [Shoftim 14: 5 – 6]: And Shimshon and his father and mother went down to Timnah, and they came to the vineyards of Timnah, and behold, a young lion roared towards him. And there rested on him a spirit of Hashem, and he rent it as one would rent a kid, although he had nothing in his hand, but he did not tell his father and mother what he had done.

The question is asked: How did his father and mother not see what he did? The verse explicitly states that he went together with them!?

The Vilna Gaon answers based upon our *Gemora*, which states that that we tell a *nazir*, “Go around and do not come near the vineyard,” for we are concerned that the *nazir* will eat from the grapes.

Accordingly, it can be said that when Shimshon, who was a *nazir*, came across the vineyard, he immediately separated from them in order not to stumble by the vineyard. It was at this time that he met up with the lion.

DAILY MASHAL

Chinuch – Modeling

Manoach and his wife were childless for years, until an angel informs Manoach's wife that she will bear a son who will save the Jewish People. In preparation, the angel instructs her regarding the laws of nezirus, as this child will be a nazir from birth.

When his wife tells him of this remarkable visitation, Manoach begs Hashem to send the angel once more. Again, the angel appears to Manoach's wife, who hastens to her husband and tells him that the visitor has once again appeared. The angel repeats his instructions. Manoach and his wife offer a sacrifice, and the angel disappears in the smoke. When the visitor fails to reappear, the couple understands that he was indeed an angel from Hashem. Manoach's wife has the clarity to reassure her husband that they will not die despite having seen this angelic figure. The child born to them is the great Shimshon, who fought against the Philistines.

If the directives were clear the first time, Rav Schwab asks, what was the significance of the angel's second appearance? After all, he only repeated the same instructions. If Manoach wanted to learn the laws of the nazir, he could have gone to the leaders and asked them to teach him. Rav Schwab answers that Manoach didn't want to know the actual laws: He wanted to understand how to educate his child. Specifically, Manoach questioned how he could bring up a child with the Nazirite restrictions if he did not adhere to them himself. The angel's repetition was in fact an instruction to Manoach that he should be a nazir, as well. Rav Schwab learns from here a key element in successful chinuch: modeling.

A father once brought his son to the Steipler for a brachah that his son have passion in his learning. The Steipler told the father that if he gave the child this brachah, then one day, the child would return with his own son for the same blessing. Instead, the Steipler offered this advice: "If you learn with bren, then your son will see and copy you." If a

father learns with passion, then his son will unconsciously imitate and then imbibe the ideal.

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: If one rents a cow, muzzles it and threshes with it, is he liable to pay the owner?

A: Abaye holds that it is a *machlokes Tannaim*, and Rava holds that everyone agrees that he will be liable.

Q: Can one knead dough with milk?

A: No.

Q: Why did the *Chachamim* permit a worker to eat when he is walking between the rows?

A: Although they are not working during that time, if they eat then, they will not have an appetite later, and will limit their work interruption.