

OVERVIEW of the Daf

1) Donkeys

The Gemara clarifies that a donkey may eat until it unloads and a Baraisa is cited that supports this explanation.

2) **MISHNAH:** The Mishnah discusses whether there is a limit on how much a worker is permitted to eat of his employer's produce.

3) Clarifying the Mishnah

It is noted that Chachamim and Tanna Kamma seem to follow the same opinion.

The Gemara cites two possible points of disagreement between them.

One of the points of disagreement is a ruling of R' Asi and the Gemara cites a second similar ruling and explains the necessity of these two similar rulings.

A third point of dispute between Tanna Kamma and Chachamim is suggested.

Related to this third explanation the Gemara presents a discussion of whether anyone may enter a field and eat the produce.

4) The worker's right to eat

The Gemara inquires whether a worker is eating his own food or is he eating God's food.

The practical difference between these two explanations is presented.

Numerous unsuccessful attempts are made to resolve this inquiry. ■

Distinctive INSIGHT

At what point does the worker own the produce?

משלו הוא אוכל או משל שמים הוא אוכל

The Gemara presents an inquiry in order to define the nature of the Torah's rule that as he works, a worker may eat from the produce of the employer. On the one hand, we might say that this privilege is an indication that this bonus is "משלו—from his own," as a form of an automatic benefit which the Torah grants him as an addition to his salary. On the other hand, we might interpret the Torah's law as a form of a gift which the worker is awarded as he works—משל שמים, it is a grant "from the heavens," similar to the agricultural gifts which the Torah grants a poor person. The difference between the two ways of viewing this privilege is whether the worker can direct that these food gifts be given to his wife and children instead of to himself. If we interpret this right to be a form of bonus to his salary, he would be allowed to direct that it be given to his family members rather than himself, just as he may do with his salary itself. If, however, it is a form of a special grant, and not part of his salary, the Torah only allows it for the worker himself, and until it reaches his hands it is not his. He has no control over this food before that point, and he therefore cannot ask that it be given to his family members.

There is a noteworthy dispute between Rashi and Tosafos regarding how to understand the position of the Gemara which proposes that the worker is granted to eat "from the heavens". Rashi says that the worker does not own the produce until it reaches his hands. Tosafos, however, writes that the Torah only grants the worker this produce as he chews and eats it, not before.

Tur (C.M. 337) writes that even according to the opinion that the worker eats "from the heavens," some say that the worker may take produce for himself, and once it is in his hands he can choose not to eat it himself, and instead give it to his wife or children. Tur himself argues and posits that the worker either eats it for himself or leaves it, but he may not give it to his family members even after it arrives in his hands. The Gr"א explains that these two opinions reflect the two opinions found in Rashi and in Tosafos. The first opinion would agree with Rashi, as it allows the worker to give the produce to his wife or children after it has arrived in his hands. Rashi understood that the Gemara's question was regarding the worker directing

REVIEW and Remember

1. Is a worker permitted to eat of his employer's produce worth more than his salary?

2. What does the term כנפוש mean?

3. When does wine become subject to the tithing obligation?

4. May the owner of an animal stipulate that his animal will not eat so that he could collect more money?

HALACHAH Highlight

Does a father have the rights to his minor son's wages?

אלא אי אמרת משלו הוא אוכל קטנים נמי נקוץ להו

But if you say that a worker eats of his own then he should be able to stipulate even for minors

Rashi¹ explains that the Gemara's question is that just as the father has the rights to the salary of his children so too the benefit of their salary, i.e. the rights concerning food, is in his domain. The logical extension of this matter is that the father should be able to make stipulations regarding their food. Ritva² questions Rashi's presumption that a father has rights to the benefit of his minor son's wages. Regarding slaves the owner collects their salary so it is logical that he should have the benefits of their wages as well. Concerning a daughter as well, since a father has the right to collect her salary it is logical that he should have the rights to the benefits of her salary. In contrast, a father does not have the right to collect the wages of his minor son, even if his father supports him. Why then should a father have the rights to the benefits of his son's salary? Therefore, he asserts that the thrust of the Gemara's question is from the halacha regarding a daughter or slaves but not from the halacha regarding a minor son since he will not have the rights to the benefits of his son's salary.

Machaneh Efraim³ explains that the dispute between

(Insight...continued from page 1)

the fruit to his family before he took it into his own hands, but once it did arrive in his hands, the worker owns it and may give it to whomever he wishes. The second opinion, that of the Tur, is the opinion of Tosafos, that the worker is granted fruit only as of the moment he chews it. Clearly, just having it in his hand is too early for him to be the owner, and he cannot give it to his wife at that point. ■

Rashi and Ritva is specifically related to whether a father has the rights to his minor son's wages. Rashi holds that the father does have the rights to his minor son's wages whereas according to Ritva a father does not have that right. He notes that it seems that Rambam concurs with Rashi. The basis for this assumption is that Rambam⁴ writes that a worker may not stipulate on behalf of his minor children because they do not eat from their father or their master, it comes from Heaven. This implies that the father's limitation is due to the fact that the child eats from Heaven but if the food was from the father he would have the right to make stipulations concerning his son's food even though he does not have rights to his salary. ■

1. רש"י ד"ה אמאי.
2. ריטב"א ד"ה אאי"ב.
3. מחנה אפרים הלי זכיה ומתנה סי' ג'.
4. רמב"ם פ"י"ב מהל' שכירות הי"ד. ■

STORIES Off the Daf

Rachmanus on the Worker

"אוכל פועל קישות אפילו בדינר..."

The sensitivity of Rav Aharon of Belz, zt"l, was legendary.

After davening on each Shabbos, the present Belzer Rebbe, shlit"a, would go to say "Good Shabbos" to his uncle, Rav Aharon, the previous Belzer Rebbe. Each Shabbos, the rebbe would give the young child a piece of cake and would often speak to him for a bit.

One week Rav Aharon asked the young rebbe-to-be, "What are you learning in cheder?"

"We are learning את השוכר את

הפועלים" said the youngster.

"And what does it say there?" asked the rebbe.

This chapter which spans from daf 83 until 94 in Bava Metzia is filled with many complex halachos and aggadic teachings. Not surprisingly, the boy was silent since what could he reply? Surely his uncle did not want him to rattle off the ten daf he had already learned?

Rav Aharon answered his own question. "It teaches us that we must have rachmanus on a worker in our hire!"¹

Rav Aharon's compassion even extended beyond the worker deserving of his hire:

One time, the man in charge of

making sure the rebbe's household ran smoothly began to notice that several household items of value were inexplicably missing. After a little thought he realized that someone was clearly stealing from the rebbe, and with diligent investigation he finally caught the thief in the act. Quietly, he locked the culprit in the room while the man continued his pilfering unaware.

The man ran to Rav Aharon to tell him what had transpired and get permission to call the police. The moment he told him, the rebbe immediately exclaimed, "Chalilah! Make sure one of the doors is not locked and that he does not see you as he leaves."² ■

1. בעלזער נייעס, פרשת ראה תש"ס, ע' ג'
2. שיח זקנים, ח"ב, ע' ר"ז ■