



Week 6: BM Chapters 6–7

Mishnah in Depth

מסכת בבא מציעא

Tractate Bava Metzia

שנים אחדות בטלת זה אום אמיניא
מינאיתיק וזה אום אמיניאיתיק זה או
כלה שלי וזה אום כולה שלי זה יושבע
שאין לו בה פחות מחציה וזה יושבע
שאין לו בה פחות מחציה וחלוקין
זה אום כולה שלי וזה אום חציה שלי
האום כולה שלי יושבע שאין לו בה
פחות מחציה חלקים זה אום חציה
שלי יושבע שאין לו בה פחות מחציה
זה מטל של אשה חלקים זה מטל רביע
ב היו שנים רבובים על גבי סהמיה
או שהיה אחד רבוב ואחד מולך זה אום
כולה שלי וזה אום כולה שלי זה יושבע
שאין לו פחות מחציה וזה יושבע שאין
לו פחות מחציה וחלוקין שחן מודין



Dr. Rachel Furst

Drisha, Fall 2024

Leviticus 25:39-43

(39) If your kin under you continue in straits and must be given over to you, do not subject them to the treatment of a slave.

(40) Remaining with you as a hired or bound laborer, they shall serve with you only until the jubilee year. (41) Then they, along with any children, shall be free of your authority; they shall go back to their family and return to the ancestral holding.— (42) For they are My servants, whom I freed from the land of Egypt; they may not give themselves over into servitude.— (43) You shall not rule over them ruthlessly; you shall fear your God.

ויקרא כה:לט-מג

(לט) וְכִי־יִמּוֹךְ אָחִיךָ עִמָּךְ וְנִמְכַרְתָּ לָּךְ לֹא־תַעֲבֹד בּוֹ עֲבֹדֶת עֶבֶד: (מ) כְּשֹׁכִיר כְּתוֹשֵׁב יִהְיֶה עִמָּךְ עַד־שְׁנַת הַיָּבֵל יַעֲבֹד עִמָּךְ: (מא) וַיֵּצֵא מֵעִמָּךְ הוּא וּבָנָיו עִמּוֹ וְשִׁבְ אֶל־מִשְׁפַּחְתּוֹ וְאֶל־אֲחֻזַּת אֲבֹתָיו יָשׁוּב: (מב) כִּי־עֲבָדִי הֵם אֲשֶׁר־הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרָיִם לֹא יִמְכְרוּ מִמִּכְרַת עֶבֶד: (מג) לֹא־תִרְדֶּה בּוֹ בְּפָרְךָ וַיִּרְאֵת מֵאֱלֹהֶיךָ:

Leviticus 25:39-43

(39) If your kin under you continue in straits and must be given over to you, do not subject them to the treatment of a slave.

(40) Remaining with you as a hired or bound laborer, they shall serve with you only until the jubilee year. (41) Then they, along with any children, shall be free of your authority; they shall go back to their family and return to the ancestral holding.— (42) For they are My servants, whom I freed from the land of Egypt; they may not give themselves over into servitude.— (43) You shall not rule over them ruthlessly; you shall fear your God.

ויקרא כה:לט-מג

(לט) וְכִי־יִמּוֹךְ אָחִיךָ עִמָּךְ וְנִמְכַרְלָךְ לֹא־תַעֲבֹד בּוֹ עֲבֹדֶת עֶבֶד: (מ) כְּשֹׁכִיר כְּתוּשָׁב יִהְיֶה עִמָּךְ עַד־שְׁנַת הַיָּבֵל יַעֲבֹד עִמָּךְ: (מא) וַיֵּצֵא מֵעִמָּךְ הוּא וּבְנָיו עִמּוֹ וְשִׁבְ אֶל־מִשְׁפַּחְתּוֹ וְאֶל־אֲחֻזַּת אֲבֹתָיו יָשׁוּב: (מב) כִּי־עֲבָדִי הֵם אֲשֶׁר־הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרַיִם לֹא יִמְכְרוּ מִמְכַרְתַּת עֶבֶד: (מג) לֹא־תִרְדֶּה בּוֹ בְּפָרְךָ וַיִּרְאֵת מֵאֱלֹהֶיךָ:

Mishnah Bava Metzia 6:1

With regard to **one who hires artisans or laborers, and they deceived one another, they have nothing but a grievance against one another**, and they have no financial claim against the deceptive party. If one **hired a donkey driver or a potter to bring posts [piryafarin]** for a canopy or flutes to play in honor of a bride or the dead, or if he hired **laborers to bring up his flax from the retting tub**, i.e., the container of water in which flax is placed in the first stage of the manufacture of linen, **and likewise any matter that involves financial loss if not performed on time and the laborers reneged**, if this occurred in **a place where there is no other person** to perform the task, **he may hire** replacements for a large fee **at** the expense of the first workers, **or deceive them** to get them to return to work.

משנה בבא מציעא ו:א

השוכר את האמנין, והטעו זה את זה, אין להם זה על זה אלא תרעמת. שכר את החמר ואת הקדר להביא פריפרין וחלילים לכלה או למת, ופועלין להעלות פשתנו מן המשרה, וכל דבר שאבד, וחזרו בהן, מקום שאין שם אדם, שוכר עליהן או מטען:

Mishnah Bava Metzia 6:2

The mishna states a related *halakha*: With regard to **one who hires artisans** or laborers to perform work **and they reneged** on the agreement midway through the work, **they are at a disadvantage**. They must ensure that the employer does not suffer a loss. Conversely, **if the employer reneges, he is at a disadvantage**. These two rulings are in accordance with the principle that **whoever changes** the terms accepted by both parties **is at a disadvantage, and whoever reneges** on an agreement **is at a disadvantage**.

משנה בבא מציעא ו:ב

השוכר את האמין וחזרו בהן, ידן על התחונה. אם בעל הבית חוזר בו, ידו על התחונה. כל המשנה, ידו על התחונה. וכל החוזר בו, ידו על התחונה:

Mishnah Bava Metzia, Chapter 6 – השוכר את האומנין

- Mishnah 1** Artisans and employers who deceive/renege on their agreements
- Mishnah 2** Artisans and employers who deceive/renege on their agreements
- Mishnah 3** Parameters when hiring a donkey
- Mishnah 4** Parameters when hiring a cow
- Mishnah 5** Parameters when hiring a donkey
- Mishnah 6** Artisans are *shomrei sakhar* / others who are *shomrei sakhar* or *shomrei hinam*
- Mishnah 7** Others who are *shomrei sakhar* or *shomrei hinam*
- Mishnah 8** Responsibilities of *shomrei sakhar* and *shomrei hinam*

Mishnah Bava Metzia 7:8

...There are four types of bailees, to whom different *halakhot* apply. They are as follows: **An unpaid bailee**, who receives no compensation for safeguarding the item; **and the borrower** of an item for his own use; **a paid bailee**, who is provided with a salary for watching over an item; **and a renter**, i.e., a bailee who pays a fee for the use of a vessel or animal. If the item was stolen, lost, or broken, or if the animal died in any manner, their *halakhot* are as follows: **An unpaid bailee takes an oath over every** outcome; whether the item was lost, stolen, or broken, or if the animal died, the unpaid bailee must take an oath that it happened as he described, and he is then exempt from payment. **The borrower** does not take an oath, but **pays** for **every** outcome, even in a circumstance beyond his control. **And** the *halakhot* of a **paid bailee and a renter** are the same: They **take an oath over an injured** animal, **over a captured** animal, **and over a dead** animal, attesting that the mishaps were caused by circumstances beyond their control, and they are exempt, **but they must pay for loss or theft.**

משנה בבא מציעא ז:ח

...אַרְבָּעָה שׁוֹמְרֵי הֵן. שׁוֹמֵר חָנָם, וְהַשׂוֹאֵל,
נוֹשֵׂא שְׂכָר, וְהַשׂוֹכֵר. שׁוֹמֵר חָנָם נִשְׁבַּע עַל
הַכֹּל, וְהַשׂוֹאֵל מְשַׁלֵּם אֶת הַכֹּל, וְנוֹשֵׂא שְׂכָר
וְהַשׂוֹכֵר נִשְׁבָּעִים עַל הַשְּׁבוּיָה וְעַל הַשְּׁבוּיָה וְעַל
הַמֵּתָה, וּמְשַׁלְּמִין אֶת הָאֲבֵדָה וְאֶת הַגְּנוּבָה:

Mishnah Bava Metzia 6:6

All artisans and laborers who take raw materials to their homes are considered **paid bailees** for those items until they return them to the owner. **And** with regard to **all those who said** to the owner: I finished the work, and therefore **take** what is **yours**, i.e., this item, **and bring money** in its stead, from that point on each of them is considered **an unpaid bailee**. If one person says to another: **Safeguard** my property **for me and I will safeguard** your property **for you**, each of them is a **paid bailee**, as each receives the services of the other as payment for his safeguarding. If one says: **Safeguard for me, and** the other **says to him: Place it before me**, the second individual is **an unpaid bailee**.

משנה בבא מציעא ו:ו

כָּל הָאֲמִינִין, שׁוֹמְרֵי שְׂכָר הֵן. וְכֵלֵן שְׂאֲמְרוּ, טַל
אֶת שְׂלֶךְ וְהֵבֵא מְעוֹת, שׁוֹמֵר חֲנָם. שְׁמַר לִי
וְאֶשְׁמַר לָךְ, שׁוֹמֵר שְׂכָר. שְׁמַר לִי, וְאָמַר לוֹ הִנֵּחַ
לְפָנַי, שׁוֹמֵר חֲנָם:

Mishnah Bava Metzia 6:8

With regard to **one who was transporting a barrel from one place to another and he broke it, whether he was an unpaid bailee or a paid bailee, if he takes an oath** that he was not negligent he is exempt from payment. **Rabbi Eliezer says:** Both **this** one, an unpaid bailee, **and that** one, a paid bailee, must **take an oath** to exempt themselves from payment, **but I wonder whether** both **this** one **and that** one **can take an oath**. In other words, this is the *halakha* that I heard from my teachers, but I do not understand their ruling.

משנה בבא מציעא ו:ח

הַמַּעֲבִיר חֲבִית מִמָּקוֹם לְמָקוֹם וְשִׁבְרָהּ, בֵּין שׁוֹמֵר חָנָם בֵּין שׁוֹמֵר שְׂכָר, יִשְׁבַּע. רַבִּי אֶלִיעֶזֶר אוֹמֵר, זֶה וְזֶה יִשְׁבַּע, וְתַמָּה אֲנִי אִם יְכוּלִין זֶה וְזֶה לְשַׁבַּע:

Mishnah Bava Metzia 7:1

With regard to **one who hires laborers and tells them to rise exceptionally early and to continue** working until exceptionally late, if this is in a locale where laborers are not accustomed to rising so early or to continuing to work until so late, the employer is **not permitted to compel them** to do so. In a locale where employers are accustomed to feeding their laborers, the employer **must feed** them. If they are in a locale where an employer is accustomed to providing their laborers with sweet foods, **he must provide** such food. **Everything is in accordance with the regional custom** in these matters. There was an incident involving Rabbi Yoḥanan ben Matya, who said to his son: **Go out and hire laborers for us.** His son went, hired them, and pledged to provide sustenance for them as a term of their employment, without specifying the details. **And when he came back to his father** and reported what he had done, Rabbi Yoḥanan ben Matya said to him: **My son, even if you were to prepare a feast for them like that of King Solomon in his time, you would not have fulfilled your obligation to them, as they are the descendants of Abraham, Isaac, and Jacob. Rather, before they begin** engaging in their labor, go out and say to them: The stipulation that food will be provided is **on the condition that you have** the right to claim **from me only** a meal of bread and legumes, which is the typical meal given to laborers. **Rabban Shimon ben Gamliel says:** Rabbi Yoḥanan ben Matya's son **did not need to state** this condition, as the principle is that **everything is in accordance with the regional custom.**

משנה בבא מציעא ז:א

השוכר את הפועלים ואמר להם להשכים ולהעריב, מקום שנהגו שלא להשכים וּשלא להעריב, אינו רשאי לכופן. מקום שנהגו לזון, יזון. לספק במתיקה, יספק. הכל כמנהג המדינה. מעשה ברבי יוחנן בן מתתיה שֶאָמַר לְבָנוּ, צֵא שָׂכַר לָנוּ פּוֹעֲלִים. הֲלֵךְ וּפָסַק לָהֶם מְזוֹנוֹת. וּכְשָׁבָא אֶצֶל אָבִיו, אָמַר לוֹ, בְּנִי, אֶפְלוּ אִם אַתָּה עוֹשֶׂה לָהֶם כְּסֻעֵדַת שְׁלֵמָה בְּשַׁעֲתוֹ, לֹא יֵצֵאת יָדִי חוֹבְתָךְ עִמָּהֶן, שֶׁהֵן בְּנֵי אַבְרָהָם יִצְחָק וְיַעֲקֹב. אֲלָא עַד שְׁלֹא יִתְחִילוּ בְּמִלְאכָה צָא וְאָמַר לָהֶם, עַל מְנַת שְׂאִין לָכֶם עָלִי אֲלֵא פַת וְקִטְנִית בְּלִבְד. רַבִּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אֹמֵר, לֹא הִיא צָרִיךְ לֹאמַר, הַכֹּל כְּמִנְהַג הַמְּדִינָה:

Mishnah Bava Metzia, Chapter 7 – השוכר את הפועלין

- Mishnah 1** Parameters for hiring laborers / responsibilities of employers to their laborers (“everything according to regional custom”)
- Mishnah 2** Rules for what and when a laborer may eat while working
- Mishnah 3** Rules for what and when a laborer may eat while working
- Mishnah 4** Rules for what and when a laborer may eat while working
- Mishnah 5** Rules for what and when a laborer may eat while working
- Mishnah 6** Rights of laborers to waive their rights and rights of certain family members to eating while working
- Mishnah 7** Laborers hired to work with food they are ritually prohibited to eat
- Mishnah 8** Four types of guardians (*shomrim*)
- Mishnah 9** Cases of *ones* (uncontrollable circumstances) that an unpaid guardian and hirer are not liable to pay for
- Mishnah 10** More cases of *ones*; guardians who make stipulations to lower their responsibility
- Mishnah 11** Guardians who make stipulations to lower their responsibility

Mishnah Bava Metzia 7:3

If a laborer **was performing labor with his hands but not with his feet**, or **with his feet but not with his hands**, e.g., pressing grapes, or **even** if he was performing labor only **with his shoulder**, **this one may eat** the produce of the field. **Rabbi Yosei, son of Rabbi Yehuda, says:** A laborer may not eat **unless he performs labor with his hands and with his feet**.

Deuteronomy 25:4

You shall not muzzle an ox while it is threshing.

משנה בבא מציעא ז:ג

הָיָה עוֹשֶׂה בְיָדָיו אֲבָל לֹא בְרַגְלָיו, בְּרַגְלָיו אֲבָל לֹא בְיָדָיו, אֲפֹלוּ בְכַתְפוֹ, הָרִי זֶה אוֹכֵל. רַבִּי יוֹסֵי בְרַבִּי יְהוּדָה אוֹמֵר, עַד שְׂיַעֲשֶׂה בְיָדָיו וּבְרַגְלָיו:

דברים כה:ד

לֹא־תַחְסֹם שׁוֹר בְּדִישׁוֹ:

Mishnah Bava Metzia 7:7

In the case of **one who hires a laborer to perform labor with his fourth-year fruit**, such laborers **may not eat** the fruit. And **if he did not inform them** beforehand that they were working with fourth-year fruit, he must **redeem** the fruit **and feed them**. If **his fig cakes broke apart** and crumbled, so that they must be preserved again, or if **his barrels of wine opened** and he hired workers to reseal them, **these laborers may not eat**, as the work of the figs or wine had already been completed with regard to tithes, from which point a laborer may not eat them. And **if he did not inform them, he must tithe** the food **and feed them**.

משנה בבא מציעא ז:ז

השוכר את הפועלים לעשות בנטע רבעי שלו, הרי אלו לא יאכלו. אם לא הודיען, פודה ומאכילן. נתפרסו עגוליו, נתפתחו חביותיו, הרי אלו לא יאכלו. אם לא הודיען, מעשר ומאכילן: