21.7.1

83a~('משנה א') $\rightarrow 84a~($ דרב פפא גופיה כי דקורי דהרפנאי)

- תִּזְרַח הַשֶּׁמֶשׁ יֵאָסֵפּוּן וְאֶל מְעוֹנֹתָם יִרְבָּצוּן: יֵצֵא אָדָם לְפָעֻלוֹ וְלַעֲבֹדָתוֹ עֲדֵי עָרֶב: תּהלים פרק קד פסוק כב-כג
 תַּשֶׁת חֹשֶּךְ וִיהִי לָיְלָה בּוֹ תִרְמשׁ כָּל חַיְתוֹ יָעֲר: תּהלים פרק קד פסוק כ
 יֻאֱרב בַּמְּסְתָּר כְּאַרְיֵה בְסַפֹּה יֶאֱרֹב לַחֲטוֹף עָנִי יַחְטֹף עָנִי בְּמְשְׁכוֹ בְּרִשְׁתוֹ: תּהלים פרק י פסוק ט
 שמר פִי וּלְשׁונוֹ שֹׁמֵר מִצְּרוֹת נַפְשׁוֹ: משלי פרק כא פסוק כג
 לָכֵן שְׁמַח לְבִּי וַיָּגֶל כְּבוֹדְי אַף בְּשֶׂרִי יִשְׁכֹּן לְבָטַח: תּהלים פרק טו פסוק ט
 וַלְאֹבֶוֹנְ עָל קוֹם אַתָּה וּפְגַע בָּנוֹ כָּי בָאִישׁ גְּבוֹרְתוֹ...: שופטים פרק ח פסוק כא
 אַל תַּעַן בְּסִיל כְּאִוּלְתוֹ בָּן תִּשְׁוָה לוֹ גַם אָתָּה: משלי פרק כו פסוק ד
- I משנה א': "spirit of the contract" always follows local custom
 - a If: he hired them to come early and/or work late, cannot force them to do so against local custom
 - Even if: he paid them extra; he cannot claim extra payment was for earlier/later hours than local custom
 - 1 Their response: extra payment was for superior quality of work
 - ii הנה"ח but cannot be forced to begin before מ"ל. following vv. 1-2; must end work late (after בה"ל.
 - 1 *Challenge*: local custom dictates; for what purpose is ה"ל's time-frame presented?
 - 2 Answer1: if it's a new town with no prevalent custom and workers come from an assortment of places
 - 3 Answer2: worker/employer stipulate that he be hired as a פועל דאורייתא
 - b If: the custom is to feed them, whether staples or finer food must follow מנהג המדינה
 - i Story: ד' יוחנן בן מתיא whose son hired workers and stipulated that he would feed them
 - 1 אי יחתן. no meal would suffice; must make explicit condition of "bread, beans" (e.g.) before they start work
 - ii Dissent (רשב"ג: no need to stipulate it all follows מנהג המדינה

II Tangential אגדות.

- a Value of work: homily on v. 2 and v. 1, comparing this world to night and עוה"ב to day with the reward for צדיקים who complete their work
- b *אראב"ש* and the gendarme: he advised him how to identify and catch real criminals (v. 3); he was drafted to work for the Romans; אמירה excoriated him for מסירה; he caught one fellow and had doubts about his guilt, applying v. 4 to himself; when the doubt was resolved for guilt, he applied v. 5 to himself
- c Parallel: אליהו was similarly drafted; אליהו excoriated him and he was advised to flee
- d איז מראב"ש and ירי ישמעאל בר יוסי. were ridiculed by wealthy woman, who claimed that their sons must be fathered by others; they responded (perhaps with v. 6), in spite of v. 7, so as not to allow a doubt to be cast on their sons' lineage.