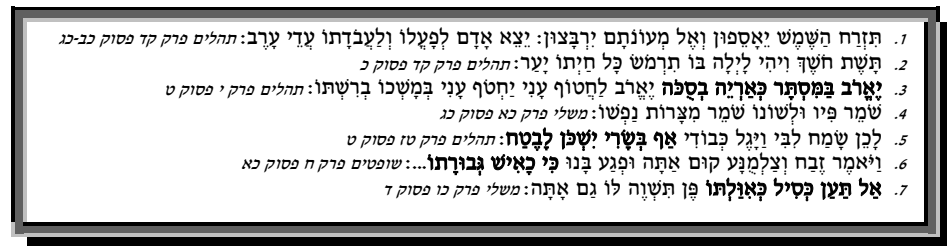


21.7.1

83a (משנה א') → 84a (דרב פפא גופיה כי דקורי דהרפנאי)



- I '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
- i 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 following vv. 1-2; must end work late (after צה"כ) but cannot be forced to begin before הנה"ח
- 1 Challenge: local custom dictates; for what purpose is ר'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 המדינה
- i Story: ר' יוחנן בן מתאי whose son hired workers and stipulated that he would feed them
- 1 ד' יוחנן 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 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 ש and the gendarme: he advised him how to identify and catch real criminals (v. 3) ; he was drafted to work for the Romans; ריב"ק 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: ר' ישמעאל בר יוסי was similarly drafted; אליהו excoriated him and he was advised to flee
- d ש and בר יוסי ר' 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.