21.7.5 87a (משנה ב') → 88b (גורן בהדיא כתיב ביה)

- - ו משנה בי: rights of harvester (or other agri-worker) to eat of fruit with which they are working
 - a Applies to: מחובר לקרקע at time of harvest; תלוש before completion of process (e.g. threshing)
 - b Doesn't apply to: מחובר before harvest (e.g. pruning); תלוש after processing complete
 - c General frame: only applies to agricultural products
 - d Source: vv. 1-2, via v. 3 (olives are not automatically included, in spite of v. 4)
 - i Challenge: once v. 2 teaches principle, v. 1 seems superfluous
 - 1 Answer (רבא): needed for specific instructions, as per
 - (a) כי תבא. from v. 5, teaches that it applies to workers
 - (b) כרם נכרי אסור excludes כרם נכרי, according to opinion that גזל נכרי אסור
 - (i) Note: according to opinion that גזל נכרי, needed to exclude כרם הקדש,
 - (c) זאכלת limits to proper eating
 - (d) ענבים limits to food with which you are working
 - (e) בעה"ב compares eating to that of בעה"ב; both are exempt from תרו"מ (see below)
 - (f) שבעד excludes אכילה גסה
 - (g) איל כליק. only applies at time that worker is putting in vessels of מאל כליק. (i.e. harvest time)
 - II Tangential dispute חצר רי ינאי/ר' יוחנן when it goes into house or even חצר
 - a ר' ינאי house, as per v. 6
 - i Reads v. 7 as path through which it gets to house only liable if it comes through main gate
 - b חצר even חצר, as per v. 7
 - i Reads v. 6 as defining חצר must be guarded as house (not open to public)
 - c Challenge (בנית/חצר): implication of exegesis of כנפשך a buyer is exempt (since it never saw inside of בנית/חצר):
 - i Answer1 (ר' פפא): only liable when the tree leans into חצר/בית
 - 1 Challenge: if so, בעה"ב should be liable (and, by extension, פועל) at that point as well
 - (a) Answer: מעה"ב is focused on the tree (rooted out of the תצר/בית), buyer is focuse on fruit (inside)
 - 2 $\it Challenge$: buyer isn't liable מה"ת, as per "excuse" given for exempting buyers and sellers based on v. 8
 - (a) Answer: indeed, buyer is only liable מה"ת and
 - 3 Therefore: exegesis on מנפשך must be redirected (since, if a buyer is exempt, certainly is as well)
 - (a) Redirection: בעה"ב just as בעה"ב may agree to "muzzle", so may worker (no violation of לא תחסום)
 - d Challenge (אונת מעשרות ב): listing of עונת מעשרות seems to generate liability at point of ripening, without "seeing house"
 - *Answer*: means, once they've reached that point of maturity and "see the house"
 - e Challenge (מר זוטרא בריה דר"ג): the מעשר is when their process is complete מלאכת הכנסתן
 - i Explanation: must mean "when they are gathered in the field"
 - ii Rejection: means, "when they are gathered into the house"
 - 1 Alternatively: ר' ינאי's ruling was only in re: olives and grapes that don't go to גורן; but grain, that does, is "completed" when it gets there and is then liable for תרו"מ