

## For he hired him to gather מציאות

## ששכרו ללקט מציאות –

### OVERVIEW

explained that the מציאה of a פועל belongs to him and not to his employer (which explains why מציאת עבד is לעצמו). The exception is when the owner hires him specifically to gather מציאות; then the מציאה belongs to the employer. The ברייתא however does not say that the מציאה belongs to the employer if he hired him to gather מציאות but rather that it belongs to the employer if he hired him for general work. תוספות responds to this question.

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והכי פירוש<sup>1</sup> דברייתא במה דברים אמורים –

**And this is the explanation of the ברייתא; when do these rules apply** (that the מציאה of a worker belongs to him [and not to his employer]) -

בזמן שאמר ליה עשה עמי באותו ענין שהוא כמו נכש עמי היום<sup>2</sup> –

**In a situation where the employer said to the worker, ‘work for me in a specific manner, which is similar to ‘weed for me today’; in that case the מציאה belongs to the worker -**

אבל<sup>3</sup> אמר ליה עשה עמי מלאכה של מציאות כולי:

**However, if the employer said to the worker, ‘work for me a מציאה work’, etc., then the מציאה belongs to the employer.<sup>4</sup>**

### SUMMARY

The term עמי נכש refers to all work except מציאות ללקט; which is referred to as עשה עמי מלאכה.

### THINKING IT OVER

It would seem that the interpretation of the ברייתא according to פפא רב is somewhat strained;<sup>5</sup> why did he not follow the explanation of either רחב"א or ר"י?

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<sup>1</sup> See ‘Overview’.

<sup>2</sup> מציאות ללקט is representative of all type of work that is done for the employer, except to gather מציאות.

<sup>3</sup> The 'אבל' denotes that this is a totally different type of work than עמי נכש; this refers to מציאות ללקט.

<sup>4</sup> Even if this מציאה is not the type for which the employer hired him to gather.

<sup>5</sup> See תוספות הרא"ש.