

21.9.13

115a (משנה יג) → 116a (סיום הפרק)

1. לא יחבל רחים ורכב פינפוש הוא חבל: דברים כד:
 2. אל תאכלו ממנו נא ובטל מבטל במקום כי אם צלי איש ראשו על כרעיו ועל קרבו: שמות יב:ט

- I **משנה יג**: violations of seizing mill as pledge
- a *If*: he seizes a mill (both upper and lower stones): violates the ל"ח (v1) and violates "כלים 2"
 - b *Extension*: prohibition applies to taking any vessel needed for essential life (e.g. food) – per end of v1
- II Extent of culpability
- a *ד"ה*: if he seized either stone – 2 מכות (for the stone and נפש); if both – 3 מכות (נפש, רכב, רחים)
 - b *דב יהודה*: 1 for each stone, נפש is there to extend to other vessels/tools
 - c *Suggestion*: רבא ורביי replicate this dispute in re: liability for eating פסח improperly prepared (v2)
 - i *דבא*: if he eats it raw – 2 מכות (נא and צלי אש); if he eats it cooked, 2 מכות (נא and מבושל) and ... (כי אם)
 - 1 *And*: if he ate some raw and some cooked – 3 מכות
 - ii *אבוי* for מכות סו לאו שבכללות (ל"ח that has multiple applications)
 - iii *Suggestion*: רבא ורביי holds like יהודה and רבא – like הונא (i.e. ר"ה v. ר"י is about שבכללות)
 - iv *Rejection*: each could explain their position in line with both רב הונא and רב יהודה
 - 1 *דבא* ר"י only excluded an extra לאו because נפש doesn't directly have to do with a millstone
 - (a) *Therefore*: it is understood to extend to other things
 - (b) *But*: כי אם צלי אש is unnecessary except to add an additional לאו
 - 2 *אבוי* ר' הונא understands that נפש הוא חובל כי is superfluous – applies it to רחים and רכב (or each)
 - (a) *But*: כי אם צלי אש defines time parameter – only violate נא/מבושל at a time when there is an עשה of אש
 - d *ברייתא supporting יהודה*: if he seized a barber's scissors or team of cows, he has 2 liabilities (one for each blade/cow)
 - i *But if*: he seized one (blade, cow) – only liable once
 - e *#2 supporting יהודה*: 2 blades/cows is 2 liabilities, per רחים ורכב which are 2 parts of a כלי which does one job
 - i *And*: there is separate liability for each stone – similarly, for each blade or cow
 - f *Story*: lender seized שחיטה-knife and came to אבוי; he directed him to return it ("נפש") and go to דין for the loan
 - i *דבא*: no need to go to דין – he could claim up to the value of the loan from the knife
 - ii *Challenge to אבוי*: goats in נהרדעא that ate a merchant's barley; he seized the goats and claimed a lot of money
 - 1 *אבוי דשמואל*: he may claim up to the value of the goats
 - 2 *Answer*: goats aren't normally rented or lent
 - 3 *But*: the שחיטה-knife is the sort of thing which is lent out (→ מחזיק must prove that he seized it)
 - (a) *Per*: ר' הונא בר אבין – if someone has things that are usually rented/lent and he claims הן בידי לקוחין (i) *Then*: not believed
 - (b) *דבא* himself seized wool scissors and ספר אגדה from orphans (heirs) - things typically lent/rented
 - (c) *Answer*: a שחיטה-knife which is delicate and can easily be נגמם → people do *not* lend out or rent