

21.7.7

89b (בשעת דישה לא תהא חסימה) → 90b (תנו רבנן: פרות המרכסות בתבואה)

1. לא תחסם שור בדישו: דברים פרק כה פסוק ד

2. לא תקלל חרש ולפני עזר לא תתן מקשל ויראת מאלהיך אני ה' ויקרא פרק יט פסוק יד

3. וזן ושקר אל תשת אתה ובניך אתהו בראכם אל אהל מועד ולא תמתו חקת עולם לדירתכם: וזהבדיל בין הקדש ובין החל ובין הטמא ובין הטהור: ויקרא יט:

I Continuation of investigation of חסימה (v. 1)

- a *Technically*: if threshing in soaked grain (already had מלאכה גמר for מעשר) or תרומה/מעשר (if taken early) no violation of חסימה
- i *However*: as a precaution against העין מראית העין, we bring a basket of the same grain and put around her neck
- 1 *Dissent*: רשב"י – bring her כרשינין, which is better than anything else
- b *Challenge*: ruling that if they are threshing in תרומה or מעשר, violation applies
- i *Resolution #1 (תרומה)*: violation applies to גידולי תרומה
- ii *Resolution #2 (מעשר)*: (can't answer מעשר, as they are strictly חולין and wouldn't be called "מעשר")
- 1 *Rather*: violation applies to מעשר ראשון (which is treated as חולין)
- 2 *Or*: both refer to מע"ש; violation only applies following יהודה ר' (ממון גבוה) ר"מ *contra* (ממון הדיוט) ר' יהודה
- (a) *Challenge*: since we must interpret case as where he declared מעשר before threshing, how does ר"י permit
- (i) *Explanation*: must be eaten within walls of י-ם, and לאו of לא תחסום doesn't negate בשעריך לא תוכל לאכול
- (b) *Answer*: he was threshing inside walls
- 3 *Or*: violation only applies to מעשר דמאי, not מעשר וודאי
- (a) *Note*: we could answer same for תרומה,
- (i) *Block*: there is no תרומת דמאי, as even עמי הארצות were careful about תר"ג
- (ii) *Save*: may refer to תרומת מעשר דמאי
- c *Question*: what if the animal immediately excretes what it eats, must he continue to allow it to eat
- i *Lemma1*: is it due to nutritional benefit – which doesn't happen here OR
- ii *Lemma2*: is it because the animal sees the food and is pained by not eating – which is alleviated here nonetheless
- 1 *Answer (ר' ששת)*: from רשב"י's ruling (above), due to nutritional benefit (doesn't apply here)
- d *Snippet of ברייתא above*: when the owner is not the muzzler and only one is ישראל
- i *If*: the owner is ישראל and the muzzler a non-Jew – no violation
- ii *If*: the owner is נכרי and the muzzler a ישראל – violation
- 1 *Question*: is it permissible to tell a non-Jew to muzzle
- (a) *Lemma1*: is אמירה לנכרי only an issue vis-à-vis שבת, which is severe OR
- (b) *Lemma2*: does it apply here as well
- 2 *Proof*: from ברייתא which notes no violation → but it is אסור לתחילה for the נכרי to muzzle a ישראל's ox
- (a) *Rejection*: even permitted; issue of violation is in parallel with סיפא, where there is a violation בדיעבד
- iii *Related question*: asked of שמואל's father – ישראלים who arrange for non-Jews to steal and neuter their cattle (to improve them for plowing) – what is the status?
- 1 *Answer*: we fine them for "trickery" and must sell cattle
- 2 *Note*: ר' חידקא א"י follows ר' חידקא א"י – non-Jews are banned from neutering, which makes this a violation of v. 2
- (a) *Suggestion (רבא)*: they must sell for שחיטה (significant loss)
- (i) *Rejection (אביי)*: the fine of selling them at all is enough
- 3 *Note*: we understand that his adult son is an "other" and selling to him permits using the neutered cattle
- (a) *Question*: is selling to his minor son a viable method?
- (b) *ד' אחי*: forbidden; *ד' אשי* – permitted
- (c) *Note*: מערימר ומר זוטרא used to swap their cattle and use them for plowing
- e *Questions of דב"ח*: if the animal got a thorn stuck in its mouth (and can't eat from the דישה), must the owner remove it?
- i *And*: if a lion sat over the cattle and frightened it from eating – must the owner move it away?
- ii *And*: what if the owner put it's young nearby, or it was very thirsty or he put smooth pelt over the דישה -
- 1 *Possible solution of last one*: owner may starve cow and borrower may feed extra to control what it eats from דיש
- (a) *Rejection*: in those cases, it is eating – amount is being manipulated
- f *Question asked of ד' סימאי*: what if he muzzled the animal outside of the דיש? Is the emphasis on בדישו?
- i *Answer*: v. 3 teaches that entering drunk – not necessarily drinking in the מקדש, is the violation
- ii *Parallel*: when entering the מקדש, should be no inebriation; when threshing, should be no muzzling