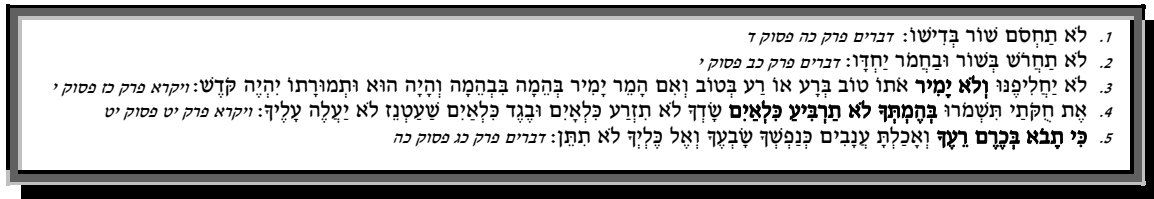


21.7.8

(אוכלין ענבים ושתיין יין) 91b → (תנו רבנן: החוסם את הפרה) 90b



I Continued investigation into nuances of לאו דחסימה

- a *If*: someone muzzles (v. 1) (parallel: groups 2 different animals – v.2) and another threshes (parallel: leads them) – פטור –
 i *Because*: only culpable for threshing with a muzzled ox (v. 1) or leading 2 different animals bound together (v. 2)
- b *Question*: if he muzzles by vocal command, is he liable?
 i מעשה *ל' יוחנן* – the moving of his lips is considered a
 ii *ל' ל' exempt* – there is no action here
 1 *Challenge (ל' יוחנן)*: culpability for תמורה (which is purely vocal – v. 3)
 2 *Response (ל' ל')*: that follows יהודה – ר' – culpability for a מעשה בו – לאו שאין בו מעשה
 (a) *Challenge*: יהודה ר' holds that an heir doesn't have the wherewithal to effect תמורה, but משנה allows for it
 (b) *Answer*: our תנא accepts יהודה ר' in re: "לאו שאב"מ, but not re: ממיר (אינו) ממיר יורש (אינו) ממיר
- c *ברייתא*: if he muzzles, he gets מכות and must pay the animal – 4 קב to an ox/cow, 3 קב to a donkey
 i *Challenge*: קלב"מ – if he gets מכות, he shouldn't have to pay
 1 *Answer #1 (אב"י)*: follows ר"מ ומשלם – ר"מ
 2 *Answer #2 (רבא)*: he still owes the debt ethically, even if ב"ד can't force him to pay
 3 *Answer #3 (ל"פ)*: the 2 liabilities aren't concurrent:
 (a) *Payment*: at moment he takes possession of the animal
 (b) *מכות*: when he muzzles
- d *ל' פ' 2 rulings* he made, one כהלכה and one כהלכה
 i כהלכה asked if it is permissible to knead dough with milk – אסור, as it may lead to עבירה (eating dairy bread with meat)
 1 Parallel: may not wipe inside of oven with lamb's tail
 ii כלאים asked if it is permitted to put 2 different kinds of animals into a corral – אסור (may lead to כלאים)
 1 *Reason we reject the ruling*: as שמואל's dictum:
 (a) *מנאמי* can be convicted once they appear to be engaged in adultery, but
 (b) *כלאים* only liable if he directly engineers the intercourse
 (i) *Challenge*: v. 4; had it not said כלאים, כלאים, כלאים that the ban is against holding the female while the (permitted) male mounts her; קמ"ל the word כלאים –
 1. *Meaning*: in re: כלאים, even without holding the animals together, there is a violation?
 2. *Rejection*: אחיזה is a euphemism for directing intercourse
 2 *Related ruling (רב יהודה)*: it is permitted to mate (same-kind) animals, even by directing the intercourse
 (a) *Reason*: the rancher is so engaged in the job that he won't be led astray by improper thoughts
 (i) *Challenge*: v. 4; had it not said כלאים, כלאים, כלאים that the ban is against holding the female while the (permitted) male mounts her; קמ"ל the word כלאים –
 1. *Meaning*: in re: proper animals, he may only hold them, not direct intercourse
 2. *Rejection*: אחיזה is a euphemism for directing intercourse
- iii *Parallel story*: אשי ר' was asked about putting 2 of the same kind along with כלאים in the corral
 1 *Answered*: לאיסורא – but incorrectly (consideration was פריצות of the slaves watching)

II *משנה ג'*: range of work which enables worker to eat

- a *חכמים*: if he is working with his hands, or his feet, or just his shoulders – he may eat – as per v. 5, any type of work
 i *Dissent*: ר' יוסי בר יהודה – only eats if he is working with his hands and his feet – parallel to שור, which works with all 4
 1 *Question (רבה בר רב הונא)*: if he is working with fowl, do they eat (according to יהודה: ר' יוסי בר יהודה: ר')
 (a) *Lemma1*: the animals needs to be exerting all its energy – which we have OR
 (b) *Lemma2*: the animals need to use all 4 legs – which fowl don't have – תיקו –
 2 *Related ruling (רבה בר אבונה)*: workers in a winepress may eat grapes as soon as they begin work, may not drink wine until they have criss-crossed, at which point it is clear that they are processing wine as well as the grapes