24.3.3

16a (תנן התם הנוטל אם על הבנים) \rightarrow 17a (אלא לענין קרבן)

- - עשה Which is tied in with an ל"ת which is tied in with an עשה
 - a חולין יב:ד dispute חכמים/ר' יהודה about liability for taking mother bird with eggs
 - i מכות: immediate מכות, doesn't send away the mother
 - ii חכמים: send away the mother nonetheless and no
 - 1 Rule: any ל"ת which has a מכות no מכות
 - 2 ייחנן. there's only one parallel to this (he challenged ד' to identify it)
 - (a) Suggestion: it is אונס
 - (i) Challenge: this would only work if we accept קיימו ולא קיימו
 - (ii) But: בטלו can only work re: שלוח הקן (if, e.g. he killed the mother); can't work in re: אונס 1. Even if: he killed the girl, he wouldn't get מכות due to קלב"מ
 - (iii) Suggestion: if father accepted קידושין from another on her behalf
 1. Block: if she made him her שליח , she's the one who was מבטל; if not, מבטל are invalid
 - (iv) $\it suggestion$: made נדר (invulnerable to ברבים; if need be, על דעת רבים) banning הנאה from him
 - $1.\ rejection$: even a נדר ע"ד רבים is invulnerable if it is בדבר הרשות; but here, since it is לצורך מצוה
 - 2. should be permissible: as per story of רבינא lifting ban against negligent teacher
 - (b) challenge: both אול (vv. 1-2) & taking משכון from לווה (vv. 3-4) akin to שלוח הקן (not just "one other")
 - (i) defense: in both cases, since he is obligated to pay if he loses/destroys the item no מכות
 - (ii) challenge (משכון :(ד' זירא) of a גר who dies w/o heirs 1. answer: it really applies, but the גר to the גר implodes with his death
 - (c) challenge: מאה (v. 5) is parallel to שלוח הקן (could be מבוטל, if he threshed the wheat w/o giving פאה)
 - (i) answer: according to ר' ישמעאל, it could still be given from the dough
 - 1. nonetheless: if he ate the dough, it is מאה → מבוטל is the "other"; not אונס (per above rejection)
 - II Analysis of several items on list of משנה ב':
 - a Extension of "eating שקצים"
 - i : ב יהודה : if someone eats the little fish that are found in the furrow לוקה due to v. 6 (report: מכות gave מכות)
 - i אביי: if he eats a small water שרץ, gets 4 sets of ויקרא, parallel in לא תשקצו; דברים מול את מאו and לא תטמאו
 - 1 And: if he eats an ant, there's a fifth due to it being a בריה –
 - 2 And: if he eats a hornet, add a sixth, due to v. 7
 - iii Doing disgusting things to the body (restraining bowels, drinking blood-letter's cup) is a violation of v. 8
 - iv ב"ר הונא: if he ground up 9 ants and brought a 10th to complete מכות 6 כזית
 - 1 5: due to בריה (as above); 1: נבלה of נבלה
 - (a) Note: if they are larger, could even be one or two ground up ants + complete one
 - b Discussion related to eating טבל
 - i בר: if one eats טבל of לוקה מעשר עני
 - 1 Following: ר' יוסי, as per application of vv. 9-10
 - 2 Suggestion (פ"ע יוסף): this is subject to מח" ר"א/חכמים (דמאי ד:ג) whether דמאי מע"ע must be identified
 - (a) Rejection (אביי): if so, they should disagree about טבל; rather, all agree it is טבל;
 - (i) Dispute: is whether עמי הארץ are suspected of not giving מע"ע
 - c Dispute שעור about שעור about שעור
 - i only dispute re: a piece of wheat, as per wording of משנה; all agree that flour →כזית
 - ii המיה בשם ר''ש dispute even extends to ground flour ר'ש''s words are לדבריהם (supporting ר"ש: ברייתא says that כזית was only mentioned in re: שעור ח מכות, for שעור ה