

26.5.1

63a (תיקו) → 62a (משנה א)

1. והיתה שבת הארץ לכם לאכלה לך ולעבדך ולאמתך ולשכריך ולתושבך הגרים עמך: ויקרא כה:1
 2. לא תביא אתנן זונה ומחיר כלב בית ה' אלהיך לכל נדר כי תועבת ה' אלהיך גם שניהם: דברים כג:ט
 3. ואיש כי יקדש את ביתו קדש לה' והעריכו הפהן בין טוב ובין רע כאשר יעריך אותו הפהן כן יקום: ויקרא כז:יד

- I י"נ status of wages earned by working with א' משנה א'
- If: he is hired by עכ"ם to work with י"נ – wages are אסור
 - But if: he is hired for something else and then asked to move a barrel of י"נ – שכרו מותר
 - If: the עכ"ם hires his donkey to move barrels of י"נ – rental fee is אסור
 - But if: he hires the donkey to ride and then puts his flask on it – מותר
- II Analysis: why שכר י"נ is prohibited
- Suggestion: since י"נ is אסור בהנאה
 - Rejection: אסור בהנאה are also ערלה וכלאי הכרם, yet if you sell them, the money is yours (קידש בו – מקדושת)
 - Rather: since the money transfers (א"ש la)
 - Rejection: as we saw above, דמי שביעית are also transferred; yet if someone pays another to harvest during שביעית – the wages are מותר
 - Detail: if hired to get X worth of fruit – money is אסור (דמי שביעית); but paid to harvest – מותר (שכר שביעית)
 - Answer (ר' יוחנן) קנס: against those who work with י"נ and donkey drivers
 - Donkey drivers: ברייתא – donkey drivers who work with שביעית – פירות – their salary "is" שביעי
 - Suggested meaning: they are paid with שביעית פירות
 - Rejection: v. 1 stipulates that פירות שביעית can only be used for eating, not paying debts
 - Rather: that their wages take on קדושת שביעית (i.e. אסור)
 - Rejection: as above – payment for work on שביעית is מותר
 - אב"י: original meaning – paid with שביעית פירות – and its done via a היתר-loophole
 - Model: paying someone to take מע"ש to ירושלים – by giving his share as a gift, not a portion
 - לכא means פירות שביעית have קדושת שביעית – no challenge from above
 - A worker: who doesn't earn much – they allow him to keep שכר
 - Donkey driver: who makes a lot – they fined
- III Question: does same rule apply to working with י"ן סתם?
- Lemma1: since the איסור is as stringent as י"נ – same rule OR
 - Lemma2: since טומאה is less severe (as above) – wages are מותר
 - Answer: חסדא ר' ruled that someone who worked with י"נ סתם and was paid with wheat should burn and bury it
 - Question: why not tell him to disperse it?
 - Answer: someone may inadvertently use it
 - Why not: tell him to burn it and disperse it?
 - Answer: someone may use it for זבל
 - Why not: tell him to bury (without burning)
 - Support: we bury all implements of ב"ד מיתת ב"ד (which are אסור בהנאה) near ב"ד
 - Answer: in that case, everyone knows it's the vicinity of ב"ד; here, they may think that someone had to rid himself of his wheat and buried it here and will use it
- IV Practice of בי ר' ינאי (after he died) – to borrow פירות שביעית from the poor and pay them back the next year
- ר' יוחנן: this is מותר – and the parallel case of an אתנן (v.2) is also מותר
 - ברייתא: if he gave her the אתנן and didn't have ביאה – or had ביאה and didn't give her the אתנן – מותר
 - Challenge: in first case – of course מותר – he didn't have ביאה;
 - And: in 2nd case – there's nothing to prohibit (never gave her אתנן)

- ii Rewrite: if he gave it to her and later had ביאה, or had ביאה and later gave the אתנן – מותר
 - 1 1st case: when he has ביאה, should become אסור as אתנן retroactively
 - (a) ר"א if she offered it in the meantime
 - (b) Question: how was the אתנן given?
 - (i) If he gave it to her unconditionally, it's obviously מותר – when he had ביאה, it was gone
 - (ii) And if he gave it to her as of time of ביאה- it wasn't hers to bring (v.3)
 - (c) Answer: must be case where he gave it to her for later, stipulating that if she needs it now, she may use it
- iii Question (ר' הושעיא): if she was מקדיש it in the meantime (but didn't yet offer it) – מותר?
 - 1 Lemma1: since dedication to the מקדש is parallel to מסירה in mundane dealings – מותר
 - 2 Lemma2: since it's still physically present – אסור
 - 3 Answer: from ר"א – if מקדיש was also מותר, he should've indicated that (bigger חידוש)
 - 4 Rejection: ר' הושעיא was asking about ר"א's ruling itself –
 - (a) Lemma1: did ר"א definitely maintain that only הקרבה is valid, since in case of הקדשה it's still around at the time of ביאה