

## 26.5.1

62a (משנה א) → 63a (תיקו)

1. והיתה שבת הארץ לכם לאכלה לך ולעבדך ולאמתך ולשכירך ולתושבך הגרים עמך: ויקרא כה:ו  
 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 הפהו בין טוב ובין רע פאשר יעריף אתו הפהו פן יקום: ויקרא כז, יד

- I י"נ status of wages earned by working with א' משנה
- a If: he is hired by עכ"ם to work with י"נ – wages are אסור
  - b But if: he is hired for something else and then asked to move a barrel of י"נ – מותר
  - c If: the עכ"ם hires his donkey to move barrels of י"נ – rental fee is אסור
  - d But if: he hires the donkey to ride and then puts his flask on it – מותר
- II Analysis: why שכר י"נ is prohibited
- a Suggestion: since י"נ is אסור בהנאה
    - i Rejection: אסור בהנאה are also ערלה וכלאי הכרם, yet if you sell them, the money is yours (קידש בו – מקדושת)
  - b Rather: since the money transfers (a la מע"ש)
    - i Rejection: as we saw above, דמי שביעית are also transferred; yet if someone pays another to harvest during שביעית – the wages are מותר
      - 1 Detail: if hired to get X worth of fruit – money is אסור (דמי שביעית); but paid to harvest – מותר (שכר שביעית)
  - c Answer (ר' יוחנן) קנס: against those who work with י"נ and donkey drivers
    - i Donkey drivers: ברייתא – donkey drivers who work with שביעית – פירות – their salary "is" שביעי
      - 1 Suggested meaning: they are paid with שביעית פירות
        - (a) Rejection: v. 1 stipulates that פירות שביעית can only be used for eating, not paying debts
        - (a) Rather: that their wages take on קדושת שביעית (i.e. אסור)
        - (a) Rejection: as above – payment for work on שביעית is מותר
      - 2 original meaning – paid with שביעית פירות – and its done via a היתר-loophole
        - (a) Model: paying someone to take מע"ש to ירושלים – by giving his share as a gift, not a portion
      - 3 means פירות have קדושת שביעית – no challenge from above
        - (a) A worker: who doesn't earn much – they allow him to keep שכר
        - (b) Donkey driver: who makes a lot – they fined
- III Question: does same rule apply to working with י"ן סתם
- a Lemma1: since the איסור is as stringent as י"נ – same rule OR
  - b Lemma2: since טומאה is less severe (as above) – wages are מותר
  - c Answer: ר' חסדא ruled that someone who worked with י"נ סתם and was paid with wheat should burn and bury it
    - i Question: why not tell him to disperse it?
      - 1 Answer: someone may inadvertently use it
    - ii Why not: tell him to burn it and disperse it?
      - 1 Answer: someone may use it for זבל
    - iii Why not: tell him to bury (without burning)
      - 1 Support: we bury all implements of ב"ד מיתת ב"ד (which are אסור בהנאה) near ב"ד
      - 2 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
- a ר' יוחנן: this is מותר – and the parallel case of an אתנן (v.2) is also מותר
  - b ברייתא: if he gave her the אתנן and didn't have ביאה – or had ביאה and didn't give her the אתנן – מותר
    - i Challenge: in first case – of course מותר – he didn't have ביאה;
      - 1 And: in 2<sup>nd</sup> 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 1<sup>st</sup> 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