

26.5.2

63a (בא עליה ואח"כ נתן לה) → 64b (אבל נשתתפו אסור)

I Continuation of discussion re: אתנן

- a מותר – אתנן – ביאה and later gave her the **ברייתא**
- b **challenge**: **ברייתא** – even if he gives her the אתנן years later – אסור
- c **resolution** (**ר' חסדא**): if he says “for this lamb” – אסור; if he says “for a lamb” – מותר
- i **challenge**: even if he says “this lamb” – why should it be אסור – she didn't take possession
- ii **answer1**: could be a non-Jewish זונה, who has no משיכה
- iii **answer2**: could be a זונה ישראלית – if the lamb is in her חצר (קנין חצר)
- 1 **challenge**: if so, חצר should work even if he had ביאה first]
- 2 **answer**: case where he made lamb an אפותיקי for collection, in case he doesn't pay

II ש"ר's challenge to behavior of בי ר' ינאי (borrowing פירותשביעית to pay back עניים after שמיטה)

- a **ברייתא**: a man may pay his non-Jewish (or עמי הארץ) workers and not be concerned about שמיטה, ש"ר or מע"ש
- i **but**: if he tells them to eat and he'll reimburse, he must be concerned about any/all of these
- ii **implication**: his reimbursement represents the איסור; similarly, in case of שמיטה, they are paying שביעית דמי
- b **answer1** (**ר' חסדא**): the latter ruling is in case of a storekeeper (who is providing the food) with whom he has credit
- i **explanation**: the בעה"ב is משועבד to him, since he has credit
- ii **but**: if he doesn't have credit there – מותר
- iii **challenge**: if so, the משנה should've stipulated that if he has no credit at the store, מותר
- iv **additionally**: even if he has no credit there, there is still a שעבוד
- 1 **as per**: רבא – if A tells B to give C some money and thereby A's property goes to B
- (a) **Then**: it is valid, following the model of ערב
- c **Answer2** (**רבא**): in either case – credit or not – since the שעבוד isn't assigned – it is permitted
- i **However**: in our case, per ר' פפא, the בעה"ב already paid the חנווני and with that money, they buy the מע"ש etc.
- ii **challenge** (**ר' זביד**): משנה should say “eat and I'll make a חשבון”
- 1 **ר"ז** (**who repeated it to ר"ז**): that is my version
- d **אשי**: case is where בעה"ב bought food from חנווני and directly gave to his workers
- i **challenge**: משנה should read that way (טלו ושתו, טלו ואכלו)
- ii **אשי**: his version reads that way

III Questions posed by ר' חייא בר אמי ר"נ, עולא, אבימי בר פפי

- a **if**: worker was hired by עכ"ם to shatter barrels of י"נ – may he benefit from the wages?
- i **lemma1**: since he needs the barrels to be whole beforehand (to get job) – אסור – רוצה בקיומו
- ii **lemma2**: since he's hired for a constructive purpose (destruction of י"נ) – מותר
- 1 **ר"נ**: let him break them – and keep the wages
- 2 **support**: may not help גוי hoe in כלאים, but we may help him uproot (כלאים)
- 3 **assumption**: authored by ר"ע, who (contra רבנן) disallows leaving כלאים be – but allows helping him uproot
- 4 **rejection**: perhaps it's רבנן who allow כיום כלאים
- (a) **challenge**: if so, they would even allow helping the גוי to maintain כלאים
- (b) **answer**: author is יהודה ר', who bans giving גוי a gift – and he's working for free
- (c) **note**: from יהודה ר's lenient exception for destruction, apply to ר"ע – also allow helping to uproot QED
- b **ר"ז** money in possession of עכ"ם is it מותר or אסור
- i **ר"נ**: should be מותר, as per אבוה בר אבהו's instruction to potential גרים that they should sell their ר"ז before converting
- 1 **block**: in that case, since they're about to convert, obviously בטל
- 2 **rather**: ישראל who is collecting money from עכ"ם, who then sells ר"ז or י"נ – may collect from proceeds
- (a) **but**: if עכ"ם tells ישראל to wait until he sells ר"ז or י"נ and pays – אסור
- (i) **question**: why are רישא and סיפא different?
- (ii) **רוצה בקיומו** in סיפא, ר"ש wants the ר"ז or י"נ to remain whole
1. **challenge**: that shouldn't be a meaningful consideration, as per ruling:
2. **משנה**: if a גר and his עכ"ם brother inherit from father, may split along lines of ע"ז/מעות and י"נ/פירות
- a. **but**: once they take possession, may not split
3. **answer**: our case – ר"ז that is divided by its pieces (or Hadrianic wine-ceramic) – doesn't mind pieces
- a. **challenge**: he still wants it to remain extant and not stolen
4. **answer** (**ר"פ**): no challenge from הגר – ירושת הגר – we permit so that he won't “go back to his קלקול”
5. **support**: limitation on ruling above – only if they inherited, but not if they were partners