



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Metzia Daf Tzaddik

- **Q:** A Braisa says, if one has cows walking on dried grain, or threshing terumah and maaser, he is not oiver if he muzzles them. However, for "maris ayin" he should take this same type of produce that is being worked on and put it in the feeding basket around the animal's feed bag. **R' Shimon ben Yochai** says, he can even put a different type of food in the bag, as long as it is of a type that is superior for the animal than the produce that the animal is working with. However, another Braisa says, if one has cows walking on dried grain he is not oiver if he muzzles them, but if they are threshing terumah and maaser, he would be oiver for muzzling them!? The Braisos contradict regarding terumah and maaser!? Now, with regard to terumah we can say that the first Braisa is dealing with actual terumah and the second Braisa is dealing with produce that grew from terumah (it is only terumah D'Rabanan). However, how can we answer the contradiction regarding maaser? You can't say that the second Braisa is discussing produce that grew from maaser, because such produce is considered to be completely chulin!? **A:** We can say that the first Braisa refers to maaser sheini, whereas the second Braisa is dealing with maaser rishon. **A2:** We can also say that both Braisos are discussing maaser sheini, but the first Braisa follows **R' Meir**, who says that maaser sheini is considered hekdes, and the second Braisa follows **R' Yehuda**, who says that maaser sheini is considered to be private property.
 - **Q:** How can it be that a cow would be threshing terumah or maaser? **A:** The case must be where one separated terumah or maaser early, before threshing.
 - **Q:** Even according to **R' Yehudah**, how would we allow a cow to eat maaser sheini outside of Yerushalayim!? **A:** The case is where the threshing was done in Yerushalayim.
 - **A:** We can also answer that the first Braisa is discussing definite maaser, and the second Braisa is discussing maaser of demai.
 - Once we say this, we can say the same for the case of terumah as well.
 - **Q:** There was never a gezeira made to separate terumah from demai!? **A:** The Braisos are talking about terumas maaser, which there was a gezeira to take from demai.
 - **Q:** They asked **R' Sheishes**, if an animal that was threshing was suffering from a stomach ailment, and eating the produce it is threshing would not be good for it, can he muzzle the animal? Do we say that the Torah allows the animal to eat, because it is good for the animal, and in this case it is not good for the animal, so a muzzle may be put on it, or do we say that the Torah doesn't allow a muzzle, because not being able to eat makes the animal suffer, and in this case too, the animal would suffer? **A:** **R' Sheishes** said, the Braisa said that **R' Shimon ben Yochai** allows a different type of produce to be placed in the feedbag if it is better for the animal. We see that the main consideration is whether it will be good for the animal. **SHEMA MINAH.**
 - **Q:** May a Yid ask a goy to muzzle his animal for him and thresh with it? Do we say that telling a goy to do something that is assur for the Yid to do is only assur by Shabbos, which carries the skila penalty, but the issur of muzzling is only a lav, and therefore it would be allowed, or maybe there is no difference? **A:** The Braisa quoted earlier said that if a goy threshes with the animal of a Yid, he would not be oiver for muzzling. This suggests that he is not oiver, but it would be assur.
 - **Q:** This is no proof. It may be that there is not even an issur. However, since the next part of the Braisa says that if a Yid threshes with the cow of a goy he would be oiver if he muzzles, the earlier case also uses the term of "oiver" instead of "assur".
 - **Q:** Maybe we can answer from the father of **Shmuel**, who said that it was assur for a Yid to tell a goy to castrate an animal for him, and therefore, certain

Yidden who allowed goyim to do it for them would be penalized and have to sell these animals. The same would presumably hold true for muzzling!? **A: R' Pappa** said, it may be that he held it was assur in that case, because he followed the view that even a goy may not castrate an animal, and therefore, asking a goy to do it for you would be assur as "lifnei iveir".

- **Rava** thought to say that the animals had to be sold to be shechted. **Abaye** told him, it is a sufficient penalty to make him sell, even if it won't be shechted.
- **Q:** It is obvious that selling to his adult son is like selling to someone else. What about if he sells to his minor son? **A: R' Achai** said it is assur, and **R' Ashi** said it is mutar.
 - **Mareimar and Mar Zutra** would exchange castrated animals with each other (they were castrated by goyim and they therefore had to sell them).
- **Q: Rami bar Chama** asked, if a person puts a thorn in the animal's mouth, making that it can't eat when it threshes, is he oiver for muzzling? [The Gemara asks, that is surely the same thing as putting on a muzzle!? Rather, the question is, if a thorn got stuck in the animal's mouth, does the person have to remove it or not?] What if he put a lion near it, making it afraid to eat? What if he put its baby nearby, so that it be too distracted to eat? What if he doesn't give the animal to drink, and it therefore can't eat? What if he covered over the produce that was being threshed? **A:** The Gemara says, we can at least answer one of the questions. A Braisa says that the farmer may spread straw out over the produce so that the animal will not eat it. We see that he may cover the produce.
 - **Q:** This is no proof, because in that case the animal at least has the straw to eat, and that is why it may be mutar. Or, we can say that the Braisa means that he may spread out hay before it begins to thresh, so that it will eat a lot of hay and not be hungry for the produce when it threshes.
- **Q: R' Yonason** asked **R' Simai**, what is the halacha if the person muzzled the animal away from the threshing floor and then brought it to the threshing floor? Do we say that the issur stated in the pasuk is "shor b'disho" (an ox in its threshing) and this was not done in its threshing, or do we say that the Torah means one may not thresh with an animal that is muzzled? **A: R' Simai** said, just like when the Torah says that a Kohen may not drink wine when coming to the Ohel Moed, it means that he also may not drink somewhere else and then walk in, the same would be true with the muzzle, and it cannot be put on somewhere else and then be brought to the threshing floor.
 - A Braisa supports this. The Braisa says that if one puts a muzzle on an animal and another person then threshes with that animal, the second person is chayuv.
 - We learned that **R' Yochanan** said, if one prevents the animal from eating by yelling at it every time it bent down to eat, he is chayuv malkus, because the bending of his mouth is sufficient of an action to make him chayuv malkus, and **Reish Lakish** said he is patur, because his voice alone is not considered to be an action.
 - **Q: R' Yochanan** asked **Reish Lakish**, a Mishna says that one is chayuv malkus for temurah, even though that lav is accomplished only through speaking!? **A: Reish Lakish** said, that Mishna follows **R' Yehuda**, who says that one is chayuv malkus for a lav even if he didn't do an action.
 - **Q:** The Gemara on that Mishna says that the earlier part of that Mishna does not follow **R' Yehuda**, so how can **Reish Lakish** say that this part of the Mishna follows **R' Yehuda**!? **A:** The Tanna of the Mishna holds like **R' Yehuda** regarding one halacha (that an action is not needed to make one chayuv in malkus), and argues with him regarding another halacha (the subject that is inferred from the earlier part of the Mishna).