

But these Persians

והא הני פרסאי –

OVERVIEW

החי נושא את ruled that by a tied up person, נתן ר' agrees that we do not say (who permits selling horses to gentiles) agrees with נתן ר' (that החי נושא את עצמו) but the Persians are considered tied up to their horses, so how are we permitted to sell horses to the Persians. clarifies the s' question.

ואיהו לא מפליגי למכור לשום² נכרי:

And he (בן בתירא) does not prohibit from selling to any gentile even the Persians.

SUMMARY

We assume that בן בתירא permits selling horses (even) to Persians, since בן בתירא did not qualify his permissive ruling.

THINKING IT OVER

Why can we not say that בן בתירא, by mentioning in the ברייתא the reason for his permissive ruling, namely מפני שהוא עושה מלאכה שאין חייבין עליה חטאת, he is indicating that it is not a blanket היתר but it is מותר only if there is no איסור חטאת, however by the Persians since they are considered כפוחים there will be an איסור (like נתן ר') and this is indeed forbidden?

¹ ruled generally that one is permitted to sell to נכרים and he did not distinguish between Persians and other נכרים. See 'Thinking it over'.

² However if בן בתירא agrees with ר"נ regarding כפות (that אין נושא את עצמו); how can ב"ב permit selling even to Persians, since by them it can come to an איסור דאורייתא for he may come to rent it to them, which is forbidden because of שביתת בהמתו.