

22.9.10

149b (הוי שיור) → 150b (שייר קרקע כל שהוא)

- I Analysis of the משנה – “if he left any קרקע (and recovered)...”
- a רב – “כל שהוא” means “enough to sustain him”
 - b אבא בר אבא – needn't be קרקע – can be enough מטלטלין to sustain him
 - i Support (ר' זירא): the reason is that he is relying on it for his own maintenance – no reason מטלטלין wouldn't work
 - ii Challenge (ר' יוסף) states “land” and “כל שהוא” – excluding מטלטלין and no minimum
 - 1 Response (אבוי) קרקע doesn't always mean land (exclusively) and כ"ש doesn't always have no threshold
 - (a) קרקע ר"א's comment on ג:ח פאה – that “קרקע” includes מטלטלין as a שיור in giving estate to עבד
 - (i) Block: in that case, ר"ע had just mentioned כ"ש קרקע (for a list of הלכות), so משנה mentioned קרקע
 - (ii) ראשית הגז כ"ש as חכמים's minimum for הגז
 - (iii) Block: since ת"ק gave a large שעור, חכמים respond with a small one – and use “כ"ש” to express it
- II Interpreting declaration of a gift of מטלטלין
- a If: he said מטלטלין לפלוני – means all מטלטלין, except for foodstuffs
 - b But if: he said כל מטלטלין לפלוני – includes wheat/barley, even upper millstone (not lower – which is קרקע)
 - c And if: he said כל דמטלטל לפלוני – even lower (base) millstone
 - d Question: is a slave considered מטלטלין?
 - i Answer: above, t:ד – selling the city doesn't include מטלטלין; if he adds “including everything in it” – includes מטלטלין (else they would have been sold without adding שבתוכה)
 - 1 Block: if they are מטלטלין, why does the סיפא state אפילו עבדים – מטלטלין?
 - 2 Rather: we must distinguish between “stationary” מטלטלין and “mobile” מטלטלין
 - 3 Similarly: we may distinguish between “stationary” קרקע and “mobile” קרקע → no proof
 - ii Answer (רבנא לר' אשי): ג:ח פאה – and comment that מטלטלין considered שיור vis-à-vis עבדים, but not vis-à-vis כתובה
 - 1 Explanation: since עבדים are מטלטלין, any leftover מטלטלין are a שיור
 - (a) But: since כתובה is קרקע, not considered שיור; since held מטלטלין don't speak to the קרקע חיוב
 - 2 Response (רב אשי): we understand that מטלטלין interfere with the עבד's ability to acquire himself because it's not a fully excising גט (כרות גיטא)
- III נחמן's list of 5 circumstances where the entire estate must be assigned
- a שכ"מ – only if he assigns his entire estate may he renege on the gift if he recovers
 - b עבדו – only if he assigns his entire estate (leaving nothing to himself) to his slave does the slave go free
 - c אשתו – only if he assigns his entire estate to his wife do we consider that an appointment as אפוטרופא
 - d בניו – only if he assigns his entire estate to his sons and then gives his wife any amount of land – she loses כתובה
 - e מברחה – a widow who is remarrying and wants to keep her new husband's reach away from her property – she must assign her entire estate to a third party, implying that she intends to get it back if he divorces/predeceases her
 - i In all these cases: מטלטלין are a שיור (i.e. if s/he left anything unassigned, even מטלטלין, it's considered an incomplete assignment) except for כתובה
 - 1 Reason: רבנן decreed that only קרקע is accessible to כתובה
 - (a) אממר: any מטלטלין written into כתובה which are extant are also a שיור