

15.5.2

47a (לנשיא) → 48a (תנן התם)

- I Tangential discussion related to אבימי's question (at end of previous שיעור)
- a (משנה ז:ז) – if he bans certain fruit on himself, their exchanges (חילופין) and what grows from them (גידולין) are banned as well
  - b Question: what if he bans his fruit on another – does this include גידולין וחילופין?
    - i Lemma1: perhaps pre-existent items can be banned on himself, as he may also ban his fellow's property, but just as he may not ban his fellow's property on the fellow, similarly he may not ban items that don't yet exist on his fellow
    - ii Lemma2: perhaps since חילופין are conceptually the same as גידולין, the ban extends to all
  - c Answer1: if a man bans himself from benefiting from his wife, he may borrow and creditors collect from her (חילופין) → גידולין ≠ חילופין
    - i Rejection: perhaps this is only בדיעבד; *ab initio*, he may not benefit
  - d Answer2: if a man gives ערלה as קידושין, it is invalid; if he sells the ערלה and gives the proceeds as קידושין, it is valid (→ גידולין ≠ חילופין)
    - i Rejection: this is also *post facto*
    - ii Conclusion: in our case, as well, he may not benefit from חילופין but if he does so, isn't liable
- II משנה ד' interpreting עליך and עלי
- a if A says to B חרם עליך, B is banned from A
  - b if B says to A חרם את עלי, B is banned from A
  - c if either says עלי וחרתי עליך, they are banned from each other:
    - i they may benefit from public institutions,
      - 1 e.g. הר הבית, the courtyards of the מקדש and "rest areas" (water-cisterns on the road)
    - ii but not from municipal ones
      - 1 e.g. the plaza, the bathhouse, the בית הכנסת, the ארון and ספרי תורה
    - iii if he signs over his portion to the governor, it is permitted
      - 1 ר' יהודה: not only the governor, but to anyone – however, in case of signing over to the governor, no קנין is needed
      - 2 חכמים: a קנין is needed in both cases, the משנה mentioned the governor as that is the typical case
      - 3 Note: ר' יהודה points out that in גליל, there is no need to sign it over since their ancestors already did so
        - (a) Reason: they were mean-spirited and often took נדרים against each other, so their ancestors signed all of their common property over to the leaders so as to allow civic benefits