

18.03.06

30a (משנה ז') → 31a (לתרום תרומת מעשר)

1. וזה דבר השמטה שמוט כל בעל משה ידו אשר ישה ברעהו לא יגש את רעהו ואת אחיו כי קרא שמטה לה: דברים טו, ג.
 2. ונחשב לכם תרומתכם כדגון מן הגרן וכמלאה מן הקב: במדבר יח, כז.

- I תר"מ speculation on the yield vis-à-vis משנה ז'
- a if someone lends money to לויים or כהנים עניים against their potential tax from his yield...
 - i explanation: he lends them \$n; when he tithes, he sells their portion (e.g. תרומה to other כהנים) and pays off the loan with the proceeds; see below for more details about this "deal"
 - b ...he may separate assuming they're still alive (חזקת חיים) and, in the case of the עני, still poor
 - i however: if they died, he must get permission of their heirs; else, the money is forfeited
 - ii however: if he lent the money in ב"ד and they die, he doesn't need permission of ב"ד to pay back with תר"מ
 - c challenge: they never received the פירות; (how can they "pay back" with something they never got?)
 - i answer1 (רב) מכרי כהונה - this is the familiar כהן (or לוי or לוי) who always gets this fellow's תרומה
 - 1 Others: don't agree – משנה doesn't stipulate מכרי כהונה
 - ii answer2 (שמואל) he used someone else to acquire it on their behalf at the point of הפרשה
 - 1 Others: don't agree – משנה doesn't stipulate a third party being present to be זוכה on their behalf
 - iii Answer3 (עולא): follows ר' יוסי - when needed, someone who has not yet made a קנין is considered to have done so
 - 1 Others: don't agree – don't want to attribute משנה to a lone authority
 - d תוספתא - patterned after our משנה, adds a few details:
 - i value: he may set the value of the fruit at the lower rate (whichever is lowest – at time of loan or at time of הפרשה)
 - 1 note: if he didn't set the price, the default is שער הזול
 - ii usury: there is no violation of רבית here (even if the value of fruit is greater than the amount of the loan)
 - 1 reason: since, if there are no fruit, the loan doesn't get paid; if there are, there is no רבית
 - iii שמיטה: this loan isn't cancelled by שמיטה
 - 1 Reason: v.1 doesn't apply – בעל הבית cannot come after the כהן (e.g.) for the money
 - iv Retracting deal: he may not do so
 - 1 Explanation: the בעל הבית may not; the כהן may at any point before הפרשה, since there isn't a full קנין w/o משיכה
 - v ייאוש: if בעה"ב gave up on the crop – even though it later revived (because it had dried out) – debt is lost (ייאוש)
 - e ראב"י ruling of גיטין ג:א תוספתא
 - i If: he loaned money as per our case – and the loan was made in ב"ד - and the כהן (e.g.) died:
 - 1 לוי, כהן, לוי: he separates on behalf of the tribe and pays himself back the value of the loan
 - 2 עניי ישראל: he separates on behalf of עניי ישראל
 - (a) dissent: ר' אחי – on behalf of עניי עולם (meaning – עניי כותים – their dispute is re status of כותים)
 - 3 If, however: the עני became wealthy, the loan is forfeited
 - (a) Reason for distinction: death is common; a poor man becoming rich is not (explains aphorism)
 - f Analysis of 2nd clause – if לוי or כהן, לוי died
 - i רבי (+ר' יוחנן) – if the heirs received land, the בעל הבית may separate תרומה on their "account"
 - 1 ר' יונתן – as per the amount of land they received
 - 2 ר' יוחנן – even if they received a tiny bit, he can separate תרומה on a large account
 - (a) support: story with אב"י (in כתובות) where land was seized and then re-seized until full debt was paid
 - ii enigmatic ברייתא: if ישראל tells a לוי that he is holding his מעשר, the לוי doesn't have to worry about מעשר in it;
 - 1 however: if he said that he is holding X amount of מעשר, he must be concerned about תר"מ in it
 - (a) meaning1 (אב"י): if he tells the לוי that he sold the מעשר, the לוי need not be concerned that he made it תרומה מעשר to cover another gift; but if he gave a set amount, he should be concerned
 - (i) challenge (ר' מרשיא): are we dealing with wicked people?
 - (b) Rather: if he tells the son of a לוי that he has מעשר owed to his father and offers him the money...
 - (i) Challenge: are חברים suspected of separating המוקף?
 - (c) Rather (ר' אשי): if a man tells a לוי that his father owed מעשר, we must be concerned about תר"מ – since there's no set amount, he may not have "fixed" it – but if he has a set amount, there's no concern (flip of original)
 - (i) Note: a בעל הבית may separate מעשר תרומת as per the דרשה on v. 2