

20.9.6

97b (אמר רב פפא: כאן שהרקיבו כולן, כאן שהרקיבו מקצתן) 98b → (ד"ש: אין מחללין על מעות של כאן והן בבבל) 97b

1. ונתתה בכסף וצרת הפסוק בידך והלכת אל המקום אשר יבחר ה' אלהיך בו: דברים פרק יד פסוק כה
 2. והנה כי יחטא ואשם והשיב את הגזלה אשר גזל או את העשק אשר עשק או את הפקדון אשר הפקד אתו או את האבדה אשר מצא: ויקרא פרק ה פסוק כג

- I Continuation of discussion: status of coins not accepted locally but accepted in other provinces
- a Challenge to ר'נ's read of שמואל (allowing validity of non-local coins if affected party is traveling to there):
- i Re: חילול מע"ש – may not use non-local coins, even if he is eventually going to go there
- ii Answer: if the provinces don't allow commerce between them
- 1 Challenge: if so, how can coins in בבב be used?
- 2 Answer: can buy an animal there and bring it to ירושלים
- 3 Challenge: ordinance allowing all currencies in ירושלים
- 4 Answer: that's only if we are sovereign; if not, must be locally accepted
- (a) Tangent: description of Davidic and Abrahamic coins
- b Question asked of ר' חסדא (background: ר'ב's ruling that if someone borrowed using a coin as collateral and the coin was invalidated, he must give a current coin) – what if the government (instead) increased the size of the coin?
- i Answer: (still) gives that (new) coin
- 1 Challenge: what if the increase was sizeable (such that much more can be bought with it)?
- 2 Answer: nonetheless – but it depends; if the price of commodities went down due to the increased value of the coin, we deduct the difference; if due to the changed market value of the fruit, don't deduct
- (a) Challenge: he could melt down this new coin and make more coins of it (since they increased the size)
- (b) Answer: we follow practice of ר"פ ור"ה – that compared old and new coins of a merchant – if the increase was less than 20%, they allowed using new coins; else, they decreased the amount to match original value
- II דינא דגרמי:
- a דבה: if someone flicks another's hand, knocking a coin out into the sea – exempt
- i limitation: only if the water is clear and the coin can be seen
- ii limitation: only if he flicked the hand; if he took the coin and threw it, he must return it (השבת הגזילה)
- iii challenge: we may not be מחלל מע"ש on coins which aren't in proximity and under his control
- 1 answer: v. 1 requires – for מע"ש – that the coins be "tied" and in his control
- b דבה: if someone rubbed out the image on another's coin – exempt (he didn't do anything)
- i limitation: only if he hit it with a hammer, but if he filed it off, this is a real deficiency and he is liable
- 1 challenge: if he hit a slave near his eye and blinded him – עבד goes free
- (a) → damage without deficiency still generates liability
- (b) answer: רבה's consistent with his own ruling (in re: wounding parents) –if he deafens father, he is חייב מיתה
- (i) Reason: impossible to generate deafness without some wound
- c דבה: if someone tugs (and wounds) the ear of another's ox (and made it a בעל מום), exempt
- i reason: he didn't do anything, and not all oxen are set for מזבח
- 1 challenge: if someone uses פרת חטאת for work, only liable בדיני שמים
- 2 implication: if he actually wounded him, would be liable בדיני אדם
- 3 rejection: still only liable בדיני שמים; non-deficiency מלאכה picked to show that even there חייב בדיני שמים
- d דבה: if someone burns another's שטר חוב – exempt; he can respond that he only burned paper
- i challenge: if there are עדים, can be rewritten; if not, no way to know how much is owed (→no reason to state פטור)
- ii answer: could be a case where the debtor trusts the creditor as to the amount
- iii note: דינא דגרמי (ממון = דבר הגורם לממון) if ר"ש חכמים subject to dispute
- 1 challenge: שטר's position is only in re: something which has ממון-base, e.g. חמץ, but not a שטר
- 2 answer (אמימר): if you accept דינא דגרמי (ר"ש), even in re: שטר; if not, not (supporting story with רפרם and אשי ר' אשי)
- III Analysis of 3rd clause of משנה:
- a (הרי שלך לפניך) – he may return it as is ועבר עליו הפסח
- i הרי שלך לפניך authority is ר' יעקב, ר' who holds that in re: איסורי הנאה, the "holder" may say to the owner הרי שלך לפניך
- 1 Case: שומר of animal under whose watch it killed – even after גמ"ד he may return it "as is" and be exempt
- ii Rejection: all agree that we may say הרי שלך לפניך; dispute there is whether we can have גמ"ד on a שור w/o owner
- iii Note: הרי שלך... – (גמ"ד before – שור) – (incl. איסורי הנאה) ר' חסדא found שמואל בר רבה who interpreted v. 2 as extending to שור
- 1 Observation: can't be יעקב ר', as he would extend this right even after גמ"ד → even רבנן agree
- b Final note: in re: פירות – only if they all rotted may he say הרי שלך... if only some, pays הגזלה as per משנה