

(לרבות כל דבר שיש עליו צורה) 47b → (אמר רבה אמר רב הונא: מכור לי באלו) 21.4.4; 46b

1. וזאת לפנים בישראל על הגאולה ועל התמורה לקיים כל דבר שלף איש נעלו ונתן לרעהו וזאת התעודה בישראל: רות פרק ד פסוק ז
 2. ויאמר הגאול לבעז קנה לך וישלף נעלו: רות פרק ד פסוק ח
 3. ואם בבהמה הטמאה ופדה בערפך ויסף חמשתו עליו ואם לא ינאל ונמכר בערפך: ויקרא פרק כו פסוק כו
 4. לא יחליפנו ולא ימיר אתו טוב ברע או רע בטוב ואם המיר ימיר בהמה בבהמה והיה הוא ותמורתו יהיה קדש: ויקרא פרק כו פסוק י
 5. ונתתה בפסוף וצרת הפסוף בידך והלקת אל המקום אשר יבחר ה' אלהיך בו: דברים פרק יד פסוק כה

- I **אמר ר' הונא** (when the seller didn't bother to count the coins) **מכור לי באלו**
- a **רבה** is valid and the rule of **אונאה** applies
- i **חליפין** is valid, even if he didn't yet take the goods – since it's like **מכור**
- ii **אונאה** applies, because he said **מכור**
- b **חליפין** is valid, rule of **אונאה** does **not** apply, as it should be considered fully
- c **קנה** – Discussion: it's clear that if he buys, using money as coin, and doesn't care about the amount –
- i **Question**: what if it is done as **חליפין** but he shows that he cares about the amount of coins –
- 1 **Lemma1**: since the transaction is **חליפין**, the **קנין** is valid without **משיכה** OR
- 2 **Lemma2**: since he demonstrates that he is **מקפיד** on the amount, it should be treated as **דמים**
- ii **Suggested solution** (ר' אדא בר אבהו): if A offers to buy B's donkey for his cow and they set values, **קנין** isn't complete until both have taken their respective purchases → if they are **מקפיד** on the amount, no **קנין** pre-**משיכה**
- 1 **Challenge** (ר' אבהו): in all cases of **חליפין**, the buyer is certainly **מקפיד** on the value,
- 2 **rather**: in that case, **פרה** and a **למב** was sold for **משיכה** (of the cow) was incomplete → no **קנין** at all
- d **conclusion**: **ר' הונא** seems to hold that a coin may be a vehicle for **חליפין**
- i **rejection**: he holds like **ר' יוחנן** that **משיכה** generates the **קנין**, that **משיכה** was introduced as a condition of a valid **מכור** to protect buyer, but that was only applied to normal commerce, not an odd case like **מכור** to protect **קנין**
- ii **support**: we have an explicit ruling that **ר' הונא** stated that coins are **not** a valid vehicle for **חליפין**
- II **Dispute ר' רב/לוי** re: whose **כלי** is used for the **חליפין**
- a **כלי** of the buyer – since the seller receives the **כלי**, he wholeheartedly sells the goods
- i **Support**: **ת"ק** in associated **ברייתא**, interpreting vv. 1-4
- 1 **ברייתא** v. 1 indicates that **גאולה** (sale, as per v. 3) and **תמורה** (as per v. 4) are done with **נעל**
- (a) **נעלו**: the genitive in the last word of v. 2 "נעלו" points to **נעל**
- b **כלי** of the seller,
- i **Support**: **יהודה** in associated **ברייתא**, interpreting vv. 1-4; the genitive in the last word of v. 2 "נעלו" points to **נעלו**
- ii **Challenge**: it seems as if the land (being sold) is purchased **אגב** the **כלי** (or shoe)
- 1 **Explanation**: this reverses the mode of **אגב** in **קנין** אגב – land is the base, **מטלטליו** "tag along"
- 2 **Defense**: it isn't bought **with** the **כלי**, rather with the **הנאה** that the recipient is **accepting** the **כלי**
- III **Dispute ר' ר'ש/ר'נ** re: using **פירות** as vehicle of **חליפין**
- a **פירות** we may use a **כלי** worth less than **פירות**
- i **ר'נ**: only applies to a **כלי** (akin to **נעל** in v. 1), but not **פירות** (excluded from **חליפין**) – must be **פירות**
- ii **ר'ש**: even applies to **פירות**, as **כל דבר** extends beyond **נעל**
- 1 **ר'נ**: **כל דבר** extends range of **נעל** to all forms of transaction
- 2 **ר'ש** defines vehicle of **קנין** as a complete item, excluding half a fruit (e.g.)
- b Analysis of language of **שטר** which testifies to **קנין חליפין** – **במנא דכשר למקניא ביה**
- i **מנא** – supports **ר'נ** (not fruit)
- ii **כשר** – excludes **מרוקא** (which **שמואל** allows; several interpretations of word all point to degrading vessel)
- iii **למקניא** – **לוי** – must be vessel owned by **קונה**
- iv **ביה** – **ר'פ** – excludes coin; **ר'ז** (or **אשי**) – excludes **הנאה**, but **מרוקא** is obviously excluded
- 1 **Version**: **ביה** – excludes coin and **כשר** excludes **הנאה**, but **מרוקא** is obviously excluded
- IV Analysis of clause in our **משנה** – **אסימון**; definition
- a **רב**: a token used for the bathhouse attendant
- i **Challenge**: that description (**מעות הניתנין בסימן**) is used along with **אסימון** (in list of invalid objects of **מע'ש**)
- 1 **Suggestion**: perhaps the one explains the other
- 2 **Rejection**: **ר' דוסא** validates but **אסימון** invalidate use of **אסימון**, but they agree that **מעות הניתנין** may not be used
- b **ר' יוחנן** claimed that **ר' דוסא** and **ר' ישמעאל** concurred:
- i **ר' דוסא** as above – may use **אסימון מע'ש**
- ii **ר' ישמעאל** **ר'ע** in interpreting v. 5; **ר'ע** invalidates use of slug, whereas **ר'י** permits