

22.3.21

55a (אמר רבה הני תלת מילי) → 56a (ערדיסקיס, אסיא, ואספמיא)

1. ויעל משה מערבת מואב אל הר נבו ראש הפסגה אשר על פני ירחו ויראהו ה' את כל הארץ את הגלעד עד דן: ואת כל נפתלי ואת ארץ אפרים ומנשה ואת כל ארץ יהודה עד הים האחרון: ואת הנגב ואת הפקר בקעת ירחו עיר התמרים עד צער: דברים לד, א-ג

- I 3 dicta of שמואל as preserved by רבה
- a דינא דמלכותא דינא
 - b The standard of sharecropping contracts is 40 years – beyond that is a חזקה
 - c If tax collectors sell land that they've seized for collection – the sale is valid
 - i Note: only for property tax (טסקא) but not "head tax" (כרנא)
 - 1 Reason: head tax is a personal liability and divorced from his property
 - ii Dissent (ר' הונא בריה דר'י): everything he owns (even "barley in the jar") is under lien for כרנא
 - 1 Challenge (אמימר): if so, we've erased ירושת בכור
 - (a) Explanation: since a בכור only takes double in that which father held, free and clear, before death, and now nothing is free and clear - (only "ראוי לבוא לאחר מיתה") – פי-שנים no
 - (b) Response: that could even be true about property tax – but we can answer that – if he paid and then died
 - (i) Similarly: he could have paid כרנא and then died (and all property is free and clear for ירושת בכור (ירושת בכור
 - (c) Report: רבא's scribes claimed הלכה follows דר'י – ר' הונא בריה דר'י – but that isn't the case, they were just trying to confirm their own שטרות of sale of such properties that were seized by כרנא-collectors and sold
 - d Related ruling of ד' אשי פרדכת (someone who isn't working and pays no income tax) must help community with the tax
 - i Note: only if they relieved him of his share; if the tax collectors forgave it, this is סייעתא דשמיא and he needn't help
- II יוחנן
- a פאה וטומאה (ר' יוחנן according to ר' אסי): is considered a boundary for הגר נכסי, but not for פאה וטומאה
 - b dissent (ר' יוחנן according to report brought by ר' יוחנן): considered a boundary for פאה and טומאה, but not for שבת
 - i פאה: as per ר' אסי – פאה ב: paths, ravines etc. which divide field and generate independent obligations for פאה
 - ii טהור – טהור: as per ר' אסי's opinion (טהרות ו:ה) – if ספק if he entered the area where the טומאה was – טהור
 - c dissent (רבא): even considered a boundary for שבת, as per ברייתא:
 - i If: he carried ½ a שיעור out to רה"ר and placed it there, then brought out another ½ שיעור and placed it
 - 1 If: it was in one period of forgetfulness – חייב; if he remembered in between – פטור
 - 2 Dissent (ר' יוסי): even if one העלם, if he placed each half in a distinct רה"ר
 - (a) דבה: as long as there is a רה"ר between them
 - (b) אבני: even if there is a כרמלית between them, but not just a wood platform
 - (c) דבא: even a wood platform (and, in our case, even a חצב)
 - (i) note: רבא follows his own reasoning; he equates domain definitions of שבת with those for גיטין
 - d what if: there is no boundary or חצב? (how much is acquired in הגר נכסי?)
 - i ר' מרינוס (in יוחנן): whatever is called the גר's property – whatever he would water from his cistern
 - e notes about חצב רב: – that was what יב"נ used to mark boundaries in א"י
 - f tangent (רב): all cities mentioned in יהושע (chapters 15-19) are border cities
 - g Tangent (שמואל): only the area which משה ה' showed (v. 1) has obligation of תרומ"מ
 - i Excluding: קיני קניזי קדמוני (cf. בראשית טו: יט)
 - ii ד"מ: excluding southwest Jordan
 - iii ד' יהודה: excluding southern Jordan
 - iv ד' ש: excluding areas in Syria and Asia Minor