

22.4.5

65a (משנה ג) → 67a (אפילו מעמלא דבתי) →

1. ויונתן לא שמע בהשביע אביו את העם וישלח את קצה המטה אשר בידו ויטבל אותה ביערת הדבש וישב ידו אל פיו ותארנה עיניו: שמ"א יד, כז

- I 'משנה ג': which house-vessels are automatically included in sale of the house
- a *general rule*: anything considered "fixed" is included
- i *examples*: the door, fixed mortar (for pounding spices), base of mill,
- ii *but not*: the key, portable mortar, sieve of mill, oven, stove-top
- b *exception*: if he stipulates that he is selling "the house and all of its contents" – all are included
- i *observation*: this משנה seems to stand *contra* ר"מ, who ruled that the sale of a כרם brings with it all appurtenances
- 1 *block*: in that case, the peripherals to the vineyard are fixed there; here, the excluded items are temporary
- 2 *save*: in our case, the "key" is also the permanent key, yet it is excluded
- (a) *conclusion*: our משנה stands *contra* to ר"מ
- II *Parallel זרייתא*: includes door hinge and lock, excludes key etc. as per our משנה
- a *Dissent*: אליעזר - ר' א - anything attached to the ground is considered as קרקע → anything else is excluded from sale
- i *Application to the זרייתא*: the "fixed" mortar is excluded
- b *Discussion*: in re: sequence of affixing a pipe in re: defining water that comes through as מים שאובים
- i *Ruling*: if he hollowed it and then put it in place – generates מים שאובים
- ii *But*: if he put it in place and then hollowed it out – not מים שאובים
- 1 *observation*: this follows neither ר"א nor רבנן (who disagree with him)
- (a) *question*: which ruling of ר"א stands *contra* this?
- (i) *suggestion*: our ruling about the sale of a house
1. *explanation*: the mortar is always part of the house (קרקע) → the pipe should never generate מ"ש
2. *rejection*: perhaps the dispute here is in re: the generosity of the seller (as per ר"ע/חכמים)
- (ii) *suggestion*: ר"א's position re: a beehive (שביעית י:ז) = קרקע (→ not טומאה, is considered תולש)
1. *rejection*: his reasoning there is based on the juxtaposition in v. 1
- (iii) *suggestion*: ר"א's position (כלים ט:ב) - a "baker's board" that was fixed onto the wall is טהור
1. *challenge*: if ר"א is the author of the מקוה-ruling, he should even permit if it was affixed first
2. *answer*: it is ר"א, he is lenient re: the baker's board, as עץ כלי פשוטי is טומאת פשוטי כלי
- a. *implication*: the invalidity of מים שאובים is מה"ת
- b. *rejection*: we hold that מים שאובים דרבנן
- c. *additional rejection*: ר' יוסי בר חנינא reads the dispute about the baker's board as extending to a case where the board is metal (and טומאת פשוטי כלי מתכות is certainly מה"ת!)
3. *answer*: it is רבנן, and they are lenient regarding קבעו ולבסוף קבעו, since מים שאובים דרבנן
- a. *challenge*: they should be lenient even if it was hollowed out first
- b. *defense*: in that case, it was already defined as כלי before being affixed
- c *related question* (ר' יוסף): if it was raining and the owner intended to let the base of the mill be washed
- i *according to ר"א*: it is clear that since anything attached to the ground is כקרקע; this is not טומאה לטומאה מוכשר
- ii *question*: according to חכמים, is it considered like קרקע or not? תיקו
- d *ruling sent from מומבדיתא to גהרדעא*: when a particular woman comes to your court to collect money from an estate for her support (she is a widow), you may collect even from the base of the mill (i.e. it is considered קרקע)
- i *דב אשי*: when we were in רב כהנא's academy, we would collect even from rental income (considered קרקע)