

22.4.7

68a (משנה ז) → 68b (המוקצין הימנה)

1. הנתן מטר על פני ארץ ושלח מים על פני חוצות: איוב ה, י
 2. שלחין פרדס רמונים עם פרי מגדים קפרים עם נרדים: שה"ש ד, יג

I ז' משנה: sale of a city

- a includes: houses, cisterns, caverns etc. bathhouses, dove-cotes, olive-presses and בית השלחין (discussed below)
- i excludes: moveable property (including oven, as per above)
- ii however: if he stated "all of its contents", includes *even* animals and slaves
- 1 inference: מטלטלין are considered עבדים
- (a) meaning of "even" (אמילו): we might distinguish between moveable מטלטלין (e.g. slaves) and "stable" קמ"ל – מטלטלין (like an oven)
- (b) development: if so, עבד could even be considered קרקע; he isn't sold otherwise as he's "movable" קרקע
- iii ז' משנה: selling the city includes selling the סנטר (discussed below)
- 1 meaning: "here" they render סנטר as אנקולמוס; ר' שמעון בן אבטולמוס
- (a) note: "here" they would certainly agree to the outer fields, but רשב"ג would not accept gendarme
- (b) testing approaches:
- (i) our משנה makes explicit mention of בית השלחין
1. version 1: we assume בית השלחין are fields (as per v. 1)
- a. read: ת"ק already allowed fields, רשב"ג must be extending to city guard
- b. block: בית השלחין may mean gardens (as per v. 2)
- i. In which case: רשב"ג is extending to outer fields
2. version 2: we assume בית השלחין are gardents (as per v. 2)
- a. read: ת"ק allows for gardens, רשב"ג extends to outer fields
- b. block: בית השלחין may mean outer fields (as per v. 1)
- i. In which case: רשב"ג means "gendarme"
3. results: inconclusive
- (ii) ת"ק rules that סנטר is not included, but אנקולמוס is included
1. we assume: that אנקולמוס is a position (person) → סנטר is also a person (gendarme)
- a. rejection: perhaps one is a position, the other is a field (reject implied parallel)
- (iii) challenge: how could we suggest that according to ר"י, fields aren't sold?
1. Support: סיפא of that ברייתא: when selling a city, the following are excluded:
- a. שייריה which are interpreted as patches of land disconnected from main fields
- i. implication: regular fields are included
- ii. fix: יהודה ר' includes סנטר, excludes אנקולמוס
- iii. Challenge: יהודה ר' cannot agree with רשב"ג, as they disagree about hamlets
- iv. Answer: he agrees with him about fields, disagrees about hamlets
- b. the associated hamlets
- c. forests that are connected to the city
- d. animal, bird and fish preserves
- i. challenge: ruling that animal reserves etc. are included
- ii. answer: if they open to the city, included; if not – excluded
- iii. challenge: the forests which are connected to the city are excluded
- iv. answer: read "disconnected" from the city