

## 24.1.2

3a (משנה א2) → 4a (קמ"ל) (הכא אוקי תרומה אחזקה, קמ"ל)

1. וזה דבר השמטה שמוט כל בעל משה ידו אשר ישה ברהו לא יגש את רעהו ואת אחיו כי קרא שמטה לה: דברים טו, ב.  
 2. השמר לה פן יהיה דבר עם לבדך בליעל לאמר קרבה שנת השבע שנת השמטה ורעה עינך באחיד האביון ולא תתן לו וקרא עליך אל ה' והיה בך חטא: דברים טו, ט.

- I 2א figuring the debt of עדים זוממים who (falsely) testified to a divorce and debt of כתובה
- Reality check*: he may end up owing her the כתובה (→ the ע"ז couldn't deprive him the full amount)
  - Therefore*: we estimate what his present value is, as per what someone would pay against the possibility that she would become widowed or divorced (and would collect כתובה) against chances that she would predecease him and he would inherit her כתובה
  - Question*: how do we assess (we will follow רש"י's favored approach)?
    - נכסי מלוג, i.e. what someone would pay for his interest (including current income from מלוג)
    - ד' נתן בר אושעיא: by the woman; i.e. total value of כתובה minus her interest
    - ד"פ: the woman but only the כתובה (don't figure in נכסי מלוג)
- II 3א figuring debt of ע"ז, who (falsely) testified to a debt due in 30 days, which is really due in 10 years
- Reality check*: in any case, the money was due
  - Therefore*: we estimate what someone would pay to hold that amount for 10 years minus 30 days
- III *Backdoor* סוגיא שמואל's ruling about שמיטה cancelling a 10-year debt
- Version #1*: שמיטה cancels the debt, even though v. 1 doesn't apply yet, it will apply after שמיטה is over
    - Challenge* (ר' כהנא): our משנה; if debt would be cancelled, ע"ז would've deprived בע"ח of entire amount
    - Answer*: perhaps it was a debt with a "endaround", e.g. with a משכון or מוסר שטרותיו לב"ד
  - Version #2*: שמיטה does not cancel the debt; as v. 1 doesn't currently apply
    - Support* (ר"כ): our משנה
    - Block*: perhaps in our case, the debt was worked with an "endaround" as above
- IV Tangential rulings related to שמיטה and conditions that abrogate הלכה ("מתנה ע"מ שכתוב בתורה")
- שמואל: if someone makes a loan on condition that שביעית won't cancel it – שביעית cancels it
    - Challenge*: שמואל holds that מתנה ע"מ שכתוב בתורה – the condition is valid
      - Source*: dispute שמואל in re:selling an item on condition that the buyer has no claim of אונאה:
        - שמואל: he has no claim of אונאה (i.e. condition is valid)
        - Answer* (ר' ענק): "there is no אונאה" – invalid; if he states "on condition that **you don't claim** אונאה" – valid
          - Similarly: if he states תשמיטיני שביעית – valid; but ע"מ שלא תשמיטיני שביעית – invalid
    - ברייתא: a loan, unless indicated otherwise, may not be collected before 30 days (minimum)
      - רב"ח (to רב): this should only apply to מלוה בטור (no one would trouble writing a שטר for <30); not מלוה ע"פ
        - Response*: ר' חייא ruled that it applies to either (supporting ברייתא)
        - Source* (ר' מתנה): v. 2 – שנת השמיטה is superfluous; refers to "שמיטה-mini" of 30 days during which יגוש לא
- V two rulings where ר' כהנא challenged רב's ruling, quoted by רב יהודה – and ruling was defended
- חייב – שבת on Opening garment's neck hold
    - challenge*: uncorking barrel] [*defense*: uncorking vs. making new hole]
  - פסול of מים שאובים with a bit of wine and color is wine that fell into מקוה – not פסול
    - challenge*: מי צבע [*defense*: מי צבע are called "colored water"; this is called "diluted wine"]
      - Challenge*: ר' חייא reported that such a מקוה was invalid!
      - דבא – כמראה יין in 3 לוגין fell in, even if ת"ק (מקוואות ד"ה) ת"ק who, by implication, would rule that if 3 לוגין fell in, even if ת"ק followed רב (ibid) who has the consequence solely dependent on the color
        - But: ר"פ was unsure if the משנה reads "minus קורטוב" or not
        - Challenge*: ר"פ was unsure if the משנה reads "minus קורטוב" or not
        - Answer*: רבא was sure that it did → ת"ק would disagree with רב's ruling
          - Note*: רב יוסף was equally sure – that רב did not read חסר קורטוב and רב's ruling is הכל לדברי הכל
  - Tangential ruling, also יהודה in רב's name, in re 3 לוגין of מים שאובין falling into a מקוה
    - If*: a barrel with 3 לוגין fell into the sea, and someone is טובל on that spot, still טמא
      - Reason*: we're concerned that he was טובל in 3 לוגין of מים שאובין in one spot
      - Support*: ברייתא – if a barrel of wine fell into הגדול of 3 לוגין, if someone is טובל there – still טמא
        - Similarly: if (after he went in) a loaf of תרומה fell there – it is now טמא
        - חידוש: man had חזקת טומאה; but loaf had חזקת טהרה yet we render it טמא as a result