

20.9.9

100b (משנה ד') → 102a (דאי כרבנן איכא נמי משרה וכבוסה)

1. וכי תבאו אל הארץ ונטעתם כל עץ מאכל וערלתם ערלתו את פריו שלש שנים והיה לכם ערלים לא יאכל: ויקרא פרק יט פסוק כג  
 2. ולבהמתך ולחיה אשר בארצך תהיה כל תבואתה לאכל: ויקרא פרק כה פסוק ז  
 3. והיתה שבת הארץ לכם לאקלה לך ולעבדך ולאמתך ולשכירך ולתושבך הגרים עמך: ויקרא פרק כה פסוק ו

- I משנה ד' Damage caused to the wool by the dyer
- a If: he gave the dyer his wool and it was burned in the vat, the dyer is liable for the value of the wool
  - b If: he deliberately dyed it with the dregs of the vat, בע"ה owes the dyer the lesser of the expense or the improvement
  - c If: he dyed it the wrong color
    - i מ"מ: the dyer owes the בע"ה the value of the wool
    - ii ל"י: the בע"ה owes the dyer the lesser of improvement or expense
    - iii Note: parallel dispute in re: giving wood to a carpenter to build a chair, built a bench (or vice-versa)
      - 1 However: ר"מ agrees in case where he was to build a fine chair and built a poor one, that he is paid the lesser of xpns/imp
- II Question posed: is color considered a שבת?
- a Framework of question: if he stole wool and dye of another and dyed it, is the improvement his?
    - i Rejection: in that case, he acquired the dye via שנוי
  - b Rather: he stole wool and dyed them with already soaked dye
    - i Rejection: he certainly owes the dye
  - c Rather: the dyer can say to the owner that he can remove the dye (via צפון)
    - i Rejection: in that case, it wears away the garment and isn't considered a השבת הגזלה
  - d Rather: he stole wool and dye of another and dyed the wool
    - i Can: the נגזל demand his dye back?
      - 1 Challenge: he certainly cannot, since the wool was improved
      - 2 Block: could be a case where dyed wool depreciated such that the dye was worth more
      - 3 Could be: case where a monkey (e.g.) dyed it – so no act of dyeing directly improved wool (reads this way רבינא)
  - e Proposed answer: ruling that a garment dyed with ערלה must be burned → color is significant
    - i Rejection: ערלה is more stringent as per v. 1
  - f Proposed answer: parallel ruling in re: שביעית
    - i Rejection: שביעית "holds" on to its identity as per v. 2
  - g Tangent: רבא found contradiction between our ruling in re: ערלה and ruling that דם of a victim doesn't define clothes without a significant amount
    - i Resolution: ruling of דם was in re: דם תבוסה which only generates טומאה דרבנן
  - h Tangent: רבא found contradiction in re: שביעית
    - i Ruling: dyes of שביעית trees are treated like שביעית (e.g. for ביעור)
    - ii Contra: vines and shoots are only considered שביעית בקדושת if taken for food, not for other purposes
      - 1 Resolution: v. 3 – only applies to growth where benefit is simultaneous with destruction
        - (a) Challenge: trees which are used as light
        - (b) Answer: the default assumption of wood is used as fuel, not light itself
    - iii Suggestion: the assumption that עצים are generally used as fuel is a dispute יוסי ר' רבנן:
      - 1 Using שביעית פירות for laundry soaking: רבנן – prohibited as per v. 3; ר"י – permitted as per לכם
        - (a) use לכם – only applies to things where הנאה and ביעור happen together, just as אכילה
        - (b) uses לאכלה - and not for a bandage
          - (i) Question: why exclude bandages but include laundry-soaking?
          - (ii) Answer: laundry is something used by all, as opposed to bandages
            - 1. Note: ברייתא (ר' יוסי follows) excludes use of פירות שביעית for bandages, for spraying in house (as a perfume) or as an emetic