

21.9.4

105b (משנה ו') → 106b (לית דחש לה לדרכי יהודה)



- I 'משנה ו' a leased field which is attacked by locusts etc.
- a *If*: it is pandemic, the owner must lower the rental fee
- b *But if*: it is a local plague, the owner need not lower the rental fee
- i *Definition of "pandemic"*:
- 1 *דב יהודה*: if a majority of that entire valley was affected
  - 2 *עולא*: if 4 fields were affected from 4 different directions
    - (a) *עולא*: series of related questions asked in "א" (based on his reported ruling above) - all unresolved
      - (i) *If*: one furrow across the width of an entire field is hit
      - (ii) *If*: one furrow remained "unhit"
      - (iii) *If*: afflicted area is separated from the field in question by an empty field, by straw, by other crops
      - (iv) *Is*: wheat considered "different" than barley?
      - (v) *What if*: the plague that hit the field in question was different (edema vs. blight)?
    - (b) *If*: the owner wanted him to plant wheat and he planted barley and it was afflicted
      - (i) *Can*: the renter claim that had he planted wheat, it would have also been afflicted OR
      - (ii) *Can*: the owner point to v. 1 and claim that had the renter planted wheat it would have succeeded?
    - (c) *If*: **all** of the owner's fields were hit, but not a majority of that valley?
      - (i) *Reasonable*: that it is the renter "at fault" and rent needn't be reduced, as per v. 2
    - (d) *If*: **all** of the renter's fields were hit, and a majority of that valley?
      - (i) *Reasonable*: that it is the renter is "at fault" and rent needn't be reduced, in spite of v. 2
    - (e) *Challenge*: plague, שמיטה or years like those of (מ"א זי-יח) אליהו, aren't reckoned towards חכירות (no payment)
      - (i) *Implication*: if there was any produce (unlike "שני אליהו"), no reduction (we don't claim מכת מדינה)
        1. *Defense*: as per v. 3, as long as there is any produce in the world
        2. *Challenge*: if so, שמיטה should count, as there is produce in ח"ל
        3. *Defense*: שמיטה is a "royal confiscation"
          - a. *Challenge*: if so, שמיטה shouldn't be counted towards reduction for redemption
          - b. *And*: he pays as per 1 סלע + פונדיון per year (i.e. שמיטה is reckoned)
          - c. *Answer*: the land may be used for non-agricultural uses (e.g. drying fruit)
  - 3 *Limitation (שמואל)*: only reduced if he planted and then it was hit by locusts,
    - (a) *But*: if he never planted, owner can claim that v. 4 may have materialized and he would've been spared
      - (i) *Challenge*: ruling about a shepherd who leaves flock and they are attacked
        1. *Ruling*: we reckon if he would've been able to have saved them (and don't assume v. 5)
          - a. *Defene*: shepherd responds that if a miracle was to occur, would've been like רחב"ד
            - i. *Story*: his sheep brought the wolves on their horns
          - b. *Block*: owner could claim that a minor miracle may have occurred – קשיא
  - 4 *Limitation (ברייתא)*: may only reduce if he planted 2 (or 3 – רבי/רשב"ג) times and it didn't succeed
  - 5 *limitation (ר"ל)*: only if it grew and was hit; not if it never grew
    - (a) *in which case*: he must continue planting, until end of planting season
      - (i) *which is*: until the workers all come in and Pleiades is overhead (mid-late January)
        1. *challenge*: v. 6 is interpreted as representing sets of 2 months, the latest of which is the end of סלו
        2. *answer*: that's referring to early seeding; ours is referring to late seeds
- ii *Dissent (ר' יהודה)*: if the rental is for a monetary fee (and not to be paid from the produce), he needn't lower the fee in either case (whether widespread or local)
- 1 *Story*: רבא ruled against ר' יהודה and ordered a cash payment be reduced when the river was dammed up