

21.9.5

106b (משנה ז) → 107b (הא - דלא מהדר ליה שורא ורתקא, הא - דלא מהדר ליה שורא ורתקא)

1. שארית ישראל לא יעשו עולה ולא ידברו כזב ולא ימצא בפיהם לשון תרמית כי המה ירעו ורבו ואין מחרידי: צפניה פרק ג פסוק יג
 2. ברוך אתה בעיר וברוך אתה בשדה: דברים פרק כח פסוק ג
 3. ברוך אתה בבאך וברוך אתה בצאתך: דברים פרק כח פסוק ו

- I משנה ז: paying הכירות from the field itself
- a If: he rented a field for 10 כור per year and it suffered, he needn't buy good wheat but may pay from the yield
 - b And if: the field yielded excellent wheat, he may not pay from other wheat but must pay from the field
 - i Story: man leased field to plant feed, it produced it and then he plowed it and planted barley which had blight
 - 1 Ruling: in this case, the land "did its job"
 - ii Story: man leased orchard for 10 barrels of wine, which went bad (vinegar)
 - 1 Consideration: perhaps, following משנה, he pays from these (bad) barrels
 - 2 Ruling (ר' אשי): in this case, the land "did its job" and he must pay with good
 - (a) However: ר' אשי agrees in a case where the grapes became wormy or the sheaves were blighted
- II משנה ח: changing the terms of the הכירות
- a If: he leased a field to plant barley, he may not change to wheat (harder on field) but may change wheat → barley
 - i Dissent (רשב"ג): may not change in either direction (as per v. 1)
 - b If: he leased a field to plant grain he may not plant legumes (harder on field), but may change legumes → grain
 - i Dissent (רשב"ג): may not change in either direction (as per v. 1)
 - 1 Challenge (ר' חסדא): רשב"ג allows moneys given for פורים to be used by poor man for whatever he chooses
 - (a) Answer (אב"י): as per חסדא's own instruction: rotating crops is bad for the field (unless he plows twice between harvest and planting)
 - ii Note: in בבל, they taught the opposite (grain → legumes is ok)
 - 1 Resolution: in בבל, legumes are easier on the land than grain
 - iii Tangential rulings of רב יהודה (to רבין בר ר"ג):
 - 1 cress growing among flax isn't considered גול (if taken)
 - (a) Reason: it helps the flax as the cress destroys some of it
 - (b) However: if it grows on the border of the property – it is
 - (i) And: if it hardens for sowing, in any case, considered גול
 - (ii) Reason: whatever loss was incurred happened already
 - 2 Neighboring fruit trees: some belong to this owner, some to the other owner
 - (a) As per: רב – treesplanted on the border are owned by whichever side the branch leans to
 - (i) Dissent (שמואל): split
 - (ii) Challenge (to רב): if a tree is on the boundary, the owners split the fruit
 - (iii) Response (שמואל on behalf of רב): that's in case the tree fills the entire width of the boundary
 - 1. Challenge: in that case, the split is obvious
 - 2. Justification: case where the weight of the tree leans in one direction
 - a. Reason: other can argue – why divide it widthwise, divide it breadthwise
 - 3 Advice about עין הרע: don't buy land near city (as per רב's dictum about not looking at another's field with grain fully ripe)
 - (a) Challenge: רב interpreted vv. 2-3 as a blessing that included having the field near the city
 - (i) Note: ר' יוחנן interpreted בעיר as proximity of בית הכסא to the table; so as to increase פסיעות שכר
 - (ii) Answer: if the field is fenced, it is better to have it near town; if not, better to be afar