

22.2.1

17a (כדי שלא יעכב המחרישה) → 18a (משנה א')

- I 'א: obligation to distance damaging items from neighbor's property
- a A may not dig a cistern, long, narrow ditch, cavern, irrigation ditch or laundry pool until he distances ג"ט from his neighbor's wall and plasters his construction
- i *Question*: why does the משנה begin with distancing from a cistern and conclude with distancing from a wall?
- 1 *Answer*: referent is the wall of the cistern – teaching that that width is typically ג"ט
- b *and*: olive remains, manure, salt, plaster & boulders must be set up at least ג"ט away from his neighbor's wall w/plaster
- c *similarly*: neighbor may not plant, plow or leave urine within ג"ט of wall
- i *mill*: must be ג"ט (from bottom rock – שכב – ד"ט from top rock – רכב) away from neighbor's wall
- ii *oven*: must be ג"ט (from bottom lip – שפה – ד"ט from upper lip – כליא) away from neighbor's wall
- II dispute רבא/אביי regarding obligation of first cistern-digger to distance himself from neighbor's property
- a אביי: may dig right at the boundary
- b רבא: must distance himself ג"ט
- i *Version 1*: if the field is made for water excavations – e.g. an irrigated field, all agree that he may not dig
- 1 *Dispute*: only in field that doesn't usually need pits
- (a) אביי: since there are no pits, he may dig his at the boundary
- (b) רבא: other neighbor may argue that just as he changed his mind and decided to dig, so may he
- ii *Version 2*: if the field isn't made for excavations, all agree that he may dig
- 1 *Dispute*: only in field that usually needs pits
- (a) אביי: (even according to רבנן [יא] [משנה יא] who require distancing a tree 25 אמות from a בור – that's only in a case where there's already a cistern in place; here, there's no cistern) no need to distance
- (b) רבא: (even according to ר' יוסי [ibid] who allows each to dig/plant in his own territory – that's only because when he plants, there are no roots to hurt the cistern, but here) the neighbor can claim that each bit of dirt excavated weakens his own earth
- iii *Testing against our משנה and related ברייתא*:
- 1 *Clause 1*: implies that if the neighbor has no cistern, the other may dig right up against the boundary
- (a) *Version 2*: fits, and רבא will explain that our משנה is in re: a field that doesn't usually take excavations
- (b) *Version 1*: however, doesn't work for רבא
- (i) *Defense*: we've already interpreted the "wall" in our משנה as the wall of the cistern, not of the property
- (c) *alternate*: implication of our interpretation of "wall" → difficulty for אביי according to version 2
- (i) *defense*: case may be where they came to dig simultaneously
- 2 *ברייתא*: in case of soft earth, each must dig from a distance of ג"ט and plaster the cistern
- (a) *Answer*: soft earth is different
- (i) *Note*: reason for need to teach this case - סד"א soft earth requires greater distance
- 3 *Clause 2*: olive remains, manure etc. are distanced from the wall –
- (a) *Implication*: if no wall, no need to distance
- (b) *Rejection*: even if no wall, may not place these up at boundary;
- (i) *Justification*: to teach that these things harm a wall
- 4 *Clause 3*: no planting or plowing within ג"ט of the wall –
- (a) *Implication*: if no wall, no need to distance
- (b) *Rejection*: even if no wall, may not engage in these up at boundary;
- (i) *Justification*: to teach that liquids harm a wall
- 5 *Clause 4*: mill must be removed from wall (same implication, same rejection and justification - shaking)
- 6 *Clause 5*: oven must be removed from wall (same implication, same rejection and justification - heat)
- 7 *ברייתא*: a man may not open a bakery or dye-store under another's storage house (→if no אוצר, may do so)
- (a) *Defense*: these are a person's residence; unless there's already a potential victim in place, no ban
- (i) *Note*: supportive ruling – if residence was there first, no ban
- 8 *ברייתא*: may not plant a tree next to a vineyard; must leave ד"א for working the vineyard
- (a) *Implication*: if no vineyard there, he may plant up against boundary
- (b) *Defense*: in this case, there's hard rock that separates the fields (no root damage)
- (i) *Challenge*: in that ruling, stipulation that if roots were already out, must dig them ג"ט deep to keep them away from other's plow – but if hard rock separates them, shouldn't be roots there
- (ii) *Answer*: means – if there is no צונמא, dig ג"ט deep to avoid interfering with plow