

22.4.10

72a (ומי מצית) → 73a (סיום הפרק)

וְאִם אֵת שְׂדֵה מִקְנָתוֹ אֲשֶׁר לֹא מִשְׁדֵּה אֶחָדָו יִקְדֵּשׁ לָהּ: וַיִּקְרָא כֹּה, כֵּב . 7

- I Continuation of analysis of ר"ש's opinion in the משנה (we had considered that he followed ר"ע – מוכר בעין יפה – ר"ע
- a Challenge: we find an anonymous ruling that grants minimal gift to הקדש vis-à-vis trees within a field
- i Observation: authority must be ר"ש, and he must follow רבנן (if he followed ר"ע, he would certainly agree that מקדיש בעין רעה, מוכר בעין רעה (רבנן contra) that just as מקדיש בעין יפה, similarly מקדיש בעין רעה
- ii Block: in our משנה ר"ש includes "big trees" since they are nurturing from הקדש → the מקדיש does not withhold land for his trees (i.e. מקדיש בעין יפה)
- iii Explanation: his ruling in the משנה is his position according to רבנן;
- 1 Meaning: according to his own position, no trees should be included (as per invoked ruling above), but they should at least admit (if they hold מוכר בעין רעה) that nothing more than חרוב המורכב etc. included
- 2 Their response: ignore his presentation and equate הקדש to מתנה – which is done יפה בעין יפה
- b Challenge to identifying authority of that בריתא as ר"ש: if so, the latter part of ruling that if he is מקדיש the trees and then explicitly is מקדיש the trees, he must redeem them separately (trees for their assessed value [+חומש+] and field at set rate – חומר שעורים בחמשים שקל כסף – ר"ש) cannot follow ר"ש, who maintains that we always identify status of הקדש based on the moment of redemption
- i Explanation: in this case, at the moment of redemption, both trees and field are הקדש → there should be one payment of חמשים שקל כסף for the whole thing
- ii Support (that ר"ש follows ר"ש): dispute פדין ר"מ ר"ש on application of v. 1
- 1 ר"ש ור"מ ר"ש: ר"ש excludes a field that he bought from his father, then he was מקדיש and then his father died - which should be treated as שדה אחוזה → we identify its status based on שעת פדין
- 2 ר"מ ר"ש: ר"ש excludes a field that he bought from father, then father died, then he was מקדיש (→ identified based on שעת הקדש)
- iii defense (רנב"י): ר"ש normally follows הקדש שעת; but he doesn't interpret here as did ר"מ due to wording – אשר – לא משדה אחוזתו
- II הונא's observation about the חרוב and a parallel ruling about a large sheaf
- a a grafted carob tree and sycamore "stump" are considered trees and considered land
- i trees: if one of them is a third tree bought in a field – the buyer gets land
- ii land: isn't sold along with the land (automatically)
- b tangents: a sheaf that has 2 סאה of wheat is considered a sheaf and a גדיש (pile)
- i sheaf: it can count towards 3 עומרים to remove status of שכחה (2 are שכחה, 3 are not)
- ii גדיש: it itself is not liable for שכחה as it is too large and not considered an עומר
- III ר"ל: the status of השקמה וסדן המורכב in a field which has been declared הקדש is subject to a dispute יוסי/רבנן
- a challenge: why not identify it as ר"ש/רבנן (as in our משנה)
- b answer: teaches that רמב"י agrees with ר"ש