

22.5.8

82b (הנך חשיבי) → 83b (וכמה יהא ביניהן)

- I Further discussion about land granted to purchaser of 3 trees – proximity:
- a שמואל (according to רב יהודה, as quoted by ר' יוסף): ד"א minimum space until less than ח' אמות maximum
 - b שמואל (according to ר"נ, as quoted by רבא): ח' אמות minimum – less than ט"ז אמות maximum
 - i Block (כלאים ד:ט): don't challenge ר"נ – משנה a (ר' יוסף to אבני): supports him:
 - 1 If: he plants a vineyard with 16 אמה between each row – not a כרם and may plant other seeds in the middle
 - 2 Story: חכמים allowed a man to plant in the midst of his כרם, alternating crops – as long as he uprooted each
 - (a) Explanation: if he didn't uproot the old growth, it would be considered and there would be <ט"ז אמות
 - ii Response: ר' יוסף was relying on רב יהודה's ruling in דורותא where buyer of 3 trees was given כלי וכליו
 - 1 And: he relied on משנה in כלאים that that amount is ד"א
 - iii Note: ר' יוסף is also supported by ר"ש ור"מ who ruled that a כרם whose rows are ח' אמות apart isn't כרם vis-à-vis כלאים
 - 1 Nonetheless: the practical ruling (in צלמון) is a stronger proof
 - c Analysis: ר' יוסף's approach allows for maximal שעור (following ר"ש) and minimal (as per ר"ש's ruling):
 - i משנה a: a כרם with less than ד' אמות between rows is not a כרם (חכמים): disregard the middle rows
 - ii But: ר"נ only has evidence of maximal שעור (as per story above) – where does he get ח' אמות as minimum?
 - 1 Answer: uses ratio - if רבנן's minimum is ½ the maximum – same for ר"ש.
 - d Final ruling (רבא): from 4 → 16;
 - i Support: בריתא rules that if he buys 3 trees within a proximity of 4→16, he gets land; if closer or further, or if he buys them one at a time – no land
 - 1 Implications: if he has land, then if the tree withers, he can replant
- II Various questions about the distance: (both of ר' ירמיה's questions answered in בבב by רב גביה)
- a ר' ירמיה: from which part of the tree do we measure? The narrow or wide part?
 - i Answer: when measuring distance between grafted vines (to determine if they are one or two for purposes of defining a כרם, which requires 2+2+1) – measure from medium-size knot
 - b ר' ירמיה: what if he sold a tree with three shoots (is this reckoned as giving him land)?
 - i Answer: as per ר' ראב"צ's ruling – if he grafts 3 vines and their roots are apparent and there is 4-8 אמות between them – they are considered one sale-unit and he gets land
 - c ר' פפא's questions (all unresolved – תיקו)
 - i If: he sold 2 in the field and one on the border or one in his neighbor's field – does this give him land?
 - d ר' אשי's questions (all תיקו) about possible interferences that break the contiguity of 3 trees
 - i Cistern
 - ii Water trench
 - iii Public way
 - iv Series of grafted trees
 - e ר' הלל's question - does a cedar interrupt (note: this הלל is a nephew of רבי)
 - i Answer (רבי) he acquires it all
 - f Layout of 3 trees
 - i רב: in a row (and certainly if they are in a triangle)
 - ii שמואל: in a triangle (but not in a row – because planting can take place between them)
 - 1 Question: if the reasoning is because planting can take place if they are in a row, what if he sold three thorn-bushes (e.g.) in a row, where planting can not take place - does he get land?
 - 2 Answer: they aren't significant enough to gain him land