

22.7.1

102b (משנה א') → 103b (תיקו)

1. ואם משדה אחרת יקדיש איש לה' והיה ערפד לפי זרעו זרע חמר שערים בחמשים שקל כסף: ויקרא פרק כז פסוק טו
 2. ואם גאל וגאל את השדה המקדיש אתו ויסף חמשיית כסף ערפד עליו וקם לו: ויקרא פרק כז פסוק יט

- I 'א משנה: inclusion of unusable land in sale of property
- a If: someone sells an area (בית כור) for planting and it has rocks or ditches
- i If: they are less than 10 טפחים high/deep, they are measured as part of the property
- ii But if: they are higher/deeper than ט"ו, they are not included
- b However: if he states כבית כור (meaning "as is") – even if they are higher/deeper, they are included
- II Comparison to הקדש (ערכרין ז:א) – משנה (ערכרין ז:א) – if someone was מקדיש a field during an era when יובל is in force, he pays as per v. 1
- a If: it had ditches/rocks (as in ours) – if they are higher/deeper than ט"ו, they are not measured with it (for the חשבון of זרע חומר שעורים); if less than ט"ו, they are reckoned together.
- i Question: why aren't these ט"ו rocks/ditches reckoned as independently הקדש?
- 1 Suggestion: הקדש is only applicable with a large field (חומר)
- (a) Rejection: דרשה on שדה (v. 2) extends the ruling to significantly smaller areas
- 2 Rather: the case is ditches that are filled with water (unusable); parallel to סלעים
- (a) Challenge: if so, even less than ט"ו
- (b) Answer: those aren't significant enough to have an independent name
- ii Question: does this explanation of the ditches (waterlogged) apply to our משנה?
- 1 Answer (ר"פ): in our case, even if they aren't waterlogged, they don't count
- (a) Reason: a person doesn't want to buy a single property and have it appear as several (with breaks)
- (b) Challenge: ditches is taught parallel to rocks, which are unusable
- (c) Answer: that parallel is only in re: the 'milder' ones (less than ט"ו) – i.e. rocks were only mentioned to teach that if they are less than ט"ו, even though utterly unusable, still count towards purchase
- III Analysis of end of משנה
- a Allowable mini-ditches/mini-rocks: ר' יצחק: 4 קבין – ר' יצחק: קבין of land and they must be distributed:
- i ג' עוקבא בר חמא within 5 (or more קבין) – i.e. may not all be concentrated
- ii ג' חייא בר אבא בשם ר' יוחנן must be distributed throughout most of the field
- 1 Question (ר' חייא בר אבא): what if most of them are in a small part of the field and a few of them are scattered around the majority of the field? תיקו
- iii Series of "layout" scenario questions (ר' ירמיה): what if the (less than ד' קבין per בית כור) were: in a circle, in a row, shaped like ox's horns, a circuitous route – תיקו (reason for question is that these layouts make more land unusable)
- b Note: ברייתא - if there was a single rock at the border, even less than ט"ו, it isn't included
- i Note: this follows ר' שב"ם's explanation; according to ר"ת, there are 2 exceptions: on the border or a single rock that has its own identity (name) – neither are reckoned
- ii Question (ר"פ): what if there was a small amount of earth separating the rock from the border – is it still "out"? תיקו
- iii Question (ר' אשי): what if there was rock over or under earth – is it still out? תיקו