

26.1.17; 20b (משנה ח) → 22a (סיום הפרק)

1. ולא תביא תועבה אל ביתך והיית חרם כמהו שקץ תשקצנו ותעב תתעבנו כי חרם הוא: דברים ז:כ
 2. לא תקלל חרש ולפני עזר לא תתן מקשל ויראת מאלהיך אני ה': ויקרא יט:ד

- I ח"ל and סוריא, א"י renting/selling houses/fields in משנה ח
- a ר"מ: (maintains that סוריא is considered to have כיבוש יחיד שמה כיבוש → קדושת א"י)
- i In א"י: may not rent either
- ii In סוריא: may rent houses, but not fields, may not sell either
- 1 Comment: we don't sell houses as precaution against selling in א"י
- (a) Challenge: why not make same precaution and disallow renting out houses
- (b) Answer: renting in א"י is itself a גזירה – and we don't make a "doubled גזירה"
- (i) Challenge: then why disallow renting fields?
- (ii) Answer: it isn't the same גזירה – since he holds ש"כ יחיד, a field has 2 issues (חניה, מעשרות)
- iii In ח"ל: may rent fields and sell houses – may not sell fields
- 1 Explanation: since a house has one issue in א"י – גזרה; since a field has 2 – גזרה
- b ר' יוסי: (maintains that סוריא is not considered to have כיבוש יחיד לאו שמה כיבוש → קדושת א"י)
- i In א"י: may rent houses, not fields – may not sell either
- 1 Explanation: since a house has only one issue – no גזרה against renting; as distinct from a field, which has 2
- ii In סוריא: may rent fields, sell houses – may not sell fields
- 1 Explanation: since he holds ש"כ יחיד, it is simply ח"ל but neighboring – only גזרה on fields (in א"י – 2 issues)
- iii In ח"ל: may sell either –
- 1 Explanation: since it is far away, no reason for a גזרה
- 2 Ruling (שמאל): follows ר' יוסי
- (a) Limitation (רב יוסף): as long as he doesn't establish a neighborhood of עכו"ם (three people together)
- (i) Challenge: what if he sells to one and he sells to two others (and subdivides with them)
- (ii) Answer (אב"י): we aren't commanded regarding indirect enabling (לפני עזר of לפני דלפני)
- c Analysis of severity of fields over houses
- i Fields: allows them to uproot land from חייב מעשרות as well as בקרקע חנייה (יש קנין לגוי להפקיע)
- ii Houses: only provides them with בקרקע חנייה; "uprooting" of מצוות מזוזה not considered as there is no essential חייב
- 1 Explanation: חובת הד"ר is מזוזה – on the resident, not the house
- II ט' משנה ט' even in those places where it is permissible to rent (implying there are places it is אסור – כ"מ – סתם כ"מ),
- a may not: rent a living quarters, as they bring ע"ז (violation of v. 1)
- b nor: may he rent out a bathhouse in any place, since it is referred to as the owner's (and the workers are heating up the water on שבת)
- i related כותי ברייתא רשב"ג: גוי, but (by implication) allows to כותי to מרחץ
- 1 Challenge: just as the גוי will heat up water on שבת, כותי will work there on חוה"מ
- 2 Answer: we also heat up on חוה"מ (it is permissible)
- 3 Alternative inference: may rent a field to גוי (in those places where it is otherwise מותר)
- (a) Challenge: won't it be considered the ישראל's field – which is being worked on שבת?
- (b) Answer: all assume that the גוי is working as a sharecropper – for himself
- (i) If so: why not say the same about a bathhouse?
- (ii) Answer: there is no such arrangement for a bathhouse
- ii Related כותי ברייתא רשב"א: – may not rent a field to כותי, as it considered ישראל's and כותי will work there on חוה"מ
- 1 However: permissible to rent to גוי
- 2 Explanation: cannot be אריסות, as the כותי could also be assumed to be his sharecropper
- 3 Rather: גוי will heed the ישראל's dicatates; כותי will assume he knows better and violate
- (a) Challenge: נקראת על שמו רשב"א's stated reason is שמו
- (i) Answer: both reasons are used – נקראת על שמו and he won't heed instructions
- iii Story: ישראל and non-Jewish farmhands made an arrangement to divide שבת and יום א'
- 1 Ruling (רבא): permissible arrangement
- 2 Challenge (רבינא): ישראל and עכו"ם may not divide in that manner unless they set it up in advance
- (a) רבא was embarrassed; but it turned out that they had set it up that way from the start
- (i) Alternate version of story: split was ערלה/post-ערלה
- (ii) Note: no way to tell what default case is, since both explicated circumstances are used