

ולא את השדה עד שיהיה בה ט' קבין וכולי –

And not the field until it has nine קבין, etc.

## OVERVIEW

The משנה teaches us that one partner cannot coerce the other partner to divide a field unless after the division each partner will have a field of no less than nine קבין.

anticipates a difficulty:

אף על גב דבכל דהו מקרי שדה<sup>1</sup> –

Even though that a miniscule parcel is also called a שדה (field), so why is it necessary that each partner receive nine קבין?

proves that even a כל דהו is called a שדה:

כדאמרינן בפרק האומר בקידושין (דף סא,א) אין לי<sup>2</sup> אלא בית כור זרע חומר שעורים<sup>3</sup> –

As the ברייתא states in פרק האומר בקידושין; 'I only know regarding a (בית כור) field which is seeded with a כור of barley that it is redeemed [for fifty שקלים] - מנין לרבות סאה וחצי סאה תרקב וחצי תרקב תלמוד לומר שדה<sup>4</sup> –

How do we derive to include a smaller field which was planted with only [a לתך<sup>5</sup>, a סאה, a תרקב or half-a-תרקב; the תורה teaches by stating שדה to include any size field. This concludes the ברייתא. It is evident since we even include a field of a חצי תרקב; that this too is called a שדה, so seemingly we should be allowed to divide a field of any size even a חצי תרקב (or less).<sup>6</sup>

replies:

מכל מקום אינו חשוב לטרוח לחרוש ולזרוע בפחות מט' קבין –

<sup>1</sup> See footnote # 6.

<sup>2</sup> The הגהות הב"ח amends this to read, אלא (בית כור) זרע חומר שעורים בהמישים מנין לרבות לתך סאה (וחצי סאה) תרקב, the words בית כור and חצי סאה are deleted.

<sup>3</sup> The תורה in כז,טז teaches that if one is מקדיש his inherited field (immediately after יובל), he can redeem it (immediately after יובל) at the rate fifty שקלים for an area where you can plant a כור of barley (this area is called a בית כור). A כור is the equivalent of thirty סאה. For redeeming it each subsequent year (after יובל) the redemption fee is reduced by a forty-ninth (1/49), or slightly more than a שקל (for each year).

<sup>4</sup> The תורה wrote משדה it could have written only מאחוזתו, the extra word שדה includes the abovementioned. In all these smaller fields the same laws of redemption apply proportionally (a לתך can be redeemed for twenty-five שקלים, etc.).

<sup>5</sup> A לתך is fifteen סאה or half a כור. A תרקב is three קבין (תר meaning two and קב a third), which is half a סאה (a סאה contains six קבין). Half a תרקב is a quarter of a סאה (one and a-half קבין).

<sup>6</sup> Our משנה concludes חצי תרקב, even if the divided field is a חצי תרקב, it is still called a שדה. (ט' קבין, which is much smaller than חצי תרקב, which is one and a half קבין).

Nevertheless a field which is less than nine קביץ is not sufficiently significant to bother with plowing and planting it.<sup>7</sup>

תוספות anticipates a difficulty:

והא דאמר בסוף כתובות (דף קיב,א) אמר ההוא מינא<sup>8</sup> לרבי חנינא –

**And regarding this which the גמרא relates in the end of מסכת כתובות 'a certain ר' חנינא said to ר' מין**

**יאות משבחיתו בארעייכו<sup>9</sup> בית סאה הניח לי אבא –**

**‘It is proper that you praise you land (י"א); my father left me a בית סאה (in י"א) -**

**ממנה משח [ממנה חמר] ממנה עיבור ממנה קטנית כולי –**

**From it there was oil [from it there was wine], from it there was grain, from it there were legumes, etc.** It is apparent from that גמרא that it is worthwhile to till a בית סאה (which is six קבין), why do we require ט' קבין?!

תוספות responds:

## התם היה במקום שמתברך ביותר:

**That field of the מֵן was in a place where it was exceedingly blessed:**<sup>10</sup> however usually it requires ט' קבִּין to be worthwhile to plow and plant.

## SUMMARY

It is not worthwhile to prepare a field of less than nine קבין for planting [even though it is considered a שדה], unless it is especially fertile.

## THINKING IT OVER

1. How can we reconcile that which the משנה states 'כל שיחלק ושמו עליו חולקין וכו' with the fact that a שדה retains its name even if it is less than ט' קבין, and nevertheless we do not divide it?!<sup>11</sup>

2. In an extremely fertile field;<sup>12</sup> can it be divided with less than ט' קבין לכל אהד?

<sup>7</sup> All the work that is necessary to prepare a field of seventeen קבין (for instance) is not much more than preparing a field of eight קבין. If the field is kept in partnership the expenses and bother for both together is about the same as the expenses and bother for each of them individually if they will divide. Therefore we are causing the partner an undue loss by coercing him to divide. See 'Thinking it over' # 1.

<sup>8</sup> In תושבע"פ the גירסא in the גמרא is צדוקי; it refers to one who does not believe in פ.

<sup>9</sup> The ה"ה amends this word to read לארעייכו.

<sup>10</sup> See 'Thinking it over' # 2.

<sup>11</sup> See נב"מ and סוכ"ד אות יא.

<sup>12</sup> See footnote # 10.