

ולא פליגי מר כי אתריה ומר כי אתריה – And they do not argue; this master according to his place and this master according to his place

OVERVIEW

The משנה states that the חכמים maintain that in order to divide a field there must be at least nine קבין for each partner, while ר' יהודה maintains that only nine half-קבין for each partner is required. The גמרא states that there is no real dispute,¹ in the place of the ת"ק nine קבין are required and in the place of ר"י only half-קבין are required. תוספות explains what is the difference between their places.

פירש² רבינו יצחק בן רבינו מרדכי דבאתריה דרבי יהודה היה קרקע חשוב וטוב –
The ר"י explained that the ground in s' area was of a good high quality -
והיה חשוב לטרוח בתשעה חצאי קבין³ –

And it was worthwhile to toil (alone) in an area of ט' חצאי קבין [and even though it was not sufficient work for one day's plowing,⁴ it was still worthwhile to toil] אבל באתריה דתנא קמא לא היה קרקע טוב כל כך שיהיה חשוב לטרוח בפחות מתשעה קבין. However in the s' place the ground was not so fertile that it should be worthwhile to toil (and till) the land for an area less than ט' קבין – ואף⁵ על פי שלא היה בו כדי חרישת יום ראוי היה לטרוח⁶ –

(And even though that both באתריה דת"ק ובאתריה דר"י, there was not sufficient land [in ט' חצאי קבין or ט' קבין] to plow one full day, nevertheless it was worthwhile to toil and till the land for ט' חצאי קבין or ט' קבין [respectively for the ת"ק ור"י].)

פ"ל ריב"ם justifies the תוספות:

והשתא⁷ בעי בבבל מאי שאין הקרקע טוב כל כך ואינו ראוי כשיעור השנוי במשנתנו:

¹ Without the גמרא we may have assumed that there is a מחלוקת as to how much land is necessary to make it worthwhile for an individual to till; however the גמרא clarifies that there is no dispute at all.

² The ריב"ם is negating an alternate interpretation (of the ר"ת, see תוספות ישנים) that people were able to plow ט' חצאי קבין in one day (because it was good earth), while באתריה דר"י they were able to till only half-קבין in one day (since it was rocky land). The overarching rule then is that one day's plowing is required for a division. See footnotes # 6 & 7.

³ The הגהות ה"ה inserts here (the line which is mentioned later in תוספות): ואף על פי שלא היה בו כדי חרישת יום ראוי היה לטרוח (and deletes it there).

⁴ The farmers do not want to work the land for less than a day, since the workers are hired by the day, they will need to overpay the workers and lose money.

⁵ The הגהות ה"ה deletes this entire line and inserts it previously (see footnote # 3).

⁶ The people would certainly prefer to have a field which requires a full day's work, but nevertheless the חכמים ruled that one may coerce a division even if it is not a full day's work, since it is worthwhile.

⁷ If we were to assume that אתריה דר"י means the explanation which the ריב"ם negates (see footnote # 2), that people are not willing to till less than a day's work, then what is the question בבבל מאי; let us see how much land

So now the גמרא queries, what is the ruling in בבל, where the ground is not so fertile and it is not worthwhile to till the land for the amount taught in our משנה (it is not even worth it for the greater amount of ט' קבין which the ת"ק maintains, since it is less than a day's work).

SUMMARY

The חכמים allow coercing a division (even if there is not a full day's work) as long as it will be worthwhile to till the land.

THINKING IT OVER

What does it mean that it is not ט' קבין מט' קבין (or חצאי קבין)? Does it mean it is not profitable? If someone owns land less than ט' קבין (or חצאי קבין), will he not plant it?

requires a day's work in בבל. However according to the פי' ריב"ם (that the חכמים imposed a חלוקה even if it was not a day's work), the query of מאי בבבל is understood, as תוספות explains.