

Four for a (tanner)¹ [hide]², etc

ארבעה לצלא כולי -

OVERVIEW

The גמרא relates that רבינא purchased a field which was adjacent to s' field(s). רבינא as a בר מצרא who has the first refusal rights to this property sought to evict רבינא from the property he purchased. [רבינא would obviously reimburse the price he paid.] רב ספרא prevented רבינא from doing this. He explained to רבינא that people say that a poor tanner (צלא), as well as a rich tanner (צללא), requires the same four loaves of bread to sustain himself. Similarly, רבינא, the poorer of the two, requires this field (at least as much as you, רבינא, do) to sustain his family. Therefore your claim as בר מצרא should be set aside in the interest of affording רבינא a profitable livelihood.³ תוספות has various difficulties with this interpretation.

תוספות asks:

לפירוש הקונטרס מקשה רבינו תם [הא] אין מרחמים בדין⁴ –

The ר"ת has a difficulty with s' interpretation; for we are not merciful in judgment.

תוספות asks a second question:

ועוד דקאמר סבר רבינא לסלוקי משמע שטעה רבינא⁵ –

And furthermore the גמרא states that רבינא proposed to remove from his newly acquired property. The word 'proposed' **indicates that רבינא was mistaken;** that he proposed to evict him, but was informed that legally he had no right to remove רבינא.

תוספות has an additional question:

ועוד מה שייך כאן האי מעשה –

And additionally, what does this story have in common with our גמרא here.

¹ רש"י in his first (and last) פירוש translates צלא as a 'tanner'.

² רש"י in his second פירוש as well as תוספות translate צלא as a 'hide'.

³ This 'Overview' follows s' first interpretation.

⁴ [See 'Overview'.] A case must be decided on its merits, without taking into account the financial situation of the litigants. If רבינא was a rightful בר מצרא, then the financial plight of רבינא should not be considered. רבינא should have the right to evict רבינא.

⁵ According to s' interpretation, רבינא had every right to remove רבינא. It is just that רב ספרא convinced him not to do so on account of complying with the injunction of והטוב הישר והנכון. The term 'סבר', would seem inappropriate according to פירש"י.

Why is this story mentioned here?

anticipates a possible answer:

אי משום דאיירי ברבינא ורוניא⁶ –

Perhaps it is mentioned here **because it is concerning רבינא and רוניא**, as in the previous story of רבינא surrounding רוניא.

rejects this answer, for if this is the reason that he mentions it here, then -

לייתי נמי מעשה דהמקבל (בבא מציעא דף קט,א) רוניא שתלא דרבינא הוה –

The גמרא should also mention the story of המקבל, פרק המקבל, where the גמרא relates that **רוניא was the sharecropper for רבינא**. The גמרא there relates a story concerning רוניא and רבינא, and nevertheless that story is not mentioned here -

והנך תרי עובדי דשמעתין לייתי נמי התם⁷ –

And these two stories of our גמרא should also be mentioned there according to this line of reasoning (that the גמרא prefers to combine various stories concerning the same people).

has one final question:

ועוד דצלא הוא עור כדאמרינן (מועד קטן דף כז,א) מאי דרגש ערסא דצלא –

And furthermore the word צלא means leather as the גמרא states in מו"ק ‘what is a דרגש? The גמרא explains that it is a **leather bed**’. This would seem to contradict s' interpretation that צלא is a tanner.⁸

offers a different interpretation:

ואומר רבינו תם דזבן ארעא אמיצרא דרבינא –

And the ר"ת says that רוניא bought land bordering s' field-

היינו אמיצר אותם שדות דאקפיה רבינא מארבע רוחות –

Meaning on the boundary of those fields which רבינא surrounded from all four sides. The field that he bought was inside and adjacent to the encircling fields of רבינא as well as to s' field -

והיה רבינא מצרן מג' רוחות ורוניא מרוח אחת –

⁶ The first story is relevant to our סוגיא, for it is discussing the case of the משנה concerning a מקיף וניקף. Once the גמרא related one story of רבינא and רוניא concerning מקיף וניקף it also cited an additional story, even though it is not relevant to our גמרא.

⁷ Why is it that two stories are mentioned here and another different story is mentioned in ב"ב? This indicates that only these two stories mentioned here are related to each other, not the story in ב"ב. The question is what is the connection between these two stories?

⁸ See ד"ה ארבעה, רש"י ד"ה ארבעה, where רש"י comments similarly that צלא refers to the leather and not the tanner. For a defense of פירש"י, see פני שלמה et al.

And רבינא shared a common boundary with this field that רוניא bought on three sides⁹ and רוניא shared a boundary on this new field that he bought, from only one side.¹⁰

רוניא reasoning that he should take priority over questions s'תוספות

ואף על גב דאמר בהמקבל (בבא מציעא דף קח,ב) הני ארבע בני מצרא –

And even though the גמרא states in פרק המקבל these four people that border a property (from different sides) that is up for sale, and each one claims that he should have priority in buying this field –

דקדים חד מינייהו וזבן מאי דזבן זבן¹¹ –

Where one of them preceded and bought the property, without the consent of the other three, the rule is whatever he bought – he bought. It is his. Seemingly here too, since רוניא was a בר מצרא and he already purchased the property, רבינא had no right to remove רוניא.

פרק המקבל in responds, that our case is different than תוספות

מכל מקום סבר רבינא לסלוקי משום שהיה מצרן מג' צדדין ורוניא רק מרוח אחת¹² –

Notwithstanding that רוניא was also a בר מצרא, רבינא planned on removing רוניא, for רבינא was abutting this field from three sides however רוניא was abutting only from one side. Nonetheless -

אמר ליה רב ספרא אמרי אינשי ארבעה לצלא –

רבינא said to רב ספרא, people say four זוזים are paid for a piece of leather -

פירוש לעור גדול צריך ליתן לעבדן ד' זוזי וד' לצללא עור קטן –

meaning that one needs to pay the tanner four זוזים to cure a large piece of hide and four זוזים need to be paid for a small hide -

⁹ The four fields of רבינא formed a box enclosing two fields. רוניא originally owned one of these fields ([say] the northern one, the southern boxed in field belonged to someone else. רוניא then bought this (southern) field, which was on his southern boundary. The other three sides of this field (east, west, and south) were adjacent to s'תוספות fields.

¹⁰ רבינא was of the opinion that since his properties are adjacent to this property (that רוניא bought) on three sides, whilst רוניא was adjacent only on one side, therefore he, רבינא, should be considered the true בר מצרא, and be able to remove רוניא from the property. This explains the reason why (only) these two stories are both related here. The first story sets the scene for the second story.

¹¹ The others cannot take it away from him. They cannot argue that we are also בר מצרא. Since the buyer himself is a בר מצרא, they have no right to remove him from the property.

¹² It is not comparable to the case of המקבל. There, none of the other בני מצרא had an advantage over the fourth בר מצרא who purchased the property. They were all בני מצרא on one side only. Therefore they could not remove him. However here where רבינא was a בר מצרא on the majority of the boundaries, he should have the right to remove רוניא.

כלומר צריך ליתן מן הקטן כמו מן הגדול שיש טורח בקטן כמו בגדול –

This teaches us that it is required to give the same amount of money from one who cures the small hide as from one who cures the large hide, for an equal effort is required to cure a small hide as for a large hide. Therefore the tanner takes the same price for both -

הכא נמי מאי טעמא דינא דבר מצרא –

Here too by the case of רבינא and רבינא what is the reason for the law of בר מצרא, that he has the first refusal right to the property?

משום שיהיו כל שדותיו סמוכין שיוכל לחורשן בבת אחת¹³ –

In order that all his fields be near each other so he will be able to plow them all together -

ולכך הוא מצרן מרוח אחת כמו אתה מג' רוחות –

Therefore רבינא is considered an equal בר מצרא (even though he abuts) from (only) one side – just as you – רבינא are a בר מצרא (even though you border) on three sides. The difficulty רבינא will have in plowing two separate fields is equal to the difficulty רבינא will have in plowing the fourth field separate from his three fields. Once any בר מצרא buys an adjacent property the other בני מצרא cannot protest. רבינא will derive the same benefit from his two fields being together, just as רבינא would derive from his four fields being together. The example from the tanner teaches us that the two benefits are equal.¹⁴ This answers first question. רב ספרא granted רבינא the field not on account of his poverty, but rather because רבינא is considered the same בר מצרא as רבינא. The second question is also answered; that בר מצרא indeed erred in assuming that he is the primary בר מצרא.

offers another explanation:

והרב רבינו אברהם פירש דהך ארעא דזבן רבינא אמיצרא דרבינא –

And רבינא explained that this field that רבינא purchased on the boundary of רבינא's fields -

היינו אמצרא דאותן שדות שהיה רבינא אריס בהן כדאמרינן רבינא שתלא דרבינא הוה – **this means that he purchased a field on the boundary of those fields of רבינא in which רבינא was a sharecropper of those fields as we just cited from the גמרא in** **- רבינא was a sharecropper by רבינא that פרק המקבל**

והכי קאמר ליה רב ספרא לרבינא אף על פי שאין לרבינא בגוף הקרקע כלום –

¹³ See 'Thinking it over' # 2.

¹⁴ Alternately the 'folk saying' gives us an insight into the דין of בר מצרא. The same work that is required for a large hide is (basically) required for a small hide. Similarly the same effort of plowing two fields is (basically) required to plow one field.

And this is what רב ספרא said to רבינא even though רוניא does not own anything in the fields of רבינא, so how can he claim that he is a מצרא בר on the field that he just bought; when in truth רבינא was the proper מצרא בר, since he actually owned the adjoining property –

מכל מקום הואיל שהוא עובדן הרי הוא מצרן כמו¹⁵ –

Nevertheless since רוניא works on the adjoining property (that belongs to רבינא) **רוניא is considered a מצרא בר [just as you – רבינא]**. רוניא derives a benefit from the fact that the field he bought borders the fields he is sharecropping (s'רבינא fields). He will be able to tend to his own field while he is tending s'רבינא fields –

דאמרי אינשי ארבעה לצלא נותנין ד' זוז על העור –

For people say, 'four for the hide' meaning one pays four זוז for the hide –

וכמו כן צריך ליתן לצללא לאומן המעבד את העור:

And one must pay in addition the same amount to the tanner, the craftsman who cures the hide. This expression conveys the idea that the value of the work to process the material is equal to the value of the material itself. Therefore, רוניא, the sharecropper is an equal מצרא בר as רבינא the owner.¹⁶ They have an equal interest in acquiring the adjoining field.

SUMMARY

רבינא asks four questions on s'רש"י interpretation¹⁷ of the dispute between רבינא and בר מצרא concerning who is the בר מצרא.

1. In a תורה דין we are required to follow the law, and not rule on the basis of mercy. Why did רב ספרא award the field to רוניא?
2. From the expression סבר רבינא, it seems that רבינא erred in his judgment. Seemingly there is no error at all.
3. Why is this story of בר מצרא cited in our גמרא? It seems to have no relevance, here.
4. צלא means a hide; not a tanner.

תוספות offers two interpretations of this story:

A. רבינא boxed in two fields with his surrounding fields. רוניא owned one of these fields, then bought the other. רבינא was of the opinion that since he is a בר מצרא from three sides of this field and רוניא was a בר מצרא from only one side therefore he, רבינא, should have priority and be considered the rightful בר מצרא. רב ספרא

¹⁵ The הגהות הב"ה amends this to read במור דאמרי.

¹⁶ It seems that this answer does not resolve third question; why is this story mentioned here. See מהרש"א. See 'Thinking it over' # 1.

¹⁷ See 'Overview'.

explained to him, using the example of curing hide, that it cost the same amount to cure a large hide as a small hide. Similarly the gain for רוניא is the same as the gain for רבינא.

B. רוניא, who was the sharecropper of רבינא, bought a field adjacent to those of רבינא, which would enable him to take care of his own field whilst he is caring for רבינא's fields. רבינא thought that he should be considered the rightful בר מצרא since he owned the property adjacent to the field in question, while רוניא merely worked (as a sharecropper) on the adjacent fields. רבינא corrected רב ספרא by pointing out that the cost of labor צללא, is the same as the cost of material צלא. This places the worker and the owner on an equal basis as far as בר מצרא is concerned.

THINKING IT OVER

1. What are the relative advantages of each of the two תירוצים of תוספות over the other תירוצ?
2. Why (in first answer) did תוספות find it necessary to specify the reason why a בר מצרא has a priority in the adjacent field?¹⁸
3. Which story happened first; the first story or the second?¹⁹
4. Does a tenant possess the rights of a בר מצרא?²⁰

¹⁸ See footnotes # 13.

¹⁹ See נה"מ בד"ה ועוד.

²⁰ See נה"מ בד"ה מ"מ.