

## Four for a (tanner<sup>1</sup>) [hide<sup>2</sup>], etc. – ארבעה לצלא כולי

### Overview

The רבינא relates that רבנא 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 רבנא from the property he purchased. [רבנא would obviously reimburse רבנא 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 רבנא, 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 רבנא a profitable livelihood<sup>3</sup>. תוספות has various difficulties with this interpretation.

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תוספות has a question:

**רש"י's has a difficulty with the – לפירוש הקונטרס מקשה רבינו תם interpretation<sup>4</sup>.**

**for we are not merciful in judgment.** A case must be decided on its merits, without taking into account the financial situation of the litigants. If רבנא was a rightful בר מצרא, then the financial plight of רבנא should not be considered. רבנא should have the right to evict רבנא.

תוספות asks a second question:

**and furthermore the גמרא states that רבינא proposed to remove רבנא 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 רבנא. However according to s' interpretation, רבינא had every right to remove רבנא. It is just that רב ספרא convinced him not to do so on account of complying with the injunction of ועשית פירש"י. The term 'סבר', would seem inappropriate according to פירש"י.

תוספות has an additional question:

**and furthermore, what does this story have in common with our גמרא here.** Why is this story mentioned here?

תוספות anticipates a possible answer:

**perhaps it is mentioned here because it is concerning רבינא and רבנא,** as in the previous story of רבינא surrounding רבנא. The

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

<sup>2</sup> רש"י in his second פירוש as well as תוספות translate צלא as a 'hide'

<sup>3</sup> This 'Overview' follows s' first interpretation.

<sup>4</sup> See 'Overview'.

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 רבנא concerning it also cited an additional story, even though it is not relevant to our גמרא.

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

**he should also mention the story of לייטי נמי מעשה דהמקבל** (בבא מציעא דף קט,א) – פרק המקבל, where the גמרא relates that –

**רבינא was the sharecropper for רבנא**. The גמרא there relates a story concerning רבנא and רבנא, and nevertheless that story is not mentioned here.

**גמרא and these two stories of our עובדי דשמעתין**

**should also be mentioned there** according to this line of reasoning (that the גמרא prefers to combine various stories concerning the same people). Why is it that two stories are mentioned here and another different story is mentioned in ב"מ? This indicates that only these two stories mentioned here are related to each other, not the story in ב"מ. The question is what is the connection between these two stories?

has one final question:

**and furthermore the word צלא means leather**

**ועוד צלא הוא עור** – **כדאמרינן** (מועד קטן דף כז,א) **מאי דרגש ערסא צלא** 'what is a leather bed'. The גמרא explains that it is a **leather bed**. This would seem to contradict s' interpretation that צלא is a tanner<sup>5</sup>.

offers a different interpretation:

**the ר"ת says that רבנא bought land bordering s' field**, as well as his own field –

**that is on the boundary of those fields** –

**which surrounded רבנא from all four sides**. The field that he bought was inside and adjacent to the encircling fields of רבנא as well as to s' field

**shared a common boundary with this field that רבנא bought on three sides** –

**and רבנא shared a boundary on this new field that he bought, from only one side**<sup>6</sup>. רבנא was of the opinion that since his properties are adjacent to this property (that רבנא bought) on three sides, whilst רבנא was adjacent only on one side, therefore he, רבנא, should be considered the true מצרא, and be able to

<sup>5</sup> See 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.

<sup>6</sup> The four fields of רבנא formed a box enclosing two fields. רבנא originally owned one of these fields ([say] the northern one, the southern boxed in field belonged to someone else. רבנא 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' fields.

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.

רוניא reasoning that he should take priority over questions תוספות

**and even though** states in גמרא – **ואף על גב דאמר בהמקבל** (בבא מציעא דף קח,ב) 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 – **הני ארבע בני מצרא**

**where one of them proceeded and bought** the property, without the consent of the other three, the rule is – **דקדים חד מינייהו וזבן**

**whatever he bought – he bought.** It is his. The others cannot take it away from him. They cannot argue that we are also בני מצרא. Since the buyer himself is a בר מצרא, they have no right to remove him from the property. Seemingly here too, since רוניא was a בר מצרא and he already purchased the property, רבינא had no right to remove רוניא.

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

**notwithstanding** that רוניא was also a בר מצרא, **מכל מקום סבר רבינא לסלוקי**, רוניא **planned on removing** רבינא.

**for** רבינא **was abutting** this field **from three sides** – **משהו שהיה מצרן מג' צדדין**

**however** רוניא **was abutting only from one side.** 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. Nonetheless -

רבינא **said to** רב ספרא – **אמר ליה רב ספרא**

**people say four** זוזים are paid for a piece of **leather** – **אמרי אינשי ארבעה לצלא** – **meaning that one needs to pay the tanner four** זוזים **to cure a large piece of hide** – **פירוש לעור גדול צריך ליתן לעבדן ד' זוזי**

**and four** זוזים **need to be paid for a small hide** – **וד' לצללא עור קטן**

**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.

רוניא and רבינא by the case of **הכא נמי**

**what is the reason for the law of** בר מצרא **דינא דבר מצרא**, that he has the first refusal right to the property?

**in order that all his fields be near** each other – **משום שיהיו כל שדותיו סמוכין**

חַתָּוֶה – so he will be able to plow them all together<sup>7</sup>  
 בַּר מִצְרָא רֹוּנִיא is considered an equal בַּר מִצְרָא אַחַד  
 (even though he abuts) **from (only) one side**  
 בַּר מִצְרָא רֹוּנִיא are a בַּר מִצְרָא (even though you  
 border) **on three sides**. The difficulty רֹוּנִיא will have in plowing two separate fields is  
 equal to the difficulty רֹוּנִיא will have in plowing the fourth field separate from his three  
 fields. Once any בַּר מִצְרָא buys an adjacent property the other בַּר מִצְרָא cannot protest. רֹוּנִיא  
 will derive the same benefit from his two fields being together, just as רֹוּנִיא would derive  
 from his four fields being together. The example from the tanner teaches us that the two  
 benefits are equal<sup>8</sup>. This answers תּוֹסַפּוֹת first question. רַב סְפָרָא granted רֹוּנִיא the field not  
 on account of his poverty, but rather because רֹוּנִיא is considered the same בַּר מִצְרָא as  
 רֹוּנִיא. The second question is also answered; that רֹוּנִיא indeed erred in assuming that he is  
 the primary בַּר מִצְרָא.

תוספות offers another explanation:

And ר' אברהם explained – והרב רב אברהם פירש –  
 that this field that רוינא purchased – דהך ארעא דזבן רוניא –  
 on the boundary of s'רבינא fields – אמיצרא דרבינא –  
 this means that he purchased a field on the boundary of those fields of רבינא – היינו אמצרא דאותן שדות  
 in which רוינא was a sharecropper of those fields – שהיה רוניא אריס בהן  
 that פרק המקבל in גמרא – כדאמרינן רוניא שתלא דרבינא הוה  
 רבינא was a sharecropper by רוניא.  
 רבינא said to רב ספרא – והכי קאמר ליה רב ספרא לרבינא  
 even though רוניא does not own anything in the fields of רבינא, so how can he claim that he is a בר מצרא on the field  
 that he just bought; when in truth רבינא was the proper בר מצרא, since he actually owned  
 the adjoining property –  
 nevertheless since רוניא works on the adjoining property (that belongs to רבינא) –  
 רוניא [just as you – רבינא] is considered a בר מצרא רוניא – הרי הוא מצרן [כמוך]<sup>9</sup>  
 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.  
 for people say, 'four for the hide' (כמו<sup>10</sup>) – דאמרי אינשי ארבעה לצלא  
 –  
 one pays four זוז for the hide – נותנין ד' זוז על העור

<sup>7</sup> See 'Thinking it over' # 2.

<sup>8</sup> Alternately the 'folk saying' gives us an insight into the *בר מצוה* of *דין*. 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.

<sup>9</sup> The ג"ה emends the גירסא.

<sup>10</sup> See previous footnote. The ב"ה amends the word כמו to read כמור.

**and one must pay in addition the same amount to the tanner –**

**– לאומן המעבד את העור for 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, רוינא, the sharecropper is an equal בר מצרא as רבינא the owner.<sup>11</sup> They have an equal interest in acquiring the adjoining field.

### Summary

asks four questions on רש"י's interpretation<sup>12</sup> of the dispute between רבינא and רוינא concerning who is the בר מצרא.

1. In a דין תורה we are required to follow the law, and not rule on the basis of mercy. Why did רב ספרא award the field to רוינא?
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.

offers two interpretations of this story:

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

B. רוינא, 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 רוינא merely worked (as a sharecropper) on the adjacent fields. רב ספרא corrected רבינא by pointing out that the cost of labor צלא, 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?

<sup>11</sup> It seems that this answer does not resolve תוספות third question; why is this story mentioned here. See מהרש"א. See 'Thinking it over' # 1.

<sup>12</sup> See 'Overview'.

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?<sup>13</sup>
3. Which story happened first; the first story or the second?
4. Does a tenant possess the rights of a בר מצרא?

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<sup>13</sup> See footnotes # 7 & 8.