

## A tree and its land, etc.

## אילן וקרקעו כולי -

### Overview

The גמרא challenges עולה (who maintains that one must have a radius of sixteen אמות around his tree on his property to bring ביכורים), from a משנה which states that if one bought a tree and its land he is obligated to bring ביכורים. The מקשן assumed that he needs to bring ביכורים even if it was a minuscule amount of land (less than sixteen אמות), which would contradict the ruling of עולה. The גמרא responded that the משנה (when it stated וקרקעו) means that he bought land in a sixteen אמה radius around the tree. תוספות discusses the need for such a ruling.

תוספות anticipates a difficulty:

למאי דמוקי לה ב"ו אמה צריך לפרש מאי אתא לאשמועינן? -

**According to how the גמרא establishes this משנה that he bought sixteen אמות of land, it is necessary to explain what is this משנה coming to teach us?!**

תוספות responds:

ונראה לרבנינו שמשון בן אברהם דאתא לאשמועינן ולמידק -

**And it appears to the רשב"א that the משנה is coming to inform us that we should infer from this ruling -**

הא קנה אילן סתם אינו מביא וקורא -

**That if he simply bought one tree (without mentioning the land), he does not bring ביכורים and does not read the פרשה of ביכורים -**

ואם קנה ב' אפילו סתם מביא וקורא דקנה קרקע<sup>2</sup> -

**But if he bought two trees, even without mentioning the land around them, he brings ביכורים and reads פרשת ביכורים since he acquired the land -**

וכרבי מאיר דאמר<sup>3</sup> (לקמן פ"א, א) הקונה ב' אילנות קנה קרקע:

**For this follows the ruling of ר"מ who maintains that one who buys two trees, he**

<sup>1</sup> It is obvious if he owns the tree and the land around it to nourish the tree, he certainly is required to bring ביכורים!

<sup>2</sup> The משנה when it states וקרקעו מביא וקורא is not that much interested in this law (if we establish it where he bought sixteen אמות), but rather for the two inferences from the law, one that by one tree he brings ביכורים only if he explicitly bought the land around it, otherwise if nothing specific was mentioned regarding the land, we assume that he does not own the land and therefore אינו מביא, and two that it is only by one tree where he brings ביכורים only if he specifically negotiated to buy the land, however if he bought two trees, even if there was no discussion about the surrounding land, nevertheless he brings ביכורים, since this משנה agrees with ר"מ that when one buys two trees, he is קונה the קרקע (not like the חכמים who argue and maintain that only if he buys three trees is he קונה the קרקע).

<sup>3</sup> See the משנה in פ"א מי"א which states, קנה, רבי מאיר אומר אפילו שניים, קנה, קונה שלשה אילנות בתוך של חברו, מביא וקורא, רבי מאיר אומר אפילו שניים, קנה, קונה שלשה אילנות בתוך של חברו, מביא וקורא. See "Thinking it over"

acquires the land around them.

### **Summary**

The משנה may teach an obvious law in order that we should infer other laws from it.

### **Thinking it over**

Does the משנה in ביכורים<sup>4</sup> support or contradict תוספות answer?

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<sup>4</sup> See footnote # 3.