

## By wheat

– בחטה

### Overview

The גמרא resolved the contradiction on עולא (who maintains that we do not bring בכורים unless the tree has sixteen אמות radius in his own property) from the משנה (which states that ש"ש is קרקע חייב in ביכורים), by establishing the משנה that he is bringing בכורים from wheat (which does not require sixteen אמות) since it is יונק only from its immediate place. גמרא reconciles our גמרא with a seemingly contradictory גמרא.

תוספות asks:

ואם תאמר והא חטה יניקתה ג' טפחים -

**And if you will say; but wheat nourishes** in a radius of **three טפחים**; so how can a ש"ש be קרקע מחויב in ביכורים even by wheat -

כדמוכח בשבת פרק ארבע עשרה בשמעתין דערוגה<sup>1</sup> (דף פה,א) -

**As is evident in שבת פרק ארבע עשרה** in מסכת שבת – ערוגה of סוגיא in פרק ארבע עשרה

תוספות anticipates (and rejects) a possible answer to his question:

ואין לומר דכל שהוא דהכא לאו דוקא<sup>2</sup> -

**And one cannot say that** when the משנה here states ש"ש, **it is not precise**; it means ש"ש; this would seemingly answer the question.

תוספות rejects this approach:

דהא בפרק קמא דקדושין (דף כו,א) קא מייתי לה<sup>3</sup> בשמעתא<sup>4</sup> דאי בעי צבורין בה או לאו -

**For in the first פרק of קדושין** the גמרא **cites this משנה**, in the discussion whether we require they be piled up in it, or not -

וקאמר כל שהוא למאי חזי ומשני כגון שנעץ בה מחט וקאמר איכפל תנא לאשמועינן מחט<sup>5</sup> -

**And the גמרא there said**, (if צבורין is required) a land which is **כל שהוא for what is it fit** (how can you put the מטלטלין on the land, there is no space since it is a ש"ש), **and**

<sup>1</sup> We derive it there from the משנה on ב,פז that in an ערוגה (row/square) which is an אמה by an אמה (six טפחים on each side), we may plant there five different types of seeds and it is not כלאים. In any event, the זרעים there are not within three טפחים of each other, therefore there is no יניקה.

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

<sup>3</sup> Specifically, the rule that we can acquire מטלטלין with this ש"ש through קרקע אגב.

<sup>4</sup> This is concerning אגב קנין where one who wishes to buy מטלטלין and קרקע from the seller, he needs only to make a קנין in the קרקע, and he automatically is קונה the מטלטלין via (אגב) the קרקע (see רש"י here ונקנין). The גמרא there posed a query whether it is necessary for the מטלטלין to be on the field in order to acquire the מטלטלין with אגב, or it is not necessary; the מטלטלין can be anywhere and nevertheless he is קונה the מטלטלין as well.

<sup>5</sup> If the only application of אגב קנין by a ש"ש is by a needle (if we require צבורין), it is unlikely that the תנא would go to the trouble to teach us such a case, since a needle is so insignificant.

the גמרא answered, 'for instance he stuck a needle in the ground' (to acquire it (בקנין אגב), so the גמרא asked, 'did the תנא trouble himself to inform us about a needle' -

מי לא עסקינן דתלי ביה מרגניתא<sup>6</sup> משמע דכל שהוא דוקא<sup>7</sup> -

And the גמרא there answered; it is not just a needle; cannot we be discussing where he hung a pearl on the needle. In any event it seems from that גמרא that the term כ"ש is precise (and not three טפחים). The question remains why is a כ"ש sufficient for ביכורים (even) by a חטה, since it requires three טפחים for יניקה?!?

answers: תוספות

ויש לומר דנהי דיניקתה ג' מכל מקום עיקר יניקתה אינו אלא כנגדה<sup>8</sup> -

And one can say; that even though it nourishes from three טפחים, nevertheless its main nourishment is only directly underneath it -

עיקר יניקה: תוספות supports his contention that we are concerned only for

ואילן נמי יניקתו כ"ה<sup>9</sup> אפילו הכי עיקר יניקתו<sup>10</sup> י"ו:

And by a tree as well, (even though) it nourishes up to twenty-five אמה, nevertheless the main יניקה is sixteen אמה -

## Summary

The main nourishment of the wheat is from the ground directly underneath it, even though it receives additional nourishment up to three טפחים distance.

## Thinking it over

Why does not תוספות prove that כל שהוא here mean precisely a כ"ש<sup>11</sup> from our גמרא, which states, 'דיקא נמי דקתני כ"ש'; why does תוספות need to prove it from קדושין?!<sup>12</sup>

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<sup>6</sup> There is much reason to discuss this case since it is a valuable item and we need to know if he acquires it or not.

<sup>7</sup> For if it means three טפחים what is the discussion; on an area with a radius of three טפחים, many objects can be placed there.

<sup>8</sup> Therefore, since the עיקר יניקה is כנגדה, therefore (even though it receives additional יניקה up to three טפחים), it is considered מארצך וכו'.

<sup>9</sup> See the גמרא later on this עמוד, regarding אמר כ"ה הבור מן האילן את האילן מן הבור כ"ה אמר, regarding עמוד.

<sup>10</sup> That is how עולא can reconcile why he requires only a sixteen אמה radius.

<sup>11</sup> See footnote # 2.

<sup>12</sup> See גזלת משה and מהר"ם.