

A בס"ד

Intro

Today we will Be"H begin פרק בית כור, the seventh Perek of בבא בתרא, and learn דף ק"ג, מסכת בבא בתרא. Some of the topics we will learn about include:

נקעים וסלעים

Whether ditches or rocks count towards the expected measurement of a sold field? This may depend on;

1.

Whether the seller specified that he is selling

בית כור

An area measuring a כור;

בית כור עפר

A כור בית measurement of earth,

בית כור קרקע

A בית כור of land;

כבית כור עפר

Approximately a כור בית of earth;

2.

עמוקים וגבוהין י' טפחים

Whether the ditches or rocks have a depth or height of ten טפחים;

3.

בית ארבעת קבין

If they total an area less than four קב per טאה, which is 1/45 of the total area, and

והוא שמובלעין

How they are distributed throughout the field.

A

## נקעים וסלעים

1

בית כור

בית כור עפר

בית כור קרקע

כבית כור עפר

2

עמוקים וגבוהין י' טפחים

3

בית ארבעת קבין

B The Gemara also discusses the following:

Generally,

הקדש נפדה בשויו

Most consecrated items are redeemed for their market value. However, there is an exception,

שדה אחוזה

An arable ancestral field, which one has inherited from his paternal ancestors all the way back to the days of יהושע when Klal Yisroel entered Eretz Yisroel;

This field is not redeemed by the owner for its market value, but for an arbitrary value prescribed in the Torah:

בית זרע חומר שעורים

בחמשים שקל כסף

A field large enough to plant a כור of barley is redeemed for a total of 50 שקל per יובל cycle; and pro-rated at one שקל and one פונדיון per year until יובל.

B

## הקדש נפדה בשויו

שדה אחוזה

בית זרע חומר שעורים  
בחמשים שקל כסף

1 So let's review...

Zugt di Mishnah

האומר לחבירו

בית כור עפר אני מוכר לך

If someone specifies that he is selling "A בית כור measurement of earth," which is an area of 75,000 square אמות, that is suitable for planting;

היו שם נקעים

עמוקים עשרה טפחים

או סלעים

גבוהין י' טפחים

If the property contained ditches ten טפחים deep, or rocks ten טפחים high, and, as the Rashbam explains,

'רחבין ד' על ד'

דהוו מקום חשוב בפני עצמן

The ditches or rocks measure four טפחים by four טפחים, and are therefore a separate entity;

אינן נמדדין עמה

They are not included in the measurement of a בית כור, and the seller must give the buyer more flat land to compensate for these areas.

1

מלך

האומר לחבירו

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The ditches or rocks measure four טפחים by four טפחים, and are therefore a separate entity;

אינן נמדדין עמה

They are not included in the measurement of a בית כור, and the seller must give the buyer more flat land to compensate for these areas.

2

However,

פחות מכאן  
נמדדין עמה

If these areas are less than ten טפחים deep or high, they are included in the כור בית, as the Rashbam explains

דאין שדה

בלא טרשים ונקעים פורתא  
ובטלי להו

It is understood that every field has slight mounds, rocks, and cracks, and they are part of the field.

However, the Rashbam adds,

אמר בית כור

או בית כור קרקע

If he merely referred to a כור בית, or if he said "A בית כור of land," but did not mention earth;

אפילו כולה סלעים הגיעו

The sale is valid even if the entire property consists of rocks, because

שמה לבנות בית

או למישטח בה פירי זבין ליה

Perhaps he bought it to build a house or to spread out fruit to dry. After all, he did not specify that he wants to farm the property.

The Gemara contrasts the Mishnah with a similar Halachah:

Generally,

הקדש נפדה בשוין

Most consecrated items can be redeemed for their market value. However, there is an exception,

שדה אחוזה

An arable ancestral field, which one has inherited from his paternal ancestors all the way back to the days of בן יהושע when Klal Yisroel entered Eretz Yisroel;

This field is not redeemed by the owner for its actual value, but for an arbitrary value assigned to it by the Torah.

2

## פחות מכאן נמדדין עמה

If these areas are less than ten טפחים deep or high, they are included in the כור בית,

דאין שדה

בלא טרשים ונקעים פורתא  
ובטלי להו

It is understood that every field has slight mounds, rocks, and cracks, and they are part of the field.

אמר בית כור

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If he merely referred to a כור בית, or if he said "A בית כור of land" - but not "earth"

אפילו כולה סלעים הגיעו

The sale is valid even if the entire property consists of rocks, because

שמה לבנות בית

או למישטח בה פירי זבין ליה

Perhaps he bought it to build a house or to spread out fruit to dry.

After all, he did not specify that he wants to farm the property.

Generally,

הקדש נפדה בשוין

Consecrated items can be redeemed for their market value.

However, there is an exception,

שדה אחוזה

An arable ancestral field, which one has inherited from his paternal ancestors all the way back to the days of בן יהושע when Klal Yisroel entered Eretz Yisroel; is not redeemed by the owner for its actual value, but for a value assigned to it by the Torah.

3 As the following משנה in ערכין explains;  
 המקדיש שדה בשעת היובל  
 If one consecrates a שדה אחוזה during the times when  
 Yovel is in effect, the field is redeemed for a value  
 predetermined by the Torah, namely,  
 נותן לו  
 לבית זרע חומר שעורים  
 חמשים שקל כסף  
 For a field of a כור בית כור,  
 Fifty שקל for a full Yovel cycle;  
 And it's pro-rated according to the number of years left  
 until the next Yovel.  
 The ברייתא adds;  
 מנין לרבות  
 לתך, וחצי לתך, סאה, תרקב, וחצי תרקב  
 ת"ל שדה מכל מקום  
 A smaller field is also redeemed at this rate.

The משנה there continues;  
 היו שם נקעים עמוקים י' טפחים  
 או סלעים גבוהין י' טפחים  
 אין נמדדין עמה  
 If there were ditches or rocks of ten טפחים in the property,  
 they are not considered part of this field, but a separate  
 field, and must be redeemed separately for their market  
 value.  
 פחות מכאן  
 נמדדין עמה  
 If they are less than ten טפחים, they are included in the  
 field.

3 *משנה - מסכת ערכין*

**המקדיש שדה בשעת היובל**  
*If one consecrates a שדה אחוזה during the times when Yovel is in effect,  
 the field is redeemed for a value predetermined  
 by the Torah, namely,*

**נותן לו  
 לבית זרע חומר שעורים  
 חמשים שקל כסף**  
*For a field of a כור בית כור,  
 Fifty שקל for a full Yovel cycle;  
 And it's pro-rated according to the number of years  
 left until the next Yovel.*

*The ברייתא adds;*

**מנין לרבות  
 לתך, וחצי לתך, סאה, תרקב, וחצי תרקב  
 ת"ל שדה מכל מקום**  
*A smaller field is also redeemed at this rate.*

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 או סלעים גבוהין י' טפחים  
 אין נמדדין עמה**  
*If there were ditches or rocks of ten טפחים in the property,  
 they are not considered part of this field,  
 but a separate field, and must be redeemed separately  
 for their market value.*

**פחות מכאן  
 נמדדין עמה**  
*If they are less than ten טפחים,  
 they are included in the field.*

4 The Gemara asks  
לקדשו באנפי נפשיהו  
Even though these ditches or rocks are considered  
separate fields and redeemed separately, they should still  
be redeemed at the rate of the Torah, not the market value?

And the Gemara answers;

בנקעים מלאים מים עסקינן  
דלאו בני זריעה נינהו  
דומיא דסלעים

The Mishnah discusses ditches filled with water and thus  
not arable, and the rocks are certainly not arable. There-  
fore, they are considered like ordinary assets and  
redeemed for their market value.

Nevertheless,

פחות מכאן  
נגאני דארעא מיקרו  
שדרי דארעא מיקרו

If they are less than ten טפחים deep, they are referred to as  
the cracks and spines of the land, since land is never  
perfectly level, and they are redeemed as part of the field.

This is the ruling of the Mishnah there regarding המקדיש  
שדה אחוזה.

However, regarding our Mishnah regarding מוכר, the  
Gemara rules

אע"פ שאין מלאים מים

Even empty, arable ditches are not included in the בית כור,  
because

אין אדם רוצה  
שיתן מעותיו במקום אחד  
ויראו לו כשנים ושלושה מקומות

It is implicit in their agreement that the buyer will receive  
a normal property, because no one wants the inconven-  
ience of cultivating land on two levels.

=====

4

**?**

**לקדשו באנפי נפשיהו**  
*Even though these ditches or rocks are considered  
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they should still be redeemed at the rate of the Torah,  
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דלאו בני זריעה נינהו  
דומיא דסלעים**  
*The Mishnah discusses ditches filled with water  
and thus not arable, and the rocks are also not arable.  
Therefore, they are considered like ordinary assets  
and redeemed for their market value.*

*Nevertheless,*

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*It is implicit in their agreement  
that the buyer will receive a normal property,  
because no one wants the inconvenience  
of cultivating land on two levels.*

5 The Gemara continues explaining our Mishnah which rules

פחות מכאן  
נמדדין עמה

If these areas are less than ten טפחים deep or high, they are included in the measurement of a בית כור.

The Gemara qualifies this ruling:

טרשים שאמרו  
בית ארבעת קבין

The rocks under ten טפחים are only included if they total an area of less than four קב per סאה, which is 1/45 of the total area. Similarly, the Rashbam explains,

ה"ה לקביים בחצי כור

If he sold  $\frac{1}{2}$  כור, there cannot exceed two קב of non-arable area. Otherwise, the seller must give him other land to complete the full בית כור.

The Gemara cites מחלוקת regarding the distribution of these four קב:

אמר רב עוקבא בר חמא

והוא שמובלעין בחמשת קבין

They are included only if they're scattered throughout an area measuring at least five קב, and certainly if they are further apart. But if they are closer together, ®

כמי משכונסים דמו ולא בטילי

דכאבן אחת רחבה ד' קבין דמי

We treat these areas as if they were a single rock, and it is considered a separate entity, and not included in the בית כור.

However,

רב חייא בר אבא אמר רבי יוחנן

והוא שמובלעין ברובה של שדה

They are included only if they're scattered throughout the majority of the field, i.e. four קב in sixteen סאה, a ratio of  $\frac{1}{4}$  קב per סאה; otherwise, they are considered a separate entity and not included in the בית כור.

5

## פחות מכאן נמדדין עמה

### טרשים שאמרו בית ארבעת קבין

The rocks under ten טפחים are only included if they total an area of less than four קב per סאה, which is 1/45 of the total area.

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### והוא שמובלעין בחמשת קבין

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But if they are closer together,  
כמי משכונסים דמו ולא בטילי  
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6 The Gemara inquires whether various arrangements of rocks, which make it progressively harder to plow the field, are counted towards the בית כור:

1.

רובן במיעוטה ומיעוטן ברובה

What is the Halachah if the four קב were scattered throughout the majority of the field, but in such a way that most of the rocks are in a minority of this section, and the rest are in the majority of this section; for example, if nine quarter-קב were distributed in seven סאה, and seven quarter-קב in nine סאה?

2.

כשיר

What is the Halachah if the rocks were arranged like a bracelet, in a circle?

3.

כשורה

What is the Halachah if they are arranged a row?

6

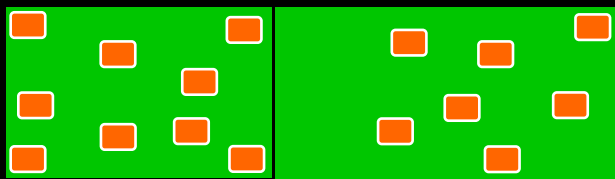
Various arrangements of rocks, which make it progressively harder to plow the field, are counted towards the בית כור

1

What is the Halachah

רובן במיעוטה ומיעוטן ברובה

If the four קב were scattered throughout the majority of the field, but in such a way that most of the rocks are in a minority of this section, and the rest are in the majority of this section;



Nine quarter-קב in Seven סאה



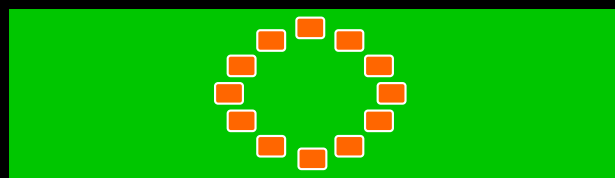
Seven quarter-קב in Nine סאה

2

What is the Halachah

כשיר

If the rocks were arranged like a bracelet, in a circle?

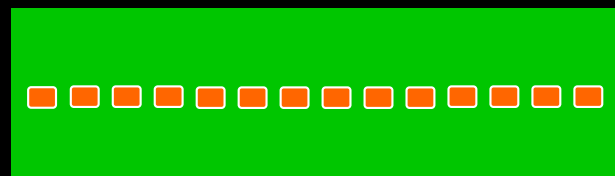


3

What is the Halachah

כשורה

What is the Halachah if they are arranged a row?



- 7 4.  
איצטדינין  
What is the Halachah if they are arranged like the horns of a bull?
5.  
דרך עקלתון  
What is the Halachah if they are arranged in a crooked line, forming a zigzag pattern?

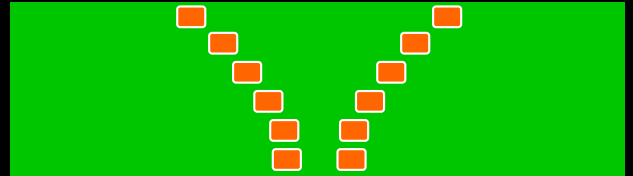
The Gemara answers

תיקו

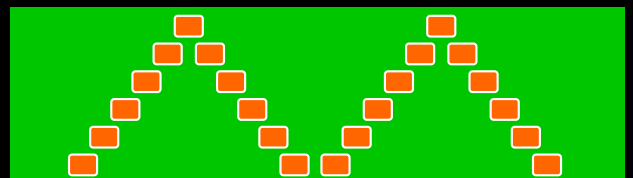
Leaving these matters unresolved.

=====

- 7 4
- What is the Halachah*  
**איצטדינין**  
*If they are arranged like the horns of a bull?*



- 5
- What is the Halachah*  
**דרך עקלתון**  
*If they are arranged in a crooked line, forming a zigzag pattern?*



**תיקו**



8 The Gemara adds another qualification to the Mishnah's ruling:

אם היה סלע יחידי  
אפילו כל שהוא  
אין נמדד עמה

A single rock, no matter how small, if situated along the field's boundary, but not contained within the field, is not included in the בית כור. Similarly,

אם היה סמוך למצר  
אפילו כל שהוא  
אין נמדד עמה

If it IS contained in the field, but abutting the boundary, it is also not included in the בית כור.

However, the Gemara inquires

מופסק עפר בינתים

If there is a strip of earth less than three טפחים wide separating the rock from the boundary, is it included in the field?

Or,

עפר מלמטה וצונמא למעלה

עפר מלמעלה וצונמא מלמטה

If the rock reaches until the boundary, but there is arable land on top of it or under it, is it included in the field?

The Gemara answers

תיקו

Leaving these matters unresolved.

=====

8

אם היה סלע יחידי  
אפילו כל שהוא  
אין נמדד עמה

A single rock, no matter how small, if situated along the field's boundary, but not contained within the field, is not included in the בית כור.

Similarly,

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אפילו כל שהוא  
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If it IS contained in the field, but abutting the boundary, it is also not included in the בית כור.

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If there is a strip of earth less than three טפחים wide separating the rock from the boundary, is it included in the field?

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If the rock reaches until the boundary, but there is arable land on top of it or under it, is it included in the field?

תיקו

9 The Mishnah concludes  
 ואם אמר לו  
 כבית כור עפר  
 If he specified that he is selling "approximately a כור בית of earth,"  
 אפילו היו שם נקעים  
 עמוקים יותר מעשרה טפחים  
 או סלעים  
 גבוהין יותר מעשרה טפחים  
 הרי אלו נמדדין עמה  
 Even if the ditches or rocks measure more than ten טפחים,  
 they count towards the כור בית.

The Rashbam explains  
 דלהכי אהני כבית כור  
 לטפויי הני  
 This expression allowed for some non-arable land.  
 However,  
 אי הוי יותר מד' קבין  
 אין הלוקח מקבל  
 דלהכי מהני מאי דאמר ליה עפר  
 If these areas totaled more than four קב, they are not  
 included, because he mentioned עפר, arable earth.

9

**ואם אמר לו  
 כבית כור עפר**  
 If he specified that he is selling  
 "approximately a כור בית of earth,"  
**אפילו היו שם נקעים  
 עמוקים יותר מעשרה טפחים  
 או סלעים**  
**גבוהין יותר מעשרה טפחים  
 הרי אלו נמדדין עמה**  
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 דלהכי אהני כבית כור  
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*This expression allowed for some non-arable land.*  
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