



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Metzia Daf Kuf Tes

MISHNA

- If one rents a field for less than 7 years, he may not plant flax, and he has no right to take any of the beams (the thick branches) of the fruitless sycamore tree. If he rents a field for 7 years, he may plant flax there during the first year, and he may take these beams during the first year.

GEMARA

- **Abaye** said, although he may not cut off these branches of the sycamore tree, he does get payment for the amount that these branches grew during the years of his tenancy. **Rava** said he does not get that either.
 - **Q:** A Braisa says, if someone rents a field and the rental term comes to an end, we assess the field for him. Now, presumably this refers to assessing the growth of the sycamore tree, and refutes **Rava**!? **A:** The Braisa means that we assess the value of the vegetables and the beets for the tenant, not the growth of the sycamore tree.
 - **Q:** Why do we need to assess vegetables and beets for him? Why can't he just uproot them and take them? **A:** The case is that the market day has not yet arrived. Therefore, he rather leave them in the ground (so that they stay fresh) and get paid for them by the owner.
 - **Q:** A Braisa says, if someone rents a field and shmitta comes, we assess the field for him. Now, shmitta does not remove the field from his possession, so why do we assess it for him? Rather, it must be that the Braisa said that when *Yovel* arrives we assess the field for him. Still, the question becomes that *Yovel* only removes a bought field from the buyer, not a rented field which has a term!? Rather, we must say that the Braisa means, if someone *bought* a field and *Yovel* arrives, we assess the field for him. Presumably this means that we assess the growth of the sycamore trees for him, and the same would hold true for a tenant who is returning the rented field!? You can't answer that this refers to the vegetables (as we said earlier), because vegetables become hefker when *Yovel* arrives! **A:** **Abaye** said, **Rava** could say that *Yovel* is different, based on a pasuk that says that the sold item must be returned, which suggests that only what was sold must be returned, but the improvement or growth need not be returned. However, in the case of a rental, it may be that we would not assess it for him.
 - **Q:** Why wouldn't we learn the case of a rental from the case of a sale at *Yovel*?
A: *Yovel* is a decree of Hashem, and that only applies to true sales.
 - **R' Pappa** rented a field to plant aspasta. During the rental there were palm trees that grew in the land. When the rental term ended, he asked to be paid for the improvement to the land (for the value of the trees). **R' Shisha the son of R' Idi** told him, just as if you had rented a tree you would not ask for the improvement if it grew thicker during that time, the same is true now, and you are not entitled to the value of the trees. **R' Pappa** said that case is different. When one rents a tree he does so only for its fruit. However, when one rents a field, he does so for all improvement to the field, and therefore should be entitled to the improvement of a tree!
 - **Q:** Presumably this only follows **Abaye**, who says the tenant gets paid for the growth of the tree? **A:** He may even follow **Rava**. In that case he does not get the improvement, because the tree caused him no loss. In the case of **R' Pappa**, the newly grown trees prevented him from planting and plowing that part of the field. Therefore, he deserves to get paid.
 - **R' Shisha** said to **R' Pappa**, the only loss you had was not being able to plant aspasta in that area, so you only deserve the value of aspasta for that area!? **R'**

Pappa said, "I could have planted expensive saffron there, so my loss is much greater than that". **R' Shisha** told him, "your answer tells me that you intended to take all your plantings with you. If so, you only deserve the value of the wood of the tree, not the value of an actual, live tree."

- **R' Bibi bar Abaye** rented a field. Over time, the soil eroded and rocks formed at the borders. Then trees grew through the rocks. When the rental term was over, he asked for payment for this improvement to the field. **R' Pappi** told him, even **R' Pappa** only felt that payment was deserved when the tenant suffered a loss due to the improvement. You have not suffered a loss (you can't plant in the area of the rocks, so the trees didn't prevent any planting), and therefore don't deserve to be paid for the improvement.
- **R' Yosef** had someone who planted vines for him and would forever work the vine and receive half the produce from them. This man died and left 5 sons-in-law, who wanted to take the place of their father in law. **R' Yosef** said, until now there was one person, now there will be 5!? Until now the one person knew that if he didn't do the work, it would not get done, but now, with 5 workers, each one will rely on the other, and the work will not get done and will cause me a loss! Therefore, he did not accept them to take the place of their father in law. He told them, if you want, I will pay you for the improvement and you then leave. If you don't agree to that, I will get rid of you without even paying you, because **R' Yehuda** has said that when the planter dies, his heirs can be sent away without giving them any payment.
 - The Gemara says, in truth **R' Yehuda** never said that.
- There was a planter who said to the owner, "if I cause you a loss, I will leave". He then caused a loss. **R' Yehuda** said, he leaves without getting paid for the improvements. **R' Kahana** said he does get paid for the improvements. **R' Kahana** would agree that if the planter said, "if I cause you a loss, I will leave without getting paid", then he does not get paid. **Rava** said, such a statement would have been said as an *asmachta*, which is not *koneh*, and therefore he would still have to get paid.
 - **Q:** According to **Rava**, why is this different than the Mishna, where a farmer said "if I don't cultivate the field I will pay you", in which case he must pay? **A:** In that case he is paying for the loss that he caused. In this case too, he would pay for the loss he caused by deducting that amount from the payment for the improvement.
- Runya was the planter for **Ravina**, and caused a loss. **Ravina** removed him. Runya complained to **Rava**, who told him that **Ravina** had every right to do so. Runya complained that he was never warned. **Rava** said, he can get rid of you even if he never warned you.
 - **Rava** follows his own view, because he says that a rebbi of children, a planter, a butcher, a mohel (or blood letter), and a town sofer, are all considered to have been warned and can therefore be told to leave without getting a warning. The general rule is, any position that causes an irreversible loss is considered to have already been warned.
- There was a planter that told the owner of the field, "Pay me for the improvement, because I want to move to EY". **R' Pappa bar Shmuel** told the owner to pay him for the improvements. **Rava** asked, why is he entitled to the full value of the improvements? Is it only he who made the improvements, but the land had nothing to do with the improvements? **R' Pappa bar Shmuel** said, I meant that he should pay him half the value of the improvements. **Rava** asked, until now the planter worked the vines and they each got half the produce. Now, the planter will leave and the owner will have to hire another sharecropper, who will take from the owner's produce. In effect, the planter has gotten his full half, but the owner must share his half with another sharecropper!? **R' Pappa bar Shmuel** said, I meant that the planter gets paid $\frac{1}{4}$ of the value of the improvements.
 - **R' Ashi** thought to say that this means that he gets $\frac{1}{4}$ of the owner's share after he hires another sharecropper, which is actually only $\frac{1}{6}$ of the value of the improvements. This is based on **R' Manyumei the son of R' Nechumei**, who said that in a place where the planter divides equally with the owner, and where a sharecropper takes $\frac{1}{3}$, if the planter wants to leave, he gets a share of the

improvement in a way that the owner should not lose anything from the amount that he was getting until then. **R' Acha the son of R' Yosef** explained that mathematically, if the planter takes a full $\frac{1}{4}$ of the improvements, and the owner then pays a new sharecropper $\frac{1}{3}$, the owner will be left with $\frac{1}{2}$ of the original amount, just as he was originally, before the planter left! **R' Ashi** complimented his sharp thinking.

- **R' Manyumei the son of R' Nechumei** also said, an old vine that is cut off is divided equally between the planter and the owner. However, if the river washed away a vine, the planter would only get $\frac{1}{4}$ of the value.
- There was a lender who took a vineyard as collateral for 10 years, with the plan to consume the produce each year and deduct from the loan. After 5 years the vineyard stopped producing. **Abaye** said the creditor may treat the wood as produce and take it. **Rava** said the wood is principal, and the wood should therefore be sold, and the proceeds used to purchase land from which the creditor can eat the produce for the remaining 5 years.
 - **Q:** A Braisa says, if a tree is given to a lender as collateral (and the lender ate the fruit in exchange for some decrease of the loan), and the tree died or was chopped down, neither the lender nor the borrower may benefit from the tree by burning the wood (because whichever one would do so would be consuming the principal of the other). Rather, they should sell the tree, use the proceeds to buy land, and the lender can eat the produce of that land. Now, presumably a vine that stopped producing is the same as if it was chopped down, because it is likely that it was chopped down only after it stopped producing, and we see that the branches are considered to be principal!?
A: The Braisa is talking about a tree that was chopped down while still bearing fruit. However, when it is chopped after it stops bearing fruit, it itself would be considered as produce.
 - **Q:** A Mishna says, if a married woman inherits old olive trees or grapevines, they should be sold and the proceeds should be used to buy a piece of land, and the husband eats the produce of that property. We see that the trees that don't produce are considered to be principal, not produce!? **A:** We should read the Mishna as saying that if they stopped producing suddenly, when it really should have still been producing, in that case it is considered to be principal. **A2:** We said that that Mishna is talking about where the trees were in a field that didn't belong to her, and that is why if the husband would use the wood it would be using her principal.