



Volume 10. Issue 13

Changing Conditions

The *Mishnah* discusses existing field worker arrangements in the face of changing conditions and how or if these changes impacts the original agreement. One arrangement is where a person accepts to work another's field on the condition that the owner will receive a percentage of the yield. This arrangement is referred to as *arisut*. The second, *chakirut*, is where the worker agrees to provide the owner a specific amount of the yield.

The *Mishnah* (9:8) teaches that if someone accepts a field to plant barley he is not allowed to plant wheat. If however it was under the assumption that he was going to plant wheat, then he is allowed to plant barley. *Rashi* explains that since wheat weakens the soil more than barley, the change from barley to wheat has a greater negative impact on the land and is therefore forbidden without prior agreement.

One question discussed in the *Rishonim* is to which arrangement does the *Mishnah* refer? *Arisut* or *Chakirut*?

Rashi (106b) understand that the *Mishnah* is referring to *chakirut* – where the payment is fixed. In a case of *arisut* however, since the owner stands to receive a percentage of the yield, the change from barley to wheat would be in his favour. The owner would prefer to receive a superior product even at the expense of a relative increase in degradation to the soil.

The *Ramban*, as cited by the *Magid Mishneh* (*Sechirut* 8:9) however disagrees. In a situation of *arisut*, since

the owner has a share in the yield the worker would not be able to digress at all from the original agreement. Nevertheless he holds, like *Rashi*, that the *Mishnah* is referring to a case for *chakirut*.

The *Gra* (*Choshen Mishpat* 434:4) explains that *Rashi* and *Ramban* argue about the statement of *Rav Papa*. The *Gemara* (104a) cites the position of *Rav Papa* that from the third *Mishnah* onward in this *perek*, each *Mishnah* applies only to *chakirut* or *arisut*. We have also seen this in our study this week that the *Mishnah* regularly switched between the two.

The *Gra* (435:1) explains that *Ramban* understands the statement of *Rav Papa* that each *Mishnah* discusses one arrangement exclusively and the law discussed *cannot* apply to the other arrangement. Consequently in this case only in *chakirut* can one change (from wheat to barley) but certainly not in *arisut*.

Rashi however understands the statement of *Rav Papa* differently. He is not stating that it applies to arrangement and not to the other. Instead the intention is that the ruling of *Mishnah* is necessary for one, while that ruling is obvious for the other. The *Gra* cites *Rashi's* comments on the *Mishnah* (8:4 & 8:7) that are in this vein. We understand therefore that if the case is referring to *chakirut* and it was teaching that changing from wheat to barley is permitted then it follows that it was unnecessary to teach that that is the case in *arisut* since it is most certainly permitted.

Yisrael Yitzchak Bankier

Revision Questions

בבא מציעא ח' ז': ט' י"א

- What must a landlord provide for his tenant? (ח' ז': ט')
- When is the advent of a leap year advantageous to the tenant and when is it to the benefit of the landlord? (ח' ז': ט')
- What responsibility is placed on the landlord if the house collapses during the rental period? (ח' ז': ט')
- What does it mean if someone is “mekabel” a field from another person? (ט' י"א)
- What dictates the terms of such an arrangement? (ט' י"א)
- If the nature of a field changes, when can a *choker* renegotiate the terms? (ט' י"א)
- What is the law if an *aris* sits back and does not engage in any field work? (ט' י"א)
- Can a *choker* refuse to weed the field? (ט' י"א)
- What is the debate regarding an *aris*, where the field is producing a poor yield? (ט' י"א)
- When can a *choker* reduce the produce that he must pay the field owner if the field was devastated by locust? (ט' י"א)
- Regarding the previous question, according to *R' Yehuda*, who cannot renegotiate the terms despite the devastation? (ט' י"א)
- What is the law regarding a *choker* who produced prime quality produce? (ט' י"א)
- If a person rents a field, can he deviate from the agreed use? (ט' י"א)
- What is one not allowed plant in a field if it was rented for a “small number of years”? (ט' י"א)
- Regarding the previous question, what is a “small number of years”? (ט' י"א)
- If someone rents a field for seven years, when is the *shmittah* years included and when is it not included? (ט' י"א)
- When should a contract worker be paid if he was employed for a: (ט' י"א)
 - Day?
 - Night?
 - Year?

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
 Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
 Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
 Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 th May ג' סיון	13 th May ד' סיון	14 th May ה' סיון	15 th May ו' סיון	16 th May ז' סיון	17 th May ח' סיון	18 th May ט' סיון
Bava Metzia 9:12-13	Bava Metzia 10:1-2	Bava Metzia 10:3-4	Bava Metzia 10:5-6	Bava Batra 1:1-2	Bava Batra 1:3-4	Bava Batra 1:5-6

