

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah notes different rights that one who leases a field has if the lease is for seven or more years.

2) Improvement of the sycamore

Abaye and Rava disagree whether one with a lease less than seven years has the right to the improvement of a sycamore.

Two unsuccessful challenges to Rava are presented.

A related incident involving R' Pappa is recorded.

A second related incident is presented.

3) Planter

An incident involving R' Yosef and his planter is presented.

Another incident involving planters is recorded. R' Kahana and Rava disagree whether the planter's agreement to leave without collecting the improvements if he causes a loss is binding.

Rava's position that the planter collects the improvements despite his agreement is unsuccessfully challenged.

In another incident Rava taught that a planter does not have to be warned before he is dismissed for causing the landowner a loss.

The Gemara discusses how much a planter collects from the improvements if he chooses to quit.

Two rulings from R' Manyumi the son of R' Nachumi are recorded related to planters.

Rava and Abaye disagree whether withered vines are categorized as produce or principal.

The Gemara unsuccessfully challenges Abaye's position that withered vines are considered produce. ■

REVIEW and Remember

1. Does Yovel have any effect on a leased field?
2. When is an אסמכתא type agreement binding?
3. What payment does a planter receive if he decides to stop working?
4. What is the point of dispute between Abaye and Rava concerning withered vines?

Today's Daf Digest is dedicated
 By Mr. and Mrs. Eric Rothner
 In loving memory of their mother
 Mrs. Shirley Rothner, ז"ל

Distinctive INSIGHT

An error that cannot be corrected

דאמר רבא מקרי דרדקי שתלא טבחא ואומנא וספר מתא כולן כמותרין ועומדין דמי. כללא דמילתא כל פסידא דלא הדר כמותרין ועומדין דמי

Rava taught that any city worker may be dismissed from his job even without specific warning if he was to err and the mistake causes irreparable damage. The jobs which Rava mentions are a teacher of children, a gardener, butcher, doctor, or a barber (ספר מתא). In Bava Basra 21b, this last listing is written as סופר מתא, and the Rishonim offer explanations for this varying from a teacher, a barber, one who writes sifrei Torah, or one who writes the documents for the city.

Regarding מקרי דרדקי, the Rishonim offer explanations why his task involves a loss which is irreparable. Rashi says that the information taught and the impressions made by a Torah teacher make an indelible impression upon the students. This makes his job one of tremendous opportunity in terms of the influence he can have upon them, but it is also one of great responsibility. Therefore, if at any time a teacher is deemed incompetent, he may be removed immediately. Tosafos questions the approach of Rashi, as Rava himself (in Bava Basra) says that errors which a teacher makes in teaching small children will be self-correcting when the child gets older (שבשתא ממילא נפקא). Therefore, Rava is of the opinion that this type of error is not irreparable. Ramban and Rashba answer that the Gemara in Bava Basra is dealing in a case where the Torah teacher is himself very learned, but he does not supervise the students to see that each is reading every word properly. In that case, Rava holds that eventually, the student's errors will be corrected by the time he gets older, as the teacher will eventually notice the problem. Our Gemara, however, is dealing with a teacher whose own knowledge is not precise or accurate. He teaches with mistakes, and he is not aware to correct the inaccuracies which are being taught. In such a case, as soon as this is noticed, the teacher should be given a different job other than teaching, and he need not be warned.

Toafos explains that the irreparable damage caused by an incompetent teacher is that the hour of study was not utilized to its fullest. Although the students might eventually correct their errors, that hour of proper study can never be recaptured.

This approach is used by many Rishonim. Rambam (Schi'rus 10:7) and Shulchan Aruch (C.M. 306:8) write that "if a teacher makes mistakes in teaching, or if he does not teach..." Rashba also explains that the issue is that the teacher "is idle and does not teach." This implies that the problem is a function of the unproductive time which cannot be recaptured, and not just due to the errors the teacher transmits. ■

This week's Daf Digest is dedicated
 By Mr. & Mrs. Dennis Ruben in memory of their parents
 ר' אברהם וואלף בן ר' בערל ז"ל
 ר' חיים שלום בן ר' בנדיט מאיר ז"ל

HALACHAH Highlight

Firing a teacher who makes an error

דאמר רבא מקרי דרדקי וכי כולן כמותרין ועומדין דמי

As Rava said: A teacher of children... are considered forewarned

Rashi¹ explains that Rava referred to firing a teacher of children who teaches the children incorrect facts. The reason this is treated as though the teacher caused an irreversible loss is that it is assumed that once a mistake enters the mind of a child it will remain there forever. Tosafos² challenges this understanding from another statement of Rava. In Bava Basra (21a) Rava asserts that mistakes leave a child's head on their own. Why then does Rava consider mistakes an irreversible loss if in time they will be forgotten? Tosafos therefore explains that the irreversible loss is the time that was spent learning the incorrect information when that same time could have been spent learning correct information. Since time cannot be returned it is considered an irreversible loss. Ran³ answers for Rashi that Rava's statement that mistakes leave a child's head on their own is limited to mistakes that the child picks up on his own. If those mistakes are reinforced by the bad teaching of a teacher they become a per-

manent fixture in the child's mind and thus it is the teacher who is responsible for cementing the incorrect knowledge in the child's head.

From Tosafos it seems that there is justification to remove a teacher even if he wasted just an hour of his student's time. Rema⁴ writes in the name of earlier authorities that a teacher can be dismissed without prior warning if he wastes a day or two – יום או יומים. S"ma⁵ explains that the intent of Rema is that the teacher wasted a full twenty four period (מעט לעת) of learning, but short of that the teacher cannot be dismissed without warning. Precedent for understanding the phrase יום או יומים as a twenty four hour period is found in the Midrash⁶. When the Torah discusses the slave owner who strikes and injures his gentile slave the Torah discusses what happens if he survives the injury for יום או יומים and the Midrash explains that the intent of the Torah is that the slave must survive for twenty four hours subsequent to the injury. ■

1. רש"י ד"ה מקרי.
2. תוס' ד"ה וספר.
3. ר"ן ד"ה מקרי.
4. רמ"א חו"מ סי"י ש"ן סעי' ח'.
5. סמ"ע שם ס"ק כ"א.
6. מכילתא דרשב"י שמות כ"א: כ"א. ■

STORIES Off the Daf

A broken agreement

”טבחא...כמותרין ועומדין דמו”

In a certain city the shoctim were forced to either give up their positions or swear only to shecht with explicit permission from the rav of the city. Not surprisingly, the four shoctim chose to swear and even signed a witnessed document that they would never slaughter any kind of animal for their city again if they ever lacked the agreement of their rav.

For many years they held to their word and did not have any trouble. One of the original four passed away in the interim and was replaced by his son, who also kept to his late father's agreement. But eventually, there was a squabble regarding a certain matter and the rav withdrew the shoctim's right to

shecht. Surprisingly, this did not immediately have an effect on the shoctim as they continued their work, blatantly ignoring their oath.

After a while, however, the people of the town became incensed at the disregard of the rav's authority and the shoctim were forced to come to terms with the rav and ask for penance. Before he could answer their question, however, he needed to find an answer to one of his own. The rav asked the Netziv, ז"ל, was if he was permitted to reinstate such wicked people in the first place.

The Netziv replied, “These shoctim did many serious prohibitions. To begin with, they have distanced their hearts from fear of heaven which is a very essential element of all shechitah. In addition, we find in Bava Metzia 109 that shoctim are one of a number of vocations that are considered ‘warned’ and can be summarily dismissed without further notice since they

cannot correct what they ruin through carelessness.

“It is clear from dinah d'gemara that these shoctim should lose their jobs, if not for the fact that this is also a matter which would have repercussions on the community as a whole. It is not so easy to find expert shoctim who can provide for an entire town. In addition, removing them would cause great strife, which is as bad for the Jewish people as being run through with a sword, since this causes the greatest sins. And it is well known that the needs of mitzvah and of the many are likened to b'dieved, so we must evaluate their shechitah in this manner. B'dieved, their shechitah is good and they may remain to serve the community.”

The Netziv concluded, “Hashem should show us the truth and help us avoid erring in halachah, chas v'shalom!”¹ ■

1. שו"ת משיב דבר, ח"ב, ס' ה'