

A בס"ד

Intro

Today we will learn בע"ה of בבא בתרא דף י"ב
Some of the topics we will learn about include.

A continuation of the Halachos pertaining to closing off a מבוי, an alleyway;

The minimum size of a field in בבל for division;

A discussion regarding נבואה in today's times;

חלק בכור וחלק פשוט
יהינן ליה אחד מצרא

Regarding a firstborn son who receives a double portion of his father's property, he receives the two portions next to each other.

The Machlokes regarding יבם;

A person who married the wife of his childless deceased brother, in which he inherits his brother's portion along with his own portion in their father's estate, does he receive the two portions next to each other or not?

B The Machlokes regarding

ההוא דזבן ארעא אמצרא דבי נשיה
כי קא פלגו א"ל פליגו לי אמצראי

One brother bought a field adjacent to one of his father's fields, and after the father died, this brother requested to receive his portion in the field that was adjacent to his own field, must the other brothers fulfill his request or not, which depends on the type of field;

whether they were
בשדה בית הבעל

All the father's fields were naturally irrigated, and the crops of one field might be superior to the others;

OR

תרי ארעתא אתרי נגרי

All the father's fields require additional water for their irrigation, and each field was adjacent to a different river;

OR

תרת' אחד נגרא

All the father's fields require additional water for their irrigation, and all the fields were adjacent to the same river;

A

**Halachos pertaining
to closing off a מבוי**

**Minimum size
of a field in בבל
for division**

נבואה

**חלק בכור וחלק פשוט
יהינן ליה אחד מצרא**

B

יבם

**ההוא דזבן ארעא
אמצרא דבי נשיה
כי קא פלגו א"ל
פליגו לי אמצראי**

**בשדה בית הבעל
תרי ארעתא אתרי נגרי
תרת' אחד נגרא**

C בכגון זה כופין על מדת סדום
We can compel someone to do something that will benefit others at no expense to him, which the people of סדום refused to do.
This is otherwise known as
זה נהנה וזה לא חסר
One benefits, and the other does not lose.

C



בכגון זה
כופין על מדת סדום

זה נהנה
וזה לא חסר

1 So let's review ...

The Gemara proceeds with the Halachos pertaining to closing off a מבוי, an alleyway:

1.

אמר רבה בר בר חנה א"ר יוחנן
מבואות המפולשות לעיר אחרת
ובקשו בני העיר לסותמן

If a מבוי in one city opens to a road leading to another city,
and the people in the first city wanted to close up their
מבוי אותה העיר מעכבין עליהן

The people of the second city can prevent them from
doing so.

לא מיבעי

כי ליכא דרכא אחרינא

דמעכבי

If there is no other road leading to the second city,
they certainly can prevent it, because this is their only way to
the city.

אלא אפילו כי איכא דרכא אחרינא נמי מעכבי

And even if there is another road leading to their city,
they may prevent it, because

מצר שהחזיקו בו רבים

אסור לקלקלו

Once the public takes possession of something, it belongs
to them, and one cannot take away their route.

1

Halachos pertaining to closing off a מבוי

1

אמר רבה בר בר חנה א"ר יוחנן

מבואות המפולשות לעיר אחרת
ובקשו בני העיר לסותמן

If a מבוי in one city opens to a
road leading to another city,
and the people in the first city
wanted to close up
their מבוי;



בני אותה העיר
מעכבין עליהן

The people of the
second city can prevent
them from doing so.

אלא אפילו
כי איכא

דרכא אחרינא
נמי מעכבי

And even if there is another
road leading to their city,
they may prevent it

לא מיבעי
כי ליכא

דרכא אחרינא
דמעכבי

If there is no other road
leading to the second city,
they certainly can prevent
it, because this is their only
way to the city.



מצר
שהחזיקו בו רבים
אסור לקלקלו

Once the public takes possession of something, it belongs
to them, and one cannot take away their route.

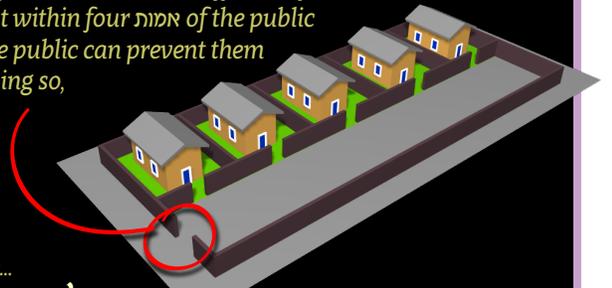
2

2.
 אמר רב ענן שמואל
 מבואות המפולשין לרה"ר
 ובקשו בני מבואות להעמיד להן דלתות
 בני רה"ר מעכבין עליהן
 If a מבי is open to a public area and its residents want to
 put up doors and close it off, even if the doors were not
 within four אמות of the public area, the public can prevent
 them from doing so, because
 זימנן דדחקי בני רה"ר ועיילי טובא
 Sometime the רשות הרבים becomes congested, and the
 people spread out into the מבי, and it is considered
 מצר שהחזיקו בו רבים
 אסור לקלקלו
 =====

2

2
 אמר רב ענן אמר שמואל
**מבואות המפולשין לרה"ר
 ובקשו בני מבואות להעמיד להן דלתות
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If a מבי is open to a public area and its residents want
 to put up doors and close it off, even if the doors
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because...

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 Sometime the רשות הרבים becomes congested,
 and the people spread out into the מבי, and it is considered
**מצר שהחזיקו בו רבים
 אסור לקלקלו**

3

The previous Mishnah mentioned
 ולא את השדה
 עד שיהא בה תשעה קבין לזה ותשעה קבין לזה
 In a field;
 One partner cannot compel the other to split up the field,
 unless there remains an area large enough to sow nine קב
 of seed for each partner.
 רבי יהודה says
 עד שיהא בה תשעת חציי קבין לזה
 ותשעת חציי קבין לזה
 A field can be split up even if there remains an area of
 only nine half קבין, which is 4½ קבין, for each partner.

The Gemara explains that there is actually no Machlokes:
 מור כי אתריה
 ומור כי אתריה
 In the תנא קמא's area the minimal size of a profitable field
 was nine קב, while in רבי יהודה's area the minimal size of a
 profitable field was 4½ קב, because the soil was more
 fertile.

3

מלך
**ולא את השדה
 עד שיהא בה תשעה קבין לזה
 ותשעה קבין לזה**

One partner cannot compel the other to split up the field,
 unless there remains an area large enough
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רבי ירמיה
**עד שיהא בה תשעת חציי קבין לזה
 ותשעת חציי קבין לזה**

A field can be split up
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 4½ קבין for each partner.

מור כי אתריה – ומור כי אתריה

In רבי יהודה's area
 the minimal size
 of a profitable field
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In the תנא קמא's area
 the minimal size
 of a profitable field
 was nine קב.

4

Regarding בבל,

רב יוסף says

בי רדו יומא

The minimal size of a field is the amount it takes to plow for an entire day, so that the owner can rent oxen for a day to plow his field.

The Gemara asks

מאי בי רדו יומא

As Rashi explains, in בבל they would plow twice; once when the ground was hard, and again before they planted and the ground was already softened. Therefore, the Gemara asks, to which plowing is רב יוסף referring?

If

בי רדו יומא

יומא זרעא

If the field size is based on one day of the second plowing;

תרי יומא כרבא לא הוי

The first plowing would take somewhat more than one day, but not two full days, and the owner cannot rent oxen for a partial day.

And if

בי רדו יומא

יומא דכרבא

If the field size is based on one day of the first plowing,

יומא זרעא לא הוי

The second plowing would take somewhat less than one day, and the owner cannot rent oxen for a partial day?

4

Regarding בבל,...

רב יוסף

בי רדו יומא

The minimal size of a field is the amount it takes to plow for an entire day, so that the owner can rent oxen for the day.

מאי בי רדו יומא

As Rashi explains - in בבל they would plow twice; once when the ground was hard, and again before they planted and the ground was already softened.

Therefore, the Gemara asks, to which plowing is רב יוסף referring

And if

**בי רדו יומא
יומא דכרבא**

If the field size is based on one day of the first plowing

**יומא זרעא
לא הוי**

The second plowing would take somewhat less than one day, and the owner cannot rent oxen for a partial day?

If

**בי רדו יומא
יומא זרעא**

If the field size is based on one day of the second plowing

**תרי יומא כרבא
לא הוי**

The first plowing would take somewhat more than one day, but not two full days, and the owner cannot rent oxen for a partial day.



5

The Gemara answers

אי בעית אימא

יומא דכרבא

Either the field size is based on one day at the first plowing; however, at the second plowing

דכריב ותני

They would plow twice, before and after they planted, and in all it takes one entire day.

OR

ואי בעית אימא

יומא דזרעא

The field size is based on one day at the second plowing; however, we're speaking of a case of

בהדורי

In a hilly field, where the first plowing is difficult and takes two complete days.

Regarding

דוולא

A field with a well or watering hole, רב נחמן says;

בי דאלו יומא

The minimal size is based on the amount it takes a worker to water the field an entire day.

Regarding

פרדסא

A vineyard, אבוה דשמואל says

בת שלשת קבין

The minimal size is three קב.

רבי יוסי says

אין אלו אלא דברי נביאות

This amount is like a prophecy;

It's accurate, but with no logical reason.

=====

5

ואי בעית אימא
יומא דזרעא

The field size is based on one day at the second plowing; however, we're speaking of a case of

בהדורי

In a hilly field, where the first plowing is difficult and takes two complete days.

אי בעית אימא
יומא דכרבא

Either the field size is based on one day at the first plowing; however, at the second plowing

דכריב ותני

They would plow twice, before and after they planted, and in all it takes one entire day.

Regarding

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A field with a well, רב נחמן says;

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The minimal size is based on the amount it takes a worker to water the field an entire day.

Regarding

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רבי יוסי says

אין אלו אלא דברי נביאות

This amount is like a prophecy; It's accurate, but with no logical reason.

6 The Gemara proceeds with a discussion regarding נבואה in today's times:

1.

אמר רבי אבדימי דמן חיפה
מיום שחרב בית המקדש
אע"פ שניטלה מן הנביאים
מן החכמים לא ניטלה

Since the destruction of the Bais Hamikdash, only the prophets who are not Chachamim lost the power of prophecy, but those that are Chachamim still retain the power of prophecy.

As the Gemara concludes

תדע דאמר גברא רבה מילתא
ומתאמרא הלכה למושה מסיני כוותיה

This can be proven from a Chacham who states his own Halachah, and it is later confirmed that it coincides with a הלכה that משה רבינו accepted from Hashem.

As Rashi explains, it must be that

סברת הלב הבאה לו בנבואה

The Chacham came to this conclusion through prophecy, for he could not have thought of this on his own.

6 *A discussion regarding נבואה in today's times*

1

אמר רבי אבדימי דמן חיפה

**מיום שחרב בית המקדש
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7

2.

אמר רבי יוחנן
מיום שחרב בית המקדש
ניטלה נבואה מן הנביאים
וניתנה לשוטים ולתינוקות

Since the destruction of the Bais Hamikdash, the power of prophecy was taken from the prophets and given to the insane and to children; and the Gemara cites two supporting incidents.

=====

7

2

**מיום שחרב בית המקדש
ניטלה נבואה מן הנביאים
וניתנה לשוטים ולתינוקות**

Since the destruction of the Bais Hamikdash, the power of prophecy was taken from the prophets and given to the insane and to children; and the Gemara cites two supporting incidents.

8 The Gemara returns to discuss division of fields:

פשיטא חלק בכור וחלק פשוט
יהבין ליה אחד מצרא

A firstborn son who receives a double portion of his father's estate, gets the two portions next to each other, because as Rashi explains

שהרי שניהן חלקו הן

והרי הן כחלק אחד

They both come to him from the same source, his father. Therefore, they are considered like one portion.

However, a

יבם

One who married the wife of his childless deceased brother, in which case he inherits his brother's portion along with his own portion in their father's estate; There's a Machlokes;

יבם אביי says

היא היא

The יבם also gets the two portions next to each other. Even though they come to him from different sources, his father and his brother?

However, the Pasuk of יבום states

והיה הבכור אשר תלד

בכור קרייה רחמנא

The Pasuk considers the יבם like a בכור even regarding his portion in his brother's estate.

רבא disagrees and says

The יבם does not get the two portions next to each other, unless he is willing to compensate his brothers, because they come to him from different sources.

And even though the Pasuk states והיה הבכור?

It means

הוייתו כבכור

ואין חלוקתו כבכור

The יבם is considered like a בכור only regarding his obligation for יבום, but not regarding his portion in his brother's estate.

=====

8

רב הונא בריה דרב ירמיה
**פשיטא חלק בכור וחלק פשוט
יהבין ליה אחד מצרא**

A firstborn son who receives a double portion of his father's estate, gets the two portions next to each other,

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שהרי שניהן חלקו הן

והרי הן כחלק אחד

They both come to him from the same source, his father. Therefore, they are considered like one portion.

However, a

יבם

He inherits his brother's portion along with his own portion in their father's estate;

רבא

The יבם does not get the two portions next to each other, unless he is willing to compensate his brothers, because they come to him from different sources.

אביי

היא היא

The יבם also gets the 2 portions next to each other.

Even though they come to him from different sources, his father and his brother.

And even though the Pasuk states והיה הבכור?

It means

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The Pasuk considers the יבם like a בכור even regarding his portion in his brother's estate.

9 The Gemara proceeds with a Machlokes regarding
ההוא דזבן ארעא אמצרא דבי נשיה
כי קא פלגו א"ל פליגו לי אמצראי
One brother bought a field adjacent to one of his father's
fields, and after the father died, this brother requested to
receive his portion of the inheritance in the field that was
adjacent to his own field, it depends:

1.

בשדה בית הבעל

If all the father's fields were naturally irrigated;

רבה says

כגון זה כופין על מדת סדום

The other brother's must accede to his request, because all
the fields are equal, and

זה נהנה וזה לא חסר

This brother benefits while they do not lose out.

While רב יוסף disagrees and holds

אין כופין

The other brother's do not need to accede to his request,
because they claim

מעלינן ליה עלויא כי נכסי דבי בר מריון

This field might be the most superior of all our father's
fields, and they do lose out. Therefore, he must compensa-
te them to get this field.

והלכתא כרב יוסף

2.

תרי ארעתא אתרי נגרי

If all the father's fields require additional water for their
irrigation, and each field is adjacent to a different river;

רבה says

כגון זה כופין על מדת סדום

Because all the fields are equal, and

זה נהנה וזה לא חסר

While רב יוסף disagrees and holds

אין כופין

Because

זמנין דהאי מדויל והאי לא מדויל

The fields are not equal, since the river of one field might
dry up, while the river of the other fields will not dry up,
and they will lose out.

והלכתא כרב יוסף

9
ההוא דזבן ארעא אמצרא דבי נשיה
כי קא פלגו א"ל פליגו לי אמצראי
One brother bought a field adjacent to one of his father's fields,
and after the father died, this brother requested
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בשדה בית הבעל

If all the father's fields were naturally irrigated;

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אין כופין

The brother's do not need
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מעלינן ליה עלויא

כי נכסי דבי בר מריון

This field might be the most
superior of all fields.
Therefore, he must compensate
them to get this field.

רבה

כגון זה

כופין על מדת סדום

The other brother's
must accede to his request,
because all the fields are equal,
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זה נהנה וזה לא חסר

This brother benefits
while they do not lose out.

והלכתא כרב יוסף

2

תרי ארעתא אתרי נגרי

If all the father's fields
require additional water for their irrigation,
and each field is adjacent to a different river;

רב יוסף

אין כופין

Because

זמנין דהאי מדויל

והאי לא מדויל

The fields are not equal,
since the river of one field
might dry up,
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fields will not dry up,
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כגון זה

כופין על מדת סדום

Because all the fields
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זה נהנה וזה לא חסר

והלכתא כרב יוסף

10

3.
 תרתי אחד נגרא
 If all the father's fields require additional water for their irrigation, but all the fields are adjacent to the same river.
 כגון זה כופין על מדת סדום
 רב יוסף says
 Because all the fields are equal, and
 זה נהנה וזה לא חסר

אבי disagrees and holds
 אין כופין
 Because the brother's claim
 בעינא דאפיש אריסי
 We gain more if your fields are separated, since you require additional workers who will thereby protect our field in the middle.

והלכתא כרב יוסף

4.

חד גיסא נגרא
 וחד גיסא נהרא
 If two brothers want to divide their father's field, that has a canal on the north side, and a river on the east side;
 פלגין לה בקרנא זול
 They divide the field into eight diagonal parts, so that each brother receives a portion alongside both the trough and the river.

10

3

תרתי אחד נגרא

If all the father's fields require additional water for their irrigation, but all the fields are adjacent to the same river.

אבי
אין כופין
 Because the brother's claim

בעינא דאפיש אריסי
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כגון זה כופין על מדת סדום

Because all the fields are equal, and זה נהנה וזה לא חסר

והלכתא כרב יוסף

4

חד גיסא נגרא וחד גיסא נהרא

If two brothers want to divide their father's field, that has a canal on the north side, and a river on the east side;



פלגין לה בקרנא זול

They divide the field into eight diagonal parts, so that each brother receives a portion alongside both the trough and the river.