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Intro

Today we will בע"ה learn איז דף פ"א for המכת בבא קמה Some of the topics we will learn about include.

The Gemara lists and explains עשרה תנאין התנה יהושע

Upon their entry to ארץ ישראל and division of the land, יהושע בן נון initiated ten stipulations for the common good of all Yidden.

1.

שיהו מרעין בחורשין

One may allow his animals to graze in someone else's forest, and the owner cannot object

2.

ומלקטין עצים בשדותיהם

One may collect wood in someone else's field

3.

ומלקטים עשבים בכל מקום חוץ מחלחו

One may collect grass in any field, except in a field of תלתן.

A

עשרה תנאין התנה יהושע



שיהו מרעין בחורשין

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ומלקטין עצים בשדותיהם

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ומלקטים עשבים בכל מקום חוץ מתלתן

One may collect grass in any field, except in a field of fenugreek

В

וקוטמים נטיעות בכל מקום חוץ מגרופיות של זית

One may cut off branches from someone else's tree to graft in his own tree, except for the lower area of an olive tree

5.

ומעין היוצא בתחילה בני העיר מסתפקין ממנו

People may draw water from even a new spring that began to flow in a person's property, and they do not need to pay him for it.

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4

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One may cut off branches from someone else's tree to graft into his own tree, except from the lower area of a stump of an olive tree

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People may draw water from even a new spring that began to flow in a person's property, and they do not need to pay him for it







С

6.

ומחכין בימה של טבריא

ובלבד שלא יפרוס קלע ויעמיד את הספינה

A person from any Shevet is permitted to go fishing in the Kineret Lake even though it belonged to Shevet נפתלי. However, they may not place fences or nets that might obstruct a boat from passing through.

7.

ונפנין לאחורי הגדר ואפילו בשדה מליאה כרכום

One may relieve himself behind the wall of someone's field, even if כרכום was grown there

C



ומחכין בימה של מבריא ובלבר שלא יפרום קלע ויעמיד את הספינה

A person from any Shevet is permitted to go fishing in the Kinneret Sea, even though it belonged to Shevet **ceac**'s

However,
they may not place fences or nets
that might obstruct a boat from passing through



וְנְפנין לאחורי הגדר ואפילו בשדה מליאה כרכום

One may relieve himself behind the wall of someone's field, even if כרכום was grown there

ומסתלקין לצידי הדרכים מפני יתידות הדרכים

People may walk in the fields on the side of the road, to avoid the pointy areas of the road.

9.

והתועה בין הכרמים

מפסיג ועולה מפסיג ויורד

Someone who is lost in someone else's vineyard is permitted to climb the grapevine and tear off its branches to find the road.

ומסתלקין לצידי הדרכים מפני יתידות הדרכים

People are permitted to walk in the fields to the side of the road, to avoid the bumpy areas of the road



והתועה בין הכרמים מפסיג ועולה מפסיג ויורד

A person who is lost in someone else's vineyard is permitted to climb the grapevine and tear off its branches to find the road









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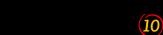
ומת מצוה

קנה מקומו

If a dead person who has none to attend to his burial was found in someone's field, the body is buried in the place of its discovery.

And the Gemara adds that שלמה המלך enacted ומהלכים בשבילי הרשות ומהלכים בשבילי הרשות עד שתרד רביעה שניה

One may take a shortcut through someone else's field until the second rainfall when the new crop begins to grow, because only then does this harm the field.



ומת מצוה קנה מקומו

If a dead person who has no one to attend to his burial was found in someone's field, the body is buried in the place of its discovery



אנקד דאק enacted:

ומהלכים בשבילי הרשות עד שתרד רביעה שניה

One may take a shortcut through someone else's field until the second rainfall when the new crop begins to grow







So let's review ...

The Gemara cites a Braisa

עשרה תנאין התנה יהושע

Upon their entry to ארץ ישראל and division of the land, יהושע בן גון initiated ten stipulations for the common good of all Yidden.

1.

שיהו מרעין בחורשין

One may allow his animals to graze in someone else's forest, and the owner cannot object. And as the Gemara qualifies;

לא אמרן אלא דקה בגסה

Only small animals in large forests were permitted,

because, as Rashi explains

שאינה מכלה את האילנות

They won't consume all the trees.

אבל דקה בדקה

וגסה בגסה

וכל שכן גסה בדקה

דלא

However, small animals in small forests, or large animals in large forests, and certainly in small forests, were not permitted, because

מכלה את האלינות

They will consume all the trees.



ומלקטין עצים בשדותיהם

One may collect wood in someone else's field.

And as the Gemara qualifies;

לא אמרן אלא בהיזמי והיגי

He is permitted to collect only wood that comes from brambles and thorn bushes, AND

Only if the wood is still attached to the ground; AND בלח

Only of it's still moist, because

לאו דעתיה עלייהו

The owner has no intention to use them.

However,

בשאר עצים

If the wood was from other of types of trees;

OR

בתלושין

The owner had already cut them;

ביבשים

They're dried out;

One is forbidden to collect them, because

דעתיה עלייהו

The owner intends to use them



One is forbidden to collect them



Only of it's still moist







3

ומלקטים עשבים בכל מקום חוץ מתלתן

One may collect grass in any field, except in a field of fenugreek, because

תלתן

. מעלו לה עשבים

The grass is beneficial to תלתן.

However, a Braisa regarding כלאים implies לא מעלו לה עשבים The grass is not beneficial to תלתן? And the Gemara offers two possible distinctions;

1.

כאו לזרע

If the תלתן were intended for seed to be replanted קשו לה עשבים

דמכחשי לה

The grass is detrimental, since they weaken the strength of the תלתן.

כאן לזירין

If the חלתן were intended to be eaten,

מעלי לה

דכי קיימי ביני עשבים מירכבא

The grass is beneficial, since they serve as a support for the תלתן.

OR

2.

כאן לאדם

If the תלתן was planted in rows, apparently intended for human consumption, the grass is detrimental to the quality of the תלתן.

כאן לבהמה

If the תלתן was not planted in rows, apparently intended for animals, the grass is not detrimental, because עשבים נמי מיבעי לה

The animals will also eat the grass.









וקוטמים נטיעות בכל מקום חוץ מגרופיות של זית

One may cut off branches from someone else's tree to graft into his own tree, except from the lower area of a stump of an olive tree, because as Rashi explains הן מחליפות ומוציאות בדין

The tree rejuvenates itself from this area.

The Braisa elaborates with some restrictions:

רזיח

כביצה

On an olive tree, one may cut only the branches above the height of an egg.

בקנים ובגפנים

מן הפקק ולמעלה

On reeds and grape vines, one may cut only above the first

ושאר כל האילנות

מן אובו של אילן

ולא מן חודו של אילן

On all other trees, one may cut only from the thin branches, but not from the thick branches.

מו חדש שאינו עושה פירות

ולא מן ישן שהוא עושה פירות

One may cut only the new branches that did not yet bear fruit, but not the old branches that did bear fruit.

ממקום שאינו רואה את החמה

ולא ממקום שהוא רואה את החמה

One may cut only the inner branches that do not face the sun, but not the outer branches that do face the sun:

because, as Rashi explains

שהוא עיקר האילן

שהחמה מבשלת הפרי וממתיקו

Those branches are considered the main part of the tree, as the sun ripens and sweetens their fruits, as the Pasuk states וממגד תבואות שמש



One may cut off branches from someone else's tree to graft into his own tree,

except from the lower area of a stump of an olive tree

בקנים ובגפנים

REEDS AND GRAPE VINES one may cut only above the first knot

OLIVE TREE

one may cut only above the height of an egg

מן אובו של אילן ולא מן חודו של אילן

ALL OTHER TREES

one may cut only the thin branches, but not the thick branches

שהוא עושה פירות

But not the **OLD BRANCHES** that did bear fruit

ולא ממקום שהוא רואה את החמה

But not the **OUTER BRANCHES** that do face the sun

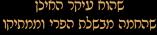
שהוא עיקר האילן

שאינו עושה פירות

One may cut only the **NEW BRANCHES** that did not yet bear fruit

> ממקום אינו רואה את החמה

One may cut only the **INNER BRANCHES** that do not face the sun





Dedicated By: __





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ומעין היוצא בתחילה בני העיר מסתפקין ממנו

People may draw water from even a new spring that began to flow in a person's property, and they do not need to pay him for it; and as Rashi adds כ"ש מעיינות ישנים שהיו מימות יהושע

And they may certainly draw water from an old spring that was around from the times of יהושע.

6. ומחכין בימה של טבריא ובלבד שלא יפרוס קלע ויעמיד את הספינה

A person from any Shevet is permitted to go fishing in the Kinneret Sea, even though it belonged to Shevet נפתלי. However, they may not place fences or nets that might obstruct a boat from passing through.

7. ונפנין לאחורי הגדר ואפילו בשדה מליאה כרכום

One may relieve himself behind the wall of someone's field, even if כרכום was grown there; as the **G**emara explains

לא נצרכה אלא ליטול הימנו צרור

He is permitted to even remove a stone from the wall for his needs.

רב חסדא adds ואפילו בשבת

And he may do so even on Shabbos.

5

ומעין היוצא בתחילה בני העיר מסתפקין ממנו

People may draw water from even a new spring that began to flow in a person's property, and they do not need to pay him for it



כ"ש מעיינות ישנים שהיו מימות יהושע



ומחכין בימה של מבריא ובלבד שלא יפרום קלע ויעמיד את הספינה

A person from any Shevet is permitted to go fishing in the Kinneret Sea, even though it belonged to Shevet נפתלי However, they may not place fences or nets

they may not place fences or nets that might obstruct a boat from passing through



ונפנין לאחורי הגדר ואפילו בשדה מליאה כרכום

One may relieve himself behind the wall of someone's field, even if כרכום was grown there

לא נצרכה אלא ליטול הימנו צרור

He is permitted to even remove a stone from the wall for his needs.

בא הב מספל מאפילו בשבת







7

8.

ומהלכים בשבילי הרשות עד שתרד רביעה שניה

One may take a shortcut through someone else's field until the second rainfall when the new crop begins to grow, because only then does this harm the field.

רב פפא says however והאי דידן אפילו טל קשי לה

Our fields in Bavel are weaker, and even if only dew fell, walking over it would harm the field.

7

8

ומהלכים בשבילי הרשות עד שתרד רביעה שניה

One may take a shortcut through someone else's field until the second rainfall when the new crop begins to grow

Because only then does this harm the field

£00 27 says however

והאי דידן אפילו טל קשי לה

Our fields in Bavel are weaker, and even if only dew fell, walking over it would harm the field

8

ומסתלקין לצידי הדרכים מפני יתידות הדרכים

People are permitted to walk in the fields to the side of the road, to avoid the bumpy areas of the road.

The Gemara relates that שמואל ורב יהודה did so in Bavel, because Shmuel said

תנאין שהתנה יהושע אפילו בחוצה לארץ

They apply in all Jewish communities.

10.

והתועה בין הכרמים מפסיג ועולה מפסיג ויורד

A person who is lost in someone else's vineyard is permitted to climb the grapevine and tear off its branches to find the road.



ומסתלקין לצידי הדרכים מפני יתידות הדרכים

People are permitted to walk in the fields to the side of the road, to avoid the bumpy areas of the road

תנאין שהתנה יהושע אפילו בחוצה לארץ

10

והתועה בין הכרמים מפסיג ועולה מפסיג ויורד

A person who is lost in someone else's vineyard is permitted to climb the grapevine and tear off its branches to find the road







As the Gemara explains, although הא דאורייתא הוא

There is a Torah source in the word והשבותו that teaches השבת גופו

One is obligated to rescue a lost person, as he is required to return his lost object?

The Gemara answers, however,

דאורייתא הוא

דקאי בי מיצרי

מדאורייתא he may walk only at the edge of the field, so that he does not cause damage. However, יהושע initiated דמפסיג ועולה מפסיג ויורד

He may even climb through the grapevines, even though it causes damage.



10

11.

ומת מצוה קנה מקומו

If a dead person who has no one to attend to his burial was found in someone's field, the body is buried in the place of its discovery.

The Gemara explains however במוטל על המיצר

If the body was found on a road, it must be moved and buried on the side, because as Rashi explains עוברין ומאהילין עליו עושי טהרות נטטמאות

The Kohanim who walk on this road will become טמא









The Gemara asks

אמרי עשרה

הני חד סרי הויין

There are actually eleven תנאים mentioned here, not ten?

The Gemara answers that יהושע did not initiate the תנאי of מהלכין בשבילי הרשות

But rather שלמה המלך, as cited in a Pasuk in משלי; אל תמנע טוב מבעליו

בהיות לאל ידך לעשות

A person should not withhold a benefit from others that does not harm him.

אמרי עשרה הני חד סרי הויין? did not initiate the תנאי of מהלכין בשבילי הרשות but rather שלמה המלך As cited in Mr תמצע שוב מב a benefit from others that does not harm him

The Gemara asks that we find several Braisos which teach Halachos based on

שעל מנת כן הנחיל יהושע לישראל את הארץ

These indicate that יהושע made more תנאים than these ten?

The Gemara therefore concludes that this list of 10 תנאים is not a Braisa, but a statement of רבי יהושע בן לוי who was an אמורא; and he taught these אמורא which are not mentioned in a Braisa.

