

18.05.12

60b (סיום הפרק) → 62a (מערבין בבית ישן)

Note: our passage includes a detailed discussion about the interactions between עמי הארץ and חברים, regarding both issues of טומאה וטהרה as well as מעשרות; only that information which explains the ruling in the משנה is included, due to space limitations – although the entire סוגיא is, of course, presented in שיעור as well as in the podcast.

1. כְּעָבוֹר סוּפָה וְאֵין רֵשַׁע וְצָדִיק וְסוּד עוֹלָם: מְשַׁלֵּי י, כה
 2. בֵּי מְלָכִים יִמְלְכוּ וְרוֹזְנִים יִחַקְקוּ צָדִיק: מְשַׁלֵּי ח, טו
 3. וְרוּחַ לְבָשָׂה אֶת עַמְשֵׁי רֹאשׁ הַשְּׁלִישִׁים לֵךְ דְּוִיד וְעָמְדָה בְּוֹ דְּוִיד וְעָמְדָה בְּוֹ דְּוִיד וְעָמְדָה בְּוֹ דְּוִיד
 4. וְנִתְתִּי עֹשֶׁב בְּשָׂדֶךְ לְבִהְמָתְךָ וְאֶכְלֶתְךָ וְשִׁבְעֶתְךָ: דְּבָרִים י"א, טו

- I דרכי שלום – more of the ordinances made for משנה ח
- a we place the עירוב חצירות in an old house
 - i reason: so it stays in one place, allaying suspicion that there is no עירוב
 - b the cistern closest to the waterway is filled first
 - i related dispute: who gets river water first? (only in case where they are going to dam it up)
 - 1 downriver – their claim is that the water should flow naturally
 - 2 upriver – they are closer to the headwaters
 - 3 challenge (to רב) – our משנה –
 - (a) answer (רב שמואל on behalf of רב): our משנה is a case of a trench that naturally fills the cistern
 - (i) Challenge: if that's the case, the ruling should be obvious
 - (ii) Answer: א"ס that we say to בעל הבור that he should also dam up his בור and “wait his turn” – קמ"ל
 - 4 Final ruling: since הלכה hasn't been decided, strength wins out (כל דאלים גבר)
 - 5 Stories: 2 stories involving אביי demonstrating danger of this approach
 - c prey caught in fish and bird traps is considered owned by the trapper and taking it is considered גזל
 - i ר' יוסי: it is fully גזל
 - ii note: no disagreement about traps that have an “inside” (that's a קנין); dispute about purely rope traps
 - d the מציה of a חט"ו is considered his possession – and taking it is גזל
 - i מדרבנן ר' יוסי: it is fully גזל – meaning מדרבנן
 - 1 split the difference: לחכמים – it cannot be seized by court; all agree the “thief” isn't branded a רשע → רשע לעדות
 - e the fruit shaken off a tree by an עני who has gone up to pick is considered his; taking it is גזל
 - i ר' יוסי: it is fully גזל
 - ii note: if he puts it into his hand first, all agree that it is fully גזל (story of ר' כהנא – v. 1)
 - f we don't restrain the poor non-Jews from collecting מתנות עניים
 - i expansion: we give צדקה to the poor among the non-Jews; we visit their sick and bury their dead – מפני דרכי שלום
- II משנה ט: helping less observant people שלום דרכי שלום – limitations
- a it is permissible to lend food-preparation vessels to someone suspected of not observing שמיטה, but not work w/them
 - b an אשת חבר may lend food-prep tools to an אשת ע"ה and work with her, until water is poured in (טומאה can attach)
 - i General tension: we do not help violators of the law, but are concerned with civility (דרכי שלום)
 - ii Contradiction: between רישא (not working with them) and סיפא (working with them allowed)
 - iii Resolution: the רישא is referring to פירות that are already טומאה לקבל; the סיפא with “dry” פירות
 - 1 Note: an ע"ה is suspected of giving non-tithed food to a חבר only when there is room for them to rationalize it
 - c It is permissible to help out a non-Jew working during שמיטה, but not a Jew
 - d We greet them and act with civility מפני דרכי שלום
 - i Note: not on their festivals
 - ii Tangential story: ר' ג'וניא's meeting with the רבנן and his observations about vv. 1-3
 - 1 The students: are considered royalty
 - 2 Greeting: a king with a double greeting
 - 3 Feeding: animals before we feed ourselves