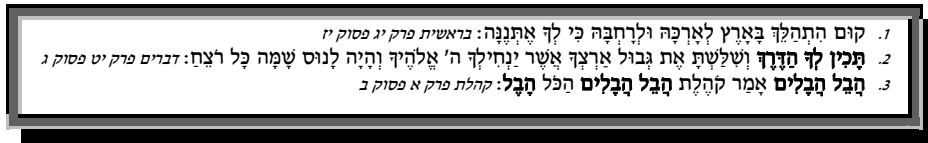


22.6.7

99b (משנה ז') → 100b (דאמטיהו בין השמשות)



I משנה ז': sizes of various causeways

- a *If*: someone had a public route going through his property and initiated a trade – what he ceded is theirs but what he claimed is not his
- i *Reason*: he may give them a circuitous path (or only in case he did, or...)
- 1 *דב אשי*: any alternate path is *ipso facto* circuitous, as someone is inconvenienced
- ii *Question*: why can't he claim his old area back?
- 1 *Answer*: follows ר"א, if the רבים "made" a path for themselves, it is theirs
- (a) *Question*: are they legitimized thieves?
- (i) *Answer*: in a case where there had been a public route there and it was unidentifiable
- (ii) *Question*: if so, why is the ruling against ר"א?
1. *Answer*: that was taught by another authority (didn't interpret ר"א's original ruling as did we)
- (iii) *And*: it all follows ר"ב's ruling – that any area taken by רבים may not be harmed
- (b) *Question*: according to ר"א, how did רבים acquire it?
- (i) *Answer*: by walking, as per v. 1
1. *Dissent*: חכמים claim that walking is no קנין, verse is unique to אברהם's historic position and role
- (ii) *Note*: חכמים agree with ר"א in re: a vineyard path, since it is used for walking
1. *Question*: if someone walks to acquire a vineyard path – how much does he get?
2. *Answer*: if the boundaries are clear, he gets the width of a carried load
- a. *But*: if no clear boundaries, only each footfall becomes his
- b *Measures*:
- i *Private path*: ד' אמות
- 1 *Dissent (in ברייתא)*: enough for donkey and its load to pass; or 2.5 small אמות (same שעור)
- ii *Public road*: טז אמות
- 1 *Note*: road from city to city – 8; public road – 16;
- (a) *And*: road to מקלט – 32 אמות (doubled size, as per v. 2)
- iii *King's road*: no limit as he may go where he likes
- iv *Road to grave*: no limit – for honor of the dead
- v *מעמד*: judges in צפורי said – 4 קבין in area
- 1 *Tangential ברייתא*: if someone sells his קבר, the path to his קבר, the spot of מעמד or of eulogies – the family may forcibly buy it back due to family honor
- (a) *Tangent*: we have at least 7 מעמדות ומושבות for the מת – following the הבלים of v. 3
- (i) *Description*: (ר' יהודה) שבו יקרים שבו (said to mourners) –
- (ii) *Response*: if so, it should be done on שבת
- (iii) *Story*: רמי בר פפא's sister, who was married, died and he had מעמד ומושב for her
- (iv) *Errors*:
1. *ד' יוסף*: it is only done for קרובים and only on 1st day (this was 2nd day)
2. *אבני*: it is only done in הקברות; he did it in the city
3. *דבא*: he further erred in that it is only done where that is the custom (wasn't in his town)
- a. *Challenge*: רבנן's response to ר' יהודה that מעמד ומושב should even be done on שבת
- b. *Explanation*: can't have either of הקברות or 1st day on שבת
- c. *Answer*: could've been buried just before שבת and in the town right next to הקברות