

But the *Braysoh* taught that in a settled place [he should not spread out the nets] even for a hundred *Mil*

OVERVIEW

The גמרא cited a משנה that one may not set up traps for doves within thirty ריס of the ישוב.² The גמרא asked that we learnt in a ברייתא that in a ישוב one should not set up traps for doves even for one hundred מיל. This (seemingly) contradicts the cited משנה which places a limit of (only) thirty ריס, not מאה מיל. Our תוספות discusses this question, considering that this ברייתא may be internally inconsistent.

תוספות asks:

תימה³ דמאי סלקא דעתין דהוי פירוש וביישוב -

It is astounding! For what did we assume (in this question) is the meaning of the word 'וביישוב' in the ברייתא -

אי קרי העיר יישוב אם כן' אפילו מאה מיל לאו דוקא כמו שמשמע⁵ -

If the city is called a יישוב (and we are not permitted to put up traps אפילו מאה מיל from a city), so then if we assume that when the ברייתא stated אפילו מאה מיל, it was not definitive, for it seems that the number, 'a hundred מיל', is - לאו דוקא -

אלא אפילו אלף מיל או יותר -

But rather the ברייתא when it said not to make traps within מאה מיל, it meant even a thousand מיל or more is also prohibited. If we make these assumptions -

אם כן בשום מקום לא יפרוס אפילו במדבר ורחוק לאין סוף מן העיר⁶ -

So therefore, one cannot spread out traps even in the desert and extremely far from the city; this seems incomprehensible –

תוספות offers an alternate reading of the ברייתא that is more comprehensible:

ואפילו⁷ אם נאמר דמאה מיל דוקא⁸ מכל מקום היאך יפרש את הברייתא -

¹ The הגהות הב"ה amends this to read מיל לא יפרוס.

² אביי explained that this משנה does not contradict our משנה which requires distancing only fifty אמות; because even though doves can fly ריס שלשים they eat their fill within fifty אמות.

³ גמרא will ask that either the ברייתא is not self-consistent (so instead of asking from the ברייתא on the משנה, the גמרא should first clarify the contradiction in the ברייתא), or if we can justify the ברייתא, there will automatically not be any contradiction from the ברייתא to the משנה. Why ask a contradiction from the ברייתא on the משנה?!

⁴ The הגהות הב"ה amends this to read אם אפילו (instead of כן אפילו).

⁵ The simple reading of the ברייתא when it states אפילו מאה מיל לא יפרוס means to tell us an exaggerated amount, but it is not limited to hundred, rather any distance is prohibited.

⁶ This would then mean that one can never place traps to capture birds. This cannot be what the ברייתא means!

⁷ תוספות writes 'ואפילו', since the simple reading of the ברייתא is that any distance is prohibited; even more than מאה מיל.

⁸ This means that more than מאה מיל one may place the traps, which is much more reasonable.

And even if we say that **מאה מיל** is exact, nevertheless how can we explain the **ברייטא** -

דהכי תניא בתוספתא דמרובה⁹ אין פורסין נשבין ליונים -

For this is what the **ברייטא**, in the **תוספתא** of **מרובה**, states; 'we do not set out traps for doves -

אלא אם כן הרחיק מן היישוב שלשים ריס¹⁰ -

Unless he distanced them thirty ריס from the **יישוב**. The **ברייטא** continues -

במה דברים אמורים במדבר אבל ביישוב אפילו מאה מיל לא יפרוס כיון דעיר קרי יישוב¹¹ -
'When were these words said, in the desert, but in the **יישוב** one should not spread out his traps even for a distance of **מאה מיל**', how can we reconcile the **סיפא** with the **רישא** if **עיר** is referred to as **יישוב**?!
if

ברייטא: offers a third approach which would remove the contradiction in the **תוספות**:

ואי סלקא דעתין דהכי פירושו במה דברים אמורים במדבר פירוש שאין זרעים¹² -

And if we assumed that this is the explanation of the **סיפא**; 'when are these words said (that thirty ריס is a sufficient distance from the city) if those thirty ריס which separated the traps from the city were in a desert', meaning that there were no seeds to be found between the city and the traps -

אבל ביישוב פירוש ביישוב זרעים אפילו מאה מיל לא יפרוס אם כן מאי קשיא ליה¹³ -
'However, **ביישוב**', meaning that if the space in between the **שוכה** and the city is 'settled' with seeds, then the **ברייטא** maintains that even if it is a hundred מיל (from the city) **לא יפרוס**; since the birds have food along the way, there is no limit how far they can travel. We have now properly explained the **ברייטא**. However, if this is what the **ברייטא** means, so what therefore is the difficulty between the **משנה** and the **ברייטא**?!
and the

answers:¹⁴ **תוספות**

⁹ ב"ק פ"ח ה"ד.

¹⁰ This **רישא** of the **ברייטא** is exactly the same ruling as the **משנה** in **ב"ק ע"ב**, cited in our **גמרא**

¹¹ The **רישא** requires distancing of only thirty ריס from the **יישוב** (which means the city) and the **סיפא** requires distancing a hundred מיל from the **יישוב** (the city). This is self-contradictory. Instead of asking from the **סיפא** of the **ברייטא** on the **משנה**, the **גמרא** should have asked from the **סיפא** of the **ברייטא** on the **רישא** (which states the exact same ruling as the **משנה**)!!

¹² Therefore, no birds will fly more than thirty ריס without food in between.

¹³ The same answer we used to reconcile the **רישא** with the **סיפא** of the **ברייטא**, applies to the **משנה** and **ברייטא** as well. The **משנה** (which limits it to thirty ריס, is discussing a **מדבר** (without **זרעים**) and the **סיפא** of the **ברייטא** is where it is a **יישוב** **זרעים**. Either the **ברייטא** is self-contradictory; and if it is not, then there is no question from the **ברייטא** to the **משנה**. Why is the **גמרא** concerned about the contradiction the **ברייטא** and the **משנה**, and not the contradiction in the **ברייטא** itself?!

¹⁴ The thrust of the **א"ש** answer is that the **גמרא** is not (necessarily) posing a contradiction from the **ברייטא** to the

ואומר רבינו יצחק בן אברהם דודאי סלקא דעתין דאירי ביישוב זרעים¹⁵ -

And the ברייתא says that we certainly assumed that (in the [סיפא of the]) we are discussing a יישוב זרעים -

ולהכי פריך ומישט שייטי שלשים ריס ותו לא אפילו ביישוב זרעים¹⁶ -

So therefore the גמרא asks (on אב"י); 'and indeed do they fly only thirty ריס and no more', even by a יישוב זרעים -

והא מוכח דביישוב זרעים שייטי טובא ואין זה אלא משום אכילה -

But it is evident from the (סיפא of the) ברייתא that by יישוב זרעים they fly much more than thirty ריס, since the ברייתא prohibits up to a hundred מיל, and the only reason for this extension is because of the food -

אלמא דלא מליא כריסייהו בחמשים אמה -

It is therefore evident that they do not fill up their stomachs in fifty אמה, like אב"י maintained but rather they keep on eating as they continue to fly!

answer: גמרא's cites the תוספות

ומשני דלא איירי ביישוב זרעים אלא ביישוב שובכין ויישוב כרמים¹⁷ -

And the גמרא answers that the ברייתא is not discussing יישוב זרעים (for even with the יישוב they can travel at most thirty ריס), rather the ברייתא is discussing יישוב שובכין (dovecotes) or יישוב כרמים (vineyards) -

¹⁸ responds to an anticipated difficulty: תוספות

וקרי מדבר היכא דליכא שובכים¹⁹ וכרמים:

And the ברייתא calls מדבר (where the limit is thirty ריס) a place where there is no שובכים וכרמים (even though there is זרעים, since the birds eat their fill in the first fifty אמות, and there is no שובכים וכרמים they cannot fly further).

SUMMARY

משנה, but rather the גמרא is challenging the answer of אב"י, who stated that birds can fly even thirty ריס, but they eat only in the first fifty אמות.

¹⁵ This means that there are זרעים between the שובך and the city, so the birds have sufficient food to travel long distances.

¹⁶ answered that they are filled after fifty אמות, but they will fly thirty ריס without eating any more. This indicates that even if there is food (יישוב זרעים) they will only eat by the first fifty אמות and fly thirty ריס and no more. But the ברייתא stated that they fly מיל מאה. If not for אב"י we could interpret the ברייתא that without food they fly thirty ריס, but with food they fly אמה מאה. The reason for this difference must be that when there is food (יישוב זרעים) they continue to eat even past the first fifty אמות. This disproves אב"י who maintains they do not eat past the first fifty אמות.

¹⁷ They are able to rest in the שובכין וכרמים and be renewed for continued flight.

¹⁸ We are now saying that by יישוב זרעים they can only fly thirty ריס; why does the ברייתא call a יישוב זרעים, a מדבר?!

¹⁹ From the perspective of birds, an area which does not have שובכים וכרמים (to enable them to continue flying) is called a מדבר (even though it has a יישוב זרעים).

The גמרא is asking on אב"י that since we see that birds can fly even a hundred מיל even though elsewhere it states they can fly only thirty ריס, this seemingly indicates that the reason for this difference is that when there is food on the way (ישוב זרעים) they continue to eat (beyond חמישים אמה) and to fly (beyond שלשים ריס).

THINKING IT OVER

According to the מסקנא of the גמרא is the term 'מאה מיל' in the ברייתא precise, or is it ²⁰? יישוב כרמים ושובכים by מאה מיל even more than אסור and it is לאו דוקא

²⁰ See נחלת משה