

ולא יעשה שובך תוך שלו –

**And a person should not make a dovecote within his own property**

### OVERVIEW

The משנה first taught us that one needs to distance a שובך fifty אמות from the city, and secondly that one should not make a שובך within his own property unless he distances it fifty אמות from all sides. תוספות clarifies the second ruling and explains why both rulings are necessary.

ברחוק מן העיר<sup>1</sup> בין השדות<sup>2</sup> -

This ruling not to make a dovecote שלו בתוך unless there are fifty אמות clearances in all direction is referring to a שובך **which is far from the city among the fields.**

ואצטריך למיתני תרוייהו -

**And it is necessary to teach both** rulings (near the city and out in the fields) -

דאי תנא רישא להרחיק מן העיר התם דוקא מרחיק -

**For if** the משנה would only **teach the first** ruling, which is the requirement to **distance** the שובך **from the city**, we might assume that it is **only** necessary to **distance** from the city -

מפני שתבואות העיר מגולות הן בחצר הן בגג<sup>3</sup> -

**Since the produce** which is found in **the city is open** and revealed, **whether** it is found **in the courtyard or on the roof**, therefore the birds will find them easily -

אבל תבואה הנזרעת בשדה ומכוסה אין צריך להרחיק -

**However** regarding **the grain which is planted in the field and is covered up, it is not necessary to distance** the שובך; since the grain is not that accessible, presumably the birds will not eat them, therefore it was necessary to teach the סיפא, that distancing is necessary even in the field -

ואי תנא סיפא משום דבשדות שכיחא תבואה אבל בעיר דלא שכיח כולי האי אימא לא:

**And if** the משנה would just **teach the סיפא** (regarding a שובך in the field) we would think the reason a שובך is prohibited in the field **is because grain is common in the field** (therefore the birds will surely find (some of) the grain, **however in the**

<sup>1</sup> In the city it is always prohibited from having a שובך (that is the first rule in the משנה).

<sup>2</sup> See previous מרחיקין תוס' ד"ה מרחיקין that the fields were (at least) one thousand אמות distance from the city. The שובך needs to be distanced fifty אמות on all sides from his neighbors' properties. A fifty אמה radius from the שובך cannot include his neighbors' properties.

<sup>3</sup> This צריכותא is valid according to תוספות who explains the reason for distancing the שובך from the city is on account of the תבואה which is spread out on the roofs (see previous מרחיקין תוס' ד"ה [TIE footnote # 1]). However according to פרש"י (see there TIE footnote # 1) that the reason is that they should not eat the זרעוני גנות (which are also covered) so why the need for the סיפא.

**city where תבואה is not that common, I would say that no** distancing is required, therefore the משנה taught us both cases.

### **SUMMARY**

There is a need to teach us distancing both from the city (where תבואה is not common) and in the field (where it is covered).

### **THINKING IT OVER**

Why was it necessary for תוספות to explain that בחוץ שלו refers to a שובך in the fields outside the city; why could not תוספות say that if a person wants to make a שובך on his property within the city he may do so provided the שובך is distanced fifty אמות from his neighbors?