

**ועל דא אפקוהו לרבי ירמיה מבי מדרשא –**

## **And for this they removed *Rabi Yirmiyoh* from the study hall**

### **OVERVIEW**

stated that a pigeon that can only hop (מדדה), can hop only for a distance of fifty אמות. Therefore, a bird that is found within fifty אמות of the שובך belongs to the בעל השובך, while if it was outside the אמה נ' it belongs to the finder. ר' ירמיה asked what is the ruling if one leg of the bird was within fifty אמות and the other leg was outside the fifty אמות; to whom does it belong. The גמרא concluded that for asking this query, ר' ירמיה was removed from the בית המדרש. Our תוספות explains what the problem was with this query.

אין לפרש משום דבעי מילתא דלא שכיחא כלל -

**We cannot explain** the reason they were upset with ר"י is **because he posed a query regarding something which is not common at all**; meaning -

דהיכי איתרמי דרגלו אחת תוך חמשים ורגלו אחת חוץ לחמשים בצמצום<sup>1</sup> -

**For how is it possible that it so happened that one foot was within fifty אמות and the other foot was exactly outside the fifty אמות**; this cannot be the problem -

דהא אשכחנא דמתניתין נמי בכהאי גוונא איירי דקתני מחצה על מחצה יחלוקי<sup>2</sup> -

**For we find that our משנה is also discussing such an unusual scenario, for it states** if the distance between the two שובכין was **half by half** (meaning exactly equidistant) the rule is **they divide**, so why was ר"י query any more odd that the ruling in the משנה?!

תוספות offers his interpretation:

ונראה לרבינו תם דמשום הכי אפקוהו משום דמדדה אינו מדדה כלל יותר מחמשים אמה -

**And it appears to the ר"ת that it was for the following reason that they removed ר"י from the ביהמ"ד**; it is **because that a מדדה cannot be מדדה at all more than fifty אמות** -

אפילו רגלו אחת<sup>3</sup> דכל מדות חכמים כן הוא:

<sup>1</sup> Since it is such an uncommon case, it is not worth discussing it. This seems to be the interpretation of רש"י בד"ה ועל.

<sup>2</sup> One may even argue that the case in the משנה (as תוספות understands it) is more unusual than the query of ר"י. In the case of the משנה they must be exactly equal with virtually no margin of error, however in the case of ר"י there is some 'wiggle' room; how much inside the אמות נ' and how much outside. See however פורת יוסף for a different understanding of מחצה על מחצה.

<sup>3</sup> Therefore, if there is such a case where one leg was outside the fifty אמות, then it could not have been מדדה from that שובך, and we assume that it fell from travelers, so the finder may keep it. There was no need for ר"י to pose this

**Even with one foot outside the fifty אמות, for this is how it is regarding all the measurements of the חכמים, that they are exact.**

### **SUMMARY**

If one leg was outside the fifty אמות, it could not have been מדדה from that שובך.

### **THINKING IT OVER**

נ' תוספות explains that it can't be that by a מדדה that one foot should be outside the אמות.<sup>4</sup> However this may explain why the query of ר"י is not valid, but how does it explain why he was expelled from the ביהמ"ד?<sup>5</sup>

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query; he should have known that the limit of fifty אמות is exact. See 'Thinking it over'.

<sup>4</sup> See footnote # 1.

<sup>5</sup> See קונטרס דברי סופרים (סי' ו' אות ד').