

BACKGROUND

Mata Meḥasya – מְתָא מְחַסְיָא: A small town near Sura, Mata Meḥasya was the home of Rav Ashi, and the Talmud was edited there. In later times, Sura and Mata Meḥasya apparently merged, becoming a single town.

HALAKHA

Fixing rivers – תיקון נהרות: It is permitted to redirect a river on the intermediate days of a Festival as well as to clean out a river that had become blocked, as these tasks represent communal needs (Rambam Sefer Zemanim, Hilkhot Yom Tov 8:4).

אָבַי שָׂרָא לְבַנְי בַר הַמְדַךְ לְשַׁחֲפֵי נַהְרָא. רַבִּי יִרְמְיָה שָׂרָא לְהוּ לְבַנְי סְכוּתָא לְמִיכְרָא נַהְרָא טְמִימָא. רַב אֲשִׁי שָׂרָא לְהוּ לְבַנְי מְתָא מְחַסְיָא לְאַקְדוּחֵי נַהַר בּוּרְנִיץ. אָמַר: כִּינן דְּשִׁתּוּ מִינֵיהּ רַבִּים – כְּרַבִּים דְּמִי, וְתַנּוּ: עוֹשִׂין כָּל צוּרְבֵי רַבִּים.

It was related that Abaye permitted the people of Bar Hamdakh to remove^N the branches of the trees from the river on the intermediate days of a Festival. Rabbi Yirmeya permitted the people of Sekhavta to dredge out a river that had become blocked. Rav Ashi permitted his townsmen, the people of Mata Meḥasya,⁸ to clean out the nearby Burnitz River.^N He said: Since the public drinks from it, it is considered like a public need, and we learned in the mishna that one may tend to all other public needs on the intermediate days of a Festival.^H

”וּמְתַקְנִין אֵת”

§ It was taught in the mishna: During the intermediate days of a Festival one may repair

NOTES

To remove – לְשַׁחֲפֵי: Some explain that this refers to cleaning the dirt and the rocks at the bottom of the river (Rashi manuscript). Others explain that this refers to cutting the roots or the branches of the trees that grew in the river (Rabbi Shlomo ben HaYatom).

to clearing out the sediment in the river in order to enhance its flow. Others say that it means widening the opening of the spring or the bed of the river (Rashi manuscript; Rabbeinu Yehonatan). The Ra’avad and Meiri explain that it means redirecting the river so that it flows closer to the town. The Rambam seems to accept this interpretation as well, and he also includes digging new wells in this category.

To clean out the Burnitz River – לְאַקְדוּחֵי נַהַר בּוּרְנִיץ: This expression is explained in various ways. Rashi explains that it is referring

Perek I
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קִילְקוּלֵי הַמַּיִם שֶׁבְּרִשׁוֹת הָרַבִּים, וְכוּ'. חֲטִיטָה – אֵין, חֲפִירָה – לֹא.

damaged water cisterns in the public domain and clean them out by removing the dirt and sediment that has accumulated in them. The Gemara infers: **Cleaning^N out the cisterns of dirt and sediment during the intermediate days of a Festival is indeed permitted, but digging a new cistern is not permitted.**

אָמַר רַבִּי יַעֲקֹב אָמַר רַבִּי יוֹחָנָן: לֹא שָׁנוּ אֶלָּא שְׂאֵין רַבִּים צְרִיכִין לָהֶם, אֲבָל רַבִּים צְרִיכִין לָהֶם – אֶפִּילוּ חֲפִירָה מוֹתֵר.

Rabbi Ya’akov said that Rabbi Yoḥanan said: **They taught that it is prohibited to dig new cisterns only when the public does not need them; but if the public needs them,^N even digging new cisterns is permitted.**

וְכִי רַבִּים צְרִיכִין לָהֶם מִי שְׂרִי? וְהִתְנַא: חוֹטְטִין בּוֹרוֹת שִׁיחִין וּמְעָרוֹת שֶׁל יְחִיד, וְאֵין צְרִיךְ לוֹמַר שֶׁל רַבִּים, וְאֵין חוֹפְרִין בּוֹרוֹת שִׁיחִין וּמְעָרוֹת שֶׁל רַבִּים, וְאֵין צְרִיךְ לוֹמַר שֶׁל יְחִיד. מֵאֵי לֹא – בְּשׂוֹרְבִים צְרִיכִין לָהֶם?

The Gemara asks: **And when the public needs them, is digging really permitted? But isn’t it taught in a baraita: One may clean out cisterns, ditches, and caves of an individual during the intermediate days of a Festival, and, needless to say, one may clean out those of the public. But one may not dig new cisterns, ditches, or caves of the public during the intermediate days of a Festival, and, needless to say, one may not dig those of an individual. What, is it not so that this baraita is referring to a case where the public needs them, but nevertheless digging new cisterns, ditches, and caves is prohibited?**

לֹא, בְּשְׂאֵין רַבִּים צְרִיכִין לָהֶם.

The Gemara rejects this opinion: **No, this baraita is referring to a case where the public does not need them.**

NOTES

Cleaning – חֲטִיטָה: According to Rashi and most commentaries, this refers to removing rocks and dirt that fell into cisterns in order to create room for more water. Rabbi Shlomo ben HaYatom explains that it refers to removing dirt and sand in order to clean the water in the cistern.

The public needs them – רַבִּים צְרִיכִין לָהֶם: Opinions differ as to how to define public need. The Ritva cites Rashi as explaining that this refers to a case where there is no drinking water at all. Some question this explanation, however, as in that instance even an individual would be permitted to do whatever necessary, as it would be a matter of life and death. The Ritva cites Tosafot as explaining that the water is not needed immediately but it will be needed after the Festival. The Ritva provides another explanation, citing the Ramban, that there is enough water for the public but they would like to have easier access to it by digging a well that is closer to where they are located.

NOTES

One may gather water – בּוֹנְסֵין מִים: The Ran explains that this is referring to collecting rainwater in vessels, which they would then empty into the cisterns. The Ritva suggests that it refers to directing water from other locations through existing channels into the cisterns. The Meiri does not distinguish between these activities and permits both.

Streets – רְחוֹבוֹת: According to most commentaries, these are streets where people congregated to engage in business. The Ran cites Rashi as explaining that the reference is to places designated for comforting mourners.

They direct a stream of water into it – מְרַגְלִין לְתוֹכוֹ: The Ran explains that a channel was dug from a spring to allow its water to flow to the ritual bath. Others propose that they would open a spring at the bottom of the well from which the water of the ritual bath emerged (Rabbeinu Gershom Meor HaGola; Rabbeinu Yehonatan).

HALAKHA

Digging and cleaning the cisterns of an individual – חִפְיָה וְהַטְיָא בְּבוֹרוֹת שֶׁל יְחִיד: It is prohibited to dig new cisterns for an individual during a Festival, even if he currently has only a minimal supply of drinking water (Magen Avraham). Repairing cisterns that have become damaged is permitted during the intermediate days of a Festival if the individual needs the water for use on the Festival. It is permitted to fill a cistern with water on the intermediate days of a Festival. The Magen Avraham adds that it is permitted to do so only by collecting water in vessels and bringing that water to the cistern; it is prohibited to transport water through a ditch, which is more strenuous (Shulhan Arukh, Oraḥ Ḥayyim 544:2).

Public cisterns – בּוֹרוֹת הָרַבִּים: It is permitted to repair public cisterns during the intermediate days of a Festival and to clear them of stones and dirt even if the public does not need them on the Festival itself. But one may dig new cisterns only if they are needed by the public on the Festival. When the digging of public cisterns is permitted, they may be dug even if they require strenuous effort and the labor is performed publicly, and even if this labor was purposely scheduled to take place during the Festival (Shulhan Arukh, Oraḥ Ḥayyim 544:2).

Public needs during a Festival – צְרִיכֵי הָרַבִּים בְּמוֹעֵד: One is permitted to tend to all public needs during a Festival, such as repairing and removing obstacles from roads, marking graves, and repairing ritual baths, even if one planned to do so in advance (Mishna Berura). The Rema writes that this leniency applies only to the physical needs of the community. Other public needs, such as building a synagogue, may not be tended to during a Festival if they require the work of a professional (Shulhan Arukh, Oraḥ Ḥayyim 544:1, and in the comment of Rema).

LANGUAGE

Highways [isterata'ot] – אֶסְטְרָטָאוֹת: From the Latin strata, meaning street. The Sages used this term to refer to highways or primary thoroughfares.

Direct [margilin] – מְרַגְלִין: Hargala refers to a streaming flow, as in water flowing from place to place. It is similar to the Aramaic ragalta, meaning stream.

דְּבוּתָהּ גְּפֵי יְחִיד – שְׂאִין יְחִיד צְרִיךְ לָהֶם, חֲטִיטָה מִי שְׂרִי? וְהַתְנַיָּא: בּוֹרוֹת שִׂיחִין וּמְעָרוֹת שֶׁל יְחִיד – בּוֹנְסֵין מִים לְתוֹכָן, אֲבָל לֹא חוֹטְטִין, וְלֹא שְׂפִין אֶת סְדָקְתָּהֶן. וְשֶׁל רַבִּים – חוֹטְטִין אוֹתָן וְשְׂפִין אֶת סְדָקְתָּהֶן.

וְאֵלָּא מֵאִי בְּשִׂיחִיד צְרִיךְ לָהֶם? דְּבוּתָהּ גְּפֵי רַבִּים – בְּשְׂרָבִים צְרִיכִין לָהֶם, חִפְיָה מִי אֶסְרִי? וְהַתְנַיָּא: בּוֹרוֹת שִׂיחִין וּמְעָרוֹת שֶׁל יְחִיד בּוֹנְסֵין מִים לְתוֹכָן, וְחוֹטְטִין אוֹתָן, אֲבָל לֹא שְׂפִין אֶת סְדָקְתָּהֶן, וְלֹא חוֹטְטִין לְתוֹכָן, וְלֹא סְדִין אוֹתָן בְּסִיד. וְשֶׁל רַבִּים – חוֹפְרִין אוֹתָן, וְסְדִין אוֹתָן בְּסִיד.

אֵלָּא קְשִׁיָּא הֵךְ קַמֵּי תַּא! תְּרִיץ הָכִי: חוֹטְטִין בּוֹרוֹת שֶׁל יְחִיד – בְּשִׂיחִיד צְרִיךְ לָהֶם, וְאִין צְרִיךְ לומר בְּשֶׁל רַבִּים בְּשְׂרָבִים צְרִיכִין לָהֶם, דְּאֶפְלוּ חִפְיָה מוֹתֵר.

וְאִין חוֹפְרִין בּוֹרוֹת שִׂיחִין וּמְעָרוֹת שֶׁל רַבִּים בְּשְׂאִין רַבִּים צְרִיכִין לָהֶם, וְאִין צְרִיךְ לומר שֶׁל יְחִיד, דְּכִי אִין יְחִיד צְרִיךְ לָהֶם – אֶפְלוּ חֲטִיטָה נְמִי אֶסּוּר.

אָמַר רַב אֲשִׁי: מִתְּנִיתִין נְמִי דִּיקָא, דְּקַתְנִי: עוֹשִׂין כָּל צוּרְכֵי רַבִּים. "כָּל" לְאִתּוּי מֵאִי? לָאוּ לְאִתּוּי חִפְיָה?

לֹא, לְאִתּוּי הָא דְתַנַּיָּא: יוֹצְאִין לְקוּץ אֶת הַדְּרָכִים, וְלִתְקוּן אֶת הַרְחוֹבוֹת וְאֶת הָאֶסְטְרָטָאוֹת, וְלִמּוּד אֶת הַמְּקוּאוֹת. וְכָל מְקוּהַ שְׂאִין בּוּ אַרְבַּעִים סָאָה מְרַגְלִין לְתוֹכוֹ אַרְבַּעִים סָאָה.

The Gemara raises a difficulty: It would follow that in the corresponding situation with regard to the cisterns of an individual, the baraita is referring to a case where the individual does not need them. But in that case, is cleaning them out really permitted? Isn't it taught in a baraita: One may gather water^N into the cisterns, ditches, and caves of an individual, but one may not clean them out or plaster their cracks; but for those of the public, one may indeed clean out and plaster their cracks? This indicates that on the intermediate days of a Festival, unneeded cisterns belonging to an individual may not even be cleaned out.

The Gemara rejects this difficulty: Rather, to what case does the first baraita refer? Is it referring to a case where the individual needs the cisterns? If so, then in the corresponding situation with regard to cisterns of the public, the baraita would be referring to a case where the public needs them. But in that case, is digging new cisterns really prohibited? Isn't it taught in yet another baraita: One may gather water into cisterns, ditches, and caves of an individual, and one may clean them out, but one may not plaster their cracks, clear earth into them in order to fill in the cracks, or lime them with lime so that they hold water. But with regard to those of the public, one may even dig them out and lime them with lime. Therefore, in a case where the public needs them, it is permitted to dig out public cisterns.

But if so, the first baraita, which states that one may not dig new cisterns even for the public, is difficult, as it is contradicted by this last baraita. The Gemara explains: Answer the difficulty and explain the first baraita as follows: One may clean out cisterns, ditches, and caves of an individual^H during the intermediate days of a Festival when the individual needs them; and needless to say, one may clean out those of the public^H when the public needs them, as even digging new cisterns is permitted when the public needs them.

But one may not dig cisterns, ditches and caves for the public when the public does not need them. And needless to say, one may not dig them for an individual, as when an individual does not need the cisterns on the intermediate days of a Festival, even cleaning them out is prohibited. In this way all of the seemingly contradictory sources can be reconciled.

Rav Ashi said: The wording of the mishna is also precise, indicating that when there is a public need for such cisterns, they may be dug even on the intermediate days of a Festival. As it teaches: One may tend to all other public needs.^H What does the word all come to add that was not stated explicitly? Does it not come to add the digging of cisterns, which is permitted?

The Gemara rejects this opinion: No, the word all comes to add that which is taught in the following baraita: On the intermediate days of a Festival, agents of the court go out to clear thorns from the road, and to repair the city streets^N and highways [isterata'ot],^L and to measure the ritual baths to ascertain that they have the requisite quantity of water. And if any ritual bath does not contain forty se'a,^B the minimal measure for ritual purification, they direct [margilin]^L a stream of water into it,^N such that it flows over the ground before entering the bath, so as not to disqualify the water as drawn water until it holds forty se'a of water.

BACKGROUND

Forty se'a – אַרְבַּעִים סָאָה: Forty se'a is the equivalent of eighty hin, or 5,760 egg-bulks, which is the minimum quantity of water necessary for a ritual bath. The measure of forty se'a is the basis for all modern calculations of the various talmudic measures of volume. The Talmud states that the dimensions of a ritual

bath must be three cubits by one cubit by one cubit, and that its volume must be forty se'a. Therefore, according to the calculation of Rav Ḥayyim Na'e, a ritual bath must contain 332 ℓ of water. According to the calculations of the Ḥazon Ish, it must contain 573 ℓ.

And so blood be upon you – **וְהָיָה עֲלֵיךָ דָּמִים**: Rabbeinu Hananel apparently had a different version of this text, reading: “As it is stated: That you bring not blood on your house” (Deuteronomy 22:8), a verse referring to the obligation to build a railing around one’s roof (see *Tosafot*).

An allusion... to the marking of graves – **רָמַז לְצִיּוֹן**: The Ritva writes that the Sages understood that since marking the location of graves is so essential for the general good of the community, it would be impossible that there is no allusion to it in the Bible.

And any that see a man’s bone, then shall he set up a sign by it – **וְרָאָה עֵצֶם אָדָם וּבָנָה אֶצְלוֹ צִיּוֹן**: Many commentaries question why this is referred to as an allusion, when it would appear that the *halakha* of marking graves is presented in this verse quite explicitly. Rashi explains that this is referred to as an allusion because the verse foretells this activity but does not state that it is a mitzva. *Tosafot* explain that the verse is unclear, because it speaks about the future and not about current practice. Rabbi Shimon holds that gentile graves do not impart ritual impurity by means of a tent, and consequently this marking of graves in Ezekiel may be understood not as a way of distancing people from ritual impurity but as a way of clearing the land of corpses. Therefore, it does not provide an absolute proof for the *halakha* discussed in the Gemara (*Talmid Rabbeinu Yehiel of Paris*, citing Rivam).

Rabbi Abbahu said an allusion may be derived from here – **רַבִּי אֲבָהוּ אָמַר מִהֶכָּא**: The commentaries explain that the different opinions cited in the Gemara do not disagree; each Sage simply identified the verse providing an allusion to the marking of graves that was most convincing to him. The Maharsha explains at length that there are grounds to refute each of these proofs, either because it is insufficiently clear or because a different *halakha* is derived from that particular verse.

HALAKHA

Marking graves – **צִיּוֹן הַקְּבֻרוֹת**: If one finds a grave or part of a corpse that imparts ritual impurity via a tent, he should mark it so as to prevent others from becoming impure. Court-appointed agents would go out on the intermediate days of a Festival to mark the location of graves (Rambam *Sefer Tahara, Hilkhot Tumat Met* 8:9).

Inform the public of his distress – **לְהוֹדִיעַ צַעֲרוֹ**: It is a mitzva for a leper to cover his head and wrap himself up as a mourner, and to inform passersby that he is ritually impure (Rambam *Sefer Tahara, Hilkhot Tumat Tzarat* 10:6).

ומנין שאם לא יצאו ועשו כל אלו, שכל דמים שנשפכו שם מעלה עליהם הכתוב באילו הם שפכים? תלמוד לומר: “והיה עליך דמים”.

הא – בהדיא קתני לה: ומתקנין את הדרכים, ואת הרחובות, ואת המקואות, ועושין כל צרכי רבים. לאתויי מאי? לאו לאתויי חפירה? שמע מינה.

“מצנין את הקברות”. אמר רבי שמעון בן פזי: רמז לציון קברות מן התורה מנין? תלמוד לומר: “וראה עצם אדם ובנה אצלו ציון”.

אמר ליה רבינא לרב אשי: הא מקמי דליתי יחזקאל מאן אמר? וליטעמיה, הא דאמר רב חסדא: דבר זה מתורת משה רבינו לא למדנו. מדברי יחזקאל בן בוזי למדנו: “כל בן נבר ערל לב וערל בשר לא יבא אל מקדשי לשרתני”.

מקמי דליתי יחזקאל מאן אמר? אלא: גמרא גמירי לה, ואתא יחזקאל ואסמכה אקרא. הכא נמי: גמרא גמירי לה ואתא יחזקאל ואסמכה אקרא.

רבי אבהו אמר מהכא: “וטמא טמא יקרא” – טומאה קוראה לו, ואומרת לו: פרוש. וכן אמר רבי עויאל בר בריה דרבי עויאל רבה: טומאה קוראה לו ואומרת לו: פרוש.

והאי להכי הוא דאתא? ההוא מיבעי ליה לכדתנא: “וטמא טמא יקרא” – צריך להודיע צערו לרבים, ורבים מבקשין עליו רחמים!

And from where is it derived that if agents of the court did not go out and do all these repairs, that with regard to any blood that is shed there on account of their negligence, the verse ascribes to them guilt as if they had shed it? The verse states with regard to the cities of refuge that offer protection to someone who committed inadvertent manslaughter: “That innocent blood be not shed in your land, which the Lord your God gives you for an inheritance, and so blood be upon you” (Deuteronomy 19:10).^N The Gemara maintains that the mishna uses the word all to allude to the cases mentioned in this *baraita*, and not to the digging of public cisterns.

The Gemara questions this: But these additional cases are explicitly taught in the mishna: One may repair the roads, streets, and ritual baths, and one may tend to all other public needs. What does this last phrase come to add? Does it not come to add the digging of cisterns needed by the public? The Gemara agrees: Conclude from this that the mishna means to permit the digging of new cisterns when they are needed by the public.

It was taught in the mishna: One may mark graves^H on the intermediate days of a Festival so that passersby will know to avoid them and not become ritually impure. Rabbi Shimon ben Pazi said: Where is there an allusion in the Torah to the marking of graves?^N The verse states: “And when they that pass through shall pass through the land, and any see a man’s bone, then shall he set up a sign by it” (Ezekiel 39:15).^N Ezekiel prophesies that at some future time, the Jewish people will erect signs over the strewn remains of the dead so that others will know to avoid ritual impurity.

Ravina said to Rav Ashi: Before the prophet Ezekiel came and alluded to this obligation, who said that graves must be marked? Even before the time of Ezekiel, people were careful with regard to ritual impurity. Rav Ashi responded: And according to your reasoning, that Ezekiel was introducing a new *halakha*, the same question can be raised with regard to this statement that Rav Hisda said. As Rav Hisda said with regard to the *halakha* that one who is uncircumcised or an apostate may not serve in the Temple: This matter we did not learn from the Torah of Moses our teacher, but rather, we learned it from the words of the prophet Ezekiel ben Buzi, who said of such individuals: “No stranger, uncircumcised in heart, or uncircumcised in flesh, shall enter into My Sanctuary to serve Me” (Ezekiel 44:9).

Here too, one can ask: Before Ezekiel came, who said that such individuals cannot serve in the Temple? Rather, you must say that originally they learned it as a tradition and it was an accepted *halakha* for generations, and then Ezekiel came and based it on a verse. Here too, with regard to the obligation to mark graves, they originally learned it as a tradition, and then Ezekiel came and based it on a verse.

Rabbi Abbahu said: An allusion to the marking of graves may be derived from here:^N “And the leper in whom the plague is, his clothes shall be rent, and the hair of his head shall go loose, and he shall cover his upper lip, and shall cry: Impure, impure” (Leviticus 13:45). This verse teaches that impurity cries out to the passerby and tells him: Remove yourself. The leper must inform others of his status so that they know not to come into contact with him and thereby maintain their ritual purity. So too, in our case, graves must be marked so that others will know to avoid them and prevent contracting ritual impurity. And similarly, Rabbi Uzziel, grandson of Rabbi Uzziel the Great, said: Impurity cries out to the passerby and tells him: Remove yourself.

The Gemara asks: But with regard to this verse, does it come to teach this idea? That verse is needed for that which is taught in the following *baraita*: “And he shall cry: Impure, impure”; this teaches that the leper must inform the public of his distress,^H and the public will pray for mercy on his behalf.

אם בן ליכתוב 'וטמא יקרא'. מאי 'וטמא טמא' – שזמעת מינה תרתי.

The Gemara answers: **If it is so** that the verse comes to teach only one idea, **let it write: And he shall cry: Impure. What is to be derived** the repetition of **impure, impure? Learn from this** reiteration **two ideas**: First, that the leper must inform the public of his pain so that others will pray on his behalf, and second, that he must warn the public to stay away so that they avoid coming into contact with him and contracting ritual impurity.

אבי אמר מהכא: 'ולפני עור לא תתן מכשול'. רב פפא אמר: 'ואמר סלו סלו פנו דרך'.

Abaye said: An allusion to the marking of graves may be learned from here, as it is written: “**You shall not put a stumbling block before the blind**” (Leviticus 19:14). **Rav Pappa said** the obligation is alluded to in the verse: “**And He will say: Pave, pave, clear the way,**^N take up the stumbling block out of the way of My people” (Isaiah 57:14), which indicates that roads must be cleared of all obstacles and hazards.

רב חנינא אמר: 'הרימו מכשול מדרך עמי'. רבי יהושע בריה דרב אידי אמר: 'והודעת להם את הדרך אשר ילכו בה'.

Rav Hinnana said: This may be derived from the end of that very same verse: “**Take up the stumbling block from the way of My people**” (Isaiah 57:14). **Rabbi Yehoshua, son of Rav Idi, said:** This may be derived from the verse: “**And you shall show them the way in which they must walk**” (Exodus 18:20), i.e., you must properly repair the roads, which includes marking graves.

מר זוטרא אמר: 'והזרתם את בני ישראל מטומאתם'. רב אשי אמר: 'ושמרתם את משמרתני' – עשו משמרת למשמרתני.

Mar Zutra said that an allusion to this obligation is found in the verse “**Thus you shall separate the children of Israel from their impurity**” (Leviticus 15:31), which indicates that people must be warned to stay away from that which could cause them to become ritually impure. **Rav Ashi said** it is derived from the verse: “**And you shall keep My charge**” (Leviticus 18:30), which means that you must **establish a safeguard for My charge**, i.e., protective measures must be enacted to prevent people from transgressing *halakha*, a task that includes distancing people from ritual impurity by marking off graves, so that they not come to convey ritual impurity to *teruma* or other consecrated items.

רבינא אמר: 'ושם דרך אראנו בישע אלהים'.

And finally, **Ravina said:** This obligation is alluded to by the verse “**And to him who orders his way,**^N **I will show the salvation of God**” (Psalms 50:23), meaning that one must mark the pathways that are ritually pure and upon which it is appropriate to walk.

אמר רבי יהושע בן לוי: כל השם אורחותיו – זוכה ורואה בישועתו של הקדוש ברוך הוא, שנאמר 'ושם דרך', אל תקרי 'ושם' אלא 'ושם דרך' – אראנו בישע אלהים.

With regard to the verse from Psalms cited above, **Rabbi Yehoshua ben Levi said: Whoever appraises his ways^N** in this world and contemplates how to act in the most appropriate way possible **merits seeing the salvation of the Holy One, Blessed be He,^N** as it is stated: “**And to him who orders his way.**” **Do not read it as *vesam*, who orders; rather, read it as *vesham*, and appraises.** With this reading, the verse indicates that one who appraises his ways, **him will I show the salvation of God.**

רבי ינאי היה ליה ההוא תלמידא דכל יומא היה מקשי ליה, בשבתא דריגלא לא היה מקשי ליה.

Rabbi Yannai had a certain student who would raise difficulties with his teachings **every day** as they were learning. **On Shabbat of a Festival,^N** when the broader public would come to hear the lesson, the student **would not raise any difficulties**, lest Rabbi Yannai lack an immediate answer and suffer embarrassment.

NOTES

Pave, pave, clear the way – סלו פנו דרך: Some commentaries explain that the words “clear the way” are understood to mean: Clear away the impurity. As the conclusion of the verse indicates, this is to be removed from the way of the Jewish people (*Peirush*).

And to him who orders [*vesam*] his way – וישם דרך: Rabbeinu Gershom Meor HaGola apparently understood this as: To him who marks [*vesimen*] the way.

Whoever appraises his ways – כל השם אורחותיו: Rashi explains that this is referring to one who calculates the reward for

fulfilling a mitzva against the loss for transgressing it and avoids sin. The Meiri understands this to refer to one who conducts himself in a balanced fashion, following the golden mean, which the Rambam praises at length (see his introduction to *Avot*, known as Eight Chapters). The *Sefat Emet* explains that even when faced with two mitzvot, one evaluates which is preferable and less likely to lead to undesirable side effects.

The salvation of the Holy One, Blessed be He – ישועתו של: refers to God's salvation of the Jewish people, which is called in various places in the Bible the salvation of the Lord (*Ritva*).

On Shabbat of a Festival – בשבתא דריגלא: *Tosafot* explain that this refers to the Shabbat during a Festival. Others say that this refers to the Shabbat before a Festival, when public lectures would be delivered about the *halakhot* of the Festival (*Talmid Rabbeinu Yehiel of Paris*; Rabbi Shlomo ben HaYatom). This custom continues nowadays in the form of the public lectures customarily delivered on the Shabbat before Passover and before Yom Kippur. The *Iyyun Ya'akov* writes that it is customary not to raise challenging questions during these lectures, as the purpose of the lecture is for the public to come and listen attentively, absorbing the practical halakhic teachings.

קָרִי עָלֶיָּהּ: וְשָׁם דָּרַךְ אֲרָאֲנוּ בִישָׁע אֱלֹהִים.

תִּנּוּ רַבְנָן: אִין מְצִינִין לֹא עַל כְּזֵית מִן הַמֵּית, וְלֹא עַל עֵצִים כְּשִׁעוּרָה, וְלֹא עַל דָּבָר שְׂאִינוּ מְטַמְּא בְּאֵהָל. אֲבָל מְצִינִין עַל הַשְּׂדֵרָה, וְעַל הַגּוֹלְגּוֹלֹת, עַל רוֹב בְּנִין וְעַל רוֹב מְנֵן הַמֵּית.

וְאִין מְצִינִין עַל הַחוּדְאוֹת, אֲבָל מְצִינִין עַל הַסְּפִיקוֹת, וְאֵלּוּ הֵן הַסְּפִיקוֹת: סְכָכוֹת, וּפְרָעוֹת, וּבֵית הַפָּרֶס, וְאִין מְעַמִּידִין צִיּוֹן בְּמִקּוֹם טוֹמְאָה – שְׂלֵא לְהַפְסִיד אֶת הַטְּהוּרוֹת, וְאִין מְרַחֲקִין צִיּוֹן מִמִּקּוֹם טוֹמְאָה – שְׂלֵא לְהַפְסִיד אֶת אֲרָץ יִשְׂרָאֵל.

וְכֵזֵית מִן הַמֵּית אִינוּ מְטַמְּא בְּאֵהָל? וְהָא תִּנּוּ: אֵלּוּ שְׂמִטְמָאִין בְּאֵהָל – כְּזֵית מִן הַמֵּית!

אָמַר רַב פָּפָא: הֵכָא בְּכֵזֵית מְצוּמָצִין עֲסָקִינָן, דְּסוּף סוּף מִיַּחְסָר חָסֵר, מוּטָב יִשְׂרְפוּ עָלָיו תְּרוּמָה וְקִדְשִׁים לְפִי שְׁעָה, וְאֵלּוּ יִשְׂרְפוּ עָלָיו לְעוֹלָם.

Rabbi Yannai read this verse about him: “And to him who orders his way,^N I will show the salvation of God” (Psalms 50:23), for he considered his conduct and determined when it was inappropriate to challenge his master.

§ With regard to the *halakhot* of marking graves, the Sages taught the following *baraita*: The courts do not mark^N the area of an olive-bulk of a corpse; nor of a bone that is the size of a barleygrain-bulk; nor of any item^N that imparts impurity only through physical contact but does not impart ritual impurity by means of a tent to an individual or object that it overshadows, or that is overshadowed by it, or that is found together with it under the same structure. But they do mark the area of the spine of a corpse, the skull, or the bones that comprise the majority of the skeletal structure or the majority of the number of bones in the body.^H

And furthermore, they do not mark the area of certain ritual impurity, i.e., a place that is known to all as ritually impure, but they do mark a place of uncertain ritual impurity. And these are the places of uncertain ritual impurity: Overhanging boughs, protrusions, and a *beit haperas*.¹ And they do not erect the marker directly over the site of the ritual impurity, so as not to cause a loss of ritually pure food items, as one who is carrying such food might inadvertently walk up to the site of ritual impurity and only then notice the marker, after the food has already contracted impurity. Similarly, they do not distance the marker from the actual site of ritual impurity, so as not to cause a loss of Eretz Yisrael,^N i.e., so as not to increase the area into which individuals refrain from entering.

The Gemara begins to analyze this *baraita* by asking: Is it really so that an olive-bulk of a corpse does not impart ritual impurity by means of a tent? But didn't we learn in a mishna (*Oholot* 2:1): These are the items that impart ritual impurity by means of a tent, and among other items this list includes an olive-bulk of a corpse?

Rav Pappa said: Here, we are dealing with a case where the piece of flesh is exactly an olive-bulk, which, as it decays, will ultimately diminish in size to less than an olive-bulk. Accordingly, it is preferable that *teruma* and consecrated items be burned because of it for the time being, in a case where one inadvertently encounters this impurity because it was not marked and consequently one must burn any *teruma* or consecrated items that became ritually impure, and not be burned because of it forever afterward. After some time the piece of flesh will be less than an olive-bulk, yet if the area is marked, people will continue to burn *teruma* or consecrated items because of it, as, due to the marking, they will assume that ritual impurity was imparted by means of a tent.

NOTES

Rabbi Yannai read this verse about him: And to him who orders his way – וְשָׁם דָּרַךְ – קָרִי עָלֶיָּהּ: This student appraised his ways; although he sacrificed the opportunity to clarify what he was learning and perhaps did not find out the reason behind what his teacher had said, it was more important to refrain from embarrassing him (Ritva).

The courts do not mark – אִין מְצִינִין: Some explain that it is prohibited to mark these locations lest a passerby unnecessarily burns *teruma* even after the quantity of remains has become reduced (*Talmid Rabbeinu Yehiel of Paris*; see *Tosafot*).

Nor of any item – וְלֹא עַל דָּבָר: This includes not only parts of a corpse that do not impart ritual impurity by means of a tent, but also other sources of impurity, e.g., a creeping animal or the carcass of an animal, which do not impart impurity by means of a tent (*Talmid Rabbeinu Yehiel of Paris*; Ritva).

To cause a loss of Eretz Yisrael – לְהַפְסִיד אֶת אֲרֶץ יִשְׂרָאֵל: Some explain that because it is common practice not to sow there, or according to others, because it is prohibited to do so, this would cause damage to the land (Rashi manuscript). Others say that it would cause a narrowing of the roads (Rabbi Shlomo ben HaYatom).

LANGUAGE

Beit haperas – בֵּית הַפָּרֶס: Opinions are divided as to the origin of this term. Rashi and *Tosafot* explain the word *peras* to mean broken, as the field became impure when it was plowed and the bones were broken and scattered about. The Rambam apparently understands the term in the sense of spreading [*perisa*], as the impurity spreads over the entire area. Some explain the term as derived from the Greek *παρος*, *paros*, meaning before, as the field is like a courtyard around the grave. Finally, some maintain that it comes from the Greek *ἀπορος*, *aporos*, meaning a place through which one may not pass.

HALAKHA

Marking graves – צִיּוֹן קְבֵרוֹת: If one finds a grave or part of a corpse that imparts ritual impurity by means of a tent, he must mark the location in order to inform others that walking there will cause them to become impure. One does not mark the location of a piece of a corpse that is precisely an olive-bulk, despite the fact that it imparts ritual impurity by means of a tent, because its size will decrease as it decomposes. The

marker should be placed adjacent to the location of the corpse; it should not be placed directly over it, as it may not effectively prevent others from becoming impure. It should neither be distanced from the corpse, so as not to section off parts of Eretz Yisrael unnecessarily. Markers must be placed only in locations where it is not widely known that there is a grave (Rambam *Sefer Tahara, Hilkhhot Tumat Met* 8:9).

שָׂדֵה שֶׁנֶחְרַשׁ בּוֹ קֶבֶר – A field in which a grave was plowed – *beit haperas*. The Sages decreed that the area is ritually impure due to a concern that bones were scattered throughout the field. No distinction is made based on the particulars of the case, and the *halakha* applies even if the corpse was buried deep in the ground in a coffin. The field has the status of a *beit haperas* to a distance of one hundred cubits from the location of the grave (Rambam *Sefer Tahara, Hilkhot Tumat Met* 10:1).

He may blow upon the earth in the *beit haperas* – מְנַפֵּחַ אֶת אֲדָם בֵּית הַפָּרֶס: One who is traveling to sacrifice the Paschal lamb may blow the dirt along the path of a *beit haperas* as he travels through it. If he does not find any bones, he may slaughter and eat his Paschal lamb. Similarly, one who passes through a well-trodden *beit haperas* remains ritually pure and may offer the Paschal lamb (Rambam *Sefer Korbanot, Hilkhot Korban Pesah* 6:8).

וְאֵלוֹ הֵן הַסְפִּיקוֹת: סְכָכוֹת וּפְרָעוֹת;

סְכָכוֹת – אֵילָן הַמִּיסַךְ עַל הָאָרֶץ;

פְּרָעוֹת – אֲבָנִים פְּרוֹעוֹת הַיּוֹצְאוֹת מִן הַגֶּדֶר;

בֵּית הַפָּרֶס – כְּדַתְנָן: הַחֹרֵשׁ אֶת הַקֶּבֶר הָרִי הוּא עוֹשֶׂה בֵּית הַפָּרֶס. וְכַמָּה הוּא עוֹשֶׂה? מְלֵא מַעֲנֵה מֵאָה אָמָה.

וּבֵית הַפָּרֶס מִי מְטַמֵּא בְּאֵהָל? וְהָאָמֵר רַב יְהוּדָה אָמַר שְׂמוּאֵל: מְנַפֵּחַ אֶת בֵּית הַפָּרֶס וְהוֹלֵךְ.

וְרַב יְהוּדָה בַּר אֲמִי שְׂמוּאֵל דְּעוּלָא אָמַר: בֵּית הַפָּרֶס שְׂנִידֵשׁ טְהוֹר!

The Gemara continues to explicate the *baraita*: **And these are the places of uncertain ritual impurity: Overhanging boughs, and protrusions,^N and a *beit haperas*.**

The Gemara explains: **Overhanging boughs** is referring to a **tree that hangs over the ground** next to a cemetery, and under one of its branches there might be a corpse. If there is a corpse there, the branch overhanging it creates a tent and therefore imparts ritual impurity to anyone who passes underneath it.

Protrusions^N is referring to **protruding stones that jut out from a wall** and are not flush with it, under which there might be a corpse. Once again, if the stones protrude over a corpse, they create a tent and impart ritual impurity to anyone who passes underneath.

The definition of a *beit haperas* is as we learned elsewhere in a mishna (*Oholot* 17:1): **One who plows a field containing a grave,^H thereby raising concern that bones may have become strewn throughout the field, renders the field a *beit haperas*. And how much of the field does he render a *beit haperas*? The full length of a furrow, which is a hundred cubits.**

The Gemara asks: **Does a *beit haperas* really impart ritual impurity by means of a tent?^N But didn't Rav Yehuda say that Shmuel said: If a person is carrying ritually pure items or wishes to remain ritually pure so that he may consume consecrated items, yet he must cross a *beit haperas*, he may blow upon the earth in the *beit haperas*^H before each step to clear away any small bones that may have become strewn across the field and proceed to walk across the area, thereby remaining ritually pure.** This indicates that there is no concern about contracting ritual impurity by means of a tent in a *beit haperas*; otherwise, it would be prohibited to cross in this way, as it is possible that in the course of blowing one may already have contracted ritual impurity by leaning over the bones or by passing over bones that are buried beneath the surface.

Similarly, Rav Yehuda bar Ami said in the name of Ulla: **A *beit haperas* that was trampled,^N i.e., a well-trodden *beit haperas*, is ritually pure, as passersby have certainly cleared away any bones with their feet.** If a *beit haperas* were to impart ritual impurity by means of a tent, there should be a concern that the bones may have been trampled upon and buried in the ground. Both these sources prove that a *beit haperas* does not impart impurity by means of tent, posing a contradiction to the mishna.

NOTES

Overhanging boughs and protrusions – סְכָכוֹת וּפְרָעוֹת: The commentaries disagree about the meaning of this phrase. Rashi explains that it refers to trees or walls adjacent to a cemetery where there is a concern that a corpse or part of a corpse may be buried beneath them. According to this interpretation, the tree or wall must be located in a private domain, as cases of questionable impurity are judged leniently in the public domain. However, some say that there is certainly a corpse buried underneath the branch or protrusion from the wall, but there is doubt as to the precise location of the corpse. Other commentaries explain that there is certainly a corpse underneath the branch or protruding stone, but the branch or stone is not wide enough to constitute a tent by Torah law. The uncertainty is about whether by rabbinic law it constitutes a tent in combination with the other branches of the tree or the other stones protruding from the same row of stones on the wall (Ramban on *Nidda* 57a, citing Ra'avad; Rabbeinu Shimshon on *Oholot* 8:2; see Ritva).

Protrusions – פְּרוֹעוֹת: Some interpret this to mean large stones, as in the verse: "He shall let the locks of the hair of his head

grow [*pera*]" (Numbers 6:5). *Pera* in this verse is rendered in the Aramaic translation as: Grow long (Rashi manuscript; *Talmid Rabbeinu Yehiel of Paris*).

Does a *beit haperas* impart ritual impurity by means of a tent – וּבֵית הַפָּרֶס מִי מְטַמֵּא בְּאֵהָל: Several commentaries had a different version of the text, according to which it is taken for granted that a *beit haperas* does not impart ritual impurity by means of a tent. The Gemara's question according to their version is: Does a *beit haperas* require marking? The ensuing discussion in the Gemara can also be understood according to this explanation (*Tosefot Rid*).

A *beit haperas* that was trampled – בֵּית הַפָּרֶס שְׂנִידֵשׁ: The Rambam, and apparently also Rashi, rule that this is a case where an individual is on his way to sacrifice the Paschal lamb. The Sages did not impose their decree that one who walks through a *beit haperas* becomes ritually impure in a situation where it would prevent someone from fulfilling the mitzva of the Paschal lamb, which carries a punishment of *karet* for those who fail to fulfill it.

אמר רב פפא: לא קשיא: כאן – בשדה שאבד בה קבר, כאן – בשדה שנחרש בה קבר.

Rav Pappa said: It is not difficult, as a distinction can be made between different types of *beit haperas*: Here, where the *baraita* states that a *beit haperas* must be marked because it imparts tent impurity, it is referring to a field in which a grave was lost,^H i.e., a field that was known with certainty to contain a grave, though its precise location can no longer be recalled. There, where it ruled that a *beit haperas* does not convey tent impurity, it is a case of a field where a grave was plowed and it is not at all clear whether there are bones strewn across the field. In that case ritual impurity is not imparted by means of a tent, and so it need not be marked.

ושדה שנחרש בה קבר "בית הפרס" קרי ליה? אין, והתנן: שלשה בית הפרס הן: שדה שנאבד בה קבר, ושדה שנחרש בה קבר, ובקין.

The Gemara asks: But is a field where a grave was plowed called a *beit haperas*, such that one must be concerned about its ritual impurity? The Gemara answers: Yes, and so we learned in a mishna (*Oholot* 18:2–4): There are three types of *beit haperas* through which those who eat *teruma* and consecrated items are prohibited to walk: A field in which a grave was lost and its precise location is no longer known, a field in which a grave was plowed and bones may have been scattered about, and a weepers' field.^{HN}

מאי שדה בוכין? רב יהושע בר אבא משמיה דעולא אמר: שדה שפטרין בה מתים.

The Gemara asks: What is meant by a weepers' field? Rav Yehoshua bar Abba said in the name of Ulla: A field where those escorting the deceased would take leave of the deceased,^N handing the corpse over to those who would perform the actual interment.

וטעמא מאי? אמר אבימי: משום יאוש בעלים נגעו בה.

And what is the reason that one must be concerned about ritual impurity in a weepers' field? Avimi said: It is due to the possible despair by the owners of recovering bones^N that the Sages touched upon it. There is a concern that in transporting the deceased from far away, a loose limb may have fallen from the corpse into the field, and unseen by those transporting the deceased, it was abandoned there. Since over time many corpses passed through this weepers' field, it is assumed that ritual impurity might be found in many places throughout the field.

ושדה שנחרש בה קבר לא בעי ציון? והא תניא: מצא שדה מצוינת, ואין ידוע מה טיבה. יש בה אילנות – בידוע שנחרש בה קבר; אין בה אילנות – בידוע שאבד בה קבר.

The Gemara asks: And does a field in which a grave was plowed not require marking? But isn't it taught in a *baraita*: If one encountered a field that was marked^{HN} due to ritual impurity was, and it is no longer known what the nature of the ritual impurity was, if there are trees in the field, it is known that a grave was plowed in it, as it is permitted for one to plant trees in such a field. If there are no trees in the field, it is known that a grave was lost in it, as it is prohibited for one to plant trees in such a field. If a field is suitable for planting trees and yet there are none, clearly it is because a grave was lost in it.

רבי יהודה אומר: עד שיהא שם זקן או תלמיד, לפי שאין הכל בקיאים בדבר!

Rabbi Yehuda says: We do not rely on these signs unless there is an Elder or a rabbinic scholar who can testify about the subject, as not all are experts in this matter, and perhaps the field was not plowed at all. In any case, this *baraita* teaches that a field in which a grave was plowed is also marked.

אמר רב פפא: בי תניא הדיא – בשדה שאבד בה קבר, דצינוה. יש בה אילנות – בידוע שנחרש בה קבר. אין בה אילנות – בידוע שאבד בה קבר.

The Gemara answers: Rav Pappa said: When that *baraita* concerning a marked field is taught, it is taught with regard to a field where a grave was certainly lost and they immediately marked it. However, if there are trees in the field, it is known that a grave was later plowed in it, i.e., it was forgotten that a grave had been lost in the field and so it was inappropriately plowed and prepared for planting. But if there are no trees in the field, we know that a grave was lost in it and it was not later plowed.

וליהוש דלמא אילנות מגואי וקבר מבראי!

The Gemara raises a question about this ruling: But let us be concerned that perhaps the trees were located inside the field and the grave was located outside of it, and the actual site of the grave was never plowed but simply lost? How then can one rely on the presence of trees to indicate that the grave had been plowed in the field?

שדה שאבד בה קבר – The soil of a field in which a grave was lost imparts ritual impurity through direct contact and to those who carry the soil even without direct contact, and the field imparts ritual impurity to those who pass over it (Rambam *Sefer Tahara, Hilkhot Tumat Met* 8:1).

שדה בוכין – A field near the cemetery, where women sit and weep, is called a weepers' field. Due to the concern that perhaps a corpse has been buried there, it is prohibited to plant in this field so that people will not accustom themselves to going there. However, since there is no known source of impurity there, the soil of such a field is presumed to be ritually pure and may be used to fashion ovens for cooking consecrated food items (Rambam *Sefer Tahara, Hilkhot Tumat Met* 8:4).

שדה מצוינת – If one finds a field that was marked as ritually impure but he does not know what type of impurity the field contains, he can assume that if the field has a tree, it is presumably a field where a grave was plowed. Therefore, the field does not impart ritual impurity by means of a tent. If there is no tree, it is presumably a field where a grave was lost. Therefore, it does impart ritual impurity by means of a tent. However, this applies only if there is a local Torah scholar who knows that it is permitted to plant trees in a field where a grave was plowed and prohibited to plant trees in a field where a grave was lost. The *Kesef Mishne* notes that this is in accordance with the opinion of Rabbi Yehuda, who merely explains the opinion of the anonymous first *tanna* (Rambam *Sefer Tahara, Hilkhot Tumat Met* 10:10).

NOTES

שדה בוכין – The Rashbam's version of the text reads: A field of crypts [*kohhin*]. He explains that this refers to a field adjoining a cemetery where the deceased would be buried temporarily in a crypt until a proper grave could be prepared. The Sages were concerned about the ritual purity of this field, due to the possibility that corpses interred there had not been transferred to permanent graves.

שדה שאבד בה קבר – Some commentaries explain that this refers to a field where corpses would be brought from distant locations and where the local residents would begin to attend to them. The *geonim* explain that it is called a weepers' field because family members from different places would assemble there to mourn their dead together. Indeed, some understand the word *maftirin* as it is used in the Jerusalem Talmud, in the sense of eulogizing the dead (see Ritva).

משום יאוש בעלים – According to one explanation, this means that a corpse would sometimes be brought there after it had already begun to decompose, and perhaps a body part had fallen off without being noticed. Alternatively, perhaps several corpses were brought together and one of them, possibly the corpse of an infant or stillborn child, was left behind (*Talmid Rabbeinu Yehiel of Paris*). The Ritva offers a completely different explanation, citing Rabbeinu Shimshon: The despair of the owners refers to the fact that once the field has been used regularly for these purposes, the original owners no longer have a right to prevent its continued use in this way by planting in the field.

מצא שדה – Most commentaries explain that finding trees in a field is the indication that there is no grave there, as it is prohibited to plant trees in a field where there is a grave whose precise location one does not know (*Tosefot Rid*; Ritva). The Ra'avad adds that when the Gemara states that the field has no trees, it means that the trees have been cut down (see Rashi, Meiri, and Ritva).

כְּדָאֵמַר עוּלָא: בְּעוֹמְדֵין עַל הַגְּבוּלִין,
הֵכָא נִמְי: בְּעוֹמְדֵין עַל הַגְּבוּלִין.

The Gemara answers: It is as Ulla said elsewhere. This is a case where the trees are standing along the field's boundaries, next to a public domain, as the grave is certainly not outside the trees in the public domain, since people do not bury a corpse in the public thoroughfare. Rather, the grave must be between the trees, and was therefore plowed. Here too, then, this is a case where the trees are standing along the borders.

Perek I

Daf 6 Amud a

NOTES

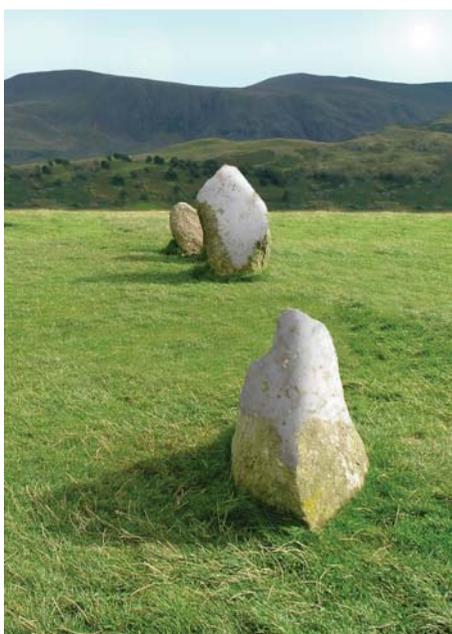
Scattered [*mesubakhin*] – בְּמִסּוּבְכִין: The Ritva explains that the trees have large branches that cover some portion of the field. This may be based upon versions of the text that read *mesukhakhin*, covered, instead of *mesubakhin*, scattered.

All affairs of the city, etc. – כָּל מִילֵי דְמְתָא וְכוּ': Rabbi Shlomo ben HaYatom derives from here that a Torah scholar must pay attention to communal affairs, as halakhic rulings will be issued in accordance with his reports of what has taken place in his community.

A single marked stone – אֶבֶן מְצוּנֶת: Rashi explains that although one does not generally place a marker of ritual impurity directly over the source of the impurity, this is not the case with regard to a stone, as the marker is noticeable from a distance due to the height of the stone. However, it is apparent in the Jerusalem Talmud that even in the case of a stone, the marker should not be directly over the source of the impurity. Consequently, if a single stone was marked, it is assumed that the stone covers an area greater than the source of the impurity (see *Tosefot HaRosh*).

BACKGROUND

Two marked stones – שְׁתֵּי אֲבָנִים מְצוּנֶת: This refers to two stones that have lime on top of them and, at least minimally, on the sides that face each other, so that it is plausible that there was once lime between the stones that peeled off.



Two stones marked with lime

וְדִלְמָא טוּמְאָה מְגוּאֵי וְאֵילָנוֹת
מְבָרְאֵי

The Gemara asks: But perhaps the ritual impurity was on the inside and the trees were on the outside, and only the area between the trees was plowed, while the inner portion of the field with the grave was not plowed?

בְּמִסּוּבְכִין. וְאֵיבְעִית אֵימָא: הָא
אֶמְרוּ אֵין מְרַחֲקִין צֵינן מִמְקוֹם
טוּמְאָה, שְׁלֵא לְהַפְסִיד אֶת אֶרֶץ
יִשְׂרָאֵל.

The Gemara answers: The case is where the trees are scattered^N throughout the entire field, so that it is likely that the entire field was plowed. And if you wish, say instead: This is not a concern, as we said earlier that one does not distance the marker too far from the actual site of ritual impurity, so as not to cause a loss of Eretz Yisrael. As the marker is located near the trees, presumably the trees are close to the actual site of the grave, and the site of the grave was plowed.

”רַבִּי יְהוּדָה אָמַר: עַד שֶׁיְהִיָּה שֵׁם זָקֵן
אוֹ תַלְמִיד, לְפִי שְׂאִין הַכֹּל בְּקִיָּאִין
בְּדָבָר.” אָמַר אַבְיִי: שָׁמַע מִיְנָה:
צוּרְבָא מְרַבְּנָ דְאֵיכָא בְּמִתָּא – כָּל
מִילֵי דְמְתָא עֲלִיָּה רַמְיָא.

It is taught in the *baraita* that Rabbi Yehuda says: One relies on these signs only when there is an Elder or a rabbinic scholar who can testify about the matter, as not all are well versed in this matter, and perhaps the field was not plowed at all. Abaye said: Learn from this statement of Rabbi Yehuda that when there is a Torah scholar in the city, all affairs of the city^N are thrust upon him, i.e., are his responsibility. Consequently, he is expected to know what has happened in the city.

אָמַר רַב יְהוּדָה: מְצָא אֶבֶן מְצוּנֶת –
תַּחְתֵּיהָ טִמְאָה. שְׁתֵּים, אִם יֵשׁ סִיד
בֵּינֵיהֶן – בֵּינֵיהֶן טִמְאָה. וְאִם אֵין סִיד
בֵּינֵיהֶן – בֵּינֵיהֶן טְהוֹר.

The Gemara continues its discussion of marking graves. Rav Yehuda said: If one found a single marked stone,^N this indicates that the ground underneath it is ritually impure. If he found two marked stones,^B the following distinction applies: If there is lime on the ground between them, this indicates that the area between them is ritually impure and the two stones mark the boundaries of the impure area; and if there is no lime on the ground between them, this indicates that the area between them is ritually pure and each stone marks a separate area of ritual impurity.^H

HALAKHA

Marking on stones – צֵינן עַל אֲבָנִים: If one finds a single marked stone, the area beneath it is ritually impure. If two stones are marked and there is lime between them, the area between them is ritually impure. If the lime is found only on the tops of the stones and there are pottery fragments between them, it is assumed that the fragments were part of a structure. This is in accordance with the versions of the text that include the word *heres* instead of *horesh* (see *Tosafot*; *Kesef Mishne*). If there is no pottery between them and the lime spreads down from the

tops of the stones to the area between them, the area between the stones is ritually impure. The Ra'avad writes that if the area between the stones has been plowed, it is considered ritually pure, as it is assumed that the plowing caused the lime to fall from the stones to the ground between them. This is in accordance with the version of the text found in the Vilna Talmud, which includes the word *horesh* (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 8:11, and *Kesef Mishne* there).