

מרחיקין את הגפת¹ כולי טעמא דאיכא כותל כולי –

One distances the *Gefes*, etc.; the reason is because there is a wall, etc.

Overview

The גמרא derived from our משנה (which stated that we distance the גפת from the wall) that if there is no wall in the other domain one may place the גפת adjacent to the boundary, this seems to contradict רבא who maintains אסור לסמוך. Our תוספות clarifies this question on רבא.

פירוש² וקשה לרבא -

The explanation of this inference is that **there is a difficulty with רבא** who maintains אסור לסמוך (even if there is nothing being damaged on the other property) –

תוספות asks:

והימה מאי קושיא הכא ודאי מותר לסמוך בשאין כותל שאין מזיק כלום -

And it is astounding! what is the question?! Here by גפת וכו' it is certainly permitted to be סומך when there is no wall since he is not damaging anything -

וכשיחפץ זה לעשות כותל יסיר את הגפת³ -

And when this other person will want to make a wall he will remove the גפת –

תוספות answers:

ויש לומר דהני נמי⁴ מקלקלין את הקרקע ויזיק לכותל לכשיבנה אפילו שוב יסיר -

And one can say that these items (גפת וכו') also ruin the ground and will cause damage to the wall when it will be built, even if he will remove them before building the wall –

¹ גפת is the residue of pressed olives in the process of making olive oil. גפת and the other items associated with it exude heat (הבל) which damages the wall. See רש"י יז,א ד"ה גפת וד"ה הסלעים.

² תוספות uses the word פירוש here to indicate that even though this is not understood so well, how this presents a difficulty for רבא (as תוספות will soon explain), nevertheless we must say that the question is on רבא!

³ רבא ruled אסור לסמוך by a pit, for if he places his pit adjacent to the boundary, the other person will have to distance himself the full six טפחים in his רשות (instead of the 'required' three טפחים, since the ground will be wet from the water in the first בור). The problem is only when the other person wants to dig a pit and the first person will not want to stuff up and close his pit. However here (by גפת), initially there is certainly no problem (since there is no wall), and ultimately there will also be no problem, since he can (easily) remove the גפת.

⁴ The נמי may mean that not only do they damage the wall (if there is one), they also damage the ground (which will ultimately harm the wall). Alternately (preferably) it means that just like digging a בור and filling it with water makes the earth moist (thus damaging the other property), similarly here placing the גפת at the boundary ruins the ground. See 'Thinking it over'.

תוספות offers an alternate answer:

ועוד אומר רבינו יצחק דבכל אלו יש טורח בסילוקן -

And furthermore says the ר"י that by all these items (גפת וכו') there is a bother to remove them; it is not that simple and easy -

ולכך מעתה יכול לעכב עליו כי יש לחוש שמא לא ימהר לסלקו כשירצה לעשות כותל -

So therefore the neighbor can prevent him as of now from placing his גפת there, since there is the concern that he will not remove it promptly when the neighbor wishes to build a wall –

תוספות has an additional question:

ואם תאמר⁵ אכתי מאי פריך לרבא -

And if you will say; but still what is the challenge to רבא -

הא מפרש טעמא לעיל משום דכל מרא ומרא דקא מחית מרפית לארעאי⁶ -

Since he previously explained the reason why one cannot be בור a סומך; since every shovel full that you bang you loosen my earth –

תוספות answers:

ויש לומר דהוא טעמא לא קאמר אלא אליבא דרבי יוסי⁷ והכא לא פריך אלא אליבא דרבנן:

And one can say that this answer (of כל מרא ומרא וכו') was only said to satisfy the view of רבא even according to ר"י.⁸ However here the challenge to רבא was only according to the רבנן.⁹

Summary

One may not place גפת וכו' on the property line (according to רבא) either because it ruins the ground (for building a wall), or because he may not remove it promptly (ר"י). רבא does not necessarily employ the reasoning of כל מרא ומרא (according to the רבנן).

Thinking it over

⁵ This question seems to be (only) according to the ר"י ועוד אומר ר"י.

⁶ However here when he is placing the גפת on the border he is doing no damage at all (see footnote # 5).

⁷ There is a dispute later in the משנה on כה, ב, in a case where there is a בור in the neighbor's property, the חכמים maintain that the other neighbor cannot plant a tree in his own property unless he distances the tree twenty-five אמות from the בור, while ר"י maintains there is no need to distance since he is planting the tree in his own property.

⁸ רבא argues that even ר"י agrees with him, since the case of בור is worse than the case of the tree, for by the בור the neighbor can say וכו' ומרא ומרא.

⁹ According to the רבנן (who prohibit planting a tree within twenty-five אמות of a בור) the reason why it is אסור to be סומך to the border, because the neighbor can say, I also intend to dig a בור (and the water in your בור will prevent me from digging my בור). This reasoning applies to גפת as well.

תוספות writes in his first answer¹⁰ that the גפת ruins the ground and ultimately the wall. Seemingly when one builds a wall, he first digs out a foundation, so seemingly any ground which was ruined will be excavated and removed, so why cannot he be סומך the גפת to the property line.¹¹

¹⁰ See footnote # 4.

¹¹ See סוכת דוד אות מח.