

**And ר"י maintains – ורבי יוסי סבר אם עמד ניקף וגדר את הרביעית only if the encircled party arose and fenced in the fourth wall, etc.**

### Overview

The גמרא offered various interpretations as to the מחלוקת between the ת"ק and ר"י in the משנה. According to all these interpretations – except for the last – ר"י deals more severely with the ניקף than the ת"ק does. תוספות will explain that both these positions can be derived from the wording of the משנה.

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תוספות asks:

**even though up until know** the גמרא assumes that ר"י **אף על גב דעד השתא – היה מחמיר** – **was more stringent** than the ת"ק. In all the interpretations ר"י dealt more severely against the ניקף compared to the ת"ק. This view is seemingly implicit in the language of the משנה. As -

**The expression ‘we cumulatively cast upon him everything’, implies<sup>1</sup>** that we deal severely with the ניקף. Why did this last לשון disregard this implication and insist that ר"י is more lenient with the ניקף?

תוספות responds:

**According to this לשון it is not so** that ר"י is more מחמיר than the ת"ק, despite the above mentioned implication, the reason is –

**that the expression ‘if he arose’ indicates** that we are discussing (only) **הניקף**. Therefore we are forced to conclude that if the מקיף built the fourth wall the ניקף is פטור. According to this לשון, the implication of the words 'אם עמד' is more compelling than the implication from the words 'מגלגליו עליו את הכל'.

### Summary

The expression 'מגלגליו עליו את הכל' indicates that ר"י is more מחמיר than the ת"ק (hence all the לשונות in the גמרא [bar the last one]). The expression 'אם עמד' seems to limit the liability to the ניקף only if he himself built the fourth wall (hence the אחריו).

### Thinking it over

How will each of the opposing לשונות address the contradicting implications in the משנה?

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<sup>1</sup> The expression 'מגלגליו עליו את הכל' implies that not only is he required to pay (something), but rather he must pay for everything.