

## If the surrounded one arose

## אם עמד ניקף –

### OVERVIEW

The גמרא, in its attempt to resolve the query regarding זנוזל"ה, cited a משנה in which ר' יוסי ruled that אם עמד ניקף וגדר את הרביעית וכו'. Our תוספות comments on the text.

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בסדר המשנה לא גרס בהדיא ניקף אלא ללישנא דמפרש התם<sup>1</sup> דקאי אניקף דייק הכא:  
In the 'order' of the משנה it does not state explicitly ניקף אם עמד; but rather the משנה states (עמד וגדר את הרביעית וכו') (without mentioning who was the עמד וגדר); nonetheless the גמרא here infers a ruling regarding זנוזל"ה, according to the view there which interprets the word עמד to refer to the ניקף.

### SUMMARY

The text of the משנה merely states 'אם עמד וגדר וכו', not אם עמד ניקף.

### THINKING IT OVER

Since the statement of ר' יוסי can refer to the מקיף (which indicates that זנוזל"ה is חייב [at least according to ר' יוסי]), and it can refer to the ניקף (which indicates that זנוזל"ה is פטור); how can we derive any conclusive resolution regarding the ruling of זנוזל"ה?<sup>2</sup>

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<sup>1</sup> ב"ב דב. The גמרא there brings various interpretations of the statement of ר' יוסי that אם עמד וגדר את הרביעית מגלגלין ת"ק. One of these interpretations is that (does not refer to the מקיף as the other interpretations maintain, but rather it) refers to the ניקף. According to that interpretation we can infer that זנוזל"ה is פטור (as the גמרא concludes).

<sup>2</sup> Is it preferable to leave a query unresolved or to resolve that the issue is in dispute?