

From the opening of the store

מפתח החנות –

OVERVIEW

The משנה stated that if the animal ate from the פתח החנות, he pays שנהגית (but not מה שהזיקה) for it is not considered רשות הניזק. Our תוספות explains what is meant by פתח החנות.¹

הן תריסי החנויות² שמניחין לפני החנויות כשפותחין אותן ונותנין שם פירות:

These are the shutters of the stores which the merchants place in front of the stores, after they open the stores, and place their פירות there; on these תריסין.

SUMMARY

The פתח החצר refers to the shutters which are used for counters.

THINKING IT OVER

1. Why did not תוספות write this explanation on the משנה; why write it here?³
2. According to תוספות that מפתח החנות means the תריסין which are placed in front of the store (in the street), what is the חידוש of the משנה that he pays שנהגית; it would seem to be obvious?!

¹ See the חצר מהור"ב להמהרש"א that פתח החנות cannot be referring to the doorway of the store, for that is definitely חצר. מה שהזיקה and he would be required to pay.

² When the store is closed these shutters are used to lock up the store. When the store opens the shutters are removed and used as display counters for the merchant's wares, in front of the store.

³ See # 71. אוצר מפרשי התלמוד.