

הא נפלו פטורין אלמא קסבר כולי –

But if they fell, they are exempt; it is evident he maintains, etc.

OVERVIEW

The משנה ruled that if a dog or goat jumped off the roof and broke vessels they are liable to pay a ג"ש. The גמרא infers that if they fell off the roof (they did not jump) they would be פטור; this would seem to prove that our משנה maintains that תחלתו וסופו באונס (allowing the dog on the roof, where he might jump down) בפשיעה (falling off the roof) is פטור. Our תוספות first challenges and then explains this assumption.

asks: תוספות

ואם תאמר היכי דמי אי מקרבי כלים לגבי כותל היכי מיתברי בקפיצה¹ -

And if you will say; how is this case; if the utensils (that were broken by the fall) were close to the wall, how would they have been broken through the jumping of the dog -

והא אמרינן בסמוך² דכי קפצי מאבראי קפצי –

For the גמרא shortly states that when they jump, they jump far away from the wall (so they cannot break those utensils that are close to the wall) -

ואי מרחקי³ היכי משתברי בנפילה -

And if the utensils are far from the wall, how did they break from the falling down of the dog (since he falls close to the wall)?

answers: תוספות

ויש לומר כגון שהיו לא מרוחקות ולא מקורבות דמיתברי בין בנפילה בין בקפיצה -

And one can say; we are discussing a case where for instance the vessels were not that far and not that close to the wall, so that they can be broken either by falling or jumping therefore it is considered באונס וסופו באונס תחלתו בפשיעה.

offers an alternate solution: תוספות

אי נמי בכלי ארוך דאי נפלי לצד הסמוך לכותל מיתבר ואי קפצי מיתבר לצד המרוחק:

Or you may also say that we are discussing a long vessel, so that if they fall

¹ If the utensils were close to the wall it cannot be considered תחלתו בפשיעה for even if the dog would jump down he would not break these utensils (they can be broken only through נפילה (which is an אונס).

² Later on this עמוד.

³ When they are far from the wall it is תחלתו בפשיעה since the dog may jump down; however how did they actually break since they were too far away (to be broken by the dog falling close to the wall).

towards the side of the vessel **close to the wall, it will be broken** by the fall, and **if they jump** down, the vessel will be broken **by the side which is further** from the wall.

SUMMARY

It is באונס either because the vessel is in a place where it can be broken either by the falling or jumping down of the dog, or because it is a long vessel, where the closer part will break by falling and the further part will be broken by jumping.

THINKING IT OVER

1. Do the two answers of תוספות agree with each other?
2. Why did not תוספות answer that there were two vessels, one close to the wall and the other further away?⁴

⁴ See שטמ"ק.