

גידוד חמשה ומחיצה חמשה כולי –

An embankment of five טפחים and a partition of five, etc.

OVERVIEW

גידוד רש"י explains that גידוד חמשה ומחיצה חמשה do not combine. רב חסדא taught that תוספות maintains that a ditch and a partition (above the ditch) are mean a ditch. Our תוספות offers an explanation according to רש"י's understanding of גידוד, and also offers an alternate explanation of גידוד.

פירש בקונטרס אם היה חריץ עמוק חמשה והקיפוהו מחיצה חמשה –

explained (that גידוד חמשה ומחיצה חמשה means) **if there was a ditch** which was **five טפחים deep and it was surrounded** on top with a **partition five טפחים high**, the rule is that the גידוד and the מחיצה –

אין מצטרפין להיות תוכו רשות היחיד –

Do not combine to make the enclosure a רה"י (even though the bottom of the ditch is surrounded by an enclosure which is ten טפחים high [five of the ditch and five of the מחיצה]).

asks: תוספות

וקשה לרבינו תם דאמר בשבת בפרק הזורק (דף צט,א) ובפרק בתרא דעירובין (דף צט,ב) –

פרק in מסכת שבת גמרא states in פירש"י for the ר"ת has a difficulty with – מסכת עירובין פרק of הזורק and in the last

דבור וחולייתו מצטרפין לעשרה¹ ואף על פי שזה בגובה וזה בעומק –

That a pit and its surrounding mound combine to make the inside of the pit a **רה"י** if the combined height of the בור וחולייתו is **ten טפחים**, **and even though** the **חוליה is in the height** and the pit is **in the depth**, nevertheless it is מצטרף. The same should be here that the גידוד and the מחיצה should be מצטרף.

has an additional question: תוספות

ועוד דאמר פרק כל גגות (שם דף צג,ב) בהדיא גבי שתי חצרות זו למעלה מזו –

And furthermore the גמרא explicitly states in פרק כל גגות, regarding two courtyards one higher than the other -

ויש גידוד חמשה ומחיצה חמשה² –

Where there is an embankment of five טפחים and a partition of five טפחים -

¹ גמרות made this statement in the two aforementioned ר' יוחנן.

² The level of the lower חצר is five טפחים below the level of the upper חצר (the embankment is five טפחים). In addition there is a partition five טפחים high which begins on the ground of the higher חצר. The height from the floor of the lower חצר to the top of the partition is ten טפחים.

דמודה רב חסדא בתחתונה הואיל ורואה פני עשרה דמערבת שנים ולא אחד³ –

That ר"ה agrees regarding the lower חצר, since it 'sees' a 'face' of a wall which is ten טפחים high that it requires two (separate) עירובי חצירות but not one עירוב חצר together with the upper חצר.⁴

answers:⁵ תוספות

ויש לומר דלענין ב' חצרות זו למעלה מזו איירי הכא⁶ –

And one can say that ר"ה is discussing here regarding two חצרות which are זו ולגבי עליונה⁷ לענין עירוב⁸ כדמוכח פרק כל גגות (שם צג,ב) –

To the upper חצר regarding an עירוב as is evident in גגות כל גגות.

offers an alternate solution: תוספות

אי נמי לענין תל ברשות הרבים גבוה חמשה⁹ והקיף על גביו מחיצה חמשה –

Or you may also say; ר"ה is discussing (not a ditch and a partition,¹⁰ but rather) a mound in the ר"ה which is high five טפחים and he surrounded it on top with a מחיצה of five טפחים, and ר"ה teaches us -

דלא חשיב רשות היחיד לענין שבת¹¹ –

That this enclosed area is not considered a ר"ה concerning שבת.

גיידוד asks on this interpretation of תוספות:

ואם תאמר ויחשב רשות היחיד מטעם דאי בעי מנח עליה ומשתמש –

And if you will say; and let it be considered a ר"ה for the reason that if he so

³ The lower חצר cannot join with the higher חצר and be included in one עירובי חצירות for both, since there is a מחיצה of ten טפחים separating them; rather it needs to make a separate עירובי חצירות for the חצר התחתון only. However the higher חצר cannot make an עירובי חצירות at all even by themselves since they are not completely separate from the lower חצר for they only see a מחיצה of five טפחים (but the lower חצר is separated from them).

⁴ It is evident from that גמרא that (even) רב חסדא agrees that מצטרפין ה' ומחיצה ה' גידוד!

⁵ This answer follows רש"י explanation that גידוד means a ditch (however this is not רש"י explanation).

⁶ רב חסדא is not discussing whether it is a ר"ה (as רש"י states), for it certainly is a ר"ה. Rather he is discussing an עירוב issue.

⁷ However regarding the lower חצר or a בור וחוליותיו, etc. the גידוד ומחיצה are לעשרה מצטרפין.

⁸ In a case of ה' ומחיצה ה' גידוד, the upper חצר cannot make an עירוב at all since the מחיצה which it sees is only five טפחים (and the גידוד is not מצטרף since they do not 'see' it), they are not separated from the lower חצר to be considered an independent חצר with its own עירוב. They cannot combine with the lower חצר, since the lower חצר is separated from them with the גידוד and the מחיצה.

⁹ According to this interpretation the word גידוד means a mound and not a ditch as רש"י explained.

¹⁰ According to this interpretation, a ditch and a partition would be מצטרף לעשרה in disagreement with רש"י.

¹¹ The top of the mound is not considered a ר"ה because it is merely five טפחים high and is enclosed by a מחיצה which is only five טפחים high. However if the mound would have been ten טפחים high then the top of the mound would be a ר"ה (if it is דע"ד טפחים) even without the partition. See following footnote # 12.

desires he may place something on top of the מחיצות and he will utilize this area on top of the מחיצות -

כדאמר בפרק חלון (שם עה,א) גבי מילאו כולו ביתדות¹² –

As the גמרא states in פרק חלון regarding the case where he filled up the entire area with pegs.

answers: תוספות

ויש לומר דמייירי ברחב הרבה ולא שייך מנח עליה מידי אלא בדבר צר:¹³

And one can say; that here we are discussing a case where the area atop the partitions is very wide (therefore we cannot use the concept of דאי בעי מנח עליה (ומשתמש), for the concept of placing something atop the partitions is applicable only for a narrow area, but not for a wide area.

SUMMARY

A ditch and a partition are מצטרף (except regarding the upper חצר, which is not considered separate from the lower חצר). A mound and a partition are not מצטרף (unless it is a small area and a cover can be placed over the width of the partition.

THINKING IT OVER

1. asks¹⁴ that a mound five טפחים and a partition of five טפחים should be מצטרף since he can place something atop the מחיצה (as we find by the beam). However in the case of יתדות the רה"י is formed atop the beam (and the cover); here however we wish to make the top of the תל (which is below the potential cover) into a רה"י. How can we compare the two?!¹⁵

2. Why indeed does ר"ה maintain that גידוד ה' ומחיצה ה' are not מצטרף (according to תוספות)?¹⁶

¹² The top of a pillar which is ten טפחים high and has an area of four טפחים by four טפחים is considered a רה"י. The רב אשי there discusses what if he placed a peg on the top (thus diminishing the utilization of the דע"ד area). ר"ה maintains that even if the entire area is filled with pegs (where seemingly one cannot use this area), nevertheless it is considered a רה"י, because he can place something (a board) on the pegs and still use the area atop the pillar. Similarly here, he can place an object over the מחיצה and there will now be the equivalent of a pillar ten טפחים high (the five of the mound and the five of the מחיצה), which is considered a רה"י. See 'Thinking it over' # 1.

¹³ Therefore in the case of the beam, where it was (merely) דע"ד, one can say ומשתמש מנח, but not if the מחיצות are far apart and he would need to erect a roof.

¹⁴ See footnote # 12.

¹⁵ See בל"י אות שנה.

¹⁶ See מהרש"א.