

## But it did not rest

## והא לא נח –

### OVERVIEW

The משנה states if an object was thrown less than אמות ד' and it rolled outside the ד"א he is פטור, however if it was thrown outside the ד"א and it rolled back into the ד"א, he is חייב. The גמרא asks: 'והא לא נח'; our תוספות explains on which part of the משנה is this question, and the validity of this question.

-----

asks: תוספות

**ואם תאמר מאי פריך והתניא לעיל<sup>1</sup> (דף צז,א) תוך ג' דברי הכל חייב אף על גב דלא נח -**  
**ברייטא** And if you will say; what is the גמרא asking, for we learnt in a previously, 'within three טפחים all agree that he is חייב even if it did not rest' –

anticipates a possible solution to his question (and rejects it): תוספות

**ואין נראה לומר דאתוך ד' אמות קאי אמאי פטור הא לא נח<sup>2</sup> -**  
**And it is not correct to say that the question is, 'why is he פטור since it was not נח',** and it is **referencing** the רישא of the משנה which states that if he threw it **within ד"א** and it rolled outside the ד"א he is פטור -  
**ואם כן כשנח אחר כך חוץ לארבע יתחייב<sup>3</sup> -**  
**So therefore (since there was no הנחה within the ד"א) when it rested afterwards beyond the ד"א, he should be חייב –**

rejects the solution: תוספות

**דהא [מתניתין<sup>4</sup>] נמי הכי משמע דאחוץ לד' אמות פריך אמאי חייב<sup>5</sup> -**

<sup>1</sup> The מרה"י לרה"י in a case where an object was thrown ר"ע וחכמים מחלוקת between ברייתא there is referencing the מרה"י באמצע. The ברייתא rules that if the object was less than three טפחים from the רה"ר ground all agree that he is חייב; we see therefore that no הנחה is required if it is למטה מג'. Therefore here too in the סיפא where (either it actually landed on the ground or [see רש"י ד"ה זרק] it was למטה מג' beyond the ד"א, therefore he is חייב despite the fact that it eventually wound up ד"א תוך ד"א.

<sup>2</sup> The גמרא's question (according to this לומר לומר) is why is he פטור in the רישא, since when he threw it less than ד"א it never came to a (full) rest, for it continued and rolled beyond the ד"א, so there never was a הנחה within the ד"א; the הנחה was later when it went beyond the ד"א, so therefore he should be חייב for throwing ד"א ברה"ר.

<sup>3</sup> See מרה"י who explains that even if it travelled למטה מג', we cannot say קלוטה כמי שהונחה דמי (as תוספות asks in the סיפא where it went לד"א חוץ לד"א), for the whole concept of קלוטה (or למטה מג' does not need a הנחה) is only if it goes from one רשות to another (מהרה"י לרה"ר) or once it leaves its ד"א, but in the same רשות (or within the ד"א) we cannot say קלוטה (that it is considered at rest) for then how is it possible to be חייב for ברה"ר, if it is continually at rest. Therefore if we assume that the גמרא's question is on the רישא, our תוספות question would be resolved. תוס' however rejects this answer. See 'Thinking it over'.

<sup>4</sup> A marginal note amends this to read מתניא (instead of מתניתין).

<sup>5</sup> נח ע"ג משהו. Regarding this answer, the גמרא follows by answering the question of והא לא נח, saying that it was משהו; indicating the explanation of ר"י as to why he is חייב is correct. The parallel saying חייב וכו' אהזתו הרוח וכו' חייב.

**Because from the גמרא stating 'תניא נמי הכי', indicates that the question was directed to the case of א"ל חוץ, asking why is he חייב –**

answers: תוספות

**ויש לומר דפריך לרבא דאמר תוך שלשה לרבנן בעי הנחה על גבי משהו:**

**And one can say; that the גמרא's question of נח לא נח is according to רבא, who maintains that 'נח requires a משהו', according to the רבנן who argue with ר"ע.**

### **SUMMARY**

Our גמרא maintains that even 'נח requires a (ע"ג משהו).

### **THINKING IT OVER**

Why cannot we say like the נראה ואין (that the question is on the רישא; why is he פטור)<sup>7</sup> and ר"י answered that it was נח ע"ג משהו, and as far as the תנ"ה (which seemingly states that he is חייב in the סיפא), that is because since we have no choice but to explain the רישא in a case of נח, so we assume that the סיפא is also in a case where it was נח (even though he is חייב without נח)?!<sup>8</sup>

---

case to נח ע"ג משהו is in the סיפא where he is חייב, not by דחפתו הרוח in the רישא where he is פטור; it is evident that the תנ"ה is proving that ר"י is correct in explaining the סיפא of the משנה where he is חייב. In any event the question remains why does the גמרא require that it should be נח, when the ברייתא, cited in the beginning of תוס', does not require a ג' תוך נח.

<sup>6</sup> The ברייתא that חייב ג' ד"ה תוך is not accepted by everyone (see on צא, that ר' טובי agrees with this ברייתא; however others there [and ר"י ורבא here] disagree).

<sup>7</sup> See footnote # 3. There is no question regarding the סיפא since הנחה א"צ.

<sup>88</sup> See מהרש"א.