

**And he threw and it landed on top of it he is liable - וזרק ונה על גביו חייב**

### **Overview**

cited the ruling regarding גוד אחית regarding the boats of מישן as well, so one should be able to carry in them more than ד"א. Our תוס' reconciles our גמרא with a seemingly contradictory גמרא.

responds to an anticipated difficulty:

**למאי דסלקא דעתין השתא דאין חילוק בין מחיצה דמים לשאר מחיצות<sup>1</sup> –**

**According to what we assume now that there is no difference between a partition regarding water and all other partitions (they all have the same ruling) -**

**וסלקא דעתין נמי דלא פליגי רבנן עליה דרבי יוסי ברבי יהודה<sup>2</sup> -**

**And we also assumed that the רבנן do not argue with ריב"י regarding גוד אחית, nevertheless the גמרא -**

**לא מצי לאקשווי<sup>3</sup> אמאי הא תנן בפרק כיצד משתתפין (עירובין דף פז, ב) -**

**פרק כיצד in פ"ד; since we learnt in טרסקל a טרסקל, why is the משתתפין**

**גזוטרטא שהיא למעלה מן המים אין ממלאין הימנה אלא אם כן עשו לה מחיצה י"י<sup>4</sup> -**

**A balcony (which is a רה"י) which is directly above the water (a כרמלית), one may not draw water from it unless he made for it a מחיצה of טפחים י'. The question could (not) have been asked -**

**מה צריך מחיצה י' בלא מחיצה י' תסגי כמו בטרסקל<sup>5</sup> -**

**Why do we need a מחיצה of י"ט, it should be sufficient to carry from the מים to the טרסקל just like by the גזוטרטא without a מחיצה י' –**

responds that the גמרא could not have asked this question:

**דדוקא על גביו חשיב ליה ר' יוסי ברבי יהודה רשות היחיד אבל למטה לא<sup>6</sup> –**

**For רה"י only considered the top of the טרסקל as a רה"י but not the area**

<sup>1</sup> Later (on the very bottom of this עמוד) רבין states that a מחיצה תלויה is only effective over water, but not over land.

<sup>2</sup> Shortly the גמרא states that the חכמים disagree with ריב"י regarding a טרסקל that it is not a רה"י.

<sup>3</sup> It seems from תוס' that according to the מסקנא (see footnotes # 1 & 2 that the רבנן distinguish between a מחיצה תלויה whether it is over water and or over the land and that the רבנן argue with ריב"י) there is no question even to begin with, so no answer is even required. See 'Thinking it over' # 1.

<sup>4</sup> He may make the מחיצה either above the גזוטרטא or directly below it (like a skirt). Once there is a מחיצה of י"ט we say גוד אחית and it is considered as if the מחיצה descends into the water; making the water also into a רה"י. Therefore he can carry up the water through an opening in the bottom of the גזוטרטא.

<sup>5</sup> The טרסקל has no מחיצות י' and nevertheless we say גוד אחית to make the טרסקל a רה"י; the same should be by the גזוטרטא; that a small מחיצה should be sufficient for we say גוד אחית.

<sup>6</sup> Therefore by the גזוטרטא the water which is below the מחיצות will not be considered a רה"י, unless the מחיצות are י"ט.

underneath the טרסקל -

דלהכי לא אהני גוד אחית<sup>7</sup> –

Since גו"א is not effective for the underneath (if the actual מחיצות are less than ט"ט) –

תוספות offers an alternate distinction:

אי נמי הא דבעינן גבי גזוזטרא מחיצה י' היינו לטלטל<sup>8</sup> -

Or one may also say; this which we require by a גזוזטרא a מחיצה י' that is in order to make it permissible even to carry from the מים to the גזוזטרא (which is a קולא) -

אבל לזרוק לא בעי מחיצה י' כמו בטרסקל -

However to be חייב for throwing from the רה"ר to the מים, we do not require a מחיצה י' just like by טרסקל, where one is חייב if he threw an object on the טרסקל from the רה"ר even though there are no מחיצות י'.

תוספות of א"נ continues to explain the גמרא according to the

והכא הכי פריך לימא גוד אחית –

And גו"א here asks as follows; let us say גו"א, meaning -

דכי היכי דאמר יוסי ברבי יהודה גוד אחית כשאין שם מחיצה י' למיהוי רשות היחיד להתחייב -

That just like גו"א maintains ריב"י when there is no מחיצה י' to form a רה"י for one to be liable -

הכא נמי בספינה שיש שם מחיצה י' אית לן למימר גוד אחית אף לטלטל:

So too here by the boat where there is a מחיצה י' we should say גו"א even to permit carrying (as it is permitted by גזוזטרא).<sup>10</sup>

## Summary

We can distinguish between the case of גזוזטרא (which requires ט"ט) where we need it to be a רה"י below the מחיצה, and the case of טרסקל (which requires only a minimal מחיצה), since we want it to be a רה"י only on top. Alternately, by גזוזטרא it is a רה"י (even לקולא) but by טרסקל it is a רה"י only לחומרא.

<sup>7</sup> גוד is effective (even according to ריב"י) only to make the top of the מחיצה into a רה"י (even with less than ט"ט), but not underneath the מחיצות, unless there are מחיצות י' as by the גזוזטרא.

<sup>8</sup> The א"נ maintains there is no difference between on top of the טרסקל (or גזוזטרא) or underneath it; everything מה"ת is considered a רה"י. Therefore if one throws from the רה"ר to underneath the טרסקל (or גזוזטרא) he will be חייב. However if he wants to carry from the area underneath that is forbidden מדרבנן unless there is a מחיצה י'.

<sup>9</sup> There is seemingly a difficulty here according to the א"נ. How can ר"נ cite the case of טרסקל so we should say גו"א by the boat, when the two cases are different. Regarding the טרסקל it is a רה"י לחומרא where one is חייב, so how can we derive that we should also say גו"א לקולא that one should be able to carry in the דמיון? The following is response.

<sup>10</sup> See 'Thinking it over' # 2.

### **Thinking it over**

1. writes that (even) according to the הו"א there is no contradiction from the case of גזוזטרא (which requires י"ט) to our case of טרסקל; indicating that according to the מסקנא there certainly is no contradiction.<sup>11</sup> However it would seem to be the opposite, since according to the מסקנא we apply גוד אחית to a מחיצה תלויה only over water (not over the land) and by טרסקל we say גוד אחית over the land (and with less than י"ט)?!<sup>12</sup>

2. According to the א"נ,<sup>13</sup> it would seem preferable for רב נחמן to bring proof to his question of גוד אסיק from גזוזטרא (where it is permissible to carry (לקולא) than from טרסקל (where there is only a לחומר, since he wants a היתר טלטול by the ביצאתא דמישן?!

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<sup>11</sup> See footnote # 3.

<sup>12</sup> See לשון הזהב (בגמ' ד"ה ובזה) and מהרש"א.

<sup>13</sup> See footnote # 9 & 10.