

דאמרינן קלוטה כמי שהונחה דמיא –

For we maintain כמי שהונחה דמיא קלוטה

OVERVIEW

The גמרא asked, why is there a חיוב in the משנה, since there was no עקירה והנחה מקום ד' answered that the תנא of the משנה is ר"ע who maintains that a 'מקום ד' is not required (רבה assumes that this is all that רבה said).¹

To explain s'רבה answer and to show that ר"ע maintains that a 'מקום ד' is not required, the גמרא cites the מחלוקת between ר"ע וחכמים in a case where זרק מרה"י. לרה"י ורה"ר באמצע, where ר"ע maintains that he is חייב. The reason why he is חייב, the גמרא says is because he maintains קלוטה (and the רבנן do not agree with קלוטה). Since ר"ע maintains קלוטה it is obvious that a resting place of 'מקום ד' is not required.

The גמרא then asks: It appears from s'רבה answer that he maintains that the argument between ר"ע וחכמים is whether or not we say קלוטה, but – the גמרא asks – how can we say so, for we know that רבה was uncertain as to the reason behind their מחלוקת; that it may not be regarding קלוטה, but rather whether ילפינן זורק ממושיט.

questions the גמרא's assumption that רבה maintains that the argument between ר"ע וחכמים is confined to whether or not we say קלוטה and therefore the ensuing בעיא contradicts this. From where did the גמרא come to this conclusion, since רבה never mentioned specifically that the מחלוקת is regarding קלוטה exclusively?

רבה presents three interpretations, why the query contradicts the statement of רבה that מני ר"ע היא.

וקשה לרבנו יצחק דמאי פריך למימרא דפשיטא ליה לרבה –

The ר"י has a difficulty; why does the גמרא ask “do you mean to say that רבה was certain” that the מחלוקת between ר"ע וחכמים is regarding קלוטה –

מנא ליה דפשיטא ליה לרבה –

Why does the גמרא assume that רבה was certain that the מחלוקת between ר"ע וחכמים is regarding קלוטה (and only ר"ע maintains קלוטה and not the חכמים)?

¹ Perhaps רבה may have also referenced the משנה in הזורק but he did not (in תוספות view) say the reasons for their views; that ר"ע סבר אמרינן קלוטה וכו' (see מהר"ם).

אי משום דקאמר הא מני רבי עקיבא היא –

Is it because רבה **said** that the משנה of the תנא **is** ר"ע, who maintains that a מקום ד' is not required because we say קלוטה, and therefore the חכמים who disagree with ר"ע do not agree to ר"ע וחכמים מחלוקת between רבה maintains that the קלוטה? However, this is not sufficient proof that רבה maintains that the קלוטה is whether or not we say קלוטה, for it could well be that both ר"ע וחכמים maintain קלוטה as רבה suggests in the second option of his query, and the reason רבה says the משנה is according to ר"ע (only, and not the חכמים) –

היינו משום דלרבי עקיבא אית ליה ממה נפשך קלוטה כמי שהונחה דמי –

That is because ר"ע **maintains** קלוטה **in either of the options** that רבה proposed (in the first option, only ר"ע maintains קלוטה and in the second option everyone agrees to קלוטה).

אבל אליבא דרבנן מספקא ליה ולהכי לא הוה מצי למימר הא מני רבנן היא –

However as far as **the view of the** רבנן is concerned, רבה **was in doubt** whether they maintain קלוטה (as the query shows), **and therefore he could not have said that** the משנה **is in accordance with the** רבנן. Therefore רבה said the משנה is according to ר"ע, but he did not mean to exclude the possibility that it may also be according to the חכמים; for if we were to accept the second option of the query then the חכמים will also agree to קלוטה. רבה only meant to say that the משנה is certainly according to ר"ע who maintains קלוטה in either option.

In summation: תוספות asks that there is no proof that רבה maintains that the מחלוקת is regarding קלוטה, it could be that the מחלוקת is whether ממושיט זורק ילפינן, but it would make no difference, because in either case ר"ע maintains קלוטה, and therefore the משנה is (certainly) according to ר"ע.

תוספות suggests a possible answer to this question;

ואם היינו אומרים הא דקאמר לעיל –

And if were to say that that which was said before in the גמרא, namely –

רבי עקיבא סבר קלוטה כמי שהונחה דמיא ורבנן כולי –

“ר"ע **maintains** קלוטה **and the** רבנן **etc.** maintain that we do not say קלוטה”, if we were to assume that –

הכל מדברי רבה היא הוה אתי שפיר –

This entire quote is the words of רבה, **then all would be well**, for then רבה would have stated explicitly that the מחלוקת between ר"ע וחכמים is concerning קלוטה. We would understand the גמרא's question that how can רבה maintain that the מחלוקת is whether or not we say קלוטה, when רבה posed a query regarding their מחלוקת.

תוספות rejects this solution:

אך אין נראה שיהא מדברי רבה –

however it does not appear that this quote are **the words of** רבה, but rather רבה only

said that the משנה is according to ר"ע, who does not require a מקום ד', then the גמרא, after citing the מחלוקת between ר"ע וחכמים, concluded with their respective opinions on קלוטה, but רבה himself merely said that the משנה is according to ר"ע, and that is not in contradiction to his query, for in either option of the query, ר"ע maintains קלוטה. Therefore תוספות original question remains.

answers: תוספות

ואומר רבינו יצחק דהכי פירושו והא מיבעי בעי לרבה –

And the ר"י says that this is the explanation of the גמרא's question, 'but רבה had a query' as how to interpret the מחלוקת, meaning that רבה was uncertain as to what was the real reason behind this מחלוקת, he did not have a sureness in this matter -

וכיון דאיכא לספוקי בפלוגתייהו –

So since we are uncertain as to the true nature of **their argument**, as witnessed by רבה offering two options, (so even though in both these two options ר"ע maintains קלוטה, nevertheless) -

איכא נמי לספוקי דילמא לכולי עלמא לא אמרינן קלוטה כמי שהונחה -

We may also consider that there may be other options, i.e. perhaps *everyone* maintains that **we do not say** שהונחה **-**

ובזו כנגד זו לכולי עלמא פטור –

and therefore in a case where the two ר"י **were one opposite the other** on opposite sides of the ר"ה, **then everyone would agree** that he is פטור, because no one agrees to קלוטה, and we cannot derive ממושיט since זורק ממושיט is also פטור in a case of זו כנגד זו² -

כי פליגי בדיוטא אחת דרבי עיקבא סבר ילפינן זורק ממושיט ורבנן סברי לא ילפינן -

They only argue when the two ר"י **are in a דיוטא אחת**, adjacent to one another, on the same side of the ר"ה, **where ר"ע maintains that we derive ממושיט** and **therefore he is זורק ממושיט** and **therefore he is חייב** **and the רבנן maintain that we do not derive ממושיט** and therefore he is פטור. Here we have an option where no one agrees to קלוטה, (not even ר"ע). This explains the גמרא's original assumption that רבה had a definite opinion³ as to the nature of the מחלוקת, i.e. that it depends whether or not we say קלוטה, for if רבה would not have a definite opinion, how can he say that the משנה is ר"ע who maintains קלוטה, when there exists the option that even ר"ע disagrees with קלוטה.

תוספות responds to the anticipated question; why indeed did רבה not mention this [third] option in his query.

² See משנה צו, א

³ That opinion would be that the מחלוקת between ר"ע ורבנן is regarding קלוטה, and therefore רבה stated that the משנה is according to ר"ע, for if רבה assumed that the מחלוקת is regarding whether זורק ממושיט (and everyone agrees to ילפינן זורק ממושיט), then רבה would have said the משנה is ככ"ע. See 'Thinking it over' # 3.

אלא דרבה לא חש לפרש כל הבעיות⁴ –

However, did not find it necessary to specify all the options; two options were sufficient to show that he was unsure as to the nature of the מחלוקת.

ועוד אומר רבינו יצחק דהא דקאמר הש"ס – offers an additional solution to the initial question:

ועוד אומר רבינו יצחק דהא דקאמר הש"ס –

And furthermore says the ר"י; that which the גמרא says -

אבל למטה מעשרה דברי הכל חייב דאמרינן קלוטה כמי שהונחה דמיא היינו לרבנן -

‘But if it was thrown below ten טפחים in the ר"ר everyone agrees that he is חייב because we say דמיא קלוטה כמי שהונחה דמיא’, this understanding that קלוטה is the cause of the חייב **applies only to the רבנן -**

אבל לרבי עקיבא קלוטה לאו כמי שהונחה דמי ומחייב משום דילפינן זורק ממושיט -

However according to ר"ע even though he also agrees that חייב is זורק למטה מי' however (in this option when he derives ממושיט זורק) he maintains that **קלוטה is not זורק ממושיט because we derive חייב is זורק למטה מי' and כמי שהונחה דמי**, that just like זורק is חייב למטה מי' so too is זורק. According to the second option of the query, ר"ע does not maintain קלוטה כמי שהונחה דמי⁵.

responds to the anticipated question: this interpretation seems to contradict the plain reading of the text, "אבל למטה מי' ד"ה חייב, מ"ט אמרינן קלוטה כמי שהונחה דמיא", which seems to indicate that everyone maintains קלוטה, what is compelling us to accept this new interpretation?! - קלוטה ר"ע cannot maintain according to this option תוספות explains that

דאי סבר כמי שהונחה דמיא –

For if ר"ע would maintain that קלוטה is דמיא כמי שהונחה דמיא then we would not understand s' opinion in their 'מחלוקת למעלה מי' where ר"ע maintains he is חייב since זורק ממושיט. This presents a difficulty; for if ר"ע would maintain קלוטה -

לא הוי מצי למילף זורק ממושיט דהא לא דמיא כלל דכיון דכמי שהונחה דמיא⁶ –

He would not have been able to derive זורק ממושיט, for זורק and ממושיט are totally incompatible to each other, for since we maintain that קלוטה is as if it is resting in the airspace, then the case where their מחלוקת is, namely -

⁴ See 'Thinking it over' # 4

⁵ According to this interpretation the גמרא's reply, בטר דאיבעי הדר איפשיטא ליה דסבר ר"ע קלוטה, is more readily understood than according to the other interpretation(s) (see מנחת איש).

⁶ The here comments: תוספות ישנים: "א"כ זורק ד"א. ברה"ר היכי משכחת לה. "And this is no proof, for the rule of קלוטה כמי שהונחה דמיא is used only to be more stringent (and not for leniency), for if קלוטה can be utilized לקולא as well, then how is it possible for one to be [חייב] throwing ד" (since [on account of קלוטה] it is continuously at rest)." See (however) רע"א לקמן צא, ב who explains that by a פטור we say קלוטה לקולא that שיתת התוס'.

הוי [זורק למעלה מעשרה] כזורק מרה"י למקום פטור וממקום פטור לרה"י –

When [he is throwing above ten טפחים from the רה"ר], that would be comparable as if he is throwing from a רה"י to a מקום פטור and from a מקום פטור to a רה"י.

When the object he is throwing passes the רה"ר it is למעלה מ', which is a מקום פטור⁷, therefore if we say קלוטה, then when the object is traveling over the רה"ר it is קלוטה in a מקום פטור, it turns out then that it rested in a מקום פטור while traveling from one רה"י to the other.

ולא דמי כלל למושיט שהיא מרה"י לרה"י ור"ה באמצע -

And this type of זורק is altogether not similar to מושיט, which is from a רה"י to a רה"י with a רה"ר in between, because by מושיט he is holding the object in his hand, where the concept of קלוטה is not applicable⁸, so we consider that he is passing it over the רה"ר, however by זורק where קלוטה is applicable it is resting in a מקום פטור and it is unlike מושיט. Based on the above -

אלמא על כרחך כיון דסבר ילפינן זורק ממושיט סבר קלוטה לאו כמי שהונחה דמי –

We are compelled to say that since ר"ע maintains that we derive זורק ממושיט meaning that they are similar, therefore ר"ע maintains that קלוטה לאו כמי שהונחה and therefore זורק is similar to מושיט, for we do not consider that it rested in a מקום פטור, but rather that it passed over a רה"ר just like מושיט -

והשתא אתי שפיר דפריך למימרא דפשיטא ליה כולי –

and now it is well understood what the גמרא asks ‘Do we mean to say that it was certain to רבה, etc. that ר"ע maintains ‘קלוטה’, for according to the second option that ר"ע derives קלוטה from זורק ממושיט למעלה מ' he cannot agree to קלוטה, Therefore since רבה said the משנה is according to ר"ע, he must agree that their מחלוקת is concerning קלוטה (as in the first option).

⁹ תוספות digresses to address an issue discussed in a previous תוספות:

ואתי נמי שפיר דלא מצי למימר לעיל –

And this will also explain why רבה could not have said previously in the first option -

אבל למעלה מ' דברי הכל חייב דילפינן זורק ממושיט -

However above ten טפחים all agree that he is חייב, for we derive זורק ממושיט but instead said that למעלה מ' ד"ה פטור דלא ילפינן זורק ממושיט. The reason why he did not say it is because -

דלרבי עקיבא לא מצי למילף כיון דסבר כמי שהונחה דמיא –

According to ר"ע we cannot derive זורק ממושיט since ר"ע maintains in the first option that קלוטה כמי שהונחה דמי and therefore זורק is not similar to מושיט.

⁷ The area above a רה"ר is considered a רה"ר up to ten טפחים, above ten טפחים from the ground level it is a מקום פטור.

⁸ See previous תוס' ד"ה אבל למטה

⁹ See previous תוס' ד"ה אבל למעלה TIE footnote # 10.

1. גמרא said so explicitly in our ¹³.
2. ר"ע must be certain of the reason behind the מחלוקת to state that the משנה is ר"ע and not the רבנן, for if רבה was not certain, then there is a third option, in which no one maintains קלוטה (option proposed by תוספות), so therefore if רבה says that the משנה is ר"ע (and not the חכמים) he must have decided on the option that only ר"ע maintains קלוטה.
3. The two concepts קלוטה and ממושיט זורק contradict each other. If we maintain קלוטה then we cannot derive מ' זורק ממושיט למעלה. Because קלוטה would make the object at rest in a מקום פטור as opposed to מושיט in which the object is over the ר"ה. Since in option two ר"ע maintains ממושיט זורק, obviously ר"ע cannot agree to קלוטה.¹⁴

THINKING IT OVER

1. What are the different ways of understanding the query (איבעיא) of רבה according to the different explanations of תוספות?
2. What are the stronger and weaker points of each of תוספות explanations?
3. The first answer of the ר"י is that the גמרא's question is that there is a third option in which no one maintains קלוטה.¹⁵ However that seemingly does not explain the רבה on קושיא. It is possible to say that רבה did not entertain this third option because (otherwise) who would be the תנא of our משנה!¹⁶
4. According to the first answer that there can be more options,¹⁷ then what was אבל למעלה ¹⁸ proof previously that מושיט is חייב למטה מי' since רבה did not say

¹³ Tosfos is reluctant to accept this approach, since it is highly unlikely.

¹⁴ There is a difference in the nature of the גמרא's question, depending on these three different explanations. According to explanation #1, the גמרא accepts that the משנה is ר"ע because he certainly maintains קלוטה, the גמרא is just questioning why רבה said that the מחלוקת is about קלוטה, when רבה should have just said that ר"ע maintains קלוטה. It is merely a question of wording, not related to the basic issue. According to the other two explanations however, the גמרא does not accept that ר"ע must maintain קלוטה, and therefore we may have no explanation for our משנה. More specifically; according to explanation #2, the גמרא suggests that there is a possibility that רבה agrees that ר"ע may reject קלוטה. According to explanation #3 the גמרא insists that according to the second option of רבה, that ר"ע **certainly** rejects קלוטה.

¹⁵ See footnote # 3.

¹⁶ See מהרש"א [הארוך].

¹⁷ See footnote # 4.

¹⁸ בד"ה אבל למעלה (see there footnote # 14).

דרבה לא חש דרבה לא חש. Perhaps he did not say it because as תוספות states here מ"ה חייב וכו' ¹⁹!!לפרש כל הבעיות

5. Does קלוטה כמי שהונחה דמי mean that the object is considered at rest: a) in the airspace where it travels or b) on the ground directly below it? Explain.²⁰

6 Why does the ר"י say וזהשתא אתי שפיר, after his second פי', not after his first?

7. To what degree did רבה change his opinion about ר"ע's position on קלוטה after he was פושט the query, from before he was פושט.

¹⁹ See מתק שפתים.

²⁰ See (also) מנחת אריאל אות כא.