

For we say that an object that is contained within the airspace of a רשות, is deemed just as if it rested there

Overview

The גמרא asked why is there a חיוב in the משנה, there was no עקירה והנחה? ממקום ד'?

רבה answered that the תנא of the משנה is ר"ע who holds that a 'מקום ד' is not required (רבה assumes that this is all that רבה said).¹

To explain s'רבה's answer and to show that ר"ע holds that a 'מקום ד' is not required, the גמרא quotes the מחלוקת between ר"ע and ר' in a case where זרק (קלוטה). The reason why he is חייב, ר"ע holds that he is חייב. The reason why he is חייב, the גמרא says is because he holds קלוטה (and the רבנן do not hold קלוטה). Since ר"ע holds קלוטה it is obvious that a resting place of 'מקום ד' is not required.

The גמרא then asks: It appears from s'רבה's answer that he holds that the argument between ר"ע and ר' 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 about קלוטה, but rather if ילפינן זורק ממושיט.

questions the גמרא's assumption that רבה holds that the argument between ר"ע and ר' is whether or not we say קלוטה. From where did the גמרא come to this conclusion, since all that רבה said was that the משנה is according to ר"ע who does not require a 'מקום ד'. רבה never mentioned specifically that the מחלוקת is about קלוטה.

We should think that the reason רבה says that the משנה is ר"ע, is because in either of the two options in explaining the מחלוקת between ר"ע and ר', we find that ר"ע always holds קלוטה. Therefore there is no contradiction that on one hand רבה is not sure of the exact reason of the מחלוקת [whether it is about קלוטה (where only ר"ע holds קלוטה) or its about whether ילפינן זורק ממושיט (קלוטה) where everyone holds of קלוטה] and that on the other hand רבה says that the משנה is ר"ע, because no matter how you interpret the מחלוקת, ר"ע always holds קלוטה, and therefore a 'מקום ד' is not required.

will present us with three different ways, how we derived from s'רבה's statement that he must hold that the מחלוקת is about קלוטה.

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

The ר"י asks – וקשה לרבנו יצחק

why does the גמרא ask “do you mean to say that רבה was certain” that the מחלוקת between ר"ע וחכמים is regarding קלוטה

how does the גמרא assume that it was certain to that the מחלוקת between ר"ע וחכמים is regarding קלוטה

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

is because – היינו משום דלרבי עקיבא אית ליה ממה נפשך קלוטה כמי שהונחה דמי **holds of קלוטה in either of the options** that רבה proposed (קלוטה in the first option only ר"ע holds קלוטה and in the second option everyone holds קלוטה).

but as far as the view of the רבנן, רבה was in doubt whether they hold of 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 **ר"ע**, but he did not mean to exclude the possibility that it may also be according to the חכמים, if we were to accept the second option of the query. He only meant to say that for sure it is in accordance with ר"ע who holds קלוטה in either option.

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

תוספות suggests a possible answer to this question;

and if were to say that what was said before in the גמרא, namely this quote:

קלוטה כמי שהונחה holds ר"ע – רבי עקיבא סבר קלוטה כמי שהונחה דמיא ורבנן כו' **etc. hold that we do not say קלוטה and דמיא**

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 assumption that רבה holds that the מחלוקת is whether or not we say קלוטה, because רבה explicitly said it.

however in does not appear that this quote are the words of רבה, but rather רבה just said that the משנה is **ר"ע**, who does not require a מקום ד', then the גמרא after stating the מחלוקת between ר"ע וחכמים concluded their respective opinions on קלוטה, but רבה himself only said that the משנה is **ר"ע**, and that is not in contradiction to his query, for in either option ר"ע holds קלוטה. Therefore תוספות original question remains.

and the ר"י says that to answer this question we have to say that this is the explanation of the גמרא's question

מחלוקת, **but רבה had a query** as to how to interpret the **והא מיבעי בעי לרבה**, meaning that רבה was uncertain as to what was the real reason behind this מחלוקת, he did not have a sureness in this matter

– **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 holds קלוטה, nevertheless)

איכא נמי לספוקי – we may also consider that there may be other options, i.e.

דילמא לכולי עלמא לא אמרינן קלוטה כמי שהונחה – perhaps everyone holds that we do not say קלוטה כמי שהונחה

רה"י were one opposite the other – **and therefore in a case where the two רה"י were one opposite the other** on opposite sides of the **רה"ר, the everyone would hold** that he is **פטור**, because we don't hold of קלוטה and the idea of deriving זורק ממושיט is not applicable since מושיט is פטור in a case of **זו כנגד זו**

דייטא אחת are in a רה"י the two –**they only argue when** כי פליגי בדייטא אחת adjacent to one another, on the same side of the רה"ר

זורק maintains that we derive ר"ע then – דרבי עיקבא סבר ילפינן זורק ממושיט
ממושיט and therefore he is חייב

זורק ממושיט **and the רבנן maintain that we do not derive** סברי לא ילפינן (ר"ע not even), קלוטה. Here we have an option where no one holds פטור. This explains the גמרא's assumption that רבה has to have a definite opinion 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 holds קלוטה, when there exists the option that even ר"ע does not hold קלוטה.

And the reason why רבה did not mention this option in his query –

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

This is one answer.

וְעוֹד אֹמֵר רַבִּינוּ יִצְחָק – and furthermore the ר"י says that there is another answer

that which the גמרא says – דהא דקאמר הש"ס אבל למטה מעשרה דברי הכל חייב
 “but if it was thrown below ten טפחים from the רה"ר everyone agrees that
 he is חייב

קלוטה – דאמרינן קלוטה כמי שהונחה דמיא

applies קלוטה because of חייב למטה מי' – the reasoning that you are רבנן רבנן only to the רבנן

זורק **but** even though he also agrees that **ע** אבל לר"ע קלוטה לאו כמי שהונחה דמי
(זורק ממושיט is חייב, however (in this option when he derives מ' למטה מ' **holds that**
כמי שהונחה דמי is not קלוטה

² See משנה צו, א.

because we is חייב זורק למטה מי' **and – ומחייב משום דילפינן זורק ממושיט derive** זורק, that just like מושיט מי' is חייב למטה מי' so is זורק. We see now that according to this view even in the two options of ר"ע, רבה, קלוטה in the second option.

The question arises; 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 holds קלוטה, what is compelling us to accept this new interpretation? תוספות explains that according to this option ר"ע cannot hold קלוטה

כמי שהונחה is קלוטה holds ר"ע **– דאי סבר כמי שהונחה דמיא** then we would not understand ר"ע's opinion in their מחלוקת למעלה מי' where he holds חייב, because קלוטה ר"ע would hold, **for if** זורק ממושיט

he would not have been able to derive זורק **לא הוי מצי למילף זורק ממושיט ממושיט**

are totally incompatible to each other **for** זורק **– דהא לא דמיא כלל** **for if** we hold that קלוטה **is as if it is resting** in the airspace **– דכיון דכמי שהונחה דמיא**³

then the case where their מחלוקת is, **when he is throwing above ten** טפחים from the רה"ר, that would be comparable

as if he is throwing from a רה"י – כזורק מרה"י למקום פטור וממקום פטור לרה"י **to a רה"י**. When the object he is throwing passes the רה"ר it is למעלה מי', that place is a מקום פטור⁴, therefore if we say קלוטה, then when the object is traveling over the רה"ר it is קלוטה in a מקום פטור, it comes out then that it rested in a מקום פטור while traveling from one רה"י to the other.

is altogether not similar to מושיט **and this type of** זורק **– ולא דמי כלל למושיט** **which is from a רה"י to a רה"י** – שהיא מרה"י לרה"י **in between**, because by מושיט he is holding the object in his hand, where the concept of קלוטה is not applicable⁵, so we consider that he is passing it over the רה"ר, however by מושיט where קלוטה is applicable it is resting in a מקום פטור and it is unlike

from the above we are compelled to say that since ר"ע **maintains that we derive** זורק ממושיט **meaning that they are similar, therefore**

maintains that ר"ע **– סבר קלוטה לאו כמי שהונחה דמי**, 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

and now it is well understood what גמרא **asks** "Is this to say that it was certain to רבה that קלוטה holds of ר"ע, for according to the second option that ר"ע derives זורק ממושיט

³ There is a תוספות ישנים here that comments: דאי אלא להחמיר דמיא אלא להחמיר דמיא אלא להחמיר דמיא להקל נמי אמרו א"כ זורק ד"א ברה"ר היכי משכחת לה.

⁴ The area above a רה"ר is considered a רה"ר up to 10 טפחים, above 10 טפחים from the ground level it is a מקום פטור.

⁵ See previous תוס' ד"ה אבל למטה

ר"ע is משנה said רבה since he cannot hold קלוטה, so therefore since ר"ע is משנה said רבה, he must hold that their מחלוקת is concerning קלוטה (as in the first option).

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

למעלה מי' ד"ה – but instead said that **אבל למעלה מי' ד"ה חייב דילפינן זורק ממושיט**⁶
 פטור דלא ילפינן זורק ממושיט, the reason why he did not say it is because

ע"ר we cannot – דלר"ע לא מצי למילף כיון דסבר כמי שהונחה דמיא
 since זורק ממושיט ר"ע maintains in the first option that קלוטה כמי
 מושיט זורק is not similar to שהונחה דמי.

וכן משמע קצת – and there is also a partial indication that this is so i.e. That the reason that **זורק למטה מ' חייב** because of **קלוטה**, is only according to the **רבנן**, but not according to **ר"ע**

פרק הזורק in רב חסדא – דהא רב חסדא בעי נמי בהזורק (צ"א) כמו רבה דהכא
poses the same query as רבה asks here⁷ i.e. what is the reason behind the מחלוקת
between ר"ע וחכמים

and if what the query concludes – ואי הא דקא מסיים קלוטה כמי שהונחה דמיא
קלוטה כמי שהונחה דמיא that everyone holds

קלוטה ר"ע – refers to קאי נמי אדר"ע

how can we say that – היכי מצי למימר לרב חסדא דלכ"ע כמי שהונחה דמיא
according to everyone without exception holds קלוטה כמי שהונחה
 which would also mean that everyone holds that a מקום ד' is not required for a הנחה

משמע – when later in our פרק it seems (דף ת,א)

רב – that according to דדוקא ברה"י לא בעי רב חסדא הנחה על גבי מקום ארבעה מקום a רה"ר in a רה"י is a ד' מקום not required for a הנחה⁸, but in a רה"ר a ד' מקום is required, and how will that be reconciled with what רב חסדא said (as well as רבה) that everyone holds קלוטה in a רה"ר, meaning that a ד' מקום is not required. Therefore we must say that even though ר"ע and רבנן may both agree that ד"ה חייב ממושיט זורק ממושיט, just like ילפינן זורק ממושיט because of קלוטה and ר"ע because of חכמים, just like למעלה מ'.

– however the רשב"א will soon explain⁹ – ומיהו רשב"א פירש בסמוך

That even in a רה"ר, רב חסדא does not require a ע"ג מקום ד'. הנחה Therefore he can say that everyone holds קלוטה and a מקום ד' in never required. Hence this last proof is invalid.

⁶ See previous תוס' ד"ה אבל למעלה

⁷ The גמרא there states the איבעניא of רבה exactly as in our גמרא, then the גמרא concludes that רב יוסף said that this איבעניא was (also) asked by רב חסדא (without going into the details) etc. עיי"ש

⁸ On **רה"ר** and if one stuck a pole in a **רה"ר** and someone threw an object from a **רה"ר** and it landed on top of the pole, even if the pole is one hundred **אמות** high the **חייב זורק** is **חייב**. From here we see that according to **רב חסדא** a **מקום ד'** **הנחה ע"ג מקום ד'** is not required in a **רה"ר** (for the pole is not a **מקום ד'**). From the ensuing **שקלא וטריא** of the **גמרא** it seems, according to some **מפרשים**, that in a **רה"ר** a **מקום ד' הנחה ע"ג מקום ד'** is required.

⁹ See תוס' ד, ב ד"ה באילן

Summary

תוספות offers three explanations why the גמרא assumed that רבה is of the opinion that the מחלוקת between ר"ע וחכמים is whether or not we say קלוטה.

1. גמרא said so explicitly in our גמרא.¹⁰
2. רבה must be certain of the reason behind the מחלוקת to state that the משנה is ר"ע and not the רבנן, for if רבה were not certain, then there are three possibilities concerning קלוטה: a) only ר"ע holds קלוטה (first option in s'רבה query), b) everyone holds קלוטה (second option in query), c) no one holds 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 possibility "a" above because if רבה was undecided, how can he say the משנה is ר"ע, maybe option "c" is correct and no one holds קלוטה.
3. The two concepts קלוטה and ילפינן זורק ממושיט contradict each other. If we hold קלוטה then we cannot hold ילפינן זורק ממושיט למעלה מ'. Because קלוטה would make the object at rest in a מקום פטור as opposed to מושיט in which the object is over the רה"ר. Since in option two ר"ע holds ממושיט, then he cannot hold קלוטה. When רבה said that the משנה is ר"ע who does not require a מקום ד' (since he holds קלוטה), therefore he is automatically negating option two of the query in which ר"ע holds ממושיט, which negates קלוטה so obviously רבה assumes option one, that the מחלוקת is concerning קלוטה.¹¹

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. 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.
4. Why does the ר"י say וזהשתא אתי שפיר, after his second פי', not after his first?
5. To what degree did רבה change his opinion about s'ר"ע position on קלוטה after he was פושט the query, from before he was פושט.

¹⁰ תוספות is reluctant to accept this approach, since it is highly unlikely.

¹¹ There is a difference in the nature of the s'גמרא question וכי, למימרא וכי, depending on these three different explanations. According to explanation #1, the גמרא accepts that the משנה is ר"ע because he certainly holds קלוטה, the גמרא is just questioning why רבה said that the מחלוקת is about קלוטה, רבה should have just said that ר"ע holds קלוטה. It is merely a question of wording, not related to the basic issue. According to the other 2 explanations however, the גמרא does not accept that ר"ע must hold 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 not hold קלוטה. According to explanation #3 the גמרא insists that according to the second option of רבה, that ר"ע cannot hold קלוטה.