

In the case of a tree that is standing in a רה"י and its branch extends into the רה"ר.

Overview

The מקום ד' refuted s' תוס' רב יוסף's answer that הא מני רבי היא, who holds that a מקום ד' is not required as we see from the זרק ונה ע"ג זיז כל שהוא רבי מחייב, because really רבי agrees that a מקום ד' is always required, and the reason why רבי maintains that he is מחייב, is because this is a special situation where the שדי נופו בתר עיקרו and רבי holds of the concept ונופו נוטה לרה"ר. There is a difference of opinions as to what this שדי וכו' accomplishes.

According to שדי ד"ה שדי, it confers on the branch the status of a מקום ד', and the thrower is מחייב, for אמות ברה"ר. תוספות disagrees with שדי, as תוספות will point out at the end of תוספות.

The opinion of תוספות is, that שדי וכו' accomplishes a change of the רשות status of the branch, that even though it is in a רה"ר, but since the trunk is in a רה"י, the branch is also considered as a רה"י, and he is מחייב for זורק מרה"ר לרה"י. In our שדי וכו' גמרא, will also have to confer upon the branch the status of a מקום ד', to be מחייב, for our גמרא maintains that both in a רה"י ורה"ר a מקום ד' is required for עקירה והנחה.

This interpretation, that the זרק ונה ע"ג זיז כ"ש of ברייתא is in the case of אילן, was originally stated by אב"י, not in reference to our גמרא, but rather to answer a question on חסדא, who stated (דף ז, ב) that a מקום ד' is not required (in a רה"י).¹ On which the גמרא there asked that it seems that רב חסדא is agreeing with רבי, against the חכמים, who maintain that a מקום ד' is required, as evidenced by this ברייתא of כ"ש. To which אב"י responded, that everyone agrees with רב חסדא, that a מקום ד' is not required (in a רה"י), and the reason why the חכמים say that he is פטור, is not because it was on a כ"ש, so there was no מקום ד', but rather we are dealing with an אילן העומד ברה"י ונופו נוטה לרה"ר, and it did not travel ברה"ר ד' אמות ברה"ר, when it landed on the branch. The reason why רבי is מחייב is because of שדי, the branch is considered a רה"י, and he is מחייב for זורק מרה"ר לרה"י. The חכמים do not hold of שדי וכו', so therefore he is פטור, because it landed on the branch in a רה"ר (less than אמות ד', from where he threw it).

The difficulties with the interpretation of אב"י are: a) that the tree and the branch are in two different רשויות is somewhat unusual, it would be better to establish the ברייתא that the entire tree is in one רשות only, either a רה"י or a

¹ The parenthesis will become clear with the reading of תוספות.

b) the concept that 'וכו' will confer upon the branch a status of a different רשות, may be a bit difficult to accept, it may be more acceptable to say, that it confers upon the branch the status of a 'ד' מקום, c) if we are primarily concerned with the רשות status of the branch, why emphasize that it was a כל שהוא זיז, we can have the same מחלוקת with a זיז that is 'ד' על ד'.
will be discussing these and other issues.

in our discussion here, we would have been able to say that the זרק ונח ע"ג זיז כל שהוא of ברייתא

the case of a tree that both the trunk and the branches were entirely in the רה"י

and the trunk is טפחים על ד' טפחים – ויש בעיקרו ד'

for רבי maintains that we cast the branch after its trunk

and the branch is considered as if it were a 'ד' מקום, just as the trunk is a 'ד' מקום, and therefore he is חייב, because there was a 'ד' מקום

and the רבנן maintain that we do not say cast the branch after its trunk

and therefore the branch is not considered as a 'ד' מקום, and therefore he is פטור

for our גמרא maintains that even in a רה"י – דברשות היחיד נמי סברא שמעתין a place of 'ד' על ד' is required for עקירה והנחה; we can prove this -

since later the גמרא will say that the משנה should be read as if it said that it was placed or taken from the basket that was 'ד' על ד' which was in his hand, thereby explaining how there was עקירה והנחה, to which the גמרא there responds

this explanation of the basket is valid only when the basket is in the רה"י, so we have a 'ד' מקום, however when it is in the רה"ר there will be difficulties (see גמרא)

from this we can infer that concerning a רה"י we are also requiring that there be a 'ד' מקום, so it is not necessary to say that the branch extended from the רה"י to the רה"ר, which is a more complicated situation (and it also requires that 'וכו' confers upon the branch a change of רשות), when it could have said that the entire tree was in the רה"י, which also requires a 'ד' מקום. Therefore according to רבי the branch has the status of a 'ד' מקום because of the principle עיקרו נופו בתר עיקרו, and according to the רבנן he is פטור, because the branch is not a 'ד' מקום since they do not say 'וכו'. Why then did not the גמרא say it in this simpler fashion? תוספות answers:

however the reason why אב"י said it in such a manner, namely **is עיקרו ברה"י ונופו ברה"ר** – **אלא נקט כהאי גוונא**

because this statement of אב"י was originally taught later in our פרק in conjunction with the statement of רב חסדא (it was not said in conjunction of trying to disprove ר' יוסף's position that **הא מני רבי היא** –

who said: if one stuck a pole in a רה"י, and someone threw an object from the רה"ר, and it landed on top of the pole, which is not a

even if the pole is one hundred אמות high, and it extends above the מחיצות of the רה"י, nevertheless he is

and the גמרא there asks do you mean to say that רב חסדא agrees with רבי, of the **זרקה ונה ע"ג זיז כ"ש**, where רבי maintains that he is **חייב** even though there was no **מקום ד'** **הנחה ע"ג מקום ד'**, and רב חסדא agrees with רבי not with the חכמים, how can that be?

and אב"י answers there, that when the object lands in a רה"י, there is no argument, and everyone agrees with רב חסדא that a **מקום ד'** is not required for a **הנחה ברה"י**, so why do the חכמים say that if **זרקה ונה ע"ג זיז כ"ש פטור** אב"י says that

here in the case of זיז ע"ג ונה – **והכא באילן העומד ברה"י ונופו נוטה לרה"ר** **רה"י and its branch extended into the רה"ר**

and the situation may be even be when the trunk does not have a מקום ד', since we are following the ruling of רב חסדא who does not require a **מקום ד' לכו"ע**

maintains the principle of שדי נופו בתר עיקרו – **דרכי סבר שדי נופו בתר עיקרו**

רה"י, and therefore he is חייב – **דהויא כרשות היחיד וחייב**

even though neither the branch nor the trunk are a מקום ד', nevertheless he is **חייב**, **according to רב חסדא**, who maintains that in a **מקום ד'** לא בעינן

and the רבנן maintain that we do not say שדי נופו בתר עיקרו, and since the branch is in a **רה"ר** he is **פטור**.

In Summation: In the original statement of אב"י, where he was explaining that everyone holds like רב חסדא, that a **רה"י** does not require a **מקום ד'**, then the concept of **שדי וכו'** accomplishes that the branch in **רה"ר** is considered as if it is in a **רה"י**. We could not have said that the entire tree was in the **רה"י**, for then according to רב חסדא, everyone would agree that he is **חייב**. In our גמרא, however we are not following the ruling of רב חסדא, and we require a **מקום ד'**, even in a **רה"י**, and therefore we could have said that the **ברייטא**, is about a tree which is entirely in a **רה"י**, and **שדי וכו'**, will accomplish that the branch is considered a **מקום ד'**, however since אב"י has already interpreted the **ברייטא** that **עיקרו ברה"י**

שדי וכו' we go along with that interpretation, with one difference, that for us 'וכי' will accomplish two things; a) that the branch is in the רה"י (like אביי), and also, b) that we consider the branch to be a 'מקום ד'.

However there still is a difficulty, why doesn't אביי answer later (on זב-ה,א, (דף), when the גמרא asked how is it that רב חסדא holds like רבי who doesn't require a 'מקום ד' and not like the רבנן, אביי should have answered that the case of ע"ג זיז כ"ש is when

רה"ר the tree is entirely in the רה"ר, and the trunk has a 'מקום ד'

and דרבי סבר שדי נופו וכו' etc., and therefore the branch is considered as if it had a 'מקום ד' and therefore he is חייב, for being a רה"ר אמות ברה"ר

and according to the רבנן, who disagree with the principle of עיקרו שדי נופו בתר עיקרו **there is no 'מקום ד'** and therefore he is פטור. We would gain by this that we don't have to qualify this case that the tree and the trunk are in two separate רשויות which is unusual, but rather they are in one רשות, namely a רה"ר which is more likely. In addition, this interpretation of שדי נופו וכו' would accomplish, (not like the previous interpretation that it makes the branch, which is in the רה"ר, into a רה"י like the trunk, but rather) that it accords the branch the status of a 'מקום ד' just like the trunk, which may be more readily acceptable than changing its רשות.

We cannot say that the reason אביי did not choose this latter interpretation, is because we are accepting רב חסדא's view, that a 'מקום ד' is not required, this is not so –

רה"ר admits for in a חסדא רב חסדא דבעינן 'מקום ד' – that a 'מקום ד' is required –

for רב חסדא said his דין, specifically only in a רה"י

as is indicated in the גמרא later (ז,א) where the גמרא says: רב רה"י all agree with – ברשות היחיד כולי עלמא לא פליגי כרב חסדא that a 'מקום ד' is not required, which indicates that רב חסדא is ruling only in a רה"י. The question then remains why did not אביי explain that the case of ע"ג זיז כ"ש is when the entire tree with the branch were in a רה"ר and the מחלוקת is whether we say שדי 'מקום ד' to accord the branch the status of a 'מקום ד'.

we may answer this question by saying that we are unable to interpret this מחלוקת as a case, where the entire tree was in a רה"ר

for if the branch was within three טפחים of the ground of the רה"ר, the רבנן would have never said that he is פטור

even though the branch is not a 'מקום ד' אף על גב דליכא ד'

because anything within 3 טפחים of the floor of the **רה"ר is considered an extension of the ground,** and it is a רה"ר, and it surely is a טפחים 3, and he would be **חייב לכו"ע**. Therefore the branch cannot be lower than 3 טפחים **and if the branch is 3 טפחים or higher** from the ground, then **חייב רבי** - **for if the branch is wide 4 טפחים** it is a **כרמלית²** **אם רוחב ארבע** **and if it is not ד' על ד'** then it is a **מקום פטור³** so in either case he is not **חייב**, since it did not land in a רה"ר. Therefore we cannot say that the entire tree is in a רה"ר, and we also cannot say that the entire tree is in a רה"י according to **רב חסדא**; the only choice remaining to **אביי** is to say **נוטה** לרה"ר.

The רשב"א – **ולרשב"א נראה דברשות הרבים נמי משכחת לה למימר** **maintains that in a רה"ר we can also apply the principle of –** **cast the branch after the tree,** However, not to consider it a טפחים 3, but rather to consider it a רה"ר - and we can overcome the objections stated above **if for instance the trunk is lower than 3 טפחים** from the floor of the רה"ר **or that the trunk is 9 טפחים** above the floor of the רה"ר, **and the people adjust their burdens on it⁴** **this would make the trunk a רה"ר** in both abovementioned cases **and the branch extends above 3 טפחים** from the ground. Now, by itself, the branch will be a **מקום פטור**, nevertheless **according to רבי, the branch will be considered a רה"ר** **because we accord it the status of its trunk,** even though we are changing the status of its רשות from a **מקום פטור** to a רה"ר, nevertheless we may do this **in the same way that we said according to אביי that שדי נוף בתר עיקרו will confer upon the branch the status of a רה"י**, so too, we can equally say that the principle of **שדי וכו'** can confer the status of a רה"ר to a **מקום פטור** **and according to רבנן the branch will not be like a רה"ר**, but rather a **מקום פטור**, since we do not say **שדי**, it retains its original status, and therefore he is **פטור**. We see that **אביי** could have interpreted the מחלוקת in a רה"ר, not as **תוספות** previously suggested, that it would be impossible to have their מחלוקת in a רה"ר

² See 'Thinking it over' # 1a

³ See 'Thinking it over' # 1b

⁴ See גמרא ח,א אמר עולא וכו'

and the reason why אביי did not interpret the מחלוקת in this manner is –

because רב חסדא does not require a הנחה on a ' מקום ד' גם ברשות הרבים

–for what is the difference between a רה"י and a רה"ר in regards to the הנחה? If there is no need for a ' מקום in one רשות the same rule will apply to the other. Therefore since a ' מקום is not required in a רה"ר as well, אביי cannot say that the מחלוקת is in a רה"ר, for both רבי and the רבנן agree, according to רב חסדא, that even in a רה"ר a ' מקום is not required⁵.

The question arises how can we say that רב חסדא holds that even in a רה"ר a ' מקום is not required, when: a) why did רב חסדא say his דין only in a רה"י, when it applies equally to a רה"ר, and b) why does the גמרא say later (דף ח,א) that כ"ע לא פליגי כדרב חסדא, when it is equally valid in a רה"ר as well? The רשב"א continues:

and the reason why רב חסדא stated his דין by a ' מקום ד' even though a רה"ר also does not require a ' מקום ד'

because his intent was to let us know that even if the pole was 100 אמות high and it extends above the מחיצות of the רה"י he is still חייב

because a רה"י extends up to the sky. It was not the intent, however, of רב חסדא to tell us that he is חייב even if there was no ' מקום ד', for according to רב חסדא this applies always in a רה"י ורה"ר. The concept of עולה עד לרקיע, however, applies only to a רה"י, and this is what רב חסדא taught us.

and since רב חסדא used the expression רה"י, which he had to, in order to teach us that עולה עד לרקיע

the גמרא continued to use the same expression that כ"ע לא פליגי כו', even though, that in truth they agree, that even in a ' מקום ד' דלא בעינן ' מקום ד'.

Now that the רשב"א has stated that everyone agrees that a ' מקום ד' is not required according to רב חסדא, a question arises why does the ברייתא mention כל שהוא, since the whole idea of שינוי is to change the status of the נוף, why is the size of the נוף relevant. The רשב"א presently addresses this issue.

and later (ח,א) when אביי interprets this מחלוקת according to רב חסדא, who maintains, according to the רשב"א, that a ' מקום ד' is never required

how come the ברייתא mentions that it landed on a זיז, since we are discussing according to רב חסדא, the size of the זיז is irrelevant,

⁵ See 'מהרש"ל, מהרש"א, לשון הזהב וכו' for their discussion as to what the רשב"א meant. See appendix.

טפחים 4 **would be wide** זיז **because even if the** – דהא אפילו ברוחב ד' נמי פליגי, **there would be the same** מחלוקת, whether we say עיקרו נופו בטר עיקרו, to consider the זיז? or not, so why mention the size of the זיז?

answers that the reason that the **the** – אומר רשב"א דנקט כל שהוא **mentions** that the זיז was a **כל שהוא**

טפחים 10 **higher than** זיז was **because** in a case where the זיז was **higher than 10** טפחים from the ground, then the size of the זיז is relevant

it טפחים 4 **was wide** זיז **for in such a case, if the** – דאי הוי רחב ד' הוי רה"י **would be considered a** רה"י, since it is 10 טפחים high and 4 by 4 טפחים in area, which constitutes a רה"י as תוספות will soon explain, and therefore in such a case, where the זיז is a רה"י

and the רבנן **would not have said** that he is פטור. Since he threw from a רה"ר to a רה"י he is חייב, without the need to apply the principle of וכו'. That is the reason why the ברייתא mentions the size of the זיז that it is a כל שהוא, so according to the רבנן, who do not hold of שדי, it will never be a רה"י and therefore he will always be פטור.

רה"י, since גבוה י' ורוחב ד' is זיז, is it considered a רה"י, since תוספות continues to explain, why if the זיז is a רה"י, since there are no מחיצות

even though kid goats pass underneath it, it will still be considered a רה"י, although many authorities maintain that a רה"י must have walls that extend downwards (from a height of at least 10 טפחים) to within 3 טפחים from the ground, so that kid goats will not be able to pass underneath the wall and thus invalidate the מחיצה, and consequently the רה"י, and in our case of the זיז, there are practically no walls at all, so how can we say that the זיז is a רה"י, if it is גבוה י' ורוחב ד' רה"י, explains that nevertheless it may be considered a רה"י –

If the רבנן of our ברייתא **will agree with** רבי יוסי בר' יהודה **in** פרק הזורק, that there is a concept of גוד אחת מחיצתא that if we have a platform which is גבוה י' ורוחב ד', and there are no walls below it, like our זיז, nevertheless the top of the platform is considered a valid רה"י, because 'we draw down the (imaginary) walls' from the top of the platform to the floor beneath it and it is as if the platform has valid מחיצות below it.

The רשב"א explains that the reason why the ברייתא mentioned the size of the זיז, for if it hadn't mentioned its size, we would have assumed that the רבנן hold that he is always פטור regardless of its size even if it were גבוה י' ורוחב ד', which may be misleading, if our רבנן hold like the שיטה of רבי יוסי בר' יהודה who maintains מחיצתא גוד אחת, which would render this זיז a רה"י, and therefore the רבנן would also agree that he is חייב, because he was זורק מרה"ר לרה"י, therefore the ברייתא states a כל שהוא, and then the רבנן hold that he is always פטור.

the ר"י **does not agree** with the רשב"א's explanation that **the** רבנן states שהוא זיז, in order that we should not be mistaken as to the opinion of the רבנן –

⁶ This is the corrected reading, not 'אי אין', see gloss.

for the simple reading of the text indicates that רבי's position, (that even though it landed on a כ"ש, nevertheless he is חייב on a כ"ש, because according to what was said till now there is no novelty in being חייב on a כ"ש, because according to חסדא a מקום ד' is not required.

therefore the ר"י says that the reason why the ברייתא mentioned a זיז, was for the purpose of clarifying רבי's opinion, and not the רבנן, for if the ברייתא would have just said זיז, without clarifying what size it was

we may have thought that it was wide טפחים 4

and the reason why רבי says that שדי נופו בתר עיקרו, is not because we say שדי נופו בתר עיקרו

rather we would have thought that רבי agrees with the aforementioned ר"י בר"י, who says that

if one sticks a pole in the ground of a רה"ר and on top of the pole there was a basket, and someone threw an object from the רה"ר into the basket he is חייב, because we say גוד אחית מחיצתא, and the basket is a רה"י, therefore he is חייב. I would think that רבי agrees with this and therefore that is the reason why רבי holds שדי נופו בתר עיקרו, when זיז ע"ג זיז, and I would never know that רבי holds שדי נופו בתר עיקרו

therefore the ברייתא specifies 'כל שהוא' – להכי נקט כל שהוא

to inform us that the reason why שדי נופו בתר עיקרו, is because of ר"י בר"י, since it is a כ"ש.

This concludes the שיטה of תוספות, who maintains that the purpose of שדי נופו בתר עיקרו is to change the רשות status of the נוף from a רה"ר to a רה"י and to be מחייב for זורק מרה"ר לרה"י.

however רש"י who explains here our גמרא, that שדי נופו בתר עיקרו, accomplishes

that it is considered as if (the object which landed on the נוף) it landed on a רה"ר, and he is חייב for זורק ד' אמות ברה"ר

it is impossible to substantiate רש"י's position

for if the branch was within 3 טפחים of the רה"ר קרקע רה"ר – דאי למטה מג'

מקום ד' – no one requires that it have a מקום ד', לא בעי רוחב ד' לכולי עלמא, the רבנן would also agree that he is חייב, for there would be no need for שדי נופו

and if the branch was above 3 טפחים מקרקע – ולמעלה מג' לא הוי רשות הרבים רה"ר, it would not be a רה"ר, but rather a מקום פטור since it is a כ"ש, and ⁷

⁷ Or perhaps a כרמלית, if we would assume that since שדי נופו accords the status of a ד' מקום, it may be considered as if it has a ד' מקום for real and therefore it would be a כרמלית. See 'Thinking it over' # 3.

there would be no חיוב of זורק ד' אמות ברה"ר. The only way to resolve this problem, תוספות continues –

unless we say that the object thrown was a fat and sticky fig, and it stuck to the side of the branch, not on top of the branch, but on the side, so the bottom of the fig is not on the branch, but rather it hovers over the רה"ר, therefore even if the branch is a מקום פטור (or since we consider the branch a מקום ד' because of שדי וכו', the top of the branch is a כרמלית), nevertheless the side of the branch, where the fig is attached and hovering over the רה"ר, is considered part of the רה"ר⁸, and therefore he is חייב for זורק ד"א ברה"ר. It is self understood that this is a very unusual case and it is unlikely that this is what the גמרא meant.

Appendix

The זרק ונה ע"ג זיז כ"ש in a רה"ר, is because even in a רה"ר, everyone agrees that a מקום ד' is not required according to רב חסדא. The commentaries ask, that nevertheless there still can be a מחלוקת in the case of a tree which is entirely in a רה"ר, and the מחלוקת is whether we say שדי וכו' to consider the branch, which would be a מקום פטור to be a רה"ר.

The רשב"א may be understood in the following manner. The reason why we want to establish this ברייתא in a רה"ר is because⁹, that then we would gain that שדי וכו' would be used to accord the branch the status of a מקום ד' (rather than to change רשויות). The advantage of this is because the simple reading of the ברייתא, which says **ע"ג זיז כ"ש**, indicates that the reason that the חכמים פוטר, is because there is no מקום ד'. We would also gain that the situation is less complicated, the entire tree in one רשות. If we were to assume that a רה"ר requires a מקום ד', then we would use the רשב"א's scenario, where the trunk was below ג' etc and the מחלוקת would be with the tree entirely in the רה"ר. Now however that the רשב"א says that according to רב חסדא a רה"ר does not require a מקום ד', what would be gained if we would say that the tree is completely in the רה"ר. We cannot say שדי וכו' for a מקום ד', because a רה"ר does not require a מקום ד'. Therefore we have to say שדי וכו' to accord the branch the status of another רשות, that instead of being a מקום (כרמלית) it will be a רה"ר, which is the same as when ונפו ברה"ר. So nothing has been gained. We cannot say, that we would gain at least that the tree is in one רשות, so it is more usual than in two different רשויות, because the case which the רשב"א suggests to us in the רה"ר, that the trunk was למטה מג' or exactly ט' and the branch is elsewhere, may even be more complicated, than a regular tree in two רשויות. Therefore, even though it may be possible to establish the ברייתא in a רה"ר, however there would be no advantage over ונפו ברה"ר.

The question may be asked since the term זיז כ"ש is irrelevant whether we say it is completely in the רה"ר or ונפו ברה"ר, why choose the latter over the former? It seems that the רשב"א addresses this issue later in this תוספות, when he says that in the case of two רשויות, where the חיוב is for לרה"י, זורק מרה"ר לרה"י, then it is important to say זיז כל שהוא, for otherwise, if it would be a זיז ד', then according to the חכמים, he would also be חייב for זורק ד' אמות ברה"ר. However¹⁰ if it is in one רשות, and the חיוב is for אמות ברה"ר, then it is irrelevant whether we say זיז כל שהוא or זיז ד'.

⁸ See the גמרא (א,ז) לבינה זקופה וכו'.

⁹ See 'Overview'.

¹⁰ This conclusion is not part of the רשב"א's statement.

then according to the חכמים, he will never be חייב for זורק ד"א ברה"ר¹¹, no matter what the size of the זיו. It will never be a רה"ר, because any object in the רה"ר is either a למעלה מג' or a כרמלית, so why mention a כ"ש. Therefore אביי chose the case of two זיו כל שהוא, because it satisfies (somewhat) the need for a רשויות.

Summary:

According to אביי, זרק ונח ע"ג זיו כ"ש of ברייתא רש"י, the argument is discussing a case where he threw the object ברה"ר, and the argument between רבי וחכמים is whether we say שדי וכו' to accord the כ"ש the status of a מקום ד'

According to תוספות, the argument is whether we say שדי וכו' to confer upon the כ"ש, which is in the רה"ר, the status of a מקום ד' in a רה"י, and he will be חייב for זורק מרה"ר לרה"י.

In s' original statement the principle of שדי וכו', had to accomplish only that the branch has the status of a רה"י, but not that it be a מקום ד', because רב חסדא is of the opinion that a מקום ד' is not required.

There is an argument between the בעלי התוספות והרשב"א, whether רב חסדא maintains that a מקום ד' is not required only in a רה"י, however in a רב רה"ר, רשב"א would agree that a מקום ד' is required, or the שיטה of the רשב"א, that according to רב חסדא a מקום ד' is never required, neither in a רה"י nor in a רה"ר.

Some of the concepts we learn from this תוספות:

The גוד אסיק מחיצתא that if we have a platform suspended in the רה"ר which is גבוה י' ורוחב ד', and there are no walls below it, nevertheless the top of the platform is considered a valid רה"י, because 'we draw down the (imaginary) walls' from the top of the platform to the floor beneath it and it is as if the platform has valid מחיצות below it.

Those that argue with ר"י בר"י and maintain that if the מחיצה does not reach downward to within 3 טפחים of קרקעית רה"ר, and therefore בוקעים תחתיו, it is not a מחיצה.

That any (fixed) object in a רה"ר, that is למעלה מג' and below טפחים יו"ד is either a מקום פטור if it is less than ד' על ד', or a כרמלית if it is ד' על ד' or larger.

Any object that is למטה מג' is a רה"ר no matter its area, because כארעא סמיכתא דמי.

That if an object rests in a רה"ר, in a manner that it is not on top of its resting place but rather attached to its side and hovering over the רה"ר, below 10 טפחים, it is considered as if it landed in the רה"ר, even though the top of its resting place may be a כרמלית (or a מקום פטור).

A מחיצות עד לרקיע is רה"י

¹¹ Even though he may be חייב for זורק מרה"ר לרה"י, but the מחלוקת with רבי concerns זורק ד"א ברה"ר.

Thinking it over

1. תוספות explained that we cannot have the מחלוקת when the tree is entirely in the רה"ר, because if the branch is רחב ד', it would be a כרמלית and less than ¹² it would be a מקום פטור.

- a) How can we think that it is רחב ד', when we are talking about a כל שהוא?
- b) Why shouldn't the branch be considered a רה"ר because of שדי וכו'?

2. When תוספות suggests that the ברייתא could be discussing a case when the tree is entirely in the רה"ר, there is difference between תוספות and the רשב"א as to what שדי וכו' will accomplish. What is the difference and how do we account for it?

3. When we say that שדי וכו' gives the branch the status of a מקום ד', does it mean that it is actually a מקום ד' or that for הנחה (עקירה ו) purposes we consider it as if it is a מקום ד'? How can this help us perhaps in understanding question # 1? Perhaps it may also answer תוספות question on רש"י.

4. What are the relative strengths of the 3 שיטות, i.e. רשב"א, תוספות, רש"י?

5. The ר"י says¹³ that we mention כל שהוא so we should not be mistaken that maybe רבי holds like ר"י בר"י that גוד אסיק מחיצתא and therefore he is חייב. If that would be the reason why not be more specific, why say a זיז?

¹² Page 5

¹³ Page 8