

וטה בפניה חייב – חייב And it stuck to the face of the brick he is

OVERVIEW

taught that if someone threw an object and it stuck to the side of a brick, he is חייב. We know that generally to be חייב there has to be a הנחה ע"ג 'מקום ד' will be discussing how there is a 'מקום ד' of the brick.

אומר רבינו תם דאם נח למעלה משלשה צריך שיהא בפניה ארבעה על ארבעה –
The ר"ת says that if it rested on the face of the brick higher than three טפחים from the ground¹ it is necessary for the face of the brick to have an area of four טפחים by four טפחים, and only then is he חייב -

ומה שמדובק בפני הלבנה חשוב כמונה עליה² אף על פי שאינו אלא באויר –
because the fact that it is stuck to the face of the brick, that is considered as if it is resting on the (face of the) brick, and therefore he is חייב, because there was a 'מקום ד' על ד' הנחה ע"ג 'מקום ד' even though in reality it is not resting on the brick, but it is suspended in the air, nevertheless we consider it as if it is resting on (the face of) the brick which is a 'מקום ד' על ד'.³

offers a corollary:

וכן הא דתנן למטה מי' כזורק בארץ ומוקי לה רבי יוחנן בדבילה שמינה –
And similarly that which we learnt⁴ in a משנה, that if someone threw an object at a wall, and it came to rest on the wall lower than ten טפחים from the ground, it is considered as if he threw it on the ground, and he is חייב and רבי יוחנן explained that the משנה is referring to a case where someone threw a fat fig, which stuck to the side of the wall,

היינו טעמא נמי דכיון שנדבק בפני כותל שהוא רחב ד' על ד' חשוב כמונה עליו –
We must use the same explanation that since it is stuck to the face of the wall which (presumably) has an area of 'מקום ד' על ד' it is considered as if the fig is actually resting on the wall.

¹ If it is lower than three טפחים there is no need for a 'מקום ד', since below three it is considered to be resting on the ground proper.

² See 'Thinking it over' # 1.

³ See שפ"א.

⁴ (זב, ק, א) לקמן ק, א.

mentions a dissenting opinion:

ורבינו יצחק בן אשר פירש דאף למעלה מג' לא בעי שיהא בפני הלבנה וכו' על ד'.
However, the ריב"א maintains that even if the object stuck to the face of the brick/wall above three טפחים from the ground it is not necessary that the face of the brick or wall should have an area of ד' על ד' in order for it to be considered a proper הנחה and be חייב

דכיון שרואה את הקרקע חשיב כמונח על גבי קרקע⁵ –

Because, since the object that is stuck to the face of the wall is suspended above the ground it is considered as if it is resting upon the ground, and therefore it is a proper הנחה ע"ג מקום ד' על ד' and he is חייב.

asks on the ריב"א תוספות:

וקשה לרבינו יצחק דלעיל (דף ד,א) –

The ר"י has a difficulty with the view of the ריב"א; for we find previously –
כי פריך אמתניתין דפשט ידו והא בעי עקירה והנחה מעל גבי מקום ארבע –
when the גמרא asked on our משנה, which states that if he stretched out his hand into another domain and placed it in the hand of the receiver (or took it from the hand and brought it back to his domain) he is חייב, on which the גמרא asks why is he חייב, we require an 'מקום ד' מע"ג והנחה but according to the ריב"א, this question may be answered, by -

לוקי מתניתין במחזיק החפץ בענין זה שרואה את פני הקרקע –

Establishing our משנה in a case where the object is being held in such a manner that it is suspended above the ground, which according to the ריב"א is considered as if it is resting on the ground; so there is a מקום ד'. Therefore what is the question of the גמרא? תוספות does not answer this question on the ריב"א.⁶

SUMMARY

An object which is thrown ד"א ברה"ר and sticks to the side of a wall; if it is למעלה מי', he is always פטור, if it is למטה מג' he is always חייב; between ג' and י', according to the ר"ת if the area of the wall is ד' על ד' he is חייב, otherwise he is פטור. According to the ריב"א, he is always חייב regardless of the area

⁵ See 'Thinking it over' # 2.

⁶ See רשב"א ותוס' הרא"ש, who answer this question on the ריב"א, that only by a כותל or לבנה, which are attached to the ground, is there no requirement for דע"ד, but not by the hand of a person (רא"ש). Or alternately that the person who is receiving the item must grasp the object that it should not fall, which makes it a case of שיעשוהו ב' (see חת"ס who explains the רשב"א). See (also) אור החמה and ז-ח and אורח אריאל אות ז-ח.

size.

THINKING IT OVER

1. According to the ר"ת that we consider it, as if it is actually resting on the wall/brick on a 'מקום ד'⁷ since it is 'למעלה מג' why is it not considered as if it is resting on a כרמלית?⁸
2. According to the ריב"א since we consider that פני הקרקע is as if it is 'למעלה מי' landed even if it is חייב then why are you not מונה ע"ג קרקע?⁹
3. Does רש"י agree with the ר"ת or the ריב"א?¹⁰

⁷ See footnote # 2.

⁸ See שבת של מי

⁹ See footnote # 5.

¹⁰ See פני אברהם and מהרש"א