

אביי said: ‘here we are discussing the case of a tree that is standing etc.

Overview

It is apparent that גמרא in our תוספות גירסא is as he quotes it in this דיבור ברה"י דכ"ע לא פליגי כדרב חסדא, and he is not גורס as we are, המתחיל, therefore תוספות assumes that the ברייתא of כ"ש זיז ע"ג ונה ע"ג זיז has no connection to the הנהח ע"ג מקום ד' of רב חסדא¹, and it is not discussing at all the concept of דין, but rather only if עיקרו בשרי נופו בשר עיקרו can confer to the נוף the status of a ברה"י.

תוספות asks:

The ר"י has a question – תימה לרבינו יצחק

דטפי ניהא ליה למימר – it would have been better to say as the גמרא assumed originally

2, ruling רב חסדא **argue over** רבי ורבנן **that** – דפליגי בדרב חסדא ורב חסדא כרבי, **and** רב חסדא follows the opinion of רבי, so at least רב חסדא can point to someone who agrees with him that ברה"י לא בעינן מקום ד'

דלשוניא דאביי – because according to s' answer the way he interprets the
רבי ורבנן between מחלוקת

דלא שייכא פלוגתייהו בדרב חסדא – that their argument has no connection to
the ruling of **רב חסדא**, and their מחלוקת is (only) whether the trunk³ confers upon the
branch the status of a רה"י

there is certainly a difficulty with the position of רב חסדא – כל שכן דקשה לרב חסדא, who maintains that a מקום ד' is not required in a רה"י.

ברייתא – דהא איכא ברייתא לקמן בהזורק (לקמן קא ושם) דלא כרב חסדא
later on in פרק הזורק which states not like רב חסדא

ר"מ and רבנן the -דפליגי רבנן ורבי מאיר בזרק למעלה מעשרה ונח בחור כל שהוא argue in that ברייתא in the case where he threw an object higher than ten טפחים and it landed in a minuscule crevice

where m is מחייב since he maintains the rule of ⁴חוקקין להשלים

מקום ד' ⁵ – and it is considered as if it rested on a – והוי כמונה על גבי מקום ד'

הוקקין חכמים – and the חכמים say that he is פטור, since they do not say חכמים פטורים so therefore there was no ע"ג מקום ד' הנחה

¹ Which is the entire thrust of s'אביי's answer.

² That 'ברה"י לא בעינן הנחה ע"ג מקום ד'.

³ Which may or may not be a 'מקום ד'.

⁴ This is according to ר"מ מחייב ברייתא ר"ה. In the actual ר"ה it merely states ר"ה without any explanation.

⁵ This follows the interpretation of the ר"י in the previous עיי"ש והלכה, זב ד"ה והלכה, עיי"ש.

(ר"מ ורבנן) – we see, therefore **that all** agree⁶ **that a 'ד' מקום is required** for a proper הנחה in a רה"י. How can then רב maintain that a 'ד' מקום is not required in a רה"י?

answers: תוספות

רב חסדא – perhaps one can say that **רב חסדא** reason

– **for not requiring a 'ד' ברה"י** is – **because we maintain** the principal **'that a house is considered as if it is full of articles'**⁷ **and therefore it is considered as if it is resting on a 'ד' מקום**

by a wall, however, we require that the crevice should contain an area of טפחים⁸ **דע"ד**, because רב חסדא agrees that a 'ד' מקום is (always) required, and since the רבנן maintain that we do not say חוקקין להשלים, there is no 'ד' מקום, for the חור is completely closed⁹, therefore he is פטור.

Summary

In the תוספות קשיא assumes that רב חסדא maintains that in a רה"י a 'ד' מקום is not required. The והלכה ונחה בחור כ"ש of ברייתא seems to indicate that everyone maintains that even a 'ד' ברה"י is required. According to אביי who maintains that the ברייתא of כ"ש is not involved with 'ד' מקום, then רב חסדא has no one to support his view. It would be better to say that רבי ורבנן are not arguing about נופו שדי but rather whether a 'ד' מקום is required. That way רב חסדא would at least have רבי to support his view.

answers that רב חסדא agrees that in a רה"י a 'ד' מקום is required. It is just that a regular רה"י automatically has a 'ד' מקום (almost) everywhere since ביתא כמאן דמליא דמי. Only in the case of חור כ"ש do the רבנן say that there is no 'ד' מקום, since the wall is all closed up, and we do not maintain להשלים.

Thinking it over

1. Why would not תוספות agree to learn like the לישנא אחרת in רש"י?

⁶ It is just that ר"מ maintains that since חוקקין להשלים so there is a 'ד' מקום.

⁷ רב is using the concept of ביתא כמאן דמליא דמי even where it is not a מקורה, as is the case of רב גבוה ק' אמה קנה was חסדא.

⁸ here is following (somewhat) in the view of ד"ה באילן, that רב חסדא requires a 'ד' מקום, not like the רשב"א in תוספות (ברה"ר).

⁹ It seems that ביתא כמאן דמליא דמי accomplishes that an article at rest (anywhere) in a רה"י is considered as if it is resting on a 'ד' מקום (even though it is לרקיע עד למליא, which would make it even above and around the article at rest), however when it rests in a חור שבכותל which is אטום (actually closed up), then there is no 'ד' מקום.

2. How may one attempt to refute תוספות proof from כ"ש (two ways)?
3. According to תוספות מסקנא, who does רב חסדא agree with?
4. According to תוספות מסקנא, what did אביי accomplish by saying that the שדי נופו בתר עיקרו is whether we say מחלוקת?