

## Seven and a half טפחים; he is פטור

## שבעה<sup>1</sup> ומחצה פטור –

### OVERVIEW

is continuing his explanation that the הלכה of פיה על כפאה is referring to a כוורת which is רחב ששה so that it can have the status of a רה"י as it is landing. What needs clarification; since the כוורת will ultimately land on the ground, and then it will not be a רה"י, but rather it will be resting in the רה"ר, so why is he not חייב. It seems that he should be חייב for throwing the כוורת from a רה"י to a רה"ר.

-----  
(שבעה ומשהו<sup>2</sup> as opposed to פטור he is שבעה ומחצה initially explains why תוספות

**דכשמגיעות המחיצות תוך ג' יש שם מחיצות עשרה לבד השולים –**

**For when the walls of the כוורת come within three טפחים from the ground there are מחיצות** that are **ten טפחים high, excluding the thickness of the base<sup>3</sup>** (in this inverted כוורת the 'base' is on top). Once this inverted כוורת is within three טפחים of the ground we apply the rule of לבוד, and even if the שוליים of the כוורת is a fifth (or so<sup>4</sup>) of a טפה thick<sup>5</sup>, there is still more than seven טפחים of proper מחיצות<sup>6</sup> in the walls of the כוורת to combine with the (within) three טפחים of תורת לבוד to provide a height of ten טפחים.

**והרי הוא רשות היחיד<sup>7</sup> –**

**And the כוורת is then considered a רה"י**, for it has מחיצות עשרה and it is רחבה ששה, which gives it the required area of דע"ד.

now deals with the question, why do we not consider that it travels from the רה"י to the רה"ר as it descends -

**וחשיב כנח באותה שעה<sup>8</sup> ושוב אינו מתחייב<sup>9</sup> –**

<sup>1</sup> The תוס' ד"ה כפאה and the מהר"ם see this תוספות as a continuation of the previous כפאה and not as a separate תוספות.

<sup>2</sup> See previous תוספות ד"ה כפאה.

<sup>3</sup> The תוס' cannot be included to be part of these ten טפחים, as per the previous 'תוס'.

<sup>4</sup> The base of the כוורת might be thicker than the fifth of a טפה, that the ר"ה בתוד"ה רחבה (הא') allowed for the walls.

<sup>5</sup> See תוס' ד"ה רחבה (הא').

<sup>6</sup> These מחיצות are פני האויר. See previous כפאה.

<sup>7</sup> See 'Thinking it over' # 5.

<sup>8</sup> See 'Thinking it over' # 1.

<sup>9</sup> When it is in the process of landing and it reached to within three טפחים from the ground, we consider it to be completely at rest, because פחות מג' טפחים is considered סמיכתא (it is part of the [thickness of the])

**And the כוורת is deemed to be (completely) at rest (already) at that moment and subsequently he will not be חייב -**

**אף על גב דלאחר מכן נופל לארץ ובטל ממנו רשות היחיד -**  
**even though that immediately after it reached to within three טפחים it will continue its descent and will fall to the ground and it will lose its status as a רה"י**, for once it reaches the ground it is only seven and a half טפחים high -

**ונעשית כמונח ברשות הרבים -**

**and it is considered resting in a רה"ר**, nevertheless<sup>10</sup> he is פטור, since that at the moment that it came within three טפחים of the ground it is considered as if it rested on the ground, and at that moment it was a רה"י.<sup>11</sup>

כפאה על פיה that the statement of ד"ה כפאה what he asserted in תוספות will now conclude that the statement of רחב ששה<sup>12</sup> is referring to a כוורת that is:

**אבל אינו רחב ו' אפילו ז' ומחצה חייב דלא אמרינן לבד אלא במחיצות -**  
**however if the כוורת was not רחב ו' and therefore did not have the area of דע"ד required for a רה"י then even if the כוורת was מחצה ז' he would be חייב for we do not apply the דין of לבד to extend the מחיצות of the כוורת an additional three טפחים<sup>13</sup>, unless there are valid מחיצות<sup>14</sup> -**

**ומחיצות לא הוי אלא כשיש שם רחב ד' -**

**And there cannot be valid מחיצות unless there is an airspace area between the מחיצות which is דע"ד טפחים wide -**

**אבל כשאינו רחב ד' הרי הוא כשאר חפצים דעלמא ולא אמרינן לבד -**  
**However, if there is no airspace דע"ד טפחים wide it is like any other objects<sup>15</sup>, that have no valid מחיצות and we do not say לבד by these objects, which have no valid מחיצות.**

---

ground) and its subsequent descent until it finally lands (permanently), is of no significance.

<sup>10</sup> Even though it appears to be traveling from a רה"י (when it descended to within three טפחים from the ground) to a רה"ר (once it landed on the ground proper).

<sup>11</sup> The fact that it continues to fall, only affects its רשות status that it changes from a רה"י to a רה"ר, but it does not affect its 'מונח' status. It was מונח from the time it came within three טפחים and onwards up to and including the time that it came to an actual rest. It may be compared to a case where it landed in a רה"י, and then the walls (of the רה"י) crumbled to less than ten טפחים. (See [also] אור החמה.)

<sup>12</sup> As opposed to רש"י בד"ה כפאה who maintains that קאי רחבה ו' קאי.

<sup>13</sup> גמרא רש"י explains our פטור as if (the top of) the כוורת landed in a מקום פטור.

<sup>14</sup> See previous תוס' ד"ה כפאה.

<sup>15</sup> תוס' is broadening the concept mentioned in the previous תוס' that we do not say לבד unless there are מחיצות as far as the height is concerned. Here תוס' adds that the מחיצות must also encompass an area of דע"ד טפחים in order to say לבד. See 'Thinking it over' # 3.

## **SUMMARY**

When the inverted כוורת which is ששה ורחב ומחצה descends to within three טפחים from the ground, two rules apply to it; 1) תורת לבוד to extend the walls and height of the כוורת another three טפחים to accord it the status of a רה"י [since the מחיצות encompass an area of טפחים דע"ד and there will be י' גבוה את האויר גבוה י' ], and 2) It is considered as if it came to a complete landing and is considered to be at rest on the ground; any subsequent descent is of no consequence to the concept of הנחה or הוצאה מרשות לרשות..

## **THINKING IT OVER**

1. What two דינים apply once the כוורת is within three טפחים from the ground?<sup>16</sup>
2. Explain the difference between these two דינים and illustrate where we apply only one and not the other.<sup>17</sup>
3. What are the two restrictions concerning לבוד that we learn from these תוס'<sup>18</sup>
4. How may we argue that even if we accept one restriction (#3), we may not necessarily accept the other?
5. Why does not תוספות interpret<sup>19</sup> the גמרא like רש"י that if it is שבעה ומחצה then it is not completely in the רה"ר (for במקום פטור רה"ר)?<sup>20</sup>

---

<sup>16</sup> See footnote # 8.

<sup>17</sup> See "Thinking it over" # 2 in the previous כפאה (and footnote # 15).

<sup>18</sup> See footnote # 15.

<sup>19</sup> See footnote # 7.

<sup>20</sup> See מנחת איש and שפת אמת.