

Two balconies, etc.

שתי¹ גזוזטראות כולי –

OVERVIEW

We learnt in our משנה regarding transferring from one גזוזטרא to another, that in certain cases one is חייב, for it is similar to the way in which they transferred the קרשים from one עגלה to the other. The גזוזטרא (and the עגלה) is considered a רה"י.² Our תוספות qualifies when a גזוזטרא is considered a רה"י.

מיירי שסתום למטה בשום דבר³ ואין גדיים בוקעים תחתיהם⁴ -

We are discussing a situation where underneath the גזוזטרא it is closed with something, so goats cannot 'breach through' underneath the גזוזטרא -

או שיש מחיצות למעלה מן הגזוזטרא⁵ דתו לא חיישין לבקיעת גדיים -

Or the גזוזטרא will be considered a רה"י if there are walls above the גזוזטרא, for then we are no longer concerned for the breaching of the goats -

וכן עגלות⁶ היו רשות היחיד אף על פי שתחתיהם רשות הרבים -

And similarly the wagons were a רה"י on top, even though underneath the עגלות was a רה"ר; the reason is -

לפי שיש מגוף העגלה עד למעלה מן הקרשים⁷ הרבה יותר מעשרה:

Because from the body of the עגלה up until above the קרשים there was much more than ten טפחים.

SUMMARY

A protruding balcony is a רה"י if either it has walls below it or above it.⁸

¹ A marginal note indicates that this משנה is referencing the צו,א on משנה.

² See גזוזטראות ד"ה גזוזטראות רש"י צו,א ד"ה גזוזטראות רש"י שם ד"ה זו that the גזוזטרא is formed by זיזין (poles or sticks) protruding from the wall, and boards are placed on this protrusion so people can walk on them. This is the balcony. See also גזוזטרא רש"י שם ד"ה זו that the גזוזטרא is a רה"י since it is גבוה י' ורחב ד'. Our תוספות seems to be further qualifying this גזוזטרא.

³ It seems that the גזוזטרא is merely a protrusion from the wall (which is ten טפחים above the ground [ורחב ד']), however there are no walls around the גזוזטרא therefore it is necessary that the space below the גזוזטרא be closed off, so the גזוזטרא is sitting on top of a wall (even a flimsy one). Only then is it considered a רה"י.

⁴ If there were no wall underneath the גזוזטרא it would not be considered a רה"י (even though it is גבוה י'), because since the גדיים can walk underneath the גזוזטרא, they breach the imaginary רה"י wall underneath the גזוזטרא; the rule is any wall which does not reach down to less than three טפחים from the ground is not considered a wall, since the גדיים are בוקעין בו. See סוכה יד,א.

⁵ The balcony is surrounded by walls, which are ten טפחים high. The רה"י begins from the floor of the גזוזטרא upwards, without regard to the גדיים בקיעת underneath.

⁶ The עגלות were a רה"י similar to a גזוזטרא which had מחיצות מן הגזוזטרא למעלה י' למעלה מן הגזוזטרא.

⁷ The קרשים (with the base or frame of the עגלה) formed the walls of the רה"י on top of the עגלות, regardless that underneath the עגלות was a רה"ר. The קרשים were placed on their thick side, so the width of a קרש was raised 9 טפחים above the frame of the עגלה (אמה וחצי רחבו), especially when there were two levels it was 18 טפחים above the עגלה.

THINKING IT OVER

If the wall above the גזוזטרא was formed by walls (of טפחים י') hanging down from above the גזוזטרא, but not coming within three טפחים of the floor the גזוזטרא, would it be considered a רה"י or would we still have the issue of גדיים בוקעים בו (even though we are above ten טפחים from the ground)?

⁸ See (however) במחיצות ד"ה עירובין פט,א ד"ה במחיצות (on the 'ב' עמוד). See לשון הזהב here.