

**ואמאי והא קא ממעט מארבע אמות –**

**But why, for he is lessening the four *Amos***

**OVERVIEW**

ר' יוחנן posed a (second) query; if there was a בור י' and he placed a clod of earth into it, and now it is less than י', is he חייב or not. The גמרא asked that ר' יוחנן ruled in a similar case, where one threw a fat (sticky) fig four (ברה"ר) אמות and it stuck to the wall למטה מי' in the רה"ר, he is חייב, but according to this query he may not be חייב since he diminished the amount of אמות ד'. There is a dispute between רש"י and תוספות how to explain the comparison of these two cases.

פירש בקונטרס<sup>1</sup> דמשמע ליה דמיירי אפילו בד' אמות מצומצמות -

זרק דבילה שמינה רש"י explained that it seemed to this questioner that the case of is taking place even if he threw it exactly four אמות, in which case -

שעובי הדבילה ממעט מד' אמות<sup>2</sup> -

**The thickness of the fig makes it less than א"א.**

פרש"י disagrees with תוספות:

וקשה לרבינו יצחק דבענין זה אין נראה שיתחייב כיון שאיגודו בפנים -

And the ר"י has a difficulty with פרש"י, for if he threw the fig in this manner (that it was exactly א"א ד'), it does not seem that he should be חייב since it is being pulled inside the ד"א distance -

כמו מוציא חצי קופה לרשות הרבים דאינו חייב עד שיוציאנה כולה לחוץ<sup>3</sup> -

**Just like one who carries out a box halfway to the רה"ר that he is not liable until he takes it completely outside -**

תוספות asks rhetorically:

דאטו אם זרק אדם רומח וכל דבר ארוך כל שהוא יתחייב<sup>4</sup> -

**For is it so that if a person throws a spear or any long object a minuscule amount, he should be liable -**

<sup>1</sup> בד"ה ואמאי.

<sup>2</sup> The wall was exactly א"א distant from where he threw it. When the fig hit the wall, the back of the fig (the part not touching the wall) did not travel the full אמות ד', and nevertheless ר"י ruled that he is חייב, since when he threw it, the wall was א"א away, similarly by the בור, when he began placing the clod into the בור it was ten טפחים deep.

<sup>3</sup> צא,ב.

<sup>4</sup> is comparing לרשות הרבים to הוצאה מרשות לרשות; just as by הוצאה we require that the entire item be placed in the רה"י (or רה"ר) in order to be חייב, similarly by א"א it is also required that the entire item should move א"א from its original place.

**כיון שראשו אחד יצא חוץ לד' אמות<sup>5</sup> -**

**Since one end went out of the ד"א; of course not; the same is with the fig.**

תוספות responds to an anticipated question:<sup>6</sup>

**ואם בזרק ד' אמות הכי גמירי לה שיתחייב בכהאי גוונא<sup>7</sup> אם כן היכי פשיט מינה<sup>8</sup> -**

**And if by throwing ד"א we have such a tradition that he is liable in this manner, if this is so, how can the גמרא resolve the query regarding הוצאה, from a ruling regarding ד"א?!**

תוספות has an additional question:

**ועוד דאמאי משמע ליה טפי בהאי דזרק ארבע אמות בכותל דהוּו מצומצמות -**

**And additionally; why is it that that the מקשן assumed moreover here that this case of throwing the fig ד"א is where it is exactly ד"א, -**

**משאר ארבע אמות השנויות בכל הש"ס -**

**More than any other time where ד"א is mentioned in the entire ש"ס, where it is not necessarily מצומצמות -**

תוספות offers his interpretation:

**ונראה לרבינו יצחק דמיירי הכא שזרק חוץ לארבע אמות כמו בכל מקום -**

**And it is the view of the ר"י that here it is a case where he threw the fig beyond the ד"א as is the case everywhere; it was not מצומצמות ד"א -**

**והכי פריך והא קא ממעט מד' אמות שמקום הדבילה נתבטלה מתורת רשות הרבים -**

**And this is what the גמרא asks when it states, 'but he is lessening the ד"א', this means that the place where the דבילה stuck became nullified from having upon it the status of a רה"ר -**

**שבטל לכותל והרי הוא ככותל עב ולא הוי עוד על גביו רשות הרבים -**

**For the דבילה is absorbed within the כותל and on that spot it is like a thicker wall and the area on top of the fig is no longer a רה"ר -**

**ואם זרק מחט או קוץ ד' אמות ונח על הדבילה או נתקע בתוכו היה פטור -**

<sup>5</sup> Someone is holding a spear (upright) which is five אמות long and he threw it one אמה (for instance) and it landed; the further end of the spear is six אמות away (and the near end of the spear is one אמה away) from the starting point; he is surely not חייב, since he threw the spear only one אמה, the same rule should apply to the fig, for he threw it slightly less than אמות ד'.

<sup>6</sup> Perhaps the law regarding ד"א is different from the law of הוצאה; by ד"א as long as one part left the initial ד"א one is חייב, even though the entire item did not leave the initial ד"א; not as we assumed (see footnote # 4).

<sup>7</sup> This means as in the case of the spear (see footnote # 5).

<sup>8</sup> How can the גמרא compare and argue that just like he is חייב for the fig he should be חייב by the בור, when the fig is a case of ד"א where the law is different from the case of הוצאה by the בור. The fact that the גמרא does compare them, proves that the same rules apply; the question therefore remains how can רש"י say that he will be חייב by the fig if he threw it מצומצמות ד"א.

So that if someone threw a needle or a splinter and it rested on the fig or was stuck into the fig, he would be<sup>9</sup> פטור -

דהרי מקום הדבילה נתמעט מדין רשות הרבים<sup>10</sup> -

For the place of the דבילה is excluded from having on it the status of a רה"ר -

ואפילו הכי חייב הואיל ובתחילת הזריקה עד קודם הנחה היה שם רשות הרבים עליו -

But nevertheless he is חייב for throwing the fig, even though now this place where the fig landed is not a רה"ר, the reason is that since when he began throwing the fig until before it landed that place had on it the status of a רה"ר -

והנחה ומיעוט רשות הרבים בהדי הדדי קא אתו -

And the landing of the fig and the diminishing of the רה"ר happen simultaneously, and therefore he is חייב -

והכא נמי הוה לן למימר הנחה וסילוק מחיצה בהדי הדדי קאתו -

So here too by the בור we should have also said that the placing down of the earth and the removal of the מחיצה happen simultaneously, so he should also be חייב -

ומשני התם לא מבטלי ולהכי לא מבטל רשות הרבים:

And the גמרא answered; there by the fig he is not מבטל the fig to the wall, so therefore the fig is not מבטל the רה"ר. However by the בור, he is מבטל the חוליא that it should remain in the בור therefore he should be פטור.

## SUMMARY

According to רש"י, the case of the דבילה is where he threw it exactly ד"א. However Tosfos maintains that he threw it more than ד"א; however the מקום הדבילה is not a רה"ר (since if he threw a needle on it he would be פטור).

## THINKING IT OVER

The case of דבילה (according to תוס') is seemingly different from the בור. By the דבילה it is always פני קרקע (it is merely not a רה"ר for others, but regarding the דבילה it is in רה"ר), however by the בור, this חוליא itself is not in a רה"ר!<sup>11</sup>

<sup>9</sup> When the דבילה sticks to the wall we can argue that he should be חייב (even though it did not land in the רה"ר), because the דבילה is פני קרקע, רואה פני קרקע, therefore it is considered as if it landed on the ground (see ד"ה וטח); however when he is throwing a needle on the דבילה, the needle is not פני קרקע, so it is landing on a protrusion from the wall; this is not considered a רה"ר. Once we ascertain that the מקום הדבילה is not a רה"ר (since one is פטור when throwing a needle on it), we can ask why is he even חייב for the דבילה since where it is now is not a רה"ר; the answer seemingly is that since this place was a רה"ר (before the דבילה occupied it), so the הנחה ומיעוט רה"ר happen simultaneously and he is חייב; the same by the בור, that since it was a רה"ר previously, we should also say הנחה וסילוק מחיצה בהדי הדדי קאתו and he is חייב. (See מהרש"א) See 'Thinking it over'.

<sup>10</sup> Seemingly (according to תוס') the גמרא should have asked 'והא קא ממעט מרה"ר', instead of ד"א, קא ממעט מד"א.

<sup>11</sup> See הריטב"א.