

He threw a board, etc. – זרק דף כולי הנחת חפץ ועשיית מחיצה כולי –
The landing of the object and making the partition, etc.

OVERVIEW

רבא posed a query if someone threw a board on top of pegs (in a רה"ר) which were ten טפחים high but were not דע"ד, and the board (which was דע"ד) made it into a רה"י; is he חייב or פטור, since the resting of the board and it becoming a רה"י happen simultaneously.¹ Our תוספות discusses this query.

תוספות asks:

ואם תאמר אפילו ליכא בקיעת גדיים² היכי חשוב לשוייה תחתיו רשות היחיד -

And if you will say; even if there is no 'breaching of goats', because the pegs prevent them, nevertheless how can the board be that significant to make the area underneath the board into a רה"י -

מאי שנא מטרסקל³ ועמוד ברשות הרבים גבוה י' ורחב ד' ואין בעיקרו ד' -

How is this different from the cases of a basket, and a pillar in the רה"ר, which is high ten טפחים and is wide four by four טפחים, but it is not wide ד' at its base -

דאמרינן (לקמן דף קא,א) זרק ונח על גביו חייב משמע דוקא על גביו אבל תחתיו לא⁴ -

Where the גמרא states, 'if he threw an object and it landed on its top, he is liable'; indicating that he is liable only if it landed on top but not underneath.

תוספות answers:

ואומר רבינו יצחק כגון שיש שתי מחיצות של יתדות⁵ -

¹ The גמרא dismissed this query saying it is the same query which ר' יוחנן posed. Our תוספות however has another difficulty with this query.

² There is a general rule that if a מחיצה is three טפחים off the ground so that goats can breach it by going underneath it, this is not considered a מחיצה. In this case it may not be בוקעים גדיים since the pegs prevent them from breaching and going underneath the board.

³ ר' יוסי בר' יהודה ruled that if one placed a basket on top of a pole (higher than טפחים י') and someone threw an object into the basket (from the רה"ר) he is חייב because the basket is a רה"י (it is י' ורחב ד'). See מהרש"א who comments that in the case of טרסקל there is בקיעת גדיים as is apparent from the גמרא later (קא,א). See מהרש"א הארוך for answers.

⁴ דע"ד narrows at its base so that the base is less than דע"ד.

⁵ If the article landed underneath the טרסקל or underneath the wide part of the pillar, we do not say that just as on top (of the טרסקל ועמוד) it is a רה"י the same applies to the bottom (that we extend imaginary walls downwards so that the bottom of the טרסקל ועמוד is a רה"י). The same should apply here, that only on top of the דף it is a רה"י, however the דף itself did not land on a רה"י, since the area underneath the דף which is not דע"ד is not a רה"י. See 'Thinking it over' # 2.

⁶ The יתדות are ten טפחים high. Each wall of יתדות is four טפחים long. [This is different from what we assumed initially.] The two walls of the יתדות may be parallel to each other or in an 'L' shape; in either case it is not a רה"י since we are lacking a third wall. See 'Thinking it over' # 1.

And the ר"י says this is a case where for instance there are two walls made up of two pegs; however two walls is not a רה"י -

ובשלישית אמרינן פי תקרת דף⁷ יורד⁸ וסותם :

And regarding a third wall, we say the lip of the roof descends and closes it off -

SUMMARY

The case here is where there are two walls formed by the יתידות and the third wall is formed by פי תקרה רשות which is דע"ד on top but not דע"ד below; the top is considered a רה"י, but not the bottom.

THINKING IT OVER

1. According to תוספות⁹, why was it necessary for רבא to discuss a case where the two walls were made from יתידות; the same query could have been posed if there were two regular walls?!

2. From תוספות it appears¹⁰ that if on top there is דע"ד but underneath it there are no רה"י, it is not a רה"י (under all circumstances) even though on top it is a רה"י. See however עמוד גבוה י' שיש בראשו דע"ד who writes; שו"ע אדה"ז או"ח סי' שמח סעי' ג' ומתקצר והולך למטה וכו' הרי הוא רה"י על ראשו לפי שהלכה למשה מסיני שאומרים גוד אחית וכו' והרי זה כאילו מחיצות מקיפות אותו מכל צדדיו וכו'. אבל תחת ראשו ועד הארץ אע"פ שאנו רואים כאילו מחיצות מקיפות שם אין זה מועיל לעשות שם רה"י לפי שאין שם ריוח דע"ד שיהא ראוי להשתמש שם שהרי תחתית העמוד מפסיק שם, עכ"ל. It is evident from his לשון that if there would be a מקום דע"ד underneath, it would be a רה"י; this is in contrast to תוספות.

⁷ When the דף (which is דע"ד) lands on the יתידות, the lip of the דף on any of the two sides where there are no יתידות, forms a third wall through the rule of יורד וסותם פי תקרה, so now we have three walls (two which are formed by the יתידות and one which is formed through פי תקרה וכו'). We now have a רה"י which is דע"ד under the דף formed by these three walls. The דף landed in a place which is a רה"י (once it landed).

⁸ There is a general rule that if there is a roof we say (in many cases) that we consider that the flat edge of the roof descends to the ground and forms a 'legal' wall from the edge of the roof till the ground. The rule of פי תקרה יורד פי תקרה does not apply to all four sides of the roof (we do not say פי תקרה if there are no walls at all). Therefore it is necessary that two walls are formed by the יתידות and for one wall (the third) we can say פי תקרה וכו'.

⁹ See footnote # 6.

¹⁰ See footnote # 5.