

## There it is by pouring

## התם בשופכין -

### Overview

The גמרא explained that when our משנה stated that we must distance מי רגלים from a wall, it was regarding pouring out a urinal full of urine near the wall; however an individual may urinate near the wall. תוספות explains the necessity of this ruling.

תוספות asks:

ואם תאמר בשלמא אי מיירי במשתיין<sup>1</sup> אף על גב דתנא ליה אמת המים תנא ליה נמי האי -  
And if you will say; the משנה is properly understood if we are discussing urinating, for then even though the משנה taught that one must distance an irrigation ditch,<sup>2</sup> nevertheless the משנה also teaches מי רגלים -

דסלקא דעתין משום צניעותא לישתרי -

For we may have mistakenly assumed that on account of modesty it is permitted to be urinate near the wall, where he is somewhat concealed, therefore the משנה teaches this novelty that notwithstanding the requirement of צניעות, it is still forbidden -

אבל אי מיירי בשופכין מאי קא משמע לן הא תנא ליה אמת המים -

However if the משנה is discussing pouring out a full urinal, what is the משנה teaching us by including מי רגלים, the משנה already taught us אמת המים so that would seemingly include מי רגלים as well –

תוספות goes on to prove that the משנה does not repeat itself:

דמהאי טעמא אמר לעיל<sup>3</sup> דלא תני חול -

For our משנה did not teach חול for this very reason, as the גמרא previously stated –

תוספות answers:

יש לומר דשאני חול שהוא כל שעה אצל הכותל<sup>4</sup> אבל הנך מי רגלים<sup>5</sup> כלים כרגע:

One can say; that sand is different from מי רגלים, for the sand is near the wall all

<sup>1</sup> Initially the גמרא assumed that (even) for urinating, one must distance himself from the wall.

<sup>2</sup> We know therefore that water is damaging to the wall, so why mention urinating; it is the same thing?!

<sup>3</sup> On the preceding עמוד א'. The גמרא explained there that the משנה does not mention the distancing of moist sand (from a wall) since it already mentions אמת המים. The same should apply here; why mention מי רגלים when we were already taught אמת המים.

<sup>4</sup> Therefore they are similar to אמת המים, which is also there all the time, so if אמת המים needs to be distanced, sand also needs to be distanced. Therefore the משנה had no reason to repeat itself by mentioning it

<sup>5</sup> The משנה needs to teach us that מי רגלים need to be distanced, for we would have thought that since the מי רגלים are absorbed into the ground immediately, they do not cause the same type of damage as אמת המים (and חול) and they do not require distancing, therefore the משנה teaches us that even מי רגלים require distancing from the wall. See 'Thinking it over'.

**the time, however these מי רגלים are gone in an instant!**

### **Summary**

The novelty of distancing של מי רגלים is that they are absorbed immediately.

### **Thinking it over**

תוספות writes that there is a greater novelty by מי רגלים over אמת המים (that they are absorbed immediately).<sup>6</sup> If that is the case why did not the משנה teach us distancing only by מי רגלים and we would know for sure that the same rule applies to אמת המים.<sup>7</sup>

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<sup>6</sup> See footnote # 5.

<sup>7</sup> See מהר"ם.