

There is a difficulty according to *Abayey*

קשיא לאביי –

OVERVIEW

Our משנה stated, ‘a person should not make a permanent threshing floor (גורן) on his own property, unless he has fifty cubits in all directions. A person should distance his גורן from another person’s plantings or plowings in order not to damage him’. The גמרא understood that the second ruling calls for a different amount of distancing (כדי שלא יזיק) than the first ruling (fifty אמות).¹ אביי resolved this apparent contradiction, saying that fifty אמות is required for a permanent גורן (a גורן קבוע), however for a גורן which is not קבוע one must distance it only כדי שלא יזיק, but not fifty אמות. The גמרא then cited a ברייתא which stated that one must distance his גורן קבוע fifty אמות from his neighbor’s plantings.² This, says the גמרא, contradicts אביי. Our תוספות explains the challenge to אביי from this ברייתא.

תוספות asks:

תימה מאי קשיא ליה הא ברייתא איירי בגורן קבוע³ ומתניתין בגורן שאינו קבוע⁴ -
It is astounding! What is the difficulty here?! Since the ברייתא is discussing a גורן קבוע and our משנה (which אביי explained) is discussing a גורן שאינו קבוע!

תוספות answers:

ויש לומר דאביי גופיה הוה משני דמה טעם קאמר⁵ -
And one can say that even אביי himself would have answered the seeming contradiction in the משנה,⁶ by saying that the סיפא is telling us what is the reason for the ruling of אמה ג', like אביי would have given this same answer -
אי לאו משום דקשיא ליה מה צריך לפרש טעמא כדי שלא יזיק⁷ -
Were it not that אביי had a difficulty with this answer; namely, why is it

¹ The first ruling states that he must distance fifty אמות, while the second ruling states he must distance (his גורן) so he should not damage his friend’s plantings; which can be a lesser amount than fifty אמות. See (also) footnote # 5.

² The ברייתא concludes he must distance fifty אמות in order not to damage his friend’s plantings.

³ The ברייתא clearly states מרחיקין גורן קבוע מן העיר.

⁴ אביי explained that when the משנה requires distancing כדי שלא יזיק (and not אמה ג'), it is (only) by a גורן שאינו קבוע. How can this ברייתא make a difficulty for אביי?!

⁵ אביי reconciles the seeming contradiction in the משנה (see footnote # 1), saying that the סיפא which stated כדי שלא יזיק was not giving us a different measure for distancing, rather it was explaining the reason why we must distance ג' אמה.

⁶ See footnote # 1.

⁷ It is so obvious that the reason for הרחקה is כדי שלא יזיק that the משנה would have no need to state it. Therefore, אביי concluded that כדי שלא יזיק is not an explanation (which is superfluous) but rather a different measure for distancing.

necessary to explain that the reason we distance אמה נ' is order שלא יזיק -
והשתא דבברייתא מפרש טעמא כדי שלא יזיק מתניתין נמי⁸ איכא לפרושי הכי:

But now that we see that in the ברייתא he does explain that the reason for distancing is שלא יזיק, we can also explain the משנה in the same manner as the אמה, so the difficulty is why did not אביי explain it in this manner (as רב אשי did).

SUMMARY

The question on אביי is why did he assume that כדי של יזיק cannot be a reason, when in the ברייתא it clearly uses כדי שלא יזיק as a reason.

THINKING IT OVER

Why indeed do the משנה and the ברייתא give the reason for the הרחקה that it is כדי שלא יזיק; is it not obvious, why the need to state the reason?!⁹

⁸ The question on אביי is not from the ruling of the ברייתא per se (for there is no contradiction [see footnote # 4]), rather the question on אביי is his assumption that כדי שלא יזיק cannot be a reason why we are אמה נ', but rather it must be a new and different distance. However, we see that the ברייתא does state כדי שלא יזיק as a reason for הרחקה נ' אמה, so why did not אביי understand the משנה in the same way that the כדי שלא יזיק is only an explanation for הרחקה נ' אמה, but it is not a different שיעור.

⁹ See גמרא ד"ה רב אשי on the נחלת משה.