

In a pit

- בגומא

OVERVIEW

One of the ways in which the גמרא explains how it could be that ידו is למטה is if the person was standing in a pit that was so deep that when he extends his hand from the pit it is למטה מג' from the floor of the (הרבים) רשות. Our תוספות explains why it is considered a הנחה in the רה"ר; since the pit is not part of the רה"ר, why should the בעה"ב be חייב?

צריך לפרש בגומא שהיא רשות הרבים כגון שרבים משתמשים בה -

It is necessary to interpret that in the case of גומא, the גומא is a רה"ר, only then will we say, that if his hand is stretched out into the רה"ר, will it be considered at rest in the רה"ר and it will be a proper עקירה. In order that his hand which is extended from the pit will be למטה מג', this pit must be fairly deep, so how can it be a רה"ר? תוספות explains **for instance if many people make use of it**, even though it is inconvenient to make use of a deep pit, it will still be considered a רה"ר -

למאן דאמר תשמיש על ידי הדחק שמה תשמיש -

According to the מ"ד, who considers an inconvenient usage as a proper usage -

או בענין שמהלכים שם רבים -

Or (according to the מ"ד תשמיש ע"י הדחק לא שמה תשמיש) **it is in such a manner that many people traverse** through this pit. In either of these two cases, where the גומא is considered a רה"ר, this אוקימתא is valid because, since both the body and the hand of the person are in a רה"ר, therefore we can consider his hand which is למטה מג' as resting on the floor of the רה"ר and consequently there is a מקום דע"ד.

אבל גומא שהיתה כרמלית או מקום פטור -

However, if the גומא was a כרמלית (i.e. less than ten טפחים deep with an area of טפחים ד' על ד' or more) **or a מקום פטור** (i.e. more than three טפחים deep with an area less than טפחים ד', דע"ד טפחים), and people do not traverse it or make use of it -

כיון שגופו שם ידו שהיא פשוטה לרשות הרבים -

Since his body is there i.e. in the כרמלית או מקום פטור, therefore **his hand which is extended to the רה"ר**

לא הוא כרשות הרבים דבתר גופו גריר אף על פי שהיא למטה מג' -

will not be considered as a **רה"ר** (and therefore when one would make a **הנחה** to or from the hand he will not be **חייב** for the hand is **‘dragged’ towards the body** which is in a **מקום פטור** או **כרמלית** **even though** the hand is **רה"ר**, which normally would render it at rest in the **רה"ר**, nevertheless in this case where the body is in a **מקום פטור** או **כרמלית** it is not considered a **רה"ר** -

כיון דסבר אגד יד שמיה אגד כדפירושית¹ -

Since **רבי אבהו** maintains that **אגד יד שמיה אגד**, i.e. **the binding of the hand to the body is considered a binding, as I previously explained**. **תוספות** stated there that **רבי אבהו** must maintain **אגד יד שמיה אגד**, therefore, if the body is in a different **רשות** from the hand, even if the hand is **מג' טפחים** it is not considered at rest in that **רשות**, since it is attached to the body in the other **רשות**. Therefore we must conclude that the pit itself is a **רה"ר**, in either of the two ways **תוספות** suggested.

SUMMARY:

When the body of a person and his hand are in two different **רשויות**, then even if the hand is **מג' טפחים** from the floor of that **רשות** it is not considered at rest, if we hold **אגד יד שמיה אגד**. Therefore if an **עקירה** or **הנחה** is made from or onto that hand, it is not considered a valid **עקירה והנחה** from the **רשות** where the hand is.²

THINKING IT OVER

1. What would be the **דין** in a case where a person was standing in a **רה"י** and his hand extended into the **רה"ר** (or the opposite) and someone was **זורק מרה"י** (or the opposite) and it landed on his hand **ברה"ר** (or **ברה"י**) according to the **מסקנא** that **על ד' של אדם חשובה לו כד' על ד'³**

¹ תוספות ד"ה כגון.

² It may be noteworthy that this **תוספות** may be going a step further than in the previous **כגון** ד"ה תוס', where he stated that if the body and the hand are in two **רשויות**, then, for that person, being **עוקר** an object placed in his hand is not considered an **עקירה** even when **ידו** is **מג' טפחים**, if **אגד יד שמיה אגד**; since in relation to the **עוקר** his own **יד** is not completely in the **רה"י** (for instance), we do not have a proper **כעקירת חפץ** **גופו** (**גופו**) **כעקירת חפץ** (**גופו**). In our case however we are not interested in being **מחייב** the **יד**; he is just a **תמצא** for a **מקום** **דמי**. We may think that the fact that his body is in another **רשות** is irrelevant to the status of his **יד** in relation to the **עוקר ומניח** who is placing an object **מג' טפחים**. Therefore it should be a valid **עקירה והנחה**. **תוספות** stated that even in such a case **אגד יד** is powerful enough to deny the **יד** being **ברה"ר** even in relation to the **עוקר ומניח**, ועיין שפת אמת, ודו"ק.

³ See previous footnote.