

סברוה¹ מאי מחיצה גודא –

They assumed, what does מחיצה mean; a wall

OVERVIEW

There are two opinions in our גמרא, how to interpret the word מחיצה in our משנה, and subsequently whether היזק ראיה שמיה היזק or not. Each of these opinions is introduced with the term סברוה. The term 'סברוה' generally refers to an opinion which is originally introduced, only to be refuted later. We do not find however that either of these opinions is refuted. Why therefore does the גמרא introduce them with the term סברוה? Our תוספות will offer two interpretations.

anticipates and responds to the following question:

אף על גב דלבסוף קאי –

Even though that this assumption (that מחיצה refers to a wall) remains at the conclusion of the סוגיא. Those who maintained that מחיצה גודא, were not refuted, nevertheless –

קאמר סברוה לפי שזה הלשון אינו עיקר מחמת פירכא? דלקמן –

The גמרא refers to their opinion as ‘they assumed’, since this opinion (that מחיצה means גודא) **is not the main opinion, on account of the refutation(s) mentioned later** in the גמרא. Even though each refutation has been deflected and explained to satisfy this opinion that היזק ראיה לא שמיה היזק, however -

ודיחוי בעלמא הוא האי דמשני וכלשון שני הלכה וכן פוסק רבינו תם –

the answers given were merely deflections, and not satisfying answers, **and the final ruling is like the second** opinion that היזק ראיה שמיה היזק, **and indeed the ר"ת rules that** היזק ראיה שמיה היזק. The גמרא therefore refers to this first לשון as סברוה to indicate that להלכה we do not follow their opinion, but rather the opinion that היזק ראיה שמיה היזק.

לשון anticipates a follow-up question: The reason the גמרא uses the term 'סברוה' for the first is because the הלכה does not follow that opinion. Why is it then that the גמרא uses the same term 'סברוה' to introduce the second לשון? ³ That לשון is according to the הלכה!

responds:

ואגב דנקט בהאי לישנא סברוה נקט נמי בלישנא אחריתי –

And since he uses the term 'סברוה', by this (the first) opinion (to indicate that we do not follow this לשון), **therefore he uses it as well by the other** (second and valid)

¹ The students, who were studying our משנה, assumed.

² See רש"י who emends the text to read 'פירכא', in the plural.

³ See גמרא דף ג,א, ל"א וכו' סברוה וכו'.

opinion.

offers another approach:

ועוד אומר רבינו יצחק דבפרק קמא דנדרים (דף יא,א) איכא סברוה⁴ –

And furthermore says the ר"י that in the first פרק of מסכת נדרים there is the expression 'סברוה' -

אף על גב דלבסוף קאי ומסיק הכי:

Even though that ultimately that opinion remained and was accepted as such.

Therefore here too in our גמרא, we may maintain that either or both of the 'סברוה' are valid opinions.⁵

SUMMARY

The גמרא uses the term סברוה for the first לשון to indicate that we do not follow this opinion להלכה. The refutations to this opinion were not satisfactorily answered. However once we used the term 'סברוה' to introduce one opinion we used it as well to introduce the other opinion.

Another approach is that 'סברוה' can refer to an acceptable opinion that is not subsequently refuted or retracted.

THINKING IT OVER

1. What are four ways that the term 'סברוה' may be used?
2. How can we interpret 'סברוה' to indicate that this opinion does not follow the הלכה, when the term 'סברוה' is used here in both opinions?

⁴ The משנה there (י,ב) stated if one made a נדר and said לחולין שאוכל לך he is forbidden to eat by him. The גמרא states, סברוה that he meant to say לא לחולין להוי אלא קרבן, and this remains למסקנא. (See on רב אשי יא,ב)

⁵ It would seem that according to the ר"י, the הלכה is not necessarily that היז"ר שמיה היזק.