

They¹ assumed; what does the word סברוה מאי מחיצה גודא 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'? תוספות will offer two interpretations.

תוספות asks:

אף על גב דלכסוף קאי – even though that this assumption (that מחיצה refers to a wall) **remains at the conclusion** of the סוגיא. Those who maintained that מאי מחיצה גודא, were not refuted, nevertheless –

קאמר סברוה – the גמרא refers to their opinion as **'they assumed'**, inferring that it is merely a hypothetical assumption; and subsequently it will be reversed. This however is not so! The assumption was never completely refuted or retracted. Why does the גמרא use the term 'סברוה'?

תוספות answers:

לפי שזה הלשון אינו עיקר – since this opinion (that מחיצה means גודא) **is not the main opinion.** We do not follow this opinion, which maintains מחיצה גודא and therefore היזק ראיה לא שמיה היזק.

מחמת פירכא² דלקמן – 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 – the answers given were merely deflections, and not satisfying answers.

וכלשון שני הלכה – and the final ruling is like the second opinion that היזק ראיה שמיה היזק.

וכן פוסק רבינו תם – 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.

תוספות anticipates a follow-up question: The reason the גמרא uses the term 'סברוה' for the first לשון is because the הלכה does not follow that opinion. Why is it then that the גמרא

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

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

uses the same term 'סברוה' to introduce the second לשון³? That לשון is according to the תוספות! הלכה responds:

ואגב דנקט בהאי לישנא סברוה – and since he uses the term 'סברוה', by this (the first) opinion (to indicate that we do not follow this לשון), therefore – **נקט נמי בלישנא אחרינא – he uses it as well by the other (second and valid) opinion.**

offers another approach:

ועוד אומר רבינו יצחק דבפרק קמא דנדרים (דף יא,א) מסכת נדרים פרק of ר"י that in the first – איכא סברוה – there is the expression 'סברוה' – אף על גב דלבסוף קאי ומסיק הכי remained and was accepted as such. Therefore here too in our גמרא, we may maintain that either or both of the 'סברוה' are valid opinions⁴.

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?

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

⁴ It would seem that according to the ר"י, the הלכה is not necessarily that היז"ר שמיה היזק.