

דילמא לא היא עד כאן לא קאמר רבי יהודה –

Perhaps it is not so; only in this case did ר"י not state, etc.

OVERVIEW

Our עציץ נקוב המונח ע"ג initially attempted to state that the status of an עציץ is dependent on the מחלוקת between ר"י ורבנן. The גמרא then rejected this hypothesis in both extremes. ר"י can maintain that an עציץ וכו' is considered מחובר and the רבנן can maintain that an עציץ וכו' is not considered מחובר. The question arises what is the status of this ע"ג יתדות?

כן הוא האמת דעציץ כמחובר דבפרק השולח (לקמן דף לז,א) אמרינן -

This is the truth that an עציץ is considered attached to the ground even when it is placed on pegs (as opposed to a ספינה לר"י which is עשויה לברוח), for the גמרא in פרק השולח quotes a ברייתא -

אין כותבין פרוזבול¹ אלא על עציץ נקוב² ומוקי לה דמנחי אסיכי -

‘We do not write a פרוזבול only if the לווה possesses at least an עציץ נקוב’, and the גמרא establishes this aforementioned ברייתא that the עציץ was placed on pegs over ground that did not belong to the לווה.³ This proves conclusively that an עציץ is considered מחובר לקרקע since we may write a פרוזבול on account of it.

anticipates a difficulty:

והא דקאמר הכא עד כאן לא קאמרי רבנן אלא בספינה -

And concerning that which the גמרא says here, ‘only in this case of a ship did the רבנן not say’ that it is not מחובר; since there is water which connects the ship to the river bed. However, where there is no water in between, and air separates it from the ground, as in an ע"ג יתדות, it is not מחובר -

משמע דבעציץ לכולי עלמא לא הוי כמחובר -

This indicates that concerning an עציץ all⁴ will agree that it is not

¹ A פרוזבול is a document that enables a מלוה to collect his debts from the לווה even if שמיטה transpired during the loan period. It is a תקנה of הזקן. A פרוזבול is accorded to the מלוה provided that the לווה possesses קרקע (see תוספות and רש"י there). The discussion concerning an עציץ is whether this is considered sufficient קרקע to enable a פרוזבול to be written.

² An עציץ שאינו נקוב since it is considered מחובר לקרקע דמי, as opposed to an עציץ נקוב.

³ Otherwise if it was resting on the ground, then the לווה would be considered as the owner of the קרקע upon which the עציץ is resting and it would not matter if the עציץ is נקוב or שאינו נקוב.

⁴ See ‘Thinking it over’ # 1.

considered **attached** to the ground.⁵ This would contradict assumption that the truth is that an עציץ נקוב המונה ע"ג יתדות is considered מחובר.

- עד כאן לא קאמרי רבנן וכו' for the statement of responds that there is no contradiction, for the statement of תוספות
דיחויא בעלמא הוא -

It is merely a disclaimer; that we cannot conclude that the רבנן definitely maintain that an עציץ נקוב המונה ע"ג יתדות is considered מחובר on the basis of what the רבנן maintain by a ספינה. However we can conclude that the truth is that an עציץ נקוב המונה ע"ג יתדות is considered מחובר based on the גמרא השולח לקרקע.

questions this 'truth': תוספות

והא דאמר בשבת בפרק המוציא יין (דף פא,ב) האי פרפיסא דמנחא אארעא ואנחא אסיכי -

פרק המוציא יין in מסכת שבת says in גמרא **And concerning that which** 'this perforated flowerpot which was lying on the ground and was subsequently placed on pegs on שבת

חייב משום תולש -

He is liable for transgressing the מלאכה of **uprooting.**' The גמרא there is seemingly saying that when the פרפיסא was on the ground it was considered לקרקע מחובר; however once it was placed אסיכי it is considered תולש. This is in direct contradiction to what תוספות is assuming that an עציץ נקוב המונה ע"ג יתדות is (still) considered מחובר.

responds: תוספות

היינו מדרבנן' כדפירש שם' בקונטרס:

that what the גמרא says there that he is חייב, is only **explains רש"י** **as מדרבנן** **there;** however פטור he is מן התורה, since even if it is אסיכי it is still considered מחובר as mentioned previously. The חכמים prohibited removing this עציץ נקוב from the ground and placing it אסיכי for it appears as if we are uprooting something from its attachment to the ground.

SUMMARY

An עציץ נקוב המונה ע"ג יתדות is considered לקרקע מחובר as is evident from the גמרא in השולח that permits a פרוזבול to be written if the לוי possesses only this עציץ. The contradictory statement in our גמרא is merely a disclaimer, not to

⁵ If we were to accept this 'וכו' עד כאן, then we may assume that since even the רבנן who maintain by a ספינה that it is considered מחובר, nevertheless by an עציץ since the air separates it from the ground, it is not considered מחובר, then certainly ר"י who maintains that even by a ספינה it is not considered מחובר so most certainly an עציץ will not be considered מחובר.

⁶ The term חייב means that he is מכת מרדות מדרבנן. See 'Thinking it over # 2.

⁷ שם ד"ה חייב.

be taken as a ruling.

The עציץ נקוב ע"ג in מסכת שבת when it states that if someone places an עציץ נקוב ע"ג he is חייב, that חיוב is only מדרבנן.

THINKING IT OVER

1. Why is it necessary to assume that if we accept the second ע"כ לא קאמרי⁸ לכו"ע לא הוי כמחובר, רבנן וכו' ספינה is not כמחובר because it is עשויה לברוה as opposed to an עציץ?

2. תוספות maintains that we do not accept the second distinction between ספינה and עציץ [but rather only the first distinction that ספינה is עשויה לברוה and therefore it is not considered מחובר]. If this is indeed so then why does תוספות maintain that by אנחי אסיכי he is only חייב, ⁹ he should be מדאורייתא, for while he is transporting the עציץ from the ground it is not considered מחובר, so he is performing the מלאכה of תולש!¹⁰

⁸ See footnotes # 4&5.

⁹ See footnote # 7.

¹⁰ See בל"י אות קנז and סוכ"ד אות לג.