

**פשיטא אמר רבא לא נצרכא כולי –**

**It is obvious; Rovo said, it was not necessary, etc.**

### **Overview**

The משנה stated that one may carry from one ship to another if they are tied together. The גמרא asked that this is obvious. רבא answered that the משנה is addressing a specific case that one may carry even via the rowboat which is between the ships. Our תוספות clarifies the case of the ships here.

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**השתא סלקא דעתין דמיירי ששתי הספינות של אדם אחד ולהכי פריך פשיטא<sup>1</sup> -**

**The גמרא assumed now that we are discussing a case where the two ships belong to one person, so therefore the גמרא asks, פשיטא that he may carry -**

**וכשאין קשורות אין מטלטלין דגזירה שמא יפול החפץ אל המים -**

**But if they are not tied together one may not carry from one to the other (as the משנה states) even though they belong to the same person, because of an injunction that perhaps the item will fall into the water (since the ships are not tied together) -**

**ומטלטל מרשות היחיד לכרמלית ואתי לאתויי<sup>2</sup> -**

**And he will carry from a רה"י to a כרמלית and he may come to bring it back –**

anticipates a difficulty:

**אף על גב דלעיל גבי ב' בתים<sup>3</sup> (דף צז,א) לא גזרינן דילמא אתי לאתויי -**

**Even though that previously regarding two houses (on two sides of a רה"ר) belonging to one person we do not make an injunction not to throw it from one house to the other out of concern that it may drop in the רה"ר and perhaps he will bring it back to the רה"י, so why are we concerned by the ships –**

replies:

**הכא בספינות דלא קביעי איכא למיגזר טפי דילמא נפיל -**

**Here by ships, which are not as stationary as the houses, there is more reason**

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<sup>1</sup> One may carry from one house to another house if they both belong to him and are adjacent to each other; he is carrying מרה"י לרה"י. Similarly if the ships are both his and are tied together (so he is not passing through a כרמלית), it is obvious he may carry from one to the other!

<sup>2</sup> We are not concerned for the falling in of the object per se (since this is a case of מתעסק), but rather that he will try to retrieve it by extending a long pole (or net) from the רה"י (the ship) into the water (כרמלית) [this is the meaning of ואתי (this is the meaning of מרה"י לכרמלית) and then he will bring the item back to the רה"י from the כרמלית]. See מהרש"א. Others say simply that מרה"י לכרמלית here means מרה"י לרה"י.

<sup>3</sup> The ברייתא there rules that one may throw from one house to another house מ' למעלה מ' provided they both belong to him, We are not concerned that perhaps it will fall in the רה"ר and he will bring it from the רה"ר to his house.

for the injunction that perhaps it may fall -

ומסיק' לא נצרכא אלא לערב ולטלטל -

And **concluded**, 'rather the משנה was necessary that one may make an **עירוב** and carry' from one to the other even if they belong to two separate people -

וקא משמע לן דעירוב מהני בספינות אף על פי שאין קבועות שם -

And the משנה is informing us that an **עירוב** is effective by ships even though they are not stationary there; they move about -

דסלקא דעתין כיון שאין עתידות להיות שם לא יהנה עירוב<sup>5</sup> קא משמע לן דמהני<sup>6</sup> -

For we may have assumed that since they will not remain there, the **עירוב** should not be effective, the משנה informs us that it is effective.

<sup>7</sup>גמרא offers an alternate interpretation of the תוספות

ועוד מפרש רבינו יצחק דמעיקרא נמי הוה איירי בספינות של שני בני אדם -

And additionally the ר"י explains that initially we were also discussing a case of two ships which belonged to two people -

ועל ידי עירוב קאמר דמטלטלין מזו לזו ואפילו הכי פריך פשיטא דמהני עירוב -

And it was understood that we may carry from one ship to the other by making an **עירוב**, and nevertheless the גמרא asked that it is obvious that an **עירוב** is effective -

ולכהי<sup>8</sup> כשאין קשורות אין מטלטלין דלא מהני התם עירוב -

So therefore it is understood that when the two ships are not tied to each other, we may not carry from one to the other, for in that case an **עירוב** is ineffective -

<sup>4</sup> The ships belong to two people. One is not permitted to carry from his רה"י to another's רה"י unless he makes an **עירוב**. The משנה teaches that if an **עירוב** is made, one may carry from one ship to the other.

<sup>5</sup> The concept of an **עירוב** is that we consider the separate רה"י as if they are one רשות. This makes sense by houses (or courtyards) which are stationary, so through the **עירוב** they are considered as one; however by the ships, one may have thought that since eventually the ships will be going their separate ways, how can we say they are one רשות? Our משנה teaches that since at the present they are tied together, we consider them as one רשות as of now.

<sup>6</sup> According to this interpretation the question פשיטא is easily understood, for since both ships belong to one person, he may surely carry from one to the other. However what is not that easily understood is why if they are not tied, he may not carry from one to the other as 'תוס' asked (and answered).

<sup>7</sup> See footnote # 6, why the first interpretation is not entirely satisfactory.

<sup>8</sup> This is the advantage in this second interpretation that now it is easily understood why if they are not tied together one may not carry from one to the other (since they are owned by different people and an **עירוב** is ineffective since they are not joined); however according to the first interpretation that the boats belonged to one person there was a difficulty why he cannot carry from one to the other; why is this different from שני בתים as discussed previously. However the question פשיטא is not that readily understood in the פירוש ר"י (as it was in the first interpretation) for here there is a (slight) חידוש that **עירוב** is effective even by ships as תוספות mentioned previously. Presumably according to the ר"י the difficulty with the first פ"י (why cannot one carry if they are not tied), is greater than the difficulty of the current פ"י (why is it פשיטא that an **עירוב** is effective by ships). [The first difficulty is that the ruling is wrong, the second is merely that it is not such a simple פשיטא, וק"ל.]

**ומסיק לא נצרכא אלא לערב ולטלטל ואפילו נפסקו כיון דחזרו ונתקשרו וכדתניא כולי:**  
**And the גמרא concluded that it was not necessary to teach this rule only in a case where we needed an עירוב to carry,<sup>9</sup> and this עירוב is effective even if the ties between the ships were severed, as long as they were retied again, and as the ברייתא taught,<sup>10</sup> etc.**

### **Summary**

In the הו"א we may be either discussing two ships belonging to the same person (and by קשורים he is forbidden to carry from one to the other because it may fall), or we may be discussing ships that belong to different people with an עירוב and it is easily understood why if they are not tied it is forbidden לטלטל מזו לזו.

### **Thinking it over**

One may not be מערב two חצירות unless there is an opening between them which is lower than י"ט (or there is a ladder with which one can go over the dividing wall. Why therefore do we say here that we can make an עירוב between the ships, when (presumably) the walls of the ships are more than י"ט?<sup>11</sup>

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<sup>9</sup> From the simple reading of the גמרא it appears that the ספרא of חידוש is that it belonged to two people and they made an עירוב (as we understood in the first interpretation). However since the ר"י explained that in the הו"א we are also discussing an עירוב, what is ספרא רב telling us? Therefore תוס' responds that ספרא רב meant that one may carry with an עירוב even if the ships were temporarily detached, as long as they became tied together later.

<sup>10</sup> According to this פ"י the 'וכדתניא' is a continuation of ספרא רב's answer that the משנה is in a case like the case in the ברייתא where (an עירוב was made) the boats were first tied (when the עירוב was made) and later became untied and then tied again. The חידוש is that the עירוב is still valid.

<sup>11</sup> See רשב"א בשם הראב"ד.