

Rovo said; rather, by carrying

אלא אמר רבא במעביר -

Overview

רבא explained (initially) that the משנה which stated 'זה הכלל וכו' that it must be בשוגג the whole time, is in a case where one is carrying ר"ר¹. Our תוספות has a difficulty with the answers of רבא.

והוא דחבורה² איירי בלכתא ומיתנא³ -

And that case in the משנה regarding חבורה is by a לכתא ומיתנא -

רבא has a difficulty:⁴

ואין רבינו יצחק יודע למה הוצרך להשמיענו היא דחבורה מה לי חבורה מה לי מעביר⁵ -

And the ר"י does not know why it was necessary for the משנה to inform us the case of חבורה, what difference is there whether it is a חבורה or מעביר -

רבא asks a similar question on the second answer of תוספות:

וכן לרבא דקאמר תרתי קתני⁶ אמאי תנא היא דחבורה -

And similarly according to the second answer of רבא in which he said that the משנה teaches two laws, the question still remains why did the תנא of the משנה teach that law regarding a חבורה, for -

כיון דתנא הזורק ונזכר פטור הכי נמי בחבורה דמאי שנא:

Since he already taught that one who throws and remembers is פטור (even without a לכתא ומיתנא), the same will also be by חבורה, for how is חבורה different from זורק. תוספות does not answer his questions.

Summary

The ruling about חבורה in the משנה seems superfluous.

¹ He is capable of stopping the מלאכה, however by זורק ונח even if נזכר he would be חייב.

² This case in the משנה is where someone threw something at his friend in order to wound him (חבורה) and he wounded him. At this point in the גמרא we assume that both by חבורה and מעביר (the initial answer of רבא) he is פטור, only if it is done בלכתא ומיתנא, but otherwise he is חייב.

³ The משנה stated פטור וכו' ונזכר וכו' חבורה וכו'. He is פטור from (אטא חטאת) making a חבורה only if it was בלכתא ומיתנא, so he had the option of retrieving it, and since he did not, he is מזיד for the חבורה. However if he did not utilize a לכתא ומיתנא, he is חייב for the חבורה even if נזכר. See previous תוס' ד"ה סיפא [TIE footnote # 1].

⁴ At this point the משנה teaches us clearly the rule of חבורה and (according to רבא) the סיפא (זה הכלל וכו') teaches us the case of מעביר. The ר"י does not understand why we need both of these two cases.

⁵ In both cases he is able to stop the מלאכה and since he did not, he is מזיד and is פטור.

⁶ This (second) answer of רבא maintains that זורק ונזכר (even without a לכתא ומיתנא) is פטור (since it was not בשוגג) and if קלטא אחר וכו', he is always פטור even if נזכר. The same will apply by חבורה that he is פטור if נזכר even without a לכתא ומיתנא.

Thinking it over

The second answer of רבא was that the רישא of the משנה is (two cases; one) where he remembered and it landed by itself, he is פטור (and secondly if he did not remember and קלטה וכו' he is פטור). The משנה then concludes 'זה הכלל וכו', and according to רבא this comes to include מעביר ד"א ברה"ר. Our תוס' asks that חבורה is superfluous since it is the same as זורק; there is however (seemingly) a much stronger question, why the משנה needs the זה הכלל to include מעביר; for if by זורק (where he cannot retract) the משנה rules by נזכר (לכתא ומיתנא) that he is פטור (since it was not סופו (בשגגה), so certainly by מעביר where he can retract, that he will be פטור by נזכר, so why the need for זה הכלל?!⁷

⁷ See מהרש"א (הארון).