

ואיבעית אימא לעולם לא תפשוט -

And if you want I can say; really you cannot resolve the query

OVERVIEW

אביי posed a query whether an extended hand in another רשות is considered a כרמלית so that he is not permitted to retract it back into his רשות. Initially the גמרא answered that this is a dispute between two ברייתות, one of which states that it is forbidden to retract his hand while the other permits it. The גמרא refutes this answer claiming that both ברייתות can equally maintain¹ (and it depends whether his hand is למטה or למעלה מי' ככרמלית דמי¹ (מי' מ')), or they can both maintain דמי ככרמלית and the ברייתא that permits returning the hand is where he did it מבעו"י and the ברייתא that prohibits him is where he extend his hand משחשכה. The גמרא asked that if we maintain that if he extended his hand משחשכה he cannot return it even though he will come to a חיוב חטאת, we can resolve the query of רב ביבי בר אביי that one is not permitted to be רודה the פת to prevent a חיוב חטאת. The גמרא replies (in the second answer), according to our גירסא, that we cannot resolve the בעיא of רב ביבי because we will give a different answer how both ברייתות can maintain דמי ככרמלית (for one ברייתא is בשוגג [therefore he is permitted] and one is במזיד). Our תוספות discusses the proper גירסא and explanation of the גמרא.

נראה לרבינו יצחק דלא גרסינן לעולם לא תפשוט -

It is the view of the ר"י that our texts do not read; 'really you cannot resolve' the query of רב ביבי בר אביי. These words should be omitted.

גירסא explains his תוספות:

דאף על גב דאיכא שינויא אחרינא דלא תיקשי שני ברייתות אהדדי -

¹ The (seemingly two) answers of ככרמלית דמי and לאו ככרמלית דמי are one answer. The two ברייתות can maintain either ככרמלית דמי or לאו ככרמלית דמי; they have no bearing on the query of אביי. Initially however when we thought that the two ברייתות are arguing whether ככרמלית דמי or not, we would somewhat resolve the query of אביי; that it is a מחלוקת תנאים. We know certainly that one תנא maintains ככרמלית דמי while the other disagrees. However, now we argue that there is no way of knowing what the position of the ברייתות is regarding ככרמלית דמי or not. They can maintain either view and still be reconciled. We must say that these two ways of interpreting the ברייתות are one answer, for if we maintain that they are separate answers it will turn out that according to each answer the query of אביי is resolved; according to the first answer everyone agrees that ככרמלית דמי, and according to the second answer everyone agrees that לאו ככרמלית דמי; however the intent of the גמרא is to show that we cannot resolve the query of אביי. Therefore we must say that both interpretations are really one answer. See מהר"ם בד"ה וא"ת משנוייה קמא.

For even though there are other answers so that the two ברייתות should not contradict each other and according to these answers the בעיא of רבב"א will not be resolved, nevertheless -

– עדיין איכא למיפשט דרב ביבי מבני בית המדרש מדלא משני איפכא –

We can still resolve the ברייתות (לא התירו לרדותה) from the בני ביהמ"ד students' initial resolution of the two ברייתות. Since the בני ביהמ"ד did not reconcile the two ברייתות in an opposite manner, that משחשכה since he will come to an חיוב חטאת they permit him to return his hand, but rather they concluded that משחשכה it is אסור to return the hand (even though it will bring him to a חיוב חטאת) -

– מכלל דלא התירו² –

We infer from this that they did not permit him to be רודה the פת.³

Tosfos presents a dissenting opinion:

– ולרבינו שמשון בן אברהם נראה דשפיר גריס ליה –

However it is the view of the רשב"א that indeed we do read in the texts - 'לעולם לא תפשוט' -

– דממאי דלא משני איפכא ליכא למיפשט דסברי בני בית המדרש דלא התירו –

Because one cannot resolve the query of רבב"א, that the בני ביהמ"ד maintain that it is not permitted to be רודה the פת, from the fact that they did not explain the two ברייתות in an opposite fashion (that מבעו"י קנסו רבנן and מבועו"י קנסו רבנן); this is not a valid proof -

– דהא דלא משני איפכא לפי שאין נראה סברא לעולם לומר –

For the reason they did not answer in an opposite fashion because it is never logical to maintain -

– משחשיכה לא קנסוה מבעוד יום קנסוה –

That if he extended his hand משחשכה they did not fine him, but if he extended his hand מבועו"י they did fine him; this is illogical -

– דאי משחשיכה לא קנסוה שוב אין לומר מבעוד יום קנסוה דהוי כחוכא ואטלולא⁴ –

² If the בני ביהמ"ד would maintain חיוב חטאת where he will come to a חיוב חטאת they permitted him, however מבועו"י where he will not come to a חיוב חטאת they prohibited him from returning his hand. Since they did not resolve it in this manner, it is evident that they maintain לרדותה.

³ The גמרא reads (according to the ר"י) (we are offering another way of reconciling the ברייתות assuming they maintain דמי ככרמלית דמי).

⁴ If the בני ביהמ"ד would have the option to interpret the two ברייתות either way; they could have said מבועו"י and משחשכה קנסוה, and they also could have said לא קנסוה and משחשכה לא קנסוה, then I could infer that since they chose to say לא קנסוה and משחשכה קנסוה, this proves that they maintain להתירו לרדותה (in order not to be עובר on a חיוב חטאת) they should have chosen the option of משחשכה קנסוה (so he should not come to a חיוב חטאת) instead of the option that משחשכה לא קנסוה.

For if they did not fine him משחשיכה (when there is an איסור to extend your hand), **once cannot then say that** if he extended his hand מבעו"י (where there is no איסור), then **they fined him; for this would be a mockery!**

ואף על פי שאין שייך טעם משחשיכה לומר כמבעוד יום –

And even though the reason why we do not fine him משחשכה (for he will come to a חטאת) **is not applicable to מבעו"י** nevertheless it will seem a mockery to fine one who did not transgress and not fine the person who transgressed משחשכה. Therefore, the בעיא of רבב"א cannot be resolved from the answer of the בני ביהמ"ד.

Now that the רשב"א explained that the בעיא דרבב"א cannot be resolved from the בני ביהמ"ד (since they had no other option), the רשב"א will now explain how did the גמרא initially claimed to resolve the בעיא דרבב"א from the answer of the בני ביהמ"ד:

ולעיל הכי פירושא מדלא משנינן הכי לפי שאין נראה להם סברא לומר כן –

And previously (when the גמרא claimed to be פושט the רשב"א), **this is the explanation; since we did not answer in this manner** (that מבעו"י קנסו and משחשכה לא קנסו) **because it did not seem logical to them to say this –**

והוצרכו לומר משחשיכה קנסו מבעוד יום לא קנסו –

And it was necessary (for them) **to answer that מבעו"י קנסו and משחשיכה קנסו** - לא קנסו

כדי לדחות שלא לפשוט בעיא דאביי⁵ –

In order to deter us from resolving the query of אביי –

אם כן תפשוט בעיא דרב ביבי⁶ –

Therefore let us resolve the בעיא דרב ביבי that התירו לא.

(where he will come to a חטאת) However now that there is no option to say מבעו"י קנסה ומשחשכה לא (for it is a חטאת ואטלולא), the בני ביהמ"ד were 'forced' to say משחשכה קנסה (to reconcile the ברייתות that we should not be פושט the בעיא of אביי), there can be no proof to resolve the בעיא דרבב"א, for (even though if we would assume that לא קנסה and therefore לא התירו משחשכה קנסה it would seem that לא קנסה and it has no bearing on the ביבי (for the proper reconciliation of the ברייתות for) we can (also) assume that both ברייתות דמי maintain ברייתות דמי and it has no bearing on the ביבי (for the ברייתות can be discussing משחשכה ומבעו"י [as mentioned תוספות] where it can never come to a חטאת). [See footnote # 11.]

⁵ It was necessary to find a way that both ברייתות דמי maintain ברייתות דמי in order not to resolve the query of אביי (for if we cannot reconcile the ברייתות in this manner, we will be required to assume that either the ברייתות argue whether דמי ככרמלית or not [as we initially assumed] or [even 'worse'] that both ברייתות maintain דמי ככרמלית דמי, and we will certainly resolve דאביי (בעיא דאביי). The only way to reconcile that the two ברייתות maintain דמי ככרמלית דמי is by saying לא קנסה and מבעו"י התירו (otherwise it is a חטאת ואטלולא).

⁶ In this resolution of דמי לא קנסה we see that משחשכה קנסה proving that התירו even if it is חטאת אביי לדידי חטאת.

responds to an anticipated question:

אף על גב דאיכא למידחי בשינויא קמא –

Even though we can deter this proof by saying, we accept only the first answer that אידי ואידי ככרמלית and there is no ruling that ⁷משחשכה אסרו –

ואי בעית למפשט דאביי⁸ נאמר כשינויא בתרא וזיל הכא קמדחי ליה כולי⁹ –

And if you will desire to resolve the query of אביי (that ככרמלית דמי) **we will say that we maintain like the last answer** (that אידי ואידי לאו ככרמלית דמי) **‘and if you go here** (to the first answer that ככרמלית דמי) **he will be pushed away** (that perhaps we follow the second answer), **etc.** We cannot really resolve either the בעיא of אביי or of רבב"א –

מכל מקום חדא מינייהו מיפשטה ממה נפשך¹⁰ –

Nevertheless (at this point) **one of the queries will be resolved regardless.**

concludes:

והשתא אתי שפיר דקאמר ואיבעית אימא לעולם לא תפשוט לא דאביי ולא דרב ביבי:

And now it is properly understood what the גמרא states, **‘and if you want, I can say that in reality you cannot resolve’**, meaning you cannot resolve **neither the query of אביי nor of רב ביבי**.¹¹

SUMMARY

The רשב"א maintains that the query of רב ביבי is resolved. However, the רשב"א maintains that it is not resolved (and we are לא תפשוט), and even initially the גמרא meant that we can resolve either the query of אביי or of רב

⁷ We do not know for sure that the ברייתות maintain לאו ככרמלית דמי (which would resolve רבב"א בעיא), it is possible that they maintain ככרמלית דמי and we cannot resolve the רבב"א בעיא.

⁸ Since we do not wish to resolve the רבב"א בעיא and therefore say that perhaps the ברייתות both maintain ככרמלית דמי then we are resolving the בעיא of אביי.

⁹ Whichever בעיא we will wish to resolve (depending how we interpret the ברייתות) we can always negate this resolution by saying, perhaps the other interpretation is right.

¹⁰ In order not to resolve the דאביי בעיא we must explain that both ברייתות can maintain either ככרמלית דמי or משחשכה אסרו (and not לאו ככרמלית דמי). The only way we can explain לאו ככרמלית דמי is if we assume that אסרו (and not חוכא ואיטלולא). These are the only two options available to us now. We cannot consider only the first option for that will resolve the דאביי בעיא (that ככרמלית דמי), we cannot accept only the second option only for that will resolve the רבב"א בעיא (that לא התירו). In any event if these are the only two options available to us then we know that the ברייתות tell us either that ככרמלית דמי or לא התירו. According to this explanation when the גמרא writes (in the previous answer) לעולם תפשוט it means that you can resolve either the query of אביי, or the query of רבב"א (but not necessarily the query of רבב"א). See ‘Thinking it over’ # 1.

¹¹ Now we have another option how to reconcile the ברייתות that they can maintain לאו ככרמלית דמי and the difference is whether it was בשוגג or במזיד (but not מבעו"י or משחשכה), where there is no חיוב חטאת. See following תוספות ד"ה בשוגג.

ביבי but not either one specifically.

THINKING IT OVER

1. According to the רשב"א when the גמרא said תפשוט דרבב"א, it [did not mean we can actually resolve בעיא דר"ב from the בני ביהמ"ד, but rather the גמרא meant that we can be פושט either בעיא דאב"י or בעיא דר"ב.¹² However the text of the גמרא seems to say that we can be פושט בעיא דר"ב from the way the בני ביהמ"ד explained the ברייתא. How can we explain this discrepancy?!

2. According to תוספות opinion¹³ that one may always return his hand למעלה (even if he extended it מעשרה), how can we resolve בעיא דרבב"א from our case? In the case of הוציא את ידו he will not be חיוב חטאת since he can always retract his hand מי' למעלה!¹⁴

¹² See footnote # 10.

¹³ בד"ה כאן.

¹⁴ See בן אורי בתוד"ה כאן.