

כי איתמר דרב נחמן אמזיד איתמר -

When was Rav Nachman cited; he was cited for a Mayzid

Overview

The ברייתא taught that valid מחיצות which became invalid on שבת and then became valid again they are considered to be valid מחיצות. The גמרא asked that רב נחמן ruled that regarding the מחיצות that are formed on שבת, that they are valid only to consider the area enclosed by them as a רה"י insofar as to hold someone liable if he threw an object there from the רה"ר, but not that one may carry there.¹ The גמרא replied that this distinction of ר"נ was only if the מחיצות were put up intentionally; otherwise one may indeed carry in a שבת שנעשה בשבת.

תוספות responds to an anticipated difficulty:

והא דקתני חזרו להיתרן הראשון? אף במזיד -

And this which the ברייתא taught that if the מחיצות were reestablished, they revert to their initial permissive status even if they were erected במזיד; clarifies תוספות -

לא לגמרי חזרו להיתרן הראשון לטלטל אלא דהווי רשות היחיד דאורייתא³ -

They do not revert completely להיתרן הראשון (in a case of מזיד) to allow carrying, but merely that they are considered a מה"ת, so if something is thrown there מרה"ר he is חייב.

תוספות anticipates a difficulty:

ומיהו אספינות לא אתי שפיר דבלא חזרו ונתקשרו הוי רשות היחיד דאורייתא⁴ -

However by the case of ספינות this answer is not appropriate, for even if they are not retied, the ships are still a מה"ת; so what is the meaning of להיתרן הראשון regarding the ships.

תוספות offers a resolution:

ורבינו תם מפרש דחזרו להיתרן הראשון אפילו אמזידין⁵ -

¹ How can we therefore carry between the ships in a case of נפסקו and חזרו ונתקשרו (or by the מחצלות).

² Initially these מחיצות allowed us to carry in these areas, as the ברייתא clearly states 'ומטלטלין מזו לזו'. Seemingly when the ברייתא states (בין במזיד) חזרו להיתרן הראשון; it would mean that one may again carry there, not like ר"נ ruled.

³ See (also) ד"ה אמזיד. רש"י ד"ה אמזיד. The expression להיתרן הראשון (which implies א קולא) is in the other cases where it was not set up במזיד. According to this interpretation the מחצלות made the area into a רה"י; without the מחצלות it was not a רה"י. See later in this תוספות (footnote # 6).

⁴ The ships are always a מה"ת. We must therefore assume that חזרו להיתרן הראשון by the ships means that one may carry from ship to ship even במזיד; this contradicts the ruling of ר"נ.

⁵ Therefore one may carry from ship to ship; even if it was re-tied (or set up?) on שבת במזיד.

And the ר"ת explained that חזרו להיתרן הראשון refers even by מזידין that one may carry by a שבת even if it was made במזיד -

ורב נחמן דאמר דבמזיד לא הוי מחיצה אלא לזרוק ולא לטלטל -

And this which ר"נ ruled that if it was set up במזיד it is only a מחיצה לחומרא regarding throwing something there from a רה"ר, but not לקולא that one should carry there; that ruling was made in a case -

היינו שעל ידי המחיצה נעשה רשות היחיד -

Where the area becomes a רה"י through these מחיצות which were put up on שבת -

אבל ספינות דבלאו הכי הוה רשות היחיד כי קשרו אפילו מזיד שרי לטלטל -

However regarding the ships, which are a רה"י even without the tying, so when they re-tie it on שבת even במזיד, it is permissible to carry from ship to ship.

ומחצלות הפרוסות ברשות היחיד איירי שיש מחצלות מפסיקות בין שתי חצרות⁶ -

And similarly regarding the mats which are hung up in the רה"י, we are discussing a case that there are mats which separate between two courtyards -

נתגלגלו נאסרו שהרי הן כחצר אחת והם עירבו שנים -

If the mats are rolled up (so there is no longer a מחיצה which separates the two חצרות), it is forbidden to carry in either חצר, for now since the מחיצה between them was removed, the two חצרות are like one חצר, but they made two separate עירובי חצרות, one for each חצר, so now that they are joined they are אוסר on each other -

חזרו ונפרשו חזרו להיתרן הראשון ומטלטלי אלו לכאן ואלו לכאן -

If the mats were again spread out so they form a מחיצה between the two חצרות, they revert להיתרן הראשון and the people of one חצר may carry here (in their חצר) and the others may carry there (in their חצר) -

תוספות replies to an anticipated difficulty:

והא דקאמר שכל מחיצה הנעשה בשבת שמה מחיצה⁷ טעמא קא יהיב למילתיה⁸ -

And this which the ברייתא states that every מחיצה which is made on שבת is considered a מחיצה; the ברייתא was giving a reason for its ruling of the ספינות and מחצלות -

דאפילו היכא דעל ידי המחיצה נעשה רשות היחיד הויא מחיצה או לזרוק או לטלטל -

For if even in a case where through the שבת the area will become a רה"י, and nevertheless we say it is a מחיצה, whether for לחומרא (if it was made

⁶ This is different from the first interpretation (רש"י) that the מחצלות formed a רה"י (see footnote # 3), but rather the רה"י existed without the מחצלות, the מחצלות accomplished to divide the רה"י into two (חצרות).

⁷ The ברייתא already stated that if the מחיצה was re-instated on שבת the rule is חזרו להיתרן הראשון, so we know that a שכל why was it necessary to emphasize it again? [Additionally, how will this statement apply to the case of ספינות, where it is not a מחיצה, rather it concerns tying together.]

⁸ ברייתא explains that the phrase מחיצה הנעשה בשבת וכו' is a more novel ruling than the previous ruling of the ברייתא.

(במזיד) or to permit carrying לקולא (where it was not made במזיד), so -

כל שכנ' מחיצה זו שאינה עשויה אלא להתיר עירוב כבתחלה דהויא מחיצה -

So certainly this מחיצה between הצרות (or the ships), which is only made to re-instate the עירוב as it was originally, is surely a מחיצה -

ומסיפא דקתני שכל מחיצה הנעשית בשבת¹⁰ כולי פריך לרב נחמן¹¹ -

And the challenge to ר"נ was from the סיפא of the ברייתא, which states that כל מחיצה הנעשית בשבת, etc. שמה מחיצה. However there was never a question on ר"נ from the laws regarding ספינה and מהצלת, where there is a רה"י without these מחיצות. In those cases all agree that it is בטל even if it was set up במזיד.

anticipates a difficulty:

והיה דכל גגות (עירובין דף צג, ב) כותל שבין שתי חצרות שנפל¹² -

And that גמרא in גגות כל גגות פרק regarding a dividing wall that was between two חצרות and it collapsed, there was no עירוב between the two חצרות -

ואיכא דשרי התם לטלטל עד עיקר מחיצה לא דמי להכא -

And there is a view there (שמואל) who permits them to carry up to the initial wall; that case is not similar to the ברייתא here, where we say that if the מחיצה is removed the people of both חצרות cannot carry at all -

distinguishes between the two cases:

דהתם איירי שלא היה אלא בית אחד בחצר זה ואחד בחצר זה -

For there, regarding the wall, we are discussing a case where there was only one house in this חצר and one house in the other חצר; no עירוב was ever required (when the wall was up) -

אבל הכא כשיש רבים כאן וכאן¹³ אמרינן נתגלגלו נאסרו -

However here in the ברייתא of מהצלת, where there are many houses here and there (in both חצרות), therefore we rule that if the mats are rolled up they are forbidden to carry at all.

⁹ If a מחיצה הנעשה בשבת can make a דאורייתא (whether לחומרא or even לקולא), then certainly a מחיצה הנעשה בשבת, can be effective when it is only regarding an עירוב which is only required מדרבנן. See 'Thinking it over' # 1.

¹⁰ That phrase is referring to a מחיצה, which creates a רה"י; the same מחיצה which ר"נ is referring to.

¹¹ According to the ר"ת when ר"נ stated וכל שנו וכו' he was certainly not referencing the רישא of the ברייתא (regarding מהצלות and ספינות) for in those cases (since the מחיצות are not forming a רה"י) one may be בטל even if they were made במזיד; rather ר"נ was referencing either the סיפא of the ברייתא (that מחיצה הנעשה וכו'), which according to the ר"ת is where the מחיצה makes a רה"י, or (see תוס' הרא"ש) that ברייתא (תוס' הרא"ש) that מחיצה הנעשה וכו'.

¹² Normally in such a case each חצר is אוסר on the other חצר and prohibits them from carrying at all.

¹³ It was initially required to make an עירובי חצרות in each חצר, otherwise it would be אסור to carry in each חצר. However now that the מחיצות (מהצלות) are removed, the individual עירובי חצרות are not effective.

תוספות presents a difficulty:

וצריך עיון בשמעתא דדירורין¹⁴ הבאין בשבת (עירובין שם) דאמר שבת הואיל והותרה הותרה: **And contemplation is required to explain the גמרא regarding new dwellers who come on שבת**, where the גמרא there **rules הותרה הותרה הואיל** . שבת תוספות does not answer this question.¹⁵

Summary

When the מחיצות are there for the purpose of an עירוב we say חזרן להיתרן הראשון even if it was put up במזיד. The qualification of ר"נ is only in a case where the מחיצה makes it into a רה"י.

Thinking it over

1. The גמרא answered that ר"נ ruled לטלטל ולא לזרוק is only if he made the מחיצה (for a רה"י). It would therefore turn out that regarding טלטול when the ברייתא stated שכל מחיצה שנעשה בשבת שמה מחיצה is referring only to שוגג. How therefore can we derive by a מחיצה for עירובין that (לטלטול) חזרה להיתרן הראשון even by מזיד? The כ"ש is¹⁶ no longer valid!¹⁷

2. According to the ר"ת, why is it that by מחצלות (which serve to divide the חצר in two), when they are rolled up we do not say הותרה הותרה הואיל; ¹⁸ however in a case¹⁹ of הפתח ונסתם הפתח we do say הותרה וכו'!²⁰

¹⁴ The הגהות הב"ה refers us to עירובין יז,א. The גמרא there discusses under what circumstance is a minimal מחיצה (made of ropes less than three טפחים apart) sufficient. In conclusion the rule is if there are three people, this minimal מחיצה can be made to cover as large an area as is necessary. The issue was if initially there were three people and they made this large מחיצה and one of the people died on שבת, can they still rely on this flimsy מחיצה. The גמרא ruled there that הואיל והותרה הותרה. However here by the מחצלת (if they are rolled up on שבת) we do not say הותרה הותרה הואיל. What is the difference between the two cases?!

¹⁵ See שבת של מי (who attempts to answer).

¹⁶ See footnote # 9.

¹⁷ See (עד"ז ב) לשון הזהב (בהוספות).

¹⁸ According to רש"י (that the מחצלות make it into a רה"י), there is obviously no question, since when they are rolled up there is no רה"י מה"ת at all. [The question and answer בתוד"ה נפסקו seems to be only according to פרש"י.]

¹⁹ See previous תוס' ד"ה נפסקו [TIE footnote # 1]. We seemingly cannot use the answer there (regarding ספינות) to our case of הפתח, since there is no real הפסק both here and by the case of הפתח.

²⁰ Perhaps this is included in the תוספות וצ"ע (for the גמרא there connects both cases).