And one to exclude slaves

וחד למעוטי עבדים –

OVERVIEW

The גמרא concluded that the פסוק of על כל דבר פשע is to be expounded as a ריבוי מיעוט וריבוי; we include everything (regarding כפל ושבועה) from the ריבוי except that the מיעוטים of שור, חמור and שה exclude respectively קרקעות, עבדים. Our תוספות questions the need for a עבדים to exclude עבדים.

תוספות anticipates a difficulty:

אף על גב דלעיל¹ ילפינן עבדים מדאתקוש לקרקעות² -

And even though that previously we derived to exclude עבדים since they are compared to קרקע, but not because intrinsically the כופו"כ excludes them; so why do we need an additional עבדים to exclude עבדים, they should be excluded since they are הוקשו -

responds:

הכא כיון דכתיב כל ריבויא בעי לכל חד מיעוט? באפי נפשיה:

Here however (where we expound the פסוק in a 'כל'), since 'כל' is written as a אריבוי we require a specific מיעום for each one individually.

SUMMARY

A ריבוי requires a specific מיעוט for each exclusion regardless of a היקש.

THINKING IT OVER

If we are excluding עבדים because of a מיעוט (of חמור), why does the ברייתא state⁴ that we exclude עבדים because הוקשו לקרקעות, when in fact we exclude עבדים because of the מיעוט (but [seemingly] not because מיעוט?!⁵

 $^{^{1}}$ סב,ב; when we interpreted this סב,ב; when we interpreted this סב,ב.

² If עבדים were not הוקשו לקרקעות, they would be included in the כופו"כ, not excluded, but nevertheless they are excluded only because עבדים. Similarly here even if there is no מיעוט for עבדים specifically they should nevertheless be excluded since הרקשו לקרקעות and קרקעות are specifically excluded.

³ When we expound כופו"כ, the inclusion of the כלל (which is מעין הפרט) is not that strong that it can override the היקש of עבדים לקרקעות; therefore the עבדים can be excluded. However where we utilize the ירבוי, the is so powerful that, unless there is a specific עבדים for עבדים, the ייבוי will override the היקש לקרקע and include מבדים as well.

⁴ مح.ב.

 $^{^{5}}$ See רשב"א and אוצר מפרשי התלמוד # 88.