

איצטריך סלקא דעתין אמינא הני מילי היכא דשלח שלוחי –

It is needed; for it would have entered our minds to say, it is applicable, only when he sent it.

OVERVIEW

The גמרא (seemingly¹) concludes that we derive both שן ורגל from the word ושלח (ושן בהמות אשלח through שן and משלחי רגל השור through רגל). The word ובער teaches us that שן ורגל are חייב even if ממילא. Initially when we derived שן from ובער through the פסוק of הגלל יבער, כאשר, the גמרא asked why it is necessary for the ברייתא to cite the פסוק of הגלל יבער to prove that שן ובער refers to שן. It is obvious that שן ובער refers to שן for it cannot refer to קרן (which is derived from יגח כי) or רגל (which is derived from ושלח). תוספות asks that this same question can be asked now; there is no need for כאשר יבער!

תוספות asks:

ואם תאמר תיקשי השתא הא דפריך לעיל -

**And if you will say; you can ask now, what the גמרא asked previously; which is –
טעמא דכתב רחמנא כאשר יבער הגלל הא לאו הכי במאי מוקמית -**

The reason we derive שן (from ובער) is because the ‘merciful one’ wrote the פסוק of הגלל יבער (which indicates the connection between שן and ובער), **but if it would not have been so** (if there was no such פסוק of הגלל יבער) then we would not know שן; but this cannot be, for **what else** can ובער be **referring to** (certainly not רגל, since it is derived from ושלח). The same question should be asked now; why is the פסוק of הגלל יבער necessary;² we know that שן is חייב from the פסוק of בהמות אשלח בם. The פסוק of הגלל יבער is unnecessary!

והשתא ליכא לשנויי כדלעיל -

For now we cannot answer as we previously answered. Previously the גמרא answered that if it were not for the פסוק of הגלל יבער; we would assume that both ושלח and ובער refer to two types of רגל; one is ושלח when שלח שלוחי and the other is ובער when it is ממילא. However now that we know שן from ושלח (and not [necessarily] from ובער), the פסוק of הגלל יבער is not necessary.³

¹ See, however, רש"י ד"ה קמ"ל.

² The intention of the question is why it is necessary for the תנא of the ברייתא to cite this פסוק (but not why it is necessary for the נביא to say it).

³ It would be unreasonable to assume that כאשר יבער is required to inform us that the חזקא of ממילא, which we derive from ובער, refers to שן as well; for since ושלח refers to both שן ורגל, there is no reason to assume that ובער

answers: תוספות

ויש לומר דהכי קאמר ברייתא דאלו לא נאמר ושילח הוה מפקינן מכאשר יבער הגלל⁴ -
And one can say; that this is what the ברייתא meant; that even if the word ושילח
was not written (so we could not derive שן from ושלח through ושלח), **we**
would have derived שן from כאשר יבער and applied it to ובער.

וכי האי גוונא איכא בריש איזהו נשך⁵ (ב"מ ד סא,א):

And something similar to this can be found in the beginning of נשך.

SUMMARY

According to the מסקנא, the כאשר יבער of פסוק is unnecessary for teaching us the חיוב of שן. The ברייתא required it (only) if ושלח would not have been written.

THINKING IT OVER

1. תוספות is assuming that both שן ורגל are derived from ושלח; and ובער teaches us לא מכליא by חייב שן ורגל. How then do we know that שן ורגל are even if ממילא? The word ובער refers to both שן ורגל (to teach us ממילא), and ובער indicates שן ורגל by both מכליא קרנא!⁶

2. תוספות answers that when the ברייתא mentions the פסוק of כאשר יבער, it means that this פסוק is necessary if ושלח was not written.⁷ However, how did the גמרא ask why is כאשר יבער necessary to teach us שן, for ובער cannot mean רגל, since רגל is derived from ושלח; but now we are assuming that ושלח is not written, therefore if not for ובער, we may think that ובער is referring to רגל.⁸

refers to only one of them.

⁴ See 'Thinking it over' # 2.

⁵ The states: (ויקרא [בהר] כה,לז) אוכל and כסף; את כסף לא תתן לו בנשך ובמרבית לא תתן אכלך; it would seem that אוכל and כסף have two separate לאוין (אוכל for מרבית and כסף for נשך). The ברייתא derives from a גזירה שוה that for either one there are two לאוין. The גמרא states that the גז"ש is not necessary, for we read the פסוק in this manner: את כסף לא תתן לו בנשך (אוכל for two) and בנשך ובמרבית לא תתן אכלך (כסף for two לאוין) (which makes two לאוין). Why then, asks the גמרא does the ברייתא require a גזירה שוה?! The גמרא there answers that the גז"ש is necessary in case we would not have this פסוק! The same applies here. In truth it was not necessary for the ברייתא to cite the פסוק of ובער יבער הגלל, for we derive שן from ושלח (which connects it to ושלח). The ברייתא states that if there were no ושלח and we could not derive שן from ושלח, we could nevertheless derive it from ובער, through ובער הגלל.

⁶ See מהר"ם.

⁷ See footnote # 4.

⁸ See אמ"ה.