איבעית אימא כדמחליף רבה בר אבוה

If you want I will say as רבה בר אבוה switched

OVERVIEW

The גמרא offers an alternate explanation that the גמרא (of שוכר (of שוכר) follows the view of ר"י, and it does mention ש"ח for according to רבה בר אבוה, it is "ע"ח who maintains שוכר is like a "שוכר has a difficulty why the איב"א insisted that the תנא of the איב is ברייתא of the ר"י.

asks: תוספות

תימה דאמאי דחק לאוקמי כרבי יהודה דלית הלכתא² כוותיה-

It is astounding! Why did the גמרא force itself to establish the ר"י (as per the switch of רבה בר אבוה), since it will come out that the ר"י is not like ר"י -

דקיימא לן דשוכר כשומר שכר כדמשמע בריש המפקיד (לעיל דף לד,איּ) -

For we have established the ruling that a שוכר is like a "ש, as is indicated in the beginning of פרק המפקיד -

ולקמן (דף צז,א) גבי מרימר דאגר כודניתא לבי חוזאי ובכמה דוכתי:

And also later regarding the episode where מרימר rented out mules to the people of תואר, and in many other places as well. תואר remains with the question.⁵

SUMMARY

What is gained by establishing the ברייתא like ", since it will turn out that it is שלא?

THINKING IT OVER

Why is תוספות question on the גמרא (who establishes the ברייתא according to ר"י), but not on שוכר בה בר אבוה who states that "שוכר כש"ח (which is שלא (כהלכתא)?!

¹ The first answer is that the תנא of the ר"מ is ברייתא is "ר" any even whoever is the תנא of the תנא (either "ר" or 'ר"), he maintains שוכר כש"ה (but the הלכה שוכר כש"ש as proves shortly). See רש"י ד"ה איבעית, that somehow it is preferable to say "סתם משנה ברייתא ר"מ than סתם ברייתא ר"מ than משנה that we say משנה ר"מ שונה ר"מ.

² There is an established rule that in a מהלוקת between ר"מ ור"י, the הלכה is like הלכה. What is gained by establishing the הלכה like שוכר (that a שוכר (that a שוכר ברייתא), since all that it accomplishes is that הלכתא "בר"ם. See שלא כהלכתא הר"ם.

³ Others suggest that this be amended to לו,א; see there חוס' ד"ה שוכר.

⁴ The story there (according to the מסקנא) that the בי חוזאי rented mules from מרימר, and they were stolen, and held them liable; indicating that a ש"ש (renter) is חייב for (ואבידה) like a ש"ש.

⁵ See רמב"ן and חוס' הרא"ש that since other times we utilize this switch to establish a סתם משנה, we utilize this switch here as well.