

according to ר"י, only the concern of איחלופי.

שמא explains why indeed the גמרא assumes that according to ר"י there is no concern of שמא even for one שליה (which is a דשכיחא - מילתא דשכיחא)

והיינו טעמא דנראה לו לגמרא כיון דרבנן לא מפלגי וגזרו בין בחד בין בתרי² –

And this is the reason, for the גמרא assumed since the רבנן do not differentiate and the make the גזירה of 'וכו' שמא יחזור וכו' whether it is one שליה or whether it is two שלוחים, similarly -

לרבי יהודה נמי לא מיסתבר לחלק כיון דלא גזר בתרי הוא הדין בחד:

According to ר"י it does not seem logical to differentiate, for since he is not גוזר by two שלוחים, the same will apply to one שליה, that there is no concern of שמא יחזור דבר לקולו.

SUMMARY

של. שמא יחזור דבר לקולו even by a single שליה ר"י is not concerned for

THINKING IT OVER

שמא יחזור דבר לקולו the concern of רבנן according to the תוספות concludes that according to ר"י there is never such a concern even by one שליה. Can we reconcile this with the גמרא previously (ה,א), that there is a concern of שמא יחזור by one שליה, but not by two שלוחים?³

² Seemingly there should be no גזירה by two שלוחים (since it is a דשכיחא), and nevertheless the רבנן are גוזר, indicating that regarding this גזירה it is irrelevant whether it is a דשכיחא or a מילתא דלא שכיחא (in all cases the רבנן are גוזר), similarly according to ר"י there is no difference whether it is a דשכיחא or not, in all cases he is not גוזר. [Alternately, since there is an accepted rule that גזרו ביה רבנן לא שכיחא, we are forced to say that ב' (otherwise the רבנן would not be גוזר by two), therefore according to ר"י who is not גוזר there is also no difference between one and two (it would not seem likely that they argue whether ב' is a דשכיחא or not). See # 93. אמ"ה]

³ See מהרש"א and תוה"ר.