

תלמוד לומר וכתב לה מכל מקום –

It teaches us, saying; ‘and he writes to her’, in any event

Overview

יוסי teaches that even though the תורה writes ספר, nevertheless it includes other things as well, since the תורה also writes לה וכתב - as long as it is written; it does not matter on what. יוסי continues that we only include things that are similar to a ספר and therefore we exclude anything which has a רוח חיים and eats.¹ תוספות explains that the כולל ופרט of פסוק וכתב לה וכו' forms a כלל.

תוספות asks:

ואם תאמר ואימא וכתב² כלל³ ספר פרט⁴ ואין בכלל אלא מה שבפרט⁵

And if you will say; but let us say that 'וְכָתַב' is a כלל, and 'סֵפֶר' is a פרט, and the rule is that the כלל contains only that which is included in the פרט, so one should be able to write a גט only on a ספר!

תוספות answers:

ויש לומר ונתן⁶ חזר וכלל⁷ -

And one can say that by saying the word ונתן, the תורה added a כלל -

תוספות responds to an anticipated difficulty:

אף על גב דלא מיייתי אלא כללא קמא הכי נמי אשכחן בפרק קמא דקידושין⁸ (דף כא,ב) -

And even though יוסי did not cite the last כלל (of ונתן), only the first כלל (of וכתב), nevertheless this is not a difficulty, for we also find something similar in the first פרק of קידושין, where the ברייתא states -

מרצע⁹ אין לי אלא מרצע מנין לרבות הסול וכולי תלמוד לומר ולקחת כל דבר הניקח ביד -

¹ This seems like a לימוד of a כלל ופרט וכלל, where we are מרבה anything which is הפרט. See later in תוספות.

² The פסוק (in [תצא] כג,א) states, וְכָתַב לָהּ סֵפֶר כְּרִיתָת וְנָתַן בְּיָדָהּ וּגו', (דברים [תצא] כג,א).

³ A כלל or 'general' statement is more inclusive. The word וכתב indicates that as long as one writes the גט it is כשר, regardless of what he writes it on.

⁴ A פרט or 'detail' is restrictive. The word ספר indicates that one may write the גט only in a ספר (parchment).

⁵ The rule is that when the תורה writes a כלל (here וכתב) followed by a פרט (here ספר), it means that we follow the פרט exclusively and we do not include or add anything more than the specified פרט.

⁶ The word ונתן is a כלל; and he shall give her (the גט) without defining what the גט should be.

⁷ We now have a כלל (וכתב) ופרט (ספר) וכלל (ונתן). The rule is that by a כלל ופרט וכלל we are מרבה anything which is similar to the פרט; in our case anything which is וכו' ואינו אוכל. See footnote # 1.

⁸ See 'Thinking it over'.

⁹ The פסוק (in [ראה] טו,יז) states, (דברים [ראה] טו,יז) וְנָתַתָּה אֶת הַמַּרְצֵעַ וְנִתְּמָה בְּאָזְנוֹ וּגו', regarding an עבד עברי who wants to remain past his seven years of servitude; that the master has to bore a hole in his ear. The ברייתא is deriving that one may use other means besides a מרצע to bore this hole.

‘It says in the תורה the word **מרצע** (awl), I would only know **מרצע**, from where do we derive to include the **סול** (peg), etc., the פסוק teaches by saying **ולקחת** (and you shall take), anything which can be taken in the hand’. This concludes the ברייתא -
ולא מייתי בברייתא כללא בתרא -

But the ברייתא does not cite the last כלל (only the first כלל of ולקחת) -
ובסוגיא דהתם מוכח דכלל ופרט וכלל קא דריש¹⁰ ונתת¹¹ באזנו חזר וכלל:

However in the סוגיא there it is evident that we are expounding a כלל ופרט וכלל; that with the words of 'ונתת באזנו' וגו' the תורה repeats another כלל (in order to include other items besides a מרצע).

Summary

Sometimes they will omit mentioning the last כלל even though it is a כלל ופרט וכלל.

Thinking it over

How is a question (such as why are we not mentioning the last כלל) resolved,¹² by showing that this same problem exists elsewhere?!

¹⁰ We see from there that even though it is obvious from the גמרא that we are expounding a כלל ופרט וכלל, and nevertheless the ברייתא failed to mention the last כלל; we can say the same here that even though the last כלל is not mentioned explicitly, nevertheless the ברייתא here is basing its לימוד on a כלל ופרט וכלל.

¹¹ It would seem that the last כלל is [באזנו] ונתת. See the גמרא there and the marginal note in מסורת הש"ס.

¹² See footnote # 8.