

## Our text reads, what is the reason of *Rebbe* - מאי טעמא דרבי גרסינן -

### Overview

גט שחרור (according to ר' יוחנן) ruled (רב שמואל בר יהודה) that an עבד cannot receive a שחרור on behalf of his fellow עבד who belongs to the same master; this rule is valid despite that there is a הלכה that if a master tells his שפחה here is a שטר שחרור for your fetus, it is a valid שחרור, even though they both have the same master. This was reconciled by two גדולי הדור, one said that the ruling regarding a שפחה is according to רבי, who maintains that one can be חצי עבדו (free half of his slave), and the other said, what is the reason of רבי by the שפחה (since it is not a case of חצי עבד), since an אמו is עובר<sup>1</sup>. There seemed to have been a גירסא (not גירסא, but) מ"ט דר' יוחנן (but) מ"ט דרבי. Our תוספות negates this גירסא.

ולא גרסינן דרבי יוחנן -

- מ"ט דר"י And our text do not read

דבהערל (יבמות דף עח,א) סבר רבי יוחנן דעובר לאו ירך אמו הוא וכן מוכח<sup>2</sup> סוגיא התם:

For ר"י, in פרק הערל, maintains that an עובר is not אמו, and this is also evident in the גמרא there.

### Summary

עובר לאו ירך אמו הוא maintains ר"י, since מ"ט דרבי is גירסא.

### Thinking it over

If we would be גורס (as others are) יוחנן מ"ט דר' יוחנן, how would we understand it; which rule of ר"י does 'עובר ירך אמו הוא', explain?

---

<sup>1</sup> maintains רבי (a fetus is the 'thigh' of his mother [part of his mother]) and is not a separate entity; this explains why he can be משחרר the וילד for it is considered that he is being חצי (part) of this שפחה.

<sup>2</sup> there infers that ר"י maintains אמו ירך עובר, from the ruling of ר"י which states that if one set aside a חטאת (חטאת קרבן) (for his מעוברת), and it gave birth, he can bring either the mother or the child for his חטאת obligation. We infer, if אמו הוא, so it is as if he set aside two animals for one חטאת (in case one is lost he can use the other), in which case he can use either one; however if we maintain אמו הוא (so there is only one חטאת here; the mother) so the child is a וילד חטאת and the rule is that וילד חטאת is put to death. This proves that ר"י maintains עובר, but rather is a separate being.