

והאמר רבי יוחנן דברי הכל כולי – But ר"י said that all agree, etc.

OVERVIEW

The statement of ר"י is mentioned a few times in ש"ס. In each occasion it is quoted as 'והאמר ר"י', seemingly indicating that there is an original statement, and this is merely a quote of the original statement. However, we never find an original statement which says 'אמר ר"י'.

אומר רבינו תם דעיקר מילתא דרבי יוחנן -

ר"י says that the original statement of ר"י that אין ערעור פחות משנים -
איתמר בפרק ב' דכתובות (דף כג,ב') גבי פלוגתא דמעלין לכהונה על פי עד אחד -
was stated in the second פרק of מסכת כתובות concerning the dispute
whether one is elevated to כהונה based on the testimony of one witness.²

Tosfos disregards a possible objection to this presumption:

ואף על גב דהתם נמי מייתי לה כלישנא דמייתי לה הכא:

And even though that there also in כתובות, he quotes the statement of ר"י
in the same manner as he quotes it here; namely the גמרא says in both these places 'והאמר ר"י' – 'but ר"י said'³, indicating that the original statement was said elsewhere?! Nevertheless Tosfos insists⁴ that the original statement of ר"י that אין ערעור מעלין לכהונה ע"פ ע"א, is concerning the case of ע"א, וכו'.

SUMMARY

The original statement of ר"י that אין ערעור פחות משנים was said concerning the issue of ע"א ע"פ מעלין לכהונה. Regardless that there also it is quoted as 'והאמר ר"י'.

THINKING IT OVER

Why is it necessary to pinpoint the original statement of ר"י?

¹ The actual quote of ר"י is on כו,א.

² The גמרא there is discussing why is there a need for an ע"א to testify that he is a כהן. It must be that his status is being challenged. The question is what challenge can be refuted by only one עד. It cannot be a challenge by only one עד, since ר"י says אין ערעור פחות משנים. It is in connection with this דין of מעלין לכהונה, that ר"י made this statement of אין ערעור וכו', originally. It is then quoted in the גמרא for other issues as well, including here; concerning ערעור on a גט.

³ An original statement should be written as 'אמר ר"י וכו'', not 'והאמר ר"י וכו'.

⁴ See מעלין לכהונה דר"י עיקר מילתא דר"י, why כתובות דף כו,א תוס' ד"ה והאמר.