

## בעדי מסירה ורבי אלעזר היא – ר"א according to; עדי מסירה With

### OVERVIEW

גיטין The גמרא concluded that we only include פסולי דרבנן in the similarities between עדי מסירה ישראל were also only מדרבנן since ערכאות פסול. נשים ושחרורי עבדים are also present. This ברייתא is following the opinion of ר"א who maintains עדי מסירה כרתי. Obviously this בריתא does not follow the view of ר"מ who maintains עדי חתימה כרתי. This presents certain obvious difficulties that תוספות will address.

anticipates the following difficulty:

**אף על גב דקתני וכדברי רבי מאיר בארבעה -**

**Even though** the ברייתא states ‘that according to ר"מ there are four’ ways in which גיטין נשים ושחרורי עבדים are similar. According to ר"מ who maintains כרתי we cannot include the פסול of ערכאות, since it is a פסול דאורייתא. The גמרא just mentioned that we do not include פסולי דאורייתא. The question is how can the ברייתא say בארבעה; even according to ר"מ there are only three similarities, since we cannot include ערכאות?

ר"מ responds: When the גמרא states בארבעה, we do not mean that according to ר"מ himself there are four similarities; rather -

**הכי קאמר למאן דסבר כרבי מאיר בארבעה -**

**This is** what the גמרא intends to say that according to the one who agrees with גיטין נשים that it is a חוב for an עבד to be freed, there will be **four** ways in which (עדי מסירה כרתי that ר"א also agrees with ר"מ that it is a חוב for an עבד to be freed, there will be **four** ways in which גיטין נשים are similar (provided that this same תנא also agrees with ר"א that ר"מ).

explains another difficulty:

**והא דקאמר הש"ס נמי אלא לרבי מאיר מנינא למעוטי מאי -**

**And similarly** concerning that which the גמרא asks,<sup>1</sup> ‘However according to ר"מ, what does the number four exclude’. The previous question of תוספות applies here as well. How can the גמרא ask ‘according to ר"מ etc.’; the ברייתא does not follow the opinion of ר"מ (concerning כרתי)?! When the ברייתא stated 'בארבעה' we just concluded that it does not refer to ר"מ himself, only to a תנא who agrees with ר"מ concerning חוב הוא לעבד וכו' why then does the גמרא (seemingly) ask on ר"מ himself whose opinion is not followed in this ברייתא?<sup>2</sup>

replies: The גמרא did not intend to ask a question directly on ר"מ himself, rather -

**למאן דסבר כרבי מאיר קאמר:**

<sup>1</sup> Previously on this עמוד.

<sup>2</sup> See ‘Thinking it over’.

**The** **גמרא** meant to ask the question on **the one who agrees with ר"מ** concerning חוב ר"א. This מ"ד includes the first three similarities (because he agrees with ר"א concerning חוב ר"מ) and he also includes the fourth similarity since he agrees with ר"מ concerning חוב ר"א; according to this מ"ד, what does the number 'four' come to exclude.

### **SUMMARY**

When the גמרא and the ברייתא mention ר"מ (וכדברי ר"מ, and לר"מ respectively), we are not referring to ר"מ himself, but rather to a תנא who agrees with ר"מ that חוב ר"א (ע"מ כרתי that ר"א sides with תנא however this חוב ר"א is excluded).

### **THINKING IT OVER**

It appears from תוספות that even after the first question was answered; namely that we refer not to ר"מ but rather to the תנא who agrees with ר"מ, still we may ask second question,<sup>3</sup> even though the answer to the second question is exactly the same as the answer to the first question. Explain how the second question may be asked even after the first question was answered.<sup>4</sup>

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<sup>3</sup> See footnote # 2.

<sup>4</sup> See אמ"ה # 189.