

## But it states; four

**וזהא ארבעה קתני -**

## Overview

The גמרא cited a ברייתא in which ר' שמעון stated that we give הענקה to four types of עבדים who are freed from their master in different ways;<sup>1</sup> three for men and three for women. The ברייתא concludes that there cannot be four by men, because there is no יציאה בסימנין by an איש and there cannot be four by a woman for there is no רציעה by a woman. ר"ל (who maintains that an אמה העבריה is יוצאה במיתת שש, יובל, מיתת) from this ברייתא which states that there are only four יציאות (האב (סימנין and האדון בנרצע however according to ר"ל there are five יציאות (there is also ר"ל ר' ששת discusses from which (word) 'four' does ששת ask on ר"ל ר' ששת.

**נראה דדייק מהא דקתני ואי אתה יכול לומר ארבעה באחד מהן -**

**It seems to תוספות that רב infers not like ר"ל, from this which the ברייתא states, ‘and you cannot say four by either of them’, the proof is from the second ‘four’ in the ברייתא -**

**דמשמע דנחית לפרושי כולהו<sup>3</sup> -**

**For the expression of 'ואי אתה יכול לומר ארבעה באחד מהן' (the תנא ר"ש indicates that (the תנא of the ברייתא) intends to enumerate all the יציאות possible.**

תוספות rejects the alternate explanation:

**וְלִיכָא לְמִימַר דְּדִיִּיק מְדַקְתְּנִי אַרְבַּעַה מַעֲנִיקִים לֵהּ<sup>4</sup> -**

**But we cannot say that ששט רב is inferring** (not like ר"ל), **since** the ברייתא states, 'ארבעה מעניקים להם'; the first 'ארבעה' in the ברייתא תוספות refutes this -

דהא אמר בפרק ב' דסוטה (דף טז,א) תנא ושייר<sup>5</sup> -

<sup>1</sup> Both an עבד עברי and an אמה העבריה are freed after six years (1) or if יובל occurs during the six years (2). In addition a נרצע goes out with מיתת האדון (3), and an אמה העבריה goes free בסימנין (4).

<sup>2</sup> We cite the תרי"ת in its entirety; באשה ואי אתה יכול לומר ד' באחד לפי שאין סימנים. It says ד' (four) twice.

<sup>3</sup> By saying in such an exclusive manner 'וא"א יכול לומר ד' בא' מהן, this means that there is no way to mistake his intention; there is no other יציאה, thereby excluding מיתת האב which would (according to ר"ל) add a fourth יציאה to an אמה העבריה, which ר"ש is definitely excluding.

<sup>4</sup> Seemingly this would also indicate that there is no **יציאה במיתת האב**; for otherwise there would be **חמשה מעניקים להם**.

<sup>5</sup> The issue there was whether one may bring ashes (אפר) instead of earth (עפר) for the טוטה process. The גמרא cited a statement by ר' יוחנן משום ר' ישמעאל that there are three places where the פסוק says one thing and the הלכה rules different. (ע"י"ש). If we are to assume that one can bring אפר instead of עפר there would be a fourth case of הלכה. The המקרא answers גמרא. תנא ושייר; it is not necessary to assume that he mentioned all the cases where הלכה, עוקרת את המנחה, but rather he left out some cases. We see from there that even when a number is mentioned (it said (בשלשה מקומות), nevertheless we can say תנא ושייר. Therefore here too we cannot say that רב ששת inferred from the

For the גמרא in the end of the second פרק of סוטה answers, 'תנא ושייר' -

אף על גב דתנא מניינא גבי הא דאמרינן בג' מקומות הלכה עוקרת<sup>6</sup> את המקרא:

Even though a number was taught; this is regarding this which was taught that in three places the הלכה uproots the פסוק.

### **Summary**

The inference (of קתני ד' (והא ד' קתני) is from the second ד', which is more specific. One can say תנא ושייר even if a number is mentioned.

### **Thinking it over**

The first four of the ברייתא are (באמה) וסימנין (בנרצע) מיתת האדון (שש, יובל, מיתת האדון (בנרצע) וסימנין (באמה) (from which, תוספות says, we cannot exclude מיתת האב by אמה). Perhaps we can say that when ר"ש said באחד מהן ד' he is referring to these first 'four'; those four cannot be ascribed to the אמה (since אין רציעה באמה), but perhaps there is another יציאה by אמה (which is not included in the first 'four), which is מיתת האב?!<sup>7</sup>

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first 'four', for there too we can still say תנא ושייר; we must therefore say that he infers it from the second 'four' which is very restrictive and not open for exceptions.

<sup>6</sup> In the גמרא there the word is 'עוקבת', not עוקרת. (See ד"ה עוקבת there רש"י.)

<sup>7</sup> See נחלת משה.