

Two?!

תרתי -

Overview

יעוד can only be performed by an adult, and יעוד can only be with the consent of the one who is מייעד her. The גמרא asked 'תרתי'. Our תוספות cites two interpretations of the question 'תרתי'.

פירש בקונטרס הא בהא תליא כלומר חדא מילתא היא -

explained that these two laws are dependent on each other; meaning that both laws are **one thing**, not two laws, so why mention both laws when one would be sufficient?! רש"י continues to explain how the two laws are interdependent -

דכיון שאין יעוד אלא מדעת פשיטא דאין יעוד מועיל אלא בגדול¹ -

For since יעוד can be only with the consent of the מייעד (the second law), it is obvious that יעוד is only effective by a גדול, but not by a קטן -

שהרי² קטן לא מצי לשוויי שליח לקדש³ -

For a minor (son) cannot make (his father) for a שליח to be מקדש (the אמה).

תוספות offers an alternate explanation of 'תרתי':

והרב רבינו אלחנן פירש תרתי כלומר דסותרן אהדדי -

And רש"י explained 'תרתי' to mean that these two laws contradict each other -

דרישא דאמרינן אין יעוד אלא בגדול משמע אפילו שלא מדעת⁴ מהני⁵ -

For in the beginning (the first law) we say, 'יעוד can only be by a גדול'; indicating that if the מייעד is a גדול it is effective even if it is שלא מדעת -

והדר אמרינן אין יעוד אלא מדעת משמע אבל שלא מדעת לא מהני:

And later we say (in the second ruling) אין יעוד אלא מדעת; indicating, however if it is שלא מדעת, contradicting the implication of the first law.

¹ יעוד can be performed either by the master directly or he can be מייעד her to his son (obviously with his son's consent). It is a forgone conclusion that the master is an adult (otherwise how can he 'acquire' an אמה); however perhaps the master can be מייעד her to his son even when he is a קטן.

² This line (שהרי...לקדש) is not found in our text of רש"י [it appears to be 'תוס' explaining 'תוס'].

³ When the father is מייעד the אמה to his son מדעת it is with either the implicit or explicit agreement of the son to appoint his father as a שליח to be מייעד the אמה for him. However a minor son cannot appoint a שליח, so how can the father be מייעד the אמה to his son מדעת, when he has no power to be מקדש her to his son since he was not appointed a שליח. If there is no requirement of מדעת (we do not need the consent of the קטן) then the father can be מייעד her to his son on his own, without becoming a שליח, but since we require דעת how can he be מייעד her to קטן.

⁴ If דעת is required then they should have merely said one rule that אין יעוד אלא מדעת and we would know that אין יעוד גמרא's logic, however he assumed that the s' logic, as רש"י explained it). רש"י seems to have accepted s' logic, however he assumed that the s' question is not the way רש"י explained it. See 'Thinking it over' # 1.

⁵ The father can be מייעד the אמה to his בנו גדול without his (explicit) consent. See 'Thinking it over' # 2.

Summary

'תרתי' can either mean it is a duplicity for since מדעת is required it must be only by a גדול, or it is contradictory, for one law implies that מדעת is not necessary, while the other states it is mandatory.

Thinking it over

1. Why do רש"י and אלחנן ה"ר assume their interpretation instead of the other's?
2. How is it possible even to assume⁶ that the father can be מייעד the אמה to his adult son without his consent?!⁷

⁶ See footnote # 5.

⁷ See בית לחם יהודה אות תעג.