

## He excludes a comparable exiting – יציאה דכוותה קא ממעט –

### OVERVIEW

The גמרא concludes that the פסוק of כסף אין (ויצאה חנם) which is written concerning an אמה העבריה (and from where we derive that אין כסף לאדון זה אבל (יש כסף לאדון אחר teaches us that the כסף קידושין belong to the father. It is so indicated in the פסוק for we assume that קא ממעט. It is not clear what the גמרא means. תוספות offers two explanations (and rejects the first).

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פירש רבינו חננאל יציאת אמה העבריה מאדון שהוא עת נעורים אף כאן נערה<sup>1</sup> –  
The אמה explains the meaning of יציאה דכוותה just as the יציאה of the אמה from the master is at the time when she is a נערה, similarly here where we say אין כסף לאדון אחר it means when she is a נערה.

פירוש ר"ה is not satisfied with the תוספות:

מיהו סוגיא לא משמע כלל שהוא צריך ללמוד דביום נערות מיירי –  
However it does not seem at all from the discussion in the גמרא that it was necessary to derive that the פסוק of כסף אין (ויצאה חנם) is discussing the time of נערות; that was a self understood -

אלא מנלן דכסף דאביה הוי<sup>2</sup> –  
But rather the גמרא needed to know from where we derive that the כסף belong to the father. The פ"ר does not seem to address this question.

תוספות offers his explanation:

ונראה לפרש יציאה דכוותה –  
And it seems that the explanation of יציאה דכוותה is -  
כגון ברשות<sup>3</sup> אדון אם היה שם כסף אז היה נותן לאדון שיצאה ממנו –

<sup>1</sup> It would seem that the ר"ה understood the question of 'ואימא לדידה' (on ג,ב) to mean that indeed the כסף belongs to the אדון (the father), but only by a קטנה (when the father is her father), however by a נערה (where the father may not be considered the father), the כסף should belong to her. The גמרא answers יציאה indicates that יש כסף לאדון אחר refers to a נערה. According to the ר"ה there was never a question to whom the כסף belongs to when she is אחר; the question was that perhaps the לימוד of כסף לאדון אחר is referring to the father of a קטנה only.

<sup>2</sup> The גמרא asked לדידה; indicating that the issue is not whether we are discussing a נערה or a קטנה; but rather how do we know that the מיעוט of כסף לאדון זה וכי' means that the father receives the money, perhaps the נערה receives the money. According to the ר"ה (that we initially understood that the father receives the money [by a קטנה]) the גמרא should have immediately asked 'מ קטנה וכי' ואימא ה' not 'ואימא לדידה'. The same applies to the ensuing discussion of the פסוק את בתי נתתי, that the only issue is whether the כסף belongs to the father or to the נערה.

<sup>3</sup> Others amend this to read מרשות.

If, for instance, when the אמה left the possession of the master, there would have been money transferred, then it would be given to the master from whom she is leaving<sup>4</sup> -

כמו כן כאן שיש כסף ביציאתה מרשות אב דאביה הוי<sup>5</sup> -

Similarly here where there are monies transferred when she leaves her father's domain because of the קידושין, it belongs to the father from whom she is leaving.

וכן משמע לשון הקושיא<sup>6</sup>:

And the wording of the question<sup>7</sup> supports this interpretation.

### SUMMARY

means that the יציאה מרשות האב took place when she was a נערה according to the ר"ה. However תוספות interprets it to mean that the כסף goes to the אדון (the time of the יציאה was never the issue).

### THINKING IT OVER

1. Seemingly it is not merely the לשון משמע לשון הקושיא תוספות. וכן משמע לשון הקושיא תוספות. Why state the לשון הקושיא which supports תוספות, but the קושיא itself.?!<sup>8</sup>

2. Does the wording of 'יציאה דכוותה' lend more support to פי' ר"ה or to פי' פ' התוספות?

<sup>4</sup> The תורה teaches us that when the אמה attains נערות she goes out free from her master without paying money. If an אמה would want to leave before she completed six years of servitude and she was not yet a נערה the אדון would need to be compensated for the difference. In the case of a נערה the תורה teaches that even though she is leaving her master before the six years are completed; nevertheless the master receives no payment of money to compensate him. If not for this פסוק we may have assumed that the אדון must be compensated for she is leaving his רשות prematurely.

<sup>5</sup> יש כסף למי שיצאה הימנו רש"י ד"ה יציאה (referring to the אמה (even though he is losing his אמה) to the father (אבל יש כסף לאדון אחר) to the master of the אמה (אין כסף לאדון זה) when he 'loses' his daughter due to קידושי כסף.

<sup>6</sup> Others amend this to read (רש"י) (הקונטרס (רש"י) where he writes למי שיצאה הימנו.

<sup>7</sup> The גמרא (immediately) asks that the two יציאות (of אמה ונערה) are not similar. According to תוספות that (i.e. who receives the כסף), the גמרא rightfully asks how can we compare the laws if the יציאות are different. However according to the ר"ה that we are (merely) comparing the time of the יציאות (it is the time of נערות), then why should it matter that the יציאות from the אדון and the אב are different (levels of יציאה); it should have no bearing on when the יציאה takes place. See: 'Thinking it over' # 1.

<sup>8</sup> See בל"י אות עג בסופו.