

It is similar to one who transports an object ד"א ברה"ר – מידי דהוה אמעביר חפץ ברשות הרבים

Overview

The גמרא is seeking a precedent for the רבנן who maintain that המוציא מרה"י חייב לרה"ר דרך כרמלית. The precedent that was originally chosen was the case of ד"א ברה"ר. המעביר ד"א ברה"ר asks that the exact same idea can be derived from the case of המוציא מרה"י לרה"ר, which has the advantage that it is more similar to the case of the עזאי ורבנן.

The גמרא should have selected the case of ליה למינקט המוציא דאיירי בה לעיל – **since this is what was discussed previously.** The case of המוציא מרה"י לרה"ר דרך כרמלית was in a case of עזאי ורבנן between מחלוקת, it would have been more appropriate to choose a case similar to it, namely המוציא מרה"י לרה"ר, and point out the same idea as by מעביר ד"א ברה"ר, that as long as the מוציא מרה"ר is walking in the רה"ר until he puts it down he is פטור, and only when he puts it down is he חייב. Why does the גמרא choose a case of ד"א ברה"ר מעביר, which is not as similar?

answers: תוספות

However, since later (after the גמרא rejected the first attempt at finding a precedent) the גמרא **brings** the case of מעביר ד"א (מעביר ד"א ברה"ר as a possible precedent, (and that precedent is valid only by ברה"ר) **therefore he chose** the same term of מעביר **also now** in the first attempt to show a precedent.¹

When the גמרא chose the term מעביר it meant to **say all types of transporting objects in a רה"ר** including הוצאה מרה"י and ד"א ברה"ר. **וככל עניני העברה ברשות הרבים קאמר**

Summary

The גמרא did choose a similar type of הוצאה for its precedent. It chose the term מעביר however (instead of the term המוציא), since the term מעביר may refer to both מוציא מרה"י לרה"ר and מעביר ד"א ברה"ר, therefore it would be appropriate for both the מחלוקת בן עזאי ורבנן which is discussing המוציא מרה"י לרה"ר, and also for the following attempt in the גמרא to find a precedent for the רבנן which is in a case of מעביר ד"א ברה"ר².

¹ The גמרא was aware of the different attempts to find a precedent, and chose to record them, even those that were rejected. He however wished to use a similar language in the various attempts.

² See מהרש"א. See פני אברהם for an alternate explanation of תוספות, that the expression **וככל עניני העברה ברה"ר** ד"א, עיי"ש, refers to רבי יוחנן, that he meant both cases either more than ד"א or exactly ד"א.

Thinking it Over

There seems to be two parts to תוספות answer; a) That he chooses מעביר because it is necessary to use it later, and b) That the term מעביר refers to all types of העברה. Is this redundant, contradictory or complementary?