

מידי דהוה אמעביר חפץ ברשות הרבים –

It is similar to one who transports an object ד"א ברה"ר

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, where he carried it more than אמות before making a הנחה. Our תוספות 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.

anticipates a difficulty:

הוה ליה למינקט המוציא דאיירי בה לעיל –

The גמרא **should have selected** the case of מרה"י לרה"ר, **since this is what was discussed previously**. The מחלוקת between עזאי ורבנן was in a case of המוציא מרה"י לרה"ר דרך כרמלית. Seemingly 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"י 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 מעביר ד"א ברה"ר, which is not as similar to the מחלוקת between עזאי ורבנן?

responds:

אלא משום דבתר הכי נקט מעביר נקט ליה נמי השתא –

However, since later (after the גמרא rejected the first attempt¹ at finding a precedent) the גמרא **brings** another case of מעביר ד"א ברה"ר² as a possible precedent, (and that precedent is valid only by ד"א ברה"ר) **therefore he chose** the same term of מעביר **also now** in the first attempt to show a precedent.³

ובכל עניני העברה ברשות הרבים קאמר:

And indeed when the גמרא chose the term מעביר **it meant to say all types of transporting objects in a רה"ר** including מרה"י לרה"ר and הוצאה מרה"י לרה"ר.

¹ The case is where he was מעביר more than אמות.

² This case is where he was מעביר exactly אמות and no more.

³ 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. The term מוציא מרה"י לרה"ר here means both (ד"א) מעביר and (ד"א) מוציא מרה"י לרה"ר.

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 מוציא מרה"י לרה"ר, and also for the following attempt in the גמרא to find a precedent for the רבנן מעביר ד"א ברה"ר⁴ which is in a case of מעביר ד"א ברה"ר.

THINKING IT OVER

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

⁴ See מהרש"א. See פני אברהם for an alternate explanation of תוספות, that the expression העברה ברה"ר ובכל עניני העברה ברה"ר, that the expression מעביר ד"א, refers to רבי יוחנן, that he meant both cases either more than ד"א or exactly עיי"ש ד"א, א, עיי"ש.