

חסר אחת לאפוקי מדרבי יהודה – ‘Less one’; to exclude from *Rabi Yehudah*

OVERVIEW

The גמרא explains that the משנה concludes saying ‘these are the מלאכות, forty ‘less one’’, to exclude the view of ר"י who added two additional מלאכות.¹ Our אבות מלאכות discusses the need for the משנה to repeat itself, saying חסר אחת, twice.

תוספות asks:

תימה דממנינא דרישא שמעינן לה² -

It is astounding! We can derive this (the exclusion of ר"י יהודה) from the counting in the beginning of the משנה!

תוספות rejects a possible answer:

וליכא למימר תנא ושייר³ דהא אלו⁴ קתני⁵ -

And we cannot say that the משנה taught certain אבות and omitted other אבות, because the משנה states 'אלו'!

תוספות anticipates a (related) difficulty:

ומיהו הא ליכא לאקשווי דהא מאלו דרישא שמעינן לאפוקי מדר' אליעזר -

However we cannot ask this (following) question; that we can exclude the ruling of ר"א based on the 'אלו' of the רישא; so why did the גמרא say that we exclude ר"א, only because of the אלו in the סיפא?

תוספות responds

דאיכא למימר דנקט ברישא אלו אבות משום דקאי אדקתני לעיל חייב על כל אב מלאכה⁶ -

For we can say that the משנה mentions אלו אבות in the רישא, because this משנה is referring to the previous משנה which stated that he is liable for every מלאכה,

¹ The two מלאכות which ר"י adds are שובט (lining up the threads of the שתי) and מדקדק (beating the threads of the ערב).

² The משנה begins with אחת חסר ארבעים מלאכות [אלו]; we can derive from there that the משנה is excluding the two אבות, which ר"י is adding. Why did the משנה need to repeat itself at the end and again say אחת חסר?

³ We would not be able to exclude the two אבות of ר"י from the רישא alone because we could have said ושייר, however now that the משנה repeats twice that the אבות are אחת חסר מ' that surely excludes the אבות of ר"י. This would seemingly answer תוספות question. תוספות however rejects this answer.

⁴ It is apparent from תוספות that his גירסא in the רישא of our משנה was א' חסר א'.

⁵ The משנה by writing אלו indicates that only these are the מלאכות to the exclusion of all others. The question remains why the repetition.

⁶ We cannot, therefore derive that there is no חיוב for a אב במקום האב, because the אלו merely means that these are the מלאכות mentioned in the first משנה. However we can infer from the אלו that our משנה disagrees with ר"י and there are only 39 מלאכות, and we do not include והמדקדק.

so our מלכות continues to teach which are the מלאכות.

answers: תוספות

ויש לומר דממנינא דרישא לא שמעינן לאפוקי מדרבי יהודה -

And one can say; that from the enumeration of the רישא, we cannot know that the משנה seeks to exclude ר"י -

דאיכא למימר דלא חשיב אלא מלאכות חשובות -

For one can say that the משנה enumerates only prominent מלאכות -

אבל שובט ומדקדק אף על גב דמלאכות הן לא קתני להו משום דאינם מבוררות כל כך⁷ -

However שובט and מדקדק, even though they are מלאכות, nevertheless the משנה did not teach them because they are not so clarified⁸ -

finds support for his answer: תוספות

וכהאי גוונא משני בפרק קמא דקדושין (דף טז,ב) גבי אלו מעניקין להן⁹ -

And in the first answers in a similar manner of פרק מסכת קדושין the גמרא states - regarding the case of 'these (עבדים עברים) we gift to them';

דבר שיש לו קצבה קתני¹⁰ דבר שאין לו קצבה¹¹ לא¹² קתני:

The ברייתא states only something which is set, however something which is not set, the ברייתא does not teach it.

SUMMARY

Occasionally, even when the word אלו or a number is mentioned the תנא may not list all the items if they are somewhat different from the entire grouping.

THINKING IT OVER

How many אבות are there according to יהודה?¹³

⁷ (ר"י) חסר חכמים disagree with אורג and מיסך are very similar to שובט and מדקדק, therefore the משנה does not mention them for they are not seen as distinguished מלאכות on their own.

⁸ Therefore from the 'חסר אחת' of the רישא, we would not have excluded שובט ומדקדק (for the above mentioned reason), however now that the משנה repeats אחד חסר, it certainly excludes שובט ומדקדק.

⁹ The גמרא there asks (on ר"ל) why does not the ברייתא mention that an אמה העבריה (who goes out האב במיתת האב) receives העניקה (ר"ל) according to.

¹⁰ An אמה and an עבד are free to leave at the end of six years of servitude; this is a קצבה.

¹¹ The death of the father is not set; he may or may not die at any time. We see that even though the ברייתא writes ל"ט חסר א', nevertheless it may exclude certain cases. Here too even though it states 'ל"ט חסר א', nevertheless it may exclude certain מלאכות, which are not מבוררות.

¹² It should be pointed out that this was merely an attempted answer; however the גמרא there refuted it. עיי"ש.

¹³ See מתק שפתיים and שבת של מי (on the גמרא).