

ומר סבר הולך לאו כזכי דמי –

And this master maintains זכי is not similar to הולך

OVERVIEW

ruled that if a לוח says to a שליח, 'bring this money to my מלוה', the לוח can retract (and have the שליח return the money to him) since the לוח is responsible for the loss of the money¹. The גמרא initially said the reason why שמואל maintains that the לוח can retract is because שמואל maintains לאו כזכי. Our תוספות discusses how the גמרא gives a reason different than the reason שמואל offered.

והשתא סבור שאותו טעם שאומר שמואל מתוך שחייב באחריותו חוזר לא עיקר טעם הוא –
And at this point it is assumed that the reason which שמואל gave (for his ruling that חוזר בא לחזור חוזר), which is, 'since he carries the responsibility for its loss, therefore he can retract'; that reason is not the main reason why he may retract, but rather the main reason is because לאו כזכי.

adds that even though this is awkward, nevertheless we find this elsewhere as well:

וכהאי גוונא אשכחן (לקמן דף כה, א) בההיא דהלוקח יין מבין הכותים² –

And we find something similar regarding the case of one who buys wine from the כותים -

דמעיקרא בעי למימר דטעמא דרבי יהודה³ משום דלית ליה ברירה⁴ –

Where initially the גמרא wanted to say that the reason of ר"י is because he does not maintain the ruling of 'ברירה' -

אף על גב דקתני (שם כו, א) אמרו לו לרבי מאיר אי אתה מודה שמא יבקע הנוד כולי –

¹ If the שליח would lose the money, the לוח would still owe the מלוה the entire amount.

² The case (in that ברייתא) is where someone bought wine from a כותי (who presumably did not separate ומעשר from it), and the ישראל cannot separate the תרו"מ now (before שבת). According to ר"מ he may proclaim that the required percentage of the wine in this barrel is תרו"מ (thereby removing the איסור טבל from the wine) and drink some of the wine on שבת (making sure that there is enough wine left over in the barrel for the תרו"מ). After שבת he will separate the תרו"מ in the barrel from the rest of the wine

³ ר' יהודה, ר' יוסי and ר"ש disagree and maintain that it is forbidden to drink this wine since the תרו"מ has not been separated (and removed from the rest of the wine in the barrel).

⁴ The concept of 'ברירה' (verified) is that even though currently we are not sure of the status (we do not know which part of the wine is חולין and which part is תרו"מ), nevertheless later when we will actually separate the תרו"מ from the rest of the wine, we will assume that retroactively the wine which was drunk was חולין and the wine which was separated later was תרו"מ all along. If we assume יש ברירה then [presumably] it will be permitted to drink this wine for (even now on שבת) we assume that the תרו"מ and wine are separated; however if one maintains אין ברירה then the חולין and תרו"מ are all mixed together in the wine and it is forbidden to drink it.

Even though it states in that ברייתא, they (ר' יהודה, ר"י ור"ש) said to ר"מ, 'do you not admit that perhaps the barrel will burst, etc.'⁵

וכהנה רבות:⁶

And there are many such instances, where the גמרא offers an explanation which differs from the explicit explanation given by the תנא/אמורא.

SUMMARY

The גמרא oftentimes offers an explanation for a ruling which may differ from the explanation given by the author of the ruling.

THINKING IT OVER

There is obviously a difficulty in the גמרא giving a reason different from the one presented. How is this difficulty alleviated by bringing similar examples where this difficulty exists? It is seemingly merely compounding the difficulty. How are we to understand this תוספות?!⁷

⁵ ר"י said to ר"מ (even if we maintain יש ברירה) one may not drink this wine, for perhaps the barrel will burst on שבת (before we separated תרו"מ) and all the wine will spill out, and we will be drinking wine from which no תרו"מ were separated at all. It is evident that the reason of ר"י was because of שמע יבקע and nevertheless the גמרא initially assumed that the reason of ר"י was because he maintains אין ברירה (not as he explicitly said).

⁶ See 'Thinking it over'.

⁷ See תוס' יומא נו, ב ד"ה רבי יהודה (also) # 249-253. See אמ"ה # 249-253.