

3.3.8

35a (משנה ד) → 35b (שמעתי שמקדרנין בהרים שמע מיניה)

I. עירוב: an invalidated משנה ד

a. If it: rolled outside of the תחום, was buried, burned up, תרומה שנטמאת

i. If: this happened before שבת started, invalid

ii. If: after dark – valid

iii. If: ספק

1. חמר גמל (literally – donkey driver and camel driver) ד"מ ור' יהודה

a) Meaning: we are stringent on both sides, allowing him only 2K אמות from his home to עירוב

i. but: nothing in the other direction nor anything past the עירוב

2. ספק עירוב ד' יוסי ור"ש is valid

II. Analysis of משנה ד: case by case

a. Rolled outside of תחום – רבא – only if it rolled beyond ד"א; but within ד"א is accessible to him

b. Buried: we assume that it is accessible by moving the rocks

i. In which case: our משנה is contra רבי, who allows שבות during ביה"ש

ii. Block: even רבי would agree if case is where it is inaccessible without tools (חורש)

iii. Justification (for both cases): if we only learned נתגלגל,

1. Then: we might think it is invalid because it is out of his domain

a) But: "buried" is valid since it is in his domain –

2. And if: we only learned "buried",

3. Then: we might think that it is invalid because it isn't visible

a) But: "rolled away", which is visible, is still valid – קמ"ל

iv. Justification: for both "burned" and "נטמא"

1. "burned": demonstrates the extent of יוסי's leniency

2. "נטמא": demonstrates the extent of ר"מ's stringency

III. Tangent: exploring ר"מ's approach to ספק

a. Question: does ר"מ rule that ספק is לחומרא?

i. Challenge: ספק טבילה presents his opinion in case of ב-א-ד מקוואות

1. Either: we're not sure if he went in, or not sure if מקוה had מ' סאה, or which of 2 מקוואות (only 1 כשר) he used

2. Ruling: in case of חמורה (טומאה חמורה) (i.e. מן התורה) - invalid; but in case of "טומאה קלה" (מדברי סופרים) - valid

3. ד' יוסי always invalid

ii. Answer: ר"מ holds that מן התורה are לחומרא (→ ספק דאורייתא לחומרא)

1. Challenge: ר"מ holds that we may imagine that we bore straight through the mountain for תחום

a) In case: the measuring rope of 50 אמה can't cover the slope

b) And if: he held דאורייתא, he wouldn't allow מקדין

i. Per: ר"מ's ruling that we don't use מקדין to measure for ערי מקלט or ערופה

1. Reason: those measures are מן התורה

2. Answer: this ruling is ר"מ's; the ruling about מקדין was ר"מ reporting what he heard – "שמעתי"