3.3.9
35b(ורמי דאורייתא אדאורייתא לר"מ) → 36b (וליכא)

I. Identifying and resolving inconsistency in מאיר ר's rulings in context of דאורייתא
- a. *Background (above)*: ר"מ rules that a ספק טבילה is judged טמא in case of טומאה חמורה (meaning טומאה דאורייתא)
- b. *Challenge*: טהרות ב:ז – if he touched a body at night, unsure if dead or alive and found him to be dead in morning
  - i. *ר"מ*: he is judged to be טהור
  - ii. *חכמים*: he is deemed טמא, since all טומאות are judged based on when they were identified
- c. *Answers*: to seeming contradiction
  - i. *ר' ירמיה*: in our משנה, the offending שרץ was atop the תרומה throughout בין השמשות (וודאי טמא→)
    1. *Challenge*: in such a case, why would ר' יוסי rule that a ספק עירוב was still valid?
  - ii. *רב ורב יוסף*: case is 2 sets of conflicting witnesses; 1 testifying that it became טמא during day and other – at night
  - iii. *רבא*: in our case, only 1 חזקה (תרומה טהורה); in טהרות ב:ז – 2 חזקות (גוף was alive and man was טהור beforehand)

II. Identifying and resolving inconsistency in יוסי ר's rulings
- a. *In our משנה*: he rules that ספק לקולא
- b. *In מקוואות ב:א-ד (above)*: he rules that ספק טבילה is invalid, even for טומאות דרבנן
  - i. *Answer1 (ר' הונא בר חיננא)*: he holds that תחומין דרבנן (→more lenient in our משנה)
  - ii. *Answer2*: his opinion in our משנה reflects his teacher's, not his own
    1. *Support*: ר' יוסי – תוספתא עירובין ב:טז quoted אבטולמוס as ruling that ספק עירוב כשר
  - iii. *Answer 3 (רבא)*: the חזקה דמעיקרא supports טומאה (he was טמא before going in to the "מקוה")
    1. *Only*: if מקוה hadn't been measured
    2. *Note*: ר' יוסי (תוספתא שם) only allows for ספק עירוב to be valid
       - a) *If*: there was certainly acceptable food before שבת started
       - b) *But if*: we don't know that it was acceptable before שבת (e.g. if the פירות were ever נתקנו) – invalid
         - i. *Note*: allowance for תרומה is because we rely on חזקה דמעיקרא – it was טהור
         - ii. *However*: we should then rely on פירות – that they weren't נתקנו beforehand
           1. *Rather*: read "נדמעו" – i.e. got mixed in with טבל – ספק if that happened before or after dark

III. Epilogue to the dispute
- a. *Question (asked of ר' הונא)*: if there are 2 loaves of תרומה-bread, 1 טמא and 1 טהור (unsure which is which)
  - i. *Note*: could be asked according to ר"מ (perhaps he would allow, as we have one טהור one here)
  - ii. *Or*: could be asked according to ר' יוסי (perhaps he would disallow, as we don't know of a טהור one)
  - iii. *Answer (ר' הונא)*: both ר"מ and ר' יוסי would invalidate as we require a meal that could be eaten during the day
- b. *Questions (רבא and ר"נ's answers)*: if he has a loaf and modifies its status vis-à-vis הקדש
  - i. *If*: he declares it to remain חול today (ע"ש) and it beomces קודש tomorrow (שבת) – valid
    1. *Reason*: we won't make it קודש during time of ספק, until it is certainly the next day (after nightfall)
  - ii. *But if*: he declares it to be קודש "now" and then revert to חול on the next day (שבת) – invalid
    1. *Reason*: we won't remove it from status of הקדש until it is certainly שבת (by then, too late for עירוב)
- c. *טבול יום ד:ז*: טבו"י's flask which holds 10% of מעשר & declares that it will become תרו"מ when it becomes טהור (at dark)
  - i. *Ruling*: is invalid for עירוב
  - ii. *רבא*: this teaches that עירוב is acquired at last moment of day (not first moment of שבת)
    1. *Proof*: if beginning of שבת acquires, this flask should be valid (becomes accessible as it is קונה)
    2. *Rejection (ר"פ)*: perhaps the first moment of שבת is קונה
       - a) *And*: it is invalid because we require סעודה הראויה מבעוד יום

