

3.4.7

49b (משנה ז) → 50b (רב תנא הוא ופליג)

Note: there is a Halakhic principle that any matter which cannot – due to pragmatics or legal limitations – be performed in consecutive actions, it therefore cannot be fulfilled multiple times simultaneously. This rule is known by the phrase כל שאינו בזה אחר זה אפילו בבת אחת אינו. Several examples will be adduced in today's passage.

Note: משניות ז-ט are presented together in our editions; our passage only analyzes משנה ז and we will explore the issues raised in ח-ט in the next שעור (p. 42)

I. ז: specification of focal point as מקום שביתה from a distance

a. If: his statement is unspecific (e.g. "under that tree") – "he has said nothing"

i. ז: means literally "said nothing" – he is stuck in place – only has ז

1. ז: since the place is unspecified, he has no מקום שביתה

2. ז: it fails due to כל שאינו... (note); he can't claim ז then ז → can't claim both at once

a) Difference between explanations: if he stated "שביתה" at 4 of 8 אמות under the tree"

i. Invalid: only according to first explanation (unspecified) – but valid according to 2nd

b) Since: he could not claim ז at south side of tree and then at north side – can't claim at once

3. Tangent: כל שאינו בזה אחר זה אפילו בבת אחת אינו – רב's dictum – רב's challenges

a) Challenge1: תוספתא דמאי ח:יג – if he give 10+% for מעשרות, other פירות are fit, but the 10+% is inedible

i. Clarification: since he can't be מעשר 10% and then more – his "simultaneous" 10+% is invalid

ii. Answer: since he may gives מעשרות in halves, we imagine part of each stalk as given

b) Challenge2: מע"ב, per רבה – if 2 come out as #10 and he calls both "עשירי" – both are קודש (מספק)

i. Answer: מע"ב is unique, per בכורות ט:ח – even if he errs, he may make up to 3 of 10 קודש

c) Challenge3: ר"י's ruling about תודה – if he made 80 קודש, 40 of them are קודש (ר"י – none are קודש)

i. And: neither חצאין (as in מעשר פירות) nor טעות (as in מע"ב) applies

ii. Answer: all agree that if he made 40 conditional on 80, no good; if he said "40/80" – good

1. Dispute (חזקיה/ר"י): unspecified. חזקיה interprets it as "backup"; i.e. "40/80" (ר"י – ר"י)

4. רב only applied this ruling (לא אמר כלום) if under tree is at least 12 אמות; else, "house" is defined

a) Challenge (ר"ה בריה דר"י): perhaps he intended it on far side

b) Rather (ר"ה בריה דר"י): only applies if 8 or more underneath; else, "house" is defined

5. Supporting ברייתא: if he was walking and it was getting dark

a) And: he identified a tree or wall he recognized and declared his שביתה to be there – invalid

b) But: if he identified a specific spot, he may walk to there and then 2K in every direction

i. Specific spot: e.g. a hill 10 high (or valley 10 deep) which is between ז to ז wide

ii. If: there were 2 of them and only 1 recognized landmark; "ignorant" one makes other his agent

1. And: any of this is valid only if his space includes ז

2. שמואל: case is where back side is 2004 אמות from him

a. If: we "allow" for his שביתה on back side, he is outside of תחום → requires defined ז

ii. שמואל: invalid as a focal point – the spot under the tree is חמר גמל

1. And if: tree is within 2K of his current location, he measures in any direction from further point of tree

2. Supporting ברייתא: if he inadvertently (or mistakenly thought that they had) set up conflicting עירובין

a) Then: he is in state of חמר גמל (only walk overlap; if no overlap, limited to אמות ד) i.e. both are valid

b) רב תנא הוא ופליג" – ז: may disagree with ברייתא

b. But if: it is specific (e.g. "at the root of the tree") up to 2K from current location – it is valid

i. And: he may walk up to 2K from his current spot to the tree, then 2K further, totaling 4K אמות

II. ח: continuation of ז and shape of תחום

a. If: he doesn't know where he is or is ignorant of the הלכה, and establishes focal point there, that is valid (2K radius)

b. Shape of תחום: 2000 אמות out

i. ד' חנינא בן אנטיגונוס: circle – 2K radius

ii. חכמים: circumscribed square – 2K per side – gains "corners"

III. ט: nature of "עירובין" (מערב ברגליו)

a. מ"מ: only valid for the poor (lenient extension)

b. ד' יהודה: valid for all – the use of פת is a leniency for the עשיר – so he may avoid עירובין ברגליו