

6.2.4

23b (לא דרשי) → 24b (ומי אמר אביי)

Note: our סוגיא continues analyzing ר"מ's interpretation of the dispute ר' יהודה/ר"מ building a סוכה atop an animal

(1) ... והיה אם לא תמצא חן בעיניו כי מצא בה ערות דבר וכתב לה ספר קריתת דברים כד, א
(2) ויצאה מביתו והלכה והייתה לאיש אחר: שם, ב

- I. Challenge to אביי – he seems to maintain that ר' יהודה is concerned שמא תמות and not ר"מ
 - a. (ח:): ר"מ allows drinking from barrel before taking תר"מ, assigning in advance and separating at end – ר' יהודה prohibits
 - b. ר"מ: not concerned that the barrel will break (שמא תמות::)
 - i. This תוספתא is challenged from ברייתא in סוכה – ר"מ disallows use of an animal
 - ii. Answer: death is common, not the breaking of a barrel (resolves ר"מ)
 - iii. Answer: ר' יהודה disallows barrel due to ברירה (resolves ר"י)
 1. He only comments: on בקיעת הנוד in ר"מ's terms; he would never allow it due to a lack of ברירה
 2. ר"מ's opinion (beginning of יומא): special consideration for כפרה
- II. Both זירא and אביי agree that the animal is a valid מחיצה מה"ת
 - a. If so: ר"מ should render the animal used as a גולל to be טמא (against א:ז)
 - b. Answer: ר"מ considers invalid any מחיצה
 - i. Which stands: without external support OR
 - ii. Which isn't made: by man
 - iii. Split the difference: a wall propped up by an air-filled barrel
 - iv. He also disallows: its use for לחי, פסי ביראות, לחי, covers for a grave
 1. דיה"ג adds also invalid for writing גיטי נשים
 - a. Reason: v. 2, גט defined by word ספר
 - i. Must not be: a living thing
 - ii. Must not be: food
 2. דבנ's position (allowing): since it says ספר (w/o prefix ב) – means "recounting data"
 - a. זכתב: is no longer needed to expand materials for גט
 - i. To preempt: the inference from קידושין (והיתה) – v. 3 that a divorce could be effected through כסף
 - ii. דיה"ג infers that ruling from כריתות – only a writ can separate them
 - iii. דבנ. use כריתות to invalidate any permanent condition
 1. Reason: keeps them forever bound
 - iv. דיה"ג infers that from כריתות (could have said כרת)
 - v. דבנ. difference between כרת and כריתות is insignificant