

30.1.21

25b → 26b (סיום הפרק) (משנה ו)

I 50 משנה: bitter almonds vs. sweet almonds

- a Context: liability for תרומ'ם
- b Rules: bitter ones are only liable when small (not yet bitter, people eat); sweet only when big (not eaten before)
- c Dissent (ר' יוסי reported by his son): both (תוס – big and small bitter; רש"י – big/big) are exempt
 - i Alternate version: both are liable
 - ii Ruling: ר' חנינא (in צפורי) ruled like 1st version of יוסי – all bitter almonds are פטור
 - 1 Note: according to 2nd version, what are big bitter almonds used for?
 - (a) Answer: they can be sweetened by fire

II 70 משנה: two further parallel disjoints

- a תמד (water poured over grape dregs) before/after it ferments
 - i Context: able to be bought with מעשר; כסף מעשר; power to invalidate מקוה with amount alone (besides color)
 - ii Rules: before fermentation, considered water – may not be bought with מעשר, invalidates at 3 לוגין
 - 1 But: after fermentation, may be bought with מעשר, doesn't invalidate (deficient) מקוה at 3 לוגין
 - iii Discussion: authorship of משנה can be neither יהודה ר' nor רבנן:
 - 1 ברייתא: if he makes תמד and finds that the amount of liquid hasn't increased
 - (a) רבנן: exempt from תרומ'ם (they exempt even if it fermented)
 - (b) ר' יהודה: liable for תרומ'ם (they find liable even if it did not ferment)
 - (i) Answer1 (ר' נחמן): the dispute (above) is only in a case where it fermented; our משנה follows יהודה
 - (ii) Challenge: ר' ר' ruled that if he bought תמד with מעשר and then it fermented – valid
 - 1. Reason: we now discover that it was (retroactively) "wine"
 - 2. But: in that case, in our משנה, should be valid – it may yet ferment
 - a. Defense (רבה): in our case, the vendor already poured it in to a cup and it hadn't fermented
 - (iii) Answer2 (רבה): our משנה follows ריב"נ, who, contra רבנן, rules that color of water is the sole determinant for invalidating a מקוה into which 3 לוגין fell → he considers appearance, also taste (החמיץ)
 - 1. Note: ר' ר' statement (above) is at odds with ר"א – the dispute רבנן/ר' is only if it didn't ferment
 - a. But: all agree that if it didn't ferment, we may not separate תרומ'ם from other יין or תמד
 - b. And: ר' יהודה only allows for separating from it on itself, but not from elsewhere
 - i. Precaution: against separating from liable to exempt or exempt to liable
 - 2 ברייתא: if תמד fermented, he may no longer purify it via השקה with מים טהורים
 - (a) דבה: he may only do so before fermentation if the waters used were טהור and then became טמאים
 - (i) But if: the original waters were טמאים, may not employ השקה to purify them
 - (b) ד' אשי: when he heard this, rejected it; since the waters and dregs mix together in either case
- b Brother heirs: before/after they have divided property
 - i Context: liability for paying קלבון השקל with מחצית השקל; liability for מעשר בהמה
 - ii Rules: if liable for קלבון (i.e. considered partners), exempt from מע"ב; if exempt from קלבון, liable for מע"ב
 - 1 Explanation: if they never divided property, still operating father's estate → no קלבון, as father is "paying" for them; but they are liable for מע"ב, as it is a singly-owned flock

III 21 משנה: מכר vs. קנס (מכר – father's rights to sell daughter as handmaid; קנס for אונס ופתוי)

- a Rules: father may only sell until she is a נערה, קנס does not apply to קטנה
- b Note: this follows ר"מ חכמים extend קנס to a קטנה as well

IV 31 משנה: מיאון vs. חליצה (rights of girl to "walk out" of marriage; חליצה from ייבום)

- a Rules: girl may "walk out" (if married off by anyone but father) until שערות ב'; may only do חליצה after שערות ב'
- b Note: this also follows ר"מ, but ר' יהודה allows for מיאון until later, during a time when she may also do חליצה

V 41 משנה: תקיעה (on ע"ש) vs. הבדלה (into "lesser" sanctity);

- a If: י"ט falls on ע"ש, there is תקיעה (to ready for שבת) but no הבדלה; if on מצ"ש, there is הבדלה but no תקיעה
 - i Form of תקיעה: רב יהודה: תרועה extends out from תקיעה – ר' אסי: do both in one breath
 - ii Challenge: ברייתא – when י"ט falls on ע"ש, they do תקיעה but not תרועה
 - 1 דב יהודה means they don't blast an independent תרועה, but it extends from תקיעה
 - 2 דב אסי means that they usually blast in two breaths, here there is no independent breath for תרועה
- b Note: wording of הבדלה when י"ט is on מצ"ש – מצי"ש לקדש – המבדיל בין קדש לקדש
 - i Ruling: this is only employed at חתימה, contra דר"א who included it even in opening formula
 - ii דוסא: המבדיל בין קודש חמור לקודש הקל ד' דוסא – this opinion is rejected
 - 1 ד' זירא: when י"ט falls midweek, we still recite לששת ימי המעשה – simply recounting הבדלות