

30.1.21

25b (משנה 51) → 26b (סיום הפרק)

- I 51 **משנה**: bitter almonds vs. sweet almonds
- a *Context*: liability for תר"מ
 - 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 ר' 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 21 **משנה**: two further parallel disjoints
- a **תמד** (water poured over grape dregs) before/after it ferments
 - i *Context*: able to be bought with כסף מעשר; power to invalidate מקוה with amount alone (besides color)
 - ii *Rules*: before fermentation, considered water – may not be bought with כסף מעשר, invalidates at 3 לוגין
 - 1 *But*: after fermentation, may be bought with כסף 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 תר"מ (they exempt even if it fermented)
 - (b) **יהודה ר'**: liable for תר"מ (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 ר'
 - (ii) *Challenge*: ר"נ ruled that if he bought תמד with כסף 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* (רבא): 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"נ's statement (above) is at odds with ר"א – the dispute רבנן/ר"י is only if it *didn't* ferment
 - a. *But*: all agree that if it didn't ferment, we may not separate תר"מ from other יין or תמד
 - b. *And*: יהודה ר' 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) **אשי ר'**: 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 פתוי וקנס)

 - 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**: 31 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 יהודה ר' allows for מיאון until later, during a time when she may also do חליצה

V 41 **משנה**: 41 vs. 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 **דב דוסא** – this opinion is rejected
 - 1 **דב זירא**: when י"ט falls midweek, we still recite לששת ימי המעשה – בין יום השביעי לששת ימי המעשה – simply recounting הבדלות