

31.4.3

29b → 31a (סיום הפרק) (משנה ט)

note: our **סוגיא** discusses, at length, the process of becoming a "חבר", i.e. a member of the collegiums who has accepted, in a formal ceremony, commitment to proper handling of **תרומו** and **מעשרות** and supererogatory practices regarding **טהרה**

1. המקריב את דם השלמים ואת החלב מבני אהרן לו תהיה שוק הימין למנה: ויקרא ז, לג
 2. שובו בנים שובבים נאם ה' כי אנכי בעלתי בכם ולקחתי אתכם אחד מעיר ושנים ממשפחה והבאתי אתכם ציון: ירמיהו ג, יד

- I חולין ט: limits on buying from someone who is suspected of selling תרומה as משנה ט
- a ד. יהודה may not buy any foods, even water or salt
- b תר"מ only things which are bound by ד"ש
- i Note: ר"ש intends to include fish innards, which are suffused with olive oil (which has תר"מ זיקת)
- ii Story: a meat-seller was selling חלב under the guise of permitted fats; רבא fined him - he may not even sell nuts
- 1 Question: was רבא ruling in accord with יהודה?
- 2 Answer: he was ruling like ר"ש; in each case, the vehicle of fraud was banned
- 3 In this case: he used nuts to attract שוחטים's sons who would then confuse their fathers, allowing the fraud
- II suspected of violating (שני) מעשר, שביעית and/or טהרות (as חבר)
- a If: someone is suspected of violating שביעית, doesn't make them suspect of violating מעשרות - and vice-versa
- i Reason: he reasons that since מעשר requires חומה (to be eaten inside walls of ירושלים) it is more grave
- 1 And: since שביעית cannot be redeemed (unlike מע"ש), it is more severe
- b But: if someone is suspected of both (or either?) he is automatically not trusted re: טהרות
- i Reason: if he is suspect regarding an איסור דאורייתא (מע"ש), certainly re: איסור דרבנן
- c However: he may be suspected of violating טהרות yet be trusted re: שביעית ומעשרות
- i challenge: ברייתא - if he is trusted about טהרות, he is trusted about שביעית
- 1 implication: if he is suspected about טהרות, he is suspected about שביעית
- ii answer1 (ר' אילעא): the משנה is a case where we saw him careful about שביעית even privately
- iii answer2 (ר' ינאי ב"ר ישמעאל): case where he was suspected about both, he came to ב"ד and publicly committed to being careful about both and then become suspect (again) about one → we suspect him about the other
- d Rule: a man may neither judge nor testify involving a case involving a discipline regarding which he is suspect
- III Attribution:
- a (version1): our משנה is ר"ע, but חכמים rule that if he is suspect about שביעית, we suspect him about מעשר
- i identity of חכמים: ר' יהודה; in his town, they took שביעית very seriously
- b (version2): our משנה is ר"ע, but חכמים rule that if he is suspect about מעשרות, we suspect him about שביעית
- i identity of חכמים: ר' מאיר who rules that if he is suspect about one thing, he is suspect for everything (cf. below)
- c students of ר' יוחנן (ר' ינאי ור' זעירא): each corroborate one version
- d background (of ר"מ's position): if an ע"ה accepts דברי חברות and then is suspect of violating anything - suspect for all
- i חכמים: he is only suspect of that which he violated
- ii however: a גר who accepts all of תורה and is then suspect of violating one law - is suspect of violating all
- 1 yet: he is like an apostate Jew - such that his קידושין are valid
- IV Series of ברייתות regarding accepting a new חבר
- a conditional acceptance: if he accepts all the restrictions save for one - we don't accept him
- i parallel rule: if a גר comes to convert but doesn't accept one law - we don't accept him
- 1 דקדוק סופרים even if he rejects one יוסי בר יהודה
- ii parallels: if a לוי or כהן comes to be invested as proper לוי or כהן but rejects one component - not accepted
- 1 per: v. 1 - only כהנים who accept all עבודות may partake
- b sequence of acceptance: if we see that he already practices חברות privately, we accept him and then instruct him
- i however: if we don't see that, we instruct him first, then accept him
- ii dissent: רשב"י - in either case, we accept him first and he learns as he goes along
- c limited or progressive acceptance: we do accept a חבר for "כנפים" (clean hands) first, then for general טהרות
- i but: if he only accepts general טהרות but not ידיים - we don't accept him at all

- d *waiting period*: how long does he need to demonstrate proper practice before being accepted?
- i **משקין** **ב"ש**: for 30 days; for garments – 12 months
 - ii **ב"ה**: for all – 12 months
 - 1 *challenge*: this should then be represented as **ב"ש וחומר ב"ה**
 - 2 *rather*: **ב"ה** state that for both **משקין** as well as **כסות** – 30 days
- e *process of acceptance (1)*: acceptance must be before 3 **חברים**, but his household members need not appear
- i *dissent*: **רשב"ג** – they must all appear as it is more meaningful to accept in person, rather than by proxy
- f *process of acceptance (2)*: all must be before 3 **חברים** – even a **ת"ח** must accept before 3 **חברים**
- i *but*: if he is already a member of a **ב"ד** (**זקן ויושב בישיבה**) he need not formally accept it, as he already did
 - ii *dissent*: **שאלו** – a **ת"ח** need not accept **חברות**; he may even join 2 others as a panel for acceptance
 - iii ***יוחנן***: this ruling was taught during **יהודה** **ר'** **יוסי** **ר'** were unclear about an issue of **טהרות**, they sent students to **אנטיגנוס** **בן** **ר' חנינא** and he was carrying **טהרות**; he handed them over to his own students (refusing to give to their delegation) to answer
 - 1 ***יהודה***: his father disgraced **ת"ח** and so does he (by implicitly not trusting them)
 - 2 ***יוסי***: he is merely following Kohanic custom, not to entrust anyone else with **טהרות**
- g *status of **חבר**'s family*: if he dies, his wife and children maintain status of **חבר**, **בני חבר**, **אשת חבר** until they become **חשוד**
- i *similarly*: a **חצר** where **תכלת** was sold (w/o suspicion of being **אילן קלא**) has **חזקת כשרות** until **פסול** is confirmed
- h *status through marriage*: if an **ע"ה**'s widow/divorcee or his daughter marries a **חבר**, or his slave is sold to a **חבר**
- i *in all cases*: they must formally accept **דברי חברות**
 - ii *but*: a **חבר**'s widow/divorcee or daughter who marries **ע"ה** or his slave is sold to an **ע"ה** need not accept **דברי חברות**
 - iii *dissent*: **ר"מ** – they must also accept **דברי חברות**
 - 1 *story (told by **ר"מ**)*: woman was married to **חבר**, would help him put on his **תפילין** every day; then she married **ע"ה** and would help him put on his tax-collector bag (as tax farmer for Romans)
- i *that backslid*: if anyone who accepted **דברי חברות** then ceased the praiseworthy behavior –
- i ***ר"מ***: we never again accept them
 - ii ***יהודה***: if their backsliding was in seclusion – we may re-accept them; if in public – we never accept them
 - 1 *alternate version*: only if they had practiced proper behavior even in private, we may re-accept them
 - iii ***שמעון וריב"ק***: in any case, we allow them to “re-apply”, per v. 2
- j *evolution of policy with **חבר** who becomes **גבאי** (for Roman tax collection)*: originally, they would force him to abandon status as **חבר** and even if he left **גבאות**, would never accept him back
- i *then*: they evolved the policy – once he quits **גבאות**, he is like anyone else and may re-apply
 - ii *story*: **ר' הונא בר חייה** was needed by **רבנן**; they sent **ר' יוסף** and **ר' רבה** 400 pairs of students; he prepared lavishly for them; but then they heard that he had become a **גבאי** and told him they “weren’t interested”
 - 1 *he*: immediately renounced his **גבאות**
 - 2 ***יוסף***: refused to come to him – based on original ruling
 - 3 ***ר' רבה***: came to him – based on later ruling
- k ***גנעים ב:ה***: a **מומחה** may inspect anyone's **בכורות** except for his own
- i *and*: he may inspect any **קדשים** or **מעשר בהמה** (for **מומים**) and may answer his own questions about his **טהרות**
 - 1 *analysis of **בכור**-rule*: must be three (of whom he is one), else, one alone isn't sufficient in any case
 - (a) *challenge*: unlike a **שליח הגט**, members of a **ב"ד** who oversee **חליצה** or **ייבום** may marry the “freed” woman
 - (i) *reason*: they are a **ב"ד** and there is no **חשד** associated
 - (b) *answer*: our case is referring to one inspector (himself!) – if he is **מומחה**, he may approve **מומים** himself
 - 2 *explanation of **קדשים**-rule*: reason – if he wanted, he could be **שוואל** on the **הקדש** and get it annulled
 - 3 *explanation of **מעשרות**-rule*: if he wanted, he could **מום**-ify the entire corral
 - 4 *explanation of **טהרות**-rule*: if he wanted he could eat them while **טמא**