

39.1.5

7a (משנה ג) → 8b (ורבנ אמרי ליה לא שנה)

Note: although *משניות ג-ו* are presented here, only the material in *ג:א* is addressed in this section; as such, we'll present *משניות ד-ו* in their location

- I זקינה, pregnant, nursing, "בתולה" – דיין שעתן – ר"א's four women who have rule of
- a ר"א only heard בתולה ג' יהושע
- i ר"א argues that absence of tradition isn't evidence → all 4 included
- ii *Practicum*: ruled like ר' יהושע while ר"א was alive; after he died, they restored original ruling (כ"א)
- 1 Reason: if we ruled like ר"א while alive, we would follow other rulings of his – but he was בחרם (ב"מ נט)
- (a) *And*: while alive, we couldn't stop that, due to כבוד for him; could stop them posthumously
- II Tangent: rulings that follow ר"א
- a שמואל: 4 places where we rule like ר"א
- i Ours: we allow for דיין שעתן for these four women
- ii מקשה: if a woman goes into labor and then ceases, then delivers during ימי זובה – if she "ceased" for 24 hours – יולדת בזוב
- iii בזיקת זב זובה: if checked on day #1 and day #7 (only) of ז' נקיים – and were clean
- 1 טהרה ג' ר"א: they have status of טהרה
- 2 טהרה ג' יהושע: only have 2 days of טהרה – need 5 more
- 3 טהרה ג' ר"א: only have last day (1<sup>st</sup> day is lost)
- (a) *Final ruling* (ר"ש ור' יוסי): ר"א's position more reasonable than ר"ש's; ר"ש's most reasonable – but כ"א
- iv אחורי כלים: back side of vessels that became טמא via liquids
- 1 טהרה ג' ר"א: it is טמא משקים – even of חולין; טהרה ג' יהושע: even of תרומה
- 2 טהרה ג' ר"א: liquids and טמא משקים
- (a) *Argument*: טבול יום ק"ו from טבול יום
- (i) *If*: טבול יום, who isn't טמא liquids of חולין, yet is טמא food of תרומה
- (ii) *Then certainly*: טמא liquids of חולין, which are טמא liquids of חולין, are טמא foods of תרומה
- (b) *Response* (ר"א): טמא אחוריים is טמא אחוריים, but טבול יום is טבול יום – and we can't make a ק"ו from דאורייתא (חמור) דאורייתא to דרבנן (קל)
- (i) *Explanation*: טהרה ג' ר"א, neither טמא כלי nor טמא כלי can be טמא כלי; טמא כלי were רבנן as precaution against זב זובה
1. *Therefore*: they limited the גזרה to liquids, which are more likely to become טמא, not to food
- (c) *Question*: why did they make the גזרה on the back of the כלי only?
- (i) *Answer*: since טמא אחורי הכלי is "lighter" – כלי כה:ו: (doesn't impact on rest of כלי) – need for גזרה
- v *Question*: what is שמואל teaching? Each of these indicates כ"א הלכה in the משנה itself
- 1 *Proposed answer*: teaching about אחורי הכלים, where the ruling (in accord with ר"א) isn't explicated
- (a) *Block*: if so, why not just state that הלכה follows ר"א in that case?
- 2 *Rather*: teaches that we cannot rely on such statements (...הלכה כ...) in the משנה
- vi *Challenge*: there are other disputes where we rule in accord with ר"א
- 1 *Example*: יבמות ג:ה – in the case where 2 brothers are married to 2 יתומות, one of whom is קטנה
- (a) *If*: husband of גדולה ר"א (contra ר"ג) rules that we coach the קטנה to declare מיאון (thus nullifying that marriage and removing אחות-אשה impediment to ייבום); שמואל indicated that we rule in accord with אליעזר ר' אליעזר
- 2 *Answer*: שמואל's dictum is limited to טהרות (only 4 of ר"א's rulings which are הלכה); there are many elsewhere
- (a) *Support*: חלה ב:ד – his ruling that several loaves, taken from oven and placed in 1 basket, are חלה ב:ד
- (b) *Question*: how is חלה ב:ד more supportive of the "טהרות-only" contention that יבמות ג:ה?
- (i) *Answer*: in יבמות ג, ר' אליעזר (בן שמוע) concurs (ג:ט) – perhaps we only rule that way due to ר' אליעזר's authority
- (ii) *Challenge*: in our discussion there (יבמות קט:) we justified both rulings (i.e. non-identical)
- (iii) *Rather*: ר' יהודה בן בבא concurs (per his testimony in ו:א) – perhaps that's why we rule that way
1. ממאנין את הקטנות ריב"ב עדיניות ו:א
- a. *Assumption*: ר' אליעזר and ר' אליעזר בן שמוע alludes to both rulings – ר' אליעזר
- i. *Block*: perhaps קטנות is the generic collective
- ii. *Defense*: "אשה" is also invoked there – if generic collective, should be "נשים"
- iii. *Rather*: קטנות refers to both cases and supports ruling in accord with ר' אליעזר
- iv. *Note*: therefore we needed support from חלה ב:ד to substantiate "טהרות-only" theory

- b פדת ר"א 4 places where we rule like ר"א (same as above)
- i Challenge: יבמות י:ה (which the selfsame ר' אליעזר בן פדת ruled like ר' אליעזר בן פדת)
- 1 Proposed answer: פדת ר' אליעזר בן פדת only made his statement in reference to טהרות
  - 2 Rejection: פדת ר' אליעזר בן פדת evidently meant it universally
    - (a) Proof: שביעית ז:ו identifies several herbs which are under שביעית restrictions
      - (i) And: פדת ר' אליעזר בן פדת (ר"א's son) identified the author as ר' אליעזר
      - (ii) Subsequently: זירא ר' אליעזר בן פדת told him that he and his father, together, were שביעית מתיר these herbs during שביעית
      - (iii) Inotherwords: if the author is ר"א and it isn't one of these 4 – we don't rule that way (even outside of טהרות)
  - 3 Answer: in יבמות ה, פדת ר' אליעזר בן פדת concurs (יג:ט) – perhaps we only rule that way due to ר"א's authority
    - (i) Challenge: in our discussion there (יבמות קט:) we justified both rulings (i.e. non-identical)
    - (ii) Rather: בבא ז:א ר' יהודה בן בבא concurs (per his testimony in ז:א) – perhaps that's why we rule that way
- ii Challenge: ברכות ה:ב – ר"א's opinion is that we recite הבדלה in ערבית during הודאה
- 1 And: ר' אליעזר בן פדת ruled like ר' אליעזר
  - 2 Defense (ר' אבא): ר"א ruled that way because of גמליאל בן חנינא (1 generation younger than ר' אליעזר)
    - (a) Per: רחב"ג – ברייתא – הודאה is said in רחב"ג
    - (b) Challenge: רחב"ג requires (בשם אבותיו) a full 18 at יוה"כ, in order to recite הבדלה in "חונן הדעת" (not "הודאה")
    - (c) Answer (רנב"י): he was quoting his father, but he didn't agree (and felt it should be said in הודאה)
- iii Revisiting: attribution of ר' אליעזר to שביעית ז:ו
- 1 Challenge: ר"א to ר' ירמיה: author must be ר' אליעזר, per ערלה א: – where ר"א rules that if someone curdles with sap of an ערלה tree, any הנאה is prohibited (i.e. even deciduous trees are included in ban)
  - 2 Defense: שביעית ז:ו could still be רבנן
    - (a) Explanation: they disagree with ר"א (in ערלה) about using the sap of the branch, but the sap of the fruit – פרי is
    - (b) Per: יהושע ר' אליעזר's testimony (ibid) – if someone curdles with sap of leaves or roots – מותר; but the sap of fruit – אסור
  - 3 Alternatively: רבנן disagree with ר"א in case of fruit tree, but a deciduous tree – that is its fruit
    - (a) Per: ר"א's ruling – קטף isn't under ban of שביעית and חכמים disagree and see קטף as under ban of שביעית
      - (i) Assumption: חכמים there are רבנן who disagree with ר' אליעזר
      - (ii) Correction: ר' יוחנן – ר' אליעזר here is ר' אליעזר himself, who ruled that sap is פרי
        1. Challenge: if it is ר"א, why mention a deciduous tree – even a fruit-bearing tree's קטף is considered פרי
        2. Answer: he was responding to his opponents: they should at least agree with him in re: deciduous trees
          - a. Their response: they don't distinguish – קטף is never פרי