

In the previous דף the גמרא presented guidelines of how to pasken in cases where certain תנאים disagree.

ר' משרשיא - these guidelines are not accepted. The גמרא brought two proofs to רב משרשיא's rejection of these rules. Our daf begins with four additional proofs for משרשיא:



First, מהא דתנן - from the משנה later on דף פ"ו that discusses four opinions about whether a resident of a חצר who has left to a different city for שבת, and did not join in the עירוב חצירום with the other residents of his אחר. voids the entire שירום by his lack of participation.

רב paskens like רב - ר' שמעון - that even if he stays in the same city he does not void the ירוב for the other people in the ביר - פעפת though it is יר' יהודה who disagrees with him, and the guidelines dictate that we pasken like יר' שמעון versus יר' שמעון איר יהודה proves that we generally do not follow these guidelines!



The גמרא rejects this proof because
היכא דאתמר אתמר היכא דלא אתמר –
Where we have explicit rulings of אמוראים to pasken like a certain opinion, we do not follow these guidelines.
Where we do not have a specific ruling, we DO follow these guidelines.









Second, the משנה on משנה : Try cliscusses whether a wealthy person can establish a residence for his שבת by his presence alone, without putting any food out. Rav paskens like מערב ברגליו - that he may be מערב ברגליו – establish a residence without food.

Although ר' מאיר is the one who disagrees with him, and the guidelines said that we always pasken like ר' versus 'ר' יהודה, Rav found it necessary to explicitly pasken like איר. This proves that we generally do not follow these guidelines!



5 The אמרא answers מחרא answers אמרא באליה להני כללי – Perhaps Rav does not agree with these guidelines, but we hold like ר' יוחנן and others who formulated these guidelines.



Third, the ימשנה 'discusses the issue of a woman waiting three months to remarry after a previous marriage, in order to establish paternity of an eventual child.

ייטי - holds however, that she may accept אירוסין - get engaged only - and wait with ישואין - the marriage.

אירוסין holds she may not accept even אירוסין, because of אירוסין אטו נישואין -

ר' יוחנן paskens like ר' יוסי that she does not need to wait with the אירוסין.

Although it is ה' מאיר who disagrees and says that as a precaution the Chachamim said ALL women must wait three months, regardless of the situation, and the guidelines already established that we always pasken like ייסי 'יסי versus אר' מאיר, R' Yochanan found it necessary to explicitly pasken like ה' יוסי - apparently these guidelines are not binding!









7 The אמרא answers that we might have thought to pasken like ר' מאיר in this case, because שמואל said;
- גזירות זו ר' מאיר בגזירותיו - we pasken like הלכה כרבי מאיר בגזירותיו - Halachos enacted as a precautionary measure.



Finally, ארץ 'ח paskens like the opinion of ר' יוחנן 'ח that a כמן כמה subject himself to the טומאה דרבנן of ארץ לארץ in order to learn Torah, even if he has learning opportunities in ארץ ישראל.

Although ארץ יהודה is the one who disagrees and says that it is permitted only when there are NO learning opportunities in ארץ ישראל, and the guidelines already established that we always pasken like ר' יוסי versus ארץ יוסי - apparently these guidelines are not binding!



The מחלוקת answers that we might think that these guidelines apply only to משניות in מחלוקת, but not to ברייתות in מחלוקת. Eashi explains that the accuracy of ברייתות is not as reliable as that of משניות. Perhaps the names were switched, and the respective opinions attributed to the wrong תנא Therefore, יוחנוף taught that we follow these guidelines in מברייתות as well.









The Gemara concludes by redefining ר' משרשיא's statement. On ד' משרשיא it read -

ליתנהו להני כללי - We do not follow these guidelines - It should read;

הכל נינהו - These guidelines are not universally accepted,

דהא רב לית ליה הני כללי - For Rav does not agree with these guidelines.



11 The Gemara continues;

On אדף מ"ה we learned a הפצי הפקר whether חפצי הפקר, ownerless objects, acquire a תחום שבת. Our גמרא discusses objects that belong to a non-Jew, and quotes two opinions:

– אמר רב יהודה אמר שמואל חפצי נכרי אין קונין שביתה

Items belonging to a גוי do not have a תחום שבת.

At first the ארבון understands that according to the חפצי שאס hold that הפדי הפקר do not have a תחום, it would be obvious that תחום do not have a תחום! Therefore, we must say, that 'תחום בי is teaching that according to אר' יוחנן בן נורי is teaching that according to הבי הודה אמר שמואל, who holds that חפצי הפקר have a תחום - that is because being ownerless, they acquire their own תחום - However, he would agree that תחום do not have a תחום because they are like their owners who have no תחום restrictions.

Thus, according to חפצי נכרי אמר ב יהודה אמר all agree חפצי נכרי אין שביתה all agree חפצי נכרי אין.

תפצי הפקר
תפצי נכרי
אמר רב יהודה אמר שמואל
המר שמואל
המר רב יהודה אמר שמואל
המים
חפצי נכרי אין קונין שביתה
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הובצי נכרי

However, the גמרא cites a ברייתא that clearly says that objects owned by a non-Jew have the תחום of the city that they are in, and if they are brought from outside the דו they are restricted to four אמות – clearly indicating that חפצי נכרי DO have a ?!







Therefore, the אכור א בארו explains that this Braisa follows the opinion of רבי יוחנן בן נורי who actually holds that רבי וחנום do have a תחום הפצי הפקר, they acquire their own תחום. Like תחום האכוי is teaching that according to the רבי הודה אמר שמואל, רבנן have no חידוש a tis teaching that according to the חידוש, because we might think

- גזירה בעלים דנכרי אטו בעלים דישראל

The Chachamim decreed a חפצי נכרי on חפצי, because of ישראל, lest people think that all objects have no תחום -

Which is indeed the opinion of

- ר' חייא בר אבין אמר רבי יוחנן חפצי נכרי קונין שביתה

R' Yochanan holds that even according to the רבנן - חפצי הפקר אין קונין שביתה -

- חפצי נכרי קונין שביתה

הפצי נכרי do have a תחום because of this הזירה - We are concerned that people will confuse items that have non-Jewish ownership with items that have Jewish ownership.

When רבא initially paskened in מחוזא like the opinion of שמואל, he was corrected by רבינא and ultimately changed his mind because

יוחנן הלכה כרבי יוחנן - we pasken like שמואל over שמואל.







