



Volume 10. Issue 33

What is R' Yehuda asking?

Our learning this week continued directly from the previous one. Last week the *Mishnah* ended by asking why the *Mishnah* listed a singular opinion (*daat yachid*) alongside a majority opinion when the *halacha* accords with the majority. What is the point of including it if it appears to have no practical value? The *Mishnah* answers that a later *Beit Din* of greater standing may be able to rule based on that minority opinion. The first *Mishnah* this week appears to continue with the same question:

R' Yehuda said: if so, why is an individual opinion mentioned amongst the majority opinion to annul it?

That if a person says I have received such a ruling, you can reply you heard like this [individual] opinion.

What is this *Mishnah* adding?

The *Bartenura* explains that R' Yehuda found a case that is not covered by the previous one. R' Yehuda asks regarding a *daat yachid* that no *Beit Din* has ever ruled like and is consequently considered annulled. No future *Beit Din* would rule like this opinion so the answer in the previous *Mishnah* does not explain the inclusion of those cases. R' Yehuda therefore provides an additional explanation to cover them.

The *Tosfot Yom Tov* however finds this explanation difficult. Even if no *Beit Din* has yet ruled according to this opinion, it is possible that a *Beit Din* in the future might. The *Tosfot Yom Tov* however cites the *Rambam* that states that there are cases where a future *Beit Din* will never rule according to a singular opinion which is the target of R' Yehuda's question. The *Tosfot Yom Tov* cites the *Rambam* who explains that if a *Beit Din* institutes a *gezeira* – a prohibition that serves as a protective fence around another one – and it was universally accepted, then it can never be repealed. He notes that the *Raavad* does not differentiate between types of *takanot* and the scope of irrevocable *gezeirot* is broader. According to the *Rambam*, R' Yehuda is addressing these laws in our *Mishnah*.

The *Tosfot Yom Tov* however also cites the opinion of the *Raavad* who has a different reading of the *Mishnah*. R'

Yehuda is arguing with the previous *Mishnah*. The *Mishnah* must therefore be read as follows, "If so, why is an individual opinion mentioned amongst the majority opinion? To annul it..." In other words the *daat yachid* is not mentioned for *halachic* import, but rather to reject it.

The *Mahariach* finds all the above explanations difficult. He cites the *Tosfot Yom Tov's* difficulty with the *Bartenura*. He feels that the absence in the *Mishnah* of the crux of the *Rambam's* explanation problematic. Finally he finds it difficult to explain that R' Yehuda argues with the previous *Mishnah* given the language used and that both logics are sound.

The *Mahariach* therefore provides another explanation. There are cases where a *daat yachid* actually retracts and agrees with the majority opinion. R' Yehuda is asking about those cases. "Why is an individual opinion mentioned amongst the majority opinion to annul it [since he retracted anyway]?" The *Mishnah* needs to teach cases where, e.g. *Beit Hillel* retracts in favour of *Beit Shammai* (1:12), but a *daat yachid* retracting should not be of note; it should be obvious. R' Yehuda therefore follows on nicely from the previous *Mishnah*. In such cases, if the *Mishnah* did not include these opinions that retracted, in the future a person might present that opinion and a *Beit Din* rule according to it. Once included even though retracted, a future *Beit Din* will not err since it they will recognise that the opinion was retracted.

Interestingly the *Mahariach* recalls one such debate that is recorded in the *Mishnah* even though the *daat yachid* retracted. It comes from none other than *masechet Sukkah*. There the debate is regarding how many meals one is obligated to eat in the *sukkah*. The *Chachamim* rule that it is the first night, while R' *Eliezer* maintains it is fourteen meals. The *Gemara* explains that R' *Eliezer* ultimately agreed with the *Chachamim*. Nevertheless the *Mishnah* records both opinions.

Yisrael Yitzchak Bankier

Revision Questions

עדינות א' ו' ב' ה'

- What is unique about the debates in *Mishnayot* 7-11? (א': ט')
- What is the debate regarding how *rova atzamot* is calculated and for what law is it important? (א': ט')
- What are the four opinions regarding the treatment of *karshinei trumah*? (א': ח')
- What is the debate regarding exchanging *ma'aser sheni* money? (א': ט')
- Can one transfer the *kedushah* from *ma'aser sheni* fruit and money onto money? (א': ט')
- List all the opinions in the debate regarding exchanging *ma'aser sheni* money in *Yerushalaim*. (א': י')
- What are the two debates between *Beit Shammai*, *Beit Hillel* and *Shammai* regarding chairs? (א': י"א)
- What is common about the last three *Mishnayot* in the first *perek*? (א': י"ב)
- To what circumstances did *Beit Hillel* restrict the ability for a woman to remarry if she returns from overseas and claims that her husband passed away? (א': י"ב)
- How did *Beit Shammai* convince *Beit Hillel* that when a woman is able to remarry based on her own testimony alone, that she can also collect her *ketubah*? (א': י"ב)
- How does a person become a “half-slave half-free”? (א': י"ג)
- Explain the debate regarding how such a person is treated. (א': י"ג)
- What does it mean that a *kli cheres* is *matzil*? (א': י"ד)
- Explain the debate regarding the scope if this law. (א': י"ד)
- What did *R' Channinah Segan Ha'Kohanim* testify that *kodshim* that became *tameh* by contact with *ve'lad ha'tumah* could be burnt with? (א': ב')
- Regarding the previous question, what does *R' Akiva* add? (א': ב')
- What did *R' Channinah* testify about, regarding the hides of *korbanot*? (א': ב')
- Can a woman write her own *get*? (א': ג')
- If a *tum'ah* needle is found inside a slaughtered *korban* what is the status of the meat and the knife used for slaughter? (א': ג')
- Can *Shichecha* also apply to standing wheat? (א': ד')
- About what three things did *R' Yishmael* testify? (א': ד')
- When is one exempt for “hunting” a snake on *Shabbat*? (א': ה')

Local Shiurim

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
29 th September כ"ה תשרי	30 th September כ"ו תשרי	1 st October כ"ז תשרי	2 nd October כ"ח תשרי	3 rd October כ"ט תשרי	4 th October ל' תשרי	5 th October א' חשוון
Eduyot 2:6-7	Eduyot 2:8-9	Eduyot 2:10-3:1	Eduyot 3:2-3	Eduyot 3:4-5	Eduyot 3:6-7	Eduyot 3:8-9

