

בבא לישראל עליו ועל חברו –

When he came to ask about himself and his friend

OVERVIEW

The גמרא cited the משנה of שני שבילין וכו' in an attempt to resolve the query of ר' מותרות, what is the ruling if the מחבואה can only hold one כהנת, are all of them or not. רמיה disagree as to how this resolution was made. The גמרא first establishes that the מחלוקת between יוסי ור' יהודה is where one of the two people who walked on the שביל, came to ask regarding his status and his friend's (who walked on the other שביל) status. תוספות clarifies what this means.

אין לפרש שבא לישראל בבת אחת דהתם מודו כולי עלמא דטמאות -

One cannot explain that the meaning of עליו ועל חברו means **that he asked simultaneously** about the status of both of them, **for in that case all will agree** (even ר' יהודה) **that** the טמאות are טהרות, and we know this -

מכל שכן דבאו לישראל שניהם בבת אחת -

With an obvious certainty from the case of **where they both came to ask simultaneously**, where we rule that they are טמא -

אלא מיירי ששאל על עצמו וטהרוהו ואחר כך בא לישראל על חברו² -

But rather the case of עליו ועל חברו is **discussing** a situation **where he first asked regarding himself and ב"ד** pronounced him טהור (since it is a ספק), **and afterwards** the same person **approached** to the same ב"ד **to ask regarding his friend**, this is the case in which ר' יהודה ור' יוסי argue -

דמר מדמי ליה לבת אחת כיון ששאל על שניהם במעמד אחד³ -

Where one master (ר' יוסי) compares it to a simultaneous question (where they are טמאות),⁴ **since he asked for both of them in one hearing** -

ומר מדמי ליה לזה אחר זה כיון שטיהרוהו קודם -

¹ When two people come and ask (even בבת אחת) we can still imagine that ב"ד will tell each one (separately) that since it is a ספק, your טהרות are מותר, but nevertheless the ruling actually is that since they came בב"א they are טמאות (for it is a self-contradiction that both of their טהרות are מותר, when we know for certain that one of them is טמא). Certainly in the case where one person comes and asks for a ruling concerning himself and his friend, where the self-contradiction of ruling them both טהור is so much more apparent, since we are giving a contradictory ruling to one person that we cannot give such a ruling. In short, if we cannot offer a contradictory ruling to two people we certainly cannot offer a contradictory ruling to one person.

² It is apparent from תוספות later, where he says that it was במעמד אחד (see footnote # 3), that the case here is where he came to ב"ד and asked about himself and ב"ד was מטהר him, and then he (immediately) asked about his friend.

³ See footnote # 2.

⁴ See 'Thinking it over'.

And the other master (ר' יהודה) compares it to a case of one after the other, since they already pronounced him טהור, so in this case as well they are both טהור –

- איבעיא גמרא regarding the concluding resolution of the תוספות continues with

והכא נמי כיון דשרו לכולהו בבת אחת דמי⁵ -

And here too (by the מחבואה) since we are considering permitting all of the כהנות, it is like a simultaneous situation and they should all be אסורות לכהונה, for it is an inherent self-contradiction to say that they are all טהורות when there was place for only one כהנת in the מחבואה –

- שבילין to מחבואה anticipates a difficulty with the comparison from תוספות

אף על פי שאין בא לפנינו אלא על אחת -

Even though only one woman is coming before us to inquire on her status alone, so how can we compare this to the אחת by בת שבילין where he is asking about both of them –

replies: תוספות

מכל מקום הדבר ידוע לכל שהרבה כהנות היו והוי כאילו בא לישאל על כולם בבת אחת –

Nevertheless it is comparable, for it is common knowledge that there were many כהנות in the city and when this woman is asking about herself, it is as if she is asking about all the woman simultaneously (it is like the case which תוספות negated in the beginning where he is asking about both of them where it is surely טמאות -

והכא מודו כולי עלמא –

So in this case where the inquiry includes all the כהנות, everyone admits (even ר' (יהודה) that they are אסורות לכהונה, because it is like the case which תוספות negated in the beginning where he is asking about both of them simultaneously, where they are surely טמא.

פרש"י negates תוספות

ובחנם דחק' בקונטרס⁶ לפרש כרבי יוסי:

And it was for naught that רש"י awkwardly explained that they are אסורות since the הלכה is like יוסי, since in this case even ר' יהודה is מודה that אסורות.

SUMMARY

The meaning of בי"ד עליו ועל חברו is that he is asking consecutively in one first about himself and after he is told that he is טהור, he asks about his friend.

⁵ It is like the situation which תוספות negated in the beginning where it is טמא ודאי.

⁶ The ר' יהודה is because the גמרא does not mention anything that the proof is because דוחק (according to תוס') פרש"י is a דוחק, but rather it seems that it is אלביא דכו"ע, ור' יוסי הלכה כר' יוסי.

⁷ בד"ה הכא.

However if he asks simultaneously about the two of them, everyone agrees that they are טמא, and similarly by כהנות it is assumed that the question of one כהנת will affect all the כהנות, and therefore all of them are אסורות according to everyone.

THINKING IT OVER

בבא לישאל עליו ועל חבירו ר' יוסי in the case of חבירו (and as תוספות says במעמד אחד), after they were מטהר the שואל initially; now that they cannot be מטהר the second one since it is like בב"א, will the בי"ד change its ruling and be מטמא the שואל?⁸

⁸ See בד"ה עוד תמה (here) ברכת אברהם and משנה למלך פי"ט ה"ב מהלכות אבות הטומאות.