

הא תו למה לי היינו רישא –

Why do we also need this; it is the same as the רישא

OVERVIEW

רב פפא establishes the ברייתא that there are עדים שנשבו and there is an אחד who says exactly the opposite of what she says.

| # | היא אומרת | ע"א אומר | היא | חברתה |
|---|------------|-----------------------|----------------------|-------|
| 1 | רישא דרישא | אני טמאה וחברתי טהורה | את טהורה וחברתך טמאה | טהורה |
| 2 | סיפא דרישא | אני טהורה וחברתי טמאה | את טמאה וחברתך טהורה | טהורה |
| 3 | רישא דסיפא | אני וחברתי טמאה | את וחברתך טהורה | טהורה |
| 4 | סיפא דסיפא | אני וחברתי טהורה | את וחברתך טמאה | טהורה |

The גמרא asks two questions on רב פפא; the first one (which our תוספות references) is that we can derive #3 (רישא דסיפא) from #2 (סיפא דרישא). Then the גמרא asks that we can derive #4 (סיפא דסיפא) from #1 (רישא דרישא). Our תוספות explains why the first question (from רישא דרישא) was not asked from רישא דרישא as was the second question.

תוספות asks:

ואם תאמר ואמאי לא קאמר הכא מרישא דרישא כדקאמר בסמוך –

And if you will say, but why did not the גמרא ask here (on #3) from the רישא (רישא דרישא) as the גמרא asks shortly (on #4).

תוספות explains how #3 can be derived from #1 (as well as from #2):

דהא שמעינן מרישא דרישא דאיהי שויתה לנפשה חתיכה דאיסורא¹ –

For we know from the רישא דרישא that when she says אני טמאה she is אסורה since she made herself into a ‘forbidden piece’ -

– וחברתה משתריא אפומא דידה –

And we also know from #1 that חברתה is permitted based on her testimony (that - חברתה טמאה) even though there is an ע"א who testifies that

וכל שכן דמשתריא אפומא דעד אחד² –

So certainly (in #3) חברתה will be טהורה based on the testimony of the ע"א (who

¹ Therefore similarly by #3 where she says אני [וחברתי] טמאה she is also טמאה since דאיסורא (even though there is an ע"א who says that she is טהורה) as in #1.

² The testimony of an עד כשר is better than the testimony of an אשה. See ‘Thinking it over’. See however תו"י who states: [‘And one can say that we may have thought that she is believed more than an ע"א, for since she was in captivity together with חברתה she knows more than the ע"א.']. Therefore we could not derive #3 from #1 (only from #2).

says (חברתה טהורה) even though she says טמאה. The question is that the גמרא could (should) have said that #3 is superfluous for we know it already from #1 (רישא דרישא) as the גמרא shortly states regarding the question on #4.

answers: תוספות

ויש לומר דהכא נחא ליה למנקט סתמא דהיינו רישא –

And one can say; that here the גמרא is satisfied to state generally that the teaching of #3 is the same as the רישא (without being specific as to which part of the רישא) -

משום דמרישא נמי שמעינן³ דחברתה משתריא אפומא דעד אחד⁴ –

Because from (#2) the רישא (סיפא ד) we can also derive that חברתה is based on the testimony of an ע"א (as we can also derive this from (#1) the רישא דרישא) -

אבל בסמוך לא מצי פריך אלא⁵ מרישא דרישא:

However shortly the גמרא cannot ask on #4 only from (#1) the רישא דרישא, therefore the גמרא states specifically מרישא דרישא.

SUMMARY

Case #3 can be derived from either case #1 or #2; however case #4 can only be derived only from case #1.

THINKING IT OVER

[#1] אני טמאה וחברתי טהורה (when she says מהימן is אשה) then certainly the ע"א is נאמן (when she said אני וחברתי טמאה and the ע"א says חברתה טהורה) [#3].⁶ Seemingly in #1 since the woman initially says חברתי טהורה she has the נאמנות of שתיים (for at the time of her testimony no one is contradicting her), however in #3 once the woman said חברתי טמאה and the ע"א says חברתה טהורה, he is מוכחש from the אשה so perhaps he will not be believed.⁷

³ Tosfos does not address how we derive that she is believed to say אני טמאה (even though an ע"א contradicts her and says טהורה) since אנפשא חתיכא דאיסורא. We cannot derive this from #2 (where she says אני טהורה) only from #1 (where she admits that אני טמאה). Perhaps Tosfos assumes that this ruling of דאיסורא חתיכא אנפשא is so obvious (and known) that we do not need to derive it from elsewhere (even though previously Tosfos said that we derive שריא from #3) from #1 [see footnote #1]

⁴ Seemingly Tosfos is answering that when the גמרא asks שמעינן (generally, without being specific whether it means רישא דרישא or סיפא דרישא) that is because indeed the question is from either one (but not that it excludes the רישא דרישא).

⁵ We cannot derive that חברתי טהורה נאמנת (even against an ע"א) except from רישא דרישא (for in the other two cases she is claiming חברתי טמאה).

⁶ See footnote # 2.

⁷ See אהבת ציון.