

R. Yoḥanan's Attitude Toward His Principles of Halakhic Arbitration

Both the Talmud Bavli and Talmud Yerushalmi record a number of general rules in the name of R. Yoḥanan that pertain to the resolution of halakhic disputes.¹ These principles of halakhic arbitration are intended to mark the power relations among a number of different *Tanna'im*, determining whose view is to prevail and according to whose approach the *halakhah* should be determined in any case of dispute.

The Bavli in *Eruvin* cites a number of these general halakhic principles in the name of R. Yoḥanan:

Said R. Yaakov bar Idi: Said R. Yoḥanan: R. Meir and R. Yehudah—the *halakhah* is in accordance with R. Yehudah. R. Yehudah and R. Yosei—the *halakhah* is in accordance with R. Yosei; and, needless to say, R. Meir and R. Yosei—the *halakhah* is in accordance with R. Yosei. . . . For R. Abba has said: Said R. Yoḥanan: [The rule is that in a dispute between] R. Yehudah and R. Shimon, the *halakhah* is in accordance with R. Yehudah.²

In the talmudic discussion that follows, it is evident that the *Amora'im* R. Yoḥanan and Rav debate the question of whether these general halakhic

1. *Eruvin* 46b; *Y. Terumat* 3:1, 42a.

2. *Eruvin* 46b. Translations of source texts are by the author.

URI ZUR is Senior Lecturer in Jewish Studies and Talmud at the Department of Israel Heritage, Ariel University. From 2008-2010 he served as head of the department. Dr. Zur's work focuses on the evolution and redaction of the Talmud, the stylistic and structural elements of the talmudic text, and mathematics in Tractate Eruvin. He is the author of *Or Yisrael* (Hebrew, 1999) and *The Tripartite Structure of the Sugyot: Studies in Tractate Eruvin of the Babylonian Talmud* (Hebrew, 2016).

principles are absolutely binding upon other *Amora'im*, who must therefore resolve halakhic disputes based on these principles alone. The talmudic discussion closes with the explanatory note that the general halakhic principles under discussion “are not the universal view,” meaning that not everyone is in agreement with these principles. Rav, for instance, is not, and for this reason he is not obligated to issue halakhic rulings in accordance with these general principles. The words of R. Yoḥanan, by contrast, indicate that in his view, halakhic rulings must be issued in accordance with the general principles specified.³

In the opinion of the commentators, R. Yoḥanan’s approach is the determining one, given that in cases of dispute between R. Yoḥanan and Rav, the *halakhah* is determined in accordance with the view of R. Yoḥanan.⁴ It can therefore be assumed that R. Yoḥanan resolves halakhic questions in accordance with the general rules of halakhic arbitration that he has himself specified vis-à-vis the *Tanna'im* listed above.

Indeed, in many cases, R. Yoḥanan does resolve issues following the halakhic principles he himself establishes.⁵ But there are also cases in which R. Yoḥanan does not appear to abide by his own general rules. The purpose of the present paper is to assess whether R. Yoḥanan does, in fact, follow his own halakhic principles in an absolute and unswerving manner. What is R. Yoḥanan’s approach to these principles of Halakhah?

A number of studies have addressed R. Yoḥanan’s halakhic arbitration principles in the Bavli and have demonstrated that R. Yoḥanan was not always consistent vis-à-vis the different halakhic rules that he established.⁶ This is true not only regarding the rules presented in *Eruvin*, but also regarding other general halakhic rules, such as, “The *halakhah* follows the statement cited anonymously in the Mishnah.”⁷ The present

3. *Eruvin* 47b.

4. *Beizah* 4b.

5. See, for example, *Berakhot* 52b; *Yoma* 12b-13a.

6. See Yehuda Brandes, “The Beginning of the Rules of Halakhic Adjudication” (Hebrew) (Dissertation, Hebrew University: Jerusalem, 2002); Paul Heger, *The Pluralistic Halakhah* (Berlin and New York, 2003), 256, n. 89; Brandes, “*Mahapekhat ha-Pesikah shel R. Yoḥanan: Kelalei ha-Pesikah*,” in *Be-Darkhei Shalom: Studies in Jewish Thought Presented to Shalom Rosenberg*, ed. Benjamin Ish-Shalom (Jerusalem, 2007), 515-35; Yizhak Dov Gilat, “*Lo Titgodedu*,” *Annual of Bar-Ilan University: Studies in Judaica and the Humanities* vol. 18, ed. Menachem Zevi Kaddari, Nathaniel Katzburg, and Daniel Sperber (Bar Ilan University, 1981), 84 n. 26; Ephraim Bezael Halivni, *The Rules for Deciding Halakhah in The Talmud* (Hebrew) (Lod, 1998), 99-100; Richard Hidary, *Dispute for the Sake of Heaven: Legal Pluralism in the Talmud* (Providence, RI, 2010), 61.

7. See, for example, *Shabbat* 46a.

study reaches the same conclusion, thus endorsing the view presented in earlier studies: R. Yoḥanan is not consistent and does not always rule in accordance with the general halakhic principles that he himself established.

This article is a focused attempt to trace the instances in which R. Yoḥanan deviates from the various halakhic arbitration principles that he dictated. We will analyze R. Yoḥanan's approach to a variety of different passages, some of which have not been cited in previous literature on the topic.

We will examine this question through discussion of the cases of deviation, comparison with parallel sources in the Bavli, Yerushalmi, and other texts, and review of the opinions of commentators regarding R. Yoḥanan's deviation from these general principles. Based on this analysis, we will see that R. Yoḥanan does ultimately deviate from the rules that he establishes, and we will attempt to adduce a reason for his doing so.⁸

8. *Ein Zokher* 43, p. 47b; Halivni, *The Rules for Deciding Halakhah*, 39, 47; Hiday, *Dispute for the Sake of Heaven*, 53.

As noted, R. Yoḥanan's principles of halakhic arbitration are also found in the Talmud Yerushalmi. Although the focus of the present study is R. Yoḥanan's attitude toward his halakhic principles in the Bavli, as a backdrop to our study, we will note two examples of R. Yoḥanan's deviation from those principles in the Yerushalmi.

The first case regards a dispute regarding the halakhic definition of one's master teacher:

Who is he who is one's master, having taught him wisdom? Anyone who first introduced him [to learning]; these are the words of R. Meir. R. Yudan says: Anyone from whom one learned most of his learning. R. Yosei says: Anyone who has lit up his eye in his learning. Rav [says] as R. Meir; R. Yoḥanan [says] as R. Yudah [In the Talmud Yerushalmi, R. Yehudah is sometimes called R. Yudan and sometimes R. Yudah—U. Z.]. Shmuel [says] as R. Yosei (Y. *Bava Metzi'a* 2:12, 8d; cf. Y. *Horayot* 3:4, 48b).

According to R. Yoḥanan's halakhic arbitration rules, in cases of dispute between R. Yehudah and R. Yosei, the *halakhah* is decided in accordance with R. Yosei, just as in debates between R. Meir and R. Yosei, the *halakhah* is determined in accordance with R. Yosei. We would therefore expect that in this debate between R. Meir, R. Yehudah [=R. Yudan, R. Yudah], and R. Yosei, R. Yoḥanan would issue a halakhic decision in accordance with R. Yosei. Instead, in this case, R. Yoḥanan determines that the *halakhah* follows the view of R. Yehudah, not that of R. Yosei, going against the halakhic principles he himself established.

The second case involves the question of the permissibility of a basket of leeks found during the seventh year (*shemittah*):

Someone brought up the matter concerning a basket of leeks. . . . He asked R. Yoḥanan. . . . Rabbi [Yehudah Ha-Nasi] says: As per its place; R. Eleazar b. R. Shimon says: As per its station. . . . And he ruled concerning it according to R. Eleazar b. R. Shimon, as per its station. . . . Rabba bar Kohen queried before R.

“R. Meir and R. Yehudah—The Halakhah is in Accordance with R. Yehudah”

Ke-zayit vs. *Ke-beizah*

The *mishnah* in *Berakhot* cites a dispute regarding the obligation of *zimmun*, the summons to participate in reciting *Birkat ha-Mazon*:

Beginning from what quantity [of food eaten] is [participation in a] *zimmun* required? Beginning from a quantity equivalent to an olive (*ke-zayit*); R. Yehudah says: From the equivalent of an egg (*ke-beizah*).⁹

While the *mishnah* makes no mention of who the opponent of R. Yehudah's view is,¹⁰ the subsequent talmudic discussion makes clear that it is R. Meir who maintains that eating the quantity of a *ke-zayit* obligates one to participate in a *zimmun*.¹¹ The Talmud raises a question based on a *mishnah* in *Berakhot* that indicates that R. Yehudah attributes significance to the measurement of a *ke-zayit*, whereas R. Meir emphasizes the measurement of a *ke-beizah*. To resolve this apparent contradiction, the Talmud states, “R. Yoḥanan said: The approaches have been reversed.” In the view of R. Yoḥanan, the *mishnah* in *Berakhot* mistakenly attributes the views to the *Tanna'im*; the views of R. Yehudah and R. Meir recorded there should be switched. In fact, R. Yehudah maintains that the minimum quantity is a *ke-zayit*, while R. Meir claims that it is a *ke-beizah*.

Tosafot explain:

The *halakhah* follows the view [that one must join the *zimmun* upon eating the equivalent] of a *ke-zayit*, for according to R. Yoḥanan's reversal,

Yosei: Did not R. Ḥiyya say in the name of R. Yoḥanan: [In a dispute between] Rabbi and his associates, the *halakhah* follows Rabbi? While R. Yonah said: And even Rabbi by R. Eleazar b. R. Shimon (Y. *Demai* 2:1, 22d).

R. Yehudah Ha-Nasi and R. Eleazar b. R. Shimon dispute whether the permissibility of the leeks is determined by the place where the item is brought (“as per its place”) or by the place where it is found (“as per its station”). (According to *Penei Mosheh*, R. Eleazar's view is the more stringent approach; according to the Gaon of Vilna, cited in *Gilyon Efrayim*, this position reflects the more lenient attitude.) R. Yoḥanan rules in accordance with R. Eleazar b. R. Shimon, against Rabbi and against a general principle of his own: “Rabbi and his associates—the *halakhah* follows Rabbi.” In the ensuing talmudic discussion, bewilderment is expressed regarding R. Yoḥanan's ruling in opposition to his own general principle, and the Talmud provides an explanation of this perplexity.

9. *Berakhot* 3:1 (45a). See Rashi, *Berakhot* 45a, s.v. *ad kammah*.

10. See also Y. *Pesaḥim* 3:8, 30b.

11. *Berakhot* 49b.

R. Yehudah maintained a *ke-zayit*,¹² and [the rule is that in a dispute between] R. Meir and R. Yehudah—the *halakhah* is in accordance with the view of R. Yehudah.¹³

The final *halakhah* is that it is necessary to eat only a *ke-zayit*. Accordingly, R. Yoḥanan reverses the approaches of the Sages in order to make them correspond to the general rule that he has specified: “R. Meir and R. Yehudah—the *halakhah* is in accordance with R. Yehudah.”¹⁴

Abbayei, however, insists that the views are attributed properly: “Never reverse.” He offers another explanation for the discrepancy between the views presented in *Berakhot*. In Abbayei’s view, R. Yoḥanan actually rules in accordance with R. Meir in this case. Tosafot explain:

And similarly, for Abbayei, who does not reverse [the approaches of R. Meir and R. Yehudah, as does R. Yoḥanan], R. Meir thus maintains a *ke-zayit*, and it seems that the *halakhah* follows R. Meir that it is the amount of a *ke-zayit*. Even though generally in a dispute between R. Meir and R. Yehudah, the *halakhah* is in accordance with R. Yehudah, in this case, the *halakhah* is in accordance with R. Meir. For R. Yoḥanan maintains his approach above that one cannot exempt others from their obligation unless he has eaten a *ke-zayit*, and we also find above that he [recited a blessing when he] ate a *ke-zayit* of salted olives.¹⁵

It is clear from elsewhere in the Talmud that R. Yoḥanan himself follows the view that a *ke-zayit* is the significant measurement;¹⁶ it is similarly clear that there is no debate concerning the fact that only a *ke-zayit* is necessary to require a blessing.¹⁷ In the view of Abbayei, given that it is R. Meir who maintains that a *ke-zayit* is necessary and given that R. Yoḥanan himself must maintain that a *ke-zayit* is necessary, R. Yoḥanan follows a position in accordance with the view of R. Meir. This means that R. Yoḥanan goes against the general rule that he himself established: “R. Meir and R. Yehudah—the *halakhah* is in accordance with the view of R. Yehudah.”

A concurring view emerges from a different passage of Tosafot as well:

12. Y. *Berakhot* 7:2, 11b.

13. Tosafot, *Berakhot* 49b, s.v. R. Meir.

14. *Midrash Tanna'im on Deuteronomy*, ed. David Zevi Hoffmann (Berlin 1908), 188, n. 400.

15. Tosafot, *Berakhot* 49b, s. v. R. Meir.

16. *Berakhot* 38b (cited in Tosafot, *Berakhot* 49b); cf. Y. *Berakhot* 6:1.

17. *Mar'eh ha-Panim*, *Berakhot* 6:1, s.v. *mah avad*.

It seems to Rabbi that the *halakhah* is not in accordance with R. Yehudah,¹⁸ who requires below (*Yoma* 79b) and in *Berakhot* (45a) that a *ke-beizah* is required in the context of reciting a blessing. The view of R. Z̄adok¹⁹ in the conclusion (*Yoma* 79a-b) and in *Sukkah* (26b) is similar. Rather, we follow the view of R. Meir, who said: With an amount of a *ke-zayit*. Although it is said: R. Meir and R. Yehudah—the *halakhah* is in accordance with the view of R. Yehudah, in this case, the *halakhah* is in accordance with R. Meir, as R. Yoḥanan upholds his approach, as is noted in *Berakhot* (38b): “I have seen R. Yoḥanan eating the amount equivalent to an olive of salted olives and reciting the blessing upon it, both before and after.”²⁰ And it is also said there: “One does not exempt others from their obligation unless he has himself eaten an amount of grain equivalent in size to an olive.” In *Pesahim* (49b), there are those who say that the approaches have been reversed. . . .²¹

R. Yoḥanan himself adopts the approach of R. Meir, and the *halakhah* therefore follows that view, despite the fact that according to the principle that R. Yoḥanan established, he should have followed the approach of R. Yehudah.²²

Thus, according to Abbayeī (“Never reverse”), R. Yoḥanan’s ruling contradicts his own principle. R. Yoḥanan (“the approaches have been reversed”) adheres to his principle, personally adopting R. Yehudah’s ruling. Indeed, his resolution indicates how far one can go in order to arbitrate halakhic issues in accordance with the general principles that he has established.

The debate in *Berakhot* also appears in the *She’iltot*:

How much is one obligated to recite a blessing afterwards, and how much entails an obligation of *zimmun*—the quantity of a *ke-zayit* or a *ke-beizah*? A debate ensued concerning this between R. Meir and R. Yehudah, as we learn from tannaitic sources: From what quantity is a *zimmun* called for? R. Meir says: a *ke-zayit*; R. Yehudah says: a *ke-beizah*. . . . And the *halakhah* is in accordance with R. Yehudah, for we maintain the rule that in cases of dispute between R. Meir and R. Yehudah, the *halakhah* is in accordance with R. Yehudah. Or is it that R. Meir’s argument is reasonable in this case, seeing that this is comparable to all the situations of eating as described in the Torah? Come and hear, for R. Ḥiyya b. Abba

18. Hence, it follows that Rabbi is also not necessarily required to rule in accordance with these general principles of Halakhah.

19. *Halakhot Gedolot, Hilkhot Sukkah*, vol. I, ed. Ezriēl Hildesheimer (Jerusalem 1972), 338-339.

20. *Berakhot* 38b; Tosafot, *Yoma* 79a, s.v. *ve-lo*.

21. Tosafot *Yeshanim*, *Yoma* 79a, s.v. *paḥot*.

22. Cf. Responsa *Ḥavot Ya’ir* I:#294, p. 278, s.v. R. Meir.

said: I have seen R. Yoḥanan partake of an olive's size's worth of salted olives and recite a blessing upon it both at the beginning and at the end. And it is also stated: Said R. Ḥinena b. Yehudah in the name of Rava: The *halakhah* is that if one has drunk a cup of wine or eaten a single kernel, let him join the quorum of ten, while as for performing a recitation so as to exempt the obligation of a group, this cannot be done unless he has eaten a *ke-zayit* of grain. This is reasoning as per R. Meir.²³

According to the version in the *She'iltot*, there is some hesitation as to the right way to proceed in practice. Should we follow the general halakhic principle specifying that in cases of dispute between R. Meir and R. Yehudah, the *halakhah* is in accordance with R. Yehudah? Or should we rule in accordance with R. Meir's view, insofar as his argument is compelling and reasonable? According to R. Ḥiyya bar Abba, R. Yoḥanan ate an olive's size worth of salted olives, which is to say that R. Yoḥanan went against the general rule. Considering that the *halakhah* has been stated in the name of Rava, "A quantity of grain equivalent to a *ke-zayit*," the author of the *She'iltot* is of the opinion that it is correct to act in accordance with R. Meir and against the general principle of halakhic arbitration.

The wording used by the author of the *Halakhot Gedolot* also makes it apparent that R. Yoḥanan is going against the principle that he has himself established:

From what amount of food is a *zimmun* required? From a *ke-zayit*. R. Yehudah says: From a *ke-beizah*. . . . Even though "R. Meir and R. Yehudah—the *halakhah* is in accordance with R. Yehudah," in this case, the *halakhah* is in accordance with R. Meir, since R. Yoḥanan upheld his approach, for R. Ḥiyya bar Abba said: I have seen R. Yoḥanan eat an olive's worth of salted olives and recite the blessing for it at the beginning and at the end.²⁴

It should be noted that both the text of the *She'iltot* and that of *Halakhot Gedolot* omit the words of R. Yoḥanan, "The approach is reversed," according to which R. Yoḥanan indeed follows the view of R. Yehudah. According to both sources, it follows that R. Yoḥanan follows R. Meir's approach, in opposition to the rule he enacted to follow R. Yehudah.

23. *She'iltot de-Rav Aḥai Gaon*, ed. Samuel K. Mirsky, vol. 2 (Jerusalem, 1964), 125-26; *Bi'urim ve-He'arot*, ad loc.

24. *Halakhot Gedolot* (Venice), ed. Avraham Shim'on Troib, *Hilkhot Berakhot* 7, p. 22; see also *Halakhot Gedolot*, *Hilkhot Birkat ha-Mazon*, ed. E. Hildesheimer (Jerusalem 1972), vol. 1, 129-30.

Heir Exchange of Sacrifices

The approach of R. Yoḥanan to this rule is also relevant in the discussion of whether one who has received an inheritance can make substitutions for a sacrificial animal designated by his father. R. Meir and R. Yehudah dispute this question:

We learn in a *baraita*: An heir makes substitutions and an heir lays his hands on the sacrifice, according to the words of R. Meir. R. Yehudah says: An heir does not lay his hands on the sacrificial animal and an heir does not make substitutions.²⁵

According to R. Meir, an heir who substitutes a different animal for one originally designated for sacrificial purposes by his father while his father was still living has performed a valid action.²⁶ R. Yehudah maintains that such a substitution is invalid. Similarly, according to R. Meir, an heir can lay his hands on an animal originally designated as a sacrifice by his father, who was not able himself to offer the sacrifice at the Temple before his death.²⁷ R. Yehudah, in contrast, argues that he cannot do so.

A text cited in the *gemara*'s discussion and elsewhere reads: "Everyone may make substitutions—including what cases? Including an heir, against the view of R. Yehudah."²⁸ R. Yoḥanan similarly rules elsewhere:

If one left an animal to his two sons, and he then died—it is offered, and no substitutions are made for it. . . . For Scripture said, "If he should exchange . . .," which includes exchanging done by an heir. One makes exchanges, but two do not make exchanges.²⁹

In other words, R. Yoḥanan rules according to the view of R. Meir, that heirs may generally execute exchanges of sacrifices.

Tosafot express puzzlement regarding this point:

This amounts to saying that according to R. Yoḥanan, an heir can make substitutions, and that is puzzling, as "R. Yoḥanan said: R. Meir and R. Yehudah—the *halakhah* follows R. Yehudah."³⁰

R. Yoḥanan proceeds in opposition to a general halakhic principle that he himself had established.

25. *Temurah* 2a.

26. Rashi ad loc., s.v. *yoresh*.

27. Rashi ad loc., s.v. *yoresh somekh*.

28. *Temurah* 3a; *Arakhin* 2a.

29. *Zevaḥim* 5b-6a.

30. Tosafot, *Zevaḥim* 6a, s.v. *ehad*.

In light of this question, the author of the responsa *Sofer ha-Melekh* writes:

But what is the difficulty? Here, R. Yoḥanan is for his own part evidently of an opinion tallying with R. Meir's over that of R. Yehudah, even though the *halakhah* does not correspond to this view, since the arbitrated normative *halakhah* is "R. Meir and R. Yehudah—the *halakhah* is in accordance with R. Yehudah." . . . In any case, it is generally problematic to say that R. Yoḥanan expresses an opinion in opposition to his own halakhic statements.³¹

The *Sofer ha-Melekh* attempts to resolve the question raised by Tosafot by resorting to the argument that R. Yoḥanan's personal opinion was identical to R. Meir's view, and not to R. Yehudah's, against the general halakhic rule that he himself established. Nevertheless, the author of the responsum admits that it is problematic to claim that R. Yoḥanan maintains a view that runs counter to his own halakhic enactment.

A Relative Who Became Distant

Another instance is found in the debate between the unnamed *Tanna Kamma* (R. Meir; "stam mishnah R. Meir," *Sanhedrin* 86a) and R. Yehudah on the topic of "a relative who became distant."³² The discussion revolves around the case of a witness who was a relative of one of the litigants—such as his daughter's husband—and then became "distant" (i.e., no longer related) because the daughter died before the event was witnessed. According to R. Meir, such a person is not considered a relative; he is therefore a valid witness and is permitted to testify. According to R. Yehudah, however, if the daughter who passed away has left children to the son-in-law, the erstwhile son-in-law is still considered a relative of her father and is an invalid witness.³³

The ensuing discussion of the issue in the Talmud involves a dispute about arbitrating the *halakhah* in practice. According to the position reported in the name of Rav, "The *halakhah* is in accordance with R. Yehudah," while according to Rava in the name of R. Naḥman and Rabbah b. Bar Ḥanah in the name of R. Yoḥanan, "The *halakhah* is not in accordance with R. Yehudah."³⁴ Accordingly, R. Yoḥanan rules in accordance with R. Meir and against R. Yehudah, thus going against the general halakhic principle articulated in his name: "R. Meir and R. Yehudah—the *halakhah* is in accordance with R. Yehudah."

31. *Sofer ha-Melekh*, vol. 2, *Hilkhot Bi'at Ha-Mikdash* 4, p. 265, s.v. *ba-derekh*.

32. *Sanhedrin* 27b.

33. Rashi ad loc., s.v. *hayah karov*, s.v. *ve-nitrahek*.

34. *Sanhedrin* 28b.

The continuation of the Talmud's discussion makes clear that it is possible that Rabbah b. Bar Ḥanah's statement in the name of R. Yoḥanan does not refer directly to the dispute between R. Meir and R. Yehudah regarding a relative who becomes "distant," but rather to a statement of R. Yosei the Galilean:

There is what is learned concerning this, as we have Rabbah b. Bar Ḥanah on this: This is what was expounded by R. Yosei the Galilean: "You will come close to the priests, the Levites, and to the judge who will be in those days" (Deut. 17:9)—and is it conceivable that one should go to a judge who was not in one's own day? But this is one who was close [as a relative] and became distant. Said Rabbah b. Bar Ḥana: Said R. Yoḥanan: The *halakhah* follows R. Yosei the Galilean.

According to this *baraita*, R. Yoḥanan ruled in accordance with R. Yosei the Galilean's position that a judge who was once a relative of one of the litigants but is no longer related to him is considered fit to judge. Thus, even if R. Yoḥanan does not say so explicitly, he rules against the view of R. Yehudah and in accordance with the view of R. Meir—against his own principle of arbitration.

"R. Yehudah and R. Yosei—The *Halakhah* is in Accordance with R. Yosei"³⁵

"*Rabbo*"

In the course of elucidating the question of who is considered "*rabbo*," one's teacher, the *gemara* in *Bava Mezi'a* cites a *baraita*:

Our Rabbis taught: The teacher referred to is one who instructed him in wisdom, not one who taught him Bible and Mishnah; this is R. Meir's view. R. Yehudah said: One from whom one has derived the greater part of his knowledge. R. Yosei said: Even if he enlightened his eyes only in a single *mishnah*, he is his teacher. . . . It has been stated: R. Yizḥak b. Yosef said in R. Yoḥanan's name: The *halakhah* is as R. Yehudah. R. Aḥa son of R. Huna said in R. Sheshet's name: The *halakhah* is as R. Yosei. Now, did R. Yoḥanan really say this? But R. Yoḥanan said: The *halakhah* rests with the *stam mishnah*. And we have learned: "His teacher, who instructed him in wisdom." What is meant by "wisdom"? The greater part of one's knowledge.³⁶

35. This general halakhic principle is accepted by the Yerushalmi as well; see Y. *Terumot* 11:7, 48b.

36. *Bava Mezi'a* 33a.

According to R. Yizḥak b. Yosef, R. Yoḥanan rules in accordance with R. Yehudah, and not in accordance with R. Yosei, in opposition to the general halakhic principle that he had established: “R. Yehudah and R. Yosei—the *halakhah* is in accordance with R. Yosei.”³⁷

Eating on Passover Eve

The Talmud records a debate between R. Yehudah and R. Yosei regarding the prohibition against eating in the late afternoon on the eves of the Sabbath and holidays:

For it was taught: One should not eat on the eve of the Sabbath or a holiday beginning with the time of *Minḥah* [late afternoon] and on, so as to commence the Sabbath in a state of desire [for food]; these are the words of R. Yehudah. R. Yosei says: One may continue eating until it grows dark. . . . Yet is it satisfactory according to R. Huna? Surely R. Yirmiyah said: Said R. Yoḥanan (and others state: Said R. Abbahu: Said R. Yosei b. R. Ḥanina): The *halakhah* follows R. Yehudah with regard to the eve of Passover, and the *halakhah* follows R. Yosei with regard to the eve of the Sabbath.³⁸

According to the view that it was indeed R. Yoḥanan who issued a ruling in this case,³⁹ R. Yoḥanan rules in accordance with R. Yehudah with regard to eating on Passover eve, against R. Yosei,⁴⁰ thereby ruling in opposition to the halakhic rule that he had established: “R. Yehudah and R. Yosei—the *halakhah* is in accordance with R. Yosei.”

Twilight

Another example, found in *Massekhet Shabbat*, involves a debate between R. Yehudah, R. Neḥemiah, and R. Yosei regarding the time when twilight (*bein ha-shemashot*) begins and ends:

The Rabbis have taught: As to twilight, it is doubtful whether it is partly day and partly night. . . . And what is twilight? From sunset, as long as the face of the east has a reddish glow. When the lower [horizon] is pale but not the upper, it is twilight, [but] when the upper [horizon] is pale and the same as the lower, it is night. This is the opinion of R. Yehudah. R. Neḥemiah says: After sunset, for as long as it takes a man to walk half a *mil*. R. Yosei says: Twilight is as the twinkling of an eye, one entering and the other departing, and it is impossible to determine. . . . Said Rabbah

37. Maharam Me-Rutenberg, *Teshuvot, Pesakim, u-Minḥagim*, ed. Itzhak Ze'ev Cahana (Jerusalem, 1957), III:#104, p.109; *Sha'ar Yosef, Horayot* 2a.

38. *Pesaḥim* 99b-100a.

39. See Hiday, *Dispute for the Sake of Heaven*, 57, nn. 37, 59.

40. *Sha'ar Yosef*, ad loc.

b. Bar Ḥanah: Said R. Yoḥanan: The *halakhah* is in accordance with R. Yehudah with regard to the Sabbath, and the *halakhah* is in accordance with R. Yosei with regard to the heave-offering.⁴¹

The discussion in the Talmud makes clear that R. Yoḥanan rules in accordance with the view of R. Yehudah with regard to the Sabbath as a matter of stringency.⁴² However, this resolution runs counter to his general principle.

“R. Meir and R. Yosei—The *Halakhah* is in Accordance with R. Yosei”⁴³

R. Yoḥanan contradicts his halakhic principle regarding disputes between R. Meir and R. Yosei several times.⁴⁴

Mistaken Blessings

The *mishnah* states:

And for all of them [fruits and vegetables], if he has said [the blessing] “By Whose word all things exist” (*she-hakol niyeh bi-devaro*), he has fulfilled his obligation.⁴⁵

The subsequent talmudic discussion includes a debate between R. Huna and R. Yoḥanan that was understood to parallel a tannaitic dispute:

It is stated: R. Huna said: Except for bread and for wine. R. Yoḥanan said: Even bread and wine. May we say that the same difference of opinion is found between *tanna'im*? If one sees a loaf of bread and says, “What a fine loaf of bread this is! Blessed be the Omnipresent Who has created it!” He has fulfilled his obligation. This is the view of R. Meir. R. Yosei says: Anyone who alters the wording established by the Sages for the blessings has not fulfilled his obligation. We may say that Rav Huna agrees with R. Yosei and R. Yoḥanan agrees with R. Meir.⁴⁶

Thus, R. Yoḥanan adopts the position of R. Meir that a generic blessing

41. *Shabbat* 34b-35a. See Hidary, *Disputes for the Sake of Heaven*, 50, n. 13.

42. Rashi, ad loc., s.v. *bishlama halakhah*.

43. The Yerushalmi agrees concerning this general rule that the *halakhah* is in accordance with R. Yosei over R. Meir. See *Y. Terumot* 3:1, 42a. Cf. Louis Ginzberg, *Genizah Studies* (New York, 1929), vol. 2, p. 518.

44. See Louis Ginzberg, *On Jewish Law and Lore* (New York, 1977), 163; Menachem Elon, *Jewish Law: History, Sources, Principles* (Jerusalem, 1988), vol. 2, p. 729.

45. *Berakhot* 6:2.

46. *Berakhot* 40b.

is sufficient, and he therefore rules that *she-ha-kol* is acceptable even for bread and wine. “It can be seen that R. Huna thinks as R. Yehudah does, and R. Yoḥanan—as R. Meir.”⁴⁷ By ruling against R. Yosei, R. Yoḥanan goes against his own halakhic principle: “R. Meir and R. Yosei—the *halakhah* is in accordance with R. Yosei.”

Indeed, the *posekim* who issue practical rulings in accordance with R. Meir rely on the fact that R. Yoḥanan rules in accordance with R. Meir’s position.⁴⁸ However, in the subsequent talmudic discussion, the difficulty that arises in connection with R. Yoḥanan’s ruling in favor of R. Meir in opposition to the general rule he had himself established is resolved with the words: “And R. Yoḥanan said: What I say is even according to R. Yosei.”⁴⁹ In other words, R. Yoḥanan may say that his statement fits in even with the view of R. Yosei, so that R. Yoḥanan would not be disputing the general halakhic rule that he established.

The Yerushalmi also records the debate among R. Yosei, R. Yudah [=R. Yehudah], and R. Meir, including an unambiguous halakhic ruling in accordance with R. Meir:

R. Huna said: Except for wine and for bread. . . . It was taught: R. Yosei says: Anyone who alters the formula established by the Sages does not fulfill his obligation. R. Yudah says: Anything that has had its natural shape altered but its blessing has not been altered, one has not fulfilled one’s obligation. R. Meir says: Even if one has said, “Blessed is He Who has created this object; how goodly it is” has fulfilled his obligation. R. Ya‘akov bar Aḥa in the name of Shmuel said: The *halakhah* follows R. Meir. As per the words of Rav did he say it thus.⁵⁰

According to R. Ya‘akov bar Aḥa, both Shmuel and Rav issue halakhic rulings in accordance with R. Meir and in opposition to the general halakhic principle that R. Yoḥanan had established: “R. Meir and R. Yosei—the *halakhah* is in accordance with R. Yosei.” It is clear from elsewhere in the Bavli that Rav does not abide by the principles of halakhic arbitration transmitted in the name of R. Yoḥanan. This passage from the Yerushalmi indicates that Shmuel likewise does not seem to be beholden to those principles.

47. *Perush Sefer Ḥaredim*, *Berakhot* 6:2, s.v. *Rabbi Meir*.

48. See Rambam, *Hilkhot Berakhot* 8:6; *Kesef Mishneh* ad loc, s.v. *ve-mah she-amar*; This is the understanding of *Beit Yosef*, *Orah Ḥayyim* 167:10; *Perush Sefer Ḥaredim*, *ibid.*; *Mar’eh ha-Panim*, *Berakhot* 6:2, s.v. *halakhah*.

49. *Berakhot* 40b; *Beit Yosef*, *ibid.*, s.v. *de-talmuda daḥei*.

50. Y. *Berakhot* 6:1, 10b; See Baer Ratner, *Ahawath Zion we-Jeruscholaim*, *Berakhot* (Vienna, 1901), 151-52.

Prohibitions on Days Specified in Megillat Ta'anit

A further instance involves a dispute between the *Tanna Kamma* (R. Meir) and R. Yosei with regard to the prohibition of fasting and eulogizing on days indicated in *Megillat Ta'anit*:

All that is written in *Megillat Ta'anit* about not mourning—on the day previous, it is forbidden; on the day following, it is permitted. R. Yosei says: On the day previous and on the day following, it is forbidden. As to not fasting—on the day previous and on the day following, it is permitted. R. Yosei says: On the day previous, it is forbidden; on the day following, it is permitted.⁵¹

According to R. Meir, it is forbidden to eulogize on the day preceding any of the holidays listed in *Megillat Ta'anit* lest one carry on the same activity on the holiday itself as well, but one may eulogize on the day following, since by then the holiday is over and there is no concern that people will eulogize on the holiday itself.⁵² R. Yosei argues against this, maintaining that it is forbidden to eulogize both on the day preceding the holiday and on the day following it. According to the *Tanna Kamma*, fasting is permitted on the day preceding and on the day following a holiday. R. Yosei disputes this, maintaining that fasting is prohibited on the day preceding a holiday, while it is permitted on the following day.

In the talmudic discussion that follows, R. Ḥiyya states: “R. Yoḥanan said: The *halakhah* follows R. Yosei, that one is not to fast.” In other words, R. Yoḥanan issues his ruling in accordance with the position of R. Yosei concerning the days when fasting is forbidden (the day before a holiday), but he follows the ruling of R. Meir with regard to the days when eulogizing is forbidden (only the day before a holiday). Accordingly, R. Yoḥanan issues a halakhic ruling concerning the days when eulogizing is forbidden in accordance with the view of R. Meir, and not that of R. Yosei, in opposition to his halakhic principle: “R. Meir and R. Yosei—the *halakhah* is in accordance with R. Yosei.”

Reading the Megillah

The *mishnah* in *Massekhet Megillah* discusses the question of the point in the *Megillah* at which one must begin reading in order to fulfill his obligation:

51. *Ta'anit* 15b; see also *ibid.* 18b.

52. Rashi, *Ta'anit* 15b, s.v. *kol ha-katuv*.

R. Meir says: All of it. R. Yehudah says: From “a man of Judah” (*Esther* 2:5). And R. Yosei says: From “After these things” (*Esther* 3:1). A *baraita* records that R. Shimon bar Yoḥai said: From “On that night” (*Esther* 6:1).⁵³

The talmudic discussion states: “Said R. Ḥelbo: Said Ḥamah b. Gurya: Said Rav: The *halakhah* is in accordance with the position of the one who says ‘all of it.’” In other words, the *halakhah* according to Rav follows the view of R. Meir.

Rav’s ruling is contrary to the general principles of Halakhah articulated by R. Yoḥanan. However, R. Ḥayyim Yosef ben Dovid Azulai (*Sha’ar Yosef*) maintains that R. Yoḥanan rules in accordance with the position of Rav, i. e., R. Yoḥanan agrees that the *halakhah* follows R. Meir, as opposed to R. Yosei.⁵⁴ *Sha’ar Yosef*’s basic argument is *ex silentio*. Rav was the foremost authority in Babylonia, and R. Yoḥanan the foremost authority in the land of Israel. Therefore, argues *Sha’ar Yosef*, R. Yoḥanan could not fail to somehow convey, whether explicitly or by implication, his opinion about Rav’s view. Since he remained silent, he must have accepted Rav’s ruling—contrary to his principle that we follow R. Yosei against R. Meir.

Why would he do so? *Sha’ar Yosef* suggests that R. Yoḥanan ruled in accordance with R. Meir because he felt impelled to join the general opinion that dominated in his day. In the case of reading the *megillah*, the dominant opinion was Rav’s. *Sha’ar Yosef* raises the further question of whether the legal prescription in the case of *megillah* is exceptional, and states (without examples) that “there are many like it.”⁵⁵ In any event, for *Sha’ar Yosef*, the “silence” principle for determining R. Yoḥanan’s view applies to the case of reading the *megillah*. In contrast to *Sha’ar Yosef*, some maintain that if a dictum cited by the Talmud anonymously accords with the view of R. Meir, then the *halakhah* follows R. Meir and not R. Yosei. This limits R. Yoḥanan’s application of his rule to cases in which R. Meir’s opinion is quoted in his name.⁵⁶

53. *Megillah* 19a.

54. See R. Ḥayyim Yosef ben Dovid Azulai, *Sha’ar Yosef*, *Horayot* 3a.

55. *Ibid.*

56. See *Sanhedrin* 27a with *Ein Zokher* 45, p. 48b, s.v. *halakhah*. R. Yoḥanan must follow his rule of *halakhah ki-stam mishnah* (*Shabbat* 46a).

“R. Yehudah and R. Shimon—The *Halakhah* is in Accordance with R. Yehudah”

The Talmud records a dispute between R. Yehudah and R. Shimon concerning items that it is forbidden to move on the Sabbath (*mukzeh*).⁵⁷ R. Yehudah maintains that there is *mukzeh*, while R. Shimon maintains that there is not. Ulla, Rav, and Levi maintain that the *halakhah* follows the position of R. Yehudah, while Shmuel, R. Yoḥanan, and Zeirai maintain as per R. Shimon: “And even R. Yoḥanan said: The *halakhah* follows R. Shimon.”⁵⁸ There are a number of instances in this context in which R. Yoḥanan ruled in accordance with the view of R. Shimon,⁵⁹ in opposition to the halakhic principle transmitted in his name: “Said R. Abba: Said R. Yoḥanan: R. Yehudah and R. Shimon—the *halakhah* is in accordance with R. Yehudah.”

The Genesis of R. Yoḥanan’s Principles

The Talmud in *Eruvin* cites a dispute between R. Meir and R. Yosei concerning a woman who must wait three months before remarrying, noting that R. Yoḥanan rules in accordance with R. Yosei.⁶⁰ In his explanation of R. Yoḥanan’s position, Rashi suggests a possibility of how the general halakhic principles of *Halakhah* transmitted in R. Yoḥanan’s name evolved:

Why should R. Yoḥanan say that the *halakhah* follows R. Yosei, considering that he himself has already specified earlier: R. Meir and R. Yosei—the *halakhah* is in accordance with R. Yosei? Apparently, R. Yoḥanan did not formulate these general principles, but rather the *Amora'im* formulated them on their own.⁶¹

Given the statement transmitted in R. Yoḥanan’s name (“R. Meir and R. Yosei—the *halakhah* is in accordance with R. Yosei”), why did R. Yoḥanan need to arbitrate the *halakhah* in accordance with the

57. *Shabbat* 156b-157a.

58. Ibid.; R. Ḥananel, *Shabbat* 157a; Tosafot, *Shabbat* 156b, s.v. *ve-ha* (1). The Talmud indicates that R. Yoḥanan ruled in accordance with the view of R. Shimon because *Beit Hillel* did so.

59. *Shabbat* 45b: “And R. Yoḥanan said: We have nothing but the lamp as per R. Shimon.” R. Yoḥanan maintains the same view as R. Shimon concerning what is considered *mukzeh mahamat mi’us* (*mukzeh* by dint of repugnance).

60. *Eruvin* 47a.

61. Rashi, ad loc., s.v. *ve-lammah lei*.

view of R. Yosei in this case? The fact that he does so indicates that R. Yoḥanan did not formulate the general arbitration principle. Instead, the *Amora'im* formulated it on their own, in light of R. Yoḥanan's rulings.

Yosef Zvi Dinner offers a more general description of the genesis of the halakhic arbitration principles. He writes that R. Yoḥanan himself specified what the *halakhah* is in a variety of disputes in the Mishnah, clarifying whose view is adopted by the Halakhah in the various debates. His students, having heard his views in these debates, were the ones who consolidated them as general principles of Halakhah, and it was in this state that the principles reached Babylonia. The Babylonian *Amora'im* took these general principles of Halakhah to be statements explicitly made by R. Yoḥanan, making it obligatory to abide in accord with them.⁶²

However, this is not the impression one gets from the text in the Yerushalmi, which discusses general halakhic principles that were indeed formulated by R. Yoḥanan himself.⁶³ It follows that these general rules follow R. Yoḥanan's view⁶⁴ and that he is the one who formulated them.⁶⁵

Explanations of R. Yoḥanan's Approach

Some maintain that R. Yoḥanan intended that his rules be applied only to certain disputes—those entailing *de-Oraita* (biblical) laws, and perhaps some *de-Rabbanan* disputes.⁶⁶ Others suggest that these principles were formulated only in general,⁶⁷ or that they were arbitrated as a statistical determination rather than a norm for ruling.⁶⁸ Still others, however, are of the opinion that R. Yoḥanan abided by the general principles of Halakhah that he established in an absolute manner, without changing his mind.⁶⁹ R. Yoḥanan was in need of general principles of Halakhah because he, unlike Rav, did not accept the rule that the *halakhah* follows the more lenient position in all cases of *erubin*; he thus needed to create a system of rules for future cases.⁷⁰

62. Yosef Zvi Dinner, *Haggahot al Massekhet Eruvin, Beizah, ve-Sukkah, Bavli ve-Yerushalmi* (Frankfurt de Main, 1896), vol. 1, *Eruvin* 46b.

63. Y. *Terumot* 3:1, 42a.

64. *Yavin Shemu'ah* 5:1, pp. 98-99.

65. Rashi, *Eruvin* 47a, s.v. *Rav let leih*.

66. *Sha'ar Yosef, Horayot* 2a, 3a.

67. *Ein Zokher* 43, p. 47b, s.v. *ve-da*.

68. Ephraim Urbach, *The World of the Sages: Collected Studies* (Jerusalem, 1988), 81.

69. Tosafot, *Eruvin* 65b, s.v. *ikkela'u*; Semag, positive rabbinic commandments, *Hilkhot Eruvin*, 244a-b; *Naḥal ha-Arevim, Eruvin* 46b, s.v. *gemara ve-amar Rav Hama*.

70. Maharsha, *Eruvin* 46b; SMG, *ibid*, *Be'er Sheva, Eruvin* 46b.

The Talmud in *Eruvin* raises an objection against R. Yoḥanan based on the fact that his rulings seem to contradict the principles that he establishes.⁷¹ The *gemara* concludes: “These general principles are not the view shared by everyone, for Rav does not abide by them.” R. Ḥananel explains that the implication is: “But R. Yoḥanan does adopt them.”⁷² According to R. Ḥananel, R. Yoḥanan maintains the view that it is obligatory to abide by the general principles of Halakhah that he established.

Some have argued that R. Yoḥanan may have later given up the general rules of Halakhah that he established.⁷³ This possibility finds support in a passage in *Yevamot*: “Said R. Ḥiyya bar Abba: R. Yoḥanan changed his mind.”⁷⁴ However, the continuation of that discussion suggests that this statement does not mean that R. Yoḥanan repudiated his principles: “If he changed his mind, then it is concerning the *mishnah* of the vineyard that he changed his mind.” As Rashi explains, R. Yoḥanan changed his mind in the particular case of a *mishnah* taught in the “*kerem*” in Yavneh—a reference to the Sanhedrin, which sat in Yavneh after the destruction of Jerusalem.⁷⁵ R. Yoḥanan changed his mind only in the specific instance discussed in the text; he never gave up any of the other general principles of halakhic arbitration.

Indeed, the continuation of the *gemara*’s discussion in *Yevamot* further suggests that R. Yoḥanan tends to favor an approach to arbitration based on general principles:

For said R. Papa, and some say it was R. Yoḥanan: A dispute and then a dictum recorded anonymously—the *halakhah* is in accordance with the anonymous dictum. A dictum recorded anonymously and then a dispute—the *halakhah* is not in accordance with the anonymous dictum.

Similarly, among the principles quoted in R. Yoḥanan’s name in *Eruvin* is the rule: “Wherever you find a single authority who is lenient and the majority holds the more stringent view, follow those taking the more stringent view.” He further adopts some principles articulated by others: “He maintained a position as per Shmuel, as Shmuel said: The *halakhah* is according to the more lenient view concerning mourning.”⁷⁶ We also find R. Yoḥanan’s important principle: “The *halakhah* is in accordance

71. *Eruvin* 47a-b. See *Ḥiddushei ha-Ritva*, *Eruvin* 47a, s.v. *ella mi-ha*.

72. R. Ḥananel, *Eruvin*. 47b.

73. David Weiss Halivni, *Mekorot u-Mesorot*, *Eruvin* (Jerusalem, 1982), 138, n. 4.

74. *Yevamot* 42b.

75. Rashi, *Yevamot* 42b, s.v. *mi-matni de-karmah*.

76. *Eruvin* 46a-b. See Rashi, *Eruvin* 46a, s.v. *ve-savar lah*.

with the anonymous authority cited in the *mishnah*.⁷⁷ Nevertheless, it appears that R. Yoḥanan may on occasion deviate from the general principles which he established, as seems to be the case in *Eruvin* 46a:

And said Rabbah b. Bar Ḥana, said R. Yoḥanan: Wherever you find a single authority taking a lenient view and the majority opting for the more stringent, join the more stringent majority, except for this one case, that even though R. Akiva has the more lenient approach, while the Sages are more stringent, the *halakhah* is as per the words of R. Akiva.

Even so, the words of Abbaye in *Eruvin* suggest that these general principles of Halakhah as put forth by R. Yoḥanan apply not only to the Mishnah, but also to the Baraita.⁷⁸ Accordingly, R. Yoḥanan did not change his mind about the general principles of halakhic arbitration.

Moreover, had R. Yoḥanan given up the general rules of Halakhah, we would expect a clear statement of this in the talmudic discussion.⁷⁹ Given that no such statement was formulated, it must be concluded that R. Yoḥanan did not change his mind regarding the general rules that he established.

Elsewhere, however, we find that R. Yoḥanan states: “We do not draw inferences from general rules.”⁸⁰ In other words, wherever a general rule is stated, there is no arguing specifically based upon the general rule, insofar as there may be a general rule that is stated inexactly or that does not include every instance pertaining to the rule.⁸¹ We cannot draw inferences from general rules because the rules are “not necessarily specifically pertinent” to particular cases.⁸² This source presents a very different view of R. Yoḥanan’s rules, indicating that he does not feel bound by them at all. It is possible that when R. Yoḥanan states that we do not draw inferences from general rules, he is referring only to the “general principles” found in the Mishnah.⁸³ Wherever the Mishnah states, “Every . . .,” this is not meant literally. For instance: “An *eruv* or *shittuf* may be put into effect with all [kinds of food], except water and salt.”⁸⁴

77. *Shabbat* 46a; *Masoret ha-Shas*, ad loc.

78. *Eruvin* 47b.

79. For example, *Sha’ar Yosef* (*Horayot* 1a) is of this view concerning Shmuel: “For this is impossible, insofar as he [Shmuel] does not have these general rules, for if he did, why was this not mentioned about Shmuel along with Rav [in *Eruvin* 47b]?”

80. *Eruvin* 27a; *Kiddushin* 34a.

81. Rashi, *Eruvin* 27a, s.v. *ein lemedin*.

82. Rashi, *Kiddushin* 34a, s.v. *ein lemedin*.

83. R. Ḥananel, *Eruvin* 27a; Rashi, *Eruvin* 27a; Rashi, *Kiddushin* 34a, s.v.

84. *Eruvin* 27a; *Kiddushin* 34a.

Even when the Mishnah uses the term “except,” which ostensibly indicates that nothing else is excluded from the generalization,⁸⁵ we cannot rely on this because there may be things that are not included in the general rule and not part of the exception made to the rule.⁸⁶ Hence, the general rules of Halakhah apply, according to R. Yoḥanan, in all areas except for the Mishnah.

In his commentary on the general rules of Halakhah at the beginning of the *sugya* in *Eruvin*, Rashi explains that these principles are not binding in all cases, but rather operate as per the notion of “the reasonably likely.”⁸⁷ That is, when it is reasonable or makes sense to follow the view of the sage mentioned in these general rules, the ruling should be reached accordingly; if it is reasonable to follow the view of the other sage, then that other view is to be maintained. According to this explanation, R. Yoḥanan indeed sometimes issued halakhic rulings that deviated from his general principles of Halakhah.

A similar explanation can be reached based on the conclusion of the *sugya*: “Where it was said, it was said; where it was not said, it was not said.”⁸⁸ The implication is that the general rules of Halakhah are only binding in general, when no special considerations are involved, and R. Yoḥanan thus rules occasionally against the general principles of Halakhah that he established.⁸⁹

According to a different perspective, whenever R. Yoḥanan ruled in opposition to the general principles of halakhic arbitration that he established, this stems from the fact that the *halakhot* in question are not pertinent to the general principles or that a different general principle is in effect that is stronger than the principles of R. Yoḥanan (such as “The *halakhah* follows the anonymous authority cited in the *mishnah*”).⁹⁰ This is the case, for example, in the dispute between R. Meir, R. Yehudah, and R. Yosei about the question of the definition of one’s “master.”

It is, further, reasonable to assume that R. Yoḥanan’s occasional disregard for the principles that he established stems from the fact that the rules he enunciates in *Eruvin* are inductive (derived by his students

85. But in truth it does not, as the *gemara* says (*Eruvin* 27a; *Kiddushin* 34a). See also Rashi, *Eruvin* 27a, s.v. *ein lemedin* and s.v. *va-afilu be-makom*, and *Kiddushin* 34a, s.v. *ein lemedin*.

86. See also *Tosafot R”i ha-Zaken*, *Kiddushin*, *ibid*.

87. Rashi, *Eruvin* 46b, s.v. *le-hanei kelalei*.

88. *Eruvin* 46b-47a.

89. *Ein Zokher* 43, 47b, s.v. *ve-heikha*.

90. *Sha’ar Yosef*, *Horayot* 2a.

from specific cases), while other rules were derived deductively from general sayings of R. Yoḥanan. One prominent scholar suggests an additional possibility: that R. Yoḥanan was an authority of great stature, and could thus permit himself to depart from his own principles in certain cases precisely to show his authority. Still another approach is that R. Yoḥanan aimed to come up with a statistical halakhic assessment, not a normative prescription dictating how halakhic issues should be arbitrated.⁹¹

Summary and Conclusions

In light of the sources that we have seen, it is appropriate to conclude that R. Yoḥanan is not consistent when it comes to issuing rulings in conformity with the halakhic principles of arbitration that he himself specifies in *Eruvin*.⁹² His reasons for deviating from his own principles of halakhic arbitration are not always specified in the talmudic text, and at times they remain unclear. I have explained here numerous ways of approaching this conundrum. The matter will likely remain a subject of controversy.

91. See Urbach, 81.

92. This same view is introduced in the works cited above in note 6.