



## OVERVIEW of the Daf

### 1) The placement of the massechta (cont.)

The Gemara concludes its explanation why Shvuos follows Makkos.

### 2) Clarifying the Mishnah

The Gemara explains why in this Mishnah in particular the Tanna decided to present all the cases that are two that are really four.

The reason the Tanna explained the halachos of "awareness of tum'ah" before the first case mentioned of oaths.

The Gemara explains in each of the four cases how two is really four.

It is noted that the Mishnah does not seem to follow the opinion of R' Yishmael nor the opinion of R' Akiva.

The Gemara explains how the Mishnah could represent either of their positions.

These explanations are rejected and the Gemara suggests another way to reconcile the Mishnah with R' Yishmael's position.

This explanation is unsuccessfully challenged.

It is noted that this explanation results in contradictory statements from R' Yochanan.

The contradiction is resolved with the assertion that there is more than one anonymous Mishnah and R' Yochanan's ruling is consistent with the other anonymous Mishnah.

An anonymous Mishnah that seems to reflect R' Yochanan's view is cited but the Gemara rejects this as being the anonymous Mishnah that R' Yochanan is following. ■

## REVIEW and Remember

1. Why does Shevuos follow Masseches Makkos?
2. What is the point of dispute between R' Yishmael and R' Akiva concerning future oaths?
3. What is the difference between a false oath and a vain oath?
4. What is the point of dispute between R' Yaakov and R' Yehudah?

## Distinctive INSIGHT

*The cases of oaths are two, which are four*

שבועות שתיים שהן ארבע, שתיים שאוכל ושלא אוכל, שהן ארבע  
 אכלתי ושלא אכלתי

The Gemara now continues to explain the reference of "two that are four" that was taught in the Mishnah in regard to oaths.

There are two explicit cases of oaths in the Torah, and these are where a person makes an oath regarding the future, for example where he says, "I will eat this loaf," or where he says, "I will not eat this loaf." These statements are clear examples of the cases illustrated in the verse which states (Vayikra 5:4) "להרע או להטיב"—to do harm or to do good." The critical factors here are that the statement is in reference to the future, and that the person is accepting upon himself something that will either be beneficial (e.g. eating) or detrimental (e.g. not eating) to him.

The Gemara explains that the Mishnah's two additional examples of oaths are where a person makes an oath regarding the past. For example, if one says, "I ate a loaf," or if he says, "I did not eat a loaf." At this point, we understand that although the Torah only gave an example of the future, based upon a *דרשה* we know that an oath regarding the past is also valid. This leads the Gemara to note that the Mishnah cannot be the opinion of R' Yishmael, who holds that oaths are only valid when stated in terms of the future. The Gemara responds that our Mishnah could still be understood according to the opinion of R' Yishmael, but when the Mishnah stated "two that are four," it meant that two of the cases are *חייב* (regarding the future), while the other two are *פטור* (regarding the past).

Tosafos (ד"ה שהן ארבע) notes that the Gemara might have initially identified the additional two cases of the Mishnah to be where the oath stated, "I will throw a stone," or "I will not throw a stone." This is an oath stated in the future, to which R' Yishmael agrees. The expansion factor upon the two classic cases of the Torah's oath is that this oath is neither beneficial

(Continued on page 2)

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# HALACHAH Highlight

## Breaking the bone of the Korban Pesach

“ועצם לא תשברו בו” בכשר ולא בפסול”

“And you shall not break a bone in it” in one that is kosher but not in one that is disqualified”

The Gemara Chullin (17b) states that there are three halachos where a notch is significant and one of those cases is a notch in the bone of a Korban Pesach. What constitutes a notch that is significant? It is a notch whose size would disqualify the Altar which the Gemara explains is a notch that is large enough that a fingernail passing over it would be stopped by it. Yerushalmi (Pesachim 7:11) cites a disagreement about the size of the notch that is significant. According to one opinion it is the size that will cause a hand to get caught whereas according to the other opinion it is the size that will catch a fingernail. Teshuvos Tzitz Eliezer<sup>1</sup> wonders why this halacha regarding the size of a notch in a bone from the Korban Pesach is not recorded in Rambam. Something that is discussed without dispute should certainly be recorded in Rambam’s work on halacha and yet strangely enough it is not there.

Tzitz Eliezer suggests that an explanation for Rambam can be found by posing the following question. What is the nature of the prohibition against breaking the bone from the Korban Pesach? Is it a halacha that relates to the eating of the Korban Pesach? In other words, one must eat the Korban Pesach in a manner that does not involve breaking its bones and the prohi-

(Insight...continued from page 1)  
nor detrimental to the speaker (it is not להרע או להטיב), but it is also included, based upon a דרשה (see 25b, from “לכל אשר “ יבטא”).

Tosafos answers that the Gemara knew that the Mishnah later (19b) clearly lists oaths of the past as the cases referred to by the “two which are four” phrase in our Mishnah.

Tosafos in Shabbos (2a) answers this question by noting that if our Mishnah was referring to throwing or not throwing (in the future), to which everyone agrees, there would be no novelty to our Mishnah. However, by introducing the case of “I ate” and “I did not eat,” the Mishnah is teaching a case which is controversial, with which R’ Yishmael disagrees. The oath regarding throwing is too obvious, as all opinions agree with it. ■

hibition restricts the person from breaking the bone of the korban. Alternatively, it is a halacha of the Korban Pesach that it may not be broken, regardless of whether there is a person who is breaking the bone. If the halacha addresses the Korban Pesach then even a small notch would disqualify the korban but if it is a halacha that addresses the person the prohibition is violated only when he actively breaks the bone and not if somehow the bone becomes notched. After he draws this distinction he demonstrates that Rambam, in contrast to Bavli and Yerushalmi, maintains that the prohibition addresses the person and as such the korban is not disqualified if it is notched and thus he does not record the halacha. ■

1. שו"ת ציץ אליעזר ח"ב סי' ח'.

# STORIES Off the Daf

## Honor in Suffering

”ועל הזקן שתים מכאן...”

On today’s daf we find that one who cuts his beard with a razor violates five Torah prohibitions.

When the community of Kretchnif was deported to Auschwitz, the old and weak were sent to the gas chambers while the younger people were enslaved, forced to labor under impossible conditions, usually to their death. Rav Dovid Moshe of Kretchnif, זת”ל, who later became the Rebbe of Kretchnif in Rechovot, was still quite young and was one of the few to survive the “processing” at Auschwitz.

Rav Moshe Dovid was in the same room as Reb Elimelech Stein in the Gunkirchen labor camp, and the two were

inseparable. After being together for six months, the Nazis decided to separate the workers into new groups. Not surprisingly, this made them feel a fresh wave of panic. Who knew who would survive the day?

The only person who kept his head was Rav Moshe Dovid. He gathered everyone together and said, “Everything is alluded to in the Torah. When we were deported it was Parshas Behar-Bechukosai. That is the week the episode of the *tochachah* (the harsh punishments) is read and, indeed, we have experienced the full extent of the *tochachah*. We must all have faith that those of us who survived these curses will also experience the blessings with which Hashem comforts us after the curses have passed.”

The rebbe’s indomitable spirit while in the camps was truly astounding. He

somehow managed to avoid eating non-kosher foods. With even greater self-sacrifice he refused to trim his beard with the razor provided by the Nazis for shaving. How could he transgress the many prohibitions involved in cutting his beard with a razor? Although the Nazis didn’t notice that he subsisted mainly on bread, his beard was obvious to all, and his refusal to shave earned him many beatings. But he never complained and bore it all with equanimity. Although he suffered from these injuries for the rest of his life, he bore them with honor because he received them for acting as a Jew.

He was often heard to say, “Master of the world, remember the hard times I endured at the hands of the wicked when they beat me terribly. Although they hurt my body, my soul remained complete for Your sake. Only for You!”<sup>1</sup> ■

1. אורות משה, ע' י"א