

OVERVIEW of the Daf

1) The dispute between R' Eliezer and R' Akiva (cont.)

The Gemara explains why R' Akiva disagrees with R' Eliezer's opinion regarding the tum'ah of a sheretz and the tum'ah of a neveilah as well as R' Eliezer's response.

R' Yochanan offers an alternative explanation of the dispute between R' Eliezer and R' Akiva.

Rava inquires whether there is liability for a person who is unaware of tum'ah and the sanctity of the place.

R' Ashi suggests that it depends upon the circumstances.

Ravina rejects this approach and maintains that in both circumstances he is exempt.

2) Awareness

A Baraisa elaborates on the degree of awareness necessary for one to be liable for entering the Beis Hamikdash while tamei.

Rava elaborates on R' Shimon ben Yehudah's position in the Baraisa.

R' Yochanan and Reish Lakish offer different explanations for the second ruling of the Baraisa.

The Gemara notes that R' Yochanan and Reish Lakish's respective explanations seem to contradict other rulings that they had issued.

Both contradictions are resolved.

הדרן עלך ידיעות טומאה

3) **MISHNAH:** The Mishnah elaborates on the two cases of oaths that are four. A disagreement between R' Akiva and Rabanan concerning how much one must consume to have violated his oath is presented.

4) The meaning of the word שאוכל

A contradiction is noted regarding the meaning of the word שאוכל.

Abaye suggests that the meaning of the term depends upon the context in which it is used. ■

REVIEW and Remember

1. Why wasn't R' Sheishes careful to keep track of the names of the differing Tannaim?

2. What is the point of dispute between R' Shimon and R' Shimon ben Yehudah?

3. What is the point of dispute between R' Yochanan and Reish Lakish?

4. How much does one have to eat to be in violation of an oath that he will not eat?

Distinctive INSIGHT

Do the two paths run through a public or private domain?
 שני שבילין אחד טמא ואחד טהור והלך בראשון וכו'

The Baraisa presents a case of two paths, one of which has a grave buried across it, and the other path is clear. We do not know which path is which. Someone walked through one path, but he did not yet enter the Beis HaMikdash, but then he walked through the other path, and he entered the Beis HaMikdash. In this case, the person is liable for entering the Mikdash while impure, because either way, we know that he is definitely tamei, one way or the other. Had he walked through only one of the paths, he would not be liable.

The rule is that whenever we have a doubt regarding tum'ah (ספק טומאה), if the issue is regarding a development in the public domain we judge the case leniently, but if it is in the private domain any uncertainty regarding tum'ah is judged strictly. Therefore, Tosafos (ד"ה הלך בראשון) points out that if the case of the two paths would be where they traverse a private domain, we would judge the case strictly for one path alone. Therefore, Tosafos notes that the halacha of the two paths is referring to a situation where the paths are in the public domain (רשות הרבים). The person had a status of being tahor—pure—and this status would remain intact although there is a doubt which has arisen.

Rambam (Hilchos Shegagos 11:6), however, records this halacha plainly, without specifying that the person is only tahor after walking through the first path if it is in the public domain. Mishneh L'Melech cites the comment of Tosafos, and leaves it unanswered why Rambam's remarks did not limit the case to where the paths were in the public domain.

Tosafos Yom Tov to Mishneh Parah (12:4) clarifies that Rambam holds that entering the Beis HaMikdash while tamei and therefore being liable to bring an offering is only when the tum'ah is certain. In other words, if a person definitely was tamei, but this situation eluded him in some manner, he will bring an offering for this oversight. This, however, is not the case when the person is deemed tamei due to some doubt. Although we will be strict and treat him as being tamei, this is not the tum'ah for which an offering must be brought. With this approach, Tosafos Yom Tov explains that Rambam does not agree with Tosafos, and this is why Rambam made no distinction whether the paths in our Gemara run through the private or even public domain.

גרא"ח על הש"ס presents an inquiry in this regard. When we say that a doubt regarding tum'ah in the private domain is tamei, which is learned from סוטה, does this mean that the

HALACHAH Highlight

Repeating a halacha in the name of the author

ד"ר ששת מחליף ד"ר אליעזר ל"ר עקיבא וכ"ו

Because R' Sheishes switched R' Eliezer and R' Akiva etc.

Sefer Chassidim¹ writes in the name of Sefer Kavod that a son should not sin following the death of his father in order to give honor to his father. For example, a father bequeathed to his son a commentary to a particular sefer and told him during his lifetime that the commentary was written by another person. Before his death the father told his son to write his name on the commentary so that people will think that it is his commentary and will be appreciative of his accomplishment. In this case the son should not write his father's name on the sefer; rather the name of the actual author should be written on the work. Support for this can be found in the Sifrei². The verse states (Devarim 19:14), "Do not move the boundary of your neighbor, which the earlier generations established." This teaches, states the Sifrei, that one is prohibited to switch the position of R' Eliezer with the position of R' Yehoshua and the position of R' Yehoshua with the position of R' Eliezer. Furthermore, if one cites a statement of another person without attributing it to the author he is guilty of encroaching the boundary of his neighbor.

Our Gemara relates that R' Sheishes switched the position of R' Eliezer with R' Akiva's position and R' Akiva's position with R' Eliezer's position. Rashi³ explains that

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Torah considers this to be certain tum'ah, or does it remain a doubt, but we treat the person as tamei? According to this second approach, we can understand why the person would not bring an offering even if it was situated in the private domain. ■

when teaching the Mishnah he used to switch the names without concern since there was no substantive difference between their positions. Torah Temimah⁴ writes that from Rashi it seems that one does not violate the prohibition against encroaching the boundary of another by switching names unless the switch makes a difference in halacha. Yerushalmi (Shabbos 1:2) writes that one who is careful to repeat teachings in the name of the author is considered a trustworthy person (See Mishlei 20:6). The fact that R' Sheishes was not careful does not contradict this principle because R' Sheishes was blind and incapable of being precise. In his final analysis he concludes that if one switches names in a way that has an effect on the halacha outcome one violates the pasuk of encroaching the boundary of another. If one is careful even when it has no bearing on Halacha one is considered trustworthy but one who is not careful when it has no bearing on halacha does not violate the prohibition. ■

1. ספר חסידים ס"י תקפ"ו.
2. ספרי פרשת שופטים אות קפ"ח.
3. רש"י ד"ה דרב ששת מחליף כ"ו.
4. תורה תמימה דברים י"ט הע"ל. ■

STORIES Off the Daf

A False Accusation

"שבועות שתיים שהן ארבע..."

Today's daf discusses shevuos.

Rav Shmuel Bloomfield, z"l, was a very wealthy Shtefineshter chassid. He was astounded when a certain Jew accused him of stealing 100,000 Romanian lei. To understand how much money this was, it is enough to say that with a mere three thousand, one could purchase an entire building with a large courtyard.

The Romanian government worked very closely with the Jews at that time.

Since they understood that swearing was a very effective deterrent to prevent Jews from cheating, the law was that anyone accused of owing money had two options: to pay or to swear that he did not owe.

Rav Shmuel was at a loss as to what to do. He would have gladly paid even a large sum of money to avoid swearing but paying such a large sum was not feasible. On the other hand, how could he, who was so careful with halachah, swear?

When he went to Rav Avraham Matisyahu, zt"l, the rebbe of Shtefinesht for advice, the rebbe told him not to worry. "Chas v'shalom for you to give him a penny! You just go to

swear and everything will be just fine."

The procedure was that one slated to swear would first go to the mikveh and then to shul. In the shul would be a table used to purify the dead. This would petrify anyone. In addition they would light black candles and open the aron hakodesh. The man slated to swear would sit on the table and swear for the rav and the non-Jewish judge in the presence of the entire congregation.

When Rav Shmuel was just ready to swear the would-be embezzler gave up. "Stop! Stop! I made it all up, he owes me nothing!"

At that moment Rav Shmuel understood the clear sight of the rebbe. ■

1. מסילות, שבט תשס"א, ע' 80 ■