



OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara identifies the anonymous Mishnah that is consistent with R' Yochanan's position.

The reason R' Yochanan preferred one anonymous Mishnah over a second is explained.

The Gemara further explains the circumstance in which one will receive lashes for tzara'as.

The rationale for receiving lashes for violating Shabbos is explained.

The Gemara finally succeeds at refuting this explanation.

R' Yosef asserts that the Mishnah represents the position of Rabbi who sometimes follows R' Yishmael and sometimes follows R' Akiva.

R' Ashi reports in the name of R' Kahana that Rabbi was not merely recording the positions of others but that he subscribed to these positions as well.

A Beraisa is cited that supports this contention.

It is noted that the Beraisa only demonstrates Rabbi's opinion regarding awareness of tum'ah but does not indicate Rabbi's position regarding oaths.

The Gemara responds that our knowledge of Rabbi's opinion concerning oaths is based on reason.

The method of exposition used by Rabbi is challenged.

REVIEW and Remember

1. Why do we find contradictory anonymous Mishnayos?

2. What is the significance of the two-fold use of the word ונעלם?

3. What is the difference in method of exposition between Rabbi and R' Akiva?

4. Which is more inclusive, ריבוי ומיעוטי or כללי ופרטי?

Distinctive INSIGHT

Analyzing the verses according to Rabbi Akiva

מנין שאינו חייב אלא על שיש בה ידיעה בתחלה וידיעה בסוף והעלם בינתיים? תלמוד לומר ונעלם ונעלם שני פעמים דברי רבי עקיבא

The Beraisa notes that the obligation to bring a קרבן עולה is only where a person was originally aware that he had become tamei, but that fact eluded him as he entered into the Beis HaMikdash. Later, he again realized that he was tamei when he had earlier been in the Beis HaMikdash. In this case, we have ידיעה בתחילה ובסוף, an awareness at the beginning and at the end, with a period of forgetting in the middle—העלם בינתיים.

Rashi explains that Rabbi Akiva derives his opinion from the verses (Vayikra 5:2-3), where the word “ונעלם” appears twice. Rabbi Akiva understands that the first mention of the word “ונעלם” teaches that the offering is only brought in a case where the person forgot about his own state of impurity, but it does not apply where the person remained aware that he was impure but inadvertently entered the Beis HaMikdash – העלם מקדש. The second mention of the word “ונעלם” teaches us that the person has to originally be aware that he was tamei, but that condition had eluded his mind (the phrase “והוא ידע” appears between the two conditions of ונעלם).

Tosafos (ד"ה ונעלם) explains that Rashi must have had a text which read “תלמוד לומר ונעלם והוא ידע ונעלם.” Tosafos also points out that Rashi explains that the second verse with the phrase והוא ידע teaches that the person originally knew about his being impure, but that the person had momentarily forgotten about it as he entered the Mikdash.

Tosafos asks several strong questions against Rashi's explanation. Why do we need the first ונעלם to exclude the case of העלם מקדש, where the person was aware of his personal impurity but was unaware that he was entering the Mikdash? Why, asks Tosafos, would we assume that one must bring a קרבן עולה ויורד in this case unless the Torah indicates this to be true in the first case? Furthermore, no one would bring an offering for the sin of inadvertent impurity unless he ultimately realizes it. This leads Rashi to say that the word והוא ידע refers to the person having an original awareness. If so, in every case of a chattas offering, where the phrase “או הודע” appears (see Vayikra 4:28), we should have the same requirement of having a ידיעה בתחילה, where the person had an original awareness of the situation which later eluded him.

Rabeinu Tam therefore explains that the text should read “ונעלם ונעלם ב' פעמים,” and the main lesson is learned

HALACHAH Highlight

Pidyon HaBen with a bank note

בכל פודין בכור אדם חוץ מן השטרות

One could redeem a human first born with anything except for documents

Documents have a unique status in halacha. The Mishnah later in the massechta (42b) teaches that Biblical oaths are not taken when there is a disagreement regarding a document. Similarly, if someone stole a document he would not be obligated to pay twofold (כפל) for that theft. Additionally, the normal halachos that apply to custodians do not apply to a person who was given custodial responsibility of a document. The specific document that is discussed is a note of indebtedness that one has in his possession. In other words, if Reuven is in possession of a note of indebtedness (e.g. Levi owes Reuven money) and he gives that document to Shimon for safekeeping, Shimon is not technically considered a custodian for that document. The basis of these halachos is that documents are excluded from these areas of halacha due to the fact that they do not have intrinsic value. Notes of indebtedness merely represent a means to collect money but they are not the same as cash.

Chasam Sofer¹ cited by Pischei Teshuvah² discussed the matter of government-issued bank notes. At first glance it seems that they should be considered, halachically, the same as

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from a doubling of the phrase. The repetition teaches that there must be an original awareness, and the first mention of the word limits the case to where the personal condition of impurity is what eluded that person, rather than having forgotten that he was entering the Mikdash. ■

any other note of indebtedness since it represents a right for the bearer to collect money from the government. Chasam Sofer, therefore, explains that it is the government that decides what is considered currency and can be used for buying and selling. This right is a derivative of the principle of דינא דמלכותא דינא – the law of the land is recognized as law within halacha. Once the government decides to recognize something as currency it, by definition, has intrinsic value. Consequently, government-issued bank notes are considered cash for all matters of halacha. The one uncertainty that troubles Chasam Sofer is whether this type of bank note could be used to redeem a first born child (פדיון הבן). Regarding money matter in general once something is designated as legal currency it has the status of cash for matters of halacha but Pidyon HaBen is fundamentally different since the transaction involves God. As such it may be that God wants something that has inherit value rather than something that has value by virtue of a government decree. Chasam Sofer leaves this question unresolved. ■

1. שו"ת חת"ס יו"ד סי' קל"ד.

2. פת"ש יו"ד סי' ש"ה סק"ז. ■

STORIES Off the Daf

A Segulah for Teshuvah

"בכל פודין בכור אדם..."

Today's daf discusses the halachos of pidyon haben.

Rav Avraham Yehoshua Heschel of Kapischnitz, zt"l, was very careful to uplift the less learned in the community, spending time with them and even eating meals together. He would say, "One who loves talmidei chachamim or wealthy people may not really have ahavas Yisrael—he might merely love Torah or money. Only one who loves even simple Jews demonstrates that he has ahavas Yisrael."¹

Although he would not join in every simchah to which he was invited, he

would often join in the meal celebrating a pidyon haben even when not explicitly invited, and he never missed out when he was invited. When asked why he was so particular about this specific simchah he would explain, "Once a certain Jew went to my grandfather, the Rebbe of Tchartkov, zt"l, to ask for practical advice to do teshuvah. One of the things my grandfather suggested was to attend every pidyon haben he could.

"When I heard this story I decided to follow my grandfather's advice. After all, I too require a rectification for my soul. I therefore try to attend as many pidyonei haben as possible. Especially when I am invited, I am careful to always attend."²

But one may wonder what pidyon haben has to do with teshuvah? Perhaps

we can understand this in view of the words of Rabbeinu Chananel: "The kohen takes the money and says, 'זה תחת זה — This money in place of the child.' The money goes to the kohen and the child is given life."³ The Zohar Hakadosh writes similarly, "Through pidyon haben the child goes from life to death."⁴ And the geonim said even more explicitly, "The child is doubly redeemed: once to serve Hashem, and once from the angel of death."⁵ One who attends many pidyonei haben will realize that he too must continue to redeem himself through teshuvah and tzedakah. ■

1. חסדי משה, ע"כ"ז

2. דברי דוד—טשורטקוב, ע"ע"ה

3. מובא בשו"ת הרשב"א, ס' ר'

4. זוהר בתרומה, דף קע"ד

5. שו"ת שערי תשובה להגאונים, ס' מ"ז ■