

# Daf Notes

Insights into the Daily Daf

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Sh'vuos Daf 17

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## Daily Daf

### Tarrying

Rava inquired: Is tarrying necessary for lashes as well, or not? [If someone inadvertently became tamei inside the Mikdash and was warned to leave immediately, and he deliberately remained there, but less than the amount regarded as tarrying, does he incur lashes for that, or not?] Have we received the tradition (*Halachah l'Moshe mi'Sinai*) for tarrying (with respect to a korban), but not with respect to lashes, or perhaps it was taught with respect to tumah within the Courtyard, and there is no difference between a korban and lashes? The Gemora leaves this question unresolved.

Rava inquired: If he suspended himself in the air in the Temple (he jumped and stood on a peg, and he tarried there in the amount of time it takes to prostrate himself), what is the ruling? Is the tradition that tarrying makes one liable only in the case where such tarrying may be used for prostration, but for such tarrying which cannot be used for prostration (like here, where he is not on the ground), there is no tradition that one is liable? Or perhaps the tradition is that within the Temple, tarrying makes one liable, no matter whether it may be used for prostration or not? The Gemora leaves this question unresolved.

Rav Ashi inquired: If he willfully made himself tamei (in the Courtyard), what is the ruling (does he need to tarry there in order to receive lashes or not)? For an accidental tumah there is a tradition that tarrying is necessary, but for willfully becoming tamei there is no tradition that tarrying is necessary, or perhaps the tradition is that within the Temple, tarrying makes one liable, no matter whether it occurred accidentally or willfully? The Gemora leaves this question unresolved.

Rav Ashi inquired: What is the law if a nazir is in a cemetery? Is there a certain amount of time that he needs to be there in order to receive lashes (one who became tamei in the Beis Hamikdash and lingered there for the amount of time it would take for a person to prostrate himself is liable; is there a defined time for the nazir as well)? Within the Temple there is a tradition that tarrying makes one liable, but outside (such as a nazir, where there is no concept of prostrating) there is no tradition that tarrying is necessary, or perhaps for an accidental tumah there is a tradition that tarrying is necessary, no matter whether it occurred inside or outside? The Gemora leaves this question unresolved. (17a)

### Shorter Route

The Mishna had stated: If a person became tamei in the Temple Courtyard, and he went out the longer way, he is liable; if he went out the shorter way, he is not liable.

Rava said: That which the Mishna said that he is not liable if he went out the shorter way, this is true even if he was walking heel to toe (taking very short steps), and even the entire day.

Rava inquired: Can (short) pauses (in between steps) be combined (to make him liable)?

The Gemora asks: Let him resolve it from his very own ruling (that he is not liable if it took him all day to exit)!

The Gemora answers: There he is not liable only because he did not pause at all.

Abaye inquired of Rabbah: If he went out the longer way (by running very fast) in the same time it would have taken for the shorter way, what is the ruling? Is the tradition that

the measure of time is the determining factor, and if he went out the longer way in the same time it would have taken for the shorter way, he is exempt; or, is the tradition that for the longer way he is liable, and for the shorter way he is exempt (*regardless of the amount of time it took him to exit*)?

Rabbah said to him: The law that he is liable for the longer cannot be suspended for him (*even if he exits quickly*).

Rabbi Zeira challenged this ruling from that which we learned that a Koehn who served in the Temple while he was *tamei* is liable for death by the hands of Heaven. Now how would this be possible? If he did not tarry (*the time it takes to prostrate himself*), then, how could he have managed to perform any service (*in such a short span of time*)? If he did tarry, he is subject to *kares* (*which is more severe than death by the hands of Heaven, for someone who is subject to kares dies childless as well*)!? Now, if you would say that the tradition is that the measure of time is the determining factor, then it is possible - if he exerted himself (*to exit*) in the shorter way, after he had performed the service (*so in total, he performed the service and exited quickly the short way in a measure of time that it would have taken to ordinarily go out in that way' for then, he will not be subject to kares, but he will be liable for death at the hands of heaven*)! But if you say that the tradition was definite (*and as long as he tarried long enough to bow down he is liable even if he exited quickly via the short route*), how would this ruling be possible?

Abaye said: It is possible in a case where he went out the shorter way (*without tarrying at all*), and turned over sacrificial parts on the Altar with a fork (*which takes a short amount of time*), and this is in accordance with Rav Huna's view, for Rav Huna said: A non-Kohen who turns over sacrificial parts on the Altar with a fork is liable the death penalty at the hands of Heaven.

It was stated: Rav Huna said: A non-Kohen who turns over sacrificial parts on the Altar with a fork is liable the death penalty at the hands of Heaven.

The *Gemora* asks: What are the circumstances? If he would not have turned it over it would not have been consumed, then obviously, he is liable (*and what is Rav Huna's novelty*); and if he would not have turned it over it would have been consumed (*regardless*), then, what did he do?

The *Gemora* answers: He is referring to a case where if he had not turned it over, it would have been consumed in two hours, and now that he turned it over, it would be consumed in one hour; and he is teaching us that a hastening of the service is also considered a service.

Rabbi Oshaya said: I wish to state a *halachah*, but I am

afraid of my colleagues: He who enters a house plagued by *tzara'as* backwards, even with his entire body inside except for his nose, he is *tahor*, for it is written: *He that comes into the house* etc. The normal way of coming in did the Torah prohibit; but I am afraid of my colleagues, for if so, even if he came in completely (*including his nose*), he should also be *tahor*!

Rava said (*a reason that refutes the above rejection*): His entire body is not worse than the vessels in the house (*which were there before the house became tamei; they also didn't "come in"*).

The *Gemora* cites a supporting *braisa* (*as to how the words "come in" should be expounded*): These roofs (of the Courtyard – which were not sanctified), *kodshei kodashim* may not be eaten there, and *kodashim kalim* may not be sacrificed there; and a *tamei* person who entered the Temple through the roof is exempt, for it is written: *And into the Mikdash she shall not come*. The normal way of coming in did the Torah prohibit. (17a – 17b)

## ***Erroneous Ruling***

The *Mishna* had stated: This (*the ruling to leave by the shorter route*) is a positive commandment concerning the Temple for which they (*the Sanhedrin or Kohen Gadol*) are not liable (*for a special chatas if they erroneously rule that it is permitted to leave via the longer route*).

[*If the Court gave an erroneous ruling, permitting what is forbidden by the Torah on something that is subject to the penalty of kares if willfully committed, and liable to a sin offering if committed unwittingly; and the majority of the people acted upon its ruling, and later the Court realized its error, the Torah commands that the congregation shall offer a young bull for the sin.*]

The *Gemora* explains: The *Tanna* was referring to the following *Mishna*: *Beis Din* are not liable for the special *chatas* for a positive or negative *mitzvah* concerning *tumah* in the *Mikdash*; and individuals do not bring an *asham taluy* (*korban brought when one is unsure if he committed a sin that is subject to a chatas*) in connection with a positive or negative *mitzvah* concerning *tumah* in the *Mikdash*; but *Beis Din* are liable for the special *chatas* for a positive or negative *mitzvah* concerning a menstruant woman; and individuals bring an *asham taluy* in connection with a positive or negative *mitzvah* concerning a menstruant woman.

Our *Tanna* says that it this *halachah* that the *Mishna* there is referring to: If *Beis Din* ruled erroneously that a *tamei* person may leave the Temple by the long route, they are not liable to the offering of a bull for this error. And what is the

positive commandment concerning a menstruant woman for which they (*the Sanhedrin or Kohen Gadol*) are liable (*if they ruled erroneously*)? If a man cohabited with a woman who was *tahor*, and she said to him, “I have become *tamei*,” and he withdrew immediately, he is liable (*to bring a regular chatas*), because his withdrawal is as pleasurable to him as his entry. [*If they rule that it is permitted, they will be liable to bring the special chatas offering.*] (17b)

## INSIGHTS TO THE DAF

### *Lashes without an Action*

Rav Ashi inquired: What is the law if a *nazir* is in a cemetery? Is there a certain amount of time that he needs to be there in order to receive lashes (*one who became tamei in the Beis Hamikdosh and lingered there for the amount of time it would take for a person to prostrate himself is liable; is there a defined time for the nazir as well*)? Within the Temple there is a tradition that tarrying makes one liable, but outside (*such as a nazir, where there is no concept of prostrating*) there is no tradition that tarrying is necessary, or perhaps for an accidental *tumah* there is a tradition that tarrying is necessary, no matter whether it occurred inside or outside?

The *Gemora* in *Nazir* analyzes the case: If he is speaking about a case where he declared the vow while he was in the cemetery, and people warned him before his vow, “Do not utter this vow,” why would loitering be necessary? A *nazir* who enters a cemetery is punished without lingering because he was warned against entering (*and he refused to listen*); so too, here, he was warned (*and he intentionally went against it*)!

Tosfos asks: Shouldn’t this be regarded as a violation without performing an action? Why would he receive lashes for declaring himself to be a *nazir*?

Tosfos here writes that the *Gemora* is in accordance with the opinions that maintain that one can receive lashes even without committing an action.

Tosfos there answers: Although he cannot receive lashes for the acceptance of the *nezirus* while inside the cemetery (*for that does not entail an action*), he will receive the lashes for continuing to remain in the cemetery after the acceptance of *nezirus*. That does constitute an action.

The Steipler Gaon asks: Where is the action? Why is the fact that he refused to leave regarded as an action?

He explains: Anytime an action is performed through a person, and he has the ability to eliminate it, but willingly

refrains from doing so, this is considered as if he has committed an action, even though it happened by itself. The fact that the *nazir* is standing in the cemetery refusing to leave, that constitutes an action.

The Mishna *Lamelech* explains Tosfos differently: Tosfos maintains that although the transgression was committed without an action, he may receive lashes for the entering into the cemetery. Although no violation occurred at that time (*since he was not yet a nazir*), he receives lashes, since that was the action that led to the transgression.

### *Why is it Forbidden to Dry Ink on Shabbos?*

By: Meoros HaDaf HaYomi

HaGaon Rav Tzvi Pesach Frank z”l was asked an interesting question. In former times people commonly used fountain pens and would dry the ink with blotting paper. A Jew who served as an assistant to a gentile doctor wanted to know how the halachah related to such an act on *Shabbos*. On the one hand, it should be forbidden since as long as the ink is wet, the written words are not considered stable; one who dries them thus completes the work of writing (*Chelkas Mechokek*, 124). On the other hand, though, the ink would anyway dry by itself and the blotting only serves to speed the process. The question, then, is if we should forbid an action that speeds a *melachah* that would be accomplished without it.

Our *sugya* explains that a non-*Kohen* is forbidden to offer sacrifices and therefore, if he turns over the flesh of a sacrifice on the altar to speed its burning, he is punished with the death penalty. We thus see, concludes the author of *Har Tzvi*, that the speeding of a process that would be accomplished anyway is regarded as a complete act and is forbidden (see *Ritva*).

Based on this concept is the *halachah* of stirring (see *Shabbos* 18b and *Shulchan Aruch*, O.C. 152:1), according to which one must not stir the contents of a pot on a fire (or electric plate) on *Shabbos* as the action speeds the cooking. Someone who does so inadvertently must bring a *chatas* sacrifice. Similarly, one who removes the lid from a pot on the hotplate must not put it back if the food is not completely cooked (see *Shulchan Aruch*, O.C. 154:4) as covering the pot is also regarded as speeding the *melachah* (see *Melech Shabbos* by HaGaon Rav M. Stern, p. 101, that such an action should be avoided even if the food is cooked).