

Daf Notes

Insights into the Daily Daf

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Sh'vuos Daf 4

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Daily Daf

Who Is The Author of This Mishna?

Let us analyze this. We have two general *Mishnayos* that contradict each other. Why should we rule like one over the other? Moreover, how could Rebbe have edited the *Mishna* and left two general *Mishnayos* that are contradictory?

The *Gemora* answers: It must be that Rebbe originally held that one does receive lashes for a negative prohibition that does not entail an action, and arranged the *Mishna* as such. He then retracted and arranged another *Mishna* to hold that one does not receive lashes for this prohibition, but did not want to change the original *Mishna*.

The *Gemora* asks: Who is the *Mishna* like? It is like Rabbi Yishmael and is regarding lashes. However, what penalty of lashes is there by *tzara'as*?

The *Gemora* answers: There is a prohibition against one cutting off his *baheres*. This is based on the teaching of Rabbi Avin the son of Rabbi Ila'a. Rabbi Avin the son of Rabbi Ila'a says: Whenever the verse says, "be vigilant," "lest," or "al (*do not*)," it means that it is a negative prohibition. (*The verse says, "Be vigilant concerning the tzara'as affliction," indicating that if one cuts it off, he transgresses a negative prohibition and receives lashes.*)

The *Gemora* asks: What penalty of lashes is there by carrying on *Shabbos*? The negative prohibition against

carrying on *Shabbos* is meant for the death penalty, meaning that it cannot be used to give lashes!?

The *Gemora* answers: This is why the *Mishna* is according to the opinion of Rabbi Yishmael, who maintains that negative prohibitions meant for the death penalty can also be used to administer lashes.

The *Gemora* asks: This indicates that otherwise, we would indeed say the *Mishna* is according to Rabbi Akiva. What about the fact that Rabbi Akiva holds that one is not liable for not knowing something was *kodesh* or that this is the *Mikdash* (*unlike our Mishna*)?

The *Gemora* answers: Didn't you say that the *Mishna* is according to Rabbi Yishmael and is regarding lashes? We could also say the *Mishna* is according to Rabbi Akiva and is regarding lashes. [*In other words, the Mishna could be like Rabbi Akiva if he holds that the Mishna is not discussing the obligation of bringing a korban, but rather that of lashes.*]

The *Gemora* asks: If this is true, the *Mishna* should not discuss "knowing" one became impure, but rather "warning" regarding a person who was about to become impure!?

The *Gemora* answers: This is not difficult. The *Mishna* means knowing about warnings.

The *Gemora* asks: If so, there are no "two cases that are four." There should only be two cases in the

Mishna! [In order to receive lashes, he must know that he is tamei and he is eating kodesh!?] Additionally, how could you have a case where a person originally knew, then forgot, and then knew when it comes to them being liable to receive lashes after they originally ignored the warning? Additionally, the *Mishna* is discussing a korban *olah v'yoreid*, which is not applicable when someone sins deliberately!?

Rather, Rav Yosef says: This must be according to Rebbe, and he codified the *Mishna* based on his opinion in each argument. Regarding knowing about impurity, he ruled like Rabbi Yishmael. Regarding oaths, he ruled like Rabbi Akiva.

Rav Ashi says: I related this discussion before Rav Kahana. He said: Do not say that Rebbe said the *Mishna* according to *Tannaim*, but he does not hold like them. Rather, Rebbe was saying his own reasoning. This is as the *braisa* states: How do we know one is only liable if he knows originally, forgets, and then remembers? The verse says: “*But it became concealed,*” “*But it became concealed*” twice. [This teaches us that he is only liable to bring a korban if he was aware that he was tamei, forgot, committed the transgression, and then became aware of it. Accordingly, he maintains that a korban is only brought if he was unaware that he was tamei, not if he was unaware that it was kodesh.] These are the words of Rabbi Akiva. Rebbe says: This is not needed. The verse says: “*But it became concealed,*” implying that he once knew. It then says “*And he knew*” implying that he knew once again. Why does it say, “*But it became concealed*” twice? This teaches us that one is liable if he was unaware that he was tamei, or if he was unaware that it was kodesh.

The *Gemora* asks: It is understandable that Rebbe ruled like Rabbi Yishmael, as he had his own reason for doing so. However, why does he rule like Rabbi Akiva regarding oaths?

The *Gemora* answers: This is a logical conclusion. Why did Rabbi Akiva say one is liable for oaths made regarding past events? This is because he derives from verses using the “limitation and then an extension” method (as opposed to the “generalization and a specification” method). Rebbe uses this method as well.

This is as the *braisa* states: Rebbe says that a person can use anything to redeem his firstborn son from the *Kohen*, aside from documents. The Rabbis say: A person can use anything besides for slaves, documents, and land.

The *Gemora* explains Rebbe’s reasoning: He expounds the following verse using the “limitation and then an extension” method. *And its redemption from one month old* extends. *With a value of five shekels of silver* limits. *You should redeem* extends. This means that everything is included, besides for documents.

The Rabbis, however, derive using the “generalization and a specification” method. *And its redemption from one month old* is a generalization. *With a value of five shekels of silver* is specific. *You should redeem* is a generalization. This means that the rule must be like the specific item. Just like the specific item is something that is movable and it has intrinsic value, so too anything that is movable and has intrinsic value can be used for redemption. This excludes land, as it is not movable. This excludes slaves, as they are compared to land. This also excludes documents, as despite the fact that they are movable, they themselves do not have intrinsic value (i.e. it is just a piece of paper).

Ravina asked Ameimar: Does Rebbe indeed derive using the “limitation and then an extension” method? Rebbe uses the “generalization and a specification” method! The *braisa* states: “*An awl.*” How do we know that a sharp piece of wood, a thorn, a needle, a sharp piece of metal, and an engraving tool can also be used? The verse states, “*And you will take,*” implying anything that can be taken in one’s hand. These are the words of Rabbi Yosi the son of Rabbi Yehudah. Rebbe says: Just as an awl is made of metal, so too, anything made of metal can be used. Alternatively, this includes a great awl. What is their argument (regarding what implements can be used)? Rebbe used the method of “generalization and a specification.” “*And you will take,*” is a generalization, “*an awl,*” is a specification, and “*in his ear...by the door,*” is a generalization. In such a case, we say that the rule is similar to what is specific. Just like an awl is made out of metal, so too, anything that is used for the piercing must be metal. Rabbi Yosi used the method of “limitation and then an extension.” “*And you will take,*” is an extension, “*an awl,*” is a limitation, and “*in his ear...by the door,*” is

an extension. This means that everything is included besides one thing. What is excluded? We exclude an acidic liquid (*to pierce his ear*).

The *Gemora* answers: In truth, Rebbe expounds according to the “generalization and a specification” method. Here (*by the firstborn’s redemption*), it is different (*and he uses the “limitation and then an extension” method*) because of that which was taught in the academy of Rabbi Yishmael, for it was taught: The verse says, “*in the water*” twice (*with respect to which water creatures are permitted to be eaten*). This is not to be used as a “generalization – specification – generalization” teaching, but rather an “extension – limitation – extension” teaching, which includes everything. [*This is because the two generalizations are next to each other, both of them preceding the specification.*]

The Rabbis, however, hold that whenever there are two generalizations next to each other, the specification is placed between them, and we may still expound using the “generalization – specification – generalization” method.

The *Gemora* asks: But now, the question returns: the case of oaths in our *Mishna* does not reflect Rebbe’s opinion!?

The *Gemora* answers: We are compelled to say that Rebbe stated the *Mishna* according to Rabbi Akiva even though he himself does not hold that way. (4a – 5a)

INSIGHTS TO THE DAF

Specifications, Generalizations, Limitations and Extensions

Generalization and a specification – only the specifics mentioned are included.

Specification and a generalization – everything is included.

Generalization, specification and a generalization – other cases must resemble the specifications mentioned at least in one way.

Specification, generalization and a specification – other cases must resemble the specifications mentioned in two ways.

Limitation and extension – everything except for one thing is included.

Extension and limitation – other cases must resemble the limitations mentioned.

Extension, limitation and extension – everything except for one thing is included.

Limitation, extension and limitation – there is no such type. (Hame’or)

Redeeming with a Check

The *Gemora* cites a *braisa*: Rebbe says that a person can use anything to redeem his firstborn son from the *Kohen*, aside from documents. The Rabbis say: A person can use anything besides for slaves, documents, and land.

The Chasam Sofer in a *teshuva* (Y”D 134) discusses if redemption would be valid when the father pays the *Kohen* by check. Is a check regarded as money because it is accepted as cash all over or do we say that it is regarded as a document since there is no inherent value in the paper itself?

He concludes that a check can be regarded as money for some things, but as a document for others. If it is regarding a matter which is between people, then a check would be considered money, since it is commonly accepted. However, regarding redemption of a firstborn, which is between man and Hashem, a check would be regarded as a document and the redemption would not be valid. He explains: The father is actually redeeming his firstborn son from Hashem, but He gave over the monetary rights to the five *selaim* to the *Kohen*. Since it is the Torah that set the requirement for the money, the redemption will only be valid if the father gives to the *Kohen* something that is itself valued at five *selaim*.

The Chazon Ish (Y”D 72:10) disagrees and maintains that a check would be regarded as money and the redemption would be valid.