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Kerisus Daf 19

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Knowledge of a doubt

The Gemora continues discussing the braisa about impurity that is in one of two paths. The braisa said that if a person entered the Bais Hamidash after each time that he entered one of the paths, he is obligated in a sacrifice, even if he purified himself in between. Raish Lakish says that this braisa, which obligates him even though he never knew that he was definitely impure, follows Rabbi Yishmael, who obligates a person in a sacrifice even if he never knew he was impure. Rabbi Yochanan says that it can even follow the Sages, as in this case of impurity, knowledge that he *may* be impure is tantamount to knowledge that he is impure.

The Gemora says these answers seem to contradict their positions about whether knowledge of a doubt is tantamount to knowledge.

The Gemora says that Rabbi Yochanan’s position is consistent, as only by the sacrifice for entering the Bais Hamikdash impure is doubtful knowledge sufficient, as the verse just requires that “it was hidden [i.e., forgotten] from him, and he was impure,” including even forgetting possible impurity. However, the verse obligating a chatas states “if his sin was known to him,” requiring a clear knowledge of the transgression. However, since Raish Lakish says that Rabbi considers doubtful knowledge equivalent to certain knowledge, he could have simply said that this braisa follows Rabbi.

The Gemora answers that Raish Lakish chose his answer to teach that Rabbi Yishmael doesn’t even require any prior knowledge. Although Rabbi Yishmael uses both verses that refer to forgetting to teach that one is obligated whether he forgot about the impurity or the Bais Hamikdash, which leaves no verse to teach that he must have prior knowledge, we may have thought that Rabbi Yishmael still requires prior knowledge, from an oral tradition. Raish Lakish

therefore saw it necessary to teach that Rabbi Yishmael does not require any prior knowledge. (19a)

Which prohibition?

The Mishna discusses cases of one who accidentally transgressed one of two possible kares prohibitions:

1. There was one piece of nosar – leftover sacrifice meat and one piece of chelev – prohibited fats, and he ate one of them.
2. He had relations with one woman, who was either his sister or his wife who was nidah – impure due to menstruation.
3. He did work during the twilight between adjacent Yom Kippur and Shabbos, when it is unclear if it is the end of the first day or the start of the second.

Rabbi Eliezer says he is obligated in a chatas, since he definitely transgressed a kares prohibition, while Rabbi Yehoshua says he is exempt.

Rabbi Yossi says that in the last case both agree that he is exempt, as he may have done only part of the work on each day, leaving open a possibility that he did not transgress a full measure of the prohibition on either day. Their dispute is when he is unsure which day he did work on, or which work he did.

Rabbi Yehuda says that Rabbi Yehoshua exempts him even from an *asham taluy* – tentative *asham*, brought on one who may have transgressed a kares prohibition.

Rabbi Shimon Shezuri and Rabbi Shimon say that if the two possible prohibitions are in the same category, both agree that he is obligated, since they only disagree when the two are separate categories.



Rabbi Yehuda says that they disagree even if one planned to reap figs, but reaped grapes instead, or planned on white ones, and did black ones instead.

Rabbi Yehuda says that he is surprised that Rabbi Yehoshua would exempt this situation. Although the verse about a sacrifice refers to one “that sinned in it [the transgression],” this only excludes one who was *misasek* - involved in a permitted act, and inadvertently did a prohibited act of work.

The Gemora cites a braisa about the dispute of Rabbi Eliezer and Rabbi Yehoshua. Rabbi Eliezer says that since he definitely transgressed a kares prohibition, he is obligated, while Rabbi Yehoshua says he is exempt, as the verse states that he “know his sin that he sinned *in it*”, requiring that he know *which* sin he transgressed.

The Gemora explains that Rabbi Eliezer says that this phrase only excludes one who was *misasek*.

The Gemora asks which case of *misasek* this verse refers to. If one was *misasek* and inadvertently ate prohibited food or had prohibited relations, Rav Nachman quotes Shmuel saying that he is liable, as he ultimately had physical pleasure from the prohibited act.

The Gemora explains that the verse excludes one who was *misasek* and thereby did work on Shabbos, since only intended work is prohibited.

The Gemora details the case of *misasek* according to both Abaye and Rava. Both agree that one is exempt if he was involved in picking up something detached, and instead cut off something attached to the ground, as he was not involved in cutting anything. If he planned on cutting something detached, but instead cut off something that was attached, Abaye says he’s liable, since he did plan on cutting, while Rava says he is exempt, as he did not plan on a prohibited act of cutting. According to Rava, the verse excludes the case of planning to cut something detached, while according to Abaye, it excludes the case of planning to pick up something detached.

The Gemora discussed Rabbi Yossi’s statement about this dispute, citing a braisa in which Rabbi Yossi says that the Sages succeeded in challenging his statement.

The Gemora explains that the Sages’ challenge was from the case of one who picked up an item at the boundary between public and private property during twilight, where the act of carrying between areas is done in one moment, which may be Yom Kippur or Shabbos.

The Gemora asks why this is a valid challenge, as even this act may have occurred partially on one day, and partially on the other, and therefore says that Rabbi Yossi simply said that the Sages’ challenged him, but were unsuccessful.

The Gemora asks why Rabbi Yossi says that Rabbi Eliezer would exempt one who only finished an act of work on Shabbos or Yom Tov.

The Mishna in Shabbos cites Rabbi Eliezer saying that one is liable for weaving the first three strings or for weaving one string on an existing cloth, indicating that he obligates one for less than the full measure of two strings, since it is building on an existing act.

The Gemora answers that Rabbi Yossi’s version of Rabbi Eliezer’s statement was that one is obligated for weaving two strings on an existing cloth, but not on one. (19a – 19b)

What obligates an asham taluy?

The Gemora cites a braisa about an *asham taluy* for one who doesn’t know which transgression he did. Rabbi Yehuda says that Rabbi Yehoshua exempts him from an *asham taluy*, as the verse about it says “and he didn’t know [if he sinned],” which excludes the case where he does know that he sinned. Rabbi Shimon says that such a person does bring an *asham taluy*, as the verse “and he did... and he didn’t know,” including one who doesn’t know *what* he did. Rabbi Shimon says that you should inquire if one offers an *asham taluy* if he unsure if he ate permitted or prohibited food.

The Gemora concludes from another braisa that Rabbi Shimon does obligate an *asham taluy* in this case as well, as the braisa says that one is obligated whether he sinned, but he doesn’t know



which sin, or if he doesn't know if he sinned. Since it includes the case of one who doesn't know which sin, it must be Rabbi Shimon's position, and it still includes the case of one who doesn't know if he sinned. (19b)

Which misasek?

The Gemora discusses the *misasek* case of the Mishna. Rav Nachman quotes Shmuel saying that if one is *misasek* and as a result ate prohibited food or had prohibited relations, he is still liable, as he ultimately had pleasure from the prohibition. However, if one was *misasek* and thereby did work on Shabbos, he is exempt, as only intended work is prohibited.

Rava challenges Rav Nachman from the case of circumcising a child on Shabbos. The Mishna cites a dispute between Rabbi Eliezer and Rabbi Yehoshua about one who had two children to be circumcised, one on Shabbos, and one after Shabbos, and he mistakenly circumcised the younger one. Rabbi Eliezer obligates him in a chatas, and Rabbi Yehoshua exempts him, since he was involved in a mitzvah. Although he was *misasek*, since he was involved in a permitted act, Rabbi Yehoshua only exempts him since he was involved in a mitzvah.

Rav Nachman answers that the case of the circumcision is different, as it is a form of the act of chabura – wounding. Since chabura is unlike other forms of work, in that one is liable even if it's destructive, one is also liable even if he is *misasek*.

Rav Yehuda challenges Shmuel from Rabbi Yehuda's statement in the Mishna that the dispute is when one planned on reaping one type of fruit, but then did the other. This implies that if he planned on reaping one specific fruit, but then did another of the same type, which is *misasek*, even Rabbi Yehoshua would obligate him.

Shmuel told Rav Yehuda that he should not take the language of this version of the Mishna literally, but rather follow his explanation that the case is when the person reaping forgot his original intention. He initially planned to reap grapes, but then thought that he planned to reap figs, and he finally ended up reaping grapes. Rabbi Eliezer obligates him, since his ultimate act matched his original intent, while Rabbi Yehoshua exempts him, as he did not accomplish his immediate intent to pick figs. In this type

of case, if the fruits were all of one type, all agree that he is obligated, as he ultimately accomplished his original intent, and his immediate intent was not sufficiently different to make it *misasek*. (19b)

INSIGHTS TO THE DAF

Misasek on Shabbos

The Gemora discusses the exemption of one who was *misasek* – involved in something permitted, and inadvertently did work on Shabbos.

Rashi (19a) explains that the case is one where one was planning to do one act (e.g., lift up or cut something detached), but instead did another act (e.g., cut off something attached).

Tosfos (19b Lashon) understands Rashi to mean that the permitted act was with one item, but the prohibited act that was done with another item.

Tosfos challenges this explanation, since someone who planned on doing something with one item, but accidentally did it on a different item, is always exempt, even if both items were prohibited work.

Tosfos proves this from the Gemora (20a) which cites a braisa saying that if one planned on extinguishing one candle, but instead extinguished another, he is exempt.

Tosfos therefore maintains that *misasek* is a case when one thought that the item he was doing an act on was one that was permitted, and he did the act on that item, but it was actually one that was prohibited. For example, he planned on cutting an item, which he thought was detached, and he did cut that item. However, that item was actually attached, making his act forbidden.

Tosfos (19b Deha) further explains that this is different than a standard *shogeg* – mistake, for which one is obligated in a chatas, since a mistake is a case where he made a mistake in his knowledge of the rules. For example, he thought today was not Shabbos, or

that detaching something from the ground was permitted. In those cases, we, who have the full knowledge of the rules, knew that his act was forbidden, and he is therefore obligated in a chatas. In the case of *misasek*, the act he was intending to do was truly permitted, and his only mistake was in determining what the physical situation was. This is only *misasek*, and he is therefore exempt.

Tosfos (Sanhedrin 62b l'hagbiha) explains that there are two types of *misasek* on Shabbos. The first is one who planned to do an act to one item, which was permitted, but mistakenly did the act on another item, which was prohibited. This is exempt, since the Torah only prohibited intentional work on Shabbos, excluding a case where he didn't do the act on the item he planned. The second is one who planned an act on one item, which he thought was permitted (e.g., a detached item), and did the act on this item, but it was actually a prohibited one (e.g., attached). This is not exempt due to the requirement that the work be intentional, as he did what he intended to. This is only exempt due to the verse, which states that the one is obligated in a chatas when he "sinned *ba – in it*", requiring that his intent be for a prohibited act.

The Ben Ish Hai (Rav P'alim OH 1:12) discusses the case of one who separated good food from bad for immediate use, but then decided to eat it later. Separating for immediate use is permitted, but doing it for later use is prohibited. He compares this to one who was *misasek*, planning to cut something which was detached, but found that the item was attached, making his act prohibited.

The Rambam (Shabbos 1:8) rules that such a person is not obligated in a chatas, but the Rav P'alim notes that the Rambam (4) also says that all the cases that are not obligated are prohibited. He therefore says that changing one's mind in this case is definitely prohibited, at least Rabbinically.

He cites the Shulchan Aruch Harav who says that if one separated food for immediate use, but had some left over, he did not transgress any prohibition. He explains that this is not a case where he changed his mind, but rather was planning on eating all of the food, but simply could not, since he was full. This is permitted, since his original plan never changed. He further says that it seems to him that if one separates enough food to serve to a large group of people, it is permitted, even though one generally serves more than will actually be eaten, in order to honor the guests. Even

though not all of it will be eaten, since it is being separated for the purpose of the meal, it is all considered immediate use.

DAILY MASHAL

Wormy Fruit

HaGaon Rav Yisrael Salanter's question to Rabbi Akiva Eiger: In Rabbi Akiva Eiger's old age a young Rabbi called Rav Yisrael Salanter sent him a letter. He wanted to know why there arose "a great commotion about eating wormy fruit; after all, the eater is considered a *mis'asek* as he intends to eat the fruit and not the worm" and as a *mis'asek* is not forbidden at all and isn't even considered a *shogeg*, there's no reason to forbid eating those fruit.

Rabbi Salanter waited a long while but didn't receive a reply from the *Gadol Hador*. He eventually met Rabbi Shlomo Eiger and the latter told him that his father didn't answer him due to his great humility: in Salant, where Rabbi Yisrael lived, an elderly Rabbi served and Rabbi Akiva Eiger avoided answering halachic questions to the residents, who could ask their Rabbi. But his opinion was known, that even a *mis'asek* transgresses a prohibition and therefore there's no basis for Rabbi Yisrael's question (see *Teshuvos Vehanhagos* by HaGaon Rav M. Sternbuch, IV, 190).

As we are discussing wormy fruit, we should mention that, as indicated by the Acharonim, even according to the opinion disagreeing with Rabbi Akiva Eiger and holding that a *mis'asek* is completely exempt, this does not suffice to allow eating wormy fruit (see *Imrei Binah* on the *Bach*, end of *siman* 4; *Darchei Teshuvah*, 84, *os* 28; *Responsa Minchas Shlomo*, 6; etc.; *Kovetz Shi'urim*, *Pesachim*, *os* 215, and see *ibid* in *os* 117, where he questioned Rabbi Akiva Eiger about *he'lam mikdash*; and see *Or Sameiach*, *Hilchos Geirushin* 1:17; *Eglei Tal*, *Melechot Kotzer*, *se'if* 24, *S.K.* 12, and *Melechot Ofeh*, *se'if* 33, *S.K.* 3; *Chazon Ish*, *Horayos* 15, 9; etc.).