



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Shavuos Daf Gimmel

- The Mishna said that “oaths are two that are actually four”. The “two” refer to an oath that “I will eat” or that “I will not eat”. The additional two that make it into “four” refer to an oath that “I ate” or that “I did not eat”.
 - The Mishna said that the case of awareness of tumah are “two that are actually four”. The “two” refer to an unawareness of his tumah that leads to his eating kodashim and an unawareness of his tumah that leads to his entering the Beis Hamikdash. The additional two that make it into “four” refer to a lack of awareness that what he is eating is kodashim or that the place he is walking into is the Beis Hamikdash complex.
 - The Mishna said that the case of transfers on Shabbos are “two that are actually four”. The “two” refer to the taking from the reshus hayachid to the reshus harabim done by the poor man or the taking from the reshus hayachid to the reshus harabim done by the baal habayis. The additional two that make it into “four” refer to the bringing in by the poor person from the reshus harabim to the reshus hayachid and the bringing in by the baal habayis.
 - The Mishna said that appearances of tzaraas are “two that are actually four”. The “two” refer to the “se’eis” and the “baheres”. The additional two that make it into “four” refer to “se’eis” and its “toldah” (subcategory) and “baheres” and its toldah.
- **Q:** Who does our Mishna follow? It seems not to follow **R’ Yishmael** or **R’ Akiva**!? **R’ Yishmael** holds that a person is only chayuv a chatas for an oath regarding the future (so he can’t be the Tanna of our Mishna) and **R’ Akiva** holds that a person is only chayuv when he was unaware that he was tamei, and not when he was unaware that the place that he entered was the Mikdash (so he can’t be the Tanna of our Mishna)!? **A:** We can say that the Mishna follows **R’ Yishmael**, and we can explain that when the Mishna says that oaths are two that are four, it means that for some he would be chayuv and for some he would be patur. We can also say that the Mishna follows **R’ Akiva**, and we can explain that when the Mishna says that the case of awareness of tumah are two that are four, it means that for some he would be chayuv and for some he would be patur.
 - **Q:** How can we say that some would be patur? These cases are compared by the Mishna to the case of appearances of tzaraas – just as there all four are meant for chiyuv, so too these cases are all cases of chiyuv!? **A:** The Mishna follows **R’ Yishmael**. When **R’ Yishmael** says that one is not chayuv for a false oath regarding the past, he means he would not be chayuv a korbon, but he still would be chayuv malkus. This would follow the view of **Rava** who said that the Torah made a false oath chayuv in malkus like an oath taken in vain – just as an oath taken in vain pertains to the past, so too the false oath that is chayuv malkus is an oath that pertains to the past.
 - **Q:** This would explain why one gets malkus for falsely swearing “I ate” or “I did not eat”. We can also understand why one would get malkus for swearing “I will not eat” and he then went and ate, because it involves an actual act. However, why would one get malkus for swearing “I will eat” and he then doesn’t eat? It is a lav with no act!? **A:** **R’ Yishmael** holds that malkus *is* given for a lav that doesn’t have an act.
 - **Q:** If this is true, we have a contradiction between two statements of **R’ Yochanan**!? On the one hand **R’ Yochanan** says that we pasken like an anonymous Mishna (which would include our Mishna), but elsewhere **R’ Yochanan** said that a person would not get malkus for swearing that he will eat something today and then doesn’t eat it, because that is a lav without an act!? **A:** **R’ Yochanan** has a different anonymous Mishna that

he follows, that says that we would not give malkus for a lav that doesn't have an act.

- **Q:** What is the other anonymous Mishna? If it is the Mishna that says that one does not get malkus for leaving the Korbos Pesach over until the morning, and we are assuming the reason is because there is no act involved in that lav, we don't have to say that the Mishna follows **R' Yaakov** and the reason there is no malkus is because there is no act. Rather, it may be that the Mishna follows **R' Yehuda**, and the reason there is no malkus is because it is a lav that is associated with an assei!?
A: He has another anonymous Mishna later in our Mesechta that says that if one swears that he will not eat something and then eats it, "this is the case of swearing falsely for which he would get malkus". This suggests that it is only this case, but in a case where he swears that he will eat and then doesn't eat, he would not get malkus, because there is no act involved.
 - **Q:** Why would **R' Yochanan** follow this anonymous Mishna over our anonymous Mishna? **A:** Why would **Rebbi** have even stated two anonymous Mishnayos that contradict each other? We must say that initially he felt to pasken like the first Mishna, that one does get malkus for a lav that involves no action, and then later changed his view to that of the later Mishna, that one does not get malkus for such a lav. However, once the first Mishna was taught, we no longer remove it.