



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

Shavuos Daf Daled

- **Q:** The Gemara just said that the Mishna follows the view of **R' Yishmael** and refers to a chiyuv of malkus. The Mishna also discusses the case of appearances of tzaraas. Why would that lead to a chiyuv malkus? **A:** The Mishna refers to malkus for cutting off of the tzaraas.
 - **Q:** The Mishna also discusses the case of transfers on Shabbos. Why would that lead to malkus? Shabbos is a lav that leads to the death penalty, and any such lav is not subject to malkus!? **A:** This is exactly why we said that the Mishna follows **R' Yishmael**, because he holds that there is malkus for such a lav.
 - **Q:** Does that mean to say that if not for that reason we would say the Mishna follows **R' Akiva**? We said earlier that it can't follow **R' Akiva**, because of the case of tumah!? **A:** For that reason alone we could have said that the Mishna follows **R' Akiva** and refers to malkus.
 - **Q:** If the Mishna refers to chiyuv malkus, the Mishna's case of tumah should refer to "warnings of tumah" not "awareness of tumah"!? **A:** Read the Mishna as if it says "awareness of warnings".
 - **Q:** If this is what the Mishna refers to, there are only two cases of tumah, not four!? Further, the Mishna then discusses the case of tumah and seems to say that the important aspect is that there had to be awareness in the beginning, awareness at the end, and a period of unawareness in the middle. Unawareness in no way brings about a chiyuv malkus!? Further, the Mishna clearly says that we are dealing with a case of korbon oleh v'yoreid, and not malkus!? **A:** Rather, **R' Yosef** said, that the Mishna is the view of **Rebbi**, who follows a few different opinions regarding this. With regard to tumah he holds like **R' Yishmael**, who says that there is a chiyuv korbon in all four cases. With regard to the case of oaths he holds like **R' Akiva**, who says there is a chiyuv korbon in all four cases of oaths.
 - **R' Ashi** said, I repeated this answer of **R' Yosef** to **R' Kahana**, and he told me, do not think that **R' Yosef** meant that **Rebbi** taught the Mishna according to various views that he himself did not hold of. Rather, he formulated the Mishna according to his own views on the matter. With regard to tumah we find a Braisa where **Rebbi** explicitly darshens pesukim to teach that he would be chayuv in all four cases, like **Yishmael** holds. With regard to the case of oaths we know that he agrees with **R' Akiva** based on logic. **R' Akiva** holds that one is chayuv for oaths regarding the past, because he darshens the pesukim using the "ribuy u'miut" method (as opposed to darshening with the "klal uprat" method). We find a Braisa regarding the redemption of a bechor where **Rebbi** also uses that method to darshen pesukim, which will therefore result in holding just as **R' Akiva** holds.
 - **Q:** We find another Braisa, regarding drilling the ear of an eved ivri, where the view of **Rebbi** is explained as being based on using the klal uprat method of drasha!? **A:** Normally he darshens with the klal uprat method. The case of bechor is different, because the pasuk writes a klal, a second klal, and only then writes the prat. **Rebbi** holds like **R' Yishmael**, that when it is written like that, we darshen a ribuy umiut instead of a klal uprat.

- Based on this fact that **Rebbi** typically darshens with the klal uprat method, we cannot say that **Rebbi's** own view is that a person would be chayuv in all four cases of oaths. Rather, he formulated that part of the Mishna according to **R' Akiva**, even though **Rebbi** himself does not agree with that view.