

Daf Hashvuah Gemara and Tosfos Megila Daf 8
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Daf 8a
New Sugya

There is no difference between someone making an oath not to have pleasure from his friend and making an oath not to eat from him (and you can't have pleasure from anything of his) except for using a shortcut through his property and borrowing utensils that don't prepare food. (You may do that if you only made an oath from eating but not an oath from pleasure.) The Gemara explains: that they're both the same regarding utensils that prepares food (that they're prohibited).

Tosfos explains: if you make an oath from pleasure, you can't partake in (shortcuts and food-preparing) utensils either, and if you only made an oath from food, you're permitted to partake from them. However, this is only in places where you can't rent out the utensils, but if you can rent it out for a Pruta, it's forbidden even to those who made an oath from food. This is because: you can use that Pruta to buy food, (so, a Pruta you save from renting it is a Pruta that can produce food.)

However, if the utensils prepare food, it's forbidden even if you can't rent it out for this amount of use but for less than a Pruta, since it's actual food preparation.

The Gemara asks: (how can a shortcut be a pleasure that you receive from the owner?) After all, it's something that the owner doesn't care about (and nobody needs permission to trespass).

Rava answers: the author of the Mishna is R' Eliezer who says that, when someone makes an oath to forbid pleasure, it's even forbidden to partake in something that the owner automatically forgives (and allows everyone to use it).

Tosfos asks: the Gemara in Bava Basra talks about what action is considered as a Chazaka or not (i.e., in this context, a Chazaka is when the owner doesn't protest someone doing a certain action on, or with, his property, does it prove that he sold him that use. So, if no one would allow anyone to do it on his property without protesting, and yet he doesn't protest, it must be that he sold to that person the right to do it. However, if it's something that the owner is not compelled to protest, the fact that he doesn't protest doesn't show anything, and it doesn't mean that he sold the rights for that act.)

If someone leaves an animal in another's courtyard, it's not a Chazaka (since the owner doesn't care that much to protest). The Gemara establishes the case by partners, because he doesn't care if his partner leaves his animal in his courtyard. The Gemara there asks: we learned in a Mishna; partners who makes oaths not to partake in pleasure from each other are forbidden to enter their joint courtyard. (The Gemara gives an answer there to reconcile the two cases.) Anyhow, we at least see that people care if someone takes a shortcut through his property (and that's why it's considered partaking in pleasure to enter the courtyard).

However, you wouldn't be able to ask from this Gemara (in Bava Basra) to the Gemara in Beitza that says; we say that people don't care (if it's used for shortcuts, the reason it's forbidden) since the author is R' Eliezer (who forbids even if the owner doesn't care). After all, that Gemara may refer to partners (and someone doesn't care if his partner uses it as a shortcut), but cares about other people (and that's the case in Bava Basra). However, here in Megila, we refer to other people (who aren't partners), and yet we say that the owner doesn't care.

R' Tam answers: our Gemara refers to a valley where the owner doesn't care if anyone enters (and the other Gemaras refer to his courtyard). It's logical to say so, since we assume it should be similar to the end case, utensils that don't prepare food, which refer to a case where you can't rent it out, as the Gemara in Nedarim explains it to be like R' Eliezer. (So, this is a proof we refer to a case where there is no worth in lending it out, which is like the valley where there is no worth of letting it being used as a shortcut).

New Sugya

There is no difference between someone making an “oath to bring a Korban” and someone who “gifts a Korban” besides that you're obligated to replace the oath Korban (if it dies or gets lost after you separated the Korban) but you're not obligated to replace (a dead or lost) gifted Korban. The Gemara infers from this: however, they're the same regarding transgressing “Baal Tachar” (not to push off bringing your obligations).

Tosfos asks: why doesn't the Mishna say (a difference) that a gift Korban may be chosen from animals bought with money that redeemed Maasar Sheini, as the Pasuk says “you should Shecht Shlomim” regarding Maasar (money). However, you can only buy the Korban that you made an oath to bring from non-Maasar money. After all, when you swore to bring a Korban, you have an (obligation to fulfill your) oath, (and you can't fulfill your obligations from Maasar money).

Tosfos answers: it's for good reason that the Mishna didn't count it, since the Mishna refers to a case where you already chose the animal for a Korban. The Chidush is that there is no difference on how you sacrifice them. However, if you didn't yet choose the animal, of course there are several other differences between them.

Alternatively, the Mishna taught (a difference) and left out (other differences, which is the style of Mishnayos). Granted, that the Mishna says the term “there is no differences,” which implies that there is no others, as it says in Bava Kama, still it's not difficult. After all, in the Gemara in Taanis, we find the term “there are no differences” which leaves items over. It says there “there are no differences between the middle fasts (and the lasts fasts etc.” It doesn't differentiate that only the last fasts have twenty-four Brachos, so we must conclude that the middle one also has twenty-four Brachos). If you want to say (it's not conclusive) since the Tanna left items out, but that can't be, since it says “there are no differences.” The Gemara then asks: do you think it's logical to say that they were exact by saying “there are no differences?” After all, the Mishna leaves out removing the Aron from the Shul. The Gemara concludes that the removal of the Aron is not considered left out (because we can say that the Mishna only lists things that are applicable in private, and not things that are done publicly.) However, the Gemara seems to say that, if it was left over, it wouldn't be difficult even if it says “there are no differences.”

[See Karnei Reim (in the back) who asks that, from the Gemara's conclusion in Tannis, it seems that the term "there is no difference" is exact without any exceptions.]

The Gemara brings a Mishna: what's the case of an oath to bring a Korban? If he says "it's upon me to bring a Korban." What's the case of a gifted Korban? If he says "this (animal) shall be a Korban." What's the difference between an oath to bring a Korban and someone who gifts a Korban? That you're obligated to replace the oath Korban if it dies, get stolen or gets lost (after you separated the Korban), but you're not obligated to replace a dead, stolen or lost gifted Korban.

The Gemara asks: how do we know this? The Rabanan learned "it shall appease (Hashem) for him, to atone on him." R' Shimon explains: whoever the obligation is upon him to bring, he's obligated to replace it. Anything that it's obligation is not upon you, you're not obligated to replace it. The Gemara asks: what's the implication from that Pasuk? R' Yitzchok b. Avdimi says: (since it says "on you".) Once you say the obligation is on me, it's as if you're carrying (the obligation) on your shoulder.

New Sugya

There is no difference between a Zav who saw two emissions and a Zav who saw three emissions (i.e., they have the same degree of Tumah), but whether he's obligated to bring a Korban or not. The Gemara infers: however, they're the same regarding making what they lay or sit on Tamai, and they must count seven (clean) days (before they can become Tahor).

The Gemara asks: how do we know this? As we learned: R' Simai says that the Pasuk writes about Ziva twice and then calls it 'Tamai' and it writes about Ziva a third time and calls it 'Tamai.' How do we reconcile this? (Does he become Tamai after two or three times?) He becomes Tamai after two emissions and he's obligated to bring a Korban after three emissions.

The Gemara asks: maybe we should reconcile it that two times makes him Tamai without bringing a Korban and three times makes him bring a Korban without being Tamai? The Gemara rejects this: before he saw thrice, he already saw twice (and he's already Tamai).

The Gemara asks: perhaps, (to reconcile the P'sukim,) you need two emissions for a Korban and a third for (the stricter) Tumah? The Gemara answers: you shouldn't think that, as the Braisa says: "the Kohain atones (by bringing the Korban) before Hashem from his Ziva." (The implication of "from his Ziva" is that it's only from some cases of Ziva, but not all cases.) Only some Zavs bring Korbanos and not all of them. How is this? If he emitted thrice, he brings. If he emits twice, he doesn't bring. Or, is it; you bring when you emit twice, but you don't bring if you emit thrice. We must say, before you emit thrice you must have emitted twice (and already had an obligation to bring, so, according to this), all Zavs will bring a Korban).

We need both R' Simai's Drasha (that it says twice Zav and then it says Tamai etc.) and we need the Drasha from "from the Ziva." If it was only from R' Simai's Drasha I would have said like our question, (why reconcile it that two times he emits he's Tamai and three times he brings a Korban, say the opposite)? Therefore, the Pasuk says "from his Ziva" (that not all Zavs bring a Korban). If it said "from his Ziva," I wouldn't know how many emissions trigger these Halachos, so, we need R' Simai's Drasha.

The Gemara asks: once we say that you make a Drasha from the word(s) “from his Ziva,” what Drasha could you make from the Pasuk “when the Zav becomes Tahor 'from his Ziva?’” The Gemara answers: we need it like the following Braisa; “when the Zav become Tahor” it's when he stops emitting the Ziva. “From his Ziva,” and (if he's also a Metzora) he doesn't need to stop emitting Ziva and have his Tzaras disappear. (Rather, once he stops emitting, he can become Tahor from his Tumah of Zav even if he's still Tamai because of Tzaras, and therefore, doesn't make Tamai what he lays on, or when he moves earthenware utensils.)

The Pasuk juxtaposition “from his Ziva” to 'counting.' This teaches us that a Zav who saw two emissions also needs to count seven clean days. The Gemara asks: (why need a Pasuk) if you can figure it out logically. After all, if he's able to make what he sits on and lays on Tamai (like a regular Zav), of course he should need to count seven clean days? (After all, if he's Tamai like a regular Zav, why should we say that his Tahor time should be any different?)

Tosfos brings some Sefarim that have the text as follows “what do we see by Metzora, who doesn't make what he sits and lay on Tamai, (yet needs seven days, so, of course a Zav needs seven days since he makes what he lays on Tamai.)

Tosfos asks on this text: it says in Toras Kohanim that a Metzora does make what it sits and lay on Tamai.

Tosfos quotes Rashi in Pesachim who answers: that's only to make Tamai food and drinks, but not to make people and utensils Tamai like a Zav.

Daf 8b

The Gemara answers: a woman (that sees blood once or twice in her eleven days of Ziva) and needs one clean day against the day she saw blood disproves this. After all, she makes Tamai what she sits or lays on, yet, she doesn't need to count seven days. So, don't worry about this too (two emissions of Zav) although he makes what he sits and lays on Tamai, perhaps he wouldn't need to count seven days. Therefore, the Pasuk says “from his Ziva, and you count.” ('From' connotes only some), that, even if you only see some of the Ziva, you count. This includes a Zav who emitted twice (that he needs to count seven days).

The Gemara asks: (why by counting seven days, the word(s) “from his Ziva” includes a two-emission Zav) and (by Korban) we said that it excludes a two-emission Zav?

The Gemara answers: if you thought that it comes to exclude it, then the Pasuk shouldn't say anything (and I would know that he doesn't count seven). You can't say we would have learned it from logic, (or a Kal V'chomer, as we said earlier) since it's disproved through a woman (that sees blood once or twice in her eleven days of Ziva) and needs one clean day against the day she saw blood (as we said earlier).

If yo want to say (that it's really not necessary for this Drasha) but it writes “from his Ziva” for the Drasha that, if he's also a Metzora, you don't need to wait to become Tahor from Ziva until he's Tahor from the Tzaras, that can't be either. After all, the Pasuk should only need to say “when the Zav becomes Tahor” (and, since it doesn't say simpler “when he becomes Tahor,” we can deduce that he only needs to

become Tahor from Zav and not Tzaras). Why must it say “from his Ziva?” To teach us that a two-emission Zav needs to count seven days.

New Sugya

There is no difference between a Metzora who's quarantined (for the week to see if it will spread) and a Metzora who's been determined (to be a complete Metzora), but (the latter) needs to have ripped clothing and not to cut his hair. There is no difference between them when they become Tahor except (that the latter) needs to shave his head and bring birds. The Gemara infers: they're the same regarding being sent out from the camp, (or city), and Tumah.

The Gemara asks: how do we know this? The Gemara answers: R' Shmuel b. Yitzchok taught before R' Huna (a Braisa); the Pasuk says “the Kohain makes him Tahor (after he's quarantined and didn't spread), it's a Sapachas (a benign Tzaras). He washes his clothes (i.e., Toivels) and was Tahor.” (It doesn't say “he'll be Tahor” in the future, but in past tense.) It must hint to being Tahor all along from the obligation of ripping clothes and growing hair long.

Rava asks: if so, it says by a Zav “you wash (i.e., Toivel) your clothes and it was Tahor.” (it's also in the past tense) and what type of Drasha will you make that he's Tahor all along with?

Rather, we must say that it's coming to make Tahor if, (after Toiveling), he moved an earthenware utensil, although he emits again (that day) and makes him Tamai retroactively (regarding what he sat or laid on). So too, we can say the Pasuk by Metzora teaches us that, if, after he was pronounced Tahor, he enters a house, (and then the Tzaras spreads and makes him Tamai), it doesn't retroactively make Tamai everything in the house (like it would if he was Tamai at that moment).

Rather, Rava says: “the Metzora who has the Tzaras.” This tells me that these Halachos only apply to those who Tzaras is dependent on his body, (i.e., whether the Tzaras remains or not, like the determined Metzora). This excludes this one (i.e., the quarantined Metzora) who's Tzaras depends on days passing (i.e., if the weeks pass and the Tzaras stays the same, he's Tahor even without the Tzaras becoming smaller).

Abaya asks: if so, when the Pasuk says “all the days that the Tzaras is on him, he's Tamai (and must leave camp).” Would this teach us that only those who's Tzaras depends on his body (i.e., the determined Metzora) is sent out of camp. If it doesn't depend on his body (i.e., the quarantined Metzora), he doesn't get sent out? If you would say that it's true, but, in truth, it's not so. After all, the Mishna says; There is no difference between a Metzora who's quarantined and a Metzora who's been determined, but (the latter) needs to have ripped clothing and not to cut his hair. This infers; they're the same regarding being sent out from the camp, (or city), and Tumah.

Rava answered: the Pasuk has an extra “all the days,” since it could have said “the days.” The extra word includes a quarantined Metzora regarding being sent out of camp.

The Gemara asked: if so, they should also be included regarding shaving his hair and bringing birds. However, we learned in the Mishna “There is no difference between them when they become Tahor except (that the determined Metzora) needs to shave his head and bring birds. Abaya answers; the Pasuk says “the Kohain went out of the camp, and behold the Tzaras is healed.” This is to say that it only applies to a Metzara who needs for his Tzaras to heal and not to a (quarantined one) that's dependent on waiting days (even if the Tzaras stays the same).

New Sugya

There is no difference Sefarim (Sefer Torah, Navi etc.), and Tefilin and Mezuzos but that the Sefarim can be written in any language and Tefilin and Mezuzos need to be written (in Lashon Hakodesh) in Ashuros letters. R' Shimon b. Gamliel says that, even Sefarim, they didn't allow writing it (in any other foreign language) besides Greek. The Gemara infers: they're the same regarding needing to sew them with sinew and that they make hands Tamai.

The Gemara asks a contradiction to our Mishna: a Braisa says; if the Hebrew part of the Sefer was written in Aramaic, or the Aramaic part was written in Hebrew, or if it was written with the Ivri alphabet, the Sefer (is not Kosher enough) to make your hands Tamai until you write it in the Ashuros alphabet and with ink. (So, we see you can't write a Sefer in another language.)

Tosfos points out: later the Gemara will establish this Braisa to refer to a Megila.

Tosfos asks: we say in the second Perek that if a Gifti speaking person reads the Megila in Giftis, or an Ilmi speaking person reads it in Ilmis, they're Yoitza. It must refer to when it was written in the language you're read it in, for, if it wasn't, then the person is reading it by heart (since he's not reading the words written in the Megila). If so, why doesn't it make hands Tamai? After all, it's a Sefer that you're allowed to write and read from, (which should give it the status of a true Sefer), as long as you understand the language.

Tosfos answers: since it's not Kosher to read but to those who understand the language, that's why it doesn't make hands Tamai. However, when it's written in Ashuros, it's Kosher to everybody, even those who don't understand (Hebrew). (Since it's universally Kosher), that's why it makes hands Tamai.