

This month's Daf Digest is dedicated
לכבוד the Wedding of Yosef and Shoshana Sokolin
And לעלוי נשמת Israel Isser Ben Tzion ben Yaakov whose yahrtzeit is on 19 Iyar

OVERVIEW of the Daf

1) Clarifying the dispute between Munbaz and the Rabbanan (cont.)

The circumstances that qualify an act as inadvertent (שוגג) are explained for Munbaz and the Rabbanan.

R' Yochanan maintains that the case of inadvertence, according to the Rabbanan, is even where the person was unaware of the kares penalty, whereas according to Reish Lakish, inadvertence is where the person was unaware of the prohibition altogether.

An unsuccessful attempt is made to prove R' Yochanan's opinion correct.

A Baraisa is cited that conforms to Munbaz's opinion.

Abaye asserts regarding the oath of utterance (שבועת ביטוי) that everyone, even R' Yochanan, agrees that a chatas is not brought unless he acted inadvertently with regard to the prohibition.

Abaye's assertion is challenged and depending upon who is identified as the author of the Baraisa it is either not relevant or a refutation.

Abaye asserts regarding the one-fifth surcharge for inadvertently eating terumah that everyone, even R' Yochanan, agrees that one is not liable unless they acted inadvertently with regard to the prohibition. Rava disagrees and maintains that according to R' Yochanan one is liable to pay the one-fifth surcharge even if they are merely unaware of the penalty of death in the hands of Heaven.

2) One who lost track of which day is Shabbos

If a person lost track of which day is Shabbos according to R' Huna he should count six days and then observe Shabbos, similar to the Shabbos of creation which was preceded by six days. Chiya bar Rav differs and asserts that the person should observe the next day as Shabbos and then count six days similar to Adam HaRishon who observed Shabbos the day after he was created.

The assertion of Chiya bar Rav is refuted.

Rava explains that on all seven days the person may work to obtain sustenance and the day observed as Shabbos will be recognizable by the recitation of Kiddush and Havdalah.

Rava adds that if the person knows how many days ago he left but not what day of the week it was he may do any melacha on the day of the week in which he departed because he can be certain he did not depart on Shabbos.

3) Identifying the source of the first two rulings of the Mishnah

The Gemara asks for a source for the first two rulings of the Mishnah that sometimes a person brings one chatas for multiple violations and other times he brings many.

R' Nachman in the name of Rabbah bar Avuhah and R' Nachman bar Yitzchak point to two pesukim that indicate that at times one will be liable to offer many korbanos and other times one will offer just one, their disagreement is which pasuk indicates which liability. ■

Gemara GEM

The sanctity of the Shabbos, the blessing of the seventh day

אמר רב הונא היה מהלך במדבר ואינו יודע מתי שבת, מונה ששה ומשמר יום אחד

In the zemiros for Friday night we find an expression which seems redundant. We begin by saying that the reward will be great for "כל מקדש שביעי כראוי לו" - anyone who sanctifies the Shabbos properly. We continue and address others who are "שומר שבת כדת מחללו" - those who guard the Shabbos according to the law, and thus avoid violating its sanctity. What can we learn from the subtle differences between these references? First we speak about those who "sanctify the Shabbos properly", and then we address those who "guard it according to the law". What is the significance of this?

HaRav Shmuel Aryeh Leib Zak, zt"l, the former Av Beis Din of Biala in Monsey, points out that the sanctity of the seventh day of the week as Shabbos is not something which we declare or determine. The Kedushah of Shabbos is קביעה וקיימא - it is set and established from the time of Creation (see Gemara, Beitza 17). However, in our Gemara there is a situation where observing of the seventh day does depend upon the person himself, and this is the case where a person is lost in the desert. The person in the desert counts six days, and it is his counting which culminates in a seventh day which is declared as holy due to his experience. He is the one who is מקדש the seventh day of his predicament. On the other hand, we also have the classic situation, where a person knows exactly when Shabbos is. The second phrase of the zemiros describes this person, for he observes the Shabbos according to its laws. He is not the one who is מקדש שביעי, but rather one who is שומר שבת.

In the paragraph of מגן אבות after Ma'ariv Friday night, we also find a double phrase, and it can also be interpreted in terms of these dual conditions. We recognize Hashem as the One who is "מקדש" and as the One who is "מברך שביעי". The first phrase refers to Hashem's standard role as the One who sanctifies the Shabbos. However, in the case of the one lost in the desert, Hashem recognizes the plight of the wandering traveler, and Hashem gives His blessing to the seventh day according to his count. ■

REVIEW and Remember

1. From where do we learn that a chattas is only brought to atone for a sin that is liable for kareis?
2. According to Munbaz, when is an act considered to be unintentional?
3. When does a non-kohen who eats terumah have to add a fifth?
4. If one is in the desert and does not know which day is Shabbos, what should he do?

HALACHAH Highlight

Ritual matters on the designated Shabbos day for one who lost track of the Shabbos

אמר רב הונא: היה מהלך (בדרך או) במדבר, ואינו יודע אימתי שבת - מונה ששה ימים ומשמר יום אחד. ... אלא כל יום ויום עושה לו פרנסתו, אפילו ההוא יומא. וההוא יומא במאי מינכר ליה? בקידושא ואבדלתא.

Rav Huna said: If a person was walking in the desert, and he doesn't know which day is the Shabbos, he should count six days and keep the following day as Shabbos. ... As regards labor, the Gemara concludes that he should each day do the necessary amount of work for that day, even on the day that he designates as his Shabbos. If he is working even on the day that he has designated as his Shabbos, then how will he distinguish it from the other days? By the saying of Kiddush and Havdalah on his designated Shabbos day, he will not forget about the Shabbos.

Rashi¹ explains that although the person may work even on his designated Shabbos day, he still says Kiddush and Havdalah in order to serve as a reminder of Shabbos, so that he not forget the Shabbos. One of the issues discussed by the Poskim is whether these blessings are recited as usual, with the mention of Hashem's name, since there exists a state of doubt as to whether the designated day is in fact the Shabbos. Indeed the Sf'as Emes² writes that it is possible that the Kiddush and Havdalah are not recited with mention of Hashem's name because of the principle of ספק ברכות להקל. However, he notes that the apparent view of the Poskim is that the blessings are recited as usual. Possibly the Sf'as Emes² is alluding to the Rambam³ who states that one who became lost should count six days and sanctify the seventh, and he should recite Kiddush at its beginning and Havdalah at its conclusion. The Rambam does not qualify his statement by saying that the blessings should not be recited with Hashem's name. This seems to indicate that the blessings are recited as normal⁴.

In the recently published writings of the Ritva⁵ on Shabbos, we find that the Ritva addressed this matter directly. He asks how is it possible to recite these blessings with mention of Hashem's name being that this designated day is cloaked in doubt. He presents two responses: a) the prohibition of uttering a blessing when a state of doubt exists is only Rabbinic in origin. b) the Kiddush and Havdalah are not to be said as blessings. The Ritva concludes that the first explanation suits the lan-

guage of our passage more precisely. Rav Ovadiah Yosef⁶ observes that the Rambam would likely not accept this resolution of the Ritva, being that the Rambam maintains that reciting an unnecessary blessing is a Torah-level interdiction and as such, the Rambam would likely respond differently⁷. Rav Yaakov Emden⁸ explains that the person need recite the blessings with Hashem's name because the Rabbis have the power to introduce the recitation of blessings, as they did for example by instituting the second day of Yom Tov for the Diaspora Jews.

The Poskim disagree as to which variety of Amidah he should pray on the designated Shabbos. Some Poskim⁹ opine that he should pray the weekday Amidah, since the Rabbis did initially desire to institute the weekday Amidah on Shabbos. Indeed, according to this view the person should not mention Shabbos at all in the Amidah, because possibly it is not Shabbos, and the addition could constitute an interruption (הפסק). Other Poskim¹⁰ maintain that the person should pray the Shabbos Amidah. This disagreement would likely extend to whether Mussaf is to be recited¹¹.

As well, the Poskim disagree about the donning of Tefillin on the designated Shabbos day. Rav Chaim Binyamin Pontremoli¹² writes that on the designated Shabbos the person should not don Tefillin. [He also adds there that on the other days the person should not pronounce a blessing on the Tefillin.] Conversely, Rav Ya'akov Shimshon Shabatai¹³ and the Mishnah Berura¹⁴ rule that the person must don his Tefillin on his designated Shabbos day. They reason that this state of doubt can not absolve the person of the Torah-level obligation to don Tefillin each day. The Tchebiner Rav¹⁵ states that a blessing should be recited upon the Tefillin. The Mishnah Berura¹⁶ adds that he should not wear the Tefillin while saying the Shabbos Amidah (the Mishnah Berura's position is to pray the Shabbos Amidah on the designated Shabbos), so that it should not appear paradoxical. ■

1 רש"י כאן (ד"ה בקדושתא ואבדלתא) 2 שפת אמת כאן (ד"ה בגמ' ואם הי') 3 רמב"ם (פ"ב מהל' שבת הלכה כב) 4 הגר"ע יוסף שליט"א בסי' מאור ישראל כאן 5 חידושי הריטב"א כאן (סט ע"ב ד"ה בקדושתא ואבדלתא) 6 מאור ישראל כאן 7 ע"י במאור ישראל משי"ב בדעת הרמב"ם. 8 מור וקניענה (ריש סי' שד"מ) 9 רבי דוד פארדו בסי' למנצח לדוד (בחידושי הש"ס כאן, דף יג ע"ב במספר השני של הדפים, ועמ' רעג בנדמ"ח). וכן הסכים הגאון חיד"א בסי' מחזיק ברכה (סי' שדמ אות א'). ע"ש. 10 כן כתב בפשיטות בנהר שלום (סי' שד"מ סי' א). ע"ש. וכן כתב הפרמ"ג (סי' שד"מ במשבי' סי' א) והביא ראיה מהרמב"ם (פ"ב מהל' שבת הלכה כב). וכן ראה בכפ"ח (שם אות ה) משי"ב עוד טעם בזה. וכן כתב במש"ב (שם סי' א) ע"פ הפרמ"ג. ע"ש. 11 ע"י בפתח הדביר (סי' שד"מ אות ג) ובכפ"ח (שם). 12 בספרו הנפלא פתח הדביר (סי' שד"מ אות ו) ע"ש דבריו בזה. 13 ע"י בסי' שבת של מי (בקונטי' יעקב לחק לימוד ט"ל, עמ' רעד בנדמ"ח) 14 בבאור הלכה (סי' שד"מ סי' א) 15 שו"ת דובב מישרים ח"ב (סי' ח"י) 16 בבאור הלכה שם. וע"י בשו"ת דובב מישרים שם בענין תרתי דסתרי בזה. ■

Gemara GEM

Survival in the Desert

אמר רבא בכל יום ויום עושה לו כדי פרנסתו

The Gemara deals with a person who is lost in the desert and has completely lost track of the days of the week. The guideline which Rava sets as far as Shabbos is concerned is that the person should work and toil minimally each day to earn what he needs in order to subsist. Although this would entail his working seven days out of seven, Rava does not allow working more than necessary on a day that might be the real day of Shabbos.

The Bi'ur Halacha (O.C. 344 ד"ה מצמצמת) suggests that there might be an advantage to having the person work harder for

one or two days, and thereby build a reserve in order to survive for the next several days without working at all. Statistically speaking, this may result in the person not working at all on Shabbos. Nevertheless, when the person works day by day in order to survive he is not in violation of Shabbos at all. Being that the person actually must work on that day in order to eat, his working is in response to פקוח נפש. Therefore, it is better to work every day, but minimally, where there will be no חילול שבת at all, rather than to work for a couple of days in a row, where, if it happens to be Shabbos, there would be a violation of Shabbos.

The Biur Halacha teaches an interesting practical application of this rule. If a soldier must perform a certain function which involves a labor which is prohibited on Shabbos,

he certainly should see to it that he completes the job before Shabbos. However, if he has no time to do the task before Shabbos, and he finds himself at twilight (בין השמשות) as Shabbos begins, he should not do the labor then, which would be an willing and elective violation of Shabbos, but he should rather wait until he has no choice to delay further. For example, the next day, when he has no choice, the culpability has vanished.

Nevertheless, the Bi'ur Halacha leaves the issue unresolved. It could be, he writes, that doing the melacha at Bein HaShemashos or doing it the next day involve the same degree of פקוח נפש. Once a soldier's duties are deemed essential, the act is not more critical or less so within the same day. Therefore, it may be better to do it בין השמשות. ■

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