

OVERVIEW of the Daf

1) Tarrying (cont.)

Rava inquires whether one who became tamei and then suspended himself in the air is liable for tarrying and the matter is left unresolved.

R' Ashi inquires about whether there is liability for tarrying if one intentionally contaminated himself and the matter is left unresolved.

R' Ashi asks whether the issue of tarrying applies to a nazir standing near a grave and the matter is left unresolved.

2) Exiting the short way

Rava rules that one is not liable if he goes out the short way even if he walked slowly.

Rava inquires whether periods of tarrying combine and the matter is left unresolved.

Abaye asked Rabbah whether one is liable if he walked out the long way in the time it would take to exit the short way.

Rabbah answers that he is liable.

R' Zeira unsuccessfully challenges this ruling.

3) A non-kohen who turned over a korban

R' Huna rules that a non-kohen who turned over a korban on the altar is liable to death at the hands of Heaven.

The exact circumstance that carries liability is explained.

4) Entering the normal manner

R' Oshaya asserted that one who enters a house with tzara'as backwards is not liable if part of his body is still outside.

Rava explains why he is liable for entering entirely even though he entered backwards.

A Beraisa is cited that teaches that the term "entering" refers to entering in the normal manner.

5) Clarifying the Mishnah

The Gemara identifies what the Tanna was referring to when he stated *זו היא וכו'*.

6) Cohabiting with a niddah

Abaye in the name of R' Chiya bar Rav and Rava in the name of R' Shmuel bar Shva states that one who withdraws from a woman who declares that she is a niddah is liable to two Chatas offerings.

Rava begins to analyze the circumstances when this ruling applies. ■

Distinctive INSIGHT

The longer but quicker route

בעי מיניה אביי מרבה בא לו בארוכה שיעור קצרה מהו וכו'

The Mishnah rules that if a person is in the courtyard of the Beis HaMikdash, and he suddenly becomes tamei, he must leave the premises immediately. If he forgot about his being tamei, and he left without using the shortest possible route, he is liable for the rule of our Mishnah of *העולם טומאת מקדש*. If he left the courtyard using the shortest route, he is *פטור*.

Abaye asked Rabbah the halacha if this person who became tamei and forgot about it, and he left the courtyard via a longer route, but the person rushed, and it took only as much time as it would have taken to stroll out the shorter route? Is the issue in exiting the courtyard that he is expected not to tarry longer than necessary? If this is so, in this case he would be exempt, as he was not in the courtyard longer than necessary. Or, did the sages demand that he specifically take the shorter route? This person walked farther in the holy area than he should have, and he should be liable. Rabbah answered that the person is liable. The halacha is that he may not take the longer path, no matter what.

The Rishonim point out that Rabbah could have resolved Abaye's inquiry from an earlier comment of Rava as this discussion began. Rava explained that if a person exits the courtyard using the shortest route he is exempt, even if he does so step by step, heel to toe. This is even if he takes much longer to leave the area than had he simply walked at a normal pace through the farther exit. We see from this statement of Rava that timing is not the issue, but rather distance. Why, then, did the Gemara not resolve the question of Abaye by referring to this rule of Rava? Although this is the same conclusion at which Rabbah arrived, we should have determined this from Rava that if a person rushes and leaves through the longer route he is liable.

The Rishonim answer that, in fact, if Abaye had known the rule of Rava, he would not have asked his question. Clearly, the halacha is based upon distance, and not timing. But, Abaye had not heard Rava's rule, and Rabbah informed him of it. Chasam Sofer emphasized that this is what Rashi is teaching when he says here, "Abaye asked Rabbah, not Rava." Had Abaye discussed this issue with Rava, he would not have had his question.

Rabbah explained that we learn the rules of the longer route (even if one rushes to it) from the rules of the shorter route. The person is exempt when he uses the shortest route, even if it takes him all day.

ר"י מיגש and Ritva also note that the shorter route is always one which is exempt. The longer route is liable only because there is a shorter one, and without the shorter one, the longer path itself would be allowed. Abaye felt that this suggests that the law of the longer path is a function of the timing of the shorter one. ■

HALACHAH Highlight

Flying over the airspace of the Beis HaMikdash

תלה עצמו באויר עזרה מהו

If one suspended himself in the airspace of the Azarah, what is the halacha?

Teshuvos Kinyan Torah¹ was asked whether one who is sight-seeing in a plane over Yerushalayim must be careful to avoid flying over the place where the Beis HaMikdash stood. He responded by citing our Gemara. Rava inquires whether a person who contracted tum'ah in the Beis HaMikdash and then suspended himself in the air of the Azarah is liable to bring a korban. The question of the Gemara was left unresolved. Rambam² explains that the question revolved around the question of whether the airspace of the Azarah is the same as the Azarah itself. Tosafos³ cites other sources that have a version of the text that is similar to the way that Rambam explains the Gemara but disagrees with that explanation citing sources that clearly indicate that the airspace of the Azarah is the same as the Azarah. He explains that the essence of Rava's question was whether one is liable for tarrying in the Beis HaMikdash while tamei, in a circumstance in which one is not able to bow.

What emerges from this dispute is that according to Rambam it is prohibited for someone who is tamei to fly over the area of the Beis HaMikdash since the inquiry was not resolved and according to Tosafos if the tamei person is capable of bowing, like when in an airplane, it is prohibited for him to be in the airspace over the Beis HaMikdash. Teshuvos Kinyan Torah also rejects the argument that the body of the airplane should constitute an interposition between the airspace over the Beis HaMikdash and the

REVIEW and Remember

1. Is avoiding tarrying necessary for a person who intentionally makes himself tamei?

2. Is a person who runs out of the Beis HaMikdash using the longer path liable for tarrying in the Beis HaMikdash?

3. At what point is one liable for entering the Beis HaMikdash while tamei if one enters backwards?

4. Does the rooftop of the Beis HaMikdash have the same sanctity as the Beis HaMikdash?

person who is tamei. The primary reason he rejects this suggestion is based on the principle that a moving ohel does not create a barrier that would halachically separate the person from the airspace of the Beis HaMikdash. Furthermore, even if one were to accept the premise that a moving ohel does create a halachic barrier in this case it would not apply. The only material that can serve as a barrier is one that does not itself contract tum'ah but an airplane that is made from metal is susceptible to tum'ah and as such, cannot serve as an effective barrier between the person and the airspace of the Beis HaMikdash⁴. ■

1. שו"ת קנין תורה ח"י ס' נ"ח.
2. רמב"ם פי"א מהל' שגגות י"ד.
3. תוס' ד"ה תלה עצמו.
4. ע' חזו"א אהע"ז נזיר ס' קמ"ד סק"ט. ■

STORIES Off the Daf

The Roundabout Route

"בא לו בארוכה שיעור קצרה מהו..."

A certain man's niece married someone that he felt was below her. The uncle preferred to stay as far away as possible from the chosson and did everything he could to avoid him. Yet every time he got an aliyah, the uncle would follow the halachah and walk back to his seat using the longer route around the bimah, and this meant that he passed near the chosson's place. He preferred not to even see him and now he was forced to walk past him. Since he was an important man in the community he was called up to the Torah fairly frequently and this became more than a passing annoyance.

After much thought, he figured he had a solution to his problem. He would walk back to his seat the way he came, but he would do so very slowly rather than take the longer route. Surely this was as much honor to the Torah as going the long way since he was taking at least as much time to return to his seat. After all, does it not say that one should rush to shul but leave in an unrushed manner?

But since he knew that any change in the prevalent custom would be protested unless a great rav had ruled that it was permitted, he consulted with the Ben Ish Chai, zt"l, hoping to receive permission to implement his plan the very next week.

To his surprise, the Ben Ish Chai ruled that this is absolutely prohibited. "You are definitely incorrect in your assumption that walking slowly to your place via the shorter way back is the same as tak-

ing the longer way with bigger steps. The proof to this is the words of the Rambam who relies on the statement in Shevuos 17 that rushing or walking slowly does not have any relevance on our consideration of what is the short or long way to leave the Beis HaMikdash. The same holds true here. There we find that one who is defiled must take the shortest path out of the sanctuary. Whether one runs down the longest path or traverses the shortest path very slowly has no bearing on this. We only consider which path he took.

He concluded, "We see from here that only the shorter path shows proper respect for one who leaves the mikdash and the inverse is true regarding our case. Taking the longer way to one's seat shows respect; any other way shows disdain no matter one's pace!"¹ ■

1. שו"ת תורה לשמה, ס' נ"ז ■