



Volume 10. Issue 32

Eduyot – In The Details

This week we begin learning *masechet Eduyot*. It is a unique *masechet* in that its *Mishnayot* do not share a common legal subject. See volume 4, issue 32, “On That Day...” for an introduction to the *masechet*.

The third *Mishnah* discusses a law relating to *mikvaot*. A *mikveh* consisting of drawn water is invalid. The debate in the *Mishnah* is regarding the amount of drawn water that invalidates a *mikveh* prior to it containing the minimum amount rainwater. The *Mishnah* records that *Hillel* maintains that the amount is a “*hin*” and *Shamai* maintains that it is nine *kavin*. Nevertheless based on the testimony of two weavers that *Shamaya* and *Avtalyon* maintained that it was three *lugin*, the *Chachamim* ruled like that opinion. There is however some seemingly superfluous detail in the *Mishnah* worthy of note.

One detail is that the *Mishnah* justifies *Hillel*’s odd choice of words; he was obligated to use that same wording as his teacher. What exactly was the strange with his wording? The *Bartenura* provides two explanations. The first is that the measure “*hin*” is a biblical one and generally not used in the *Mishnah*. He also cites the *Rambam* that heard from his father that since *Shamaya* and *Avtalyon* converted they had difficulty articulated the letter *hei*, so they would have expressed it as “*in*” instead of “*hin*”. *Hillel* articulated it in the same manner as his teachers.

The *Gra* however asks, according to the first explanation, even though it justifies *Hillel* using a biblical term, it does not however justify his teacher’s choice of words. The *Gra* however explains that the difficulty was not the use of the word *hin*, but why he had to say “*me’lo hin*” – a full *hin*. The fact that we are dealing with a full measure should be obvious.

Returning to the second explanation, since *Shamaya* and *Avtalyon* would mispronounce the word *hin* as *in* it might sound like “*ein mayim she’uvim poslin et a mikveh*” – drawn water does not invalidate a *mikveh* – which would be a grave mistake. They would add the word “*me’lo*” (full) so that they would not be misunderstood. *Hillel* however had no difficulty pronouncing “*hin*”. The question then is why *Hillel* needed to say “*me’lo hin*”? The *Mishnah* therefore explains that he was compelled to use the language of his teachers.

The next detail worth noting is the necessity to mention the profession and residence of the people that the brought testimony at the end regarding *Shamaya* and *Avtalyon*. The *Rashi* explains that both their profession and residence were of the lowest standing. The *Mishnah* wished to draw attention to this fact to encourage people that they should never withhold from attending studying in the *Beit Midrash*. These two people were of the lowest standing and the *Chachamim* ultimately ruled according to what they had learnt.

The *Maharsha* explains that *Rashi*’s explanation is based on the *Tosefta*. The *Tosefta* we have however is written slightly differently. “Why does it mention the name of their place and the name of their profession? Behold there is no profession lower than a weaver and no place less than *sha’ar ha’ashpot*. Nevertheless the *avot olam* (*Hillel* and *Shamei*) did not stick to their position in the face of this testimony. So too one should not stand firm in the face of a statement [received from tradition].”

While *Rashi* understood the *Mishnah* as encouraging anyone and everyone to find their time and place in the *Beit Midrash*, the *Tosefta* appears to be deriving a warning against being overly stubborn in the face of tradition.

Yisrael Yitzchak Bankier

Revision Questions

שבועות ז' ח' ו' ח' ו'

- On which case does *R' Yehuda* argue and why? (ז' ח' ו')
- What other case brought is similar? In that case how does *R' Yehuda* argue? (ז' ח' ו')
- In which five cases is a woman required to make a *shevuah* in order to collect her *ketubah*? (ז' ח' ו')
- In which five cases can one obligate another to make a *shevuah* without a definite claim? (ח' ו')
- What are the four different types of guardians? (ח' ו')
- For each of the guardians, when do they make a *shevuah* exempting themselves from paying compensation? (ח' ו')
- Is a *shomer chinam* obligated to bring a *korban* if he made a *shevuah* stating that the animal he was guarding was lost but in truth it had died? (ח' ו')
- If a *shomer chinam* swore that the ox he was guarding was lost but in truth the *shomer* ate the ox, what compensation is he required to pay if: (ח' ו')
 - Witnesses came and testified that he slaughtered and ate the ox?
 - He admitted he lied prior to any witnesses testifying that he lied?
- What is the law if a *shomer* swore that the ox was stolen, and witnesses came and said that the *shomer* stole, slaughtered and sold the ox? (ח' ו')
- Regarding the previous question, what is the law if the *shomer* saw the witnesses approaching and quickly admitted that he stole the ox? (ח' ו')
- What is the law if a *sho'el* made a *shevuah* stating that the animal he was guarding was lost but in truth it had died? (ח' ו')
- Regarding the previous question, what if the *sho'el* made a *shevuah* denying ever having borrowed the ox? (ח' ו')
- What are the two general rules brought at the end of the *masechet*? (ח' ו')

עדות א' א' ה'

- What are the three debates between *Shammai* and *Hillel* brought in the beginning of the *masechet*? (א' ג' ו')
- What is different about how we rule in these three cases? (א' ג' ו')
- In the final case, what is strange about the way *Hillel* presents his case? (א' ג' ו')
- What is special about the conclusion in the third case? (א' ג' ו')
- Why does the *Mishnah* mention the opinions of *Shammai* and *Hillel* if the *Halacha* does not follow their opinions? (ח' ו')
- Why does the *Mishnah* mention a minority opinion if the *Halacha* follows the majority? Provide two answers. (ח' ו')
- What are the two requirements for a *Beit Din* to overrule a decision of another *Beit Din*? (ח' ו')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
22 th September י"ח תשרי	23 th September י"ט תשרי	24 th September כ' תשרי	25 th September כ"א תשרי	26 th September כ"ב תשרי	27 th September כ"ג תשרי	28 th September כ"ד תשרי
Eduyot 1:6-7	Eduyot 1:8-9	Eduyot 1:10-11	Eduyot 1:12-13	Eduyot 1:14-2:1	Eduyot 2:2-3	Eduyot 2:4-5

