

# נחל נובע

על סדר מועד



Articles  
and  
Revision Questions  
on  
Mishnayot



- Do we trust a thief, which returned what he stole, when he assures us that he did not touch anything else in the house? (ג':י)
- What assumption do we make regarding *tum'ah ve'tahara* during the festivals? (ג':י-יז)
- In what case do they debate whether this assumption carries over till after the festival? (ג':יז)
- Which of the utensils was unable to be taken to the *mikvah* and thus required extra precaution with respect to *tum'ah ve'tahara*? (ג':יח)
- Which two utensils in the *Beit Ha'Mikdash* do not require *tevilah* and why? (ג':יח)

הדרן עלך סדר מועד

לעילוי נשמת

יחזקאל זליג בן ישראל ע"ה

- What was different about the way *Beit Shammai* and *Beit Hillel* allowed a *korban Shlamim* do be brought on *Yom Tov*? (ב' ג')
- In what situation do *Beit Shammai* and *Beit Hillel* agree that the *korban Re'iyah* is not offered on *Yom Tov*? (ב' ד')
- Regarding the previous question, what does the *kohen gadol* do on this day to demonstrate that the *korban* is not offered? (ב' ד')
- For what five things must one wash their hands prior to eating? (ב' ה')
- What requires more than hand washing prior to eating? (ב' ה')
- What are the five levels of “*kedushah*” described in the *Mishnah* and why are they important? (ב' ו')
- In what manner are the clothes of *ochlei trumah tameh* for *ochlei kodesh*? (ב' ז')
- What are the three sections of a utensil that applies for *trumah* but not for *kodesh*? (ג' א')
- What is different about they way one purifies a utensil for use in *trumah* as apposed to use for *kodesh*? (ג' א')
- If a utensil was made and its purity preserved, in what situation does it nevertheless require immersing in a *mikvah*? (ג' ב')
- What is the furthest degree of *tum'ah* that can affect *trumah* and *kodesh*? (eg, *sheni*, *shlishi*, etc.) (ג' ב')
- In what case can only one hand become *tameh*? (ג' ב')
- Can one touch *ochlim neguvim* that is *trumah* without washing their hands? (ג' ג')
- What two people require *tevilah* for *kodesh* but not for *trumah*? (ג' ג')
- In what case do we trust a person in regards to the purity of *kodesh* more than we would for *trumah*? (ג' ד')
- What is the geographical border beyond which we no longer trust the sellers of earthenware about the purity of their wares? (ג' ה')

## Chagigah

- Who is exempt from *Re'iyah*? (א:א)
- What are the two opinions regarding the definition of a *katan* that is exempt from *Re'iyah*? (א:א)
- What is the minimum value of a *korban Re'iyah* and a *korban Chagigah*? (Include both opinions) (ב:א)
- Which *korban* can be brought using *ma'aser sheni* money? (ג:א)
- On which day does *Beit Shammai* argue that the *korban* referred to in the previous question must be brought from *chulin* money? (ג:א)
- Can an *Yisrael* fulfil his obligation of bringing *shalmei Simcha* by bringing *ma'aser behema*? (ד:א)
- Can a *Kohen* fulfil his obligation of bringing *shalmei Simcha* by consuming the meat from an offered *chatat*? (ד:א)
- What are the four different groupings that determine the required value of the *korban Re'iyah* and the *shalmei Chagigah*? (ה:א)
- If someone did not bring the *korban Re'iyah* during the festival can he bring it at a later date? (ו:א)
- What are the additional two opinions about who the following *pasuk* refers to: (ז:א)  
"מעות לא יוכל לתקן, וחסרון לא יוכל להמנות"
- Which *halachot* are described as: "הררים התלויין בשערה"? (ח:א)
- What topic should only be taught one-to-one? (ב:א)
- A person who inquires into which four things is described as: "ראוי לו כאלו לא בא לעולם"? (ב:א)
- Who else is described in such a manner? (ב:א)
- With regards to which process in the offering of a *korban* on *Yom Tov* did five groups of *Tana'im* debate? (ב:ב)
- Which personal *korban* did *Beit Shammai* argue cannot be brought on *Yom Tov*? (ג:ב)

## Table of Contents

<b>EDITORS FORWARD</b>	<b>11</b>
<b>INTRODUCTION</b>	<b>12</b>
<b>SHABBAT</b>	<b>13</b>
<b>Introduction to <i>Hotza'ah</i></b> Shabbat (1:1) Rabbi Nechemiah Litke	13
<b>Introduction to <i>Shehiya</i></b> Shabbat (3:1) David Bankier	16
<b><i>Hatmana</i></b> Shabbat (4:1) Alon Ledder	19
<b>The Fortieth <i>Melacha</i></b> Shabbat (7:2) Ben-Zion Hain	22
<b>Carrying Above Ten <i>T'fachim</i> and <i>Moshit</i></b> Shabbat (11:1) David Bankier	24
<b><i>Mitzvah Ha'ba'ah Be'veirah</i></b> Shabbat (13:3) David Bankier	27
<b><i>Melech Tzad</i> – Capturing an Animal</b> Shabbat (13:5) Raphael Wein & Asher Shafrir	30
<b><i>Chinnuch in Chazal</i></b> Shabbat (16:6) Yaron Gottlieb	32

<b><i>Brit Millah on Shabbat</i></b>	34
Shabbat (19)	
Natan Rickman	
<b><i>Shalosh Seudot without a Bracha</i></b>	36
Shabbat (22:1)	
Yehuda Gottlieb	
<b>EIRUVIN</b>	<b>38</b>
<b>Introduction to Mavoi</b>	38
Eiruvim (1:1)	
David Bankier	
<b><i>Diyumdin vs. Lechi</i></b>	41
Eiruvim (2:4)	
David Bankier	
<b><i>Techumim</i></b>	44
Asher Shafrir	
<b>Accurate Measurements</b>	46
Eiruvim (5:4-5)	
Alon Ledder	
<b><i>Eiruv Chatzeirot</i></b>	49
Eiruvim (7:1)	
David Bankier	
<b><i>Shituf Techumim</i></b>	52
Eiruvim (7:6)	
Uri Orbach	
[Ed. Trans.]	
<b>Carrying Less Than Four Amot</b>	55
Eiruvim (10:1)	
David Bankier	

- According to *R' Yosi* which professionals were *machmir* not to work in any manner during *Chol Ha'moed*? (ב'י: ה')
- Which seven people are allowed to shave during *Chol Ha'moed*? (א'י: ה')
- What else were these people, specifically, allowed during *Chol Ha'moed*? (ב'י: ה')
- Which twelve contracts were allowed to be drawn during *Chol Ha'moed*? (ג'י: ה')
- In what situations can one write a contract for a loan on *Chol Ha'moed*? (ד'י: ה')
- Can one write *tefillin* during *Chol Ha'moed*? (ד'י: ה')
- What is the law regarding a mourner, where *Yom Tov* coincides with the *shiva* period? (ה'י: ה')
- What is the law regarding a mourner, where *Yom Tov* coincides with the *shloshim*? (ה'י: ה')
- What is the law regarding a mourner on *Shabbat* during the *shiva* and *shloshim*? (ה'י: ה')
- Regarding the previous three questions, which festival does *R' Eliezer* argue that nowadays is treated like *Shabbat*? (ו'י: ה')
- Regarding the previous questions is *Rosh Hashanah* like a *Yom Tov* or *Shabbat*? (ו'י: ה')
- What is different about a burial that occurs during *Chol Ha'moed*? (ז'י: ה')
- Why would they rest a coffin in the street? (ח'י: ה')
- Would they rest a coffin in the street during *Chol Ha'moed*? (ח'י: ה')
- For whom would they never rest the coffin in the street? (ח'י: ה')
- What is *inui*? (ט'י: ה')
- What is *kina*? (ט'י: ה')

All the following questions relate to *Chol Ha'moed*:

- Can any work be performed on burial chambers? (א: א)
- When can coffins be constructed? (Include both opinions) (א: א)
- Are marriages allowed? (Careful) (א: א)
- Are women allowed to apply makeup? (א: א)
- In what manners is sewing permissible? (א: א)
- Can one erect an oven, stove or millstone? (א: א)
- Can one erect a rail on a balcony? (א: א)
- In what manner can one make repairs to his roof? (א: א)
- On what condition is one allowed to repair the lock on his house? (א: א)
- On what condition is one allowed to begin pickling food? (א: א)
- To what extent can a person that began preparing olives for pressing yet for reasons beyond his control, was unable to complete the pressing before *Yom Tov*, continue the process during *Chol Ha'moed*? (א: ב)
- Regarding the previous question, what were the three reasons brought that may have prevented him from completing the pressing before *Yom Tov*? (א: ב)
- What other case was brought in the *Mishnah* similar to the one mentioned in the previous questions? (א: ב)
- Can one bring his fruit in from the orchards during *Chol Ha'moed*? (א: ב)
- What is the law regarding a person that deliberately delayed an activity that is permitted during *Chol Ha'moed*, till *Chol Ha'moed*? (א: ב)
- What are the two situations under which one is allowed to purchase a house during *Chol Ha'moed*? (א: ב)
- Can one move house during *Chol Ha'moed*? (א: ב)
- In what manner is one allowed to sell fruit during *Chol Ha'moed*? (א: ב)

<b>PESACHIM</b>	<b>58</b>
<b>Why do Bedikat Chametz?</b>	<b>58</b>
Pesachim (1:1)	
Yoni Fisher	
<b>Symbolism of Chametz</b>	<b>60</b>
Extract from "Symbolism of Chametz" by Rav Ezra Bick	
<b>Customs</b>	<b>63</b>
Pesachim (4:1)	
Yaron Gottlieb	
<b>Overriding Shabbat</b>	<b>66</b>
Pesachim (6:1)	
Yehuda Gottlieb	
<b>"Breirah" of a Korban Pesach</b>	<b>69</b>
Pesachim (8:1)	
Yoni Sapir	
<b>Pesach Sheni</b>	<b>71</b>
Pesachim (9:1)	
David Bankier	
<b>SHEKALIM</b>	<b>74</b>
<b>Machatzit Ha'Shekel</b>	<b>74</b>
Asher Shafrir	
<b>Understanding Free Guardians</b>	<b>76</b>
Shekalim (2:1)	
David Bankier	
<b>The Parochet and Getting Excited About Mitzvot</b>	<b>79</b>
Shekalim (8:5)	
David Bankier	

<b>YOMA</b>	<b>81</b>
<b>Learning History from the Mishnah</b> Ben-Zion Hain	81
<b>The Start of the Day</b> Yoma (3:1) Natan Rickman	84
<b>A “Short” Tefillah</b> Yoma (5:1) Uri Orbach Ed. Trans.	87
<b>Do you want to eat... on Yom Kippur?!</b> Yoma (6:5) David Bankier	90
<b>SUKKAH</b>	<b>93</b>
<b>Height of a Sukkah</b> Sukkah (1:1) Yaron Gottlieb	93
<b>Sukkah in the Rain</b> Sukkah (2:9) David Bankier	95
<b>Mitzvah Haba’ah Be’aveyra</b> Sukkah (3:1) Natan Rickman	97
<b>The Role of Simcha in Simchat Beit Ha’Shoevah</b> Noam Greenberger	99
<b>BEITZAH</b>	<b>101</b>
<b>Carrying on Yom Tov</b> Beitzah (1:5) David Bankier	101

- What is a “*poche’ach*” and which parts of *tefillah* is he prohibited from taking part? (יג: יד)
- Concerning a *kohen’s* hands, what invalidates him from performing *birkat kohanim*? (List both opinions) (יג: יד)
- What manner of wearing *tefillin* is described as: (יח: יד)
  - *Derech minut?*
  - *Derech ha’chitzonim?*
- What are the three phrases that if one says in his *tefillah*, we must silence him? (יט: יד)
- Which of the following are read (from the *Torah*) but not translated: (יז: יד)
  - *Ma’aseh Reuven?*
  - *Ma’aseh Tamar?*
  - *Ma’aseh egel?* (Be specific)
  - *Birkat Kohanim?*
  - *Ma’aseh David ve’Amnon?*

### Moed Katan

- What restrictions are placed on watering fields during *Chol Ha’moed*? (יא: יא)
- What is the difference regarding installing and fixing irrigation pipes in a field during *Chol Ha’moed* and the *shmittah* year? (Include both opinions) (יב: יא)
- List some of the work for public needs that are permitted on *Chol Ha’moed*? (יב: יא)
- Can one water seeds during *Chol Ha’moed* that were not watered previously? (יג: יא)
- Can one hunt field mice on *Chol Ha’moed*? (יד: יא)
- Can one fix a breach in a fence in a regular manner on *Chol Ha’moed*? (יד: יא)
- Explain the debate regarding whether a *kohen* can check *nega’im* on *Chol Ha’moed*? (יז: יא)

- What portion for the *Torah* is read for: (ג: ה')
  - *Pesach*?
  - *Shavuot*?
  - *Rosh Hashanah*?
  - *Yom Kippur*?
  - *Chol Ha'moed Sukkot*? (ג: ה')
  - *Chanukah*?
  - *Purim*? (ג: ו')
- What is the source for allocating a special *Torah* reading during a festival? (ג: ו')
- Is one allowed to read the *megillah* seated? (ד: א')
- Can one fulfil his obligation of hearing the *megillah* if it is read by two people at the same time? (ד: א')
- Is one allowed to add additional *aliyot* for *Shabbat Mincha*? (ד: א')
- How many people are called up to the *Torah* on: (ד: ב')
  - *Rosh Chodesh*?
  - *Chol Ha'moed*?
  - *Yom Tov*?
  - *Yom Kippur*?
  - *Shabbat*?
- On which days can extra people be called up to the *Torah*? (ד: ב')
- What ten things (listed in the *Mishnah*) require a *minyan*? (ד: ג')
- What requires a *minyan* that includes at least one *kohen*? (ד: ג')
- What is the minimum number of *p'sukim* that must be read for an *aliyah*? (ד: ג')
- Explain how the *Torah* reading would be performed with a *meturgeman*? (ד: ד')
- Explain how the *haftorah* reading would be performed with a *meturgeman*? (ד: ד')
- What other honours would they give the person that read the *haftorah*? (ד: ה')
- Can a minor be a *ba'al koreh*? (ד: ו')
- Can a minor be a *chazzan*? (ד: ו')

<b>A Vessel, a <i>Mikvah</i> and the purpose of <i>Shabbat</i></b>	<b>104</b>
Beitzah (2:2) Asher Shafir	
<b>Time in the <i>Beit Ha'Mikdash</i></b>	<b>107</b>
Beitzah (3:8) Uri Orbach Trans. Mark Steiner	
<b>ROSH HASHANAH</b>	<b>110</b>
<b>Father and Son: Can they testify together?</b>	<b>110</b>
Rosh Hashanah (1:7) Natan Rickman	
<b>Sanctifying the New Moon</b>	<b>112</b>
Alon Ledder	
<b>TA'ANIT</b>	<b>115</b>
<b>Understanding Fasting</b>	<b>115</b>
David Bankier	
<b>Special Individuals</b>	<b>118</b>
Ta'anit (1:4) David Bankier	
<b>Dealing with Beneficence</b>	<b>121</b>
Ta'anit (3:4) Noam Greenberger	
<b><i>Mishenichnas Av, Mema'atin Besimcha</i></b>	<b>124</b>
Ta'anit (4:6) Yehuda Gottlieb	
<b>MEGILLAH</b>	<b>127</b>
<b><i>Cheresh</i></b>	<b>127</b>
Megillah (2:4) Yehudah Gottlieb	

<b>MOED KATAN</b>	<b>130</b>
<b>Understanding Chol Ha'moed</b> David Bankier	130
<b>Weddings on Chol Ha'moed</b> Moed Katan (7:1) Shmoiki Berkowitz	133
<b>CHAGIGAH</b>	<b>136</b>
<b>Re'iyah</b> Chagigah (1:1) Yehuda Gottlieb	136
<b>The Power of the Shulchan</b> Chagigah (3:8) David Bankier	138
<b>REVISION QUESTIONS</b>	<b>141</b>
<b>Shabbat</b>	142
<b>Eiruv</b>	155
<b>Pesachim</b>	164
<b>Shekalim</b>	174
<b>Yoma</b>	177
<b>Sukkah</b>	183
<b>Beitzah</b>	188
<b>Rosh Hashanah</b>	192
<b>Ta'anit</b>	195
<b>Megillah</b>	197
<b>Moed Katan</b>	201
<b>Chagigah</b>	204

- On what material and using what substance must a *megillah* be written? (ב'ב: ב')
- If a resident of a non-walled city travelled to a walled-city, when does he read the *megillah*? (Be specific) (ב'ג: ג')
- What are the three opinions regarding how much of the *megillah* one must hear to fulfil his obligation? (ב'ג: ג')
- Which three groups of people are unable to read the *megillah* for someone else? (ב'ד: ד')
- Which five things may not be performed until *netz hachama*? (ב'ד: ד')
- (Difficult:) What are the twenty things that must be performed during the day and can be performed all day? (ב'ה: ה')
- What two things that are performed at night, can be performed the entire night? (ב'ו: ו')
- What must the community do with the funds raised from the sale of: (ב'ז: ז')
  - *Rechova*?
  - Shul?
  - *Aron Ha'Kodesh*?
  - *Chumashim*?
  - *Sefer Torah*?
- On what conditions can one sell a Shul? (List the three opinions) (ב'ח: ח')
- What five things does *R' Yehuda* prohibit from engaging in inside a shul ruin? (ב'ט: ט')
- Should one remove the vines that are growing over a shul ruin? (ב'י: י')
- In what order are the “four *parshiyot*” read? (ב'יא: יא')
- When is the first of the “four *parshiyot*” read? (ב'יב: יב')

- What is the law if they read the *megillah* during *Adar* and then the year was turned into a leap year – do they read the *megillah* again in *Adar Sheni*? (א: ד')
- What is the difference between:
  - *Adar Rishon* and *Adar Sheni*? (א: ד')
  - *Shabbat* and *Yom Tov* with respect to the prohibition of performing *melacha*? (א: ה')
  - *Shabbat* and *Yom Kippur* with respect to the prohibition of performing *melacha*? (א: ה')
  - A person that vows against gaining any benefit from his friend and a person that vows against gaining any food-related benefit from his friend? (א: ו')
  - A *neder* and *nedava*? (א: ו')
  - A *zav* of two and three sightings? (א: ו')
  - A *metzora* *musgar* and a *metzora* *muchlat*? (א: ו')
  - A *metzora* that becomes *tahor* from being a *musgar* and *muchlat*? (א: ו')
  - *Sefarim* (*Tanach*) and *tefillin* and *mezuzot*? (א: ח')
  - A *kohen gadol* anointed with the anointing oil and a *kohen gadol* inaugurated by wearing the required clothing? (א: ט')
  - A *kohen gadol* and a 'past' *kohen gadol* that served having been a deputy? (א: ט')
  - *Bamah gedolah* and a *bamah ketanah*? (א: י')
- What is the difference between *Shilo* (when the *Mishkan* was there) and *Yerushalaim* (at the time of the *Beit Ha'Mikdash*)? (א: י"א)
- Has one fulfilled their obligation of reading *Megillah* if: (ב: א)
  - It was read out of order?
  - They recited it by-heart?
  - They read it in a foreign language? (Be specific)
  - It was read in Hebrew and one does not understand Hebrew? (ב: א)
  - It was read with intermittent breaks?
  - One was reading it while checking the text for mistakes? (ב: ב)

## Editors Forward

אמר ריש לקיש מאי דכתיב "והיה אמונת עתיך חוסן ישועות חכמת ודעת וגו' אמונה" – זה סדר זרעים. "עתיך" – זה סדר מועד... (שבת לא.)  
*Reish Lakish* said: What is implied by the *pasuk*: "The stability of your time and the strength of salvation is wisdom and knowledge (the fear of *Hashem* is in His storehouse)"? "Stability" (or faith) refers to *Seder Zeraim*. "Your Time" refers to *Seder Moed*...

With the deepest sense of gratitude to *HaKadosh Baruch Hu*, I am able to present the next volume of *Nachal Nove'ah*.

The first volume and *Seder* of *Mishnayot* learnt was certainly one based on 'emunah.' However with the completion of the second *Seder*, *Seder Moed*, we made the transition to 'i'techa'. On the one hand, the completion of two *sedarim* is certainly cause for a "moed" and celebration. Yet more importantly, *Baruch Hashem*, we have firmly established a consistent and regular daily learning program for nearly two years – a "keviut *itim*".

Firstly I must thank all the contributors for their great effort in writing the articles contained in this volume that provided *chizuk* for those engaged in the program. Secondly, I must thank the various *magidei shiur* throughout the previous year for giving of their time regularly to teach the *mishnayot*.

I must also thank those that are engaged in the *Mishnah Yomit* program and attend *shiurim* eagerly or just engage in discussions about the *Mishnayot* – it provides tremendous *chizuk* to the broader *Mishnah Yomit* team.

Finally I must once again thank my wife for all her support and assistance in all aspects of the program.

David Bankier

## Introduction

דאמער ריש לקיש מאי דכתיב ויהי ערב ויהי בקר יום הששי "ה" יתירה למה לוי? מלמד שהתנה הקב"ה עם מעשה בראשית ואמר להם, אם ישראל מקבלים התורה אתם מתקיימין ואם לאו אני מחזיר אתכם לתוהו ובוהו (שבת פח).

The linkage by ה' יתברך of *Klal Yisrael's* devotion to *Torah* with the stability of life is both global and personal in nature; global in make the forces of nature dependent upon its upkeep and personal in granting meaning to the Jew's life by a palpable connection through its study.

For most Jews this connection is weekly at best. For our *Kehilla* it occurs on a daily basis.

The study of *Mishnayot* between *Mincha* and *Ma'ariv* is far more than a 5-7 minutes mini-shiur in *Torah*. It is nothing less than the daily infusion of *Torah* for most, and consciously and sub-consciously it provides a lull in granting perspective to the daily chase in which most are involved.

To Doodie, Yaakov Weglein and all our terrific Kollel Torah Mitzion Bachurim, I extend gratitude from all for giving us *Kevias Ittim*, a set few moments in which we can all feel at home with the דבר אלקים.

**Rabbi Yaakov Sprung**

Mara D'Atra

- Which are the three times when the *kohanim* do *birkat kohanim* four times during the day? (ד' א')
  - Why do we have the *ma'amadot*? (ד' ב')
  - What would the *Anshei ma'amad* do? (ד' ג')
  - What days of the week would the *Anshei ma'amad* fast? (ד' ג')
  - When would there be no *ma'amad*: (ד' ד')
    - *Shacharit*?
    - *Ne'illah*?
    - *Mincha*?
  - How many dates were fixed for the *korban eitzim*? (ד' ה')
  - What were the five things that occurred on the seventeenth of *Tamuz*? (ד' ו')
  - What were the five things that occurred on the ninth of *Av*? (ד' ז')
  - What two things are prohibited the week of *Tisha B'Av*? (ד' ח')
  - What is one prohibited from eating on the day before *Tisha B'Av*? (ד' ח')
  - On which two dates had events occurred that were the greatest for *Am Yisrael*? (What occurred on these dates?) (ד' ט')
  - Explain what occurred on *Tu B'Av*? (ד' ט')

## Megillah

- On which dates during *Adar* is it possible for the *megillah* to be read? (א' א')
- Explain how it is possible for the *megillah* to be read on different days? (א' ב')
- What is the definition of a "big city" and why is this important? (א' ג')
- Which four events are delayed if they coincide with *Shabbat*? (א' ג')
- What is different about a day on which the *megillah* is read early and *Purim*? (א' ג')

- What other difference is mentioned between the *anshei mishmar* and *anshei beit av*? (ב:יז)
- What was prohibited for the *anshei mishmar* until Thursday and why? (ב:יז)
- With respect to a day mentioned in the *megillat ha'ta'anit* as being prohibited from fasting, are the days prior to and proceeding it prohibited from fasting as well? (ב:יח)
- On which day of the week do we not begin the set of fast days and why? (ב:יט)
- On which days during the year do we not begin the set of fast days and why? (ב:יז)
- What is the law where a fast day (out of a set of already decreed fast days) coincides with one of the days described in the previous question? (ב:יז)
- Meteorologically, what is an indication of a *betzoret*? (ג:יא)
- How do we respond differently to the phenomenon described in the previous question as apposed to the way we respond to the lack of rain (as described through the first two *perakim*)? (ג:יא)
- Does any rainfall satisfy that the community need not fast? (ג:יב)
- If one city is denied rain, how do the surrounding cities respond? (Include both opinions) (ג:יג)
- What other incident affecting a single city elicits the same response from the surrounding cities? (ג:יד)
- For what six incidents affecting one city, do all the cities throughout Israel react as if it is affecting them? (ג:יז)
- What occurred in *Ashkelon* that caused the *Zkeinim* to institute a fast day in *Yerushalaim*? (ג:יז)
- On which incidents are we *matriyah* even on *Shabbat*? (ג:יז)
- On any negative occurrence we are *matriyah* – what is the single exception? (ג:יח)
- What is the incident including *Choni HaMe'agel*? (ג:יח)
- Does everyone continue fasting if rain fell during the fast day? (ג:יט)

## Shabbat

### Introduction to *Hotza'ah*

#### Shabbat (1:1)

#### Rabbi Nechemiah Litke

*Masechet Shabbat* begins with the laws of *hotza'ah* - transferring an object from one domain to another. This *melacha* is one of the thirty-nine *Avot Melacha* (primary acts which are forbidden on *Shabbat*). Although the *Torah* states that no *melacha* shall be done on *Shabbat*, it is not immediately obvious which types of labor are *Avot Melacha*. Logically, bringing an item inside would not be considered a *melacha* due to the lack of creativity in performing this action. However, the *Gemara* (e.g. *Shabbat* 39b) learns that since *Shabbat* is written (*Shmot* 35) next to the building of the *Mishkan* (Tabernacle), any important activity performed in the *Mishkan's* construction is considered an *Av-Melacha*. *Hotza'ah* was performed in the *Mishkan* (see *Shmot* 36:6) and is therefore considered a *melacha*.

The *melacha* of *hotza'ah* however is considered a *melacha geru'a* (a lacking type of labor) since logically there should be no difference between carrying from a private domain to another private domain, which is biblically permitted, to carrying from a private domain to a public domain, which is biblically prohibited. For this reason the *Tosfot* (*Shabbat* 2b “*pashat ba'al ha'bait*”) explain that it is not enough to rely only on the *p'sukim* that connect *Shabbat* and the *Mishkan*. Rather two other *p'sukim* that deal specifically with *hotza'ah* in the prohibited manner are needed:

1. With regard to the *mun* (heavenly bread) the *Torah* says (*Shmot* 16:29), “Let no man leave his place on the seventh day”. The *Gemara* (*Eiruvin* 7b) learns from this “let no man take out anything on the seventh [day]”.

2. With regard to the bringing donations for building the *Mishkan* the *Torah* says (*Shmot* 36:6), “*Moshe* commanded that they proclaim throughout the camp, saying, ‘Man and woman shall not do more work towards the offering of the Sanctuary!’ and the people stopped bringing”. The *Gemara* (*Shabbat* 96b) learns that *Moshe* was telling *Bnei Yisrael* not to take out from their private domains to the public domain on *Shabbat*.

Another source for *hotza’ah* is the *Beraitah* (*Shabbat* 49b) that states that one is liable only for a *melacha* that was done in the *Mishkan*:

They picked up the beams of the *Mishkan* from the ground (public domain) to the wagon (private domain), so too you do not bring in from a public domain to a private domain. They took down the beams from the wagon to the ground, so too you are not to take out from a private domain to public domain.

Unlike previously, here the prohibition of *hotza’ah* is not learnt from a *pasuk* but rather from the technique used by those who carried the beams of the *Mishkan*. One should note that it is also forbidden to carry an item in a public domain for more than the distance of 4 *amot* (approximately 2 meters), and the *Gemara* (*Shabbat* 96b) does not learn this from a *pasuk* but rather through tradition.

One can therefore conclude that in contrast to the other thirty-eight *melachot*, the *Gemara* requires a specific source for *hotza’ah*. I would like to suggest that the abundance of opinions does not necessarily strengthen the reasons for forbidding carrying, but rather it demonstrates the difficulty in understanding this *melacha’s* prohibition.

Therefore I would suggest that the reason for its prohibition comes from a deeper understanding of *Shabbat*. Imagine what it would be like if people could carry from one place to another at will. Assuming that *Shabbat* is a day of rest and of reflecting on

## Ta’anit

- From what date do we begin to recite “*mashiv ha’ruach u’morid ha’gashem*”? (א:א)
- When do we stop asking from rain? (ב:א)
- From what date do we begin to ask for rain? (Include both opinions) (ג:א)
- By which date do “individuals” begin fasting if rain has not yet fallen? (ד:א)
- How many fast days do these people undertake? (ד:א)
- By which date does *beit din* decree fast days on the public if rain has still not fallen? (ה:א)
- How many fast days does the *Beit Din* institute? (ה:א)
- If it still has not rained how many more fast days does the *Beit Din* institute and how do these differ from the previous ones? (ו:א)
- If yet again it still has not rained how many more fast days does the *Beit Din* institute and how do these differ from the previous ones? (ו:א)
- If it still has not rained, what else would everyone take upon themselves? (ז:א)
- Did anyone still fast during this period? (ז:א)
- If it eventually rained in *Nissan* was it considered positive? (ז:א)
- For the final set of fasts, where would they all gather? (ח:א)
- What would they put on their heads? (ח:א)
- According to the *Mishnah* what was the most vital component of the fast days? (ח:א)
- Who would they elect to lead them in the *tefillot*? (ח:א)
- How many *brachot* would they add to *sh’monah esrei*? (ח:א)
- What were these additional *brachot*? (ח:א)
- How did *R’ Chalafta* and *R’ Chananya ben Teradyon* end each of the additional *brachot* and how did the *kehillah* respond? (ח:א)
- What else did they do differently? (ח:א)
- Who were exempt from the first three fast days? (ח:א)
- Was anyone exempt from the second set of fast days? (ח:א)

- Can someone fulfil their obligation by hearing the echo produced from a *shofar*? (ג: יז)
- If someone walked past a *shul* and heard the sound of the *shofar* has he fulfilled his obligation? (ג: יז)
- How does the *Mishnah* explain the following *pasuk*: (ח: יז)  
"והיה כאשר ירים משה ידו וגבר ישראל..." (שמות י"ז: י"א)
- Which other *pasuk* does the *Mishnah* explain in a similar manner? (ח: יז)
- When was the *mitzvah* of *shofar* different inside and outside the *Beit Ha'Mikdash*? (א: יז)
- What decree did *R' Yochanan ben Zakkai* enact after the destruction of the *Beit Ha'Mikdash*? (Include both opinions.) (א: יז)
- What was the difference between *Yavneh* and the *Beit Ha'Mikdash* with respect to the *halachot* of *shofar*? (ב: יז)
- What other *mitzvah* also has distinct laws between the inside and outside the *Beit Ha'Mikdash* like *shofar*? (ג: יז)
- What decree did *R' Yochanan ben Zakkai* enact after the destruction of the *Beit Ha'Mikdash* with respect to *Kiddush HaChodesh*? (ד: יז)
- List the two opinions regarding the order of the *brachot* of *mussaf* on *Rosh Hashanah* and the location of the *tekiyot*? (ד: יז)
- How many *p'sukim* are recited for *malchiyot*, *zichronot* and *shofarot*? (ה: יז)
- Which *chazzan* recites *Hallel* on *Rosh Hashanah*? (ו: יז)
- Can one climb a tree to retrieve a *shofar* on *Rosh Hashanah*? (ז: יז)
- Is one allowed to clean out a *shofar* with water or wine on *Rosh Hashanah*? (ח: יז)
- If one hears someone practicing blowing the *shofar*, have they fulfilled their obligation? (ח: יז)
- How many blasts must be heard on *Rosh Hashanah*? (ט: יז)
- How long is a *tekiya*? (ט: יז)
- How long is a *teruah*? (ט: יז)

the previous week and spiritual preparation for the following week, by ignoring this *halachic* restriction the point of *Shabbat* would be missed. *Shabbat* is a day for learning *Torah* and spending time with those dearest to us. This is the time when we focus on what is really important to us in life, and this could be totally missed if there was no prohibition of *hotza'ah*.

One may find support for this reasoning in the *Rambam*. The *Gemara* (*Shabbat* 124b) learns that the prohibition against carrying something *muktza* comes from the same reason as *hotza'ah*. With regard to the restriction not to handle *muktza* on *Shabbat*, the *Rambam* (*Shabbat* 24:13) mentions that one of the reasons is that there should be a significant difference between *Shabbat* and the weekdays in a way that resting from work on *Shabbat* would be equal for all people.

## Introduction to *Shehiya*<sup>1</sup>

Shabbat (3:1)  
David Bankier

With the start of the third *perek* we were introduced to issues relating to the prohibition of *bishul* – cooking on *Shabbat*. The first *Mishnah* discussed two concepts that relate to this prohibition – *shehiya* and *chazara*. *Shehiya* relates to leaving a pot on the stove on *erev Shabbat* while *chazara* relates to returning a pot onto its heat source on *Shabbat* after it has been removed. Both issues are quite involved and this article attempt to provide an introduction to *shehiya*. *Chazara* is a separate issue with its own detail and no conclusions should be drawn from this discussion about *shehiya* to *chazara*. Also this article should be treated only as an introduction and one should consult their *Rabbi* before drawing any practical conclusion from this article.

The underlying concern with *shehiya* is not that the food is being cooked on *Shabbat*. The first *perek* revealed the opinion of *Beit Hillel* that holds that there is no “*shvitat keilim*” on *Shabbat*. In other words, in general, one is not concerned if a *melacha* is being performed in one’s utensils without human assistance. The concern with *shehiya* is rather that if one sees their pot on the fire and the food is a little underdone, one may be tempted to ‘stoke the coals’ or in modern terms, turn up the heat, which equates to one of the *melachot*.

The first *Mishnah* (3:1) contains three statements:

1. If a stove were heated with straw or rakings, they may place on it cooked food; but if with peat or wood, one may not place it on until he has raked [the coals] out or covered [the coals] with ash.

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<sup>1</sup> All the detail in this article was taken from the *Mishnah Berurah* (253) and *Yesodei Halacha* (9).

- What was the name of the courtyard in *Yerushalaim* where all the witness of the new moon would gather? (ב' ה')
- What decree did *Rabban Gamliel* institute for the benefit of those witnesses? (ב' ה')
- How would they interrogate the witnesses? (ב' ו')
- What were the four questions that they were asked? (ב' ו')
- After two witness testimonies were confirmed, why would they interrogate more witnesses? (ב' ו')
- Explain the debate regarding when the *Beit Din* would not declare “*mekudah*” for a new month. (ב' ז')
- What innovation did *Rabban Gamliel* employ to assist in interrogating the witnesses? (ב' ח')
- What were the two cases of apparent “*edut sheker*” that *Rabban Gamliel* accepted? (ב' ח')
- Describe the event that occurred following *R' Yehoshua*’s disputing the ruling of *Rabban Gamliel* to sanctify the month based on apparently questionable testimony. (ב' ט')
- What is the law if the entire nation saw the new moon, yet *Beit Din* did not have enough time to say “*mekudash*” before night fall? (ג' א')
- How would *Beit Din* proceed if they alone saw the new moon? (ג' א')
- What qualifies as a *shofar*? (ג' ב')
- Describe the ideal *shofar*? (ג' ג')
- Explain how the *shofar* would coordinate with the *chatzotzrot* in the *Beit Ha'Mikdash* on *Rosh Hashanah*. (ג' ג')
- Explain how the *shofar* would coordinate with the *chatzotzrot* in the *Beit Ha'Mikdash* on a *ta'anit*. (ג' ד')
- In what respects was the *tekiyot* on *yovel* similar to those on *Rosh Hashanah*? (ג' ה')
- Can a *shofar* that cracked and was glued together be used? (ג' ו')
- If a *shofar* had a hole in it and was filled in, may it be used? (ג' ו')

## Rosh Hashanah

- What are the four *Roshei Shananim*? (א:א)
- When are the four times in the year when the world is judged? (א:ב)
- How many times each year are the messengers sent to inform about *Rosh Chodesh* and why are they sent each of those times? (א:ג)
- During the times of the *Beit Ha'Mikdash* for which months would the witnesses of the new moon be allowed to desecrate *Shabbat* in order to provide their testimony and why? (א:ד)
- What condition does *R' Yosi* place on the law described in the previous question? (א:ה)
- How did *Rabban Gamliel* respond when *R' Akiva* prevented an excessive number of witnesses from going to *Yerushalaim* on *Shabbat*? (א:ו)
- If a father and son saw the new moon, should they go to *Yerushalaim* to testify? (א:ז)
- Explain the discussion of which witnesses should be selected if a man and his son and a servant saw the new moon. (א:ח)
- Which five people are invalid witnesses due to their profession? (א:ט)
- What is the source for witnesses being able to desecrate *Shabbat* in order to provide their testimony? (א:י)
- How would they verify the trustworthiness of the witnesses? (א:יא)
- Why was this verification necessary? (א:יב)
- Initially, how did the *Beit Din* inform everyone of *Rosh Chodesh*? (א:יג-יב)
- Why was this system changed and with what was it replaced? (א:יב)
- What were the contents of the *masu'ot*? (א:יג)
- How many mountain tops were involved in the *masu'ot*? (א:יד)

2. *Beit Shammai* says, hot water but not cooked food, while *Beit Hillel* says also cooked food.
3. *Beit Shammai* says, they may remove but not put back, while *Beit Hillel* says they may also put back.

In the *Gemara* (*Shabbat* 36b) a discussion ensues as to how these three statements relate to each other. The result of this discussion has bearing on another debate regarding *shehiya*. Another *beraitah* is quoted in which *Chananya* maintains that once something is cooked to the level of *ma'achal ben drusai*<sup>2</sup> it can even be left on a stove that has not be raked or covered with ashes. The *Chachamim* however argue that one can only leave a pot on a stove that has not been raked or cover with ash if it is fully cooked and leaving it on the stove would degrade the quality of the food. The *Gemara* therefore asks whether the first statement relates to *shehiya* which would be consistent with the opinion of the *Chachamim* or whether it relates to *chazara* implying *shehiya* is permissible even on a stove that is not raked?

After lengthy discussion the matter of how we rule was not resolved. The *Rishonim* continued this debate with *Rashi* (37b) and *Tosfot* (38a) ruling like *Chananya* while the *Rif* and the *Rambam* (*Shabbat* 3:4) ruled like the *Chachamim*. The *Shulchan Aruch* brings both opinions, bringing the *Chachamim's* first and *Chananya's* as “*yesh omrim*” implying that he rules like the *Chachamim*. Nevertheless the *Rama* holds that we are lenient like *Chananya's* opinion. That said, the *Biur Halacha* writes that ordinarily one should ensure that the food is fully cooked and removed from the fire before *Shabbat*.

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<sup>2</sup> There is a debate amongst the *Rishonim* as to the definition of *ma'achal ben drusai*. *Rashi* (*Shabbat* 20a) maintains it is one third cooked, while the *Rambam* (*Hilchot Shabbat* 9:5) maintains it is one half cooked. The *Shulchan Aruch* (254:2) appears to rule like the *Rambam*. Nevertheless the *Mishnah Berurah* (253:38) rules that in pressing circumstances one can rely on *Rashi's* opinion.

There are two special cases that have bearing on this issue. The first is the electric platter, otherwise known as the “*Shabbat platter*”. Some *Achronim* have ruled that since the electric platter does not contain any means of changing the level of heat, there is no longer any concern that one will transgress the prohibition of increasing the flame on *Shabbat*. Consequently, one could leave anything on the platter on *erev Shabbat* (*Yebiya Omer, Har Tzvi*). Nevertheless the *Shmirat Shabbat Kehilchata* (p 27) rules that one should ensure that food is fully cooked and only placed on a covered fire. The second is the use of a covering or *blech* on a stovetop fire. Once again, some *Achronim* maintain that once the fire is covered, it is similar to that case in the *Mishnah* when the stove is raked or covered with ash (*Yebiya Omer*). Nevertheless the *Shmirat Shabbat Kehilchata* (p 27) rules that the food should still be fully cooked even prior to placing it on a *blech*. The *Igrot Moshe* (93) adds that one should still cover the dials and switches to prevent one from increasing or decreasing the flame.

- Which of the following categories that are prohibited on *Shabbat* are prohibited on *Yom Tov*: (ה' בי')
- *Shvut*?
- *Reshut*?
- *Mitzvah*?
- What activities are prohibited on *Shabbat* that are listed in the *Mishnah* as fitting into the following categories: (ה' בי')
- *Shvut*?
- *Reshut*?
- *Mitzvah*?
- Complete the following phrase:  
"\_\_\_\_\_ אלא טוב לשבת אלא \_\_\_\_\_"
- How does one determine the how far an object can be carried (with respect to the laws of *techumim*):
- In general?
- If it is an object belonging to a household as apposed to an individual? (ה' ג')
- If the object is borrowed? (Give two scenarios)
- Regarding a cooked food where some of the ingredients have been borrowed on *Yom Tov*? (ה' ד')
- Regarding water extracted from a waterhole? (Provide three scenarios) (ה' ה')
- Provide three halachic differences between hot coal and a flame. (ה' ו')
- If an *eiruv techum* has been placed between two cities, when is it permissible and when is it prohibited to bring the fruit from one city to the owner of the fruit situated in the other city? (ה' ז')
- Can a host give his guest food to take home? (ה' ח')
- What is the difference between *midbariot* and *bayatot*? (ה' ט')

- In what manner is one allowed to sharpen a knife on *Yom Tov*? (ג': יג)
- In what manner does one ask for food from a storekeeper on *Yom Tov* and why? (Provide two options) (ח': ג')
- What are the restrictions on *Yom Tov*, placed on the manner one can carry:
  - Wine?
  - Produce? (א': יד)
  - Fire wood? (ב': יד)
- Explain the debate regarding a *karpaf* from which it is suitable to collect firewood. (ב': יד)
- In what manner can one chop firewood on *Yom Tov*? (ג': יד)
- Can one remove fruit from a store room that was sealed before *Yom Tov*, yet on *Yom Tov* was breached? (ג': יד)
- What does *R' Meir* add regarding the previous question? (ג': יד)
- Can one produce coals on *Yom Tov*? (ד': יד)
- Explain the debate regarding splitting a wick on *Yom Tov*? (ד': יד)
- What restrictions are placed on the manner in which one can clean out an oven on *Yom Tov*? (ה': יד)
- Can one prop up a pot over a fire using two barrels and why? (ה': יד)
- Can one direct an animal using a staff on *Yom Tov* and why? (ה': יד)
- Explain the debate regarding taking a twig to use as a toothpick. (ו': יד)
- Can one take twigs to use as kindling from his *chatzer*? (ו': יד)
- Is one allowed to light a fire on *Yom Tov*? (ז': יד)
- Explain the debate regarding how direct one must be when setting aside food placed in the *muktzeh* for use on *Yom Tov*. (ז': יד)
- Can one place a utensil to catch water leaking from the roof? (ח': יא)

***Hatmana***  
**Shabbat (4:1)**  
**Alon Ledder**

The fourth *perek* of *Masechet Shabbat* deals with the rabbinic prohibition of insulating hot food on *Shabbat* (*hatmana*). The Rabbis prohibited *hatmana* because it might lead to the *melachot* of *bishul* (cooking) and *maver* (kindling). The Rabbis were concerned because food is insulated in order to keep it warm, and if the food was not kept warm enough, a person may reheat the food thus performing the *melacha* of *bishul*. They may also perform *maver* if a flame was ignited in order to reheat the food.

Not all forms of insulation are actually prohibited. In order for the insulation to be prohibited four conditions must be present (*The 39 Melachot*, Rabbi Dovid Ribiat, p. 627):

1. The food must be completely covered by the insulation.
2. The food must still be in its *kli rishon* (the vessel in which the food was heated).<sup>3</sup>
3. The intent of the *hatmana* must be for the purposes of insulating.
4. The insulating material must be in direct contact with the food or the container.

In general, if any of these conditions is absent, then *hatmana* is permitted.<sup>4</sup>

*Hatmana* can be performed before *Shabbat* for food that will be consumed on *Shabbat*. However there is a prohibition against insulating food before *Shabbat* with materials that add heat (such

<sup>3</sup> However if the food cooled down below the temperature of *yad soledet bo* (too hot to touch) then the *Mishnah Berurah* (257:5) suggests that *hatmana* would be permitted, even in the *kli rishon*.

<sup>4</sup> No practical conclusions should be drawn from this summary as there are number of qualifications and conditions that apply.

as hot coals). For example, if such a *hatmana* was made on Friday morning the food would need to be uncovered before the beginning of *Shabbat* (*Mishnah Berurah* (257:1)). This prohibition extends even when the source of the heat is not the insulating material itself. As long as there is an active source of heat, the insulation will be prohibited. For example, completely wrapping a hot water urn in a towel is prohibited even before *Shabbat* because the heating element in the urn is the active source of heat (*The 39 Melachot*, p631).

The *Gemara* (*Shabbat* 34b) explains that the prohibition against insulating food before *Shabbat* was put in place due to a concern that one may insulate food with hot ash that has live coals mixed with it. Later, when *Shabbat* had begun, one may be tempted to rake the coals to make the food cook faster, or in modern terms, turn up the heat. This is the same concern which underpins the prohibition of *shehiya* (leaving a pot on the stove on *erev Shabbat* – see previous article).

One may therefore think that the same exceptions that apply to *shehiya* would also apply to *hatmana*. For example, one may think that insulation is permitted if the food is fully cooked (because there is no temptation to rake the coals or turn up the heat). However the *Gemara* does not mention this exception in relation to *hatmana*. *Rashi* (*Shabbat* 34b) explains that Rabbis wanted to avoid possible confusion. Although some *Rishonim* hold that the prohibition of *hatmana* does not apply if the food is fully cooked (*Artscroll Gemara Shabbat*, Introduction to Chapter 4), most *Rishonim* hold that the prohibition does apply in such cases. The *Shulchan Aruch* (257:7) clearly states that *hatmana* is forbidden with fully cooked food. The *Rama* mentions the lenient view but says that it should only be followed in places where there is already a custom to be lenient. The *Mishnah Berurah* explains that the lenient view only applies to the case of *hatmana* before *Shabbat*.

- Can one cook on *Yom Tov* for *Shabbat* if they ate their *eiruv tavshilin*? (ב'א:א)
- List the opinions of *Beit Shammai* and *Beit Hillel* regarding *tevilah* for *Yom Tov* when it falls on a Sunday. (ב'ב:ב)
- Which form of *tevilat keilim* is permitted on *Yom Tov*? (ב'ג:ג)
- Explain the debate regarding which *korbanot* can be brought on *Yom Tov*? (ב'ד:ד)
- What is different about the way *Beit Shammai* maintains that a *korban shlamim* is brought on *Yom Tov*? (ב'ד:ד)
- Is one allowed to heat water on *Yom Tov* for the purpose of washing his feet? (ב'ה:ה)
- In which three cases (relating to *Yom Tov*) does *Rabban Gamliel* rule stringently according to *Beit Shammai*? (ב'ו:ו)
- In which three cases does *Rabban Gamliel* rule leniently compared to the *Chachamim*? (ב'ו:ו)
- In which three cases does *R' Elazar ben Azarya* permit and the *Chachamim* prohibit? (ב'ז:ז)
- In which of those three cases does *R' Yehuda* take an intermediate position? (ב'ז:ז)
- Why can the three components of a pepper grinder each *mekabel tum'ah*? (Be specific) (ב'ח:ח)
- Can a child walker be used on *Yom Tov* and why? (ב'ט:ט)
- Can one feed fish on *Yom Tov*? (ב'י:י)
- When can one “hunt” animals on *Yom Tov*? (ב'יא:יא)
- Can one take animals to slaughter that are found in hunting traps on *Yom Tov*? (ב'יב:יב)
- What is the debate regarding slaughtering a gravely sick animal on *Yom Tov*? (ב'יג:יג)
- What is the law regarding slaughtering a *b'chor* that fell into pit on *Yom Tov*? (ב'יד:יד)
- What is the law regarding an animal that dies on *Yom Tov*? (ב'יז:יז)
- How should a group divide shares in an animal that was slaughtered on *Yom Tov*? (ב'יח:יח)

- Where would they divide up the allocated *lechem ha'panim* between the *kohanim*? (ח':ה)
- Which *mishmar* would always divide their share in the South of the *azarah*? (ח':ה)

### Beitzah

- What two arguments between *Beit Shammai* and *Beit Hillel* open *Masechet Beitzah*? (א':א)
- Which opinion holds that one should ideally not slaughter a *chaya* or bird on *Yom Tov* and why? (ב':א)
- Explain the debate regarding what one must do *erev Yom Tov* in order to slaughter birds on *Yom Tov*. (ג':א)
- Can one slaughter birds on *Yom Tov* if: (ד':א)
  - He set aside black birds and found in their place white birds?
  - He set aside two birds and found in their place three birds?
  - He set aside birds in the nest and found birds in front of their nest?
- What are *trisin* and what is the debate regarding *trisin*? (ה':א)
- Can one carry a young child on *Yom Tov*? (Explain both opinions) (ה':א)
- Explain the debate regarding taking *challah* to a *kohen* on *Yom Tov*. (ו':א)
- Does it matter when the *challah* was separated? (ו':א)
- Which *melachot* that are connected to *ochel nefesh* does *Beit Shammai* hold must be performed with a *shinui*? (ז'-ח':א)
- What does *Beit Hillel* forbid from being sent on *Yom Tov*? (ט':א)
- Can one send *kilayim* garments to another on *Yom Tov* and why? (א':ג)
- Complete the following phrase: (א':ג)
 

”זֶה הַכֹּלֵל: \_\_\_\_\_ - בַּיּוֹם טוֹב מִשְׁלַחֵן אוֹתוֹ.”
- Other than making an *eiruv tavshilin*, how can one effectively cook on *Yom Tov* for *Shabbat*? (ב':א)
- What is required to make an *eiruv tavshilin*? (ב':א)

One final note - the prohibition of *hatmana* is a *gezeirah* (a rabbinic enactment to keep people from sinning - Steinsaltz, p108). There is a general principle that the Rabbis do not enact a *gezeirah* for a *gezeirah*. However, the prohibition of *hatmana* appears to be exactly that. Firstly, there is *gezeirah* not to insulate hot food with hot ash – this is a safeguard because the hot ash may have live coals which might be raked. Secondly, there is a further *gezeirah* prohibiting insulating hot food with any substance – this is a safeguard against insulating with hot ash.

*Rambam* explains in his commentary to the *Mishnah* that the principle of not decreeing a *gezeirah* to a *gezeirah* only applies when attempting to issue a decree to safeguard against an existing safeguard. However, if the Rabbis realise at the time of issuing a *gezeirah* that it will not be a sufficient safeguard on its own, then the Rabbis can issue a second *gezeirah* to support the first one, provided that both are decreed at the same time. According to the *Rambam* this is what the Rabbis did in the case of *hatmana*. (*Artscroll Mishnah Shabbat*, p87; *Rambam's* commentary to *masechet Shabbat*, Ch 4).

## The Fortieth *Melacha*

Shabbat (7:2)

Ben-Zion Hain

The second *Mishnah* of the seventh *perek* of *Masechet Shabbat* deals with what is commonly referred to as “the thirty-nine *melachot*”. This *Mishnah* lists the thirty-nine activities prohibited to perform on *Shabbat* by the *Torah*.

As we know, these activities are prohibited due to the fact that they were all connected in some way to the building of the *Mishkan* – a project that stopped on *Shabbat* and continued during the other six days of the week. This idea is learnt from the juxtaposition of the laws pertaining to the building of the *Mishkan* and the laws pertaining to *Shabbat* in *Shmot* chapter 31.

However, if we examine the wording of this *Mishnah* we will see very clearly that the *Mishnah* does not mention the number thirty-nine at all. Rather, the *Mishnah* states that “the primary labours (*Avot Melachot*) are forty less one.” Why would the editor of this *Mishnah* have used such convoluted wording and not simply stated that there are thirty-nine primary labours?

The most common answer to this question is that our *Mishnah* follows the language of a *Mishnah* in *Makkot* (3:10). That *Mishnah* begins by asking how many lashes a person sentenced to lashes receives, and answers that they receive “forty less one”. However, if both *Mishnayot* use the same language, how do we know that the *Mishnah* in *Masechet Shabbat* follows the language of the *Mishnah* in *Masechet Makkot* and not the other way around?

This is due to the fact that the *Mishnah* in *Masechet Makkot* quotes a verse from the *Torah* (*Devarim* 25:2-3): “with the number forty”. The Rabbis learn from here that the next number

- What would they do once they had finished eating in the *sukkah* on the seventh day of *Sukkot*? (ד': ט')
- How big was the flask used for *nisuch hamayim*? (ד': ט')
- From where would they fill the flask with water? (ד': ט')
- Describe how the *mitzvah* of *nisuch hamayim* was performed in the *Beit Ha'Mikdash*? (ד': ט')
- Which of the two pipes was the water poured into and where was it located? (ד': ט')
- How would the *mitzvah* of *nisuch hamayim* differ on *Shabbat*? (ד': י')
- What was the *chalil*? (ה': א')
- Complete the following phrase: (ה': א')  
" \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ בית השואבה"
- Where was the *Simchat Beit Ha'Shoevah* celebrated? (ה': ב')
- What was used as wicks for the lamps? (ה': ג')
- What were the following people doing at the *Simchat Beit Ha'Shoevah*: (ה': ד')
  - *Chasidim* and *Anshei Ma'aseh*?
  - *Levi'im*?
  - *Kohanim*?
- Where were the *Levi'im* standing at the *Simchat Beit Ha'Shoevah*? (ה': ד')
- What was the maximum and minimum number of *tekiyot* that were performed each day in the *Beit Ha'Mikdash*? (ה': ה')
- When was this maximum number achieved? (ה': ה')
- Describe how the *avodah* was divided between the twenty-four *mishmarot* during *Sukkot*. (ה': ו')
- When else did all the *mishmarot* work together in the *Beit Ha'Mikdash*? (ה': ז')
- When all the *mishmarot* worked together how did they decide who offered the *korbanot tamid*? (ה': ז')
- When else did the *mishmarot* each get a share in the *lechem ha'panim*? (ה': ז')
- How was the *lechem ha'panim* ordinarily divided? (ה': ח')

- If someone is unable to read *hallel* and gets someone to read for them, how should they respond? (י: ג)
- What must one be careful of when purchasing the four species during a *shmittah* year? (א"י: ג)
- Initially, during which days of *Sukkot* was the *lulav* taken outside the *Beit Ha'Mikdash* and when did this change? (י"ב: ג)
- Can one fulfil the *mitzvah* of *lulav* with a borrowed *lulav*? (י"ג: ג)
- Would one be required to bring a *korban* if they carried their *lulav* in the public domain on the first day of *Sukkot* that coincided with *Shabbat* and why? (י"ד: ג)
- Can one return the *lulav* to water on *Shabbat*? (ט"ו: ג)
- What difference does *R' Yehuda* place between *Shabbat* and *Yom Tov* regarding the previous question? (ט"ו: ג)
- How many days of *Sukkot* were the following performed: (י"ז: ג)
  - *Lulav*? (י"ז: ג)
  - *Hallel*? (י"ח: ג)
  - *Nisuch HaMayim*?
  - *Aravah*? (י"ג: ג)
  - *Chalil*?
  - *Sukkah*? (י"ח: ג)
- Describe how the *mitzvah* of *lulav* was originally performed in the *Beit Ha'Mikdash*. (י"ד: ג)
- For what reason was the process described in the previous question modified? (י"ד: ג)
- Describe how the *mitzvah* of *aravah* was performed in the *Beit Ha'Mikdash*. (י"ה: ג)
- What would they say as they completed the *hakafot*? (י"ה: ג)
- How would the *mitzvah* of *aravah* differ on *Shabbat*? (י"ו: ג)
- What would the *tinokot* do after the *mitzvah* of *aravah* was performed on the seventh day of *Sukkot*? (י"ז: ג)
- Why was it important for the *Mishnah* to teach the number of days of *Sukkot* that *Hallel* is recited? (י"ח: ג)

you count after giving someone lashes should be forty. In other words, the Rabbis learn from this verse that you stop after thirty-nine and before forty. Our *Mishnah*, which is not based on any specific Torah verse, therefore utilises the same language as the *Mishnah* in *Makkot* to convey the number thirty-nine.

However, based on the *Gemara* (*Shabbat* 74a), we are able find another reason as to why the *Mishnah* wrote “forty less one” and not thirty-nine. The *Gemara* examines the activities related to baking bread – the first eleven primary labours – and asks why the *melacha* of “*kotesh*” (pounding the dough) is not included, as it is surely an important part of baking bread? *Abaye* answers this question by stating that despite the fact that pounding may have been done in the *Mishkan* to make the bread, it is not an activity that is done by the poor when they make bread and therefore not essential to the process. Had *Abaye* not come up with this solution, it would seem that there would have in fact been forty *Melachot*. It is possible that the wording in the beginning of our *Mishnah* is alluding to this fact.

The “*melacha*” of pounding may also be at the centre of another dispute. Rabbi Steinsaltz brings down a dispute where *Rashi* and the *Tosfot* hold that the 39 *melachot* only include labours used in the actual making of the *Mishkan* and not the *korbanot* - so the process of baking was used for the making of dyes and not bread. Therefore pounding the dough was not an activity related to the building of the *Mishkan* and not included in the primary labours. However, *Rabbeinu Channanel* and *Rabbi Hai Gaon* hold that the primary labours include those activities required for anything related to the *Mishkan*, including *korbanot* so pounding may well have been included.

All of these ideas could have been expressed in the choice of language undertaken by the editor of this *Mishnah*. Rather than seemingly wasting words, the editor may have been teaching us critical ideas related to the origin of the *melachot*.

## Carrying Above Ten *T'fachim* and *Moshit*

Shabbat (11:1)  
David Bankier

It was previously defined that *hotza'ah* is transferring an object from a private domain to the public domain, or from the public domain to a private domain. A private domain is an area that is at least four *t'fachim* (handbreadths) by four *t'fachim* and surrounded on all sides by a wall at least ten *t'fachim* high. The entire enclosed volume (of infinite height) is considered part of the private domain. Conversely, in the public domain, only the area from the ground up until ten *t'fachim* is considered part of the public domain. The space above ten *t'fachim* is defined as a *makom patur*. (See *Bartenura Shabbat 11:1* for a definition of these and other *halachic* domains.)

The eleventh *perek* begins by confirming that just as one may not carry from a private domain to the public domain, one cannot throw an object in such a manner. The *Mishnah* however then raises the case where one throws an object from one private domain to another via the public domain. *R' Akiva* maintains that one has transgressed the biblical prohibition of *hotza'ah* while the *Chachamim* disagree.

In the *Gemara* (*Shabbat 97a*) *Raba* asks whether the debate concerns a case where the object travels via the public domain below ten *t'fachim* or above ten *t'fachim*. Recall that when the object passes below ten *t'fachim* the object passes through the public domain. On the one hand, if the *Mishnah* is discussing a case where the object is thrown below ten *t'fachim*, then they are really arguing about whether an object passing through the space is equivalent to resting in that domain (*kluta k'ma she'huncha*). This could also mean that everyone agrees that if it the object was thrown above ten *t'fachim* (through the *makom patur*) then the biblical prohibition has not been transgressed. On the other hand,

- Complete the following phrase: (ב' טי) "\_\_\_\_\_ עושה \_\_\_\_\_" "כל שבעת ימים אדם עושה \_\_\_\_\_"
- If it is raining, from what point is one allowed to move inside? (ב' טי)
- Can one use a stolen *lulav*? (ג' א')
- What extra requirement does *R' Yehuda* place on the *lulavim*? (ג' א')
- What are *tzinei har ha'barzel* and can they be used as *lulavim*? (ג' א')
- How large must the *lulav* be? (ג' א')
- Can one use a dried out *hadass*? (ג' ב')
- How many berries can the *hadass* have before it becomes invalid? (ג' ב')
- If the head of the *aravah* is severed, is it acceptable? (ג' ג')
- What is an *aravah* that is describe as *tzaftzafa* and is it acceptable? (ג' ג')
- Is an *aravah* acceptable if it lost some of its leaves? (ג' ג')
- How many of each of the four species must be taken? (include all opinions) (ג' ד')
- Is an *etrog* from an *ir hanidachat* acceptable? (ג' ה')
- Can an *etrog* of *orlah* be used? (ג' ה')
- Which of the following invalidates an *etrog*: (ג' ו')

  - A crack?
  - A hole (with nothing removed)?
  - The *oketz* being removed?
  - A small *chazazit*?
  - Being green in colour?

- What are the two opinions regarding the minimum size of an *etrog*? (ג' ז')
- What material may be used to bind a *lulav*? (ג' ח')
- What are the two opinions regarding when the *lulav* is shaken during *Hallel*? (ג' ט')
- When, during the day, can one fulfil the *mitzvah* of *lulav*? (ג' ט')

- What are the dimensions of the walls such that they are not required to be tall enough to reach the *schach*? (ט:יא)
- What is the maximum gap (of empty space) allowed between the *schach* and the walls? (ט:יא)
- What is the maximum space (of roofing) allowed between the *schach* and the walls? (י:יא)
- What two cases are brought in the *Mishnah* as examples for the *halacha* referred to in the previous question? (י:יא)
- Is a *sukkah* built like a tent (∧) acceptable? (יא"א:יא)
- If someone slept under their bed in the *sukkah* have they fulfilled the obligation of sleeping in the *sukkah*? (Explain both opinions.) (בי:יא)
- Explain the debate regarding a *sukkah* whose wall is supported by a bed? (בי:יא)
- What is a *sukkah meduvlelet* and is it *kosher*? (בי:יא)
- Are the following *sukkot* acceptable: (בי:יא)
  - A *sukkah* constructed on a boat?
  - A *sukkah* constructed in a tree?
- Which of the two *sukkot* described in the previous question can one enter on *Yom Tov* and why? (בי:יא)
- Can one make a *sukkah* where trees are used to make the walls? (בי:יא)
- Which people are exempt, due to their circumstance, from sitting in a *sukkah*? (בי:יא)
- What can one eat outside a *sukkah*? (בי:יא)
- What three things did *R' Tzadok* do when he was given food less than a *ke'beitzah* and why? (בי:יא)
- List the two opinions regarding the number of meals that one must eat in a *sukkah*. (בי:יא)
- Explain the debate regarding a person whose body was inside the *sukkah* yet the table from which he was eating was outside the *sukkah*? (בי:יא)
- Which three people are exempt from eating in the *sukkah*? (בי:יא)

the *Mishnah* may be referring to when the object is thrown above ten *t'fachim*. All may accept the principle of *kluta k'ma she'huncha* and agree that if one threw the object below ten *t'fachim* he is *chayav*. However when an object is thrown above ten *t'fachim*, perhaps *R' Akiva* compares this act of throwing to another similar activity where one is *chayav* even if it occurs above ten *t'fachim* – *moshit*.

What is *moshit*? The *Mishnah* (11:2) explains that the *levi'im* would pass the beams of the *Mishkan* from one wagon to another, each higher than ten *t'fachim* from the ground. Each wagon was considered a private domain, with the region in between being the public domain. Since the *melachot* are learnt from the activities performed in the construction of the *Mishkan*, this activity would be forbidden. Therefore, according to *R' Akiva* just as *moshit* is prohibited above ten *t'fachim* so is throwing the object, where as the *Chachamim* maintain that one cannot compare the two cases.

The *Gemara* brings three different responses to *Raba's* question (see *Shabbat* 97a for more detail). Yet, before one can understand the responses, one must understand the question. According to the latter alternative, why would *R' Akiva* and the *Chachamim* argue whether throwing can be compared to *moshit*? Perhaps analysing another debate in the *Rishonim* may shed light on this question.

Can one take an object from one private domain and place it in another private domain, via the public domain above ten *t'fachim*? *Rashi* (*Eiruvim* 33a) maintains that this is the classic case of *moshit* and one would clearly transgress the biblical prohibition. The *Rashba* (*Eiruvim* 33a) argues that this is not so. The way *moshit* was performed was that beams were slid across from one wagon to the other such that at some point, one end of the beam would be in contact with one wagon and the other end with the other wagon with the centre of the beam over the public domain. If an object is completely removed from one private domain before entering the next, then it is not defined as *moshit*. While *Rashi* uses *moshit* to more broadly define *hotza'ah*, the

*Rashba* adopts *moshit* in its most literal sense. The *Rashba* strengthens this image of *moshit* as a specific case by quoting the *Yerushalmi* (*Shabbat* 11:2) that states while in general one is *chayav* for performing a *melacha* if they did it on their own, when it comes to *moshit*, one is only *chayav* if they did it with another person.

Returning to the debate between *R' Akiva* and *Chachamim*, perhaps they argue about the extent that *moshit* is considered a model for the *melacha* allowing it to be extended to throwing as well or whether it is a strict definition of a prohibited activity precluding it from being extended to another area. This debate highlights the difficult task given to the *Chachamim* when defining the *melachot* of *Shabbat*. When analysing a particular activity, how broad or restricted is the definition? Granted that the *avot melacha* are models or examples, the mission is to provide a coherent technical definition so that one can assess other activities with clarity.

- On what sins does *teshuva* instantly atone? (ח: ח')
- How does the *Mishnah* respond regarding a person who says "I will sin and then do *teshuva*"? (ח: ט')
- On which sins does *Yom Kippur* atone and which require further action in the individual part? (ח: ט')
- What does *R' Akiva* learn from the following *p'sukim*:  
 "וזרקתי עליכם מים טהורים" (יחזקאל ל"ו: כ"ה)  
 "מקוה ישראל" (ירמיה י"ז: ג')

## Sukkah

- What are the maximum and minimum heights of a *sukkah*? (א: א')
- What are the other two structural specifications of a *sukkah*? (א: א')
- What is a *sukkah yeshana*? (א: א')
- Can one make a *sukkah* under a tree? (א: ב')
- Can one make a two-storey *sukkah*? (א: ב')
- Can one spread a shade-cloth over the *schach*? (א: ג')
- How can one fix a *sukkah* that had a vine growing amongst the *schach*? (א: ד')
- What are the two criteria of *kosher schach*? (א: ד')
- Can one use bundles of straw as *schach*? (א: ה')
- Explain the debate regarding whether one can use planks of wood for *schach*? (א: ו')
- What does one need to do in order to fix a *sukkah* that has a roof made of planks of woods (which are not plastered)? (Include both opinions) (א: ז')
- When would a *sukkah* be *kosher* if the roof was covered with metal rods? (א: ח')
- Can one make a *sukkah* by carving out a room from a stack of hay? (א: ט')
- If a *sukkah* was made of hanging walls, how close to the ground must they be? (א: ט')

- What clothing would the *kohen gadol* wear when he read for the *Torah* on *Yom Kippur*? (יא: י)
- Which *parshiyot* would the *kohen gadol* read from the *Torah* and which would he say by-heart? (יא: י)
- What else was being performed while the *kohen gadol* was reading from the *Torah*? (יב: י)
- After changing back into the “golden” clothing, how many animals did the *kohen gadol* sacrifice? (יג: י)
- Why did the *kohen gadol* change again into his “white” clothes? (יד: י)
- What did the *kohen gadol* do after changing again back into his “gold” clothes? (יד: י)
- What were the four garments worn by all *kohanim*? (יה: י)
- How many extra garments did the *kohen gadol* wear and what were they? (יה: י)
- When would they confer with the *urim ve'tumim*? (יז: י)
- What is prohibited from doing on *Yom Kippur*? (יח: י)
- Who does *R' Eliezer* exempt from some of these prohibitions? (יח: י)
- How much food has one eaten and how much food has one drunk one *Yom Kippur* if they are *chayav*? (יב: י)
- Does food and drink combine to make up this measure? (יב: י)
- How many *korbanot chatat* would one be obligated to bring if they forgot it was *Yom Kippur* and: (יג: י)
  - Ate and drank?
  - Ate and performed a *melacha*?
- How long before a child's *bar-* or *bat-mitzvah* does one begin teaching them to fast on *Yom Kippur*? (יד: י)
- How does one determine how much food to feed a sick person if there is no doctor available to consult? (יה: י)
- Complete the following phrase: (יז: י)
 

" \_\_\_\_\_ ספק נפשות
- What case appears in the next *Mishnah* that is a practical example of the principle described in the previous question? (יז: י)
- What else is required for *Yom Kippur* to atone? (יח: י)

## ***Mitzvah Ha'ba'ah Be'aveirah***

**Shabbat (13:3)**

**David Bankier**

If someone tears [their garment] out of anger or for one who passed away (*meit*)... they are exempt.

*Shabbat* 13:3

This *Mishnah* introduces the exemption of *mekalkel*; when one performs a *melacha* where the result is destructive, they have not transgressed the biblical prohibition. This is particularly pertinent when it comes to the *melacha* of *kore'ah* (tearing) implying that one would only be *chayav* on a biblical level if they tore for a constructive purpose.

The *Gemara* (*Shabbat* 105b) brings a *Beraitah* that flatly contradicts the *Mishnah* explaining that one would be *chayav* in both the cases described in the *Mishnah*.

The *Gemara* first resolves the contradiction regarding one who tore his clothing for one who passed away (*kri'ah*). It explains that if one performed *kri'ah* for a close relative, i.e. a relative for which he is halachically obligated to perform *kri'ah*, he would be fulfilling his halachic obligation by doing *kri'ah*. Consequently, the *kri'ah* is constructive, not defined as *mekalkel* and the person would be *chayav* for *kore'ah*. If however one performed *kri'ah* for a distant relative for whom he is not obligated to perform *kri'ah*, the tearing would be considered destructive and he would be *patur*.<sup>5</sup>

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<sup>5</sup> It is strongly advised that those who are interested in how the *Gemara* resolves the case of tearing out of anger, see *Shabbat* 105b. Also see *Rashi* there and *Rambam* (*Shabbat* 10:10). For a resolution of *Rambam's* ruling with the *Gemara's* conclusion see *Magid Mishnah* (*Shabbat* 8:8). The endeavour not only promises a satisfying learning experience, but also moral lessons (*musar*).

One question stands out - if someone transgresses *Shabbat* when performing *kri'ah* for a close relative, how can they fulfil *mitzvah* of *kri'ah*? Is it not considered a *mitzvah ha'ba'ah be'aveirah*? The *Gemara* (*Sukkah* 30a), for example, explains that a stolen *lulav* may not be used in the performance of the *mitzvah* as it is considered a *mitzvah ha'ba'ah be'aveirah*.

The *Yerushalmi* (*Shabbat* 13:3) cites the case of stolen *matzah* being invalid when asking this same question. It answers that by stolen *matzah* the sin affects the object of the *mitzvah*. In the case of the *Mishnah*, the person is performing the sin. In other words, the disqualification of *mitzvah ha'ba'ah be'aveirah* only applies when the object with which the *mitzvah* is to be performed has been affected by the sin.<sup>6</sup>

A number of alternative solutions may be found in the *Rishonim*. The *Tosfot* (*Sukkah* 30a) explain that *mitzvah ha'ba'ah be'aveirah* only applies when the sin is the act that made the *mitzvah* available. For example, before the person stole the *lulav* he had no means of performing the *mitzvah*. In this case however, the mourner is ready and able to perform the *mitzvah* at any time.

The *Ramban* (*Pesachim* 35b) cites the opinion of the *Tosfot* (*Rabeinu Peretz*) that maintain that the disqualification of *mitzvah ha'ba'ah be'aveirah* only applies to *lulav* and *korbanot* as these are used for praise. Rav David Silverberg<sup>7</sup> explains that ordinarily past wrong doings do not disqualify one from performing a *mitzvah*. The only exception is where the *mitzvah* is an instrument for praising *Hashem*.

The *Ramban* (*Pesachim* 35b) prefers a different understanding. He explains that *mitzvah ha'ba'ah be'aveirah* is in fact a rabbinic disqualification. Using this understanding, one appreciates that

<sup>6</sup> See [www.dafyomi.co.il/shabbos/insites/sh-dt-105.htm](http://www.dafyomi.co.il/shabbos/insites/sh-dt-105.htm) where this explanation of the *Yerushalmi* is presented in the name of the *Ritva*.

<sup>7</sup> [www.vbm-torah.org/archive/salt-chagim/sukkot-vezot-7.htm](http://www.vbm-torah.org/archive/salt-chagim/sukkot-vezot-7.htm)

- What was different about the blood that was sprinkled on the *mizbeach ha'zahav* to the blood sprinkled elsewhere? (י:ד)
- What was different about the way the blood was sprinkled on the *mizbeach ha'zahav* to the way blood is ordinarily sprinkled on the corners of the *mizbeach ha'chitzon*? (י:ה)
- What was done with all the left over blood after the required sprinkling? (י:ו)
- What would the *kohen gadol* do if the blood spilt while in the middle of performing the sprinkling on the *mizbeach ha'zahav*? (י:ז)
- Can the two goats be purchased on different days? (י:ח)
- What happens if one of the goats dies after the lottery has been performed? (י:ט)
- What is *R' Yehuda's* opinion regarding the previous question, and in what other case does he rule in a similar manner? (י:י)
- What would the *kohen* do just prior to sending out the *se'ir ha'mishtaleach*? (י:יא)
- Which people were allowed to guide the *se'ir ha'mishtaleach*? (י:יב)
- Why was a bridge built for guiding the *se'ir ha'mishtaleach*? (י:יג)
- Who would escort the *se'ir ha'mishtaleach* to the first station? (י:יד)
- What was the distance from *Yerushalaim* to the cliff face? (י:טו)
- What would the people at each station do when the *se'ir ha'mishtaleach* and the guide reached them? (י:טז)
- Explain what the guide would do when he reached the cliff face? (י:יז)
- Where would the guide go after he finished his job? (י:יח)
- What parts of the bull and goat were offered on the *mizbeach*? (י:יט)
- How would they know when the *se'ir ha'mishtaleach* had reached the desert (include all three opinions) and why was this important? (י:כ)

- Where would the *kohen gadol* place the shovel full of coals? (ד:יג)
- How was the shovelling of the coal different on *Yom Kippur*? (Two differences) (ד:יג)
- Give three differences in the shovel used on *Yom Kippur*. (ד:יג)
- What was the difference in the amount of incense burnt on *Yom Kippur*? (ד:יג)
- What was the difference in the quality of the incense burnt on *Yom Kippur*? (ד:יג)
- What was the difference in the way the *kohen gadol*, on *Yom Kippur*: (ד:יה)
  - Would ascend the ramp?
  - Would wash his hands and feet?
- Who argues, regarding the previous question, that the *kohen gadol* would act in this manner during the rest of the year as well? (ד:יה)
- How many extra piles of fires were on the *mizbeach* on *Yom Kippur*? (ד:יג)
- In which hands would the *kohen gadol* carry the shovel of coals and the spoon full of incense? (ה:יא)
- Where was the opening of the curtain that separated between the *kodesh* and *kodesh ha'kodashim*? (ה:יא)
- What would the *kohen gadol* do after burning the incense in the *kodesh ha'kodashim*? (ה:יא)
- During the second *Beit Ha'Mikdash*, when the *aron* was absent, how did the *kohen* know where to place the *ketoret*? (ה:יב)
- Where and how was the sprinkling of the bull's blood first performed? (ה:יג)
- Where would he place the remainder of the blood? (ה:יג)
- Which animal was slaughtered next? (ה:יד)
- What were the three places where the various bloods were sprinkled? (ה:יד)

when it comes to the performance of the *mitzvah* of *lulav* with a stolen object, this rabbinic disqualification is affective as they are operating in a stringent manner. Yet, in the case of *kri'ah*, since on a biblical level one still would have performed *kri'ah*, one has transgressed the prohibition of *kore'ah* on *Shabbat*. (Had the rabbinic disqualification been applied, it would have indeed been a leniency rather than a stringency.)

## Melechet Tzad – Capturing an Animal

Shabbat (13:5)

Raphael Wein & Asher Shafir

The *Mishnah* in the thirteenth *perek* talks about the prohibition of capturing an animal - *tzad*. This *melacha* was mentioned in the *Mishnah* in the seventh *perek* where all the *melachot* were listed. We are used to the idea that in order to be liable for performing a *melacha* on *Shabbat* it must be a *melechet machshevet* – a creative and constructive action. An example is *melacha* of cooking. One has taken an object that was raw and turned it to an edible food. This concept is repeated many times throughout *Masechet Shabbat*. Having said that, we should try to understand what makes capturing an animal an action that is prohibited on *Shabbat*. Ostensibly, it seems that there is no actual change in the object that has been captured therefore no constructive action has been performed and one should not be liable.

We can think of two ways of understanding this *melacha*:

1. This *melacha* is written with all the *melachot* that deal with preparing a meal. It was forbidden to do any of the actions that a person does in order to prepare his meal. Since in order to prepare a meal containing meat an animal must be caught, hunting is forbidden. In other words, there is no need for the standard of *melechet machshevet* that we find throughout *hilchot Shabbat* since this is part of preparing the meal.
2. Capturing an animal can be seen as an action with clear outcomes. There is a significant difference between an animal that is out in the wild and an animal that is now in one's house. In our language this difference could be seen through the change in the naming of the animal. It is no longer a wild animal but rather a pet. Obviously not all animals will be called pets once they have been captured but this difference can tell us a bit about the nature of this *melacha* and its significance.

- Where was the *mikvah* that the *kohen gadol* used on *Yom Kippur*? (ג:ג)
- What sheets were placed around the *kohen gadol* when he went to the *mikvah* the first time? (ד:ג)
- What clothing did the *kohen gadol* wear when he offered the *korban ha'tamid*? (ד:ג)
- When was the morning *ketoret* offered? (ה:ג)
- When was the afternoon *ketoret* offered? (ה:ג)
- Explain the debate regarding the order of *kiddush* and *pishut begadim*. (ו:ג)
- Which of the *begdei lavan* were more expensive, those of the morning or afternoon? (ו:ג)
- Where would the *kohen gadol* stand when doing *vidui* on the *par*? (ז:ג)
- What would everyone respond when they heard the *kohen gadol* say *Hashem's* name? (ז:ג)
- Who changed the cards used for the *goralot* from wood to gold? (ח:ג)
- Was this change considered favourably? (ח:ג)
- What two innovations did *Ben Katin* introduce to the *kiyor*? (ט:ג)
- What miraculous event occurred to *Nikanor*? (י:ג)
- What *pasuk* was associated with those whose innovations were considered positive, and what *pasuk* was associated with those that were not? (יא:ג)
- What were written on the two cards used for the lottery? (יא:ד)
- Who was standing to the right of the *kohen gadol* and who was standing to his left? (יא:ד)
- When and what would the *segan* call out after the lottery? (יא:ד)
- What thread would they tie onto the goats? (יב:ד)
- Where would they tie the threads on each of the goats? (יב:ד)
- After slaughtering the bulls, where would the person mixing the blood stand? (יג:ד)

- What would the *kohen gadol* do during the night of *Yom Kippur*? (א: יר)
- What two things would the *pirchei kehuna* do if they noticed the *kohen gadol* dozing off? (א: יר)
- When was the *trumat ha'deshen* performed: (א: ח)
  - On a regular day?
  - On *Yom Kippur*?
  - On one of the *regalim*?
- Initially, how did they decide which *kohen* would perform the *trumat ha'deshen*? (ב: א)
- What incident caused them to change this system and what was it replaced with? (ב: ב)
- What roles were decided by the second daily lottery? (ב: ג)
- What restriction was placed on those that could be included in the third lottery? (ב: ד)
- What was decided by the fourth lottery? (ב: ד)
- When did the *korban tamid* require the following number of people to be involved in its offering: (ב: ה)
  - 9?
  - 10?
  - 11?
  - 12?
- How many *kohanim* were required when offering a ram? (ב: ו)
- How many *kohanim* were required when offering a cow? (ב: ז)
- In what case could a single *kohan* perform all the required tasks of a sacrifice? (ב: ז)
- What would the *kohen* call out when he saw (from the viewing spot) that it had reached *alot ha'shachar*? (א: ח)
- What would they then ask this *kohen* to confirm? (א: ט)
- Why was this confirmation necessary? (ב: ט)
- Is a *kohen* who is *tahor* required to go to the *mikvah* before performing *avodah*? (ג: י)
- How many times would the *kohen gadol* go to the *mikvah* on *Yom Kippur*? (ג: י)

Is this question reflected in the discussions of the *Gemara*, *Rishonim* or *Achronim*? The *Tur* (O"Ch 316) cites the opinion of the *Sefer HaTrumah* that discusses a special fly trap. They had a contraption that once the fly would enter, the person would place something in the entrance of the trap preventing the fly from leaving. The *Sefer HaTrumah* understood that putting something that will seal the entrance of the trap, thus not letting the fly out of the trap epitomises the *issur* of *melechet tzad*. This appears to be an obvious *psak* since this seems like the regular case of capturing an animal.

The *Tur* himself however, after citing the *Trumah*, disagrees. The *Tur* explains that if a person would want to literally grab the fly he would have to open the trap resulting in the fly escaping without him being able to capture it. The *Tur* argues that the *melacha* of capturing is only when the animal is in the trapper's hands enabling him to do with it whatever he likes. The *Trumah* will argue that by limiting the animal from going wherever it wants you are doing an action of capturing. The *Tur* will say that the *melacha* of capturing is only when a person captured the animal in a way that he captures any animal that he would want to *shecht* and eat - meaning in his hands.

It is possible to understand the argument of the *Tur* and *Sefer HaTrumah* in a way that will go back to what we mentioned in the beginning. The *Tur* understands that *melechet tzad* is part of the list of *melachot* that have to do with preparing a meal. It is for that reason that he will forbid capturing an animal only in a case where it will be obvious that this is the first step of preparing a meal. On the other hand *Sefer HaTrumah* understands that taking an animal and removing its liberty is an action that has a big enough effect that can define the *melacha* as constructive. The *Halacha* accords with the *Tur* implying that the *issur* of *tzad* is part of the list of the *melachot* that are intended for preparing a meal.

## Chinnuch in Chazal

Shabbat (16:6)  
Yaron Gottlieb

Children's education is a fundamental and interesting idea that is raised throughout Jewish sources. In dealing with a child's education one must determine the circumstances under which children are permitted to transgress *Halacha*, until what age one allows them to transgress *Halacha* and what is the nature of the laws that they may transgress?

One of these issues is raised in the *Mishnah* in *Shabbat* (16:6) that states that a father must prevent his child from extinguishing a fire that is burning down a Jewish house on *Shabbat*. This law is brought in contrast to the gentile who we need not stop from putting out the fire, since unlike a Jewish minor the *shvita* (rest) of the non-Jew on *Shabbat* is not our obligation. (The *Halacha* however states that the fire may be extinguished in almost every instance due to the danger to life).

The *Tosfot Yom Tov* raises the question citing the *Gemara* from the end of the ninth chapter of *Shabbat* that rules that we are not concerned about a child eating non-kosher grasshoppers, and may leave him to play with them. It would seem from the *Gemara* that while we may not actively feed him something forbidden, the parent is not commanded to actively prevent the child from performing an *issur*.

The general consensus amongst the commentators is that there is a certain point where a child need not be prevented from incorrect actions. However if there is any doubt in the mind of the child or the parent that may cause us to think that either party would encourage the action, we must actively prevent it. There is some discussion though about the exact age where the parents should place these extra stringencies on the child.

- How does one treat the *parochet* that came in contact with: (יח: יד)
  - A *vlad ha'tumah*?
  - An *av ha'tumah*?
- How thick was the *parochet*? (יח: יח)
- How many new *parochets* were made each year? (יח: יח)
- In which cases do *Beit Shammai* and *Beit Hillel* argue about where *tameh kodshim* should be burnt? (יח: יח)
- Describe the opinion of *R' Eliezer* and *R' Akiva* regarding the previous question. (יח: יח)
- Where were the following limbs placed prior to being placed on the *mizbeach*: (יח: יח)
  - *Korban tamid*?
  - *Korban mussaf*?
  - *Korban mussaf* of *Rosh Chodesh*?
- Which of the following applies nowadays (without a *Beit Ha'Mikdash*): (יח: יח)
  - *Ma'aser Dagan*?
  - *Bikurim*?
  - *Bechorot*?
  - *Shekalim*?

## Yoma

- How many days before *Yom Kippur* was the *kohen gadol* separate from his home? (יא: יא)
- To where was the *kohen gadol* taken? (יא: יא)
- What *avodah* would the *kohen gadol* do during this period? (יא: יב)
- Who helped the *kohen gadol* revise the order of the *Yom Kippur* services? (יא: יג)
- What would they do on the morning *erev Yom Kippur*? (יא: יג)
- Why would they prevent the *kohen gadol* from eating a heavy meal on *erev Yom Kippur*? (יא: יד)
- About what would the *ziknei kehuna* make the *kohen gadol* swear and why? (יא: יח)

- What is the minimum that one must provide if they vowed to bring: (י:י)
  - Wood?
  - Frankincense?
  - Gold?
- What was done with the coins donated for a *nedava*? (י:י)
- What was done with coins found in between piles of coins for: (י:י)
  - *Shekalim* and *nedava*?
  - Wood and frankincense?
  - Mundane use and *ma'aser sheni*?
- What was done with coins found: (י:י)
  - Before animal traders in *Yerushalaim*?
  - On *Har Ha'Bait*?
  - In *Yerushalaim*? (Give two scenarios)
- What was done with limbs and cut up meat of animals found: (י:י)
  - In the *Azarah*?
  - In *Yerushalaim*?
  - Outside *Yerushalaim*?
- What was done with animals found just outside *Yerushalaim*? (י:י)
- Why did the *Chachamim* revert their decree that the person that finds a *korban* must provide the required *nesachim*? (י:י)
- What were the seven decrees by *Beit Din*? (י:י)
- According to *R' Meir*, when is spit found in *Yerushalaim* assumed to be *tameh*? (י:י)
- According to *R' Yosi*, during the year, what part of the road was travelled by *tameh* people? (י:י)
- List the opinions of *R' Meir* and *R' Yosi* regarding the assumed *tum'ah* status of *keilim* found in *Yerushalaim*. (י:י)
- When is there a difference between the assumed *tum'ah* status of a knife and cleaver found in *Yerushalaim*? (י:י)

This idea is also quoted by a number of modern *poskim* (as transmitted to me by Rav Neriya of Yeshivat HaKotel) where they state that there is no need to impose the stringencies on the child with regards to *kashrut*.

The above ideas are seemingly opposed to the halachic concept of *Chinnuch* (the obligation to educate our children by having them do *mitzvot* so that when they grow up it will be natural for them). The obligation on the parents states that they have to be careful that the child is brought up in an environment where they are encouraged to perform the commandments, and definitely not allowed a free hand to do whatever they want.

The idea of education can be learned out from the *mitzvah* of telling the story of the Exodus on *Pesach*. In the *Sefer HaChinnuch* we find the essence of the obligation to tell the story, but in the details of the *mitzvah* we find that the author speaks primarily about the actions that are performed on that night. It appears clear from the statements of the *Chinnuch* that the most important part of the education of the child is the action that he is encouraged to do and the actions that are performed in the environment.

These examples here point to a particular direction in educating children that is being expressed by the rabbis of the *Mishnah*. At a certain point we need to be concerned with the education of the next generation prior to their Bar/Bat Mitzvah, since once they are already obligated it is too late. But on the other hand it is necessary to understand that children are still children, and it is not logical or helpful to demand of the average child to be a small adult. We have a need to let them 'play in the dirt' and explore the world in their own way even if we need to turn a blind eye to it, so as not to smother them. However the *Mishnah* here warns us that these rules are there for the child, and not to be abused by the parent to achieve their own goals.

## ***Brit Millah on Shabbat***

**Shabbat (19)**

**Natan Rickman**

The nineteenth *perek* of *Shabbat* raises a question that has many different halachic and hashkafic implications. When the *Torah* commands one to perform an act that would normally be forbidden, does the prohibition remain albeit unpunishable or has the prohibition been taken away? One implication of the way this question is answered is whether one must now perform the action in the shortest and quickest way. According to the first option, one would have to ensure that it is completed in the most efficient manner while according to the second understanding there would be no such requirement.

The *Tana Rabbi Eliezer* raises this point with regards to the question of a *brit millah* on *Shabbat*. The question arises from the *pasuk*, “as it shall be on the eighth day that you have circumcised”. The question is what should one do if the eighth day falls on *Shabbat*? The problem is that one must desecrate the *Shabbat* to fulfil this *mitzvah*. We know, for example, that when *Rosh Hashanah* falls on *Shabbat* we do not blow the *shofar*. We have a clear rule that even though there is a commandment, *Shabbat* over rides and prevents me from doing this act. However, by the *brit millah* everyone agrees that it has to be performed on *Shabbat* if that is the eighth day.

The philosophical question is why does the *Torah* instruct man to do *millah* on *Shabbat* and not let *Shabbat* over ride the *mitzvah*? The Rabbis have explained three ways of understanding the commandment to have the *brit*:

1. The action of the *brit* is a fulfilment of a commandment.
2. The person should be in the state of having had a *brit millah*.
3. There is a prohibition for a Jewish male over the age of eight days to have a foreskin.

- How does *R' Shimon* explain the different rulings of *Beit Hillel* regarding the left over coins for *machatzit ha'shekel* and left over coins for a *korban chatat*? (ב'י: ד')
- What is done with the left over coins that were separated for a: (ב'י: ה')

  - *Korban chatat*?
  - *Korban nedava*?
  - *Korban olah*?
  - *Korban mincha*?
  - *Korban shlamim*?
  - *Korban pesach*?

- How many times during the year would they refill the coin boxes? (ג'י: א')
- According to *R' Akiva* what else occurred during these dates? (ג'י: א')
- How many coin boxes were there? (ג'י: ב')
- How big were the coin boxes? (ג'י: ב')
- What was special about the dress of the person responsible for refilling the coin boxes? (ג'י: ב')
- How would they authorise the person responsible for filling the coin boxes to begin work? (ג'י: ג')
- After filling the coin boxes, when and with what did they cover the coins remaining in the storeroom? (ג'י: ד')
- For which sacrifices was the money used? (ד'י: א')
- Was the money used for anything else? (ד'י: א'-ב')
- What was done with the leftover funds found in the storeroom? (ג'י: ד')
- What was done with the leftover funds found in the coin boxes? (Include all four opinions) (ד'י: ד')
- What was done with the leftover *ketoret*?
- Explain the debate regarding the use of the *shofarot* labelled “*kinim*” and “*gozlei olah*”? (ה'י: ו')

## Shekalim

- What was announced on the first of *Adar*? (א: א)
- What six things were done on the fifteenth of *Adar*? (א: א)
- According to *R' Yehuda*, what did the *beit din* do when they found a field with *kilayim*? (Include all three responses.) (ב: א)
- Explain, including the important dates, the system used to collect the *shekalim*? (ג: א)
- Explain the debate regarding whether a *kohen* can volunteer to contribute a *machatzit ha'shekel*? (ד: א)
- Can a *nochri* contribute a *machatzit ha'shekel*? (ה: א)
- Which *korbanot* can a *nochri* offer? (ה: א)
- What is a *kalbon* and who is required to contribute it? (ו: א)
- Explain the debate between *R' Meir* and the *Chachamim* regarding the *kalbon*? (ו: א)
- When are two brothers required to contribute a *kalbon* and how does it relate to their obligation to separate *ma'aser behema*? (ז: א)
- Were the change tables in each city allowed to convert the collected half *shekels* to other coins to lighten the load? (ב: א)
- What was the shape of the collection boxes? (ב: א)
- If the coins collected from a particular city were stolen or lost in transit, when are the citizens required to replace the lost coins? (ב: א)
- If a person gave his friend a half *shekel* to give on his behalf, yet the friend went and gave it on his own behalf, when do we say that the friend has transgressed the prohibition of *me'ilah*? (ב: א)
- What should one do if they contributed their half *shekel* from *ma'aser sheni* money? (ב: א)
- Explain the debate between *Beit Shammai* and *Beit Hillel* about what to do with the money that is left over from a bunch of coins that were set aside for giving *machatzit ha'shekel*. (ג: א)

It appears that only according to the last reason could one argue that having a *brit* might override *Shabbat*; the Jewish baby is in an incomplete state while he is still uncircumcised.

The *Midrash Tanchuma (Tazriah 19)* brings a discussion between a Roman general Turnus Rufus and Rabbi Akiva. He asked Rabbi Akiva why Jews circumcise their sons. Do Jews believe that they can improve on G-d's creation of man?

Rabbi Akiva placed grain and bread before the general and asked him which one he would prefer to eat. The general made the obvious choice and took the bread, representative of man's improvement on nature. Just as baking bread is an act of improving wheat, so is circumcision an act of improving man.

This helps us understand the first two reason of why one would allow the *brit* on *Shabbat*. The action is the completion of the creation of man where man stretches outside his existence and becomes more G-dlike. To understand the second reason, we explain that one must be in the most complete form possible, as the Jew is the *tzelem Elokim*, he therefore cannot be lacking spiritually.

This helps us understand *Shabbat* in a clearer way. On *Shabbat* we move closer to the real ideal - how man should be. He is drawing closer and nearer to the source. Therefore when the *Torah* gives us a commandment to physically change ourselves bringing us closer, it is clear that this should be permissible. The *brit* on the eighth day is bringing time and matter to the service of *HaKadosh Baruch Hu*. However interestingly this is only when the eighth day is on *Shabbat*. If the *brit* is postponed it cannot be performed on *Shabbat*. This is due to the fact that the part of the *mitzvah*, the control over time being on the eighth day, is no longer.

## Shalosh Seudot without a Bracha

Shabbat (22:1)  
Yehuda Gottlieb

The first *Mishnah* of the twenty-second *perek* of *Masechet Shabbat* states:

A barrel that breaks (on *Shabbat*) - we may save food for three *seudot* (meals) from it.

This law is similar to that stated in sixteenth *perek*, that the amount of food that one may save from a fire is that which is needed for the three *seudot* of *Shabbat*.

There are two reasons for this law. The *Taz* explains that the reason that only three meals may be saved is a *gzeirat Chachamim*. The *Chachamim* were worried that if a person was permitted to save all the contents of the barrel from the fire, he would be so worried over his potential financial loss, that he might come to repair the barrel (a forbidden *Melacha* on *Shabbat*), rather than transfer all the barrel's contents to a secure location. Therefore, they decreed that only three meals may be saved.

The *Gemara* (*Shabbat* 117b) explains that the second reason for this law is that if **all** the contents of the barrel were allowed to be saved, a person may come to carry the saved contents through a *reshut ha'rabim*. However, the small amount that can be used for the three meals to be eaten on that *Shabbat* may be saved.

These two reasons share an important commonality. In both explanations the concern of potentially performing a *melacha* on *Shabbat* was overlooked in order for a person to be able to fulfill the *chiyuv* and *mitzvah* of eating three meals on the *Shabbat*. This *mitzvah* is not like most other *mitzvot* in that most other *mitzvot* generally require a *bracha* before a person fulfills his obligation, however, there is no *bracha* required for fulfilling one's obligation of eating three meals on the *Shabbat*. Why?

- Explain the debate regarding the order of *brachot* on the first cup of wine? (י"ב: ב')
- Who are the *Tana'im* that are involved in the debate described in the previous question? (י"ב: ב')
- What food is eaten immediately after *kiddush* at the *seder*? (י"ג: ג')
- Which five foods are placed before the *ba'al ha'seder*? (י"ג: ג')
- What occurs immediately after the second cup is poured at the *seder*? (י"ד: ד')
- What are the four questions of *mah nishtanah* listed in the *Mishnah*? (י"ד: ד')
- Complete the following formula of how one should teach the story of *Pesach*: (י"ד: ד')  
"מתחיל \_\_\_\_\_ ומסיים \_\_\_\_\_"
- According to *Rabban Gamliel* what must one say in order to fulfill the *mitzvah* of *maggid*? (י"ה: ה')
- What are the reasons provided in the *Mishnah* for the *mitzvot* of *pesach*, *matzah* and *marror*? (י"ה: ה')
- What does the *Mishnah* learn from the following *pasuk*: (י"ה: ה')  
"והגדת לבנך ביום ההוא לאמר בעבור זה עשה ה' לי בצאתי ממצרים"  
(שמות י"ג: ח')
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding how much of the *Hallel* is read prior to the meal. (י"ז: ז')
- When were the third and fourth cups drunk? (י"ז: ז')
- Between which cups of wine is one prohibited from drinking? (י"ז: ז')
- What is the last thing eaten at the *seder*? (י"ח: ח')
- If someone dozed at the *seder* can they continue to eat when they wake up? (Include both opinions) (י"ח: ח')
- After what time does the *korban pesach* "*metameh yadayim*"? (י"ט: ט')
- What other *korbanot* are "*metameh yadayim*"? (י"ט: ט')
- According to *R' Yishmael* which *bracha* covers both the *korban pesach* and the *korban chagigah*? (י"ט: ט')

- Explain the debate regarding whether one who converts on *erev Pesach* can eat from a *korban pesach*. (ח: ט)
- Which two groups of people are deferred to *Pesach Sheni* and what is the difference between these two groups? (א: ט)
- What are the two opinions regarding the meaning of “*derech rechokah*”? (ב: ט)
- What are the two differences between *Pesach* and *Pesach Sheni*? (ג: ט)
- What are the three similarities between *Pesach* and *Pesach Sheni*? (ג: ט)
- If a majority of the nation is *tameh*, which *tameh* people are still unable to eat from the *korban pesach*? (ד: ט)
- What is the difference between the *Pesach* experienced in *Egypt* and *Pesach* today? (ה: ט)
- How does *R' Akiva* explain the statement received by *R' Yehoshua* that sometimes a *temurat pesach* is offered (as a *shlamim*) and sometimes it cannot? (ו: ט)
- What is the law regarding a two-year old animal that was separated for the purpose of a *korban pesach*? (ז: ט)
- What should one do if the animal they set aside for a *korban pesach* got mixed up with other animals that were set aside for other *korbanot*? (ח: ט)
- A group lost their *korban pesach* and told one member of the group to find it. What is the law if he finds it and slaughters it and the group take a replacement sacrifice and slaughter it? (List all eight scenarios.) (ט: ט)
- What is the law regarding a case where two different groups' *korbanot* got mixed together? (י: ט)
- What is the law regarding a case where two individuals' *korbanot pesach* got mixed together? (יא: ט)
- From what time on *erev Pesach* should one refrain from eating? (א: י)
- What *mitzvah* is listed in the *Mishnah* as obligatory irrespective of one's financial means? (א: י)

A novel answer to this question is provided by the *Aroch HaShulchan* (*Yoreh Deah* 410). The *Aroch HaShulchan* states that *brachot* were instituted for *mitzvot* only when they are actions or procedures that are not (or do not seem to be) logical, rather, the only reason we do them is because they are commandments of *Hashem*. On the other hand, any *mitzvah* that is logical, or that a person with a “*sechel*” would naturally do, was not instituted with a *bracha*. For example, the requirement to shake a *lulav* on *Sukkot* is not ‘logical’ and we perform this solely because it is a commandment from *Hashem*, therefore, it was instituted with a *bracha*. Alternatively, a ‘logical’ commandment, which one would naturally do, such as honouring one's parents, was not instituted with a *bracha*.

This same logic can be applied to the *mitzvah* of eating three meals on *Shabbat*. It must be said that this *mitzvah* belongs to the category of ‘logical’ *mitzvot* (since it is very natural for a person to eat a number of meals during the *Shabbat*). It is for this reason that a *bracha* was not instituted for this *mitzvah*.

Another reason why there is no specific *bracha* required for this *mitzvah* stems from the *chiyuv* of the *mitzvah*. The *chiyuv* is not specifically to eat three meals, but rather to experience a sense of *oneg* (enjoyment) on *Shabbat*. It is for this reason that the *Halacha* states that if a person is so full that he will not have enjoyment by eating all three meals on the *Shabbat*, then he is *patur* from eating, as the main *chiyuv* of this *mitzvah* is to have *oneg* during the *Shabbat*.

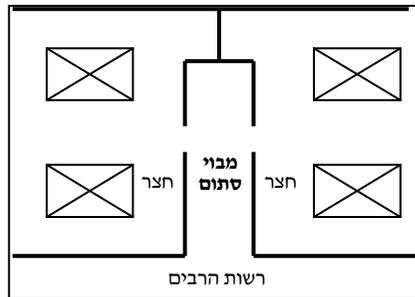
According to this explanation, it can be seen that the actual *mitzvah* is not on the eating itself, but rather the *consequences* of the eating, which is the *oneg* that one should feel on *Shabbat*. However, one does not necessarily achieve *oneg* from the act of eating *all* three meals, and therefore there is no *bracha* instituted specifically for eating these meals.

## Eiruvin

### Introduction to Mavoi

Eiruvin (1:1)  
David Bankier

*Masechet Eiruvin* begins with the topic of *tikkun mavoi* – fixing a *mavoi*. A *mavoi* is a small private alleyway into which private courtyards (*chatzer*) open, with itself open to the public domain.



Initially the residents cannot carry within the *mavoi* until the *mavoi* is fixed by placing a cross-beam (*korah*) or side post (*lechi*) at its entrance<sup>8</sup>. One must ask the following questions: What is the status of the *mavoi*<sup>9</sup> prior to being fixed? What purpose does the *korah* or

*lechi* serve?

*R' Yehonatan* explains that a *mavoi*, on a biblical level, is considered a private domain. The *Chachamim* recognized that a *mavoi* is visibly open to the public domain. Consequently they were concerned that people would become confused and not differentiate between a *mavoi* and the public domain and mistakenly permit carrying in the public domain or mistakenly carry from the *mavoi* to public domain (both of which being biblically prohibited). The *korah* at the *mavoi*'s entrance therefore

<sup>8</sup> One should note that the residents cannot carry from their own *chatzer* to the *mavoi* without first performing a *shituf mavoi*. However, before they can perform a *shituf mavoi*, the *mavoi* needs to be “fixed” with either a *lechi* or *korah*.

<sup>9</sup> Please note: the term *mavoi* in this article refers to a *mavoi satum*, a *mavoi* with one end open to the public domain and the other end closed (as shown in the picture). A *mavoi mefulash*, a *mavoi* with both ends open to the public domain must be treated separately.

- What should one do if a limb of the *korban pesach* extended outside the walls of *Yerushalaim*? (ג: י"ב)
- Regarding the previous question, what should one do if the same thing happened to another *korban*? (ג: י"ב)
- Are the tops of the walls of *Yerushalaim* considered as being inside or outside *Yerushalaim*? (ג: י"ב)
- Can a group sharing one *korban pesach* split into two groups when consuming it? (ג: י"ג)
- What must a waiter be cautious of when attending to two *chaburot*? (ג: י"ג)
- If a woman's husband and father each included her in their *korban pesach*, of whose *korban* does she partake? (ח: א')
- If an *eved* has two owners, from whose *korban pesach* does he partake? (ח: א')
- What animal must an *eved* that was sent to slaughter a *korban pesach* use? (ח: ב')
- What should the *eved* do if the owner specified which animal to use and the *eved* forgot? (ח: ב')
- What is the law if, regarding the previous question, the owner also forgot which animal he specified? (ח: ב')
- What must one be careful of when electing people to join in his *korban pesach*? (ח: ג')
- Explain the debate regarding the cut-off point when one can join and leave a *chaburah*? (ח: ג')
- Can a person a share in *korban pesach* include others without the consent of the rest of the group? (ח: ד')
- When can a *korban pesach* be brought for a *zav* or *zava*? (ח: ה')
- Under what condition can an *onen* be included in a *korban pesach*? (ח: ו')
- Explain the debate regarding whether a *korban pesach* can be offered for an individual? (ח: ז')
- Can an *onen* eat from *korbanot* the night after his *aninut*? (ח: ח')

- A *ba'al mum*?
- A *treifah*?
- Describe how they would roast the *korban pesach*? (י:א)
- What point regarding the roasting was debated by R' Yosi Ha'Glili and R' Akiva? (י:א)
- What is the law regarding a *korban pesach* that touched the side of the oven while roasting? (י:ב)
- What does one need to be wary about if they coated the *korban pesach* with *ma'aser sheni* oil? (י:ג)
- Which five *korbanot* are brought even if the *kohanim* or utensils are in a state of impurity, yet are not eaten in a state of impurity? (י:ד)
- Describe a case where the parts of a *korban* have become impure, where it invalidates a *korban pesach* while it does not for other sacrifices? (י:ה)
- If a majority of the nation is in a state of impurity when do they offer their *korban pesach*? (י:ו)
- What is the law regarding a *korban pesach* whose blood was sprinkled and then after, it was discovered that: (י:ז)
  - The animal was impure?
  - The owner was impure?
- If a majority of the *korban pesach* became *tameh*, where was it burnt? (י:ח)
- If a minority of the *korban pesach* became *tameh*, where were the parts burnt? (י:ח)
- How did one dispose of the meat of *korban pesach* whose owners became *tameh*? (Include both opinions.) (י:ט)
- How did one dispose of the bones left over from the *korban pesach*? (י:י)
- Which parts of the *korban pesach* were eaten and why is this important? (י:יא)
- What is the punishment for one that: (י:יב)
  - Breaks a bone of a *korban pesach*?
  - Leaves some of the meat till the next day?

serves as a visual reminder for people to differentiate between the *mavoi* and public domain.

According to this explanation we understand the first *Mishnah*. The *Chachamim* require the *korah* be placed no higher than twenty *amot*. The reason being common with the limitation on the placement of the *Chanukah* candles - people don't generally look at objects at such heights. As the *korah* is meant to serve as a reminder, placing it so high would be ineffective.

How would we then explain the position of R' Yehuda that permits the *korah* to be placed above twenty *amot*? R' Yehonatan explains that according to R' Yehuda the *korah* does not function as a reminder, but rather as physical wall (*pi tikrah ored u'sotem*). One could explain that once the *korah* is placed at any height, the area is no longer a three-wall *mavoi* but rather a four-walled domain, lying outside the criteria of the rabbinic decree.

Rav Meir Pagrow explains that some *Rishonim* understand that even R' Yehuda maintains the *korah* serves as a reminder. The difference is R' Yehuda does indeed agree that people do not **gaze** at objects higher than twenty *amot*, nevertheless people do **glance** at objects placed higher than twenty *amot*. This is supported by the *Gemara* that explains that if the *korah* has an elaborate design then it can even be higher than twenty *amot* implying that people are not completely blind to objects at those heights. Therefore while we require *Chanukah* candles be placed where people will gaze at it, R' Yehudah maintains that for the *korah* to be a sufficient reminder it is enough that people glance at it.

The *Rambam* (*Shabbat* 17: 9) has a different understanding of *mavoi*:

A *mavoi* that has been fixed with a *korah*, even though one is allowed to carry within it like a private domain, if someone throws from it to the public domain... he is exempt since the *korah* serves as a reminder. However if the *mavoi* is fixed with a *lechi* and someone throws from it to the public domain he

would have transgressed [a biblical prohibition], since the *lechi* serves as fourth wall.

Two important points come out of the *Rambam*. Firstly the *korah* and the *lechi* serve two separate purposes – the *korah* acts as a reminder while the *lechi* functions as a fourth wall. Secondly, it appears that a *mavoi* without fixtures is defined as a *karmalit* (neither a public nor private domain) – a region in which carrying is rabbinically prohibited. Consequently the *lechi* is required to convert the *mavoi* into a private domain. The *chiddush* (novel idea) of the *korah* is that its presence does not convert it into a private domain. Nevertheless it represents a *karmalit* in which one is allowed to carry.

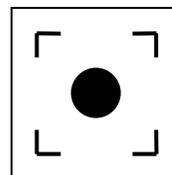
- Where was the sprinkling of the blood from the *korban Pesach* performed on the *mizbeach*? (ה'י: ו')
- What were the *levi'im* doing while the sacrifices were being offered? (ה'י: ו')
- What did the *kohanim* do differently, with regards the process of offering of the *korban Pesach*, when *erev Pesach* fell on *Shabbat*? (ה'י: ח')
- Name the three different places where the *korbanot pesach* were hung for stripping? (ה'י: ט')
- According to *R' Eliezer*, how was the hanging of the *korbanot* performed differently on *Shabbat*? (ה'י: ט')
- Where did the three different groups wait with their slaughtered *korbanot* when *erev Pesach* coincided with *Shabbat*? (ה'י: י')
- Which processes involved in the *korban Pesach* were carried out even on *Shabbat* (according to all opinions)? (ה'י: יא')
- Regarding the previous question, which processes were deferred till after *Shabbat*? (ה'י: יא')
- Regarding the previous question, which processes were debated by *R' Eliezer* and the *Chachamim*? (ה'י: יא')
- What is the general principle stated by *R' Akiva* at the conclusion of the above stated debate regarding which processes that involve *melachot* are still performed on *Shabbat*? (ה'י: יב')
- What are the three criteria that define when a *chagigah* offering is brought alongside a *korban pesach*? (ה'י: יג')
- After the *chagigah* is offered, how long do the owners have to consume the *korban*? (ה'י: יד')
- According to *R' Yehoshua* when is one required to bring a *chatat* if they slaughtered another *korban* for the purpose of a *korban pesach* and why? (ה'י: טו')
- With whom and about what does *R' Yehoshua* argue and what is that *Tana's* reasoning? (ה'י: טו')
- What is law regarding one who slaughters a *korban pesach* on *Shabbat* then finds out that it is: (ה'י: טז')

- In what manner can one clean an animal's waste from its pen on *erev Pesach*? During *Chol Ha'moed*? (ד:יג)
- Can one take his utensils to be mended on *erev Pesach* if they are not required for the festival? (ד:יג)
- What were the three customs of the people of *Yericho* that the *Chachamim* objected to? (ד:יח)
- What were the three customs of the people of *Yericho* that the *Chachamim* accepted? (ד:יח)
- What were the three things *Chizkiyah HaMelech* did that the *Chachamim* objected to? (ד:יט)
- What were the three things *Chizkiyah HaMelech* did that the *Chachamim* accepted? (ד:יט)
- During the year, when was the afternoon *tamid* offering slaughtered and offered? (ה:יא)
- On *erev Pesach*, when was the afternoon *tamid* offering slaughtered and offered? (ה:יא)
- Regarding the previous question, when was the *tamid* offered even earlier? (ה:יא)
- What are the four processes that must be performed for the purpose of the *korban Pesach*, otherwise it would invalidate the *korban*? (ה:יב)
- Is the *korban Pesach* valid if it was slaughter (in mind) for the sake of the people that had a share in the *korban* as well as other who did not have a share? (ה:יג)
- Is the *korban Pesach* valid if it was slaughtered before noon? (ה:יג)
- Is the *korban Pesach* valid if it was slaughtered before the *korban tamid*? (ה:יג)
- What does the *Mishnah* mean when it say that if someone slaughters the *korban Pesach* “on *chametz*” they have transgressed a negative prohibition? (ה:יד)
- Does the ruling described in the previous question apply to any other sacrifices? (ה:יד)
- Into how many groups was the nation divided when they came to offer their *korban Pesach*? (ה:יז)

## *Diyumdin vs. Lechi*

Eiruvin (2:4)  
David Bankier

In the previous article we discussed the topic of *tikkun mavoi*. In the second *perek* we are introduced to the unique partition found in the case of *bira'ot* – waterholes. People that travelled to *Yerushalaim* for the festivals were faced with a problem. A deep water-hole or well can be defined as a private domain. If this waterhole was situated in the public domain one would be unable to draw water from it on *Shabbat* without transgressing a biblical prohibition. Therefore, in this unique case, the *Chachamim* enabled one to place corner boards (*diyumdin*) which would serve to partition the area around the hole making it a private domain and enabling the *olei la'regel* to draw water there.



One *Mishnah* (3:4), when analysed properly, reveals much about the nature of the unique partitions raised in these two categories.

*R' Yehuda* states, if a public pathway cuts through [the area by the waterhole within the corner boards] it must be diverted around it. The *Chachamim* argue that this is not required.

To explain, *R' Yehuda* maintains that the public pathway invalidates the partition (*ati rabim u'me'vatel mechitzot*) while the *Chachamim* disagree.

The *Gemara* (24a) quotes another debate where both *R' Yehuda* and the *Chachamim* argue in stark contrast to the above explanation.

*R' Yehuda* explains, if one has two houses on each side of the public domain he can place a *lechi* or *korah* on one side and a *lechi* or *korah* on the other, and then he can carry in that region. [The *Chachamim*] responded one cannot fix the public domain in that manner.

The implication is that here it is the *Chachamim* that maintain that the public passage invalidates the partition.

The *Gemara* solves the apparent contradiction in both opinions. To resolve the opinion of the *Chachamim* it explains that in the first case, there is a “name” of four partitions, while in the second case this is lacking. The *Rashba* explains that while the *diyumdin* constitute real walls, the *lechi* represent a second rate wall. In other words, the *Chachamim* generally maintain that a public passage cannot invalidate a genuine partition. A *lechi* however does not constitute a “real” wall. One could explain that the *lechi* simply satisfies the requirement of having a wall without being one. Consequently it cannot withstand the public passage.

The apparent contradiction in *R' Yehuda's* opinion is explained differently. The *Gemara* explains that according to *R' Yehuda* the second case is different as it has two “genuine” walls. One point is immediately clear; *R' Yehuda* does not consider the *diyumdin* as “genuine” walls. However, what advantage does the presence of these two walls present?

The *Tosfot* and *Ritva* explain that the *R' Yehuda* maintains that an area closed off by two walls is considered a private domain. In other words, in general *R' Yehuda* does maintain that the public passage invalidates the partition. However, in the second case, since the region on a biblical level is already defined as a private domain, *R' Yehuda* rules one can be more lenient.

The *Tosfot* offer a second explanation, where one could understand that the *Gemara* assumed that an area closed off by two walls is not considered a private domain. Nevertheless the presence of the two genuine walls provides an advantage. How does one understand this position? *R' Yehonatan* explains that *R' Yehuda* only holds that the public passage invalidates partitions when it is a majority open area. In the second case however, where there are two standing walls, “the public don't have the power to nullify the partition.” This response is quite different.

- Give one example provided by the *Mishnah* for when one goes to do a particular activity on *erev Pesach* and has not yet perform *biur chametz* and the *halacha* is that he: (יג: יא)
  - Must return if he has time to come back and complete the activity, otherwise can he simply perform *bitul chametz*.
  - Must only perform *bitul chametz*.
  - Must return home.
- If someone leaves *Yerushalaim* with *kodshim* in his hand, after which point is he not required to return to the *Beit Ha'Mikdash* and can simply burn it where he is? (יח: יג)
- Regarding the previous two questions, list the opinions regarding the minimum measure of the *chametz* or *kodshim* for which one must return? (יח: יג)
- Whether one performs *melacha* in the morning of *erev Pesach* depends on the custom of the place. What if a person, coming from a place the does not do *melacha* travels on the morning of *erev Pesach* to a place that does do *melacha*? (יא: יד)
- What law regarding *Shmittah* shares a similar ruling to that of the previous question? (יב: יד)
- What law regarding animal trade shares a similar ruling to that of the previous question? (יג: יד)
- Some places have the custom of not eating meat on the night of *Pesach* prepared in which manner? (יד: יד)
- During which festival is lighting candles dependant on local custom? (יד: יד)
- Even though whether or not people work on *Tisha B'Av* is dependant on local custom, which people do not work, regardless of their location? (יה: יד)
- From when does *Beit Shammai* prohibit work on *erev Pesach*? (די: יד)
- What is *R' Meir's* opinion regarding the previous question? (יז: יד)
- Which three professions do the *Chachamim* permit to work till *chatzot* on *erev Pesach* regardless of local custom? (יז: יד)

- Can the various vegetables listed in the *Mishnah* as suitable for *marror* combine together to make the obligatory *kezayit*? (ב:י) (ב:י)
- Can one soak *mursan* in water as food for roosters during *Pesach*? (ב:י) (ב:י)
- Can one chew wheat and then place it on a wound during *Pesach*? (ב:י) (ב:י)
- What should one do if they mixed wheat into their *charoset*? (Include both opinions) (ב:ח) (ב:ח)
- Is one allowed to cook the meat of the *korban pesach* in fruit juice? (ב:ח) (ב:ח)
- Which of the following must one remove from their house before *Pesach*: (א:ג) (א:ג)
  - Beer?
  - Wheat-based (scribe) glue?
- What is the general rule regarding the previous question? (א:ג) (א:ג)
- What is the law regarding the removal of *chametz* from the cracks in pots? (ב:ג) (ב:ג)
- For what other law does the answer to the previous question also apply? (ב:ג) (ב:ג)
- How does one separate *challah* from *tameh* dough during *Pesach*? (Include all three opinions). (ג:ג) (ג:ג)
- Explain the debate regarding whether many women can knead and bake at the same time sharing the same oven. (ד:ג) (ד:ג)
- What is dough that is *siyur*? (ה:ג) (ה:ג)
- What is dough that is *siduk*? (ה:ג) (ה:ג)
- What is the punishment if one eats from dough that is *siyur* or dough that is *siduk*? (ה:ג) (ה:ג)
- Explain the debate regarding when *biur chametz* must be performed if *erev Pesach* fall on *Shabbat*. (ו:ג) (ו:ג)

Previous explanations involved differentiating between the different types of partition. In this explanation it appears that *R' Yehuda* maintains that both the *lechi* and *diyumdin* are considered quasi-partitions. Yet in the second case, where the public passage is restricted by the two real walls, the power of the public pathway to invalidate partitions is diminished.

The conclusion from the above discussion proves fundamental in our functional understanding of both *diyumdin* and *lechi* and the effect of the public pathway on these partitions.

## Techumim

### Asher Shafrir

A few times in the *Gemara R' Akiva* and the *Chachamim* argue whether the prohibition of walking more than two thousand *amot* from a city is biblical or rabbinic. The *pasuk* that is brought as a source for this *issur* is from *Shmot* (16:29):

“See that *Hashem* has given you the *Shabbat*; that is why He gives you on the sixth day a two-day portion of bread. Let everyman remain in his place; let no man leave his place on the Seventh day”

This *pasuk* seems to state clearly that one is not allowed to leave their place on *Shabbat*. If so how can the *Chachamim* say that there is no *issur* from the *Torah*? Many *Rishonim* use this *pasuk* (along with a few other *Gemarot*) to explained that the *Chachamim* also agree that there is a basis for the *issur* in the *Torah*. If so, what is the *machloket* between *R' Akiva* and the *Chachamim*? A few options may be considered in order to explain this *machloket*.

*Rambam* (*Hilchot Shabbat* 27:1) explains that there are in fact two different outer limits that relate to *techumim*. The first two thousand *amot* limit is indeed rabbinic, while there is a second further limit that is biblical. This *issur* therefore does originate from the *Torah* while the distance however was not specified; the *Torah* just states that one cannot leave his “place”. The *Chachamim* determined that this biblical measure was twelve *mil*, which is equivalent to the size of *machaneh Yisrael*. The sages however went one step further and placed an additional decree restricting the “place” to the city and an area of two thousand *amot* around it where it is still considered its “place”. If we accept *Rambam's* opinion we might be able to find new meaning to this *issur*. We know that there is an *issur* to take anything out of one's house to the public domain. This concept can be explained by a *Mishnah* in *Pirkei Avot* (4:3) that says:

- Detail the schedule for *erev Pesach* (including cut off times) according to *R' Meir* and according to *R' Yehuda*. (ד:א)
- According to *R' Yehuda* what was the sign in the *Beit Ha'Mikdash* that indicated the time on *erev Pesach* that one could eat *chametz*? (ה:א)
- What does *Rabban Gamliel* permit to be eaten during the fifth hour? (ה:א)
- According to *R' Channinah* which two objects were burnt together even though it effectively increased the level of *tum'ah* in one of the objects? (ו:א)
- What case does *R' Akiva* add similar to the previous question? (ו:א)
- What does *R' Meir* try to deduce from the above described opinions of *R' Channinah* and *R' Akiva*? (ו:א)
- Who argues with *R' Meir* on this point? (ו:א)
- After the time on *erev Pesach* when it is forbidden to eat *chametz*, can one use *chametz* to fuel their oven? (ז:ב)
- Describe the two opinions regarding what constitutes *biur chametz*? (ז:ב)
- What is the *pasuk* cited as the source for the prohibition in gaining benefit from *chametz* after *Pesach*, that was owned by a Jew during *Pesach*? (ז:ב)
- If an *Yisrael's* *chametz* was in the property of a *Nochri* as a collateral for a loan during *Pesach*, can he derive benefit from it after *Pesach*? (ז:ג)
- What is the criterion that *Rabban Shimon ben Gamliel* gives for whether one must search for *chametz* on top of which rubble has fallen? (ז:ג)
- What must one pay if they ate *trumah chametz* on *Pesach* deliberately? Unintentionally? (ז:ד)
- Which grains can *matzah* be made out of (for the first *kezayit*)? (ז:ה)
- Can one use *matzah* made from *demai* produce to fulfil his obligation of eating *matzah*? (ז:ה)

- Explain the debate regarding whether one can use a latch with a weighted ball at the end to bolt a door shut. (י: י)
- Where does *R' Yehuda* permit the use of a latch (*neger*) that is attached (but not hanging) to the door by a chain? (א"י: י)
- Which door hinge does the *Tana Kama* permit to be fixed in the *Beit Ha'Mikdash* and why? (י: יב)
- Which door hinge does *R' Yehuda* permit to be fixed outside the *Beit Ha'Mikdash* and why? (י: יב)
- Are the *levi'im* allowed to fix the strings on their musical instruments in the *Beit Ha'Mikdash* on *Shabbat*? (י: יג)
- What other two cases appear in the same *Mishnah* that share the same laws as in the previous question? (י: יג)
- On what condition can a *kohen* working in the *Beit Ha'Mikdash* on *Shabbat* place a bandage on his finger? (י: יד)
- What did they place on the ramp (*kevesh*) to prevent the *kohanim* from slipping? (י: יד)
- Explain the debate regarding the preferable means of removing a dead *sheretz* found in the *Beit Ha'Mikdash* on *Shabbat*. (י: טו)
- List the two opinions regarding where in the *Beit Ha'Mikdash* it was appropriate to apply the solutions described in the previous question? (י: טו)

## Pesachim

- When does one search for *chametz*? (א: א)
- What does one use to aid in his search? (א: א)
- Explain the opinions of *Beit Shammai* and *Beit Hillel* regarding the extent that one must search a storeroom full of barrels. (א: א)
- Why does the *Mishnah* state that “one need not be concerned that a weasel came and dragged away the *chametz*”? (ב: א)
- Till when should one search for *chametz*? (Include both opinions) (ג: א)

“Do not despise anyone or anything as you do not have a man that does not have his hour and you do not have an object that does not have a place”.

The *Mishnah* introduces an important new concept in the world of objects. Any object has its own place, moving it from its place will automatically change its status. Changing an object on *Shabbat* is not allowed as it is considered *Melecheth Machshevet* – productive work. Similarly moving the object from one place to another is, in a way, changing its essence. The *Torah* regards a man moving from one city to another in a similar way. A man has his own place and that is his city. Moving out from that city and going to a new place is in a sense changing oneself. That is the reason that the *Torah* does not want a man to do such a thing on *Shabbat*. It was the *Chachamim* that realised that two thousand *amot* around the city is still close enough to be considered staying in one's place. This is the reason that the city itself is not counted in this measurement. But only the two thousand *amot* that are around the city. In the city itself one does not make any change by going from one place to another; it is only when he leaves the city.

On the other hand *Ramban* explains that this *issur* is not from the *Torah* but rather constituted by the sages. *Ramban* gives a very interesting insight about the *pasuk* that we brought before regarding the *issur* of *Techumim*. *Ramban* explains that every *mitzvah* that is written before the *Torah* was given at *Har Sinai*, once the *Torah* was given, is not considered a *mitzvah* unless it is repeated again later on in the *Torah*. In the case of *Techumim* the *issur* is written before the *Torah* was given and therefore it only holds as long as the *Torah* was not given and since it is not repeated later on in the *Torah* there is no *issur* of *Techumim* from the *Torah*.

In summary, no matter which opinion we hold by, the *issur* of *techumim* can be explained as saying that one should concentrate on his or her family and community – that is the purpose of *Shabbat*.

## Accurate Measurements

Eiruvim (5:4-5)

Alon Ledder

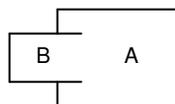
The *Mishnayot* (5:4-5) set down some rules for measuring the two thousand *amot* of the *techum* (the boundary beyond which a person may not travel on *Shabbat* - approximately 1.1-1.2 kilometres). *Rambam* explains in his commentary to the *Mishnah* that every measurement has some degree of inaccuracy. The *Chachamim* enacted a number of detailed rules to ensure that the *techum* is measured in such a way so as to minimise this inherent inaccuracy.

There is an interesting tension between the *Chachamim's* desire to make the measurement as accurate as possible and the various constraints and practicalities within which the *Chachamim* operate and which reduce the accuracy of the measurement. For example, the *Shulchan Aruch* (399:1) rules that the *techum* should only be measured with a rope made of linen. The *Chachamim* have a tradition to this effect which is supported by a reference in *Yechezkel* (40:3) to linen rope being used for measuring. The *Gemara* (*Eiruvim* 58a) quotes a *Beraitah* explaining that iron chains are actually the most suitable for measuring because they do not stretch. However, as the *Beraitah* explains, the *Chachamim* are constrained by the *Torah's* preference for rope. Some commentators (including the *Meiri*) hold that metal chains can actually be used, although as stated above, this is not the view of the *Shulchan Aruch*.

Being restricted to linen rope, the *Chachamim* have sought to minimise the inaccuracy of the measurement by various rulings. For example, the size of the rope used to measure the *Techum* is restricted to 50 *amot*. Any longer than this and the rope will sag; any shorter and it will stretch. The *Shulchan Aruch* (399:3) rules that the surveyors must pull the rope with all their might when

- Explain the debate regarding whether one can fix a *mavoi* that is open at both ends. (ד: ט)
- What other similar case is debated in that *Mishnah*? (ד: ט)
- Explain the debate regarding the number of *tefillin* one can wear on *Shabbat* in order to carry them to a protected area. (א: י)
- What should one do if they find many pairs of *tefillin* in the public domain? (א: י)
- What is *R' Shimon's* solution to the above described problem? (ב: י)
- *R' Yehuda* argued that *R' Shimon's* solution could be applied to transfer a barrel of water to people outside the *techum*. What was the *Chachamim's* response? (ב: י)
- If a scroll, being read by someone sitting on the roof, unravels, when can he retrieve it by rolling it back up? (Include all three opinions) (ג: י)
- Can one, standing in the private domain, make use of a peg overhanging the public domain? (ד: י)
- Can one stand in the public domain and move objects about within the private domain? (ד: י)
- Can one spit from the private domain to the public domain? (ה: י)
- What additional law does *R' Yehuda* add regarding the previous question? (ה: י)
- When is a person standing in the private domain allowed to drink water from the public domain? (ו: י)
- Describe the case where there is a water-hole in the public domain outside someone's window and they would be allowed to draw water from it into their house. (ו: י)
- When would the area under a tree be defined as a private domain? (ז: י)
- When is one prohibited from sitting on the roots of a tree and why? (ז: י)
- What concern is cited in the *Mishnah* regarding unlocking doors and what is the remedy presented? (ט: י)

- Can one place an *eiruv chatzeirot* in a barn? Why? (ד: ח)
- Explain the debate regarding whether a person living in a storehouse needs to join in with the other residents of the *chatzer* in an *eiruv chatzeirot*? (ד: ח)
- List the four opinions whether a *nochri* or a *Yisrael* that leaves their house for the weekend is required to have joined in an *eiruv chatzeirot*. (ה: ח)
- If there is a water-hole in between two *chatzeirot* what is required to enable the residents of each *chatzer* to draw water from it on *Shabbat*? (ו: ח)
- Explain the debate regarding what is required to enable its residents to draw water from a stream that is running through their *chatzer*. (ז: ח)
- If a house is built such that a level is bridging a stream, and there is a hole cut in the floor through which they draw water – what is required such that they can draw water on *Shabbat*? (ח: ח)
- What restriction is placed on the residents if their *chatzer* is less than four-by-four *t'fachim*? (ט: ח)
- What can be done to circumvent the restriction described in the previous question? (ט: ח)
- Explain the debate regarding whether one can pour water into a ditch which was dug in order to drain the water from the *chatzer* to *reshut ha'rabim*. (י: ח)
- Explain the three opinions regarding the status of roofs and whether one can carry from one roof to another. (יא: ט)
- If two *chatzeirot* are built as follows, can the residents carry in them? (יב: ט)



- What is the status of a *chatzer* where the walls at the corner collapsed? (Include both opinions) (יג: ט)

performing the measurement. The *Mishnah Berurah* explains that otherwise the rope will be weighed down in the middle and the measurement will therefore be inaccurate. Furthermore, the *Mishnah Berurah* (399:7) rules that the surveyors must be experts who are familiar with the laws concerning the measuring of the *techum*.

The *Chachamim* have also allowed a number of leniencies on the basis of practicalities. For example, the *Ritva* (5:4) notes that the most exact way to measure the *techum* is to lie the rope down on the ground. However this is physically difficult for the surveyors to do. Therefore the *Chachamim* allowed the surveyors to hold the rope at chest level, even though the accuracy of the measurement will thereby suffer. Designating a standard body part ensures that the rope is kept horizontal to the ground ensuring a more consistent measurement. As a practical measure, the *Chachamim* did not take into account differences in height of the surveyors and assumed that the surveyors will be of average height.

Further examples of leniencies allowed by the *Chachamim* are allowing surveyors to effectively ignore mountains (5:4) and believing a single witness, even if that witness is a slave, in matters relating to the location of the *techum* (5:5).

Previously (4:11) we saw that that by following the method prescribed by the *Chachamim*, the surveyors actually end up fifteen *amot* short of two-thousand (due to the length of rope that is held in their hands while measuring - see *Rashi Eirubin* 52b). This is a built-in buffer to allow people who accidentally leave the *Techum* to return.

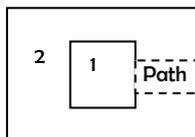
As we saw in the previous article, the laws relating to the two thousand *amot* *techum* are *d'rabbanan*. The *Chachamim* did not make them subject to all of the stringencies that apply to *d'oraita* laws and they enacted the laws with a provision that they be treated leniently (*Rashi Eirubin* 58b). The *Chachamim* are still concerned that the two thousand *amot* be measured as accurately

as possible but as we saw above they included certain leniencies where they deemed them to be appropriate.

Of course, in some cases it is not possible to accurately measure the two thousand *techum* border. For example, the *Mishnah* (4:4) discussed the case of a person who was in the middle of a journey when *Shabbat* was about to begin. This person's *techum* is generally measured from their place at the onset of *Shabbat*. Obviously in these circumstances this person's *techum* could not be measured accurately in advance before *Shabbat*. The *Chachamim* allowed such a person to estimate their *techum* on *Shabbat* on the basis that one medium stride is approximately equal to one *amah*. The *Biur Halacha* (399:1) explains that one must not measure out the full two thousand footsteps to allow for the fact that each footstep may actually be longer than one *amah*. This is another example of the tension between practicalities and measuring the *techum* accurately.

- How large must a break in a wall dividing two *chatzeirot* be in order that both residents can join in an *eiruv chatzeirot*? (ב': א')
- What is the depth of a ditch that divides two *chatzeirot*? (ג': א')
- Can such a ditch be filled with straw and still divide the two *chatzeirot*? (ג': א')
- What can one do to a ditch if they wish to join both *chatzeirot* in an *eiruv chatzeirot*? (ד': א')
- What are the dimensions of a stack of produce that divides two *chatzeirot*? (ה': א')
- Explain how a *shituf mavoit* is performed. (ו': א')
- What is the process when the food used for the *shituf mavoit* begins to run out? (ז': א')
- How much food is required to create a *shituf mavoit* (include both measures)? (ח': א')
- What does R' Yosi amend to the above requirement? (ט': א')
- What is the debate regarding what may be used to form an *eiruv*? (י': א')
- Can one perform an *eiruv chatzeirot* for another without their knowledge? (יא': א')
- Can one perform an *eiruv techum* for another without their knowledge? (יא': א')
- How is an *eiruv techumim* performed on behalf of many people? (יא': ח')
- What is required from the people for whom this *eiruv* is being performed, for it to be effective for them? (יא': ח')
- How much food would be required when performing an *eiruv techum* for many people? (Include the four opinions) (ב': ח')
- For which *halachot* are the *shiurim* of a *pras* and *chatzi pras* important? (ב': ח')
- If the residents of a *chatzer* and the residents of the *mirpeset* (upper floor) each made an *eiruv chatzeirot* separately, which objects in the *chatzer* can the people of the *mirpeset* make use of? (Provide two detailed examples) (ג': ח')
- Can one place an *eiruv chatzeirot* in the guard house at the entrance of the *chatzer*? Why? (ד': ח')

- If two brothers live in different apartments in an apartment block, yet are still supported by their father, when do they need to each provide bread for the *eiruv chatzeirot* and when can one suffice for them both? (י:יג)
- What is the law regarding a multiple courtyards that are open to a *mavoi* where: (י:יח)
  - Each *chatzer* performed an *eiruv chatzeirot* but they did not perform a *shituf mavoi*?
  - They performed a *shituf mavoi* but not an *eiruv chatzeirot*?
  - They performed both, but one resident of a *chatzer* forgot to join the *eiruv*?
  - They performed both, but one resident forgot to join in the *shituf mavoi*?
- For two *chatzeirot* formed in the following manner, what is the law regarding a case where: (י:יט)



- The residents of the internal *chatzer* made an *eiruv chatzeirot* while the others did not? (י:יט)
- The residents of the outer *chatzer* made an *eiruv chatzeirot* while the others did not? (י:יט)
- Both independently made their own *eiruv chatzeirot*? (י:יט)
- One of the internal residents forgot to join the *eiruv chatzeirot*? (י:יט)
- One of the outer residents forgot to join the *eiruv chatzeirot*? (י:יט)
- All residents of both *chatzeirot* joined together and a resident from the outer *chatzer* forgot to join in? (י:יט)
- What are the dimensions of a window in the wall dividing two *chatzeirot* that enables both resident to join together in one *eiruv chatzeirot*? (י:יא)
- What are the dimensions of a wall that divides two *chatzeirot*? (י:יב)

## *Eiruv Chatzeirot*

**Eiruv (7:1)**  
David Bankier

In the sixth *perek* we learn about *eiruv chatzeirot*. The *Rambam* (*Eiruv* 1:1-5) explains the source of this decree:

(1) A courtyard that has many residents, each with their own house – biblically, everyone can carry objects throughout the courtyard, from their houses to the courtyard and from house to house... (2) However, *mi'divrei sofrim*, it is prohibited for the residents to carry in this private domain in which multiple resident have a share until they perform an *eiruv* from *erev Shabbat*... This is the decree of *Shlomo* and his *beit din*....

(4) Why did *Shlomo* institute this decree? So that people would not err and say, just like one can carry from courtyards to the streets of a city and back, so too one can carry from the city to the field... and it will appear to them that *hotza'ah* is not a *melacha* and it is permissible to carry from a private domain to a public domain. (5) Therefore, he decreed that any private domain which is divided amongst multiple residents with each having their own area while a remaining area belongs to all equally, the area in which each have equal rights would be considered like a public domain, and each area belonging to an individual would be considered a private domain. Consequently it would be prohibited to carry from a private area to a shared area just like it is prohibited to carry from a private domain to the public domain... until they make an *eiruv*.

In brief, biblically there is no prohibition of carrying from one's house to the *chatzer*. The biblical prohibition (as mentioned previously) is carrying from a private domain to a public domain or the reverse. Nevertheless, out of concern of the potential confusion that may result, *Shlomo HaMelech* required an *eiruv chatzeirot* before one can carry from a house to a *chatzer* or between houses through the *chatzer* (see *Eiruv* 21b). It appears

that this concern is focused on people potentially confusing a shared private domain with the public domain.

One may ask, can one carry directly between two adjoining houses (not through a *chatzer*). The *Tosfot Yom Tov* explains such a scenario does not seem to be covered by *Shlomo HaMelech's* decree as described by the *Rambam*. This is because the object is not being transferred through an area in which multiple residents have equal rights. Nevertheless, a particular *Mishnah* makes it clear that even this case would require an *eiruv chatzeirot*.

The *Mishnah* (7:1) describes a case where two *chatzeirot* were divided by a wall with a “window” cut out from it. The *Mishnah* explains that if the window is four by four *t'fachim* and no more than ten *t'fachim* from the ground then residents of both *chatzeirot* may join together and make a single *eiruv chatzeirot*. *Rashi* (*Eiruv* 76a) explains that a hole of these dimensions constitutes a *petach* (door way) enabling the residents of both *chatzeirot* to join together. The *Gemara* elaborates and explains that this requirement only applies in the case of a wall dividing two *chatzeirot*. However a window in a wall dividing two houses may be higher than ten *t'fachim* and still enable the two residents to join together in an *eiruv chatzeirot*. The *Rambam* also bring this law in the *Mishnah Torah* (*Eiruv* 3:5). Consequently, an *eiruv chatzeirot* is required even in the case of two adjoining houses.

The *Tosfot Yom Tov* explains that indeed this case was not covered by *Shlomo HaMelech's* decree and was in fact a later decree instituted by the *Chachamim*.

*Rashi* (*Eiruv* 21b) on the other hand seems to suggest that even this case was included in the *Shlomo HaMelech's* decree:

*Shlomo* instituted *eruvei chatzeirot* and decreed that one cannot carry from one private domain to another, in order to create a fence and a distancing from the *Torah* prohibition so that people would not permit [carrying] from the public domain to

- What is the difference between a *shituf* performed on a city of a *yachid* and a city of the *rabbim*? (ה'י: ר')
- What is the law regarding a city of a *yachid* that became a city of the *rabbim*? (ה'י: ר')
- If one sent his son to place an *eiruv techum* in the West of the city, but he was in the East of the city (at a distance of greater than two thousand *amot* from the *eiruv techum*) at the onset of *Shabbat*, where can he walk on *Shabbat*? (ה'י: ט')
- Does an *eiruv techum* work if it is placed in the *ibur* of the city? (ה'י: ט')
- Explain the debate regarding the case where two cities (large and small) were close to each other such that that part of the large one was inside the *techum* of the other and a citizen of the small city placed his *eiruv techum* inside the large city – how far can he walk? (ה'י: ח')
- Which other case resembles the debate described in the previous question? (ה'י: ט')
- Explain the debate regarding when the presence of a *goi* can affect an *eiruv chatzeirot*? (ה'י: א')
- Explain the debate regarding how a *tzaduki* can affect an *eiruv chatzeirot*? (ה'י: ב')
- If one of the members of a *chatzer* forgot to join in the *eiruv chatzeirot* yet was *mevatel reshut* in the *chatzer*, where can each of the members of the *chatzer* transfer objects? (ה'י: ג')
- Regarding the previous question, what if he was not *mevatel reshut* but the rest of the residents were *mevatel reshut* in the *chatzer*? (ה'י: ג')
- Explain the debate regarding the latest time when one can *mevatel reshut*? (ה'י: ד')
- Explain the debate regarding a case where one was *mevatel reshut* yet inadvertently carried something into the *chatzer*? (ה'י: ה')
- In which case do *Beit Shammai* and *Beit Hillel* disagree regarding an *eiruv chatzeirot* for people living in the same building and when do they agree? (ה'י: ו')

- List the four opinions regarding a traveller that was asleep at the onset of *Shabbat*. (ד: ה')
- If three people are standing in a row, and each only able to walk four *amot*, and the region of the middle person overlaps the regions of the outer two, which parties are able to join and eat together? (ד: ו')
- To which case does *R' Shimon* compare the case in the previous question? (ד: ו')
- If someone is travelling, and they wish to make the *makom shvita* by a particular tree (in the distance) how should they phrase the proclamation? (ד: ז')
- Explain the two opinions of how the distance of two thousand *amot* for *techum Shabbat* is measured. (ד: ח')
- What are the two methods of making an *eruv techumim* and to whom do they apply? (Include all three opinions) (ד: ט')
- Explain the debate regarding one who was sent to place an *eiruv* on behalf of the city, but got held up by his friend. (ד: י')
- What are the two opinions regarding one who stepped outside the *techum* whether he can step back inside? (ד: י"א')
- How does one determine the borders of an oddly shaped city? (ה: א')
- Explain the debate regarding including a *karpaf* as part of the city? (ה: ב')
- What is the maximum space between three cities placed in a triangular formation such that they can be considered one city (ה: ג')
- How long was the measuring tape used to measure the *techum Shabbat*? (ה: ד')
- Was the measuring tape placed on the floor, held at chest level or above their heads? (ה: ד')
- When measuring, what would they do when they came to a hill? (ה: ד')
- Who was trusted with measuring out the *techum Shabbat*? (ה: ה')
- If one of two measurements on one side was greater than the other, which measurement was used? (ה: ה')

the private domain. This is like it is written (*Kohellet* 12:9) “[And besides being wise, *Kohellet* also imparted knowledge to the people;] he listened (*i'zen*), and sought out; and arranged many proverbs.” Therefore he made handles (*ozna'im*) for the *Torah* like handles for a utensil that enables one to grasp it.

Unlike previously, this description of *Shlomo Ha'Melech's* decree does not focus on a particular point of confusion, but rather on the broader premise of creating “*ozna'im la'Torah*” and creating extra barriers in front of the *Torah* prohibition, thereby including this case as well.

## *Shituf Techumim*

Eiruvim (7:6)

Uri Orbach

[Ed. Trans.]

In the seventh chapter (7:6) we learnt that if people wish to walk beyond the *techum* (two thousand *amot* outside the city) one person can place an *eiruv techum* on behalf of many people. Such a case is called *shituf techumim*. The first two *Mishnayot* in the eighth *perek* continue dealing with this topic.

The *Mishnah* explains that the person declares: “This [*eiruv*] is for all the residents of my city, for anyone who wishes to go to the house of mourning or the [wedding] celebration”. The declaration opens with a general clause including all the residents, then closes specifying two specific reasons.

This may be understood in a number of ways. Either, these two cases (and others similar) are the only people for which one can perform an *eiruv techum*. Alternatively one can perform an *eiruv techum* for anyone, and these two specific cases are just common examples. By looking at the commentaries on the *Mishnah* and the *halachic* conclusions we will briefly attempt to understand this *Mishnah*.

The *Bartenura* explains that these two specific cases involve the performance of a *mitzvah* as we have established in the *Gemara*, that an *eiruv techum* may only be employed for the performance of a *mitzvah*. The *Bartenura* therefore sees these two cases as examples of permissible reasons for performing an *eiruv techum*. Consequently any other cases similar would be good reasons for performing an *eiruv techum*. (See the *Tosfot Yom Tov*.)

The *Tiferet Yisrael* writes: “Ideally, one can only perform an *eiruv [techum]* for the purpose of a *mitzvah*, for a pleasurable stroll or out of fear, but not for a *davar reshut*”. It appears that he broadens

- How deep into a pit can one place his *eiruv techumim*? (ג: ג)
- Explain the debate regarding one who locked their *eiruv* in a cupboard and lost the key, whether it is a valid *eiruv*. (ג: ג)
- Is the *eiruv techumim* valid if it rolled out of the city’s *techum* on *erev Shabbat*? (ד: ג)
- What is the law if one lost his *eiruv* but is unclear when it was lost – include both opinions? (ד: ג)
- Can one place two *eiruvim* on a particular condition such that only one will be valid? (ה: ג)
- Explain the debate regarding placing two *eiruvim* for *Yom Tov* and *Shabbat* that immediately follows it. (ו: ג)
- Describe the *Chachamim*’s solution to the previous question. (ו: ג)
- Is there a similar debate by the two days of *Rosh Hashanah*? (ז: ג)
- What are two cases debated regarding the two days of *Rosh Hashanah*? (ח: ג)
- What are the two opinions about how one should reference *Rosh Chodesh* on *Rosh Hashanah*? (ט: ג)
- If someone was forcibly taken outside the *techum*, how far can he walk? (א: ד)
- If that person was then forcibly returned inside his *techum*, how far can he walk? (א: ד)
- Explain the debate regarding one that was forcibly removed from his *techum* and placed in a walled-off area. (א: ד)
- Explain why *Rabban Gamliel* ruled that the passengers of a boat that only reached the port on *Shabbat* were able to leave the boat. (ב: ד)
- In what cases is one allowed to leave the *techum Shabbat*? (ג: ד)
- If one of these people left the *techum Shabbat* and completed their task, how far can they walk from that spot? (ג: ד)
- Describe the debate regarding someone who was travelling and was unaware that at the onset of *Shabbat* he was within the *techum* of a city. (ד: ד)

- Which *Tana* does not agree with the reed or rope solutions? (א: י)
- Which four things were permitted to an army camp? (א: י)
- Describe the type of partition that was specifically permitted to be used by water-holes – include both opinions. (א: ב)
- What are the dimensions (height, width and thickness) of the planks of wood used for this partition? (א: ב)
- How close can this partition be placed to the water-hole? (ב: ב)
- R' Yehuda explains that the maximum area that can be encompassed by this special partition is *beit sata'im*. The *Chachamim*, who disagree, argue that this restriction only applies to which areas? (ג: ב)
- Who holds that if a public thoroughfare passes through this special partition, that it disqualifies it? (ד: ב)
- List the two opinions regarding which water-hole and its location suitable for this special partition. (ד: ב)
- What is the length of a square shaped property that is considered *beit sata'im*? (ה: ב)
- What is a *karpaf*? List the three opinions regarding what a (small) *karpaf* must contain in order that the partition enables one to carry within it. (ה: ב)
- R' El'ay said in the name of whom that even if a walled *karpaf* is the size of a *beit kur* one can carry inside it? (ו: ב)
- What are the two items with which one cannot make an *eiruv chatzeirot*? (א: ג)
- Which two other laws are mentioned in connection to these two items? (א: ג)
- Can a *nazir* make an *eiruv* with wine or an *Israel* with *trumah*? (א: ג)
- Can one make an *eiruv* with: (ב: ג)
  - *Demai*?
  - *Ma'aser sheni*?
- In what situation could one make a minor his *shaliach* to place an *eiruv techumim*? (ב: ג)
- Where in a tree is one allowed to place his *eiruv techumim*? (ג: ג)

that definition of *davar mitzvah* and includes *oneg Shabbat* under its banner.

The *Mishnah* in *Pesachim* (3:7) discusses a case where a person travelled on the fourteenth of *Nissan* and had not yet annulled his *chametz* and asks whether or not he must return home to annul his *chametz*.

“If someone travels to slaughter his *korban pesach* or to give his son a *brit millah* or to eat at an engagement party at his in-laws, and remembers that he has *chametz* in his house – if he can go home, remove it and return to perform the *mitzvah* then he must, otherwise he can suffice with annulling the *chametz*. If he left in order to save property from *nochrin*, from an over-flooded river, from bandits, from a fire, or from a ruin, he can annul the *chametz* in his heart. If he left *lishbot shvitat reshut* he must return immediately”.

The *Bartenura* explains that “*shvitat reshut*” refers to a case where a person walked to the end of the *techum* and stayed there till nightfall so that he could walk from that point onwards two thousand *amot*. It appears that one can also perform an *eiruv* for a *davar reshut*.

The *Tiferet Yisrael* bring the *Tosfot* that explain this *shvitat reshut* refers not to any *davar reshut* but, eg, for the purpose of going to celebrate *Pesach* at friends or relatives. It therefore appears that at least for some *divrei reshut* one could perform this *shituf techumim*. (In truth one could explain that this case is fulfilling the *mitzvah* of *Simchat Yom Tov* yet it is unclear.)

According to *Halacha* the *Rambam* (*Eiruvin* 7:6) writes:

“One can only perform an *eiruv techum* for a *davar mitzvah*, for example, going to a mourner’s house or to wedding celebration, or to greet his Rav or friend, etc. Or out of fear – for example, to flee from *goi'im* or bandits, etc. And if one does indeed perform an *eiruv* for none of these reasons, but rather for a *davar reshut*, the *eiruv* works.”

The *Rambam* rules that ideally one should only perform an *eiruv* for the sake of a *mitzvah*. His examples also suggest that he expands the definition of a *davar mitzvah* as greeting a friend is considered a good reason. Nevertheless some explain that this “friend” refers to a *chacham* from which one intends to learn *Torah*.

The *Shulchan Aruch* (415) rules similar to the *Rambam* yet adds the following examples: “... or if one wishes to go for a stroll on *Shabbat* or *Yom Tov* in the fields as this involves *simcha* and that is called a *davar mitzvah*.” Certainly, as the *Mishnah Berurah* elaborates, this refers to permissible *simcha* and not other forms that may contravene the laws of *tzniyut* or the like.

- Explain the debate regarding cutting up an animal carcass for dog food on *Shabbat*? (כ"ד: ד')
- When is one allowed to ask a *chacham* to annul a vow on *Shabbat*? (כ"ד: ה')
- What were the three activities permitted for the sake of a *mitzvah* mentioned at the end of the *masechet*? (כ"ד: ה')

## Eiruvin

- According to the *Chachamim* what are the dimensions (height and width) of a *mavoi* that is fixed with a *korah*? (א: א')
- When can the entrance to a *mavoi* be wider than the above described dimension, yet still allow a person to carry inside it? (א: א')
- List the three opinions regarding the required *tikkun* for a *mavoi* so that one may carry inside it? (ב: א')
- How wide must a *korah* be? (ג: א')
- Explain the debate regarding how strong a *korah* should be? (ד: א')
- Can one use a pipe for a *korah*? Explain. (ה: א')
- What are the minimal dimensions of a *lechi*? (ו: א')
- Explain the debate regarding whether one can use an animal as a *lechi*? (ז: א')
- What other two debates are listed in the same *Mishnah* regarding the status of animals? (ז: א')
- What are the two criteria listed in the *Mishnah* regarding an ad-hoc fence constructed by travellers enabling the fenced area to be considered a private domain? (ח: א')
- What is the maximum size of a breach in a fence the does not render the entire partition invalid? (ח: א')
- How can one construct a valid partition using rope strung in a horizontal manner? (ט: א')
- How can one construct a valid partition using reeds placed in a vertical manner? (י: א')
- What restriction does *R' Yehuda* place on the solution to the previous question? (י: א')

- Which of the following two groups are allowed to bring their towel(s) home with them: (כ״ב:ה״)
  - A single person who dried himself with multiple towel.
  - A group of people who dried themselves sharing one towel.
- What restriction is placed on one rubbing oil on themselves on *Shabbat* and why? (כ״ב:ו״)
- On what condition is one allowed to borrow something from his friend on *Shabbat*? (כ״ג:א״)
- Can one count his guests from the list he wrote down prior to *Shabbat*? What is the concern? (כ״ג:ב״)
- Can one employ workers on *Shabbat* for work during the week? (כ״ג:ג״)
- Can one walk to the end of the *techum Shabbat* so that as soon as *Shabbat* goes out he can go and guard his fruit outside the *techum*? (כ״ג:ג״)
- Can one walk to the end of the *techum Shabbat* so that as soon as *Shabbat* goes out he can go to retrieve items for a wedding outside the *techum*? (כ״ג:ד״)
- When can a coffin built by a non-Jew on *Shabbat* be used for a Jew? (כ״ג:ד״)
- Are there any restrictions placed on one caring for a dead body on *Shabbat*? (כ״ג:ה״)
- Doing what to someone who is dying is tantamount to murder? (כ״ג:ה״)
- What can one do if they are walking toward a city carrying their wallet and *Shabbat* comes in? (כ״ד:א״)
- Is one allowed to untie bundles of animal feed on *Shabbat*? (Be specific.) (כ״ד:ב״)
- Is one allowed to chop up carobs for their animal on *Shabbat*? (כ״ד:ב״)
- What is *ovsin* and why is it prohibited on *Shabbat*? (כ״ד:ג״)
- Before which foul is one allowed to place water and why? (כ״ד:ג״)

## Carrying Less Than Four *Amot*

Eirubin (10:1)  
David Bankier

The beginning of the final *perek* of *Masechet Eirubin* discusses a case where one finds pairs of *tefillin* in the public domain. The *Mishnah* present solutions for how one can legally transfer these *tefillin* from this vulnerably open space to a more protected location. For example, if there were only a few pairs then one could put the *tefillin* on and transfer them as ‘clothing’. (Incidentally, the *Mishnah* records the debate regarding how many pairs one can wear at a time.) If however there are many pairs of *tefillin* and due to various threats, staying there till after *Shabbat* or covering them there are not options, the various *Tana'im* present different possible solutions.

As the prohibition of carrying in the public domain is for a distance of four *amot* the *Tana Kama* suggests that one can transfer them all intermittently for distances of less than four *amot*. In other words, he should carry the *tefillin* for a distance of less than four *amot*, pause for a moment and then carry for an additional distance of less than four *amot*.

*R' Yehuda* however presents a different solution. He suggests that the person should carry the *tefillin* for a distance of less than four *amot* and then hand them to another person who will carry them for that distance and who will in turn hand them on to another person.

The *Gemara* (*Eirubin* 97b) proceeds to explain the reason for the different opinions. The *Tana Kama* prefers his solution, since because *R' Yehuda* involves many people, a level of disrespect to *Shabbat* will be needlessly publicised. *R' Yehuda* however prefers his solution since because the *Tana Kama's* solution involves only the individual carrying intermittently, there is a strong

chance that at one point the person will carry the object more than four *amot*.

One may ask whether the two opinions are mutually exclusive. In other words does each opinion present the sole solution to the problem or do they represent preferential solutions. The language of the *Gemara* seems to suggest that each provide a preferred solution as it uses the language “*adif*”. The *Tosfot* (Ibid.) appear to understand the debate in this way. They explain that in a case where the person who found the *tefillin* is alone, *R’ Shimon* would agree that they may employ the *Tana Kama’s* solution. One could understand however that the *Bartenura* disagrees and suggest that *R’ Shimon* would not allow the *Tana Kama’s* solution (see the *Bartenura* and the *Beit Yosef* (301:42)).

The *Rambam* (*Shabbat* 19:23) and the *Shulchan Aruch* (301:42) bring both these opinions as *Halacha*. A simple reading would suggest that either solution would be appropriate with no preference given to either one. Nevertheless, the *Tosfot Yom Tov* preferred to explain that the *Rambam* was ruling according to the opinion of *R’ Shimon* and that the *Tana Kama’s* opinion was only included in the case were the person is alone. (See the *Beit Yosef* (301:42) for an alternative resolution.)

Till now we have dealt only with a special circumstance – saving the *tefillin*, an object of *kedusha*, from desecration. What if one wishes to carry something through the public domain for more mundane needs – would these options be available?

The opinion presented by *R’ Yehuda* suggests that the “human-chain” option presented by *R’ Shimon* would be permissible. The *Rambam* brings this down as *Halacha* (*Shabbat* 12:17) stating that it is permissible to carry in such a manner through the public domain. The *Ra’avad* qualifies the *Rambam’s* statement that it is only permissible in pressing circumstances or great need. The *Orach HaShulchan* (349:4) writes that this must indeed be the *Rambam’s* intention.

- In what manner can one separate the *psolet* from *carshinim* on *Shabbat*? (ג: כ')
- Is one allowed to given food separately to each of his animals? (ד: כ')
- How can one move about straw placed on their bed (to make it more comfortable)? (List two possibilities) (ה: כ')
- Can one carry a child that is holding something *muktza*? (א: כ"א)
- According to which *Tana* can one separate (replacement) *trumah* from *meduma* produce? (א: כ"א)
- How does one retrieve wine from a barrel that has a stone resting on its lid? (ב: כ"א)
- What can one do if there is something dirty on their pillow? (ב: כ"א)
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding removing bones and shells from the *Shabbat* table. (ג: כ"א)
- Is one allowed to use a sponge on *Shabbat* to clean a spill? (ג: כ"א)
- Can sponges become *tameh*? (ג: כ"א)
- Earlier we learnt about the restriction placed on one saving food from a house on fire – which law learnt in the beginning of the twenty-second *perek* is similar to that law? (א: כ"ב)
- One is not allowed to squeeze fruit for their juice on *Shabbat* – explain the debate regarding whether one can drink the juice that oozed out of fruit on its own. (א: כ"ב)
- Describe the law regarding washing or soaking cooked foods in hot water on *Shabbat*. (ב: כ"ב)
- When is one allowed to break a container in order to eat from its content – what provisor is place on this *heter*? (ג: כ"ב)
- Is one allowed to place cold water in the sun for it to heat up on *Shabbat*? (ד: כ"ב)
- If someone’s clothes got soak on *Shabbat* is there any restriction place on: (ד: כ"ב)
  - Him walking wearing the clothes?
  - Placing them out to dry?

- Do the same restrictions apply when a woman is giving birth? (י"ח:ג')
- Is there a special manner in which one must carry a knife for the *brit millah* if he is carrying it on *Shabbat*? (י"ט:א')
- To what extent does *R' Eliezer* allow *melacha* to be performed on *Shabbat* for a *brit millah*? (י"ט:א')
- What general principle does *R' Akiva* make with respect to performing *melacha* for a *brit millah*? (י"ט:א')
- Are there any differences between a *brit millah* performed on *Shabbat* and a *brit millah* performed on a weekday? (י"ט:ב')
- On which day after the *millah* does *R' Elazar ben Azarya* permit the baby to be washed even on *Shabbat*? (י"ט:ג')
- Explain the debate regarding whether an *androgynus* can have a *brit millah* on *Shabbat*. (י"ט:ג')
- The *Mishnah* described two cases where a person has two babies:
  1. One is meant to have a *brit* on *Shabbat* and the other on Sunday.
  2. One is meant to have a *brit* on *erev Shabbat* and the other on *Shabbat*.

The *Mishnah* rules that if the wrong baby had its *brit* on *Shabbat* then in one case everyone agrees that the person would be obligated to bring a *chatat* while the other case is debated – which of the two cases is the subject of the debate and why? (י"ט:ד')
- The *Mishnah* explains that it is possible that a healthy baby can have its *brit millah* on the 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> day – how? (י"ט:ה')
- A *kohen* that has not had a proper *brit millah* is invalid from what? (י"ט:ו')
- *R' Eliezer* and the *Chachamim* debate setting up and using a *mashmeret* on *Shabbat* and on *Yom Tov* – explain the debate and state both opinions. (כ"א:א')
- Can one strain wine on *Shabbat*? (כ"ב:ב')
- Can one strain an egg through mustard on *Shabbat*? (כ"ב:ב')

The *Shulchan Aruch* (349:3) also brings this “human-chain” option without any qualification. He also adds however that there are some opinions that do prohibit carrying in such a manner. Consequently the *Mishnah Berurah* (349:13) rules that in general one should adhere to the opinion that forbids carrying in this manner.

The interesting point to note is that when it comes to permissible carrying techniques for mundane needs only “human-chain” option is cited. Why? The *Orach HaShulchan* (ibid.) states that only this method would be permissible as there are a number of people involved that could ensure that no one carries the object more than four *amot*. The *Taz* (349) explains similarly adding that under normal circumstances the *Chachamim* prohibited a single person carrying intermittently out of the concern that they would carry more than four *amot*.

[As always one should consult their *Rav* before drawing any conclusions from this article.]

## Pesachim

### Why do *Bedikat Chametz*?

Pesachim (1:1)

Yoni Fisher

The first *perek* of *Pesachim* deals with the prohibitions surrounding *chametz*. The first *Mishnah* specifically deals with the *mitzvah* to perform *bedikat chametz* (searching for *chametz*) on the evening before *Pesach* – “*ohr la’arba asar*”.

The *Rishonim* discuss the reason behind the obligation to perform *bedika*. *Rashi* says the purpose is to avoid transgressing the prohibition of “You shall not see...or find *chametz*”. The problem *Tosfot* and other *Rishonim* have with *Rashi*’s explanation is why there is a need for *bedika* if there is already a biblical obligation to perform *bitul chametz* – to nullify the *chametz*. The *Gemara* (*Pesachim* 4b) describes the process of *bitul* as a sincere declaration that all *chametz* in one’s possession is null and worthless. *Bitul* alone would be effective to exempt one from the biblical transgression of “you shall not see...” If so, according to *Rashi* what is the point of the laborious and time consuming *bedika*?

The *Ran* explains that *Rashi* would agree that in theory you could avoid the transgression of “you shall not see” by *bitul* alone, however, he was concerned that people would perform an insincere *bitul*. Therefore there is a *mitzvah* to do *bedika* as an extra precaution.

Several alternative reasons for the *bedika* are offered in *Tosfot*. The *Ri* explains that the reason is not related to seeing the *chametz* but to do with eating it. If you just do a mental “removal” of *chametz* you may come to eat it if you find a particularly enticing piece. He anticipates the question of why we are more severe with *chametz* than with other forbidden foods or mixtures

- One is allowed to use a hammer to crack open nuts on *Shabbat*: (י"ב: ז')
- What category of *heter* in the laws of *muktza* is this an example of?
- Describe five other examples listed in the *Mishnah*.
- When is a reed used for olives susceptible to *tum'ah* and why? (י"ג: ז')
- According to *R' Yosi* all utensils that are used for a forbidden activity may be used for a permissible activity aside from which two utensils? (י"ד: ז')
- Explain the debate regarding when broken utensil can be used on *Shabbat*. (י"ה: ז')
- If a stone is placed in a pumpkin shell (the purpose of which is to use the pumpkin shell draw water from a well) when can the shell be used on *Shabbat*? (י"ו: ז')
- Explain the debate regarding “plugging” up a window on *Shabbat*. (י"ז: ז')
- Which utensil covers are considered *muktza*? (Include both opinions) (י"ח: ז')
- What limitations are placed on clearing out food from a store room if the space is required for guests? (י"א: ח')
- Is one allowed to move *demai* produce on *Shabbat*? Why? (י"א: ח')
- Is one allowed to move *tevel* produce on *Shabbat*? Why? (י"א: ח')
- Explain the debate regarding when one can move *lof* on *Shabbat*? (י"א: ח')
- When is one allowed to move bundles of wood on *Shabbat*? (י"ב: ח')
- In what manner can one return a chicken that has escaped from its pen? (י"ב: ח')
- What restriction does *R' Yehuda* place on a parent walking with their young child? (י"ב: ח')
- In what manner is one allowed to assist an animal that is giving birth? (י"ג: ח')

- What rule does *R' Meir* give for determining whether one is *chayav* for tying a knot on *Shabbat*? (ט"ו: א')
- List some knots that are completely permissible to tie on *Shabbat*? (ט"ו: ב')
- When is one allowed to fold clothing on *Shabbat*? (ט"ו: ג')
- Explain the debate between *R' Yishmael* and *R' Akiva* regarding whether one can prepare on *Shabbat* for *Yom Kippur* (that falls on Sunday)? (ט"ו: ג')
- Can one save a *tefillin* bag when saving *tefillin* for a house set on fire? (ט"ו: א')
- How much food is one allowed to save from a fire? (Include both opinions) (ט"ו: ב')
- Regarding the previous question, would it make a difference if all the food was contained in one basket? (ט"ו: ג')
- Can one invite others to also take food for themselves from the fire? (ט"ו: ג')
- How many items of clothing can one save from a burning house? (ט"ו: ד')
- What can one do to prevent the fire from spreading? (Provide two solutions.) (ט"ו: ה')
- Can one ask a non-Jew to put out the fire? (ט"ו: ו')
- If a non-Jew comes to put out the fire, must the owner stop him? (ט"ו: ו')
- What can one do if the flame from their candles is close to the ceiling? (ט"ו: ז')
- What can one do if there is a scorpion in their house? (ט"ו: ז')
- If a non-Jew turns on a light on *Shabbat*, when is an *Yisrael* allowed to benefit from that light? (ט"ו: ח')
- What *melacha* did a non-Jew perform, after which *Rabban Gamliel* and the *Zkeinim* benefited from? (ט"ו: ח')
- What topic is discussed in the seventeenth *perek*?
- What is the difference between doors and doors of utensils? (ט"ו: א')

like meat and milk and *trumah*. He answers that there is a greater concern because *chametz* is permitted all year so people are more accustomed to eating it and may do so out of habit.

This debate between *Rashi* and *Tosfot* comes up again in their explanation of the next *Mishnah*. The *Mishnah* cites the opinion of the Rabbis who require one to do *bedika* on the night of the fourteenth, failing that to do it on the day of the fourteenth, failing that during the “*mo'ed*” and if you still have not done *bedika* you must do so after the “*mo'ed*”.

*Rashi* explains that “during” and “after” the *mo'ed* refers to during the sixth hour and after the sixth hour on the fourteenth. *Tosfot* is bothered by the way *Rashi* interpreted the language of the *Mishnah* particularly because *R' Yehuda* in the same *Mishnah* refers to the sixth hour as “the time of burning” not as “the *mo'ed*” and surely the simple reading of the *Mishnah* appears to be in contrast with *Rashi's* explanation.

The *Tosfot* therefore explains according to the simple reading of the *Mishnah*, that the *mo'ed* refers to the festival of *Pesach*. The reason you must do the *bedika* even after *Pesach* is because you are forbidden to eat *chametz* which a Jew owned during *Pesach*. This explanation is consistent with *Tosfot's* interpretation of the *Mishnah* that the reason for *bedika* is to avoid eating *Chametz*. *Tosfot* admits that *Rashi* was forced to interpret the *Mishnah* in the way he did because he holds the reason for *bedika* is to avoid transgressing “you shall not see”. Consequently, it would be pointless to do *bedika* after *Pesach*. Therefore “after the *mo'ed*” can only mean before *Pesach* and after the sixth hour.

## Symbolism of *Chametz*

### Extract from "Symbolism of Chametz" by Rav Ezra Bick

The prohibition against eating *chametz* on *Pesach* is different from all other prohibitions in the *Torah*. The most noticeable difference is the fact that the prohibition lasts only seven days each year. The simple question is: If *chametz* is "bad" it should be prohibited all year; and if not, why is forbidden on *Pesach*?

*Chametz* is different in other respects as well. All other food prohibitions fall into two possible categories: either eating, or all benefit, is forbidden. Indeed, *chametz* falls into the latter category. However, in addition, there is a prohibition called "*lo yeira'eh lekha*" - *chametz* may not be in your possession all the days of *Pesach*. There is no other prohibition like this

The "war" against *chametz* on *Pesach* takes on other forms as well. Normally, most prohibitions are subject to a process called "*bitul*" - a small amount of forbidden material that is mixed in with a much larger amount of permitted food is considered to be "nullified" (the ratio needed is usually 1:60). *Chametz*, however, is forbidden in any amount and is not subject to *bitul*.

The result of these complex laws is that on *Pesach*, we are enjoined to strike out the very existence of *chametz* from our lives. *Chametz* is not to be found anywhere "in your borders." According to the *Ramban*, the aim is that *chametz* not be found "in your mind;" it should be like dust in your eyes. What is so bad about *chametz* that we are set to destroy it, and why does our attitude change so completely seven days later?

*Pesach* is intimately bound up with the festival that follows it seven weeks later - *Shavuot*. In fact, in the *Torah*, the date of *Shavuot* is not a calendar one (the sixth day in the month of *Sivan*) but a relative one - seven weeks after the second day of *Pesach*. The *mitzvah* of "*sfirat ha'omer*," counting the days from *Pesach*

- Is one *chayav* if they wrote letters in sand? (י"ב:ה')
- Is one *chayav* if they wrote over existing letters? (י"ב:ה')
- Explain the debate regarding one who wrote one letter in the morning and another in the afternoon? (י"ב:ו')
- When would one be *chayav* for *oreg*? (י"ג:א')
- How many stitches are performed before one is *chayav*? (י"ג:ב')
- Is one *chayav* if they tore something out of anger? (י"ג:ג')
- How much of a thread must one dye to perform the *melacha* of *tzove'ah*? (י"ג:ד')
- Which other three *melachot* share the same *shiur* described in the previous question? (י"ג:ה')
- Other than literally trapping a deer, when would one have transgressed the *melacha* of *tzad* (hunting)? (Include all three opinions.) (י"ג:ו')
- If a deer wandered into a house, and one then closes the front door trapping it in the house, have they performed the *melacha* of *tzad*? (י"ג:ז')
- Regarding the previous question, if two people closed the door, when would they be *chayav*? (י"ג:ח')
- If a deer enters a house and one person stands in the doorway and does not completely cover the entire entrance, and then another person stands next to him covering the entire entrance, who is *chayav*? (י"ג:ט')
- If a deer enters a house and one person stands in the doorway and completely covers the entire entrance, and then another person stands next to him; then the first person leaves, leaving the second covering the entire entrance, who is *chayav*? (י"ג:י')
- When is one *chayav* for killing a creepy-crawly? (י"ד:א')
- Is one *chayav* for trapping a domesticated animal? (י"ד:ב')
- What is *hilmi* and why can't one prepare it on *Shabbat*? (י"ד:ג')
- What is the general principle set out in the *Mishnah* regarding eating foods that have medicinal properties? (י"ד:ד')
- What advice does the *Mishnah* give to one who has a toothache on *Shabbat*? (י"ד:ה')

- In which of the following cases is one *chayav* for *hotza'ah* if:
  - One threw an object for a distance of more the four *amot* in *reshut ha'rabim* yet it got stuck on wall at a height of greater than ten *t'fachim* from the ground.
  - One threw an object further than four *amot*, yet the object rolled back to a distance of less than four *amot*.
  - One threw an object less than four *amot*, yet the object rolled further to a distance of greater than four *amot*. (י"ג: א"א)
  - One threw an object further than four *amot* in the ocean. (י"ד: א"א)
- Explain the case of *rekak mayim* and why does the *Mishnah* repeat itself? (י"ד: א"א)
- Is one *chayav* for *hotza'ah* if they threw an object from: (י"ה: א"א)
  - The sea to the land?
  - From a boat into the sea?
- When can one carry from one boat to another? (י"ה: א"א)
- What are the four cases where one throws an object four *amot* in *reshut ha'rabim* yet is *patur*? (י"ו: א"א)
- What is the minimum measure for one to be *chayav* for performing:
  - *Bo'ne*?
  - *Ma'ke be'patish*? (י"ב: א"א)
  - Ploughing?
  - Collecting wood? (NB: List both cases.) (י"ב: ב"י)
- Using which hand to write, would an ambidextrous person be *chayav* for writing? (י"ב: ג"י)
- Is one *chayav* for writing in Japanese? (י"ב: ג"י)
- Explain the debate regarding drawing symbols? (י"ב: ג"י)
- Is one *chayav* if they intended to write the name "שמעון" yet stopped after writing "שמ"? (י"ב: ג"י)
- Explain the debate regarding whether one is *chayav* from scratching letters into their skin? (י"ב: ד"י)
- Provide a definition of the *melacha* of *kotev* (writing). (י"ב: ד"י-ה"י)

for seven weeks (after which comes Shavuot), clearly indicates that *Pesach* starts a process which culminates in *Shavuot*. The usual (and quite correct) understanding is that *Pesach*, the holiday of freedom, is directed towards the goal of *Shavuot*, the day of the giving of the *Torah*. Freedom is the necessary prerequisite for responsibility and obligation, and, conversely, is meaningless without a goal to which one is committed.

Halachically, there is another connection between *Pesach* and *Shavuot*, one which unfortunately we have lost sight of. *Pesach* is the festival of *matza* (that is the official name in the *Torah*, not my own appellation). *Shavuot*, in the *Torah*, aside from not having a date, is also distinguished by another anomaly. Every other holiday is first introduced, on a given day, and then we are told what to do on that day, what are the special rituals. *Shavuot* is an exception. The *Torah* (*Vayikra* 23:15) says to count seven weeks, and on the fiftieth day to bring a special sacrifice. This offering consists of two loaves of bread, "baked with leaven, the first-fruits unto G-d." Only afterwards does the *Torah* add that this day, when this offering is brought, shall be a festival day. In other words, it is not that we sacrifice a holiday offering on *Shavuot*; rather, we celebrate *Shavuot* on the day of the special offering, two loaves of bread. So, the seven weeks between *Pesach* and *Shavuot* is a time when we move from *matza* to *chametz*. *Chametz* is not something which is basically undesirable, permitted perhaps only because it would be too difficult to live without it the whole year. *Chametz* is specifically brought to G-d, as an offering of first-fruits, as the culmination of a process that began with *Pesach*. How are we to understand this?

Without being overly symbolic, I think it is clear that the process of leavening represents the development of powers inherent in something. *Matza* is simply flour and water, baked. Bread is made of the same ingredients, but when you leave it around, unwatched and unbothered, it magically rises and grows, realising a hidden potential and expressing it. Is this bad? Not at all! Indeed, it would not be exaggerated to say that this is the goal of *Torah* life

in general. But the *Torah* is warning us about something on *Pesach*. This process of growth and development, when left to unfold of itself, wildly, can be catastrophic. The raw powers of the human spirit, unguided and unchannelled, are anarchic precisely because they are powerful, precisely because they represent real growth and vitality. The first step, when granted freedom, is not to run and let all the repressed inclinations and urges fly out. Even then – especially then - one should eat matza and beware the hidden powers bursting to be free. Seven weeks must pass, counting each day, waiting for the giving of the Torah, with its direction and goal, learning what the infinite possibility before us consists of in the positive sense, and then one bakes two loaves and brings them before G-d. The first fruits are the first products of man's creativity. Rather than making them in a burst of activity on the first day of freedom, we must first find the direction to "the mountain of the L-rd," first learn the purpose of freedom, and then and only then take advantage of the wild unchecked powers within.

For the complete article see <http://www.vbm-torah.org/pesach/pes61-eb..htm>

- Explain the debate regarding how many *chata'ot* one must bring if they carried a sampler box contain many different spices? (י: ט)
- What is the minimum measure that one is liable for carrying when carrying pumpkin seeds? (י: ט)
- Explain the debate regarding the minimum measure of a dead non-kosher grass-hopper. (י: ט)
- Read the first *Mishnah* in the tenth *perek* – in which previous *Mishnah* was this principle learnt? (א: י)
- If someone took an object from their house and placed it on the threshold, then later took it from the threshold and placed it in the public domain, would they be obligated to bring a *chataf*? (ב: י)
- In which of the following manners of carrying would one be *chayav* for carrying on *Shabbat*? (ג: י)
  - In his mouth?
  - In his left hand?
  - On his shoulder?
  - On the back of his hand?
- If one intended to carry a satchel on his back, yet when walked into the public domain the satchel had swung around to the front, would he be *chayav*? (ד: י)
- If two people carried one object, when would they be *patur*? (ה: י)
- Explain the debate regarding biting one's nails on *Shabbat*? (ו: י)
- Explain the debate regarding throwing an object from one private domain to another via the public domain. (ז: י)
- What is *moshit* and in what case specifically is one *chayav* for performing such an action? (ח: י)
- What are the dimensions of a rock, such that it is defined as a *reshut ha'yachid* even if it is in the *reshut ha'rabim*? (ט: י)
- When calculating whether a hole in *reshut ha'rabim* is considered a *reshut ha'yachid*, would one consider the walls around the top of the hole when calculating the depth? (י: י)

- What is the minimum measurement for:
  - Wine?
  - Milk?
  - Honey?
  - Oil
  - Water?
  - Any other drinks? (ח:א)
  - Rope?
  - Paper? (ח:ב)
  - *Klaf*?
  - Ink? (ח:ג)
  - Glue?
  - Wax? (ח:ד)
  - Reed? (ח:ה)
  - Bone?
  - Glass? (ח:ו)
- Which opinion is the most strict regarding the minimum measurement for pottery? (ח:ז)
- *Tumat niddah* is transferred through carrying (*masah*) – which other form of *tum'ah* can be transferred in such a manner? (ט:א)
- What *pasuk* is the law in the previous question learnt from? (ט:א)
- Can a boat become *tameh*? (ט:ב)
- From where do we learn that one may wash a child on the third day after the *brit millah*, even if it is *Shabbat*? (ט:ג)
- From where do we learn that a red thread is tied to the *se'ir ha'mishtaleach* on *Yom Kippur*? (ט:ג)
- To what is the act of anointing on *Yom Kippur* compared? (ט:ד)
- What is the minimum measure that one is liable for carrying, when carrying:
  - Wood?
  - Spices? (ט:ה)
  - Pepper?
  - Worn-out books? (ט:ו)

## Customs

### Pesachim (4:1)

#### Yaron Gottlieb

The fourth chapter of *Pesachim* contains a series of *Mishnayot* that deal with a number of localised customs that existed in different communities. This leads to the question of what is the status of customs in *Halacha*.

The first problem that is encountered when trying to deal with this question is understanding the terminology. In the language of *Chazal* the term *minhag* is used for a practice that has been adopted in all communities around the world and consequently has the status comparable to any other law from the *Torah*. There are also customs that are based on local traditions (such as the cases in our *Mishnayot*) and others that depend on localised preferences that have minimal *Halachic* ramifications, such as what vegetable is used for *karpas* on Pesach. There is a need to determine the significance of the customs that appears in the *Mishnah*.

The classic example of a custom that has become accepted by all Jews is saying *Hallel* on *Rosh Chodesh*. The *Gemara* in *Ta'anit* (28b) states that it is not permitted to say a full *Hallel* for the new month and it appears in certain parts of the Jewish world that the prevailing custom was that no *Hallel* was said at all. However since then it has become universally accepted that a “half” *Hallel* is said for the new month. The dispute in the *Shulchan Aruch* is with regards to whether or not one should recite a blessing. Should someone today decide that it is not necessary to say *Hallel* at all it would seem that he would transgress a rabbinical obligation.

More significantly the *Sha'ar Tzion* (422:13) mentions that when women take the *lulav* they should make a *bracha* even though

they are not obligated in performing the *mitzvah*. This is despite the fact that their taking the *lulav* has not been universally accepted, thus demonstrating the power of customs that contain enough *halachic* significance to avoid the problems of an unnecessary blessing.

These issues however only demonstrate the binding strength of the positive precept. The opposite side is seen with second day of *Yom Tov* which has been accepted universally. The *Shulchan Aruch* states that it is as binding as the first day of *Yom Tov*, although it does have some differences in the punishments due to its having a non-biblical status.

From the above sources we may be able to infer that the customs spoken of in *Pesachim* are as binding in *Halacha* as any other statement of *Chazal*. In fact this is the case as brought down in both the *Shulchan Aruch* and the *Rambam* that the customs mentioned are absolutely binding, even though they are purely local in their status. Someone's custom would not move with him if he relocates, rather the custom would be focused on the location of the community.

The ways that these customs relate to *Halacha* is brought in the *Rambam* in his introduction to the *Yad Chazakah* where he states that originally customs were centrally controlled and were therefore universal, but since the decentralisation of *Halacha*, customs have become far more localised, until the time when the authority can once again become centralised under the *Sanhedrin*. Based on this the localised customs of today are just as binding as the global customs of the *Gemara*. The *Rambam* takes this idea one step further in the first chapter of *Hilchot Mamrim* where he states that anyone who ignores one of the customs ignores the positive commandment of *על פי התורה אשר ירוך*. Even though there are many authorities that dispute making rabbinic customs into a biblical commandment, the binding nature of the traditions on the local communities is still accepted.

- What is the difference between when a woman walks in the public domain on *Shabbat* wearing a needle with a hole or wearing a needle without a hole? (י:א,יג)
- Explain the debate regarding whether a man can carry weapons on *Shabbat*? (י:ד)
- When can a woman walk on *Shabbat* with a pepper in her mouth? (Explain the reasons for when she can and cannot.) (י:ה)
- Can one walk with a coin strapped to their foot? Why would they want to? (י:ו)
- Can a woman who has wrapped her scarf and tied it around a nut or stone walk in the public domain in such a manner? What is the condition on this ruling? (י:ז)
- What aids may a leg amputee wear in the public domain on *Shabbat*? (י:ח)
- Who can wear bells on their clothing on *Shabbat*? (י:ט)
- Explain the debate regarding whether one can wear a fox's tooth on *Shabbat*? (י:י)
- Provide two scenarios when one performs multiple *melachot* on one *Shabbat be'shogeg* yet is only obligated to bring one *chataf*? (י:יא)
- How many *avot melacha* are there? (י:יב) [Hard: list all the *melachot*.]
- What is the general rule presented in the *Mishnah* regarding the minimum measure of any object that if one carries this measure from the private domain to the public domain they performed a *melacha*? (י:יג)
- Regarding the previous question, what is the minimum measurement for: (י:יד)
  - Wheat?
  - Food fit for human consumption?
- The *Mishnah* (7:4) lists many different measurements for different objects. If someone carried two different objects, when do they combine to add up to the minimum quantity? (י:יז)

- Explain the debate regarding whether one can cook an egg in a utensil that has been left in the sun. (גי: ג)
- What was the innovation implemented by the people of *Teveria* and what was the *Chachamim's* reaction? (גי: ד)
- Can one put cold water into a container that has recently been emptied of its boiling hot water? (גי: ה)
- When can one place a plate under the *Shabbat* candles to catch the oil? (גי: ו)
- What must one be careful about when placing a plate under a candle to catch the sparks? (גי: ו)
- The first *Mishnah* in the fourth *perek* lists things with which one is not allowed to insulate hot food on *erev Shabbat*. What is the reason why these things are excluded? (גי: ז)
- One is allowed to insulate their hot food with wool shearing, yet they are *muktza*. How does one retrieve their food if he insulated it in wool shearings? (גי: ח)
- One can only insulate his food before *Shabbat*. If it was insulated before *Shabbat* and one uncovered it during *Shabbat*, can he re-insulate the pot? (גי: ט)
- The first *Mishnah* in the fifth *perek* list things which an animal is allowed to wear on *Shabbat*. Why is this list important? (גי: י)
- When can a donkey go out wearing a saddle? (גי: יא)
- The *Mishnah* states that a camel cannot go out *akud* or *ragul*. What does this mean and why not? (גי: יב)
- Why can a donkey not go out wearing a bell even if it is plugged? (גי: יג)
- In what manner did “*Rabbi Elazar ben Azarya's* cow” go out on *Shabbat* which was not to liking of the *Chachamim*? (גי: יד)
- The first *Mishnah* of the sixth *perek* list things which women cannot wear in the public domain on *Shabbat*. What is the reason why women cannot wear these things? (גי: טו)
- When is one not allowed to walk with one shoe on and why? (גי: טז)
- Why is one not allowed to wear *tefillin* in the public domain on *Shabbat*? (גי: טז)

*Daniel Shfarber* in his book *Minhagei Yisrael* quotes from *Otzar Ge'onim* that the very fact that the customs have become standard in a number of communities proves their significance in a *halachic* sense, and makes them binding upon us. Although some traditions do not stretch back to the time of *Moshe* at *Har Sinai*, the authorities consider them significant. Nonetheless the nature of customs has changed from being location-based to the family-traditions regardless of their current location.

## Overriding *Shabbat*

Pesachim (6:1)

Yehuda Gottlieb

The beginning of the sixth *perek* of *Pesachim* discusses when *erev Pesach* falls out on *Shabbat*. It lists the processes involved in offering the *korban pesach* which would ordinarily be considered *melachot* but nevertheless can be performed on this *Shabbat* – they “*docheh*” (override) *Shabbat*.

There is an argument between *Rebbi Eliezer* and *Rebbi Akiva* about certain preparatory procedures. *Rebbi Akiva* maintains that one may not carry a *korban pesach* from outside of the *techum* on *Shabbat* and that one may not cut off a *mum* from the *korban* on *Shabbat*, while *Rebbi Eliezer* permits these actions. Their argument can be summed up as follows - *Rebbi Eliezer* permits these actions to be done on *Shabbat* in order to ensure that the *mitzvah* of *korban pesach* will be fulfilled, while *Rebbi Akiva* holds that since these actions could have been done before *Shabbat*, we do not allow one to perform them on *Shabbat* itself.

In the *Mishnah*, *Rebbi Akiva* brings support for his argument from the case of *haza'ah* - the sprinkling of purification waters over someone, as the final stage of the seven day purification process after coming into contact with a dead body. If the seventh and final day of this process coincides with *Shabbat*, *R' Akiva* argues that *haza'ah* does not override *Shabbat*.

According to his reasoning however, this seems to be problematic because this person is not able to do the sprinkling before *Shabbat*, as he must wait until the seventh day, which in the *Mishnah's* case will fall out on the fourteenth of *Nissan* which is a *Shabbat*. So this person is unable to do the *haza'ah* before *Shabbat*, unlike the other two cases cited in the *Mishnah*.

- Which case is an exception to the rule described in the first question? (א"י: א)
- What is the difference between the restrictions placed on lighting his own fire on *erev Shabbat* and the lighting of the *Beit Ha'Moked* on *erev Shabbat*? (א"י: א)
- The first *Mishnah* in the second *perek* lists things with which one is not allowed to use as *Shabbat* candles (either as wicks or as fuel). What is the reason why these things are excluded? (ב"א)
- Can *shemen sreifa* be used for *Shabbat* candles on *Yom Tov*? (ב"ב)
- Why does *R' Yishmael* prohibit the use of *itrán* for *Shabbat* candles? (ב"ב)
- The *Chachamim* allow all oils to be used for *Shabbat* candles, *R' Tarfon* only allows one – which is it? (ב"ב)
- Which is the only substance that comes from a tree that can be used as wicks in *Shabbat* candles? (ב"ג)
- For which other law is this substance an exception? (ב"ג)
- The *Chachamim* and *R' Yehuda* argue about the validity of two contraptions for use as *Shabbat* candles – describe them. (ב"ד)
- For what four reasons can one put out candles on *Shabbat*? (ב"ה)
- Which three *mitzvot* are women entrusted with? (ב"ו)
- Which three things must a person check have been completed prior to *Shabbat*? (ב"ו)
- Which three things does the *Mishnah* list as being prohibited during *bein ha'shmashot* and which three things are permissible? (ב"ז)
- Under what conditions can one leave food on the stove as *Shabbat* comes in? (ב"ח)
- With respect to the previous question, *Beit Shammai* and *Beit Hillel* argue on two points – what are they? (ב"ח)
- What is a *tanur* and what is a *kofach* and how do they differ with respect to the previously described case? (ב"ט)

## Shabbat

- List the cases where one is *chayav* for transferring from one domain to another. (י"א: י"א)
- List the cases where one is *patur* (*aval assur*) for transferring from one domain to another (י"א: י"א)
- What are the five activities listed in the *Mishnah* that one is forbidden from beginning 'close' to *mincha gedolah*? (י"ב: י"א)
- Concerning the previous question, what is the law regarding those that have already engaged in those activities? (י"ב: י"א)
- Why did the *Chachamim* prevent a scribe from travelling with his quill on *erev Shabbat*? (י"ג: י"א)
- What was the basis for the concern regarding people reading by candle light? (י"ג: י"א)
- How many laws were decreed on the day that the students of *Beit Shammai* outnumbered the students of *Beit Hillel* in the attic of *Chananya ben Chizkiyah ben Guryon*? (י"ד: י"א)
- Explain the debate regarding whether one can place ingredients in water to soak for the production of ink on *erev Shabbat* if it will not be completed until *Shabbat*. (י"ה: י"א)
- Explain the debate regarding whether one can setup up traps on *erev Shabbat* if it will catch animals on *Shabbat*? (י"ו: י"א)
- In what case do *Beit Shammai* and *Beit Hillel* argue about whether one can sell products to a *nochri* on *erev Shabbat*? (י"ז: י"א)
- In what case do *Beit Shammai* and *Beit Hillel* argue about whether one can give clothes to a *nochri* launderer on *erev Shabbat*? (י"ח: י"א)
- Which *Tana* was *machmir* to act like *Beit Shammai* in the previous case? (י"ט: י"א)
- What restriction does the *Mishnah* place on cooking meat, onion and egg on *erev Shabbat*? (י"י: י"א)
- One is allowed to place dough in the oven on *erev Shabbat* provided that it has reached which stage before *Shabbat*? (י"י: י"א)

Therefore the logic of *Rebbi Akiva's* reasoning does not apply, so why should *haza'ah* be prohibited on *Shabbat*?

The *Maharsha* cites one answer - *haza'ah* is different to both the other examples cited by the *Mishnah*. The first two examples are essential to the *korban pesach*, however they can both be done before *Shabbat* and therefore does not *docheh Shabbat*. However, *haza'ah* cannot be done before *Shabbat*, as it is not its time but it also does not *docheh Shabbat*, because it is not an essential part to the *korban pesach* itself. Rather, it is an external limiting factor, and consequently cannot be *docheh Shabbat*. Only those things that are essential to the *korban pesach* itself, which cannot be done before *Shabbat*, are able to override *Shabbat*.

The *Rambam* however, has a different explanation of the *Mishnah*. The *Rambam* (*Hilchot Korban Pesach* 6:2,6) is of the opinion that one who is *tamei* during the day of the fourteenth, even if it is not *Shabbat*, is not able to eat of the *korban pesach* that night. This is because, since he was *tamei* during the day that the *korban* was brought, he is not able to eat of the *korban* that night, whether *haza'ah* was performed on him or not.

Consequently the *Rambam* holds that the *Mishnah* is referring to a case where the seventh day of the purification process fell on the thirteenth of *Nissan* which was also a *Shabbat*. In this case, *Rebbi Akiva* does not hold that *haza'ah* is *docheh Shabbat*. The *Mishnah* is teaching us that even in this case, where a person must do *haza'ah* on the thirteenth in order to be able to offer and eat the *korban* the next day, it is still not *docheh Shabbat*.

The *Rambam* maintains that this case is the same as the previous examples cited in the *Mishnah* (carrying, and cutting off a *mum*). Just as those examples are not *docheh Shabbat*, because one may do them before *Shabbat*, so too *haza'ah* is not permitted to be *docheh Shabbat* (on the 13<sup>th</sup>) as it can be done after *Shabbat*. The *Rambam* does not pay consideration to the fact that by doing *haza'ah* on the next day (14<sup>th</sup>/Sunday) that this person will be

invalidated from eating the *korban pesach*, as this person is able to make up the *korban* on *Pesach Sheni*.

Revision Questions

needs to eat in order to live – and this should be the focus. Food is a necessary prerequisite for our *Avodat Hashem*. However some people live in order to eat – or other purely materialist pursuits. Therefore when one learns as part of the meal, it reveals what one's attitude is to food and the material in general.

Perhaps this reason is not so distant from *Rashi's* reason earlier. When someone sits down to a meal, which could potentially be a base and animalist act, yet elevates it in the performance of a *mitzvah* it is tantamount to offering *korban* on the *mizbeach*.

With all the above said, we may be able to suggest a final reason. As we know, there are three things that can annul a negative heavenly decree – *teshuva* (repentance), *tefillah* (prayer) and *tz'daka* (charity). The *shulchan* is a place where all three are performed. Firstly *tz'daka* - through *mitzvah* of *hachnasat orchim*. *Teshuva* – learning at one's meal demonstrates and even realigns one's direction in *avodat Hashem*. And finally *tefillah* - with *birkat ha'mazon*, one of the only biblical commanded *tefillot*.

## “*Breirah*” of a *Korban Pesach*

Pesachim (8:1)

Yoni Sapir

The *Mishnayot* in the beginning of the eighth *perek* deal with various cases where the *korban pesach* has been slaughtered on behalf of another person. Since everyone is obligated in this *mitzvah* and the *korban* is slaughtered for groups of people – “a sheep per household” – it creates many situations where one performs the *mitzvah* on behalf of others when they are not present or unaware of the fact that it is being performed for them. As the *Beraitah* teaches:

“A sheep per household” (*Shmot* 12:13) this teaches that a person brings and slaughters a *korban* for his minor son or daughter, or for his slaves, with or without their knowledge

The first *Mishnah* deals with a case where a person has two options regarding which *korban* to join. For example, a woman has relevance to both her husband's and father's sacrifices. What would be the law if both her husband and father included her in their *korbanot* without her knowledge? One must remember that one can only be included in one *korban*! The *Mishnah* explains that when the two options are equally weight (in the first example, if in the first year of marriage she was included in her father's *korban*) and we have no way of knowing whose *korban* she assumed she would be part of, then “she may eat from which ever place she wishes.” It appears that the *Mishnah* refers to her preference now, after the *korban* has been slaughtered. Consequently the *Gemara* initially deduced that there is *breirah* (retroactive selection). (In other words, a matter that is not clear now, yet clarified later, it is as if it is clarified now.) Since a person does not fulfil his obligation unless he is elected as being part of a group prior to the slaughtering of that group's *korban* we must say that now that the woman chooses which group she wishes to be part of, the matter is retroactively clarified that she was part of that *korban* at the time of its slaughtering.

Nevertheless, the *Gemara* is not satisfied with this explanation since “the *halacha* is that with respect to biblical laws, *breirah* does not apply.” It therefore explains the *Mishnah’s* statement that “she may eat from which ever place she wishes” to mean that she must clarify at the time of slaughtering into which *korban* she is having a share, otherwise she may not eat from either.

The concept of *breirah* also appears in the second *Mishnah*. The *Mishnah* discusses a case where a man tells his servant to slaughter the *korban pesach* yet the servant is unsure which animal he was directed to use – a lamb or kid.

Here, there are two possibilities. If his master did not specify which animal to use, and the slave slaughtered both a lamb and kid on the condition that which ever the master chooses shall be the *korban pesach*, this depends on the law of *breirah*. If we say that matter must be clarified retroactively, since the *Halacha* is that is such a case there is no *breirah*, he would not be able to eat from either sacrifice. (Note that when the *Mishnah* explains that in such a case the owner eats from the animal that was slaughtered first, the *Gemara* explains that this refers to a specific case including a king and queen, where the owners do not care which animal is slaughtered and rely on their slave to choose.)

The second possibility is when the owner explicitly mentioned which animal he desired and the slave forgot. In this case, the slave can slaughter both animals making the following condition “If he said a kid, then the kid is for my master and the lamb is for me. If he said a lamb, then the lamb is for my master and the kid is for me.” Despite the fact that *breirah* is not affective, this case does not require *breirah* since at the time of slaughtering that matter was already clarified, even though the slave was unclear. Later, when the master comes, there will be no retroactive selection taking place but rather simply revealing the details (“*gilui milta be’alma*”).

wood and he said to me, this is the *shulchan* that is before *Hashem*. (*Yechezkel* 41:22)

The reference of the *shulchan* as a *mizbeach* led the *Gemara* to provide another lesson:

*R’ Yochanan* and *Reish Lakish* both say: At the times of the *Beit Ha’Mikdash* the *mizbeach* atoned for a person. Nowadays a person’s table atones for him.

How exactly does a person’s table atone for him? *Rashi* explains that it is the vehicle for the *mitzvah* of *hachnasat orchim* (attending to guests). It appears that one can explain the *chesed* that can be performed with one’s *shulchan* is the current avenue for atonement.<sup>25</sup>

The *Maharsha* (*Menachot* 97a) however quotes a *Mishnah* from *Avot* (3:3) that suggests a different reason:

... but three people that eat on one table, and say words of *Torah* it is as if they have eaten from the table of *HaKadosh Baruch Hu* as it says “...this is the *shulchan* that is before *Hashem*.”

It appears then that it is the *Torah* learning that is the source of *kapparah*.<sup>26</sup>

This second reason presents a problem. Why is the *Torah* learning at one’s table better than any other place? The *Tiferet Yisrael* explains that it is a matter of focus. When one sits down to a meal there can be two intentions. It is well known that a human being

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<sup>25</sup> See *Tosfot* there. Also see *Brachot* 55a where *Rav Yehuda* lists “extending the length of one’s meals” as one of the things that extends one’s life as a longer meal increases the chance that a poor person will come and be provided for.

<sup>26</sup> The *Bartenura* explains that this idea is hinted two in the beginning of the *pasuk*. The dimensions of three “*amot*” should be read as three “*imot*” (authorities) referring to either *Torah*, *Nevi’im* and *Ketuvim* or *Chumash*, *Mishnah* and *Gemara*. This is how a table is measured!

## The Power of the *Shulchan*

Chagigah (3:8)  
David Bankier

The last *Mishnah* of the *masechet* (3:8) mentions that after *Yom Tov*, utensils from the *Beit Ha'Mikdash* would be immersed in the *mikvah* for purification. The reason being that during the festival, *kohanim* that were *amei ha'aretz* came in contact with these vessels. Even though during the festival these *kohanim* are assumed to maintain level of purity (see 3:6) after the festival we are concerned about the utensils' purity. The *shulchan* (table) however was not allowed to be removed (see *Shmot* 25:30). The *Mishnah* therefore explains that they directed the *kohanei amei ha'aretz* to refrain from touching the *shulchan* during the festival.

The *Gemara* (*Chagigah* 26b) questions how it attracted impurity at all. The *shulchan* was constructed from wood and wooden utensils can only attract impurity if they exhibit the same attributes as a bag (*sak*), i.e., carried either empty or with contents. Since the *shulchan* rested in the *heichal* it should not attract impurity. The *Gemara* responds that indeed it was carried with its content – the show bread. A miracle occurred with the show bread that even though it rested on the *shulchan* for a week, when it was removed, it was as hot and fresh as when it was placed there. During the festivals, the *shulchan* was carried outside and displayed to the nation to demonstrate this miracle.

The *Gemara* then asks why we even need this reason that it was carried out during the festivals; the *shulchan* was coated in a metallic substance which would define it as a metallic utensil. Consequently it could attract impurity even if it was never moved. The *Gemara* responds that despite being coated in metal, the *Torah* calls it a wooden utensil:

The *mizbeach* (alter), three *amot* high, and two *amot* long was of wood, and it had corners; and its length and its walls were of

## *Pesach Sheni*

*Pesachim* (9:1)  
David Bankier

The ninth *perek* begins with laws relating to *Pesach Sheni*. The first *Mishnah* explains that anyone that did not bring a *korban pesach* due to being in a state of impurity or having been “far away” from the *Beit Ha'Mikdash* or accidentally or unintentionally missed out, has another opportunity to bring the *korban* a month later on the fourteenth of *Iyar* – *Pesach Sheni* (see *Bamidbar* 9:7-14). The *Mishnayot* then proceed to detail the laws that relate to *Pesach Sheni* in contrast to *Pesach*.

The *Gemara* (*Pesachim* 93a) records a debate that touches on the very essence of *Pesach Sheni* relating to when the punishment of *karet* applies to one that deliberately avoids offering a *korban pesach*. *Rebbi* maintains that the punishment applies for both *Pesach* and *Pesach Sheni*. Consequently, if one were to deliberately miss offering the *korban* on either opportunity, the punishment would apply. *R' Natan* maintains that the punishment of *karet* applies to *Pesach* and not *Pesach Sheni*. Consequently, *karet* would apply if one deliberately missed *Pesach* and for what ever reasons (even *be'shogeg*) missed *Pesach Sheni*. The final opinion, *R' Chananya ben Akavya* maintains that *karet* only applies if they also deliberately missed *Pesach Sheni*.

The *Gemara* proceeds by explaining that each of the above opinions is based on their understanding of *Pesach Sheni*. *Rebbi* maintains that *Pesach Sheni* is an independent festival (albeit, with sacrifices offered only by those who did not offer them on *Pesach*). Consequently the punishments of *karet* for each of the festivals are dealt with independently. *R' Natan* maintains that *Pesach Sheni* serves as a “*tashlumim*” – another opportunity to offer a replacement sacrifice. Accordingly, if one deliberately missed *Pesach* yet offered a sacrifice on *Pesach Sheni* he would

be exempt from *karet*. Finally *R' Chananya ben Akavya* maintains that *Pesach Sheni* is a “*tikun*” – an opportunity to fix the wrong doing of *Pesach*. As a result, one would only be obligated in *karet* if they deliberately avoided both opportunities.

The *Gemara* sources these opinions in another debate relating to a boy that turns *bar-mitzvah* in between *Pesach* and *Pesach Sheni*. *Rebbi*, who maintains that *Pesach Sheni* is an independent festival, maintains that the young man would now be obligated to bring a *korban* on *Pesach Sheni*. *R' Natan* however argues, that since *Pesach Sheni* is a *tashlumim* for *Pesach*, since during *Pesach* he was a minor and not obligated to bring a *korban*, now he should also be exempt from *Pesach Sheni*.

The *Rambam* (*Hilchot Korban Pesach* 5:1) clearly rules like the opinion of *Rebbi* that *Pesach Sheni* is considered an independent festival. He also rules consistently (*Ibid.* 7) that a boy that becomes *bar mitzvah* in between *Pesach* and *Pesach Sheni* must bring a *korban* on *Pesach Sheni*.

The *Rambam* however adds a further detail that is at first surprising; if a *korban* was offered on the boy's behalf on *Pesach* then he is exempt from offering a *korban* on *Pesach Sheni*. The *Kesef Mishnah* asks, since he was a minor during *Pesach* it should be irrelevant whether a *korban* was offered for him. He brings the example (*Rosh Hashanah* 28a) of someone that went mad and ate *matzah* on *Pesach*, then recovered. The *Gemara* concludes that he has not fulfilled his obligation of eating *matzah* and must do so now, since at the time of eating he was exempt. Similarly, since during *Pesach* the boy was not a *bar chiyuva* (person obligated in *mitzvot*) the performance of *mitzvot* at the time should not be relevant and he should be obligated to bring a *korban* on *Pesach Sheni*.

In response to this question, the *Grach* explains that the *mitzvah* of *korban pesach* is different to the *mitzvah* of eating *matzah* in that aside from the active *mitzvah* there is another level or law

such a manner. Therefore any animal he brings for a *korban Re'iyah* would constitute bringing a non-sanctified animal into the *Azarah*.

That explains why *Rashi* explains that the *Mishnah's* statement, “All are obligated in *Re'iyah*” refers to the *mitzvah* of appearing in the *Azarah*. It is in order that when the *Mishnah* continues and says that a *katan* who is old enough to go from *Yerushalayim* to *Har Ha'Bait* is obligated in ‘*Re'iyah*’, it means that he is obligated to appear in the *Azarah* - but not to bring a *korban*.

However, *Tosfot* argues with *Rashi* and says that a *katan* is obligated to bring even a *korban Re'iyah* because of *chinuch*. *Tosfot* is consistent with his opinion mentioned earlier, where he says that when the *Mishnah* mentions “*Re'iyah*,” it means not just going to the *Azarah*, but bringing the *Korban* as well. Thus, when the words of the *Mishnah* later imply that a *katan* old enough to walk (or get a ride) is obligated, it is referring to the obligation to bring a *korban*, and that is why *Tosfot* says that a *katan* must bring a *korban* for *chinuch*.

Rav Shlomo Braun (*She'arim Metzuanim B'Halacha*) reconciles the viewpoints of *Rashi* in a different manner and as such resolves it with *Tosfot*. Rav Braun states that when *Rashi* mentions ‘*Re'iyah*’, he does not only mean appearing in the *Azarah*, but rather the same word implies both appearing in the *Azarah* and bringing the *korban*. This is because when *Rashi* mentions ‘*Re'iyah*’ he also mentions the *pasuk* “*Yireh kol Zechurcha*” (*Shmot* 23:15) and this is an allusion to both appearing in the *Azarah* and the *korban*, about which it is written “*Velo Yir'u Pannai Reikam*” (*Shmot* 23:17) – the fact that the same word is used in both these *p'sukim*, imply that *Rashi* meant that ‘*Re'iyah*’ referred to both appearing in the *Azarah* **and** bringing the *korban*. As mentioned before according to *Rashi* an adult would have to bring a *korban* ‘*Re'iyah*’ on a *Torah* level, while a *katan* would have to bring one for *chinuch* purposes (similar to *Tosfot*).

## Chagigah

### *Re'iyah*

Chagigah (1:1)  
Yehuda Gottlieb

The first *Mishnah* of *Masechet Chagigah* states:

All are obligated in *Re'iyah*...

The *Mishnah* then lists a number of people who are excluded from this *mitzvah*. These people include a *cherish*, *shoteh* and *katan* amongst others.

*Rashi* (*Chagigah* 2a) states that this *mitzvah* of *Re'iyah* that is mentioned in the *Mishnah* is referring to appearing in the *Azarah* (courtyard of the *Beit Ha'Mikdash*) during the festival.

*Tosfot* see this definition of the *mitzvah* to be problematic. The beginning of the second *Mishnah* refers to a *machloket* between *Beit Shammai* and *Beit Hillel* with regards to the monetary value of the '*Re'iyah*'. Therefore *Tosfot* argues that the word *Re'iyah* is used to refer to the *korban* that is brought during the festival and cannot be referring to the *mitzvah* of appearing in the *Azarah* (as explained by *Rashi*).

There is another *machloket* between *Beit Shammai* and *Beit Hillel* in our *Mishnah* that can shed light on *Rashi's* view. The *Mishnah* states that a *katan* is not obligated in the *mitzvah* of *Re'iyah* if he is not able to go from *Yerushalaim* to *Har Ha'Bait* riding on his father's shoulders (according to *Beit Shammai*) or holding his father's hand (according to *Beit Hillel*). This implies that if he is able to walk (or get a ride, according to *Beit Shammai*), then even a *katan* is obligated in *Re'iyah*. However, *Rashi* there says that only an adult is required to bring a *korban Re'iyah*. That is, there is no *mitzvah* of *chinuch* to have the child bring a *korban Re'iyah*, since on a *Torah* level the *katan* is not obligated to bring such a *korban* and therefore cannot sanctify an animal to be brought in

that a *korban* is offered for the person. The second level is satisfied by virtue of the person being considered a part owner (*ba'al*) of the *korban* and its being offered on his behalf. While it is true that minors are completely exempt from *mitzvot* (they are not a *bar chiyuva*) they can still be considered a *ba'al korban*. Consequently, the *korban* being offered on their behalf is enough to exempt them from *Pesach Shenit*.

**Shekalim**  
***Machatzit Ha'Shekel***  
**Asher Shafir**

*Masechet Shekalim* discusses the yearly *mitzvah* of giving half a *shekel* as a donation to the *Beit Ha'Mikdash*. The source of this *mitzvah* is when *Moshe* commanded the nation in the desert to give half a *shekel* as a means of counting the people. One is forbidden from counting a group of Jews. The way that the *Torah* effectively allows a census is by gathering this money from the nation and counting the money allowing one to indirectly know the number of people. When the Jews were in the desert this money was used to build the outer walls of the *Mishkan*. This *mitzvah* continued and during the time of *Beit Ha'Mikdash* the money was used to buy the *korbanot ha'tamid* - the daily *korbanot* that were brought in the *Mikdash*.

The main question that we shall address is the question of the placement of this *masechet* in the volumes of *Mishnayot*. As we mentioned this *masechet* deals with a yearly donation that must be given to the *Mikdash*. It follows that the place of such a *masechet* should be in *Seder Kodshim*. That *sefer*, the fifth out of the six *sidrei mishnah* deals with all the issues that have to do with the *Beit Ha'Mikdash* and the *korbanot*. The question becomes even greater when we see the *Rambam*. In his book, *Hayad Hachazaka*, *Rambam* places these *halachot* in the volume of *Zmanim*. Once again, it is placed in a volume that deals with all the *halachot* that have to do with our *chagim* such as *Shabbat*, *Pesach*, *Sukkah*, etc. Once more it has been decided that the right place to put these *halachot* is not with all the *halachot* that deal with the *Mikdash* and the *korbanot*.

This question can be answered if we understand this *mitzvah* a bit differently. The reason that one has to give the half *shekel* is not primarily as a donation to the *Mikdash* but rather as a means of

From here we may gain a better understanding of the *Rambam* that claimed a groom will forget the celebrations of the *chag*. Since the nature of celebrating marriage is the same as for *Chol Ha'moed* the groom is likely to forget that he is celebrating the *chag* in addition to his marriage.

behind the concept of not merging *smachot* with each other is that in the event of merged *smachot*, one would not celebrate either properly. For this reason each *simcha* is celebrated separately, to ensure that both are accompanied by the appropriate level of happiness.

The *Meiri* understands the *Gemara* in the same way as the *Rif*, that the primary explanation for the prohibition of marriage on *Chol Ha'moed* is the concept of 'we do not merge one *simcha* with another.' However, he offers a different, though subtle, reasoning. He explains that when two *smachot* are celebrated together, one is inevitably treated as inferior. Accordingly, in order to protect the integrity of each *simcha*, they are celebrated separately.

The *Rambam*, in *hilchot Yom Tov* (7:16), mentions the *Halacha* of not marrying on *Chol Ha'moed* and provides what appears *prima facie* to be a new explanation that does not appear in either the *Mishnah* or *Gemara* - a groom will forget the celebrations of the *chag* in his celebration of marriage.

This *Halacha* is mentioned a second time in *Hilchot Ishut* (10:14) while discussing prohibited relationships. The *Rambam* writes there that the reason for the prohibition is 'as was explained (i.e. in *hilchot Yom Tov*) that we do not merge one *simcha* with another.' From this *Halacha* we learn that the *Rambam* only accepts the first reason mentioned in the *Gemara*, and that his explanation presented in *hilchot Yom Tov* is the *Rambam's* understanding of why we do not merge *smachot*.

In the *Shulchan Aruch* (*Even HaEzer* 64) we learn of the obligation of a groom to celebrate his marriage and enjoy the company of his wife. The groom should not go to work and have festive meals. The *Rama* adds that he should even attempt to refrain from doing *melachot*.

counting *Am Israel*. It is only after this money is collected and there remains a question of what to do with the funds that this money being given to the *Beit Ha'Mikdash*. If so what is the purpose of this *mitzvah*? What is the value in just giving the coins?

The *Midrash* explains that *Am Israel* was counted after the plague that followed the sin of the golden calf. Counting *Am Israel* at this tragic time was vital. Without this counting *Am Israel* may have felt that the betrayal was so strong that *Hashem* no longer cares about them. They could have stopped thinking that they could each contribute to the way *Hashem* is represented in the world. Giving money in order to be individually counted and using that money to build the *Mikdash* is a lesson that *Am Israel* must be reminded of each year. Remembering such a lesson is a cause for a holiday of its own. It is an important enough holiday to have its own *masechet* in *Seder Moed* – the *seder* of the *chagim*.

## Understanding Free Guardians

Shekalim (2:1)  
David Bankier

The second *perek* begins dealing with the burden of responsibility regarding *machatzit ha'shekel* collections that were sent from a city with a messenger and were lost or stolen in transit. The *Mishnah* differentiates between two scenarios: before and after *trummat ha'lishcha* – the time where some of the stored funds are transferred to the coin boxes as active funds. At this time these funds are separated on behalf of all stored, collected and to be collected funds such that the communal sacrifices purchased can be truly considered as being purchased for the entire nation. Consequently, after *trummat ha'lishcha*, even the money in transit is considered *hekdesh* and property of the *Beit Ha'Mikdash*.

With the above explanation in mind the *Mishnah* explains that if the money was lost after *trummat ha'lishcha* then the messenger is answerable to the treasurer of the *Beit Ha'Mikdash*, since it is already *hekdesh*. If he swears that he was not negligent in his task, then he is exempt from any repayment. Finally, as this money was already considered the property of the *Beit Ha'Mikdash*, the citizens are also exempt from contributing *machatzit ha'shekel* again to replace the lost funds.

If however the money was lost prior to *trummat ha'lishcha* then the messenger is answerable to the citizens who sent him. Similarly if he swears that he was not negligent in his task, then he is exempt from any repayment. The citizens however, would be required to contribute once again as the coins were never considered the property of the *Beit Ha'Mikdash*.

The *Yerushalmi* deals with the status of this messenger – is he a paid or unpaid guardian? The first assumption is that we are dealing with an unpaid guardian, since a paid guardian is

## Weddings on *Chol Ha'moed*

Moed Katan (7:1)  
Shmoiki Berkowitz

The seventh *Mishnah* of the first *perek* of *Moed Katan* presents the *Halacha* that one may not marry during *Chol Ha'moed* because his bride 'is a source of *simcha* for him.' The *Gemara* in *Moed Katan* (8b) is unsatisfied with the reason mentioned in the *Mishnah*, and seeks to clarify further this seemingly peculiar *Halacha* where celebration of the festivals excludes experiencing the joy of matrimony. Five answers are provided.

The first and most prominent explanation cites the concept of 'we do not merge one *simcha* with another,' and that we have to celebrate each individually. The other explanations given are:

- a groom will put aside the celebration of the *chag*, for the celebrations of his marriage
- the scriptural source (*Devarim* 16:14) that states 'and you shall celebrate your festivals' excludes the celebration of matrimony
- the groom will be burdened in the preparations for his wedding, and such burdens are prohibited on *Chol Ha'moed*
- if marriage was allowed on *Chol Ha'moed*, all marriages would be postponed until *Chol Ha'moed* so as to avoid the need for preparing a separate wedding meal, and thus delaying the *mitzvah* of 'pru ur'vu'

The *Rishonim* evaluate the answers mentioned in the *Gemara* to establish the fundamental reason behind the prohibition of marriage during *Chol Ha'moed*.

According to the *Rif* (3b), it appears that the principle reason for the prohibition is the first explanation; that 'we do not merge one *simcha* with another,' with the other explanations regarded as secondary. The *Nimukei Yosef* further explains that the reasoning

writes that there is an obligation give honour to *Chol Ha'moed* wearing clothes that are nicer than the regular weekday clothing and with good food and drink (ideally meals with bread).

From all this we find that *Chol Ha'moed* is not a regular weekday. But as a final note, simply taking a holiday, while perhaps appearing to satisfy the *halachic* requirement, would be, to say the least, unsatisfactory. In reference to the above quoted *Yerushalmi*, the *Kol Bo* (*Mishnah Berurah* 430:2) writes:

“It appears from this that there is a greater prohibition in joking-about than working, for *Hashem's* intentions in giving us the festivals was in order for us to cleave in awe and love and to delve into his *Torah*.”

responsible for a lost or stolen object whether or not he was negligent. *Rav Adda* however explains that the *Mishnah* could also be referring to a paid guardian, yet discusses extreme cases of loss or theft where even a paid guardian would not be held responsible, e.g. he was apprehended by armed bandits or the ship carrying the money sunk. (See also *Bava Metzia* 57-58)

Most *Rishonim* therefore conclude that whether the messenger was a paid or unpaid guardian and he swore that he was not negligent in his duty, the citizen would only be required to replace the lost funds if e.g. the ship sunk, **prior** to *trumat ha'lishcha*.

The *Rambam* (*Hilchot Shekalim* 3:8-9) however rules that if the messenger was an unpaid guardian, then the citizens would always be required to replace the lost funds irrespective of when the funds were lost. If after *trumat ha'lishcha* it is already considered the property of the *Beit Ha'Mikdash* why should they be required to give *machatzit ha'shekel* again?

In his commentary to the *Mishnah* the *Rambam* explains:

“If they sent their coins with an unpaid guardian they are obligated to repay in all cases as they were negligent in sending it with him.”

How do we understand this statement? If an unpaid guardian is a *halachically* qualified guardian, why are the citizens considered negligent? One would expect that since coins are considered the property of the *Beit Ha'Mikdash* as long as the guardian was not negligent in his duty, then the citizens should not be considered negligent in trusting him.

One could suggest a novel explanation based on an insight by HaRav Lichtenstein shlita regarding the difference between an unpaid guardian and any other guardian (See *Shiurei HaRav Lichtenstien – Bava Metzia HaShoel* 1). He explains that, for example, a paid guardian's responsibility of repayment in the case of loss or theft stems from expectations and requirements placed on guardians. He continues that a free guardian does belong under

this banner explaining why he is exempt in the case of theft or loss. He is only obligated if he was negligent in guarding the item. This he explains, is not because he breached the laws pertaining to guardians in general, but rather because in his negligence he has committed an act which is similar (but not necessarily equivalent) to damaging. (See also *Rambam Schirut 2:3*)

Based on this, one could suggest that a free guardian is not a guardian in the formal sense. Furthermore, at the time they gave the money to the messenger, they were effectively free guardians for the *Beit Ha'Mikdash*. Handing the money to a free guardian would then be tantamount to handing it to no guardian at all – a clearly negligent act.

do any work” (*Devarim 16:8*) - just as on the seventh day it is an *atzeret* so too during the six days [of *Chol Ha'moed*]. If so, then just like on the seventh all *melacha* is forbidden, so too during the six days? [No,] the verse specifically mentions “on the seventh day.” Rather, [since not all *melacha* was forbidden] the *Torah* gave the authority to the *Chachamim* to teach... which *melacha* is forbidden and which *melacha* is permitted.

Consequently *Chol Ha'moed* appears to be biblically mandated as a “quasi-“holiday period with a partial ban on *melacha*. The authority over the details of this ban was handed over to the *Chachamim*. This is indeed the opinion of a number of *Rishonim* that the prohibition against work during *Chol Ha'moed* is biblical (see *Rashi, Rashbam Makkot 23*).

The *Tosfot* (*Chagigah 18a*) argues however that the prohibition against work is rabbinic and the *p'sukim* are brought as *asmachtot* - a support but not a proof. Amongst other arguments they quote the following *Yerushalmi* (*Moed Katan 2:3*) as a proof: “The only reason why *melacha* was prohibited during *Chol Ha'moed* was so that people would be able to eat, drink and be occupied in learning Torah.”

The *Rambam* (*Yom Tov 7:1*) similarly rules that the prohibition is rabbinic:

Even though *Chol Ha'moed* is not referred to as *Shabbaton*, since it is called “*mikra'ei kodesh*” and since it is the period during which the festive offering is brought in the *Beit Ha'Mikdash*, it is forbidden to perform *melacha* so that it should not be considered a regular weekday devoid of sanctity.

One should note that there is however a third, intermediate opinion. The *Ramban* (and *Rashba*) rules that the prohibition against some *melacha* is indeed biblical. There were however additional activities that were prohibited rabbinically. (See the *Bach* for more detail.)

The elevated status of *Chol Ha'moed* is expressed in more than just the prohibition of work. The *Orach HaShulchan* (430:4)

## Understanding *Chol Ha'moed*

David Bankier

*Moed Katan* begins by discussing which activities are permitted to be engaged in during *Chol Ha'moed* – the intermediate days of *Pesach* and *Sukkot*. When first learning this *masechet* it can be difficult to follow the reasoning of why various activities are prohibited and others permitted. In general it is forbidden to work during *Chol Ha'moed*. The *Mishnah Berurah* (530:1) lists five categories of *melachot* that are permitted during *Chol Ha'moed*:

1. A matter that will result in irretrievable loss if it is delayed till after the festival.
2. An activity that is required for the festival itself.
3. Activities undertaken by a labourer that has no funds from which to purchase food.
4. A matter of public need.
5. Non-professional labour.

While the above list may provide a conceptual framework through which we may better understand the coming *Mishnayot* perhaps more fundamental questions need be asked. Why does *Chol Ha'moed* have this unique status of prohibiting a portion of *melachot*? And what is the source and nature of this prohibition?

The *Gemara* (*Chagigah*18a) lists a number of *Beraitot* that bring various biblical sources for the prohibition against working during *Chol Ha'moed*. In fact one of these sources includes *Chol Ha'moed* alongside the festivals under the banner of “*mikra'ei kodesh*”. If *Chol Ha'moed* is compared to the festivals, why do we not prohibit all *melacha*?

One *beraitah* explains:

“For six [more] days you shall eat *matzah* and on the seventh day [it] shall be an *atzeret* (a cessation) to *Hashem*, you may not

## The *Parochet* and Getting Excited About *Mitzvot*

Shekalim (8:5)

David Bankier

The *Mishnah* discusses the dimensions of the *parochet* – the curtain that divided between the *kodesh* and *kodesh ha'kodashim* (holy of holies) in the *Beit Ha'Mikdash*. At first the *Mishnah* appears to be presenting a technical description of one of the components of the *Beit Ha'Mikdash*. However, keen mathematical analysis reveals an insight into the character of the *kohanim* in the *Beit Ha'Mikdash* and how they represented the ideal role models.

The *Mishnah* (8:5) writes as follows:

*Rabban Shimon ben Gamliel* says in the name of *Rebbi Shimon* the son of the *Segan*: The curtain was one handbreadth thick, woven on seventy-two strands, and on each strand were twenty-four threads; its length was forty *amot* and its width twenty *amot*, and of eighty-two ten-thousands it was made; and they would make two every year, and three hundred *kohanim* would immerse it.

After reading the above what is left to ask other than a search for meaning for all the details. Such an endeavor would be beyond the abilities of the author of this article. Nevertheless one detail is worth probing.

The *Mishnah* ends by explaining that it would take three hundred *kohanim* to immerse the *parochet* in the *mikvah*. The *Bartenura* explains, citing *Gemara Chagigah*, that whenever any utensil was made, even if completed in a state of purity, it would still require immersion in a *mikvah* prior to its use.

The *Bartenura* also proceeds to explain the statement that the immersion required three hundred *kohanim* is a blatant exaggeration. The *Melech Shlomo* points out that if the *parochet* was so heavy that it truly required three hundred people to carry

it, it would break. This opinion is shared by many *Rishonim* and confirmed in *Gemara Chulin* (90b) where *R' Yitzchak bar Nachmani* cites this *Mishnah* as one of three instances where the *Chachamim* exaggerated.

Granted that the number three hundred is an exaggeration, why did they pick that number? Why not choose two hundred, five hundred or six hundred thousand? The *Melech Shlomo* suggest that this exaggeration explains the *Midrash (Shmot Rabbah VaYakhel)* that all the *kohanim* would come to take part in the immersion. How does the figure three hundred support the *Midrash*?

The *Etz Yosef* cites the *Grah* that applies some mathematics in explaining the choice of three hundred. It was explained earlier that the length of the *parochet* was forty *amot* (cubits) while the width was twenty *amot*. This means that the perimeter of this curtain was one-hundred and twenty *amot*. Now, the *amah* used in the *Beit Ha'Mikdash* was different and equal to five *t'fachim* - handbreadths (unlike elsewhere, where it was equal to six *t'fachim*). Consequently, the perimeter was equal to six hundred *t'fachim*.

This now explains the choice of the number three hundred. The *kohanim* in their eagerness in wanting to take part in the *mitzvah* of *tevilah* would grab on with two hands and with a perimeter of six hundred *t'fachim* that would divide between three hundred *kohanim*. The point is not that the immersion required three hundred *kohanim*, but rather that all the *kohanim* wanted to take part and there was only room for three hundred. He continues that it is indeed an exaggeration because even though it divides evenly two hands would not be able to share the same corner.

Consequently out of this technical detail we learn of the *kohanim's* eagerness to take part in a *mitzvah*. No matter the *mitzvah*, as long as they could get two hands in, they would jump at the opportunity.

The practical difference between the *Rambam* and the *Rashbatz* would be their willingness to appoint a *cheresh* as a *ba'al koreh*. The *Rambam* would be very reluctant to do so as according to him a *cheresh* can only discharge the congregation's obligation in a *b'dieved* manner. However, the *Rashbatz* would argue that appointing a *cheresh* makes no difference to the *kehillah*, and they would still be *yotze lechatchila* with his *kriya* (even though the *cheresh* himself will only be *yotze b'dieved*).

The *Tana* that holds that he has not fulfilled his obligation of *kriyat sh'ma* would also hold that since the *cheresh* cannot hear his own *kriyat megillah* he has not fulfilled his own obligation and therefore cannot fulfil the obligation of others even *b'dieved*. On the other hand, the *Tana* that holds that a person has fulfilled his obligation of *kriyat sh'ma* even if he has not heard his own voice, will rule that this *Mishnah* is ruling that a *cheresh* cannot read the *megillah lechatchila*. However, if he went ahead and read for others, *b'dieved*, he has fulfilled his own obligation as well as the obligations of those who heard him read.

The *Rambam* (*Hilchot Megillah* 1:2) states that if a *cheresh* was reading the *Megillah*, those who heard him read have not fulfilled their obligation. The *Rambam* sees no difficulty with the fact that someone who read *kriyat sh'ma* yet didn't hear the words is *yotze*. The *Kesef Mishnah* writes that *kriyat megillah* is different as there needs to be an aspect of *pirsumei nissah* (publicising the miracle) and therefore, there is an extra level of stringency added by the *Rambam*.

The *Bach* (*Orach Chayim* 689) adds that the cases of reading the *sh'ma* and *kriyat megillah* are very different. The person reading the *sh'ma*, although he did not hear his words, has the ability to hear his words, he has therefore fulfilled his obligation. A *cheresh* on the other hand, does not have the ability to hear his words, and therefore he cannot fulfil his obligation with his reading of the *Megillah*.

The *Rashbatz* (*Brachot* 15b) cites a novel ruling. Since a *cheresh* is unable to hear what he is saying, unto himself he can fulfil his obligation only *b'dieved*. However since he is able to be *motzi* himself, we view this fact irrespective of whether he did this *b'dieved* or *lechatchila*, and therefore he is able to fulfil the obligations of those listening to him even *lechatchila*.

## Yoma

### Learning History from the Mishnah

Ben-Zion Hain

*Masechet Yoma* deals predominantly with the temple service performed by the high priest on *Yom Kippur*. The name of the tractate, *Yoma*, is an Aramaic word meaning “The Day” – in other words, the special day or as the *Gemara* in *Rosh Hashanah* (21a) states “*Yoma Raba*” (the great day).

The first chapter of *Masechet Yoma* deals with the preparation of the high priest in the seven days prior to *Yom Kippur*. The *Mishnah* teaches us that there are two main reasons for this separation. Firstly, to guard and maintain the purity of the high priest lest he become impure and be unable to perform the temple service and secondly, that the high priest learns about the temple service and internalise every intricate detail.

As we know, during the latter part of the second temple period, the priesthood was no longer a prestigious group of deeply religious and learned people who were unwavering in their dedication to their G-d and their work in the temple. Rather, the priesthood and the job of the high priest in particular, were sold to the highest bidder – a person who was not always religious and rarely learned.

This fact is hinted to in a number of the *Mishnayot* in the first chapter of *Masechet Yoma*. For example, the third *Mishnah* states:

They provided him sages from among the sages of the court who read to him about the service of the day. Then they say to him: My lord, *Kohen Gadol*, read with your own mouth, perhaps you have forgotten or perhaps you have not learned.

The words “perhaps you have not learned” can easily be attributed to a high priest who has not learnt the sixteenth chapter of *Vayikra* which outlines the temple service on Yom Kippur, or the relevant laws pertaining to the temple service, due to the fact that he purchased his title with money rather than earning it through religious piety.

However, failing to learn the appropriate section of the Torah was not the only shortcoming of some of the high priests who attained the position. In the fourth *Mishnah* we learnt that the *Kohen Gadol* was not allowed to eat a large meal on *erev Yom Kippur* so as not to become sleepy lest he falls asleep and becomes impure and therefore unable to perform the temple service. The sixth *Mishnah* then states what the high priest did to occupy his time on the eve of *Yom Kippur*:

If he was a scholar he lectured; but if not, scholars would lecture before him. If he was accustomed to read Scripture, he would read; but if not, they would read to him. And from what did they read to him? From Job, from Ezra, and from Chronicles. *Zechariah ben Kevutal* says: Many times I read before him from Daniel.

We see from here that not only were there some high priests who were unable to learn *Torah* by themselves, and others who could not even read the *Torah* by themselves, but there were even those who did not even understand enough Hebrew to have the *Torah* read to them and therefore read from the book of Daniel which is written predominantly in Aramaic.

A further example of life in the second temple period influencing the writings of the *Mishnah* can be found in the fifth *Mishnah*. As we know there were a number of different sects of Judaism in the first century BCE. The rabbis were mostly Pharisees but another sect was the Sadducees who did not believe in the oral law and were mostly made up of priestly families and wealthy aristocrats living in the Jerusalem area.

## Megillah

### *Cheresh*

Megillah (2:4)  
Yehudah Gottlieb

The *Mishnah* in *Megillah* (2:4) states:

All are fit to read the *megillah* [and thereby allow others to fulfil their obligation by listening to their reading] except for a *cheresh*, *shoteh* (fool) and a *minor*.

There are generally two ways to understand the definition of a *cheresh*:

1. A person that cannot hear or speak; or
2. A person that can speak however cannot hear.

According to the first definition, a person that cannot hear or speak is not a *bar da'at* (literally-man of understanding), and therefore is classified in the *Mishnah* along with, a fool and a minor - other categories of people without halachic *da'at*. However, according to the second understanding, a *cheresh* has full halachic *da'at*; the reason he is unable to read the *megillah* is because he is not fit to carry out *mitzvot* that are dependent upon hearing. In this case, the reason they are mentioned together with a fool and a minor is because he is similar to them in that they all cannot allow others to fulfil their obligations with their *kri'ah*. *Tosfot* (*Megillah* 19b) states that it is obvious that the *Mishnah* is referring to the second type of *cheresh* (due to the fact that he is physically able to read aloud from the *megillah*). However, the limiting factor in this case is his inability to hear.

The *Gemara* in *Masechet Megillah* (19b) states that the ruling of the *Mishnah* is subject to a *Tanaic* argument. There is a *machloket* regarding a person who read *kriyat sh'ma* and did not hear what he read. One *Tana* holds that he has fulfilled his obligation, and one rules that he has not fulfilled his obligation.

person was obligated to decrease his joy in this manner - as those actions were specific for the *minhag* of that time and place.

This is the reason that the *Rambam* too, did not list that decreasing business activities is one of the ways to decrease joy in *Av*. Specifically decreasing business activities is not the *issur* that must be dealt with in order to decrease joy. Rather, the way to decrease joy can come about through many different ways - each way specific to the *minhag* of the nation at the time.<sup>24</sup>

The *Mishnah* explains that the elders of the *Beit Din* made the high priest swear an oath that he would not change even a small part of the temple service. The *Gemara* explains that this was due to the possibility that the high priest was in fact a Sadducee who would perform the ritual literally as it is stated in the *Torah* without incorporating any of the explanations taught by the Rabbis that were passed down from *Moshe* via the oral tradition.

Although the *Mishnah* is not a history book and does not aim to teach us the history of the *Mishnaic* period, we are able to gain a number of interesting insights into Jewish life in the times of the second temple period based on the writings of the *Mishnah*.

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<sup>24</sup> The Rav suggests that in our times we decrease our simcha by not consuming meat and wine during the first nine days of *Av*.

## The Start of the Day

Yoma (3:1)

Natan Rickman

The *Mishnah* in the beginning of the third *perek* of *Yoma* states that the daily service would not start until the sunlight on the horizon had reached *Chevron*. It may seem that the *Mishnah* describes the start of the *Yom Kippur* service as different to other days. Yet the *Mishnah* in *Tamid* (3:2) describes the start of a regular day in the *Beit Ha'Mikdash* in the same manner. The period of time discussed in both *Mishnayot* is known as *Alot HaShachar*. They had to wait for *Alot HaShachar* because the *korban Tamid* must be offered during the 'day'. The source of this requirement is the *pasuk* (19:6), "The day of your offering". Consequently, any offering that is offered before daytime is not kosher.

There is a *halachic* debate regarding the start of the day and there are two main opinions regarding this matter. The first is the time when the first rays of light come over the horizon - *Alot HaShachar*. The second is when the sun itself raises over the horizon - *HaNetz HaChamah*.

The *Poskim* (*Shulchan Aruch Orach Chayim* 58:1) however seem to be in agreement that the best time for one to start the *Sh'monah Esrei* is at *HaNetz HaChamah* based on the verse in *Tehillim* (72:5), "They fear You as long as the sun and moon endure, generation after generation". The reward for such a commitment is great and this person is seen as exhibiting the traits of a *ben Olam HaBah*.

*HaRav Ovadya Yosef shlita*, in his *sefer Yalkut Yosef* (Vol. 1 pg. 139) has an interesting footnote discussing the debate of whether it is preferred to *daven* with a *minyán* after sunrise or without a

It is interesting to note that the *Rambam* states this 'decrease' of joy during the month of *Av* as *Halacha*. Contrastingly, the *Tosfot* in *Megillah* (5b) state that during the month of *Av* we are not allowed to be joyous at all (i.e. an *issur* of being joyous) and consequently the *Magen Avraham* brings this down as *Halacha*.

It seems from the wording of the *Rambam* that he does not hold there is an 'issur' of being joyous; rather he says we must decrease or limit our joy. However, this is a difficult opinion, as the limits or boundaries of this *Halacha* are vague. Additionally, the *Gemara* in *Yevamot* is also hard to understand, for it only states instances which cause a decrease in joy, and does not state explicitly that a person is obligated to decrease in happiness with the arrival of *Av*.

Rav Soloveitchik (*Harerei Kedem* 136) suggests a novel idea to answer these questions. The Rav states that there is a halachic distinction between the days following *Rosh Chodesh Av*, and the days of the week of *Tisha B'Av*. During the days of the week of *Tisha B'Av*, there are a number of activities that are forbidden (cleaning clothes, getting a hair cut) due to Bnei Yisrael being in a state of *Aveilut*. However, during the days following *Rosh Chodesh Av*, none of these activities are forbidden; the only *din* that applies in these days is that of 'decreasing in joy'. This decrease in joy is a *chiyuv* of *aveilut* which is not connected to specific actions, rather connected to internal feelings and *kavanot* (*aveilut shebalev* - 'aveilut of the heart'). Thus, the only actions connected to *aveilut* which are to be done (or not to be done) during these days, are those that will cause a person to feel this *aveilut shebalev*. This feeling is subjective and is dependent on the *minhag* of the nation at a specific time and place.

Therefore, in the *Gemara* in *Yevamot*, the way to decrease in joy and feel *aveilut shebalev* was by decreasing business activities. However, the *Gemara* (and also the *Rambam*) did not rule that a

## *Mishenichnas Av, Mema'atin Besimcha*

Ta'anit (4:6)  
Yehuda Gottlieb

There is a famous *Mishnah* that is cited towards the end of *Masechet Ta'anit* (4:6) that states:

“*Mishenichnas Av, Mema'atin Besimcha*”

“When the month of Av arrives, we decrease our happiness”.

The reason for this is because the month of Av is known to be a difficult time for the Jewish people as seen throughout history; a time when many different calamities befell the Jewish people.<sup>23</sup>

We understand that we must decrease our happiness during this time; however, we are unsure of how this can be achieved on a practical level.

The *Gemara* in *Yevamot* (43a) states a few practical things that demonstrate examples of decreasing joy. These include decreasing one's business endeavours (i.e. commerce, trade) and refraining from building and planting during the month of Av.

The *Rambam* (*Hilchot Taanit* 5:6) when codifying this *Halacha* states that “when the month of Av arrives we decrease our happiness...It is forbidden to cut hair, to launder clothes and to wear clean clothes”. Based on this, the *Lechem Mishneh* asks: Why did the *Rambam* not quote the *Gemara* in *Yevamot* that spoke about limiting business activities? The *Lechem Mishneh* answers that the *Rambam* saw the decrease in business activities only as a *midat chasidut*, and not as a *Halacha* and therefore he did not list it in the activities that one must undertake in order to decrease their joy during the month of Av.

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<sup>23</sup> See *Mishnah Ta'anit* (4:6) for the five events that occurred to the Jewish people on the ninth of Av during history.

*minyan* at sunrise.<sup>10</sup> The key to the debate is understanding the level of obligation to *daven* with a *minyan* and the obligation to *daven* at sunrise. *HaRav Ovadya* quotes a balanced *machloket* citing opinions on both sides. *HaRav Shlomo Kluger*, in his *shut* (47), rejects the proposal, writing that one should opt to *daven* in a *minyan*.<sup>11</sup>

*HaRav Schwartz* (*Divrei Yosef*) on the other hand claims that *davening* at sunrise is far more important than *davening* with a *minyan*. His logic is based on the *Gemara* (*Brachot* 22b) which cites a case of one who was obligated to go to the *mikvah* and does so close to sunrise. The *Gemara* explains that if one is able to immerse, dress and say then *Shema* with sunrise then he should do so. If however one would not have enough time, he should cover himself in the water and say the *Shema*. *HaRav Schwartz* points out that there is no mention in the *Gemara* of *tefillin* being worn. This is important as there is another *halachic* discussion about whether one should *daven* with a *minyan* but without *tefillin* in order not to miss out on *davening* with a *minyan*. The *Halacha* is that the person should not *daven*, but should first put on *tefillin* and *daven* later even alone. The reason being that reading *Shema* without *tefillin* is equated with giving false testimony, since within the *Shema* one reads about the obligation of wearing *tefillin*. Therefore *Shema* at sunrise is preferable to saying *Shema* with *tefillin* later. Consequently, *t'fillah* at sunrise alone is better than *davening* later with a *minyan*. *HaRav Ovadya* also notes a *Be'er Halacha* (58 s.v. *u'mitzva*) which rules that *davening* at sunrise is preferred. I have heard in the name of *Rav Yosef Dov Solovechik*<sup>12</sup> *zsl*, that even if one does *daven* alone they should try to ensure to hear *kedushah*, *barachu* and *kriyat haTorah*. However, if one is unable to wait until sunrise due to work

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<sup>10</sup> For a practical halachic answer, ask your local Orthodox Rabbi.

<sup>11</sup> There are other such opinions but they have not been included in this article.

<sup>12</sup> Also brought in the *Be'er Halacha* 89 s.v. *VaChen*

considerations<sup>13</sup>, they are allowed to *daven Amida* from *Alot HaShachar* (89:1).

Interestingly the day in the *Beit Ha'Mikdash* started at *Alot HaShachar* and not *HaNetz HaChamah*. *Rashi (Megillah 20a)* explains that the day starts from *Alot HaShachar* but due to the complex manner in determining the exact moment, *Chazal* delayed the start of the obligation until *HaNetz HaChamah*. However, due to the full time table of the *Beit Ha'Mikdash* and the use of the 'announcer', there was no concern that the service would start before sunrise<sup>14</sup>.

irrespective of its functional purpose and/or pragmatic significance. Thus, argues the *Ran*, it would be disrespectful of us to petition the stoppage of Divine abundance.

The issue brought up by the *Ran* carries with it wide ramifications. In his analysis lies an insight regarding human interpersonal relations. The *Gemara* in *Masechet Brachot* (10b) discusses the diverse approaches of the prophets *Elisha* and *Shmuel* with regard to the acceptance of human beneficence. The *Gemara* states:

Said *Abaye* (some say it was *Rav Yitzchak*) - One who wishes to benefit [from the kindness of others] may do so in the spirit of *Elisha* and one who wishes not to benefit may do so in the spirit of *Shmuel*.

I understand from this *Gemara* that there may be situations in which accepting the beneficence bestowed upon one is not only valid as a course of action designed to benefit oneself but is in fact valid because it provides the giver with a receptacle and an outlet for the bestowal of goodness. In this regard there may be occasions in which the acceptance of beneficence is not a self-absorbed act but rather an altruistic and empathetic form of behaviour in that it recognises the human need to give.

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<sup>13</sup> Which in London mid-winter, can be as late at 8:09am.

<sup>14</sup> Once the service did start before *Alot* see *Mishnah 3:2*

The *Meiri* and the *Rambam* provide one course in answer to this question. The *Meiri* (a French, later-medieval commentator on the *Talmud*) writes that petition for the stoppage of rain is deterred because essentially rain is a beneficial phenomenon. The rationale behind the *Meiri's* approach would seem to be that although at his point in time the rain may be unneeded, it is nonetheless, in general, a good thing and therefore its granting by *Hashem* must be related to suitably.

The *Rambam* takes a similar line. In his *Mishnah Torah (Hilchot Taaniyot 2:15)* he writes that: “We do not fast in order that the good [i.e. abundance of rain] pass.” Inherent in the *Rambam's* line of thinking is the need for broad perspective and historical awareness. In his view, we may not request the cessation of Divine gifts because it shows an inability to appreciate the current circumstances with respect to the true calamities that may befall mankind. Such petition would highlight a complete lack of sensitivity for the history of humanity and the natural travails that have ravaged it. Could an unpleasant abundance of rain be compared to a drought or a flood? In both the *Rambam's* and the *Meiri's* eyes we do not pray for the stoppage of Divine kindness because this would be indicative of a gross misapprehension of the situation.

Another rationale is presented by the *Ran* (an acronym for *Rabbeinu Nissim*). A medieval commentator on the *Talmud*, the *Ran* interprets the issue as one of emotional sensitivity. In his commentary (*Rif 8b*) he writes:

Since it is the way of *Hashem* in responding to His people Israel to affect them through His goodness until their lips wear out from saying “Enough!” we do not pray against this.

The picture drawn by the *Ran* is that to pray for the cessation of Divine goodness would be insensitive (for lack of a better word) to Him. To simply view the Divine outpouring of beneficence from our utilitarian standpoint and thus to seek to restrain it indicates an inability to view *Hashem's* gifts not merely as a present for mankind but as an expression of His loving kindness

## A “Short” *Tefillah*

Yoma (5:1)

Uri Orbach

Ed. Trans.

The peak of the *avodah* on *Yom Kippur* was perhaps when the *kohen* entered the *kodesh ha'kodashim*, the only time of the year he would do so. The *Mishnah* (5:1) adds: “And there he would pray a short prayer in the outer chamber. He would not extend this prayer so that he would not frighten *Yisrael*.” He could not extend his prayer as everyone might fear that something terrible had happened to him, like the sons of *Aharon* when “they came before *Hashem* and died”. If this occurred, *Yisrael* would fear that their *teshuvah* was not accepted.

The *Gemara* (*Yoma* 53b) explains that once the *kohen gadol* extended his *tefillah*. The other *kohanim* found this difficult and told him off. The *kohen* responded that he was praying that *Beit Ha'Mikdash* would not be destroyed. Nevertheless they still told him to never again behave in this manner citing our *Mishnah*, despite the importance of the *tefillah's* content.

If such an important *tefillah* was to be withheld, what was the short *tefillah* that the *kohen gadol* would pray? One would expect that at the climax of the most important *avodah* of the year the *kohen gadol* would take the opportunity to ask for general requests like the upkeep of *Torah* and *mitzvot* or at least something connected to sustenance, eg, peace, health, etc. Yet to our surprise, the *Gemara* described this *tefillah* as follows: “May it be Your will before you, *Hashem*, our G-d, that it be a year of rain.” A request for rain, for water, is the request that precedes all others!

The *Gemara* expands on the *tefillah* with three other requests:

1. “That the rulership should not leave the house of *Yehudah*”
2. “That people should not need to be sustained by one another.”

3. “That the prayers of the travellers (*ovrei derachim*) should not come before you.”

In essence, the first two requests relate to the physical needs of the nation on both communal and individual levels. The third request however is strange as it is constructed in a negative form. *HaRav Shimon Shalom MeAmshinov ztz”l* asks: Who are these *ovrei derachim*? Are they *tzadikim*? If so, would they pray against rainfall if the earth required it? If they are *resha'im* – would one think that their *tefillot*, which would be to the detriment of others, be accepted? If so, to whom does this *tefillah* refer? He explains that it refers to a person that worked all day, and is now returning home. It begins to rain and the paths get filled with mud. His wagon gets bogged and he is stuck in the middle of the road. Whilst drenched he calls out, “Oy! How will I ever get home?!” Such a heart-wrenching call requires a response. It is regarding such a person that the *kohen* requests that his *tefillah* not be heard because the nation as a whole depends on the rain and that *klal Yisrael* comes before *Reb Yisrael*.

How do we understand this *tefillah*? Is there a common theme that runs through these requests?

The *Gemara* (*Brachot* 7a) explains: “It was taught in a *Beraitah*: *R' Yishmael* the son of *Elisha* said, Once I entered the *kodesh ha'kodashim* [on *Yom Kippur*] to burn the *ketoret*, and I saw *Achasri'el* (a prophetic vision of *Hashem*; some explain, an angel of *Hashem*) sitting on an exalted throne. He asked me to bless Him. I said: ‘May it be Your will that Your mercy overpower Your anger, and Your mercy overcome Your attributes, and that You should treat Your children with mercy, and go beyond the letter of the law with them. (*lifnim mi'shurat ha'din*)’ He nodded His head to me.”

In truth we should be judged as being guilty, but he requests that *Hashem* judge *lifnim mi'shurat ha'din*. Perhaps the short *tefillah* also expresses this idea. *Yisrael* – “the land on which *Hashem*

## Dealing with Beneficence

Ta'anit (3:4)

Noam Greenberger

The fourth *Mishnah* in the third *perek* of *Masechet Taanit* teaches: “We cry out over any calamity that may befall the community except for excessive rain.”

To begin with we must define the phrase “excessive rain.” As *Rashi* explains (*Rif* 8b), the *Mishnah* is not talking about troublesome rain, rather bothersome rain. We are not referring to rain which is detrimental to society, rather that which is simply unneeded. Nonetheless, the *Mishnah* begs the question of why we should not pray for the stoppage of rain which is simply unnecessary and even to some degree inconvenient for us?

The *Gemara* (22b) asks this very question. The response offered is: “*Rav Yochanan* said: for we do not pray for the stoppage of excessive goodness.” The *Gemara* then asks for the source for this principle and is informed:

As Scripture states - “Bring all the tithes into the storage house, and let it be sustenance in My Temple. Test Me, if you will, with this, says *Hashem*, Master of Legions, [see] if I do not open up for you the windows of the heavens and pour out upon you blessing without end.” (*Malachi* 3:10, Trans. Artscroll). And what is the meaning of “without end”? *Rami* the son of *Rav* said- until one’s lips will be worn out from saying “Enough!”

Nonetheless, one may still justifiably ask why it is that we should not petition the stoppage of excessive Divine goodness. Fundamentally this question is mandated because although the *Gemara* provided a source for the idea that *Hashem* may over-reward us, no mention was made in the *pasuk* of the undesirability of requesting of *Hashem* to cease this path of action.

*Yerushalmi* is not referring to *talmidei Chachamim*, but rather literally to people that have been charged with communal responsibility and are serving their post admirably.<sup>22</sup> As the *Korban Eidah* explains, these are people that have sacrificed and given of themselves for the benefit and protection of the community. If so, why should they be entrusted with being the “first line of defence?” One can suggest that these people truly understand and live on a daily basis the directive presented in the *Gemara* (*Ta’anit* 11a) that one should never separate himself from the pain of the community but feel the pain and associate themselves with them. Thus it is these people that shall fast first, lead by example and hopefully be answered.

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<sup>22</sup> This is perhaps supported by the change in language used by the *Yerushalmi* referring to people that “have been elected” as opposed to “fitting to be elected”.

eyes are constantly trained” – requires that we pray for rain. The rain in *Yisrael* reflects the spiritual status of the people. When we ask for rain we essentially are asking that He not truthfully assess whether we deserve it, but just that He provide rain. If we had behaved properly, we would not have needed to ask. The request for enduring *malchut*, independence in sustenance and seeing the needs of the community over a deserving individual at times may also require *Hashem* overlook our failings and judge *lifnim mi’shurat ha’din*.

In this brief moment that the *kohen gadol* stand before *Hashem* in the *kodesh ha’kodashim* he asks *Hashem* to judge *lifnim mi’shurat ha’din* whether they be for sustenance on an individual level (rain and *parnasa*) or on a national level (*malchut*).

## Do you want to eat... on *Yom Kippur*?!

Yoma (6:5)  
David Bankier

The *Mishnah* (6:5) describes the journey travelled by the person entrusted with guiding the *se'ir ha'mishtaleach* through the desert to the cliff face. The *Mishnah* explains that the destination was twelve *mil* (approximately twelve kilometres) away from *Yerushalaim*. For the first ten *mil* there were stations set up for him. As he approached these booths he would be greeted by a person who would offer him both food and water. (These same people would walk with him to the next booth.)

When reading the above quoted *Mishnah*, one must remember that it refers to *Yom Kippur* where eating and drinking is strictly forbidden. Why were they then offering the guide food? The *Gemara* (*Yoma* 67a) explains that the guide never once accept the offer. So why offer him anything at all? The *Gemara* explains that “someone who has bread in his basket does not compare to someone who does not have bread in his basket.” The simple understanding is that the mere fact that food was made available to him would have a psychological effect on him, alleviating any hunger.

The *Meiri* quotes the *Yerushalmi* (*Yoma* 6:5) to explain the *Gemara's* statement in a slightly different manner (see also the *Maharsha*). The *Yerushalmi* explains that the offer itself strengthened the guide as the *yetzer ha'rah* (evil inclination) only desires that which is forbidden to him. In other words this offer had more than just a psychological effect, but rather completely eliminated the drive of the *yetzer ha'rah*.

One question worth asking is what if the guide did indeed need to eat? Would he be allowed? Presumably, for the offer to have the above described desired affect, eating and drinking should indeed

The *Tosfot* respond by explaining that there are two forms of *talmidim*. There is a person who can respond to any query that relates to the *masechet* he is learning, even if it is *masechet kalah*. This person is referred to as a *talmid* in *Taanit*. However there is a higher level of *talmid* that is able to respond to any question irrespective of its location. This is a “*yachid*” (*Gemara Ta'anit*) who is a form of “*talmid* that is worthy of being elected as a *parnes*” (*Gemara Shabbat*).<sup>21</sup>

Granted that only these people are of the status to bare the responsibility, why are all others (non-*talmidim*) excluded from fasting. The *Mishnah Berurah* (575:3) explains that were others to fast, it would be evident that they were fasting for the lack of rain and it would appear as *yehora* (“haughtiness”).

The first understanding therefore is that in response to the draught the *rabbinic* giants stand up and pray on behalf of the community as a first measure before calling on the entire community to band together.

There is perhaps however another response that can be gleaned from the *Yerushalmi* (*Taanit* 1:4):

Who are these “*yechidim*”? They are those that **have been** elected as *parnsin* over the community.

The *Yerushalmi* then asks:

Since he has been elected as a *parnes* over the community he will pray and be answered?! Rather since he has been elected... and proven trustworthy he is the most fitting to pray and be answered.

Granted that one could understand that the *Yerushalmi* is referring to the same *parnes* as the *Bavli*, it is also possible that the

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<sup>21</sup> This interpretation also has the added advantage in that it correlates the meaning of *yachid* presented in the *Beraitah* with the initial response of the *Gemara* that “*yachid*” refers to *Rabannan* – see the *Tosfot Yom Tov*. See also *Rambam Taanit* 3:1.

## Special Individuals

### Ta'anit (1:4)

David Bankier

As mentioned in the previous article, *Masechet Ta'anit* deals primarily with the fast days that were performed in response to a drought. Prior to the enactment of the public fast days, *yechidim* (“individuals”) were charged with the responsibility of fasting (*Taanit* 1:4):

If the seventeenth of *Mar Cheshvan* approached and it still had not rained, then the *yechidim* would begin three fast days [on Monday, Thursday then Monday]...

Who are these *yechidim*? Why were they the ones trusted with fasting? The *Gemara* (*Taanit* 10a) responds that they were the *Rabbanan*.

The *Gemara* continues and differentiates between a *yachid* and a *talmid*:

It was taught in a *beraitah*: a person should not say I am a *talmid* and not worthy enough to be considered a *talmid* rather all *talmidei Chachamim* [can be] *yechidim* [for this matter]. What is a *yachid* and what is a *talmid*? A *yachid* is anyone that is fitting to be elected as a *parnes* (president) over the community. A *talmid* is a person who one can ask a *halachic* matter in his learning and he can respond, even if it is from *masechet kalah*.

From the above section, it appears that a *yachid* is a distinct level above a *talmid*. The *Tosfot* however quotes an apparently contradicting *Gemara* (*Shabbat* 114a) that writes: “Who is a *talmid* that is worthy to be elected as a *parnes* over the community? [He is] a person that can respond to any *halachic* question, even if it is from *Masechet Kalah*.” That *Gemara* appears to blur the lines between the definition provided for the *talmid* and *yachid* quoted in *Gemara Ta'anit*.

truly be permitted if required. The *Rambam* (*Avodat Yom HaKippurim* 3:7) writes that if the guide became weak and needed to eat he would be allowed (see also the *Tosfot Yeshanim*).

The *Tiferet Yisrael* grapples with this ruling raising the following questions. Firstly, the *Gemara* (*Yoma* 65a) explains that once the blood from the *se'ir le'Hashem* has been sprinkled, sending out the *se'ir ha'mishtaleach* is no longer an essential *avodah* (i.e., it is not *me'akev*). Therefore the positive commandment of the *se'ir ha'mishtaleach* should not override his personal prohibition of eating (which is punishable by *karet*). Secondly, the *Gemara* (*Yoma* 66b) explicitly states that if the guide falls ill, someone else takes his place! (See also *Rambam Avodat Yom HaKippurim* 5:20.)

The *Tiferet Yisrael* explains that the rule that someone else should take the place of the ill guide is only if he is completely incapable of completing the task. If however he just needs to eat some food to revive his strength then he would be allowed. Why? The *Gemara* (*Yoma* 66b) focus on the following *pasuk*: “*Aharon* shall lean his two hands upon the head of the living he-goat and confess upon it all the iniquities of the *Bnei Yisrael*... and send it with a designated man (*ish iti*) to the desert” (*Vayikra* 16:21). The *Gemara* explain:

“*ish* – serves to enable a non-*kohen* [in being the guide]. *Iti* – teaches that the guide should be designated before *Yom Kippur*; *iti* – [it is always sent out] even on *Shabbat* [such that if the goat fell ill the guide would carry it]; *iti* – even [if the guide] become *tameh* [he still enters the *azarah*, which is ordinarily prohibited for someone who is *tameh*, to retrieve the *se'ir ha'mishtaleach* as part of his task]”

In other words the *Torah*'s description of the guide as an “*ish iti*” teaches that the prohibitions of *Shabbat* and entering the *Beit Ha'Mikdash* while *tameh* are overridden if they would stand in the way of performing his task. Here too, if the guide becomes so weak that he needs food in order to carry out the task, he would

be permitted to eat. He further explains that this is indeed the case that whenever the *Torah* explicitly directs the performance of a particular activity, there is never a question of whether a positive commandment can override a negative commandment which is punishable by *karet*. (He cites *Yibum* and *avodah* on *Shabbat* as other such examples.)

The *ta'anit* therefore realigns us, refocuses us and motivates us to improve as well as recognise *Hashem's* influence in all matters. One must remember however, a *ta'anit* comes in response to a wake-up call that indicates that we have strayed. Ideally we should keep the message of the *ta'anit* close to our hearts so that we shall no longer need them.

The *Ohr Gedalyahu* (*Purim*) writes that *Moshe* indeed did perform many miracles “with his hands”. Therefore the *Mishnah* must be understood as asking, if the outcome depended solely on *Moshe’s* hands then why did he ever lower them? To this the *Mishnah* responds that the outcome was dependant on the heart of *Bnei Yisrael* and when they turned their hearts “to the earth”, *Moshe’s* hands would fall.

That *Mishnah* is even more closely related to our discussion presented thus far. *Rashi* (*Shmot* 17:10) explains that during the war the entire nation was engaged in a *ta’anit*<sup>19</sup> – the first instance of one in the *Torah*. The *Ohr Gedalyahu*, citing a principle brought in the works of *R’ Tzadok Ha’Kohen*, explains that the first mention of a concept in the *Torah* is the key to understanding its essence. Consequently, we find that a *ta’anit* is the vital weapon in our fight against *Amalek*. *Amalek* espouses the philosophy of “chance” and “natural order”. Their power over *Am Yisrael* only takes hold when *Am Yisrael* ascribe to that philosophy. Indeed, according to *Rashi*, the first time they attacked *Am Yisrael* was after *Am Yisrael* asked “Is *Hashem* with us or not?” (*Shmot* 17:7) The *Ohr Gedalyahu* explains that having seen all the wondrous miracles in Egypt they knew *Hashem* was with them, they however doubted His involvement in all natural events. Thus, empowered, *Amalek* came. *Am Yisrael’s* advantage and ultimate victory over *Amalek* only came through the fast and turning their hearts toward the heavens and recognising the ultimate control of *Hashem*.<sup>20</sup>

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<sup>19</sup> See *Rashi* who explains that a *Halacha* is learnt from *Moshe*, *Aharon* and *Chur* standing together at the top of the hill, that we call three people to the *Torah* on a public fast day.

<sup>20</sup> The *Ohr Gedalyahu* continues to explain that the power of the *ta’anit* against *Amalek* continues throughout history. He explains that this is indeed why *ta’anit Esther* is an integral part of the festival of *Purim*. (See the *Ohr Gedalyahu* for full explanation).

## Sukkah

### Height of a *Sukkah*

Sukkah (1:1)

Yaron Gottlieb

When beginning a new tractate in *Mishnayot* a question that is often raised is how does the first *Mishnah* relate to the essence of the tractate and why was it chosen as the starting point. This of course assumes that if we were to discuss a topic, the start of that discussion would contain a central point, after which the discussion can be broadened to include the other areas that are needed for a comprehensive *halachic* view.

The tractate of *Sukkah* begins with a discussion about the height of the *sukkah* and the thickness of the covering of the *schach*. The *Gemara* brings a number of reasons for the height restrictions on the *Sukkah* being twenty *amot*. One explanation is that visually, a roof that high would not noticeably be made of *schach*. A second reason (and the prevailing one amongst the commentators) is that any structure above this height ceases to be temporary.

The second explanation raises a difficulty with our initial hypothesis, since the main focus of the *Sukkah* is the *schach* - the root of the word *sukkah* - why then is the first *Mishnah* dealing with a structural issue of what is considered a temporary abode rather than purely the nature of the roof?

As an aside, there are two other areas in *Halacha* where the limit of twenty *amot* appears. The first is placement of the *Chanukah* candles and the second is the height of the *koreh* used in a *mavoi* relevant to the *halachot* of *eiruv*. The reason for these height limitations is that both these issues require people on the street to see them. Therefore if the *koreh* is decorated and thus visually recognisable higher than twenty *amot*, it is valid. (See Vol. 2

Issue 11. for further explanation, Ed.) The same cannot be said of the *Sukkah* when considering the second explanation cited above.

Therefore the *Sukkah* is a structure that contains two aspects that are complimentary, expressed through the requirement that the *Sukkah* must be a temporary structure. The roof must be visible and lower than great halls found in stately homes that are permanent in their structure. It could also be suggested that these are meant to replicate the homes of the lower classes in society, and thus mirror the poor man's bread that is eaten on *Pesach* (of which more will be said soon). This may explain the remainder of the *Mishnah* that demands three walls. After having provided with the upper restrictions of the nature of a temporary structure, it continues to explain that it cannot be too temporary, and needs some sort of form so that it can be considered a room.

The *Gemara* cites a connection through a *gezeirah shava* that exists between *Pesach* and *Sukkot*, and a number of laws are learnt through this about the nature of the two festivals, especially the connection between the *mitzvot* of *Sukkah* and *Matzah* fulfilled on the first days of the respective festivals. This could present a new connection. Although unlike *Pesach* there is no requirement of *vehigadeta le'vincha* (passing on the story) on *Sukkot*, it is nevertheless an important need to have the visual aid in the meal. Just as *Rabban Gamliel* requires us to speak of the *matzah*, so too we have to be able to see and feel like we are in a temporary structure as *Bnei Yisrael* were in the desert.

The temporary nature of the building is fundamental to the *Sukkah*, just as much as the covering. For this reason both are necessary in the first *Mishnah* to introduce us to the tractate. Even though the discussion of the structure itself does not appear until later in the first chapter after the discussion about the *schach*, this is a perfect introduction to the fundamentals of a *Sukkah*.

## Ta'anit

### Understanding Fasting

David Bankier

The primary focus of *Masechet Ta'anit* is on public fast days that were enacted in response to drought or other calamities that befell the community. The *Rambam* explains (*Ta'anit* 1:1-3):

It is a positive biblical *mitzvah* to cry out and blow trumpets on any calamity that befalls the community... And this is one of the paths of *teshuva* (repentance). When a catastrophe occurs, and they cry out... and know that it occurred as a result of their bad deeds... this will cause the tragedy to be removed. But if they do not cry out... and [dismiss the events] as “the way of the world” and [bad luck or] chance, this is stubbornness and causes them to stick to their bad ways resulting in further misfortunes.

Fast days are not simply days in which we refrain from eating and drinking. Nor is it voluntary suffering that is crudely presented in exchange for relief. As the *Rambam* presents it, a *ta'anit* is a driver for *teshuva*. The fast motivates introspection and an understanding that *Hashem* engineers all that occurs in response to our actions. Out of the fast, decisions to improve ourselves and change our ways are made with the hope that the situation will improve.

This idea was already presented toward the end of the *masechet* we just completed – *Rosh Hashanah*. The *Mishnah* (3:8) writes:

“And when *Moshe* raised his hand, *Bnei Yisrael* were victorious” [in the battle against *Amalek*] (*Shmot* 17:11). Do *Moshe* hands really make or break a battle? Rather [the *Torah*] is teaching you that the entire time that *Bnei Yisrael* looked towards the heavens, and subjugated their hearts to their Father in heaven – they were victorious, if they did not – they would fall...”

Given the accuracy of the mathematical models, it seems that the question that we posed at the beginning of this article could be asked the other way around. That is, instead of asking why the *Beit Din* needed the mathematical models, a better question might be - why was the *Beit Din* required to rely on witnesses who took the trouble of travelling to Jerusalem to testify? The journey could be dangerous<sup>18</sup> and witnesses were even given permission to desecrate *Shabbat* in order to testify. Why couldn't the *Beit Din* simply rely on their mathematical models to determine when *Rosh Chodesh* should be?

As was noted in the previous article, sanctifying the new moon allows the Jewish people to have a part in determining what day *Yom Tov* will be. We are literally partners with *Hashem* in bringing *kedushah* to the world. When the witnesses embarked on the journey to Jerusalem to testify they were actively participating in this partnership. Perhaps the lesson that we can learn is the importance of actions. *Hashem* wants us to be actively involved in carrying out His work in this world.

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<sup>18</sup> As we see in *Mishnah* 9 of *Perek* 1

## *Sukkah* in the Rain

**Sukkah (2:9)**  
**David Bankier**

Probably one of the most widely known *halachot* on *Sukkot* is that if it is raining, the meal is moved indoors. The source of this rule is the following *Mishnah* (2:9):

... If rain fell, when may he clear out [of the *sukkah*]? When a dish of porridge would be spoiled [by the rain]. To what can this matter be compared? To a slave who came to fill the cup for his master and [the master] poured the jug over his face.

The question that one should ask is why indeed the advent of rain exempts one from eating in the *sukkah*? Initially one might think that this law is an extension of another well known law – *mitzta'er patur* – if someone is painfully uncomfortable they are exempt from sitting in the *sukkah*.

The *Rav ztz"l* (*Harerei Kedem* 111) explains that such a conclusion is difficult for two reasons. Firstly, the *Rambam* discusses the laws of *mitzta'er* (6:7) in a different place to when he discusses the exemption in the event of rain (6:10). Furthermore the *Gemara* that discusses *mitzta'er* seems to suggest that these two laws are distinct. The source of the rain exemption is stated explicitly in the *Mishnah* as cited above. The *Gemara* (28b) however, brings the law of *mitzta'er* as a position held by *Rava* (an *amora* from the period of the *Gemara*).

For this reason, the *Rav ztz"l* explains that the exemption of rain is different from the exemption of *mitzta'er*. The latter is dependant on the anguish felt by the individual in question. If he is painfully uncomfortable then he, personally, is exempt from sitting in the *sukkah*. The exemption of rain operates in a different manner. When it is raining, it is not dependant on subjective discomfort felt by each of the individuals but rather, the advent of rain invalidates the actual *sukkah* as it is no longer a suitable

dwelling. This understanding explains why the *Mishnah* followed the law with a *mashal* (parable). The *mashal* serves to illustrate the entire situation as inappropriate from the fulfilment of the *mitzvah* and thus the rain invalidates the *sukkah* as a whole.

The *Rav* used this understanding to explain a particular custom that *Rav Moshe Soloveitchik ztz"l* had on the first night of *Sukkot*. By means of introduction we will ask, what if it is raining on the first night of *Pesach*. The *Rama* (639:5) rules that on the first night rain does not exempt one from eating in the *sukkah* and one must eat a *kezait's* worth. (This is learnt from a *gezeirah shava* – see *Mishnah Berurah* for explanation.) The *Mishnah Berurah* however cites other opinions that hold there is no difference between the first night and the other days of *Sukkot*.

Now, if it was raining on the first night, *Rav Moshe* would eat a *kezayit* in the *sukkah* as directed by the *Rama*. He would then wait, even till late in the night, till the rain stopped, then wake his family so they could eat another *kezayit* in the *sukkah* to satisfy the opinions that argue against the *Rama*.

The *Rav* posed the following question, if the other opinions hold that rain exempts them from eating in the *sukkah* even on the first night, then surely waking the family up so late at night would qualify as a case of *mitzta'er*. Consequently they should be exempt in any case.

*Rav Moshe* responded that everyone agrees that there is no exemption of *mitzta'er* on the first night. The reason why those opinions exempt people from eating in the *sukkah* when it is raining is because when it is raining, the *sukkah* is no longer defined as a *sukkah* (“*leikah alei'ha shem sukkah klal!*”). There is no *sukkah* in which to perform the *mitzvah*. Later in the evening when the rain ceases, the *sukkah* “returns” and there is no exemption of *mitzta'er* explaining why the family was woken to perform the *mitzvah*.

questions about the moon's appearance and location the *Beit Din* could establish the veracity of the witness.

Thirdly, as the *Rambam* explains<sup>17</sup>, the mathematical models were used to ensure that the calendar remained in sync with the actual phase of the moon. This is explained as follows. The phase of the moon is slightly more than twenty-nine and a half days long. A calendar month can only be twenty-nine or thirty days long. Slightly more than half of all months should have thirty days and slightly less than half should have twenty-nine days (thus averaging out to slightly more than twenty-nine and a half days per month i.e. the length of the phase of the moon).

If valid witnesses saw the new moon on the thirtieth night and they testified in time, the *Beit Din* would declare that day to be *Rosh Chodesh* and the old month would be a short month of twenty-nine days. If witnesses did not turn up in a particular month, then that month would automatically be a long month of thirty days. If witnesses did not turn up for a number of consecutive months (eg if the moon was not visible due to cloud coverage) then each of those months would by default be thirty days long and after a short while the calendar would no longer be synchronised with the phase of the moon. After a number of months a new moon might eventually be sighted on the twenty-fifth or twenty-sixth night of the month.

In order to avoid this outcome and to keep the calendar in sync with the moon, the *Beit Din* would sometimes designate short months of twenty-nine days even if witnesses did not turn up. This was done if the new moon was not sighted for a number of months in a row. These short months were inserted based on calculations using the mathematical models to ensure that if the new moon was sighted on the next month it would appear on the thirtieth or thirty-first night, but not earlier.

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<sup>17</sup> *Hilchot Kiddush HaChodesh* 18:5-9

## Sanctifying the New Moon

Alon Ledder

When the new moon first appears in the sky, that night (and the next day) is *Rosh Chodesh* - the first day of the new month. If the new moon appears on the thirtieth night (i.e. the night before the thirtieth day) then the old month is twenty-nine days long. If the new moon appears on the thirty-first night then the old month is thirty days long.

The *Chachamim* had remarkably accurate mathematical models to predict precisely when the new moon was due to appear each month. The *Chachamim* from the tribe of *Issaschar* were particularly renowned for being experts in astronomy<sup>15</sup>. However, the *Beit Din* decided what day was *Rosh Chodesh* based on witnesses who actually saw the new moon and came to Jerusalem to testify. Why then did the *Chachamim* need their mathematical models?

There are at least 3 reasons.

Firstly, in our time we do not have a *Beit Din* that is qualified to receive the testimony of witnesses. Therefore, we are forced to rely on a fixed calendar that is calculated based on those mathematical models. In fact, today we are still using the calendar that was calculated by *Hillel II* about 1600 years ago.

Secondly, the *Beit Din* would test the witnesses by asking them various questions<sup>16</sup>. Through using the mathematical models the *Beit Din* could calculate at what time the new moon would appear, where it would be located in the sky and which way the crescent would be facing. By asking each witness some basic

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<sup>15</sup> See *Rashi* to *Bereshit* 49:15

<sup>16</sup> See *Mishnah* 6 of *Perek 2*

## *Mitzvah Haba'ah Be'aveyra*

*Sukkah* (3:1)

Natan Rickman

The third *perek* of *Sukkah* deals with a topic which we are more familiar with – the four species. The *Mishnah* lists a number of problems that invalidate a *lulav*; one of these being if it was stolen. The *Gemara* (*Sukkah* 30a) explains the invalidation of a stolen *lulav* due to it being a '*mitzvah haba'ah be'aveyra*' - the ability to fulfil the *mitzvah* became possible only through the transgression of stealing. Or alternatively, the point of the transgression was the moment of fulfilling the *mitzvah*. The source of this problem is the verse from *Yeshayah* (31:72), "I [*Hashem*] hate stolen offerings". Consequently the *Gemara* notes further, that there is no halachic difference if the person from whom the *lulav* was stolen has given up ownership or not.

However, *Rashi* (*Sukkah* 29b) in his commentary on the *Mishnah* explains that the problem with a stolen *lulav* is because the *Torah* writes that "they should take for themselves" (*Vayikra* 23) implying that by taking what belongs to someone else, one does not fulfil this *mitzvah*. According to this understanding of *Rashi*, there is no halachic difference between a stolen or borrowed *lulav* for the fulfilment of the *mitzvah* on the first day of *Yom Tov* (There is a debate if the *psul* is only for the first day or all days of *Yom Tov*.)

The *Tosfot* explain that '*mitzvah haba'ah be'aveyra*' only applies in those cases where the *aveyra* facilitates the performance of the *mitzvah*, but does not apply to cases where the *aveyra* is not part of the process of fulfilling the *mitzvah*. For example, if one had a *lulav* that had been worshipped as a god, the inability of using such a *lulav* is not because *mitzvah haba'ah be'aveyra*, but for another reason (see *Sukkah* 30a, *Tosfot* s.v. '*Meshum*'). *Tosfot* are so convinced by their explanation that they claim that the text

quoted later in the *Gemara* that a *lulav* from a tree that has been worship for idolatry is prohibited because of *mitzvah haba'ah be'aveyra* is incorrect.

There is another case of where one stole an object for the fulfilment of a *mitzvah*, however the law is different. The case is where one stole a *shofar* and used it on *Rosh Hashanah*. The *Halacha* in such a case is that the person has fulfilled their obligation of hearing the *shofar*. The question that arises is why is there no problem of *mitzvah haba'ah be'aveyra*? The answer that is offered is that the nature of the obligation of *shofar* is different to that of *lulav*. The *Torah* obligates the Jewish people to hear the sound of the *Shofar* on *Rosh Hashanah*. The *mitzvah* is fulfilled through the *shofar* and not with using the *shofar*. However with *lulav* the *Torah* obligated the taking of the *lulav* and therefore the stolen *lulav* cannot be used.

The third case of *mitzvah haba'ah be'aveyra* is the story that the *Gemara* brings both in *Brachot* and *Gittin*. *Rabbi Eliezer* freed his servant in order to complete the *minyan* in *Shul*. Freeing a slave is a negative prohibition of 'they shall always work for you'. The answer that the *Gemara* gives is that a *mitzvah* for the public is different and therefore the *aveyra* can be overlooked. However, according to the *Tosfot* that was mentioned above one can offer another answer, that the freeing of the slave allowed them to then complete the *mitzvah*, not that the *aveyra* and the *mitzvah* happened at the same time. Since freeing the slave now allowed the quorum to form which later would allow certain parts of *tefillah* to be recited.

society to become both lacking in morals and creating a void where G-dliness should be.

The *Torah* sets various parameters and guidelines on how to accept a witness and his testimony. The *pasuk* writes, "That through two witnesses the matter should be established". This verse is understood as setting out a number of rules, for example the two witnesses need to see the event at the same time, that the testimony needs to be understood by the judges without the need for an interpreter and that the testimony needs to be spoken and not written.

The *Torah* in *Devarim* writes that "fathers shall not die because of sons and sons shall not die because of fathers" The *Gemara* in *Sanhedrin* (27b), learns that this verse discusses both that the son cannot testify on a capital punishment case of his father, but also that father and son cannot testify together, not because we are afraid that they will lie but because it is a *gzeirat ha'katuv*.

The question is asked, how can *Rebbi Shimon* allow the father and son to testify? The *Gemara* answers that this case example is of *Moshe* and *Aaron*, who stood together as the very first witnesses of the Jewish people. Therefore, if *Hashem* was prepared to accept these two brothers as witnesses, then why should the Rabbis not.

Another answer is given by the *To'hor Ve'Emes* that the concept of sanctifying the month and therefore deciding when the *Yomim Tovim* will be, was given to the Jewish people. Allowing us to have some control over time and being able to define when the *Yom Tov* is. *Rebbi Shimon's* position is explained that their testimony represents the great strength and spiritual ability that the Jewish people have in being able to define and set the *kedushat Yom Tov* and does not primarily reflect the classical form of *eydut*, which is a testimony about an event or a person. Therefore, father and son can join together and testify.

## Father and Son: Can they testify together?

Rosh Hashanah (1:7)  
Natan Rickman

The *Mishnah* in *Rosh Hashanah* discusses that a father and a son who come to the *Beit Din* to testify about the new moon are not allowed to testify in front of the *Beit Din*, due to their relationship. The question that arises is why are a father and son not allowed to testify together? Why does *Rebbi Shimon* allow it?

The *Rambam* lists as the 178<sup>th</sup> positive commandment, testifying in *Beit Din*. The obligation covers any nature of testimony - whether it will save another from a capital punishment or if it will obligate someone to payment or death.

The *Torah's* view of one who holds back testimony is that they have committed a great sin and crime against the society. Since the justice system relies on testimony in order to judge fairly and justly, this person aided to the breakdown of society by not testifying. The punishment that the *Torah* gives is the obligation to bring a *korban Oleh ve'Yored*.

However, there is a distinction that is made between the different types of testimony in reference to the witness having to come forward on his own volition or waiting and only testifying when called. In a monetary case the witness does not need to approach the *Beit Din*, but is allowed to wait until called to give the testimony.

However, in the case of a capital or other *issurim* the person needs to approach the *Beit Din* alone and offer the testimony. The distinction between the two cases is that in the case of murder or any other *issurim* there has also been an offence to both man and *Hashem*. By withholding the evidence the person is allowing the

## The Role of *Simcha* in *Simchat Beit Ha'Shoevah*

Noam Greenberger

In the fourth and fifth chapters of *Masechet Sukkah*, a number of *mishnayot* deal with the water-libation offered on *Sukkot*, and the festivities and emotions surrounding this event. In broad terms, this can all be encapsulated under the heading of "*Simchat Beit Ha'Shoevah*" (The happiness of the water-drawing).

On this very issue however, there exist two opinions. The *Gemara*, in *Masechet Sukkah* (50b) brings a disagreement as to whether indeed the *Mishnah* calls this celebration one of "*shoeva*" (water-drawing) or one of "*chashuva*" (importance). The *Gemara* does not go down the path of investigating which opinion is most accurate, but rather highlights the truth in both opinions (*Tosfot* 50b s.v. *Vechad Tani Shoeva*).

The *Gemara* begins by addressing the view of "*shoeva*" (water-drawing). In its support the *Gemara* brings the fact that it is indeed from a *pasuk* which states "*Ushavtem Mayim Besason*" ["And you can draw water joyfully"] (*Isaiah* 12) from which the requirement to be happy on this festival is learnt out. "*Ushavtem*" comes from the same Hebrew root as "*shoeva*" and it is thus valid to refer to the event as *Simchat Beit Ha'Shoevah*.

However, this opinion is not so clear-cut. *Tosfot* (s.v. *Chad Tani Shoeva*) cites the *Talmud Yerushalmi* on this issue which states that the view of "*shoeva*" is based on the belief that the name "*Simchat Beit Ha'Shoevah*" relates to the fact that as a result of the *simcha* attained through this *mitzvah*, people would "draw forth" *ruach hakodesh* (Divine spirit) - "for the *Shechina* dwells where there is happiness".

The *Maharsha* (a later commentary on the *Gemara* from the Polish town of Tiktin) raises two issues which the *Yerushalmi*, quoted by *Tosfot*, alludes to. His first point is in the fact that whilst the water-libation (the heart of the celebration) was done in the Temple Court, the aforementioned opinion in our *Gemara* refers to the festival as “The Happiness of the House of Water-Drawing” (*Simchat Beit Ha’Shoevah*) - but the water-drawing was not the focus of the festival and occurred at the stream, not in the Temple Court? Why not refer to the festival, asks the *Maharsha*, as “The Happiness of the House of Libation” for the libations were done in the Temple Court as was the rejoicing?

His second question is on the topic of why the *pasuk* in *Isaiah* states “And you will *draw water* joyfully”- and yet the *Halacha* states that only the *libation* is to be done joyfully?

The *Maharsha’s* answer to the two questions is as follows. Regarding the issue of the name “*Simchat Beit Ha’Shoevah*” (The Happiness of the House of Water-Drawing) as opposed to “The Happiness of the House of Libation”, indeed it is this inaccuracy of phraseology which motivates the *Yerushalmi* to learn out from the phrase “*Simchat Beit Ha’Shoevah*” no relationship to a place, rather an allusion to the *ruach hakodesh* which was drawn forth as a direct product of the happiness that surrounded this holy event. Secondly, answers the *Maharsha*, the *pasuk* from *Isaiah* too alludes to this concept. Whilst this *pasuk* may be the source for the requirement to infuse the water-libation with happiness, the *Yerushalmi* understands once again that it is brought as support for the opinion of “*shoeva*” because it is to be read allegorically: “And you will draw forth [*ruach hakodesh*] via the water [libation] which shall be done joyfully”.

sometimes the question is just an excuse. The Jew wanted to get close to the Rav and he tried to find a way to encounter the *Torah* so he searched for questions. When one enters the *Beit Midrash* he needs to feel as if it is his place. If he already enters he has the basic connection, and it is our responsibility to continue and strengthen that connection.

The “*Beit Midrash*” appears elsewhere in our chapter where *R’ Tarfon* entered the *Beit Midrash* to consult on a particular query. “And they entered the *Beit Midrash*” is a unique statement throughout *Shas*. We do not see elsewhere an apparently incidental comment like this one in our *Mishnah*.

It seems that it is possible to learn a few things from this story aside from the need to also be meticulous in our transmission of events. Firstly, even *Rabbi Tarfon* the great *Tana* was not embarrassed to ask and clarify a situation, just as we learn in *Pirkei Avot* “the embarrassed does not learn”. Furthermore in order to clarify questions one has to enter the *Beit Midrash* - the place in which we clarify reality and learn how to work within it.

for explaining *halachot* but also a place representing a certain world perspective. A person whose house is a *Beit Midrash* expresses what his direction is in life and what is important to him. Entering into the *Beit Midrash* symbolises our relationship with *Torah* and how we are connected to it. The *Beit Midrash* is meant to be the centre of our lives. It is a place which gives us the strength and guidance when we leave its four walls. The wasting of *Beit Midrash* time is less time spent connecting to our “nerve centre”.

According to the first explanation brought down by *Rashi*, *Abba Sha’ul*’s concern was the wasting his own learning. In order that he should be free during the day to answer people’s questions, he would work at night for his living. Interestingly, he considered the conflict as a potential waste of personal learning time, even though it was answering other people’s questions that were at risk. It is possible to say that denying the clarification of *Torah* for others or wasting others’ *Torah* learning generates a sense of lacking on the part of the individual as one has a responsibility for the wider community.

There are those that do not feel good when their personal progress is hindered by answering other people’s questions. Yet - “To learn and to teach, to guard and to do” – passing *Torah* to the wider circles and leading others down the path of *Torah* is no less important. The wasting of *Beit Midrash* time is broader than the notion of wasting time for learning *Torah*. On *Chagim* when there is more time, people would go to the *Beit Midrash*. When their *halachic* questions were answered, be they practical, for the sake of learning, for a deeper understanding or maybe even on totally unrelated matters, this would create a connection between them and the *Beit Midrash* – the centre of our lives.

There is a story about a *Chassid* who came to his Rav and asked him a medical question about his cow’s foot. The Rav gave his answer and was later asked by others, “why didn’t you tell him that he should simply go ask a vet?” The Rav explained that

## Beitzah

### Carrying on *Yom Tov*

Beitzah (1:5)

David Bankier

In the absence of an *eiruv*, can one carry objects through the public domain on *Yom Tov*? If so, why and are there any restrictions on what one may carry? This very point was debated by *Beit Shammai* and *Beit Hillel* in the following *Mishnah* (1:5):

*Beit Shammai* say that one cannot carry a child, a *lulav* or a *sefer Torah* into the public domain [on *Yom Tov*]. And *Beit Hillel* permit it.

The *Gemara* (*Beitzah* 12a) explains that everyone agrees that carrying for the sake of food (*ochel nefesh*) is permitted. This is learnt from the *pasuk* “...no work shall be done on them, except for what must be eaten for any person – only that may be done for you” (*Shmot* 12:16). Rather, the *Gemara* concludes that the *Tana’im* debate the validity of the following concept – “*mitoch she’hutra le’tzorech, hutra she’lo le’tzorech*” (hence forth simply *mitoch*) – which is loosely translated as “since the *melacha* was permitted for the sake of food preparation, it was also permitted for other needs.” (Note that this concept is also applied to kindling, slaughtering, baking and cooking. See *Mishnah Berurah* 518:1)

*Beit Hillel*, who maintain this concept, therefore permit carrying a child, *lulav* or *sefer Torah* on *Yom Tov*. Why were these three objects selected? The *Gemara* answers by explaining that *Beit Hillel* permit these three things while they would agree that carrying stones would indeed be forbidden even on *Yom Tov*.

The *Rishonim* attempt to understand the impact of *mitoch* and its scope. This article will briefly summarise the discussions that related to each of these two points.

*Rashi* (ibid. s.v. *ela*) maintains that after the application of *mitoch* carrying on *Yom Tov* was completely permitted. Yet, a rabbinic prohibition was instituted against carrying stones or other objects that have no need on *Yom Tov*. (This is also how the *Tosfot* and most of the *Rishonim* appear to have understood *Rashi* – see *Biur Halacha* 518) The *Ran* (*Rif Beitzah* 6a) understood that *Rashi's* conception of *mitoch* was broader and that carrying even not for the need of *Yom Tov* was permitted. Only carrying stones, which already considered *muktzah*, and carrying something in preparation for the next day were prohibited.

The *Tosfot* (ibid.) disagree with *Rashi*. They maintain that the application of *mitoch* is partial and if one carries an object that has no need on *Yom Tov*, they have transgressed a biblical prohibition.

It therefore appears that carrying an object that is not needed for *Yom Tov* is at least rabbinically forbidden. However, how does one understand “the need for *Yom Tov*”?

The *Rosh* explains that one can carry objects that will be used for a *mitzvah*. This explains that choice of examples listed in our *Mishnah*. He adds, quoting the *Rabbeinu Tam*, that one is allowed to carry a child not only for the sake of the *mitzvah* of *brit millah*, but also to take the child to shul or go for a walk as these examples satisfy *Simchat Yom Tov*. The *Mishnah Berurah* (518:3) adds that even if the parent would be able to leave the child home with the other parent without the child being upset, yet the parent leaving desires to have its child with them, this too would be permitted due to *Simchat Yom Tov*.

The *Rama* broadens the definition one step further explaining that one is even allowed to carry utensils that he fears will be stolen if

## Time in the *Beit Ha'Mikdash*

Beitzah (3:8)

Uri Orbach

Trans. Mark Steiner

In the third *perek*, we find two *Mishnayot* from which we can learn important ideas relating to the *Beit Midrash*, and perhaps to learning in general.

The eighth *Mishnah* states:

“*Abba Sha'ul ben Batnit* who would fill his measuring utensil on *erev Yom Tov* and give them to customers on *Yom Tov*. *Abba Sha'ul* adds that even during *Chol Ha'moed* he would [prepare the utensils the night before] to ‘exact the measurements’”

The *Gemara* explains that “[*Abba Sha'ul* would] do so even during [*Chol*] *Ha'moed* because of [the potential] waste of *Beit Midrash* [time].” The *Gemara* explains that he was a great scholar who was regularly consulted and during *Chol Ha'moed* as many more people were free to deal with *Torah* the demand on his time would intensify. Consequently he would fill his utensils at night, outside *Beit Midrash* times, in order that he should be free during the day. Therefore the phrase in the *Mishnah* ‘to exact the measurements’ is explained to mean: the extra time spent in the *Beit Midrash* during [*Chol*] *Ha'moed* meant he would not have time to properly check the measurements during the day, so he filled them at night (*Rashi, Beitzah* 29a).

The idea brought here is ‘the wasting of *Beit Midrash* time’ rather than the more familiar ‘waste of *Torah*’. There are times when someone will return home from work tired and it is hard to learn. Just entering into the *Beit Midrash* has an influence. Firstly – entering allows more learning just by being surrounded by other people learning. Moreover, the *Beit Midrash* is not only a place

as the original prohibition of dipping a vessel is only a rabbinic one and not from the Torah (as it seems from most of the *Rishonim*). This explains why the *Rambam* had to give a different reason as to why this halachic decree still exists on *Yom Tov*.

Both of these reasons convey one very simple yet deep spiritual message. In order to gain the most out of a *Shabbat* and *Yom Tov* one must prepare all his needs before the day. This is the only way to make *Shabbat* and *Yom Tov* a day that is not just the time to do the things that we do not get to do during the week.

he left them at their location. The *Mishnah Berurah* (518:6) explains that since worrying about the fate of these objects would detract from *Simchat Yom Tov* it is considered a “need of *Yom Tov*”. Nevertheless, the *Mishnah Berurah* notes that there are those that disagree and argue that monetary loss is not a justifiable need of *Yom Tov* and therefore rules that one should ideally be concerned for this stricter opinion.

One final note, the definition appears however to be broader than carrying for the need of a *mitzvah*. The *Mishnah Berurah* (518:5) adds that carrying house keys and jewellery would also fall under this definition.

## A Vessel, a *Mikvah* and the purpose of *Shabbat*

Beitzah (2:2)

Asher Shafrir

The *Mishnah* (*Beitzah* 2:2) brings an argument between *Beit Hillel* and *Beit Shammai* regarding the *tevilah* of a person on *Yom Tov*. They do agree however that one is not allowed to *tovel* a utensil that has become *tameh* on *Yom Tov*.

Why is *toveling* a utensil problematic? The *Gemara* (*Beitzah* 18a) brings four different opinions regarding this action and its halachic problems. *Rav Yosef* and *Raba* both argue that in essence there is no problem with this action. The issue that brought *Chachamim* to institute a prohibition is the fact that when taking the utensil to the *mikvah* one might come to transgress a few halachic prohibitions. *Rav Yosef* argued that it could be the squeezing of the utensil (obviously this is with vessels that are different to what we have today). On the other hand *Raba* argued that a person might come to take the vessel and walk with it for a distance of four *amot* in a public area (*reshut ha'rabim*) thus transgressing a halachic prohibition.

*Rav Bibi* also argues that the problem is not with the action itself but rather with what such an action can lead to. *Rav Bibi* understands that if *Chachamim* were to allow one to *tovel* a utensil on a *Yom Tov*, people would not *tovel* their utensil when they got it but rather wait until the next *Yom Tov*, where they will have time to go to the *mikvah* and take all their vessels with them at that time. The problem that can arise with such a situation is that people will come to use their utensil even before they took it to the *mikvah* thus transgressing an *issur*.

*Rava* is the only Rabbi who argues that there is an inherent problem with *toveling* a utensil on a *Yom Tov*. *Rava* argues that this case is like one who has a vessel that is almost ready to be

used, but there is only one last thing that needs to be fixed before the vessel can be properly used. Doing this action, that will make the vessel usable, qualifies a biblical prohibition. This action, known as *ma'ke be'patish*, is similar to this case, where one takes a vessel that may not be used because of problems that have to do with *tum'ah* and *taharah* and solves these problems.

It is very interesting to see the way that the *Rambam* deals with this quadruple argument. In the *Halachot* of *Shabbat* (23:8) *Rambam* says that one may not *tovel* a utensil as it is a sort of *ma'ke be'patish*. It is interesting to see that many of the other *Rishonim* perceived this issue as a problem that it **looks** like making a utensil useable. Therefore a few of the *Rishonim* quoted the *Yerushalmi* (Terumot 2:1) that argues that there is no halachic issue with *toveling* small utensils and the problem is only with large ones. One of the commentators on this *Yerushalmi* explains that this is exactly the point - if it doesn't look like you are doing something only in order to make it useable then there is no problem in doing it. *Rambam* does not agree with this approach. According to *Rambam* the problem is not that it seems like an *issur* - it is *assur*.

How surprising is it to find out that when it comes to the *halachot* of *Yom Tov*, *Rambam* takes a different approach. This time (*Hilchot Yom Tov* 4:17) *Rambam* understands that there is no inherent *Halachic* problem with dipping the utensil but rather it is only a rabbinic decree to restrain a person from transgressing another *issur*. *Rambam* quotes *Rav Bibi's* explanation that the problem is that a person will not *tovel* the vessel until *Yom Tov* and he will come to use it without having taken it to the *mikvah*. What is the reason for this distinction?

*Rav Levi Ben Chaviv* (the *Maharlba"ch*) says that the reason is very simple and has to do with the basic *halachot* of *Yom Tov*. It is known that on *Yom Tov* one may do any action in order to prepare food for the day. Therefore it will make perfect sense that one may *tovel* a vessel that he needs for a *Yom Tov* meal. This is true,