

LAMDEINI CHUKECHA
Selected queries and replies from
THE DAFYOMI DISCUSSION LIST
<https://www.dafyomi.co.il/askollel.htm>
brought to you by Kollel Iyun Hadaf of Yerushalayim
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Beitzah 028: Ein Mashgichin v'Chaf Moznayim

Avraham Sacks asks:

Why do the Chachamim use the loshon "Ein Mashgichin" as opposed to "can not use"

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Dear Avraham,

Good question. I think the basic reason is that since the prohibition is measuring, and the act of measuring is accomplished by looking at the mark on the scale, therefore Chazal use the term for "looking at".

I hope this helps!

Best regards,

Yishai

Chulin 033: Shechitah without Blood Coming Out

Moshe Aziz asks:

how is it possible to slaughter an animal without blood coming out?

Moshe Aziz, United States

The Kollel replies:

Dear Moshe,

Great question. Rav Yonasan Eybeschutz (18th century Prague) writes in the Kreisi that normally after slaughtering an animal the reason blood streams out is because the veins and arteries are severed. But here, they were not severed, so blood didn't come out [1]. Like the commentaries before him [2], he writes that the Chidush is that it's not a problem that there is no opportunity for Kisuy ha'Dam. If that's the case, one might suggest that there was a degree of blood, just not enough to spill on the ground. I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Shulchan_Arukh_Yoreh_De'ah.28.22?lang=bi&with=Kereti&lang2=en
2. https://www.sefaria.org.il/Chullin.33a.9?lang=bi&p2=Rashba_on_Chullin.33a.5&lang2=bi

Bava Kama 049: A Pregnant Woman

eli turkel asks:

according to various explanations given would the halacha change given that in modern days the danger of a mother dying in childbirth is very small

eli turkel, raanana israel

The Kollel replies:

Dear Eli,

Good question.

The assessment is made based on what her market price would have been before and after the miscarriage [1], which will depend on the prevailing chances of her survival, which are higher today, as you correctly pointed out. It is reasonable that Raban Shimon ben Gamliel [2] would more likely agree to the Tana Kama nowadays that death in childbirth is more rare, although recall that there still is a non-zero chance.

I hope this helps.

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Bava_Kamma.49a.1?lang=bi&p2=Shulchan_Arukh_Choshen_Mishpat.423.1&lang2=bi&w2=BeerHaGolah&lang3=en
2. https://www.sefaria.org.il/Rashi_on_Bava_Kamma.49a.7.2?lang=bi&with=BavaKamma&lang2=en#:~:text=

Kesuvos 005: Dam Mifkad Pakid

Meir Gerber asks:

On 5b in the sugya of dam mifkad pakad.

What exactly is the physical metzious as we understand it medically today.

Why is the dam of the besulim different than any other part of the body?

What does it mean 'the blood is held back'?

Is the dam produced from the vaginal walls as it is torn off?

Is there dam in the actual membrane of the hymen?

After receiving the answer to the above question I would then ask 'is this a machlokes in the metzious? I know that we strive to say that the metzious is understood but their are different halachic ways this would play out,

How would this apply in the current scenario?

Thank you.

Meir Gerber, United States

The Kollel replies:

Dear Meir,

The Chasam Sofer writes [1], as you suggested, that this is not a dispute over the physical facts of nature. Both sides agree that the blood in the walls of the womb can be likened to a liquid being stored in a sponge. It is not exactly like typical blood of the circulatory system, since it is collected. Yet it is also not 100% separate from the flesh yet. So there are two ways of looking at it.

Accordingly, When the blood is released as a result of the intimacy, there are two ways of viewing it: Either it is released because of the strong pressure that the man applies to the walls of the womb, in which case we should classify it as making a wound. This is "Chaburei Michbar". Or simply when the hymen breaks the blood flows out on its own, in which case it should not be classified as making a wound. This is "Mifkad Pakid".

I hope this helps!

Best regards,


Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=19918&st=&pgnum=8>

Megilah 003: Nature of Kesuvim & Relation to Nevuah

Jasper Pirasteh asks:

I'm wondering where to turn for sources on the two  regarding what Kesuvim are -- i.e., the essential difference between the two parts of Nach?

I recall seeing an Abravanel, among others, in Rav A. Lopiansky's Likut Yesodei Ha'Torah that Kesuvim are authored by Nevi'im but Ru'ach ha'Kodesh (i.e., awake), not Al Pi full Nevuah (i.e., entranced, as explicated according to the Rambam's elaboration in the 7th Chapter of Hilchos Yesodei Ha'torah.)j

The other Mehalech (R"nu Bachye, perhaps?) I recall seeing recounted somewhere 'outside' (maybe in an Artscroll volume) that Sifrei Kesuvim were delivered via the same mechanism as Sifrei Nevi'im (i.e., same prophetic trance, etc.), but were authored for different divine purpose.

Might you help me lay forth the Masoretic sources for these two conceptions of Kesuvim among our Rishonim?

Jasper Pirasteh, Passaic, NJ, USA

The Kollel replies:

Dear Jasper,

Great to hear from you. I just saw a review of several opinions [1], the primary views being the following.

A. Rambam, Radak, and similarly R. Bachya:

The main difference lies in how the individual receives the Godly information. Unlike someone who writes divinely inspired Kesuvim, a Navi undergoes a very intense prophetic experience beyond normal consciousness.

B. Meiri, and similarly Netziv:

The main difference is in their purpose. A Navi is someone sent by God to rebuke people. But Kesuvim can be any form of recorded wisdom.

I hope this helps.

Best wishes,

Yishai Rasowsky

Footnotes:

1. <https://judaism.stackexchange.com/questions/37474/what-is-the-difference-between-prophets-and-writings#:~:text=LikeinjustabouteveryquestionofJudaismtheresmorethanoneexplanation/opinion>.

Nazir 00O: Hataras Nezirus

Paul Davidowitz asks:

If a nazir drinks wine after being given an azhara, can he subsequently be matir his neder (by going to a chacham and expressing charata) -- and thus avoid punishment?

Paul Davidowitz, Long Beach

The Kollel replies:

Shalom aleichem,

Great to hear from you. Very interesting question.

The Maharsha writes that if the Chacham knows that this individual violated his Neder intentionally, then he must not perform Hataras Nedarim [1]. The implication being, that as long as the violation was either unintentional, or even if it was intentional but the Chacham doesn't know this, then one can indeed perform Hataras Nedarim.

What's more, the Taz writes that one may perform Hataras Nedarim even if the only reason for doing so is because he is afraid of punishment [2]. The implication being in all cases, i.e. more lenient than the Maharsha. Some deduce this is the position of the Shulchan Aruch as well [3].

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Gittin.33a.9?lang=bi&p2=Tosafot_on_Gittin.33a.9.2&lang2=bi&w2=ChidusheiHalachot&lang3=en#:~:text=
2. https://www.sefaria.org.il/Shulchan_Arukh_Yoreh_De'ah.323.1?lang=bi&with=TureiZahav&lang2=en#:~:text=
3. https://www.sefaria.org.il/Shulchan_Arukh_Choshen_Mishpat.73.5?lang=bi&with=all&lang2=en#:~:text=

Pesachim 009: Ein Safeik Motsi mi'Yedei Vadai

Soheil Zaman asks:

Rava says the neima achaltei (the fact the chulda could have eaten chametz) is not a taina because Ein safeik motsi midi vadai.

But the chulda eating the chametz is a rov and we have a klal ein heilach achar rov.

If you want to tanain well this Gemara is mechadesh that rov doesn't beat a vadai, but that's not the implication from the proof the Gemara brings from chaveir sh'meis.

By the fact the Gemara brings chaveir sh'meis means to me that chulda and chaveir sh'meir is to a degree parallel. Rashi says that the case of chaveir sh'meis is a rov. So neima achaltei is a rov. The reason why rov does not work for chaveir sh'meis is because rov based on a natural phenomenon is stronger than a rov based on the way a person chooses to act, because a person can choose to act like the minority. He's a bar das. Thus I see the Gemara is telling me that rov could work well here but because the rov is dealing with the way a person acts, only a vadai would help. Which means IF THE ROV IS A NATURAL ROV, THEN IT COULD BEAT A VADAI.

And we know a chulda is not a bar das and acts exclusvly through nature. So then why isn't neima achaltei a good taina?

Soheil Zaman, United States

The Kollel replies:

Dear Soheil,

This Sugya is a very rich one. And I see that you formulated this question based your understanding of several steps in the Gemara. That is great! Can I suggest that your assertion regarding the distinction between a Rov

based on human decision versus a Rov based on natural phenomenon is a point that would need to be proven, in order for your Kashya to be ironclad. Barring that someone reading this Gemara would in fact come to the conclusion that a simple Rov, even one based on animal behavior, is not enough to override the Vadai Isur. I would love to know your thoughts.

Best regards,

Yishai Rasowsky






Sotah 018: u'Tehorah Hi

Aaron Shemtob asks:

Shalom rabbi

Hope all is well. The Gemarah says that a Shevuat Alah is where the Kohen says:

Mashbiani Alayich she'Lo Nitmeis v'Im Nitmeis Yavo'u Bich














































My question is did the woman repeat the swear of the Kohen and say Ani Mashbiah etc. or did she just answer Amen to him? Because really      is binyan Hifil which is causative meaning he caused her to swear implying that she actually uttered the swear.

Thank you, miss you

Aaron

The Kollel replies:

Shalom Aaron,

Nice question! No, the woman doesn't have to repeat the whole thing. She just answers Amen twice in a language that she understands [1]. This counts as her acceptance of the oath and accompanying curse, so it is legitimate to use the term                                              for instance.

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Woman_Suspected_of_Infidelity.3.7?lang=he&with=all&lang2=he
-

Sukah 005: Height of Aron ha'Kodesh

Sholem asks:

The Gemoroh takes for granted that the height of the Oroin was 9 tefochim. Why does not ask from Yumoh (72b) where the Gemoroh understands that the Oroin was 10 and according to another opinion was 11?

Sholem, UK

The Kollel replies:

Dear Sholem,

Nice question! The Aron which the Gemara in Yoma says is ten or eleven Tefachim high is the outer gold portion [1]. The height of nine Tefachim, which the Gemara in Sukah [2] assumes, is referring to the height measurement prescribed by the Torah as one and a half Amos [3]. Rashi in Yoma says this is referring to the middle wooden container [4].

I hope this helps!

Best regards,

Yishai

Sources:

1. <https://www.sefaria.org.il/Yoma.72b.4?lang=bi&with=all&lang2=en>
2. <https://www.sefaria.org.il/Sukkah.5a.5?lang=bi&with=Rashi&lang2=en>
3. <https://www.sefaria.org.il/Exodus.25.10?lang=bi&with=all&lang2=en>
4. https://www.sefaria.org.il/Yoma.72b.4?lang=bi&p2=Rashi_on_Yoma.72b.4.2&lang2=bi

Sukah 005: Lo Yarda Shechinah L'Matah

Yisroel asks:

According to Rabbi Yehuda that the aron was only 8 1/2 tefachim tall, how do we understand the passuk of v'Dibarti Itcha me'Al ha'Kaporet when me'Olam Lo Yardah Shechinah L'Matah? Even Rabbi Yehuda agrees that in order to be considered a separate domain it must be at least 10 tefachim?

Yisroel, United States

The Kollel replies:

Dear Yisroel,

Excellent question! The Aruch Laner proves, based on your observation, that Rebbe Yehudah does not agree to the Drashah about the Schechinah not descending, and that Rebbe Yosi follows the opinion of Rebbe Meir [1].

I hope this helps!

Best wishes,

Yishai

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=49500&st=&pgnum=15>

Sukah 007: Sukah k'Mavoy

Moshe Reinitz asks:

Sholom Aleichem:

Daf Zayin Umud Aleph Mes' Sukah

The Gemara talks about A sukah like a Muvoy (two walls opposite each other).

Rav Yehudah requires a tefach added to any of the walls.

It doesn't say a Tefach Socheik.

Near the bottom of the same Umud, at the end of second large line in the Gemara,

It seems to say the requirement is a Tefach Sochiek.

But Rav Yehudah only says Tefach?

Am I missing something over here?

M U Reinitz

The Kollel replies:

Dear Moshe,

There is a specific reason to sometimes require an expansive Tefach. That is, when you are combining one Tefach of wall with less-than-three Tefachim of airspace ("Lavud"), this results in a grand total of four Tefachim, which is the majority of the requisite seven [1]. But in Rav Yehudah's case, the Tefach was standing directly next to the full size wall, not 2.9 Tefachim away [2]; so there would be no reason for it be larger than a regular Tefach.

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Sukkah.7a.3?lang=bi&p2=Rashi_on_Sukkah.7a.3.2&lang2=bi

2. <https://www.sefaria.org.il/Sukkah.7a.4?lang=bi&with=Rashi&lang2=en>

Sukah 008: Mishum d'Kevi'i

Daniel Gray asks:

Mishum d'Kevi'i should be a disadvantage, not advantage in Hilchos Sukah assuming the opinion that Ara'i is a requirement and that meaning of Keva here (not regularly disassembled) is same definition as other sukkah

areas such as 20 amos.

Daniel Gray, Toronto Canada

The Kollel replies:

Dear Daniel,

Very nice question. I see the Mesivta cites Rav Shlomo Kluger [1], who suggests that Diras Arai is fine when the Sukah was made for the Yom Tov. But if it was just a hut constructed for an alternative purpose, then it is less obvious that the such a temporary dwelling would be an acceptable Sukah.

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. Chochmas Shlomo, Siman 14, Seif Katan 1. I don't have the sefer on hand now.

Sukah 009: Sechach Higher than 20 Amos

Sholem asks:

Rashi seems to suggest that Sechach that is higher than 20 Amos is posul.

In the sugya discussed earlier in the mesechto in relation to bittul, if earth was put on the floor of a sukkah higher than 20 amos and the person was mevateil it, the sukkah would be kosher. Why was there no problem of 'taseh v'lo min ho'osui'?

Sholem, UK

The Kollel replies:

Dear Sholem,

On the surface we would say your Kashya is a proof to the opinion of Tosfos [4] and against Rashi [3]. But the Pnei Yehoshua suggests that since the Pesul is only due to height, [and not due to the material of the Schach], therefore it is not Ta'aseh v'Lo Min he'Asuy [1]. And the Pri Megadim rules that there is no need to move the Schach even according to Rashi [2].

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Penei_Yehoshua_on_Sukkah.2a.6?lang=bi#:~:text=
2. <https://hebrewbooks.org/pdfpager.aspx?req=47430&st=&pgnum=100&hilite=>

3. https://www.sefaria.org.il/Sukkah.10a.1?lang=bi&p2=Rashi_on_Sukkah.10a.1.1&lang2=bi

4. <https://dafyomi.co.il/sukah/tosfos/su-ts-009.htm#:~:text=>

Sukah 014: Nesar/Pesel of 3 and 4 Tefachim

Emmanuel GARCIA asks:

Hello

I have a question regarding the tosfos on 14b Oumode Rabi Meir.

Tosfos summuraizes the cases of Nesar/Pesel and says that :

- if the Nesarim are of 3 tefachim, the Schach is Kosher, also under the Nesarim, because we don't have 4 tefachim bemokom echad
- if the Neasrim are of 4 tefachim, according to Rav, the Schach is Kosher but not under the Nesarim. Why so ? according to Rav the Schach is pasul only if we have 4 amot bemokom echad. Why in one case, it's also Kosher under the nesarim and in another the case it's not ?

Thank you very much for your help !

Emmanuel GARCIA, United States

The Kollel replies:

Dear Emmanuel,

Very nice question. Maybe it would help bring clarity if we distinguish between a few concepts:

A. Material which itself is Pasul for Schach.

For instance, all opinions agree this includes metal. What about Nesarim?

According to Rav, Rebbe Yehudah says no, whereas Rebbe Meir says yes provided they are 4 Tefachim wide.

But according to Shmuel, even Rebbe Yehudah says yes provided they are 4 Tefachim wide, whereas Rebbe Meir says yes even if they are 3 Tefachim wide.

B. The amount of that Pasul material which will comprise an invalid area of the roof, for instance under which one may not sleep. This is 4 Tefachim. This is so even according to the view that the Gezeirah even applies to Nesarim that are only 3 Tefachim wide.

If that seems odd, perhaps it would help to consider metal as an example. Even though metal poles, let's say 1 inch wide, are invalid for Schach, nevertheless they would not constitute an Pasul area, under which one may not sleep, unless a series of these metal poles, laid side by side, were to collectively occupy 4 Tefachim of width.

C. The amount of that Pasul material which will invalidate *the entire Sukah*.

According to Neharda'a [1], Shmuel says this is 4 Tefachim in the middle of the roof but 4 Amos at the edge, whereas Rav says it is 4 Amos whether near the edge or in the middle.

With this we can resolve the questions I understood you to be asking:

I. If the Nesarim are 4 Tefachim wide, then why according to Rav is the space under the Nesarim not Kosher, if according to Rav the Schach is Pasul only if we have 4 Amos? The answer is that 4 Tefachim of Schach Pasul already comprises an area unfit e.g. for sleeping, whereas 4 Amos is the amount of Schach Pasul that is Posel the entire Sukah (see C above).

II. Why when the Nesarim are 3 Tefachim is it Kosher under the Nesarim, but when the Nesarim are 4 Tefachim it is not Kosher under the Nesarim? The answer is that even those who hold that Nesarim 3 Tefachim wide constitute a material which is invalid for Schach, nevertheless only when that material occupies a width of 4 Tefachim does that portion of the roof actually become Pasul (see B above).

I hope this helps!

Best wishes,

Yishai

Sources:

1. [https://www.sefaria.org.il/Sukkah.17b.9?lang=bi&with=Rashi&lang2=en#:~:text=.](https://www.sefaria.org.il/Sukkah.17b.9?lang=bi&with=Rashi&lang2=en#:~:text=)

Sukah 015: Shesi - Erev

Sholem asks:

The Gemoro suggests we are talking where the sechach kosher overlaps the sechach posul.

Why is there no problem of ma'med bedovor haposul?

Sholem, UK

The Kollel replies:

Dear Sholem,

Excellent question! I will invite to look at the answers which are already provided on the Kollel's website. One could divide them into two basic approaches.

The first approach explains that in this case Chazal chose not to be Gozer, either because putting on Kosher Schach will sufficiently remind a person not to use the Schach Pasul [1], or because everyone knows that poles are Pasul for Schach [2].

The second approach explains that this case is not forbidden because it is only Ma'amid d'Ma'amid, either because there is another layer of Kosher material between the metal and the Schach [3], or because the metal poles themselves are being fastened to the walls by another item [4].

I hope this helps!

Best wishes,

Yishai

Sources:

1. [https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=MagenAvraham\(9\)AccordingtotheRanwecanexplainwhywepermitSchachonmetalspits\(6318\).WerequireamajorityofKosherSchachonthemsothereisnoconcernlestheuseonlyspits.](https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=MagenAvraham(9)AccordingtotheRanwecanexplainwhywepermitSchachonmetalspits(6318).WerequireamajorityofKosherSchachonthemsothereisnoconcernlestheuseonlyspits.)
2. [https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=Answer1\(MishbetzosZahav6\)WedecreedlestoneusesuchKelimforSechach.AllknowthatmetalspitsarePasulforSechach!](https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=Answer1(MishbetzosZahav6)WedecreedlestoneusesuchKelimforSechach.AllknowthatmetalspitsarePasulforSechach!)
3. [https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=Answer2\(KafhaChayim32\)HeputsreedsonthespitsandtheSechachonthereedssothespitsaremerelyMaamidtheMaamid.](https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=Answer2(KafhaChayim32)HeputsreedsonthespitsandtheSechachonthereedssothespitsaremerelyMaamidtheMaamid.)
4. See <https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=MinchasShlomoHowever,dMaamidispermitted.>

--- ADDITION ---

Dear Sholem,

I think the more primary answer we could consider is this. Rava on Daf 15 is explaining Rav Huna. Please look in the Korban Nesanel (Chapter 1, Siman 29, Comment 5), who writes that they both actually do not subscribe to the opinion that one mustn't support Schach with an item that is Mekabel Tum'ah. That is why the Gemara doesn't raise the issue.

I hope this helps.

Best wishes,

Yishai Rasowsky

Sukah 015: Shesi - Erev

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Sholem, UK

The Kollel replies:

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I hope this helps!

Best wishes,

Yishai

Sources:

1. [https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=MagenAvraham\(9\)AccordingtotheRanwecanexplainwhywepermitSchachonmetalspits\(6318\).WerequireamajorityofKosherSchachonthemsothereisnoconcernlestheuseonlyspits.](https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=MagenAvraham(9)AccordingtotheRanwecanexplainwhywepermitSchachonmetalspits(6318).WerequireamajorityofKosherSchachonthemsothereisnoconcernlestheuseonlyspits.)
2. [https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=Answer1\(MishbetzosZahav6\)WedecreedlestoneusesuchKelimforSechach.AllknowthatmetalspitsarePasulforSechach!](https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=Answer1(MishbetzosZahav6)WedecreedlestoneusesuchKelimforSechach.AllknowthatmetalspitsarePasulforSechach!)
3. [https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=Answer2\(KafhaChayim32\)HeputsreedsonthespitsandtheSechachonthereedsssothespitsaremerelyMaamidtheMaamid.](https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=Answer2(KafhaChayim32)HeputsreedsonthespitsandtheSechachonthereedsssothespitsaremerelyMaamidtheMaamid.)
4. See <https://dafyomi.co.il/shabbos/halachah/sh-hl-015.htm#:~:text=MinchasShlomoHowever,dMaamidispermitted.>

Sukah 020: Tosfos DH ha'Yashen

Daniel Gray asks:

"Aval l'Inach Amora'ei d'Paslei Mishum Ohel" - Lashon Rabim refers to multiple other opinions on daf yud that invalidate bc of ohel, when in fact only one such opinion exists-Rav Huna, the other opinion dissenting with Shmuel disqualifies due to Makom Chashiv!?

Daniel Gray, Toronto Canada

The Kollel replies:

Dear Daniel,

Great to hear from you. It really is a good question you are asking. At the moment, I can only suggest this. The opinions of Rav Huna and Rav Chisda on Daf 10 are both based on the fact that the upper Sukah constitutes a sufficiently high roof to invalidate the lower Sukah. So Tosfos articulates both their views in terms of "Ohel". The only difference between them is from where to learn the amount. Rav Huna learns 1 Tefach from *Tumas Ohel*, whereas Rav Chisda learns 4 Tefachim from Reshuyos of Shabbos. An objection to what I am saying might be this: Tosfos should have used the word Sukah instead of Ohel, since the Pesul on Daf 10 under discussion is "Sukah under another Sukah", and not "Sukah under another Ohel". Perhaps that way of phrasing it would be misleading, since the area between the lower and upper roofs really does not constitute a valid Sukah.

I would love to find a better answer, but I this helps for now.

Best wishes,

Yishai Rasowsky

--- ADDITION ---

Dear Daniel,

I feel that the explanation I wrote has a support based on the comment of the Ritva on Daf 10. Because he writes according to Rav Chisda that the requirement is for Ohel, albeit a larger size than that of Tumas Ohel. I will share a link to it in the footnote [1].

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Ritva_on_Sukkah.10a.2?lang=bi&with=Sukkah&lang2=en

Sukah 020: Tosfos DH ha'Yashen

Daniel Gray asks:

"Aval l'Inach Amora'ei d'Paslei Mishum Ohel" - Lashon Rabim refers to multiple other opinions on daf yud that invalidate bc of ohel, when in fact only one such opinion exists-Rav Huna, the other opinion dissenting with Shmuel disqualifies due to Makom Chashiv!?

Daniel Gray, Toronto Canada

The Kollel replies:

Dear Daniel,

Great to hear from you. It really is a good question you are asking. At the moment, I can only suggest this. The opinions of Rav Huna and Rav Chisda on Daf 10 are both based on the fact that the upper Sukah constitutes a sufficiently high roof to invalidate the lower Sukah. So Tosfos articulates both their views in terms of "Ohel". The only difference between them is from where to learn the amount. Rav Huna learns 1 Tefach from *Tumas Ohel*, whereas Rav Chisda learns 4 Tefachim from Reshuyos of Shabbos. An objection to what I am saying might be this: Tosfos should have used the word Sukah instead of Ohel, since the Pesul on Daf 10 under discussion is "Sukah under another Sukah", and not "Sukah under another Ohel". Perhaps that way of phrasing it would be misleading, since the area between the lower and upper roofs really does not constitute a valid Sukah.

I would love to find a better answer, but I this helps for now.

Best wishes,

Yishai Rasowsky

Sukah 021: Ma'amad of the Sechach

Yisroel Dovid Berger asks:

Hi

I know there's a discussion about whether the support of the schach can be a material that is mekabel tumah.

At the end of 21b the gemara brings an opinion to say that a maamad which is mekabel tumah makes it pasul. My question is - we had earlier on 15b where Rava said 'he puts schach crosswise across the spits or lengthwise across the spits'. My question is twofold. 1. Why not mention there that it's a problem of maamad with something which is mekabel tumah? 2. The sevara over there of why Rava said it is good, is as Rashi says, because the schach which is kosher is mevatel the schach pasul. So why not here too, despite the fact that he was maamad with mekebal tumah, which Rashi says is only a problem of being as if he was using pasul schach, just say that the majority of the kosher schach is mevatel the pasul schach (the maamad)?

Yisroel Dovid Berger , Lakewood NJ USA

The Kollel replies:

Dear Yisroel,

Very excellent question!

You quoted Rava's explanation on Daf 15 of Rav Huna. Please look in the Korban Nesanal (Chapter 1, Siman 29, Comment 5), who writes that they both actually do not subscribe to the opinion that one mustn't support Schach with an item that is Mekabel Tum'ah. Accordingly, we could resolve both your questions:

1. The Gemara on Daf 15 doesn't mention the problem of Ma'amid because it doesn't exist according to those opinions.
2. Here on Daf 21, because of the problem of Ma'amid, all of the Schach is Pasul, since it is held up by the bed. So Bitul is not available. But there, on Daf 15, since Ma'amid is not a problem, therefore most of the Schach is Kosher; accordingly, Bitul entitles us to validate the Sukah as a whole, despite the minority of Schach Pasul.

I hope this helps!

Best wishes,

Yishai Rasowsky

Sukah 024: Lavud by Ohel

Shlomo Zalman Lerner asks:

Please let me know whether the concept of lavud with respect to an ohel, applies to tumma.

For example, let us say a czayis min hamace is under an ohel, or even succah and there is an open area in the roof, less than 3 tfachim right above the tumma, but the tumma itself is only 2 tefachim, and directly under the open area.

Will the ohel spread that tumma? or will it miss and go up straight through the open space and the ohel not be tammeh?

Thanks.

Shlomo Zalman Lerner, UAtlanta, GA United States

The Kollel replies:

Shalom Shlomo Zalman,

Great question. Lavud doesn't apply to Tumas Ohel. We find this in the Mishnah (Ohalos 10:1-2), the Gemara (Sukah 18a), and in the Rambam (Tumas Meis Chapter 16). So in your case the Ohel will not spread that Tumah; rather it will go up straight through the open space, and the Ohel will not be Tamei.

Best wishes,

Yishai

Sukah 025: Tirdah of ha'Kones Es ha'Besulah

Tuvya Marcus asks:

What is the nature of the tirda?

For example, if she will be his second wife - is it still a tirda?

In other words - the mitzvah is for a bsula davka?

And is so - what mitzvah is this exactly if the almanah doesn't pattur him

Tuvya Marcus, Jerusalem Israel

The Kollel replies:

Shalom Tuvya,

Great questions.

I. Nature of the Tirdah

You asked what the Tirdah is about. There are several interpretations. Here are a few:

- A. He is afraid he will not be proficient (Baki) in the act of intimacy [1,2].
- B. He is afraid he will discover that she does not have Besulim [3,4,5].
- C. He is afraid that his organ will become injured during the act of intimacy [6].

II. Second Wife

You asked if Tirdah applies if she is his second wife. That would appear to depend on the various opinions. Reason B would apply, since the fact that she is his second wife doesn't assure him that she has Besulim. But

reasons A and C might not apply. For instance, suppose his first wife was a Besulah. Then his Tirdah may no longer exist, for example if with his first wife he performed well (reason A) or suffered no injury (reason C).

III. Only Besulah

You asked if the Mitzvah only applies to a Besulah. Correct me if I am wrong, but I am going to assume you mean Tirdah plus Mitzvah. The Gemara says it applies to a Besulah but not an Almanah [7,8,9].

Moreover, let's imagine she was never previously intimate with anyone, yet lost her Besulim in some other way, e.g. via injury. If he knows that she has no Besulim, then arguably there would not be Tirdah: according to reason A, because being proficient is not as difficult when there is no Besulim [1,5]; according to reason B, because he is not expecting to find Besulim; and according to reason B, because there is not as much physical pressure on his organ when there is no Besulim.

IV. The Mitzvah

The Mitzvah is consummating the marriage, which is a discussion unto itself [10,11,12]. But it applies even to an Almanah. The reason he is not Patur when she is an Almanah is because the Mitzvah doesn't involve great Tirdah.

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. According to what Rashi writes here https://www.sefaria.org.il/Rashi_on_Sukkah.25a.10.1?lang=he&with=Sukkah&lang2=he, we would seem forced to interpret source #5 with some creative license, i.e. not that he is worried the Besulim won't be there (as Rambam understood [3,4]), but rather he is worried that he will not successfully consummate the marriage since there is the complication of encountering the Besulim.
2. https://www.sefaria.org.il/Tosafot_on_Ketubot.6b.10.1?lang=he&with=Ketubot&lang2=he
3. https://www.sefaria.org.il/Rambam_on_Mishnah_Berakhot.2.5.1?lang=he&with=MishnahBerakhot&lang2=he#:~:text=
4. https://www.sefaria.org.il/Mishneh_Torah_Reading_the_Shema.4.1?lang=he&with=KessefMishneh&lang2=he#:~:text=.
5. Arguably indicated in Rashi here https://www.sefaria.org.il/Rashi_on_Berakhot.11a.4.2?lang=he&with=Berakhot&lang2=he#:~:text=
6. Rabeinu Yonah on the Mishnah, Daf 9b in Dapei Ha'Rif.
7. <https://www.sefaria.org.il/Berakhot.11a.4?lang=he&with=Rashi&lang2=he>
8. <https://www.sefaria.org.il/Berakhot.16a.20?lang=he&with=Rashi&lang2=he>
9. <https://www.sefaria.org.il/Sukkah.25a.5?lang=he&with=Rashi&lang2=he>

10. https://www.sefaria.org.il/Moed_Katan.18b.10?lang=he&with=Rashi&lang2=he
11. https://www.sefaria.org.il/Mishneh_Torah_Marriage.1.2?lang=he&p2=Kessef_Mishneh_on_Mishneh_Torah_Marriage.1.2.2&lang2=he
12. https://www.sefaria.org.il/Rosh_on_Ketubot.1.12.1?lang=he&with=KorbanNetanel&lang2=he#:~:text=.

Sukah 026: Tefillin Covered by Sudar

Daniel Gray asks:

Why does Rashi deviate from Shmuel Brochos 23b in two ways: next to head vs under AND reason of angels needed at all?

Daniel Gray, Toronto Canada

The Kollel replies:

Shalom Daniel!

Great to hear from you. I like your question. I see the Gemara in Berachos on Daf 24a clarifies that the Tefilin should not be placed directly under the head [1], and this would seem to be true even according to the opinion of Shmuel [2]. Once it is established that sleeping with one's head directly over the Tefilin is forbidden, perhaps we can better understand why Rashi cites the rationale that we are not angels [4]. Even though we are only human beings, and therefore during the course of sleep we might accidentally place our head upon the Tefilin, nevertheless Chazal did not oblige us worry about that possibility. This interpretation also would be reflected in the Ra'avad [3].

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Berakhot.24a.1?lang=bi&with=Rashi&lang2=he>
2. <https://www.sefaria.org.il/Berakhot.24a.4?lang=bi&with=Rashi&lang2=en>
3. https://www.sefaria.org.il/Katuv_Sham_on_Sukkah.12a.2?lang=he&with=all&lang2=he#:~:text=
4. https://www.sefaria.org.il/Sukkah.26a.14?lang=bi&p2=Rashi_on_Sukkah.26a.14.3&lang2=bi

Sukah 027: Chiyuv to Eat on Chol Hamoed

Menachem Weiman asks:

The mishna says according to the chachamim "ain ledavar kitv". Rashi goes further and says not only are no bread meals obligated, but if one wanted to fast he could. Rashi seems to contradict a Mechilta on Shmos

12:16 that darshans an obligation to honor the chol hamoed with clothes and food. Fasting would seem to violate this.

Menachem Weiman, St. Louis, United States

The Kollel replies:

Shalom Menachem,

Very good question! I see the Acharonim speak about this point. Maybe we can organize it as follows. The Kashya makes three assumptions:

1. Rashi means literally that there is no problem to fast on Yom Tov (or Chol ha'Moed as you astutely pointed out).
2. There is a prohibition to fast on Yom Tov in the day and in the night.
3. There are no exceptions to that prohibition.

I am aware of three answers, each of which will erase one of those assumptions above.

Answer A) Rashi's language is to be taken with a grain of salt. He does't mean that we are allowed to fast on Yom Tov per se. He is just saying that with regard to Hilchos Sukah, there is no obligation to eat. This is the Pnei Yehoshua's first answer. And it fits with Tosfos' understanding on Daf 49 of Berachos.

B) Rashi can indeed be taken literally, and he is saying it is OK to fast on Yom Tov. Only that this is permitted specifically at night. The prohibition to fast is only in the daytime. This is the Pnei Yehoshua's second answer.

C) There is a prohibition of fasting on Yom Tov, but there is an exception if you had a bad dream the night before (see Shabbos 11a). In such a case, fasting is OK according to the Chachamim, but not according to R. Eliezer. This is Aruch la'Ner's answer.

I hope this helps!

Best wishes,

Yishai Rasowsky

Sukah 028: Leaving the Sukah Due to Rain

Gershon Russell asks:

Why does the Mishnah use the term "Mutar" to leave? Mutar always means one can either do it or not, but in the Mitzvah of Succah if one is Patur one is not supposed to go in; Nikra Chasid Shoteh or Hedyot. Shouldn't it have said "Resha'i"?

Gershon Russell, Cleveland, USA

The Kollel replies:

Dear Gershon,

That is a nice point! The Beur Halachah writes that the problem of being called a "Hedyot" is if he is remaining in the Sukah because he is trying to force the Master to accept his service, since that is a violation of Derech Eretz [1]. Accordingly, one would be entitled to stay if for example he is simply indifferent, e.g. doesn't have any better place to go. I hope that helps.

You asked "Shouldn't it have said Resha'i?". I was not aware of a difference between that term and "Mutar".

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.639.7?lang=he&with=BiurHalacha&lang2=he#:~:text=

Taanis 030: Grape Juice During the 9 Days

M K asks:

The gemara clearly says that wine fresh from the press - that is, grape juice - is permitted to drink even at the seuda hamafsekes on erev Tisha B'Av!

Yet the custom today is to forbid grape juice, and some even forbid grape juice flavoring the entire 9 days.

There is also a question if only pure grape juice, like the case in the gemara, is forbidden, or even if it is mixed with water or other juices, or from a concentrate.

M K, Brooklyn, NY

The Kollel replies:

Dear M K,

The Shulchan Aruch records the custom to forbid wine straight from the press on Erev Tisha b'Av [1]. Even though the Shulchan Aruch does not forbid such wine during the week of Tisha b'Av, other opinions do [2], which practically for Ashkenazim would mean starting from Rosh Chodesh Av [3].

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. See the comment of the Gra here also https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.552.2?lang=bi&with=BeurHaGra&lang2=en
2. See Mishnah Berurah and Gra here https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.551.10?lang=he&p2=Mishnah_Berurah.551.66&lang2=he&p3=Beur_HaGra_on_Shulchan_Arukh_Orach_Chayim.551.10.2&lang3=he

3. https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.551.9?lang=bi&p2=Mishnah_Berurah.551.58&lang2=bi

Yevamos 069: v'Asar Lanu Es ha'Arusos

Joshua Danziger asks:

Hello kollel!

The gemara on daf 69 talks about how once kiddushin is done, the woman is prohibited to all men de'oraita, and to her betrothed derabbanan. I think the rambam holds the same way, and i'd assume that's how we hold in the final din.

My question is why in the wording of the bracha at weddings do we say v'Tzivanu Al ha'Arayos v'Asar Lanu Es ha'Arusos.... this seems to lump the arusot together with the prohibition on arayos which is de-oraita. maybe i'm reading too much into it, or it's like the bracha on chanukkah where we include divrei sofrim in "vetzivanu"?

Thank you!

Josh

The Kollel replies:

Dear Josh,

Very interesting question.

Incidentally, the Rambam codifies the words a drop differently, "separated us from Arayos" [1]; as opposed to the formulation we find in our Gemara, "commanded us concerning the Arayos" [2]. The commentaries [3] explain the Rambam's version based on the Chazal's understanding of the Mitzvah "to be holy" [4], i.e. to keep away from Arayos [5]. Thus, according to the Rambam, you might still have your question, albeit with a slightly different nuance.

Regarding what you said about Berachos including rabbinically enacted Mitzvos, I believe you are Michavein to Rashi's explanation, including the reference to Ner Chanukah [6]. Very sharp of you to point out that this Berachah includes both a reference to commands of both a Torah level and also a rabbinic level. Off hand I cannot think of another such example of a Berachah.

Another important interpretation to be aware of, and according to which your question has a very smooth answer, would be that of the Raavad cited in Rashba [7] who says that the prohibition of Arus and Arusah is in fact Min HaTorah, not just Midrabanan.

I hope this helps.

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Marriage.3.24?lang=bi&with=all&lang2=en

2. <https://www.sefaria.org.il/Ketubot.7b.9?lang=bi&with=all&lang2=en>
 3. https://www.sefaria.org.il/Mishneh_Torah_Marriage.3.24?lang=bi&p2=Maggid_Mishneh_on_Mishneh_Torah_Marriage.3.24.2&lang2=bi
 4. https://www.sefaria.org.il/Leviticus.19.2?vhe=Tanach_with-Taamei_Hamikra&lang=bi&with=Rashi&lang2=en
 5. https://www.sefaria.org.il/Leviticus.19.2?vhe=Tanach_with-Taamei_Hamikra&lang=bi&aliyot=0&p2=Rashi_on_Leviticus.19.2.2&lang2=bi
 6. https://www.sefaria.org.il/Rashi_on_Ketubot.7b.9.1?lang=bi&with=Ketubot&lang2=en
 7. https://www.sefaria.org.il/Rashba_on_Ketubot.7b.3?lang=bi#:~:text=
-

Joshua Danziger asks:

Thank you for the response! Two follows one:

1. this may be a klutz kashe but is there any possibility the ◆asar lanu et haarusot◆ part isn◆t addressed to the groom but rather to the eidim or the rest of the guests? To make clear the bride is according to all opinions now forbidden to other men?
2. how is the mesader kiddushin able to make the bracha at all on behalf of the groom? It◆s not like a bracha on food where I can be yotzei you and we both eat◆.he actually specifically can◆t marry the woman he◆s making the bracha about? Parallel: if I take a neder not to eat an apple, and then you pick the apple up can I make the bracha for you even though it◆s assur to me?

The Kollel replies:

Dear Josh,

Great to hear from you.

1. If the Asar Lanu is referring to men other than the husband, then how would we understand the next words in the Berachah that say she becomes permitted via Nesuin? One might think it means a that Nesua is permitted to other men. Rishonim actually address this potential mistake; for example according to R. Tam the Nusach reads "Who permitted to us *our own* Nesuos" [1]. And even though Shulchan Aruch doesn't rule this way, later commentaries do [3].
2. Generally one may recite the Berachah over a Mitzvah for someone else, even though the person reciting is not himself obligated [5]. Commentaries extend this to blessings of praise as well [7]. So that would apply in our case too [9]. A Berachah recited over food is really an exception to this [6], and as a rule, one does not recite the Berachah on behalf of someone else unless both parties will partake of the food.

Aside from this consideration [8], wherein lies the real answer to your question, there is an additional aspect of reciting the Berachah for Erusin via Shaliach. Tosfos explains this on the basis of the precedent of Eliezer who made the Berachah for Yitzchak's marriage to Rivka [2]. Commentaries explain this became the custom based on the fact that not all people can recite it themselves [4].

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Ketubot.7b.9?lang=he&p2=Ritva_on_Ketubot.7b.4&lang2=he&w2=all&lang3=he#:~:text=
2. <https://dafyomi.co.il/kesuvos/tosfos/ks-ts-007.htm#:~:text=,wasaShaliach>.
3. https://www.sefaria.org.il/Shulchan_Arukh_Even_HaEzer.34.1?lang=he&p2=Beit_Shmuel.34.3&lang2=he&w2=all&lang3=he
4. https://www.sefaria.org.il/Shulchan_Arukh_Even_HaEzer.34.1?lang=he&p2=Beit_Shmuel.34.2&lang2=he&w2=all&lang3=he
5. https://www.sefaria.org.il/Rosh_Hashanah.29a.17?lang=bi&p2=Rashi_on_Rosh_Hashanah.29a.17.1&lang2=bi
6. https://www.sefaria.org.il/Rosh_Hashanah.29a.17?lang=bi&p2=Rashi_on_Rosh_Hashanah.29a.17.2&lang2=bi&w2=all&lang3=en
7. https://www.sefaria.org.il/Rosh_Hashanah.29b.1?lang=bi&p2=Ritva_on_Rosh_Hashanah.29a.8&lang2=bi&w2=all&lang3=en#:~:text=
8. Which was pointed out to me by Rabbi Avraham Philips, one of the more senior members of the Kollel.
9. Recall there is a Machlokes whether the Berachah of Erusin is because of the Mitzvah or because of praise. See https://www.sefaria.org.il/Mishneh_Torah_Marriage.3.23?lang=bi&with=LechemMishneh&lang2=en as opposed to <https://www.dafyomi.co.il/kesuvos/insites/ks-dt-007.htm#:~:text=WhatthenisthepurposeoftheBerachahaccordingtotheRoshItisaBerachahofpraisetoHash-mforgrantingholinessKedushahtotheJewishpeople>.

Yevamos 069: Maya b'Alma and Shelichus

Joshua Danziger asks:

Hello kollel! (Controversial topic alert, in case you don't want to circulate to the whole mailing list)

I'm learning through Yevamos and recently saw the sugya dealing with when a pregnant woman can eat trumah, or stops eating (daf 68-70). This brings up a discussion of stages of embryo/fetus. The gemara says that a fetus less than 40 days is "maya bealma". I did a little digging and it seems potentially through the entire pregnancy, and especially earlier (Ie in the first 40 days) on there is significant support to be lenient re: terminating a pregnancy (tosafos, the rosh, the ran, rashi). There are later authorities that have a range of views of course. Rav Chaim ozer says clearly there is no torah prohibition early on, but that may imply there is a rabbinic problem.

A few questions and a I recognize this may be controversial or sensitive:

1. is it correct to say that according to at least some major authorities there's a broad heter to abort in the first 40 days? If not, what actual aveira is involved? I am not asking if it's the proper hashkafa but rather about the basic din.

The second question is about the nature of shelichus, specifically for an aveira derabbanans. Specific to this case, if there's an abortion it will likely be performed by a doctor and not by the woman or the man who caused the pregnancy. I assume the woman or the man will pay the doctor. So here are a few related questions:

1. if the abortion is a prohibition deoraisa (does anyone hold this in the first 40 days?) and there is no shelichus for an aveira, is it the doctor, the woman, or the man who gets the aveira? Does it change if there's payment or not?
2. if it's an issur derabbanan, does shelichus in fact occur Bc deoraisa it's mutar and the woman and/or the man has hired the doctor? Can you wind up in a situation where the meshaleach gets an aveira derabbanan Bc shelichus deoraisa is effective or do we say אין שליח לדבר אברה even for derabbanans?

Thank you!

The Kollel replies:

Dear Joshua,

Great to hear from you. I like that you are willing to learn a difficult subject. Obviously our discussion is only for study. Any practical application would need consultation with a great Rav. So, while I am not an expert, I am happy to participate with you in the research!

We sometimes think of Rav Chaim Ozer's view as saying that there clearly is no Torah prohibition. But maybe to be more accurate we could cite Achiezer in which he writes that it is "possible" that there is no Torah prohibition [1].

Before trying to address your specific questions I want to refer you to a beautiful article written by Rabbi Yitzchak Breitowitz [2]. I hope you find it as helpful as I do.

Your first point was about the authorities who hold there is a Heter to abort in the first 40 days. See several sources here [3]. As you wrote, it will depend on the understanding of what the underlying prohibition of abortion is. There are several opinions regarding that. Here are some of them:

- (a) Murder of the fetus.
- (b) Wounding the fetus.
- (c) Wounding the mother.
- (d) Just as one must not destroy potential life by wasting seed, so too one must not do so by destroying a fetus.
- (e) Just as one is obliged to the loss of existing life, so too one must not prevent the development of a new life.

Even according to the statement in Chazal that before forty days the fetus is "merely water" [4], that would still only be grounds to permit abortion according to (a) and probably also (b), but not possibly not according to (c), and almost certainly not according to (d) nor (e).

Regarding your second point, recall not everyone necessarily accepts the assumption that only the doctor, and not the mother, is in violation of the sin to abort [5].

You asked if anyone holds there is a Torah violation to abort in the first 40 days. See footnote [6].

You asked if someone who hires the doctor can be guilty of the crime. See footnote [7].

You asked if there can be Shaliach for a rabbinic violation. See [8].

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. End of Siman 65 <https://hebrewbooks.org/pdfpager.aspx?req=634&st=&pgnum=515&hilite=>
2. <https://www.jlaw.com/Articles/preemb.html>
3. <https://www.jlaw.com/Articles/preemb.html#:~:text=Basedonthoseteachingssomeposkimhaveconclude,dtthereisnoissurofhapalawwithin40days.21>
4. <https://www.sefaria.org.il/Yevamot.69b.10?lang=bi&with=Rashi&lang2=en>
5. https://www.jlaw.com/Articles/preemb_notes.html#:~:text=R.Auerbachseemstorulethatthepatientisnotsi,mplyafacilitatorbutisadirectviolator.SeeNishmatAvrahamO.H.6561atp.92.
6. https://www.jlaw.com/Articles/preemb_notes.html#:~:text=AstricterviewistakenbyR.IsserYehudahUnter,man6Noamat___andRabbiMosheFeinsteinIgrotMosheH.M.IIno.69.
7. https://www.jlaw.com/Articles/preemb_notes.html#:~:text=Rambamrulesonewhohiresthemurdererisguil,tyofmurderatleastintheeyesofHeaven.SeeMishnaTorahHilchotRotzeach21.
8. [https://www.sefaria.org.il/Mishneh_Torah_Murderer_and_the_Preservation_of_Life.2.2?lang=bi&p2=Mishneh_LaMelech_on_Mishneh_Torah_Murderer_and_the_Preservation_of_Life.2.2.1&lang2=bi#:~:text=,](https://www.sefaria.org.il/Mishneh_Torah_Murderer_and_the_Preservation_of_Life.2.2?lang=bi&p2=Mishneh_LaMelech_on_Mishneh_Torah_Murderer_and_the_Preservation_of_Life.2.2.1&lang2=bi#:~:text=)

Joshua Danziger asks:

Thank you! I will look through your thorough notes.

In the meantime, one quick follow up. In modern times, does paying someone to do something for you make them a halachic shaliach, or is a halachic process of some sort required? If so, what are the nafka mina's between paying a shaliach and hiring an employee (or are employees considered shluchim?)

Thank you and good shabbos!

The Kollel replies:

Dear Joshua,

Great to hear from you.

When a Shaliach is paid, that is called Sirsur [3]. Since he is receiving compensation, his responsibility will be greater than that of a regular Shaliach. For instance he would have to pay if the item under his supervision was stolen [4].

In the context of slaves, the Rosh also rules according to his interpretation of the Gemara that a worker is a more powerful concept than that of Shaliach [2].

Moreover, the Machaneh Efrayim (Shluchin 11) teaches a very great Chidush, that even though a Goy cannot be your Shaliach, nevertheless if he is your employee, then his hand is like your hand. For example, he can build the guardrail for your roof. Others question this. For instance, see Rav Akiva Eiger [1].

I hope this is a good start.

Best regards,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Rabbi_Akiva_Eiger_on_Shulchan_Arukh_Choshen_Mishpat.346.2?lang=he&p2=Shulchan_Arukh_Choshen_Mishpat.346.6&lang2=he
2. https://www.sefaria.org.il/Bava_Metzia.96a.23?lang=he&with=Rosh&lang2=he#:~:text=
3. https://www.sefaria.org.il/Mishneh_Torah_Agents_and_Partners.2.6?lang=he&with=KesefMishneh&lang2=he
4. https://www.sefaria.org.il/Mishneh_Torah_Agents_and_Partners.2.7?lang=he&with=KesefMishneh&lang2=he

Yevamos 069: v'Asar Lanu Es ha'Arusos

Joshua Danziger asks:

Hello kollel!

The gemara on daf 69 talks about how once kiddushin is done, the woman is prohibited to all men de'oraita, and to her betrothed derabbanan. I think the rambam holds the same way, and i'd assume that's how we hold in the final din.

My question is why in the wording of the bracha at weddings do we say v'Tzivanu Al ha'Arayos v'Asar Lanu Es ha'Arusos.... this seems to lump the arusot together with the prohibition on arayos which is de-oraita. maybe i'm reading too much into it, or it's like the bracha on chanukkah where we include divrei sofrim in "vetzivanu"?

Thank you!

Josh

The Kollel replies:

Dear Josh,

Very interesting question.

Incidentally, the Rambam codifies the words a drop differently, "separated us from Arayos" [1]; as opposed to the formulation we find in our Gemara, "commanded us concerning the Arayos" [2]. The commentaries [3] explain the Rambam's version based on the Chazal's understanding of the Mitzvah "to be holy" [4], i.e. to keep away from Arayos [5]. Thus, according to the Rambam, you might still have your question, albeit with a slightly different nuance.

Regarding what you said about Berachos including rabbinically enacted Mitzvos, I believe you are Michavein to Rashi's explanation, including the reference to Ner Chanukah [6]. Very sharp of you to point out that this Berachah includes both a reference to commands of both a Torah level and also a rabbinic level. Off hand I cannot think of another such example of a Berachah.

Another important interpretation to be aware of, and according to which your question has a very smooth answer, would be that of the Raavad cited in Rashba [7] who says that the prohibition of Arus and Arusah is in fact Min HaTorah, not just Midrabanan.

I hope this helps.

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Marriage.3.24?lang=bi&with=all&lang2=en
2. <https://www.sefaria.org.il/Ketubot.7b.9?lang=bi&with=all&lang2=en>
3. https://www.sefaria.org.il/Mishneh_Torah_Marriage.3.24?lang=bi&p2=Maggid_Mishneh_on_Mishneh_Torah_Marriage.3.24.2&lang2=bi
4. https://www.sefaria.org.il/Leviticus.19.2?vhe=Tanach_with_Taamei_Hamikra&lang=bi&with=Rashi&lang2=en
5. https://www.sefaria.org.il/Leviticus.19.2?vhe=Tanach_with_Taamei_Hamikra&lang=bi&aliyot=0&p2=Rashi_on_Leviticus.19.2.2&lang2=bi
6. https://www.sefaria.org.il/Rashi_on_Ketubot.7b.9.1?lang=bi&with=Ketubot&lang2=en
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Yevamos 069: Maya b'Alma and Shelichus

Joshua Danziger asks:

Hello kollel! (Controversial topic alert, in case you don't want to circulate to the whole mailing list)

I'm learning through Yevamos and recently saw the sugya dealing with when a pregnant woman can eat trumah, or stops eating (daf 68-70). This brings up a discussion of stages of embryo/fetus. The gemara says that a fetus less than 40 days is "maya bealma". I did a little digging and it seems potentially through the entire pregnancy, and especially earlier (ie in the first 40 days) on there is significant support to be lenient re: terminating a pregnancy (tosafos, the rosh, the ran, rashi). There are later authorities that have a range of views of course. Rav Chaim ozer says clearly there is no torah prohibition early on, but that may imply there is a rabbinic problem.

A few questions and a I recognize this may be controversial or sensitive:

1. is it correct to say that according to at least some major authorities there's a broad heter to abort in the first 40 days? If not, what actual aveira is involved? I am not asking if it's the proper hashkafa but rather about the basic din.

The second question is about the nature of shelichus, specifically for an aveira derabbanans. Specific to this case, if there's an abortion it will likely be performed by a doctor and not by the woman or the man who caused the pregnancy. I assume the woman or the man will pay the doctor. So here are a few related questions:

1. if the abortion is a prohibition deoraisa (does anyone hold this in the first 40 days?) and there is no shelichus for an aveira, is it the doctor, the woman, or the man who gets the aveira? Does it change if there's payment or not?
2. if it's an issur derabbanan, does shelichus in fact occur Bc deoraisa it's mutar and the woman and/or the man has hired the doctor? Can you wind up in a situation where the meshaleach gets an aveira derabbanan Bc shelichus deoraisa is effective or do we say אין שליח לדבר אברה even for derabbanans?

Thank you!

The Kollel replies:

Dear Joshua,

Great to hear from you. I like that you are willing to learn a difficult subject. Obviously our discussion not for making any practical application. That would Though I am no expert, I am happy to participate with you in the research!

We sometimes think of Rav Chaim Ozer's view as saying that there clearly is no Torah prohibition. But maybe to be accurate, we can cite Achiezer in which he writes that it is "possible" that there is no Torah prohibition [1].

Before trying to address your specific questions I want to refer you to a beautiful article written by Rabbi Yitzchak Breitowitz [2]. I hope you find it as helpful as I do.

Your first point was about the authorities who hold there is a Heter to abort in the first 40 days. See several sources here [3]. As you wrote, it will depend on the understanding of what the underlying prohibition of abortion is. There are several opinions regarding that. Here are some of them:

- (a) Murder of the fetus.
- (b) Wounding the fetus.
- (c) Wounding the mother.
- (d) Just as one must not destroy potential life by wasting seed, so too one must not do so by destroying a fetus.
- (e) Just as one is obliged to the loss of existing life, so too one must not prevent the development of a new life.

Even according to the statement in Chazal that before forty days the fetus is "merely water" [4], that would still only be grounds to permit abortion according to (a) and probably also (b), but not possibly not according to (c), and almost certainly not according to (d) nor (e).

Regarding your second point, recall not everyone necessarily accepts the assumption that only the doctor, and not the mother, is in violation of the sin to abort [5].

You asked if anyone holds there is a Torah violation to abort in the first 40 days. See footnote [6].

You asked if someone who hires the doctor can be guilty of the crime. See footnote [7].

You asked if there can be Shaliach for a rabbinic violation. See [8].

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. End of Siman 65 <https://hebrewbooks.org/pdfpager.aspx?req=634&st=&pgnum=515&hilite=>
2. <https://www.jlaw.com/Articles/preemb.html>
3. <https://www.jlaw.com/Articles/preemb.html#:~:text=Basedonthoseteachingssomeposkimhaveconclude,thereisnoissurofhapalawithin40days.21>
4. <https://www.sefaria.org.il/Yevamot.69b.10?lang=bi&with=Rashi&lang2=en>
5. https://www.jlaw.com/Articles/preemb_notes.html#:~:text=R.Auerbachseemstorulethatthepatientisnotsi,mplyafacilitatorbutisadirectviolate. See Nishmat Avraham O.H.6561 at p.92.
6. https://www.jlaw.com/Articles/preemb_notes.html#:~:text=AstricterviewistakenbyR.IsserYehudahUnter,man6Noamat___andRabbiMosheFeinsteinIgrotMosheH.M.II no.69.
7. https://www.jlaw.com/Articles/preemb_notes.html#:~:text=Rambamrulesonewhohiresthemurdererisguil,tyofmurderatleastintheeyesofHeaven. See Mishna Torah Hilchot Rotzeach 21.
8. [https://www.sefaria.org.il/Mishneh_Torah_Murderer_and_the_Preservation_of_Life.2.2?lang=bi&p2=Mishneh_LaMelech_on_Mishneh_Torah_Murderer_and_the_Preservation_of_Life.2.2.1&lang2=bi#:~:text=,](https://www.sefaria.org.il/Mishneh_Torah_Murderer_and_the_Preservation_of_Life.2.2?lang=bi&p2=Mishneh_LaMelech_on_Mishneh_Torah_Murderer_and_the_Preservation_of_Life.2.2.1&lang2=bi#:~:text=)

Yevamos 071: Arel

Joshua Danziger asks:

Hello kollel!

I had a few questions on the sugyas of Arel mentioned in Yevamos. There is a machlokes Rashi and Rabbeinu Tam about whether someone who remains uncircumcised because his brothers died still has the shem of "arel". Rashi seems to say that since the reality is he still has a foreskin, he's an Arel. RT says that because there's no more chiyuv to circumcise he's no longer in the category of "arel".

Here are the questions

1. Is the final halacha decided one way or the other?
2. Is the argument any different wrt to a persons son's and slaves and eating the korban pesach and whether they're considered arel'im?
3. Would rabbeinu tam allow someone who's brothers had died and thus wasn't circumcised to do the avodah in the beis hamikdash?
4. Does the chiyuv kick in on the 8th day during day time only? Assume a healthy child, and the night of his 8th day falls out on erev pesach. Can the father not eat the korban bc the mitzvah is chal and his son isnt circumcised? Can we generalize anything here to other holidays....like can I eat my etrog on the first night of sukkot, or is it already a mitzvah object at that point even though i cant use it until morning?
5. Aren't gentiles called "arelim"? Given they have no mitzvah at all to circumcise, is this support for the view that the status of arel is simply dependent on physical reality and not mitzvah status? Thank you.

Thank you!

Josh

The Kollel replies:

Dear Josh,

Good questions!

1. Most opinions follow Rashi, including the implication of the wording in the Rambam, as the Minchas Chinuch points out.
2. Logically, R. Tam would allow a father (or master) to eat Korban Pesach if his son (or slave) was not circumcised because his older brothers died because of Milah. This would be a Kal va'Chomer, since R. Tam holds that even the uncircumcised person himself can partake, so he will not prevent someone else from partaking.
3. From the perspective of R. Tam's precedent, i.e. the suggestion on Daf 71 that a baby before 8 days is not obligated in Milah at all, one would surmise that this is a general law that applies to all cases of Arel, in which case, yes, R. Tam would allow such a person to serve in the Mikdash.

4. Yes, I think we see for instance from the Rambam that this only kicks in during the day, based on the relatively far reaching example he cites for how a son could be not obliged in Milah when the Korban Pesach was slaughtered on 14th Nisan and yet the son does become obliged before the father partakes of the Korban Pesach that night [3]. Regarding Esrog, that might be a more complex example. Since typically an item will assume its status of Muktzah at the onset of Yom Tov, i.e. at nightfall; and in addition, at times an Esrog can be Muktzah Machmas Chisaron Kis.
5. Recall that there is a difference between what people call Arel, and what has the Halachic status of Arel [2]. Incidentally, you may have seen the application of Milah to the "gentile" children of Keturah [1].

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.10.8?lang=bi&p2=Sanhedrin.59b.12&lang2=bi
2. <https://www.sefaria.org.il/Nedarim.31b.6?lang=bi&with=all&lang2=en>
3. https://www.sefaria.org.il/Mishneh_Torah_Paschal_Offering.9.9?lang=bi&with=all&lang2=en#:~:text=

*** ADDITION ***

Dear Josh,

Forgive me if you already are aware of this, but I want to add a point that helps clarify when the Esrog becomes Muktzah. If we didn't designate the item before Yom Tov, then it only becomes Muktzah after we lift it, which may be well after daybreak. But if we did designate, then it will become Muktzah at nightfall [1].

Best regards,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Arukh_HaShulchan_Orach_Chaim.653.4?lang=bi&with=all&lang2=en

Yevamos 071: Arel

Joshua Danziger asks:

Hello kollel!

I had a few questions on the sugyas of Arel mentioned in Yevamos. There is a machlokes Rashi and Rabbeinu Tam about whether someone who remains uncircumcised because his brothers died still has the shem of "arel". Rashi seems to say that since the reality is he still has a foreskin, he's an Arel. RT says that because there's no more chiyuv to circumcise he's no longer in the category of "arel".

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5. Recall that there is a difference between what people call Arel, and what has the Halachic status of Arel [2]. Incidentally, you may have seen the application of Milah to the "gentile" children of Keturah [1].

I hope this helps!

Best regards,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.10.8?lang=bi&p2=Sanhedrin.59b.12&lang2=bi
2. <https://www.sefaria.org.il/Nedarim.31b.6?lang=bi&with=all&lang2=en>
3. https://www.sefaria.org.il/Mishneh_Torah_Paschal_Offering.9.9?lang=bi&with=all&lang2=en#:~:text=

Yoma 080: Shav mi'Yediaso

Daniel Gray asks:

Even according to the opinion that half shiur is permitted, that doesn't make someone not want to refrain from eating it.

Further, a pure Lo Shav mi'Da'ato willingly sins and cannot be offered Chatas. But, this person isn't a willing sinner just because it retroactively turned out that this shiur is now forbidden!?

Daniel Gray, Toronto Canada

The Kollel replies:

Dear Daniel,

Very strong questions! After looking at the Daf number, is it possible that this question is more directly related to Daf 80 instead of 79?

I will respond based on how I understand your question. But if I have misinterpreted your words, please let me know.

Initially, the Gemara [1] tentatively suggests that Rebbe Elazar was referring to someone who ate a small size k'Zayis of Cheilev, and a later Beis Din will rule that a person is Chayav even on such a Shiur. And the Gemara rejects this possibility, based on the Beraisa which teaches that a person is only Chayav a Korban provided that even had he known the truth he would not have done the sin (Shav M'Yedi'aso).

So, since at the time he ate the Cheilev, the official size of k'Zayis was larger than the amount he ate, therefore even if he had known it was Cheilev, he indeed would have eaten it anyway. Therefore, since he is not Shav M'Yedi'aso, therefore he cannot be Chayav a Korban.

In your first question, you are asking: How can we say that even if he had known it was Cheilev, he still *would have eaten it anyway*, since the size of k'Zayis was larger than the amount he ate? He certainly would *not* have eaten it, since it is a forbidden food, its small size notwithstanding!

Look in the Tosfos ha'Rosh who asks this, at least according to the opinion that Chatzi Shi'ur is Asur min ha'Torah. He suggests that the rule of Shav M'Yedi'aso requires that had the person known the relevant information he would have not committed the sin which would have carried a Chiyuv Korban Chatas. But the sin would not bear a Chiyuv Korban Chatas anyway, then the person will not be Chayav.

Why does the Rosh not ask, as you did, even according to the opinion that Chatzi Shi'ur is not Asur min ha'Torah? I could suggest a couple of possibilities:

- a) He preferred to ask the Kashya according to the opinion that Chatzi Shi'ur is Asur min ha'Torah in order to convey the strongest version of the question, and to demonstrate that his Terutz is capable of even answering according to that more stringent opinion.
- b) He assumes tacitly -- perhaps because it was obvious to him -- that the principle of Shav M'Yedi'aso only applies to prohibitions of the Torah, not Isurei d'Rabanan.

In your second question, you point out a difference between the classic case of Lo Shav M'Yedi'aso versus this person whom the Gemara also considers Lo Shav M'Yedi'aso. The classic case is someone who would sin willingly. But this person is not a willing sinner, just because the Shiur size when he ate was larger than the ruling Beis Din will issue in the future.

The Chiyuv Korban Chatas rests upon someone who was Shogeg. That is, someone who sinned unintentionally, yet still needs atonement since he bears some responsibility for his carelessness. If so, then there are two ways a person can be exempted from the Korban. The first is if he is being totally negligent. That is the classical wanton sinner you described. But the second, in contrast, is when he is not being negligent at all, but rather acting totally responsibly.

Look in the Mishneh L'Melech [2]. The reason we cannot obligate this person to bring a Korban Chatas is because of reason #2. He is totally blameless, since he was acting in accordance with the Shiurim which the Beis Din of his day had ruled.

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Yoma.80a.7?lang=bi>
2. https://www.sefaria.org.il/Mishneh_LaMelech_on_Mishneh_Torah_Offerings_for_Unintentional_Transgressions.2.2.1?lang=bi&with=MishnehTorah,OfferingsforUnintentionalTransgressions&lang2=en

Daniel Gray asks:

Tks, so you're squeezing the entire following excerpt into "Lo Shav mi'Yediaso" even though the wording doesn't quite fit and different wording would much more clearly convey the intent of the stated concept?

The Chiyuv Korban Chatas rests upon someone who was Shogeg -- that is, someone who sinned unintentionally, yet still needs atonement since he bears some responsibility for his carelessness. If so, there are two ways a person can be exempted from the Korban. The first is if he is being totally negligent. That is the classical wanton sinner you described. But the second, in contrast, is when he is not being negligent at all, but rather acting totally responsibly.

Look in the Mishneh L'Melech (2). The reason we cannot obligate this person to bring a Korban Chatas is because of reason #2. He is totally blameless, since he was acting in accordance with the Shi'urim which the

Beis Din of his day had ruled.

◈m not challenging who can and cannot be obligated in a chattas. ◈m challenging what can or cannot (at a minimum satisfactory level) be construed into the words of our sugya.

The Kollel replies:

Dear Daniel,

I like what you are doing. Making sure the understanding is reflected in the words of the Gemara. I think it would read like this: Lo Shav mi'Yedi'aso means that the person would not have refrained from the sin even if he had known the relevant information.

What is not in the words of the Gemara, and remains to be explained based on context, is why the The question is, why would the person not have refrained? In some places [1,2,3,4,5], the Gemara clearly is referring to a wanton sinner who wouldn't refrain because he doesn't care about keeping the Mitzvah.

In other places, such as our Daf [6], the Gemara means that he would not refrain because he is following the ruling of Beis Din of his generation. The reason being that "the relevant information" I mentioned two paragraphs ago does not include future rulings of Beis Din.

Please let me know if something is still not clear. Thanks!

Yishai Rasowsky

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1. <https://www.sefaria.org.il/Horayot.2a.16?lang=bi&with=Rashi&lang2=en>
2. <https://www.sefaria.org.il/Chullin.5b.2?lang=bi&with=Rashi&lang2=en>
3. <https://www.sefaria.org.il/Horayot.11a.13?lang=bi&with=all&lang2=en>
4. <https://www.sefaria.org.il/Shabbat.69a.4?lang=bi&with=all&lang2=en>
5. Definitely accordingly to Rashi, and arguably even according to Tosfos:
<https://www.sefaria.org.il/Shevuot.26b.7?lang=bi&with=Commentary&lang2=en>
6. <https://www.sefaria.org.il/Yoma.80a.7?lang=bi&with=Rashi&lang2=en>

Yoma 080: Changing of Halachic Shiurim

Yisroel PACANOWSKI asks:

R' Elozor says anyone who eats cheilev bizman hazev should write down exactly how much cheilev he ate because once the Beis hamikdash is rebuilt, the new Beis Din might pasken that the Shiur Kezayis is smaller than we currently hold and he will be chayav a chatos. This seems a very big chiddish! 1. @Meheiche teise that we should be worried about a new Bais Din coming up with a new shiur kezayis? If Beis Din paskens a certain shiur today, why should I think this may be wrong and a future Beis Din will have a different shiur? 2. If a future Beis Din finds a new shiur, will they be able to override the shiur that has been defined by an earlier beis din? 3. Even if they have the power, will their psak be retroactive to be mechayev a maase done when the

old psak was in force? 4. Doesn't this attitude of worrying a future beis din will find a new halocha cast aspersions on the current halocha chalila and make the current halocha weaker in people's minds?

Yisroel PACANOWSKI, Australia

The Kollel replies:

Dear R' Pacanowski,

Great questions. I understand that you are asking according to the Hava Amina, in which the future Beis Din will adopt a smaller size of k'Zayis, thus rendering the person Chayav. Because according to the Maskana, in which the future Beis Din will adopt a larger size of k'Zayis, that will render the person Patur.

1. It is possible for the future Beis Din to overrule the decision of a previous one [a]. Under some circumstances the latter Beis Din must be greater than the previous one [b]. One might object, since the Gemara later says that Shiurim are rulings from Moshe at Sinai [c], and Rambam writes that such rulings are not capable of being subject to dispute [d]. However, it seems that here the olive is remaining as the standard for the Shi'ur, and the dispute is just which size variety of olive.
2. See above.
3. The Rashash here [e] brings such an example from Horayos [f]. Be aware that there may be a difference between two rulings of the same Beis Din versus rulings of actually different Batei Din.
4. See for example [g].

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

- a. https://www.sefaria.org.il/Mishneh_Torah_Rebels.2.1?lang=bi&with=all&lang2=en
- b. https://www.sefaria.org.il/Mishneh_Torah_Rebels.2.2?lang=bi&with=all&lang2=en
- c. https://www.sefaria.org.il/Yoma.80a.11?lang=bi&p2=Mishneh_Torah_Forbidden_Foods.14.2&lang2=bi
- d. https://www.sefaria.org.il/Mishneh_Torah_Rebels.1.3?lang=bi&with=all&lang2=en
- e. https://www.sefaria.org.il/Yoma.80a.9?lang=bi&p2=Rashash_on_Yoma.80a.3&lang2=bi
- f. <https://www.sefaria.org.il/Horayot.2a.15?lang=bi&with=Rashi&lang2=en>
- g. <https://www.dafyomi.co.il/yevamos/insites/ye-dt-077.htm>

Yoma 087: Vidui Me'umad?

Sender Klein asks:

The Poskim learn from the sugya about Ikar Vidui that one must stand for Vidui (the Ran derives it and the Rosh seems to have that in the text of his Gemara). This is difficult to understand based on Rashi on Daf 20 that Mishtachavim Revachim was on Yom Kippur in order that one not hear his friends Vidui. So apparently Vidui was done on the ground. Maybe there is a difference between the Vidui of tefilah and other Vidui, but I couldn't find any source suggesting such a distinction, and the Pri Megadim cited in the Mishnah Brurah doesn't sound that way, since he questions whether a person must repeat Vidui if he was sitting. (Someone also pointed out to me that Vidui on a korban was done during smicha, which is done b'chol kocho, and also seems to go against this rule.)

Thanks!

Sender Klein, United States

The Kollel replies:

Dear Sender,

Wow, very excellent questions!

Let's first discuss your Kashya from Rashi [4]. I would suggest three possible solutions.

First, recall that the Rambam actually does not rule that one must stand for confession [1]. The commentaries are bothered why not [2], since there appears to be clear proof from our Gemara, as you cited, according to the Rosh and Ran.

The Avodas Hamelech [3] resolves this by suggesting an alternative interpretation of our Gemara. Chazal were establishing that the portion of Viduy for which Shmuel stood was the Ikar part of Viduy. The reason Shmuel stood was simply because that main Viduy had the status of Chazaras Hashatz, and Shmuel wanted to stand for Chazaras Hashatz. So, one possible way to reconcile Rashi would be to say that he, like the Rambam, follows the Avodas Hamelech's interpretation of the Gemara. Thus, standing is not necessary for Viduy.

(By the way, you may have seen the Maharsha [5] on that Rashi, who contrasts the people who bow for confession with Kohen Gadol who stands for his confession.)

A second possible solution would be to say that Rashi agrees one must stand for Viduy. But the reason for standing is to be humble [6]. If so, then it is equally acceptable to bow, because bowing also shows humility. (One might object, "If so, then why did Shmuel stand instead of bow?" To that I would offer a couple of reasons: Maybe he didn't have the energy [7]; maybe he felt it would be difficult Halachically [8].)

A third approach, though it seems more speculative to me, would be this: Rashi agrees that one must stand for the *formal* Mitzvah of Viduy. But the Viduy that the Jewish people said whilst bowing in the Azarah was not their official obligation of confession; but rather it was a spontaneous expression of submission and closeness to G-d.

Regarding your Kashya based on Semichah b'Kol Kocho, we should discriminate between the different opinions. According to Rambam (and Rashi according solution #1 above) we have no Kashya at all, since Viduy doesn't require standing. But according to the Rosh and Ran, we may suggest this resolution: leaning is only a problem when it detracts from or is extraneous to the Mitzvah, unlike Semichah on the Korban which is an integral part of the Teshuvah.

I hope this helps!

Yishai Rasowsky

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Avodah Zarah 021: Renting to a Nochri

A K asks:

The mishna in evodah zara says not to rent to a goy because he brings in evodah zara

1. why is this just in eretz yisrael and not chutz laaretz?
2. what would be the din by a arab who doesnt do avodah zara? What about a goyish athiest?
3. What about a yid who does avodah zara (rechmona lets lan) (eg A Jewish budhist who lives in Israel)
4. Wht about a Christian nowadays? Most christians today dont practice much dont have Jesus figurine idols in their houses?

A K,

The Kollel replies:

Very insightful questions!

1. It is forbidden to rent land to an idolater in Eretz Yisrael only, not in Chutz la'Aretz. This is a rabbinic prohibition based upon the Torah prohibition of selling land to a Nochri (Devarim 7:2). The Mishnah says that even where renting non-living space is permissible, renting to him a dwelling space is forbidden because he will bring in an idol. This applies even in Chutz la'Aretz.
2. Regarding a Nochri who is not an idolater, logically there should be no problem of him bringing in an idol (since he does not worship it). Regarding giving him a gift and the Isur of Lo Techanem, arguably the parameters of the Isur of selling land in Israel are the same as those of gift-giving, since both are learned from the same Pasuk. If so, we should note that the Tur writes in Choshen Mishpat 249 that

giving a gift to an idolater is forbidden, but to a Ger Toshav is permitted. What about to a Nochri who does not worship idols? The Beis Yosef writes that this too is forbidden. The Bach objects that if so, why did the Tur not explicitly write that? It may sound from here that the Bach is lenient. But subsequently the Bach writes an answer, namely, that instead of writing the word "Goy" which would have seemed like an offensive term to the Nochrin, the Tur wrote "idolater" to avoid problems with the authorities. It seems that this answer appears only in a later edition of the printing of the Bach. Anyway, the point relevant for us is that there seems to be no support for a Heter to give a gift to a Nochri even if he does not worship idols, neither from the Beis Yosef nor from the Bach.

(It should be noted that some even limit Lo Techanem to the Seven Nations; see Maharam Chagiz.)

1. Regarding an apostate Jew who worships idols, logically there is a problem of him bringing in an idol, but presumably there is no prohibition of Lo Techanem.
2. Regarding a Christian, it would seem to depend on whether the figurine is for idol worship, or just for "show."

I hope this helps! May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

A K asks:

Thank you for your reply. What do you think would be the din when someone is selling a non kumat kenisah apartment to a goy/oved avadah zara (lets say a apartment on the third floor and he has no gina). He is not selling any actual land because its on the third floor and is only michuber likarkeh. So maybe it will be dependent on the mecholokes Ran meire you mentioned.

Thanks for your help

The Kollel replies:

Dear A K,

Great to hear from you. From the ruling of the Rambam in Hilchos Avodas Kochavim 10:4, it would seem to clearly be forbidden, since it is attached to the ground. See there where he writes, for example, that it is forbidden to sell even crops to an idolater if those crops are still attached. It would be at least as bad -- and arguably worse -- to sell him an apartment, even on an upper story, if the reason for not selling land, as the Rambam writes, is to disable the idolaters from having a permanent dwelling place in Eretz Yisrael. Maybe you can remind me, what is the Machlokes between the Ran and the Meiri?

Best wishes,

Mesivah v'Chasimah Tovah!

Yishai Rasowsky

Avodah Zarah 021: Renting to a Non-Jew

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The mishna in evodah zara says not to rent to a goy because he brings in evodah zara

1. why is this just in eretz yisrael and not chutz laaretz?
2. what would be the din by a arab who doesnt do avodah zara? What about a goyish athiest?
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4. Wht about a Christian nowadays? Most chiristians today dont practice much dont have Jesus figurine idols in their houses?

A K,

The Kollel replies:

Dear A K,

Great to hear your very insightful questions!

1. It is forbidden to rent land to an idolater in Eretz Yisrael only, not Chutz la'Aretz. This is a rabbinic prohibition based upon the Torah prohibition of selling land (Devarim 7:2). The Mishnah says that even where renting non-living space is permissible, nevertheless renting to him a dwelling space is forbidden because he will bring in an idol. This applies even in Chutz la'Aretz.
2. Logically, there is not problem of him bringing in an idol, but some would not apply the Isur of Lo Tichanem (see the Bach's interpretation of the Tur). Indeed some go farther and even limit Lo Tichanem to the seven nations (see Maharam Chagiz).
3. Logically, there is a problem of him bringing in an idol, but presumably there is no prohibition of Lo Tichanem.
4. It would seem to depend whether the figurine is for idol worhsip, or just for "show".

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Dear A K,

I would like to expand on what I wrote for #2. I indicated that some allow selling land to a gentile who doesn't worship idols. And I referred to the Bach's interpretation of the Tur. What I probably should have said was that arguably the parameters of the Isur of selling land in Israel are the same as those of gift-giving, since are both learned from the same Posuk. And if so, we should note that the Tur writes in Choshen Mishpat 249 that giving a gift to an idolater is forbidden, but to a Ger Toshav is permitted. What about a gentile who doesn't worship idols? The Beis Yosef writes that this too is forbidden. The Bach objects that if so, then why didn't the Tur explicitly write that? So it could sound like the Bach is lenient. But subsequently the Bach writes an answer,

namely, that instead of writing "Goy" which would have seemed like an offensive term to the gentiles, the Tur wrote "idolater", to avoid problems with the authorities. It seems that this answer only appears in a later edition of printing. Anyway, the point relevant for us is just that there seems no support for a Heter to give a gift to a gentile even if he doesn't worship idols, neither from Beis Yosef nor from the Bach.

I hope this helps!

Best wishes,

Yishai Rasowsky

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The mishna in Avodah Zarah says not to rent to a goy because he brings in Avodah Zarah

1. why is this just in Eretz Yisrael and not Chutz La'aretz?
2. what would be the din by an Arab who doesn't do Avodah Zarah? What about a Goyish atheist?
3. What about a Yid who does Avodah Zarah (Rechmona Letslan) (eg A Jewish Buddhist who lives in Israel)?
4. What about a Christian nowadays? Most Christians today don't practice much, don't have Jesus figurine idols in their houses?

A K,

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(It should be noted that some even limit Lo Techanem to the Seven Nations; see Maharam Chagiz.)

1. Regarding an apostate Jew who worships idols, logically there is a problem of him bringing in an idol, but presumably there is no prohibition of Lo Techanem.
2. Regarding a Christian, it would seem to depend on whether the figurine is for idol worship, or just for "show."

I hope this helps! May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

A K asks:

Thanks for your reply. I found it very interesting. However I think I did not explain my question properly. My questions below were in regards to the gemara there that says its assur to rent a beis dira to goy because of the issur og lo tishkun behalecha avlah and this is assur even according to Rav Meir (who hold no issur to rent a beis to a goy). According to this issur of lo tishkun behalach avla-

1. why is this just in eretz yisrael and not chutz laaretz?
2. what would be the din by a arab who doesnt do avodah zara? What about a nochri athiest?
3. What about a yid who does avodah zara (rechmona letsan) (eg A Jewish budhist who lives in Israel)
4. Wht about a Christian nowadays? Most christians today dont practice much and dont have figurine idols in their houses?

But while we are on the topic of the issur of lo techonen I am not clear, its assur or muter to sell to a non oved avodeh zara goy? The mekoros you brought were for the issur to give a gift and not for selling a beis?

The Kollel replies:

Shalom A K,

Great to hear from you.

I assume that you are referring to the prohibition of "Do not bring an abomination into your house" [1]. As you might know, there is a Machloess whether that prohibition as it applies here is on the Torah level, or only on the Rabbinic level (either because you are not living in the house, or you didn't bring it into the house, or you are not benefiting from it -- see Tosfos, Rashba, Ritva). It would argueably be easier to understand a difference between Eretz Yisrael versus Chutz la'Aretz according to the latter. Anyway, most opinions say that it applies in all places, but those who only forbid it in Eretz Yisrael may be because Chutz la'Aretz is not called "your home"; alternatively, the gentile authorities who control property in foreign countries actually render the house to be not truly your property.

2. There is no Lo Tavi Toeivah El Beisecha, but most would say there is Lo Tichanem to any gentile who is not keeping the laws of Ger Toshav. Arugably the Tur and Beis Yosef we cited from Choshen Mishpat about giving a gift would apply to all three Isurim learned from the same words Lo Tichanem, including selling land.
3. Logically, there is an Isur of Lo Tavi since he has idols, but not Lo Tichanem since he is not a gentile.

4. Rishonim justify the contemporary practice to allow selling homes to gentiles, e.g. because they do not bring in idols on a permanent basis, or because you don't really own the house (in Chutz la'Aretz -- see 1 above), or perhaps most relevant -- as the Meiri writes -- because the gentiles today do not really worship idols in the same way as in the time of Chazal.

Best wishes for a healthy new year! May you continue to strive in greatness in Torah and Ma'asim Tovim!

Kesivah v'Chasimah Tovah!

Yishai Rasowsky

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1. https://www.sefaria.org.il/Deuteronomy.7.26?vhe=Tanach_with_Taamei_Hamikra&lang=he&aliyot=0

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A K,

The Kollel replies:

Dear A K,

Great to hear your very insightful questions!

1. It is forbidden to rent land to an idolater in Eretz Yisrael only, not Chutz la'Aretz. This is a rabbinic prohibition based upon the Torah prohibition of selling land (Devarim 7:2). The Mishnah says that even where renting non-living space is permissible, nevertheless renting to him a dwelling space is forbidden because he will bring in an idol. This applies even in Chutz la'Aretz.
2. Logically, there is not problem of him bringing in an idol, but some would not apply the Isur of Lo Tichanem (see the Bach's interpretation of the Tur). Indeed some go farther and even limit Lo Tichanem to the seven nations (see Maharam Chagiz).
3. Logically, there is a problem of him bringing in an idol, but presumably there is no prohibition of Lo Tichanem.
4. It would seem to depend whether the figurine is for idol worhsip, or just for "show".

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Avodah Zarah 059: Gerus in the Time of the Avos

Yitzchak Meystelman asks:

Rav Yochanan rules that Bris mila was not enough to convert, ie also needed to tovel in the Mikva. However, in the story of Deena, the brothers told Shchem that they needed to do Bris mila only, they did not say that Mikvah was also needed.? Please reconcile this seeming contradiction. Thank tou

Yitzchak Meystelman , Phoenix AZ

The Kollel replies:

Dear R' Yitzchak,

Great to hear from you. Very nice question! I came across these interpretations:

1. The reason the brothers requested the townspeople to circumcise was either: (a) in order to weaken them which made killing them on the third day easier (see Abarbanel and Malbim); or (b) in order that the the townspeople should be dissuaded from going through with it, and instead choose to just release Dinah (See Seforno and Chizkuni).
2. The brothers only killed the townspeople because after the circumcision the townspeople regretted (see commentaries on the phrase "Koavim" in verse 25) having gone through with the Mitzvah of Milah (see Da'as Z'keinim and Rosh).

According to #1, the brothers never planned to convert the townspeople, so there was no need to mention Tevilah. And even according to #2, where the brothers seemingly did intend to convert the townspeople, it could be argued that the brothers did not mention Tevilah, but rather only Milah, because: either (a) Milah is the first step, and they would have told about Tevilah later; or (b) only Milah is a difficult procedure to demand from someone, unlike Tevilah which is easy.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

GENERAL 029: Shemoneh Esrei-Last Three Berachos

shmuel asks:

where do we find last 3 brachos in the amida are praise of hashem? only 1 is (modim), the other 2 are requests?!

shmuel, Valley Village

The Kollel replies:

Dear Shmuel,

Great to hear from you. Very powerful question.

Rambam writes (Tefilah 1:4) that the last three Berachos are for thanksgiving, "Hodayah".

The difficulty with that, as you correctly pointed out, is that only the second one, "Modim", seems to be about thanksgiving.

I see in the Rambam Mevoar (Keren Talelei Berachah edition) two answers from the commentaries:

1. "Retzei" and "Sim Shalom" are classified as Hodayah since they are requesting spiritual needs, not materialistic ones. This was cited from Abubraham, Seder Tefilos l'Chol, Sha'ar 2, Tikun ha'Tefilos v'Inyaneihem. I still don't fully understand, for two reasons: a) Just because a request is spiritual, why should it be classified as thanksgiving? b) some of the Berachos in the middle of Shemoneh Esrei also seem to be spiritual requests, e.g. Selach Lanu.
2. Really the only Berachah of Hodayah is "Modim", but it deserves to be accompanied by two other Berachos, one before ("Retzei") and another after ("Sim Shalom"), similar to what we find by Krias Shema which has Berachos placed before and after it. This is cited from Radvaz Responsa Volume 8, Siman #15. I still don't fully understand, though, because the Rambam's language would seem to indicate that all of the final three Berachos are Hodayah.

I hope this helps somewhat.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Menachos 034: Tefilin

Davic1 asks:

Greetings. All the psukim related to remembering the Torah that appear in the Torah and in Mishlei are metaphorical referring to keeping the Torah in one's mind all the time ♦ yadecha, zichron, oys, etc. etc. It is only in one case where specifically oys and totafos refer to tefillin. But even if we say that there is both the metaphorical meaning (according to Rashbam) in addition to the asmachta for tefillin, we cannot say that the tefillin correspond to wearing them all the time the way a person is supposed to remember the Torah all the time. In fact the Torah itself nowhere states the duration of wearing them.

Why do we need an asmachta in that posuk for tefillin when they are anyway halacha leMoshe miSinai in all their aspects, and given the fact that wearing them does not even correspond to the literal/metaphorical meaning of constantly keeping the Torah as a sign in ones actions and one's thoughts?

In addition, 'beyn eynecha' does not really exist, so what does this contribute except in a purely metaphorical way (the space between the eyes is maybe half an inch at most), especially since miSinai tefillin are worn at the top of the forehead, which has nothing to do with 'between the eyes'?

It would make more sense to connect tefillin with the head as ♦ 'totafos al roshecha' as an asmachta.

Thanks,

David Goldman

The Kollel replies:

Dear R' David,

Great to hear from you. I appreciate your meaningful comments and questions about the source in the Torah from which we learn Tefilin.

The Mitzvah of Tefilin is learned from the verses, but as you correctly pointed out, the features are learned from Oral Tradition [1].

In Tanach (e.g. Devarim 14:1) the phrase "between your eyes" is not literal, but rather it means in the middle of the head, in the place where the hair grows [2,3,4].

Interestingly, the commentaries discuss the idea about what allegories may [5] or may not [6] be interpreted in the Mitzvah of Tefilin.

I hope this helps. May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

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David asks:

Thanks for your reply. In a way the explanations of the commentaries seem to beg the question about the totafos.

Wouldn't there be a clearer understanding if the verse had said **בין עיניך**? Just as we know that **בין עיניך** refers to tefillin in a certain part of the arm with the word **בין**, we could likewise know that **בין** refers to the center of the hairline?

And why would the asmachta connect to a metaphorical understanding which refers to CONSTANTLY remembering when the tefillin are not worn CONSTANTLY? Especially when all the details of tefillin are anyway part of **בין עיניך** **בין עיניך** **בין עיניך** , and no further asmachtas exist about the structure of tefillin etc ??

The Kollel replies:

Dear David,

Great to hear from you.

A) Good point! It seems from the Gemara that we first establish the correct place on the head [1], and actually from there we learn the correct place on the arm [2]. Therefore, one could argue that if the Torah said "upon your head" instead of "between your eyes" then we would not know the correct place for either.

B) Very interesting question. It seems that at times even though Chazal see a Mitzvah commanded or referenced in a verse of the Torah, still some details how to implement it can be relegated to the Oral Torah, e.g. Halachah l'Moshe mi'Sinai [3,4,5,6,7].

I hope this helps!

Best wishes,

Yishai Rasowsky

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In addition, 'beyn eynecha' does not really exist, so what does this contribute except in a purely metaphorical way (the space between the eyes is maybe half an inch at most), especially since miSinai tefillin are worn at the top of the forehead, which has nothing to do with 'between the eyes'?

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Interestingly, the commentaries discuss the idea about what allegories may [5] or may not [6] be interpreted in the Mitzvah of Tefilin.

I hope this helps. May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Tefillin_Mezuzah_and_the_Torah_Scroll.1.3?lang=bi&p2=Sefer_HaChinukh.421.3&lang2=bi
2. https://www.sefaria.org.il/Exodus.13.16?lang=bi&aliyot=0&p2=Bekhor_Shor_Exodus.13.16.3&lang2=bi
3. <https://www.sefaria.org.il/Exodus.13.16?lang=bi&with=Commentary&lang2=en#:~:text=,>

4. https://www.sefaria.org.il/Deuteronomy.14.1?lang=bi&aliyot=0&p2=HaKtav_VeHaKalah_Deuteronomy.14.1.2&lang2=bi&w2=all&lang3=en#:~:tex t=
 5. https://www.sefaria.org.il/Tur_HaArokh_Exodus.13.9.1?lang=he
 6. https://www.sefaria.org.il/Ibn_Ezra_on_Exodus.13.9.1?lang=he
-

David asks:

Thanks for your reply. In a way the explanations of the commentaries seem to beg the question about the totafos.

Wouldn't there be a clearer understanding if the verse had said **בין העינים**? Just as we know that **בין העינים** refers to tefillin in a certain part of the arm with the word **בין**, we could likewise know that **בין העינים** refers to the center of the hairline?

And why would the asmachta connect to a metaphorical understanding which refers to CONSTANTLY remembering when the tefillin are not worn CONSTANTLY? Especially when all the details of tefillin are anyway part of **בין העינים**, and no further asmachtas exist about the structure of tefillin etc ??

The Kollel replies:

Dear David,

Great to hear from you.

A) Good point! It seems from the Gemara that we first establish the correct place on the head [1], and actually from there we learn the correct place on the arm [2]. Therefore, one could argue that if the Torah said "upon your head" instead of "between your eyes" then we would not know the correct place for either.

B) Very interesting question. It seems that at times even though Chazal see a Mitzvah commanded or referenced in a verse of the Torah, still some details how to implement it can be relegated to the Oral Torah, e.g. Halachah l'Moshe mi'Sinai [3,4,5,6,7].

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Menachot.37b.5?lang=bi&with=Rashi&lang2=en>
2. <https://www.sefaria.org.il/Menachot.37b.2?lang=bi&with=Rashi&lang2=en>
3. Peah https://www.sefaria.org.il/Mishnah_Peah.2.6?vhe=Torat_Emet_357&lang=bi
4. Boel Aramis https://www.sefaria.org.il/Mishneh_Torah_Forbidden_Intercourse.12.4?vhe=Torat_Emet_363&lang=bi&with=all&lang2=en

5. Sefer Torah and Mezuzah

https://www.sefaria.org.il/Mishneh_Torah_Tefillin_Mezuzah_and_the_Torah_Scroll.1.12?vhe=Torat_Emet_370&lang=bi

6. Marrying Amon or Moav https://www.sefaria.org.il/Mishneh_Torah_Forbidden_Intercourse.12.18?vhe=Torat_Emet_363&lang=bi&with=all&lang2=en7. Tosefes Shevi'is https://www.sefaria.org.il/Tosafot_on_Moed_Katan.3b.11.1?vhe=Vilna_Edition&qh=

David asks:

Thank you. Regarding Point A, when it comes to the placement of the tefillin shel yad we have to rely on the oral law to know where to place it, whether on the upper arm, than hand, wrist or whatever. So even if the posul referred to the head, the oral could have equally told us where to place it on the hand, whether on the hairline, the forehead, top of the head, etc. In other words we could have had the oral to specify where both are to be place. Between the eyes could have been avoided!

Regarding Point B, I am not sure I understand the explanation exactly. We could have known everything about tefillin from the oral law as Torah le Moshe MiSinai without any asmachtas, especially when the asmachta that relates to the literal concept of keeping the Torah in mind constantly does not work for tefillin, which are not worn constantly the way keeping the Torah in mind is supposed to be.

The Kollel replies:

Dear David,

Great to hear from you! You are making points that I have never thought about before. I appreciate your insightful comments. May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Menachos 034: Tefilin

Davic1 asks:

Greetings. All the psukim related to remembering the Torah that appear in the Torah and in Mishlei are metaphorical referring to keeping the Torah in one's mind all the time ♦ yadecha, zichron, oys, etc. etc. It is only in one case where specifically oys and totafos refer to tefillin. But even if we say that there is both the metaphorical meaning (according to Rashbam) in addition to the asmachta for tefillin, we cannot say that the tefillin correspond to wearing them all the time the way a person is supposed to remember the Torah all the time. In fact the Torah itself nowhere states the duration of wearing them.

Why do we need an asmachta in that posuk for tefillin when they are anyway halacha leMoshe miSinai in all their aspects, and given the fact that wearing them does not even correspond to the literal/metaphorical meaning of constantly keeping the Torah as a sign in ones actions and one's thoughts?

In addition, ♦ beyn eynecha ♦ does not really exist, so what does this contribute except in a purely metaphorical way (the space between the eyes is maybe half an inch at most), especially since miSinai tefillin

are worn at the top of the forehead, which has nothing to do with בין העינים between the eyes?

It would make more sense to connect tefillin with the head as תופוס אל רשעה as an asmachta.

Thanks,

David Goldman

The Kollel replies:

Dear R' David,

Great to hear from you. I appreciate your meaningful comments and questions about the source in the Torah from which we learn Tefilin.

The Mitzvah of Tefilin is learned from the verses, but as you correctly pointed out, the features are learned from Oral Tradition [1].

In Tanach (e.g. Devarim 14:1) the phrase "between your eyes" is not literal, but rather it means in the middle of the head, in the place where the hair grows [2,3,4].

Interestingly, the commentaries discuss the idea about what allegories may [5] or may not [6] be interpreted in the Mitzvah of Tefilin.

I hope this helps. May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Tefillin_Mezuzah_and_the_Torah_Scroll.1.3?lang=bi&p2=Sefer_HaChinukh.421.3&lang2=bi
2. https://www.sefaria.org.il/Exodus.13.16?lang=bi&aliyot=0&p2=Bekhor_Shor_Exodus.13.16.3&lang2=bi
3. <https://www.sefaria.org.il/Exodus.13.16?lang=bi&with=Commentary&lang2=en#:~:text=,>
4. [https://www.sefaria.org.il/Deuteronomy.14.1?lang=bi&aliyot=0&p2=HaKtav_VeHaKabbalah_Deuteronomy.14.1.2&lang2=bi&w2=all&lang3=en#:~:tex](https://www.sefaria.org.il/Deuteronomy.14.1?lang=bi&aliyot=0&p2=HaKtav_VeHaKabbalah_Deuteronomy.14.1.2&lang2=bi&w2=all&lang3=en#:~:text=)
t=
5. https://www.sefaria.org.il/Tur_HaArokh_Exodus.13.9.1?lang=he
6. https://www.sefaria.org.il/Ibn_Ezra_on_Exodus.13.9.1?lang=he

Nedarim 017: Ran DH Shevuah she'Lo Ochal, etc.

Paul Davidowitz asks:

2a: <https://dafyomi.co.il/nedarim/tosfos/nd-ts-017.htm>

Ran 17a: v'Lo li'Mnos Shtayim Gam Kein d'Lo Mishkachas Lah Mah she'Ein Kein b'Nezirus

Why is it that a shvua never entails multiple undertakings from multiple upfront pronouncements? After all, it can be time-bound just like nzeirus.

Paul Davidowitz, United States

The Kollel replies:

Dear R' Davidowitz,

Great to hear from you. Very nice question. I see a few explanations in the commentaries why the second Shevuah does not kick in, unlike Nezirus.

A) Tosfos: Since a Nezirus has a fixed time frame of thirty days, unlike Neder/Shevuah. Therefore we assume he means to add another period. Whereas in Neder/Shevuah he is understood to mean specifically the same period of time, in which case it cannot take effect [1].

B) Ramban: The nature of Neder/Shevuah is that it can only apply to something that is not related to Cheftzei Shamayim.

C) Rav Akiva Eiger (on Shulchan Aruch and on the Mishnah): One Isur cannot apply on top of another one.

D) Avnei Miluim (Siman 12): One oath cannot apply on top of another oath. Note: This is different than Rav Akiva Eiger. Because according to Rav Akiva Eiger the second oath actually would take effect, just the person would not be punished, unlike the Avnei Miluim according to whom the second oath doesn't take effect at all. Two practical differences emerge from this: First, when the person violates the second oath did he do a sin? According to Rav Akiva Eiger yes; according Avnei Miluim no. Second, if the person would be released somehow from his first oath, does the second oath take effect. According to Rav Akiva Eiger yes; according Avnei Miluim no.

E) Chazon Ish (Even Ha'Ezer #136 v'Eilu Mutarin #5): No Isur can apply on top of another Isur, not only in Neder/Shevuah, but even in Nezirus. Just in Nezirus, when the person makes his double declaration, he doesn't take on two Isurim per se. Rather, he takes on double dose of Kedushah, which can take effect, and that translates to conducting two consecutive periods of Nezirus.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Nedarim.17a.3?lang=bi&with=Tosafot&lang2=en>

Paul asks:

Thanks. Your term "Neder/Shevu'ah" regarding Neder excludes Nezirus (even though the latter is a type of the former) -- is that correct?

Kol Tuv,

-PD

The Kollel replies:

Sure. Yes, even though Nezirus is a type of Neder, nevertheless it is excluded, as we see in the Mishnah which Davka chose to speak about Nezirus. And if I am not mistaken, the point you are analyzing is something that Tosfos (A above) wanted to help address. He explains that unlike an ordinary Neder, a Nezirus has an inherent timeframe. Chazon Ish (E above) helps further to explain why it works, namely, because even though Ein Isur Chal Al Isur, but Kedushah can be Chal on Kedushah, which is where the sequential sets of Isurei Nezirus stem from.

May you continue to strive in Torah and Yirah!

Best wishes for a Kesivah v'Chasimah Tovah!

Yishai Rasowsky

Nedarim 017: Ran DH Shevuah she'Lo Ochal, etc.

Paul Davidowitz asks:

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Ran 17a: v'Lo li'Mnos Shtayim Gam Kein d'Lo Mishkachas Lah Mah she'Ein Kein b'Nezirus

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Paul Davidowitz, United States

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B) Ramban: The nature of Neder/Shevuah is that it can only apply to something that is not related to Cheftzei Shamayim.

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somehow from his first oath, does the second oath take effect. According to Rav Akiva Eiger yes; according Avnei Miluim no.

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I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Nedarim.17a.3?lang=bi&with=Tosafot&lang2=en>

Pesachim 009: Ein Safek Motzi mi'Yedei Vadai



Soheil Zaman asks:

At the end of the day, why do we even say "Ein safeik motsi midi vadai"? Is it a svara, Rabbanan, or doraissa?

Second, lechora, the safeik we are dealing with is not simply a safeik hashakul - it's similar to a rov. So why can't rov win over a vadai? I didn't really think this is an important question, but it really changes our understanding of how we posken safeiks. At the end of the day, The Torah doesn't care that there one thing has a greater chance of being mutar and that's why we make it mutar. Poskening sfeikas in lumdus doesn't have anything to do with percentage. We do use percentage, but that's not the essential factor.

Here's an example. I always thought that the reason why we say sfeik sfeika doraissa we go l'kula, because well there's a greater chance of heter than isur (as opposed to a regular safeik doraissa. But it's not true. We see from ein safeik motsi midi vadai that even though chances are in neima achaltei the chulda will eat the chametz, the Torah doesn't care.

I can show you Rav two other places, once on daf 9b and once on daf 10a where statistics doesn't matter at all.

1. 9b - In teisha tsiburin Rashi says the kasha is do we require bedika or not. Tosfos says we don't because the house has a chezkas badok. The Yet in the second case of shnei kupos, the Gemara itself doesn't use a chazaka to machria the safeik - it uses this principle called sh'ani omer. Even though the statistics in both cases are the same, one you can use a chazaka but the other you can't. This shows that statistics is not the operating principle here.
2. 10a - In the case of  , Rashi seems to learn the machlokes between Rabbi Rav Eliezer and the Rabbanan is do we consider the chatzer of a person's house a separate reshus whereby we can consider that a proper sfeik sfeika to posken l'mutar. Rav Eliezer says yes, so you have a safeik if the akbar entered the house and a safeik that it ate it. Rabbanan disagree and hold that a chatzer is not a

proper reshus. But at the end of the day, we the statistics are the same for both tanaim, yet there is still a technical machnokes of what is considered a reshus or not. So again we see stats don't matter.

So my question is two-fold (it might actually just be one question):

1. If the Torah does not care about statistics, then what does it care about to posken safeiks?
2. What makes a sfeik sfeika a stronger safeik than 1 safeik if we don't care about the stats?

Soheil Zaman, Israel

The Kollel replies:

Dear R' Soheil,

Great to hear from you. Very excellent questions.

Regarding the source of Ein Safeik Motzi Midei Vadai, it is indeed a Svara. It definitely applies to Torah laws. Commentaries disagree whether it applies to Rabbinic laws: Some say yes [1], others say no [2].

Regarding your very strong question about why Rov can't win over a Vadai, some say that can only be done for a Rov which is naturally occurring, but not for a Rov that is based on a person's decision [3].

Regarding your point about Sfeik Sfeika having a greater chance of Heter, the Rashba writes [4] that it is because of Rov. But the commentaries disagree whether that means a majority of potential cases of statistical chances [4a].

Others explain Sfeik Sfeika l'Kula is based on the regular rule of Safek d'Rabanan [5].

Still others explain Sfeik Sfeika l'Kula as a Gezeras Hakasuv, since the Torah only mandates Safek d'Oraisa l'Chumra in a case of one Safek, but not in a case of two Sfeikos. According to this, Sfeik Sfeika l'Kula is not proving as a fact that the status is Mutar; rather it is just a Psak that we are allowed to rely on that Tzad.

Forgive me if I am writing things that were already obvious to you. But I hope this is a helpful start.

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Leavened_and_Unleavened_Bread.2.8?lang=bi&with=MishnehLaMelech&lang2=en#:~:text=
2. https://www.sefaria.org.il/Tosafot_on_Pesachim.9a.10.1?lang=bi&with=Commentary&lang2=en#:~:text=
3. Mesivta cites Binas Adam, Shaar Rov v'Chazakah, Comment #7 (and #6)
4. Kovetz Yesodos v'Chakiros (page 773) cites Shailos u'Teshuvos Rashba (Part 1 Responsum 401)

4a. Ibid citing Granat and others

5. Ibid citing Gilyonei Hashas according to the Rambam, that Safek d'Oraisa l'Chumra is only a Din d'Rabanan. And Pnei Yehoshua even according to Rashba who holds Safek d'Oraisa l'Chumra is a Din d'Oraisa, since there is a Chezkas Heter to begin with.

6. Ibid citing Granat 25

Pesachim 031: ha'Ochel Terumas Chametz b'Pesach

Soheil Zaman asks:

The Mishna says: ha'Ochel Terumas Chametz b'Pesach b'Shogeg Meshalem Keren v'Chomesh, b'Meizid Patur mi'Tashlumin u'mi'Demei Eitzim

Rashi explains the case that the truma is assur b'hana. yet notwithstanding, you are required to pay him back. I've asked many Talmidei Chachamim if you can steal someones' isur hana or not, is it assur or not, etc. But I never got a definitive answer. Isn't this Mishna saying by the fact that when you eat b'shogeg, that it is assur to steal it (as when you do b'shogeg you are required to pay back)?

Soheil Zaman, United States

The Kollel replies:

Dear R' Soheil,

Great to hear from you. Excellent question. When item of mine is forbidden to benefit from, does that also mean I no longer own it? Is someone else free to take the item? I see that the Kovetz Yesodos v'Chakiros under the entry "Ba'alus b'Isurei Hana'ah" brings the following opinions that would shed light on this research of yours.

1. The item is Hefker; anyone is allowed to take it (Ra'avad cited in Ritva to Sukah 35a).
2. The item still belongs to me, and anyone else is forbidden to take it (the Ritva's own opinion).
3. It is still mine, yet anyone else may take it. Similar to a lost item after Yeush but before it is acquired by a finder (Nesivos 275:1).
4. If the item is obliged to be destroyed, e.g. Chametz b'Pesach, then it belongs to no one, since there is a Chiyuv each moment to get rid of it. But if the item is some other Isur Hana'ah (even Kilai Kerem or Orlah which if burnt involves a Mitzvah), then I do own it (Chasam Sofer Shu"t O.C. 180).
5. If the item is Mutar to others, e.g. I made a Neder to refrain benefiting from it, then I do own it; otherwise not (Machane Efrayim, Zechiyah m'Hefker 4).

One might argue that the case in the Mishnah here is not an air-tight precedent, since the obligation to return money is only because of Terumah, not the Chametz.

I hope this helps!

Best wishes,

Yishai Rasowsky

Soheil Zaman asks:

Thank you Rav Rasowsky!

In terms of your answer that the Mishna might not be a precedent because we are dealing with truma . . . I hear the chiluk but why should it mechalek? Theft is theft. If it's asur to steal isur hana that is kadosh, I see no reason why it should be different if it's chol?

The Kollel replies:

Shalom R' Zaman,

You are making a good point. I understand, as my Rebbe Rav Yitzchak Breitowitz explained to me, that his payment for the Terumah is not based on a prohibition of theft, but rather is in the nature of atonement for the sin of a Zar eating terumah. The Kaparah happens to take the form of paying a Kohen. The implication for our discussion is, therefore, that this Mishnah doesn't contradict those opinions who hold there is not Isur to steal someone's item that is Asur b'Hana'ah.

I hope this helps!

Best wishes,

Yishai Rasowsky

Pesachim 031: ha'Ochel Terumas Chametz b'Pesach

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The Mishna says: ha'Ochel Terumas Chametz b'Pesach b'Shogeg Meshalem Keren v'Chomesh, b'Meizid Patur mi'Tashlumin u'mi'Demei Eitzim

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The Kollel replies:

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1. The item is Hefker; anyone is allowed to take it (Ra'avah cited in Ritva to Sukah 35a).
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One might argue that the case in the Mishnah here is not an air-tight precedent, since the obligation to return money is only because of Terumah, not the Chametz.

I hope this helps!

Best wishes,

Yishai Rasowsky

Shabbos 088: Hashem's Word at Har Sinai

Joshua Danziger asks:

Hello kollel!

On daf 88 we have the famous gemara that after each utterance at har sinai the Jewish people died and were revived (and blown back 12 mil etc).

My question is: didn't Hashem say all the 10 statements simultaneously? According to that there was only one utterance not a sequence, so how do we understand the gemaras point?

Similar question according to the opinion that we heard the first two from Hashem and the rest from moshe?

I may have found an answer. The mekhilta yitro 20:1 says Hashem spoke them simultaneously then repeated each individually. Let me know if you have seen any other ideas though!

https://www.sefaria.org/Mekhilta_d'Rabbi_Yishmael.20.1?lang=bi

Thank you!

Josh

The Kollel replies:

Dear Josh,

Great to hear from you. I like your answer.

Your comments bring to mind what I see the Mesivta cites from Zera Yaakov (Moadim Sukos 5) based on Masei Torah (Chapter 6). That is, the Gemara's three statements from Rebbe Yehoshua Ben Levi correspond to the three voices or sounds that the Jewish people heard:

A. First, they heard a mighty, supernatural reverberation. This inflicted a low level of shock, from which the people grew weak, and then needed to be revived by the fragrance. This explains Rebbe Yehoshua Ben Levi's first statement [1].

B. Next, they heard God Himself articulate the first two Dibros directly to them. The high level shock of each one killed them, and so subsequently they needed to be revived. This explains Rebbe Yehoshua Ben Levi's second statement [2].

C. Finally, they heard God speak the remaining eight Dibros to Moshe Rabeinu. As a result of the medium-level ensuing shock, they were thrown back 12 Mil. This explains Rebbe Yehoshua Ben Levi's third statement [2].

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Shabbat.88b.5?lang=bi&with=Rashi&lang2=en>
2. Rebbe Yehoshua Ben Levi's second and third statements are found here <https://www.sefaria.org.il/Shabbat.88b.6?lang=bi&with=Rashi&lang2=en>

Sukah 027: Chiyuv to Eat on Chol Hamoed

Menachem Weiman asks:

The mishna says according to the chachamim "ain ledavar kitzv". Rashi goes further and says not only are no bread meals obligated, but if one wanted to fast he could. Rashi seems to contradict a Mechilta on Shmos 12:16 that darshans an obligation to honor the chol hamoed with clothes and food. Fasting would seem to violate this.

Menachem Weiman, St. Louis, United States

The Kollel replies:

Shalom Menachem,

Very good question! I see the Acharonim speak about this point. Maybe we can organize it as follows. The Kashya makes three assumptions:

1. Rashi means literally that there is no problem to fast on Yom Tov (or Chol ha'Moed as you astutely pointed out).
2. There is a prohibition to fast on Yom Tov in the day and in the night.
3. There are no exceptions to that prohibition.

I am aware of three answers, each of which will erase one of those assumptions above.

Answer A) Rashi's language is to be taken with a grain of salt. He doesn't mean that we are allowed to fast on Yom Tov per se. He is just saying that with regard to Hilchos Sukah, there is no obligation to eat. This is the

Pnei Yehoshua's first answer. And it fits with Tosfos' understanding on Daf 49 of Berachos.

B) Rashi can indeed be taken literally, and he is saying it is OK to fast on Yom Tov. Only that this is permitted specifically at night. The prohibition to fast is only in the daytime. This is the Pnei Yehoshua's second answer.

C) There is a prohibition of fasting on Yom Tov, but there is an exception if you had a bad dream the night before (see Shabbos 11a). In such a case, fasting is OK according to the Chachamim, but not according to R. Eliezer. This is Aruch la'Ner's answer.

I hope this helps!

Best wishes,

Yishai Rasowsky

Menachem Weiman asks:

Thanks. I was wondering if possibly Rashi held that the obligation to eat was only for the other chagim but since Sukkos has the drasha of "teishvu k'ain teduro" the idea of eating the way you want takes precedence.

The Kollel replies:

Dear Menachem,

Great to hear from you. You are making a very legitimate point. In fact, one can see in the Gemara itself that Rebbe Eliezer's opinion, and the Rabanan's reply to him, are both based on the concept of Teishvu k'Ein Teduru [1]. Tosfos brings the Yerushalmi to explain the basis of each Tana's opinion [2]. The Rabanan learn a Gezerah Shavah ("15-15") from Pesach: Just as on Pesach the only obligatory meal is the first night whereas the rest of the days are optional, so too for Sukos. Though I cannot say I have 100% proof regarding Rashi's opinion on the issue, the mainstream opinion seems to prohibit fasting on the Regel even if a person fasts on other days of the year [3].

Best wishes,

Yishai Rasowsky

Sources:

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 3. https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.529.3?lang=bi&p2=Mishnah_Berurah.529.20&lang2=bi
-

Sukah 030: Mitzvah Ha'Bah B'Aveira

Naftoli Willner asks:

Tosfos DH Mishum d'Hava Leih Mitzvah ha'Ba'ah b'Averiah

He says that we learn all Mitzvah ha'Ba'ah b'Averiah from Korbanos "d'Al Gav d'Kra Gabei Korban Kesiv, Hu ha'Din b'Chol Mitzvos d'Havei d'Oraisa"

Question - how can we do this. Don't we say that we can't generally do this? The

Gemarah often says "Chulin mi'Kodshim Lo Gamrinan"?

Naftoli Willner, United States

The Kollel replies:

Dear Naftoli,

Good to hear from you. Excellent question!

I see three places where the Gemara says we don't learn from Chulin to Kodashim [1,2,3].

Tosfos seems to be explaining that this case is an exception because Rebbe Yochanan/Rebbe Shimon Bar Yochai knew that the prohibition to recite a blessing over Chalah separated from stolen grain is indeed an application of the principle of Mitzvah ha'Ba'ah b'Aveirah (though one could question that), and that entitles us interpret the lesson from Malachi 1:13 to not offer a stolen Korban not as a unique stringency of Kodashim, but rather a general taint in any Mitzvah.

(As you might already know, the Maharam offers an answer to the obvious follow up question, "If so, then why didn't Rebbe Yochanan cite the verse about not blessing over Chalah?")

You may also be aware that there is another opinion in the commentaries which does not extend Mitzvah ha'Ba'ah b'Aveirah to realms outside of Korbanos. The Netziv in Meromei Sadeh argues that this is the opinion of Rashi, and also that of the Chasam Sofer, and also cites the Ritva on Daf 9 who brings such a view.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sources:

1. <http://www.sefaria.org.il/Pesachim.45a.6?lang=bi&with=Commentary&lang2=en>
2. <https://www.sefaria.org.il/Nazir.37b.13?lang=bi&with=Commentary&lang2=en>
3. <https://www.sefaria.org.il/Shevuot.26b.20?lang=bi&with=Commentary&lang2=en>

Sukah 033: Eged Including Esrog

Shlomo Zalman Lerner asks:

Why is there no hava amina, or initial question, that the eged should also include the esrog?

Shlomo Zalman Lerner, Atlanta, USA

The Kollel replies:

Dear Shlomo Zalman,

Great to hear from you. You are making a very legitimate point. See the opinion of Rebbe Eliezer on Daf 34b which address what you are asking [1].

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Sukkah.34b.4?lang=bi&with=Rashi&lang2=en>
-

Sukah 033: Why is Removing the Berries Considered a Psik Resha?

Mark Gotesman asks:

Hi,

Learning through Sukkah 33 recently, I had the following question.

On amud bet the gemara assumes that removing the berries from the hadas would be a psik reishah for mitaken maneh to make a cheftzah for the mizvah, and so has to conclude that the person removing the berries already has a hadas. But we know from Shabbos 133 that if it is a psik reishah dilo nichah leih it is muttar, and since mitzvot lav leihanot nitnu, can't we argue that making a kosher hadas is not nicha leih and so should be muttar?

Mark Gotesman, NJ

The Kollel replies:

Dear Mark,

Great to hear from you. Very nice question! You are referring to two different principles:

#1) Mitzvos were not given for pleasure

#2) Psik Reisha de'Lo Nicha Lei

Each of these is needed and applied in their own distinct context.

Principle #1 tells us what the Torah excludes from prohibitions of pleasure.

Principle #2 tells us what is a person's Kavanah.

For example, let's say someone wants to fulfill a Mitzvah by using an item from which it is forbidden to benefit. So, principle #1 teaches us that the Torah doesn't include Kiyum Mitzvah in the prohibition of Hana'ah [1,2,3,4,5,6,7,8,9]. This does not mean he isn't interested in the outcome.

On the other hand, Davar She'eino Miskavein is permitted, unless it is a Psik Reisha because then it count as if you intended the result. But, if it's Lo Nicha Lei, i.e. you are not interested in the outcome, then it will be Mutar [10]. That is not related to deriving forbidden pleasure.

So, in our case, if the person did not have another Hadas, we would not invoke principle #1 to say that he isn't interested in the outcome. He certainly is interested in the outcome. That is why the Gemara needed to say he has another Hadas.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. Eruv Techumin in a Cemetery <https://www.sefaria.org.il/Eruvin.31a.6?lang=bi&with=Rashi&lang2=en>
2. Blowing Tekios from a Shofar of an animal that was a Korban
https://www.sefaria.org.il/Rosh_Hashanah.28a.12?lang=bi&with=Rashi&lang2=en
3. Reuven hears a Shofar blown by Shimon after Reuven vowed to not derive benefit from Shimon
https://www.sefaria.org.il/Rosh_Hashanah.28a.14?lang=bi&with=Rashi&lang2=en
4. Reuven gets sprinkled with Parah Adumah water in the winter by Shimon, after Reuven vowed to not derive benefit from Shimon https://www.sefaria.org.il/Rosh_Hashanah.28a.15?lang=bi&with=Rashi&lang2=en
5. Reuven immerses in a spring belonging to Shimon, in the winter, after Reuven vowed to not derive benefit from Shimon https://www.sefaria.org.il/Rosh_Hashanah.28a.15?lang=bi&with=Rashi&lang2=en
6. Using a shoe of idolatry for Chalitzah https://www.sefaria.org.il/Yevamot.103b.19?vhe=Wikisource_Talmud_Bavli&lang=bi&with=Rashi&lang2=he
7. Using blood from an idol-worshipping city for covering blood of a Chayah or Ohf
https://www.sefaria.org.il/Chullin.89a.13?vhe=Wikisource_Talmud_Bavli&lang=bi&with=Rashi&lang2=en
8. Sitting in a Sukah that was forbidden by a Neder <https://www.sefaria.org.il/Nedarim.16b.6?lang=bi&with=Commentary&lang2=en>
9. In Nedarim 15b the Rashba and Ran argue whether this includes even when the Mitzvah act involves a physical pleasure.
10. According to Tosfos Mutar Min ha'Torah but Asur mid'Rabanan; according to the Aruch Mutar completely.

Sukah 046: Amar Chzikiah Amar R' Yirmiah Mishum Rashbi

Tuvya Marcus asks:

It strikes me as unusual this set of chachamim. R Yirmiya was younger than Rabi Yochanan and Chizkiya was R"Y rebbe. It's common to see things that R"Y brings in Rashbi name - but I don't remember seeing R"Yirmiya bringing in his name and that Chizkiya - would bring it... I guess that's why the Gemara brings 4 unconnected meimros together.

I didn't see anyone comment on this.

Any thoughts?

Tuvya Marcus, Jerusalem Israel

The Kollel replies:

Dear R' Tuvya,

Great to hear from you. Very nice question!

I see the Mesivta brings two explanations of who this Rebbe Yermiyah is.

One is from the sefer Erchei Tanaim v'Amoraim (under the entry of Rebbe Yermiyah): This Rebbe Yermiyah was from the first generation of Amoraim who lived very close to Rebbe Shimon Bar Yochai.

The second is from the commentary Maharatz Chayes (found in the back of many Gemaras) which he bases on a Yerushalmi: This Rebbe Yermiyah lived long after Rebbe Shimon Bar Yochai, and only heard this statement second hand, not directly.

The next obvious question would be the following, though I did not see someone yet who speak about it. How can the Amora Chizkiyah legitimately fit historically according to both interpretations?

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Thank you for your reply. The first answer is not chronologically possible, however. The Mesivta must say that because we have many sayings of R' Yochanan b'shem Rashbi, but R Yochanan certainly was born after Rashbi was no longer, and R' Yirmiya who lived at the same time as R' Yochanan was definitely [much] younger than he.

The Kollel replies:

You are welcome. Thank you R' Tuvya for sharing the very insightful comments. Interestingly, as an aside, you might have seen in the Maharatz Chayes that the Girsah which he cites from Yerushalmi has what we might call a plus and minus. The plus -- as you focused on -- is that the statement is reported not as being heard directly from Rashbi, but only received indirectly. The minus is that it portrays Rashbi was counting himself and his son amongst the Bnei Olam Haba as opposed to the Bnei Aliyah.

Regarding the other Perush, i.e. from Archei Tanaim v'Amoraim [1], he writes that Rebbe Yermiyah lived with Rebbe Chiya. But he doesn't either way whether this Rebbe Yermiyah heard this law straight from Rashbi or not.

Kesivah v'Chasimah Tovah!

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=16272&st=&pgnum=301&hilite=>

Sukah 046: Amar Chzikiah Amar R' Yirmiah Mishum Rashbi

Tuvia Marcus asks:

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I didn't see anyone comment on this.

Any thoughts?

Tuvia Marcus, Jerusalem Israel

The Kollel replies:

Dear R' Tuvia,

Great to hear from you. Very nice question!

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One is from the sefer Erchei Tanaim v'Amoraim (under the entry of Rebbe Yermiyah): This Rebbe Yermiyah was from the first generation of Amoraim who lived very close to Rebbe Shimon Bar Yochai.

The second is from the commentary Maharatz Chayes (found in the back of many Gemaras) which he bases on a Yerushalmi: This Rebbe Yermiyah lived long after Rebbe Shimon Bar Yochai, and only heard this statement second hand, not directly.

The next obvious question would be the following, though I did not see someone yet who speak about it. How can the Amora Chizkiyah legitimately fit historically according to both interpretations?

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sukah 048: Water Wine Swap

DANIEL GRAY asks:

water wine swap on Sukkos is kosher bedieved

Tosfos 47a explains the safalim were permanently attached and thus present all year.

The Kollel replies:

Dear Sholem,

Great to hear from you. Yes, according to Rebbi Yirmeyah, the prevailing opinion on Amud Beis, both Tanaim actually would permit those musical instruments provided they are being used for the purpose of Korbanos. I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Ta'anis 016: Additions to Shemoneh Esrei

Yitzchak Meystelman asks:

On daf 7b-8a in Avoda zara there is a lengthy discussion about what, if anything, can be inserted into the standard Shemone esrei. My understanding is that the overall backdrop is that we are not supposed to modify, add, or take away from the shemone esrei that the Anshe Kneses HaGadola instituted. On the other hand, in Taanis, I believe daf 15b, Mishna explains that instead of 18 blessings, people said 24 blessings: 18 from the standard prayer + 6 from Rosh Hashana (see Rashi). I have the following questions: (1) What does Rosh Hashana prayers have to do with the need for rain in Eretz Yisroel? (2) where exactly did they insert these addition 6 prayers in the order of Shemone Esrei? (3) What gave them the right to add into the standard prayer? i.e. why not just add these additional 6 in the end of the middle 12 (the bakashas section); (4) Why get the Shemone Esrei involved at all in this newly formulated prayer of 24? why not just create a brand new prayer for the times of calamities, such as a drought; (5) Should we assume that the people who instituted this 24 prayer were in equal stature to the Anshei Kneses Hagadola, since they are effectively modifying the instituted prayer that consisted only of 18? Thank you very much This was a highly contentious debate (in a good way) in our shul this morning during the shiur, so would be very appreciated to get answers to the above questions. Thank you

Yitzchak Meystelman, Phoenix, United States

The Kollel replies:

Shalom R' Yitzchak,

Great to hear from you! What excellent questions.

1. Regarding the relationship between the prayer during a drought and the prayer during Rosh Hashanah, one could understand that just like on Rosh Hashanah or during a calamity such as a war, in which case even Rebbe Yehudah agrees that we should recite Shofaros and Zichronos, the reason being to rouse us in beseechment of Hashem for His mercy in the merit of our righteous ancestors (as per Maharsha [1]), so too we need to ask for heavenly Rachamim when there is a drought. We don't mention Malchuyos on a drought, however; only on Rosh Hashanah, since that focuses on Hashem as king and judge of mankind. By the way, commentaries say that unlike Rashi, the Rambam would put any relevant verses in these sections, not necessarily those of Rosh Hashanah.

2. The individuals would recite an ordinary Tefilah, but the Chazan during the Charas Hashatz would recite these additional Berachos. The Ritva [2] brings two opinions whether the verses are recited each at their corresponding Berachah (the Geonim's opinion), or all in the Berachah of Goel Yisrael before "Mi she'Anah (Rambam's opinion). There is another Machlokes Rishonim regarding into which Tefilah of the day these additional Berachos are inserted. If I recall seeing the following views brought down... Rambam and Shulchan Aruch say only Shacharis and Minchah. Ramban says all the Tefilos of the daytime. Rabeinu Chananel says just Neilah. Baal Hameor says it was in fact a separate prayer, almost a like Musaf. Others say just Shacharis.

3-5. I actually am going with the premise that it was the Anshei Knesses Hagedolah who instituted this. But I haven't yet found proof either way.

May you continue to make great strides to understanding the length and breadth of all the Torah!

Best wishes for a healthy new year! Kesiva v'Chasimah Tovah!

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Chidushei_Agadot_on_Taanit.15a.3?lang=he&with=all&lang2=he
2. https://www.sefaria.org.il/Ritva_on_Taanit.15a.3?lang=he

Yevamos 070: Children/Servants who are Areylim - Eating Korbanos

Naftoli Willner asks:

I submitted the following question a number of weeks ago. Perhaps I missed the answer (I don't think so), or perhaps since it is not on the current area of the Daf Yomi it is not appropriate. If that is the case, I apologize and let me know.

I hope it is OK to ask a question on a non-daf yomi topic.

The gemarah in Yevamos says: Milas Zecharav v'Avadav Me'akeves Bo mi'Le'Echol b'Pesach v'Ein Milas Zecharav v'Avadav Me'akeves Bo mi'Le'Echol Terumah

My question is regarding Milas Zecharav v'Avadav by Korbanos other than the Korban Pesach. From the fact that the gemarah excludes Trumah, it would seem that Milas Zecharav v'Avadav would be a problem by other Korbanos (otherwise the derasha would be to exclude other Korbanos).

However, I was not aware that this would be a problem by other Korbanos - and looked around and didn't see a source for this (either way) though I did think that this is only a problem for the Korban Pesach. It is almost like the middle stage is left out of the derasha.

Thank you very much in advance.

Naftoli

Naftoli Willner, United States

The Kollel replies:

Dear R' Naftoli,

Great to hear from you. Very nice question!

Having slaves who are not circumcised is only a problem for the Korban Pesach, but not other Korbanos. But the Gemara here relates to Terumah, not other Korbanos, because the discussion centers around the prohibition of a Kohen himself to eat Terumah if he is not circumcised, as discussed in the Mishnah.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Thank you very much for your answer. I understand that the context of the topic and the Mishnah is Trumah - however a couple of follow up questions if that is the case:

How do I know (what is the source) that I don't apply the rule that we know by Korbon Pesach to other Korbonos? Typically if there is a single place that is learned, I apply that to similar cases unless there is a limitation. Do I see that limitation anyplace?

We see the same derasha in Pesachim (not dealing with that mishna) and it also limits Trumah and not other Korbonos. Why would the drasha not be precise?

Thank you very much again.

Naftoli

The Kollel replies:

Dear R' Naftoli,

You are very welcome. Deep questions you are asking! I will share this though: The Rambam writes the basis from which we learn the prohibition of an Arel to eat other Korbanos is in fact from the source written by Korban Pesach [1,2]. (Tosfos discussed a similar possibility regarding the prohibition of an Onen to eat other Korbanos [3].) Also, if you have an opportunity to look in the Maasei Hamelech [4], I believe he discusses key points that revolve around your Kashyas. Perhaps most startling and significant for our discussion is his citation of the Yerushalmi [5], in which an objection (to a related Limud) is presented based on the law of not breaking bones which is unique to Pesach.

I hope I find more about it. This is all the insight I have at the moment.

Kesivah v'Chasimah Tovah!

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishnah_Yevamot.8.1?lang=he&with=Rambam&lang2=he#:~:text=-,-,-

2. https://www.sefaria.org.il/Sefer_HaMitzvot_Negative_Commandments.135.1?lang=he&with=all&lang2=he#:~:text=-,-
 3. [https://dafyomi.co.il/yevamos/tosfos/ye-ts-070.htm#:~:text=\(SUMMARYTosfosdiscusseshowwelearnthatotherKodshimareforbiddentoanOnen.\)](https://dafyomi.co.il/yevamos/tosfos/ye-ts-070.htm#:~:text=(SUMMARYTosfosdiscusseshowwelearnthatotherKodshimareforbiddentoanOnen.))
 4. https://www.sefaria.org.il/Mishneh_Torah_Sacrificial_Procedure.10.9?lang=he&p2=Maasai_LaMelekh_on_Mishneh_Torah_Sacrificial_Procedure.10.9.1&lang2=he
 5. https://www.sefaria.org.il/Mishneh_Torah_Sacrificial_Procedure.10.9?lang=he&p2=Maasai_LaMelekh_on_Mishneh_Torah_Sacrificial_Procedure.10.9.1&lang2=he#:~:text=
-

Yevamos 078: Pregnant Woman Who Converts

Yevamos 070: Children/Servants who are Areylim - Eating Korbanos

Naftoli Willner asks:

I submitted the following question a number of weeks ago. Perhaps I missed the answer (I don't think so), or perhaps since it is not on the current area of the Daf Yomi it is not appropriate. If that is the case, I apologize and let me know.

I hope it is OK to ask a question on a non-daf yomi topic.

The gemarah in Yevamos says: Milas Zecharav v'Avadav Me'akeves Bo mi'Le'Echol b'Pesach v'Ein Milas Zecharav v'Avadav Me'akeves Bo mi'Le'Echol Terumah

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However, I was not aware that this would be a problem by other Korbanos - and looked around and didn't see a source for this (either way) though I did think that this is only a problem for the Korban Pesach. It is almost like the middle stage is left out of the derasha.

Thank you very much in advance.

Naftoli

Naftoli Willner, United States

The Kollel replies:

Dear R' Naftoli,

Great to hear from you. Very nice question!

Having slaves who are not circumcised is only a problem for the Korban Pesach, but not other Korbanos. But the Gemara here relates to Terumah, not other Korbanos, because the discussion centers around the prohibition of a Kohen himself to eat Terumah if he is not circumcised, as discussed in the Mishnah.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Yoma 025: Parhedrin

Joseph Kayeri asks:

Hi

How could the cohen gadol live the seven day period in lishkat parhedrin if we say here that it is forbidden to seat in azarah?

Joseph Kayeri, Brasil

The Kollel replies:

Dear Joseph,

Great to hear from you. As you wrote, the prohibition to sit applies only in the Azarah. So maybe we can understand if we see that the Lishkat Parhedrin was not inside the Azarah, but adjacent to it. Specifically it was just to the north of the slaughtering rings, which in turn are north of the Mizbeach.

I hope this helps. May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Beitzah 025: Bechor she'Nafal l'Bor

Avraham Sacks asks:

Is the owner of the bechor a Kohein? If he is a Yisrael what loss is he concerned about since the bechor needs to go to a Kohein?

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Dear R' Avraham,

The Yisrael, who owns the Bechor, normally has to give it to a Kohen. But that is only when it has no Mum. If it has a Mum, then the Yisrael can keep the animal for himself.

In the Mishnah, the animal fell down into the pit, and may be in danger of dying. If it has no Mum, in which case it should go to a Kohen, then indeed we must leave it there. And if this Yisrael is only concerned about his own assets, and not those of the Kohen, then he has no need to worry.

But if the animal *does* have a Mum, in which case the Yisrael will keep the animal, that is where we must deal with question of whether the Yisrael may raise up the animal from down in the pit in order to slaughter it. For example, R. Yehudah is saying that the Yisrael may only raise up the animal if it has a permanent Mum.

I hope this helps.

Best wishes,

Yishai Rasowsky

Menachos 039: Talis of the Tzibur

Yerachmiel weiss asks:

Shalom Aleichem!

I wanted to know if a talis belonging to the tzibur doesn't need to be checked for being pasul, what is the reason for wearing the talis if not for the sake of a mitzvah.

in addition what do it mean when the passuk says in bamidbar 25:14 vsheim Ha ish Yisroel hamookeh Asher hooka es hamidyanis?

kol tuv

Yerachmiel weiss, Miami Beach

The Kollel replies:

Shalom Yerachmiel,

I will write assuming that I understood your question correctly. If I misconstrued something, please let me know.

The Shulchan Aruch [1], based on the opinion of the Rosh [2], rules that one should check that the Tzitzis are Kosher before making a Berachah.

The commentaries explain that this is *not* because we are concerned about violating the prohibition of wearing a four-cornered garment without Tzitzis. Because for that, we could rely on the Chazaka that the Talis was and still remains Kosher. Rather, we are just extra careful to check their Ksahrus, since he will be making a Berachah, and we don't want to make a blessing in vain [3].

According to this reason, it would follow that if a person will wear a Talis without making a Berachah, then he would not have to check the Tzitzis beforehand.

One could argue that such an instance could occur when a person wears a Talis that belongs to the Tzibur. Even though some sources indicate that normally a person would make a Berachah on such a communal Talis [4]. Other sources indicate that if the person is just wearing a Talis for the sake of Kavod, then he would not make a Berachah [5].

The verse you quoted from Bamidbar means that the name of the Jewish man who was struck, the one who was struck with the Midianite woman, was Zimri etc [6].

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.8.9?lang=bi&with=all&lang2=en
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5. https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.18.1?lang=bi&p2=Mishnah_Berurah.18.5&lang2=bi
6. https://www.sefaria.org.il/Numbers.25.14?lang=bi&aliyot=0&p2=Ibn_Ezra_on_Numbers.25.14.1&lang2=bi

Nedarim 017: Figs and Grapes together, Ran 17b

Paul Davidowitz asks:

But why is it that according to Rav Huna with Ran, *simultaneous* zeros out the second shvua? Granted regarding second shvua, there is no punishment for grapes or figs due to chatzi-shiur (and no migo), but why is there not a chalos at least for grapes (meaning he shouldn't eat grapes, even though not punishable)? And if there is in fact a chalos, then the second shvua would then be adding something. (I guess I would answer that Rav Huna holds that chatzi-shiur also kills the chalos for some reason.)

Paul Davidowitz, Long Beach

The Kollel replies:

Dear R💎 Davidowitz,

Rabbah holds that Shevu'ah #2 can take effect, since it includes grapes as a new component. But Rav Huna argues and maintains that Shevu'ah #2 doesn't take effect at all, so even the grapes are permitted. But, as you asked, what would be his rationale? The commentaries take different approaches.

Some explain the dispute based on the understanding of Chatzi Shiur. Rabbah may hold that Chatzi Shiur is forbidden by the Torah, so the fact that even part of Shevu'ah #2 forbids a new element (grapes) is enough to enable Shevu'ah #2 to take effect. Whereas Rav Huna may hold that Chatzi Shiur is not forbidden by the Torah, and thus the introduction of grapes as a new component is NOT enough to enable Shevu'ah #2 to take effect, since grapes only comprise *part of* the new Shevu'ah.

Others explain their dispute is based on the concept of Isur Kolel. The typical rule is Ein Isur Chal Al Isur (See Kerisus 14, Chulin 101, Zevachim 70). An exception is when the second prohibition is an Isur Kolel, i.e. it forbids more. For instance, the Isur Nosar can be Chal on a piece of Chelev, since previously it was only

forbidden to eat as Chelev, and now it's becoming forbidden even to benefit from as Nosar. Here, Rabbah may hold that as long as the additional Isur is more expansive, then it qualifies as an Isur Kolel. So, the fact that Shevu'ah #2 forbids a new element (grapes) enables Shevu'ah #2 to take effect. Whereas Rav Huna may hold that a new Isur doesn't qualify as an Isur Kolel unless it imparts a *new status* to the previously forbidden item. So, even though Nosar can be Chal upon Chelev, that is only because it is a new Isur. But here, Shevu'ah #2 cannot be Chal, since it imparts no new Isur to the figs which were already prohibited by Shevu'ah #1.

Here is a link to the wonderful resource where I found this discussion: <https://alldaf.org/p/73705>.

Best wishes,

Yishai Rasowsky

Nedarim 017: Figs and Grapes together, Ran 17b

Paul Davidowitz asks:

Also, why can't we use nafka-mina which the Ran brings for Raba and apply it R' Huna: If forgot about first shvua, and only was warned for second shvua, and the guy eats figs and grapes together -- doesn't the second shvua in this case matter?

Paul Davidowitz, Long Beach

The Kollel replies:

Dear R Davidowitz,

Rabbah holds that Shevu'ah #2 takes effect. That is why if he forgot about Shevu'ah #1, and only was warned for Shevu'ah #2 while eating figs and grapes together, then he is in violation. But Rav Huna holds there is no Chalos of Shevu'ah #2 whatsoever.

Best wishes,

Yishai Rasowsky

Nedarim 017: Figs and Grapes together, Ran 17b

Paul Davidowitz asks:

<https://www.sefaria.org/Nedarim.17b.2?lang=he&with=Ran&lang2=he>

"The 29 day overlap now does not get zeroed out but rather exists in potential as a placeholder for day 31."

I am struggling to understand how the "together" (יחד) allows for a perfect analogy to nzirus such that the 29 day overlap now does not get zeroed out but rather exists in potential as a placeholder for day 31.

This is what I thought of:

If the second shvua is an exact duplicate of the first regarding figs, then the overlap (figs/days) does get zeroed out. But the "together" causes it to not be an exact repeat -- because now the second shvua forbids fig only when eaten together with grape. True, the chalos of the second shvua still gets totally zeroed out according to Rav Huna because the figs may never be eaten due to the first shvua, but the important point is that regarding figs, the second shvua adds something (i.e., grapes only forbidden when eaten together with fig). So with the analogy to nzirus, the second nzirus is not an exact duplicate of the first in some way (besides being shifted in time). How? By allowing the overlap to exist in potential and not get zeroed out. And what allows us to say it works that way? It's the very rule of the mishna that yesh neder b'soch neder. Allowing the overlap to exist in potential as a placeholder gives life to day 31 -- which in turn expands into its own 30 days) -- thus causing the second nzirus to exist.

What do you think? I am not thrilled with the above.

Also, do you know of a commentary dedicated to explaining the Ran? And what do you think of the Biurei HaRan in Oz VeHadar Mesivta edition of nedarim?

Paul Davidowitz, Long Beach

The Kollel replies:

Dear R. Davidowitz,

Good question. The previous explanation of the Ran maintained that the second Shevu'ah forbids figs and also forbids grapes. The Ran is not satisfied with that because if the second Nezirus takes effect by virtue of the fact that it adds day 31 as a new forbidden time period, even though the second Nezirus adds nothing to the prohibitions of days 2 through 30, then by the same logic the second Shevu'ah should also take effect, since it adds grapes as a new prohibited food, even though the second Shevu'ah adds nothing to the prohibition on figs.

The Ran solves this problem by explaining that the second Shevu'ah actually adds nothing new at all. The second Shevu'ah only forbids the *simultaneous* consumption of figs and grapes. Therefore, any violation of Shevu'ah #2, i.e. eating a combination of figs and grapes, would by definition be already forbidden by Shevu'ah #1 which already forbade figs. That is why Shevu'ah #2 does not take effect, unlike Nezirus #2 which does take effect because it renders forbidden a time period which Nezirus #1 never prohibited.

Baruch Hashem, the Mesivta is a wonderful resource, and is the right place to help locate the relevant commentaries you are looking for. For this Ran, they provide a basic reading; and they also quote the Steipler who addresses how the Ran's discussion here would fit with the Girsah of the Rosh.

I hope this helps.

Best wishes,

-Y.R.

Nedarim 040: Bikur Cholim

HG Schild asks:

Rav ?elbo fell ill. There was no one who came to visit him. Rav Kahana said to the Sages: Didn't the incident involving one of the students of Rabbi Akiva who became sick transpire in that manner? In that case, the Sages did not enter to visit him, and Rabbi Akiva entered to visit him and instructed his students to care for him

Why no one? Artscroll said to see sefer SHALMI Nedarim i do not have.

The Kollel replies:

Dear HG,

That sefer is available online [1].

First, he dismisses one explanation, namely, that the reason the scholars initially refused to visit was because doing so would be beneath their dignity [2].

Instead, he adopts this second explanation: The students of Rebbe Akiva believed that the main obligation of visiting the sick is in order to engage the ill person in conversation. This ill person was suffering from a disease that made speaking difficult. So they argued that it was better not to visit, lest the prospect of conversation aggravate his condition.

Rebbe Akiva, on the other hand, maintained that another central aspect of visiting the sick is to make sure that the place is tidy. That is why Rebbe Akiva ultimately did visit the disciple.

I hope this helps,

Best wishes,

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=37841&st=&pgnum=65&hilite=>
2. As we find such a Heter regarding returning lost objects, as in this link https://www.sefaria.org.il/Bava_Metzia.30b.2?vhe=Wikisource_Talmud_Bavli&lang=bi&with=Tosafot&lang2=en which Rashi also quotes on Chumash at this link https://www.sefaria.org.il/Rashi_on_Exodus.23.5.2?vhe=Pentateuch_with_Rashis_commentary_by_M._Rosenbaum_and_A.M._Silbermann,_1929-1934&lang=bi&with=Exodus&lang2=en

r R' Menachem,

I wted a number of sources to our discussion.

First, the question of where to measure the width of the thumb -- either at knuckle which is the widest point (2.4 cm), or nearer to the tip which is narrower (2 cm) -- is found in Tosfos at the bottom of Menachos 41b [1,2].

Second, as Rabbi Chavel points out in his edition to the Ramban on Chumash, the Ramban wrote to his son . Typically, the easiest place to find the Ramban's account of the episode is in the back of Chumash Devarim of

the Ramban Al ha'Torah. The paragraph begins "Birchani Hashem" [3].

Third and finally, you can see Rav Kook's writings in the references below [4,5].

Best wishes,

Yishai Rasowsky

References:

1

The Kollel replies:

[ps://www.sefaria.org.il/Tosafot_on_Menachot.41b.13.2?lang=he&with=all&lang2=he](https://www.sefaria.org.il/Tosafot_on_Menachot.41b.13.2?lang=he&with=all&lang2=he)

2. <https://dafyomi.co.il/menachos/tosfos/mn-ts-041.htm>

3. <https://hebrewbooks.org/pdfpager.aspx?req=40235&st=&pgnum=134>

4. <https://hebrewbooks.org/pdfpager.aspx?req=26909&st=&pgnum=80&hilite=>

5. <https://hebrewbooks.org/pdfpager.aspx?req=26909&st=&pgnum=217&hilite=>

Pesachim 109: Newly Discovered Eggs

Menachem K asks:

Regarding the response about the size of the eggs, very recently they discovered a 1,000 year old egg in Israel, a 1,700 year old egg in England, and a basket of 2,500 year old eggs in China.

From the pictures and rulers, they all look the same size, like a small or medium egg of today, about 6cm.

I remember that in the introduction of a sefer from about 100 years ago, Rav Kook wrote that 8n Egypt they had found ancient eggs, which were the same size as the eggs in his time.

I don't recall which sefer.

So of course we all are happy to be machmir, but why doesn't this prove that the smaller shiur is in fact the correct one.

Some now claim that the Grouch Noeh was wrong because of coins that were discovered which are smaller than the size and weight he had used in his estimation according to the Rambam

There must also be some other explanation to answer the discrepancy found by the Tzlach and the Gra and the Chazon Ish and Rav Moshe, all of whom used the finger measuring method.

Menachem K, Brooklyn, New York

The Kollel replies:

Dear R' Menachem,

You make a great point. As you know, we would be most interested in what the *volume* of each egg was, since that is the relevant quantity, as it relates to Shiurim in Halachah. You might also know that Rav Yakov Gershon Weiss (author of Midos U'Mishkalos Shel Torah) also pointed out that eggs found in the pyramids of Egypt and eggs preserved by the ashes of Vesuvius are both about the same size as today's eggs.

As a general point on archaeology, some Rishonim did indeed rely on discovered artifacts as decisive evidence to settle certain disputes in Halachah. One notable example is that of the Ramban who writes (Shemos 30:13) that he came across an ancient coin, and based on its weight he ruled in favor of Rashi's opinion regarding the size of a half Shekel. Granted, others were less trusting of the Ramban's conclusion based on the coin. For instance, Abarbanel (ibid) was more skeptical, since coins can shrink over the years. That suspicion might be less relevant regarding eggs.

In modern times opinions differ regarding how to treat archaeological evidence as it pertains to Halachah. The Chazon Ish (Collected Letters 2:22, 3:19) seemed unenthusiastic about relying on archaeological findings, since drawing conclusions from those findings might involve too much uncertainty. Rav Kook (Igros ha'Reiyah 423, 574, 91) also expressed skepticism about certain archaeologists' conclusions, but did welcome their attempt to glean insights from their findings.

Potentially, one can reconcile the conclusion of Rav Chaim Na'eh with the size of our fingers by using a measure of the thumb's width at a point closer to the tip of the thumb (2 cm) rather than at the widest part of the thumb (2.4 cm).

For someone interested to learn more about this subject, I would encourage reading these articles where I found these insights about the subject:

<https://dafyomi.co.il/pesachim/insites/ps-dt-109.htm>

<https://www.koltorah.org/halachah/the-role-of-archaeology-in-halachic-decision-making-part-one-by-rabbi-chaim-jachter>

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 058: Obligation to Support a Shomeres Yavam

Joshua Danziger asks:

Hello kollel!

In the daf we see that if a yavamah, even if she is a bas kohen, awaiting yibbum from her kohen husband's brother, is not allowed to eat terumah, Bc she has a (rabbinic?) prohibition of forbidden biah which blocks her.

My question is, by whom and how is the yevama supported while she's awaiting the yavam? I'd assume it's either the oldest brother, the deceased's estate or some combination of the brothers, but since they're kohanim isn't a large amount of the food they're supporting her with likely to be terumah and not

chullin?? How does she eat? And also since this is a monetary penalties of sorts does it operate through the power of \diamond hefker beis din hefker \diamond or some other mechanism?

Thanks!

Josh

The Kollel replies:

Dear Josh,

Regarding your first question, we can assume that families of Kohanim routinely would have supplies of Chulin food available in any case, since any Kohen who becomes Tamei also cannot eat Terumah [1].

Regarding your second question, Hefker Beis Din Hefker is typically only used when there is a need remove property from the possession of its owner [2]. I don't understand why there is a need for it here.

I hope this helps.

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Heave_Offerings.7.1?lang=he&with=all&lang2=he
2. You can read a little more about it at this link <https://www.dafyomi.co.il/gitin/backgrnd/gi-in-036.htm>

Yoma 062: The Musafim of Shabbos Should (according to Rashi) be Alike

Tuvya Marcus asks:

Why Rashi? Mashma from the Gemara l'ikuva and Rashi says it's difficult that it's required but rather for a Mitzvah

Tosefos talks about this too.but learns it is Me'akev?

Tuvya Marcus, Jerusalem Israel

The Kollel replies:

Dear R' Marcus,

Good point you are raising. Rashi was aware of one Girsa which says that it is indispensable that the Musafim of Shabbos must be alike. But he rejects that first Girsa, and instead favors a second Girsa that says it is only a Mitzvah that the two *should* be alike. This is unlike Tosfos who defends that first Girsa.

I hope this helps.

Best wishes,

Yishai Rasowsky

Yoma 066: Takalah

Sholem asks:

He locks the door in front of it and it will die from starvation. After which the Gemoroh concludes that since these animals could be used next year, there might be an error and if the Kohen was preoccupied, it could be offered as a Korbon during the year.

Rather than putting this animal to death, would it not be more humane to make a permanent blemish on it so that the takoloh would not be allowed to arise.

I know one could argue that since the animal potentially is a candidate for the next Yom Kippur, but as it would have this death sentence on it, this would never materialise.

Sholem, UK

The Kollel replies:

Dear R' Sholem,

Thanks for the well founded question.

Recall that when the Torah states that a Korban should have no blemish [1], Chazal understand this to also indicate that we are forbidden from causing a blemish to be inflicted on the animal [2]; and the Rambam rules accordingly [3].

I hope this helps!

Best wishes,

Yishai Rasowsky

References:

1. <https://www.sefaria.org.il/Leviticus.22.21?lang=bi&with=all&lang2=en>
2. <https://www.sefaria.org.il/Beitzah.27b.3?lang=bi&with=all&lang2=en>
3. https://www.sefaria.org.il/Mishneh_Torah_Things_Forbidden_on_the_Altar.1.7?lang=bi&with=all&lang2=en

Sholem asks:

Question posted last week and responded to by R' Yishai Rasowsky.... - His answer was Recall that when the Torah states that a Korban should have no blemish [1], Chazal understand this to also indicate that we are forbidden from causing a blemish to be inflicted on the animal [2]; and the Rambam rules accordingly [3].

Whilst I appreciate there is an underlying ❖issur❖ of making a blemish on an animal, perhaps one still needs to weigh up the issues at hand.

1. Tzar ba❖alei chaim. Quite clearly the alternative to not making ❖injuring❖ the animal to make a blemish, is putting it into a shed and ❖helping❖ it to die. It may well be that before it dies, it already becomes a ❖ba❖al mum❖.

- Perhaps putting the animal in a small enclosure that has sharp items that would cause the animal to self-inflict a **מום** would not be considered as 'inflicting a blemish'

Sholem, UK

The Kollel replies:

Dear R' Sholem,

Those are two fair points you are making.

- In terms of harm to the animal it is less harm to inflict a blemish rather than starve it to death. But the prohibition of inflicting a wound is not based on pain. Recall, though, that even if hypothetically the animal would feel no pain nor suffer any health effects still one may not inflict a blemish.
- Remember that the Gemara learns that even indirect causation of a blemish is forbidden [4], and when the Rambam explains that Gemara he adds an example very similar to yours about sharp items [4].

I hope this helps!

Best regards,

Yishai

Sources:

- https://www.sefaria.org.il/Beitzah.27b.3?lang=bi&p2=Mishneh_Torah_Firstlings.2.8&lang2=bi

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I know one could argue that since the animal potentially is a candidate for the next Yom Kippur, but as it would have this death sentence on it, this would never materialise.

Sholem, UK

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Best wishes,

Yishai Rasowsky

References:

1. <https://www.sefaria.org.il/Leviticus.22.21?lang=bi&with=all&lang2=en>
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2. Perhaps putting the animal in a small enclosure that has sharp items that would cause the animal to self-inflict a ❖mum❖ would not be considered as 'inflicting a blemish'

Sholem, UK

The Kollel replies:

Dear R' Sholem,

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2. Remember that the Gemara learns that even indirect causation of a blemish is forbidden [4], and when the Rambam explains that Gemara he adds an example very similar to yours about sharp items [4].

I hope this helps!

Best regards,

Yishai

Sources:

4. https://www.sefaria.org.il/Beitzah.27b.3?lang=bi&p2=Mishneh_Torah_Firstlings.2.8&lang2=bi

Sholem asks:

Many thanks 💎.

What about Points 3 and 4 ?

The Kollel replies:

Dear Sholem,

I would love to discuss points 3 and 4 with you. In my copy of the exchange, I only see points 1 and 2. Please can you remind me what 3 and 4 are?

Meanwhile, maybe some additional sources [1] that the Rosh Kollel brought to my attention would help shed light.

- Some maintain that the prohibition against cruelty to animals has no application where the animal is being put to death [2,3].

Best wishes,

Yishai Rasowsky

Sources:

1. https://dafyomi.co.il/discuss_daf.php?gid=6&sid=20&daf=050&n=1
 2. Noda b'Yehudah (Mahadura Tinyana, YD #10)
 3. <https://hebrewbooks.org/pdfpager.aspx?req=14662&st=&pgnum=100>
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Yoma 066: Takalah

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Rather than putting this animal to death, would it not be more humane to make a permanent blemish on it so that the takoloh would not be allowed to arise.

I know one could argue that since the animal potentially is a candidate for the next Yom Kippur, but as it would have this death sentence on it, this would never materialise.

Sholem, UK

The Kollel replies:

Dear R' Sholem,

Thanks for the well founded question.

Recall that when the Torah states that a Korban should have no blemish [1], Chazal understand this to also indicate that we are forbidden from causing a blemish to be inflicted on the animal [2]; and the Rambam rules accordingly [3].

I hope this helps!

Best wishes,



Yishai Rasowsky











References:

1. <https://www.sefaria.org.il/Leviticus.22.21?lang=bi&with=all&lang2=en>
2. <https://www.sefaria.org.il/Beitzah.27b.3?lang=bi&with=all&lang2=en>
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Whilst I appreciate there is an underlying issur of making a blemish on an animal, perhaps one still needs to weigh up the issues at hand.

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2. Perhaps putting the animal in a small enclosure that has sharp items that would cause the animal to self-inflict a mum would not be considered as 'inflicting a blemish'

Sholem, UK

The Kollel replies:

Dear R' Sholem,

Those are two fair points you are making.

1. In terms of harm to the animal it is less harm to inflict a blemish rather than starve it to death. But the prohibition of inflicting a wound is not based on pain. Recall, though, that even if hypothetically the animal would feel no pain nor suffer any health effects still one may not inflict a blemish.
2. Remember that the Gemara learns that even indirect causation of a blemish is forbidden [4], and when the Rambam explains that Gemara he adds an example very similar to yours about sharp items [4].

I hope this helps!

Best regards,

Yishai

Sources:

4. https://www.sefaria.org.il/Beitzah.27b.3?lang=bi&p2=Mishneh_Torah_Firstlings.2.8&lang2=bi

Sholem asks:

Many thanks 🎁.

What about Points 3 and 4 ?

3. Wouldn't the placing of this animal into the Kipah not render it a 🎁treifo🎁. Certainly, before it's death it would become a ba'al mum and could perhaps at that stage be saved.
4. On the basis of the preceding point, surely it would be no worse than a person making an 🎁erech🎁 on a someone being taken out to be killed and therefore this vow has no monetary consequence. If this reasoning is used here, then the animal too is worthless and shouldn't be considered as being alive and could 🎁even be redeemed🎁 immediately.

The Kollel replies:

Dear Sholem,

Point #3 seems to make a couple of assumptions:

- (a) Starving an animal to death renders it a Tereifah.
- (b) An animal which is a Tereifah is therefore a Ba'al Mum.

One might question these assumptions. Regarding (a), there is a definitive list of Tereifos [1], which are typically organ injuries [2]; as opposed to starvation which is just deprivation of nourishment [4]. So one does not necessarily cause the other.

Regarding (b), a Mum is typically a physical irregularity [3], not like Tarfus which is usually a lethal injury. So Mum would seem to be a different issue, not related to whether the animal would survive.

I hope this helps.

Best wishes,

Yishai

1. List of Tereifos found at item 3b in this link: <https://dafyomi.co.il/chulin/backgrnd/ch-in-042.htm>
2. Sometimes even a wound which would normally kill an animal does not render it a Tereifah, if there is medical recourse to salvage the animal's life, as found in the first answer at this link: <https://dafyomi.co.il/chulin/insites/ch-dt-042.htm>
3. <https://www.sefaria.org.il/Leviticus.22.20?lang=bi&with=all&lang2=en>

4. Your point brings to mind the unrelated problem of stunning animals before Shechitah which indeed presents a Tereifah issue, as described in this helpful link

https://www.chabad.org/library/article_cdo/aid/222246/jewish/Whats-Wrong-with-Stunning.htm

Yoma 066: Takalah

Sholem asks:

He locks the door in front of it and it will die from starvation. After which the Gemoroh concludes that since these animals could be used next year, there might be an error and if the Kohen was preoccupied, it could be offered as a Korbon during the year.

Rather than putting this animal to death, would it not be more humane to make a permanent blemish on it so that the takoloh would not be allowed to arise.

I know one could argue that since the animal potentially is a candidate for the next Yom Kippur, but as it would have this death sentence on it, this would never materialise.

Sholem, UK

The Kollel replies:

Dear R' Sholem,

Thanks for the well founded question.

Recall that when the Torah states that a Korban should have no blemish [1], Chazal understand this to also indicate that we are forbidden from causing a blemish to be inflicted on the animal [2]; and the Rambam rules accordingly [3].

I hope this helps!

Best wishes,

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References:

1. <https://www.sefaria.org.il/Leviticus.22.21?lang=bi&with=all&lang2=en>
 2. <https://www.sefaria.org.il/Beitzah.27b.3?lang=bi&with=all&lang2=en>
 3. https://www.sefaria.org.il/Mishneh_Torah_Things_Forbidden_on_the_Altar.1.7?lang=bi&with=all&lang2=en
-

Yoma 074: Man on Erev Yom Kipur

Sholem asks:

Was there a double portion of Mon on Erev Yom Kippur

Sholem, UK

The Kollel replies:

Dear Sholem,

I didn't find an explicit source to answer this yet. But it is a very interesting question! On Erev Shabbos they needed a double portion of Manna for a combination of two reasons:

#1) No Manna would fall on Shabbos; and

#2) They needed to eat meals on Shabbos.

On Yom Kippur, consideration #1 indeed applies, since no Manna would fall on Yom Kippur [1]. But consideration #2 might appear to be irrelevant, since we are not supposed to eat anything on Yom Kippur. Therefore, one might argue that no extra portion of Manna should be necessary on Erev Yom Kippur.

On the other hand, there typically are people who need to eat on Yom Kippur for health reasons; and so an extra portion of Manna might be appropriate for those special cases. However, even that argument is definitive, since those who needed to eat could alternatively partake of other available foods [3].

By the way, some commentaries even ask the question: If our Gemara considers eating Manna to be an affliction, then it should be permitted for anyone to eat it on Yom Kippur; however, others resolve this proof, by saying that the affliction was only referring to the hunger each day before the Manna fell [2].

I hope this helps.

Best wishes,

Yishai Rasowsky

Notes:

1. A number of statements in Midrashim, for example Mechilta, can be found in this link <https://www.sefaria.org.il/Exodus.16.26?lang=bi&with=Midrash&lang2=en>
2. <https://dafdigest.org/masechtos/Yoma074.pdf> and the third paragraph in the left column here <https://hebrewbooks.org/pdfpager.aspx?req=14522&st=&pgnum=121&hilite=>
3. E.g. cattle meat https://www.sefaria.org.il/Yoma.75a.21?lang=bi&p2=Rashi_on_Yoma.75a.21.1&lang2=bi

ADDITION:

Dear Sholem,

One could suggest other potential reasons why the Manna might have fallen on Erev Yom Kippur, even for those who would be fasting.

First, to provide extra food for the Mitzvah of eating on Erev Yom Kippur [4] in greater amounts than on a regular day [5].

Second, to ensure that food was available when the fast would be over. This Manna could not have fallen on Yom Kippur itself [1]. It also would not be reasonable to expect that it fell the following evening, since it typically was resting between the layers of dew [6].

Best wishes,

Yishai

Sources:

4. <https://www.sefaria.org.il/Yoma.81b.4?lang=bi&with=Rashi&lang2=en>
 5. https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.604.1?lang=bi&with=MishnahBerurah&lang2=en
 6. https://www.sefaria.org.il/Yoma.75b.9?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=bi&with=Rashi&lang2=en
-

Yoma 074: Man on Erev Yom Kipur

Sholem asks:

Was there a double portion of Man on Erev Yom Kippur

Sholem, UK

The Kollel replies:

Dear Sholem,

I didn't find an explicit source to answer this yet. But it is a very interesting question! On Erev Shabbos they needed a double portion of Manna for a combination of two reasons:

#1) No Manna would fall on Shabbos; and

#2) They needed to eat meals on Shabbos.

On Yom Kippur, consideration #1 indeed applies, since no Manna would fall on Yom Kippur [1]. But consideration #2 might appear to be irrelevant, since we are not supposed to eat anything on Yom Kippur. Therefore, one might argue that no extra portion of Manna should be necessary on Erev Yom Kippur.

On the other hand, there typically are people who need to eat on Yom Kippur for health reasons; and so an extra portion of Manna might be appropriate for those special cases. However, even that argument is definitive, since those who needed to eat could alternatively partake of other available foods [3].

By the way, some commentaries even ask the question: If our Gemara considers eating Manna to be an affliction, then it should be permitted for anyone to eat it on Yom Kippur; however, others resolve this proof, by saying that the affliction was only referring to the hunger each day before the Manna fell [2].

I hope this helps.

Best wishes,

Yishai Rasowsky

Notes:

1. A number of statements in Midrashim, for example Mechilta, can be found in this link <https://www.sefaria.org.il/Exodus.16.26?lang=bi&with=Midrash&lang2=en>

2. <https://dafdigest.org/masechtos/Yoma074.pdf> and the third paragraph in the left column here
<https://hebrewbooks.org/pdfpager.aspx?req=14522&st=&pgnum=121&hilite=>

3. E.g. cattle meat https://www.sefaria.org.il/Yoma.75a.21?lang=bi&p2=Rashi_on_Yoma.75a.21.1&lang2=bi

Yoma 077: The Lashon Zehoris

Tuvya Marcus asks:

How as the Lashon Zehoris prepared? Was there any special care taken around it - a particular dye or concern about Tum'ah? Was it bought from Terumas ha'Lishkah or did it not matter?

Tuvya Marcus, Jerusalem Israel

The Kollel replies:

Dear R' Marcus,

Regarding its requisite weight, one view in the Gemara says that it should have the weight of two Sela [1], which is the equivalent of eight Zuz; and the Rambam rules accordingly [2]. Though some question this, arguing that only half as much should be required [3]; some cite the Yerushalmi to this effect as well.

Regarding the payment, there is a Mishnah [4] which tells us where the funds came to pay for several items, two of which are referred to as "Lashon". The first Lashon is called the "Lashon Shel Zehoris". It is paid for from the donations to the Lishkah. The Rambam explains what that is [6]. The second Lashon is the one between the horns of the scapegoat. It is paid for from the remainders of the Lishkah, not the primary donations.

The question arises, what is being referred to as the first Lashon? Some say it is the one thrown into the fire of the Parah Adumah [5]. Others say it is the one tied around the neck of the goat for Hashem [7]. You can find more written about it here [8].

I hope this helps to some degree!

Best wishes,

Yishai Rasowsky

1. <https://www.sefaria.org.il/Yoma.42a.1?lang=bi>

2. https://www.sefaria.org.il/Mishneh_Torah_Service_on_the_Day_of_Atonement.3.4?lang=bi

3. https://www.sefaria.org.il/Mishneh_Torah_Service_on_the_Day_of_Atonement.3.4?lang=bi&p2=Har_HaMoriyah_on_Mishneh_Torah_Service_on_the_Day_of_Atonement.3.4.1&lang2=bi

4. https://www.sefaria.org.il/Mishnah_Shekalim.4.2?lang=bi&with=all&lang2=en

5. https://www.sefaria.org.il/Mishnah_Shekalim.4.2?lang=bi&p2=Bartenura_on_Mishnah_Shekalim.4.2.3&lang2=bi

6. https://www.sefaria.org.il/Mishnah_Shekalim.4.2?lang=bi&p2=Rambam_on_Mishnah_Shekalim.4.2.1&lang2=bi

7. https://www.sefaria.org.il/Mishnah_Shekalim.4.2?lang=bi&p2=Yachin_on_Mishnah_Shekalim.4.7&lang2=bi
8. <https://dafyomi.co.il/yoma/insites/yo-dt-041.htm>

Yoma 078: Asei Sheyesh Bo Kares

Sholom Twerski asks:

All over we say that there are only 2 mitzvos asei that if you don't do them, one is Chayiv Kares- Korban Pesach and Bris Milah. Why isn't eating on Yom Kippur also because there's no lav not to eat but rather a bitul of the Mitzvas Asei of V'inisem?

Sholom Twerski, Phoenix, AZ

The Kollel replies:

Dear Sholom,

Great question. The Rambam demonstrates [1] that really there is a negative commandment associated with fasting on Yom Kippur, and a portion of his argument is based on your very point.

I hope this helps.

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Sefer_HaMitzvot_Negative_Commandments.196.1?ven=Sefaria_Edition_2021,_Translated_by_Rabbi_Francis_Nataf.&lang=bi&with=all&lang2=en

ADDITION:

Dear Sholom,

I would add that the main source to help address issue would be in Yoma 81a-b [2], which the Rambam codifies [3].

Best wishes,

Yishai

Sources:

2. <https://www.sefaria.org.il/Yoma.81a.7?lang=bi&with=Rashi&lang2=en>
3. https://www.sefaria.org.il/Mishneh_Torah_Offerings_for_Unintentional_Transgressions.6.5?lang=bi&with=KesefMishneh&lang2=en

Yoma 078: Asei Sheyesh Bo Kares

Sholom Twerski asks:

All over we say that there are only 2 mitzvos aseil that if you don't do them, one is Chayiv Kares- Korban Pesach and Bris Milah. Why isn't eating on Yom Kippur also because there's no lav not to eat but rather a bitul of the Mitzvas Aseil of V'inisem?

Sholom Twerski, Phoenix, AZ

The Kollel replies:

Dear Sholom,

Great question. The Rambam demonstrates [1] that really there is a negative commandment associated with fasting on Yom Kippur, and a portion of his argument is based on your very point.

I hope this helps.

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Sefer_HaMitzvot_Negative_Commandments.196.1?ven=Sefaria_Edition_2021,_Translated_by_Rabbi_Francis_Nataf.&lang=bi&with=all&lang2=en

Yoma 079: Shav mi'Da'ato

Daniel Gray asks:

Even according to the opinion that half shiur is permitted, that doesn't make someone not want to refrain from eating it.

Further, a pure Lo Shav mi'Da'ato willingly sins and cannot be offered Chatas. But, this person isn't a willing sinner just because it retroactively turned out that this shiur is now forbidden!?

Daniel Gray, Toronto Canada

The Kollel replies:

Dear Daniel,

Very strong questions! After looking at the Daf number, is it possible that this question is more directly related to Daf 80 instead of 79?

I will respond based on how I understand your question. But if I have misinterpreted your words, please let me know.

Initially, the Gemara [1] tentatively suggests that Rebbe Elazar was referring to someone who ate a small size k'Zayis of Cheilev, and a later Beis Din will rule that a person is Chayav even on such a Shiur. And the Gemara rejects this possibility, based on the Beraisa which teaches that a person is only Chayav a Korban provided that even had he known the truth he would not have done the sin (Shav M'Yedi'aso).

So, since at the time he ate the Cheilev, the official size of k'Zayis was larger than the amount he ate, therefore even if he had known it was Cheilev, he indeed would have eaten it anyway. Therefore, since he is not Shav M'Yedi'aso, therefore he cannot be Chayav a Korban.

In your first question, you are asking: How can we say that even if he had known it was Cheilev, he still *would have eaten it anyway*, since the size of k'Zayis was larger than the amount he ate? He certainly would *not* have eaten it, since it is a forbidden food, its small size notwithstanding!

Look in the Tosfos ha'Rosh who asks this, at least according to the opinion that Chatzi Shi'ur is Asur min ha'Torah. He suggests that the rule of Shav M'Yedi'aso requires that had the person known the relevant information he would have not committed the sin which would have carried a Chiyuv Korban Chatas. But the sin would not bear a Chiyuv Korban Chatas anyway, then the person will not be Chayav.

Why does the Rosh not ask, as you did, even according to the opinion that Chatzi Shi'ur is not Asur min ha'Torah? I could suggest a couple of possibilities:

a) He preferred to ask the Kashya according to the opinion that Chatzi Shi'ur is Asur min ha'Torah in order to convey the strongest version of the question, and to demonstrate that his Terutz is capable of even answering according to that more stringent opinion.

b) He assumes tacitly -- perhaps because it was obvious to him -- that the principle of Shav M'Yedi'aso only applies to prohibitions of the Torah, not Isurei d'Rabanan.

In your second question, you point out a difference between the classic case of Lo Shav M'Yedi'aso versus this person whom the Gemara also considers Lo Shav M'Yedi'aso. The classic case is someone who would sin willingly. But this person is not a willing sinner, just because the Shiur size when he ate was larger than the ruling Beis Din will issue in the future.

The Chiyuv Korban Chatas rests upon someone who was Shogeg. That is, someone who sinned unintentionally, yet still needs atonement since he bears some responsibility for his carelessness. If so, then there are two ways a person can be exempted from the Korban. The first is if he is being totally negligent. That is the classical wanton sinner you described. But the second, in contrast, is when he is not being negligent at all, but rather acting totally responsibly.

Look in the Mishneh L'Melech [2]. The reason we cannot obligate this person to bring a Korban Chatas is because of reason #2. He is totally blameless, since he was acting in accordance with the Shiurim which the Beis Din of his day had ruled.

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Yoma.80a.7?lang=bi>

2. https://www.sefaria.org.il/Mishneh_LaMelech_on_Mishneh_Torah_Offerings_for_Unintentional_Transgressions.2.2.1?lang=bi&with=MishnehTorah,OfferingsforUnintentionalTransgressions&lang2=en

Yoma 082: Feeding a Pregnant Woman on Yom Kipur

Daniel Gray asks:

When pregnant woman wants pork why not feed her Mocha d'Shibuta (Chulin 109b)?

Daniel Gray, Toronto Canada

The Kollel replies:

Dear Daniel,

Very nice question.

Your premise may be correct, and it is in fact better to feed her the permissible food rather than a forbidden one. But the scenario very possibly could be that only the forbidden food is readily available, whereas the permissible is too inconvenient to access. But if you can satisfy her crave with Heter rather than with Isur, do that. This is reflected in Gemara and Rambam [1].

Best wishes,

Yishai Rasowsky

Sources:

<https://www.sefaria.org.il/Yoma.83a.15?lang=bi&with=MishnehTorah,ForbiddenFoods&lang2=en>

Yoma 083: Tevel vs. Terumah

R.A.A. asks:

Good morning. I was wondering: In the way Rashi explains the preference/Machlokes of feeding the Mesukan either Tevel or Terumah, i.e.: Terumah could be separated, and since at least MeDeOraysa one kernel is good enough for Terumah, why don't we for sure say to separate Terumah in a Pachos MeKeShiur amount; at most it is Osur MeDeOraysa, but not Onush Misa, as opposed to Tevel!?

Thank you, Kol Tuv,

RAA

R.A.A., NY, America

The Kollel replies:

Dear RAA,

Great question.

Some commentaries suggest that we are dealing with Terumas Maaser, in which case there is indeed a minimal shiur that must be separated [1].

Others suggest that Terumah is a more serious problem because the separation would entail creating an actual forbidden entity [2].

Still others actually reject Rashi's approach in large part because of your Kashya, and instead explain that Rabah means that when you can separate the Tevel into Chulin and Terumah, then everyone agrees that is best, and the Machlokes Tana'im is only when there is no option of being Mafrish [3].

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. Netziv in Meromei Sadeh <https://hebrewbooks.org/pdfpager.aspx?req=40995&st=&pgnum=114&hilite=>
2. Aruch ha'Shulchan in the laws of Shabbos
https://www.sefaria.org.il/Arukh_HaShulchan_Orach_Chaim.328.10?lang=he&with=all&lang2=he
3. See Parshas Derachim <https://hebrewbooks.org/pdfpager.aspx?req=30749&st=&pgnum=155&hilite=>

Bava Basra 029: Shechunei Gava'ei

Menachem Zaman asks:

The Gemara points out a stira in the sugya of shchooni gavai and Nichsei d'Var Sisin in what Rava holds. The Gemara says there is no stira because Rava goes with whoever is muchzak at that point.

So Rava is saying if it's going to be chal a safeik or not, it depends. If the lokeach is in the karka, and now you want to be m'arar his chazakah/pasul his chazakah, to take away the karka, then you are not neeman. But if the mocher is in the karka, to be m'arar a chazakah, that Rava is mekabel the taina, and that's nichsei bar sisin.

My question is why does the muchzakos help? If the mareh kama's taina creates a safeik, so we say b'chezkas baileha omedes and the mareh kama gets it. And if the taina of the mareh kama doesn't chal a safeik, so who cares whose tavis?? Let the lokeach get it. It seems like Rava is saying that the mareh kama's taina is only chal a safeik when he is the muchzakos. And the question is, who cares that he is the muchzak?? Why does the muchzakos of the mareh kama create a neemanus ha'taina?

Menachem Zaman, Los Angeles

The Kollel replies:

Dear R' Menachem,

Great to hear from you. Very excellent question!

I see what might be the beginning of an answer in the words of the Chazon Ish (Even ha'Ezer 67:7). He addresses one of the principles you aptly cited, namely, Karka b'Chezkas Baaleha Omedes. He explains that this only applies when there is no evidence in front of our eyes that contradicts the Mara Kama's claim.

He equates this with a case where a Nosein gives a gift to a Mekabel, and afterwards the Nosein wants to claim it back from the Mekabel, on the grounds of some new claim that something happened to cancel the

transaction. In such a case, since the gift is clearly sitting in the possession of the Mekabel, therefore it is incumbent on the Nosein to provide proof for his claim of Bitul ha'Matanah.

So, accordingly, in the case of Shechuni Gavai, the Chezkas Mara Kama would indeed suffice to settle the case in favor of the Mocher, if the Lokeach wasn't occupying the residence. But since we see that the Lokeach is living there now, consequently the burden of proof is on the Mocher.

Accordingly, in the case of Bei Bar Sisin the important point is not that the Mocher is occupying the land, but rather that the Lokeach is not occupying it.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Bava Basra 139: Perek Break

HG Schild asks:

I noticed the last mishna in Perek 8 is the same topic as beginning mishna in Perek 9.... so why did the perakim divide between them?

hg

The Kollel replies:

Shalom R' Schild,

Great to hear from you. Very excellent question!

I believe that normally the first place to look for issues like this would be the Meiri.

Here he writes, as you observed, that chapters 8 and 9 deal with inheritance; and -- as per his custom -- at the beginning of each chapter he briefly explains what the subtopics of that chapter will be. In this case, however, even after checking there, I do not see an obvious reason why there is necessarily a need for a break between the two chapters.

Even if one would suggest that Sof Perek 8 deals with conflicting interests between siblings of the same gender whereas Perek 9 begins with conflicting interests between siblings of different genders, still that does not seem like compelling distinction, because for example the second Mishnah in Perek 9 also deals with a case between siblings of the same gender.

To me, therefore, your question for the time being remains a Tzrich Iyun.

Please let me check and see if someone else can offer insight to your question, and if so then b'Ezras Hashem we will try to reply with a follow up.

Warm regards,

Yishai Rasowsky

Berachos 002: Korei vs Kor'in

Dov Gelman asks:

I remember hearing the Gra ask why the mishna said koreen instead of korei but I forgot the answer. Could you explain the question to me and remind me of the answer.

Thanks

Dov Gelman, Pittsburgh, US

The Kollel replies:

Dear R' Dov,

Great to hear from you. Yes, in Shenos Eliyahu the Gra wants to explain the discrepancy between the plural "Korin" used for reciting Shema versus the singular "Mevarech" used (on Daf 11) for the Berachos of Shema. He maintains that it is a reflection of a Halachah that in a group all individuals must say the Shema for themselves ("Korin") versus the Berachos of Shema where one person can recite it ("Mevarach") on the other people's behalf.

This resembles a Ritva (Megilah 2a s.v. Megilah) who makes a similar point regarding the singular "Megilah Nikreis", since Krias ha'Megilah can be done by one person for another unlike Shema.

The Shaagas Aryeh (Siman 6 s.v. "Mikol Makom Nireh") actually disputes this point and believes that one person can say Krias Shema on someone else's behalf. Mishnah Berurah (Siman 61 s.k. 40) comments that most Achronim agree to allow this, in other words not like the Ritva and Gra.

I hope this helps!

Bivrachah,

Yishai Rasowsky

Chagigah 003: 2 Sources to Exclude Deaf and Mute

Avrumi Hersh asks:

Chagiga 3a top

In the hava mina of the gemoro, we thought the posuk said lemaan yilmedu to exclude someone who cannot speak, (then the gemoro asks that there were 2 talmiey chachomim who could learn even though they could not speak...)

Why doesn't the gemoro ask on the spot, Why do i need lemaan yishmeu because lemaan yilmedu is excluding both a mute and (kol sheken) a deaf person??

Bishlomo in the teretz of the gemoro that the possuk is pronounced lemaan yelamedu, then i still need lemaan yishmeu otherwise I would have thought that lemaan yelamedu should be read: yilmedu, and i

wouldn't be excluding a mute person. But in the hava mina that I can exclude a mute person from the posuk lemaan yilmedu as well then why do I need lemaan yishmeu, why can't I be memaet both a cheresheh and ileym from lemaan yilmedu

Avrumi Hersh, London England

The Kollel replies:

Dear R' Avrumi,

Great to hear from you. Very excellent question!

If I not mistaken, we might be able understand this point based on the words of Rav Ashi himself.

He maintains that the Posuk undoubtedly should be read "Yilameidu", as opposed to "Yilmidu", because otherwise the term would not be adding anything to what we would know already from "Yishmeu" i.e. that someone who cannot learn is excluded. In other words, "Yishmeu" would render "Yilmidu" superfluous.

What you have lucidly articulated seems to be the -- equally valid -- other side of the coin: "Yilmidu" would render "Yishmeu" superfluous.

I hope this helps!

Warm regards,

Yishai Rasowsky

Chagigah 003: Hakhel

R Karaguilla asks:

Shalom u Bracha!!!!

1. The Gmara says that we bring children to Hakhel to bring zechut to the father. Does that mean that for the child itself there is no purpose? Is it like bringing a bag of stones?
2. Last line of the Amud- The Gmara brings that we did "Chativa" to Hashem and brings the Passuk: Shema Israel, but this Passuk is Hashem Who said it in the Torah and not us?!?

ks for the att.

Binyomin Karaguilla

The Kollel replies:

Dear R' Binyomin,

Great to hear from you. Very excellent questions!

1. Is there any greater purpose of bringing children rather than stones?

a. Baruch she'Kivanta! Kli Yakar (Devarim 31:12) also grapples with this point. He maintains that bringing the Taf in particular assist the Teshuvah process for the adults. The adults beseech Hashem for mercy on behalf of

the innocent young children who especially deserve mercy, since they have never sinned.

b. Iyun Ya'akov (s.v. K'dei) indicates that even the very young children contribute to the gathering of ultimately a greater multitude of people, which shows more honor for Hashem (b'Rov Am).

2. How is Shema Yisrael our "Chativah" to Hashem, if it is written by Hashem in the Torah?

a. One might have understood in a simple way that this was Moshe's exhortation to the Jewish people to accept the Yichud Hashem which they willingly accepted. The fact that Hashem chose to write these words of Moshe in the Torah does not necessarily detract from the fact that it is indeed a commitment and declaration that is fulfilled by the Jewish people, not only at that point in history, but also every time we recite Krias Shema.

b. However, you are prestigious company with the Derashos ha'Ran (7 s.v. v'Ani) who raises an objection resembling yours; that is, since we are legally obliged to this commitment, it is therefore not right to consider it a "Chativah" from our own initiative. He therefore maintains that the Gemara refers to the sons of Ya'akov who recited Shema Yisrael to their great father before he passed away (based on Pesachim 56a).

I hope this helps!

Warm regards,

Yishai Rasowsky

Chagigah 004: Ma'aseh of Miriam

R Karaguilla asks:

Shalom u Bracha!!!!

Comes out according to the Maase of Miriam, at the end of the daf, that a person could die before it was really decreed to him because of a "mistake" of the Malach?

ks for the att.

Binyomin Karaguilla

The Kollel replies:

Dear R' Karaguilla,

Great to hear from you. Very excellent comment!

Can we consider the following points -- which you could already be aware of -- that potentially make it easier for one to understand in terms of divine fairness and justice?

1. The soul of the departed person will be taken out to restored life at the Techiyas ha'Meisim. See Masok m'Devash (Perush ha'Zohar II Shemos 18a) cited in Mesvita edition of Chagigah (5a page 1 note 7).
2. During a time of danger -- in this case, when Miriam was by the oven and was able to be burnt -- then a person is subject to scrutiny whether he or she deserves supernatural protection from that potential harm; if the person has sins, this may result in the person's ultimate death, particularly since his or her

normally operative spiritual defense forces are not active at that time. See Rashi's explanation in Shabbos 32a s.v. Abav and 53b s.v. Mazaleih.

I hope this helps!

Warm regards,

Yishai Rasowsky

Chagigah 006: Beis Hillel and Beis Shammai - Deeper meaning?

Max Beck asks:

To whom it may concern,

I am writing with regards to the machlokes between Hillel and Shammai considering whether the pre-Matan Torah korbanos were daily offerings or appearance offerings. Surely there is a deeper, more philosophical disagreement going on, as there normally is with these machlokes. Furthermore, it seems like the discussion is finished without a specific conclusion being reached. I am new to the daf, and to learning Gemara generally, and am wondering what I was missing in this conversation.

Thank you very much. -Max

Max Beck, Los Angeles, USA

The Kollel replies:

Dear Max,

Great to hear from you. Very excellent questions!

I checked in Mesivta for any insight about the two points you raised.

1. What is the principle under debate between the two views?

Ohr Somayach (Maaseh ha'Korbanos 3:8) infers from Rashi here that the view of Beis Hillel is in fact that a Korban Re'iyah is possible to bring even not during the Regel, provided that it is an occasion of being seen by Hashem. Possibly Beis Shammai is arguing with that principle in general, i.e. Korban Re'iyah only applies during a Regel per se.

2. What conclusion might be drawn at the end of the Gemara?

Typically the Halachah follows Beis Hillel and not Beis Shammai without needing to be said every time.

In addition, according to one explanation offered by Cheishek Shlomo (Hagahos on Rabeinu Chananel), the Gemara is rejecting Abaye's suggestion that R' Yishmael follows Beis Shammai.

I hope this helps!

Warm regards,

Yishai Rasowsky

Chagigah 006: Why is the gemoro only discussing chigger in bes shamai

Avrumi Hersh asks:

6a middle.

Rashi says that the gemoro is not asking a shaale about a koton chiger according to bes hillel, because bes hillel obviously don't obligate any koton in chinuch when they cant walk. The question is only according to bes shamai.

But bes hillel only said that a koton who is too young to walk is not yet chayav in chinuch because of his age and stage. But bes hillel never said a blanket petur on chinuch of any child who can't walk for a different reason because he is lame now but he will get better before he grows up. It should be the same shaale according to bes hillel??!

Avrumi Hersh, London england

The Kollel replies:

Dear R' Avrumi,

Great to hear from you. Very nice question!

I appreciate that you specifically gave the Amud and location on the page where to find this Gemara. Very thoughtful and helpful!

Can we try to understand the Gemara as follows?

As you correctly pointed out, Beis Hillel's view is that a child need not come to Yerushalayim for Aliyah l'Regel if he is so young that cannot even manage to travel while holding his father's hand.

Let's ask, though, what is the reason for that?

Is it because of (a) the psychological fact that at this young age he has underdeveloped faculties? Or is it because of (b) the mere physical fact that he is unable to walk?

If we assume the correct reason is (a), then there is no reason Beis Hillel should, for instance, exempt a child who is old enough to walk yet temporarily happens to be lame.

But if look in the Mishnah (2a) and Rashi (s.v. Shalosh Regalim), we seem to see that the reason that Chazal are conveying is actually (b).

If so, then we can better understand why it was obvious to Reish Lakish in the Gemara on Daf 6a that a child who cannot walk -- even for a reason other than age (namely, at the moment he is lame) -- does not have to come for Aliyah l'Regel.

(It is only according to Beis Shammai that there is even a possibility for him to be obligated, since at the very least he is able to travel to Yerushalayim at least on his father's shoulders. But, as you know, even that relies on the assumption that Chinuch applies because he will eventually be able to walk again later; there exists the alternative Tzad that he could be Patur, the rationale being since even an adult who is temporarily lame is exempt.)

I hope this helps as a start!

Warm regards,

Yishai Rasowsky

Chagigah 011: Questions we are not supposed to ask

Meir Glickman asks:

First of all, I want to take the opportunity to thank you and the whole staff for this amazing site which I benefit from every single day. Even when I can't actually get to the daf, I look at the point-by-point so at least I can see what is going on and be a "spectator" if not actually doing the daf.

My question relates to the end of today's daf: "One may not ask about what was before the world was created." I always had a problem with this. How can there be a question we cannot ask? Isn't asking questions the very basis of our knowledge? Furthermore this seems like a natural and reasonable question to ask, even our Torah knowledge does not provide an answer. Wouldn't it be better to say "the Torah does not answer this question" or "we just don't know" rather than "don't ask the question?" Especially when today there is a lot of scientific knowledge about the creation of the universe, none of which contradicts Torah, so silencing such questions is not only unnecessary but raises suspicion and doubt. Isn't it better to be honest and open and encourage people to seek out the truth?

Meir Glickman, Beit Shemesh

The Kollel replies:

Shalom R' Glickman!

Great to hear from you. Very excellent question!

The Meiri suggests that the prohibition is because of a potential danger that would come when a person wants to rely solely on his own understanding. If he encounters a subject that is just simply beyond human comprehension, then the fact that his limited mind cannot grasp it could cause him to lapse in his Emunah.

I hope this helps!

Warm regards,

Yishai Rasowsky

ADDITION:

Just to add: the Rambam (Avodas Kochavim 2:3) explains the prohibition based on the risk that a person will make errant heretical thoughts about the nature of G-d whilst in the process of contemplating these lofty topics.

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Meir Glickman, Beit Shemesh

The Kollel replies:

Thank you for your kind words!

You are asking an excellent question. The Me'iri suggests that the prohibition is because of a potential danger that would come when a person wants to rely solely on his own understanding. If he encounters a subject that is just simply beyond human comprehension, then the fact that his limited mind cannot grasp it could cause him to lapse in his Emunah.

Let us also add that the Rambam (Hilchos Avodas Kochavim 2:3) explains the prohibition based on the risk that a person will make errant heretical thoughts about the nature of G-d while in the process of attempting to contemplate these lofty topics.

I hope this helps!

Warm regards,

Yishai Rasowsky

Joshua Danziger asks:

Rav Yishai, I heard once that Rav Chaim Volozhiner asked the Gra what the Gra's yetzer Ha-ra was, given his incredible spiritual level. The Gra said his yetzer was to think about the things that are forbidden to be thought about. Rav Chaim said "halevai for such a yetzer". And the Gra told him, you have no idea how dangerous and destructive this yetzer is and the magnitude of the error that can come when you think in the forbidden things.

I don't have a source, but perhaps you've seen this before, and either way I wanted to share it.

Thanks!

The Kollel replies:

Dear R' Danziger,

Great to hear from you.

Yasher koach! Thank you for sharing the amazing story about the Gra.

It reminds me of what Chazal say in Sukah 52a that whoever is greater has a greater Yetzer ha'Ra. As Pesach Einayim there explains, for a person who is a massive Tzaddik, the temptation for sin must commensurately be stronger. Rav Chaim Shmulevitz actually suggests, based on the story of Abaye there, that the Yetzer of a great man must be even more than commensurately stronger, thus producing a more difficult Nisayon.



















Warmest regards,

Yishai Rasowsky

Chagigah 011: v'Lo b'Ma'aseh Bereishis b'Shenayim

Avrohom Zachariash asks:

My question is regarding all the Shiurei Daf Hayomi taking place this week.

The Mishna says that Ma'aseh Breishis needs to be learned one-on-one. Then the Gemorah describes the  '      and other topics of        -     . Seemingly the Shiurei Daf Hayomi should have to stop for these Blatt, that everyone should learn it on their own, as per the directive of the Mishna.

Avrohom Zachariash, Brooklyn NY

The Kollel replies:

Shalom R' Avrohom!

Great to hear from you. Very excellent question!

Potentially, once the material has been written down in Sefarim, there is a relaxation of the classical prohibition to discuss it in public, since the information is out there anyway. According to this, however, it might be appropriate for a Magid Shiur to intentionally not elaborate too much beyond the basic understanding of the words on the page. And when Talmidim want more detail, for example, it might be best to discuss it privately with their Rebbe.

I hope this helps!

Warm regards,

Yishai Rasowsky

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The Kollel replies:

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Great to hear from you. Very excellent question!

The Meiri suggests that the prohibition is because of a potential danger that would come when a person wants to rely solely on his own understanding. If he encounters a subject that is just simply beyond human comprehension, then the fact that his limited mind cannot grasp it could cause him to lapse in his Emunah.

I hope this helps!

Warm regards,

Yishai Rasowsky

Chagigah 015: Tohu

Pesach Rogoway asks:

1. Did you know that photos of the earth from outer space show a green line around the earth?!! My friend Kenny Koslowe told me and I found pictures. If you're interested, please email me.

2. Where did the tosefta get its info?

Pesach Rogoway, Petach Tiva, Israel

The Kollel replies:

Shalom R' Pesach,

Great to hear from you. Very excellent comment and question!

1. I am certainly interested. Thank you!

2. Regarding the Tosefta's information, I would understand that you are referring to when Ben Zoma was looking between the upper and lower waters. I can share what I found about this issue.

a. As you know, the Torah states (Bereishis 1:7) that the Rakia divides between the upper and lower waters. Ben Zoma appears to be describing its width and Rebbe Yehoshua objects.

b. Maharsha cites a Machlokes about the identity and location of this Rakia. He says that Ramban and Rashi on Chumash maintain that it is the Galgalim. But the Rambam in Moreh Nevuchim maintains that it is the actual space of cloud formation. He points out which opinion this Gemara appears to support.

c. Regarding the calculation of the width, a Perush in Ben Yehoyada says that the figure of 3 fingerbreadths can be calculated by subtracting the Gematriya of "Elokim" (86) from that of "Mayim" (90), with an additional subtraction of 1 because the hovering was "*on the surface of the water*". In other words, $90 - 86 - 1 = 3$.

d. Turei Even suggests that the amount of three fingerbreadths was just based on Svava and all that is learned from the Pesukim is that it was very close; or alternatively 3 fingerbreadths was known to be the standard distance a Yonah hovers over its children.

e. Interestingly, though, Turei Even also writes that he doesn't know how one would attempt to determine the distance *between the upper and lower waters* from a Posuk which is talking about *the Ruach Elokim that was hovering over the surface of the water*.

f. To me that sounds like a different angle than the Kashya which is asked by the Gemara itself later based on the first versus second days of creation.

I hope this helps!

Warm regards,

Yishai Rasowsky

Bava Metzia 035: Hareini Meshalem

Daniel Steinberg asks:

According to the Bach's understanding of the Rif, Rav Huna's main point is that even though R' Yochanan just told us that when you say *Hareini* it's like *Shelem* and you get the *Keifel*, don't think it is exactly like *Shelem*. Because by cases of *Shelem*, the Baal's acceptance of the payment is an inherent *Mechila* on the *Shvua She Aino B'Rshuso*, whereas by cases of *Hareini* it's not.

Acc to the Rosh's understanding of the Rif, Rav Huna's main point is that even though R' Yochanan just told us that when you say *Hareini* it's like *Shelem* and you get the *Keifel*, don't think it is exactly like *Shelem*. Because by cases of *Shelem*, the Baal is willing to give the *Keifel* even before the *Shvua She Aino B'Rshuso*, whereas by cases of *Hareini*, he is not. When you say *Hareini* you must swear *Aino B'Rshuso* before the Baal is willing to be *Makneh* you the *Keifel*.

Even though both the Bach and the Rosh agree that according to the Rif, a *Shomer* who only said *Hareini* and has not paid yet must take a *Shvua She Aino B'Rshuso*, I think there exists the possibility of a *Nafka Mina*.

Since the Rosh understands the Rif to be holding that even when a *Shomer* pays he must still swear *Aino B'Rshuso*, therefore he must explain the Rif to be holding that when a *Shomer* says *Hareini*, the Baal is *Makneh* the *Keifel* prior to the *Shvua She Aino B'Rshuso*. Without this distinction, there really is no difference between saying *Hareini* and *Shelem*, according to the Rosh's understanding of the Rif, if both must swear.

This is not necessarily the case according to the Bach's understanding of the Rif. Since there is already an inherent Chiluk between saying Hareini and paying, i.e. when you pay you don't have to swear anymore, it could be that when you say Hareini, the Baal would be willing to Makneh you the Keifel - even before you swear Aino B'RShuso - no different than he is willing to be Makneh the Keifel when you pay, like in the Rosh's understanding of the Rif. B'chavod.

Daniel Steinberg, Columbus

The Kollel replies:

Dear R' Daniel,

Great to hear from you. I enjoyed reading your beautiful explanation and insights, and original thoughts. It looks great to me. Yasher koach!

Bivrachah,

Yishai Rasowsky

Moed Katan 009: "Men of stature," who take leave of R' Shimon bar Yochai.

H David Levine asks:

What reason is there for the two scholars to have changed their style of blessing, between the visits of bar Yochai's first and second sons?

H David Levine, Roanoke, VA USA

The Kollel replies:

Dear R' Levine,

Great to hear from you. I want to make sure I didn't misunderstand the question.

As I see it right now, there are two stories of sons who receive a blessing. The first is the son of Rabbi Shimon Bar Yochai who received a blessing from Rabbi Yonasan Ben Asmai and Rabbi Yehudah. The second is where Rabbi Shimon, the son of Chalafta, received a blessing from Rav. You want to know why they gave different blessings. Please correct me if I missing something.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

ADDITION:

Dear R' Levine,

I just wanted to add a couple of points that might be helpful to clarify this issue. But, again, please let me know if I am not addressing the point that was bothering you.

1. Who was the Rabbi in the second story?

a. Our Girsa says that it was Rav; but

b. the Rashash and others bring what might be a more authoritative Girsa that says it was Rebbe Yehudah ha'Nasi.

2. Why in the story of the first son was the blessing cast in a language of curse, unlike in the second story where the blessing was more explicit? (This was my best estimate of what was bothering you; and indeed the commentaries grapple with this point.) Here are a few interpretations:

a. They used a language of curse in order to "disguise" the blessing so that it wouldn't be canceled by the acussing forces. See Arugas ha'Bosem (Matos) and Divrei Yoel (Emor).

b. They used a language of curse in order that Rashbi should be the one to utter the blessing, instead of the two rabbis, since the two rabbis felt that Rashbi was more worthy and holy than they were. (See Pesach Einayim and Maris ha'Ayin.)

c. (Related to the previous answer.) Really, the son did deserve some degree of pain and suffering, and the rabbis realized this. Therefore, they expressed themselves in a language of curse. This accomplished two things:

i) It allowed the son's destined affliction of pain and suffering to take the mild form of hearing hurtful words, rather than a worse form.

ii) It gave the opportunity for Rashbi to utter the blessing, which -- coming from him -- would have such great power that would cancel the effect of the pain and suffering which the son was otherwise destined to undergo.

I hope this helps!

Best wishes,

Yishai Rasowsky

H David Levine adds:

It seems it was my mistake. I thought bar Yochai had sent one son, then another, to the same pair, Rabbis Yonason and Yehuda.

It changes the question, a bit, but I wonder still whether the intentions of Rebbi Yonasan ben Asmai and Rebbi Yehudah were represented in bar Yochai's explanation. May I ask, had the story been such: that the scholars were abusive, and the Rav, in the end, had spared his son from mishap by their word?

The Kollel replies:

Dear R' Levine,

Yasher koach for the insight! Yes, I hear that possible way of reading it! I am just reflecting, though, on why the mainstream way to interpret the Gemara seems to be that their intention was positive all along. I would imagine the reason is because it is too difficult to fathom that two great sages would want to apply harmful words to an innocent person -- especially if they understood he was Rashbi's son asking for a blessing. But

even if they didn't, it would seem too hard to justify why the two rabbis would want to inflict harm on someone, particularly when Rashbi himself describes them in a complimentary way as Anshei Tzurah.

I appreciate your perspective on this Gemara; I feel you have helped me to understand it much better!

Warmest regards,

Yishai Rasowsky

H David Levine asks:

Put another way, because I feel the remorse for suspecting the travelling scholars of anything but the most excellent conduct, . . . what is offered in the halacha concerning blessing someone cryptically, in a way that has pitfalls to understanding? Didn't Hillel mean just that, by, "something impossible to hear, that is eventually heard?"

The Kollel replies:

Dear R' Levine,

Great to hear more from you about this Gemara. That's a very nice point you make!

We might be able to understand it a few ways:

1. You cited Hillel from the Mishnah in Perek 2 of Avos. Your interpretation seems to reflect the Perush of the Rambam, namely, that one should avoid making a statement that needs effort to be deciphered. You may have seen that the Bartenura brings two alternative explanations, according to which Hillel is talking about either spreading secrets or procrastination from learning. According to these readings of Hillel, perhaps the difficulty is lessened.
2. Even according to the Rambam's explanation of Hillel, we learn from the Maharsha that the two sages actually knew that the son of Rebbe Shimon would not understand their cryptic words, and thus would have to turn to his great father for an explanation. Potentially, when the speaker knows the listener will not try to come to a conclusive understanding on his own, in which case there is no risk of misinterpretation, then it is permissible to speak in a fashion that is difficult to decipher.
3. According to the Shelah, the two sages were not masking their blessing in code, but rather they were actually sharing an honest forecast about the adversity that was destined to befall Rebbe Shimon's son. (This ability to perceive such astrological influence is why Rebbe Shimon called them "Anshei Tzurah", as in Tzuras ha'Kovachim.) It was then Rebbe Shimon who used the power of Tefilah and Berachah to steer his son's destiny to a more favorable path. (If I understood your words from earlier in our exchange, I believe to a degree you were actually Michavein to this explanation. Yasher koach! Sorry I didn't come across it until yesterday!)

I hope this helps!

Bivrachah,

Yishai Rasowsky

Moed Katan 018: From Torah, Prophets and Writings, man's wife is from Hashem.

H. David Levine asks:

How is it depended upon one's father, as in Kiddushin 29a, and the beis din, in a father's absence, to provide a wife for his son, unless these verses are misconstrued?

H. David Levine, Roanoke, VA; USA

The Kollel replies:

Dear R' Levine,

Great to hear from you. Very excellent point! Your question -- if I understood you correctly -- is this: How can there be an obligation of the father to find a wife for his son if the verses in our Gemara indicate that she is selected by divine providence. I see what might be two legitimate options:

1. Based on the Gemara's own question and answer, as follows.

- a. Shmuel had said that a man may perform Erusin on Chol ha'Moed lest a second man does so first. The Gemara objected to this, on the basis of another statement of Shmuel, namely, that a Bas Kol already pronounced whom the person would eventually marry. The assumption of this Kashya appears to be that once a person's match is predetermined, then first man can be sure that he -- and no one else -- will marry his destined spouse.
- b. The Gemara answered that by increasing one prayers it is in fact possible to alter the course of marital destiny, and thus a second man could potentially marry this lady first.
- c. Perhaps a similar answer can apply to your question as well. That is, the father must make an effort to match his child with an appropriate spouse, lest some other man pray excessively such that he succeeds in taking her first.

2. Alternatively, Hashem might only make it *possible* for the couple to find each other provided they and their parents make an effort to find the right one; but if they don't even try, possibly Hashem will not send her directly to him. For example, Hashem enabled Eliezer to find Rivka; but it involved some effort (traveling, etc) to seek her out.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Moed Katan 023: Aninus

Joshua Danziger asks:

Hello kollel! I am learning Chagiga and the maggid shiur discussed aninus briefly, which brought me to some questions.

In general, is onein just patur from mitzvahs or actually prohibited to do an aseh?

If prohibited,, What happens if an onein does his sons bris (is hatafas dam brit required?

What happens if his childless brother dies? Since he's exempt from mitzvot is there any room to say the yavamah never falls to him?

What does he do in the midst of an ongoing mitzvah like sefira haomer? Or if he had prior pledged to do something with a neder on a specific day then became an onein that day.

Lots of questions I know, but thank you!

Josh

The Kollel replies:

Dear Josh,

Great to hear from you. Very excellent question!

1. Some infer that Rashi (Berachos 17b s.v. Mi she'Meiso and s.v. v'Eino Mevarech) holds an Onein is permitted to perform Mitzvos. Tosfos there, however, cites the Yerushalmi which forbids it, offering two reasons: a) Kavod ha'Meis, and b) the need for someone to bury the Meis. For the accepted Halachah, see Shulchan Aruch Orach Chayim 71:1, Magen Avraham s.k. 2 with Machatzis ha'Shekel, Hagahos Rav Akiva Eiger, and Mishnah Berurah s.k. 5.
2. Regarding Hatafas Dam Bris, this might be dependent on the above. I will add that from Chacham Tzvi (Shu"t #1) it would appear to be valid.
3. Regarding Yibum, Chacham Tzvi (ibid) appears to portray this as a Machlokes between himself (who validates it) versus Maharit.
4. I have heard that some -- Noda b'Yehudah, I believe -- deal with the question of Sefiras ha'Omer, and suggest that one may indeed count in order not to miss the rest of the days (according to Bahag). But I have not tracked this down yet to confirm it.
5. Since a Neder involves the Lav of "Lo Yachel Devaro", one could argue that this would be included in the ruling of Chacham Tzvi (ibid) that an Onein is not exempt from negative prohibitions.

I hope this helps!

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Best wishes,

Yishai Rasowsky

ADDITION:

Dear Josh,

I wanted to share a reference for our Sefiras ha'Omer discussion.

1. Beur Halachah (Siman 489 s.v. b'Lo Berachah) cites the Nahar Shalom who does not allow an Onein to count; Nahar Shalom therefore suggests that the Onein should count the next day after the burial, thus enabling himself to count the remaining days with a Berachah.
2. However, B.H. points out, this assumes that counting in the day is *not* a make-up for the night. I understand that is because if it were, then he would not have the opportunity to the "make-up" for that which he was exempt in the first place as an Onein. In fact the B.H. questions this based on Ohr Zarua (329 citing Avi Ezri).
3. This also assumes that there is time after the funeral to count without a Berachah. If there is not, then he may not count with a Berachah on the remaining days of Sefirah.
4. On the other hand, B.H. cites the Noda b'Yehudah (O.C. 27) which I mentioned above that I had wanted to locate. He rules that the Onein may in fact count, and doesn't have to wait until after the funeral as Nahar Shalom maintained. The basis for this includes a few rationales: Counting Sefiras ha'Omer is a very brief Mitzvah that would not take time away from attention to the Meis. Plus, unlike the Stam indication of the Shulchan Aruch (who seemed to sided with Tosfos), there were some Poskim (as many interpret Rashi) who do permit an Onein from doing Mitzvos if he wishes to be Machmir. But this is provided he does so *without* reciting a Berachah whilst he is an Onein. And the permission to count the remaining days of Sefirah with a Berachah is also relying partially on the view of those who argue on the Bahag and don't require Temimos.

I hope this helps!

Warmest regards,

Yishai Rasowsky

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5. Since a Neder involves the Lav of "Lo Yachel Devaro", one could argue that this would be included in the ruling of Chacham Tzvi (ibid) that an Onein is not exempt from negative prohibitions.

I hope this helps!

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Best wishes,

Yishai Rasowsky

Moed Katan 025: Limdo Torah and Limdo Chochmah

Tuvya Marcus asks:

What's the difference between "Limdo Torah" and "Limdo Chochmah"?

Tuvya Marcus , Jerusalem Israel

The Kollel replies:

Dear Tuvya,

Great to hear from you. Very excellent question!

Can we understand the difference between the terms as follows?

Chochmah is meant to be applied in life by living according to proper character traits (Based on Malbim to Mishlei 1:1) whereas Torah includes the stories and lessons and laws even when they are not applicable in life (ibid 3:1).

I hope this helps as a start!

Bivrachah,

Yishai Rasowsky

Moed Katan 027: Rav Huna and the anonymous woman with seven sons

H David Levine asks:

I don't know how to abide with the sentiments that Huna expresses. Could there be an explanation? Rav Yehuda in the name of Rav sounds like a different matter altogether. "Whomever is in difficulty over mourning more than seeming," sounds as though another hesped is already being undergone, somewhere else or in another chavrusa, as the Talmud describes in the previous few lines, in the visit of Rav Hamnuna.

H David Levine, Roanoke, VA USA

The Kollel replies:

Dear R' Levine,

Great to hear from you. Very excellent question!

Ritva suggests that when a mourner expressed excessive discomfort over the Meis, that appears as though the mourner is actually complaining against G-d, who has determined with supreme judgment that it was time to for the deceased individual to depart. If so, then almost measure for measure, Hashem opens his ledger for that upset individual to see just how precise and justified the Din is.

I hope this helps as a start!

Warm regards,

Yishai Rasowsky

GENERAL: Goyim

Tzvi B asks:

What reward do goyim get in olam haba and how does it differ from ours?

Tzvi B, United Kingdom

The Kollel replies:

Dear R' Tzvi,

Great to hear from you. Very excellent and important questions!

1. What reward does a gentile have in the next world?

a. We learn in Sanhedrin 105a that Rebbe Eliezer's view, based on a verse in Tehilim 9:18, is that gentiles have no share in the world to come. But Rebbe Yehoshua there argues and maintains that in general they can have a share in the world to come, but if they forget about G-d they forfeit it. See also Tosefta Sanhedrin 13:1.

b. The Rambam (Melachim 8:11; Edus Sof Perek 11; Teshuvah 3:5) rules that pious gentiles do indeed have a portion in the next world, but stipulates (in Hilchos Melachim) that:

- i) the gentile must be careful to observe the seven Noachide laws; and
- ii) the reason the gentile is keeping the laws is not because they "makes sense" to him, but rather because G-d so commands; strikingly, Rambam adds (in Hilchos Melachim) the apparently critical fact that G-d let us know via Moshe Rabeinu that gentiles since Noach were commanded to keep them.

c. Curiously, however, we are also taught that gentiles are not rewarded for keeping their seven commandments, yet they are punished for violating them (Bava Kama 38a with Rashi s.v. Lomar; see also Rashi Avodah Zarah 6a s.v. v'Lifnei Iver).

2. How does a gentile's experience in the next world differ from that of a Jew?

a. Ramchal writes (Derech Hashem 2:4:7) that the only people who will exist as a *nation* in the next world are the Jews. The gentiles who will in fact exist there will be only secondary to the Jewish people, as a garment is to the body, because their nature does not enable to partake more.

b. Interestingly, the Gemara seems to indicate that gentiles will not be revived for Techiyas ha'Meisim (Sanhedrin 91b).

I hope this helps as a start!

Warm regards,

Yishai Rasowsky

Peah 008: Pe'ah and Demai

Joshua Danziger asks:

Hello kollel! A few questions on the current mishna yomis . Apologies if these are basic:

1. the last mishnayot of peah discuss if a wealthy person can take the matanos. If a person has 200 zuz in an inaccessible place is that considered wealthy? Or does he need to be able to access it?
2. Even with demai, we trust the amei haaretz separated and gave trumah. My question is, is tevel forbidden Bc of the trumah that \diamond s in it, or just Bc it \diamond s an issur in itself? Sometimes

It seems like the main thing is the separating but since kohanim can \diamond t eat tevel there must be more to it.

3. relatedly with much of demai even though he separates maaser rishon, since the levi can \diamond t prove anything \diamond hamotzi mechaveiro \diamond and the person just keeps the maaser rishon (but not terumas maaser). Does this show the ikkar is the separating? Or is the only way to get to terumas maaser to first separate maaser? Otherwise it seems a bit silly, for lack of a better word to separate something and just regain it. It \diamond s like taking \$20 out of my wallet as \diamond tzedaka \diamond but then saying no ani can prove anything and I just take it back. Or is the whole point of demai to just get to terumas maaser and maaser sheni?

4. if the ikkar is the separation rather than the giving, why is there a concept of biur?

5. since maaser rishon isn't holy, the levi can share it with anyone he wants. Can the person doing separating give the levi maaser rishon and then the levi just gives it back? It's a bit of haarama and there could be one levi who corners the market by agreeing to give back 95 percent of the maaser he gets to the baal habayis who gave it.

Thanks and good shabbos!

Josh

The Kollel replies:

Shalom Josh!

Great to hear from you. Very excellent questions!

1. Is a person eligible to take Matanos Aniyim if he has 200 Zuz that are not accessible?

a. You learned Mishnah 8:8 which states that even if he has 200 Zuz, nevertheless he is still eligible to receive the Matanos if his assets are tied to a financial obligation, such as the Kesubah for his wife, or a debt which he owes to his creditor. We can learn from here that indeed he is eligible if the assets are not accessible.

b. But it goes even further than that. Because the same Mishnah considers a case where he has valuable property on hand. For example, let's say a house or a fancy set of Yom Tov clothes or silverware. Suppose he could hypothetically sell the item for 200+ Zuz. The Mishnah rules that he doesn't have to. This shows us a greater Chidush; that is, even when the assets are accessible, he is still eligible to take Matanos Aniyim, and doesn't have to inconvenience himself by selling his property.

c. Just to qualify this, as the Bartenura writes, this is all provided that he is taking only Matanos Aniyim like Leket, Peah, etc. If, on the other hand, he wants to take from the Kupah (which usually means the weekly Tzedakah allowance -- see Bava Basra 8b), then he would indeed need to sell his wares (even to take Leket, Peah, etc).

2. Is Tevel forbidden because of the Terumah inside it, or because of an Isur unto itself?

a. Rashi (Yevamos 86a s.v. Mah Terumah Toveles) indicates that the reason why eating Tevel is Chayav Misah b'Ydei Shamayim is because of the Isur Terumah inside.

b. Tosfos (ibid.) rejects this interpretation of Rashi in part because of your excellent point that if so then Tevel should be permitted to a Kohen which it isn't. Instead, Tosfos learns that Tevel is its own Isur learned not from Terumah per se, but from a separate Drashah, as follows:

c. "They [the Kohanim] should not cause profanation of the sanctified items that the Jewish people *will offer*" (Vayikra 22:15). From the words "will offer" it's implied that we're talking about Tevel, from which Terumah has not yet been offered (Sanhedrin 83a).

d. Rav Yosef Engel in Esvan d'Oraisa (Klal 2 s.v. Ad Koh) suggested a reversed possibility; that is, Terumah is actually Asur because of a remnant of the Isur Tevel which endures after the Hafrashah.

e. Rav Yosef Engel also answers Tosfos' Kashya on Rashi by saying that really Tevel is intrinsically Mutar to Kohanim, but they just need to wait until it becomes Mutar by virtue of Terumah being separated from it (much like Kohanim are Zocheh to eat Korbanos from Shulchan Gavoha after the Zerikas Dam and Haktaras Emurim), unlike a Yisrael for whom it will never be Mutar.

f. Rambam (Hilchos Terumos, chapter 12) might be construed to support this contention, which make his view like that of Rashi, not like Tosfos.

4. If the main obligation to separate Terumah/Ma'aser, rather than the give them to a Kohen/Levi, then why is there a Mitzvah of Biur Ma'aseros?

a. The Hafrashah and Nesinah are two separate stages, and each is need for a different purpose. First, the Hafrashah removes the Isur Tevel, and thus makes the produce permissble to eat.

b. The subsequent Nesinah is the step Hashem wants us to undergo so that the Jewish people will be providing the subsistence of the Kohanim and Levi'im.

c. Viduy Ma'aseros is to be said after both stages -- Hafrashah and Nesinah -- are performed (Mishnah, Ma'aser Sheni, Chapter 5; Rambam, Ma'aser Sheni 11:7).

5. Can the Levi just give all or some of the Ma'aser Rishon back to the Yisrael? Couldn't this lead to the Levi cornering the market?

a. The first thought that comes to mind is a ruling of the Shulchan Aruch in Yoreh Deah 305:8, which reflects your concern. He writes that a Kohen should not regularly return the money he receives for Pidyon ha'Ben, because this would cause a loss to other Kohanim.

I hope this helps!

Warm regards,

Yishai Rasowsky

Shabbos 030: Mekor that Learning Prevents the Angel of Death

Yosef Zargari asks:

Rashi writes (top of 30b) that the reason david hamelech would learn on shabbos is so that the angel of death should not kill him, like the gemara says is sotah (21a). I do not understand why Rashi would give such a source (which does not say death straight out) when he has a very clear, and seemingly better source (which says death straight out) in Maseches Makos 10a!

Yosef Zargari, Los Angeles California

The Kollel replies:

Dear Yosef,

Great to hear from you. Very excellent question!

If I can add to your Kashya in two ways:

1. As the Mitzpeh Eitan cites, yet a third example of this occurs in Moed Katan Sof 28a.
2. The Gemara is Sotah doesn't even say it saves from death, but rather from sinning.

Perhaps one could suggest that Rashi didn't cite the examples from Makos and Moed Katan, because they are repeating the same point. Rashi instead wanted to explain what in fact is *behind* the protective power of Torah from death. It is, according to this interpretation of Rashi, the fact that Torah wards off Yetzer Hara and sin, and consequently prevents death.

I hope this helps as a start!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Shekalim 011: v'Im Lav Min ha'Yeshanah

Avraham Sacks asks:

What would be gained by buying the ketores with last year's shekalim? wouldn't it have the same kedushah that it started out with the kedushah of the previous year's terumas halishkah?

Thank you for your help

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Dear R' Avraham,

Great to hear from you.

Is it possible that you are understanding the word "Lokchin" to mean "purchase"? Can we instead understand it in the literal sense to mean "take [in order to be offered]"?

In fact, can we understand the Mishnah in the following way? Potentially, it could help to smooth out the excellent point you are raising.

The Mishnah is teaching us that if the Beis Din declares the 30th day from the first of Adar to be the 1st of the new month Nisan, (i.e. b'Zmano), then they are to offer the incense that day from the supply purchased with the new year's donations. On the other hand, if they do not, then this day will instead be the 30th of Adar, and thus the incense offered that day will come from the incense supply purchased with the previous year's donations.

I hope this helps!

Bivrachah,

Yishai Rasowsky

Shekalim 017: Ein Mazkirin Ma'aseh Nisim

Avraham Sacks asks:

The Gemarra is asking that since the Lechem Hapanim stayed hot anyhow the entire week by miracle we do not need to be concerned about putting them on a silver table which will heat them up. The Gemarra answers that we do not rely on a miracle.

I do not understand the initial problem with the silver table - how is possible that the silver table could increase the heat of the Lechem Hapanim to create a problem if the Lechem Hapanim were already piping hot?

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Dear R' Avraham,

Great to hear from you. Very excellent question!

Based on the fact that metal can become extremely hot outdoors, particularly if there is sunshine beating on it for many hours, we might be able to understand that the bread would have been heated up even further -- even overheated to the point of spoiling -- if it were to be placed on the silver table. I found helpful consulting the Perush of Rabeinu Gershom in Tamid 31b (s.v. Mipnei).

I hope this helps!

Warm regards,

Yishai Rasowsky

Avraham Sacks asks:

Thank you very much for your help and time

I thought the Mishnah wrote that this table was on inside of the Ulam before the entrance into the Heichal?

The Kollel replies:

Shalom R' Avraham!

That is a great point, and I want to admit my mistake and retract.

I can share the following: #1 my initial mistaken impression (though you may wish to skip this), #2 my current understanding from the Ra'avad, and #3 how we can read the Gemara to try answering your excellent question.

1. My old impression:

a. The silver table, even though it is inside the Ulam, on a sufficiently hot day, can be heated by the warmth of the sun, since solar rays would enter the large doorway of the Ulam and thus strike -- directly or indirectly -- the silver table which was positioned on the other side of the Ulam near the entrance to the Heichal. I mistakenly thought that this could be based on the following two sources:

b. Rabeinu Gershom in Tamid 31b (s.v. Mipnei), who wrote that the sun heats the table. But I see now that clearly he is referring to meat limbs, not bread. And the meat table was *outdoors*, in the Azarah, not inside the

Ulam.

b. Our version of the Mefarsh in Tamid 31b (s.v. Mipnei) indicates that what is being heated by the table is the bread. But I see now that the Shitah Mikubetzes considers this to be a typographical mistake and instead replaces "bread" with "meat".

2. My current understanding from the Ra'avad:

a. He raises what seems to be a contradiction: The Gemara in Tamid 31b (and Shekalim 17) says that silvers heats; yet the Gemara in Shabbos 151b indicates that metal cools!

b. He reconciles by suggesting that metal makes cool that which is cold (that's the Gemara in Shabbos) and keeps hot that which is hot (that is the Gemara in Tamid and Shekalim). As a precedent, he writes that this is similar to the quality Chazal in Bava Basra 19a tell us about sand.

3.

a. I understand the Ra'avad's words to mean that metal helps to preserve heat, i.e. keep hot what is already hot.

b. Heat and moisture hasten the spoilage of bread. As you might know, it is for this reason that a judicious baker removes bread from the loaf pan as soon as it's taken from the oven.

c. So, to address your initial question, can we read the Gemara as follows? Rebbi Yochanan rules out the usage of a silver table, because the silver table would be "Martiach", which means: The metal table top would become hot, due to the heat emanating from the bread; this would consequently cause the bread to remain hot and moist, which would result in the bread spoiling. Asks the Gemara: But we know that the Lechem ha'Panim miraculously remained fresh all week anyway! Answers the Gemara: Don't rely on miracles.

d. According to this explanation, the main point is: The silver table is not *increasing* the heat of the Lechem Hapanim; but rather, the conductive metal surface is just preventing the bread from becoming cooler. A marble table, on the other hand, would achieve this.

Yasher koach for helping me to see this issue more clearly!

Warmest regards,

Yishai Rasowsky

Links:

1. <https://www.wikihow.com/Cool-Bread>

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I hope this helps!

Warm regards,

Yishai Rasowsky

Yevamos 007: Mechalel Shabbos

Tzvi B asks:

Where does it say that a mechalel shabbos goes to the seventh level of gehinom forever?

Tzvi B, Manchester

The Kollel replies:

Dear Tzvi,

Great to hear from you. Very excellent question!

I am not sure this is exactly what you were looking for, but it sounds very close, so I will share it: Zohar, Terumah 150b. See link below.

I hope this helps!

Warm regards,

Yishai Rasowsky

Link:

[https://www.sefaria.org.il/Zohar.2.150b.10?](https://www.sefaria.org.il/Zohar.2.150b.10?ven=Sefaria_Community_Translation&vhe=New_Torat_Emet_Zohar&lang=bi&vside=Sefaria_Community_Translation|en&with=TranslationOpen&lang2=en)

[ven=Sefaria_Community_Translation&vhe=New_Torat_Emet_Zohar&lang=bi&vside=Sefaria_Community_Translation|en&with=TranslationOpen&lang2=en](https://www.sefaria.org.il/Zohar.2.150b.10?ven=Sefaria_Community_Translation&vhe=New_Torat_Emet_Zohar&lang=bi&vside=Sefaria_Community_Translation|en&with=TranslationOpen&lang2=en)

GENERAL: The Vilna Gaon and the Zohar

Davic1 asks:

Greetings. I have a great deal of trouble understanding the apologetical writings justifying the study of the Zohar by the Gaon of Vilna and its interpretations in the writings by R. Chaim Vital attributing them to the Arizal for a very simple reason.

Whatever the merits of portions or all of the Zohar, the fact is that it only appeared many hundreds of years after the closing of the Talmud and was found in the possession of a single individual, whatever its origins, who was R. Moshe de Leon. Therefore logically it cannot be said that the Zohar itself can be considered as important as the Talmud Yerushalmi or Bavli, or the midrashim that we know originated from the time of Chazal, and which had no reference at all in the Talmuds or Mishnah. Furthermore, all the claims made about Rashbi in the Zohar itself are absent from the Talmuds, and nothing quoted in his name to any extent in the Zohar are found in the Talmuds.

In a way it is not all that unlike the issue of the Megillas Taanis, which although mentioned in the gemara briefly in passing in the opinions of a couple of amoraim, has no detailed discussion as an authentic source of binding halacha in the Talmuds.

Kind regards,

David Goldman

The Kollel replies:

Dear R' Goldman,

Great to hear from you. Very excellent points!

Can I refer you to a few sources that might help deepen your investigation?

Mishnah Berurah (25:42) cites Kenesses ha'Gedolah that indeed in Psak Gemara typically trumps Kabbalah, but in certain cases Kabbalah is followed particularly when it doesn't contradict Halachah [1].

Some report that even Torah giants had questions and doubts about the Zohar's origins [2].

Rav Menachem Kasher wrote a defense of the Zohar's authenticity [3] and R' Moshe Miller has done so more recently [4].

I hope this helps!

Warm regards,

Yishai Rasowsky

References:

1. https://www.sefaria.org.il/Mishnah_Berurah.25.42?vhe=Wikitext&lang=bi&with=ShulchanArukh,OrachChayim&lang2=en#:~:text=,
2. <https://web.archive.org/web/20140830135654/http://www.zootorah.com/controversy/ZoharEnglish.pdf#page=39>

3. <https://www.daat.ac.il/daat/kitveyet/sinay/hazohar-2.htm>

4. https://www.chabad.org/kabbalah/article_cdo/aid/380410/jewish/The-Zohars-Mysterious-Origins.htm?gclid=CjwKCAiA78aNBhAlEiwA7B76pxx6BsNATgWtrz5rhxU__H8BWMbLG8JeAQUK3ICh80UPRJ6MgvpsPBoCA7kQAvD_BwE

Chagigah 014: Arba'ah Nichnesu la'Pardes

Naftoli Willner asks:

The Gemara says Arba'ah Nichnesu la'Pardes. Did they go together? If not (and they went at separate times) how were they permitted to go and put themselves into a possible situation of Sakanah? They would have seen (at least the third one) that there was no guarantee to come out unharmed since it was only Rabbi Akiva that came out that way.

Naftoli Willner, Baltimore, United States

The Kollel replies:

Shalom R' Naftoli,

Great to hear from you. Very excellent questions!

1. Did they go together?

a. The Talmidim asked of questions to Ben Zoma at the end of 14b. There is a Machlokes amongst the Mefarshim whether these questions were asked while he was still in the Pardeis or only after he came back.

b. According to the former, which some maintain was the opinion of Rashi, that potentially would count as being accompanied by someone else, instead of being alone.

c. The alternative contention that they were each alone might be reflected in the Perush of the Sh'lah ha'Kadosh who says that the entry of these four individuals into the Pardeis was paralleled in the past by another four instances, namely that of Adam, Noach, Avraham, and the sons of Aharon. Since the latter four (five if you count Aharon's sons as two) were certainly at separate time periods in history, one might therefore infer that the venture of each of the four Tanaim also occurred at different times. However, this is not conclusive, especially since these four Tanaim indeed lived at about the same period.

d. We see that R. Akiva warned the others not to say "water, water" when approaching the pure marble stones. This could be interpreted to mean that they were all together as a group, and R. Akiva was guiding them as the senior member. However, it perhaps be interpreted to alternatively mean that after R. Akiva had gone through the journey successfully, he was advising the others how to proceed when they would eventually undertake the journey later on.

2. How were they permitted to put themselves into possible Sakanah?

a. It could be that the three other than R. Akiva were indeed not permitted; or, even if they were in fact permitted, still they were not recommended to undertake this journey, since it does involve serious risk.

b. On the other hand, perhaps even the great risk involved could be justified, for instance if there are great gains to potentially be won. For example, Ben Ish Chai in Ben Yehoyada cites Rav Chayim Vital to say that the

goal of these Tanaim was to learn how to rectify the sin of Adam. See
https://www.sefaria.org.il/Chagigah.14b.8?ven=William_Davidson_Edition_-_English&vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=bi&with=Commentary&lang2=en#:~:text=

I hope this helps!

Warm regards,

Yishai Rasowsky

Chagigah 015: Ben Abuya

H David Levine asks:

How is it not known, "behind the, 'pargud,'" that kol shelo leshma, bo leshma?

H David Levine, Roanoke, VA USA

The Kollel replies:

Shalom R' Levine,

Great to hear from you. Excellent question!

I see that Mefarshim also grapple with this Gemara. I can share what I found with help of Mesivta:

1. Despite the apparent rejective tone of the Bas Kol, in truth, had Acher done Teshuva, he really would have been accepted. If so what did the Bas Kol mean?

a. The Bas Kol merely a prediction that ultimately he would not decide to repent (Eitz Yosef s.v. Chutz).

b. The Bas Kol was reflective of the fact that all others are actively invited to do Teshuva, whereas Acher was not (Pnei David, Ki Teitzei 3 v'Od).

2. Still, one might wonder, why was Acher informed of this very discouraging pronouncement?

a. Some suggest an astounding thought, that is, because Hashem wanted him not to Teshuvah, since he had sinned (Eitz Yosef ibid.). I would compare this to the case the Rambam discusses in Hilchos Teshuvah 6:3.

3. However, these insights may not fully answer your question, because you are asking that the one who does Lo Lishmah should come to Lishmah.

a. I recall Gedolei Yisrael -- including Rav Yisrael Salanter -- offering the suggestion that this is only on condition that the person wants to reach a level of Lishmah. Accordingly, Acher himself may have been lacking that desire to get to an eventual Kavanah of Lishmah.

I hope this helps as a start!

Warm regards,

Yishai

H David Levine asks:

I wasn't understanding behind the, "pargud," to mean bas kol. Bas kol is prophetic, but what if pargud is just sicha b'alma?

The Kollel replies:

Shalom!

One gets the impression from the following sources where that phrase -- "hear from behind the Pargod" -- is used, that it means an opportunity for heavenly beings (angels, Satan) to listen in, so to speak, to Hashem's plans for the future: Chagigah 16a, Berachos 18b (see Rashi here), Sanhedrin 89b, Yoma 77a.

Warm regards,

Yishai

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 - a. I recall Gedolei Yisrael -- including Rav Yisrael Salanter -- offering the suggestion that this is only on condition that the person wants to reach a level of Lishmah. Accordingly, Acher himself may have been lacking that desire to get to an eventual Kavanah of Lishmah.

I hope this helps as a start!

Warm regards,

Yishai

Divrei Hayamim II 30: Kusim

davic1 asks:

Greetings, again. I am looking at chapter 30:25. Can we say that the people who were coming at the time of King Chizkiyahu who Metzudas David says were converts (and had not yet deteriorated) from the Land were the earliest Kusim, since it is possible that they had arrived from Habor perhaps 10 years earlier, assuming it took a few years for them to arrive?

In 35:18 I don't understand Rashi's statement that the time of the Judges was from the time of Shlomo, since that time was not identified any longer as the time of the judges. The other commentators (on Sefaria) also don't address this. Why should it be said that the Jews did not perform the Pesach with such purity even in the time of David and Shlomo?

With regard to the Ten Tribes, it seems we have enough sources to explain that all the tribes had enough members assimilated with Yehuda and Binyamin to assume that from the time of Bayis Sheni until today we have been composed of all the tribes. Sources tell us that members of the 10 tribes moved into Yehuda/Shimon/Binyamin throughout the king period, plus were brought back by Yirmiyahu, plus returned with the Olei Bavel, plus some were still living in the Land all along.

David Goldman

The Kollel replies:

Shalom R' Goldman,

1. Your explanation regarding the converts being the Samaritans makes a lot of sense to me, especially since -- as you pointed out -- it was around that same time period that Chizkiyahu reigned in Yehudah, and the Assyrians had conquered Yisrael and imported the Samaritans. It particularly strikes me -- and this maybe is included in what you meant -- that the Gerim are described as coming from Yisrael (where Melech Ashur had placed them) toward Yehudah (where Chizkiyahu reigned).
2. Malbim on verse 26 explains that the Jews did not unite in Yerushalayim since the time of Shlomo. We know the kingdom was divided after Shlomo (Melachim I chapters 11 and 12; Divrei ha'Yamim II chapter 10), after which point the 10 tribes were not Oleh Regel (Melachim I chapter 12) until this occasion of Pesach.
3. I like the point you made about the presence of individuals from the other ten tribes existing amongst the people of Malchus Yehudah. For example, I see -- as you must have -- that in Divrei ha'Yamim (II 15:9) Asa, the King of Yehudah, brought people of Efraim, Menasheh and Shimon into Malchus Yehudah. In addition, as you know, there is reference in Divrei ha'Yamim (at the beginning of chapter 30) to the individuals from Asher, Menasheh and Zevulun who came to Yerushalayim.

I think I have learned more from you than the other way around, but anyway I hope this helps!

Warmest regards,

Yishai Rasowsky

Erchin 016: Yam Suf

Daniel Gray asks:

Greetings. I was wondering why Tosafos does not address the issue of the location of ים סוף in Sefer Melachim 28 which says it is near Eloth. If Tosafos is the only source suggesting that the Yam Suf close to Goshen in the North, how does he explain its use referring to a body of water near Eilat etc., meaning at the Gulf of Aqaba? In addition, isn't it possible to determine the location of the Yam based on the time it took to get there from Goshen or to the subsequent stops? And since Yam Suf is mentioned elsewhere in the Torah that seem to place it nearer to Sinai, isn't it possible that Tosafos is incorrect? And why wouldn't Tosafos have addressed all the references?

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman!

Great to hear from you.

Please excuse me in advance that in this reply I seem to be raising more questions than answers.

Regarding the references, I understand you are referring to the Tosfos on Daf 15 DH k'Shem and the Posuk in Melachim I 9:26.

My impression is that Yam Suf encompasses what we today call the Red Sea, including the Gulf of Aqaba near Eilat, as you mentioned, and also the Gulf of Suez, nearer to Egypt.

That is an interesting idea to calculate the distance to the Yam based on the travel time. Would you specify how one would do that to confirm or oppose Tosfos?

Regarding the possibility that Tosafos is incorrect, though it might not be the exact issue you raised, you may want to see the comments of the Yaavetz.

Was there a need for Tosfos to address other references in order to address the point that was troublesome in the Gemara?

Warmest regards,

Yishai Rasowsky

GENERAL: Gehinom

Tzvi B asks:

Where is it brought down that the pain of gehinom is shame/embarrassment?

Tzvi B, Manchester

The Kollel replies:

Excellent question!

One good place to look is Daniel 12:2, and Chazal which cite it in Sanhedrin 92 and Rosh Hashanah 16b.

I hope this helps!

Warm regards,

Yishai Rasowsky

Kilayim 001: Etz ha'Da'as and Etz ha'Chaim

Joshua Danziger asks:

Hello kollel,

I've been learning mishna kilayim, and had a question.

I think I saw once the idea that since the torah says about both the eitz hadaas and the eitz hachaim, that they were in the center of the garden, they essentially wrapped around each other in the (eg so both could be in the center). Doesn't this mean they'd be kilayim? Unless they were the same species?

I realize this maybe more from the side of nistar but I'm curious about the halachic

Side of the understanding. Thank you!

Josh

The Kollel replies:

Shalom Josh!

Fascinating idea that you saw! I would love to track it down.

I checked in Rambam Hilchos Kilaim (chapter 1), and there I see that the prohibition would only apply to either the grafting of trees or the planting of Zeraim. But that would seem not to include two trees being wrapped around each other. Therefore it does not appear to be a problem of Kilaim.

But I am making an assumption, namely, that they were not *both* Zeraim. If they were, they could be forbidden as Kilaei Zeraim. But my assumption might not be obvious, since Rebbe Yehudah in Berachos 40 maintains that the Tree of Knowledge was actually wheat, which, being a grain, qualifies as Zeraim. Though I am not yet aware of commentaries who tell us what species the Tree of Life was.

I would understand, however, that we can rule out Kilaei ha'Kerem as being a problem. Since even if one species was Zeraim, and the other was a grapevine (as Rebbe Meir maintains about the Tree of Knowledge), nevertheless, Kilaei ha'Kerem would require two species of Zera together with one Gefen.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Moed Katan 023: Aninus

Joshua Danziger asks:

Hello kollel! I am learning Chagiga and the maggid shiur discussed aninus briefly, which brought me to some questions.

In general, is onein just patur from mitzvahs or actually prohibited to do an aseh?

If prohibited,, What happens if an onein does his sons bris (is hatafas dam brit required?)

What happens if his childless brother dies? Since he's exempt from mitzvot is there any room to say the yavamah never falls to him?

What does he do in the midst of an ongoing mitzvah like sefira haomer? Or if he had prior pledged to do something with a neder on a specific day then became an onein that day.

Lots of questions I know, but thank you!

Josh

The Kollel replies:

Dear Josh,

Great to hear from you. Very excellent question!

1. Some infer that Rashi (Berachos 17b s.v. Mi she'Meiso and s.v. v'Eino Mevarech) holds an Onein is permitted to perform Mitzvos. Tosfos there, however, cites the Yerushalmi which forbids it, offering two reasons: a) Kavod ha'Meis, and b) the need for someone to bury the Meis. For the accepted Halachah, see Shulchan Aruch Orach Chayim 71:1, Magen Avraham s.k. 2 with Machatzis ha'Shekel, Hagahos Rav Akiva Eiger, and Mishnah Berurah s.k. 5.
2. Regarding Hatafas Dam Bris, this might be dependent on the above. I will add that from Chacham Tzvi (Shu"t #1) it would appear to be valid.
3. Regarding Yibum, Chacham Tzvi (ibid) appears to portray this as a Machloess between himself (who validates it) versus Maharit.
4. I have heard that some -- Noda b'Yehudah, I believe -- deal with the question of Sefiras ha'Omer, and suggest that one may indeed count in order not to miss the rest of the days (according to Bahag). But I have not tracked this down yet to confirm it.
5. Since a Neder involves the Lav of "Lo Yachel Devaro", one could argue that this would be included in the ruling of Chacham Tzvi (ibid) that an Onein is not exempt from negative prohibitions.

I wanted to share a reference for our Sefiras ha'Omer discussion.


1. Beur Halachah (Siman 489 s.v. b'Lo Berachah) cites the Nahar Shalom who does not allow an Onein to count; Nahar Shalom therefore suggests that the Onein should count the next day after the burial, thus enabling himself to count the remaining days with a Berachah.
2. However, B.H. points out, this assumes that counting in the day is *not* a make-up for the night. I understand that is because if it were, then he would not have the opportunity to the "make-up" for that which he was exempt in the first place as an Onein. In fact the B.H. questions this based on Ohr Zarua (329 citing Avi Ezri).
3. This also assumes that there is time after the funeral to count without a Berachah. If there is not, then he may not count with a Berachah on the remaining days of Sefirah.
4. On the other hand, B.H. cites the Noda b'Yehudah (O.C. 27) which I mentioned above that I had wanted to locate. He rules that the Onein may in fact count, and doesn't have to wait until after the funeral as Nahar Shalom maintained. The basis for this includes a few rationales: Counting Sefiras ha'Omer is a very brief Mitzvah that would not take time away from attention to the Meis. Plus, unlike the Stam indication of the Shulchan Aruch (who seemed to sided with Tosfos), there were some Poskim (as many interpret Rashi) who do permit an Onein from doing Mitzvos if he wishes to be Machmir. But this is provided he does so *without* reciting a Berachah whilst he is an Onein. And the permission to count the remaining days of Sefirah with a Berachah is also relying partially on the view of those who argue on the Bahag and don't require Temimos.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Joshua Danziger asks:

Rav yishai, I saw a possible svara from the rambam. In hilchot parah adumah 4:14 the rambam says a kohen who slaughters while an onein is acceptable. This would seem to me that according to the rambam an onein may be patur but he s not prohibited from doing mitzvot.

Shabbat Shalom

The Kollel replies:

Shalom R' Danziger,

1. Yasher koach! You are raising an excellent point that is very relevant in order to fill in the whole picture.
2. It might be important to emphasize that the Rambam, which you adeptly cited, reflects Chazal's discussion in Zevachim 17b and Yevamos 74a where the discussion is about the relevance of a *Torah* prohibition for an Onein to partake of Korbanos, which actually applies the entire day of death, even after the burial. This would make it somewhat distinct from our discussion regarding the view that prohibits the Onein from performing Mitzvos, which is only mid'Rabanan and only applies until the Meis is buried.

3. Arguably, then, as reflected in the view of Chacham Tzvi above, even that view which prohibits an Onein from doing a Mitzvah could agree that if it was done, then it is valid.
4. This might even be construed in the language of the Gemara and the Rambam who phrase it as b'Di'eved, "if the Onein burned it". Potentially, this could imply an Isur l'Chatchilah.
5. On the other hand, from Rashi (Zevachim 17b s.v. Ksheirah) one might infer the opposite, i.e. that it is Mutar l'Chatchilah. This would actually be surprising, since -- as we discussed above -- some Mefarshim inferred from Rashi's words in Berachos (s.v. Mi she'Meiso and s.v. v'Eino Mevarech) that an Onein is permitted to perform a Mitzvah.

Thank you for sharing your finding and insight!

Warmest regards,

Yishai

Moed Katan 028: Miriam's Death

Avrumi Hersh asks:

Daf 28

Why is it a gnyay to say that miriam died with a neshika from hashem?

I understand something like tumas merkav is a gnyay cos we don't want to mention pissuk raglayim by an isha, but what is wrong with a neshika Al pi hashem?!

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Avrumi!

Great to hear from you. Very excellent question!

To my mind, it seems that the straightforward reason is because such a kiss would depict a degree of intimacy with a woman, which would constitute a breach of modesty. But can we expand your question, and actually pose the issue as an apparent contradiction? Because we do find places in the Torah that discuss a male kissing a female. How would one distinguish these from the case of Miriam? I will consider the two cases that come to my mind:

1. Ya'akov and Rachel (Bereishis 29:11)

a. I believe the most basic way to distinguish this case from ours is by pointing out that Miriam was an adult whereas Rachel was very young.

b. Some commentaries make the point that Ya'akov was not kissing her because of lust, but rather because of their familial relationship. See for instance Ha'amek Davar of the Netziv. I understand this to mean that because they were cousins they automatically had a familiar bond, and it was not based on desire. Netziv even writes that the very reason Ya'akov cried was in order to demonstrate this fact. Potentially such a

demonstration would not be practical by Hashem with Miriam, and perhaps therefore the Torah chose to omit the kiss entirely.

c. Some say Ya'akov's kiss was not on Rachel's lips (Rabeinu Bachye; cf. ha'Kesav v'ha'Kabalah who cites differing views). This was not so in the case of Miriam, as we can see from the scene Rashi depicts on b'Midbar 20:26. Perhaps that is a reason why the Torah omits it.

d. Recanati writes that the kiss of Ya'akov to Rachel is reflective of the connection between Hashem and his Shechinas Uzo. I am not sure if that helps resolve our issue by enabling some Chiluk between that case and ours. Or, on the other hand, maybe it strengthens the question since putting Hashem into the equation would appear to make the case more similar to that of Miriam.

2. Shir ha'Shirim (1:2, 8:1)

a. This context might be an exception since, as R. Akiva says in the Mishnah at the end of the third chapter of Maseches Yadaim, Shir ha'Shirim is Kodesh Kodashim. I see Meleches Shlomo explains this to mean that it's full of fear of heaven and acceptance of the yoke of Hashem's kingship. Possibly, this is a reason why graphic language is legitimate there but not in Miriam's case.

b. In perhaps a related manner, we can recall that the commentaries understand this love song to be a parable. See for example Metzudas David on Posuk 1:1 who adopts the interpretation that the verses express the love between Hashem and the Jewish people. Possibly that could justify the explicit language of loving physical contact, which is not typically found in other portions of Tanach such as the case of Miriam. Though now I recall there are other passages that discuss it, e.g. Shoftim chapter 16, Shmuel II 13:14, and many others. Though maybe there it can be considered non-explicit language.

c. The Netziv that we mentioned before actually marshals Posuk 8:1 as the example of familial love that is in fact legitimate to express even in public. I would understand that this is based on the reference to brotherly love which is made in the beginning of the Posuk itself. According to this, I am not sure how one can reconcile the case of Miriam, unless we say that the expression there is one of a more intimate love between Hashem and Miriam's soul. But in that case, I might still have a difficulty, since some commentaries explain Shir ha'Shirim as representing the relationship between Hashem and the soul. See for example Malbim in the Melitzah portion of his commentary.

So although some points remain Tzarich Iyun I still hope this helps as a start!

Warm regards,

Yishai Rasowsky

ADDITION:

Arguably, a simpler and perhaps more compelling explanation could be this:

The G'nai that Chazal are referring to is not just the mention of an intimate act with a woman, but also -- even more strikingly -- the impression that Hashem Himself -- perish the thought -- would or could be involved in a physical relationship with a human being. Considering such ideas could beget improper theological conceptions.

Rashi on Chumash (b'Midbar 20:1) could be understood to support this explanation. Because he uses a different phraseology than what we find in the Gemara. Our Gemara said it would be a G'nai. Rashi says it would not be a Kavod for Hashem, thus emphasizing the divine aspect, rather than just a feminine Tzniyus aspect.

Warm regards,

Yishai Rasowsky

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So although some points remain Tzarich Iyun I still hope this helps as a start!

Warm regards,

Yishai Rasowsky

Nedarim 022: Ran on absolving a neder l'chatchilah

Paul Davidowitz asks:

Ran 2.d.1

[https://dafyomi.co.il/nedarim/tosfos/nd-ts-022.htm#:~:text=\(d\),seemstome](https://dafyomi.co.il/nedarim/tosfos/nd-ts-022.htm#:~:text=(d),seemstome).

How does this understanding accord with all the mishnas that (seem to) say that l'chatchilah yes absolve?! There (apparently) are no other opinions on the matter besides Beis Hillel and Beis Shammai.

Paul Davidowitz, Long Beach, NY, USA

The Kollel replies:

Shalom R' Davidowitz,

Great to hear from you. I understand from this view of the Ran that all apparent references to the Heter to perform She'elah even l'Chatchilah are actually references to Beis Hillel's view but are to be understood as only b'Di'eved. Can you help point me to the statements that are not Soveil this reading? Thanks!

Warm regards,

Yishai Rasowsky

Paul Davidowitz asks:

What about the Mishna on 20a where Chachamim say that we do open (based on an opening from somewhere else)?

This clearly means l'chatchila.

- Happy Purim!

(Note: I am currently not under the influence of alcohol.)

The Kollel replies:

Great to get your reply!

Hmm, I see that case is dealing with a Neder. Is there a Rayah from there to a case of She'vuah which is what the Ran on Daf 22 was discussing?

Warm regards,

Yishai Rasowsky

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Warm regards,

Yishai Rasowsky

Peah 008: Pe'ah and Demai

Joshua Danziger asks:

Hello kollel! A few questions on the current mishna yomis . Apologies if these are basic:

1. the last mishnayot of peah discuss if a wealthy person can take the matanos. If a person has 200 zuz in an inaccessible place is that considered wealthy? Or does he need to be able to access it?
2. Even with demai, we trust the amei haaretz separated and gave trumah. My question is, is tevel forbidden Bc of the trumah that \diamond s in it, or just Bc it \diamond s an issur in itself? Sometimes

It seems like the main thing is the separating but since kohanim can \diamond t eat tevel there must be more to it.

3. relatedly with much of demai even though he separates maaser rishon, since the levi can \diamond t prove anything \diamond hamotzi mechaveiro \diamond and the person just keeps the maaser rishon (but not terumas maaser). Does this show the ikkar is the separating? Or is the only way to get to trumas maaser to first separate maaser? Otherwise it seems a bit silly, for lack of a better word to separate something and just regain it. It \diamond s like taking \$20 out of my wallet as \diamond tzedaka \diamond but then saying no ani can prove anything and I just take it back. Or is the whole point of demai to just get to terumas maaser and maaser sheni?
4. if the ikkar is the separation rather than the giving, why is there a concept of biur?
5. since maaser rishon isn \diamond t holy, the levi can share it with anyone he wants. Can the person doing separating give the levi maaser rishon and then the levi just gives it back? It \diamond s a bit of haarama and there could be one levi who \diamond corners the market \diamond by agreeing to give back 95 percent of the maaser he gets to the baal habayis who gave it.

Thanks and good shabbos!

Josh

The Kollel replies:

Shalom Josh!

Great to hear from you. Very excellent questions!

1. Is a person eligible to take Matanos Aniyim if he has 200 Zuz that are not accessible?
 - a. You learned Mishnah 8:8 which states that even if he has 200 Zuz, nevertheless he is still eligible to receive the Matanos if his assets are tied to a financial obligation, such as the Kesubah for his wife, or a debt which he owes to his creditor. We can learn from here that indeed he *is* eligible if the assets are not accessible.
 - b. But it goes even further than that. Because the same Mishnah considers a case where he has valuable property on hand. For example, let's say a house or a fancy set of Yom Tov clothes or silverware. Suppose he could hypothetically sell the item for 200+ Zuz. The Mishnah rules that he doesn't have to. This shows us a

greater Chidush; that is, even when the assets *are* accessible, he is still eligible to take Matanos Aniyim, and doesn't have to inconvenience himself by selling his property.

c. Just to qualify this, as the Bartenura writes, this is all provided that he is taking only Matanos Aniyim like Leket, Peah, etc. If, on the other hand, he wants to take from the Kupah (which usually means the weekly Tzedakah allowance -- see Bava Basra 8b), then he would indeed need to sell his wares (even to take Leket, Peah, etc).

2. Is Tevel forbidden because of the Terumah inside it, or because of an Isur unto itself?

a. Rashi (Yevamos 86a s.v. Mah Terumah Toveles) indicates that the reason why eating Tevel is Chayav Misah b'Ydei Shamayim is because of the Isur Terumah inside.

b. Tosfos (ibid.) rejects this interpretation of Rashi in part because of your excellent point that if so then Tevel should be permitted to a Kohen which it isn't. Instead, Tosfos learns that Tevel is its own Isur learned not from Terumah per se, but from a separate Drashah, as follows:

c. "They [the Kohanim] should not cause profanation of the sanctified items that the Jewish people *will offer*" (Vayikra 22:15). From the words "will offer" it's implied that we're talking about Tevel, from which Terumah has not yet been offered (Sanhedrin 83a).

d. Rav Yosef Engel in Esvan d'Oraisa (Klal 2 s.v. Ad Koh) suggested a reversed possibility; that is, Terumah is actually Asur because of a remnant of the Isur Tevel which endures after the Hafrashah.

e. Rav Yosef Engel also answers Tosfos' Kashya on Rashi by saying that really Tevel is intrinsically Mutar to Kohanim, but they just need to wait until it becomes Mutar by virtue of Terumah being separated from it (much like Kohanim are Zocheh to eat Korbanos from Shulchan Gavoha after the Zerikas Dam and Haktaras Emurim), unlike a Yisrael for whom it will never be Mutar.

f. Rambam (Hilchos Terumos, chapter 12) might be construed to support this contention, which make his view like that of Rashi, not like Tosfos.

4. If the main obligation to separate Terumah/Ma'aser, rather than the give them to a Kohen/Levi, then why is there a Mitzvah of Biur Ma'aseros?

a. The Hafrashah and Nesinah are two separate stages, and each is need for a different purpose. First, the Hafrashah removes the Isur Tevel, and thus makes the produce permissble to eat.

b. The subsequent Nesinah is the step Hashem wants us to undergo so that the Jewish people will be providing the subsistence of the Kohanim and Levi'im.

c. Viduy Ma'aseros is to be said after both stages -- Hafrashah and Nesinah -- are performed (Mishnah, Ma'aser Sheni, Chapter 5; Rambam, Ma'aser Sheni 11:7).

5. Can the Levi just give all or some of the Ma'aser Rishon back to the Yisrael? Couldn't this lead to the Levi cornering the market?

a. The first thought that comes to mind is a ruling of the Shulchan Aruch in Yoreh Deah 305:8, which reflects your concern. He writes that a Kohen should not regularly return the money he receives for Pidyon ha'Ben, because this would cause a loss to other Kohanim.

I hope this helps!

Warm regards,

Yishai Rasowsky

Josh Danziger asks:

Rav Yishai, may I ask some possibly more basic questions?

1. is produce tevel until just terumah is taken, or does both terumah and maaser need to be taken? If maaser is needed is the ikkar the terumas maaser within it, or the full maaser itself?
2. if the maaser is a requirement, how can we rely on the fact that rov amei haaretz in fact take maaser? Isn't it safek de oraysa lechumra, meaning demai would have to be tithed out of doubt not just bc of rabbinic enactment? Or is the leniency specifically bc it's being sold so it's not the produce of your crops.

Said differently on #2, without the decree of demai would people be relying that rov amei tithed or that the rules are different for a sale of produce vs your own growth?

3. in general I am trying to understand the difference between bittul berov of vadai terumah in a mixture vs the idea that we can really ignore it based on a simple majority of amei haaretz. I may not be expressing this clearly, but how come there's no concept like 1 in 60 or 1 in 200 for a scenario like this (or similarly if there's x number or treif butchers vs x+1 of kosher and you find a piece of meat in the vicinity).

The Kollel replies:

Shalom!

1. I looked in Rambam Hilchos Maachalos Asuros 10:19-20, and found two relevant points to share.

- a. First, indeed the produce remains Tevel until Terumos and Maaseros have all been separated.
- b. Second, the punishment varies: If Terumah or Terumas Maaser has not been separated, then the punishment is death by heaven; if, however, all forms of Terumah have been separated, and it is only Maaser - or some form thereof (e.g. even Maaser Ani) -- which has not been separated, then it is still Tevel, but the punishment is just Malkos.

2. It is a question of a Safek d'Oraisa. But the Rov is Machria that Safek.

3. Hmm, I was looking at the two cases differently: When Terumah falls into Chulin, mid'Oraisa we need Bitul. Chazal set the Shiur to 1:100. But for Demai, mid'Oraisa it is already Mutar, because of the Rov of Amei ha'Aretz who do take Terumos and Maaseros. Chazal were Mitaken for us to be Chosesh from any Am ha'Aretz that he only took Terumah Gedolah but nothing more. Therefore, as a Chumra mid'Rabanan we perform the following designations on produce from any Am ha'Aretz: Ma'aser Rishon, Terumas Ma'aser, and Ma'aser Sheni/Ani. Therefore, it seems different than the above case of Terumah in which a Vadai Isur fell into a Ta'aroves of Heter.

I hope this helps!

Warm regards,

Yishai

Shekalim 018: Chata'os she'Meisu Ba'aleihen Vadai

Avraham Sacks asks:

Why was R' Yehudah not concerned with chataos whose owners have not certainly died?

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Shalom R' Sacks!

Great to hear from you. I hope I understood your question.

If so, the answer appears to be because as long as we do not know that the owner has died, the rule of Chazakah tells us to behave as if he still remains alive.

I hope this helps!

Warm regards,

Yishai Rasowsky

Shekalim 020: Kereivin mi'Shel Tzibur

Avraham Sacks asks:

If a non Jew did not send nesachim why did the Beis Din institute that the tzibur should pay for it?

Thank you very much for your help

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Sholom Rav.

The Korban required Nesachim, and the Nochri who sent it was not there to provide them. Why should the Nesachim not come out of public funds?

Be  Virchas Kol Tuv.

Eliezer Chrysler

Avraham Sacks asks:

Thank you

I wanted to know why the Beis Din instituted to supply the non Jew's nesachim - if he did not supply it then don't offer it. Seemingly before the Beis Din instituted this they did not supply his nesachim - so why did they

feel compelled to supply his nesachim from the funds for the Jewish tzibur?

The Kollel replies:

Excellent question!

We are to accept Korbanos from non-Jews (Chulin 13b). But the non-Jew does not offer Nesachim/Menachos to accompany his Korban. This is inferred from Bamidbar 15:13. See Rambam, Hilchos Ma'aseh ha'Korbanos 3:5.

By the way, as you might know, Mefarshim explain that the reference to the non-Jew sending "Nesachim" means the *money* for the Nesachim. Some add that if the non-Jew did send actual wine, then we would have to be concerned that it is unfit e.g. Tamei.

Some Korbanos, however, do require this accompaniment (Minchah/Nesachim); namely a Beheimah that is a Shelamim or Olah (Rambam ibid. 2:2). This is inferred from Bamidbar 15:12.

Mefarshim grapple with a question regarding the non-Jew who sent the Korban without any [money for the] accompanying Nesachim: Why don't we coerce him to send it?

Shitah Mikubetzes (Menachos 73b) writes that coercion does not apply to a non-Jew. Mefarshim, which I saw cited in Mesivta, explain this to mean that any Korban has to be given of the individual's free will, since the Posuk says Lir'tzono. But only for a Jew can we assume that deep down he truly wants to do the Mitzvah of giving the Korban fully and properly, but his Yetzer Hara got in the way. That is why Kefiyah is legitimate. This cannot be assumed by a non-Jew, however, and therefore if he chose not to send the Nesachim [money], we cannot force him, so -- as you correctly pointed out -- we must pay for it instead.

c. Alternatively, Tosfos Yom Tov focuses on the fact that the non-Jew is out of the country. He explains that this is the only reason we do not force him to provide the Nesachim [money]; if, on the other hand, he were located nearby, then we could indeed force him to supply it, rather than us pay for it from the Lishkas ha'Terumah.

I hope this helps!

Warm regards,

Yishai Rasowsky

Shekalim 021: Chal Arba'ah Asar l'Hyos b'Shabbos

Avraham Sacks asks:

If someone found the kofitz on the thirteenth why could he use it immediately ♦ perhaps the original owner had not yet toiveled it ♦ perhaps he was planning to toivel it late on the 13th just before Shabbos

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Shalom R' Sacks!

I think your point has real validity, because, as the Mishnah says, a knife found on the 14th is assumed to have been already Toveled; but if found on the 13th a knife must be Toveled. A Kofitz found on either 13th or 14th must be Toveled, unless the 14th is Shabbos in which case *if found on the 14th* the Kofitz can be assumed to have been Toveled.

I hope this helps!

Warm regards,

Yishai Rasowsky

Avraham Sacks asks:

Thank you for your help.

you wrote: "unless the 14th is Shabbos in which case if found on the 14th the Kofitz can be assumed to have been Toveled"

the Mishnah writes that he may shecht with it immediately - if the 14th is Shabbos and he found it on Shabbos is it permitted to shecht with it immediately on Shabbos?

The Kollel replies:

Shalom R' Sacks!

You are making a very nice point. The term "immediately" does indeed make it sound like the finder will use the Kofitz to Shecht on the very day he finds it, i.e. Shabbos. But, as you correctly observed, this cannot be the case, because Mah Nefshach

1. the slaughtering of the Korban Chagigah is not Docheh Shabbos, as we learned on 69b; and
2. the Korban Pesach, which is Docheh Shabbos, is not going to be slaughtered with a Kofitz, since it breaks bones.

Rather, we can understand that the finder will use the Kofitz on the day *after Shabbos*, i.e. the 15th of Nisan; and **the term "immediately" means that the finder doesn't have to perform another Tevilah** before using the Kofitz.

I hope this helps!

Warm regards,

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Warm regards,

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ukah 042: Lulav on Shabbos

jacques sueke asks:

why wont the gemara consider the question of muktzer when shabbat is on the first day of sukot?why isnt there the risk of carrying the lulav out of home when shabbat is on the first day on sukkot. if there is no risk of carrying the lulav out of home on the 1st day of sukkot so why in our days it is forbidden to shake the lulav even when shabbat is on the first day of sukkot

jacques sueke, jerusalem israel

The Kollel replies:

Shalom Jacques,

Great to hear from you. Very excellent questions!

1. Even on the latter days of Sukkos, when the Mitzvah of Lulav is relatively weak (e.g. it does not apply on a Torah level outside the Mikdash), the Isur of Muktzeh was not enough to override the Mitzvah of Lulav; the Gemara had to come on to the Gzeirah of Rabah, i.e. lest a person carry 4 Amos etc. If so, then when the first day of Sukkos falls on Shabbos the Isur of Muktzeh will certainly not override the Mitzvah of Lulav, since on Tom Tov Rishon the Mitzvah of Lulav is stronger (e.g. it applies all over, according to the Torah, not just in the Mikdash).
2. The Gemara's initial suggestion was that the Mitzvah on the first day only applies in the home, in which case there is no concern to carry. But according to the Gemara's conclusion, where we want to know what the Pshat could have been before that Takanah, logically the concern for a person to carry the Lulav would equally apply to the first day of Yom Tov; just, Chazal did not believe it was right to uproot the Mitzvah on that day, since it is a stronger level Chiyuv, as refuted by the fact that it is d'Oraisa even outside the Mikdash.
3. The Gemara here concludes that the only reason we don't take the Lulav nowadays when Yom Tov Rishon falls on Shabbos is because of the Sfeika d'Yoma that resulted from delayed communication of Kidush ha'Chodesh. That rationale would apply at least to people Chutz l'Aretz whose Minhag is to observe two days of Yom Tov. But the Gemara on 44a tells us that in the Maskana this rule of not taking

Lulav when Yom Tov falls on Shabbos applies even in Eretz Yisrael, and Rashi there explains it is because we don't want division between various parts of the Jewish people ("Agudos Agudos").

I hope this helps!

Warm regards,

Yishai Rasowsky

Yevamos 004: Aseh Doche Lo Ta'aseh

S Feldinger asks:

Hello

I struggle to understand the concept. I will explain. The Korban Mussaf on Shabbos doesn't need the explanation of Aseh Doche in order to give us a understanding why it was OK to bring it. The same HASHEM that doesn't want you to do any of the 39 Melachos, commanded to yes bring the Korban Mussaf. It's not because Aseh Doche. It's done because this is the Tzivui of HASHEM.

The Smuchin of Shaatnez and Tzitzis puts the Mitzvah for me into the same category. HASHEM says "No Shaatnez" but at the same time HE says "make yourself Tzitzis". It's not because Aseh Doche. It's because HASHEM said it. Other Mitzvos which are spread out in the Torah and one Aseh has nothing to do with the Lo Taashe (like Mezora and Hakofas Rosh, the two commandment come from two different angels, one could understand maybe the concept of Aseh Doche. But not by a Semuchin.

Shloime Feldinger

The Kollel replies:

R' Shloime, it's great to hear from you. Excellent question!

We can glean insight from the explanation of the Ri cited by Tosfos near the end of D.H. Lo Ta'aseh which spills over from 3b to 4b. He makes the point that when the Mitzvah cannot be done in any other way, then indeed Hashem is effectively telling us straight out to "violate" what would otherwise be a Lav; thus we would not infer a principle of Aseh Docheh Lo Ta'aseh.

On the other hand, in a case like Tzitzis and Sha'atnez, even though they are written next to each other, since the Mitzvah could be done without violating the Lav, e.g. with a wool garment instead of a linen one, then it is actually a Chidush to say that the Mitzvah of Tzitzis should override the Lav of Sha'atnez. In cases like this we would need the principle of Aseh Docheh Lo Ta'aseh.

I hope this helps as a start!

Warmest regards,

Yishai Rasowsky

P.S. I invite you to refer to this link from the Kollel website with the passage of the Tosfos I mentioned:
<https://dafyomi.co.il/yevamos/tosfos/ye-ts-004.htm#:~:text=AsehisDocheh>.

Yevamos 005: Why Not Quote the Asei by Nazir?

Avrumi Hersh asks:

5a bottom

The idoch tanna that learns from rosho to nozir says, "I would have thought that a metzora nozir is not allowed to shave because of the posuk taar lo yaavor berosh, ko mashma lon rosho"

But lefi the maskonas hagemoro, (that in this special case, we are even doche an asey) Then why doesn't the tanna say a much bigger chiddush, "I would have thought that a metzora nozir is not allowed to shave because of the posuk gadel perah ko mashma lon rosho (that I'm even doche an asey)??

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

Great to hear from you. Excellent question!

You are quite right that after Talmud Lomar "Rosho" (Vayikra 14:9), the result would be to override even the Aseh of "Kadosh Yihyeh Gadel Pera Siar Rosho." We can understand, however, that the Beraisa when it says "Taar Lo Yaavor Al Rosho" (b'Midbar 6:5) to be referring to the hypothetical situation if there were no Posuk "Rosho" by Metzora. In that case, even without the Aseh by Nazir there would be no Heter to even override the mere Lav of Taar Lo Yaavor.

I hope this helps!

Warm regards,

Yishai

Yevamos 007: Aseh Docheh Lo Sa'aseh

Naftoli Willner asks:

The Gemarah goes back and forth on sources for Aseh Docheh Lo Sa'aseh - and sometimes citing sources where the other is true and why we don't learn from those sources.

I am wondering why the Gemara (and the meforshim that I saw) seem to be silent and not to bring from the Gemarah in ? ? ? ? ? ? ? ? that says ? ? ? Aseh Docheh Lo Sa'aseh ? ? ? ? ? ? ? ? which seems to be a rule that the Gemara learns out from the fact that one is prohibited from eating the marrow from the bones of the Korbon Pesach - and other areas where one is not permitted to eat the meat of Korbonos. Why is it not asked that we should learn from here that Aseh is not Docheh Lo Sa'aseh. I couldn't find anyplace that this question is raised.

Thank you so much for providing a forum for questions such as these.

Naftoli Willner, Baltimore, United States

The Kollel replies:

Shalom R' Naftoli,

Great to hear from you. Excellent question!

You may have seen the top Tosfos there (Zevachim 97b s.v. v'Neisi). I see that according to Tosfos' final Terutz, your point is indeed the Kashya of the Gemara.

I hope this helps!

Warm regards,

Yishai

Yevamos 016: Sancheriv

Juno asks:

Dear Rabbi Kornfeld,

On Daf 16b, there's a description of Amon and Moav attacking a sefer Torah. A little bit further, there is a halacha that a non-Jew who gives kiddushin that chosheshin likedushov that he might be from Aseres hashevatim.

Why don't we say, ba sancheriv ubilbel es ha'umos?

Thank you.

The Kollel replies:

Shalom Juno,

Great to hear from you. I understand that we would invoke the fact that Sancheriv mixed up the nations if we wanted to rely on the majority, i.e. Kol d'Parish m'Rubo Parish. We find an attempt to suggest that here; in addition, we find in Berachos 28 a more successful application, according to Rebbe Yehoshua.

But here the application doesn't work because the case is different. The Mefarshim debate why. It could be -- as some would understand Rashi -- because the man remained where he was, and in fact the lady came to him, in which case he is Kavua, so then the rule of following the majority doesn't apply. Or, alternatively -- as Tosfos explain -- it could be because even after the nations got mixed up, still there was a particular area in which the ten tribes retained their presence as majority.

I hope this helps explain why we don't conclude leniently here by saying that Sancheriv mixed up the nations.

Warmest regards,

Yishai Rasowsky

Berachos 042: Rav Kahane

Samuel Kosofsky asks:

Rebbe,

How many Rav Kahane's were there in the gemara? The usual Rav Kahane is a talmid of Rav. He wouldn't be talking to Rav Ashi about remembered testimony or prompted memory. Rav Ashi was so horaa a much later generation?

Kol tuv,

Shmuel Kosofsky

The Kollel replies:

Shalom R' Kosofsky!

Great to hear from you. I see in the wonderful Sefer Toldos Tanaim v'Amoraim that there were no less than five Chachamim with the name Rav Kahana. Here is a very brief biography of each one:

1. Rav Kahana the Talmid Chaver of Rav; also the Chaver of Rav Asi. He moved to Eretz Yisrael in his old age and remained there.
2. Rav Kahana the Talmid of Rav. He moved to Eretz Yisrael in his youth, during the time of Rabbi Yochanan; but he later moved back to Bavel.
3. Rav Kahana the Talmid of Rav Yehudah and Rabbah. He moved to Eretz Yisrael and remained there to an old age.
4. Rav Kahana the great Talmid of Rava, from whom Rav Ashi learned. He was the leader of the community at Pum Nehara.
5. Rav Kahana the Chaver of Rav Ashi.

Sefer Toldos Tanaim v'Amoraim notes that the Rav Kahana #4 is the one from Berachos 42.

If you are interested, this information and many more details about each Rav Kahana can be found at this link:

<https://www.hebrewbooks.org/pdfpager.aspx?req=43958&st=&pgnum=8&hilite=>

I hope this helps!

Best wishes,

Yishai Rasowsky

Gitin 008: Crete/ Cyprus Part of Eretz Yisrael to Rabbi Yehudah?

Ari asks:

According to Rabbi Yehuda (who we don't pasken like) that the eastern border of Eretz Yisrael just keeps going further west, will Crete and Cyprus be considered part of Eretz Yisrael?

Also how far west would it go according to Rabbi Yehuda? Would it theoretically hold that southern Florida or even parts of central/ southern America are part of Eretz Yisrael?

Thanks for spending time to answer my questions

Ari, israel

The Kollel replies:

Shalom Ari,

1. The cut-off seems to be no farther west than the Strait of Gibraltar. In other words, the "sea zone" which Rebbi Yehudah counts in Eretz Yisrael includes the Yam ha'Gadol (Mediterranean Sea) but excludes the Yam ha'Okyanus (Atlantic Ocean). This can be inferred from two expressions in the Gemara: one that says "Ki Pligi b'Yam ha'Gadol" (seven lines from the top) and another that says "Ad Yam Okyanus" (17-18 lines from the top).
2. It seems that Kifluriya is Mons Casius (see link below) or, in other words, Mount Kili?. Its latitude is therefore 35.9 degrees north. That is indeed north of Crete and Cyprus, since their highest latitudes are around 35.6 degrees north.

I will ask the Kollel if someone else with more expert knowledge in this area can offer more insight to address your excellent question.

By the way, you correctly wrote that the Halachah is not like Rebbi Yehudah. The Chasam Sofer (Beitzah 4b, DH Itmar), however, suggests that in the future the Halachah will follow Rebbi Yehudah.

I hope this helps!

Best wishes,

Yishai Rasowsky

Link: <https://dafyomi.co.il/gitin/backgrnd/gi-in-008.htm>

A K asks:

Thank you for your reply. According to Rebbi Yehuda, would the northern coast of Africa that is parallel to Nachal Al Arish be considered Eretz Yisrael (if so parts of Egypt and Libya would be Eretz Yisrael), or only the islands in the mediterranean sea?

The Kollel replies:

Shalom Ari,

This would seem to be dependent on the differing views cited in Tosfos DH Rebbi. Assuming like the view of Rebbi Yehudah, the second view in Tosfos (attributed to Rashi) maintains that only islands -- and not mainland -- are included in the Drashah of u'Gevul Yam; whereas the previous view (beginning l'Kach Yeish Lomar) maintains that mainland would be included, but only if it was conquered by Olei Bavel. I am not aware of Olei Bavel reaching the coast of north Africa to which you refer, but if they didn't, then it would exempt that geographical area.

I hope this helps!

Best regards,

Yishai Rasowsky

Kidushin 080: Yichud

Davic1 asks:

Greetings again!

I was very curious why it is that the mishnah in Kiddushin 80 about yichud does not even mention WHO or WHEN the takkana was established even according to R. Shimon, and that it was a comment of R. Yochanan/R. Yishmael that shed light on that based on a posuk (which itself is a bit hard to understand). If there was a scriptural basis for the takkana, why wasn't it mentioned in the mishnah, and indeed, WHY would we care about a scriptural source at all whenever a takkana is issued by the Sanhedrin, what difference does it make whether or not there was a scriptural basis??!

Secondly, why do we care about the story itself of Amnon and Tamar either in Sanhedrin 21? Surely a Sanhedrin could justify a fence for whatever reason it wished, AND on the other hand, if it WERE based on the case of Amnon and Tamar, we surely wouldn't worry about a specific scriptural basis as mentioned in Kiddushin.

Finally, it seems strange that it would have taken until Shammai and Hillel to include yichud with an idolatrous woman, since it would be a kal vachomer - if yichud is prevented with a kosher Jewish woman, then al pi kama vekama with an idolatrous woman.

I am not sure I understand really why there would be need for a prohibition of yichud with an UNMARRIED woman, since she is permitted to a man anytime according to basic Talmudic law. Any concern about nidda would be a secondary issue having nothing directly to do with whether or not a woman is permitted.

(I guess the bottom line in modern times would be its application in the world where, for example, concerns about security and safety require automated locking mechanisms and the sheer strangeness of having to be choshed on oneself as a kosher Jew.)

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman,

I appreciate seeing that you took effort to examine this Gemara from a number of angles. Yasher Ko'ach!

Below I will try to contribute what I hope sheds some light onto your various points of investigation. If you see any gaps or flaws, please let the Kollel know, and someone will try to fill them in.

I understand that you are talking about the Isur Yichud of one man with two women. It sounds like you are assuming that it is a Takana d'Rabanan. That is the view found in Rashba Shu"t I:587; a supporting Diyuk for this being that the Gemara provides a rationale of "Daatan Kalos" which would seem to be superfluous of it is a Din d'Oraisa.

However, there are views who maintain that it is Min ha'Torah. See Shu"t Maharsham III:153 DH v'Hinei.

Regarding the citation of scriptural source, we routinely find the Mishnah omitting the source for various laws. Instead, such a discussion of the basis behind the Dinim in the Mishnah would typically be relegated to the Gemara. See Rashi in Bava Metzia Sof 33a DH Gemara.

If this law is mid'Rabanan, then when I first considered your question about the significance of having a scriptural source, I suspected simply that the Posuk would confer a stronger legal power to the Din. But I did not see this exact nuance in Mefarshim.

Instead, what I find is that the Ritva (Rosh Hashanah 16a DH v'Ha) believes that when there is an Asmachta to a Posuk for a Din d'Rabanan, then it actually means that Hashem Himself believes that this law should be observed, but just He didn't oblige us. Instead, it is Chazal job to take the initiative in making the Takanah.

Seen in this way, having a scriptural basis for the Din gives it a stamp of divine approval, so to speak, reflecting Hakadosh Boruch Hu's endorsement of the specific law.

Alternatively, we find in Kiryat Sefer (Hakdamah, section #4) that having a scriptural source is actually a critical part of what provide the license to Chazal to establish such a Takanah; meaning, without the Posuk, they wouldn't or couldn't have legislated this particular law.

Regarding the need to extend the decree after the case of Amnon and Tamar, I think your logic is right; namely, ideally there should be no reason to decree against Yichud with a Penayah, as you assumed. But after the story of Amnon and Tamar, Chazal saw that tragically it was necessary in order to prevent that sort of misconduct.

Vis a vis the story of Amnon and Tamar being the impetus for the extension of the Yichud decree, a number of times we find that Chazal decide to enact a Takanah -- which they otherwise wouldn't have -- specifically because they saw from a certain incident that unfortunately there was a pressing need for it. For another case like this see for example Mishnah 1:10 in Beitzah.

Finally, regarding the need to decree against Yichud with an idolatress, I see two views in the Mefarshim as to why it was not already included beforehand. The Ran (Kidushin 81a) maintains that it is because only Yichud with a Penayah was common, versus Yichud with a Goya was not common; consequently Chazal didn't decide to include it in the prior decree.

The Taz (Even ha'Ezer, Siman 22, Seif Katan 1), on the other hand, believes that the reason a Goya was excluded is because only a Penayah could potentially involve an Isur d'Oraisa, i.e. when she is a Niddah; unlike a Goya, who mid'Oraisa has no Tumah as a Niddah. As you might know there is more about the successive extensions of the Yichud decree found in Avodah Zarah 36b.

I hope this helps!

Best regards,

Yishai

ADDITION:

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I previously wrote that despite my suspicion that a Din d'Rabanan with a scriptural source should be imbued with stronger legal power than one which does not, I nevertheless did not find a source for this at the time.

Now, however, I see that this is expressed in Shabbos 34a by Rashi (DH b'Eruvei Techumin) and Tosfos (DH Lo), regarding the reason why Eruv Techumin is more strict than Eruv Chatzeros. The former has an Asmachta whereas the latter does not.

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I hope this helps!

Yishai Rasowsky

David Goldman asks:

Thank you very much for your reply. There is alot there for me to digest in your reply, but before I forget I wanted to raise another couple of issues.

1. There are the factors in the yichud equation of "fear of the husband," "libo gas ba," "hatred between potential wives," etc. Now these are what we would call sociological factors that are dependent on how people interact in society, especially where women are in a subordinate position, and they are sometimes hard to measure and don't always even apply. And why should any such factors be raised if there is an explicit prohibition in the mishnah? The factors can change in society, but they are irrelevant in view of an explicit prohibition in a mishnah. Of course we know we don't follow every single rule specified in the Mishnah, so here too, one could argue that given all the various sociological factors, yichud is not what it was in ancient times.

For example, who determines which people cause other people to be affected by fear, hatred or affection? In addition, when it comes to "in the city," this has a totally different meaning nowadays even if "fear" is a valid concern. If a husband is in the Bronx and the wife is in Staten Island, it could hardly be considered a cause of fear.

But beyond that, nowadays women are no longer in a subordinate role, and are autonomous people under law equal to men. They are found everywhere and are not relegated to the home as they were in ancient times. Being in a position of "yichud" is virtually unavoidable, and as I mentioned, buildings today are equipped with automatic locking mechanisms for safety and security that cannot be dismantled. On the other hand everyone has computers, cell phones, telephones, etc., so one could say that "yichud" isn't an issue unless someone really wanted to do something, in which case they will always find a way to do what they want!

Furthermore, how does the issue of chezkas kashrus of a person or EVEN social practices in society fit into the picture? The essential view in these matters is basically that even an ordinary kosher Jew or moral person has a chazaka of being a potential sex maniac at the drop of a hat. This doesn't fit well with the concept of chezkas kashrus.

2. Finally, one would want to address the issue of doing sins in isolation. If one is afraid of two people doing a sexual prohibition behind locked doors, then why should it stop there?! If a person is in a place where he could smoke on shabbos and no one sees him, or is confronted with traif meat without

anyone around, why shouldn't Chazal have established fences for those situations as well?! It is much more likely that a person would do an aveyra when alone than when he is with a woman. And surely regardless of the door being locked the second person could have a change of heart, and scream, alert or later accuse the other person (such as for attempted rape or seduction, which does happen often in society).

The Kollel replies:

Shalom R' Goldman,

I appreciate your perceptive comments and thoughtful questions. You are making a good point that the factors fluctuate based on the many interactions in society.

Regarding the Gemara's rulings that do not appear in the Mishnah, we routinely find that the Gemara qualifies and limits the laws of a Mishnah or Beraisa to apply only in certain cases.

On 81a the Gemara says there are cases where we are not concerned for Yichud. This appears to be an example of the Gemara defining the parameters of the Isur based on the rationale behind the Din.

As you alluded to, the Heter that exists when the husband is in the city does not apply to a woman who is Libo Gas Bah. Indeed, this standard is potentially very subjective.

For example, some maintain that Libo Gas Bah applies even to professional acquaintances. See Aruch Hashulchan EH 22:6. Others limit it to relatives or step-siblings and the like. See Tzitz Eliezer 40:12:2 citing Chida Shaar Yosef 3. One also has to consider cases where a long standing friendly relationship has existed between the two parties, e.g. cousins who grew up together, close family friends, a therapist, a housekeeper or maid. See Igros Moshe Y.D. 2:35.

Regarding the parameters of a husband being considered "in the city", some opinions maintain that the Heter is only in a case where husband could come home any second, but not if the wife knows her husband won't return home before a certain time. This may depend, for example, on whether the man works at a company whose policy doesn't allow him freedom to come and go when he wants. See Tzitz Eliezer 6:40:6, p. 182. (A further consideration is if the husband is only able to come home if he suffers a financial loss. See Minchas Ish 8:8,9.)

As you pointed out, if the husband is very far away, the wife might know that he will not unexpectedly decide to make the long trip home, in which case she will not be afraid of him showing up, thus providing reason to forbid Yichud. See Igros Moshe EH 4:65:6.

There are opinions, however, who are lenient even when the husband is at the opposite end of an enormous city. See Nishmas Avraham E.H. 22:8 citing Rav S.Z. Auerbach, and Minchas Ish 8:6.

Interestingly, some say that the Heter only applies to places where the husband would plausibly find the wife, such as her home or office, but not if she is with another man in another place where the husband can't be expected to find her. See Igros Moshe E.H. 4:65:21.

Moreover, some hold that the Heter only applies when the wife is holding a meeting unbeknownst to her husband; but if the husband gave permission to her to meet with another particular man, then the fact that her husband is in the same city may not necessarily deter them enough to afford a Heter. See Binas Adam 126:27. However, a number of other authorities are lenient even in such a case. See Chida, Chazon Ish, and Igros Moshe.

Your discussion of gender roles in modern times reminded me of the question of whether a woman being in town serves as a deterrant to her husband. See Igros Moshe E.H. 4:65-6.

You made a very legitimate point about Chezkas Kashrus. Perhaps it will help to think about the issue in the context of a few considerations.

First, there is precedent for the idea that even an otherwise reliable person cannot be trusted in matters of Arayos. See Yerushalmi Kesuvos Sof 1:8 and Shulchan Aruch E.H. 22:15.

Second, we find that even great Tzadikim are subject to this Yetzer ha'Ra. For example: Rebbi Meir, Rebbi Akiva, and Rav Amram on 81a.

Third, what might be an important psychological point, is that some maintain Yichud is prohibited not because of a concern that the man will take advantage of the woman *without* her consent; but rather Davka because there is a possibility of impropriety which could result from either seduction or mutual consent. See Igros Moshe 4:65:19.

You pointed out that there is an unusually high standard set for the Harchakos against Arayos that we do not find by other Isurim. Notwithstanding the story of Rav Yisrael Salanter who refused to be secluded with uncounted money, lest he be tempted to steal. See Rav Yerucham Levovitz in Daas Chochmah u'Musar, 4th Chelek, Parshas Shelach, p.115b.

Indeed, the Yetzer ha'Ra in this area is understood to be very strong, even to the extent that once a person is in the wrong circumstances, it will virtually impossible for him to avoid succumbing to temptation. To see support for this idea, see Rebbi Chiya Bar Aba in Berachos 32a, Tosfos in Gitin 41b DH Kofin, and Tosfos in Sanhedrin 9b DH Lirtzono. This may be part of the reason for the relatively extreme safeguards imposed by Chazal.

I hope this helps!

Best wishes,

Yishai Rasowsky

Kesuvos 010: Rain and Dates

Rabbi Wagner asks:

B"H

Shalom,

I know this is a hard question, but do you have an idea why suddenly the gemara starts to speak about the rain, and dates.

I mean on a deeper level. I understand that they started with Rav chana from Bagdath on the name almana and then carriedmon with additinal sayings by him, but why exactly those????

Rabbi Wagner, krefeld, Germany

The Kollel replies:

Shalom Rabbi Wagner!

Good to hear from you. I appreciate your thoughtful question. In my search, I didn't yet find Mefarshim who substantively connect the statements about Almanah, rain, and dates.

Therefore, I feel at a loss, because I believe it would be too much of a stretch to simply suggest, for example, that they all pertain to fertility (i.e., a wife tries to bears children, the rain provides water for crops, and dates are Peiros that provide us nourishment).

I do see, however, that the Sefer Toldos Tanaim v'Amoraim notes Rav Chana Bagdata's expertise in produce, which might contribute to the attention he pays to not only dates (as that Sefer notes, based on our Daf) but also rain.

If it provides any consolation, at times, Rashi himself notes the citation of apparently unrelated statements together in the Gemara just because they are from the same author.

Still, I would say that your expectation to find a link is legitimate, since other Mefarshim will at times elaborate on the more substantive connection. I believe that Maharsha and Ben Yehoyada are normally good places to look for this, but here I did not see them speak up about it.

In any event, in case you are interested, Leib Moscovitz pointed out to me two secondary sources that might possibly help:

a) a list of Rashi and Rashbam's comments on such cases, which appears in David Rosenthal's article in *Mehqerei Talmud* 1, p. 201 and following; and

b) such lexical-exegetical passages in the Gemara generally, which are expounded upon in p. 171 ff. For a specific reference to the passage you mentioned, check p. 176 ff.

By the way, an example of a somewhat similar phenomenon comes to mind; and that is, some Rishonim maintain that the subject matter of Taharos will be discussed even when it doesn't relate to the mainstream topic, since it was mentioned in passing and we lack a Gemara devoted to the Masechtos of that Seder. This view is found in Rashi in Sukkah (14a DH Mishum).

In addition, as you know, the Gemara frequently says that a teaching was brought in order that we should infer an novelty "by the way" (Milsa Agav Orchei, notwithstanding the apparent lack of any substantive link between the two subjects).

A quick search reveals that this phenomenon appears in the following Gemaras: Kidushin 69a regarding ascent to Israel; Sukkah 21b regarding the casual conversation of Torah scholars; Bava Kama 2b regarding an ox who gores people or animals; Beitzah 40a regarding animals drinking before being slaughtered; Eruvin 104a regarding usage of a medicinal reed in the Mikdash on Shabbos; Rosh Hashanah 15a regarding people damaging an Esrog tree by touching it; Nedarim 25a regarding the required structure of an olive press beam.

I know this is not the sort of answer you were wishing for, but I hope it at least helps give some context to the phenomenon.

Best wishes,

Yishai Rasowsky

ADDITION:

Yasher Koach to Rabbi Shmuel D. Berkovitz who shared with us the Peirush from a Sefer called Toras ha'Agadah. He in fact suggests the following thematic link between the statements of Rav Chana Bagdata. The term for an Almanah is a reference *to the future* Takanas Chazal. So too, suggests the Toras ha'Agadah, the subsequent explanations from Rav Chanan Bagdata are related to the future: Rain produces no immediate change in the soil, but still provides nutrients and vitality for the produce which will eventually grow later on. Likewise, the benefits conferred by dates last into the future, since their nutrients remain in the body for a long time.

I hope this helps!

Best wishes,

Yishai Rasowsky

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I know this is not the sort of answer you were wishing for, but I hope it at least helps give some context to the phenomenon.

Best wishes,

Yishai Rasowsky

Kesuvos 026: How can we forbid her to her husband?

Avrumi Hersh asks:

26b mishna

Tosafos learns that Al yedey momon is ossur to husband because she will do znus with her captors berotzon, because she wants to save her life and she knows her life is in danger.

So how does he explain the gemoro that says: in a place of goyishe government, then even al yedey momon is also forbidden to husband.

Why should she be ossue to her husband? I understand that where the goyim are in charge then they can be mafkir her for znus (so she would be ossur for kehuna at least) but they still won't kill her because they won't make any money, even by a goyish government, so acc to tosafos, why would she do znus berotzon to save her life, her life is definitely not in danger?!

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh!

Very nice observation. However, it seems to be resolved based on the previous Tosfos (DH Al Yidei Mamon) who establishes the Gemara about Yad Ovdei Kochavim Tekifah as referring Davka to the wife of a Kohen, not Eishes Yisrael. It is interesting that Tosfos does not draw this conclusion as a result of your excellent Kashya; but rather on different grounds, i.e. since the Rayah (beginning on the third line of 27a) must be only a case of Eishes *Kohen*, since the other family members distances themselves from her.

I hope this helps!

Best wishes,

Yishai Rasowsky

Kesuvos 032: Why did R' Yochanan declare this particular Lav

Avrumi Hersh asks:

Daf 32b bottom line

The gemoro says that reb yochanon disagrees with ulla, who says that tashlumin comes b4 malkos, because, the you are mebatel the lav of ervas achoscho.

Why didn't the gemoro say, you are mevatal every lav which has with it tashlumin. There are probably dozens more examples of a lav which has no validity for malkos, at least in this h"a of the gemoro?

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

I think you are right. The Gemara's reasoning would apply to any other case of a Lav which has both Malkos and Tashlumin. Since taking away the Malkos would in a sense be Mevatal "the Lav". So when the Gemara cites the case of Ohness or Mifateh against one's sister, I understand that is just an example. You are asking why that particular example. I didn't see this discussed in the Mefarshim. But I would believe it's because it is the first such example listed in our Mishnah back on Daf 29a.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 032: Why does the Mishnah discuss sisters

Avrumi Hersh asks:

32a

The gemoro says that Acc to ulla, this braisa in makkos that says that with a sister you get malkus, applies only when there's no money to pay, e.g. a shoteh who has no boshes or pegam. In that case you get malkus for sister cos there's no momon.

If we are talking about a shoteh who has no pegam, then you would be chayav malkus even she not your sister, because the gemoro says later on 23a top that if you don't have any chiyuv tashlumin for chovel, then you get malkus. Meaning that a shoteh who has no pegam i.e. less than a prutah worth, should get malkus for chavoloh, even if she is not your sister?!

If this is not an act of chavolo at all, then it would be permissable to be meanes or mefateh any shoteh beula LECHATCHILA without any consequences. (As long as there is no tzaar)

I find it very hard to believe that this is not called chovel, even if there is no prutah of tashlumin. It is still a MAASEH of chovel.

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

Great point. I think you are right.

As Rebbe Yochanan says, Malkos are indeed given as a punishment to someone who is Chovel if there is no monetary value to pay (Kesuvos 32b, Sanhedrin 85a, Makos 9a).

If so, then, as you correctly observed, the question arises: Why does that Mishnah in Makos speak Davka about the sister, and not other Isurim, such as an ordinary case of Shoteh.

Rashi and Tosfos there (Makos 13a) explain the reason the Tana chose to discuss Chayavei Kerisus and not any ordinary Lav is in order to teach us a Chidush, namely, that even though there is a Chiyuv Kares, still there is a Chiyuv Malkos as well. For Chayavei Lavin, it is Pashut that they warrant a Chiyuv Malkos.

I hope this helps!

Warm regards,

Yishai Rasowsky

Kesuvos 033: The Chiyuv is to a separate person

Avrumi Hersh asks:

33a bottom

The gemoro tries to prove from oson, that chovel pays momon not malkus. Since we see you have hasrooh, and the lady did not die, so there is no chiyuv misah only a chiyuv of malkus of chovel and still the torah says "pay for the vlodos" so obviously momon comes first.

But here you pay momon to the father of the fetus, and you are chayav malkus for the woman who you hit. That's 2 sperate people, so who says you don't get both. (Only reb ashi, on the top line of 31a said that 2

different people is still pottur for kom ley bideraboh, and that's by misah and momon who says it's the same by malkus and momon?)

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh!

Great to hear from you. The source to exempt a person from paying money and incurring lashes for is the Posuk in Devarim 25:2 which says lashes are given K'dei Rishaso. It teaches us that apart from the prescribed Malkos, there was no other punishment for the same sinful action, e.g. monetary payment. This apparently is regardless of whether there were two separate victims or not.

This interpretation will become more clear later in Kesubos 37a. Still, it may also helpful to see where Chazal speak about this on other Dapim. For example, in Kesubos 32b (with Rashi Kesuvos Sof 31b DH v'Kayma Lan d'Ein Lokeh u'Mishalem), Yerushalmi Kesuvos 3:1, and also Makos 4b.

Regarding Misah and Mamon, in particular Rav Ashi's view, I understand you to have been citing Rashi's explanation on the top of 31a. A further discussion of this issue -- with dissenting opinions -- can be found in the Tosfos beginning on the bottom of 30b DH Rav.

I hope this helps!

Best wishes,

Yishai Rasowsky

Kesuvos 033: Shaliach

Tuvya Marcus asks:

The gemara bottom of 33b:

Is the point that the shaliach (who apparently was just given the animal to shecht and sell without knowledge of its being a shor haniskal etc) was not chayav anything so his doing the Shechitah u'Mechirah does produce a Chalos. which then goes back to the Shole'ach and adds on the Tashlumim which he'd otherwise be Patur due to Kam Leih b'Rabah Mineih.

Tuvya Marcus , Jerusalem Israel

The Kollel replies:

Shalom R' Marcus,

You'll forgive me if I review some parts of the discussion that may already be clear to you.

Initially, the Gemara thought that from the Beraisa's case of Shechitah, there was a Rayah that Rebbi Meir obligates payment even when the sinner committed a capital crime.

But this proof is rejected, since Rebbi Yochanan is cited as understanding that in the Beraisa it was not the thief who Shechted the animal but rather the Shaliach. So, it is the Shaliach who is Chayav Misah, whereas the

thief is Chayav to pay the Dalet v'Hay for Tavach u'Machar. (This is so, despite the general rule of Ein Shaliach l'Davar Aveirah, since Tavach u'Machar is an exception to that rule, as Rava/Rebbi Yishamel/Chizkiyah expound.)

You wrote that the Shaliach was given the animal to Shecht *and* sell. I assume you mean Shecht *or* sell (Shemos 21:37).

If I understood correctly, you indicated that the Shaliach is unaware of any particular problem involved in slaughtering this specific animal. I don't see the reason for learning that way. If anything, his awareness of a capital sin makes the Chiyuv Misah more definitive (granted, if it is Shogeg, that is a Machlokes, discussed on Daf 34).

I am not sure what you mean by "produc[ing] a Chalos".

As I believe you correctly expressed, according to Rebbi Yochanan, since the thief did not commit a capital crime, he therefore bears a Chiyuv to pay, from which he would otherwise be Patur due to Kam Leih b'Rabah Mineih.

I hope this helps!

Best wishes,

Yishai Rasowsky

Kesuvos 041: How it Feels

Dr. Moshe Kaplan asks:

The Amoraim discuss what the pain of raping feels like. How did they know - did they ask women about it?

Dr. Moshe Kaplan, Jerusalem, Israel

The Kollel replies:

Dear Dr. Kaplan,

a) I appreciate your question about this sensitive topic. Let's discuss this one step at a time, first with a general point, and then the specific issues raised in the Gemara. Whenever a victim is due payment for pain incurred, it is plausible that the particular pain is a sensation which most people have not experienced. For example, Chachamim teach us how to calculate the Tza'ar which is due to a victim whose arm was amputated. We must estimate how much a person who must undergo amputation by sword would pay to instead undergo the amputation by drug (Bava Kama 85a; Rambam, Chovel u'Mazik 2:10). This notwithstanding the fact that people -- besides those who have experienced it -- wouldn't know what it feels like first hand.

b) More relevant to our case, as you asked, we would need to examine each of the sensations of pain that is involved, and then determine how the Amoraim were familiar with it. Take, for instance, the Hasharas Besulim which is part of the Biah Rishonah. A man would not know first hand what it feels like, but Tosfos (39a DH Tza'ar) reports that young women actually became unwell as a result of this painful process. Men could surely know about this second hand, based on the experience of their own family and community members.

c) In a case of Tefusah specifically, the Gemara initially considers the Chabatah Al Gabei Karka. This abuse would be expected based on known past cases; moreover, the sensation of the pain itself is more commonly known, since falling -- or, perhaps more correctly, being thrown down -- to the ground is an experience whose pain would be acknowledged and understood by virtually anyone.

d) The later suggestion in the Gemara is the pain of Pisuk Raglayim. That indeed, as you observed, is something about which men would not have direct knowledge. The Ritva makes the point that this is the reason that the Gemara cites and relies on the Posuk from Yechezkel 16:25, in order to inform us about the pain involved in Pisuk Raglayim.

e) The later issue of what the Pikchos report about what seduced women feel -- or, perhaps more correctly, do *not* feel -- is actually subject to controversy. Some say it is the Hasharas Besulim (see Tosfos ha'Rosh). Others say that it is the Pisuk Raglayim (see Shitah Mekubetzes citing the Ra'ah).

f) Regarding the sensation discussed in the final stage of the Gemara (starting from the 11th line) -- whatever it refers to (that depends on the Machloess above) -- the Chachamim indeed heard about it from women who were close to them, whether it be Abaye from his nanny, or Rav and Rav Papa from their wives.

I hope this helps!

Best wishes,

Yishai Rasowsky

Kesuvos 043: Why does Rashi say SHE is Mochel?

Avrumi Hersh asks:

43b rashi 1st middle line

Rashi says that acc to reb ami, she, (the kallah) is Mochel on the shibud from the 1st zman of the kesubah. Rash iexplains we are going in shitas reb yehuda, so what right does she have to be mochel anything, surely its her fathers right to he mochel, not hers?

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

Baruch Shekivanta! I invite you to look in the Rosh (Siman 4) who asks along these lines. He answers that since the payment is a Takanah d'Rabanan, therefore when the *collection* will occur while daughter is no longer in the father's jurisdiction, then he may not collect if she was Mochel.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 053: Wife Selling Kesuvah

Joshua Danziger asks:

Hello kollel!

The gemara discusses a woman selling her ketuba to her husband, and deals with ramifications for kesubos banin dichrin etc

Here❖s the question. I thought that if the wife loses or misplaces the kesuba she needs to immediately go have one rewritten bc she can❖t be married without knowing where it is. So how could she possibly sell it entirely??

Thanks!

Josh

The Kollel replies:

Shalom Josh,

Baruch Shekivanta! Many major Mefarshim are bothered by this very point, because of the law that you cited which forbids husband and wife from living together without a Kesubah (Kesuvos 57a, Bava Kama 89a). I came across a number of interpretations that I want to share with you:

1. This Gemara is Davka discussing a case in which she was Mochel *right before* the husband died (Ra'ah and Ritva citing the Rif). Therefore, logically, they were not going to continue living together; so having no Kesubah wouldn't be a problem.
2. The Gemara is Davka discussing a case where she was Mochel after the husband *already* died; therefore, technically, it was really to the Yorshim that she was Mochel (Ramban and Rashba citing the Rif). Rashba has trouble understanding this, though, because considerations of B'nin Dichrin -- which, as you wrote, is what the Gemara is in the midst of discussing -- would logically be irrelevant if the husband died before the wife. Therefore, Rashba suggests that what the Rif might have meant is that she is Mochel *in the event* that the husband will eventually die before her.
3. She only meant to Mochel the *Tosefes* Kesubah. So, practically, in order for the couple to continue to living together, the husband would make a new Kesubah with the Ikar amount only, i.e. no Tosefes (Ra'avad and Rashba).
4. Indeed, she is not *allowed* to Mochel the Kesubah to the husband, because the reason you cited. Nevertheless, if she did so, her Mechilah takes effect, and the Gemara wants to know what ramifications this will have on the B'nin Dichrin (Ritva).

I will just add a point. Forgive me if you already know this. That is, this excellent question of yours is specifically relevant because she relinquished the Kesubah *to her husband*. If, on the other hand, she wishes to sell her Kesubah to some third party, then Chazal say it is Mutar, since the husband will still feel a reluctance to divorce her, lest he be obliged to pay that third party (Bava Kama ibid.; Rambam Ishus 10:10).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Makos 012: The Trunk Inside and the Branches Outside

Joshua Danziger asks:

Hello kollel!

In the daily mishna , maasrot 3:10 it discusses various cases where we go by the branch or the trunk for different purposes. The rav says that for purposes of arei miklat ♦if the trunk is outside and the branches inside the branches do not save bc the trunk doesn♦t save and the rule is the trunk follows the branches for stringency.♦

But in makkot 2:7 the rav says ♦if the trunk is outside and the leaves are inside, just as at the leaves he♦s not able to kill him, at the trunk he♦s is also not able to kill him bc the trunk goes after the branches for stringency.♦

It seems like they are in conflict, or the scenario is reversed? What is the halacha when the trunk is inside and the branches outside? Is there a difference if he♦s standing under the branches vs actually climbed into the branches?

Thank you.

Josh

The Kollel replies:

Shalom Josh!

In Ma'aserot 3:10 the Bartenura says regarding Arei Miklat that if the trunk is outside the Techum but the branches are inside, then just as the Goel ha'Dam may not kill the Rotzeach located at the branches, so too he may not kill him on the trunk; the reason being because the trunk assumes the status of the branches for stringency. I see he says the same in Makos 2:7; so at the moment, I don't see a conflict.

By the way, this reflects the opinion of Rebbi Yehudah, as the Gemara elaborates (Makos 12a-b). According to the Chachamim, we don't associate the trunk with the branches. Rather, the position of each is viewed independently.

On the other hand, when the trunk is inside but branches are outside, then it is a Machlokes Amora'im (ibid.) how would Rebbi Yehudah rule. Rava says that not only is the Goel ha'Dam permitted to kill the Rotzeach from a vantage point outside the Techum, but he is even permitted to climb the trunk (which is inside the Techum) in order to kill him.

But Rav Ashi says he may not kill the Rotzeach, even from a vantage point outside the Techum. This latter view is presented as the Maskana of the Gemara, and is in fact how the Rambam rules. In other words, the Rotzeach is safe even when located outside the Techum, provided he has reached the trunk (or branches) of a tree whose branches (or trunk) is situated inside the Techum.

If the Rotzeach is merely *under* the branches, but not in the tree, then arguably the Din would be different, for three reasons: Firstly, he is not touching the tree, so logically he should not be associated with the location of another portion of it. Secondly, Rashi (Makos 12a DH b'Dirah) might be interpreted as saying our Gemara was only discussing a case in which the Rotzeach is sitting *in* the tree itself. Thirdly, Rava (ibid. 12b) speaks of the

trunk as being a stepping stone up to the branches, implying that the Rotzeach is up in the branches, not down on the ground below.

Nevertheless, the Rambam (Perush ha'Mishnayos; Hilchos Rotzeach 8:11) clearly speaks of the Rotzeach as being positioned *under* the tree, which means he is not necessarily in it. Also, as you might have seen, this is also how the Bartenura learns, as we find in his comment on the Mishnah in Makos (DH ha'Kol).

I hope this helps!

Best wishes,

Yishai Rasowsky

Ma'asros 002: Redundent Chachamim

Joshua Danziger asks:

Hello kollel!

In the mishna maasros 2:4 we have a redundant statement where ♦the sages permit except for a basket of figs. A basket of figs from which one has separated terumah, rabbi shimon matirs, the sages assur.♦ But the last part is obvious so why is it repeated? Maybe to keep the flow for memorization purposes?

Thank you.

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you. This is a challenging question. Yasher Koach! Apart from your suggestion about aiding memorization, I came across a couple of answers in the Mefarshim:

a) Tosfos Anshei Shem (link #1) cites the Peirush of Beis Dovid (link #2) who understands that the discussion in the Seifa of the dispute between the Chachamim and Rebbi Shimon is a continuation and elaboration of the Din of the fig basket mentioned in the Reisha. But Tosfos Anshei Shem rejects this, since the Sages who argued with Rebbi Eliezer lived much earlier than those Sages who argued with Rebbi Shimon. Just to give an idea of the timeframe, we know that Rebbi Akiva was the Talmid of Rebbi Eliezer but the Rebbi of Rebbi Shimon.

b) Tosfos Anshei Shem himself suggests that Rebbi chose to record these three opinions in two separate pairs since he originally heard each Machlokes presented independently, and one is obliged to repeat teachings formulated as he heard them (Eduyos 1:3, Shabbos 15a, Berachos 47a, Bechoros 5a). I see that this answer is also cited in the name of the Shoshanim l'David of Rav David Pardo (18th century Italy).

I hope this helps!

Best wishes,

Yishai Rasowsky

Links:

1. <https://hebrewbooks.org/pdfpager.aspx?req=37940&st=&pgnum=137&hilite=>
 2. <https://hebrewbooks.org/pdfpager.aspx?req=19186&st=&pgnum=57>
-

Avodah Zarah 021: Renting to a Non-Jew

A K asks:

The mishna in evodah zara says not to rent to a goy because he brings in evodah zara

1. why is this just in eretz yisrael and not chutz laaretz?
2. what would be the din by a arab who doesnt do avodah zara? What about a goyish athiest?
3. What about a yid who does avodah zara (rechmona letslan) (eg A Jewish budhist who lives in Israel)
4. Wht about a Christian nowadays? Most chirstians today dont practice much dont have Jesus figurine idols in their houses?

A K,

The Kollel replies:

Dear A K,

Great to hear your very insightful questions!

1. It is forbidden to rent land to an idolater in Eretz Yisrael only, not Chutz la'Aretz. This is a rabbinic prohibition based upon the Torah prohibition of selling land (Devarim 7:2). The Mishnah says that even where renting non-living space is permissible, nevertheless renting to him a dwelling space is forbidden because he will bring in an idol. This applies even in Chutz la'Aretz.
2. Logically, there is not problem of him bringing in an idol, but some would not apply the Isur of Lo Tichanem (see the Bach's interpretation of the Tur). Indeed some go farther and even limit Lo Tichanem to the seven nations (see Maharam Chagiz).
3. Logically, there is a problem of him bringing in an idol, but presumably there is no prohibition of Lo Tichanem.
4. It would seem to depend whether the figurine is for idol worhsip, or just for "show".

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Dear A K,

I would like to expand on what I wrote for #2. I indicated that some allow selling land to a gentile who doesn't worship idols. And I referred to the Bach's interpretation of the Tur. What I probably should have said was that arguably the parameters of the Isur of selling land in Israel are the same as those of gift-giving, since are both learned from the same Posuk. And if so, we should note that the Tur writes in Choshen Mishpat 249 that giving a gift to an idolater is forbidden, but to a Ger Toshav is permitted. What about a gentile who doesn't worship idols? The Beis Yosef writes that this too is forbidden. The Bach objects that if so, then why didn't the Tur explicitly write that? So it could sound like the Bach is lenient. But subsequently the Bach writes an answer, namely, that instead of writing "Goy" which would have seemed like a offensive term to the gentiles, the Tur wrote "idolater", to avoid problems with the authorities. It seems that this answer only appears in a later edition of printing. Anyway, the point relevant for us is just that there seems no support for a Heter to give a gift to a gentile even if he doesn't worship idols, neither from Beis Yosef nor from the Bach.

I hope this helps!

Best wishes,

Yishai Rasowsky

=====

Date: Thu, Aug 26, 2021 at 4:01 PM

Subject: please clarify

To: Kollel Iyun Hadaf daf@dafyomi.co.il

Hi,

Can you please send this file back to R' Yishai Rasowsky (or send me his email), with a request to clarify what he means in #'s 2 and 3. I couldn't follow the reasoning; is there a typo here?

Thanks,

Yisrael

Shalom Yisrael!

I am very happy to get your feedback. Sorry, looking back, I agree that I didn't express myself 100% clearly.

For #2, I understood your question to be: Is it OK to sell land to a gentile who doesn't worship idols. I mean to reply that regarding the problem of bringing in idols, there is no issue; but reagrdng the Isur of Lo Sichanem. the mainstream opinion would say that it still applies unless the gentile is a Ger Toshav.

For #3, I understood you to be asking: Are we allowed to sell land to a Jew who -- Heaven forbid -- worships idols? I meant to reply that one should not if he will bring in an idol, but otherwise there is no prohibition of Lo Tichanem.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Bava Basra 002: Hezek Re'iah

Menachem Zaman asks:

The Gemara on 2b says:

"V'Aima Mechitzah Plugta k'd'Kesiv va'Tehi etc. v'Keivan d'Ratzu Bonin Es ha'Kosel b'Al Korcho, Alma Hezek Re'iah Shemeih Hezek."

If mechitza means pelugta, which would oblige each party to build a wall lest there be Hezek Re'iah, but then why is a wall required? Let me simply put up a thick sheet or whatever else to prevent Hezek Re'iah? If a wall is dafka required, does that mean Hezek Re'iah is lav dafka referring to visual trespassing but can also be referring to trespassing by eavesdropping on your neighbor's conversations? If Hezek Re'iah would include auditory trespassing (i.e. eavesdropping), then we can understand why a wall is required instead of a flimsy divide such as a sheet.

Menachem Zaman, United States

The Kollel replies:

Dear Menachem,

Great to hear from you. Very nice question! It appears from the Gemara later [1] and especially the Rambam [2] that Chazal side with your first suggestion, i.e. that indeed for Hezek Reiyah a stone wall per se is not necessary, but rather even a cheap visual blockade is enough.

Regarding the Mishnah which says that they build a wall, one might understand that -- as the Mishnah's language actually suggests -- to refer to a place where people have the custom to build walls, not cheap blockades. And one can sympathize with such a Minhag, particularly if there will be inclement weather which a cheap blockade might not withstand, but a sturdy wall would.

Regarding eavesdropping, one might possibly argue that unless the wall is very tall, then sound isn't totally blocked if there open space overhead.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Bava_Batra.4b.9?lang=bi&with=Rashi&lang2=en
 2. https://www.sefaria.org.il/Mishneh_Torah_Neighbors.2.15?lang=bi&with=Commentary&lang2=en
-

Beitzah 017: Mussaf of Shabbat Rosh Chodesh/Yom Tov

Simon Levy asks:

A question which has troubled me for a number of years - why do we not use a Shabbat Mussaf model with Yom Tov additions when it's Shabbat Rosh Chodesh/Chol Hamoed? Why do we insist on using a totally different layout from the usual Shabbat tefilla for this specific tefilla?

In addition, what's the rationale for following Rabbi when it comes to this? The first Beraisa on the DAF refers to Yom Tov which falls on a Shabbat - why do we then follow him when it comes to Shabbat Rosh Chodesh/Chol Hamoed - it's a separate Beraisa and the gemara doesn't mention Rabbi at all...

Simon Levy, Modiin

The Kollel replies:

Dear Simon,

Great to hear from you. Very nice questions!

I see Kaf ha'Chaim [1] brings two answers:

The first answer sounds like he is saying that there is no place in Tikanta Shabbat to fit in a reference to Rosh Chodesh.

The second is that we Davka want to publicize the fact that it is Rosh Chodesh. (This brings to mind the statement of Chazal which the Rambam codifies [2] that says when Rosh Chodesh coincides with Shabbat, the Levi'im would recite the song for Rosh Chodesh instead of Shabbat.)

The Baal ha'Ma'or writes [3] that we see from Berachos [4] that Rebbe argues in the case of Rosh Chodesh also.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Kaf_HaChayim_on_Shulchan_Arukh_Orach_Chayim.425.24.1?lang=he
2. <https://www.sefaria.org.il/Sukkah.54b.11?lang=he&with=MishnehTorah,DailyOfferingsandAdditionalOfferings&lang2=he>
3. https://www.sefaria.org.il/Rif_Beitzah.9a.6?lang=he&with=HaMaor&lang2=he#:~:text=
4. [https://www.sefaria.org.il/Berakhot.49a.8-9?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=he&with=Commentary&lang2=he#:~:text=,](https://www.sefaria.org.il/Berakhot.49a.8-9?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=he&with=Commentary&lang2=he#:~:text=)

ADDITION:

Here is a link to wonderful article that I hope you would find insightful:

<https://www.yeshiva.co/midrash/21541>

Beitzah 033: Muktzeh

Sender Klein asks:

I am trying to clarify the machlokes amongst R' Shimon, R' Yehuda and R' Nechemia. First I thought that R' Shimon holds once something has a use, it's not muktzeh, whereas R' Yehuda splits things into categories based on who uses them - things meant for people are not allowed to be used for animals (33a the case before the mishna, where we would assume a goose is meant for human consumption and thus may not be fed to a cat), and the reverse (the first mishna in the perek, where the pile of straw stored up for animal feed may not be used for burning). R' Nechemia further requires that each thing be used for its main use only, as in the case of the knife for cutting a rope on 32a.

Then I came across the statement that wood is only for burning on 33a, and R' Shimon permits it for other purposes. The basic reading of Rashi seems to me to put this statement within R' Yehuda's view, but I don't see how this fits with what I wrote above. Can you give me an idea of who says this statement and why, or help me understand where R' Nechemia and R' Yehuda argue?

Thanks!

Another question while I'm at it from the case of Sukka on 30b - we have a concern with taking from the schach at least of a sukka (not on Sukkos) because of Stirah as Rashi explains on the mishna, since it's bateil to the schach.

Why don't we say that adding to an ohel arai is mutar, such as adding to a roof once there is one tefach? Or is this a permanent sukka?

Thanks again!

Best,

-Sender

Sender Klein, United States

The Kollel replies:

Dear Sender,

Great to hear from you. Very nice questions!

1. Recall that Rebbi Shimon does not subscribe to the Isur Muktzeh (except if two conditions are met: #1 The item is not fit to use; and #2 the person has intentionally put the item away. For example see the references in Gemara [1] and Halachah [2].)

Rebbi Yehudah, on the other hand, does subscribe to the Isur Muktzeh in a number of circumstances.

Rashi explains [3] that since wood is only for burning, therefore it becomes Muktzeh for other usages as well. As such, only Rebbi Yehudah would forbid those other usages, whereas Rebbi Shimon would permit, as we find the Gemara states and Rashi explains [4].

There is a question that the Rashba asks here, which may possibly be bothering you; that is, once it is permissible to move the wood for the purpose of burning, it should consequently be permissible to move it for other purposes as well. Rashba answers, as he writes, b'Dochak, that this would only be true if even after you use the wood as a support it could be used for burning, which is not true since then the supported item would burn up or fall over.

Please let me know if some point remains unclear.

2. I hate to make a Tircha for you, but please would be able to submit another question for this on the corresponding Daf? (I actually just glanced at Sukah 30b and got the impression that it may be a different source.) It may help us to keep the filing straight. Thank you!

The link, as I think you know, is this: <https://dafyomi.co.il/askollel.htm>

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Shabbat.45a.6?lang=he&with=Rashi&lang2=he>
2. https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.310.2?lang=he&with=BeerHaGolah&lang2=he
3. https://www.sefaria.org.il/Rashi_on_Beitzah.32b.9.4?lang=he&with=Beitzah&lang2=he
4. https://www.sefaria.org.il/Rashi_on_Beitzah.33a.2.3?lang=he&with=Beitzah&lang2=he
5. <https://www.sefaria.org.il/Beitzah.33a.2?lang=he&with=Rashba&lang2=he>

Beitzah 035: Yom Tov Leniencies

Moshe Rubin asks:

The mishna of meshilin seems to speak to certain leniencies by yom tov including engaging in tircha that would otherwise be assur drabonon where there is hefsed mamon.

Other than ochel nefesh, the issurim of shabbos generally are the same by yom tov.

Why (and what is the source for) general leniencies by yom tov for other reasons?

Moshe Rubin, Brooklyn, ny

The Kollel replies:

ION:

Dear Moshe,

I see that Daf 37 is another source that seems very relevant to shed light on the fine point you raised.

At one point in the Gemara [1], our issue -- why it is permitted on Yom Tov and forbidden on Shabbos -- is presented as reflecting the opinion of Rebbi Yehoshua. There, one could explain that since violation of Shabbos (Kares) is more severe than Yom Tov (Malkos), therefore Chazal chose to distinguish.

Later in the Gemara [2], our issue is presented as reflecting the opinion of Beis Hillel. This resonates with explanation in part #1 of our previous exchange (carrying is OK on Yom Tov, but not Shabbos).

I hope this help!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Beitzah.37a.10?lang=he&with=Rashi&lang2=he>
 2. <https://www.sefaria.org.il/Beitzah.37a.15?lang=he&with=all&lang2=he>
-

Beitzah 035: Yom Tov Leniencies

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Why (and what is the source for) general leniencies by yom tov for other reasons?

Moshe Rubin, Brooklyn, ny

The Kollel replies:

Dear Moshe,

Great to hear from you. Very nice question!

Regarding the first two Dinim in the Mishnah:

1. Lowering produce down through an opening in the roof: I see the Mesivta brings an explanation of Rav Dovid Cohen, that the concern is one might come to carry in Reshus ha'Rabim. This is based on the Gemara in Shabbos 117b [1]. According to this, we can understand why it is forbidden on Shabbos since carrying is forbidden, but not on Yom Tov since carrying is permitted.
2. Covering produce with Kelim because of a drip: There is a Machlokes whether this applies only to Yom Tov (Mashma in Rashi, and so rules the Maharshal) or even to Shabbos (the view of the Rosh, and so rules the Shulchan Aruch).

I hope this helps to some degree.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Shabbat.117b.3?lang=he&with=Rashi&lang2=he>

Beitzah 035: Kvius Se'udah

Moshe Rubin asks:

If shabbos is kovea for hilchos maaser With this extend to all areas of eating on Shabbos search that one could not eat any food even arai out of a sukkah?

Moshe Rubin, Brooklyn,ny

The Kollel replies:

Dear Moshe,

Great to hear from you. Very nice insight!

I see that in Maseches Sukkah, the Ran has a discussion [1] about the obligation to eat bread on the first night of Sukos that seems to shed light on the excellent point you raised.

He first expresses one approach, that hypothetically from the laws of Yom Tov alone, we would only be obliged to eat a k'Beitzah of bread, which could actually be eaten outside the Sukah; but once the Torah teaches us -- via a Gzerah Shavah 15-15 -- that just as we must eat on the first night of Chag ha'Matzos, so too we must eat on the first night of Sukos, consequently that Achilah must constitute the size which requires a Sukah, i.e. more than k'Beitzah.

Subsequently, the Ran brings another view, that the equation between the amounts one must eat on the first nights of Pesach and Sukos is quantitatively absolute, and so one need only eat a k'Zayis (which reflects the ruling of the Rambam [2]) Now, on any other day of Sukos could be eaten outside the Sukah. But, since the Gzerah Shavah establishes the first night as a firm obligation, therefore it is considered Keva and consequently must be eaten inside the Sukah.

Evidently, then, according to both views, the Mitzvah to eat because of Yom Tov does not oblige us because of "Keva" to eat in a Sukkah. But after the firm obligation we learn from the Gzerah Shavah, there is a Machloess: The first view says even then obligation to eat in the Sukkah is still connected with the standard Shiur of Keva, i.e. more than a k'Beitzah. But according to the second view, the Gzerah Shavah is enough to make it Keva as require a Sukkah.

However, Rav Akiva Eiger cites [3] opinions, including the Tzelach's interpretation of Tosfos [4], who express the same sharp line of reasoning that you did, that eating on Shabbos and Yom Tov is Keva and therefore requires a Sukah. Baruch Shekivanta!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Ran_on_Sukkah.12b.1?lang=he&with=all&lang2=he#:~:text=,
2. https://www.sefaria.org.il/Mishneh_Torah_Shofar_Sukkah_and_Lulav.6.7?lang=bi#:~:text=..
3. https://www.sefaria.org.il/Rabbi_Akiva_Eiger_on_Shulchan_Arukh_Orach_Chayim.639.1?lang=bi&with=ShulchanArukh,OrachChayim&lang2=en
4. <https://www.sefaria.org.il/Berakhot.49b.4?lang=bi&with=Tosafot&lang2=en>

Gitin 036: Shemitah Nowadays

kerfish asks:

Is shmita nowadays deraisa or derabon and why? I have heard different reasons its derabon (you need bias kulchem and all Jews have to be in Israel, you need the shevatim to be sitting in their respective teritories, we have no urim veturim) but dont know which ones are true and not true.

Thanksfor ll your help

kerfish,

The Kollel replies:

Dear Kerfish,

Great to hear from you. Very nice question!

There are four main opinions in the Rishonim, mostly found in the commentaries to Gitin 36.

1. Ramban: Shemitah nowadays applies on the Torah level. He bases this ruling on the majority view of the Chachamim.
2. Most Rishonim (see Rashba, Ritva, Ran): Shemitah nowadays applies only on the Rabbinic level. This is based on the view of Rabbi, who maintains that the laws of Shemitah only apply when the laws of Yovel apply. Yovel only applies when all or most of the Jewish people live in Israel [1].

(See Rashi and Tosfos who dispute how the Drashah of Rabbi operates, and also whether or not the laws of Yovel applied during Second Temple).

3. Baal ha'Maor (see Sefer ha'Terumah): Shemitah does not apply nowadays at all, except as a Midas Chasidus. The Raavad once held this view but later retracted from it. In Shulchan Aruch, after the Mechaber rules that Shemitas Kesafim is Rabbinic today, the Rema cites this view as a Limud Zechus for why many communities had not observed Shemitas Kesafim.
4. Rambam: Shemitas *Kesafim* is only Rabbinic nowadays. Opinions differ whether Rambam also believes that Shemitas *Karka* today is a Torah obligation (Kesef Mishnah learns this way) or only Rabbinic (see

the other commentaries on the Rambam).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

1. <https://www.sefaria.org.il/Arakhin.32b.16?lang=he>

Kesuvos 111: Mitzvah to Live in Israel?

A K asks:

I know there is the well known teshuva of Rav Moshe Feinstein who says to live in Eretz Yisroel is only a kiyum mitvah and not a chiyuv. Are there any achronim/poskim/other seforim that argue on Rav Moshe and say that living in Israel is an obligation like wearing tefillin?

A K, Jerusalem

The Kollel replies:

Dear A K,

Great to hear from you. Very nice question! I came across the following views.

RISHONIM:

Rav Chaim Kohen (from the Baalei ha'Tosfos): Theoretically, there is a Mitzvah to live in Israel; but -- practically -- it does not apply nowadays, since it is so difficult to properly fulfill all the Mitzvos that apply in Israel [9]. I believe the Knesses Hagedola (Klallei Haposkim 16) follows this view.

Rambam (12th century): It is permissible to live anywhere except Egypt [1]. One should rather live amongst idolaters in Israel rather than Jews in the Diaspora [2].

Ramban (13th century): There is even a Mitzvas Aseh to live in Israel [3]. One reading the Ramban (see [10]) would get the impression that it is an obligation like Tefillin.

ACHARONIM:

Megilas Esther (16th century Italy [8]): Today there is no Mitzvah to live in Israel [4].

Pa'as ha'Shulchan (circa 1800): Brings other authorities who agree with Ramban that it is a Mitzvah [5].

Eim ha'Banim Semeichah (passed away 1945): In modern times, with the tremendous need and effort to rebuild the Jewish homeland, even the Rambam would agree there is a Mitzvah to live in Israel [6].

Satmar Rav (passed away 1979): In modern times (post World War II) even the Ramban would agree there is no Mitzvah to live in Israel [7]. His view is largely based on "the three oaths" in Maseches Kesubos.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.5.7?lang=bi&with=all&lang2=en
2. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.5.12?lang=bi&with=all&lang2=en
3. https://www.sefaria.org.il/Hasagot_HaRamban_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4?lang=bi
4. https://www.sefaria.org.il/Megilat_Esther_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1.1?vhe=Sefer_HaMitzvot,_Warsaw_1883_new&lang=bi
5. https://www.sefaria.org.il/Minchat_Chinukh_Positive_Commandments_according_to_Nahmanides.4.1?lang=he#:~:text=
6. <https://www.yutorah.org/sidebar/lecture.cfm/756976/rabbi-aryeh-lebowitz/by-way-of-introduction-eim-habanim-semeicha/>
7. <https://www.yutorah.org/sidebar/lecture.cfm/755923/rabbi-aryeh-lebowitz/by-way-of-introduction-v-yoel-moshe/>
8. <https://www.jewishencyclopedia.com/articles/8192-isaac-leon-ben-eliezer-ibn-zur-sefardi>
9. https://www.sefaria.org.il/Tosafot_on_Ketubot.110b.14.1?lang=he&with=HaflaahonKetubot&lang2=he
10. https://www.sefaria.org.il/Hasagot_HaRamban_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1?lang=bi&with=all&lang2=en#:~:text=

Pesachim 009: Tosfos DH Haynu Tesha Chanuyos

Menachem Zaman asks:

I sent a question a couple months ago regarding Tosfos's use of chazakah. Tosfos disputes Rashi's explanation of the din is the chiyuv to search for Chametz. He says because:

v'Od Kasheh d'Gabei Teshah Chanuyos Leika Chezkas Heter Aval Hachah Ukma a'Chezkas Baduk d'Ha b'Baduk Mairi d'I Lav Hachi Peshita d'Ba'i Bedikah

Tosfos says because our house has a chezkas badok so the safeik generated by the mouse doesn't destroy the chezkas badok.

My question that I sent a couple months ago has much more details but basically what type of chazakah does this bayis have? Is it a chezkas guf or chezkas isur? And how does it overtake a safeik???

This Tosfos has confused me on what a chazakah is for a couple months and there is no way on earth I can ever figure this out - I've been trying for months now! If someone can please please help me I would

appreciate it.

Menachem Zaman, Israel

The Kollel replies:

Dear Menachem,

Great to hear from you. Yes, I recall our discussion regarding your sharp Kashyas about a few points related to this Daf: Ein Safeik Motsi mi'Yedei Vadai; statistics as they relate to Paskening Sfeikos; and what makes a Sfeik Sfeika different than one Safeik.

For the question you asked now, I am using as a reference the excellent Sefer of Rav Achikam Keshet [1] who discusses this and many other topics. I hope you find it to be as insightful a resource as I have.

1. What type of Chazakah d'mei'lkara does this Bayis have?

The two types, as you correctly listed (though I might use slightly different terminology), are A) Chezkas ha'Guf and B) Chezkas ha'Din. Type A would include cases which involved a potential change in the physical facts, e.g. whether a Besulah was Nivala, or whether a woman saw blood. Type A would include cases which involve no change in the physical facts but only a change in Halachic status, e.g. whether a woman was married, or whether an animal is permitted to eat. Accordingly, our case appears to clearly be the first type, since the question involves whether Chametz was brought into the house.

2. How does the Chazakah overtake a Safeik?

I am a little concerned that I didn't understand your intended question here, because this is the general rule regarding Sfeikos, i.e. they can be resolved by Chazakah d'mei'lkara, as Chazal learn in Chulin 10 from the law of Negaim on a house [2].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=57246&st=&pgnum=393&hilite=>
2. [https://dafyomi.co.il/chulin/points/ch-ps-010.htm#:~:text=4\)-,WERELYONCHAZAKAH,-\(a\)](https://dafyomi.co.il/chulin/points/ch-ps-010.htm#:~:text=4)-,WERELYONCHAZAKAH,-(a))

Rosh Hashanah 002: Sichon

Moshe Reinitz asks:

The Gemara goes to length to show that the battle after AharonHaKohen's petira was really Sichon.

It's again the Pashtus of Chumas to say that Melech Arad was Sichon, because it clearly mentions Sichon in Parshas Chukas, and the battle that was in Yohatz. "Achrei Hakoso es Sichon" was not fulfilled until then. So

even if you say Melech Arad was Sichon, the pashtus of pesukim says it was later in Yohatz when they fought Sichon, which was before the last "Stansia" in the Midbar. And Aharon was niftar earlier on Hor HaHor.

So isn't the pashtus of pesukim agree that Aharon was first and later Sichon, Is it necessary to darshan the posuk in a way that is against the Pashtus?

Moshe Usher Reinitz

The Kollel replies:

Dear Moshe Usher,

Great to hear from you. Very nice question!

I see the Maharsha [1] tries to address the identity of Sichon in way that I hope helps clarify your issue. Though maybe it is not necessary for me to quote him at length. Either way, according to his explanation, the Gemara flows like this (step #4 being the most relevant, I believe):

1. Makshan: How do you know that Aharon's death in Av occurred prior to Moshe's rebuke in Shevat?
Maybe Moshe's rebuke in Shevat occurred prior to Aharon's death in Av!
2. Tartzan: Moshe's rebuke was after Sichon's death; whereas upon Aharon's death Sichon was still alive, which is proven from the statement that the Canaani Melech Arad heard that Aharon died.
3. Makshan: How can you prove from Canaan anything about Sichon? We know they are two different people. Because in Niddah 61a Chazal say that Sichon was a son of Achiyah son of the angel Shamchazai who descended to earth in the times of Enosh. And if so, he was not from Canaan! So, maybe when Aharon passed away, Canaani was alive and Sichon was dead!
4. Tartzan: No, Sichon was indeed alive at the time Aharon passed away. Because Sichon, Arad, and Canaan are all the same person. And we know this because the real Melech Arad was one of the 31 kings of Canaan who was not defeated until much later during the conquest of Yehoshua. So when the verse in Bamidbar 21:1 discusses the battle waged with "Arad" during Moshe's time, it must be referring to Sichon who defeated by Moshe in the initial stage of conquest (i.e. before we entered Israel).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=53759&st=&pgnum=175>

Rosh Hashanah 008: Rabi Meir, Rabi Elazar, and Rabi Shimon - Times of Birth?

Tuvya Marcus asks:

Sorry for a silly question but are the tana'im arguing about the metzius? either they mostly give birth in Av or Elul. Afeilasa and Chorpiasa always refers to "outlier" cases not the norm.

Tuvya Marcus, Jerusalem Israel

The Kollel replies:

Dear Tuvya,

Great to hear from you. Very nice question!

But it seems that once the Gemara presents the explanation of Rava, then we understand that both opinions indeed agree on the fact that most animals have given birth before the end of Av. The dispute is just how to interpret the Torah's equation of animal tithes to grain tithes. Rebbe Meir says the following: The tithing year for grain ends right after the grain is "finished"; this is the first of Tishrei, since the grain sits out drying in the sun all summer including Elul, until it is brought indoors in the beginning of Tishrei. So too, for animals the tithing year ends right after they are "finished"; this is the first of Elul since the mother cattle give birth in Av. Rebbe Elazar and Rebbe Shimon, however, understand the equation more rigidly, and they say simply that just as the tithing year restarts in Tishrei, so too the tithing year for produce restarts in Tishrei.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

Rosh Hashanah 009: R' Yehuda on Shemitah

H David Levine asks:

Shalom aleichem. Is there no verse to contradict that R' Yehuda's stance that the shmita year counts as both the 50th and 1st of the following cycle is likewise applicable to the Sabbath: that the seventh day of creation is intended to count as the first of the new week?

H David Levine, Roanoke, VA USA

The Kollel replies:

Dear R' Levine,

Great to hear from you. I never thought about that question before!

There seem to be a number of verses [1-7] to indicate that there are six days of labor followed by a seventh day of rest. If I correctly understood your application of Rebbe Yehudah's counting scheme, one could argue that it is difficult to justify Shabbos being day #1 of the following week. Since then there would only be five days of work, not six. This is not the case with Yovel, however, since the Torah just says to count 49 years [8] and the 50th should be sanctified as Yovel [9]. So there is no contradiction in saying that the subsequent set of 49 years begins with year #50 of the previous set. And even when the Torah says you will work the land for

six years [10], that will be true for the six final 7 year cycles, just not the first one since we may not work the land on Yovel.

What do you think about that?

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Exodus.16.26>
2. <https://www.sefaria.org.il/Exodus.20.9>
3. <https://www.sefaria.org.il/Exodus.31.15>
4. <https://www.sefaria.org.il/Exodus.34.21>
5. <https://www.sefaria.org.il/Exodus.35.2>
6. <https://www.sefaria.org.il/Leviticus.23.3>
7. <https://www.sefaria.org.il/Deuteronomy.5.13>
8. <https://www.sefaria.org.il/Leviticus.25.9>
9. <https://www.sefaria.org.il/Leviticus.25.10>
10. <https://www.sefaria.org.il/Leviticus.25.3>

Rosh Hashanah 011: Mazalos

Sender Klein asks:

1. Earlier the Gemara discussed whether a day in a year is like a year, or a month in a year is like a year. Based on that the Gemara set up the rules of Tosefes Kedusha for shvi'is. Why do these things connect? Maybe Tosefes Shvi'is is just a little bit of time and need not be considered like a year.
2. Why doesn't the Gemara try to extend Tosefes to Shvi'is according to the one who learns from Yom Kippur - why do we try to extend it to Shabbos and Yom Tov and stop there, when the whole purpose of the Sugya was to teach tosefes shvi'is.

Thanks a lot!

Sender Klein, United States

The Kollel replies:

Dear Sender,

Great to hear from you. Very nice questions!

1. I see two explanations why we need it to count as a year:

- a. R. Tam: In order for the year before Shemittah to count as the first of three Orlah years [1].
- b. Ramban: If after the sapling plant took root thirty days did not pass, then one must uproot the tree, less three years from now, when the fruit becomes permissible, people will count backwards and think erroneously that this tree was planted during Shemittah [2].

2. I see two explanations how the Gemara would -- or would not -- extend Tosefes to Shvi'is:

- a. R. Tam: Our Gemara is seeking the source on the basis of which Tosefes applies after the year if Shemittah [3]. This is expressed in the words of the Gemara "every place the Torah says rest" [5].
- b. Tosfos: Our Gemara was actually never searching for the source to apply Tosefes to Shemittah (because that we already learn in Moed Katan [6]); rather, our Gemara was searching only for the source to forbid Tosefes Shabbos and Yom Tov [4].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://dafyomi.co.il/rhashanah/tosfos/rh-ts-010.htm#:~:text=Explanation2RabeinuTamthereforeexplainsRavNachmantomean-thataccordingtotheonewhorequires thirty days with regard to taking root in the Shmitah onerequires another thirty days with regard to Orlah...>
2. https://www.sefaria.org.il/Rosh_Hashanah.9b.13?lang=bi&p2=Chiddushei_Ramban_on_Rosh_Hashanah.9b.1&lang2=bi#:~:text=,.
3. <https://dafyomi.co.il/rhashanah/tosfos/rh-ts-009.htm#:~:text=,Shmitahisforbidden.>
4. <https://dafyomi.co.il/rhashanah/tosfos/rh-ts-009.htm#:~:text=,topermitsaplings.>
5. <https://dafyomi.co.il/rhashanah/tosfos/rh-ts-009.htm#:~:text=ClarificationItcomestoincludeShmitah.>
6. <https://dafyomi.co.il/rhashanah/tosfos/rh-ts-009.htm#:~:text=,toRebbiYishmael>

Sukah 028: leaving the sukkah because of the heat

Yishai Rasowsky asks:

I understand from the Rema [1] that it is wrong for a person to remain in the Sukkah when it is raining. He may as well go into his comfortable house! But what about other environmental disturbances? For example, mosquitoes, or gusty wind, or intense heat. If a person is willing to tough it out and eat/sleep in the Sukkah

despite these climactic challenges, is he doing something meritorious, or is he just a Hedyot? I am specifically wondering about the last example of heat. Maybe it is better just to go inside and eat/sleep in the air conditioned house. Is there an objective way to gauge the level of this discomfort? It seems like each person might have their own personal barometer of what suffering they are able to withstand.

Thank you for any insight!

Chag Sameach!

1. https://www.sefaria.org/Shulchan_Arukh_Orach_Chayim.639.7?lang=bi&with=MishnahBerurah&lang2=en

Yishai Rasowsky, Beitar Illit

The Kollel replies:

Sukah 029: Rain During Sukos, the Overturned Pitcher

Yisrael Rutman asks:

Why is there no similar expression of Divine rejection in conjunction with other mitzvos? On the contrary, we are expected to fulfill the mitzvos even under duress. If it rains at other times of year, we do not say that Hashem does not want our tefillos in the shul we have to walk to in the rain. Except for cases of onsin, such as serious illness or other incapacity, we say לִפְנֵי תַּזְרָא אֲגָרָה, according to the hardship is the reward. We don't seek out obstacles in performing mitzvos, but when they come our way, we try to overcome them. Why not say that Hashem is offering more reward for waiting for the rain to stop so that we can return to the Sukkah?

Yisrael Rutman, Pardes Hanah, Israel

The Kollel replies:

Dear Yisrael,

Great to hear from you. Very nice question!

Beur Halachah writes [1] that one is only called a Hedyot if he is doing something wrong, e.g. putting himself in discomfort during the Chag when -- on the contrary -- one is supposed to be comfortable. Moreover, he elaborates [2], the problem with eating in the Sukkah in the rain is that one is forcing Hashem to accept his divine service when in fact, just the opposite, Hashem is showing that He is displeased with it. This is not Derech Eretz. But, as you astutely pointed out, one does receive more reward for making the effort to shlep back out into the Sukkah after the rain stops, even though one is technically exempt at that point [3].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org/Biur_Halacha.639.7.1?lang=he&with=all&lang2=he
 2. https://www.sefaria.org/Biur_Halacha.639.7.2?lang=he&with=all&lang2=he#:~:text=
 3. https://www.sefaria.org/Shulchan_Arukh_Orach_Chayim.639.6?lang=he&with=BiurHalacha&lang2=he
-

The Kollel adds:

Shalom Yisrael,

I hope you are well. As I think more about your question, it is tempting to connect it with the Machlokes about how to understand the actual reason for the Petur from Mitzvas Sukkah while it's raining.

Some maintain that it is only based on the Din of Mitztaer Patur Min ha'Sukkah. Others would argue more categorically that it actually has no status of Sukkah-dwelling at all.

Also, you may remember the Machlokes ha'Poskim whether rain exempts a person from eating in the Sukkah on the first night (Rashba says yes, but Rosh says no; see Orach Chayim 639:5). Furthermore, even assuming that you are not Patur, there is secondary issue of whether you should eat in the rain or wait until the rain stops.

Moreover, some Poskim maintain that the Petur of rainfall applies if it would ruin your food, even if you personally are not Mitztaer.

To conclude, the inference one might draw from the above points is that -- in addition to what we discussed above from the Beur Halachah -- despite one's possibly pure intentions to courageously dwell in the Sukkah in inclement weather, nevertheless, according to some views, one is arguably gains nothing by insisting to do so because it is an inherent Chisaron of Teshvu K'Ein Teduru.

Best wishes,

Yishai Rasowsky

Yisrael Rutman asks:

Nice reply!

But I'm not sure it answers my question...

So let me rephrase it:

Why do Chazal in the first place say that the rain on Sukkos is a sign of Hashem's displeasure, any more than in the case of other mitzvos?

The Kollel replies:

Shalom Yisrael!

Sorry I misunderstood your intention the first time around. Thanks for adding the clarification. The Artscroll brings an explanation from the Gra which seems to help address the issue. He understand that in Chazal's Mashal, the master's cup of WINE represents the harsh judgments decreed on Rosh Hashanah and Yom

Kippur; and the servant wants to dilute them using a pitcher of WATER which represents love and mercy aroused by the many Mitzvos of Sukkos. So, when Hashem splashes the water back into our face in the form of rain, it expresses that Hashem is displeased in the specific sense that He does not want to mitigate those judgments (wine) with the mercy (water). I hope that helps!

In addition, as you correctly pointed out, typically the signs of Hashem's displeasure [1] are not related to a person who is blocked from doing a Mitzvah (on the contrary, such a person is credited [2]). But perhaps another example where one's inability to do a specific Mitzvah is indicative of Hashem's displeasure, at least according to the Taz -- I believe it is in Hilchos Tzekadah -- is the following. When a person has to stop learning because there is another Mitzvah that only he can do, that person should feel bad, since Hashem doesn't want him to be learning now.

Best wishes,

Yishai

1. https://www.sefaria.org.il/Sukkah.29a.8?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=he&with=Ritva&lang2=he
2. <https://www.sefaria.org.il/Berakhot.6a.12?lang=he>

Sukah 030: Taking off Sechach from a Sukah

Sender Klein asks:

Question from the case of Sukka on 30b - we have a concern with taking from the sechach of a sukka (not on Sukkos) because of Stirah as Rashi explains on the mishna.

Why don't we say that adding to or removing from an ohel arai is mutar, such as adding to a roof once there is one tefach? Or is this a permanent sukka?

Sender Klein, United States

The Kollel replies:

Dear Sender,

Great to hear from you. I definitely want to be involved in this question of yours. But can you help me further with the Daf. I was looking on Daf 30b of Sukah [1] and failed to find it. Thanks for your patience!

Best wishes,

Yishai Rasowsky

Links:

1. <https://www.sefaria.org.il/Sukkah.30b.1?lang=he>

Bereishis 03: The Trees in the Gan

Davic1 asked:

Greetings. I find the explanations related to eating of the trees to be confusing. If eating from the Etz Hadaas would bring about death and "from dust to dust" then that means before eating that fruit Adam and Chava would live eternally. If so, how is that different than eating from the Etz Hachaim, which would ALSO mean never dying?!

If I understand correctly, does it mean that BEFORE eating from the Etz Hadaas they still would die unless they ate from the Etz Hachaim, but AFTER eating from the Etz Hadaas they could never escape death even if they ate from the Etz Hachaim? But then what is the meaning of from dust to dust if that would happen EVEN if they had never eaten from EITHER tree?

Many thanks,

David Goldman

The Kollel replies:

This is an excellent and very interesting question. I am aware of three logical possibilities, and in the Chizkuni (Bereishis 2:17, DH mi'Kol), I see that he is prepared to adopt each of the following distinct alternatives. You will notice that within each of the three approaches, eating from the Etz ha'Chayim indeed carries a more powerful consequence than simply refraining from eating from the Etz ha'Da'as.

1. Initially, eating from the Etz ha'Chayim would have afforded Adam eternal life even if he were to subsequently eat from the Etz ha'Da'as (ibid., DH Ela Yesh Lomar).
2. If Adam were to eat from the Etz ha'Chayim after having eaten from the Etz ha'Da'as, that would actually remove the death sentence; it is for this reason that Hashem withheld the Etz ha'Chayim from Adam after Adam ate from the Etz ha'Da'as (ibid., DH v'Im Timtzi Lomar).
3. Merely refraining from eating from the Etz ha'Da'as would not have been enough to achieve eternal life; Adam would need to eat from the Etz ha'Chayim, which provides continued life to both those who eat from it after having partaken from the Etz ha'Da'as and those who eat from it without ever having partaken from the Etz ha'Da'as. Hashem did not forbid Adam to eat from the Etz ha'Chayim before Adam ate from the Etz ha'Da'as, but He did forbid him from doing so afterward. The reason for this was the following: So long as Adam had not eaten from the Etz ha'Da'as, he was viewed as innocent and any sins would be at worst Shogeg; therefore, Hashem wouldn't mind if Adam carries on living a basically righteous life indefinitely. Once Adam ate from the Etz ha'Da'as, however, he then became susceptible to sinning even b'Mezid; therefore, Hashem decided it would be better for Adam's lifespan to terminate rather than continue living indefinitely on a path involving excessive sin (DH Davar Acher Adam Hursheh).

I hope this helps!

Warmest regards,

Yishai Rasowsky

David asks:

Yet it says they would die on the DAY they ate from the tree. But they lived on for hundreds of years and had many more children.

This suggests that once they are from the Eitz Hadaas, death was inevitable.

Plus it seems that they would die by not eating from either tree, and therefore dust to dust does not refer to the effect of eating the eitz hadaas, but to their initial created status.

Finally, I am intrigued by the possibility that the first creation was of many animals and creatures INCLUDING humans, but the creation of Adam was a Different Creation.

The Kollel replies:

Shalom R' David,

Great to hear from you.

1. As you correctly pointed out, Adam was told that on the day he would eat from the tree, he would die (Bereishis 2:17), yet he lived to 930 (ibid. 5:5). I am aware of two Perushim to try and reconcile this. (a) Ramban maintains that the meaning is not that they would die, but rather that they would become mortal. (b) Ohr ha'Chayim brings the ingenious suggestion that Adam did in fact die on the "the day" he ate, but the day is measured in terms of G-d's time scale in which one thousand human years are one day for Hashem (based on Tehilim 90:4).
2. I believe it can be argued that even if they would die by not eating from either tree, still they were not necessarily destined to return to the dust, since they would have the option of prolonging their life by eating from the Tree of Life, according to those Mefarshim who say this was permitted.
3. That is an intriguing possibility, but I am struggling to understand what it means that humans were created amongst the animals *before* Adam and Chavah, if we know that all mankind descended from Adam and Chavah.

Kesivah v'Chasimah Tovah!

Warmest regards,

Yishai Rasowsky

Bereishis 03: The Trees in the Gan

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Greetings. I find the explanations related to eating of the trees to be confusing. If eating from the Etz Hadaas would bring about death and "from dust to dust" then that means before eating that fruit Adam and Chava would live eternally. If so, how is that different than eating from the Etz Hachaim, which would ALSO mean never dying?!

If I understand correctly, does it mean that BEFORE eating from the Etz Hadaas they still would die unless they ate from the Etz Hachaim, but AFTER eating from the Etz Hadaas they could never escape death even if they ate from the Etz Hachaim? But then what is the meaning of from dust to dust if that would happen EVEN if they had never eaten from EITHER tree?

Many thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman,

Great to hear from you. This is an excellent and very interesting question. I am aware of three logical possibilities, and in the Chizkuni (Bereishis 2:17 DH m'Kol), I see that he is prepared to adopt each of the following distinct alternatives. You will notice that within each of the three approaches, eating from the Eitz ha'Chayim indeed carries a more powerful consequence than simply refraining to eat from the Eitz ha'Daas.

1. Initially eating from the Eitz ha'Chayim would have afforded Adam eternal life even if he were to *subsequently* eat from the Eitz ha'Daas (ibid. DH Ela Yeish Lomar).
2. If Adam were to eat from the Eitz ha'Chayim *after* having eaten from the Eitz ha'Daas, that would actually remove the death sentence; it is for this reason that Hashem withheld the Eitz ha'Chayim from Adam after Adam ate from the Eitz ha'Daas (ibid. DH v'Im Timtzi Lomar).
3. Merely refraining to eat from the Eitz ha'Daas would not have been enough to achieve eternal life; Adam would need to eat from the Eitz ha'Chayim, which provides continued life to both those who eat from it after having partaken from the Eitz ha'Daas and those who eat from it without ever having partaken from the Eitz ha'Daas. Hashem did not forbid Adam to eat from the Eitz ha'Chayim before Adam ate from the Eitz ha'Daas, but He did forbid him from doing so afterward. The reason for that was the following. So long as Adam had not eaten from the Eitz ha'Daas, he was viewed as innocent and any sins would be at worst Shogeg; therefore Hashem wouldn't mind if Adam carries on living a basically righteous life indefinitely. Once Adam ate from the Eitz ha'Daas, however, he then became susceptible to sinning even b'Meizid; therefore Hashem decided it would be better for Adam's lifespan to terminate rather than continue living indefinitely on a path involving excessive sin (DH Davar Acheir Adam Hursheh).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Chulin 007: Gush Dan

ari asks:

Shevet Dan was yoresh the coast of Eretz Yisrael and was never kovesh it (shoftim 1:34). Does that mean that the mircaz of the country (Tel Aviv, bnei brak petch tikva Ranana etc) for sure not olei Bavel (because olei bavel were makdesh less land then olei mitzraim) and only at most olei Mitzraim? I saw once that its a machlokes if the parts of eretz yisroel that were not conquered by olei mitraim are considered bi-geder the kedusha of olei mitraim (since li-maseh they are part of the gevulas of parshas masei) or chutz laaretz (ince they were never conquered). If so the geder of the cities in the mircaz should be tolei on that machlokes.

Thanks for all your help. Looking forward the hear what you have to say.

ari,

The Kollel replies:

Shalom R' Ari,

Great to hear from you. It is a very fascinating point you are raising! Granted, I am not familiar with all the details here (perhaps someone in the Kollel will help by adding further insight!), but I will share what I can at this moment.

1. We know that the "Kedushah Sheniyah" of the Olei Bavel covered significantly less territory than that of the earlier "Kedushah Rishonah" of the Olei Mitzrayim. The reason for that was, as our Gemara (Chulin 7a) says, because the Jews of that time wanted to set aside tracts of land from which people poor would be able to earn an income; therefore, places such as Beis Shaan were excluded from being sanctified with the Kedushah Sheniyah. However, I don't understand this to mean that every place which was not endowed with the Kedushah Rishonah was necessarily excluded from the Kedushah Sheniyah. For example, some places -- e.g. potentially in the region you mentioned -- might not ever have been conquered before Galus bavel; yet they could have been conquered at the Shivas Tzion in the time of Ezra. This would render them eligible to be endowed with the Kedushah Sheniyah, even if they never had the Kedushah Rishonah.
2. As you might know, the *Kedushah* of Eretz Yisrael, with regard to Mitzvos ha'Teluyos ba'Aretz, is not dependent on being *part* of Eretz Yisrael. For example, Azah is *part* of Eretz Yisrael, as we see based on the statement of Rebbi Asi in Shabbos 145b. Yet, at the same time, Azah is not considered to be endowed with the *Kedushah* of Eretz Yisrael, as we see in the beginning of Gitin, where Ashkelon (which is farther north than Azah) is considered to be south of the sanctified portion of Eretz Yisrael.
3. Just to add another dimension to the problem of identifying what is, or is not, part of Eretz Yisrael, some believe that the Mitzvah of living in Eretz Yisrael only applies to those places which have the Mitzvos ha'Teluyos ba'Aretz. This is the view of Tosfos in the first Daf of Gitin. The Ritva there argues and instead maintains that one issue is not dependent on the other; rather, there is a Mitzvah to live even in those parts of Eretz Yisrael which do not have Mitzvos ha'Teluyos b'Aretz. (Some say that the Gemara in the end of the first chapter of Sotah about the reason for Moshe's desire to enter Eretz Yisrael seems to imply like the view of Tosfos.)

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

Shalom!

I spoke about your excellent question with Rav Chaim Ackerman, and he kindly helped clarified a few points for me about which I was mistaken.

First, as we know, the basis of the Kedushah Rishonah was the *conquest* achieved by the Olei Mitzrayim (Rambam, Hilchos Beis ha'Bechirah 6:16). This itself, however, does not entail actually killing or even driving out the inhabitants. In other words, even though there is a Mitzvah to destroy the Canaanite nations (Rambam Hilchos Melachim 5:4 and Sefer ha'Mitzvos #187, based on Devarim 20:17), nevertheless even the Kibush

achieved by forcing a Canaanite city into submission (to pay tribute etc.) sufficed to constitute "Kibush" for the purposes of Kedushah Rishonah.

Secondly, there were in fact no areas that the Olei Bavel settled that were not previously conquered by the Olei Mitzrayim. Interestingly enough, some commentaries even explain the Rambam to mean that since there was no Kibush in the times of Ezra (since we were under the dominion of Persia), therefore the Kedushah Sheniya was only able to reinstate the Kedushah Rishonah that was originally imbued by virtue of Kibush (see Chidushei ha'Grach Al ha'Shas, b'Din Yeish Kinyan l'Akum v'Din Suryah b'Kibush Sheni, page 135, DH v'Hinei b'Yerushalmi Shevi'is).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Chulin 007: Gush Dan

ari asks:

Shevet Dan was yoreish the coast of Eretz Yisrael and was never kovesh it (shoftim 1:34). Does that mean that the mircaz of the country (Tel Aviv, bnei brak patch tikva Ranana etc) for sure not olei Bavel (because olei bavel were makdesh less land then olei mitzraim) and only at most olei Mitzraim? I saw once that its a machlokes if the parts of eretz yisroel that were not conquered by olei mitraim are considered bi-geder the kedusha of olei mitraim (since li-maseh they are part of the gevulas of parshas masei) or chutz laaretz (ince they were never conquered). If so the geder of the cities in the mircaz should be tolei on that machlokes.

Thanks for all your help. Looking forward the hear what you have to say.

ari,

The Kollel replies:

Shalom R' Ari,

Great to hear from you. It is a very fascinating point you are raising! Granted, I am not familiar with all the details here (perhaps someone in the Kollel will help by adding further insight!), but I will share what I can at this moment.

1. We know that the "Kedushah Sheniya" of the Olei Bavel covered significantly less territory than that of the earlier "Kedushah Rishonah" of the Olei Mitzrayim. The reason for that was, as our Gemara (Chulin 7a) says, because the Jews of that time wanted to set aside tracts of land from which people poor would be able to earn an income; therefore, places such as Beis Shaan were excluded from being sanctified with the Kedushah Sheniya. However, I don't understand this to mean that every place which was not endowed with the Kedushah Rishonah was necessarily excluded from the Kedushah Sheniya. For example, some places -- e.g. potentially in the region you mentioned -- might not ever have been conquered before Galus bavel; yet they could have been conquered at the Shivas Tzion in the time of Ezra. This would render them eligible to be endowed with the Kedushah Sheniya, even if they never had the Kedushah Rishonah.

2. As you might know, the *Kedushah* of Eretz Yisrael, with regard to Mitzvos ha'Teluyos ba'Aretz, is not dependent on being *part* of Eretz Yisrael. For example, Azah is *part* of Eretz Yisrael, as we see based on the statement of Rebbi Asi in Shabbos 145b. Yet, at the same time, Azah is not considered to be endowed with the *Kedushah* of Eretz Yisrael, as we see in the beginning of Gitin, where Ashkelon (which is farther north than Azah) is considered to be south of the sanctified portion of Eretz Yisrael.
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I hope this helps!

Warmest regards,

Yishai Rasowsky

Gitin 038: Amon and Moav

Davic1 asks:

1. Hello again. Isn't it unusual that Hashem sought to punish Moav and Ammon for not providing the Israelites with food? After all, there were many millions of people coming into Canaan. How could these nations ever possibly be expected to provide so much food and water for so many millions of people?
2. Second, why should Hashem instruct the Israelites not to fight Moav and Ammon because he gave them their land as an inheritance? After all, they were idolaters, so why should they deserve such an inheritance?! Plus, they must have conquered the land to acquire it exactly as Og and Sihon did.
3. Is there a reason why the term "Sdeh" for Moav and for other uses in the Torah referring to countries or territories is used instead of "Eretz Moav" (as in Eretz Pelishtim)? And is there some reason why the words might have been used interchangeably? We know that there is nothing superfluous in the Torah, so must have been a reason why "Sdeh" was used instead of the more specific "Eretz".
4. And is it truly the case that in the entirety of Eretz Yisrael at the time of Elimelech and Naomi there wasn't a single other area in all of the country they could have traveled to, and they had to cross over *davka* into the kingdom of Moav (right across the river from the tribe of Reuven? If the drought was only in Yehuda, why didn't they go to a northern tribe instead?!

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman,

1a. It is expected that Amon and Moav should have tried to provide hospitality to the Bnei Yisrael, especially since we are their cousins, and particularly since they are the descendants of Lot who indeed learned Hachnasas Orchim from Avraham Avinu.

1b. The claim against them is even stronger, since we descend from none other than Avraham, who had saved Lot from the four kings who captured him, plus the fact that it was in Avraham's merit that Lot and his daughters, the mothers of Amon and Moav, were saved from the destruction of Sodom. See Ramban on Devarim 23:5.

1c. If Amon and Moav had been poverty stricken countries with only a scant supply of food and water, then it can potentially be argued that they are not to blame for having neglected to give up their resources to strangers. But in fact they were comfortable enough to be able to afford to share their resources (e.g. see Rashi to Bamidbar 22:39). Had they honestly attempted to share provisions with the Bnei Yisrael, they would not have been punished. Moreover, had Amon and Moav made it a national campaign to help us, it would have been plausible to provide even millions with food and water.

1d. Amon and Moav nations are held accountable for not providing this hospitality *free of charge* (see Chizkuni). Moav actually did provide us food and water; but they may us pay for it, and their additional sin against us -- as the Torah states -- was hiring Bilam to pronounce his curses (Seforno ibid., based on Devarim 2:28-29).

1e. It is important to realize that some commentators understand that the claim of not providing hospitality is only leveled against Amon, but not Moav. The claim of hiring Bilam to utter curses, on the other hand, is leveled only against Moav, not Amon. See Ramban on Devarim 23:5).

2. The Torah (Devarim ch. 2) tells us that the reason we may not take away the land from Moav and Amon is because this inheritance was given to them in the merit of their great grandfather Lot. It is *not* because of the merit of Amon and Moav themselves, per se, but rather only because of the Zechus of their ancestor that we are forbidden to take their land; that is, at least until the time of Mashiach when we will in fact be destined to take control of it (Bereishis 15:19 with Rashi).

3a. Some Mefarshim seem to understand the words "Sadeh" and "Eretz" interchangeably; for example, Radak on Bereishis 32:4 and Metzudas Tzion on Hoshea 12:13 and Shmuel I 6:1. At times, though, Sadeh is more specific and Eretz is more general; for example, Vayikra 25:31 and Malbim on Devarim 32:12.

3b. In some contexts, Malbim points out (Iyov 5:23, Shemos 23:11, Tehilim 79:2) that one key difference between the terms is that "Eretz" connotes civilized areas where people dwell, unlike "Sadeh" which connotes a remote area in the undeveloped wilderness.

3c. You mentioned the land of Pelishtim as an example of the term Eretz. As you might know, we also find instances of the term "*Sdei* Plishtim" (Shmuel I 6:1,27:11,27:7).

3d. On a basic level, the term Sadeh does indicate growth of vegetation, typically connoting plants, but sometimes including trees (Malbim on Sifra Parashas Kedoshim 13:1,49:1). And some report that topographically there are a few distinct regions of Moav: a) an enclosed portion south of the Arnon River (some identify this as the "fields" of Moab); b) open rolling country north of the Arnon reaching to the hills of Gilad (some identify this as the "land" of Moab); and c) the low tropical area in the Jordan River valley.

4. We see from the Targum that the famine was nationwide throughout all of Eretz Yisrael. As you might have seen, Rashi cites Chazal who point out that the reason Elimelech brought his family to Chutz

l'Aretz was because he wasn't feeling generous. He didn't want all the needy families knocking on his door for handouts. Therefore, he went to a place that had plenty of food (as we discussed above, the phrase *Sdei Moav* indicates that it was a place that had plenty of produce. So the (gentile) population there would not ask him for charity.

I hope this helps!

Warmest regards,

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David asks:

Why would we have expected Moav and Ammon, or any other people to be so generous as to give out for free food and water for literally millions of people whose ultimate goal was to be a war against their neighbors in Canaan? One might argue, well, if the Israelites want to embark on this project, that's their problem, why should we be drawn into all this? And even if they were aware of what happened at Sinai, would they be expected to give in to the Israelites more than anyone else?

How long did it eventually take the Bnai Yisroel to take over all the land for their tribes, i.e. to either have the Canaanite tribes accept Hashem, move out of the country, or face war?

At what time was Eretz Yisrael physically representing a vastly enlarged "Eretz Zvi", was it when the Canaanites were there or later? Is this ever discussed? And didn't this force the rest of the lands also to expand and enlarge the Earth?

Where does the Targum in Rus explain that the famine was throughout the whole country?

Thanks,

DG

The Kollel replies:

Shalom R' Goldman,

Great to hear from you!

1. The main reason they would be expected to help seem to be because they were descended from Lot who owed tremendous gratitude to our father Avraham. Ramban (Devarim 23:5) elaborates. Also, I believe it might help to think of the Torah's treatment of Amon and Moav not as a penalty for failing to have helped us; rather, their men who convert are just limited regarding whom they can marry. Because they showed that they are not fully worthy, since they failed to exemplify Avraham's attributes of kindness, mercy, and hospitality. But they are not being punished per se. A case might be made to the contrary, since their safety and well being is actually protected by the Torah's mandate that we not do battle against them.
2. It sounds like you are referring to the period known as the Kibush v'Chiluk. That began with seven years of conquest, which commenced once Yehoshua crossed the Yarden, and which was followed by another seven years of distribution and settling of the land.

3. I assume you are referring to the Gemara in Gitin 57a which says that before the Churban/Galus, the land of Israel could comfortably hold plenty of citizens, but when the Jewish people were expelled and the land is empty, then it can barely hold any space at all. One could understand that the whole earth would not have to expand, if this shrinking process occurs miraculously as Ben Yehoyada writes; in fact, it seems to me quite similar to the Mishnah in Avos 5:5 which describes people in Mikdash who stood crowded yet bowed with plenty of room.
4. In Rus 1:1, the verse only says that the famine was in *the land*. Which land? It could theoretically be a small local subportion of the country. But the Targum writes that the famine was in *the land of Israel*, which -- simply speaking -- indicates a nationwide famine.

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David asks:

Where did the giants come from? Who was the giant wife of Og after the Flood and the population of the Anakim if they were also descendants of Seth?

How geographically did Eretz Yisrael look as Eretz Zvi, and when was it? What implications did it have for the events in Tanach?

The Kollel replies:

Shalom R' Goldman!

1. Regarding giants, the Nefilim are described in Bereishis 6:4. Rashi identifies them as giants. Chizkuni explains their names as being expressive of their outstanding height ("Niflaim b'Gova"). Targum Yonasan specifies their identity as Shemchazai and Azael who fell from heaven. Bamidbar 13:22 describes three sons of the Anak. I see the Anakim are identified as being the sons of the Nefilim (Rabbi Tzadok in Pirkei d'Rebbi Eliezer 22). The four brothers Saf, Madon, Goliath, and Ishbi b'Nov were sons of Harafa who is identified as Orpah (Sotah 42b). Sichon and Og were sons of Achiyah son of Shamchazai (Niddah 61a). At the moment, I didn't look for more information about other groups identified as giants -- such as the Refaim and Eimim -- because I didn't believe you were asking about them; but kindly let us know if there is more about them you had hoped to research.
2. I am not aware of information about a wife of Og. In my search, however, I did come across a Maharsha in Niddah (61a DH Tosfos DH Zeh) who reports something about Og's family that you might like to consider; that is, Achiyah (son of Shamchazai) the father of Og begot Sichon before the flood via an illicit relationship with the wife of Cham ben Noach, who gave birth to him on the Teivah.
3. I understand geographically that Eretz Yisrael after the Churban looked as though it could only hold a small number of people, but that before the Churban it indeed could. The metaphor of the deer stretching skin could mean this happened miraculously, as we discussed (citing Ben Yehoyada); alternatively, one could suggest it is a metaphor, and this Pshat might be supported by the Gemara in Kesuvos 112a which uses the phrase Eretz Tzvi to mean that the land of Israel cannot even contain its large quantities of produce, and that its produce ripens extremely quickly.
4. Regarding the time period when this occurred, it seems most reasonable to assume that this blessing of Eretz Tzvi only occurs when the Jewish people are living on the land but not whilst in Galus. Perhaps support for this can be found in Vayikra 26:43.
5. I am not aware of events in the Tanach whose course of events were altered because of this quality of Eretz Tzvi, but it is a good question you are asking!
6. If I can retract something I wrote before, I believe I mistakenly portrayed the Torah's attitude toward protecting the rights of Amon and Moav. Even though it is true that those two nations are afforded safety from Jewish attack (and Mashiach descends from them!), nevertheless the Torah clearly states

that we should not seek their welfare (Devarim 23:7), which is codified in the Rambam (Hilchos Melachim 6:6) as *not* initiating peace dealings with them.

I hope this helps!

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1c. If Amon and Moav had been poverty stricken countries with only a scant supply of food and water, then it can potentially be argued that they are not to blame for having neglected to give up their resources to strangers. But in fact they were comfortable enough to be able to afford to share their resources (e.g. see

Rashi to Bamidbar 22:39). Had they honestly attempted to share provisions with the Bnei Yisrael, they would not have been punished. Moreover, had Amon and Moav made it a national campaign to help us, it would have been plausible to provide even millions with food and water.

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1e. It is important to realize that some commentators understand that the claim of not providing hospitality is only leveled against Amon, but not Moav. The claim of hiring Bilam to utter curses, on the other hand, is leveled only against Moav, not Amon. See Ramban on Devarim 23:5).

2. The Torah (Devarim ch. 2) tells us that the reason we may not take away the land from Moav and Amon is because this inheritance was given to them in the merit of their great grandfather Lot. It is *not* because of the merit of Amon and Moav themselves, per se, but rather only because of the Zechus of their ancestor that we are forbidden to take their land; that is, at least until the time of Mashiach when we will in fact be destined to take control of it (Bereishis 15:19 with Rashi).

3a. Some Mefarshim seem to understand the words "Sadeh" and "Eretz" interchangeably; for example, Radak on Bereishis 32:4 and Metzudas Tzion on Hoshea 12:13 and Shmuel I 6:1. At times, though, Sadeh is more specific and Eretz is more general; for example, Vayikra 25:31 and Malbim on Devarim 32:12.

3b. In some contexts, Malbim points out (Iyov 5:23, Shemos 23:11, Tehilim 79:2) that one key difference between the terms is that "Eretz" connotes civilized areas where people dwell, unlike "Sadeh" which connotes a remote area in the undeveloped wilderness.

3c. You mentioned the land of Pelishtim as an example of the term Eretz. As you might know, we also find instances of the term "*Sdei* Plishtim" (Shmuel I 6:1,27:11,27:7).

3d. On a basic level, the term Sadeh does indicate growth of vegetation, typically connoting plants, but sometimes including trees (Malbim on Sifra Parashas Kedoshim 13:1,49:1). And some report that topographically there are a few distinct regions of Moav: a) an enclosed portion south of the Arnon River (some identify this as the "fields" of Moab); b) open rolling country north of the Arnon reaching to the hills of Gilad (some identify this as the "land" of Moab); and c) the low tropical area in the Jordan River valley.

4. We see from the Targum that the famine was nationwide throughout all of Eretz Yisrael. As you might have seen, Rashi cites Chazal who point out that the reason Elimelech brought his family to Chutz l'Eretz was because he wasn't feeling generous. He didn't want all the needy families knocking on his door for handouts. Therefore, he went to a place that had plenty of food (as we discussed above, the phrase *Sdei* Moav indicates that it was a place that had plenty of produce. So the (gentile) population there would not ask him for charity.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Tzvi B asks:

What does zayin-hei-zayin stand for?

Tzvi B, UK

The Kollel replies:

Shalom,

Great to hear from you. It stands for Zman ha'Zeh.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 054: Why is there no problem of Chotei Niskar

Avrumi Hersh asks:

54a just before the wide lines.

If we say that an anusa doesn't get tney kesubah, isn't that a problem of chotey niskar?

(At least acc to abaye who says chotey niskar is a problem even if she is getting the knas payment)

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

Great to hear from you. Two points for consideration might help us distinguish this case from one of Choteh Niskar.

First, the husband doesn't have the right to divorce this wife. This makes a man who marries his Anusah less autonomous than compared a husband in an ordinary case of marriage which was not preceded by any violation.

But the greater consideration seems to be that this cancellation of the Tenaei Kesubah only applies *after the death of the husband*. Indeed, during his lifetime, the husband of the Anusah must support the daughter. We find this is Rambam Ishus 19:14. It is difficult to understand how the principle of Choteh Niskar would apply to a situation in which the Chotei does not even survive to experience the so-called "benefit" which is accrued as a result of his sin.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 054: R' Yochanan

Daniel Gray asks:

Why on 54b is R' Yochanan not concerned aa he was on 52b with Asinu Atzmeinu k'Orchei ha'Dayanim?

Daniel Gray, Toronto Canada

The Kollel replies:

Shalom R' Gray,

Great to hear from you. Excellent question! The commentaries have a number of approaches to resolve this apparent contradiction. Here are a few that I came across:

1. On 52b there is a problem because the relatives of Rebbi Yochanan went to arrange the fixed-price deal with the doctor without the consent of the widow; doing so against her will makes it a problem for Rebbi Yochanan to provide them this advice. On 54b, however, there is no problem, since no one is forcing onto the wife the arrangement to the designated land; the wife can decide of her own volition whether to accept the agreement or not (Tosfos 54b DH d'Niyached).
2. Besides the above consideration, one can interpret that in the case on 54b the relatives are only trying to prevent the wife from *overindulging*, but not from partaking of her fair share of sustenance; therefore, it would not be wrong for Rebbi Yochanan to provide them this advice (Ritva 54b DH d'Niyached).
3. Rebbi Yochanan actually regretted having given the advice in both stories. The story on 54b happened first, and the story on 52b happened second. When Rebbi expressed his remorse it was regarding his actions in both incidents (Rashi cited in Shitah Mekubetzes).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 063: Ben Azai and other questions

Joshua Danziger asks:

Hello kollel, I was learning kesubos 63 and had a few questions

1. the gemara says Ben azai was r akiva son in law. But wasn't Ben azai famously not married?
2. rava has strong language for his son coming back from learning to his *zona*. Doesn't this seem a bit harsh, and more so he was coming erev Yom Kippur when biah isn't allowed?
3. a general q. Some more of the background of r akiva is in avot derabbi natan. In general if an av is the word meaning Father, and in a way the most masculine word there is, why is the plural avot and not avim?

Thank you!

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you. All good questions!

1. Yes! Chazal discuss this point in Sotah 4b, and conclude that right after he married her he separated from her, as Tosfos in Yevamos cites (63b DH Sheyiskayem). In case you are interested in the mystical side of this, I want to share with you a link:

https://www.chabad.org/kabbalah/article_cdo/aid/1673831/jewish/Ben-Azzai-Souls-of-Converts-344.htm#footnoteRef1a1673831.

2a) Some, including Maharsha, have a Girsas which reads Zugascha, instead of Zonascha, which makes the term less graphic. But it seems according to both Girsas that Rava's intention was to insinuate that really it was his son's desire for his wife that led him to abandon what was supposed to be continuous Torah study.

2b) Baruch she'Kivanta! Maharsha writes that Rava's son specifically chose Erev Yom Kippur as the date to come visit his family, when marital relations are prohibited, precisely because he did not want to be suspected as having been motivated by lust. Rava was nevertheless Choshed. So learns the Maharsha.

2c) Ben Yehoyada, on the other hand, offers two different interpretations, as follows. First, Rava suspected that his son was bringing upon himself a potential Michshol, since by visiting his wife after a long time and not being intimate with her, he was liable to become a Baal Keri on Leil Yom Kippur. Second, Rava felt that his son was causing undue pain to his wife, since if he had been away, the wife would not feel an intense longing to be with her husband (out of sight, out of mind); but now that he was finally home after a long time away and nevertheless -- because of Yom Kippur -- refrained from being intimate with her, that would cause distress to his wife.

3. You are right to point this out. Even though most masculine plurals end with Yud Mem, and most feminine plurals end in Vav Tav, nevertheless there are exceptions. For example, "Nashim" and "Yadaim" are feminine. If I do find something specific about Avot, Bli Neder I will try to get back to you.

I hope this helps!

Warmest regards for Kesivah v'Chasimah Tovah,

Yishai Rasowsky

Kesuvos 074: Hamotzei Ess Ishto Lo Yachzir

S <asks:

The Gemoroh discusses reasons as to why a person who gives his wife a divorce may not remarry her. Takonas Chazal state that if he would be able to reverse the 'get' the second marriage would be null and void and the children (from this second marriage) illegitimate (which they wanted to prevent).

What would be achieved? We know that there is a concept where a woman remarried without scrutinising the witness and making thorough checks on the circumstances surrounding her first husband's purported demise, that she would be 'teizess mezu umizu' - she would have to be divorced from both men.

Why does this concept not apply in our scenario and the possibility would not exist to create a 'yechzair'?

If you want to suggest that the 'get' was immediate, and without any delay (thereby negating the marrying another husband), surely that would be a typical 'bo bayom' that would constitute a 'beyom heshomah' and the (first) husband could be 'mefir' the vow?

S, UK

The Kollel replies:

Shalom S!

Great to hear from you.

Correct me if I am missing something, but I am afraid that at the moment I do not see a conflict between the two cases.

In the case you cited concerning the woman who believes her husband died, technically -- were it not for the Takanas Chazal -- she should not be allowed to marry another man unless she has testimony from two witnesses who can confirm the first husband passed away.

But Chazal didn't want a woman without two witnesses to remain an Agunah, so they were lenient, and allowed her assume that the first husband is indeed dead, relying on just one witness.

As you correctly noted, this is all provided she takes into account the severe consequences that would befall her if she is mistaken (she is forbidden to both men etc.), since only then do Chazal assume that she thoroughly investigated that the first husband was dead.

In this case, on the other hand, a husband divorced his wife on grounds of her having a bad reputation, or her having taken a vow.

Technically, therefore, what would be if it weren't for the Takanas Chazal? As the first opinion in the Gemara (Gitin 45b-46a) says, if the husband stipulated at the Gerushin that he is divorcing because of either of these reasons, then he should be able to annul the divorce, if the aspersions cast on her reputation were ultimately mistaken, or if the vow was annulled.

(This is true according to Rashi; Tosfos, however, maintain that even though he would not be able to annul the Get in this way, he still would be liable to spread slander about his ex-wife's second marriage.)

This is true whether or not she decided to marry a second husband in the meantime. After the the Takanas Chazal, however, the husband is made to resolve that he will never want to take his wife back after giving this divorce, whether or not she meanwhile marries someone else. The reason, as you astutely wrote, is because in the event that she does marry someone else, the first's husband "recanting" of the divorce would cause serious problems regarding her second husband and any children she bore to him.

You asked "Why does this concept not apply in our scenario and the possibility would not exist to create a 'yechzair'?" I am afraid I am not sure what is bothering you. If there is some point that is difficult or inconsistent, please I will be happy if you let me know.

Warmest regards,

Yishai Rasowsky

Rosh Hashanah 026: The Sounds of the Shofar

Davic1 asks:

Greetings. It just occurred to me that I don't understand why the sounds of the shofar should be compared specifically to sounds of wailing and groaning. This would contradict the very spirit of Rosh Hashanah as a YOMTOV in which sadness is prohibited. Indeed, the teachings from the braises in Rosh Hashanah as related to Yom Hadin and other features of the liturgy also contradict or at least create an ambivalence for a day that is specified as a YOMTOV in the Torah.

In any event, why couldn't the sounds be compared preferably to sounds of alert, notification, reporting, etc. instead of anything alluding to sadness??!!

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman,

Great to hear from you.

I want to start with some basic background, with which you may already be familiar. The Gemara (Rosh Hashanah 33b) explains: The Torah (Bamidbar 29:1; cf. Vayikra 23:24) mandates a day of "Teruah" i.e. outcry; and the Targum renders this as "Yabava". We find a similar term used regarding Sisera's mother when she "cried out" because he delayed coming home from battle (Shoftim 5:28).

In terms of your particular question, I see that the Ksav v'Hakabalah (Vayikra ibid.) writes that the purpose of this attitude of wailing is to elicit our submissiveness before Hashem our King. In other words, the point is to dismantle any haughtiness in our spirit which has rebelled against the Creator and instead humbly accept his kingship.

Moreover, you are correct that contradictory moods are expressed in regards to the theme of the day: On the one hand, it is a Yom Tov; in fact Shulchan Aruch (Orach Chayim 597:1) rules like the opinion which forbids fasting. On the other hand, it is a day of judgment (Rosh Hashanah 16a); and some opinions do allow fasting (and we rely on this particularly if this is done to enhance and lengthen the Tefilah of the day until Chatzos, even though that is not generally allowed on Shabbos or Yom Tov).

It is also interesting and relevant to note a statement of the Rosh, whose message might be reflected in your eloquent comments. In the closing words of his commentary on Maseches Rosh Hashanah, he writes that there is a difference between Rosh Hashanah and an ordinary day of judgment. A person who is to undergo an ordinary trial in a human court is disheveled, unkempt, anxious, and worried. But on Rosh Hashanah, to the contrary, the Jewish people dress nicely and eat and drink on our the Day of Judgment because we are confident that Hashem will judge us favorably.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Tamid 032: Priest who offered Incense

David West asks:

Did the priest who offered incense bless the people who were praying at the time of the offering? What was the blessing? References ?

David West, Fort Worth, TX USA

The Kollel replies:

Shalom R' David,

First, we know from Tamid 6:3 that the Kohen who offered the incense would bow down. However, this is not a blessing addressed to the people per se; though it certainly constitutes divine service on their behalf, which is meant to turn Hashem's favor onto the population.

But secondly, and more directly relevant to your excellent question, is that Tamid 7:2 records that the ensemble of Kohanim -- which included the one who had offered the incense -- would indeed recite a blessing the people. The blessing was comprised of the three verses from Bamidbar 6:24-26. As the Mishnah and commentaries clarify, the Kohanim would recite this three part series as one long continuum, not pausing for the people to answer Amen in between the verses.

However, all that is on a regular day, when any ordinary Kohen might offer the incense in the Heichal. But on Yom Kippur, when the Kohen Gadol offers the incense in the Kodesh ha'Kodashim, the Mishnah in Yoma 5:1 records that he recites a brief prayer after exiting the Kodesh ha'Kodashim.

The Gemara in Yoma 53b tells us that this prayer was that if the coming year is supposed to be hot, then it should be rainy. This could potentially be the best fit to what you described, since this prayer would provide blessing to the whole population.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Yevamos 026: Two brothers married to two sisters

HG Schild asks:

If 4 brothers where two are married to two sisters and the two brothers diie

I follow zikah etc that the remaining two cannot marry the two widow sisters...

BUT WHAT IF BOTH SISTERS HAVE CHILDREN from the dead brothers

Can the two brothers left marry each to a sister?

Chaim

The Kollel replies:

Shalom R' Chaim,

Great to hear from you.

Forgive me for pointing out what you might already know, but discussions of Yibum and Chalitzah typically assume there are no children (Devarim 25:5). If there were children, each surviving brother would be forbidden to marry either widow because of the prohibition of Eishes Ach (Vayikra 18:16).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Yevamos 078: Safek Mamzer / Safek Kohen

Steven asks:

Can a safek mamzer marry a safek Kohen?

If a safek mamzer is investigated and there is no available proof to either condemn or vindicate, is the safek mamzer still a safek mamzer?

0546700511

Steven, Boston, USA

The Kollel replies:

Shalom Steven,

Great to hear from you. Chazal explain (Kidushin 74, Yevamos 87) and the Rambam writes (Hilchos Isurei Biah 15:21) that *Min ha'Torah* a Safek Mamzer is permitted to marry a Jew, which would include a Kohen; but practically mid'Rabanan such a marriage is Asur based on a Gzeras Chazal to avoid Yichus problems.

You wrote that there is no available proof to either condemn or vindicate. So what made us view this person a Safek Mamzer in the first place? The classical example would be where there is some lack of knowledge about who the father is. But do you mean that case, or something different?

This is not a Psak Halachah.

I hope this helps!

Best wishes,

Yishai Rasowsky

Divrei Hayamim II 30: Kusim

davic1 asks:

Greetings, again. I am looking at chapter 30:25. Can we say that the people who were coming at the time of King Chizkiyahu who Metzudas David says were converts (and had not yet deteriorated) from the Land were the earliest Kusim, since it is possible that they had arrived from Habor perhaps 10 years earlier, assuming it took a few years for them to arrive?

In 35:18 I don't understand Rashi's statement that the time of the Judges was from the time of Shlomo, since that time was not identified any longer as the time of the judges. The other commentators (on Sefaria) also don't address this. Why should it be said that the Jews did not perform the Pesach with such purity even in the time of David and Shlomo?

With regard to the Ten Tribes, it seems we have enough sources to explain that all the tribes had enough members assimilated with Yehuda and Binyamin to assume that from the time of Bayis Sheni until today we have been composed of all the tribes. Sources tell us that members of the 10 tribes moved into Yehuda/Shimon/Binyamin throughout the king period, plus were brought back by Yirmiyahu, plus returned with the Olei Bavel, plus some were still living in the Land all along.

David Goldman

The Kollel replies:

Shalom R' Goldman,

1. Your explanation regarding the converts being the Samaritans makes a lot of sense to me, especially since -- as you pointed out -- it was around that same time period that Chizkiyahu reigned in Yehudah, and the Assyrians had conquered Yisrael and imported the Samaritans. It particularly strikes me -- and this maybe is included in what you meant -- that the Gerim are described as coming from Yisrael (where Melech Ashur had placed them) toward Yehudah (where Chizkiyahu reigned).
2. Malbim on verse 26 explains that the Jews did not unite in Yerushalayim since the time of Shlomo. We know the kingdom was divided after Shlomo (Melachim I chapters 11 and 12; Divrei ha'Yamim II chapter 10), after which point the 10 tribes were not Oleh Regel (Melachim I chapter 12) until this occasion of Pesach.
3. I like the point you made about the presence of individuals from the other ten tribes existing amongst the people of Malchus Yehudah. For example, I see -- as you must have -- that in Divrei ha'Yamim (II 15:9) Asa, the King of Yehudah, brought people of Efraim, Menasheh and Shimon into Malchus Yehudah. In addition, as you know, there is reference in Divrei ha'Yamim (at the beginning of chapter 30) to the individuals from Asher, Menasheh and Zevulun who came to Yerushalayim.

I think I have learned more from you than the other way around, but anyway I hope this helps!

Warmest regards,

Yishai Rasowsky

David Goldman asks:

Thanks for this reply. Regarding your point #2, if there was no unity like this since the time of the judges, and we assume that means Shmuel who was the last judge, why does the Malbim refer to Shlomo, who was AFTER the time of the shoetim, and all the tribes came to Yerushalayim during his reign??

The Kollel replies:

Shalom R' Goldman,

1. My pleasure. I know you understand this, but I am just writing it out for the sake of clarity. In the latter half of the Bayis Rishon, there were two distinct observances of Pesach that were especially notable.
2. One was in the time of Chizkiyahu (Divrei ha'Yamim II ch. 30). This, the verse tells us, was a great joy, for there was nothing like it in Yerushalayim since the time of Shlomo ha'Melech.
3. The other was many decades later, in the time of Chizkiyahu's great grandson Yoshiyahu (Melachim II 23:21; Divrei ha'Yamim II ch. 35). This, the verse tells us, was unprecedented since the time of the Judges (as expressed in Melachim; or, equivalently, from the time of Shmuel ha'Navi, as expressed in Divrei ha'Yamim).
4. I found assistance in the words of the Radak (Divrei ha'Yamim II 35:18), and his comment might help to address your point. From his explanation I see that there were two characteristics about the Yoshiyahu's Pesach that outdid Chizkiyahu's Pesach, namely:
 - a. A greater portion of the population participated with Yoshiyahu than with Chizkiyahu.
 - b. Even the ones who did participate with Chizkiyahu were not all Tahor, whereas with Yoshiyahu they were.
5. So, to sum up, even though Chizkiyahu's Pesach was great, incomparable since the times of Shlomo, nevertheless Yoshiyahu's Pesach was even greater, unprecedented even way back earlier since the times of Shmuel.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Davic 1 asks:

Thank you. Regarding your point #4, the explanation of the Radak doesn't tell us WHY it was greater in the time of Yoshiyahu than in the time of the Shoftim excluding even Shlomo simply because "more" of the population participated. In other words, something tangible must have been missing from the time of Shmuel EVEN excluding the time of Shlomo, and the question is exactly what was the tangible reason? What could have been greater than a Pesach during the reign of Shlomo ben David in history, unless....the navi is trying to suggest that there was something GREATER about Yoshiyahu than even Shlomo himself!

In other words the Pesach was greater because in all the period of the kings with the Temple in Yerushalayim there was never a king who was greater than Yoshiyahu, including Chizkiyahu AND Shlomo himself. Could that greatness mean that Shlomo was born in the time of Shmuel who was a Judge, and therefore his kingship on Pesach was not as "complete" or as great as Yoshiyahu because Yoshiyahu was born under the kingships PLUS the Temple? When Shlomo was born there was no Temple. But there was when Yoshiyahu was born, AND HIS FATHER WAS A RASHA. Therefore a king born with the Temple who did not follow in the evil ways of his father was GREATER than Shlomo, and both Amon and Yoshiyahu were born with the Temple in existence.

So why was this equivalent to the time of the judges? Perhaps only because Yoshiyahu was equivalent to David Hamelech in certain respects who was in the time of the Judges, not to mention Shaul or before that

the judges at Shiloh. But we could ask why a Pesach in Shiloh or Nov or Givon would have been equivalent to a Pesach under Yoshayahu if the world with the Temple was like the Mishkan in those other places with only judges and no kings? Perhaps it is a certain criticism of the generation of Yoshayahu in a respect the generation of the tribes together with judges in Shiloh, Nov or Givon was their equivalent EVEN THOUGH THEY DID NOT HAVE THE KINGSHIP OF BEIS DOVID. Sort of like a "yeridas hadoros."

The Kollel replies:

Dear R' Goldman,

Yasher koach. I see there is much truth in what you eloquently.

Our discussion about Yoshiyahu's father Amon (whose misdeeds Chazal discuss in Sanhedrin 103b) might remind us of the statements from Chazal that, at least in Tefilah, a Tzadik Ben Tzadik is superior to a Tzadik Ben Rasha (Yevamos 64a based on Bereishis 25:21).

Warmest regards,

Yishai Rasowsky

David Goldman asks:

So does this then mean that idea of the Pesach of Yoshayahu being greater since the time of the Judges indicates by definition that the pesach under a king of Beis David and the Temple in one sense is greater than anything else comparable since Shilo/Givon/Nov but on the other hand is EQUIVALENT to the those times of Judges (skipping over all the other kings who were sons of kings), suggesting yeridas hadoros, since one would otherwise assume that a Pesach under a king of Beis Dovid and the Temple would be GREATER than anything else ever since the Mishkan of Moshe Rabbenu?!

The Kollel replies:

Yasher koach R' Goldman! This is definitely a fascinating line of reasoning. I am only able to add something which I am sure you already know, namely, that we do find the phenomenon of Yeridas Hadoros expressed in Chazal, for example Shabbos 112b, Eruvin 53a, and Yoma 9b. Yasher Koach for your insightful comments!

Warmest regards,

Yishai Rasowsky

Erchin 016: Yam Suf

davic1 asks:

Greetings. I was wondering why Tosafos does not address the issue of the location of ים סוף in Sefer Melachim 28 which says it is near Eloth. If Tosafos is the only source suggesting that the Yam Suf close to Goshen in the North, how does he explain its use referring to a body of water near Eilat etc., meaning at the Gulf of Aqaba? In addition, isn't it possible to determine the location of the Yam based on the time it took to get there from Goshen or to the subsequent stops? And since Yam Suf is mentioned elsewhere in the Torah that seem to place it nearer to Sinai, isn't it possible that Tosafos is incorrect? And why wouldn't Tosafos have addressed all the references?

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman!

Great to hear from you.

Please excuse me in advance that in this reply I seem to be raising more questions than answers.

Regarding the references, I understand you are referring to the Tosfos on Daf 15 DH k'Shem and the Posuk in Melachim I 9:26.

My impression is that Yam Suf encompasses what we today call the Red Sea, including the Gulf of Aqaba near Eilat, as you mentioned, and also the Gulf of Suez, nearer to Egypt.

That is an interesting idea to calculate the distance to the Yam based on the travel time. Would you specify how one would do that to confirm or oppose Tosfos?





Regarding the possibility that Tosafos is incorrect, though it might not be the exact issue you raised, you may want to see the comments of the Yaavetz.

Was there a need for Tosfos to address other references in order to address the point that was troublesome in the Gemara?

Warmest regards,

Yishai Rasowsky

David Goldman asks:

Thanks for your reply. In the first instance, the commonly held view in our sources is that the sea was the lake located at the far north of Egypt, not the Reed Sea. About Tosafos, why wouldn't he address the meaning of Yam Suf in 1 Melachim 9:26 since that Yam Suf is near Eilat/Eilat, not Egypt. So there is some confusion. Plus we know that trip across was in a semi-circle, and bederech hateva the Egyptians could have easily caught up to the Bnai Yisroel, and the water was not that deep. That would be a lot different from the Reed Sea.

DG

The Kollel replies:

Shalom R' Goldman,

You're welcome. And I thank you for the insightful comments!

1. I see Ibn Ezra (Shemos 13:18) writes that the Yam Suf is the Yam Mizrachi Neged Mitzrayim. From that description one gets the impression that he is referring to the Gulf of Suez and, I am not sure, but possibly also, the larger body of water to the south today known as the Red Sea.
2. I see Rabbi Aryeh Kaplan, in his wonderful work, The Living Torah, brings other commentaries, on the basis of which he identifies two alternative suggestions, which I believe sound to be what you were

referring to:

- a. Lake Manzala in northeast Egypt.
- b. Lake Serbonis farther east.

3. Regarding the proximity to Eilat, I may be hearing from you that I am mistaken, and that is OK, but I would be under the impression that the Gulf of Aqaba and the Gulf of Suez are considered one body because they connect just south of the Sinai Peninsula. Let me ask if someone else can look at your questions, and maybe they could potentially offer greater insight.

Warmest regards,

Yishai Rasowsky

David Goldman asks:

So then there is some lack of clarity, because for those describing the Sea as the lakes area how do they explain that there is a Yam Suf in Melachim as well? Your suggestion in #3 is interesting, but might be somewhat of a stretch even for considering the Gulf of Aqaba and the Red Sea and Gulf of Suez as one body of Yam Suf. But for those who refer to the lakes, the reference in Melachim needs an explanation.

If I understand correctly the body of water containing reeds (suf) would be the lake area, where the Bnai Yisroel circled back in 12 lines, and this is only the view of Tosafos, who explains it because of the words used in the pasuk ("mi yaminam usmalam") etc. I suppose Rashi in Shmos holds that way too. But they would need some kind of explanation for Sefer Melachim. I looked through the selections in Sefaria for that posuk in Shmos and no one addresses that issue.

The Kollel replies:

Shalom aleichem,

Yasher koach! I find your question very challenging. Hopefully at some point I will receive an insight from others to share with you. Meanwhile, I can cite the following sources, which could potentially add insight.

- 1. Rabeinu Bachye (Shemos 23:31) indicates that Yam Suf is to the *south* of Eretz Yisrael, whereas Rashbam says it is to the *east*.
- 2. Rashi (Devarim 1:40) indicates that Yam Suf is south of Midbar, which might be understood as support for suggestion #3 to which you just referred.
- 3. Radak (Yermiyahu 49:21) addresses the proximity of Yam Suf to the Land of Edom.

I had now great assistance from Rav Yitzchak Breitowitz Shlita who directed me to this very good article which tries to identify which bodies are called Yam Suf in light of the sources you cited:

<https://www.thetorah.com/article/the-yam-suph-in-the-transjordan>.

I hope this helps!

Best wishes,

Yishai Rasowsky

David Goldman asks:

But what about the issue presented by Bamidbar 33? All the traveling around along Yam Suf, back to Yam Suf, etc.?? Does it mean they were basically going around in circles up into Sinai, and then back down to the lakes (fresh waters) back and forth?

And what about the case of Shlomo at Eilat? Why would that be called Yam Suf if it is a salty sea?

And Moshe Rabbenu was in the basket in the SUF of the Nile. The Nile is fresh water.

The traveling to the Sea after leaving Egypt is the first activity they took. So how could it have involved a location hundreds of miles away?

The Kollel replies:

Dear R' Goldman,

I admire your quest for discovering the truth in a murky subject. I am going to share a link to another article that I have found helpful.

<https://www.jewishencyclopedia.com/articles/12622-red-sea>

Two interesting claims made there which seem to bear relevance on our discussion are the following:

1. The Gulf of Suez in ancient times extended considerably farther north, reaching, according to Greek and Latin authors, as far as the city of Hero (= Pithom), in the Wadi Tumilat.
2. Today no reeds grow on the salty coast of the gulf, but different conditions may have prevailed along the northern end in ancient times, where fresh-water streams discharged into it.

Warmest regards,

Yishai Rasowsky

Bava Kama 087: Katanim and Bechirah.

Tzvi B asks:

If a child destroys something he is not chayav to pay for it because he is not considered a ben daas. Does this mean that a child (even if minutes away from becoming a gadol) has no bechirah? Are they responsible for any of their actions? Is their level of neshama any different to a gadol's and lastly: what's the Torah view on children that murder (this being a huge moral dilemma for the non-jewish world in recent times)?

Tzvi B, England

The Kollel replies:

Shalom R' Tzvi,

1. The Mishnah says that if a child injures someone's body ("Chovel"), then he is not obliged to pay. Logically, this exemption would apply also in the case of *property damage* ("Mazik").

2. As the Rambam writes (Chovel u'Mazik 4:20), the reason is, as you cited, because a child lacks Da'as. Others qualify the interpretation of this Mishnah on the basis of the fact that a child can make a Neder before Bar Mitzvah, which suggests that they *do* indeed have understanding, and nevertheless l'Maaseh the child is not punishable (see Temurah 2b), and therefore doesn't need to pay.
3. The Rambam in Perush ha'Mishnayos (8:4 D.H. Cheireish) writes that even though he doesn't have to pay, still the Dayanim should discipline the Katan so that he should not inflict damage to people. This may be construed to mean that the child does have free will which, as a practical matter of societal functioning, has to be tempered and controlled. On the other hand, one could doubt this proof, because even animals, which have no free will, need to be trained and disciplined so as not to cause damage.
4. You asked if children are responsible for any of their actions. This would seem to be connected to more than one Machloess Rishonim.
 - a. First, does the child have to pay when he grows up? Some maintain that he does have to pay (Ohr Zarua Bava Kama 346, based on Bava Kama 98b -- see Rashi's explanation there; Hagahos Asheri Siman 9). This would indicate that children are responsible for their actions, just they don't have to deliver compensation until after their Bar/Bas-Mitzvah.
 - b. Notably, however, most Mefarshim and Poskim disagree with this Pshat, and actually exempt the child even after reaching adulthood (See Rav Akiva Eiger I 147 D.H. Nireh). (The Meiri (here) even explains this on the basis of the fact that the child was Ohness at the time. Mefarshim question this reasoning, however, because the Ramban (Bava Kama 27b) holds that someone must pay even if he damaged whilst Ohness. Others suggest, on the contrary, that this premise of Ramban may be the understanding of the view (Ohr Zarua, Hagahos Asheri) which is Mechayev.)
 - c. However, it is important to know that the Mishnah Berurah 343:9 rules that when the child grows up he should go beyond the letter of the law and indeed pay for being Choveil or Mazik (based on Taz, Chayei Adam, and seemingly Gra).
5. Additionally, there is a Machloess whether the Mitzvah of Chinuch to train children in Mitzvos rests upon the parent (Rashi Berachos 20a D.H. Ketanim) or upon the child himself (Tosfos Berachos 20a D.H. u'Ketanim and Megilah 19b D.H. v'Rebbi Yehudah). At least the latter view would seem to clearly hold that the child does bear responsibility.
6. Regarding the level of Neshamah of a child versus an adult, indeed the Shulchan Aruch ha'Rav writes (Mahadurah Basra #2) that only part of the child's holy soul is imparted to him or her before reaching adulthood, whereas the main and complete portion of that holy soul is endowed to them upon Bar/Bas-Mitzvah.
7. Regarding the dangerous and very serious issue of children that murder, G-d forbid, that would seem to fit under the Rambam's guideline about societal control mentioned above.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Yevamos 053: How is this a question on reb yosef

Avrumi Hersh asks:

Daf 53a middle.

The gemoro tries to prove shmuel (that you must do chalitzta to the one with the strongest zika) and make a teyuvta to reb yosef (who says that you should not spill mey boro.. I.e. you should not ruin the fresh yevomo from kehuna when you can ruin the spoiled yevomoh, who is already posul for kehuna)

How is this a teyuvta to reb yosef, maybe reb yosef only said this din when one of the yevomos was already a gerusha or a chalutza from a different marriage. Not when one of the 2 yevomos has a weaker zika, perhaps then he will be modeh to shmuel, and say that the chalitzta pesulah consideration supercedes the yishpoch mey boro consideration?

Avrumi Hersh, London england

The Kollel replies:

Shalom Avrumi,

Yes, I see two different possibilities to address your excellent question:

First is Tosfos (DH Leima), who writes that the Gemara is not trying to prove *both* for Shmuel *and* against Rav Yosef. Rather, the Gemara means to prove *either* for Shmuel *or* against Rav Yosef. In other words, if I can express in a different way what you already articulately wrote, one could hold like Rav Yosef, but then in light of the Mishnah one *must* hold like Shmuel. (The other alternative, of course -- though it is less relevant to your question -- is that one can disagree with Shmuel, but then in light of the Mishnah one could not hold like Rav Yosef.) In other sources, by the way, this Perush is identified as being from the Ree.

Second is Rabeinu Meir, which can be found in the Tosfos Rabeinu Peretz (and reportedly also in the Tosfos ha'Rosh, which I do not have on hand). He argues with Tosfos and maintains that the Gemara is indeed proving *both* for Shmuel *and* against Rav Yosef, because it can be shown (from Megilah 18b and Yeavmos 50a) that Rav Yosef disagrees with Shmuel.

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 080: status of a woman

Allan katz asks:

Ailonit, Saris - why is not having a period on the list

Allan katz, ?????

The Kollel replies:

Shalom Allan,

Correct me if I didn't understand, but it sounds like you are seeing "not having a period" on the list of signs for being an Ailonis, and you are wondering why it is there. I have trouble finding the place in the Gemara (Yevamos 80) to which this question would be referring. I looked at the line "And who is considered an Ailonis?" on Amud Beis, and I don't see a discussion of this issue there. Can you help me pinpoint where your question applies? Or maybe you are asking about amenorrhea and what Chazal have to say about it? Thank you for clarifying if possible!

Best wishes,

Yishai Rasowsky

Yevamos 092: Mekadesh a Shomeres Yabam to Prevent Yibum

Akiva Lane ?asks?:?

May a person be Mekadesh a Shomeres Yavam to prevent her from being taken against her will by the Yavam, if he may do her harm? And would such Kidushin prevent the Yavam from forcing the Yevamah to be his wife, altogether?

Thank you,

Akiva Lane

?

The Kollel replies:

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The Kollel replies?:

Shalom Akiva,

Great to hear from you!

As you know, it is prohibited for the stranger to be Mekadesh the Shomeres Yavam (Rambam, Hilchos Yibum v'Chalitzah 2:18). If the Yavam wants to take and harm her, or for that matter be Machshil her, then in some cases, this might allow prohibitions to be overridden. This would especially true if there is a possibility of the Yavam repeating his misdeeds. See Orach Chayim 306 Mishnah Berurah 56.

Very possibly, however, there are other ways of saving her, without violating any prohibition. For example, if -- as you suggested -- it can be assessed that the Yavam's intentions are nefarious, then the Dayanim may opt to arrange that this Yavam perform Chalitzah instead of Yibum.

I hope this helps!

Warm regards,

Yishai Rasowsky

Bava Basra 002: Tosfos DH Lefichach

Menachem Zaman asks:

Tosfos says that if the kosel fell in one person's reshus, he has a migu to be believed to say I built it because he can taina I bought it.

And why is he believed to say he bought it? Because he has a raya of shah harbeh.

My question is like this. Tosfos says when the wall is standing (before it fell in one person's reshus), it's a case of drara d'mamona and there is a psak yachlokoo. I am assuming that psak yachlokoo is m'toras safeik, not m'toras vadai. So then why can't shah harbeh change the psak of yachlokoo? Meaning why does he need a migu bichlal to be believed to say that he built it? Let him use shah harbeh to taina I built it? And the raya of shah harbeh is strong enough to go against the psak yachlokoo as the psak was m'toras safeik, not m'toras vadai.

Menachem Zaman, United States

The Kollel replies:

Dear R' Menachem,

Great to hear from you.

You are quite correct that the Pask of Yachloku would be based on Safek, as we might see reflected in the language of Tosfos [0].

Very nice question! Could we understand it in the following way?

The wall, when it originally stood, was in the shared property midway between the spaces of the two yards [1]. So one party could *not* have been Zocheh in the wall stones with a claim that he built/bought them. The reason being, since they are not in his uncontested property.

This is to be contrasted with the position of the stones after the wall's collapse, i.e. in the yard belonging to *only one* of the parties. Thus, without the Mishnah teaching us that they must split the stones after the wall fell, the Hava Amina would be to believe the one in whose yard the stones are lying if he were to say that he built it. Since he could have claimed he bought and thereby won, because they were in his *exclusive* yard for a very long time [3].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

0. https://www.sefaria.org.il/Bava_Batra.2a.2?lang=he&with=Tosafot&lang2=he#:~:text=

1. https://www.sefaria.org.il/Bava_Batra.4a.11?lang=he&p2=Rashi_on_Bava_Batra.4a.11.1&lang2=he

2. https://www.sefaria.org.il/Bava_Batra.2a.2?lang=he&with=Tosafot&lang2=he#:~:text=

Menachem Zaman asks:

Rav I'm not seeing how you answered the question.

If you agree the psak of yachlokoo is m'toras safeik, so m'din each person is a weak tafis, even if the walls are found to be in one person's reshut.

I am basically asking why does Tosfos use a migu to enable the person to taina I bought it. The migu is because you would have believed me that I bought it (because of shah harbeh), believe me that I built. I am asking why doesn't Tosfos drop the migu and just use the shah harbeh to shlug up the psak yachlokoo that was m'toras safeik?

The Kollel replies:

Shalom Reb Menachem,

Great to hear from you. Yes, you are quite right; looking back, I see that I misunderstood. I now see that you are asking why Tosfos in the Hava Amina believed that a Migu was necessary. Instead of claiming that he bought the stones, why doesn't he simply claim that it was he alone who originally built the wall.

You may or may not have seen the Gilyon Hashas who is bothered by this Migu in Tosfos. Again, the point being, why is a claim of having built the wall alone any less potent than a claim of having bought the stones after it fell.

Can I share two possible resolutions?

I. Chazon Ish (Bava Basra 1:7, s.v. ule'Mai -- see link [1] below):

It is not common for a person to build a wall himself when he could force his neighbor to help. This Tosfos knew all along (even without the Chidush of our Mishnah which is what he is trying to explain). That is why the mere claim of having built it alone will not suffice, even though the stones were sitting in his yard for a long time, since building alone is very improbable. Therefore Tosfos needs the Migu. Since the potential claim of having purchased the stones after the wall fell is not so implausible, for it doesn't contradict the premise that both parties originally built it together, it would therefore be believed, in particular since the stones have been sitting in the one yard for a long time. The Migu, "Believe me when I say I built the wall because I could have said I bought the stones", will therefore suffice. The Maskana of Tosfos is that the Chidush which the Mishnah is teaching us is that the assumption that one person would not voluntarily build a wall by himself (since he could force the neighbor to participate with him), is so strong that it is like Edim and therefore even overrides the strength of the Migu [2].

II. Kovetz Shiurim (Bava Basra #7, citing Rav Naftoli Trop):

It's all based on the timing when his alleged possession the wall began. We know that when a doubt arises over who is the rightful owner of an item, so a person is more entitled to be Zocheh as Muchzak if he had grabbed hold of the item before the doubt arose, unlike if a person grabbed hold of it only after the doubt arose.

So he wouldn't be believed to say that he built it, since that would be like taking hold of the item after a the doubt arose; because he's now claiming that it was always his even before it fell. So, when it's sitting in his yard, it came into his physical possession after the point in time at which we are not sure who owns it. Therefore he is not believed. However, if he says that he bought the stones, then the doubt of ownership

arose after he came into physical possession of it; because he's claiming that only after the stones fell into his side did he subsequently purchase them. Therefore it claiming "I bought it" is more powerful claim than "I built it", which is why Tosfos needed the Migu.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

[1] <https://hebrewbooks.org/pdfpager.aspx?req=14332&st=&pgnum=285>

[2] We know this from <https://www.sefaria.org.il/Ketubot.27b.3?lang=he&with=Rashi&lang2=he>; however see Nachalas David (Bava Basra 2a) who questions Tosfos' classification).

Best wishes,

Yishai Rasowsky

Bava Basra 002: Tosfos DH Lefichach

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My question is like this. Tosfos says when the wall is standing (before it fell in one person's reshus), it's a case of drara d'mamona and there is a psak yachlokoo. I am assuming that psak yachlokoo is m'toras safeik, not m'toras vadai. So then why can't shah harbeh change the psak of yachlokoo? Meaning why does he need a migu bichlal to be believed to say that he built it? Let him use shah harbeh to taina I built it? And the raya of shah harbeh is strong enough to go against the psak yachlokoo as the psak was m'toras safeik, not m'toras vadai.

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The Kollel replies:

Dear R' Menachem,

Great to hear from you.

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Very nice question! Could we understand it in the following way?

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This is to be contrasted with the position of the stones after the wall's collapse, i.e. in the yard belonging to *only one* of the parties. Thus, without the Mishnah teaching us that they must split the stones after the wall fell, the Hava Amina would be to believe the one in whose yard the stones are lying if he were to say that he built it. Since he could have claimed he bought and thereby won, because they were in his *exclusive* yard for a very long time [3].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

0. https://www.sefaria.org.il/Bava_Batra.2a.2?lang=he&with=Tosafot&lang2=he#:~:text=
 1. https://www.sefaria.org.il/Bava_Batra.4a.11?lang=he&p2=Rashi_on_Bava_Batra.4a.11.1&lang2=he
 2. https://www.sefaria.org.il/Bava_Batra.2a.2?lang=he&with=Tosafot&lang2=he#:~:text=
-

Bereishis 34: Where was Yaakov?

Michael Cohen asks:

How could Yaakov's sons have completely taken over the negotiations with Chamor & Shechem. Where was Yaakov throughout the discussion? What did he think of their plan - it doesn't seem he was very happy about it in the aftermath.

Thanks! Michael

The Kollel replies:

Dear R' Michael,

Great to hear from you. Very nice question!

I see that Ohr ha'Chaim understands [1] that Yaakov was indeed aware that his sons were planning the rescue mission to be based on deception. Only he did not realize the full extent of their intent, which was to kill all the city's inhabitants. Instead he assumed that they were planning to take Dinah out of captivity by force; or at worst to kill only Shechem himself.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

- [1] https://www.sefaria.org.il/Or_HaChaim_on_Genesis.34.30.1?lang=he&with=Genesis&lang2=he

Best wishes,

Yishai Rasowsky

GENERAL: Kishuf

Tzvi B asks:

I learnt recently that the Shevatim were able to create different kind of beings through kabbalah. Can you explain the difference between this kind of kabbalah and magic (kishuf)?

Tzvi B, England

The Kollel replies:

Dear R' Tzvi,

Great to hear from you. Very nice question!

First let me mention briefly three approaches on how to distinguish between practical Kabbalah versus Kishuf, followed below by more background and details for research.

Three ways to distinguish:

#1. The two actions are the same, but the only difference is in the intent of the practitioner, i.e. Kedushah versus Tamei.

#2. The two actions are indeed different: Kishuf is going against Hashem's laws of natural order, whereas practical Kabbalah is working within the framework of the system that Hashem put in place.

#3. Kishuf is forbidden since it is an action taken by the practitioner, whereas practical Kabbalah is not an action at all, but rather a Tzaddik's Tefilah to Hashem to perform the particular action.

Background and details for research:

Indeed the Shelah [1] cites a "Kovetz Yashan" that says Yosef's brothers did this using Sefer Yetzirah. If so, it might help if we refer to the commentaries on the Gemara (Sanhedrin 67b) which records that R. Chanina and R. Oshaya also would use means of Yetzirah to create calves.

Rashi there writes that *unlike Kishuf practitioners*, these sages did not create the calf directly. Rather they combined letters Hashem's name and as a result Hashem made the calf. (Maharsha comments that to the naked eye it does look like Kishuf, and the difference lies only in the means of production, as per Rashi.) This resonates with approaches #1 and #3 above.

See also Shach (Yoreh Deah 179:18) and Levush (Y.D. 179:15) who elaborate that this may be done only by people with pure and holy intentions. Nowadays, it is strongly discouraged since we are not as worthy as our ancestors. This reflects approach #1.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

1. <https://beta.hebrewbooks.org/reader/reader.aspx?sfid=14407#p=61&fitMode=fitwidth&hlts=&ocr=>

Best wishes,

Yishai Rasowsky

ADDITION:

Shalom R' Tzvi,

I hope you are well. I just wanted to add what might be some more helpful sources to provide insight on your question.

I. RESULT VERSUS ACTION:

In addition to the Rashi we discussed above, two other sources that lend weight to the a Heter based on the fact that practical Kabbalah is not your personal action, but rather only a result that follows:

A. Yad Ramah (Sanhedrin 60b s.v. Amar)

B. Shach (Yoreh Deah 179, s.k. 20 citing earlier Poskim)

II. MALACHEI CHABALAH:

A number of Mefarshim say that Kishuf is Davka when the at is done through damaging angels (which would differentiate it from Sefer Yetzirah):

A. Ramban (Shemos 7:11)

B. Rivash (Shu"t 92)

C. Rashi (cited in Rashba Shu"t Meyuchas l'Ramban 283 and Rashba Shu"t 1:413)

D. See also Sefer ha'Chinuch (Mitzvah #62)

III. PURE INTENT OF THE PRACTICIONER:

A. The Levush cited in our previous exchange emphasizes that Hashem did allow the holy avenue of practical Kabbalah, but only to be excuted with holiness and purity.

B. The Shach cited in our previous exchange (who cited the Levush) emphasizes that even then it should only be done for the purpose of a great Mitzvah.

IV. WITHIN THE NATURAL ORDER

A. One might *possibly* argue that a ruling of the Meiri (in the same Perek of Sanhedrin) bears relevance here. He maintains that producing a living creature by natural means is permissible and is not outlawed by the prohibition of Kishuf. Still, logically one could maintain that there is room to differentiate between scientific natural activity which he permits versus the divinely endowed actions of Sefer Yetzirah.

Best wishes,

Yishai Rasowsky

GENERAL: Kishuf

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Tzvi B, England

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I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

1. <https://beta.hebrewbooks.org/reader/reader.aspx?sfid=14407#p=61&fitMode=fitwidth&hlts=&ocr=>

Best wishes,

Yishai Rasowsky

Beitzah 030: Taking off Sechach from a Sukah

Sender Klein asks:

Question from the case of Sukka on 30b - we have a concern with taking from the schach of a sukka (not on Sukkos) because of Stirah as Rashi explains on the mishna.

Why don't we say that adding to or removing from an ohel arai is mutar, such as adding to a roof once there is one tefach? Or is this a permanent sukka?

Sender Klein, United States

The Kollel replies:

Dear Sender,

Great to hear from you. I definitely want to be involved in this question of yours. But can you help me further with the Daf. I was looking on Daf 30b of Sukah [1] and failed to find it. Thanks for your patience!

Best wishes,

Yishai Rasowsky

Links:

1. <https://www.sefaria.org.il/Sukkah.30b.1?lang=he>
-

Sender Klein asks:

I believe I had the daf correct, but wrong Masechta!

It is really in Beitza

Thanks so much!

-Sender

The Kollel replies:

Dear Sender,

Great to hear from you. Very nice question!

I see that the commentaries are bothered by a related question which might help us regarding the sharp question you posed. The question is, why is this considered Stirah on a Torah level, if it is not Al Menas Livnos [1]? Some say [2] that it's only rabbinic, which Chazal forbade because of the permanent nature of the structure. Others maintain [3] that it is in fact a Torah level violation because the person's intention in removing a portion of the roof is to construct an opening for ventilation.

Either way, your premise stands true, i.e. that Hosafa to an Ohel Arai is Mutar; but here it is different because either it is Keva, or because he is building a "window".

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. See Rambam Shabbos 10:15
2. See Pnei Yehoshua s.v. Ein
3. See Chasam sofer s.v. Ein

Chagigah 010: Chagiga as a mountain hanging by a hair

Daniel Kagan asks:

I have several difficulties understanding the Gemara's explanation of the Mishna that the Chagiga is like a mountain hanging by a hair:

1. Why do we need a pasuk to explain the pshat of a word? I thought it was obvious that Chagigah meant sacrifice. If we question the pshat of every word, I would think that every Mitzvah in the Torah would need the Oral Tradition and all of them would be 'hanging by a hair'.
2. Furthermore, there are many pesukim brought, all of which seem to indicate that Chagiga means sacrifice. The Gemara suggests that these extra verses merely imply additional prohibitions on leaving over a sacrifice until dawn, but that seems very strained (does this kind of added prohibition occur elsewhere?).

Daniel Kagan, Haifa, Israel, UK

The Kollel replies:

Dear Daniel,

Great to hear from you. Very nice questions!

1. Literally Chagigah means "celebrate". True, we know that the word often refers to the Shalmei Chagigah, a Korban that is offered on the festivals, which are a time of celebration. But in a sense that can be understood as a borrowed usage of the term. This is similar to the term Reiyon [1]; literally it means "see", but it often refers to the Olas Reiyah, another Korban that is associated with the Yom Tov obligation to be seen in the Mikdash.
2. In terms of Pshat, it would seem that the Gemara is trying to highlight the fact that despite the suggestive Pesukim which plausibly could be interpreted as referring to the term Chag/Chagigah

Korban, nevertheless since they are not 100% ironclad as unambiguous, therefore the laws of Chagigah are still considered to be mountains hanging by a thread of hair.

(I am not sure by what you mean to ask regarding whether this kind of added prohibition exists elsewhere. Momentarily I thought you meant to ask if the prohibition of leaving over until the morning applies to other Korbanos. But I do not suspect that is what you mean, because the Gemara seems to have addressed that openly [2].)

I hope this helps!

Happy Chanukah!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

[1] https://www.sefaria.org.il/Mishnah_Peah.1.1?lang=bi&with=all&lang2=en#:~:text=.-,-

[2] <https://www.sefaria.org.il/Chagigah.10b.6?lang=bi&with=Rashi&lang2=en>

Best wishes,

Yishai Rasowsky

Devarim 03: Until this very day

Michael Cohen asked:

Mattos 32:41 Yair conquers and names villages in his name.

Devarim 3:14 tells us that those towns were named "Havvoth-Yair until this day"

When is "until this day"? Moshe is speaking shortly after Yair's victory!

Thanks!

Michael

The Kollel replies:

Dear Michael,

Great to hear from you. Very nice question! Baruch Hashem, I see that R' Asher Wasserteil asks this question also [1]. I don't offer you a full answer but I can suggest a few points, which I hope provide some insight.

Rashi writes [2] in another context that the phrase "until this day" generally can mean until the day the person is reading the verse.

In another context in which Ibn Ezra writes [3] that from this phrase it can be inferred that the given portion was written by a later narrator, e.g. Yehoshua after Moshe's time. Recall that Ibn Ezra often writes according to his own view of Pshat, not necessarily following Chazal.

There are other contexts, too, in which the Ramban finds the phrase "until this day" difficult to interpret [3].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

[1] https://www.sefaria.org.il/Birkat_Asher_on_Torah_Deuteronomy.3.14.3?lang=bi&with=Deuteronomy&lang2=en

[2] https://www.sefaria.org.il/Rashi_on_Genesis.22.14.3?vhe=Pentateuch_with_Rashis_commentary_by_M._Rosenbaum_and_A.M._Silbermann,_1929-1934&lang=he&with=all&lang2=he

[3] https://www.sefaria.org.il/Ramban_on_Deuteronomy.11.4.1?vhe=On_Your_Way_new&lang=he&with=Deuteronomy&lang2=he

Best wishes,

Yishai Rasowsky

Gitin 002: Gevulos of Eretz Yisrael

A K asks:

I heard there is a Rashbam that says that Maaleh Akravim is the yom suf where the sea spit (making Eilat part of Eretz Yisrael). Is this true? Is there such a Rashbam and if so where is it?(I would like to look it up) Also how can this be? The torah says that the dead sea is the south west border but according to this the yam suf would be the south west border.

A K, Eretz Yisrael

The Kollel replies:

Dear A K,

Very nice point. Can I invite you see the Kollel's explanations of Chumash [1]? They indeed cite Rashbam [2,3] and Rashi [4] as maintaining this position.

If I understood your question correctly, you will want to see the Rashbam's remark [3] that Yam SUf can refer to the Yam ha'Melach.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.dafyomi.co.il/chumash/chumash_view.php?chumash_id=2&chapter=23&pasuk=31#:~:text=1.,inthenorth.3
2. https://www.sefaria.org.il/Exodus.23.31?lang=bi&aliyot=0&p2=Rashbam_on_Exodus.23.31.2&lang2=bi
3. <https://www.sefaria.org.il/Deuteronomy.1.1?lang=bi&with=Rashbam&lang2=en>

4. https://www.sefaria.org.il/Exodus.10.20?lang=bi&aliyot=0&p2=Rashi_on_Exodus.10.19.2&lang2=bi

Gitin 036: Shemitah Nowadays

kerfish asks:

Is shmita nowadays deraisa or derabon and why? I have heard different reasons its derabon (you need bias kulchem and all Jews have to be in Israel, you need the shevatim to be sitting in their respective teritories, we have no urim veturim) but dont know which ones are true and not true.

Thanksfor ll your help

kerfish,

The Kollel replies:

Dear Kerfish,

Great to hear from you. Very nice question!

There are four main opinions in the Rishonim, mostly found in the commentaries to Gitin 36.

1. Ramban: Shemitah nowadays applies on the Torah level. He bases this ruling on the majority view of the Chachamim.
2. Most Rishonim (see Rashba, Ritva, Ran): Shemitah nowadays applies only on the Rabbinic level. This is based on the view of Rebbi, who maintains that the laws of Shemitah only apply when the laws of Yovel apply. Yovel only applies when all or most of the Jewish people live in Israel [1].

(See Rashi and Tosfos who dispute how the Drashah of Rebbi operates, and also whether or not the laws of Yovel applied during Second Temple).

3. Baal ha'Maor (see Sefer ha'Terumah): Shemitah does not apply nowadays at all, except as a Midas Chasidus. The Raavad once held this view but later retracted from it. In Shulchan Aruch, after the Mechaber rules that Shemitas Kesafim is Rabbinic today, the Rema cites this view as a Limud Zechus for why many communities had not observed Shemitas Kesafim.
4. Rambam: Shemitas *Kesafim* is only Rabbinic nowadays. Opinions differ whether Rambam also believes that Shemitas *Karka* today is a Torah obligation (Kesef Mishnah learns this way) or only Rabbinic (see the other commentaries on the Rambam).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

1. <https://www.sefaria.org.il/Arakhin.32b.16?lang=he>

A Kirsch asks:

Thank you for your reply. According to the second opinion you cited (the rov rishonim, Ritva Rashba and Ran) If we would theoretically in our days have most Jews living in Eretz Yisrael (something which is probably eventually going to happen) would shemitah then become deorisa? Also why is there no Shemitah today according to the Baal Hamoar (opinion 3)?

The Kollel replies:

Dear Kerfish,

You are welcome.

Some point out [1] that inherently Klal Yisrael dwelling in Eretz Yisrael is only a condition for the release of slaves; just since slave release is one of the necessary conditions for Yovel to operate [2], therefore Yovel is not activated unless we are dwelling in Eretz Yisrael. Some write accordingly [3] that according to the views that slave release is not a necessary condition for Yovel, consequently Yovel will be operative even when Klal Yisrael is not dwelling in Israel, just without the laws of slave release.

But more directly related to your point, Rishonim [4] write that even if the presence of even one Shevet is missing from Eretz Yisrael then Yovel does not apply.

There is yet another Machlokes whether in order for Yovel to operate it is enough to have even a minority of each Shevet [5] or do we need a majority of each Shevet.

So I hope these all these views don't dissuade the optimism of Yovel revivalists, but we get the impression that only when Eliyahu ha'Navi and Mashiach will be here that we will resume observance of Yovel, and thus Shemitah on a Torah level.

The Ba'al ha'Maor maintained that there can be no Yovel, even on a rabbinic level, after the destruction of Bayis Sheni, when the Sanhedrin stopped counting to be Mekadesh each cycle.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. See Turei Even (Megilah 10a s.v. Lamah)
2. See Rambam (Hilchos Shemitah v'Yovel 10:13)
3. See Shailos u'Teshuvos Ohr Somayach (Vol. II Siman 1)
4. See Tosfos Chachmei Anglia (Kidushin 38b)
5. See Rabeinu Tam (Gitin 36 and Erchin 32)

Kesuvos 011: Besulim

Joshua Danziger asks:

I have a general question about the concept of besulah and the appropriate kesuba amounts. Much of the discussion focuses on whether the besulim are intact are not, gedola katana, mukatz etz etc.

My question is, is the husband mostly interested in whether his wife has been with another man in which case the besulim are just being used as evidence, or is the assumption he actually wants to break the besulim himself (and thus there's inherent and not just evidentiary value of the besulim)? The first makes sense to me and the latter seems a bit strange but seems like the crux of the mukatz etz discussion.

Thanks!

Josh

The Kollel replies:

Dear Josh,

Great to hear from you. Very nice question!

We know from the Gemara and Rashi [1] that a Bogeres is entitled to a full Kesubah, even though she has no Besulim remaining. One might be able to understand how this appears to clash with the latter suggestion you raised.

In the Gemara's ensuing discussion [2], R' Meir seems to express your first perspective directly, since he distinguishes Mukas Eitz from Beulah precisely by pointing out that a Mukas Eitz is different since she was not with a man.

What about the Chachamim? They maintain that Mukas Eitz is somewhat similar to the Beulah in the sense that some external action -- in this case an unfortunate mishap -- did befall her. This therefore might simply be interpreted as bearing an uncomfortably close resemblance to the case of Beulah; or at the very least, detracts from what otherwise would have been her more naturally pristine status. To be even more accurate, we can refer to a source that the Rosh Kollel ha'Rav Kornfeld pointed out to me. That is, a Gemara [3] which says that a woman especially forms a pact with the man who renders her a functioning vessel. Tosfos [4] explain this to mean that upon the first intimate union, the two parties bond, and thereafter also become capable of bearing children. This too would be lacking in the Mukas Eitz.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

[1] https://www.sefaria.org.il/Ketubot.11b.7?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=he&p2=Rashi_on_Ketubot.11b.7&lang2=he

[2] https://www.sefaria.org.il/Ketubot.11b.8?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=he&with=all&lang2=he

[3] <https://www.sefaria.org.il/Sanhedrin.22b.3?lang=he&with=Rashi&lang2=he>

[4] https://www.sefaria.org.il/Tosafot_on_Ketubot.4a.1.2?lang=he&with=Ketubot&lang2=he

Best wishes,

Happy Chanukah,

Yishai Rasowsky

Kesuvos 111: Mitzvah to Live in Israel?

A K asks:

I know there is the well known teshuva of Rav Moshe Feinstein who says to live in Eretz Yisroel is only a kiyum mitzvah and not a chiyuv. Are there any achronim/poskim/other seforim that argue on Rav Moshe and say that living in Israel is an obligation like wearing tefillin?

A K, Jerusalem

The Kollel replies:

Dear A K,

Great to hear from you. Very nice question! I came across the following views.

RISHONIM:

Rav Chaim Kohen (from the Baalei ha'Tosfos): Theoretically, there is a Mitzvah to live in Israel; but -- practically -- it does not apply nowadays, since it is so difficult to properly fulfill all the Mitzvos that apply in Israel [9]. I believe the Knesses Hagedola (Klallei Haposkim 16) follows this view.

Rambam (12th century): It is permissible to live anywhere except Egypt [1]. One should rather live amongst idolaters in Israel rather than Jews in the Diaspora [2].

Ramban (13th century): There is even a Mitzvas Aseh to live in Israel [3]. One reading the Ramban (see [10]) would get the impression that it is an obligation like Tefillin.

ACHARONIM:

Megilas Esther (16th century Italy [8]): Today there is no Mitzvah to live in Israel [4].

Pa'as ha'Shulchan (circa 1800): Brings other authorities who agree with Ramban that it is a Mitzvah [5].

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I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.5.7?lang=bi&with=all&lang2=en
2. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.5.12?lang=bi&with=all&lang2=en
3. https://www.sefaria.org.il/Hasagot_HaRamban_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4?lang=bi
4. https://www.sefaria.org.il/Megilat_Esther_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1.1?vhe=Sefer_HaMitzvot,_Warsaw_1883_new&lang=bi
5. https://www.sefaria.org.il/Minchat_Chinukh_Positive_Commandments_according_to_Nahmanides.4.1?lang=he#:~:text=
6. <https://www.yutorah.org/sidebar/lecture.cfm/756976/rabbi-aryeh-lebowitz/by-way-of-introduction-eim-habanim-semeicha/>
7. <https://www.yutorah.org/sidebar/lecture.cfm/755923/rabbi-aryeh-lebowitz/by-way-of-introduction-v-yoel-moshe/>
8. <https://www.jewishencyclopedia.com/articles/8192-isaac-leon-ben-eliezer-ibn-zur-sefardi>
9. https://www.sefaria.org.il/Tosafot_on_Ketubot.110b.14.1?lang=he&with=HaflaahonKetubot&lang2=he
10. https://www.sefaria.org.il/Hasagot_HaRamban_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1?lang=bi&with=all&lang2=en#:~:text=

A K asks:

Thank you for your reply. When these opinions say it's a mitzvah (like the pas hashulchan) are they saying it's mamesh a chiyav like tefillin or just a keyim mitzvah? Are there any achronim who say be-farish it is a obligation that a person has to do or do they use the ambiguous loшон of mitzvah (which would leave room to say they agree with Rav Moshe and hold its "only" a kiyum mitzvah and not a obligation)?

The Kollel replies:

Dear A K,

You are welcome. I know you asked for Acharonim, but at the moment to me perhaps the most striking language is from the Ramban who writes that each individual is obliged [1]. To our limited understanding, this would seem difficult to reconcile with Rav Moshe ZT"L's interpretation [2] that it is not a Chiyuv but only a Kiyum if one does it. Granted, however, the proof that Rav Moshe brings is based on the Rambam who does not write that it is forbidden to live in Chutz l'Aretz.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Hasagot_HaRamban_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1?lang=bi&with=all&lang2=en#:~:text=-,-

2. <https://hebrewbooks.org/pdfpager.aspx?req=59509&st=&pgnum=253&hilite=>

A K asks:

Thanks for your reply. The reason I asked for achronim is because I am not fully convinced the loшон of the Ramban is a rayah he holds its a chiyuv. I know he uses the loшон of chiyuv but Rav Moshe brings a good rayah that it never says in the gemara it's a chiyuv. Also the gemara also only says its asur to leave and not that a person is chayiv to move to Israel. [I think it also sounds like from the gemara in giti (I think its giti76b) that says the talmidim from eretz yisrael were milaveh the bnei bavel when they left eretz yisrael until Acco, and from there we learn the issur to leave Eretz Yisrael. It sounds from that gemara that there is no chiyuv to live in Israel because the Bnei Bavel did leave Eretz Yisrael which was muter for them. And its not mashmah from the gemara there that the Bnei Bavel left only when they had a heter to leave Israel (like shiduchm or parnasah) and Bnei Bavel can leave stam (and I will add they certainly did not leave al manas lihacher to Eretz Yisrael) .] In any case my point is it sounds from the gemaras that there is no chiyuv and you have to say either that when the gemara says its asur to leave Eretz Yisrael its lav davka and it really means your chayiv to live in Eretz Yisrael (and the bnei bavel in giti left when they had a heter), or the Ramban is lav davka and he means a mitzvah kiyumis. Either way it's shvare and you're either being lv davka the gemara or the Ramban and I don't see why it's easier to lav davkah the gemara over the Ramban (or vice versa). That's why I was wondering if any achronim say befaarish that the Ramban is not lav davka. We have Rav Moshe (as well as other achronim, I think it's a avnei neizer if I remember correctly) who says the Ramban is lav davka but I don't know of any achronim who argue on Rav Moshe and say the Ramban is davka. If you know of any/have any other comments to make I would be happy to hear.

Kol tuv

The Kollel replies:

Shalom aleichem!

I did not yet see someone say openly that Ramban is Lav Davka. But two important issues I saw the Acharonim discuss are:

1. Assuming there is a Mitzvah to live in Israel even today, why did the Rambam not count it. (Besides the Megilas Esther who understands that Rambam to mean that there is no Mitvah now.) Avnei Neizer brilliantly suggests that it is because it would be considered redundant after the Rambam has already counted the Mitzvah to destroy the Canaanites. Unlike the Ramban who counts these as separate Mitzvos. He points out this is l'Shetasam, since they also argue regarding how to count the building of the Mishkan and the construction of the Klei Mikdash, as one (Rambam) or two (Ramban) Mitzvos.
2. Assuming there is a Mitzvah to live in Israel even today, why do say many people not do so. (Besides Rav Chaim Kohen who writes that people are excused from going to Israel since they will not keep the unique laws of Holy Land carefully.) Poskim heavily emphasize that a person's great need to take care of his family and Parnasah indeed exempt him from going.

I came across an insightful article [1] that you might find interesting.

Sources:

[1] <https://etzion.org.il/en/halakha/yoreh-deah/eretz-yisrael/there-mitzva-settle-land-israel>

Best wishes,

Yishai

ADDITION

Shalom aleichem!

Please let me share a few sources that bear on your question.

1. I believe it is Rav Herschel Schachter who says in "Peninei Harav" that Rav J.B. Soloveitchik agreed with Rav Moshe Feinstein's view that it is only a Mitzvah Kiyumis, not Chiyuvis.
2. I understood Rav Moshe to have written (in Even ha'Ezer I 102, which can found at the link cited above) that his proof was from an inference in the Rambam ruling (Hilchos Melachim, Perek 5), not per se from the Gemara.
3. Rav Ovadyah Yosef, in Yabia Omer Part 11 Yoreh Deah 34:9, cites Beis Shlomo (Y.D. 95:54b) and Avnei Neizer (454:62-63) which you recalled, as agreeing with Rav Moshe.
4. On the other hand, Rav Ovadyah himself argues strongly against Rav Moshe, based on the Mishnah (Kesuvos 110b) which says that a person can force his or her spouse to consent taking up residence in Israel. According to the Gemara even a slave can force their master. Rav Ovadyah also cites Griz Minzberg (in the Sefer "Yishuv Eretz Yisrael" page 33) as attacking the view of the Avnei Neizer.
5. Interestingly, Rav Ovadyah writes further, in 34:12, that a Nafka Minah between Rav Moshe's view and Rav Ovadyah's own view would be whether one may live in Eretz Yisrael against his parents wishes. According to Rav Moshe, says Rav Ovadyah, one would not be allowed to do so, since the obligation to honor parents would certainly override an optional Mitzvah of living in Israel. According to Rav Ovadyah himself, however, one may do so, since living in Israel is a positive obligation and as such can override the parents wishes. If so, says Rav Ovadyah, then this view has support from the Maharam Bar Baruch (Berlin 1890, II:28, page 154) and the Mabit (Vol. I, Teshuvah 139) who write that in such a case one indeed is entitled to live in Israel despite their parents wishes to the contrary.

To see further analysis of this question, I can't recommend highly enough that you start with this Siman in Yabia Omer; there is more to study.

Happy Chanukah!

Yishai

Kesuvos 111: Mitzvah to Live in Israel?

A K asks:

I know there is the well known teshuva of Rav Moshe Feinstein who says to live in Eretz Yisrael is only a kiyum mitvah and not a chiyuv. Are there any achronim/poskim/other seforim that argue on Rav Moshe and say that living in Israel is an obligation like wearing tefillin?

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The Kollel replies:

Dear A K,

Great to hear from you. Very nice question! I came across the following views.

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I hope this helps!

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1. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.5.7?lang=bi&with=all&lang2=en
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4. https://www.sefaria.org.il/Megilat_Esther_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1.1?vhe=Sefer_HaMitzvot,_Warsaw_1883_new&lang=bi
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6. <https://www.yutorah.org/sidebar/lecture.cfm/756976/rabbi-aryeh-lebowitz/by-way-of-introduction-eim-habanim-semeicha/>
 7. <https://www.yutorah.org/sidebar/lecture.cfm/755923/rabbi-aryeh-lebowitz/by-way-of-introduction-v-yoel-moshe/>
 8. <https://www.jewishencyclopedia.com/articles/8192-isaac-leon-ben-eliezer-ibn-zur-sefardi>
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Great to hear from you. Very nice question! I came across the following views.

RISHONIM:

Rav Chaim Kohen (from the Baalei ha'Tosfos): Theoretically, there is a Mitzvah to live in Israel; but -- practically -- it does not apply nowadays, since it is so difficult to properly fulfill all the Mitzvos that apply in Israel [9]. I believe the Knesses Hagedola (Klallei Haposkim 16) follows this view.

Rambam (12th century): It is permissible to live anywhere except Egypt [1]. One should rather live amongst idolaters in Israel rather than Jews in the Diaspora [2].

Ramban (13th century): There is even a Mitzvas Aseh to live in Israel [3]. One reading the Ramban (see [10]) would get the impression that it is an obligation like Tefillin.

ACHARONIM:

Megilas Esther (16th century Italy [8]): Today there is no Mitzvah to live in Israel [4].

Pa'as ha'Shulchan (circa 1800): Brings other authorities who agree with Ramban that it is a Mitzvah [5].

Eim ha'Banim Semeichah (passed away 1945): In modern times, with the tremendous need and effort to rebuild the Jewish homeland, even the Rambam would agree there is a Mitzvah to live in Israel [6].

Satmar Rav (passed away 1979): In modern times (post World War II) even the Ramban would agree there is no Mitzvah to live in Israel [7]. His view is largely based on "the three oaths" in Maseches Kesubos.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.5.7?lang=bi&with=all&lang2=en
2. https://www.sefaria.org.il/Mishneh_Torah_Kings_and_Wars.5.12?lang=bi&with=all&lang2=en
3. https://www.sefaria.org.il/Hasagot_HaRamban_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4?lang=bi
4. https://www.sefaria.org.il/Megilat_Esther_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1.1?vhe=Sefer_HaMitzvot,_Warsaw_1883_new&lang=bi
5. https://www.sefaria.org.il/Minchat_Chinukh_Positive_Commandments_according_to_Nahmanides.4.1?lang=he#:~:text=

6. <https://www.yutorah.org/sidebar/lecture.cfm/756976/rabbi-aryeh-lebowitz/by-way-of-introduction-eim-habanim-semeicha/>
7. <https://www.yutorah.org/sidebar/lecture.cfm/755923/rabbi-aryeh-lebowitz/by-way-of-introduction-v-yoel-moshe/>
8. <https://www.jewishencyclopedia.com/articles/8192-isaac-leon-ben-eliezer-ibn-zur-sefardi>
9. https://www.sefaria.org.il/Tosafot_on_Ketubot.110b.14.1?lang=he&with=HaflaahonKetubot&lang2=he
10. https://www.sefaria.org.il/Hasagot_HaRamban_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1?lang=bi&with=all&lang2=en#:~:text=

A K asks:

Thank you for your reply. When these opinions say it's a mitzvah (like the pas hashulchan) are they saying it's mamesh a chiyav like tefillin or just a keyim mitzvah? Are there any achronim who say be-farish it is a obligation that a person has to do or do they use the ambiguous loшон of mitzvah (which would leave room to say they agree with Rav Moshe and hold its "only" a kiyum mitzvah and not a obligation)?

The Kollel replies:

Dear A K,

You are welcome. I know you asked for Acharonim, but at the moment to me perhaps the most striking language is from the Ramban who writes that each individual is obliged [1]. To our limited understanding, this would seem difficult to reconcile with Rav Moshe ZT"L's interpretation [2] that it is not a Chiyuv but only a Kiyum if one does it. Granted, however, the proof that Rav Moshe brings is based on the Rambam who does not write that it is forbidden to live in Chutz l'Aretz.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Hasagot_HaRamban_on_Sefer_HaMitzvot_Positive_Commandments_Omitted_by_Rambam.4.1?lang=bi&with=all&lang2=en#:~:text=-,-,-
2. <https://hebrewbooks.org/pdfpager.aspx?req=59509&st=&pgnum=253&hilite=>

A K asks:

Thanks for your reply. The reason I asked for achronim is because I am not fully convinced the loшон of the Ramban is a rayah he holds its a chiyuv. I know he uses the loшон of chiyuv but Rav Moshe brings a good rayah that it never says in the gemara it's a chiyuv. Also the gemara also only says its asur to leave and not that a person is chayiv to move to Israel. [I think it also sounds like from the gemara in giti (I think its giti76b) that says the talmidim from eretz yisrael were milaveh the bnei bavel when they left eretz yisrael until Acco, and from there we learn the issur to leave Eretz Yisrael. It sounds from that gemara that there is no chiyuv to live in Israel because the Bnei Bavel did leave Eretz Yisrael which was muter for them. And its not

mashmah from the gemara there that the Bnei Bavel left only when they had a heter to leave Israel (like shiduchm or parnasah) and Bnei Bavel can leave stam (and I will add they certainly did not leave al manas lihacher to Eretz Yisrael) .] In any case my point is it sounds from the gemaras that there is no chiyuv and you have to say either that when the gemara says its asur to leave Eretz Yisrael its lav davka and it really means your chayiv to live in Eretz Yisrael (and the bnei bavel in gitin left when they had a heter), or the Ramban is lav davka and he means a mitzvah kiyumis. Either way it's shvare and you're either being lv davka the gemara or the Ramban and I don't see why it's easier to lav davkah the gemara over the Ramban (or vice versa). That's why I was wondering if any achronim say befaarish that the Ramban is not lav davka. We have Rav Moshe (as well as other achronim, I think it's a avne nezer if I remember correctly) who says the Ramban is lav davka but I dont know of any achronim who argue on Rav Moshe and say the Ramban is davka. If you know of any/have any other comments to make I would be happy to hear.

Kol tuv

The Kollel replies:

Shalom aleichem!

I did not yet see someone say openly that Ramban is Lav Davka. But two important issues I saw the Acharonim discuss are:

1. Assuming there is a Mitzvah to live in Israel even today, why did the Rambam not count it. (Besides the Megilas Esther who understands that Rambam to mean that there is no Mitvah now.) Avnei Neizer brilliantly suggests that it is because it would be considered redundant after the Rambam has already counted the Mitzvah to destroy the Canaanites. Unlike the Ramban who counts these as separate Mitzvos. He points out this is l'Shetasam, since they also argue regarding how to count the building of the Mishkan and the construction of the Klei Mikdash, as one (Rambam) or two (Ramban) Mitzvos.
2. Assuming there is a Mitzvah to live in Israel even today, why do say many people not do so. (Besides Rav Chaim Kohen who writes that people are excused from going to Israel since they will not keep the unique laws of Holy Land carefully.) Poskim heavily emphasize that a person's great need to take care of his family and Parnasah indeed exempt him from going.

I came across an insightful article [1] that you might find interesting.

Sources:

[1] <https://etzion.org.il/en/halakha/yoreh-deah/eretz-yisrael/there-mitzva-settle-land-israel>

Best wishes,

Yishai

Menachos 034: Spelling of Tzitzis

Yaakov David Titan asks:

In the Shema the tzitzis are spelled with Tzadi yud tzadi Tuf which is 590 why do they add a yud and say it's 600 with 5 knots and 8 strings to be 613? Thank you

Yaakov David Titan, New York USA

The Kollel replies:

Dear R' Yaakov David,

Great to hear from you. Very nice question based on Rashi's Pshat [0] in the Gemara.

We know that Rashi [1] on Chumash also cites this explanation, actually from Tanchuma.

I see the commentaries are also bothered by your excellent question.

Ramban (1200's, Spain) rejects [2] Rashi's interpretation in part because of your question. Instead he explains based on the color of the Techeiles.

Mizrachi (circa 1500, Turkey) cites [3] those who try to answer by saying that the appearance of the prefix Lamed in the third occurrence of the word Tzitzis, actually counts for three missing Yuds, since Lamed is Gematriya 30.

Mizrachi himself, however, rejects this. Instead he contends that this Drashah is following the opinion that Yesh Eim l'Mikra, which considers the *pronunciation* of a word to be its primary characteristic, rather than its spelling. Sifsei Chachamim (Shabbethai ben Yoseph Bass, late 1600s, Poland) agrees [4] with this as well.

Gur Aryeh (Maharal, circa 1600, Prague) disagrees [5] with Mizrachi's contention, because -- he argues -- even if one holds that Yesh Eim l'Masores (the *spelling* of a word is its primary characteristic, rather than its pronunciation), nevertheless here it is legitimate to base the Gematriya on the full spelling of the word, since that is the proper name by which people refer to this object, even if it is not spelled that way in the Torah.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

0. https://www.sefaria.org.il/Rashi_on_Menachot.43b.8.1?lang=he&with=all&lang2=he
1. https://www.sefaria.org.il/Rashi_on_Numbers.15.39.1?lang=he&with=Numbers&lang2=he
2. https://www.sefaria.org.il/Ramban_on_Numbers.15.32.1?lang=he&with=all&lang2=he#:~:text=
3. https://www.sefaria.org.il/Rashi_on_Numbers.15.39.1?lang=he&with=Mizrachi&lang2=he
4. https://www.sefaria.org.il/Rashi_on_Numbers.15.39.1?lang=he&p2=Sifte_Chakhamim_Numbers.15.39.1&lang2=he
5. https://www.sefaria.org.il/Rashi_on_Numbers.15.39.1?lang=he&p2=Gur_Aryeh_on_Bamidbar.15.39.1&lang2=he

Nedarim 018: Which is stronger, Shevuah or Neder?

Paul Davidowitz asks:

Ran:

<https://dafyomi.co.il/nedarim/tosfos/nd-ts-018.htm>

Ran proves that Neder trumps Shvua, but how can he (seemingly) ignore the gemara's position -- on this page -- that Shvua is stronger than Neder (<https://www.sefaria.org/Nedarim.18a.6?lang=bi&with=all&lang2=en>)?

Paul Davidowitz, Long Beach

The Kollel replies:

Dear R' Davidowitz,

Great to hear from you. I had not thought about this question before.

The passage of the Gemara which you cite is actually the Rayah that the Ran adduces to prove his Yesod. He observes that [even though Shevuah is in some ways more stringent than a Neder, e.g. it can be Chal on a Davar she'Eini Bo Mamash (e.g. sleep) and also it is "not cleansed" of punishment, nevertheless in another application a Neder has more ability to be Chal than does a Shevuah, for example on a Mitzvah. The Ran is Masbir that the principle behind that is because a Neder is an Isur Cheftza [and Gavra] whereas a Shevuah is [only] an Isur Gavra. For this very reason, says the Ran, a Neder can apply on top of a Shevuah, but not vice versa.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Pesachim 009: Tosfos DH Haynu Tesha Chanuyos

Menachem Zaman asks:

I sent a question a couple months ago regarding Tosfos's use of chazakah. Tosfos disputes Rashi's explanation of the din is the chiyuv to search for Chametz. He says because:

v'Od Kasheh d'Gabei Teshah Chanuyos Leika Chezkas Heter Aval Hachah Ukma a'Chezkas Baduk d'Ha b'Baduk Mairi d'I Lav Hachi Peshita d'Ba'i Bedikah

Tosfos says because our house has a chezkas badok so the safeik generated by the mouse doesn't destroy the chezkas badok.

My question that I sent a couple months ago has much more details but basically what type of chazakah does this bayis have? Is it a chezkas guf or chezkas isur? And how does it overtake a safeik???

This Tosfos has confused me on what a chazakah is for a couple months and there is no way on earth I can ever figure this out - I've been trying for months now! If someone can please please help me I would appreciate it.

Menachem Zaman, Israel

The Kollel replies:

Dear Menachem,

Great to hear from you. Yes, I recall our discussion regarding your sharp Kashyas about a few points related to this Daf: Ein Safeik Motsi mi'Yedei Vadai; statistics as they relate to Paskening Sfeikos; and what makes a Sfeik Sfeika different than one Safeik.

For the question you asked now, I am using as a reference the excellent Sefer of Rav Achikam Keshet [1] who discusses this and many other topics. I hope you find it to be as insightful a resource as I have.

1. What type of Chazakah d'mei'lkara does this Bayis have?

The two types, as you correctly listed (though I might use slightly different terminology), are A) Chezkas ha'Guf and B) Chezkas ha'Din. Type A would include cases which involved a potential change in the physical facts, e.g. whether a Besulah was Nivala, or whether a woman saw blood. Type B would include cases which involve no change in the physical facts but only a change in Halachic status, e.g. whether a woman was married, or whether an animal is permitted to eat. Accordingly, our case appears to clearly be the first type, since the question involves whether Chametz was brought into the house.

2. How does the Chazakah overtake a Safeik?

I am a little concerned that I didn't understand your intended question here, because this is the general rule regarding Sfeikos, i.e. they can be resolved by Chazakah d'mei'lkara, as Chazal learn in Chulin 10 from the law of Negaim on a house [2].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=57246&st=&pgnum=393&hilite=>
2. [https://dafyomi.co.il/chulin/points/ch-ps-010.htm#:~:text=4\)-,WERELYONCHAZAKAH,-\(a](https://dafyomi.co.il/chulin/points/ch-ps-010.htm#:~:text=4)-,WERELYONCHAZAKAH,-(a)

Menachem asks:

Thank you Rav.

My only question is your comment:

"Accordingly, our case appears clearly to be the first type, since the question involves whether Chametz was brought into the house."

It seems to me that the chazakah is of the second type because just because food comes into your house, nothing changes regarding the house itself. It's not an intrinsic change to the house. So the chazakah is

chezkas hadin. What do you think?

The Kollel replies:

Dear Menachem,

I think you are making a great point. I hadn't looked at it that way before. Because, as you astutely pointed out, the house itself isn't changing, but rather the only difference is whether Chametz is present or not. I called Rav Keshet to discuss your point, however, and he felt that it seems to be Chezkas ha'Guf. The reason being because at its root the Safeik does depend on the physical Metzui of whether there is Chametz present inside the house. Sfeikos of the other type, Chezkas ha'Din, however, depend on no physical Metzui, only Halachic status.

I hope this helps!

Best wishes,

Yishai

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May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=57246&st=&pgnum=393&hilite=>
2. [https://dafyomi.co.il/chulin/points/ch-ps-010.htm#:~:text=4\)-,WERELYONCHAZAKAH,-\(a\)](https://dafyomi.co.il/chulin/points/ch-ps-010.htm#:~:text=4)-,WERELYONCHAZAKAH,-(a))

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It seems to me that the chazakah is of the second type because just because food comes into your house, nothing changes regarding the house itself. It's not an intrinsic change to the house. So the chazakah is chezkas hadin. What do you think?

The Kollel replies:

Dear Menachem,

I think you are making a great point. I hadn't looked at it that way before. Because, as you astutely pointed out, the house itself isn't changing, but rather the only difference is whether Chametz is present or not. I called Rav Keshet to discuss your point, however, and he felt that it seems to be Chezkas ha'Guf. The reason being because at its root the Safek does depend on the physical Metzui of whether there is Chametz present inside the house. Sfeikos of the other type, Chezkas ha'Din, however, depend on no physical Metzui, only Halachic status.

I hope this helps!

Best wishes,

Yishai

Menachem Zaman asks:

Thank you Rav.

I have a question on the presumption that is being made:

"because at its root the Safek does depend on the physical Metzi'us of whether there is Chametz present inside the house."

If we clare a chakira at what is bedikas chametz, Im assuming it would be this:

#1 Is bedikas chametz like bedikas tolayim which essentially is a chiyuv that requires one to take out all of the chametz from his house? If any chametz remains one would be chayav.

#2 Is the chiyuv bedikas chametz it's own chiyuv where one must engage in the bedika but if chametz remains he is ones.

I think it's a mephuresha Gemara where as long as you don't find the chametz, you are patur from bal yy. But if one did the best bedikas tolayim and yet he came up short and he ended up eating tolayim, there is still timtum halev.

What Im trying to say is that the chiyuv bedika does not depend on the physical metizus of if there is chametz or not. Th chiyuv bedika is the bedika itself. When the Torah says to do a bedika, it wasn't just eitza you should do bedika or else you would be over. It's tell us as an end of itself you have to do bedika to not be over.

What are your thoughts Rav?

The Kollel replies:

Dear Menachem,

I like what you are saying. I never thought about it in this way before.

It reminds one of the discussions in the Acharonim, to which it sounds like you might be referring.

One is the question whether it is that Chametz itself that needs to be serached for in order to be gotten rid of (Cheftza); versus is it an individual obligation on the homeowner per se to check his personal house (Gavra) [1].

Another related Shailah [2] is whether the Mitzvah is to be rid of the Chametz asa result of the search, or is it just to go through actions of performing the Bedikah. The Nafkah Minah being whether a person who happened to find no Chametz has fulfilled the Mitzvah or not.

One again credit and thanks to Rav Keshet [3].

In the end though, since it depends on the presence of something physical, the mainstream view would seem to be Chezkas ha'Guf.

Sources:

1. See Birkas Avraham, Pesachim 2a, Siman Mitzvas Bedikas Chametz, Part 2
2. See Chidushei R' Shmuel, Pesachim page 43
3. <https://www.hebrewbooks.org/pdfpager.aspx?req=57246&st=&pgnum=131&hilite=>

Best wishes,

Yishai Rasowsky

Rosh Hashanah 023: Distance of Pumbedisa to the Border of Eretz Yisrael

binyomin zev asks:

Thank you for this service. from the gemoro it sounds that from the last fire in Eretz Yisroel, Pumbedisa got to know that they had been mekadesh the chodesh on the 30th day. But Pumbedisa is Fallujah of today & that is at least 600miles from the border of EY (even if we are including Ever Hayarden like the Tosfos Rosh). How could they see it from so far? Thank you

binyomin zev, Manchester-United Kingdom

The Kollel replies:

Dear Binyomin Zev,

Great to hear from you. Very nice question!

Yes, as you rightly point out, one cannot see that far. One might understand that there were additional fire station(s) in between, from which Pumbedisa saw the signal, and to whom Pumbedisa appears as a great big fire. I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

B Elkouby bzelkouby@gmail.com asks:

Thank you

But then it is unclear why Gemoro chose to explain kol hagola to mean pumbedisa and not literally the whole of Bavel. See Ya'avetz.

thank you

The Kollel replies:

Sure! Nice to hear from you again, Binyomin Zev.

After checking more into this, I understand differently.

The Yerushalmi here [1] indicates that one could indeed see Bavel from Beis Biltan even though it was very distant to the degree that they looked like little thorns (or some Girsasos say like grasshoppers).

Moreover, the Aruch la'Ner [2] points out that although when viewing from Beis Biltin, one would not see the whole vast expanse of Bavel as a blazing fire, nevertheless one could see Pumbedisa in this way.

From these sources, then, it seems we from Pumbedisa one could see Beis Biltin, notwithstanding your excellent point regarding the large distance from Eretz Yisrael to Fallujah.

I also see another Sefer raises your question, which might help you further [3].

Thanks for the reference to Ya'avetz! I understand -- as you also might -- that he was bothered how the Gemara can say that Bavel is not too far from Eretz Yisrael, whereas the Navi says it is far; so he answers that the Gemara is referring the whole state, parts of which are close to Israel; versus the Navi who was referring only to the city of Bavel, i.e. Baghdad, which is farther. However, we still might find the whole issue difficult since Fallujah is only ~50 km closer to Israel than Baghdad is.

I hope this helps somewhat. Still your question calls for serious study!

Best wishes,

Yishai Rasowsky

Sources:

1. Chapter 2, Halachah 2; see https://www.sefaria.org.il/Jerusalem_Talmud_Rosh_Hashanah.12a.3?lang=he&with=all&lang2=he
2. s.v. Zo Pumbedisa; see <https://hebrewbooks.org/pdfpager.aspx?req=14416&st=&pgnum=56&hilite=>
3. [https://www.sefaria.org.il/Mishnah_Rosh_Hashanah.2.4?lang=he&with=MishnatEretzYisrael&lang2=he#:~:text=\(\)](https://www.sefaria.org.il/Mishnah_Rosh_Hashanah.2.4?lang=he&with=MishnatEretzYisrael&lang2=he#:~:text=())

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binyomin zev, Manchester-United Kingdom

The Kollel replies:

Dear Binyomin Zev,

Great to hear from you. Very nice question!

Yes, as you rightly point out, one cannot see that far. One might understand that there were additional fire station(s) in between, from which Pumbedisa saw the signal, and to whom Pumbedisa appears as a great big

fire. I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sanhedrin 038: The Min

Norman Hewston asks:

Hello there, can you please tell me when this was written? I am looking into the min spoken of towards the end, but they appear to worship one god. Does this refer to trinitarian Christians? First century Christians did not believe in the trinity.

Many thanks

Norman Hewston , England UK

The Kollel replies:

Dear Mr. Hewston,

Great to hear from you. Very nice question!

Usually we assume that the Gemara was finalized closed roughly 1500 years ago.

Unless some examples escaped my attention, the references to Minim I find in this Gemara [1-6] seem to indicate that there indeed exists some other divine power in addition to the one true God.

The expection might be #4. But I am not sure if that is the passage you meant. If so, I can add that some commentaries [7] speak about a mistaken ideology of celestial semi-worship that existed way back in the times of the grandson of Adam. And others connect this with our Gemara [8].

As a general point, some categorize as Min even some people who believe in one God [9], if they make another mistake such as thinking God is physical or that God should be worshiped via a celestial intermediary; or some say if he sins to anger God [10].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

1. <https://www.sefaria.org.il/Sanhedrin.38b.21?lang=he&with=Rashi&lang2=he>

2. <https://www.sefaria.org.il/Sanhedrin.38b.19?lang=he&with=Rashi&lang2=he>

3. <https://www.sefaria.org.il/Sanhedrin.38b.14?lang=he&with=all&lang2=he>

4. <https://www.sefaria.org.il/Sanhedrin.38b.11?lang=he&with=all&lang2=he>

5. <https://www.sefaria.org.il/Sanhedrin.38a.13?lang=he&with=all&lang2=he>
 6. <https://www.sefaria.org.il/Sanhedrin.38a.8?lang=he&with=all&lang2=he>
 7. https://www.sefaria.org.il/Mishneh_Torah_Foreign_Worship_and_Customs_of_the_Nations.1.1?lang=bi&with=all&lang2=he
 8. https://www.sefaria.org.il/Sanhedrin.38b.11?lang=he&p2=Chidushei_Agadot_on_Sanhedrin.38b.7&lang2=he
 9. https://www.sefaria.org.il/Mishneh_Torah_Repentance.3.7?lang=he&with=all&lang2=he
 10. https://www.sefaria.org.il/Avodah_Zarah.26b.4?vhe=Wikisource_Talmud_Bavli&lang=he
-

Shabbos 025: Number of Candles on Shabbos

doniel w asks:

Lichvod Harav,

In the sefer kovetz halachos shabbas chelek 1, the rav brings from rav shmuel that a divorcee should continue the number of candles she was lighting for the number of children she has. I was not clear ,for example in the case of where she had 3 children so she was lighting 5 candles does she continue lighting 5 or can she light 4 candles because she no longer has her husband. Meaning is the first 2 candles shamor vezachor and the rest are for the children or the first two are husband and wife and now the woman would light only 4. If it is like the second way would she need to do haters nedarim to light 4 now?

The Kollel replies:

Dear Doniel,

Great to hear from you. Very nice question!

I would understand the first way, i.e that she remains lighting the same number of total candles, and does not subtract any, even though she no longer has a husband. The reason this seems clear to me is because even a woman who was never married also lights two candles. So, as you pointed out, the first two candles are for Zachor and Shamor, and the remaining ones are for her number of children (the basis for which I saw an interesting note for in the link below [1] in case you are interested to check it out).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=41190&st=&pgnum=29>
-

Ta'anis 007: Beauty as a positive or negative?

Mark Gotesman asks:

On Ta'anit Daf 7 we have the story of R' Yehoshua Ben Chanaya which concludes that physical beauty is detrimental to total success in Torah:

I Havo Seno - Tfei Havei Gemiri

But Brachot 20a tells us the story of R' Yochanan who would sit outside of the Mikveh so that they should have physically beautiful children:

Ki Salkan Benos Yisrael v'Asyan mi'Tevilah Mistaklin Bi v'Nehevei L'Hu Zara d'Shapirorei Kevasi

Why would R' Yochanan desire that the children be beautiful if that is a hindrance to success in Torah?

Mark Gotesman, BERGENFIELD, US

The Kollel replies:

Dear Mark,

Great to hear from you. Very nice question!

Baruch Shekivanta! I see the Ein Yaakov [1] addresses this Kashya precisely. He writes that despite the tendency for good looks to detract from Torah scholarship, nevertheless R' Yochanan himself had the rare dual blessing of beauty plus wisdom, and part of his Tefilah was that the children should likewise be endowed with both virtues.

Alternatively Ben Yehoyada [2] understands that it is only because of Ayin Hara that beauty detracts from wisdom. In that case, if the children will have the beauty of R' Yochanan which is free from Ayin Hara, then they too can excel in Torah.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

[1] <https://hebrewbooks.org/pdfpager.aspx?req=19438&st=&pgnum=144>

[2] https://www.sefaria.org.il/Ben_Yehoyada_on_Bava_Metzia.84a.6?lang=bi#:~:text=

Best wishes,

Yishai Rasowsky

Ta'anis 014: Tefilah

Sholem asks:

An 'Odom Choshuv' should not bow down in public unless he is sure that he will be answered.

We all know that everyone's Tefilois are never rejected. Although he might be answered (immediately), these Tefilois are 'put away' for another occasion.

We see this with Avrohom Ovienu when he devalued for Sedom. Also the Tefilois that our 'Noshim Tzidkoniois' say when lighting candles (on Friday for Shabbos) too have a powerful effect that might not necessarily be seen immediately ...

Sholem, UK

The Kollel replies:

Dear Sholem

Great to hear from you. Very nice question!

It may be that Hashem will answer any and all prayers, but there may be conditions or circumstances that affect and even limit the scope of that answer.

For example, in addition to the illustrative cases you brought, one could cite cases where prayers were not answered exactly as the petitioner desired:

- Moshe Rabeinu daven 515 times to enter Israel but was denied [1].
- Chazal guide us which prayers are accepted [2-3], which implies others may not be.

In the case of Nefilas Apayim you cited, from the context it appears that the Adam Chashuv must be sure not only that he will be answered, but also that he will specifically be answered in a way that people will see and understand before they jump at an opportuntiy to disparage him.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

[1] See Devarim Rabah (ed. Vilna: 11:10); Yalkut Shimoni (Vayelekh 940); and Daas Zekeinim (Devarim 3:23).

[2] <https://www.sefaria.org.il/Berakhot.32b.5?lang=bi&with=Rashi&lang2=en>

[3] <https://www.sefaria.org.il/Berakhot.8a.1?lang=bi&with=all&lang2=en>

Best wishes,

Yishai Rasowsky

Bava Basra 154: Beraisa Repeated

HG Schild asks:

Why is the Bnei Berak Baraisa repeated?

Reasons given? Common?

chaim

hg

The Kollel replies:

Shalom HG Schild,

It seems that on the bottom of 154a that Baraisa is brought as a challenge to R' Lakish's (and Rav Chisda's) view that Kiyum Shtar suffices as a Rayah. Whereas on the bottom of 155a the Baraisa is brought as a challenge to Rav Huna Bar Chanina's view that the sale needs to be from 20 years of age.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Beitzah 021: Inviting Non-Jews for dinner on Shabbos and Yom Tov

mark may asks:

What is the Halacha re inviting goyim for dinner on Yom Tov, Shabbat, Pesach

mark may, Raanana IL

The Kollel replies:

This is not a Psak Halachah

Shalom Mark,

Moadim l'Simchah!

I. Background

1. In Beitzah 21b, Rabbi Yehoshua Ben Levi issues two rulings.

a. His first ruling is that inviting a Goy is permitted on Shabbos.

b. You can see, however, in Orach Chayim 325 that this could still raise potential concerns about causing the Goy to carry out items from your home.

2. His second ruling is that inviting a Goy is forbidden on Yom Tov.

a. This, the Gemara reports, is a Rabbinic decree based on the concern that the Jewish host will cook additional food for the non-Jewish guest on Yom Tov.

b. Interestingly enough, the Rashba points out that even if one were to actually cook the additional food, this would only be forbidden Min ha'Torah if it is cooked in a separate pot and it is comprised of forbidden foods that one could not serve to a Jewish guest.

II. Halachah

1. On one hand, this prohibition seems rather debilitating if a Jew wants to host Goyim for Yom Tov. For example, the Mishnah Berurah 512:3 emphasizes that the prohibition exists even in a case where all the

food was prepared beforehand.

2. On the other hand, there are several mitigating factors, and in many cases it will actually be permitted. Here are some:

a. When Yom Tov falls on Shabbos, like we have this year for the first day -- and, in Chutz l'Aretz, the eighth day -- of Pesach. This case would be Mutar, because one may not cook on Shabbos in any case, so it falls under the Heter of Rabbi Yehoshua Ben Levi's first ruling.

b. The prohibition only applies if you *invite* the Goy (Shulchan Aruch, Orach Chayim 512:1). But if he eats by you without being invited, then there is no prohibition. For example: (i) the Goy is your servant, rather than a guest whom you dignify with an invitation, and hence he eats from our family's meal since he is part of the household staff; (ii) the Goy simply shows up to your meal based on his own volition (for more about this, see Mishnah Berurah 512:10).

c. If rather than inviting the Goy to eat by you, you instead send a food package to him, then it's OK, because you are not likely to cook for him, since you are not hosting him on your premises (Rema ibid.).

I hope this helps!

Chag Kasher v'Sameach,

Yishai Rasowsky

This is not a Psak Halachah

Divrei Hayamim II 30: Kusim

davic1 asks:

Greetings, again. I am looking at chapter 30:25. Can we say that the people who were coming at the time of King Chizkiyahu who Metzudas David says were converts (and had not yet deteriorated) from the Land were the earliest Kusim, since it is possible that they had arrived from Habor perhaps 10 years earlier, assuming it took a few years for them to arrive?

In 35:18 I don't understand Rashi's statement that the time of the Judges was from the time of Shlomo, since that time was not identified any longer as the time of the judges. The other commentators (on Sefaria) also don't address this. Why should it be said that the Jews did not perform the Pesach with such purity even in the time of David and Shlomo?

With regard to the Ten Tribes, it seems we have enough sources to explain that all the tribes had enough members assimilated with Yehuda and Binyamin to assume that from the time of Bayis Sheni until today we have been composed of all the tribes. Sources tell us that members of the 10 tribes moved into Yehuda/Shimon/Binyamin throughout the king period, plus were brought back by Yirmiyahu, plus returned with the Olei Bavel, plus some were still living in the Land all along.

David Goldman

The Kollel replies:

Shalom R' Goldman,

1. Your explanation regarding the converts being the Samaritans makes a lot of sense to me, especially since -- as you pointed out -- it was around that same time period that Chizkiyahu reigned in Yehudah, and the Assyrians had conquered Yisrael and imported the Samaritans. It particularly strikes me -- and this maybe is included in what you meant -- that the Gerim are described as coming from Yisrael (where Melech Ashur had placed them) toward Yehudah (where Chizkiyahu reigned).
2. Malbim on verse 26 explains that the Jews did not unite in Yerushalayim since the time of Shlomo. We know the kingdom was divided after Shlomo (Melachim I chapters 11 and 12; Divrei ha'Yamim II chapter 10), after which point the 10 tribes were not Oleh Regel (Melachim I chapter 12) until this occasion of Pesach.
3. I like the point you made about the presence of individuals from the other ten tribes existing amongst the people of Malchus Yehudah. For example, I see -- as you must have -- that in Divrei ha'Yamim (II 15:9) Asa, the King of Yehudah, brought people of Efraim, Menasheh and Shimon into Malchus Yehudah. In addition, as you know, there is reference in Divrei ha'Yamim (at the beginning of chapter 30) to the individuals from Asher, Menasheh and Zevulun who came to Yerushalayim.

I think I have learned more from you than the other way around, but anyway I hope this helps!

Warmest regards,

Yishai Rasowsky

David Goldman asks:

Thanks for this reply. Regarding your point #2, if there was no unity like this since the time of the judges, and we assume that means Shmuel who was the last judge, why does the Malbim refer to Shlomo, who was AFTER the time of the shoftim, and all the tribes came to Yerushalayim during his reign??

The Kollel replies:

Shalom R' Goldman,

1. My pleasure. I know you understand this, but I am just writing it out for the sake of clarity. In the latter half of the Bayis Rishon, there were two distinct observances of Pesach that were especially notable.
2. One was in the time of Chizkiyahu (Divrei ha'Yamim II ch. 30). This, the verse tells us, was a great joy, for there was nothing like it in Yerushalayim since the time of Shlomo ha'Melech.
3. The other was many decades later, in the time of Chizkiyahu's great grandson Yoshiyahu (Melachim II 23:21; Divrei ha'Yamim II ch. 35). This, the verse tells us, was unprecedented since the time of the Judges (as expressed in Melachim; or, equivalently, from the time of Shmuel ha'Navi, as expressed in Divrei ha'Yamim).
4. I found assistance in the words of the Radak (Divrei ha'Yamim II 35:18), and his comment might help to address your point. From his explanation I see that there were two characteristics about the Yoshiyahu's Pesach that outdid Chizkiyahu's Pesach, namely:
 - a. A greater portion of the population participated with Yoshiyahu than with Chizkiyahu.
 - b. Even the ones who did participate with Chizkiyahu were not all Tahor, whereas with Yoshiyahu they were.

5. So, to sum up, even though Chizkiyahu's Pesach was great, incomparable since the times of Shlomo, nevertheless Yoshiyahu's Pesach was even greater, unprecedented even way back earlier since the times of Shmuel.

I hope this helps!

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I hope this helps!

Warmest regards,

Yishai Rasowsky

Davic 1 asks:

Thank you. Regarding your point #4, the explanation of the Radak doesn't tell us WHY it was greater in the time of Yoshayahu than in the time of the Shoftim excluding even Shlomo simply because "more" of the

population participated. In other words, something tangible must have been missing from the time of Shmuel EVEN excluding the time of Shlomo, and the question is exactly what was the tangible reason? What could have been greater than a Pesach during the reign of Shlomo ben David in history, unless....the navi is trying to suggest that there was something GREATER about Yoshayahu than even Shlomo himself!

In other words the Pesach was greater because in all the period of the kings with the Temple in Yerushalayim there was never a king who was greater than Yoshayahu, including Chizkiyahu AND Shlomo himself. Could that greatness mean that Shlomo was born in the time of Shmuel who was a Judge, and therefore his kingship on Pesach was not as "complete" or as great as Yoshayahu because Yoshayahu was born under the kingships PLUS the Temple? When Shlomo was born there was no Temple. But there was when Yoshayahu was born, AND HIS FATHER WAS A RASHA. Therefore a king born with the Temple who did not follow in the evil ways of his father was GREATER than Shlomo, and both Amon and Yoshayahu were born with the Temple in existence.

So why was this equivalent to the time of the judges? Perhaps only because Yoshayahu was equivalent to David Hamelech in certain respects who was in the time of the Judges, not to mention Shaul or before that the judges at Shiloh. But we could ask why a Pesach in Shiloh or Nov or Givon would have been equivalent to a Pesach under Yoshayahu if the world with the Temple was like the Mishkan in those other places with only judges and no kings? Perhaps it is a certain criticism of the generation of Yoshayahu in a respect the generation of the tribes together with judges in Shiloh, Nov or Givon was their equivalent EVEN THOUGH THEY DID NOT HAVE THE KINGSHIP OF BEIS DOVID. Sort of like a "yeridas hadoros."

The Kollel replies:

Dear R' Goldman,

Yasher koach. I see there is much truth in what you eloquently.

Our discussion about Yoshiyahu's father Amon (whose misdeeds Chazal discuss in Sanhedrin 103b) might remind us of the statements from Chazal that, at least in Tefilah, a Tzadik Ben Tzadik is superior to a Tzadik Ben Rasha (Yevamos 64a based on Bereishis 25:21).

Warmest regards,

Yishai Rasowsky

Erchin 016: Yam Suf

davic1 asks:

Greetings. I was wondering why Tosafos does not address the issue of the location of ❖Yam Suf❖ in Sefer Melachim 28 which says it is near Elath. If Tosafos is the only source suggesting that the Yam Suf close to Goshen in the North, how does he explain its use referring to a body of water near Eilat etc., meaning at the Gulf of Aqaba? In addition, isn't it possible to determine the location of the Yam based on the time it took to get there from Goshen or to the subsequent stops? And since Yam Suf is mentioned elsewhere in the Torah that seem to place it nearer to Sinai, isn't it possible that Tosafos is incorrect? And why wouldn't Tosafos have addressed all the references?

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman!

Great to hear from you.

Please excuse me in advance that in this reply I seem to be raising more questions than answers.

Regarding the references, I understand you are referring to the Tosfos on Daf 15 DH k'Shem and the Posuk in Melachim I 9:26.

My impression is that Yam Suf encompasses what we today call the Red Sea, including the Gulf of Aqaba near Eilat, as you mentioned, and also the Gulf of Suez, nearer to Egypt.

That is an interesting idea to calculate the distance to the Yam based on the travel time. Would you specify how one would do that to confirm or oppose Tosfos?

Regarding the possibility that Tosafos is incorrect, though it might not be the exact issue you raised, you may want to see the comments of the Yaavetz.

Was there a need for Tosfos to address other references in order to address the point that was troublesome in the Gemara?

Warmest regards,

Yishai Rasowsky

David Goldman asks:

Thanks for your reply. In the first instance, the commonly held view in our sources is that the **◆sea◆** was the lake located at the far north of Egypt, not the Reed Sea. About Tosafos, why wouldn't he address the meaning of Yam Suf in 1 Melachim 9:26 since that **◆Yam Suf◆** is near Eilat/Eilat, not Egypt. So there is some confusion. Plus we know that trip across was in a semi-circle, and bederech hateva the Egyptians could have easily caught up to the Bnai Yisroel, and the water was not that deep. That would be a lot different from the Reed Sea.

DG

The Kollel replies:

Shalom R' Goldman,

You're welcome. And I thank you for the insightful comments!

1. I see Ibn Ezra (Shemos 13:18) writes that the Yam Suf is the Yam Mizrachi Neged Mitzrayim. From that description one gets the impression that he is referring to the Gulf of Suez and, I am not sure, but possibly also, the larger body of water to the south today known as the Red Sea.
2. I see Rabbi Aryeh Kaplan, in his wonderful work, The Living Torah, brings other commentaries, on the basis of which he identifies two alternative suggestions, which I believe sound to be what you were referring to:

a. Lake Manzala in northeast Egypt.

b. Lake Serbonis farther east.

3. Regarding the proximity to Eilat, I may be hearing from you that I am mistaken, and that is OK, but I would be under the impression that the Gulf of Aqaba and the Gulf of Suez are considered one body because they connect just south of the Sinai Peninsula. Let me ask if someone else can look at your questions, and maybe they could potentially offer greater insight.

Warmest regards,

Yishai Rasowsky

David Goldman asks:

So then there is some lack of clarity, because for those describing the Sea as the lakes area how do they explain that there is a Yam Suf in Melachim as well? Your suggestion in #3 is interesting, but might be somewhat of a stretch even for considering the Gulf of Aqaba and the Red Sea and Gulf of Suez as one body of Yam Suf. But for those who refer to the lakes, the reference in Melachim needs an explanation.

If I understand correctly the body of water containing reeds (suf) would be the lake area, where the Bnai Yisroel circled back in 12 lines, and this is only the view of Tosafos, who explains it because of the words used in the pasuk ("mi yaminam usmalam") etc. I suppose Rashi in Shmos holds that way too. But they would need some kind of explanation for Sefer Melachim. I looked through the selections in Sefaria for that posuk in Shmos and no one addresses that issue.

The Kollel replies:

Shalom aleichem,

Yasher koach! I find your question very challenging. Hopefully at some point I will receive an insight from others to share with you. Meanwhile, I can cite the following sources, which could potentially add insight.

1. Rabeinu Bachye (Shemos 23:31) indicates that Yam Suf is to the *south* of Eretz Yisrael, whereas Rashbam says it is to the *east*.
2. Rashi (Devarim 1:40) indicates that Yam Suf is south of Midbar, which might be understood as support for suggestion #3 to which you just referred.
3. Radak (Yermiyahu 49:21) addresses the proximity of Yam Suf to the Land of Edom.

Warmest regards,

Yishai Rasowsky

ADDITION:

Dear R' Goldman,

I had now great assistance from Rav Yitzchak Breitowitz Shlita who directed me to this very good article which tries to identify which bodies are called Yam Suf in light of the sources you cited:

<https://www.thetorah.com/article/the-yam-suf-in-the-transjordan>.

I hope this helps!

Best wishes,

Yishai Rasowsky

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a. Lake Manzala in northeast Egypt.

b. Lake Serbonis farther east.

3. Regarding the proximity to Eilat, I may be hearing from you that I am mistaken, and that is OK, but I would be under the impression that the Gulf of Aqaba and the Gulf of Suez are considered one body because they connect just south of the Sinai Peninsula. Let me ask if someone else can look at your questions, and maybe they could potentially offer greater insight.

Warmest regards,

Yishai Rasowsky

Erchin 016: Yam Suf

davic1 asks:

Greetings. I was wondering why Tosafos does not address the issue of the location of **Yam Suf** in Sefer Melachim 28 which says it is near Eloth. If Tosafos is the only source suggesting that the Yam Suf close to Goshen in the North, how does he explain its use referring to a body of water near Eilat etc., meaning at the Gulf of Aqaba? In addition, isn't it possible to determine the location of the Yam based on the time it took to get there from Goshen or to the subsequent stops? And since Yam Suf is mentioned elsewhere in the Torah that seem to place it nearer to Sinai, isn't it possible that Tosafos is incorrect? And why wouldn't Tosafos have addressed all the references?

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman!

Great to hear from you.

Please excuse me in advance that in this reply I seem to be raising more questions than answers.

Regarding the references, I understand you are referring to the Tosfos on Daf 15 DH k'Shem and the Posuk in Melachim I 9:26.

My impression is that Yam Suf encompasses what we today call the Red Sea, including the Gulf of Aqaba near Eilat, as you mentioned, and also the Gulf of Suez, nearer to Egypt.

That is an interesting idea to calculate the distance to the Yam based on the travel time. Would you specify how one would do that to confirm or oppose Tosfos?

Regarding the possibility that Tosafos is incorrect, though it might not be the exact issue you raised, you may want to see the comments of the Yaavetz.

Was there a need for Tosfos to address other references in order to address the point that was troublesome in the Gemara?

Warmest regards,

Yishai Rasowsky

David Goldman asks:

Thanks for your reply. In the first instance, the commonly held view in our sources is that the **◆sea◆** was the lake located at the far north of Egypt, not the Reed Sea. About Tosafos, why wouldn't he address the meaning of Yam Suf in 1 Melachim 9:26 since that **◆Yam Suf◆** is near Eilat/Eilat, not Egypt. So there is some confusion. Plus we know that trip across was in a semi-circle, and bederech hateva the Egyptians could have easily caught up to the Bnai Yisroel, and the water was not that deep. That would be a lot different from the Reed Sea.

DG

The Kollel replies:

Shalom R' Goldman,

You're welcome. And I thank you for the insightful comments!

1. I see Ibn Ezra (Shemos 13:18) writes that the Yam Suf is the Yam Mizrachi Neged Mitzrayim. From that description one gets the impression that he is referring to the Gulf of Suez and, I am not sure, but possibly also, the larger body of water to the south today known as the Red Sea.
2. I see Rabbi Aryeh Kaplan, in his wonderful work, The Living Torah, brings other commentaries, on the basis of which he identifies two alternative suggestions, which I believe sound to be what you were referring to:

a. Lake Manzala in northeast Egypt.

b. Lake Serbonis farther east.

3. Regarding the proximity to Eilat, I may be hearing from you that I am mistaken, and that is OK, but I would be under the impression that the Gulf of Aqaba and the Gulf of Suez are considered one body because they connect just south of the Sinai Peninsula. Let me ask if someone else can look at your questions, and maybe they could potentially offer greater insight.

Warmest regards,

Yishai Rasowsky

David Goldman asks:

So then there is some lack of clarity, because for those describing the Sea as the lakes area how do they explain that there is a Yam Suf in Melachim as well? Your suggestion in #3 is interesting, but might be somewhat of a stretch even for considering the Gulf of Aqaba and the Red Sea and Gulf of Suez as one body of Yam Suf. But for those who refer to the lakes, the reference in Melachim needs an explanation.

If I understand correctly the body of water containing reeds (suf) would be the lake area, where the Bnai Yisroel circled back in 12 lines, and this is only the view of Tosafos, who explains it because of the words used in the pasuk ("mi yaminam usmalam") etc. I suppose Rashi in Shmos holds that way too. But they would need some kind of explanation for Sefer Melachim. I looked through the selections in Sefaria for that posuk in Shmos and no one addresses that issue.

The Kollel replies:

Shalom aleichem,

Yasher koach! I find your question very challenging. Hopefully at some point I will receive an insight from others to share with you. Meanwhile, I can cite the following sources, which could potentially add insight.

1. Rabeinu Bachye (Shemos 23:31) indicates that Yam Suf is to the *south* of Eretz Yisrael, whereas Rashbam says it is to the *east*.
2. Rashi (Devarim 1:40) indicates that Yam Suf is south of Midbar, which might be understood as support for suggestion #3 to which you just referred.
3. Radak (Yermiyahu 49:21) addresses the proximity of Yam Suf to the Land of Edom.

Warmest regards,

Yishai Rasowsky

Kilayim 002: Kavanah by Kilayim

Joshua Danziger asks:

Hello kollel!

A general few question in kilayim.

1. Some of the halachos of kilayim seem not to apply if the owner of the field makes it clear that he really doesn't want the other species growing in his field. Is there any other analog to this in halacha? If some pork falls into my meat dish, if it's not batel bshishim, there's no way out even though I really don't want it in there.

2) Similarly there's an aspect of kilayim that seems to be related to maaris ayin, where a field is kilayim or not depending on how it appears to an observer. Is there an analog elsewhere to this, where the performance of a mitzvah hinges on how it looks to others??

3. last question on kavanah. For Friday night kiddish or shaliach tzibbur does the person leading the davening have to have the intent that others can be yotzei through him, or so long as they hear and intend themselves he can't block it?

Thank you!

Josh

The Kollel replies:

1. These are not a perfect parallel, but I think they bear some resemblance:

a. Pesik Reisha d'Lo Nicha Leih, especially according to the Aruch who permits this entirely. For example, Shabbos 103a before the Mishnah of Hakoseiv.

b. Liquid is only Machshir a food to be Mekabel Tumah if the owner wants it. See for example the first Mashnah in Machshirin.

2. Based on Rambam 2:7-8 one gets the impression that the criteria based on Maris ha'Ayin is that a planted mixture must be rectified if it gives the appearance of having been planted that way intentionally, i.e. the owner wants it, even if in truth he doesn't. Seen in this way, it resembles other typical cases where we find the Klal of Maris ha'Ayin.

3. The person reciting the Kidush or Tefilah should intend to be Motzi the others. Presumably this is implicit with a Shaliach Tzibur, since that is an integral part of the job he is being asked to do.

Pesachim 119: Answer to the Ben Chacham

Joshua Danziger asks:

Hello kollel!

I've seen in a few haggadahs an explanation of the answer to the wise son that we don't eat after the afikoman, that the laws of the afikoman are the last of the laws of pesach. I.e. we should teach him everything up to and including the final law about the afikoman. This answer is ascribed to the Rashbash, and I may even have seen it in the name of the Gaon.

My question is, the law of not eating after the afikoman is not actually the final one, neither in the mishna nor the gemara (though it's quite close). Is it just that it's close enough? Or that the further material deal mostly with the korban itself which we don't have nowadays?

Thank you. Chag kasher vesameach!

Josh

The Kollel replies:

Shalom Josh,

At the moment, I see a number of Perushim which identify Ein Maftirin as being the "last" law.

1. The Abarbanel (15th century Portugal) in Zevach Pesach, available at <https://www.hebrewbooks.org/pdfpager.aspx?req=42292&st=&pgnum=34>
2. The Rashbash (15th century Algeria) in Teshuvah #494, available at <https://hebrewbooks.org/pdfpager.aspx?req=1380&pgnum=209>
3. Rav Yehudah Yudel Rosenberg in Divrei Negidim (attributed to Maharal of 16th century Prague), available at https://www.sefaria.org.il/Pesach_Haggadah_Magid_The_Four_Sons.2?ven=Sefaria_Edition&vhe=Pesach_Haggadah&lang=he&with=DivreiNegidim&lang2=he
4. Rav Baruch ha'Levi Epstein (20th century Pinsk) in Baruch she'Amar, available at https://www.sefaria.org.il/Barukh_She'amar_on_Pesach_Haggadah_Magid_The_Four_Sons.2.1?ven=Rabbi_Mark_B_Greenspan&vhe=Barukh_Sheamar_on_Haggadah,_Tel_Aviv_1968&lang=he&with=A bout&lang2=he

Arguably, however, the meaning of "last" can be understood in more than one way.

a) First, it could mean *last* appearing in the order of the Perek Arvei Pesachim. This is explicit in source #4 above. In that case, your question applies. And your answer that distinguishes between the laws which are relevant when the Korban Pesach is observed in the Mikdash versus modern times seems like a viable solution. (As corroboration for this, one could add that the Haggadah which we read appears to have been composed well after the Churban Bayis Sheni. For example, Rabbi Yehudah Bar Ilai appears in the Haggadah, who lived after Bayis Sheni. Also, unlike the version in the Mishnah, the four questions of Mah Nishtanah in our Haggadah exclude reference to the Korban Pesach.)

b) Another -- perhaps simpler -- possibility is that "last" means in terms of the chronological order by which the steps are performed. I believe this reading is tenable in some of the other Mefarshim cited above. In that case, the law does not have to be the last one taught in the Perek.

I hope this helps!

Chag Sameach,

Yishai Rasowsky

Yevamos 028: How is a Yibum sufficient to make aware of Ervah

Avrumi Hersh asks:

General question on yevamos.

Normal when a man Marries a woman, only the 2 of them are affected. He is ossur to her relatives and she is osur to his relatives (after divorce).

But by yibum, one of the brothers does chalitza, and all the other brothers become erva to the tzoros and none of them might ever know about this. You might have 2 brothers on opposite sides of the world, one does chalitza (which makes the others into an issur kores acc. To resh lokish on 10b, or an issur lav acc to reb yochonon) and the other brother, unwittingly, performs yibum on another wife.

Why isn't the torah choshesh over here that 1 persons maaseh, makes the other people an erva without them ever knowing??

(Maybe you could say, that's why the torah makes such a matzav with chalitza, that it should be so public, but what about yibum.)

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

I like your thinking. Since my suggestions below do not definitively resolve your point, so let me ask if someone else from the Kollel can reply with greater insight. I will just share two points that might help:

1. Your situation reminds me of Oso v'Es Bno

a. There are cases in which one person's action -- namely, slaughtering an animal -- can indeed create an Isur somewhere else, i.e. to slaughter that animal's parent/child; this would potentially apply even to people far away unbeknownst to them.

b. In that case, however, if it is a likely scenario, then there is a requirement for the merchant to inform the person who purchases the second animal (Chulin 83a).

2. Halachah tells us that it is the oldest brother surviving who is preferred to perform Yibum or Chalitzah (Yevamos 24a; Rambam Hilchos Yibum v'Chalitzah 2:6).

a. Therefore, one gets the impression that usually there will -- and should -- be communication and coordination between the brothers before any one of them takes initiative to perform Yibum/Chalitzah.

b. However, at the same time, there may be weaknesses in my reasoning, since it is also true that *if* a younger brother does in fact go ahead and perform Yibum/Chalitzah, then his action takes effect (Yevamos ibid.).

c. Moreover, there are circumstances in which one brother is overseas and we in fact do not wait for him to return (Yevamos 39a; Rambam ibid. 2:9). That gives the impression, especially in an area before instant communication, that the far off doesn't know about the death or Yibum/Chalitzah procedure.

I hope this helps as a start!

Warmest regards,

Yishai Rasowsky

Yevamos 034: Why Rebbi Meir only, not the Tana Kama

Avrumi Hersh asks:

34a top

The gemoro says that this mishna which holds of issur kolel, mosif, and bas achas. Has to be reb meir, (not the tanna kamma) cos the tanna kama only says issur mosif and issur kolel, not issur bas achas, but reb meir says you are chayav for hotzooch of shabbos as well, and shabbos comes bevas achas with yom kippur.

But the gemoro already said in 33b at the top that if reb yosi holds that your chayav 2 for issur kolel, then obviously he holds 2 by issur bas achas.

So why do we need reb meir? Why do we need a raye that we hold of issur bas achas? the tanna kama who hold of issur kolel, obviously hold of issur bas achas??

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Avrumi,

Excellent question! As I see from the helpful reference in Mesivta, the Mefarshim grapple with this point, why the our Gemara does not suggest that it is Rabbi Yosi.

Ritva suggests that it is because not all opinions hold that Rabbi Yosi agrees in the case of Isur Kolel (link 1 below). Interestingly, Keren Orah actually proves from our Gemara like the view of the Rashba that ultimately Rabbi Yosi does not agree in the case of Isur Kolel.

Alternatively, Rashash answers that even if Rabbi Yosi does agree by Isur Kolel, the Gemara didn't want to choose his view, because Rabbi Yosi didn't say so explicitly, but rather it was only inferred.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Links:

1. https://www.sefaria.org.il/Yevamot.34a.1?ven=William_Davidson_Edition-English&vhe=William_Davidson_Edition-Vocalized_Aramaic&lang=he&p2=Ritva_on_Yevamot.34a.1&vhe2=Chidushei_HaRitva_Yevamot_Lvov,_1861.&lang2=he

Bava Basra 036: Migu d❖Ha❖azah

Menachem Zaman asks:

A lot of Rishonim hold migu d❖ha❖aza lo amrinan. And I don't understand why. There is a mimanafshach over here. If people are brazen enough where they can tell a lie, so let us believe them with a migu d❖ha❖aza. And if they are not brazen enough to lie, let us believe them with their original taina.

Menachem Zaman, Sherman Oaks

The Kollel replies:

Dear Menachem,

Great to hear from you. Very excellent question!

I see that Rav Elchonon (Kovetz Shiurim Bava Basra #27) deals with an issue that seems relevant to your discussion. He cites Ketzos who reports that we do say Migu d'Ha'azah in cases of money, but not in cases of Shevuah. The Svara, says Rav Elchonon, is based on the two factors involved in a Migu:

#1. Mah Li l'Shaker: We know this person is telling the truth, because if he were lying, then he would have made the superior (false) claim.

#2. Koach Ne'emanus: The very fact that this person *could* have made the superior claim enables him to be Zocheh with his current inferior claim, regardless of whether or not he *would* actually advance the superior claim.

In the case of Migu d'Ha'azah, we have only #2, not #1.

Therefore, according to this view, in order to exempt the person in a case of Mamon, Migu d'Ha'azah is indeed enough; but to exempt him from a Shevuah, it is not, because we would actually need stronger "proof" (i.e. of type #1).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Menachem Zaman asks:

Thank you Rav. But something seems off to me. If there is no mah li l'shaker, why should there be a koach ha'taina? That makes the concept of migu a concept that is rooted in a strong svara and makes it like a chok that is impregnable to analysis. But who ever says such a thing about migu??!!

The Kollel replies:

Dear R' Menachem,

You are making an excellent point. This is very difficult to understand. I see -- with help from Rav Achikam Keshet's wonderful Sefer "Kovetz Yesodos v'Chakiros" -- a few suggestions how to explain the issue.

First, it is important to note that this Koach ha'Taanah won't work when actual proof is needed. Rather, it only suffices when all the Beis Din needs a sufficiently sound claim, which then enables them to decide how the litigants should be Noheg. So we are not talking about a case where the verdict requires absolute knowledge. That being the case, commentaries offer rationales for why Koach Taanah is enough:

1. Rav Shimon Shkop understands that once you have the superior potential claim, you become the "Muchzak", and it is consequently incumbent on the other party to provide proof; barring that, you will be Zocheh by default, even without proving your side.

2. S'ridei Aish understands that Beis Din -- so to speak -- makes on your behalf all the possible claims that you potentially have in your arsenal. If so, then even though you chose to present your actual inferior claim, nevertheless they "advance" the superior claim for your side as well.
3. Rav Asher Weiss understands that you automatically have the Zechus to win the case, since your potential claim is available, even if it never is advanced as a claim at all. Now, the fact that you happened to choose an inferior claim won't stop you from the legitimate right to be Zocheh in this particular case based on your superior potential claim.

I hope this helps, as a start at least!

Warmest regards,

Yishai Rasowsky

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Dear Menachem,

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I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

GENERAL: Gan Eden

Davic1 asks:

Greetings. I have been looking for the precise understanding to explain where souls go upon death, i.e. to ◆heaven◆ or to ◆gehenom◆. However I cannot seem to find the exact references from the Torah, Tanach or Chazal. Although we always refer to people being in ◆gan eden◆ after they die (until the techiyas hameysim) I need to understand exactly what the sources are for the place of repose of rewarded neshamas and the place of punishment of evil neshamas. It seems we do not have an explicit source for these concepts that we talk about all the time.

Thanks,

David Goldman

The Kollel replies:

Dear David,

Great to hear from you. Very nice question!

Can I suggest looking at these sources for a start? I think they will help provide part of the material you are looking for.

Gemara: Berachos 28b; Eruvin 19a; Bava Metzia 83b.

Pirkei d'Rebbe Eliezer: Chapter 34.

Rambam: Hilchos Teshuvah (Chapter 8); Igeres Techiyas ha'Meismim.

Ramban: Toras ha'Adam (Shaar haGemul).

Ramchal: Derech Hashem (1:3:10-13; 2:2:3-7).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Joshua Danziger jrdanziger@gmail.com asks:

Can I ask a follow on, Rav Yishai? Can you explain the difference between Gan Eden and Olam Haba? In common language people seem to use the two interchangeably, but in more precise usage, sometimes they truly do seem to be similar, but other times Gan Eden seems to be the location of souls before moshiach, and Olam Haba is specifically the time afterwards. Is that right? Is there a way to be medayek in the language of

"kol yisrael yesh lahem chelek le'olam haba" as referring to the time after moshiach but not necessarily to what happens to the soul in the interim of after death but before moshiach?

thanks!

The Kollel replies:

Dear R' Danziger,

Great to hear from you. Very nice question!

I think here it will help if we distinguish between the two main views amongst the Mefarishim found in the sources cited above.

There is the view of the Rambam, according to which, right after death, a righteous person's soul will immediately enter Olam ha'Ba, the eternal place of spiritual and intellectual pleasure, without the body.

But others, primarily the Ramban, understand a two-staged process: First, right after death, a person's soul goes either to "Gan Eden" (a.k.a. "Olam ha'Neshamos" or "Yeshivah Shel'malah"), which is a place of spiritual delight for the righteous, or to Gehenom which is a place where the wicked undergo punishment for sin. But the second stage, later in history, occurs after the period of Mashiach, Judgment Day, and Techiyas Hameisim, when soul and body ultimately reunite in order to enjoy their eternal reward together in Olam ha'Ba.

That is a very nice Diyuk you made from "Kol Yisrael Yesh Lahem Chelek l'Olam ha'Ba" as opposed to Gan Eden. Indeed, there is a group of people who, directly upon death, will enter Gehenom, instead of Gan Eden; and yet subsequently, after being purged, these individuals can succeed in making it to Olam ha'Ba, according to Rambam right away, or according to Ramban after the Resurrection.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

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But others, primarily the Ramban, understand a two-staged process: First, right after death, a person's soul goes either to "Gan Eden" (a.k.a. "Olam ha'Neshamos" or "Yeshivah Shel'malah"), which is a place of spiritual delight for the righteous, or to Gehenom which is a place where the wicked undergo punishment for sin. But the second stage, later in history, occurs after the period of Mashiach, Judgment Day, and Techiyas Hameisim, when soul and body ultimately reunite in order to enjoy their eternal reward together in Olam ha'Ba.

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I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

David G. asks:

Thank you. I was corresponding with someone who is not so religious who claimed there weren't any sources in Tanach that show the absolute belief in an afterlife. I asked him about these sources to which he did not reply:

Didn't Saul raise Samuel from the spirit world when he visited the "witch" of Endor?

When God took Enoch in Genesis, where did he go?

Where did Elijah go when he ascended in the fiery chariot?

What is Isaiah 38:18 referring to? Or Psalm 6:6?

Where did the opponents of Moses go when the ground swallowed them up in the desert?

Or when biblical figures are said to be "gathered to his people"?

Or when Elijah and Elisha resurrected children, where did they come from?

Or the biblical concept of being "cut off" from the people for committing certain sins?

The Kollel replies:

Dear R' David,

Great to hear from you!

A. You have made a beautiful presentation based on those passages. Yasher koach! Can I suggest even adding two sources to your impressive list? One would be Daniel 12:2, which discusses resurrection; and two would be Shmuel I 25:29, which discusses the destiny of righteous and wicked souls in the hereafter.

B. Since I didn't hear from your friend, I cannot say exactly what was bothering him. But maybe it was why in Tanach there seems to be much more emphasis on Hashem's compensation to us in *this* world, and significantly less emphasis on the reward and punishment in the *next* world. If so, then he is in good company, for the following classical commentaries deal with this issue at length. A number of commentaries [1-5] even assembled summaries listing the many resolutions offered.

3. By the way, you wrote that your friend is not so religious and that he didn't reply after you asked him about the sources. I am not sure what holds him back from responding. But I am reminded of what we

could understand from the words of the Chazon Ish (Yoreh Deah 2:16,2:28) that addressing not-yet-religious people in a friendly way can be an appropriate manner of helping them to appreciate the insights in the Torah and Chazal.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. Chovos ha'Levavos (Shaar ha'Bitachon, Chapter 4)
 2. Sefer ha'Ikarim (Book 4, Chapters 39-40)
 3. Abarbanel (Vayikra 26:3)
 4. Maharal (Tiferes Yisrael, Chapters 57-58)
 5. Kli Yakar (Vayikra 26:12)
-

GENERAL: Gan Eden

Davic1 asks:

Greetings. I have been looking for the precise understanding to explain where souls go upon death, i.e. to ♦heaven♦ or to ♦gehenom.♦ However I cannot seem to find the exact references from the Torah, Tanach or Chazal. Although we always refer to people being in ♦gan eden♦ after they die (until the techiyas hameysim) I need to understand exactly what the sources are for the place of repose of rewarded neshamas and the place of punishment of evil neshamas. It seems we do not have an explicit source for these concepts that we talk about all the time.

Thanks,

David Goldman

The Kollel replies:

Dear David,

Great to hear from you. Very nice question!

Can I suggest looking at these sources for a start? I think they will help provide part of the material you are looking for.

Gemara: Berachos 28b; Eruvin 19a; Bava Metzia 83b.

Pirkei d'Rebbe Eliezer: Chapter 34.

Rambam: Hilchos Teshuvah (Chapter 8); Igeres Techiyas ha'Meisim.

Ramban: Toras ha'Adam (Shaar haGemul).

Ramchal: Derech Hashem (1:3:10-13; 2:2:3-7).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Joshua Danziger jrdanziger@gmail.com asks:

Can I ask a follow on, Rav Yishai? Can you explain the difference between Gan Eden and Olam Haba? In common language people seem to use the two interchangeably, but in more precise usage, sometimes they truly do seem to be similar, but other times Gan Eden seems to be the location of souls before moshiach, and Olam Haba is specifically the time afterwards. is that right? Is there a way to be medayek in the language of "kol yisrael yesh lahem chelek le'olam haba" as referring to the time after moshiach but not necessarily to what happens to the soul in the interim of after death but before moshiach?

thanks!

The Kollel replies:

Dear R' Danziger,

Great to hear from you. Very nice question!

I think here it will help if we distinguish between the two main views amongst the Mefarishim found in the sources cited above.

There is the view of the Rambam, according to which, right after death, a righteous person's soul will immediately enter Olam ha'Ba, the eternal place of spiritual and intellectual pleasure, without the body.

But others, primarily the Ramban, understand a two-staged process: First, right after death, a person's soul goes either to "Gan Eden" (a.k.a. "Olam ha'Neshamos" or "Yeshivah Shel'malah"), which is a place of spiritual delight for the righteous, or to Gehenom which is a place where the wicked undergo punishment for sin. But the second stage, later in history, occurs after the period of Mashiach, Judgment Day, and Techiyas Hameisim, when soul and body ultimately reunite in order to enjoy their eternal reward together in Olam ha'Ba.

That is a very nice Diyuk you made from "Kol Yisrael Yesh Lahem Chelek l'Olam ha'Ba" as opposed to Gan Eden. Indeed, there is a group of people who, directly upon death, will enter Gehenom, instead of Gan Eden; and yet subsequently, after being purged, these individuals can succeed in making it to Olam ha'Ba, according to Rambam right away, or according to Ramban after the Resurrection.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

David G. asks:

Thank you. I was corresponding with someone who is not so religious who claimed there weren't any sources in Tanach that show the absolute belief in an afterlife. I asked him about these sources to which he did not reply:

Didn't Saul raise Samuel from the spirit world when he visited the "witch" of Endor?

When God took Enoch in Genesis, where did he go?

Where did Elijah go when he ascended in the fiery chariot?

What is Isaiah 38:18 referring to? Or Psalm 6:6?

Where did the opponents of Moses go when the ground swallowed them up in the desert?

Or when biblical figures are said to be "gathered to his people"?

Or when Elijah and Elisha resurrected children, where did they come from?

Or the biblical concept of being "cut off" from the people for committing certain sins?

The Kollel replies:

Dear R' David,

Great to hear from you!

A. You have made a beautiful presentation based on those passages. Yasher koach! Can I suggest even adding two sources to your impressive list? One would be Daniel 12:2, which discusses resurrection; and two would be Shmuel I 25:29, which discusses the destiny of righteous and wicked souls in the hereafter.

B. Since I didn't hear from your friend, I cannot say exactly what was bothering him. But maybe it was why in Tanach there seems to be much more emphasis on Hashem's compensation to us in *this* world, and significantly less emphasis on the reward and punishment in the *next* world. If so, then he is in good company, for the following classical commentaries deal with this issue at length. A number of commentaries [1-5] even assembled summaries listing the many resolutions offered.

3. By the way, you wrote that your friend is not so religious and that he didn't reply after you asked him about the sources. I am not sure what holds him back from responding. But I am reminded of what we could understand from the words of the Chazon Ish (Yoreh Deah 2:16,2:28) that addressing not-yet-religious people in a friendly way can be an appropriate manner of helping them to appreciate the insights in the Torah and Chazal.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. Chovos ha'Levavos (Shaar ha'Bitachon, Chapter 4)
 2. Sefer ha'Ikarim (Book 4, Chapters 39-40)
 3. Abarbanel (Vayikra 26:3)
 4. Maharal (Tiferes Yisrael, Chapters 57-58)
 5. Kli Yakar (Vayikra 26:12)
-

Davic1 asks:

Thank you for your reply, R. Yishai. This is a very interesting subject. Some gemaras refer only to ♦Gehenna♦ and others also to Gan Eden, i.e. midrashim or braisas. People would tend to want to see the source in Tanach or at least in the gemara rather than in Rishonim, which could be viewed as personal opinions or ideas.

I found this:

<https://www.sefaria.org/topics/gan-eden?tab=sources>

Now is the Gan Eden (yeshiva shel mala etc.) the same place as the garden where Adam and Chava were?

Why do we not find some explicit statement of ♦hashkafa♦ in Tanach that is unambiguous on the subject of where our souls go after we die? Why is it brought up so explicitly only in the later generations of the Amoraim even if naming Tannaim in the gemara? Especially since doubters would simply claim that these statements are personal philosophical ideas that are not revealed from prophecy or the Torah.

Regarding Daniel 12:2 this seems to describe what happens after the resurrection (i.e. Rashi there). Regarding Shmuel 25:29, that is kind of ambiguous.

Finally, how can any individual Jew know what awaits him unless we get some idea of different ♦levels♦ or locations in either temporary Gehenna or Gan Eden, do we sit and wait in a single place, or in different locations, so to speak, until the resurrection with Mashiach?

Finally, I suppose the Catholic religion adopted the notion of Purgatory from our sources in the Talmud, and essentially all the other afterlife concepts they have♦..

The Kollel replies:

Dear R' David,

Great to hear from you. Wonderful to read your insights!

1. Ramban explains in Shaar ha'Gemul, in the section on reward and Gan Eden [see link A below], that the name Gan Eden really applies to two different places. One is a spiritual world where the soul takes delight after death; versus the latter being the most sublime place on the physical earth, where Adam and Chavah resided.
2. It really is a very good question. You may have had a chance to see the collections of sources 1-5 listed above (Chovos ha'Levavos, Sefer ha'Ikarim, Abarbanel, Maharal, Kli Yakar). Those would seem to be the best place to start. Does this follow-up still remain after seeing those explanations?

3. I like your comments about Daniel and Shmuel. Yes, your quest is really more specifically focused on what happens to the soul upon death.
4. Indeed, there are different levels that a person can receive in that stage of afterlife, as we find in Derech Hashem 1:3:10, and also Bava Basra 75a (see link B below), Vayikra Rabbah 30:2 (link C), Mesilas Yesarim (chapter 4, at link D).
5. I don't know exactly which points Catholicism borrowed from Judaism. But point seems to contain much truth.

Warmest regards,

Yishai

Links:

- A. <https://daat.ac.il/daat/mahshevt/hagmul/6-4.htm#:~:text=52,,>
- B. https://www.sefaria.org.il/Bava_Batra.75a.14?lang=bi&with=all&lang2=en
- C. https://www.sefaria.org.il/Vayikra_Rabbah.30.2?lang=bi&with=all&lang2=en#:~:text=
- D. https://www.sefaria.org.il/Mesilat_Yesharim.4.10?lang=bi&with=all&lang2=en

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Gitin 045: Rav Ilsh Checking on the Daughters of Rav Nachman

Mordechai Abisror asks:

how did r' ilsh want to help the daughters escape if the mishna says ein mavrichin es hashvuyin?

Mordechai Abisror, Long branch New Jersey

The Kollel replies:

Dear Mordechai,

Great to hear from you. Very excellent question! Baruch Hashem you are Michaven to the view of the Tiferes Yaakov!

1. Tiferes Yaakov understands that he was planning to redeem them, as opposed to simply helping them to flee. This would avert the prohibition of the Mishnah to which you astutely called attention.
2. Maharsha, however, indicates that his plan was to help them escape by running away. In light of the difficulty you raised, this view could possibly be reconciled based on the Yosef Lekach (Yevamos 79a) who suggests that just as there is a Heter for oneself to runaway, so too there may be permission to help one's relatives to escape; accordingly, if we would assume that these women were relatives of Rav Ilsh, consequently there would be no prohibition.
3. Possibly, if the situation was one in which there was a threat of death, then this would be subject to the dispute between Tosfos who waives the law of our Mishnah in such a case, versus the Ramban who doesn't.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Kidushin 012: Kiddushin in the Shuk

Menachem Zaman asks:

There is a Gemara in Kiddushin 12b where Rav says:

d'Rav Mangid Al d'Mekadesh b'Shuka

Rashi comments: Mishum Peritzusa

Rav would flog anyone who does kiddushin in the shuk because lfi Rash it's pritzus. So then why nowadays do kiddushin under the chuppa in front of everybody? Also, why is chuppa/nisuin l'chatchila done in public? How is it different than kiddushin?

Menachem Zaman, Sherman Oaks

The Kollel replies:

Dear R' Menachem,

Great to hear from you. Very nice question!

Perhaps one could understand that the Pritzus of performing marriage in the Shuk is when it's done in a casual and informal manner, without the sanctity and sincere modesty of a customary Chasunah. When, on the other hand, it is done in the context of a formal *wedding ceremony*, even if there are many people there, people do treat it with more respect and Tzniyus. This would avoid the problem of Pritzus that Rashi explains is involved when it is done in the Shuk, since there people would be prone to gawk and not accord the proper dignity and privacy to the Chasan and Kallah.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Kidushin 050: Giving a Get Willingly

Michoel Yehoshua asks:

The Gemara explains that a person must bring a korban willingly but can also be coerced, based on the fact that the pesukim both say "lirtzono" and "yakriv oto" - he must bring it. 2 questions on this:

1. Is this specifically speaking about a korban chatat? How do we know?
2. What about the giving of a get? Where in the pesukim does the Torah suggest that the halacha is a man must give a get willingly, and that he can be coerced? (The Gemara does not give the same textual analysis of the pesukim here).

Thank you!

Michoel Yehoshua, New Jersey, US

The Kollel replies:

Dear Michoel,

Great to hear from you. Both very excellent questions!

1a. Arguably, one might not think to limit this law to Chatas, because -- from the Torah Ohr at least -- I see that the verse being cited is referring to a different Korban type, namely Olah.

1b. But to expand on this, Tosfos (Bava Basra 48a. s.v. Yakriv) teaches that this law applies specifically to *voluntary* Korbanos, i.e. Neder or Nedavah; but *not* for obligatory Korbanos, such as Chatas and Asham, since there is no need for coercion, since it is assumed that a person will bring these obligations based on their own initiative. The precedent for this qualification is in the Mishnah (Bava Kama 40a) which says that Beis Din doesn't force a person in such a case because presumably the individual will want the atonement.

1c. However, this raises a question, namely, that if the Korban referred to here is only voluntary, then what is the reference to Kaparah? It is referring to proactive avoidance of the potential sin that would result had he not brought the Korban Neder/Nedavah.

2. Rashbam (Bava Basra 48a) explains that this is based on the verse (Devarim 24:3) "He shall give [the divorce document] into [his wife's] hand", which implies that he must give it willingly.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Bava Metzia 035: Shevuah she'Einah b'Reshuso - the Ritva

Daniel Steinberg asks:

The Ritva (quoted in the Shita, 34b - d.h. **וְזֶה לִשְׁוֵעַ הָרִיטָא... וְזֶה לִקְרָא דְּקָשָׁא לֵי**) says that even though we already know from 6a that a Shomer who claims Geneiva takes a Shvua She Aino B'Rshuso, without Rav Huna, we might have thought - that is only when the Shomer is swearing to get off the hook and not paying. But in a case like our Mishnah in HaMafkid, where the Shomer is paying instead of swearing, we would not suspect him of wanting to keep the Pikadon for himself. If he indeed were trying to keep it for himself, we would expect him to deny or swear to get off the hook, not pay!. Therefore, the Ritva says, Rav Huna is Michadesh that even in such a case, the Shomer is still suspect and must take the Shvua She Aino B'Rshuso.

A few questions on this Ritva:

What does the Ritva mean, that if the Shomer was interested in keeping it for himself, instead of paying **לֵי** let him deny it **לֵי**? Does he mean that the Shomer would have claimed **לֹא הָיָה דִּבְרֵי מִלָּאמָה**, i.e. that he was never a Shomer for the Mafkid, instead of claiming **לִנְיַעֲוֵה**?

The Ritva states that if the Shomer was interested in keeping it for himself, instead of paying, **לֵי** let him swear and become Patur **לֵי** - but the Ritva already told us that it is Poshut from 6a that when a Shomer is swearing to get off the hook and not paying he must take a Shvua She Aino B'Rshuso! (According to the Ritva, we only needed Rav Huna for a case where the Shomer pays and does NOT swear). Thus, the Shomer **לֵי**s

swearing to Patur himself could not help him if he were interested in keeping it for himself - that is the typical case, according to the Ritva, where Shomrim have to take a Shvua She Aino B'Rshuso!

The Svara of the Ritva - that Rav Huna is only needed for scenarios where the Shomer is paying and not swearing to Patur himself - seems counterintuitive. Paying in order to keep a Pikadon is an easier crime to commit than swearing falsely in order to keep it, and should therefore be the primary scenario where we suspect the Shomer and make him swear Aino B'Rshuso, not the other way around, like the Ritva is suggesting.

If Rav Huna is only coming to inform us that even when a Shomer pays, he still must take a Shvua She Aino B'Rshuso - for the regular reason of *Chayshinan Shema Einav Nasan Bah* - it would seem more appropriate for the Gemara to ask *Lamah*, as opposed to *Mai Taimah*. The question of *Mai Taimah* implies we're unfamiliar with the reason for a Shvuah She Aino B'Rshuso, but according to the Ritva, we've already been introduced to it on 6a.

Consequently, the Gemara's answer of *Chayshinan Shema Einav Nasan Bah* seems redundant according to the Pshat of the Ritva. We already know the reason for a Shvua She Aino B'Rshuso, the only question is why there's a need for it in a case where the Shomer pays. It would seem more appropriate for the Gemara to precede the given reason with the words *Afilu Hachah*. But the way it currently reads, it sounds like the Gemara is introducing the reason to us for the first time.

B'chavod.

Daniel Steinberg, Columbus

The Kollel replies:

Dear Daniel,

Great to hear from you. Very nice questions!

I certainly can learn a lot from you about how to approach a subtle Sugya with sharp analysis. I don't know if this assuages all of your very legitimate concerns, but to help at least with what seems to be the basic premise: I understand the Ritva to mean that a Shomer who is willing to wrongfully keep the item for himself would normally do so in the most lucrative way possible, i.e. without paying for it. Since this Shomer is indeed paying for it, therefore it casts him in a light of innocence, and we really have very little suspicion against him. Rav Huna is Mechadesh that no, even in this case of the Shomer who is willing to pay, and therefore is less suspect in our eyes, nevertheless we are in fact Choshesh, and therefore he must swear.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Megilah 022: Rosh Chodesh Torah Reading

yoel labell asks:

why didn't the gemara suggest to just read the psukim of the rosh chodesh korban itself for each of the four olim just like on chol hamoed that we reread the korban for that day four times?!

yoel labell, jerusalem israel

The Kollel replies:

Dear Yoel,

Great to hear from you. Very nice question!

The Netziv (Meromei Sadeh, s.v. Boya Mineih Ula) explains that the Torah portion of the Parei ha'Chag are actually an exception to the entire structure of Musaf Aliyah Torah reading. The reason being because of the unique pattern of those Korbanos. He offers proof based what we read on Chol ha'Moed Pesach, which -- in contrast to Sukkos -- are three Aliyos from the Yom Tov portion, followed by only one single Aliyah from the Musafim.

Also, just something that I found noteworthy, though it is not directly related to your question, is the comment of the Ran (s.v. Likru Trei on 12b of the Rif) who explains the relevance of the Tamid and Shabbos portions to the day of Rosh Chodesh.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Megilah 031: Sequence of Amoraim

zecharia dorshav asks:

Why is Harav Papa's proposed readings on Pesach placed before those of Abbaye? Harav Papa followed Harav Abaye as head of the yeshiva.

zecharia dorshav, Israel

The Kollel replies:

Dear Zecharia,

Great to hear from you. Very excellent question!

I actually first checked Mefarshim but found none who spoke about this point. Therefore, my expectation was that this might be resolvable from the structure of the Gemara itself. Do you think we can understand it in the following way? The Gemara is citing a lengthy Baraisa and is explaining it one segment at a time. We know that Rav Papa's comment is addressing only the days of Chol ha'Moed, but not Yom Tov Acharon; whereas Abaye's comment addresses not only Chol ha'Moed but also Yom Tov Acharon. Therefore, the Gemara felt it was most appropriate to insert Rav Papa's comment after the Baraisa's ruling for Chol ha'Moed, before the ruling for Yom Tov Acharon; versus Abaye's comment which is best inserted after the Baraisa's ruling concerning Yom Tov Acharon, since Abaye will discuss that also.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Moed Katan 007: Ro'im Es ha'Nega'im

Tuvya Marcus asks:

In the Background to this page, I understood that a Musgar is always for 2 weeks - but he needs a Re'iyas Kohen at the end of the first week to determine if he extends his Segirah or if he becomes Muchlat.

But he certainly has 2 weeks of Musgar.

Is that the correct understanding?

Tuvya Marcus , Jerusalem Israel

The Kollel replies:

Dear Tuvya,

Great to hear from you.

Yes, you are correct. And we learn this from the Torah in Vayikra 13:5 and the Mishnah in Negaim 3:3.

Small side point: You are quite right that it is "two weeks", and that is how Chazal also refer to it. But the seventh day really counts for both the first and second week, so it ends up being 13 days, as the Sifra explains.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Moed Katan 009: "Men of stature," who take leave of R' Shimon bar Yochai.

H David Levine asks:

What reason is there for the two scholars to have changed their style of blessing, between the visits of bar Yochai's first and second sons?

H David Levine, Roanoke, VA USA

The Kollel replies:

Dear R' Levine,

Great to hear from you. I want to make sure I didn't misunderstand the question.

As I see it right now, there are two stories of sons who receive a blessing. The first is the son of Rabbi Shimon Bar Yochai who received a blessing from Rabbi Yonasan Ben Asmai and Rabbi Yehudah. The second is where Rabbi Shimon, the son of Chalafta, received a blessing from Rav. You want to know why they gave different blessings. Please correct me if I missing something.

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ADDITION:

Dear R' Levine,

I just wanted to add a couple of points that might be helpful to clarify this issue. But, again, please let me know if I am not addressing the point that was bothering you.

1. Who was the Rabbi in the second story?

a. Our Girsa says that it was Rav; but

b. the Rashash and others bring what might be a more authoritative Girsa that says it was Rebbe Yehudah ha'Nasi.

2. Why in the story of the first son was the blessing cast in a language of curse, unlike in the second story where the blessing was more explicit? (This was my best estimate of what was bothering you; and indeed the commentaries grapple with this point.) Here are a few interpretations:

a. They used a language of curse in order to "disguise" the blessing so that it wouldn't be canceled by the acussing forces. See Arugas ha'Bosem (Matos) and Divrei Yoel (Emor).

b. They used a language of curse in order that Rashbi should be the one to utter the blessing, instead of the two rabbis, since the two rabbis felt that Rashbi was more worthy and holy than they were. (See Pesach Einayim and Maris ha'Ayin.)

c. (Related to the previous answer.) Really, the son did deserve some degree of pain and suffering, and the rabbis realized this. Therefore, they expressed themselves in a language of curse. This accomplished two things:

i) It allowed the son's destined affliction of pain and suffering to take the mild form of hearing hurtful words, rather than a worse form.

ii) It gave the opportunity for Rashbi to utter the blessing, which -- coming from him -- would have such great power that would cancel the effect of the pain and suffering which the son was otherwise destined to undergo.

I hope this helps!

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Yishai Rasowsky

H David Levine adds:

It seems it was my mistake. I thought bar Yochai had sent one son, then another, to the same pair, Rabbis Yonason and Yehuda.

It changes the question, a bit, but I wonder still whether the intentions of Rebbi Yonasan ben Asmai and Rebbi Yehudah were represented in bar Yochai's explanation. May I ask, had the story been such: that the scholars were abusive, and the Rav, in the end, had spared his son from mishap by their word?

The Kollel replies:

Dear R' Levine,

Yasher koach for the insight! Yes, I hear that possible way of reading it! I am just reflecting, though, on why the mainstream way to interpret the Gemara seems to be that their intention was positive all along. I would imagine the reason is because it is too difficult to fathom that two great sages would want to apply harmful words to an innocent person -- especially if they understood he was Rashbi's son asking for a blessing. But even if they didn't, it would seem too hard to justify why the two rabbis would want to inflict harm on someone, particularly when Rashbi himself describes them in a complimentary way as Anshei Tzurah.

I appreciate your perspective on this Gemara; I feel you have helped me to understand it much better!

Warmest regards,

Yishai Rasowsky

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The Kollel replies:

Dear R' Levine,

Great to hear from you. I want to make sure I didn't misunderstand the question.

As I see it right now, there are two stories of sons who receive a blessing. The first is the son of Rabbi Shimon Bar Yochai who received a blessing from Rabbi Yonasan Ben Asmai and Rabbi Yehudah. The second is where Rabbi Shimon, the son of Chalafta, received a blessing from Rav. You want to know why they gave different blessings. Please correct me if I missing something.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Moed Katan 014: Death Sentence on Moed

DANIEL GRAY asks:

14b why is Abaye so shocked that Death sentence cannot be carried out on moed? Mishnah (10:4) at Sanhedrin 89a describes doing just that and even purposely waiting until the moed for: ben sorer, navi sheker, aid zomem and zaken mamreh.

DANIEL GRAY, Toronto, Canada

The Kollel replies:

Dear Daniel,

Great to hear from you. What a question!

a. Let's consider for a moment when the execution on the Regel is actually carried out? It cannot be on Yom Tov (Yevamos 6b; Rambam, Hilchos Sanhedrin 11:2). So it must be on Chol ha'Moed. That would be the Pashtus, and it's OK for Pesach and Shavuos; but what about Shavuos, which has no Chol ha'Moed? We know that the people would remain the night after the Yom Tov until the following morning. So that next morning could be when the execution is held. Abaye *possibly* held that this is true for not only Shavuos, but the other Yomim Tovim as well.

1. I would be happy to share two suggestions that attempt to deal with this very powerful Kashya; but I believe the matter still remains Tzarich Iyun, and I must research further.

b. To Abaye, the special Din of the four sinners who need Hachrazah stand apart as a class on their own. Just as they are exceptions to the rule of Inuy ha'Din, i.e. delaying their execution (until the Regel), so too the execution of their death sentence might be an exception to the rule of overriding Chol ha'Moed, not necessarily to be extrapolated to the general cases of execution referred to in the Baraisa.

2. By the way, I'd like to clarify two points, but forgive me, because I believe you might already be aware of them:

a. One can find editions of Mishnah in which this appears as 11:4 instead of 10:4, if the chapter order of Chelek and ha'Nechenakin is swapped.

b. I see that *Meisis* is one of the four who need Hachrazah, as opposed to Navi Sheker.

Warmest regards,

Yishai

ADDITION:

Dear R' Gray,

Yasher koach. I see you have ruled out option A based on the Yachin. I consulted with my Rebbe, Rav Yitzchak Breitowitz, who suggested another possibility: The prohibition for the judges to eat applies Davka to the day they sentence a person to death, not the day they kill him. Normally, that would indeed be the day they execute him but since inui hadin is permitted in these cases, by the time the execution date arrives on Chol Hamoed, the Sanhedrin will be allowed to eat. The sevara is once there is gmar din, the person is already deemed a gavra ketila. kol tuv, yb

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execution of their death sentence might be an exception to the rule of overriding Chol ha'Moed, not necessarily to be extrapolated to the general cases of execution referred to in the Baraisa.

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Warmest regards,

Yishai

Ta'anis 023: Choni Ha'Ma'agal

R Karaguilla asks:

Good morning

The story with choni hameaguel that was not recognized and asked for rachamim to die.

The guemara says that they did not give him the proper kavod then he requested to die.

Doesn't that goes against the principle of not depending on the kavod others give you?

The Kollel replies:

Dear R Karaguilla,

Great to hear from you. Very nice question!

1. Lishmoa Limudim understands that his supply of wisdom was cut off, since no one in the generation needed him. Therefore, with his divine flow of *Chochmah taken away*, he didn't have the desire to live anymore. We even find in the Midrash a similar phenomenon by Moshe Rabenu, when Yehoshua assumed the leadership of the new generation.
2. Ben Yehoyada explains that it is because people no longer came to learn from him, and so he *didn't have the opportunity to teach Torah*, that he felt his life was not worth living.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Yevamos 009: Rav Yehudah

Yomtov asks:

Hi. How do we understand Rav Yehuda in masechet yevamot daf 9b. I saw on your site the following 7. In the case of the Ervah of a daughter, this scenario is possible only if the daughter was born out of wedlock. If she was born from a legitimate relationship, it would be impossible that she would have a sister who was fathered legitimately by the second brother. The reason is that once one brother marries a woman, that woman is forbidden to the brother even after she is divorced. My question is that our Mishnah is definitely dealing with a rape case by his daughter case. So how can Rashi say Rav Yehuda holds it's not a rape case? Thank you

Yomtov , Lakewood. United States

The Kollel replies:

Dear Yomtov,

Great to hear from you. Very excellent question!

See Tosfos on 2b (link #1 below).

Aruch la'Ner (link #2 below) understands that Rashi on Daf 9 is referring to the view of Rav Yehudah according to Rav Chisda, who holds that Dinim in our Mishnah can in fact be subject to Machlokess, with Bito meaning the daughter from one's actual wife (not Anusah), Davka after death; this reflecting the view of Rabbi Akiva, with whom the Chachamim argue.

See also Porat Yosef of the Pri Medadim (link #3 below).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Links:

1. <https://dafyomi.co.il/yevamos/tosfos/ye-ts-002.htm#:~:text=>
2. <https://hebrewbooks.org/pdfpager.aspx?req=14410&st=&pgnum=6&hilite=>
3. <https://hebrewbooks.org/pdfpager.aspx?req=52822&st=&pgnum=4&hilite=>

Makos 006: Rav Zutra question on Rav Nachman

Avraham Rapoport asks:

Rav Zutra asks if isolated witnesses combine in monetary cases we should combine them in capital cases to save the defendant from death since we try to be lenient in capital cases. But wouldn't this also bring to a stringency when you have 2 isolated single witnesses that currently can't combine and now would be able? Also, can't Rav Nachman answer that this is exactly why you have the pasuk telling you that isolated witnesses can't combine even though you might think that they should?

Avraham Rapoport, Israel

The Kollel replies:

Shalom Avraham,

Great question. I understand that Rav Zutra's suggestion is to combine witnesses in capital cases only *to save* lives, not to convict and destroy lives. Albeit a seeming double standard, we do find that in some cases, e.g. conviction by majority by of two votes instead of just one. If so, the second question can be resolved also, since the Posuk only discusses a case of conviction, so it is only there that we would know they cannot combine; for exoneration, on the other hand, they might indeed combine.

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 070: the Diyuk that an Onen is permitted to eat Terumah

Aharon Grenadir asks:

On Yevamos 70b, Rabbi Yossi bar Chanina brings the pasuk (Vayikra 22:10): ❖No foreigner (zar) may eat of the holy thing❖ (meaning teruma). He makes the following diuk: a disqualification stemming from foreignness I told you prevents one from eating teruma, but not a disqualification based on acute mourning.

Is the limud from the yitur of the pasuk, so he is free to claim that the pasuk comes just to teach the diuk? But Sefer HaChinuch explains Mitzvah 280, that no zar should eat teruma, has its source from that pasuk in Parshas Emor, so the pasuk is needed l'gufa.

Aharon Grenadir, Brooklyn, NY, USA

The Kollel replies:

Shalom Aharon,

Great question. I see Rashi in Shabbos 25a DH Asur l'Onen explains it based on double occurrence of the word Zar. I understand that he means verse 10 and verse 13. You can see Rashash on this Rashi who cites Rashi as proof to the Maharshal in the Machlokes between Maharshal and Maharsha in Yevamos 68b.

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 077: Rashi gives different reason to the question of the gemoro

Avrumi Hersh asks:

77b

Rashi 4th wide line. Rashi says 'arayos yochichu' they are kosher to all Jews besides for krovim. But the pircha that we are trying to be mochiach from mamzer, is, that mamzer is not rouy lekohol leolom. I.e. the issur is forever, so the teretz from arayos should be: arayos is only ossur for 3 generations, (even for krovim). ?

Avrumi Hersh, London england

The Kollel replies:

Shalom Avrumi,

That is a great question! I see in Maharsha and Aruch la'Ner the suggestion that Rashi didn't learn the Gemara k'Peshuto because he was trying to avoid a problem; namely, that Aryaos are Asur for three full generations, unlike Mitzri and Edomi which are Asur for only two (the third is already Mutar). Therefore, it would not be justified to say Arayos Yochiach (i.e. Arayos apply to both genders even though -- unlike Mamzer -- they apply to only a limited number of generations, just like Edomi and Mitzri), since it is actually more Machmir than Mitzri and Edomi in terms of the number of generations.

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 079: Rabbi and the Nesinim

Tuvya Marcus asks:

Rabbi wanted to matir the Givonim.

If Senchariv came and moved the 10 shevatim - why are the givonim still the same people?

Also, I don't understand Tosefos: Hefker beis din hefker. But doesn't this also require to be greater in minyan and chochma? Was Rabbi's BD greater than Yehoshua?

Tuvya Marcus , Jerusalem Israel

The Kollel replies:

Shalom R' Marcus!

You may be familiar with the background, but I will include some it here for the sake of clarity. According to the Navi (Melachim II chapter 17) Shalmaneser exiled the northern tribes. Now, Chazal tell us (Sanhedrin 94a) that Shalmaneser is another name for Sancheriv.

Chazal also teach us (Yadain 4:4, Berachos 28a, Yoma 54a) that Sancheriv mixed up the nations. Note that amongst the Mefarshim, some conclude that this doesn't apply to all nations. For example, Rabeinu Tam says this about Egypt (Sotah 9a, Tosfos DH Minyamin).

In any event, when Chazal say that a nation is assumed to mixed up, it is usually understood that this means a person who comes from that geographical location (e.g. Amon), we do not assume he is from the lineage of the Biblical nation-family of Amon. On the other hand, if a person's family lineage is known already, then their

geographical location typically doesn't entail either a problem or a solution. The case of Rebbe and the Givonim seems to be a case of the latter, not the former.

Regarding your second question, Tosfos understands that Hefker Beis Din Hefker does not require greater Chochmah and Minyan than the Beis Din who issued a decree of slavehood upon the Givonim in the time of David HaMelech. The reason being because technically the decree of senior Beis Din stays in effect. However, as a sidedoor route to achieve the Heter, the slaves would be relinquished from their status as being property of the Jews, which effectively renders them free and hence permitted without having to overturn the senior Beis Din's decision.

I hope this helps!

Best wishes,

Yishai

Tuvya Marcus asks:

Thank you - great answer.

What you said "On the other hand, if a person's family lineage is known already, then his geographical location typically does not entail either a problem or a solution." - also could apply to Minyamin the Ger Mitzri (in the Tosefos you cited).

The Kollel replies:

My pleasure, R' Marcus. Yasher Koach for the feedback! I see from Rashi (Sotah 9a DH Asi l'Vni Mitzris Sheniyah) that the Tosefta (Kidushin 5:6) relates that R' Akiva told Minyamin (in some versions he is called "Binyamin") that he was mistaken, since Sanchariv mixed up the nations. That would indicate that R' Akiva knew that Minyamin was only geographically from Egypt, but Lav Davka was he genealogically descended from Mitzrayim.

I hope this helps!

Best wishes,

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I hope this helps!

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Tuvya Marcus asks:

OK, but from the various Tosefos I saw - the only time there was a possibility that Mitzrayim were not on their land was the 40 years mentioned in Navi. Otherwise, noone seems to say that Mitzrayim was moved around (since Yosef, who only did internal Transfer)

The Kollel replies:

Shalom R' Marcus,

This is an excellent point. Yasher Koach! I see that not only Rishonim are divided on this issue (Rambam in Isurei Biah 12:25 for example holds like Rashi that Egypt was mixed up whereas the Rosh in Yevamos 8:4 holds like R. Tam that Egypt was not mixed up), but also the Tosefta itself seems to have conflicting indications (Yadaim 2:9 shows R. Akiva being more machmir than his lenient view in the Tosefta from Kidushin which Rashi cited). Some Mefarshim resolve this conflict by suggesting that R. Akiva changed from his permissive view to a prohibitive one after hearing that even his Rebbi R. Yehoshua held that way.

I hope this helps!

Best wishes,

Yishai Rasowsky

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I hope this helps!

Best wishes,

Yishai

Yevamos 091: Rav Papa is still right!!

Avrumi Hersh asks:

91b bottom.

R popa tried to pasken like may hava ley lemeebad rashi explains that he was mattir a woman who was muttar with edim to go back to her husband. But reb hunan said that all the mishnayos says we don't pasken that way and the terutzim are dechukim.

But the gemoro said on omud A, that rav paskens like reb shimon that its muttar, and the whole shakla vtarya is only if the chachomim agree to thus concept of may hava ley lemeebad, but the halocha is clear like reb shimon!?

(This q is especially on rashi, who explains that reb popas psak was talking exactly about this kind of returning a woman who was muttar with edim)

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

Yasher Koach for this insight. I see the Rif identifies your point as an indication that the Halachah indeed does not follow Rav and Rabbi Shimon, even though the Gemara seemed to portray Rav Hunan/Rav as the definitive ruling using the term Hachi Hilchasa. Nimukei Yosef relates that all the Geonim also rule stringently, based on the challenge to Rav Papa.

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 101: Why blame the poor son

Avrumi Hersh asks:

101a

Why is a sofek Cohen required to work to save his families from shame.

It's all his parents fault.

Why does he have to bear any responsibility to his respective family "yichus" and be forced to do avoda even if he doesn't want to.

It seems inhumane?

Avrumi Hersh, London England

The Kollel replies:

ION:

Dear R' Hersh,

It is noteworthy that Rashi in his last comment on the Mishnah (100b DH v'Oleh b'Mishmaro) explains that it is the Mishmar who cannot prevent this individual Kohen from serving. Aruch la'Ner expands on this to say that Rashi means to learn a different Pshat in the Gemara later, i.e. it's not against *his* will that he must serve, but rather it is that even against *their* will (of the Bnei Mishmar) he is entitled to serve. Two advantages of this are: a) It resolves Tosfos' Kashya, as the Aruch la'Ner himself notes; and b) it would seem to obviate your excellent question.

I hope this helps!

Best wishes,

Yishai Rasowsky

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It seems inhumane?

Avrumi Hersh, London England

The Kollel replies:

Shalom R' Hersh,

I understand you are referring to the case in which the Gemara says v'Oleh b'Mishmaro.

That is discussing the case where both potential fathers are Kohanim. Therefore, I am not sure it is best for us to call this son a "Safek Kohen". Since, in fact, we would be correct in calling the son a "Vadai Kohen". The Safek is only which Kohen is his father.

I understand that you wrote that it is "all his parents fault" because we are dealing with a case in which they failed to wait the three month intermediate period. I will just add something to be aware of; that is, there may be other cases in which reasons beyond that parents' control lead a child to become mixed up between two families (e.g. swapped at birth by the midwife, kidnapping, etc).

Regarding your main question, however, I think we can admit that yes, it is inconvenient for this child that a duty is imposed upon him simply because of a doubt which was no fault of his own. Consider, however, that many times we find that Chazal impose Halachos that achieve a greater good, even if it indeed may be a hardship on some people.

Some consolation here may be found in the fact that he is not being forced to undergo some terribly painful experience with no redeeming quality. On the contrary it is an privilege to have an opportunity serving in the Mikdash.

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 105: Rabbi

Greg asks:

Thank you answering my previous questions.

My friend who's also learning yevamos asked me this question. Rav Yehuda amar Rav said that the Mishnah which discusses the age of chalitza for a minor girl and [basically] says her chalitza is meaningless is going like Rabbi Meir. Rabbi is consistent with his Mishnah when he orders Avdan to check whether a girl is a gedola before doing chalitza.

However, Rabbi changes his opinion after he hears from Rabbi Yishmael bi Rabbi Yosi that Rabbi Yosi holds that a girl can even be a ketana to do chalitza.

If Rabbi quoted the halacha in the Mishnah going like Rabbi Meir, then why did he go against this after hearing that Rabbi Yosi held otherwise? It's also implied that Rabbi already knew that the chachomim argued on this, when Rav Yehuda amar Rav says the Mishnah is Rabbi Meir's opinion, "but the chachomim argue." And still Rabbi stated his Mishnah as to follow Rabbi Meir's opinion, note the chachomim's.

I thought to answer simply that when Rabbi wrote the Mishnah down he believed Rabbi Meir's opinion to be the halacha over the chachomim's, but he didn't know exactly who the chachomim were, only that there was such an opinion. But after hearing that the chachomim was Rabbi Yosi who was particularly chashuv as the Gemara calls his Beribi," Rabbi he changed his mind, and this happened after the Mishnah was already written down. Just my own answer doesn't feel compelling.

Could you please explain why Rabbi changed his mind from the Mishnah after hearing what Rabbi Yosi held?

Thank you for all your efforts.

Greg

Greg, United States

The Kollel replies:

Shalom Greg!

I appreciate reading your insightful comments and question. I strongly identify with what you said about Rabbi Yosi holding great weight in terms of authority to Pasken. This is especially true in the eyes of Rabbi. For example, you may be familiar with two other accounts, cited in Shabbos 51a and Sanhedrin 29a, in which Rabbi submits to the view of Rabbi Yishmael's great father Rabbi Yossi.

Regarding why Rabbi changed his mind, a few thoughts seem plausible.

First, Rabbi simply could have been unaware until now that Rabbi Yosi espoused the lenient ruling of the Chachamim; just discovering that Rabbi Yosi held by this view was enough to sway Rabbi's opinion. This suggestion might be somewhat tenuous, however, since we know that Rabbi Yosi was a teacher of Rabbi, and as such one might have expected Rabbi to be aware of his master's view. On the other hand, from the story that Rav Kahana recounts on Shabbos 15a, one gets the impression that there were indeed a number of rulings of Rabbi Yosi to which the Chachmei ha'Dor were not privy.

Additionally, the great impression that Rabbi Yishmael had upon Rabbi in the moving story of his argument with Avdan might have helped to add even more weight to Rabbi Yishmael and Rabbi Yossi in Rabbi's eyes.

Lastly, as a speculation, it is possible that even if Rabbi officially issued a general ruling in accordance with Rabbi Meir, e.g. in the Mishnah, it is possible that in the present case Rabbi chose to humble himself in deference to his superior Rabbi Yossi in order not to offend the fact that Rabbi Yishmael openly expressed his father's view in the current scenario.

Best wishes,

Yishai Rasowsky

Yoma 008: Nafka Leih mi-Metzach Mitzcho

Avraham Sacks asks:

How does R' Yehudah learn from Mitzcho (instead of Metzach) that if the tzitz is broken Lo Meratzeh?

Avraham Sacks, Ramat Beit Shemesh ?

?

The Kollel replies:

-----?

The Kollel replies?:

Shalom R' Sacks!

I see that the Torah Temimah (Shemos 28:38) concludes that the basis of the Drashah is this: If the word "Metzach" alone had been used, then it would not preclude the usage of a broken Titz. The reason being because there may be a small forehead that the broken Titz -- despite its reduced size -- would indeed fit upon; for example, that of a child. But once the Torah say "Mitzcho", that means it specifically has to fit the forehead of the Kohen Gadol, which it can do in full measure when it is complete.

I hope this helps!

Best wishes,

Yishai

Gitin 008: Crete/ Cyprus Part of Eretz Yisrael to Rebbi Yehudah?

Ari asks:

According to Rebbi Yehuda (who we don't pasken like) that the eastern border of Eretz Yisrael just keeps going further west, will Crete and Cyprus be considered part of Eretz Yisrael?

Also how far west would it go according to Rebbi Yehuda? Would it theoretically hold that southern Florida or even parts of central/ southern America are part of Eretz Yisrael?

Thanks for spending time to answer my questions

Ari, Israel

The Kollel replies:

Shalom Ari!

The cut-off seems to be no farther west than the Strait of Gibraltar. In other words, the "sea zone" which Rebbi Yehudah counts in Eretz Yisrael includes the Yam ha'Gadol (Mediterranean Sea) but excludes the Yam ha'Okyanus (Atlantic Ocean). This can be inferred from two expressions in the Gemara: One that says "Ki Pligi b'Yam ha'Gadol" (7 lines from the top) and another that says "Ad Yam Okyanus" (17-18 lines from the top).

I hope this helps!

Best wishes,

Yishai Rasowsky

ADDITION:

You asked if Cyprus and Crete would be included in Eretz Yisrael. It seems that Kifluria is Mons Casius (see link below) or in other words Mount Kili[📍]. Its latitude is 35.9 degrees north. That is indeed north of Crete and Cyprus, since their highest latitudes are around 35.6 degrees north. This would place both those islands inside

the boundary of Eretz Yisrael. I will ask the Kollel if someone else with more expert knowledge in this area can offer more insight to address your excellent question.

By the way, you correctly wrote that the Halachah is not like Rabbi Yehudah. The Chasam Sofer (Beitzah 4b DH Itmar), however, suggests that in the future the Halachah will follow Rabbi Yehudah.

I hope this helps!

Best wishes,

Yishai Rasowsky

Link: <https://dafyomi.co.il/gitin/backgrnd/gi-in-008.htm>

Gitin 008: Crete/ Cyprus Part of Eretz Yisrael to Rabbi Yehudah?

Ari asks:

According to Rabbi Yehuda (who we don't pasken like) that the eastern border of Eretz Yisrael just keeps going further west, will Crete and Cyprus be considered part of Eretz Yisrael?

Also how far west would it go according to Rabbi Yehuda? Would it theoretically hold that southern Florida or even parts of central/ southern America are part of Eretz Yisrael?

Thanks for spending time to answer my questions

Ari, Israel

The Kollel replies:

Shalom Ari!

The cut-off seems to be no farther west than the Strait of Gibraltar. In other words, the "sea zone" which Rabbi Yehudah counts in Eretz Yisrael includes the Yam ha'Gadol (Mediterranean Sea) but excludes the Yam ha'Okyanus (Atlantic Ocean). This can be inferred from two expressions in the Gemara: One that says "Ki Pligi b'Yam ha'Gadol" (7 lines from the top) and another that says "Ad Yam Okyanus" (17-18 lines from the top).

I hope this helps!

Best wishes,

Yishai Rasowsky

Kidushin 080: Yichud

Davic1 asks:

Greetings again!

I was very curious why it is that the Mishnah in Kiddushin 80 about yichud does not even mention WHO or WHEN the takkana was established even according to R. Shimon, and that it was a comment of R. Yochanan/R. Yishmael that shed light on that based on a posuk (which itself is a bit hard to understand). If there was a

scriptural basis for the takkana, why wasn't it mentioned in the mishnah, and indeed, WHY would we care about a scriptural source at all whenever a takkana is issued by the Sanhedrin, what difference does it make whether or not there was a scriptural basis??!

Secondly, why do we care about the story itself of Amnon and Tamar either in Sanhedrin 21? Surely a Sanhedrin could justify a fence for whatever reason it wished, AND on the other hand, if it WERE based on the case of Amnon and Tamar, we surely wouldn't worry about a specific scriptural basis as mentioned in Kiddushin.

Finally, it seems strange that it would have taken until Shammai and Hillel to include yichud with an idolatrous woman, since it would be a kal vachomer - if yichud is prevented with a kosher Jewish woman, then al pi kama vekama with an idolatrous woman.

I am not sure I understand really why there would be need for a prohibition of yichud with an UNMARRIED woman, since she is permitted to a man anytime according to basic Talmudic law. Any concern about nidda would be a secondary issue having nothing directly to do with whether or not a woman is permitted.

(I guess the bottom line in modern times would be its application in the world where, for example, concerns about security and safety require automated locking mechanisms and the sheer strangeness of having to be choshed on oneself as a kosher Jew.)

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman,

I appreciate seeing that you took effort to examine this Gemara from a number of angles. Yasher Ko'ach!

Below I will try to contribute what I hope sheds some light onto your various points of investigation. If you see any gaps or flaws, please let the Kollel know, and someone will try to fill them in.

I understand that you are talking about the Isur Yichud of one man with two women. It sounds like you are assuming that it is a Takana d'Rabanan. That is the view found in Rashba Shu"t I:587; a supporting Diyuk for this being that the Gemara provides a rationale of "Daatan Kalos" which would seem to be superfluous of it is a Din d'Oraisa.

However, there are views who maintain that it is Min ha'Torah. See Shu"t Maharsham III:153 DH v'Hinei.

Regarding the citation of scriptural source, we routinely find the Mishnah omitting the source for various laws. Instead, such a discussion of the basis behind the Dinim in the Mishnah would typically be relegated to the Gemara. See Rashi in Bava Metzia Sof 33a DH Gemara.

If this law is mid'Rabanan, then when I first considered your question about the significance of having a scriptural source, I suspected simply that the Posuk would confer a stronger legal power to the Din. But I did not see this exact nuance in Mefarshim.

Instead, what I find is that the Ritva (Rosh Hashanah 16a DH v'Ha) believes that when there is an Asmachta to a Posuk for a Din d'Rabanan, then it actually means that Hashem Himself believes that this law should be observed, but just He didn't oblige us. Instead, it is Chazal job to take the initiative in making the Takanah.

Seen in this way, having a scriptural basis for the Din gives it a stamp of divine approval, so to speak, reflecting Hakadosh Boruch Hu's endorsement of the specific law.

Alternatively, we find in Kiryat Sefer (Hakdamah, section #4) that having a scriptural source is actually a critical part of what provide the license to Chazal to establish such a Takanah; meaning, without the Posuk, they wouldn't or couldn't have legislated this particular law.

Regarding the need to extend the decree after the case of Amnon and Tamar, I think your logic is right; namely, ideally there should be no reason to decree against Yichud with a Penayah, as you assumed. But after the story of Amnon and Tamar, Chazal saw that tragically it was necessary in order to prevent that sort of misconduct.

Vis a vis the story of Amnon and Tamar being the impetus for the extension of the Yichud decree, a number of times we find that Chazal decide to enact a Takanah -- which they otherwise wouldn't have -- specifically because they saw from a certain incident that unfortunately there was a pressing need for it. For another case like this see for example Mishnah 1:10 in Beitzah.

Finally, regarding the need to decree against Yichud with an idolatress, I see two views in the Mefarshim as to why it was not already included beforehand. The Ran (Kidushin 81a) maintains that it is because only Yichud with a Penayah was common, versus Yichud with a Goya was not common; consequently Chazal didn't decide to include it in the prior decree.

The Taz (Even ha'Ezer, Siman 22, Seif Katan 1), on the other hand, believes that the reason a Goya was excluded is because only a Penayah could potentially involve an Isur d'Oraisa, i.e. when she is a Niddah; unlike a Goya, who mid'Oraisa has no Tumah as a Niddah. As you might know there is more about the successive extensions of the Yichud decree found in Avodah Zarah 36b.

I hope this helps!

Best regards,

Yishai

Kesuvos 005: Seems like a redundancy

Avrumi Hersh asks:

5b bottom

The gemoro says in the ika deomri,

Do you need the dam then it's ossur.

Or do you just want the hanooh then it's muttar.

Then he gemoro says, im timtzi lomar you just want the hanooh, is it muttar or ossur, do you hold like ren shimon by dovor sheeyno miskaven, or like reb yehuda.

Obviously we hold like reb shimon, otherwise what was the tzad that it would be muttar if it was hanoas atzmo? The gemoro seems to have an unnecessary im timtzi lomar, in this ika deomri?

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

This is a perceptive question. I see, though, that you only asked in the Ika d'Amri. So it sounds like you didn't find difficulty with the Gemara before the Ika d'Amri.

But if I understand your question correctly, you in fact could have asked earlier as well. For the original question posed was: Is the blood independent or connected? The Gemara asked a number of follow up questions, including these:

#1) Even if the blood is independent, does the man just intend to take out the blood, in which case the Be'ilah is Mutar; or does he intend to create an opening, in which case it is Asur?

#2) And even if he just intends to take out the blood, and the formation of the opening merely constitutes an unintended consequence, still, do we follow Rabbi Shimon that an unintended consequence is Mutar, or Rabbi Yehudah that an unintended consequence is Asur?

According to your line of reasoning, here too, why did the Gemara in stage #2 ask if we follow Rabbi Yehudah? Isn't it obvious, from the fact that the Gemara in stage #1 said if he intends for the blood it is Mutar, that that we are following Rabbi Yehudah?

Evidently the Pshat is that indeed originally the Gemara assumed like one Tzad; but then later it reconsiders. As if to say that what was concluded previously really hinges on yet a tacit assumption, namely, Rabbi Shimon's view regarding Davar she'Eino Miskaven?

In other words, to put it plainly, not every Im Timtzi Lomar is considering a *new* dichotomy that is built *on top* of all the accepted assumptions of the previous step, but rather -- at times, such as in this Sugya -- an Im Timtzi Lomar is in fact reconsidering a prior assumption and clarifying what would result from adopting the contrary view.

I hope this helps!

Best wishes,

Yishai Rasowsky

Sanhedrin 038: Matat

Davic1 asks:

Greetings. Many meforshim do not interpret Shmos 23 as referring to an actual angel (Matat). If so, how do they understand the Gemara where Rav Idish explicitly says the verse refers to an angel (rather than Yehoshua)?

Personally I do not feel comfortable at all with midrashic references attributing to Matat qualities almost like Hashem.

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman,

I appreciate your perceptive comments and questions regarding this fascinating issue.

First, please let me share that I came across a few interpretations that may overlap with the Perushim you found regarding who this Mal'ach was (other than Metatron, which Rashi and Ramban cite):

1. It was Michael, the angel of kindness who is in charge of Divine forgiveness (see Rabeinu Bachaye).
2. It was the same angel who appears in Yehoshua 5:14 (see Rashbam).
3. It was the Navi Yehoshua (Chizkuni, which it sounds like you have seen already).

Your question about Mefarshim contradicting an interpretation found in Chazal reminds me of the Tosfos Yom Tov (Mishnayos Nazir 5:5, Sof DH u'Beis Hillel) who writes that one is allowed to interpret Mikra or Mishnah in a way that differs from the Chachamim of the Talmud, provided it does not contradict the Gemara's Halachic conclusions.

In addition, there is an important comment of the Rashbam (Bereshis 37:2) which tells us that even though the Ikar study is that of Derash according to Chazal, nevertheless it is quite legitimate to alternatively interpret according to Peshuto Shel Mikra, as even the Talmud itself records (Shabbos 63a): Ein Mikra Yotzei Midei Peshuto.

As you know, each commentator has their own agenda. For example, a number of Mefarshim -- Rashbam and Ibn Ezra being amongst the most prominent -- will typically try to explain the Pesukim according to what they believe is the most literal or straight forward interpretation, even if that might differ with what we find in Chazal. Others, e.g. Ramban and Malbim, often try to show how the Pshat and Derashos of Chazal actually fit together.

I understand your discomfort regarding the very close similarity to Hashem which Chazal attribute to Metatron. I can refer you to a few sources that might help partially clarify this issue:

A. Ramban (Shemos 23:20; 12:12 DH u'Vechol) explains that this angel is the same as the Mal'ach ha'Goel (Bereishis 48:16); and his name (resembling the Greek word "metator" for guide) indicates that it is a Moreh Derech. For example, we find in Sifri (Ha'azinu #338) that Metatron showed Moshe all of Eretz Yisrael; likewise in the Aruch (under the entry "Metatr") Balak heard that Bilam was approaching because he sent Metatron before him.

B. Ohr Hachayim (Shemos 23:20) clarifies that this angel is not just a servant like other typical angels of God, but rather he is a great angel who (as Ramban above also alluded) redeemed the Avos.

C. As some background on the different levels of angels, I can point you to the Derech Hashem (Part 1, Chapter 5) who describes the difference between two types of "Nivdalim", or spiritual beings: one type is called Kochos, which commentaries explain refer to "Serafim", as in Yeshayah 6:2, who exist in the world of Beriah; versus the other type which are called Mal'achim, who are elsewhere called "Chayos", as in echezkel 1:5 and 10:15, existing in the world of Yetzirah.

I hope this helps a little to partially address your excellent questions.

Best wishes,

Yishai Rasowsky

Yevamos 078: Safek Mamzer

David asks:

Shalom,

Based on the below sources, in a real-world scenario can a female Safek Mamzer marry an Israelite? A Kohen? A Challal?

If a female Safek Mamzer cannot in a real-world scenario marry a Kohen, is this a Torah prohibition or a Rabbinic prohibition?

Ran (Kidushin 15b DH Garsinan)

Merumei Sadeh (Kidushin 73a DH Mamzer)

Thank you in advance for taking the time to answer my questions.

Warm regards,

David, Los Angeles, USA

The Kollel replies:

Shalom R' David,

Great to hear from you. Both the sources you quoted are dealing with what to me seems to be a different -- though certainly somewhat related -- issue, that is, the question of whether an Safek Isur Torah is prohibited Min ha'Torah or only mid'Rabanan.

The question you are asking, on the other hand, is whether a Safek Mamzeres can marry a Jew/Kohen/Chalal. For that I would turn to the Rambam who -- based on Chazal () -- writes in Hilchos Isurei Biah 15:21 that all those combinations would be permitted Min ha'Torah, but Asur mid'Rabanan based on a Gzeras Chazal to avoid Yichus problems.

I will add something you may already be aware of. I am just reminding you, since it could be relevant to a case of Safek Mamzeres. A Vadai Mamzeres may marry a Vadai Mamzer, but a Safek Mamzeres is forbidden mid'Rabanan from marrying a Vadai Mamzer. Also, a Ger is permitted to marry a Vadai Mamzeres, or -- as in our case -- a Safek Mamzeres.

This is not a Psak Halachah.

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 102: Two pairs of Shoes

Heshi Kuhnreich asks:

Shalom u'Verachah,

The Gemara Daf 102 on top asks, u'Mi Ika Ki Hai Gavna, whether we find someone who wears two pairs of shoes. The Gemara replies that we found R. Yehudah who wore five pairs (due to illness). The Gemara at the bottom however says, Lo Yetayel Adam v'Kordkisin b'Soch Beiso which would seem to indicate that it is only prohibited inside but permissible outside. If so, the Gemara on top could have answered from the case of b'Kordkisin which seems to be a more common occurrence than the situation of R. Yehudah.

Thank you.

Heshi Kuhnreich, Canada

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The Kollel replies:

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The Kollel replies?:?

Shalom R' Kuhnreich,

Great to hear from you. This is a very interesting point. I will offer a couple of suggestions that I hope shed some light.

First, the mainstream interpretation of this Gemara would say that on Yom Kippur Kordekisin are actually Asur both inside and outside.

If so, you might ask, why does the Beraisa speak specifically about a case *inside* one's house. There are a number of interpretations.

One group of Rishonim learn that this is because of the implied Diyuk in the Seifa: Anpilya are Mutar *only* indoors, but not outdoors.

But why are Anpilya Asur outdoors? Some Mefarshim, such as the Ritva, believe it is because of the prohibition of carrying. Since the Anpilya are not a Min'al, therefore it is not a Beged, and hence it will be Asur mid'Oraisa because of Hotza'ah.

On the other hand, others, such as the Meiri, maintain that Anpilya is Asur outdoors because even though the Anpilya is not a Min'al, nevertheless it has the appearance of a real Min'al which is forbidden on Yom Kippur. As such, to wear the Anpilya outside in view of the public eye is Asur mid'Rabanan because of Maris Ayin.

By the way, one could suggest theoretically two Nafka Minahs between these views: One Nafka Minah would be wearing Anpilya in a Reshus ha'Yachid that is very populated (e.g. a stadium or indoor shopping center). According to the Ritva, that should be Mutar since there is no prohibition of carrying in a Reshus ha'Yachid; according to the Meiri, however, it would be Asur, since there are many people who would see what you're wearing.

Conversely, a second Nafka Minah could be wearing Anpilya in a Reshus ha'Rabim where no other Jews can see you. According to the Ritva that should be Asur since there exists the prohibition of carrying in the Reshus

ha'Rabim; according to the Meiri, however, it would be Mutar since no Jew can see and misjudge what you're wearing.

Another view in the Rishonim, however, learns that the Beraisa focuses on the case of wearing the shoes indoors because of the Chidush in the Reisha. Rashba suggests two explanations of what this is: First, to teach the extremely stringent law the Kordekisin are Asur *even* inside (needless to say outside).

Second, it is a Chidush to say that Kordekisin are Asur even when you are wearing them for only an ostensibly brief period of time in order to go to a place (even indoors) that is wet and your sole intention is not for comfort but to protect you -- or at least your shoes (see below) -- from the moisture.

However, even though we see that wearing the Kordekisin is Asur on Yom Kippur, still it is Mutar during the week. If that is the case, your question stands: Why did the Gemara, when seeking an example of one shoe being worn on top of the other, need to come onto the case of Rav Yehudah who wore 5 pairs of Mukei? Why wasn't it enough to cite the example of Kordekisin which can be worn on weekday (even if not on Yom Kippur)?

Having failed to yet find Mefarshim who address this excellent query of yours directly, I believe the answer is because Kordekisin are essentially not really shoes for covering the foot which would be required for Chalitzah. Rather, as Rashi (102b DH Kordekisin) writes, they are meant to go on the bottom of ones shoes in order to protect the shoe from getting wet.

So this is not like the case of Rav Yehudah who was wearing multiple pairs of actual shoes over his feet. I see from Mefarshim of Rashi (DH b'Muk, near the end of 102b) that Rav Yehudah's shoes were high topped and covered his legs almost up to his knee. Again this would place Mukei in contradistinction with the Kordekisin which are more like accessories for protection of the shoes.

Yasher Ko'ach for your insightful question. You opened up greater understanding into this Gemara.

I hope this helps!

Best wishes,

Yishai Rasowsky

Yevamos 121: So what? He survived

Avrumi Hersh asks:

121a middle

A man was fishing and he was thought to be dead. But he survived overnight in a fishhole. Rabbi said, 'how amazing that Chazal said mayim without limit the wife is osur'

The Gemoro asks why not say the same with limited water. The Gemoro answers because the entire story is not shciach.

So what was the chiddush of Rabbi? You don't see anything in this story that shows the greatness of Chazal to assure a woman whose husband was lost in unlimited waters.

Avrumi Hersh, London England

The Kollel replies:

Shalom R' Hersh!

The man in the story survived submersion in the Yarden, which is an "unlimited" body of water. The Gemara asked: If what saved him was a fish hole, then we shouldn't we likewise presume a fish hole can save him in limited water? The Gemara answered: No, because fish holes are not common in limited waters.

Rebbi praised the Chachamim who forbade the wife, since they understood a person might survive in endless waters even though that runs contrary popular belief.

I hope this helps!

Best wishes,

Yishai Rasowsky

Bava Basra 002: Tosfos DH Lefichach

Menachem Zaman asks:

Tosfos says that if the kosel fell in one person's reshus, he has a migu to be believed to say I built it because he can taina I bought it.

And why is he believed to say he bought it? Because he has a raya of shah harbeh.

My question is like this. Tosfos says when the wall is standing (before it fell in one person's reshus), it's a case of drara d'mamona and there is a psak yachlokoo. I am assuming that psak yachlokoo is m'toras safeik, not m'toras vadai. So then why can't shah harbeh change the psak of yachlokoo? Meaning why does he need a migu bichlal to be believed to say that he built it? Let him use shah harbeh to taina I built it? And the raya of shah harbeh is strong enough to go against the psak yachlokoo as the psak was m'toras safeik, not m'toras vadai.

Menachem Zaman, United States

The Kollel replies:

Dear R' Menachem,

Great to hear from you.

You are quite correct that the Pask of Yachloku would be based on Safek, as we might see reflected in the lanuage of Tosfos [0].

Very nice question! Could we understand it in the following way?

The wall, when it originally stood, was in the shared property midway between the spaces of the two yards [1]. So one party could *not* have been Zocheh in the wall stones with a claim that he built/bought them. The reason being, since they are not in his uncontested property.

This is to be contrasted with the position of the stones after the wall's collapse, i.e. in the yard belonging to *only one* of the parties. Thus, without the Mishnah teaching us that they must split the stones after the wall

fell, the Hava Amina would be to believe the one in whose yard the stones are lying if he were to say that he built it. Since he could have claimed he bought and thereby won, because they were in his *exclusive* yard for a very long time [3].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

0. https://www.sefaria.org.il/Bava_Batra.2a.2?lang=he&with=Tosafot&lang2=he#:~:text=
1. https://www.sefaria.org.il/Bava_Batra.4a.11?lang=he&p2=Rashi_on_Bava_Batra.4a.11.1&lang2=he
2. https://www.sefaria.org.il/Bava_Batra.2a.2?lang=he&with=Tosafot&lang2=he#:~:text=

Menachem Zaman asks:

Rav I'm not seeing how you answered the question.

If you agree the psak of yachlokoo is m'toras safeik, so m'din each person is a weak tafis, even if the walls are found to be in one person's reshus.

I am basically asking why does Tosfos use a migu to enable the person to taina I bought it. The migu is because you would have believed me that I bought it (because of shah harbeh), believe me that I built. I am asking why doesn't Tosfos drop the migu and just use the shah harbeh to shlug up the psak yachlokoo that was m'toras safeik?

The Kollel replies:

Shalom Reb Menachem,

Great to hear from you. Yes, you are quite right; looking back, I see that I misunderstood. I now see that you are asking why Tosfos in the Hava Amina believed that a Migu was necessary. Instead of claiming that he bought the stones, why doesn't he simply claim that it was he alone who originally built the wall.

You may or may not have seen the Gilyon Hashas who is bothered by this Migu in Tosfos. Again, the point being, why is a claim of having built the wall alone any less potent than a claim of having bought the stones after it fell.

Can I share two possible resolutions?

I. Chazon Ish (Bava Basra 1:7, s.v. ule'Mai -- see link [1] below):

It is not common for a person to build a wall himself when he could force his neighbor to help. This Tosfos knew all along (even without the Chidush of our Mishnah which is what he is trying to explain). That is why the mere claim of having built it alone will not suffice, even though the stones were sitting in his yard for a long time, since building alone is very improbable. Therefore Tosfos needs the Migu. Since the potential claim of having purchased the stones after the wall fell is not so implausible, for it doesn't contradict the premise that

both parties originally built it together, it would therefore be believed, in particular since the stones have been sitting in the one yard for a long time. The Migu, "Believe me when I say I built the wall because I could have said I bought the stones", will therefore suffice. The Maskana of Tosfos is that the Chidush which the Mishnah is teaching us is that the assumption that one person would not voluntarily build a wall by himself (since he could force the neighbor to participate with him), is so strong that it is like Edim and therefore even overrides the strength of the Migu [2].

II. Kovetz Shiurim (Bava Basra #7, citing Rav Naftoli Trop):

It's all based on the timing when his alleged possession of the wall began. We know that when a doubt arises over who is the rightful owner of an item, so a person is more entitled to be Zocheh as Muchzak if he had grabbed hold of the item before the doubt arose, unlike if a person grabbed hold of it only after the doubt arose.

So he wouldn't be believed to say that he built it, since that would be like taking hold of the item after the doubt arose; because he's now claiming that it was always his even before it fell. So, when it's sitting in his yard, it came into his physical possession after the point in time at which we are not sure who owns it. Therefore he is not believed. However, if he says that he bought the stones, then the doubt of ownership arose after he came into physical possession of it; because he's claiming that only after the stones fell into his side did he subsequently purchase them. Therefore his claiming "I bought it" is more powerful claim than "I built it", which is why Tosfos needed the Migu.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

[1] <https://hebrewbooks.org/pdfpager.aspx?req=14332&st=&pgnum=285>

[2] We know this from <https://www.sefaria.org.il/Ketubot.27b.3?lang=he&with=Rashi&lang2=he>; however see Nachalas David (Bava Basra 2a) who questions Tosfos' classification).

Best wishes,

Yishai Rasowsky

Menachem asks:

Thank you so much for getting back to me.

In terms of what the Chazon Ish says:

"It is not common for a person to build a wall himself when he could force his neighbor to help. Tosfos knew this all along (even without the Chidush of our Mishnah which is what he is trying to explain). That is why the mere claim of having built it alone will not suffice, even though the stones were sitting in his yard for a long time, since building alone is very improbable."

This Chazon Ish seems to me to be going against a Mishna in Bava Basra 5a: Kosel Chatzer she'Nafal Mechayven Oso l'Vnos Ad Arba Amos b'Chezkas she'Nasan Ad she'Yavi R'ayah she'Lo Nasan This is the translation of Sefaria which is the pashut pshat. I highlighted the part that is relevant.

MISHNA: In the case of a dividing wall in a jointly owned courtyard that fell, if one of the owners wishes to rebuild the wall, the court obligates the other owner to build the wall with him up to a height of four cubits. If after the wall was built one of the neighbors claims he alone constructed it and the other did not participate in its building, the latter is nevertheless presumed to have given his share of the money, unless the claimant brings proof that the other did not give his part.

The Mishna says it's  not because we don't think it's possible for one person to build a wall!!! So I don't understand the Chazon Ish's svara, maybe you can get out of it but it would be dochak.

In terms of the second answer you provided:

"It is all based on the timing when his alleged possession of the wall began. We know that when a doubt arises over who is the rightful owner of an item, a person is more entitled to be Zocheh as Muchzak if he had grabbed hold of the item before the doubt arose, unlike if a person grabbed hold of it only after the doubt arose.

So he would not be believed to say that he built it, since that would be like taking hold of the item after a the doubt arose, because he is now claiming that it was always his even before it fell. Hence, when it is sitting in his yard, it came into his physical possession after the point in time at which we are not sure who owns it. Therefore, he is not believed."

This is exactly my point. When the wall was standing there was a safeik who the wall belonged to so they would divide the wall because as Tosfos says v'Im Hayu Ba'in la'Chalok b'Od she'ha'Kosel Kayam Hayu Cholkin b'Shaveh mi'Safeik.

So while the wall was standing there was a psak yachlokoo. As I asked you last time Rav, the psak yachlokoo is m'toras safeik (and not vadai). So now the wall is in his reshus, he has a tefisa now a raya that the wall is his because of shah harbeh. So since the psak yachlokoo was m'toras safeik, why can't shah harbeh relitigate the case and say he built the wall? Why shouldn't shah harbeh be able to overtake a psak yachlokoo m'toras safeik?

The Kollel replies:

Dear R' Menachem,

Great to hear from you. Very nice to see your sharp thoughts and insightful comments on this issue!

1. Regarding the approach of the Chazon Ish, his Svara is that most probably a person would not build the wall on his own because he has the legal option of obliging his neighbor to chip in. I cannot see what you wanted to highlight from the Mishnah on Daf 5. In particular, some of the characters for me showed up as boxes. Sorry about that technical problem! What part of the Mishnah did you feel was a contradiction to the Chazon Ish's view? You may have already had the opportunity to see the Chazon Ish inside. If not, I invite you to check the Sefer or the link above.
2. Regarding Rav Naftali Trop's approach that Rav Elchonon brought, you wrote that "he has a tefisa now a raya that the wall is his because of shah harbeh". I agree with you that this seems very intuitive and convincing. But when I read Rav Elchonon, he seems to write in opposition to this. Namely, he explains that the long period of time during which the stones lay in one yard are not a Rayah; but rather it just removes from the equation that factor that partners are less Makpid on each other. In other words,

more time has elapsed than would be reasonable even for partners. But still, he means to explain, we ultimately have to ask if the Tefisah -- which in this case is the presence of the stones in one person's yard -- constitute a legitimate Hachraah to settle the Safek. He is understanding that since if the Tynah is "I *built* the wall", then this Tefisah occurs *after* the Safek was Nolah, therefore it cannot be Machria. Only if he claims "I *bought* the stones [after they fell into my yard]", then the Tefisah is *before* the Safek is Nolah, and therefore it can be Machria. Are there one parts of this reasoning which do not resonate? You may have already had an opportunity to see the Kovetz Shiurim inside. If not, unfortunately, unlike the Chazon Ish, for this I could not find an easy link to send. But if did not locate the Sefer, please let me know and we will find a way to get you access somehow.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Berachos 037: Machlokes if Truknin is Chayav in Chalah

Mordechai Abisror asks:

On the daily quiz (last question) it says its a machloikes if truknin is subject to chalah, but the Gra says when the gemarah says when rav dimi came and said it was peturin, its really chayavin, does anyone argue on the Gra, (and holds of the quiz that it is a machloikes)?

6. Truknin (an inferior bread made by placing flour and water in a cavity in the oven) is Chayavin in Chalah.

- a) True.
- b) False.
- c) Machlokes.
- d) Teiku.
- e) Only if baked as Matzah

6. (c)

Thank you,

Mordechai Abisror, Long branch New Jersey

The Kollel replies:

Bereishis 02: Torah to Mankind

Robert Mandel asks:

Shalom Kollel Hadaf,

Metaphorically evident in Genesis 2:9, The Lord G-d caused to grow the tree of life (His Torah) in the middle of the garden (planet earth), and the tree of knowledge (of His commandments, laws, and mitzvot) was (awareness) of all good and evil at first breath.

If Adam and Eve then had free will choice to eat from the forbidden tree and obtain His Torah commandments and before eating that they would obtain complete Torah knowledge but eventually suffer death, would this indicate that all humans are responsible for their actions?

Then with knowledge of His Torah commandments, Cain murdered Abel, the earth was flooded killing everyone except Noah and his progenitors of humanity, Sodom and Gomorrah were destroyed, and over the millennia holocausts perpetrated by many nations with full knowledge of G-d's Torah.

Would Hashem destroyed so many men, women and children who didn't have Torah knowledge that they were committing evil in His sight?

Your insight is appreciated.

B"H

Robert Mandel, Houston, USA

The Kollel replies:

Shalom R' Mandel,

Great to hear from you. Very nice question!

I see that you have studied fine subtleties and offered deep interpretatitons. Yasher koach! I will only try to offer some points that will hopefully expand the discussion.

1. You wrote: "The Lord G-d caused to grow the tree of life (His Torah)".

Your interpretation reminds one of Mishlei 3:18 that advances the a metaphor.

2. You wrote: "the middle of the garden (planet earth)".

Very interesting point. Indeed, at the time this was the only area populated by humans.

3. You wrote: "tree of knowledge (of His commandments, laws, and mitzvot)".

Some commentaries interpret the knowledge as a reference to free will choice. See for example Ramban and ha'Ksav v'ha'Kalah; also see the interpretation of Targum Onkelos to Bereishis 3:22, which is also reflected in Rambam (Hilchos Teshuvah 5:1).

4. You wrote: "obtain His Torah commandments".

Fascinating. Contrastingly, one might be tempted to argue that Adam and Chavah were given just one command, i.e. to not eat from the Tree of Knowledge. However, we might find that interpretation to be lacking, since after all, they were told/blessed to be fruitful and multiply (but see Yevamos 65b, Tosfos s.v. v'Lo). Moreover, Chazal understand basic "Noachide" laws also to have been given in the narrative of Adam (Sanhedrin 56b).

5. You wrote: "but eventually suffer death".

You may be familiar with the explanation of the Ramban (Bereishis 2:17), that the "death penalty" was not to die immediately, but rather to become mortal.

6. You wrote: "all humans are responsible for their actions".

Very nice point. You may also have seen, for example, Bereishis 4:7 and Rambam Hilchos Teshuvah (especially 5:3).

7. You wrote: "Sodom and Gomorrah were destroyed...with full knowledge of G-d's Torah."

See the explanation (I think it is Derashos Haran, but I cannot find it at the moment) that Sodom was punished even though caring for the poor is not one of the seven laws given to Noach. See also Malbim on Yechezkel 16:49.

8. You wrote: "Would Hashem destroyed so many men, women and children who didn't have Torah knowledge that they were committing evil in His sight?".

This is a very deep question. Maybe you will have an opportunity to see material on this, for example, in Derech Hashem 2:2-3, and also in the Ramban's explanation of the book of Iyov.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Beitzah 030: Taking off Sechach from a Sukah

Sender Klein asks:

Question from the case of Sukka on 30b - we have a concern with taking from the sechach of a sukka (not on Sukkos) because of Stirah as Rashi explains on the mishna.

Why don't we say that adding to or removing from an ohel arai is mutar, such as adding to a roof once there is one tefach? Or is this a permanent sukka?

Sender Klein, United States

The Kollel replies:

Dear Sender,

Great to hear from you. I definitely want to be involved in this question of yours. But can you help me further with the Daf. I was looking on Daf 30b of Sukah [1] and failed to find it. Thanks for your patience!

Best wishes,

Yishai Rasowsky

Links:

1. <https://www.sefaria.org.il/Sukkah.30b.1?lang=he>

Sender Klein asks:

I believe I had the daf correct, but wrong Masechta!

It is really in Beitza

Thanks so much!

-Sender

The Kollel replies:

Dear Sender,

Great to hear from you. Very nice question!

I see that the commentaries are bothered by a related question which might help us regarding the sharp question you posed. The question is, why is this considered Stirah on a Torah level, if it is not Al Menas Livnos [1]? Some say [2] that it's only rabbinic, which Chazal forbade because of the permanent nature of the structure. Others maintain [3] that it is in fact a Torah level violation because the person's intention in removing a portion of the roof is to construct an opening for ventilation.

Either way, your premise stands true, i.e. that Hosafa to an Ohel Arai is Mutar; but here it is different because either it is Keva, or because he is building a "window".

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. See Rambam Shabbos 10:15
 2. See Pnei Yehoshua s.v. Ein
 3. See Chasam sofer s.v. Ein
-

Gitin 036: Shemitah Nowadays

kerfish asks:

Is shmita nowadays deraisa or derabon and why? I have heard different reasons its derabon (you need bias kulchem and all Jews have to be in Israel, you need the shevatim to be sitting in their respective teritories, we have no urim veturim) but dont know which ones are true and not true.

Thanksfor ll your help

kerfish,

The Kollel replies:

Dear Kerfish,

Great to hear from you. Very nice question!

There are four main opinions in the Rishonim, mostly found in the commentaries to Gitin 36.

1. Ramban: Shemitah nowadays applies on the Torah level. He bases this ruling on the majority view of the Chachamim.
2. Most Rishonim (see Rashba, Ritva, Ran): Shemitah nowadays applies only on the Rabbinic level. This is based on the view of Rabbi, who maintains that the laws of Shemitah only apply when the laws of Yovel apply. Yovel only applies when all or most of the Jewish people live in Israel [1].

(See Rashi and Tosfos who dispute how the Drashah of Rabbi operates, and also whether or not the laws of Yovel applied during Second Temple).

3. Baal ha'Maor (see Sefer ha'Terumah): Shemitah does not apply nowadays at all, except as a Midas Chasidus. The Raavad once held this view but later retracted from it. In Shulchan Aruch, after the Mechaber rules that Shemitas Kesafim is Rabbinic today, the Rema cites this view as a Limud Zechus for why many communities had not observed Shemitas Kesafim.
4. Rambam: Shemitas *Kesafim* is only Rabbinic nowadays. Opinions differ whether Rambam also believes that Shemitas *Karka* today is a Torah obligation (Kesef Mishnah learns this way) or only Rabbinic (see the other commentaries on the Rambam).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

1. <https://www.sefaria.org.il/Arakhin.32b.16?lang=he>

A Kirsch asks:

Thank you for your reply. According to the second opinion you cited (the rov rishonim, Ritva Rashba and Ran) If we would theoretically in our days have most Jews living in Eretz Yisrael (something which is probably eventually going to happen) would shemitah then become deorisa? Also why is there no Shemitah today according to the Baal Hamoar (opinion 3)?

The Kollel replies:

Dear Kerfish,

You are welcome.

Some point out [1] that inherently Klal Yisrael dwelling in Eretz Yisrael is only a condition for the release of slaves; just since slave release is one of the necessary conditions for Yovel to operate [2], therefore Yovel is not

activated unless we are dwelling in Eretz Yisrael. Some write accordingly [3] that according to the views that slave release is not a necessary condition for Yovel, consequently Yovel will be operative even when Klal Yisrael is not dwelling in Israel, just without the laws of slave release.

But more directly related to your point, Rishonim [4] write that even if the presence of even one Shevet is missing from Eretz Yisrael then Yovel does not apply.

There is yet another Machlokes whether in order for Yovel to operate it is enough to have even a minority of each Shevet [5] or do we need a majority of each Shevet.

So I hope these all these views don't dissuade the optimism of Yovel revivalists, but we get the impression that only when Eliyahu ha'Navi and Mashiach will be here that we will resume observance of Yovel, and thus Shemitah on a Torah level.

The Ba'al ha'Maor maintained that there can be no Yovel, even on a rabbinic level, after the destruction of Bayis Sheni, when the Sanhedrin stopped counting to be Mekadesh each cycle.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. See Turei Even (Megilah 10a s.v. Lamah)
2. See Rambam (Hilchos Shemitah v'Yovel 10:13)
3. See Shailos u'Teshuvos Ohr Somayach (Vol. II Siman 1)
4. See Tosfos Chachmei Anglia (Kidushin 38b)
5. See Rabeinu Tam (Gitin 36 and Erchin 32)

A. Kirsch asks:

Thanks for your interesting reply.

You wrote "But more directly related to your point, the Rishonim (4) write that even if the presence of even one Shevet is missing from Eretz Yisrael then Yovel does not apply".

But its very logical to assume we have at least one Jew of each shevet in Eretz Yisrael. Do we have to come on to the Rishonim who hold that you need a majority of each shevet to call it deorisa? According to the opinions that you don't need a majority of each and every shevet it should still become deorisa when we get a majority of Jews in Israel. Is this correct or not?

Also what about terumas and maseras? Will that become deorisa when we have a majority of Jews in Israel (according to the opinions it's derabanan today because we don't have bias kulchem)?

Also, if you need a majority of each shevet. Does that mean even during bayis rishon after the 10 tribes were sent to golus by Sancherib that Shemita was derabaon even then during bayis rishon? If it was derabaon its

interesting because its brought down that klal yisrael was sent to golus for 70 years for the 70 shemitas they were not shomer. But mny of thos shemitas were only derabonon? Why were they sent to golus for something that's "only" derabon?

Thanks and chanukah sameach

The Kollel replies:

Dear R' Kerfish,

Great to hear from you. Very nice questions! Allow to me to try adding some sources which I hope may assist you develop and sharpen your wonderful insights.

1. The Gemara (Erchin 32b) teaches that the tribe members also have to be living on the territory of their correct Shevet. This makes it more of a remote possibility that Yovel will necessarily kick in immediately once the majority of Jews live in Israel.
2. The Rambam (Terumos 1:26) rules that the obligation for Terumah today is only rabbinic; so too for Maaser. Since, as he rules, it only becomes a Torah obligation when there was -- or will be -- Bias Kulchem. (By the way, the Raavad there argues, and maintains it is a Torah obligation. The basic background to their Machlokes is the dispute in Yevamos 82 between the Amoraim Rebbe Yochanan and Reish Lakish and the Tanaim R' Yose and the Chachamim.)
3. The Gemara (Erchin 32b) says that the Yovel count stopped once Reuven, Gad and half of Menasheh were exiled. This was even before the exile of the 10 Tribes.
4. Rashi writes (Vayikra 26:35; Yechezkel 4:6; Divrei Hayamim II 36:21) that we were exiled because we failed to observe Shemitah for 430 years, which span -- at least in part -- 70 Shemitah cycles.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Bava Kama 046: Holchin Achar ha'Rov

Menachem Zaman asks:

I think Ifi Rav, he says that we do go after rov in monetary cases, and Shmuel says no we don't

What rov is Rav talking about? D'is d'kaman or even d'leis d'kaman?

Also Shmuel? Does he categorically reject using rov in monetary cases? Or is it only rov d'leis d'kaman.

Menachem Zaman, Israel

The Kollel replies:

Dear R' Menachem,

Great to hear from you. Very nice question!

One could understand that when Rav says we follow Rov in Mamon, he is referring to both types of Rov, Ruba d'Leisa Kaman (which is the statistic of cattle sales that they are discussing) and presumably also Ruba d'Isa Kaman.

Regarding Shumel, however, I see that Mesivta brings a few opinions regarding in which type of Rov he argues with Rav and maintains that we do not follow the Rov:

1. Shev Shmaita (2:15): Only Ruba d'Isa Kaman. Shmuel would agree in Ruba d'Leisa Kaman, since that has a Din Vadai.
2. Terumas Hadeshen (314) infers from Rashbam (Bava Basra 93a s.v. Dehu) the exact opposite, namely that Shmuel only argues in Leisa Kaman, but agrees in Isa Kaman.
3. Terumas Hadeshen infers from Tosfos (Kesuvos 15b s.v. l'Hachzir) that Shmuel argues even by Isa Kaman, not like Rashbam.

There is more, but for the moment at least I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

ADDITION:

Dear R' Menachem,

I notice that you raise Kashyas that many great Mefarshim grapple with. Yasher Koach! For example, I saw a comment of the Chidushei ha'lluy me'Meitchet that could interest you regarding this discussion. He points out an apparent Stirah in the words of Rashbam in the section of Bava Basra that we mentioned above. Because at first Rashbam explains that Shmuel agrees that we follow Rov in matters of Isur, *for example* meat from one of ten stores etc. That is a case of Ruba d'Isa Kaman. So the implication would be that in a case of Mamon analogous to this, i.e. Isa Kaman, then Shmuel would say we do not follow Rov. However, later in the Sugya, when Shmuel is explaining how his view can even fit with R' Acha, Rashbam indicates that Shmuel only argues in the case of Leisa Kaman, but he agrees to Rav in a monetary case of Isa Kaman!

Best wishes,

Yishai

Bava Kama 046: Holchin Achar ha'Rov

Menachem Zaman asks:

I think lfi Rav, he says that we do go after rov in monetary cases, and Shmuel says no we don't

What rov is Rav talking about? D'is d'kaman or even d'leis d'kaman?

Also Shmuel? Does he categorically reject using rov in monetary cases? Or is it only rov d'leis d'kaman.

Menachem Zaman, Israel

The Kollel replies:

Dear R' Menachem,

Great to hear from you. Very nice question!

One could understand that when Rav says we follow Rov in Mamon, he is referring to both types of Rov, Ruba d'Leisa Kaman (which is the statistic of cattle sales that they are discussing) and presumably also Ruba d'Isa Kaman.

Regarding Shmuel, however, I see that Mesivta brings a few opinions regarding in which type of Rov he argues with Rav and maintains that we do not follow the Rov:

1. Shev Shmaita (2:15): Only Ruba d'Isa Kaman. Shmuel would agree in Ruba d'Leisa Kaman, since that has a Din Vadai.
2. Terumas Hadeshen (314) infers from Rashbam (Bava Basra 93a s.v. Dehu) the exact opposite, namely that Shmuel only argues in Leisa Kaman, but agrees in Isa Kaman.
3. Terumas Hadeshen infers from Tosfos (Kesuvos 15b s.v. l'Hachzir) that Shmuel argues even by Isa Kaman, not like Rashbam.

There is more, but for the moment at least I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Kidushin 069: Stealing is permitted??

Menachem Zaman asks:

The Gemara in Kiddushin 69 say is giving eitza in how a mamzer can have children who are not mamzerim. So the advice lfi Rav Simlai is to steal something and get sold as an eved ivri and then his offspring from his union with a kannanite slave will yield him children who are not mamzerim:

d'Mansiv Leih Eitzah v'Amar Leih Zil Gnov v'Izdabin b'Eved Ivri

I specifcially rememebr in Bava Kamma somewhere in the dafim of the 60s that you can't steal from an ani (poor person) in order to get caught and pay kefel to him.

I took it as a rule steaking is just wrong no matter what. In light of that, I can't understand Rav Simlai's suggestion?? Why is one stealing okay and one is not . . .?

Menachem Zaman, Sherman Oaks

The Kollel replies:

Dear R' Menachem,

Great to hear from you. Very nice question! I see there are a few approaches in the commentaries to answer it.

1. Rashi (s.v. My Nihu): True, it is forbidden to steal. And the Gemara could have raised this objection, but instead chose to raise a stronger objection, i.e. that Eved Ivri was not Noheg in that time period. (Rashi explains the reason why the second objection is stronger is because the first one could be answered by following the opinion of Rebbi Eliezer that even if a person become an Eved by selling himself -- i.e. without stealing -- can be with a Shifchah.)
2. Tosfos Rid (s.v. d'Minsav): He actually would be allowed to steal, since he planned to pay back plus the fact that his intention was to purify his offspring. (See the Rambam Gneivah 1:1-2. Chasam Sofer (Bava Metzia 61b s.v. Lo Tignovu) understands him to mean that stealing with intent to give back is only forbidden rabbinically. Some suggest that this Tosfos Rid appears to hold likewise.)
3. Netziv (Meromei Sadeh s.v. Amar Leih): To steal with intent to improve the item is permitted mid'Oraisa, and under these circumstances Chazal would permit what would normally be a rabbinic prohibition.
4. Tosfos Harosh (s.v. Zil): He would have to find a "victim" who would be willing to forgive the theft. I see those who ask a Kashya on this, namely, that ostensibly there would be no Aveirah of Theft, and hence no Din Mechirah if the person is Mochel. It is possible that the Tosfos Harosh himself tries to preempt this objection. You can find his words in the link below.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Links:

1. <https://hebrewbooks.org/pdfpager.aspx?req=65164&st=&pgnum=193&hilite=>

Kesuvos 011: Besulim

Joshua Danziger asks:

I have a general question about the concept of besulah and the appropriate kesuba amounts. Much of the discussion focuses on whether the besulim are intact are not, gedola katana, mukatz etz etc.

My question is, is the husband mostly interested in whether his wife has been with another man in which case the besulim are just being used as evidence, or is the assumption he actually wants to break the besulim himself (and thus there's inherent and not just evidentiary value of the besulim)? The first makes sense to me and the latter seems a bit strange but seems like the crux of the mukatz etz discussion.

Thanks!

Josh

The Kollel replies:

Dear Josh,

Great to hear from you. Very nice question!

We know from the Gemara and Rashi [1] that a Bogeres is entitled to a full Kesubah, even though she has no Besulim remaining. One might be able to understand how this appears to clash with the latter suggestion you raised.

In the Gemara's ensuing discussion [2], R' Meir seems to express your first perspective directly, since he distinguishes Mukas Eitz from Beulah precisely by pointing out that a Mukas Eitz is different since she was not with a man.

What about the Chachamim? They maintain that Mukas Eitz is somewhat similar to the Beulah in the sense that some external action -- in this case an unfortunate mishap -- did befall her. This therefore might simply be interpreted as bearing an uncomfortably close resemblance to the case of Beulah; or at the very least, detracts from what otherwise would have been her more naturally pristine status. To be even more accurate, we can refer to a source that the Rosh Kollel ha'Rav Kornfeld pointed out to me. That is, a Gemara [3] which says that a woman especially forms a pact with the man who renders her a functioning vessel. Tosfos [4] explain this to mean that upon the first intimate union, the two parties bond, and thereafter also become capable of bearing children. This too would be lacking in the Mukas Eitz.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

[1] https://www.sefaria.org.il/Ketubot.11b.7?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=he&p2=Rashi_on_Ketubot.11b.7&lang2=he

[2] https://www.sefaria.org.il/Ketubot.11b.8?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=he&with=all&lang2=he

[3] <https://www.sefaria.org.il/Sanhedrin.22b.3?lang=he&with=Rashi&lang2=he>

[4] https://www.sefaria.org.il/Tosafot_on_Ketubot.4a.1.2?lang=he&with=Ketubot&lang2=he

Best wishes,

Happy Chanukah,

Yishai Rasowsky

Josh Danziger asks:

Thank you! A follow up if I may, I really like the rosh kollels answer.

1. in the discussions of biah rishona on shabbos much of the discussions is on which melacha it is; but if I recall correctly no one says it's makeh bepatish. If the biah makes her into a kli shouldn't that be a consideration?

2. is the strength of this connection part of the reason a kohen can't marry a divorcee? Bc she still has an emotional connection on some level to a living man? I realize there's a flaw in the logic since if she was widowed then remarried and divorced, or divorced and the husband subsequently died she still has a shem of gerusha even without the man who made her a kli being alive.

Thank you!

The Kollel replies:

Dear Josh,

Great to hear from you. Very nice questions!

1. Baruch Shekivanta! Indeed in his commentary on the Gemara (Kesuvos 5b) which discusses this case, the Chasam Sofer (s.v. Oh Dilma) explains it exactly as you did! Commentaries point out that Rashi (s.v. Oh Dilma) says it is Binyan, as opposed to what the Chasam Sofer wrote as Makeh b'Patish.
2. What an insight! The Sefer ha'Chinuch (Mitzvah 268; cf. 266) who explains the Kohen's prohibition of marrying certain women based on the need to protect him from any negative influence to his thoughts, actions, or reputation. With that in mind, recall the Gemara (Pesachim 112a) which says intimacy with a Gerushah involves thoughts about other partners. This possibly supports your explanation.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Kesuvos 014: Rebbi Yochanan Ben Nuri

Joshua Danziger asks:

Hello kollel!

A simple question, and perhaps I'm missing something. At the end of the daf, rava asks like whom RYBN holds. But isn't RYBN a tanna? Why does he have to hold like anyone? Or is it just presumed his shita aligns with one of the others and the gemara wants to fit it into the right category?

Thank you!

Josh

The Kollel replies:

Dear Josh,

Great to hear from you. Very nice question!

In the Mefarshim I see one basic answer which each commentary phrases in their own way. But the basic point thread is the same:

1. Rashba writes: He cannot be a third opinion, as we see from the fact that Chazal [namely, in the previous Mishnah do not mention his view as a third one in contrast with that of Rabban Gamliel and Rebbe Yehoshua.
2. Ritva: If Rabbi Yochanan Ben Nuri would be a third opinion, then the story is coming to contradict the two prior opinions.
3. I understand the Ritva to mean that the Gemara assumes that the story which follows the two opinions of the previous Mishnah must reflect either one of them or the other, but not a third. Accordingly, one can view this answer as not very different than the Rashba's answer.
4. Shitah Mekubetzes cites Ree Migash who explains as explaining it like this, and elaborating somewhat; if you are interested to check there, too, he is Ma'arich.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Kesuvos 014: Addition to Mishnah

Meir Gerber asks:

Question: What indication is there in the language of the Mishna is there that allows the gemara to suggest that there was an additional rov consisting of Keronos shel Tzipori (Just to make the halacha fit)

Meir Gerber, United States

The Kollel replies:

Dear R' Meir,

Great to hear from you. Very nice question!

I invite you to see the Rashash who suggests that at least the choice of city is based on the fact that R' Yosi is known (Sukah 16b; Sanhedrin 32b) to have lived in the city of Tzipori. Regarding, the presence of higher population due to transportation at certain periods, I would imagine that is also known to be a reasonable assessment of the city's regular affairs.

I see Mesivta refers to an apparently different explanation of the Chasam Sofer which theoretically I would love to bring into the discussion (supposedly s.v. Aval), but -- to my dismay -- when I checked in the Chasam Sofer, I did not succeed yet in locating it.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

GENERAL: Chazakah and learning 4 times to make a kinyan

Menachem Zaman asks:

I never understood why to establish a chazakah you need to do something 3 times, but to make a kinyan in a sugya, you have to do chazara 4 times.

Why should by learning to make a kinyan require 4 times of repetition.

Menachem Zaman, Sherman Oaks

The Kollel replies:

Dear R' Menachem,

Great to hear from you. Very nice question!

I understand you are referring to cases of Chezkas Shalosh p'Amim, such as:

- a. a goring ox (Bav Kama 23b);
- b. brothers who die because of Milah (Yevamos 64b); or
- c. Vestos (Nidah 63b).

In those cases, I see commentaries are actually divided as to why Davka three times is enough. Here are a few views found in R' Achikam Keshet's wonderful Sefer Kovetz Yesodos v'Chakiros:

1. Yehusei Tanaim v'Amoraim (page 296): Once a pattern repeats a few times, we have the right to assume it will continue in that fashion. This would make it like a Chazakah d'me'lkara.
2. Kuntres ha'Chazakos (2) [by the author of Shemen Rokeach]: It is a Takanah of Chazal to establish the assumed status based on a repeated number of times.
3. Reshimos Shiurim ha'Grid (Bava Kama 2, Tosfos s.v. u'Milsa): Two distinct factors: One being a logical presumption that this repeated behavior is revealing to us the nature of the creature/person (this would be an actual Birur), the second being a Gzeras ha'Kasuv that the applied status of Muad takes legal effect only after three occurrences have taken place (this would be just a Hanhagah).

One might be tempted to argue that the rationales above do not easily transfer to the case of how many times one must learn a portion of Torah knowledge in order to understand and help remember it.

What we do find in the Gemara (Eruvin 54b) is two views (Chazal in another place -- see Midrash cited by Maharsha -- indicate that there is no Machlokess). R' Akiva actually says that the Rebbe must teach his Talmid as many times as necessary, even if that is well above four. It is R' Eliezer who maintains that four is the special number required.

However, here the commentaries differ whether four is the *maximal* amount, beyond which the Rebbe is not required to surpass, even for slower students (see Maharsha, Chidushei Agados s.v. R' Akiva); or is it rather a *minimal* amount, less than which a Rebbe must not labor, even for gifted students who understand quickly, e.g. after just one or two times. I will add that Yaavetz comments that this rule particularly applied in the times when Torah teaching was done orally, but not today when there are Sefarim available from which to learn.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Nedarim 018: Why is Rebbi Zeira Rejected?

Lenny Bogatin asks:

The Gemorah (and Ran) dismiss R' Zeira suggestion that R' Eliezer (or R' Elazar) could have the opinion (as per a Mishna in Tohoras) that a doubtful Nazirus should be treated leniently. The Gemarah with Ram come up with a Rabbinial matter (of Safek liquid) that R' Eliezer holds stringently (as tamey), and, therefore, make a resolution that R' Eliezer could not at the same time treat a more important Torah level case of Nazirus (when in Safek) in a lenient fashion.

But, is that logic really 100% applicable?

First of all, as Gemorah points out, if we hold like Shmuel, and consider that liquids CAN become tamey even on the Torah's level, then there is no easy comparison to be made to the case of Safek Nazirus, as we wouldn't be comparing Rabbinical vs Torah level matters, but only Torah to Torah subjects that would be easier to defend.

So, on that point (as per Shmuel's version) alone - Gemorah should not be dismissing R' Zeira's position.

1. So, why does it ?

But, secondly, even if we hold like Rav, and do accept that we have a Rabbinical Level case of Safek liquids (that are held stingently by R' Eliezer) vs. Tora Level Safek Nazirus (held leniently by R' Eliezer) why should we think of that as absolutely not compatible positions?

Just because it sounds 'unreasonable' to Gemorah (as per Ran), does it make it really impossible?

Why can't we say that R' Eliezer may have his own opinion regarding what should be strict and what not? Ran explains that R' Eliezer is entitled to hold an 'unconventional' view to treat the Rabbinical level (Tamei Liquids) in Safek in a strict fashion ! That view allows us to explain how, on the one hand, R' Eliezer says in a Braisa that Tumah does not apply to liquids, at all. And on the other hand, he agreed with R' Meir's words that even (only Rabbinically possible) tamey liquid would be tamey when in Safek. This position would be unconventional as Safek Rabbinical level matter normally would be treated leniently.

So, knowing that R' Eliezer is not shy to hold sometimes his 'own' unconventional positions, why can't we assume that R' Eliezer would look at the case of doubtful Nazirus (even though it's a Torah Level issue) in a lenient (!) light based, for instance, on these 2 considerations:

2. Yes, when it comes to 'property', not affecting the 'body', R' Elieser may be strict even in cases involving Rabbinical matters (like the Safek-ly tamei liquids) ... but, in the more 'personal' matter (even when dealing with Torah level matters) like Nazirus, he might be more forgiving. Why not ??

or/and:

3. Granted, when it comes to Torah level matters (like Nazirus), initiated by a 'dumb' human, maybe even by mistake pronouncing his own 'hardship', he should be held accountable for it.

But, if H-m decides to step in, and works it out in such a way that that poor soul's words become (or remain) a Safek (not determined, like in the case of 100 kors in a pile that got lost), maybe R' Eliezer feels that in such case it is an Indication that H-m does NOT want to hold him responsible for his loose tongue!

By treating this case leniently we would just yield to H-m's 'hint'. And we can combine this notion with the idea above, that this kind of leniency only works with person's body matters, and not with his property items (like ?tamey? liquids).

Sure, R' Zeira (about R' Elizer) doesn't have a 100% proof for these considerations to be valid or not, but he may still be right that it was R' Eiezer (just like, maybe, R.Yehuda, or/and others) who holds that Safek Nazirut is NOT valid. So, why is the Gemorah's editor so dismissive of R' Zeira (or R' Eliezer) ?

Lenny

The Kollel replies:

Dear R' Lenny,

Great to hear from you. Very nice question! Baruch Shekivanta! I see the Keren Orah is also bothered very much with the Ran's Girsas and explanation of the Gemara. He cites the Rashba who defends a completely alternative Girsas which is much easier to understand. I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Rosh Hashanah 003: Jewish Kings vs. Non-Jewish Kings

M. Deutsch asks:

Rav Chisda says that for Non-Jewish kings we count from Tishrei, while for Jewish kings we count from Nissan.

Couple of practical points

1. Does this mean that if a Jew became King of England we would count from Nissan for him?
2. In the example given of Daryovesh Haparsi (acc to some son of Esther hamalka) he was a Persian king who ruled over Eretz Yisroel so is he a malchei Oomos Holom or not and what about the other Goyish Persian kings who ruled over Eretz Yisroel?
3. If the whole purpose of writing the kings years in a shtar is to avoid a shtar mukdam - by differentiating between Jewish and non-Jewish kings aren't you creating mass confusion? and especially when the gemoro answers one posuk is talking before he became bad (hichmitz) and one after , wouldnt that create even more confusion in shtoros?

Shkoyach

Moshe

The Kollel replies:

Dear R' Moshe,

Great to hear from you. Very nice questions! I checked in Mesivta for number of insights that help shed light on these important issues that you raised. Let me share with you some of what I found.

1. Wonderful question. I can share some background before getting to a potential answer. First, the Ritva here writes that the reason to count from Nisan for us, as opposed to Tishrei for them, is in order to distinguish between the kings of Israel versus the kings of other nations.

He says that Israel counts from Nisan which is based on Yetzias Mitzrayim, since that is the point when we became a sovereign people, not subjugated by another power e.g. Pharaoh in Egypt. This is unlike the nations of the world, who count from Tishrei since they are only related to the world at large either by virtue of existence [Tishrei is when the world was created] or by virtue of the judgment that takes place for all mankind [this judgment day occurs on the first of Tishrei].

In an expansion of this line of thought, the Chasam Sofer (Shu"t, Choshen Mishpat, Siman 1) elaborates on the reason for the distinction: A gentile's worth and virtue lie in his status of being a creature of Hashem; thus, they are counted from Tishrei when the world was created. On the other hand, a Jew's worth and virtue lie in his status of being a servant of Hashem; hence, we count from Nisan when Hashem took us to be His loyal servants.

Even further, the Yad Mitzrayim (Rav Yitzchak Isaac Chaver's Peirush on the Hagadah Shel Pesach) explains that a goy lives within the bounds of natural order, as symbolized in the date of Creation in Tishrei; whereas a Jew lives according to the divine will above and beyond nature law, as expressed in the Yetzias Mitzrayim.

Accordingly, one could argue that we only count from Nisan for a king who is both Jewish himself and also he rules over the Jewish people, since arguably this would best portray the self-sovereignty that the Ritva expressed. I believe the Ran on Daf 2b (2a in the Rif) also indicates this interpretation. If so, then in your case of the Jewish king of England it would seem reasonable to count from Tishrei, not Nisan.

2. Very good point. Indeed the commentaries (e.g. Beis Meir, et al) are bothered by this. Specifically, the Midrash (Vayikra Rabah, end of Parshas Shemini, 13:5; Esther Rabah, Ch. 8) reports that Koresh was the Jewish son of Esther, which is a reflection of the fact that when a Jewish woman bears a child, even if the father is a gentile, the child is nevertheless a bona fide Jew (Yevamos 45b; Rambam, Isurei Biah 15:3). If so, ask the commentaries, why do we need to resort to the fact that he was [at least for a time] a Kosher king. Even if he weren't, still we should count from Nisan since he is Jew! Several answers are offered. Here are some of them:

a. Yad Yosef: Even if the king is Jewish, nevertheless, if the people who put him in charge are gentiles, and the populace over whom he rules is comprised of [primarily] gentiles, then we do not count from Nisan. [I would comment that this seems to be in consonance with the conclusion which we inferred in our discussion above in part 1.]

b. Beis Yitzchak (Vol. I, Even ha'Ezer, Siman 29): This Gemara is a reflection of the view of the Maharit Algazi, that such a child's status actually depends on how and with whom he is raised and educated. If amongst Jews,

then indeed he will be viewed as a Jew. However, if amongst goyim, as Koresh was [despite his mother being Jewish], then he has the status of a goy.

c. Shu"t MiMaamakim (2:25): The Vlad of such a union will indeed be Kosher, but he still needs a Geirus. I would also invite you to read about the views which say that Koresh was a gentile, which you can find in the discussion on the Kollel website at this link: <https://dafyomi.co.il/rhashanah/insites/rh-dt-003.htm>

3. Excellent point. Perhaps we can suggest, particularly according to those Mefarshim (in part 1 of our discussion above) who explained why in the first place there is a distinction between Jewish kings versus gentile kings, that the rationale(s) for associating the Jewish kings with Nisan and Yetzias Mitzrayim and the gentile kings with Tishrei is such an important consideration in terms of Jewish outlook and values, that it overrides the fact that under such a system one must be a little more diligent to avoid bookkeeping errors.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Shabbos 021: Galus Chashmonaim?

A K asks:

Are the years that the chashmonoim ruled Eretz Yisrael part of golus Yaven, or is it not a golus at all? I heard it is considered part of golus Yaven but I don't know a mekor for this. Is there a mekor this way or that way? And if it is golus Yaven what is the sevorah to say it's golus Yaven?

A K,

The Kollel replies:

Kollel replies*:

Dear A K,

Great to hear from you. Very nice question!

The victory of the Chashmonaim is portrayed in several places (Shabbos 21b; Megilah 11a; the Al ha'Nisim prayer) as being a salvation and respite from the exile and dominion of Greece, as opposed to being part of it.

In fact, one might argue that it is more justifiable to classify the reign of the Chashmonaim as being part of the period of Roman exile, at least after the first 26 years. Because during that latter period of the Chashmonaim monarchy, the Jewish people were really subjugated to the Roman government, as we find in Masseches Avodah Zarah (8b and 9a).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

GENERAL: The nature of a chakira

Soheil Zaman asks:

Dear DafYomi.co.il,

I have three questions about the nature of a chakira if you could help me Rav:

1. If someone clares a chakira and it does explain the difference between two opinions, does that make the chakira true?
2. Are all chakiras just considered true by the fact that it accomplishes the categorization of different opinions?
3. If not, then what is considered a "true" chakira?

Soheil Zaman, Sherman Oaks

The Kollel replies:

Shalom aleichem R' Zaman,

Great to hear from you. Very nice questions!

In many ways you know more about Chakiras it than I do. But I will share my thoughts anyway.

At times, a Chakirah is demonstrably "true". That is, it can shown explicitly or implicitly from sources that each opinion indeed holds like either Tzad of the Chakirah.

Perhaps more often, though, a Chakirah is more "speculative". In other words, we don't have ironclad proof, let's say, that this is what the Rambam and Raavad actually each held. And yet, nevertheless, it is still a valid form of analytical study, and worthy Amelus b'Torah.

And, indeed, in such a case, one could argue that the merit of the Chakirah, as you perceptively noted, would lie in it's power to explain the rulings and opinions that we do in fact observe in the words of Chazal and Rishonim.

As a warning, however, we could add that all this is provided that the Chakirah, however clever it sounds, is not be demonstrably false, perhaps based on other sources that may not have been examined yet.

One must be fair to first amass the requisite Bekius before embarking on speculations. As Chazal say (Horayos 14a and Berachos 61a) Sinai has precedence over Oker Harim, since everyone -- including those who wish to engage in penetrating analysis -- needs a supply of raw material to be studied. And, as Rav Chaim Brisker, one of the greatest deep analytical thinkers, is reported to have commented, if someone says a Chidush without mastery of all Shas, then it is Pilpul Shel Hevel.

To summarize, then, I would classify a Chakirah as being legitimate and worthy if it meets one of two conditions:

1. Demonstrably true.
2. Not demonstrably true or false, but helpful in explaining.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

GENERAL: Makshan vs. Tartsan

Menachem Zaman asks:

What is the dynamics between the interaction of a Makshan and a Tartsan? Is the Makshan's hava mina conclusively refuted or is his challenge simply deflected? Meaning, does the Makshan conceded to the Tartsan or even after the Tartsan's response, the Makshan holds by his question.

Soheil Zaman, Sherman Oaks

The Kollel replies:

R' Soheil, shalom aleichem!

Great to hear from you. Very nice question!

Was there a particular Sugya you had in mind? Because often it's wise for us to judge each case on its own. Each one may differ, and it is not always Pashut to determine. In fact, many times we find a Machlokes amongst the Mefarshim of the Gemara -- which can even lead to Nafka Minah in Halachah -- about your very point, namely whether or not the Makshan's premise remains standing after being opposed by the Makshan's Kashya.

One example that comes to mind is cited in Choshen Mishpat 223:2. I think it helps one appreciate how subtle the answer your question can become in tricky cases. But you will determine whether this is really the type of issue you are referring to or not.

Forgive me for speaking out the points that are obvious to you, but I would summarize the case like this: The Mishnah (Bava Metzia 100a) says that when a sold cow gave birth, but we don't know if the birth was before or after the sale, then the Vlad is split between the buyer and seller. But the Gemara asks [Kashya #1]: "Why split it? Let's award it to the person in whose yard it's standing!" The Gemara answers [Terutz #1]: "The Vlad is in the Agam, i.e. nobody's land; therefore we cannot simply defer to the party who is Muchzak, because neither one is." But the Gemara persists to ask [Kashya #2]: "Let's award the Vlad to the seller, since he was the most recently known owner!" The Gemara answers [Terutz #2]: "You're right, but this is Mishnah only follows the opinion of Sumchus who holds Mamon ha'Mutal b'Safek Cholki (but the Chachamim -- who hold ha'Motzi m'Chaveiro Alav ha'Rayah -- would in fact say that the seller gets the Vlad)."

If the Vlad is in the Agam, the Psak which would seem to emerge most simply from here would be, like the Chachamim hold, to award the Vlad to the seller. And this is the conclusion of the Tur (and is the first opinion

in Shulchan Aruch). But the Rambam (the second opinion in Shulchan Aruch) rules that the buyer and seller split it, at least when the seller doesn't confidently claim that he is the rightful owner.

Mefarshim explain that the Rambam understood that the Gemara -- after providing Terutz #2 -- is retracting from Terutz #1. In other words, since we now have concluded that the Mishnah is like Sumchus, we can take back what we said about the Vlad being in the Agam. In other words, the Chachamim only argue with Sumchus when the Vlad is in one party's yard, but if it is in the Agam, then even the Chachamim would say Cholkin.

So, as it relates to your original question, here, it would seem then that the Tur understood Terutz #1 to be conclusively ruling out Kashya #1; whereas the Rambam would seem to have understood that Kashya #1 was only temporarily repressed by Terutz #1, but springs back into place the moment Terutz #2 kicks in and obviates the need for it.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Ta'anis 013: Why is a special Avel allowed to wash the Entire week

Avrumi Hersh asks:

13a bottom

Reb yosi washed in cold water cos he had double avelus and we said that if you gave double avelus then you can trim your hair with a taar (rashi explains only a minimal trim) and you can wash your clothes in water only.

So why does the gemoro say that he washed with cold water all 7 ? Surely he should only be allowed to wash a minimal amount necessary, the same way he can only cut his hair and wash clothes in the minimum way?

(This question is only in our girsa of the gemoro, kol zayin but rashis girsa is: toch zayin)

Avrumi Hersh, London england

The Kollel replies:

Dear R' Avrumi,

Wonderful to hear your question and solid thoughts about it. To my dismay I didn't see Mefarshim who address it directly. But can I suggest the following? Forgive me in advance, please, though, since some of what I right is not any Chidush at all to you.

In such a case of double mourning periods for consecutive deaths, once the period of Isur for the Avelus of the first Niftar has elapsed, Chazal chose to relax the prohibitions, because otherwise it would be too burdensome for the Avel to keep. However, since there was a second Petirah, they didn't want to permit all actions completely. So, Chazal wanted a compromise solution, i.e. to *partially* observe the Isurim for the second Avelus. In this way, since the Isur is relaxed, it will not be too much for the Avel to manage; yet at the same

time, since some level of Isurim still exist, he will not divert his mind too much from the second Avelus. Practically, though, there are a number of possibilities how to structure and maintain the *limited* Isurim of the second Avelus:

1. To relax them in *quantity*. In other words to bathe/shave/laundry would be permitted, but *only* on a day on which they are strongly needed, but not on other days.
2. To relax them in *quality*. In other words bathe/shave/laundry would be permitted on *any* day, but must be done only in a fashion that deviates from the norm.

I would understand one reason Chazal might not wish to go with option #1 is because Chazal prefer to have a uniform Takanah that fits everyone the same, not a Takanah that applies different people differently. The concept "Nasata Divarecha l'Shiurin" is a principle found in Shas (Shabbos 35b, Bava Basra 29a, Megilah 18b, Gitin 14a, Chulin 32a) and Mefarshim.

Perhaps therefore Chazal chose option #2, and specifically limited Kibush to be without detergent, bathing without hot water, and shaving without a regular instrument.

You astutely pointed out that Rashi differs with the Girsa that we have, which alleviates the weight of your Kashya. To balance some weight to the other side, I see the Rosh (Moed Katan 3:18) has our Girsa.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Ta'anis 014: Tefilah

Sholem asks:

An 'Odom Choshuv' should not bow down in public unless he is sure that he will be answered.

We all know that everyone's Tefilois are never rejected. Although he might be answered (immediately), these Tefilois are 'put away' for another occasion.

We see this with Avrohom Ovienu when he devalued for Sedom. Also the Tefilois that our 'Noshim Tzidkoniois' say when lighting candles (on Friday for Shabbos) too have a powerful effect that might not necessarily be seen immediately ...

Sholem, UK

The Kollel replies:

Dear Sholem

Great to hear from you. Very nice question!

It may be that Hashem will answer any and all prayers, but there may be conditions or circumstances that affect and even limit the scope of that answer.

For example, in addition to the illustrative cases you brought, one could cite cases where prayers were not answered exactly as the petitioner desired:

- Moshe Rabeinu daven 515 times to enter Israel but was denied [1].
- Chazal guide us which prayers are accepted [2-3], which implies others may not be.

In the case of Nefilas Apayim you cited, from the context it appears that the Adam Chashuv must be sure not only that he will be answered, but also that he will specifically be answered in a way that people will see and understand before they jump at an opportunity to disparage him.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Sources:

[1] See Devarim Rabah (ed. Vilna: 11:10); Yalkut Shimoni (Vayelekh 940); and Daas Zekeinim (Devarim 3:23).

[2] <https://www.sefaria.org.il/Berakhot.32b.5?lang=bi&with=Rashi&lang2=en>

[3] <https://www.sefaria.org.il/Berakhot.8a.1?lang=bi&with=all&lang2=en>

Best wishes,

Yishai Rasowsky

Sholem asks:

Thank you for replying💡.

You mention Moshe Rabeinu whose 515 Tefilos to be allowed to enter Eretz Yisroel were 💡seemingly💡 unanswered. However according to most meforshim had he persisted by adding to these Tefilos Hashem would have no option but to accede to his request.

Sholem

The Kollel replies:

Dear Sholem,

That is a beautiful comment. I understand you to be saying that even though a person can be told "no" 515 times, very possibly the next prayer could potentially be answered with "yes". Always love hearing your insights.

Best wishes,

Yishai

Ta'anis 018: Why were both brothers killed

Avrumi Hersh asks:

18b. Why did both lulyanus and pappus need to confess to save the yidden, why wasn't one of them enough?

Avrumi Hersh, London england

The Kollel replies:

Dear R' Avrumi,

Great to hear from you. Very nice question -- Yasher koach!

To my dismay, I didn't see Mefarshim discuss it directly. But with your permission, is there room to suggest the following options? I believe they are not mutually exclusive, so hypothetically more than one could be true.

1. Generally speaking it is harder to two believe that two people are both telling the same bluff, since they would have to coordinate and collude together. As opposed to one person's claim, which might be a cheap and easy fabrication of his own. This is reflected in Tanach both by Izevel (Melachim I 21:13) and of course in actual law (Devarim 19:15).
2. Possibly, each brother on his own would not have the courage to take the blame himself. By going into this together as a team, they could Michazek and encourage each other to go through with it.
3. Two men might have appear to have been needed for the planning and execution of the attack. Since the girl had the esteemed status of being the king's daughter, practially, it is less likely to imagine that one person alone could have managed to kill her. The mission perhaps would need to involve by-passing palace security etc.
4. Chazal tell us that the eternal reward of these heroes is tremendous. Perhaps they both wanted to be privileged with this Zechus.
5. They didn't have ample time to patiently plan this mission with a Cheshbon how to save their own skins. They just blurted out on the spur of the moment, "What do you want from the Jewish people? We did it!" Personally I wouldn't normally dare to suggest this, but the Lashon in links #1 and #2 might actually hint toward this possibility.

As an aside, to see connections to this story in modern Halachic discussion, I invite you to check Chazon Ish (Y.D. 69:1) who explains why it may be permissible to steer a missile away from a group of victims even if it will strike a smaller group of people who otherwise would have been safe, and Igros Moshe (Y.D. II 174:4) who discusses why one is generally not allowed to forfeit his own life to save another.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Links:

1. https://www.sefaria.org.il/Rashi_on_Taanit.18b.8.2?lang=bi&with=all&lang2=en#:~:text=
2. https://www.sefaria.org.il/Rashi_on_Bava_Batra.10b.6.2?lang=bi&with=all&lang2=en#:~:text=

Ta'anis 023: How does the Gemara know the story if it was kept secret

Avrumi Hersh asks:

23b abba chilkiya specifically tried to hide his involvement in the rain coming but the rabonon anyway understood that it was him, and they asked him why the clouds came because of his wife and not because of him.

How does the gemoro know the story of him and his wife in the 2 corners of the attic, if he specifically hid his actions, and how did the rabonon know that it came from his wifes side?

Avrumi Hersh, London england

The Kollel replies:

Dear Avrumi,

Great to hear from you. Very nice question!

I saw quoted in Mesivta the Perush of Olas Aharon (s.v. Zimna), the original of which can be found at link #1 below. He wants to explain what gave Aba Chilkiyah permission to lie. Olas Aharon answers that in fact abba Chilkiyah was not lying, since his comment -- that they did not need *his* Tefilah -- was actually an implication that not his but his wife's Tefilah is what caused Hashem to bring the rain. According to this, he elaborates, the Rabanan understood that both of them went to Daven, and it was she who was answered.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Links:

1. <https://hebrewbooks.org/pdfpager.aspx?req=7043&st=&pgnum=45&hilite=>
-

GENERAL: No Teiku in Yerushalmi

Michael Geller asks:

The Bavli prints the word teiku when the question remains unresolved.

The Yerushalmi does not do that.

Is there a reason?

Thank you.

Michael L. Geller

Dallas, TX

The Kollel replies:

Dear R' Michael,

Great to hear from you. Very nice question!

This distinction that you identified might be understood in the larger context of a key difference between the Bavli and the Yerushalmi, with which I am sure you are familiar. That is, the Bavli underwent a more lengthy and thorough process of composition, concluding about 150 years after the Yerushalmi, thus leaving more time for refined editing and redaction.

You and I find this reflected in the fact that the Pshat in the Bavli is typically more understandable and less ambiguous than is Yerushalmi. Moreover, the Yerushalmi's language is typically more terse, often omitting elaborations that are found in Bavli; also, the Yerushalmi leaves a larger portion of its queries unresolved.

One specific point of style that might best help place your point in perspective is that the Yerushalmi often -- presumably for the reasons we mentioned above -- does not explicitly signify and label all parts of the Shakla v'Tarya. For example, unlike Bavli, a question in the Yerushalmi might not be introduced with the familiar terms "Boyi", "Iboya Lehu", or "Mahu"; or we might find distinct stages of the debate in Yerushalmi appearing consecutively without terms to indicate a break between one and the next.

In light of this background, perhaps we are not surprised when we see that the editors of the Yerushalmi did feel (or have) the need to place a Teiku at the end of every unsolved question.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Beitzah 004: Ro'in

Tuvya Marcus asks:

Is there another Tana besides Rabbi Eliezer who says Ro'in? I remember in Pesachim and in Zevachim or Menachos also it was R"E

Tuvya Marcus, Jerusalem Israel

The Kollel replies:

ION:

Dear Tuvya,

I see another place that I felt might be related to what you were searching for. That is, Rebbe Yaakov [1] who allows building a Sukkah using four posts if they are wide enough to contain 1x1 Tefach.

Best wishes for Chag Sameach!

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org/Sukkah.4b.13?lang=he&with=Rashi&lang2=he>
-

Beitzah 004: Ro'in

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Is there another Tana besides Rabbi Eliezer who says Ro'in? I remember in Pesachim and in Zevachim or Menachos also it was R"E

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The Kollel replies:

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Best wishes for Chag Sameach!

Yishai Rasowsky

Sources:

- 1.
-

Beitzah 006: Kovod ha'Meis

Sholem asks:

Why is it permitted to ask a 'goy' to bury a niftar on Yom Tov, because of kovoid hamess and not on Shabbos

Sholem, UK

The Kollel replies:

ION

Dear Sholem,

You may have seen the Mishnah Berurah's way of expressing this issue regarding your question. I understand him [1] to mean that since the greatest issue at stake is showing honor for the dead (which is why we try to get the Meis buried as soon as possible even if that means asking gentiles on Yom Tov), then since Shabbos and Yom Kippur are viewed by people as stricter days, and thus when Melachah done on Shabbos or Yom Kippur for Meis, even by gentiles, it actually detracts from Kavod ha'Meis rather than adding to it, therefore it is better not to ask gentiles to bury the body, unlike Yom Tov.

It reminds me of the regular law of hastening a burial, even on a regular weekday. This is done to impart honor to the departed. Since that is the reason, it therefore follows that delaying is actually permitted when it will translate into a greater Kavod for the Meis [2].

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishnah_Berurah.526.17?lang=bi&with=ShulchanArukh,OrachChayim&lang2=en
 2. https://www.sefaria.org.il/Shulchan_Arukh_Yoreh_De'ah.357.1?lang=bi&with=Commentary&lang2=en
-

Beitzah 006: Kovod ha'Meis

Sholem asks:

Why is it permitted to ask a 'goy' to bury a niftar on Yom Tov, because of kovoid hamess and not on Shabbos

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It reminds me of the regular law of hastening a burial, even on a regular weekday. This is done to impart honor to the departed. Since that is the reason, it therefore follows that delaying is actually permitted when it will translate into a greater Kavod for the Meis [2].

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishnah_Berurah.526.17?lang=bi&with=ShulchanArukh,OrachChayim&lang2=en
 2. https://www.sefaria.org.il/Shulchan_Arukh_Yoreh_De'ah.357.1?lang=bi&with=Commentary&lang2=en
-

ADDITION 2

Dear Sholem,

I see now that the Ramban deals more expansively with your question [1], and offers several reasons to distinguish between Shabbos and Yom Tov, as follows:

A. Many types of Melachah are already permitted on Yom Tov (e.g. cooking and carrying). Therefore, the prohibition to perform Melachah on Yom Tov is less well known to people, unlike Shabbos on which people know that all Melachah is strictly forbidden. The implication being, that when a gentile does Melachah for us on Yom Tov by burying the dead, Chazal felt there was less of a concern that it would lead to a Zilzul of the day, unlike on Shabbos which would be more sensitive to Zilzul. [This is how the Oz v'Hadar Mishnah Berurah (Siman 526, Seif 3) explains this part of the Ramban.]

B. Just like Machshirin are permitted for Simchas Yom Tov (e.g. extinguishing a burning log that is making your house uncomfortably smokey -- see Beitzah 22), so too burying the Meis makes your house more comfortable to live in. So Chazal did not forbid asking a gentile in this case.

C. Since burial will provide more respect for the dead, therefore Chazal chose not to forbid Amirah l'Nochri on Yom Tov, since Melachah on Yom Tov in the first place is only an Isur Lav, unlike on Shabbos which is an Isur Sekilah (see Beitzah 21 and Yevamos 114 for a precedent for this Chiluk), even though normally Chazal did not distinguish between these two levels, since they are both Torah prohibitions (as the Ramban himself cites from Yevamos 94).

D. It would be too shameful for the Meis himself if Melachah was done for him on the holy day of Shabbos (even by gentiles).

As we discussed, it the last answer that was apparently accepted by Tosfos, as well as Magen Avraham and Mishnah Berurah.

Best wishes,

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=41324&st=&pgnum=41&hilite=>

Beitzah 006: Kovod ha'Meis

Sholem asks:

Why is it permitted to ask a 'goy' to bury a niftar on Yom Tov, because of kovoid hamess and not on Shabbos

Sholem, UK

The Kollel replies:

Dear Sholem,

Great to hear from you. Excellent question.

Tosfos in Bava Kama [1] explains that it would be shameful to the deceased person that his burial involved a violation of Shabbos even when the work was done by a goy. The Magen Avraham [2] cites Ramban in Toras ha'Adam as saying a similar idea, even adding a couple of points:

- a) It is forbidden to ask a gentile to perform even a rabbinic prohibition for the sake of the deceased. For example, carrying the departed to be placed in a grave that was already dug before Shabbos.
- b) There is less room to relax prohibitions that are well known as violations of Shabbos (unlike carrying into a Karmelis which people understand is not really a Shabbos desecration).

I hope this helps. May you continue to attain greatness in Torah learning and Yiras Shamayim!

Gmar Chasimah Tovah,

Yishai Rasowsky

Sources:

1. <https://dafyomi.co.il/bkama/tosfos/bk-ts-081.htm#:~:text=,viaaNochri...>
2. https://www.sefaria.org.il/Magen_Avraham.311.13?lang=he&with=all&lang2=he#:~:text=,

Beitzah 011: Gemara's Attitude to Beit Shamai

Pesach Rogoway asks:

Question: But the other cases are all subject to Machlokes Beis Hillel and Beis Shamai!?

(o)

Answer: We don't regard Beis Shamai as a contest to Beis Hillel.

WHY BE SO INSULTING TOWARD BEIT SHAMAI? PERHAPS THE MAIN PURPOSE OF GEMARA IS TO PRESENT DIFFERENT OPINIONS ON THE LAW. ISN'T BEIT SHAMAI ENTITLED TO THEIRS? AND SOMETIMES THEY WIN THE MACHLOKET. AND IT WAS BEIT SHAMAI WHO CONCLUSIVELY CONCEDE TO BEIT HILLEL IN A VERY RESPECTFUL WAY.

Pesach Rogoway, Israel

The Kollel replies:

Dear Pesach,

Great question. This seems to be part of the extreme measure taken because of the concern that the Torah which should be one could Heaven forbid become two (Tosefta Chagigah 2:9; Sanhedrin 88b; Sotah 47b). The Gemara (Eruvin 13b) recounts the sustained disagreement that existed between the two until a Bas Kol proclaimed that although both are words of the living God, nevertheless the Halachah follows Beis Hillel because they exhibited finer character traits, such as being gentle instead of harsh, and humble and unassuming, and -- as Rashi explains there -- they would show more respect and deference to their opponents' view.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

Beitzah 011: Salting Meat For Cooking on Yom Tov

Pesach Rogoway asks:

SALTING MEAT FOR COOKING ON YOM TOV

(a)...

(b)

R. Ada b. Ahavah acted cunningly, and salted one piece of meat (in order to eat it) and then another.

1.WHY COULDN'T ONE ARGUE THAT IT IS A MAJOR LOSS OF THE MEAT IF HE CAN'T PRESERVE IT?

2.IF THE REASON FOR FORBIDDING IT IS SO AS NOT TO EXERT ONESELF, WOULDN'T IT BE LESS EXERTION IF HE SALTED THE WHOLE SIDE OF BEEF AT ONE TIME INSTEAD OF PIECE BY PIECE?

Pesach Rogoway, Israel

The Kollel replies:

Dear Pesach,

Great to hear from you. Very nice questions!

1. Yes, indeed it is precisely because the meat would otherwise spoil that Chazal permit us to use these tactics (of Rav Yehudah in the name of Shmuel, or that of Rav Ada Bar Ahavah).
2. That is a good point. I see the Rosh [1] points out that there is an additional effort involved in turning over the other pieces of meat. Nevertheless it is permitted [2], because there is no real Melachah involved and the meat would otherwise spoil.

If I am not mistaken, you are asking: Why didn't Rav Ada Bar Ahavah simply do what Rav Yehudah in the name of Shmuel suggested?

I see that the Yam Shel Shlomo (Siman 32) actually offers the following two explanations.

#1) Rav Ada argues on Shmuel (according to Rambam, et al):

Rav Ada does not subscribe to Shmuel's method of salting the extra pieces precisely because it accrues no benefit for Yom Tov. Rather, Rav Ada maintains that one *must* engage in the Ha'aramah of changing one's mind from one piece to another, in order that at the time of each act of salting there he is accomplishing a genuine benefit for Yom Tov.

#2) Rav Ada agrees with Shmuel (according to Semag, et al):

Rav Ada is just adding an equally acceptable alternative method of salting the extra meat; that is, by engaging in Ha'aramah in separate acts piece by piece. But Rav Ada would agree that Shmuel's method is acceptable also, since it all one act. Either avenue of Heter is OK: A single act even though part of it is not for Yom Tov, or a series of many Ha'aramah actions where each one is expressly for Yom Tov.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

- 1. https://www.sefaria.org/Rosh_on_Beitzah.1.16.2?lang=bi&with=all&lang2=en#:~:text=
- 2. https://www.sefaria.org/Mishnah_Berurah.500.22?lang=bi&with=all&lang2=en#:~:text=

Beitzah 012: Beis Shamai in the English Charts

Moshe Reinitz asks:

The english chart doesn't indicate that the differences are according to Beis Shammai. Does that need to be stated?

<https://dafyomi.co.il/beitzah/charts/bt-ct-012.htm>

Gmar Chasima Tova

Moshe U. Reinitz

The Kollel replies:

Shalom Moshe,

Great to hear from you. You are raising an important point about which views are being incorporated into the table. Let me pass this message along to the Rav who made the chart. Maybe he will have insight. Meanwhile, I am copying a chart below that might be helpful, if you are interested. If you find any mistakes, please let me know.

Many thanks! May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes for Chag Sameach,

Yishai Rasowsky

+-----+-----+-----+-----+
----+

| | Rebbe Yehudah | Rebbe Yose | Acherim |

+-----+-----+-----+-----+-----+-----+-----+
 -----+

| | Beis Hillel | Beis Shammai | Beis Hillel | Beis Shammai | Beis Hillel | Beis Shammai |

+-----+-----+-----+-----+-----+-----+-----+
 -----+

| Today's Matanos alone | Permit | Permit | Permit | Permit | Permit | Forbid |

+-----+-----+-----+-----+-----+-----+-----+
 -----+

| Yesterday's Matanos with today's | Permit | Permit | Permit | Permit | Permit | Forbid |

+-----+-----+-----+-----+-----+-----+-----+
 -----+

| Yesterday's Matanos alone | Permit | Forbid | Permit | Permit | Permit | Forbid |

+-----+-----+-----+-----+-----+-----+-----+
 -----+

| Terumah | Forbid | Forbid | Permit | Forbid | Forbid | Forbid |

+-----+-----+-----+-----+-----+-----+-----+
 -----+

Beitzah 012: Bringing Matanos to a Kohen

Chananiah Yankelove asks:

Why is it that acc. to Rabah we learn Acc. to Beis Shammei out the law of Challah U' Matanos from Terumah while Beis Hillel say the Terumah is learned from Challah U'matanos which make it forbidden to give on Yom Tov? (Is this some sort of Ma Mitzinu or is there a reason to make Terumah more forbidden because it has a source from the Torah)

Chananiah Yankelove, Baltimore,MD,United States

The Kollel replies:

Dear Chananiah,

Great to hear from you. Very nice question. You made me really think about this Sugya.

I see that Rabbah's name appears on 12a, when he suggests that Beis Shammai and Beis Hillel are arguing not about Mitoch but about Eruv/Hotza'ah. But I don't see him on 12b in the discussion of Challah/Matanos/Terumah.

I do see that on 12b Rebbe Yehuda understands that Beis Shammai learn the prohibition of delivering Challah/Matanos based on that of Terumah, whereas a different Tana, namely Rebbe Yose, understands that Beis Hillel learns the Heter to deliver Terumah based on that of Challah/Matanos.

I am trying to see if there is any difference regarding the two laws on a Torah/rabbinic level. There is a Torah Mitzvah to separate and give both Terumah [1] and Challah [2] and Matanos [3].

Separating Challah and Matanos on Yom Tov is theoretically permitted, unlike Terumah which Chazal forbade being Mafrish because rendering Tevel edible is similar to Tikun and it is similar to being Makdish [4].

I hope this helps! Please let me know if there is a point you wanted to make that I didn't correctly reply to.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. Devarim 18:4
2. Bamidbar 15:19
3. Devarim 18:3
4. See Rambam Hilchos Shabbos 23:14

Beitzah 012: Stam Mishnah

Jack Walfish asks:

I have another inquiry related the recent Dapim on Beitzah 12b, 14a, and 17b.

The question is whether a Stam Mishna has automatically Greater authority than a Tosefta as per the Klal of Rav Yochanan that Halacha Kדstam Mishna.

On 12b the gemara says that the stam Mishna bדsem Bais Hillel is not like the shita of Rav Yosi And yet Shmuel Paskens like Rav Yosi in the Tosefta, with regards to Matnos Truma on Yom Tov

On 14a Shmuel Paskens like Rav Meir with regard to grinding salt on tom Tov Against our stam Mishna shita of Bais Hillel

On 17b Rava must tell us that the Halacha is like our stam Mishna with regard To eirus Tavshilin as opposed to the shita of Rav Shimon ben Elazar in the Tosefta Why does the principle of Halacha Kדstam Mishna not apply in all these Cases?

The best,

Jack, KGH New York

The Kollel replies:

Dear Jack,

Great to hear from you. Very nice question!

I see the Klal you are quoting that the Halachah follows a Stam Mishnah, as you correctly stated, is the view of R. Yochanan. But in the three sources that you so articulately cited, you seem to assume that Shmuel and Rava also agree with the Klal. Is there a Rayah for that? Maybe there is and I am not aware of it. Thank you for your insight!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Beitzah 017: Shitas Rebbi - Dovor Hamuter Lo

Sholem asks:

Rebbi says that it is muter to make an Eiruv Chateirois on Yom Tov, since it is permitted to carry from one Chotzer to another.

There is a big difference with and without an Eiruv. Permission to carry on Yom Tov is restricted to 'letzorach' - a need. For example carrying on Yom Tov (without an Eiruv) is problematic after Shkia. Whereas, with an Eiruv these restrictions do not exist.

Sholem, UK

The Kollel replies:

ION

Dear Sholem,

I see now that this issue was discussed by Tosfos on 12a. The Mishnah had taught that Beis Shammai forbid carrying a child/Lulav/Sefer Torah in the Reshus ha'Rabim, whereas Beis Hillel permit. The Gemara first assumed that the two opinions are arguing whether we say Mitoch (Beis Hillel) or not (Beis Shammai). Rabbah, however, suggested that they both do not subscribe to Mitoch, and instead the crux of their Machlokes is whether Eruv/Hotzaah is forbidden on Yom Tov (Beis Shammai) or not (Beis Hillel).

Rashi ("b'Eruv Hotzaah") explains that to mean Beis Shammai view carrying as a Melachah that is forbidden on Yom Tov and accordingly Chazal enacted Eruv Chatzeros, whereas Beis Hillel do not count carrying as a forbidden Melachah on Yom Tov at all, thus obviating the need for any Takanah of Eruv Chatzeros.

Tosfos ("Dilma"), however, wonder why according to Beis Shammai there would be any need for a Takanah of Eruv, since carrying is Mutar on Yom Tov if it is for a need. Tosfos offers two resolutions. First, the explanation of Rav Chayim Kohen, according to which the Gemara never discussed Eruv Chatzeros, only the Melachah of carrying. Second, a defense for Rashi's Pshat, that an Eruv is needed for when the carrying is being done not for any need of Yom Tov.

It could be argued that the Machlokes between these two interpretations is parallel to the Machlokes between the two interpretations of the Ran on Daf 16. More specifically, we can say: Tosfos' defense/interpretation of Rashi on 12a definitely follows the first Pshat in the Ran (carrying to the Chatzer not for a need of Yom Tov is forbidden without an Eruv); and it is possible -- but not proven based on what I have

seen -- that Rav Chayim Kohen follows the second Pshat of the Ran (because most carrying is Mutar, Chazal did not enact an Isur for Chatzeros at all).

The Rashba on Daf 12a ("Mikol Makom") in fact adopts the first view of the Ran (like Rashi according to Tosfos).

I see Mesivta cites the Ra'ah as maintaining the position that even though, without an Eruv, only carrying for a need of Yom Tov is permitted, and an Eruv in fact will permit more (like Rashi/Tosfos/Rashba and the premise of your original question), still carrying is considered to be a sufficiently permissible activity such that creating an Eruv on Yom Tov for the next day Shabbos is not going to be forbidden.

So, to summarize the two answers we have seen to your very nice question:

1. An Eruv is not needed for carrying on Yom Tov even when it is not for a need of the day (Pshat #2 in the Ran; possibly Rav Chayim Kohen).
2. An Eruv is necessary and sufficient to permit "needless" carrying on Yom Tov, but Rebbe still maintains that is not enough to classify carrying as an activity forbidden on Yom Tov to the degree that it will disallow creating an Eruv Chatzeros on Yom Tov for the next day Shabbos (Pshat #1 in the Ran; Rashi according to Tosfos; Rashba; Ra'ah).

The Nafkah Minah being whether a person needs to make an Eruv Chatzeros for Yom Tov at all. Now I see that the Mishnah Berurah [1] actually tells us that this is a Machlokes between the Mechaber (who is lenient) and the Rema (who is stringent).

Best wishes for a Chag Sameach!

Yishai Rasowsky

Sources:

1. https://www.sefaria.org/Shulchan_Arukh_Orach_Chayim.528.1?lang=bi&p2=Mishnah_Berurah.528.1&lang2=bi

Beitzah 017: Shitas Rebbe - Dovor Hamuter Lo

Sholem asks:

Rebbe says that it is muter to make an Eiruv Chateirois on Yom Tov, since it is permitted to carry from one Chotzer to another.

There is a big difference with and without an Eiruv. Permission to carry on Yom Tov is restricted to 'letzorach' - a need. For example carrying on Yom Tov (without an Eiruv) is problematic after Shkia. Whereas, with an Eiruv these restrictions do not exist.

Sholem, UK

The Kollel replies:

ION

Dear Sholem,

I see now that this issue was discussed by Tosfos on 12a. The Mishnah had taught that Beis Shammai forbid carrying a child/Lulav/Sefer Torah in the Reshus ha'Rabim, whereas Beis Hillel permit. The Gemara first assumed that the two opinions are arguing whether we say Mitoch (Beis Hillel) or not (Beis Shammai). Rabbah, however, suggested that they both do not subscribe to Mitoch, and instead the crux of their Machlokes is whether Eruv/Hotzaah is forbidden on Yom Tov (Beis Shammai) or not (Beis Hillel).

Rashi ("b'Eruv Hotzaah") explains that to mean Beis Shammai view carrying as a Melachah that is forbidden on Yom Tov and accordingly Chazal enacted Eruv Chatzeros, whereas Beis Hillel do not count carrying as a forbidden Melachah on Yom Tov at all, thus obviating the need for any Takanah of Eruv Chatzeros.

Tosfos ("Dilma"), however, wonder why according to Beis Shammai there would be any need for a Takanah of Eruv, since carrying is Mutar on Yom Tov if it is for a need. Tosfos offers two resolutions. First, the explanation of Rav Chayim Kohen, according to which the Gemara never discussed Eruv Chatzeros, only the Melachah of carrying. Second, a defense for Rashi's Pshat, that an Eruv is needed for when the carrying is being done not for any need of Yom Tov.

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The Rashba on Daf 12a ("Mikol Makom") in fact adopts the first view of the Ran (like Rashi according to Tosfos).

I see Mesivta cites the Ra'ah as maintaining the position that even though, without an Eruv, only carrying for a need of Yom Tov is permitted, and an Eruv in fact will permit more (like Rashi/Tosfos/Rashba and the premise of your original question), still carrying is considered to be a sufficiently permissible activity such that creating an Eruv on Yom Tov for the next day Shabbos is not going to be forbidden.

So, to summarize the two answers we have seen to your very nice question:

1. An Eruv is not needed for carrying on Yom Tov even when it is not for a need of the day (Pshat #2 in the Ran; possibly Rav Chayim Kohen).
2. An Eruv is necessary and sufficient to permit "needless" carrying on Yom Tov, but Rebbe still maintains that is not enough to classify carrying as an activity forbidden on Yom Tov to the degree that it will disallow creating an Eruv Chatzeros on Yom Tov for the next day Shabbos (Pshat #1 in the Ran; Rashi according to Tosfos; Rashba; Ra'ah).

The Nafka Minah being whether a person needs to make an Eruv Chatzeros for Yom Tov at all. Now I see that the Mishnah Berurah [1] actually tells us that this is a Machlokes between the Mechaber (who is lenient) and the Rema (who is stringent).

Best wishes for a Chag Sameach!

Yishai Rasowsky

Sources:

1. https://www.sefaria.org/Shulchan_Arukh_Orach_Chayim.528.1?lang=bi&p2=Mishnah_Berurah.528.1&lang2=bi

ADDITION #2:

Dear Sholem,

The Tzelach [1] (18th century Prague) offers two new answers to your question, one according to Rashi and another according to Tosfos.

#1) According to Rashi (12a), there actually is no Torah prohibition to carry for no need on Yom Tov. As such, we can more easily understand Rebbe's words view literally, i.e. carrying is completely Mutar. Accordingly, it is Mutar to make an Eruv Chaterzos for the next day which is Shabbos.

#2) According to Tosfos, the case under discussion is actually when Yom Tov Rishon falls on Thursday, and you want use a Tenai regarding the Yom Tov Sheni of Galuyos to prepare it two days in advance. Rebbe forbids making an Eruv Techumin because it involves Kinyan, but not so Eruv Chatzeros (Tosfos later on [2]).

Tzelach explains Rashi could not subscribe to #2, because he is Midayek that Rashi [3] believes there is a problem of Kinyan with Eruv Chatzeros as well; nor could Tosfos to #1, since Tosfos [4] hold that carrying for no need on Yom Tov is in fact Asur.

Best wishes,

Yishai Rasowsky

Sources:

1. <https://hebrewbooks.org/pdfpager.aspx?req=24669&st=&pgnum=83&hilite=>
 2. https://www.sefaria.org/Tosafot_on_Beitza.17a.8.1?lang=he&with=all&lang2=he
 3. https://www.sefaria.org/Rashi_on_Beitza.17a.8.1?lang=he&with=all&lang2=he
 4. https://www.sefaria.org/Tosafot_on_Beitza.12a.8.1?lang=he&with=all&lang2=he
-

Beitza 017: Shitas Rebbe - Dovor Hamuter Lo

Sholem asks:

Rebbe says that it is muter to make an Eiruv Chateirois on Yom Tov, since it is permitted to carry from one Chotzer to another.

There is a big difference with and without an Eiruv. Permission to carry on Yom Tov is restricted to 'letzoirach' - a need. For example carrying on Yom Tov (without an Eiruv) is problematic after Shkia. Whereas, with an Eiruv these restrictions do not exist.

Sholem, UK

The Kollel replies:

Dear Sholem,

Moadim l'Simchah! Good to hear from you. Very nice point! Baruch Hashem, I see the Ran writes along your very line of thought. He does, however, consider an alternative possibility, which might not have occurred to us. That is, it may be possible even without an Eruv Chatzeros, carrying items in a Chatzer is permitted even when they are not needed for Yom Tov. The reason being that since most carrying is permitted on Yom Tov (since it is l'Tzorech), therefore Chazal did not bother forbidding any carrying in a Chatzer, even that which is not needed for Yom Tov at all, since that is a minority case. I hope this helps. May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes for Chag Sameach!

Yishai Rasowsky

Beitzah 017: Mussaf of Shabbat Rosh Chodesh/Yom Tov

Simon Levy asks:

A question which has troubled me for a number of years - why do we not use a Shabbat Mussaf model with Yom Tov additions when it's Shabbat Rosh Chodesh/Chol Hamoed? Why do we insist on using a totally different layout from the usual Shabbat tefilla for this specific tefilla?

In addition, what's the rationale for following Rebbi when it comes to this? The first Beraisa on the DAF refers to Yom Tov which falls on a Shabbat - why do we then follow him when it comes to Shabbat Rosh Chodesh/Chol Hamoed - it's a separate Beraisa and the gemara doesn't mention Rebbi at all...

Simon Levy, Modiin

The Kollel replies:

Dear Simon,

Great to hear from you. Very nice questions!

I see Kaf ha'Chaim [1] brings two answers:

The first answer sounds like he is saying that there is no place in Tikanta Shabbat to fit in a reference to Rosh Chodesh.

The second is that we Davka want to publicize the fact that it is Rosh Chodesh. (This brings to mind the statement of Chazal which the Rambam codifies [2] that says when Rosh Chodesh coincides with Shabbat, the Levi'im would recite the song for Rosh Chodesh instead of Shabbat.)

The Baal ha'Ma'or writes [3] that we see from Berachos [4] that Rebbe argues in the case of Rosh Chodesh also.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Kaf_HaChayim_on_Shulchan_Arukh_Orach_Chayim.425.24.1?lang=he
2. <https://www.sefaria.org.il/Sukkah.54b.11?lang=he&with=MishnehTorah,DailyOfferingsandAdditionalOfferings&lang2=he>
3. https://www.sefaria.org.il/Rif_Beitzah.9a.6?lang=he&with=HaMaor&lang2=he#:~:text=
4. https://www.sefaria.org.il/Berakhot.49a.8-9?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=he&with=Commentary&lang2=he#:~:text=,

Beitzah 019: Bal Te'acher

Daniel Gray asks:

Rashi DH Aval Nedarim

Same logic would apply to a Korban Neder where Bal Te'acher applies immediately after Yom Tov, so why not allow him to sacrifice it on last day of Yom Tov?

Daniel Gray, Canada

The Kollel replies:

Dear Daniel,

Great to hear from you. Very nice question! One suggestion could be that since once Yom Tov ends there is no more opportunity to bring the Chagigah or Reiyah *at all*, therefore the concern "Shema Ye'anes" that he might not offer them during the following week, is enough to let the Chagigah and Reiyah assume the status of Zman Kavua which is permissible to offer on Yom Tov. Unlike Nedarim and Nedavos, which ultimately can and must be offered after the Yom Tov, albeit sometimes with an Aveirah of Bal Te'acher.

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Beitzah 023: Putting light out on Yom Tov

Sender Klein asks:

The Gemara gives a few suggestions about how to block the light of a candle on Yom Tov, and if no alternative is available, concludes that one may not put it out.

Why can't one simply move the candle out of the house?

Sender Klein, United States

The Kollel replies:

Dear Sender,

Great to hear from you. Very nice question!

We see the Rambam permits doing so [1]. He appears to have understood the phrase in the Gemara [2] "It is possible in another room" to mean that he could transport the candle to another room. (However, the Shitah Mikubetzes [3] understands that line to mean that rather than put out the candle one should use the other room for Davar Acher; though, notably, he himself writes that the Gemara didn't really mean this seriously, since in truth if hypothetically it were indeed permitted to put out the candle, then one wouldn't have to walk all the way to another house.)

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org/Mishneh_Torah_Rest_on_a_Holiday.4.4?lang=he&with=MaggidMishneh&lang2=he#:~:text=.
2. <https://www.sefaria.org/Beitzah.22a.8?lang=he&with=Commentary&lang2=he>
3. https://www.sefaria.org/Beitzah.22a.8?lang=he&p2=Shita_Mekubetzet_on_Beitzah.22a.4&lang2=he#:~:text=-,-,-

Beitzah 023: Child Becoming Tamei

Chaim asks:

Rashi on the Mishnah says that the child's agalah is tamei because the child is a Zav. Why do we say that the laws of tumah apply to a Katan when usually halacha doesn't really apply to them (other than then through the father's obligation of chinuch) until they are a gadol? How would the child become tahor? Can they bring a Korban or would they have to wait until they are bar mitzvah? If they are a kohen, does that mean they can't eat terumah until they are a gadol?

Chaim, Melbourne, Australia

The Kollel replies:

Dear Chaim,

Great to hear from you. Very nice questions!

True, the obligation to perform Mitzvos doesn't apply to a Katan, but being Tamei can be understood simply as a physical fact, which doesn't depend on the individual's Chiyuvim. Just like one can contract Tumah from a Keli, even though the Keli is not Chayav in Mitvos.

A Zav becomes Tahor by waiting seven clean days and then immersing in a Ma'ayan (Vayikra 15:13; Mikvaos 1:8; Rambam Hilchos Mikvaos 1:5).

The Korban is only needed if there were three sightings (Megilah 1:7).

A Kohen can eat Terumah even without having brought the Korban (Berachos 2a; Rambam Terumos 7:2).

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Beitzah 032: Bavli Yichus

RA Alpert asks:

Is the comment that since they were not Rachamonim, these Bavliim must be from the Eiruv Rav, meant literally? If so, how is this possible--didn't we learn that Ezra took up with him all persons with posul/sofeik yechus, and left Bavel with very good Yechus?

RA Alpert, NYC, USA

The Kollel replies:

Dear RA,

Great to hear from you. Very nice question!

Indeed, Chazal state in the beginning of the last Perek of Kidushin that Ezra took out all people of unfit lineage from Bavel, and they travelled with him to Eretz Yisrael. Too bad that I don't yet see anyone who discusses this fascinating point you raised! The best I can offer at the moment is a few suggestions, in what I believe is descending order of likelihood:

1. About 1000 years had passed since Ezra's time until the Talmud Bavli was recorded. During that time, perhaps some of the families with poor lineage migrated back from Eretz Yisrael to Bavel.
2. Ezra never felt any need to remove these descendants of the Erev Rav because his goal was to avoid them mixing in to the Jewish marriage pool, and here there was no such risk, because the individuals discussed in our Gemara were publicly known as low characters, and thus people knew to stay away.
3. Ezra was only concerned with removing people who were illegitimate, e.g. Mamzer/Eved/etc. But, assuming the Erev Rav were legitimate converts, Ezra may have felt there was no need to remove them, since technically they are basically Kosher, since they are not Gerim, but only descendants of Gerim.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

ADDITION:

Please let me add two comments related to the suggested resolutions we discussed.

Regarding #1, as a mentor of mine Rabbi Rafi Braun pointed out, it may be difficult for us to say that just because so much time has elapsed, therefore some families might have come back, because the Gemara itself in the last Perek of Kidushin uses this assumption -- that Bavel is free of any Pesulei Yichus -- even as late as Talmudic times [1].

Regarding #3, as someone kindly pointed out to me [2], the Rambam rules like the opinion in the Gemara that a descendant of Gerim "loses" that status -- at least in the sense that he cannot marry a Mamzeres (unlike the earlier descendants of those Gerim) -- after enough generations have passed that he no longer is identified as a Ben Gerim.

By the way, a fourth suggestion might be that those wealthy families of Bavel didn't travel with Ezra to Eretz Yisrael because for some reason Ezra couldn't identify them (even though Rav was able to do so [3]!).

Sources:

1. https://www.sefaria.org.il/Kiddushin.69b.5?ven=William_Davidson_Edition_-_English&lang=bi&with=Commentary&lang2=he#:~:text=
 2.
 3. <https://www.sefaria.org.il/Beitzah.32b.3?lang=bi&with=all&lang2=en>
-

Beitzah 032: Bavli Yichus

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3. Ezra was only concerned with removing people who were illegitimate, e.g. Mamzer/Eved/etc. But, assuming the Erev Rav were legitimate converts, Ezra may have felt there was no need to remove them, since technically they are basically Kosher, since they are not Gerim, but only descendants of Gerim.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

GENERAL: Kittel

H David Levine asks:

I ordered a men's kittle, but it buttons on the left, like womens' garments in the U.S. Did I get the wrong kittle, or is this the custom for kittles? Should I otherwise suspect beged ishah?

H David Levine, Roanoke, VA USA

The Kollel replies:

Dear David,

Yes, this is the common custom for a men's Kittel. I came across an article about the issue that you might have a chance to look at: https://www.chabad.org/library/article_cdo/aid/1156/jewish/The-Man-in-the-Glass-Case.htm

Gemar Chasimah Tovah!

Yishai Rasowsky

Sukah 026: Tefillin Covered by Sudar

Daniel Gray asks:

Why does Rashi deviate from Shmuel Brochos 23b in two ways: next to head vs under AND reason of angels needed at all?

Daniel Gray, Toronto Canada

The Kollel replies:

Shalom Daniel!

Great to hear from you. I like your question. I see the Gemara in Berachos on Daf 24a clarifies that the Tefilin should not be placed directly under the head [1], and this would seem to be true even according to the

opinion of Shmuel [2]. Once it is established that sleeping with one's head directly over the Tefilin is forbidden, perhaps we can better understand why Rashi cites the rationale that we are not angels [4]. Even though we are only human beings, and therefore during the course of sleep we might accidentally place our head upon the Tefilin, nevertheless Chazal did not oblige us worry about that possibility. This interpretation also would be reflected in the Ra'avad [3].

I hope this helps!

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Berakhot.24a.1?lang=bi&with=Rashi&lang2=he>
2. <https://www.sefaria.org.il/Berakhot.24a.4?lang=bi&with=Rashi&lang2=en>
3. https://www.sefaria.org.il/Katuv_Sham_on_Sukkah.12a.2?lang=he&with=all&lang2=he#:~:text=
4. https://www.sefaria.org.il/Sukkah.26a.14?lang=bi&p2=Rashi_on_Sukkah.26a.14.3&lang2=bi

ADDITION:

Dear Daniel,

I hope you are well. I believe that Rashi was, at least in part, basing his interpretation on the Gemara in Tamid [1] which concludes, based on a proof from the garments of the Kohanim, that it is permitted to sleep with Tefilin beside your head.

I hope this helps clarify.

Best wishes,

Yishai

Sources:

1. https://www.sefaria.org.il/Tamid.27a.17?vhe=Wikisource_Talmud_Bavli&lang=he&with=CommentaryoftheRosh&lang2=he

Sukah 027: Chiyuv to Eat on Chol Hamoed

Menachem Weiman asks:

The mishna says according to the chachamim "ain ledavar kitzv". Rashi goes further and says not only are no bread meals obligated, but if one wanted to fast he could. Rashi seems to contradict a Mechilta on Shmos 12:16 that darshans an obligation to honor the chol hamoed with clothes and food. Fasting would seem to violate this.

Menachem Weiman, St. Louis, United States

The Kollel replies:

Shalom Menachem,

Very good question! I see the Acharonim speak about this point. Maybe we can organize it as follows. The Kashya makes three assumptions:

1. Rashi means literally that there is no problem to fast on Yom Tov (or Chol ha'Moed as you astutely pointed out).
2. There is a prohibition to fast on Yom Tov in the day and in the night.
3. There are no exceptions to that prohibition.

I am aware of three answers, each of which will erase one of those assumptions above.

Answer A) Rashi's language is to be taken with a grain of salt. He doesn't mean that we are allowed to fast on Yom Tov per se. He is just saying that with regard to Hilchos Sukah, there is no obligation to eat. This is the Pnei Yehoshua's first answer. And it fits with Tosfos' understanding on Daf 49 of Berachos.

B) Rashi can indeed be taken literally, and he is saying it is OK to fast on Yom Tov. Only that this is permitted specifically at night. The prohibition to fast is only in the daytime. This is the Pnei Yehoshua's second answer.

C) There is a prohibition of fasting on Yom Tov, but there is an exception if you had a bad dream the night before (see Shabbos 11a). In such a case, fasting is OK according to the Chachamim, but not according to R. Eliezer. This is Aruch la'Ner's answer.

I hope this helps!

Best wishes,

Yishai Rasowsky

Menachem Weiman asks:

Thanks. I was wondering if possibly Rashi held that the obligation to eat was only for the other chagim but since Sukkos has the drasha of "teishvu k'ain teduro" the idea of eating the way you want takes precedence.

The Kollel replies:

Dear Menachem,

Great to hear from you. You are making a very legitimate point. In fact, one can see in the Gemara itself that Rebbe Eliezer's opinion, and the Rabanan's reply to him, are both based on the concept of Teishvu k'Ein Teduru [1]. Tosfos brings the Yerushalmi to explain the basis of each Tana's opinion [2]. The Rabanan learn a Gezerah Shavah ("15-15") from Pesach: Just as on Pesach the only obligatory meal is the first night whereas the rest of the days are optional, so too for Sukkos. Though I cannot say I have 100% proof regarding Rashi's opinion on the issue, the mainstream opinion seems to prohibit fasting on the Regel even if a person fasts on other days of the year [3].

Best wishes,

Yishai Rasowsky

Sources:

1. <https://www.sefaria.org.il/Sukkah.27a.5?lang=bi>
2. https://www.sefaria.org.il/Tosafot_on_Sukkah.27a.5.1?lang=bi&with=all&lang2=en#:~:text=
3. https://www.sefaria.org.il/Shulchan_Arukh_Orach_Chayim.529.3?lang=bi&p2=Mishnah_Berurah.529.20&lang2=bi

ADDITION:

Shanah Tovah Menachem,

I hope you are well. We had discussed, in C above, the Aruch la'Ner, who writes that fasting for a bad dream is permitted on Yom Tov, just like on a weekday or on Shabbos. Regarding that, I was taught recently that the Chasam Sofer writes [1] that only fasting for a bad dream is permitted on Yom Tov to prevent the danger of the dream. But, by contrast, if someone simply enjoys fasting, then it is permitted to fast only on a weekday or on Shabbos, but not on Yom Tov, since Yom Tov requires Simchah, which should involve eating and drinking. In that regard it is unlike Shabbos, which has no Mitzvah of Simchah, rather Oneg; on Shabbos, for someone who feels pleasure by not eating fasting is permissible. I saw quoted in the Oz v'hadar Mishnah Berurah that the Maharil similarly espoused such a Chiluk.

Gemar Chasimah tovah,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Responsa_Chatam_Sofer_Orach_Chayim.168.4?lang=en&with=all&lang2=en

Sukah 029: Rain During Sukos, the Overturned Pitcher

Yisrael Rutman asks:

Why is there no similar expression of Divine rejection in conjunction with other mitzvos? On the contrary, we are expected to fulfill the mitzvos even under duress. If it rains at other times of year, we do not say that Hashem does not want our tefillos in the shul we have to walk to in the rain. Except for cases of onsin, such as serious illness or other incapacity, we say לִפְנֵי תַּזְרָא אַגְרָא, according to the hardship is the reward. We don't seek out obstacles in performing mitzvos, but when they come our way, we try to overcome them. Why not say that Hashem is offering more reward for waiting for the rain to stop so that we can return to the Sukkah?

Yisrael Rutman, Pardes Hanah, Israel

The Kollel replies:

Dear Yisrael,

Great to hear from you. Very nice question!

Beur Halachah writes [1] that one is only called a Hedyot if he is doing something wrong, e.g. putting himself in discomfort during the Chag when -- on the contrary -- one is supposed to be comfortable. Moreover, he elaborates [2], the problem with eating in the Sukkah in the rain is that one is forcing Hashem to accept his divine service when in fact, just the opposite, Hashem is showing that He is displeased with it. This is not Derech Eretz. But, as you astutely pointed out, one does receive more reward for making the effort to shlep back out into the Sukkah after the rain stops, even though one is technically exempt at that point [3].

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org/Biur_Halacha.639.7.1?lang=he&with=all&lang2=he
2. https://www.sefaria.org/Biur_Halacha.639.7.2?lang=he&with=all&lang2=he#:~:text=
3. https://www.sefaria.org/Shulchan_Arukh_Orach_Chayim.639.6?lang=he&with=BiurHalacha&lang2=he

ADDITION:

Shalom Yisrael,

I hope you are well. As I think more about your question, it is tempting to connect it with the Machlokes about how to understand the actual reason for the Petur from Mitzvas Sukkah while it's raining.

Some maintain that it is only based on the Din of Mitztaer Patur Min ha'Sukkah. Others would argue more categorically that it actually has no status of Sukkah-dwelling at all.

Also, you may remember the Machlokes ha'Poskim whether rain exempts a person from eating in the Sukkah on the first night (Rashba says yes, but Rosh says no; see Orach Chayim 639:5). Furthermore, even assuming that you are not Patur, there is secondary issue of whether you should eat in the rain or wait until the rain stops.

Moreover, some Poskim maintain that the Petur of rainfall applies if it would ruin your food, even if you personally are not Mitztaer.

To conclude, the inference one might draw from the above points is that -- in addition to what we discussed above from the Beur Halachah -- despite one's possibly pure intentions to courageously dwell in the Sukkah in inclement weather, nevertheless, according to some views, one is arguably gains nothing by insisting to do so because it is an inherent Chisaron of Teshvu K'Ein Teduru.

Best wishes,

Yishai Rasowsky

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I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Sources:

1. https://www.sefaria.org/Biur_Halacha.639.7.1?lang=he&with=all&lang2=he
2. https://www.sefaria.org/Biur_Halacha.639.7.2?lang=he&with=all&lang2=he#:~:text=
3. https://www.sefaria.org/Shulchan_Arukh_Orach_Chayim.639.6?lang=he&with=BiurHalacha&lang2=he

Yevamos 078: Meaning of Ma'amar

Joshua Danziger asks:

Hello kollel!

In the Yom Kippur davening the song *anu amecha* ends with the statement *anu maamirecha, vatah mamareinu*.

Is this related at all the the mamar of yibum? I would have expected language like *anu meurasah* instead, but had a thought that perhaps since on Yom Kippur we got the second luchot the analogy is better, and it's more appropriate to use the language of maamar than saying something like we are Hashems *machzir grushaso*.

Any insights are appreciated!

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you! I enjoyed reading your moving explanation, which contains much truth.

I tried checking the commentaries for relevant insights. Since this phrase takes the language from Devarim 26:17-18, I will borrow what the Mefarshim say about that verse. In the Sefer Otzar Mefarshei ha'Pshat I see several interpretations. One could divide them into three basic groups, the third of which indeed interprets the term to mean saying or declaring, as you did.

Group 1: CHOICE.

1a. Hashem and Klal Yisrael have uniquely selected each other (Rashi's first explanation).

1b. Hashem and Klal Yisrael have taken each other in *exchange* for all other options, based on the language of Temurah (Chizkuni, 13th century France; Rabbi Yosef Bechor Shor, 12th century France).

Group 2: GREATNESS.

2a. Glorify (Rashi's second explanation)

2b. Praise (Rashi on Chagigah 3a)

2c. Attribute grandeur, like the phrase "Rosh Amir" in Yeshayahu 17:6 (Ibn Ezra)

2d. Exalt (Ramban; Seforno).

Group 3: SAYING.

3a. Hashem and the Jewish people each act perfectly toward one another so as to cause the other party to *proclaim* its loyalty (Ibn Ezra's citation of Rabbi Yehudah ha'Levy ha'Sefaradi; Rashbam).

3b. To *communicate to others* the message of adherence between Hashem and the Jewish people (Shach commentary on the Torah by Rav Mordechai ha'Kohen of 16th century Tzefat, not to be confused with Rav Shabbatai ha'Kohen of 17th century who wrote the Shach on Shulchan Aruch).

3c. The *pronouncement* of gratitude and allegiance associated with the declaration of Bikkurim and Ma'aser (Kli Yakar).

3d. The Jews' public *vow* to Hashem, and He exercises exclusive control over us as His nation (Rav S.R. Hirsch).

From the array of views, perhaps the last most resembles your Pshat.

I hope this helps!

May you continue to achieve greatness in Torah scholarship and Yiras Shamayim.

Best wishes for Chag Sameach,

Yishai Rasowsky

Yevamos 070: Children/Servants who are Areylim - Eating Korbanos

Naftoli Willner asks:

I submitted the following question a number of weeks ago. Perhaps I missed the answer (I don't think so), or perhaps since it is not on the current area of the Daf Yomi it is not appropriate. If that is the case, I apologize and let me know.

I hope it is OK to ask a question on a non-daf yomi topic.

The gemarah in Yevamos says: Milas Zecharav v'Avadav Me'akeves Bo mi'Le'Echol b'Pesach v'Ein Milas Zecharav v'Avadav Me'akeves Bo mi'Le'Echol Terumah

My question is regarding Milas Zecharav v'Avadav by Korbanos other than the Korban Pesach. From the fact that the gemarah excludes Trumah, it would seem that Milas Zecharav v'Avadav would be a problem by other Korbanos (otherwise the derasha would be to exclude other Korbanos).

However, I was not aware that this would be a problem by other Korbanos - and looked around and didn't see a source for this (either way) though I did think that this is only a problem for the Korban Pesach. It is almost like the middle stage is left out of the derasha.

Thank you very much in advance.

Naftoli

Naftoli Willner, United States

The Kollel replies:

Dear R' Naftoli,

Great to hear from you. Very nice question!

Having slaves who are not circumcised is only a problem for the Korban Pesach, but not other Korbanos. But the Gemara here relates to Terumah, not other Korbanos, because the discussion centers around the prohibition of a Kohen himself to eat Terumah if he is not circumcised, as discussed in the Mishnah.

I hope this helps!

May you continue to attain greatness in Torah learning and Yiras Shamayim!

Best wishes,

Yishai Rasowsky

Evan asks:

Thank you very much for your answer. I understand that the context of the topic and the Mishnah is Trumah - however a couple of follow up questions if that is the case:

How do I know (what is the source) that I don't apply the rule that we know by Korbon Pesach to other Korbonos? Typically if there is a single place that is learned, I apply that to similar cases unless there is a limitation. Do I see that limitation anywhere?

We see the same derasha in Pesachim (not dealing with that mishna) and it also limits Trumah and not other Korbonos. Why would the drasha not be precise?

Thank you very much again.

Naftoli

The Kollel replies:

Dear R' Naftoli,

You are very welcome. Deep questions you are asking! I will share this though: The Rambam writes the basis from which we learn the prohibition of an Arel to eat other Korbanos is in fact from the source written by Korban Pesach [1,2]. (Tosfos discussed a similar possibility regarding the prohibition of an Onen to eat other Korbanos [3].) Also, if you have an opportunity to look in the Maasei Hamelech [4], I believe he discusses key points that revolve around your Kashyas. Perhaps most startling and significant for our discussion is his citation of the Yerushalmi [5], in which an objection (to a related Limud) is presented based on the law of not breaking bones which is unique to Pesach.

I hope I find more about it. This is all the insight I have at the moment.

Kesivah v'Chasimah Tovah!

Yishai Rasowsky

Sources:

1. https://www.sefaria.org.il/Mishnah_Yevamot.8.1?lang=he&with=Rambam&lang2=he#:~:text=-,-,-
2. https://www.sefaria.org.il/Sefer_HaMitzvot_Negative_Commandments.135.1?lang=he&with=all&lang2=he#:~:text=-,-,-
3. [https://dafyomi.co.il/yevamos/tosfos/ye-ts-070.htm#:~:text=\(SUMMARYTosfosdiscusseshowwelearnthatotherKodshimareforbiddentoanOnen.\)](https://dafyomi.co.il/yevamos/tosfos/ye-ts-070.htm#:~:text=(SUMMARYTosfosdiscusseshowwelearnthatotherKodshimareforbiddentoanOnen.))
4. https://www.sefaria.org.il/Mishneh_Torah_Sacrificial_Procedure.10.9?lang=he&p2=Maasai_LaMelekh_on_Mishneh_Torah_Sacrificial_Procedure.10.9.1&lang2=he
5. https://www.sefaria.org.il/Mishneh_Torah_Sacrificial_Procedure.10.9?lang=he&p2=Maasai_LaMelekh_on_Mishneh_Torah_Sacrificial_Procedure.10.9.1&lang2=he#:~:text=

Evan asks:

After a bit more thought and looking into the sigua, I think I found an answer.

This whole discussion is based upon the limud of R' Eliezer who has a Gezeras Shave of "Toshav V'Shachir" between Trumah and the Korbon pesach. Therefore, there is a very strong connection between the two (as established by the Gezeras Shave. Therefore, the limud is specifically to exclude the Milah of children and avadim from the Gezeras Shave.

The limud of "Bo" would exclude anything that is not the Korbon Pesach (including other Kodshim) - however the first and strongest connection is to Trumah due to the Hekes of R' Eliezer.

This seems to me like it is the real pshat. What do you think?

(Later message)

Thank you very much for all of your help and sources. I have had a chance to look at them - and will examine further. I really appreciate the time.

First, perhaps you have seen my earlier email - explaining a thought I had on the reason the drasha in yevamos excludes Trumah (since that is the Gezeras Shava).

Also, a few other items/sources. The Yerushalmi seems to be a great source - that is a drasha that the reshonim don't bring (perhaps they didn't have it?). Also, I believe that the link provided (for the Yerushalmi) is not correct but should be https://www.sefaria.org/Jerusalem_Talmud_Yevamot.43b.1?lang=he&with=all&lang2=he

In the meantime I have also found another approach taken by some reshonim - that an Arel is Maos (according to the opinion of R' Elozar in Yevamos) - The Meiri in Chagiga (https://www.sefaria.org/Meiri_on_Chagigah.4b.1?lang=he&with=all&lang2=he) Also the Ramban (https://www.sefaria.org/Yevamot.72b.14?lang=bi&p2=Chiddushei_Ramban_on_Yevamot.72b.2&lang2=bi) and the Rashba (<https://www.sefaria.org/Yevamot.72b.14?lang=bi&with=Rashba&lang2=en>) in Yevamos seem to say that it is due to Maos.

So it seems that there are a number of different approaches as to why an Arel is prohibited from eating Kodshim. Regarding the children or eved that is an arel - preventing from the Korbon Pesach and not other korbonos, that could be the drasha that is used to exclude Trumah. Regarding my original question of why the gemara excludes Trumah and not Kodshim - that could be due to the fact that the limud (Gezeras Shava) that the Gemara is discussing is by Truma.

I hope what I am saying makes sense. Thank you very much and have a Gmar Chasima Tova,

Naftoli Willner

Thank you again,

Naftoli

The Kollel replies:

Shalom R' Naftoli,

I love reading your Chidushim. What you are saying contains a great deal of truth, and clearly you have found great insight regarding your question. Yasher Koach! If I can just add a small point that I saw the Mesivta volume on this Daf (Otzar lyunim 94:3) brings. It is a Machlokes that sounds relevant to your topic.

That is, on the basis of what source is an Arel forbidden to partake of Kodshim. The Minchas Chinuch (17:7) understands it is based on the prohibition by Korban Pesach, whereas the Brisker Rav (Ma'achalos Asuros 2:23) understands it is on the basis of the prohibition by Terumah. A number of Nafkah Minahs:

1. Is a person culpable for eating it before the Matirin are offered on the Mizbeach? According to the Minchas Chinuch no, according to the Brisker Rav yes.
2. With what other Isur would one half-Zayis of Kodshim combine to a complete a shiur? According to Minchas Chinuch only Basar Korban Pesach, according to the Brisker Rav Terumah.
3. What warning must a person receive in order to be liable? According to the Minchas Chinuch the Posuk by Korban Pesach, according to the Brisker Rav the Posuk by Terumah.

Keep up your great work!


Gmar Chasimah Tovah,

Yishai Rasowsky

Beitzah 017: Avar v'Afah

Dino Feigelshtock asks:

Shalom!

The guemara at the top of amud bet seems to suggest that, if when AVAR VEAFA the food would have been permitted, the Baraita should have suggested (as a solution to one who did not make eruv tabshilin) to cook on Yom Tov for the next day. How the Baraita would suggest something that is ASUR, AFILU MERABANAN? (that s seems to be the answer of the gemara, but how the question even comes to the mind?). Please note that, as I understand it, the MAHARM SHIF states that the gemara suggests that the Baraita should have suggested to cook on Yom Tov for the next day LECHATECHILA (not if this already happened).

Dino Feigelshtock, Washington DC, USA

The Kollel replies:

The Kollel replies:

m Dino,

Great to hear from you. I agree with you! It would be quite alarming if the Maharam Shiff meant that the Gemara expected the Baraisa to advise a person to violate the Isur d'Rabanan of baking on Yom Tov for Shabbos without an Eruv Tavshilin.

Therefore, one might instead interpret the Maharam Shiff to mean that the Gemara expected the Baraisa to mention cooking as being a possible -- not advisable and not permissible, but possible -- avenue of producing cooked food that will be permitted to eat on Shabbos.

Trying to understanding other aspects of the Maharam Shiff's Pshat also presented challenges. For example, consider the past tense language in the Gemara's suggestion "Lisnei *Avar v'Afah* Mutar". According to the Maharam Shiff, shouldn't it use the present tense and say "Oveir v'Ofeh"?

In addition, his proof is based on the premise that if someone cooked b'Shogeg then the resulting food may be eaten. This is Mashma in the Gemara, because the question asked was only regarding Avar i.e. Meizid. And this indeed is the opinion of many commentaries. But in Ohr Zarua II section 343, some say the resulting food in that case is forbidden, according to which, the proof collapses.

I hope this helps!

Warmest regards,

Yishai Rasowsky

GENERAL: Gehinom

Nati raymond asks:

Is it true or false that someone who breaks shabbat in public intentionally has an eternal gehinom. If so what would be the source

Nati raymond, london

The Kollel replies:

Shalom R' Nati,

Great to hear from you.

Amongst the sources I came across, here are the two which sounds the closest to what you were looking for:

1. Even though punishment of the wicked in Gehinom ceases on Shabbos, for those who did not keep Shabbos the punishment continues without stop (Zohar, Terumah 41:452).
2. Those who violate certain sins, including public Shabbos desecration, descend to Gehinom for judgment and never come back up (Zohar, Vayera 17:248).

For reference, however, allow me share a few other sources that relate to Shabbos and Gehinom.

3. The Zohar (Pinchas 93:645) discusses the specific place in Gehinom designated for Shabbos violators.
4. Midrash Tehillim (92:3) teaches that Shabbos helped spare Adam HaRishon from being punished in Gehinom.
5. The Rambam (Hilchos Teshuvah 3:6) enumerates several types of sin for which the punishment is eternal destruction. Among these are heretics and people who flagrantly commit transgressions publicly manner. Potentially, Shabbos violation could qualify for this category, depending on the circumstances.
6. Rambam also repeatedly mentions that a person who violates Shabbos is like an idolator or heretic (Sabbath 30:15, Eruvin 2:16, Ritual Slaughter 4:14, Divorce 3:15, Robbery and Lost Property 11:2). And we know that heretic is destined for eternal destruction (Hilchos Teshuvah 3:6).

I would like to add two qualifications. One is that a person can always repent and thereby be spared any punishment no matter how much of his life was spent in sinful activities (see Pirkei Avot 4:11 and Mishneh

Torah, Repentance 6:2). And the second is that some opinions differentiate between a person who breaks Shabbos because he is denying that Hashem created the world versus someone who actually believes in Bria ha'Olam, and even recites Kiddush, but breaks Shabbos for other reasons. See for example Shu"t Binyan Tzion #23.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Makos 005: After Gmar Din but before He is Put to Death

Michael Ettedgui asks:

The chachamim learn out of Achiv that the victim needs to be alive in order to kill the zomemin, and the victim's gmar din must have happened from nefesh bnefesh. What is the starting point? Meaning by malkus you shouldn't have either drasha so why acc. to rashi is the gemara asking what the source they only get malkus if 2nd set come after the gmar din? Same thing by money, Tosfos has the same assumption?

Michael Ettedgui, BOCA RATON

The Kollel replies:

Shalom R' Michael,

Great to hear from you.

A. As you correctly wrote, the Chachamim subscribe to two Drashos. "Achiv" teaches that the Edim Zomemin are only to be killed if they did not "succeed" in having the defendant killed. And "Nefesh" teaches us that the Edim Zomemin are only to be killed if the Gmar Din has already been issued against the defendant.

B. When you say "What is the starting point?", I believe you are asking, "What would the Halachah have been without these two Drashos?" I understand that the Halachah would have been this: We always apply the punishment to the Edim Zomemin, even if the defendant has already been killed, and contrastingly even if the Gmar Din has not even been issued.

C. Therefore, as you indicated, when instead the punishment in question is Malkos, the story would seem to be different. Since these Drashos do not directly apply to Malkos. So, what would the halacha be? Logically, *if* there were no additional Scriptural source, then the Edim Zomemin should be punished in the following circumstances:

#1) The defendant already was lashed.

#2) The Beis Din did not yet issue a ruling convicting the defendant to a penalty of lashes.

D. According to Rashi and Tosfos, it is precisely because of this that the Gemara is asking what indeed is the source to *exempt* the Edim Zomemin in circumstance #1. Because, barring any additional source, they would seem to deserve punishment.

E. But maybe what you are asking is this: "According to Rashi and Tosfos, why in fact does the Gemara assume that the Edim Zomemin would indeed be exempt in circumstance #2?" I think the answer to this is that there was a Mesorah, i.e. in Torah she'Baal Peh it was known. But what is being clarified here is where we learn it from in the verses of the Torah.

F. It is also important to be aware of the explanation of the Shaagas Aryeh. In his Sefer Gevuras Ari [1] (DH Chayavei; and even moreso DH v'Li Nireh), he understands this stage of the Gemara to be asking what the source would be to exempt the Edim Zomemin in circumstance #1. Interestingly enough, according to the Rambam (Hilchos Edus, chapter 1) the Edim Zomemin are in fact punished in circumstance #1. According to the Gevuras Ari, the question in section E above has a different answer. That is, we learn it from "Mishpat Echad" (Vayikra 24:22) which equates some laws of Nefashos and Mamon (see Sanhedrin 3a).

G. For reference, I would encourage you check also a completely different angle in the Peirush of Rabeinu Chananel. He understands this line of the Gemara to be asking about the principle of Ein Onshin Min ha'Din.

If something is still unclear, I hope that you will write again. But for now, I hope this helps to begin addressing the point that was bothering you.

Warmest regards,

Yishai Rasowsky

References:

1. Available at Hebrewbooks.org, 40806.

Megilah 020: Different order between the Mishnah and Gemara

Yehuda asks:

In the Mishnah on daf 20b, it says for the entire day you can fulfill the Mitzvah of blowing the shofar and taking the lulav. However, in the Gemara, when it brings proofs that these are day Mitzvos, it switches the order of the Mishnah to lulav THEN shofar, rather than shofar then lulav.

What is the reason the order is switched in the Gemara?

Yehuda, United States

The Kollel replies:

Shalom Yehuda,

Great to hear from you.

That is an interesting and difficult question. Indeed, virtually all the time, we see the Gemara address the distinct items in a Mishnah in consecutive order.

Though I did not yet come across what I find to be a definitive answer, one is nevertheless tempted to suggest the following reasons to distinguish the order employed in the Mishnah versus that of the Gemara:

In the Mishnah, the laws are simply being listed succinctly. Therefore, perhaps the Tana chose to list Shofar before Lulav in order to fit with the chronology of those Mitzvos in the calendar, i.e. Rosh Hashanah comes

before Sukkos.

Alternatively, the Tana wanted to place Hallel next to Lulav, and not next to Shofar, because there is a Mitzvah Hallel on Sukkos but not on Rosh Hashanah.

In the Gemara, however, the focus is on the scriptural sources which are being provided. Therefore, there is more reason to list the verses according to the order in which they appear in the Torah. The Posuk for Lulav appears in earlier Sefer Vayikra, whereas the Posuk for Shofar appears later in Sefer Bamidbar.

I realize, however, that more explanation would be required to justify the order of the other laws and sources in this Sugya.

Just to add another dimension to the discussion of the fascinating point you raised, I want to share with you that I noticed the Rabeinu Chananel who cites the Yerushalmi as presenting the scriptural sources for these laws in yet another order; namely: Megilah, Hallel, Shofar, Musaf, Tefilas Musaf, Lulav, etc.

I wish that I had a more definitive answer for you, and if I do find one, Bli Neder I will try to share it; but for the time being, I hope this helps!

Warmest regards,

Yishai Rasowsky

Shmuel Berkovicz adds:

See Aderes Eliahu (Rikki) and Kesef Rachamim (Chori) that were sensitive to this issue.

The Kollel replies:

Shalom R' Berkovicz!

Yasher Koach for sharing these very helpful sources!

Indeed, as you wrote, I see that the Aderes Eliyahu explains that Lulav and Shofar are placed right after Megilah (with the exception of Hallel which is equated to Megilah as per Rav Nachman on Daf 14a) because -- just like Megilah -- they are forbidden on Shabbos, as the Gemara relates in Rosh Hashanah 29b. But I do not see that he relates to the specific anomaly that you astutely noticed, i.e. that the Gemara explains Lulav and Shofar in the opposite order as how the Mishnah enumerated them.

The Kisei Rachamim (I'm assuming that "Kesef Rachamim" was an innocent typographical issue) does address this, and writes one of the idea we discussed above, i.e. that the Mishnah follows the sequential order of the two Yomim Tovim, i.e. Sukkos follows Rosh Hashanah.

I appreciate your valuable time and feedback!

Warmest regards,

Yishai Rasowsky

Nazir 009: Beis shammai should make no distinction

Avrumi Hersh asks:

9b last line

The gemoro says that reb yochanon says, that chikiya should agree, that the chiddush of the mishna which says that "harey olay mincha from seorim" is not excluding adoshim, cos the chiddush by seorim is even bigger. The chiddush is that perhaps it's not a chazorah of his words "mincha" instead he means to say that originally he only agreed to a minchas nedovo of seorim and if that's not possible then he won't give anything. Km"l.

But why is that a chiddush, surely according to beis shammai the rule of hekdeshtous is, that you are chayav to do anything you say, even if you expressly made a tenai, e.g. seorim or nothing. Just like beis shammai says if you made a tenai of a certain animal that comes out my house 1st and a totally different animal emerges, this is still hekdeshtous and it still works. So acc. To chizkiya in beis shammai this is no extra chiddush at all. This is the same rules?

Avrumi Hersh , London england

The Kollel replies:

Shalom R' Hersh,

Great to hear from you.

When he says he wants to bring a Minchah of lentils, it is relatively more obvious that he is Chayav to bring a wheat Minchah. The reason is because his words contained a glaring error. No one, after all, would actually think that a Minchah can be made from lentils. So, based on the premise that he must have intended something coherent, we can only assume that he was attempting to retract from his original commitment to bring a Minchah. But, in fact, he is not able to retract; therefore, he certainly remains Chayav to bring a Minchah.

If, on the other hand, he says he wants to bring a Minchah of barley, it is relatively less obvious that he is Chayav to bring a wheat Minchah. The reason is because his words contain only a slight error. One could potentially be unaware that a Minchah should not be made from barley. But if so, then there is no reason to assume that he meant to commit himself to anything other than what he actually said, i.e. a barley Minchah. Since he cannot in fact bring this, therefore one might have thought that he remains exempt from bringing the Minchah.

I hope this helps!

Where did you find that Beis Shammai's view regarding the individual who expressly makes a Tenai regarding which animal will come out of his house? Thanks!

Warmest regards,

Yishai Rasowsky

Addition:

I see you were referring to the Mishnah at the beginning of the fifth Perek. Although I do not have a full answer, I am nevertheless tempted to suggest three potential approaches to begin work at resolving the

challenging point you are raising.

1. The very "Chidush" of the ruling in the Mishnah may be exactly your point. In other words, the Tana is coming to teach us that we do not say "there is no Chiyuv because it was based on a mistake." Rather, the view being conveyed in our Mishnah, i.e. that of Beis Shammai, is that even when a person erred in their understanding of the situation when stipulating a Korban, it is nevertheless binding.

a. A difficulty with this is that seemingly there would be no reason to teach such a Chidush in this Mishnah when it is already going to be taught explicitly in the Mishnah in chapter five.

b. Possibly one could resolve this by saying that the Mishnah is not intending to inform us per se that this is Beis Shammai's view; but rather, as a matter of style, the Tana is simply selecting the case which is indeed a greater Chidush, the reason for which is based on the Mishnah in chapter five.

2. I believe your question is based on Daf 31a where the Gemara expresses its initial understanding of Beis Shammai's view. But Rav Papa rejects that view. Maybe our Gemara is in accordance with his interpretation of Beis Shammai. One, however, may object to this because it does not seem appealing to establish the Stam Gemara on Dapim 9b-10a like one opinion in a later Perek, especially if I do not see a clear comment to this effect in the Gemara or Rishonim.

3. There is a difference between two types of declaration. One is declaring a particular item to become Kadosh, which Beis Shammai validates even though there was a mistake involved, such as by the Shor on Daf 31. The other is taking upon oneself the obligation to bring a future offering, such as the individual on Daf 9 who vows to bring a Minchah. Therefore, possibly, even if one were to hold that Hekdesh on a specific object will take effect even if the person who was Makdish made a mistake. For example, declaring that the Shor emerging from the house is Kadosh whilst being mistaken about the color. Nevertheless, one could still theoretically hold that taking on an obligation cannot take effect if the person vowing was under a mistaken impression. For example, if he vowed to bring a Minchah made of lentils. We see this distinction, by the way, in the context of the question raised by the Gilyon Ha'Shas on 9b. One may seriously question my argument, however, because as the Kashya of the Gilyon Ha'Shas makes clear, for some reason our Gemara does feel comfortable inferring from a case in which one declares an item to be Kadosh (vowing to be a Nazir from figs) to a case in which one takes upon himself an obligation (vowing to bring a barley Minchah).

Since I didn't find my proposed resolutions discussed in the commentaries, I cannot tell you that I have a definite answer right now. But for the time being I hope our discussion helps contribute to your fascinating analysis of this topic. Meanwhile, I will defer to other members of the Kollel in case they are able to offer additional help and insights on this challenge you raised.

Warmest regards,

Yishai Rasowsky

Pesachim 113: Resha'im

Nati raymond asks:

Are we meant to love or hate rehsyaim who sin bemezid. Would it make a difference if the rasha is machate harabim?

Nati raymond, United Kingdom

The Kollel replies:

Shalom R' Nati,

Great to hear from you. Certainly there are sources which teach us that it is proper to hate wrongdoers. On the other hand, we are also guided by our great commentaries who at times advise us to qualify and limit the hatred that we bear towards fellow Jews, even if they are sinners. For practical purposes, paying attention to the latter sources may be even more important to than to the former.

1. Rav Nachman Bar Yitzchak (on the Daf you cited, Pesachim 113b) tells me that I am obliged to hate someone whom I alone saw commit an impropriety.
2. Mekhilta (DeRabbi Shimon Ben Yochai 23:5) says likewise, but qualifies by reminding me that I am still obligated to return his lost object and help him with his animals struggling under a burden.
3. Rambam (Hilchos Rotzeach 13:14) and Shulchan Arukh (Choshen Mishpat 272:11) rule accordingly, including the caveat that it is only a Mitzvah to hate him if he refused to accept rebuke after being properly warned. (See the Hagahos Maimoniyos, cited by Chazon Ish below.)
4. Some commentaries -- including the Mishnah Berurah (156:4) -- understand Chazal as referring only to sins which are serious and well-known. That would seem to be reflected in the phrase "Dvar Ervah".
5. Interestingly enough, Minchas Chinuch (238:1) questions whether there is a basis to keep the hatred within one's heart or must it be expressed openly.
6. I understand from the conclusion of Tosafos (Pesachim 113b DH she'Ra'ah) that there are really two levels of hatred. One is for principled, objective, and idealistic reasons. That is proper, since it is altruistic and unbiased. But the second type is escalation of a personal vendetta, i.e. emotional and subjective; this is discouraged. But see Tosfos and Ramban in Bava Metzia (32b) who evidently disagree with this distinction.
7. The Chazon Ish (Yoreh Deah 2:16 DH v'Nireh d'Eini) warns that animosity -- actually, he's talking there about violence, but I think the principle applies to animosity as well -- expressed toward sinners nowadays will only drive them farther away from Torah. Therefore, he recommends, one should instead adopt an approach of drawing people closer to Hashem through sensitivity and love. Furthermore, Chazon Ish (Ibid. 2:28) cites (a) the Hagahos Maimoniyos in Perek 6 of Hilchos Deos who maintains that before it is permitted to hate the sinner, he first must be rebuked and refuse to accept that rebuke. The same piece in Chazon Ish cites the Chafetz Chayim in the end of Ahavas Chesed who cites the (b) Reem Molin who maintains that it is a Mitzvah to love Reshaim today, and (c) the Maharam of Lublin who maintains that even wrongdoers today are considered not-yet-rebuked, since we don't know how to give Tochachah. Remember the Sifrei (Devarim 1:8) in which Rebbe Akiva himself didn't believe that anyone in his generation could give Tochachah!

There is much more to discuss about the important questions that you raised, but for now I hope this helps as a start!

Warmest regards,

Yishai Rasowsky

Sanhedrin 006: Rebbi Yehoshua Ben Lakish

Joshua Danziger asks:

Hello Kollel!

The Gemara quotes someone called r yehoshua ben lakish. Who is he and what's his relation to reish lakish?

Thank you.

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you.

Interestingly enough, I saw in the wonderful Sefer "Toldos Tanaim v'Amoraim" [1] that the name Rabbi *Yehoshua* Ben Lakish may be a typographical error. According to many [2], his actual name is Rabbi *Yehudah* Ben Lakish. The latter name appears numerous places in Shas [3].

One might express reservation before assuming that this sage was too closely related to Reish Lakish; the reason for that being because Reish Lakish is typically found in the Gemara, whereas this sage is cited in Beraisos which would make him appear to belong to an earlier generation of Chachamim.

On the other hand, some Midrashim [4] tell us that he cited teachings of Rabban Shimon Ben Gamliel. This would appear to place him chronologically in the second half of the 2nd century CE, which is the same general period during which Reish Lakish lived. There may be more of a connection which I have not discovered yet, but for now I hope this helps provide some background!

Warmest regards,

Yishai Rasowsky

1. This may be accessed at <https://www.hebrewbooks.org/43957>. The link to the particular page which contains an entry about the sage of this name is this: <https://www.hebrewbooks.org/pdfpager.aspx?req=43957&st=&pgnum=229&hilite=>
 2. Zuckerman version of Tosefta; Rif and Rosh on Sanhedrin 6b; the Sheiltos of Rav Hai Gaon in Parashas Mishpatim.
 3. For example: Shabbos 43b; Yoma 53b and 85a; Chagigah 9b. These references and others are provided under his entry in the previously cited work, available at this link: <https://www.hebrewbooks.org/pdfpager.aspx?req=43957&st=&pgnum=147&hilite=>
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Sanhedrin 015: Hekdesh Forks

Joshua Danziger asks:

Hello Kollel!

The Gemara discusses someone pledging erech of a fork to hekdesch. Setting aside the q of whether utensils have erech, and assuming the neder is valid what is the status of the fork before it's evaluated? Does the person have to not use it lest it's value decline? Would it be meilah if he does?

Chag sameach!

Josh

The Kollel replies:

Shalom,

Great to hear from you.

1. Does the person's statement take effect? We see from Erchin 20a that the statement of Rav Gidel is in accordance with the opinion of Rebbi Meir. But whereas according to the Chachamim the person's statement about Erech for a Keli is Devarim Beteilim and as such bears no halachic significance.
2. Is the Keli forbidden to use? Even according to the first view above, the status of the Keli is unaffected. You are making a very very logical suggestion to avoid using it in a way that deprecates its value before being appraised. I had not thought of that before!
3. Regarding Meilah, I think we need to distinguish our case from that of Hekdesch. If a person would be Makdish an item, either for Kodeshei Bedek Habayis or Kodeshei Mizbeach, there would be a an Isur Meilah. But this is not so in our case, since the item's mere value is being donated.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Shemos 032: Chet ha'Egel and Sheliach l'Dvar Aveirah

Joshua Danziger asks:

Hello kollel, this isn't a Gemara question but I thought the talmidei chachamim of the kollel may have an approach.

Since we say אין שליוש לדרך אעירא wasn't aaron entirely responsible for the Egel? Why were the Jews punished at all? Or is it that he's responsible for making it, they are responsible for bowing down once it was made.

Any other insights into understanding this strange incident would be helpful!

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you.

1. Aharon was indeed given a punishment for his involvement with the Eigel. What was the punishment? Rashi (on Devarim 9:20) cites the Midrash (Vayikra Rabbah 7:1) that his sons lives were to be taken. But another view, which Rabbi Zevi Cohn pointed out to me, is the Abarbanel (on Bamidbar 20:1 and Devarim 10:1) who identifies his punishment having died before entering Eretz Yisrael.
2. Ein Shaliach li'Devar Aveirah would be a reason to make Aharon liable for the what he himself did, even if it was on behalf of the Jewish people who pressured him to act. Recall, however, that the Mishaleiach is only Patur m'Dinei Adam; he would be Chayav to some degree b'Dinei Shamayim (Kidushin 43a DH Miklal).
3. In addition, some views in Chazal hold that if the Shaliach is forced to commit the act, then the Mishaleiach will be Chayav. See R' Sama in Bava Metzia 10b. But, as Rabbi Dovid Dombrowski pointed out to me, this consideration might not be relevant to our case, since most opinions maintain that one should give up his life before committing a sin of Avodah Zarah.
4. Some Rishonim suggest that the Mishaleiach is only Patur if he actually makes the claim that the Shaliach should have listened to Hashem instead of to the Mishaleiach. See Yad Ramah on Sanhedrin 29a DH v'Amrinan. I am not aware of a source that tells us the Jewish people made this claim.
5. As you perceptively noted, even if Aharon deserved blame for the initial construction of the Eigel, still the actual worship was done by the people themselves; thus they received punishment (in various degrees; see Shemos 32:20 with Rashi and Yoma 66b).

There is more to discuss here if you have further points they need clarification, but for now I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 010: Avshalom

D Fhima asks:

His hair weighed 200 Shekalim, weighed with the Royal Shekalim, heavier than usual.

any idea what this translates to in the metric system?

D Fhima, Gateshead, UK

The Kollel replies:

Shalom,

Great to hear from you.

Some writers assume that the Shekel here weighs around one half of a modern day ounce. If so, then the total weight would be around 100 ounces, which is over 6 pounds.

But this is not taking account of Chazal in Tanchuma (Vayera 4 and Reeh 4) whom the Malbim (II Shmuel 14:26) cites. They point out that when a Shekel is mentioned in Navi, it means a Litra. Incidentally, Rashi in Eruvin (29a DH Ukla) tells us that a Litra is a Log. But one should be careful not to get confused between units

of weight and units of volume. In any event, if one Litra weighs around 12 ounces, or 0.75 pounds, then according to this view the hair weighed about 150 pounds, which is a staggering amount.

Josephus (The Antiquities of the Jews 7:8), writing almost two millenia ago, tells us that the hair weighed 5 pounds. Based again on the premise that a pound from Josephus's time is equal to 12 modern day ounces, that would translate to a total weight of around 3.8 pounds.

I'm sorry there is some ambiguity because of the discrepancy in units and conversions, but I hope this helps you!

Warmest regards,

Yishai Rasowsky

Yevamos 048: Mutar Bah Mi'yad

Tuvya Marcus asks:

I don't understand how this works. The Jew takes a Yefas To'ar and forcibly dunks her twice: once for Shifchus and once for Shichrur.

After he is Meshachrer her - what is her din?

If she is a Gi'ores then he needs to do Kidushin and Nisu'in.

And in any event- the simple meaning of the Gemara doesn't indicate that she was Mekabeles- just that she was forced to! So again - why should that have any Tokef to be a conversion or even a Kabalas Shifchus?

Tuvya Marcus , Jerusalem Israel

The Kollel replies:

Shalom R' Marcus,

Great to hear from you. I appreciate your thoughtful analysis on this Sugya. Allow me to expand on just a few points that might add clarity.

1. After she is freed from slavehood, she is a fully fledged Jewess (similar to a convert, but not exactly the same). So yes, she would need the normal marriage ceremony of Kesubah and Kiddushin, as the Rambam (Melachim 8:6) and Chinuch (532 DH Dinei ha'Mitzvah) rule.
2. Rebbi Shimon Ben Elazar holds that even if she is not willing, but rather is forced, one can still effect the Avdus and subsequent Shichrur.
3. There are opinions (see the Rashba 47b DH Kofeh, citing Ramban and Pirkei d'Rebbi Eliezer) that even the Chachamim only argue regarding Shichrur. In other words, it is the emancipation that must be done with the slave's consent; but the actual induction to servitude can be done whether the slave likes it or not. In this way, slavehood is not like Geirus which must be done with the consent of the convert.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Yevamos 089: Terumah and Potted Plants

HG Schild asks:

Why the detour through Terumah and potted plants?

What does this have to do with the main topic?

hg

The Kollel replies:

Shalom,

Great to hear from you.

It really is an excellent question. I suspect there is more behind this issue, but I'm going to offer two suggestions that may help explain this issue.

First, on the most basic level, the discussion of Terumos and Maaseros appears here at length because it was within the context of that discussion that Rav Chisda actually challenged Rabah on the basis of our Mishnah about the Mamzer.

Secondly, on perhaps in a more subtle level, there is a comment of Rashi in Sukkah 14a (DH Mishum hachi Metamei Rebbi Yosi) which may be very relevant here, too. Rashi writes that when Chazal have an opportunity to consider topics on which there is not much Gemara in the first place, then the Gemara will out of its way to make a longer discussion of that topic.

The example there in Sukkah is a discussion about Taharos, which Rashi says has no Gemara. So perhaps the same would apply to our subject of Terumos and Maaseros. On the other hand, maybe this is not a compelling comparison, since there is a Talmud Yerushalmi on the Masechtos of Zeraim, whereas there is not any Gemara -- not Bavli and not Yerushalmi -- on the Masechtos of Seder Taharos, with the exception of Niddah.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Bereishis 023: Adam ha'Rishon's Burial

Joshua Danziger asks:

Hello kollel!

My daughter had a question on the parsha.

1. who buried adam harishon? Hashem himself?

2. since he died before the flood, how could he be in the machpela, or said differently how come the machpela complex wasn't destroyed and flooded during the mabul, including the bodies of adam and chava?

Good questions from a six year old!

Josh

The Kollel replies:

Your daughter is asking some very good questions!

1.

a) I am aware of only one person that Hashem buried, i.e. Moshe Rabeinu. So I would hesitate before coming to the conclusion that Hashem buried Adam ha'Rishon. Since Adam had descendants alive at the time of his death, it might be fair to assume that they buried him.

After some research, though, I found that the Midrash says as you do. Baruch she'Kivantem! You and your daughter anticipated the interpretation which I found in the Midrash (Bereishis Rabah 58:8; see link #2 below). Rebbi Avahu is cited as maintaining that Hashem folded up Adam (hence the name "Machpeilah") and buried him in the cave. Second, the Sefer Gan Na'ul (link #3 below), by Rav Naftali Hertz Weisel, cites a Midrash which I could not track down yet that also says, in the name of Rebbi Rachumai, that Hashem buried Adam. But I have to keep an eye out for more explicit sources who would speak about this fascinating point.

b) In Pirkei d'Rebbi Eliezer (end of chapter 20; see link below), it says that Adam specifically set his own grave deep within the cave of Machpelah. His rationale was that he wished to prevent people from worshipping his body as a deity. Based on this, we might suggest a potential answer: The bodies were so deep inside the cave that the water of the Mabul -- violent as it was -- did not penetrate far enough to reach them.

2. Allow me to add a few more points about your fascinating questions:

a) Depth of Mabul

You may already be aware of the words of Rashi (Bereishis 6:13, DH Es ha'Aretz) who points out that the depth of earth which was destroyed by the flood was three Tefachim. Arguably, items buried deeper than this -- such as Adam ha'Rishon's body -- would not have been obliterated by the Mabul.

b) Adam's Grave

Tangentially, an interesting ramification of the fact that the cave still contains Adam ha'Rishon's body, even despite the flood (as your daughter astutely pointed out), is found in the Yerushalmi (Nazir 7:2); namely, that if one touches his Kever, he will contract Tum'ah. The Mefarshim (Korban ha'Eidah and Pnei Moshe, DH O b'Kever) explain that the Chidush is that even though he was not a Jew, i.e. he lived pre-Matan Torah, his body is still Metamei.

c) Mabul in Eretz Yisrael

Another, perhaps simpler, suggestion that might explain why the remains of Adam were not destroyed in the cave during the flood is because -- in the opinion of some -- the Mabul did not occur in Eretz Yisrael. This is the view of Rebbi Yochanan in Zevachim 113b. Reish Lakish, however, disagrees and maintains that the flood

reached even Eretz Yisrael. So, according to Reish Lakish, we seem to be forced to accept one of the alternative answers.

I hope this helps!

Yishai Rasowsky

Links:

1. https://www.sefaria.org/Pirkei_DeRabbi_Eliezer.20.9?lang=he#:~:text=,
2. [https://www.sefaria.org/Bereishit_Rabbah.58.8?lang=bi&with=all&lang2=en#:~:text=.](https://www.sefaria.org/Bereishit_Rabbah.58.8?lang=bi&with=all&lang2=en#:~:text=,)
3. [https://www.sefaria.org/Gan_Naul_House_I.5.7.1?vhe=Gan_Naul,Rishon_Letzion,2016&lang=he&with=About&lang2=he#:~:text=\)-,,](https://www.sefaria.org/Gan_Naul_House_I.5.7.1?vhe=Gan_Naul,Rishon_Letzion,2016&lang=he&with>About&lang2=he#:~:text=)-,,)

Josh asks:

Thank you Rav Yishai. According to the last answer is there room to say the flood didn't go everywhere in the world, including places like North America or Australia? This resolves difficulties in reconciling geological and habitation records with the idea of a global flood; it introduces new difficulties I suppose about whether the aborigines for example are bnei noach or something else.

Josh

The Kollel replies:

Shalom Josh,

Yes, there is. Rabbi Yitzchak Sheilat wrote a Sefer based on teachings of Rav Gedaliah Nadel. This work is called b'Toraso Shel R' Gedaliah. In that book's chapter on Bereishis, on pages 117-121, he maintains that the flood in fact did not take place over the whole earth, but rather only in the Middle East. He understands that the Machlokes between Rebbe Yochanan and Reish Lakish is only regarding whether or not Eretz Yisrael was included. But other parts of the world, far from the Middle East, he writes may not even have been aware of the goings on of the Mabul.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Bereishis 023: Adam ha'Rishon's Burial

Joshua Danziger asks:

Hello kollel!

My daughter had a question on the parsha.

1. who buried adam harishon? Hashem himself?

2. since he died before the flood, how could he be in the machpela, or said differently how come the machpela complex wasn't destroyed and flooded during the mabul, including the bodies of adam and chava?

Good questions from a six year old!

Josh

The Kollel replies:

Shalom R' Danziger,

Great to hear from you. I am also impressed by the questions from your daughter!

1. I am only aware of one person that Hashem buried, i.e. Moshe Rabeinu. So I would hesitate before coming to that conclusion. Since he had descendants alive at the time of his death, it might be fair to assume that they buried him. But I have to keep an eye out for more explicit sources who would speak about this fascinating point.
2. In Pirkei d'Rebbe Eliezer (end of chapter 20; see link below), it says that Adam specifically set his own grave deep within the cave of Machpeilah. His rationale was that he wished to prevent people from worshipping his body as idolatry. Based on this, we might suggest a potential answer: The bodies were so deep inside the cave that the water of the Mabul -- violent as it was -- didn't penetrate far enough to destroy them.

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

R' Danziger shalom,

Allow to add a few points about your fascinating questions.

I. Depth of Mabul

I would just share a detail that you may already be aware of; that is, Rashi (Bereishis 6:13 DH Es ha'Aretz) points out the depth of earth which was destroyed by the flood was three Tefachim. Arguably, items buried deeper than this -- such as Adam ha'Rishon's body -- would not be totally obliterated by the Mabul.

II. Adam's Grave

Tangentially, an interesting ramification of the fact that the cave still contains Adam ha'Rishon's body, even despite the flood (as your daughter astutely pointed out), is found in the Yerushalmi (Nazir 7:2); namely, that if one touches his Kever, he will contract Tumah. The Mefarshim (Korban ha'Eidah and Pnei Moshe, DH O b'Kever) explain that the Chidush is that even though he was not a Jew, i.e. he lived pre-Matan Torah.

II. Mabul in Israel

Another perhaps simpler suggestion that might explain why the remains of Adam were not destroyed in the cave during the flood is because -- in the opinion of some -- the Mabul did not occur in Eretz Yisrael. This is Rebbe Yochanan's view found in Zevachim 113b. Reish Lakish, however, disagrees and maintains that the flood even entered Eretz Yisrael. So, according to Reish Lakish, we seem to be forced to accept one of the alternative answers.

III. Pirkei d'Rebbe Eliezer

Also, excuse me, but I failed to include the link to the Pirkei d'Rebbe Eliezer. I am posting it below as link #1.

IV. Hashem Buries Adam

I must stand corrected about Hashem burying Adam. Baruch Shekivantem! You and your daughter anticipated the interpretations which I only just now found: First, in the Bereishis Rabbah (58:8; see link #2 below) Rebbe Avahu is cited as maintaining that Hashem *folded up* Adam (hence the name "Machpeilah") and buried him in the cave. Secondly, the Sefer Gan Naul (link #3 below) by R' Naftali Hertz Weisel cites a Medrash which I could not track down yet that also says in the name of Rebbe Rachumay that Hashem buried Adam. Yasher Koach for your insightful suggestion!

I hope this helps!

Best wishes,

Yishai Rasowsky

Links:

1. https://www.sefaria.org/Pirkei_DeRabbi_Eliezer.20.9?lang=he#:~:text=,
2. [https://www.sefaria.org/Bereishit_Rabbah.58.8?lang=bi&with=all&lang2=en#:~:text=.](https://www.sefaria.org/Bereishit_Rabbah.58.8?lang=bi&with=all&lang2=en#:~:text=,)
3. [https://www.sefaria.org/Gan_Naul_House_I.5.7.1?vhe=Gan_Naul,_Rishon_Letzion,_2016&lang=he&with=About&lang2=he#:~:text=\)-,,](https://www.sefaria.org/Gan_Naul_House_I.5.7.1?vhe=Gan_Naul,_Rishon_Letzion,_2016&lang=he&with=About&lang2=he#:~:text=)-,,)

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Good questions from a six year old!

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The Kollel replies:

Shalom R' Danziger,

Great to hear from you. I am also impressed by the questions from your daughter!

1. I am only aware of one person that Hashem buried, i.e. Moshe Rabeinu. So I would hesitate before coming to that conclusion. Since he had descendants alive at the time of his death, it might be fair to assume that they buried him. But I have to keep an eye out for more explicit sources who would speak about this fascinating point.
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I hope this helps!

Warmest regards,

Yishai Rasowsky

Chulin 059: Kosher Foul

Davic1 asks:

Greetings for the new year!. What is the reason the Torah does not list the signs of kosher birds the way it does for fish and land animals as found in the Talmud in Chulin 59? And why does it name birds if the naming is unnecessary? Actually the same question could be asked about land animals. Since the Torah states that only animals that chew cud and have split hooves are kosher, why mention the pig and camel etc. which we know are not kosher?

Thanks,

David Goldman

The Kollel replies:

It's great to hear from you! This is an excellent series of questions! Let me share with you the insights I came across. I hope you find them as interesting and helpful as I did.

There is a very relevant comment of the Chasam Sofer found in his Chidushim on this Daf (Chulin 59a, DH uv'Sefer Ma'ayan Chochmah). He is addressing the question of why the Torah does not provide the four Kashrus signs for Ofos even though the Torah does provide the two Kashrus signs for Chayos and Behemos.

To answer this, he suggests that only regarding Ofos could Chazal readily be relied upon to infer the correct signs, which they did by examining the crucial differences between the Tor (Tahor) and the Nesher (Tamei). The reason this was possible, the Chasam Sofer maintains, is because any other minor discrepancies between the two categories of Ofos (e.g. different color) can easily be dismissed as inessential.

Regarding Chayos and Behemos, on the other hand, the Chasam Sofer believes that the Torah could not have relied on Chazal to infer the signs merely based on the identity of the species. The reason for this is because there are too many other discrepancies between Tahor and Tamei mammals apart from chewing their cud and possessing split hooves. As such, Chazal would not have been able to confidently discount all those non-relevant features (e.g. possessing horns/antlers, or having certain orientation of the flesh).

Many Mefarshim discuss the issue of whether the Kashrus signs of animals are a "Sibah" (i.e., they are actually what causes the creature to be Tahor or Tamei; see Ritva to Nidah 51b, DH Yagdil), or the Kashrus signs are just an indicator, a "Siman," of whether a creature belongs to either the Tahor or Tamei group (see Teshuvos Maharit #51). The Mesitva edition (in Yalkut Bi'urim on this Daf) cites many views.

One opinion perhaps most relevant to your discussion is that of the Rogatchover Ga'on (Tzafnas Pane'ach, Hilchos Ma'achalos Asuros 1:1) who maintains that regarding mammals the two Kashrus signs are the Sibah, but regarding birds the four Kashrus signs are only a Siman.

This would be reflected in the fact that the Torah mentions the signs for mammals, but not for birds. Accordingly, we can understand why the Torah named the species of Ofos. Regarding the mammals, the most straightforward reason why the Torah mentions the camel, pig, etc. seems to be to dispel the thought that they might be Kosher despite the fact that they have one Kosher sign.

I hope this helps!

Warmest regards,

Yishai Rasowsky

David Goldman asks:

Greetings, R. Yishai. I am not sure I understand the last point. It seemed straightforward enough that a camel, rabbit and pig are not kosher because they lack both Simanim. Why would anyone think one siman is enough when the Torah explicitly says otherwise??

in fact I always understand the Simanim as signs in every case, for land animals, water animals and birds. Therefore it would have seemed perfectly logical for the Torah to identify the signs on birds instead of orally leaving them to the Mishna.

I guess from my personal perspective the reason therefore remains a mystery!

Now there is also the question of why in Parshas Noach animals (7x7 and 2x2) are described as tameh and tahor without identifying what tameh means or tabor means! Especially since the halachos in this regard are only mentioned after Sefer Bereshis, unlike the case of the gid hanasheh.

And even if the Torah tells us that before Noach only tahor animals could be used for korbanos, since before the Flood humans could not eat meat, so regarding food it was irrelevant whether an animal was tahor or tameh even for eating korbanos because they didn't eat korbanos. So why would the Torah tell us, except to inform LATER GENERATIONS which animals were preferential, 7x7, i.e. kosher animals for food.

David Goldman

The Kollel replies:

Shalom R' Goldman,

Great to hear from you.

1a. Potentially, in terms of Pshat, one could understand that when the Torah declares (Vayikra 11:3; Devarim 14:6) both Kashrus signs, it might be misconstrued by the uncaredful reader as meaning that either one sign or the other alone suffices. Therefore the Torah subsequently lists the four (or five -- recall Rashi on Devarim 14:7) instances in which this is the case, and dispels this misconstrual by pronouncing them to be unclean.

1b. In terms of practical Halachah, there seems to be an additional reason why the Torah mentions the species with one Kashrus sign. That is, if you come across an animal whose cud-chewing abilities are indeterminate, but you see it has split hooves, and you know it's not a pig, then you know it's Kosher. Alternatively, if you find an animal whose hooves cannot be checked, but you know it chews cud, and you see that it's not a Camel, Shafan or Arneves, then it's Kosher.

1c. Additional reasons why these one-sign species are mentioned are found in the Mefarshim. For example, Aderes Eliyahu records the Diyuim which teach us that a Tamei born from a Tahor is not Tamei (see Bechoros Daf 6), and also eating the flesh of bipeds is not a Lav; and Ohr ha'Chayim discusses the Remez that pig will one day chew its cud and hence become Kosher (this, by the way, would appear to assume like the camp of Mefarshim that Kashrus signs are the Sibah and not just a Siman).

2. Personally I felt that the Peirush cited from the Rogachover Gaon might be the most fitting approach to address why the Torah omits the Simanim for the birds.

3a. The animals described by Noach as being Tahor are the same that the Torah would later define in Parashas Shemini and Parashas Re'eh, and as Rashi (Bereshis 7:2) points out, Noach was taught these distinctions even before we received the written commandments to eat only Kosher species. I understand you to be asking "Why would the Torah tell us this?" The reason seems to be in order to express that Hashem didn't want a Korban offered from any unclean species, but rather Davka from the Tahor variety. (This seems to coincide with the general rule that nothing which is unfit for us to eat may be offered as a Korban on the Mizbeach. Blood and Cheilev are an exception which might entail a discussion of their own.)

3b. There is a significant difference, however, which eluded me until recently. And that is, we can bring Korbanos on the Mizbeach only Kosher species of Tahor Beheimos, but not Tahor Chayos. But Noach brought Korbanos even from the Tahor Chayos.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sanhedrin 037: bi'Shvili Nivrah ha'Olam

Yisrael Rutman asks:

Shalom,

I don't understand. It works fine for Adam HaRishon, but with billions of people now on the planet, how can each one say the world was created just for him/her? Please let me know if you have any marei mekomos.

Thank you

Yisrael Rutman, Pardes Chana, Israel

The Kollel replies:

Shalom R' Rutman,

Great to hear from you.

Mefarshim explain that Chazal are trying to teach us the following. A person has a temptation to commit a sin. He should realize that he is not just some unimportant individual. Rather, he -- like Adam ha'Rishon -- is capable (hypothetically) of producing a vast multitude of children which could comprise an entire world.

If so, then he will view himself as an important individual. This will motivate a person to generally act according the high level of dignity and importance that he bears. See Ohr l'Yesharim on Yerushalmi 4:9 DH Kol Echad.

Moreover, it will promote him to forgo a sinful choice that would bring ruination upon himself by committing the Aveirah. See Rashi 37a DH Bishvili, who is also cited by Tosfos Yom Tov 4:5 DH Lefikach, Yad Ramah 37a DH Lefikach (second Peirush), and Korban ha'Eidah on the Yerushalmi 4:9:1.

Moreover, since the individual has the potential to produce many offspring, if he will succumb and commit the Aveirah, that will bring downfall not only to himself, but also to all those offspring who could emerge from him. Indeed, this is similar to Adam who, as a result of his sin, brought about significant degradation not only to himself but to all of mankind that descended from him. See Tiferes Yisrael on the Mishnah in Yachin 4:39.

Alternatively, what's meant is not that one particular individual person is the reason for the world, but rather that mankind is the center the creation, and thus all other creatures were designed and made for our sake. If so, then each living person, who was so privileged to be given his or her own existence as a human being, must feel gratitude and therefore thank Hashem for making all the amenities of this world for our benefit. See Yad Ramah's first Peirush (ibid).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sukah 013: Rashi d'Urbanei

Benzi asks:

Rashi says in DH d'Urbanei k'Ein Klei Metzudos she'Tzadin Dagim Ketanim she'Osim B'Guma. what does rashi mean when he says she'Osim B'Guma?

Benzi , London

The Kollel replies:

Shalom Rav,

"Guma" (גומא) means rushes, as Rashi goes on to translate as "Yunkash."

This is the same word as "GOME" (גומה) in Shemos, 2:3, which the Torah spells without a Vav.

B'Virchas Kol Tuv,

Eliezer Chrysler

Benzi asks:

Thanks but how do you read it in rashi.

The Kollel replies:

Shalom R' Benzi,

Great to hear from you.

I think we would read the Rashi like this: "The bird hunters' shelters are made out of willow branches which are braided below. Its opening is wide. On the top of the shelter, the braches are tied together with a rope in a single knot. The structure of these shelters is similar to the structure of the traps made for catching small fish. But there are two differences between them: The first difference is that the bird hunter's shelter is made of willow branches, whereas the fish trap is made of papyrus bulrush [I think that was the key line you wanted]. The second difference is that the bird hunter's shelter hut does not have the three or four woven portions which the fish trap does have."

I hope this helps!

Warmest regards,

Yishai Rasowsky

Shekalim 009: Family of Raban Gamliel

Joshua Danziger asks:

Hello kollel! Two questions on this mishna

3:3 the family of rabban gamliel would put there coins in last so as to be sure their actual money was used for the Korban when the attendant gathered coins. My q is isn't the money mixed גמין bemino גמין with each donator that contributes? The coins aren't identifiable so I am confused how this even works. Besides wouldn't he actually have a benefit from every korban from the money if it gets mixed and batul in the rov? I asked a similar q on maaser sheni once I believe

Derech agav, if a person can support an individual talmid chacham, as yissachar Zebulon, is that better or worse than supporting a yeshiva in general and having the merit of the Torah of everyone learning there not just the one person.

Thank you!

Josh

The Kollel replies:

Shalom Josh,

Thank you for reaching out to the Kollel with your insightful questions!

In response to your first question, it seems that the practice of the family of Rabban Gamliel placing their coins last in the collection serves as a symbolic gesture that demonstrates respect and honor towards the esteemed leader. Granted, mathematically, it may not hold any discernible difference, since the coins are, indeed, ultimately indistinguishable when mixed with those of other contributors; but the significance of this act lies in its demonstration of reverence and dignity for the community's prominent figure. One might draw an analogy to the occasion where an esteemed community member is invited to place the inaugural brick during the construction of a new Shul.

Regarding the second question, regarding support of an individual Talmid Chacham in comparison to contributing to a yeshiva more broadly, both options possess their unique merits. When one supports a specific Talmid Chacham, like the relationship between Yissachar and Zevulun, it fosters a personal connection and a more direct impact on the scholar's learning. Furthermore, such arrangements often entail explicit stipulations detailing the rewards \diamond both in this world and the next \diamond allocated to each party involved.

Conversely, by supporting a yeshiva as a whole, one can partake in the collective merit generated by the Torah learning of all its students. The virtue of supporting more individuals also might fulfill the Inyan of "ha'Kol Lefi Rov ha'Maaseh" (Avos 3:15) which, according to the Rambam, means that many smaller acts are better than one large act; but possibly not, if ultimately the money is all deposited at once instead separately donated to each individual.

R' Moishe Cohen pointed out to me another benefit to donating to a group, namely: to diversify your investment. You may have a greater chance of being Zocheh to provide support to that one-out-of-a-thousand who achieves great levels in Torah. Consider the Yalkut Shimoni on Nach 315:2, which elaborates on the progressive reduction in the number of Torah scholars at each level of learning. From the initial 1000 studying Mikra, only 100 advance to Mishnah, followed by a mere 10 progressing further, and ultimately, a single individual excelling in Gemara.

In the end, because of the virtues associated with each option, until coming across a definitive Psak favoring one over the other, one would be tempted to say that the choice is a matter of personal preference and depends on the specific circumstances.

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

Shalom Josh,

Thanks to Rabbi Gil Student who referred me to the wonderful Sefer "Psakim u'Teshuvos" by Rabbi Aharon Aryeh Katz.

In section 246:10 (page 254), he writes that typically support of a group learning Torah is more important than that of an individual. He bases this on the ruling of the Maharashdam (Shu"t Yoreh Deah, Siman 158 and 167) which is in turn based on the Gemara in Megilah 3b.

He qualifies this, however, by saying if the donation to the group will only help them somewhat, but the donation to the individual will help support him long term, then there is no preference of giving to the Rabim over the Yachid. This premise is based on the ruling of the Hafla'ah (Shu"t Givas Pinchas Siman 65).

Warmest regards,

Yishai Rasowsky

Shekalim 009: Family of Raban Gamliel

Joshua Danziger asks:

Hello kollel! Two questions on this mishna

3:3 the family of rabban gamliel would put there coins in last so as to be sure their actual money was used for the Korban when the attendant gathered coins. My q is isn't the money mixed \diamond min bemino \diamond with each donator that contributes? The coins aren't identifiable so I am confused how this even works. Besides wouldn't he actually have a benefit from every korban from the money if it gets mixed and batul in the rov? I asked a similar q on maaser sheni once I believe

Derech agav, if a person can support an individual talmid chacham, as yissachar Zebulun, is that better or worse than supporting a yeshiva in general and having the merit of the Torah of everyone learning there not just the one person.

Thank you!

Josh

The Kollel replies:

Shalom Josh,

Thank you for reaching out to the Kollel with your insightful questions!

In response to your first question, it seems that the practice of the family of Rabban Gamliel placing their coins last in the collection serves as a symbolic gesture that demonstrates respect and honor towards the esteemed leader. Granted, mathematically, it may not hold any discernible difference, since the coins are, indeed, ultimately indistinguishable when mixed with those of other contributors; but the significance of this act lies in its demonstration of reverence and dignity for the community's prominent figure. One might draw an analogy to the occasion where an esteemed community member is invited to place the inaugural brick during the construction of a new Shul.

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In the end, because of the virtues associated with each option, until coming across a definitive Psak favoring one over the other, one would be tempted to say that the choice is a matter of personal preference and depends on the specific circumstances.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 000: Sotah only Female But Not Male

c weiss asks:

why is there only a female sotah and not a male?

c weiss, beitar illit, israel

The Kollel replies:

Shalom C. Weiss,

Great to hear from you.

The basic premise behind Sotah is that if in fact a married woman was unfaithful to her husband, then she will become forbidden to live with him. Therefore, the Torah provides a procedure by which her innocence can be verified. This in turn enables her to resume married life with him b'Heter (free of any suspicions that the husband might otherwise hold against her -- see Sefer ha'Chinuch Mitzvah #365).

This rationale would not apply to a man, the reason being because even if he were to commit a sin of infidelity against his wife, he does not become forbidden to live with his wife. This relates to the general difference between men and women that a woman can be designated to only one husband, whereas theoretically a husband can have relationships with more than one woman.

You possibly are already well aware of the following rulings, but I will mention them anyway, because of their relevance to the gender asymmetry you're analyzing. Firstly, just like a woman who really was guilty will die as a result of drinking the Sotah water, so the Boel himself dies as well. Moreover, the water only results in the

woman's death if her husband himself has never engaged in forbidden relations. These two points are found in Sotah 27b and Rambam Hilchos Sotah 3:17

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 003: Why is there Raglayim le'Davar for Sotah

Avrumi Hersh asks:

The gemoro in daf 3a top, says that the reason the Torah believes 1 ed by tumah by sotah is cos of raglayim ledovor of the kinuy and stirah, but acc to the gemoro in the 3rd perek, the target of the kinuy can be any kerovim and the gemoro says this is poshut! But why would there be raglayim ledovor then? There's no natural carnal attraction to close relatives?!

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

Great to hear from you.

Even for people between whom there is no natural attraction, once Kinuy and Stirah have occurred, that is considered Raglayim l'Davar, and hence a Beis Din would accept a single witness who reports that there was Tumah. What might make this argument even stronger is the premise adopted by a ceratin Tosfos (28a, near the bottom of DH Eino Din). He writes that without Kinuy, Stirah alone would actually *not* raise in our minds the possibility that there was Tumah. The reason for this being, because ordinary people -- even those who *are* naturally attracted to each other -- are not suspected of committing Giluy Arayos. But, since there was Kinuy beforehand, that makes the propriety of the whole situation already doubtful. In other words, we know there is a significant possiblity that Tumah occurred. Hence, a single witness can settle the conclusion for us, if he reports that there was indeed Tumah. As I see it, this logic also applies to the interesting case which you raised.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 022: Yochni Bas Retivi

Avrumi Hersh asks:

Where did Rashi (bottom of 22a) get this whole story of yochni from?! He doesn't say any mekor for it?

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

Great to hear from you. Sorry! But at the moment the only other source which I find recounting Yochani is the Sefer ha'Aruch written by R' Nasan Ben Yechiel who, like Rashi, lived in the second half of the 11th century C.E.

In case you are interested to access it, it is located under Letter Yud, and can be found at this link:

https://www.sefaria.org/Sefer_HeArukh_Letter_Yod.31?vhe=Sefer_HeArukh,_Lublin_1883&lang=he&with=About&lang2=he

I realize that unfortunately this does not help answer your question which was aiming to trace the story further back to its ancient source of Medrash or Chazal.

Warmest regards,

Yishai Rasowsky

ADDITION:

Shalom R' Hersh,

I see that you are in good company, because other commentaries also were busy puzzling over what the source was for this statement of Rashi.

For example, the Maharatz Chayes (22a DH K'gon Yochani) says that this is one of the several places where Rashi cites a source for which there is no known Midrash, Yerushalmi, etc.

Maharatz Chayes adds that he proved in a composition called "Igeres Bikores" that Rashi maintains that there were many such Agados that were lost. He even mentions other examples of these "lost tales". For instance, Sanhedrin 39a (Rashi DH Avos Yochlu Boser) regarding the parables of foxes; Avodah Zarah 18b (Rashi DH v'Ika d'Amri Mishum) regarding the wife of Rabbi Meir; and Rabeinu Chananel (cited in Tosfos Kidushin 80b DH Ki Hahi Maaseh) regarding a distraught woman who disinterred her deceased husband.

Mesivta cites that Mishberei ha'Yam, however, who identifies Rashi's source for this story as the Sefer Maasios of Rabeinu Nisim Gaon, though there are some discrepancies between that version and Rashi's. Also noteworthy is that in his version at the end of the story Yochani was driven away by the other women, whereas in the version cited in the Aruch, which we mentioned above, she was killed.

I hope this assists you!

Warmest regards,

Yishai Rasowsky

Sotah 037: Kelalos u'Peratos

Daniel Gray asks:

Are Kelalos u'Peratos like Rashi explains general is to follow Torah and details are finites of each mitzvah?

OR

as sifsei Chachomim parshas behar explain

d'Haynu Mitzvas Shemitah d'Chesiv Sham

According to Rashi a klal won't refer to a specific mitzvah whereas to SC it will such as Shmittah

Daniel Gray, Canada

The Kollel replies:

Shalom R' Daniel,

Great to hear from you.

I looked in the first Sifsei Chachamim (Vayikra 1:1). But I do not see the phrase that you seem to quote: "d'Haynu Mitzvas Shemitah d'Chesiv Sham". Is there another place I can look to find that?

But still, I am not sure I understand the question. Because it seems that even Rashi (Sotah 37b DH Klalos) maintains the following. The Klal is a general command to do a type of Mitzvah. For example to offer a Korabn Olah or Shelamim on the Mizbeach. And the Pratos would be details if that Mitzvah. For example: to put the blood on the altar; how to burn the limbs and the altar; to skin the animal and cut up its limbs; to completely burn up all the the parts of the Olah.

Warmest regards,

Yishai Rasowsky

Sotah 041: Diyuk not needed for sitting question

DANIEL GRAY asks:

v'ha'Melech Omed u'Mekabel v'Korei Yoshev. Agripas ha'Melech Amad v'Kibel v'Kara Omed Omed mi'Chlal d'Yoshev. A diyuk is not needed for sitting question, like it was in previous gmara on preceding minshanh that only mentioned standing up, as this mishnah explicitly says sitting. If so, why not ask direct, why the diyyuk? Just to be a copy of the preceding gamara doesn't suffice as an answer to this.

DANIEL GRAY, Canada

The Kollel replies:

Shalom R' Gray,

Great to hear from you.

Yasher koach! Rav Elyashiv asks your question in his He'aros. Baruch She'kivanta! He answers by noting that the sitting mentioned explicitly is specifically for the Kriah. Therefore, he proposes, it may not be possible to deduce from that sitting, which is necessary for the assembly's proceedings, that sitting without any reason is permissible. Consequently, the Gemara opted to draw evidence from the Mishnah's initial statement that he stood up, implying that he must have been seated without any particular reason beforehand.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 044: Gerushah and Derashah

Daniel Sheinfil asks:

Bkvod Harav

1. Why is only an almana mentioned explicitly and not a gerusha regarding a man that married and does not go out to war?
2. When the Gemara explains about R' Yehuda and the drushim and then does an about face like rashi explains at the top of daf 45, how does that work?

Does he hold of the gezras shove or not?

Daniel Sheinfil , Pomona NY USA

The Kollel replies:

Shalom R, Daniel,

Great to hear from you.

1. Why mention Almanah and not Gerushah?

a. In terms of Pshat, it seems in many places Chazal use the term Almanah even when really they mean to include any woman who has been married before, including a Gerushah, as you astutely wrote. For example: Berachos 11a and Sukah 25a regarding recitation of Shema; Kesuvos 2a regarding the day of a wedding; Kesuvos 7b regarding Sheva Berachos; Kesuvos 10a and 82b regarding price of a Kesubah.

b. In the spirit of Musar, one might be tempted to suggest that Chazal preferred to talk about an Almanah since her marriage ended naturally, rather than talk about a Gerushah whose marriage ended unhappily.

c. It occurred to me, as Pilpul b'Alma, that one might be able to use the interpretation of the Minchas Kenaos (MK) to explain why an Almanah was mentioned rather than a Gerushah. The MK asks a question based on a ruling of the Shulchan Aruch (Even ha'Ezer 9:1), i.e. that a woman who has had two successive husbands that perished is not allowed to marry a third husband. This is the Halachah of Katlanis. If so, the MK wonders, why should someone who has betrothed an Almanah be exempt from battle? Even if he does, heaven forbid, perish in the warfront, nevertheless, the concern that the Torah writes -- namely, someone else will wed her in his stead -- would not apply, since she is a Katalanis. The MK answers based on the ruling of the Rema (ibid.) that if husband #2 died not naturally but was killed (such as in our case, as a result of the war), then it is permitted for the widow to marry a third husband, the reason being because she is not a Katalanis because she sees that she was not the cause of his death. According to this Peirush, one might suggest that Chazal mentioned Almanah because there is a special Chidush in the fact that someone who betroths her is entitled to return from the war (i.e. don't think he should be Chayav, since if he fights and dies she would be a

Katalanis etc). This is not so for someone who marries a Gerushah since for her, there is no Chidush in his exemption.

2. At first we thought that Rabbi Yehudah holds of the Gzerah Shavah from Ziknei ha'Eidah (Vayikra 4:15). The reason for that was because we had to explain from where does he learn that the Dayanim should be the Meyuchadim. Rabbi Yehudah could not learn it from Shoftecha like Rabbi Shimon, since evidently Rabbi Yehudah learns from Shoftecha another two judges. Ultimately, however, we see that Rabbi Yehudah does not hold of the Gzerah Shavah. The reason for this is because if he did, then he would also learn from Ziknei ha'Eidah that the total number of judges should be 5, and he would not need to learn two additional judges from the word Shoftecha.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 047: Yadeinu vs Eineinu

Sender Klein asks:

Why are food provisions associated with "coming to our hands" while escort is connected to "seeing him." Is food only provided to someone who comes and asks, whereas escort must be done to anyone we see?

(This would seem a little surprising, as it states Al Asher Lo Kidmu Eschem b'Lechem u'V'Mayim as a fault, and kidmu indicates that they should have done so without prompting.)

Sender Klein, New York, USA

The Kollel replies:

Shalom R' Klein,

Great to hear from you. Yasher Koach for this question and fine attention to detail! I may not have a definitive answer at the moment, but I hope that the couple of points below might be insightful.

Perhaps surprisingly, the Talmud Yerushalmi (Sotah 9:6) says that the Sages of "there" (Bavel) interpret these two phrases to mean that *the victim* didn't come to *our hands* and we left him without *escort*, nor did *we see* the victim and leave him without *Parnasah*.

So you see, this is the opposite of the standard version of Mishnayos (Sotah 9:6) and indeed of our Gemara (46b) which associate Yadeinu with Mezonos and Eineinu with Levayah, as you astutely observed. As such, it may be difficult to infer from your fine Diyuk such a definitive Nafka Minah.

But, in that same Yerushalmi, the Sages of "here" (Eretz Yisrael) interpret the two phrases to mean that *the murderer* didn't come "to our hands" and we failed to execute him, nor did we see the murderer and turn a blind eye so as to unjustly acquit him in trial. Based on this, the differentiation between hands and eyes may be more understood. The hands symbolize the physical action, while the eyes represent meticulous observation. The main place that I saw this idea is in the commentary of the Pnei Moshe on that Yerushalmi (DH v'Lo R'inuhu v'Hinachnuhu v'Imamnu).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Yoma 052: Amah Teraksin

Avraham Sacks asks:

R🔹 Nassan brought a passuk from Malachim 6:2 where it is written the length of the Heichal and Kodesh Hakadashim were 60 amos. R🔹 Nassan said perhaps the 60 amah length in the passuk is only including open space and not the amah taraksin.

R🔹 Nassan supports this by bringing mishah 4:7 in Middos. The the length calculates to 61 amahs in the mishnah because it included the amah taraksin space separately. How is mishah 4:7 in Middos a support for R🔹 Nassan since the mishnah is describing the second Beis Hamikdash and the passuk from Malachim 6:2 is describing the first Beis Hamikdash? It seems the amah taraksin of the first Beis Hamikdash could conceivably have been part of either the Heichal or the Kodesh Hakadashim and the overall length was indeed 60 amahs, but the overall length in the second Beis Hamikdash was 61 amahs because the Chachamim were in doubt whether the amah taraksin was part of the Heichal or the Kodesh Hakadashim

Thank you for your help

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Shalom R' Avraham,

Great to hear from you. I love your initiative in analyzing this Gemara. I also feel that parts of this Sugya are difficult to understand. I'll be happy to share my comments, and will be glad if it helps clarify a few points for us together.

Rebbi Nasan reports that the Chachamim were unsure whether the Amah Teraksin of the Bayis Rishon was part of the Heichal or part of the Kodesh ha'Kodashim.

Ravina suggested the potential proof from verses in Melachim (60=40+20). He then dismissed this by suggesting that the 60 Amos include only the open space, but not the solid walls. Support for this is cited based on a Mishnah in Midos (4:7) which counts the wall space and air space separately.

If I can paraphse your main question, it was: "How is the Mishnah a proof to Ravina, if the Mishnah is discussing the Bayis Sheini whereas the Melachim is discussing the Bayis Rishon? Couldn't it be that the Bayis Rishon had the Amah Teraksin in either the Heichal or Kodesh, whereas the Chachamim in Bayis Sheini were in doubt so they excluded it from both.

I appreciate hearing this thoughtful and challenging inquiry! Potentially it can be argued that making a separate and excluded space for the Amah Teraskin wouldn't necessary accomplish much, even if the Chachamim were in doubt, since now it for sure will have been placed in the wrong position, i.e. not part of either the Heichal nor the Kodesh ha'Kodashim. This is unlike the resolution regarding the curtains (near end of 52a), since there we are able to cover both options.

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

Shalom R' Avraham,

It occurs to me now that a more straightforward and defensible response to your excellent question might be implicit from a comment of the Tosfos Yeshanim (Yoma 51b DH Avod Shte Parochos). He explains that in the Bayis Sheini the reason they could not change the length of the Kodesh and Kodesh ha'Kodashim was because the dimensions were ordained by written divine command (see Divrei ha'Yamim I:28:19).

I'm not sure if this precedent is conclusive (see my reservation below), but I believe that this also may be the reason why we cannot maintain the position that in the Bayis Rishon the Amah Teraksin was *not* counted separately while in the Bayis Sheini the Amah between the Parochos *was* counted separately.

My reservation is just that maybe there was a stronger Hakpadah on the dimensions of each compartment (20 and 40), and there was a more relaxed requirement about how far away they were spaced from each other (totally adjacent or separated by one Amah).

I hope this helps clarify a drop more!

Shavua Tov!

Yishai Rasowsky

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I hope this helps clarify a drop more!

Shavua Tov!

Yishai Rasowsky

Yoma 070: Musaf Chatas of he-goat on Yom Kippur

Steven Levy asks:

In Num. 29:11 it says that an additional he-goat was offered as a chatas on Yom Kippur. This was in addition to the chatas of the nation whose blood was sprinkled in the Kodesh Kodashim, right? When on Yom Kippur was this chatas offered? Which garments was the kohein gadol wearing? Was its blood offered on the outer mizbeach along with the eimurim, and was its meat eaten by the kohanim?

Steven Levy, Jerusalem, Israel

The Kollel replies:

Shalom R' Levy,

Great to hear from you.

Yes, as the Gemara on the top of 70b says, the goat sin offering described in Bamidbar 29:11 is the Chatas Chitzonis that was offered on the outer Mizbeach.

The Korban to which that verse refers as the "Chatas HaKippurim" is the goat offering mentioned in Vayikra 16:9 and 16:19-20. It was assigned the Goral l'Hashem, and -- as you correctly wrote -- was indeed a separate offering whose blood was sprinkled inside the Mikdash.

The Chatas Chitzonis was offered after the Kohen Gadol immersed in the Mikveh and put on his golden garments. But its position in the service of the day is subject to the dispute between Rabbi Akiva and Rabbi Eliezer. Rabbi Akiva holds that it was after the Kohen Gadol's third immersion in the Mikveh, whereas Rabbi Eliezer argues and maintains that it was after his fifth immersion.

Since Yom Kippur is a fast day, the meat would be eaten on Motzaei Yom Kippur. This is in accordance with the general rule that Chatas meat is eaten for the day of its offering and the following night until Chatzos. Incidentally, as R' Dovid Dombrowski pointed out to me, the Mishnah in Menachos 11:7 tells us that even when Yom Kippur was on Erev Shabbos, in which case there would be no opportunity to cook the meat, since Motzaei would already be Shabbos, nevertheless the Babylonian Kohanim were bold enough to eat it raw.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Bechoros 047: Ger Belongs to a Shevet?

Joshua Danziger asks:

Hello kollel!

A general question. What tribe does a convert belong to? I've always assumed in the times

of the tanach or mishna if you converted with a beis din or teacher of a given tribe you'd be considered part of that tribe. Is that so?

Could a person convert into being a levi?

In general, what chelek in eretz yisrael would a convert have, and how would that work for things like the sugyas in arachin about time periods to rebuy ancestral property etc

Thank you!

Josh

The Kollel replies:

Shalom R' Danziger,

Great to hear from you.

There is an obligation to love the Ger, which involves providing for his needs. But, as the Mishnah (Ma'aser Sheni 5:14) reports, Gerim do not receive a portion in Eretz Yisrael. Rashi (Vayikra 24:10) even cites a Midrash (Vayikra Rabah 32:3) in which Rabbi Chiya teaches that this ruling to exclude Gerim from having a portion in the land was ruled upheld by Moshe's court in a fateful judgment against the son of Shlomis Bas Divri, even despite the fact that he had a Jewish mother.

Although a male cannot covert to "become" a Levi, nevertheless a woman can convert and then marry a Levi, in which case she becomes part of that Shevet, as with any "inter-tribal" marriage.

The Sifrei (Bamidbar 78 DH Chasan Moshe) discusses how to reconcile this fact that Gerim do not receive portion of the land of Israel with the verses at the end of chapter 47 of Yechezkel that seem to indicate that Gerim to have a right to a portion. It is suggested that while Gerim do not have portion in the land, nevertheless they do have atonement rights and/or burial rights in the respective tribal region in which they dwell.

Furthermore, despite the general rule that Gerim do not receive a portion of land in Israel, at least the descendants of Yisro -- who of course was a Ger -- were in fact given a portion of fine land in Yericho. See Bamidbar 10:29 with commentary of Ramban and others; also Yerushalmi Bikkurim 1:4.

I did not have the following on hand, but I see others cite the Midrash HaGadol (Volume 8 of Mossad HaRav Kook edition, Parashas Pinchas 26:54-56, pp. 459-460) as maintaining that Gerim will become a thirteenth Shevet in the future.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Bereishis 023: Adam ha'Rishon's Burial

Joshua Danziger asks:

Hello kollel!

My daughter had a question on the parsha.

1. who buried adam harishon? Hashem himself?
2. since he died before the flood, how could he be in the machpela, or said differently how come the machpela complex wasn't destroyed and flooded during the mabul, including the bodies of adam and chava?

Good questions from a six year old!

Josh

The Kollel replies:

Your daughter is asking some very good questions!

1.

a) I am aware of only one person that Hashem buried, i.e. Moshe Rabeinu. So I would hesitate before coming to the conclusion that Hashem buried Adam ha'Rishon. Since Adam had descendants alive at the time of his death, it might be fair to assume that they buried him.

After some research, though, I found that the Midrash says as you do. Baruch she'Kivantem! You and your daughter anticipated the interpretation which I found in the Midrash (Bereishis Rabah 58:8; see link #2 below). Rebbi Avahu is cited as maintaining that Hashem folded up Adam (hence the name "Machpeilah") and buried him in the cave. Second, the Sefer Gan Na'ul (link #3 below), by Rav Naftali Hertz Weisel, cites a Midrash which I could not track down yet that also says, in the name of Rebbi Rachumai, that Hashem buried Adam. But I have to keep an eye out for more explicit sources who would speak about this fascinating point.

b) In Pirkei d'Rebbi Eliezer (end of chapter 20; see link below), it says that Adam specifically set his own grave deep within the cave of Machpelah. His rationale was that he wished to prevent people from worshipping his body as a deity. Based on this, we might suggest a potential answer: The bodies were so deep inside the cave that the water of the Mabul -- violent as it was -- did not penetrate far enough to reach them.

2. Allow me to add a few more points about your fascinating questions:

a) Depth of Mabul

You may already be aware of the words of Rashi (Bereishis 6:13, DH Es ha'Aretz) who points out that the depth of earth which was destroyed by the flood was three Tefachim. Arguably, items buried deeper than this -- such as Adam ha'Rishon's body -- would not have been obliterated by the Mabul.

b) Adam's Grave

Tangentially, an interesting ramification of the fact that the cave still contains Adam ha'Rishon's body, even despite the flood (as your daughter astutely pointed out), is found in the Yerushalmi (Nazir 7:2); namely, that if one touches his Kever, he will contract Tum'ah. The Mefarshim (Korban ha'Eidah and Pnei Moshe, DH O b'Kever) explain that the Chidush is that even though he was not a Jew, i.e. he lived pre-Matan Torah, his body is still Metamei.

c) Mabul in Eretz Yisrael

Another, perhaps simpler, suggestion that might explain why the remains of Adam were not destroyed in the cave during the flood is because -- in the opinion of some -- the Mabul did not occur in Eretz Yisrael. This is the view of Rabbi Yochanan in Zevachim 113b. Reish Lakish, however, disagrees and maintains that the flood reached even Eretz Yisrael. So, according to Reish Lakish, we seem to be forced to accept one of the alternative answers.

I hope this helps!

Yishai Rasowsky

Links:

1. https://www.sefaria.org/Pirkei_DeRabbi_Eliezer.20.9?lang=he#:~:text=,
2. [https://www.sefaria.org/Bereishit_Rabbah.58.8?lang=bi&with=all&lang2=en#:~:text=.](https://www.sefaria.org/Bereishit_Rabbah.58.8?lang=bi&with=all&lang2=en#:~:text=,)
3. [https://www.sefaria.org/Gan_Naul_House_I.5.7.1?vhe=Gan_Naul,Rishon_Letzion,2016&lang=he&with=About&lang2=he#:~:text=\)-,,,-](https://www.sefaria.org/Gan_Naul_House_I.5.7.1?vhe=Gan_Naul,Rishon_Letzion,2016&lang=he&with=About&lang2=he#:~:text=)-,,,)

Josh asks:

Thank you Rav Yishai. According to the last answer is there room to say the flood didn't go everywhere in the world, including places like North America or Australia? This resolves difficulties in reconciling geological and habitation records with the idea of a global flood; it introduces new difficulties I suppose about whether the aborigines for example are bnei noach or something else.

Josh

The Kollel replies:

Shalom Josh,

Yes, there is. Rabbi Yitzchak Sheilat wrote a Sefer based on teachings of Rav Gedaliah Nadel. This work is called b'Toraso Shel R' Gedaliah. In that book's chapter on Bereishis, on pages 117-121, he maintains that the flood in fact did not take place over the whole earth, but rather only in the Middle East. He understands that the Machlokes between Rebbe Yochanan and Reish Lakish is only regarding whether or not Eretz Yisrael was included. But other parts of the world, far from the Middle East, he writes may not even have been aware of the goings on of the Mabul.

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

As I suspect you might be aware of, there are differing views amongst the major commentaries on this issue.

For example, Ramban (Bereishis 8:11) writes that the Mabul was indeed over the whole world. And he cites the Pirkei d'Rebbi Eliezer (Chapter 23) which maintains that even according to the opinion that the flood waters

didn't *rain* into Eretz Yisrael, still the water from Chutz l'Aretz did rush into Israel from the outside.

You'll note this a a bit different than the portrayal we found in Zevachim 113a-b of Rebbi Yochanan who believes that the land of Israel remained unflooded whatsoever, but there was lethal Hevel that suffused the land of Israel.

On the other hand, Tosfos (Zevachim 113a DH Lo Yarad) in his final Terutz notes that when the Torah describes the Mabul as covering all the tall mountains under the entire sky (see Bereishis 7:19). This, unlike Ramban, would be more consonant with an interpretation like that of Rav Nadel.

Bava Kama 037: Nezikin to property of Nochrin

EZ Gross asked:

Hi

1. What's the Din of Eish b'Ru'ach Metzuyah that damaged a Nochrin or the property of a Nochrin.

2. And is there a difference if the property of the Nochrin was Tamun?

Thanks you so much for all your help

Eli Gross

The Kollel replies:

Shalom,

Great to hear from you. This is not a Psak Halachah.

1.

I believe I see from the first question an assumption there may be a difference between Jews and gentiles regarding payment for damages. In a significant way, that is quite right.

a)

For example, Chazal teach us that a Jew doesn't have to pay if his ox gores a gentile's ox, whereas if the gentile's ox gores the Jew's ox then the gentile does have to pay (Bava Kama 37a). Likewise, according to Rav Yosef's explanation of Rebbe Akiva, there is no prohibition of stealing from a gentile if he is not a Ger Toshav (Bava Kama 113b).

b)

But these cases seem to be the exception rather than the general rule which is that payment for damages to a gentile are no different than those to a Jew. Support for this premise can be found in the Yerushalmi (Bava Kama 4:3) in which two Romans didn't find any "objectionable" monetary laws in the Torah other than these two we mentioned. Furthermore, even though the Gemara (Bava Kama 38a) proves from Pesukim that Hashem permitted the money of gentiles (Rebbe Avahu learns this from Chabakuk 3:6; alternatively Rebbe Yochanan learns it from Devarim 33:2), nevertheless Tosfos (Bava Kama 38a DH Amad) understands that this "permission" would only apply to the cases we mentioned above, i.e. the gores ox and -- arguably -- Gezel Akum, but not to other cases of property damage.

c)

You asked about a Ruach Metzuyah. The Gemara (Bava Kama 60a) says that when a wind caused the fire to spread, then the person who started the fire is Patur. Tosfos (DH Libah) maintains that this is only if the wind is Einah Metzuyah. But if the Ruach is Metzuyah, then he must pay. This is Paskened in Choshen Mishpat 418:9.

2. Halachah follows the Chachamim (as opposed to Rebbe Yehudah) who hold that Tamun b'Eish is Patur. But that is only when the fire was lit, let's say, in the yard of the Mazik. If, however, the fire was lit in the yard of the Nizak, then the Mazik must pay, if the Tamun items are normally expected to be stored inside whatever was enclosing them (Bava Kama 61b; Choshen Mishpat 418:13).

There are many more details here that we didn't even discuss. But for the time being, I hope this helps as a start!

Warmest regards,

Yishai Rasowsky

Bava Kama 087: Nezikin to Nochrin

EZ Gross asked:

Hi

5. Is there any difference between a Nochri and a Ger Toshav when it comes to Nezikin or death?

including Tza'ar, Sheves, etc.?

Thanks you so much for all your help

Eli Gross

The Kollel replies:

ION:

I see a bit more about the subject now, and I believe the following this would also interest you.

1. Capital Punishment for Murder b'Mezid

It appears from Rambam (Rotzeach 2:11) that the law is the same regarding a Jew who murders a Ger Toshav or murders a Goy. In both cases, there is no punishment administered by the Beis Din. See Kesef Mishnah who cites as the source of this ruling the Mechilta of Rabbi Yishmael (21:14 DH Ish) which discusses the alternative punishment from heaven.

2. Cities of Refuge for Murder b'Shogeg

Moreover, the Torah (Bamidbar 35:15), the Mishnah and Gemara (Makos 8b), and the Rambam (Rotzeach 5:3-4) teach us that the cities of refuge provide protection for a Ger Toshav who b'Shogeg kills another Ger Toshav. Vis a vis your question, it is important to note that this priviledge is *not* afforded to a Goy who worships idols.

2. If the Gentile is Murdered b'Shogeg

On the other side of the coin, the Minchas Chinuch (410:1 DH she'Nitzavu) cites a Machlokes reagrding whether there is a difference between an Akum and Ger Toshav when they are the victims of murder at the hands of a Jew who kills him b'Shogeg. Rambam (ibid. Halachah 3) writes that the Jew is *exiled* to the Ir Miklat if he kills a Ger Toshav b'Shogeg. The Rahamach agrees with the Rambam. The Ra'avad disagrees, as does the Kesef Mishnah who even maintains that the Girsah in the Rambam must be a mistake.

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EZ Gross asked:

Hi

5. Is there any difference between a Nochrin and a Ger Toshav when it comes to Nezikin or death?

including Tza'ar, Sheves, etc.?

Thanks you so much for all your help

Eli Gross

The Kollel replies:

Shalom R' Eli,

Great to hear from you.

It appears from the Minchas Chinuch (51:1 DH v'Shor) that they are the same, at least regarding Mamon ha'Mazik, and arguably all the other laws you mentioned as well.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kerisus 000: Teshuvah for Chiyuv Kares

Nati Cohen asks:

Is it possible to do teshuva for being chayav karet? If the normal steps of teshuva are implemented - would this be enough?

Nati Cohen, United Kingdom

The Kollel replies:

Shalom Nati,

Great to hear from you.

When a person does Teshuvah, Hashem draws him close with love, and happily accepts that person's good deeds (Rambam, Teshuvah 7:6-7).

Teshuvah and Yom Kippur can *suspend* the weight of a sin that carries a penalty of Kares. But in order for a person to achieve full atonement, it is necessary to undergo suffering (Yoma 86a; Rambam, Teshuvah 1:4).

I would like to note that it doesn't say what type of suffering. It may not have to be physical. Moreover, one would be tempted to suggest that a regimen of serious Torah study may enable a person skip to the need for more uncomfortable types of suffering. The reason for this could be twofold: first, the intense and disciplined study of Torah may be a valid way to "inflict oneself" with the requisite dose of "suffering"; secondly, Talmud Torah is generally known to provide protection (Berachos 5a; Sotah 21a; and many other sources). In fact,

Minchas Chinuch (M.C.) discusses a number of technical details related to your question (Mitzvah 364). For example, in section 14 he discusses whether the suffering is necessary applies for a *Lav* that was Kares (the view of the Tosefes Yom ha'Kipurim 85b), or even for an *Aseh* that was Kares (the view of the M.C. himself based on the Rambam).

Furthermore, in section 17, M.C. tries to demonstrate -- perhaps surprisingly -- that there is no difference between Shogeg versus Meizid with regard to this atonement procedure. He also concludes that if the sin included a penalty of lashes, and the individual received those lashes, then he doesn't need Yom Kippur nor additional suffering in order to atone for this particular sin.

Lastly, in section 22, M.C. discusses which components actually make a contribution toward achieving the atonement. For example, is it all based on the suffering? Or does the Teshuvah -- alone or together with observance of Yom Kippur -- help somewhat to provide the suspension as well.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 000: Error in Kesuvah

Joshua Danziger asks:

Hello kollel!

This is a general question. Is there any inyan to mention a nearby body of water in addition to the city name when writing a ketuba? At a friend for shabbos lunch, I saw their ketuba which mentions they were married in the Italian town of strassa, on the shore of lake maggiore.

I vaguely remember something about this but it's not done in cities on rivers (ie New York, London) nor on oceans (Cape Town). If so, what's the threshold? Tiverya by the kinneret? Only small towns to avoid confusion?

Is it a concept by gittin, since they're generally stricter?

Thank you!

Josh

The Kollel replies:

Shalom R, Danziger,

Great to hear from you.

Regarding Gitin, although it is not technically necessary to write the bodies of water near the city in which the divorce is made, it became customary nevertheless for the purpose of avoiding ambiguity regarding the city's identity. See Beis Yosef (Even ha'Ezer, Siman 128) and Shulchan Aruch (ibid., Seifim 3-7, but especially Seif 4).

Some even prefer writing the names of two bodies of water if possible (See Beis Shmuel, ibid. citing Shu"t Maharam Mintz, Siman 68). You can see this demonstrated in the Shulchan Aruch's example (Seder ha'Get, Haga'ah to Seif 101).

You are quite right that a Get is more strict than a Kesubah in a number of ways. And I found it very interesting that Poskim mention this issue, i.e. identification of a city by its rivers, not only by Gitin, but by Harsha'ah as well (ibid., 141, Haga'ah to Seif 30), even though it is less related than a Kesubah is to marriage and divorce.

There is more to this issue, but for now I hope this helps as a start!

Warmest regards,

Yishai Rasowsky

Josh asks:

Thanks rav yishai. So in general is better lechatchila in ketubot to mention the nearby water? Or is it at all specific to lakes or small towns?

The Kollel replies:

Shalom Josh!

I want to clarify something. Originally, you asked -- if I understood you correctly -- whether there is a difference between a Kesubah versus a Get, in regard to mentioning bodies of water, since a Get is more strict. You are right. A Get is more strict, since it is actually making the divorce; that is unlike a Kesubah, which is just a Shtar Chov that proves there is an obligation between husband and wife. In fact, the person who writes a Get must be a high level expert. But any rabbi who writes a Kesubah, while he needs to be aware of basic laws, still he does not need too much specialized knowledge. In any event, as we discussed earlier, the Halachah is that even by Gitin writing the river's is not technically necessary; but it is typically done anyway, just as a precautionary measure to avoid confusion. But by a Kesubah, it is generally not done at all. Therefore, if you do see a Kesubah which has the body of water's name, then I believe that would be the exception rather than the rule.

I hope this helps!

Warmest regards,

Yishai Rasowsky

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There is more to this issue, but for now I hope this helps as a start!

Warmest regards,

Yishai Rasowsky

Kesuvos 081: When is a Kesuvah Chal

Joshua Danziger asks:

Hello kollel!

My shiur today discussed when the ketubah is chal, and a comment from the haflaah discussing whether it may only become a chiyuv at the moment of death or divorce.

My question is bzman hazeh let's say it's the chassan tish. The witnesses sign and the chassan makes a kinyan. For some reason he then backs out of the wedding and never does kiddushin. Is there anything that needs to be done to void the kesubah? The woman obviously wouldn't have it in her possession but I'm wondering if the witnessing and the kinyan accomplish anything even if kiddushin never subsequently happens.

Thank you and shabbat shalom!

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you.

In that case, the Kesubah would not ever have become operative. The reason is because the husband only undertakes the obligations of the Kesubah if he actually marries her. This is stated in the Kesubah.

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

Shalom Josh,

It occurred to me that the following example might help to illustrate a little more clearly. A signed Shtar that attests to a transaction that did not actually end up being effectuated carries no weight. For instance, suppose Reuven draws up a contract because he plans to borrow money from Shimon. The contract demonstrates the right of the lender to collect. If after the contract is drawn up, the lender decides that he does not want to give the loan, so the borrower will simply not hand over the contract to the lender. It will be a useless piece of paper with no legal power, since there never was a loan.

Similarly, in the case of the marriage contract: If there never was a wedding, so the Kesubah will not be given to the woman, and it will have no legal power because there never was a marriage.

There is a difference, though, between a contract for a loan and a contract for a marriage. And that is, if there was a loan but no Shtar was ever made, so unfortunately for the lender there's no way practically to make the borrower pay up. But, in the case of marriage, even if they were married and by mistake did not write up a Kesubah, still the husband we'll have to provide the wife with the privileges that were supposed to have been written in the Kesubah, because part of Chazal's mandate is that the husband to supply the wife with these benefits whether it is written or not.

I hope this helps!

Warmest regards,

Yishai Rasowsky

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Thank you and shabbat shalom!

Josh

The Kollel replies:

Shalom Josh,

After giving it more thought, it occurred to me that the following example might help to illustrate a little more clearly. A signed Shtar that attests to a transaction that did not actually end up being effectuated carries no weight. For instance, suppose Reuven draws up a contract because he plans to borrow money from Shimon. The contract demonstrates the right of the lender to collect. If, after the contract is drawn up, the lender decides that he does not want to give the loan, the borrower will simply not hand over the contract to the lender. It will be a useless piece of paper with no legal power since there never was a loan.

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There is a difference, though, between a contract for a loan and a contract for a marriage. And that is, if there was a loan but no Shtar was ever made, unfortunately for the lender there is no way practically to make the borrower pay up. But in the case of marriage, even if they were married and by mistake did not write up a Kesubah, still the husband will have to provide the wife with the privileges that were supposed to have been written in the Kesubah, because part of Chazal's mandate is that the husband must provide the wife with these benefits whether it is written or not.

Yishai Rasowsky

Joshua Danziger asks:

Thanks rav yishai. The other thing is that the ketuba is actually signed by witnesses and the shtar in your example I assume is not signed bc the loan didn't happen.

In my case if somehow the woman was able to get hold of the ketuba she could probably come to beit din and try to collect under it, claiming to be divorced?

The Kollel replies:

Shalom R' Danziger!

I was actually referring to a case where the loan contract *was* signed, but subsequently the lender backed out on his offer to provide that loan. In such a case, the would-be borrower will surely choose to hold on to the document, or even rip it up, rather than hand it over to the would-be lender. To be sure, if such a signed document fell into the hands of the would-be lender, he might illegitimately try to use it to extract money from the "borrower", which would be fraud.

Similarly, if the woman in our case somehow gets hold of the signed Kesubah, then she might *illegitimately* try to use it to extract money from the "husband". The most obvious obstacle she will encounter is that the husband will maintain that they were never married. He would, however, not be believed, since there is an assumption that the husband does not hand over the Kesubah to the wife until *after* they are actually married.

So maybe it is more correct if we say that even though in terms of objective reality the document does not obligate the "husband", since there never was a wedding, nevertheless she may unjustly choose to engage in subterfuge and use this "Kesubah" as *if* it were real.

I appreciate your following up to clarify. I hope this helps.

Happy Chanukah!

Warmest regards,

Yishai Rasowsky

Kesuvos 081: When is a Kesuvah Chal

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Thank you and shabbat shalom!

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you.

In that case, the Kesubah would not ever have become operative. The reason is because the husband only undertakes the obligations of the Kesubah if he actually marries her. This is stated in the Kesubah.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 107: Mezonos for a Woman Who Claims She is Divorced

simcha cohen asks:

It says on 107b that the woman that claims she is divorced does not seem to give up entirely her mezones. Why isn't she *mochel* her mezones claim? isn't it like *To'en Chitim u'Modeh Lo b'Se'orim*?

The Kollel replies:

Shalom R' Simcha,

Great to hear from you.

In case of Chitim/Seorim [1], Reuven demands \$100 payment for an alleged sale of wheat to Shimon. Shimon disagrees and instead maintains that he owes only \$80 to Reuven for a sale of barley.

On the surface, it would seem that although the claims contradict each other, still Shimon should pay \$80 *m'Mah Nefshach*. Yet the Halachah is not so. Instead, Shimon is *Patur* entirely, i.e. he doesn't even have to pay for the alleged barley. Why is that?

The Beis Yosef (Choshen Mishpat 88:12) cites three views: first, Rashi and Tosfos who maintain that it is because Reuven was *Mochel* the money for the barley; second, the Rosh who maintains that it is because Reuven was *Modeh* that he never gave barley to Shimon; third, the Ramah who believes it is because Shimon's *Hodaah* regarding the barley is not considered an official admission.

I believe that the key point for us, however, is that there is a *Nitva*, Shimon, who is denying the *Chiyuv* to pay for the *Toveya's* claim of wheat. This is not like our case of the woman. For until she spoke up, she was presumed to be married and as such was entitled to receive *Mezonos* from the husband's estate. No one denies that. It is she alone who declared herself to be divorced. If we would believe her, then she should be entitled to receive the whole Kesubah payment right away.

But we can't believe her, since she doesn't bring testimony of two witnesses. Therefore, she cannot receive her Kesubah payment all at once; because any day her husband may show up and deny ever having divorced her. Instead, she simply continues receiving *Mezonos*, *her right to which no one denies*. But, of course, this is permitted only until her collection reaches the value of the Kesubah, which was the limit she alone imposed on herself by her claiming to be a divorcee.

I hope this helps!

Warmest regards,

Yishai Rasowsky

1. This is a Mishnah in the beginning of the sixth Perek of Shevuos. It appears several places in Shas: Kesubos 108b; Bava Kama 35b; Bava Metzia 5a; Bava Metzia 100b; Shevuos 38b -- the location of the Mishnah; and Shevuos 40a.

Nedarim 023: Vows vs. Contract, Teshuvah For Violating a Vow

Sheano Yodea Lshol asks:

(1) What is the difference between a vow (or oath) and a contract?

(2) If one fails to keep a vow (and has not been released from the vow) to one's fellow men, in order to receive forgiveness from HaShem, in addition to tefilah, teshuva, and tzidakah, is it necessary to do at least one of the following three items (1) keep the vow, or (2) make one's fellow man whole with respect to any loss they may have suffered due to our not keeping our vow or (3) seek release from the person whose interest was affected by the vow we did not keep?

Thank you,

Sheano Yodea Lshol.

Sheano Yodea Lshol, Baltimore MD, USA

The Kollel replies:

Shalom!

Great to hear from you.

First, a person can obligate himself to do something either by a vow or an oath or by contract -- all of these will be binding. One significant similarity between a Neder and a Shtar is that in both cases, in circumstances where a phrase is ambiguous, we will interpret the person's intent based on the presumed normal connotation of the people's use of those terms. This is reflected in the Gemara in Nedarim 63.

But is there a particular aspect in which you want to know how they are different? For example: Where a vow or oath is binding and a contract is not, or vice-versa. It is hard for me to determine that based on the information that I see at the moment.

Secondly, recall that in addition to the standard steps of Teshuvah -- which typically do include making up for any damage incurred by one's fellow (provided this is assessed according to Jewish law) -- there is another recourse for a vow, or an oath for that matter; that is, to have it annulled by assembling a Beis Din who can perform Hataras Nedarim. This, however, will depend on whether and why the individual who made the vow (or oath) regrets ever having undertaken it in the first place.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Addition:

Allow me to elaborate that it is probably important to consider at least one other significant discrepancy between an agreement or commitment made by vow or oath versus an one made by contract. That is, for an agreement that is made by contract between two parties, one party can force upon the other to fulfill their obligations by calling them to Beis Din. But an agreement or commitment that is enforced only by a vow or oath is, in a very significant sense, something almost purely between the individual and Hashem; typically there's not a whole lot that the other party can do at all in order to coerce the obliged individual fulfill his duty even, if that duty is to provide some service for the other party.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Nedarim 023: Vows vs. Contract, Teshuvah For Violating a Vow

Sheano Yodea Lshol asks:

(1) What is the difference between a vow (or oath) and a contract?

(2) If one fails to keep a vow (and has not been released from the vow) to one's fellow men, in order to receive forgiveness from HaShem, in addition to tefilah, teshuva, and tzidakah, is it necessary to do at least one of the following three items (1) keep the vow, or (2) make one's fellow man whole with respect to any loss they may have suffered due to our not keeping our vow or (3) seek release from the person whose interest was affected by the vow we did not keep?

Thank you,

Sheano Yodea Lshol.

Sheano Yodea Lshol, Baltimore MD, USA

The Kollel replies:

Shalom!

Great to hear from you.

First, a person can obligate himself to do something either by a vow or an oath or by contract -- all of these will be binding. One significant similarity between a Neder and a Shtar is that in both cases, in circumstances where a phrase is ambiguous, we will interpret the person's intent based on the presumed normal connotation of the people's use of those terms. This is reflected in the Gemara in Nedarim 63.

But is there a particular aspect in which you want to know how they are different? For example: Where a vow or oath is binding and a contract is not, or vice-versa. It is hard for me to determine that based on the information that I see at the moment.

Secondly, recall that in addition to the standard steps of Teshuvah -- which typically do include making up for any damage incurred by one's fellow (provided this is assessed according to Jewish law) -- there is another

recourse for a vow, or an oath for that matter; that is, to have it annulled by assembling a Beis Din who can perform Hataras Nedarim. This, however, will depend on whether and why the individual who made the vow (or oath) regrets ever having undertaken it in the first place.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Nedarim 031: Nochrin garlic eaters?

Avrumi Hersh asks:

31a top

The gemoro says that the 1st 2 cases of the mishna (keeping shabbos and eating garlic, the ran explains on 30a bottom, that means eating garlic on Friday nights) both of these cases Jews and kutim are metzuvah veoseh, but goyim are osim without any tzivuy.

Why would goyim eat garlic on Friday nights? I understand that goyim would take off weekends but why garlic?

Avrumi Hersh, United Kingdom

The Kollel replies:

Shalom R' Hersh,

Great to hear from you.

You are raising an interesting point! I would like to share a couple of ways of looking at the Gemara's discussion, according to which this issue might be alleviated somewhat.

First, it may sound far fetched, but it is possible be that the gentiles picked up on this garlic eating custom of ours because they enjoyed it or found it beneficial.

But secondly, and perhaps more to the point, is that the Chidush being taught in our Mishnah is not in the Diyuk, that you *are* permitted to benefit from a gentile who eats garlic. But rather the Chidush is in the second case which is stated, i.e. that you are *not* allowed to eat from a Kusi who eats garlic. The reason why this is a Chidush is because, l'Maskanah, it is only a person who is eating garlic *because of the decree of Ezra* that is included in the Neder prohibition. Now, the Kusim only kept *some* Halachos meticulously -- typically those of the written Torah, but *not* of the oral Torah. Nevertheless, in the case of Ezra's enactment to eat garlic, they *were* careful to keep it.

Now, recall the Machlokess Tanaim regarding whether the conversion of the Kusim was valid, simply based on the fear of lion attacks. If we go with the premise that the Kusim are legitimate converts, then they not only *observe* this garlic Takanah, but they are also *obliged* to do so. That is why they are included in the Neder prohibition. So, according to this interpretation, the focus is not really on the admittedly unlikely case of a gentile who eats garlic on Friday night, but rather on the case of Kusi.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Nedarim 039: Source for Bikur Cholim

Daniel Gray asks:

Why not use Hashem's bikur cholim to Avrohom as source?

Daniel Gray, Toronto Canada

The Kollel replies:

Shalom R' Gray,

Great to hear from you. I appreciate you raising this question. It gave me an opportunity to research and think about this subject to a degree; and I am glad to share what I found. But, in case you are in a hurry and don't have time to read it all, I invite you to skip to section 6 below, which is where I personally feel your question is best addressed.

1. The Rosh's Kashya

I see Mefarshim ask a different but related question; namely: Rather than learn from Moshe's words by the episode of Korach (16:29), why doesn't Reish Lakish instead learn from the Posuk "Yeilchu Vah" (Shemos 18:20), since that is where Chazal elsewhere (Bava Kama 100a; Bava Metzia 30b) derive the obligation of Bikur Cholim. See the Perush ha'Rosh (Nedarim 39b DH l'Bikur).

2. Differentiating from Your Question

Your question comes from a different angle, based on another statement of Chazal (Bava Metzia 86b) in which Hashem is understood to have visited the sick Avraham Avinu after his Bris Milah (Bereishis 18:1).

3. The Rosh's own Terutz

The Rosh, in any event, suggests the following answer, which some consider as being hard to accept (see section 4 below). He writes that the reason is because the Posuk of Yeilchu Vah is *not explicit*, but the reference in the Posuk by Korach *is* explicit. The Rosh himself notes the difficulty with this in terms of Reish Lakish's language in the Gemara, which is "Remez". The Rosh evidently understands that the term Remez means an explicit reference.

4. Maharatz Chayes

The Maharatz Chayes (Nedarim 39b) takes issue with this, though, because we find other examples (which he lists there) of what Chazal refer to as a Remez to various laws even though they are not at all explicit. (By the way, he also notes the significant discussion between the Rambam and Ramban (Sefer ha'Mitzvos Shores #3) whether the status of laws based on Remez is that of a Torah level.)

5. Two Suggestions

In terms of your question, though, it would seem to me at this point there are two possible initial thoughts even if they are not full answers.

a) Explicit versus Implicit

The first thought would be, if we accept the Rosh's view above, to say that arguably it is *more explicit* when Moshe says that people visit one another when deathly ill (as the Tosfos and Ran explain Pshat in our Gemara), and less explicit when Hashem is interpreted as having appeared to Avraham as a measure of Bikur Cholim after his Milah, since the latter is not openly stated in the Torah but rather inferred. But in a sense, this would be difficult to suggest, since -- as the Maharsha points out -- the literal context of the Posuk by Korach is not really Bikur Cholim. Rather, as I would understand it to mean, it's referring to the hypothetical option "if the fate of all mankind befalls them (i.e. natural death)". We interpret the phrase to refer to visiting the sick only because of a Drashas Chazal.

b) Emulating G-d versus Personal Obligation

A second thought would be this: The story of visiting Avraham only teaches us that visiting the sick is a worthy -- and even divine -- activity; but not necessarily is it a unique Mitzvah unto itself. This, however, is also may not be 100% convincing, because we are in fact obliged to emulate G-d's ways, concerning which Chazal indeed cite Bikur Cholim as a prime example (Sotah 14a based on Avraham)!

6. Torah Mitzvah versus Rabbinic Mitzvah

a)

The two suggestions above, therefore, to my mind, are speculative and not well enough substantiated, when compared to the following which I personally find to be the most appealing answer.

b)

I see cited the Perush of Rabbi Avraham Min ha'Har, who explains that Reish Lakish is *not* seeking the source that there is a Mitzvah d'Oraisa to visit the sick. Rather, Bikur Cholim is only a Mitzvah d'Rabanan, which Chazal instructed us to perform, because it involves the Jewish values of kindness and caring for a person in need etc. Accordingly, our Gemara is not at all trying to locate a Posuk which teaches us that it is a proper activity to visit the sick. (If it were, then as you asked, we should prove it from Hashem visiting Avraham.)

c)

Rather, the Gemara is trying to showing that this practice was something that Jews regularly performed, even without being obliged by a Takanas Chazal. If so, then we can understand very well why the Gemara chose to cite Moshe's speech by Korach rather than the case of Hashem visiting Avraham. For the former expresses the fact that Bikur Cholim is an activity that Jewish people regularly do; whereas the latter, while it's certainly a noble act of benevolence, to be sure, nevertheless it is an act performed by ha'Kadosh Baruch Hu, *not* people in the Jewish community.

7. Rambam

By the way, the Rambam (Avel 14:1) adopts the view that the Chiyuv to visit the sick is rabbinic, but still they are included in the Torah adage and obligation of "Love your fellow as yourself" (Vayikra 19:18). It might be argued that this is a case of the phenomenon -- which appears elsewhere as well -- of a Chiyuv Mitzvah that is mid'Rabanan (Bikur Cholim) which involves a Kiyum Mitzvah that is mid'Oraisa (v'Ahavta l'Reiecha Kamocho).

I hope this helps!

May you continue to grow in Torah and Yiras Shamayim.

Warmest regards,

Yishai Rasowsky

Nedarim 043: Lashon "Noder"

Menachem Weiman asks:

What's the grammatical difference between the word "hanoder" that we have in mishnayos meseches nedarim, and the word "hamadir" that we have in mishnayos meseches kesuvos? The meforshim in meseches nedarim seem to be using them as synonymous.

Menachem Weiman, St. Louis, USA

The Kollel replies:

Shalom R' Menachem,

Great to hear from you.

Usually, the terms are distinguished as follows. But you may find some commentaries who maintain that the terms are Lav Davka, according to the basic guidelines.

1. "Noder" is the ordinary (non-causative) form of the verb, and it refers to the person who vowed to make an entity Asur. We find this term used many places in Nedarim. Generally speaking, he is creating an Isur with his vow that will make an item Asur to himself.
2. "Madir" is grammatically the *causative* form of the verb; so it refers to someone (e.g. the husband) who makes an Isur materialize on an entity, not necessarily for himself but rather with regard to someone else, e.g. his wife. This is mentioned, for example, in the Mishnayos in Perek 7 of Kesuvos.
3. Another term is "Mudar"; this is the party to whom the Isur applies. For example, if Reuven vowed to forbid from Shimon any access and benefit to Reuven's assets, then Reuven is a Madir and Shimon is Mudar.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Menachem Weiman asks:

Thank you for your kind response. That was helpful. On a side note, my sources refer to the causative verb form as "hifil" (passive "hufal") not "piel". Piel (and passive Pual) are referred to as - intensive. Are the Hebrew labels of the verb forms in dispute?

Thanks,

Menachem

The Kollel replies:

Shalom R' Menachem,

My pleasure. Yes, causative is Hifil, not Piel. Looking back, I am not sure that I see where in our discussion there was an indication to the contrary.

Warmest regards,

Yishai Rasowsky

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I hope this helps!

Warmest regards,

Yishai Rasowsky

Pesachim 003: Killing an Arami

Shmuel Jacobs asks:

On 3b we learn the account of an Aramaean who pretended to be a Jew and ate from the Korban Pesach. When he was discovered he was executed. Why was execution the correct punishment? Kol Tov, Shmuel Jacobs

Shmuel Jacobs, Israel

The Kollel replies:

Shalom R' Shalom,

Great to hear from you.

You are asking an excellent question. I see the Minchas Chinuch (M.C.) offers a number of explanations why that gentile was given capital punishment.

1. Because stealing is one of the seven Noachide commandments (Sanhedrin 57a; Rambam, Hilchos Melachim 9:9), and this gentile stole a portion of the Korban Pesach. This is based on Rashi (Kidushin 52b DH Ki and Bava Kama 12b DH Aval) who maintains that a Korban even after being slaughtered is still Mamon Gavoha. Only a Jew -- who has a right to eat it -- may partake; but for a gentile who has no such right, taking part would constitute theft (M.C. 14:2 DH Ohd).
2. The opinion of some Rishonim (e.g. the Semag; and possibly the Rambam) is that when a gentile eats from the Korban Pesach, he himself is violating the prohibition (Shemos 12:45) "Toshav v'Sachir Lo Yochal Bo". According to this view, it can be argued that this Isur is binding on a gentile even though it is not listed as one of the seven Noachides commandments. The reason being either because this prohibition a) is *not* applicable at all times, or b) is *not* applicable in all places, or c) is written openly in the Torah (M.C. 14:1-2).
3. Possibly, when the Chachamim investigated this gentile, they discovered that he was in violation of any number of the seven Mitzvos, and it was for those that he deserved the death penalty. This is like the answer the Ramban (Bereishis 34:13) suggests regarding why Shimon and Levi were entitled to kill out the inhabitants of Shechem (M.C. 14:2 DH u'Lechorah).

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

I wanted to share a couple of additional points with you:

A) Some Mefarshim take a totally different approach and maintain that the prohibition for which the gentile was liable the death penalty was that of entering the Azarah. See the comment of the Netziv in his Meromei Sadeh (DH Badku). This could be a problem because of the gentile's bodily Tumah, and/or because there was a law of the king (Hordos for example) that forbade a gentile from entering too far into the central areas Har Habayis.

B) Some suggest that the gentile was guilty of "stealing" from the Jewish members of the Chaburah with whom he ate. See Rav Elchonon Wasserman in his Kovetz Shiurim (#6). Other point out that this Terutz will not necessarily hold up if we assume the goy *paid* fair and square for his portion. This is because there are Rishonim who maintain that by paying for an item that actually takes away the Isur Gezel (see Tosfos in Bava Kama 62a Chamsan and in Sanhedrin 25b DH m'lkara). But others argue, and hold that there is still an Isur Gezel even if the "thief" pays (view of the Ri Migash). It may be that only according to the latter view would the Cheshbon of the Netziv remain solid. See Rav Shmuel Rozovsky in Chidushei R' Shmuel (#30).

C) As I alluded to in the previous message, not all Rishonim agree to the premise that a gentile himself is violating the law of "Toshav v'Sachir Lo Yochal Bo" when he eats from a Korban Pesach. According to some, it is only the Jew who is violating that Mitzvah. In that case it would be debatable whether the Jewish people could take the life of a gentile, in order to facilitate the Jews' observance of the this law.

Pesachim 003: Killing an Arami

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Shmuel Jacobs, Israel

The Kollel replies:

Shalom R' Shalom,

Great to hear from you.

You are asking an excellent question. I see the Minchas Chinuch (M.C.) offers a number of explanations why that gentile was given capital punishment.

1. Because stealing is one of the seven Noachide commandments (Sanhedrin 57a; Rambam, Hilchos Melachim 9:9), and this gentile stole a portion of the Korban Pesach. This is based on Rashi (Kidushin 52b DH Ki and Bava Kama 12b DH Aval) who maintains that a Korban even after being slaughtered is still Mamon Gavoha. Only a Jew -- who has a right to eat it -- may partake; but for a gentile who has no such right, taking part would constitute theft (M.C. 14:2 DH Ohd).
2. The opinion of some Rishonim (e.g. the Semag; and possibly the Rambam) is that when a gentile eats from the Korban Pesach, he himself is violating the prohibition (Shemos 12:45) "Toshav v'Sachir Lo Yochal Bo". According to this view, it can be argued that this Isur is binding on a gentile even though it is not listed as one of the seven Noachides commandments. The reason being either because this prohibition a) is *not* applicable at all times, or b) is *not* applicable in all places, or c) is written openly in the Torah (M.C. 14:1-2).
3. Possibly, when the Chachamim investigated this gentile, they discovered that he was in violation of any number of the seven Mitzvos, and it was for those that he deserved the death penalty. This is like the answer the Ramban (Bereishis 34:13) suggests regarding why Shimon and Levi were entitled to kill out the inhabitants of Shechem (M.C. 14:2 DH u'Lechorah).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Yoma 031: Avodas ha'Yom b'Vigdei Butz

Avraham Sacks asks:

Why would the Kohen Gadol need a reminder from the linen sheet that the avodah of the day is with linen clothing? Is there a deeper meaning?

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Shalom R' Sacks,

Great to hear from you.

1. The Need for a Reminder

The basic understanding -- which I also see in the Mefarshim -- is that he should not wear the wrong set of garments by mistake. As far as commentaries who say that there is a deep symbolic meaning, and that the linen alludes to something spiritual, I would suggest looking at the Ramban on the Torah (Vayikra 16:4) who writes that the concept of wearing the special garments of this particular material is based on the lofty idea of heavenly divine service and Lavush Bodim mentioned in Yechezkel 9:3 and Daniel 10:5.

2. The Kashya of the Rishonim

I can, however, share with you what I did find. That is, the commentaries are bothered why Rav Kahana -- who explained why the linen sheet was used ("so he should recognize that today's service is in linen garments") -- originally made his comment on the *second* occurrence of immersion in the Mishnah. Ostensibly he could have -- and should have -- explained it the same way on the first occurrence of immersion that appears earlier in the Mishnah!

3. The Terutzim of the Rishonim

I see two main opinions amongst the Mefarshim: Ritva, which most people would probably find easier to understand; and Tosfos.

a) Ritva

The Ritva believes that the reason why Rav Kahana mentioned his explanation for the linen sheet on the *second* immersion is because at the second immersion he's taking off his golden garments and *putting on his linen* garments. So the rationale of having a reminder to wear linen makes sense, since that is the set of garments which he is about to put on next. In the beginning of the Mishnah, however, the reason does not really apply, in terms of pure logic, because the garments he is going to put on are *gold, not linen*! Yet, the Ritva maintains, Rav Kahana's reason is still true, since once the law of using a linen sheet was enacted for immersion #2, so Chazal say they should use the linen sheet for immersion #1 as well (Lo Plug).

b) Tosfos

The explanation of Tosfos is, in a sense, the exact opposite; namely: The reason why Rav Kahana offered his explanation for the linen sheet on the *second* immersion instead of on the first immersion is because by the *first* immersion it's *obvious* that they need to use a linen sheet, in order to remind him to not get mixed up and use the wrong garments (see below for more about this). At the *second* immersion, on the other hand, Rav Kahana felt a need to state his explanation, since by immersion #2 it is *not* obvious why they should need to use the linen sheet. There are two reasons why it's not obvious, as follows.

Reason #1: Obviously after immersion #2 he is going to put on the linen garments, and he doesn't need the linen sheet as a reminder, because there would be no concern that is going to put on the gold garments, for immersion #2 is after having just taking those gold garments off!

Reason #2: They already raised the linen sheet by immersion #1. So arguably that could suffice as the only reminder needed for the whole day. Thus a linen sheet by immersion #2 would be superfluous.

4. The Kashya on Tosfos' assumption

There is a question that the later commentaries ask on this Tosfos. That is, how can it be necessary to remind him to wear linen at the first immersion? At the first immersion, he puts on gold garments, not linen! I saw in Mesivta two main approaches to answer this question. One is from the Siach Yitzchak, and the other is from the Nezer ha'Kodesh.

5. The Terutzim of the Acharonim

a)

The Siach Yitzchak follows the premise that there are two sets of white garments (Michnasayim, Ketones, Avnet, and Mitznefes). One set is made of plain linen ("Bod"). These are worn all year -- including Yom Kippur -- whenever the Kohen Gadol wears his "gold garments" (Meil, Ephod, Choshen, and Tzitz). In addition, there is a set of fine linen ("Bootz") garments used just on Yom Kippur when doing the Avodas Penim which is without any gold garments. According to the Siach Yitzchak's interpretation of Tosfos, the purpose of the sheet of "Bootz" on the first immersion is to remind him that when he wears his golden garments he should *not* wear them with the "Bootz" garments, but rather with the "Bod" garments -- the symbolism of the "Bootz" sheet being that whenever the "Bootz" garments are worn, they are to be worn alone, not with gold.

b)

The Nezer ha'Kodesh explains Tosfos differently: He adopts the premise that Avnet of Kohen Gadol worn all year round was made not only of linen but of Shaatnez, i.e. wool and linen together (see Yoma 5b-6a). But his Avnet for Yom Kippur was made purely of linen. The linen sheet at the first immersion was to remind him to wear the linen Avnet instead of the Shaatnez one.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 089: Yes or no to a Kesuvah?

Noach Hall asks:

In a place where a Kedsuvah is not usual - I am not aware there is anywhere this applies today, and an extract of the Kesuvah is a traditional part of the Chupah process.

When did the custom change from a Kesuvah not being a norm to our tradition today> How, and why would it have changed?

Noach Hall, Israel

The Kollel replies:

Shalom Noach,

Great to hear from you. I like your question and was challenged by it, so I turned to others who are more knowledgeable on this subject. I will share some interesting points that may be helpful. But I still think that ultimately a more focused answer to your question is still needed.

Rav Yitzchak Breitowitz pointed out to me that a written Kesuvah seems to have been the standard in most places, even in the time of Chazal, so it can be argued that in a sense not much has changed globally speaking.

On the other hand, as Rabbi Reuven Chaim Klein shared with me, nowadays our Kesubos don't look like the Kesubos from the time of Chazal. All the lines from the Kesubah that are quoted in the Mishnah in Kesubos do not appear in our Kesubos. The reason being that we rely on Tenai Beis Din to make those Halachos applicable.

If you are interested in seeing a very old copy of a Kesubah for historical research, I invite you to see the Babatha Kesubah found in the Bar Kochba archives: <https://www.jstor.org/stable/27926335>.

Even going back before the giving of the Torah, we do find references to a Kesubah agreement. Rashi points this out a few places in Sefer Bereishis. One is by Avraham Avinu (25:6); and other two -- which Rashi explicitly says are written documents -- are by Yitzchak (27:9) and Yosef (48:9).

As I said, your exact question needs further research to fully do it justice. So, Bli Neder I or one of the other members of the Kollel will hope to try assisting with that after more research.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Bava Metzia 058: Olam ha'Ba and Gehenom

Nati raymond asks:

surely there are more people who don't leave gehinom than the 3 listed in the braisa?

Also, is gehinom only 12 months or forever?

Nati raymond, United Kingdom

The Kollel replies:

Shalom R' Raymond,

Great to hear from you. Very perceptive questions.

I will invite you to look at a few sources. The Rambam in Hilchos Teshuva 3:6 enumerates 15 categories of sinners who are indeed punished forever ("l'Olam ul'Olmei Olamim"). (Although perhaps notably he does not mention Gehenom there; in fact, the only place that I see mentioned in Mishneh Torah where a person actually experiencing Gehenom is in Yesodei ha'Torah 5:4 where he discusses the punishment given to an intentional idolater.) This is based on the Gemara in Rosh Hashanah 17a which lists various groups of sinners who are judged for 12 months, as well as those who are judged for longer ("Dorei Doros").

The Gemara in Kiddushin 31b also alludes to the premise of a 12 month time limit on punishments in the after life. See Rashi there (DH Mikan) who specifies that this is referring to Gehenom.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Nazir 057: Gilu'ach Katan in Rashi

RA Alpert asks:

Regarding shaving a Kotton's head, Rashi mentions that this is lehavros the child after an illness. Is Rashi referencing something brought elsewhere in Shas/ Chazal? Or was this something self-explanatory in Rashi's own time?

Thank you so much for the wonderful resources you offer. Tizku leMitzvos!

RA Alpert, NY, USA

The Kollel replies:

Shalom R' Alpert,

Great to hear from you.

So far I found no cross references in Chazal to the practice which Rashi cites. But one is tempted to suggest that part of the basis for it might be this: When hair ungroomed a person may be prone to health risks -- or even be susceptible to infection -- due to the accumulation of sweat and filth. This danger might be compounded if a person has been ill and thus their immune system was weakened. The concern might be even more relevant to children, since their immune systems do not fully develop until the age of about 7 or 8. On a potentially related line of thought, one cannot help but recall the words of the Chinuch in Mitzvah #174 regarding the rationale for shaving the hair of a Metzora: Among other things, he emphasizes that cutting all the hair shows a cleansing from the old defiled state and the beginning of a new fresh start.

I also performed a brief search across cultures in which hair removal customs appear. Even though my research -- summarized below -- is not exhaustive or authoritative, I still thought I would share some results

with you for consideration. Note that not all of these practices appear to have the exact same agenda as the one we are discussing. Moreover, some cultures were interested in attaining physical benefits, whereas others were more interested in attaining supernatural benefits. I did not look into which of these practices are still maintained nowadays.

1. In Egypt hair removal was seen as a way to maintain hygiene.
2. In Greece hair removal was a common way to maintain cleanliness, aesthetics, and youthful vitality.
3. Muslims would observe a rite wherein newborns have their heads shaven to remove harm from the baby, promote stronger hair growth, and comfort the newborn by opening the skin's pores.
4. Hindus would shave a child's head in order to remove impurities and bring strength, energy, and virtues.
5. Mexican and other Hispanic cultures believe that shaving a baby's head protects them from evil and undesirable memories from past lives.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 002: Shmuel bar Rav Yitzach amar Resh Lokish

H David Levine asks:

Recalling from the end of Kiddushin, a rasha wed to a tsadekis is fated to become a tsadik, whereas a tsadik wed to a rashois is fated otherwise. How are either of the situations of consideration to Reish Lokish?

H David Levine, Roanoke, VA USA

The Kollel replies:

Shalom R' Levine,

Great to hear from you. I love your question, and with your permission I would like to expand on it. To be frank, I am not sure to which passage in the end of Masseches Kiddushin you are referring.

But I did see the following story in Bereishis Rabbah 17:7. A pious man was married to a pious woman, but they were not blessed with children. So, since they believed they were not accomplishing anything for Hashem, they consequently decided to get divorced. The original man went and got married to a wicked woman and she turned him into a Rasha. Meanwhile, the original woman went and got married to a wicked man and she turned him into a Tzadik. (The Midrash learns from here that everything depends on the woman.)

You cited Reish Lakish on our Daf who says that a person's will be matched with a spouse whose righteousness or wickedness is congruous to his deeds. As you know, our Gemara puts this at odds with the statement of Rav who says that spouses are predetermined even before birth (of the boy; see Tosfos DH Kodem). The Gemara, as the Mefarshim explain, concludes that Rav was referring to one's first spouse

(Predetermined before birth), whereas Reish Lakish was referring to one's second spouse (according to one's actions).

I understand you to be asking that this seems to be in direct contradiction with the story we cited above from the Medrash. I am humbled by your strong Kashya, and even after considerable search and thought, I feel I do not have a definitive answer.

But, I invite you to see the Gemara in Moed Katan 18b, which discusses whether through the power of prayer one can potentially alter whether he marries his intended mate. Granted, the Gemara there is referring to the statement about predetermination (although in Moed Katan it appears slightly differently, and it is cited in the name of Shmuel instead of Rav); nevertheless, an argument can be made that the selection of one's spouse in one's second marriage also can be affected by prayer.

I hope this helps!

Warmest regards,

Yishai Rasowsky

H. D. asks:

Thanks for the reply.

Rabbi Shalom Rosner, who gives daf yomi on the OU website, cites the kasha on Naval, and his wife, the first of whom David had executed, as he is a renowned rasha, and his wife a great tsadekis. I felt perhaps in the long course of a marriage, one or one's other may change many times, but the medrash, which I thought to have seen in Kidushin, concerned shidduch, and seemed more difficult.

The Kollel replies:

Shalom R' Levine,

Rabbi Rosner is a wonderful Magid Shiur. I enjoy listening to his explanations of the Daf whenever I have the opportunity. I appreciate you referring me to his comment here <https://alldaf.org/p/27007>.

At timestamp 35:50, someone attending the Shiur pointed out that Avigail's marriage to Naval and subsequent marriage to David ha'Melech actually appears to fit well with the Gemara's Maskana that Zivug Rishon is preordained whereas Zivug Sheni is according to one's righteousness.

The Rav was still bothered why she would marry him in the first place. But it is not fully clear to me why this is an ironclad Kashya. For example, do we know that she willingly married him knowing that he would be a despicable character?

I appreciate your important insight that in the course of married life, one spouse or the other might change. From the story in the Medrash we see one form of this phenomenon, though in that case it was a result of each wife influencing her husband to become more similar to her. Challenging situations of the opposite type exist, including nowadays, where two spouses grow apart from each other. For example, they were both originally not religious, and later one spouse decides to become so. Or, heaven forbid, the opposite case, where both spouses begin as religious and one of them decides to drop it.

Warmest regards,

Yishai Rasowsky

Sotah 002: What if Husband Dies?

Jeff Milrad asks:

If the husband dies before bringing the wife, the accused to the beis din, does she become free and is no longer being considered a possible sotah. does she get yubin or halzatiah or neither. she would be married (widowed) with no chance of marrying again or does she get divorced and is then eligible to marry any other israeli.

jeffrey milrad

The Kollel replies:

Shalom Jeffrey,

Great to hear from you.

You may have seen the relevant ruling in the Mishnah on Daf 2a and in the Gemara on Daf 5b. The Rambam also codifies it in Hilchos Yibum and Chalitzah 6:19. What we see regarding your case is that if the husband dies childless before the wife drinks, then she must undergo Chalitzah -- not Yibum -- with the brother of the deceased. She is then eligible to marry almost anyone else. The exception, as I believe you know, is a Kohen, who is forbidden to her for two reasons: Firstly, she is a Safek Isur d'Oraisa of Zonah (see Rambam Isurei Biah 15:12); and secondly, she is a Vadai Isur d'Rabanan of Chalutzah (Ibid. 17:7).

I hope this helps!

Warmest regards,

Yishai Rasowsky

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I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 014: Moses Yeled, with Kol Na'ar.

H David Levine asks:

To R' Nechemia, is it not clearly a, 'mum ovair,' since before time of avodah he will have grown?

H David Levine, Roanoke, VA USA

The Kollel replies:

Shalom R' Levine,

Great to hear from you.

This is a very good point! See the comment of the Mizrachi to Rashi on Shemos 2:6 who tries to deal with your question by saying that Rabbi Nechemiah believes that if Moshe Rabeinu's voice was different than his peers when he was a baby, then we can assume it that when he grows older also his voice will continue to be aberrant, albeit in a new way, which would in fact disqualify him for the Avodas ha'Shir of the Leviim.

Alternatively, see the comment of the Maharsha (Sotah 12b DH Kari Leih) who explains -- unlike Rashi on the Gemara -- that by "Baal Mum" Rabbi Nechemia meant simply irregular and thus deformed, but nothing to do with the Avodah.

I hope this helps to address your pereceptive question.

Warmest regards,

Yishai Rasowsky

Sotah 021: Insights of the Daf- Torah Protects

Jaime Esses asks:

What is the mekor of the last answer in the insights, that torah protects even from isurin that comes to lechaper

Jaime Esses, S paulo

The Kollel replies:

Shalom,

Great to hear from you.

I urge you to see what Rabeinu Yonah writes in Shaarei Tshuvah 4:11. Based on several passages from Tanach and Chazal, he enumerates a number of Mitzvos which can prevent a person from having to undergo suffering that is meant to atone for sins. Chief amongst those, he writes, is Torah study. Part of this is because the actual toil and effort he puts into the Talmud Torah counts as a dose of suffering itself.

I actually wonder why he doesn't bring the first source that came to my mind, which was Berachos 5a. There Reish Lakish and Rebbi Yochanan discuss the fact that engaging in Torah study keeps suffering away. Later in that Gemara Rava/Rav Chisda discuss suffering that apparently came to a person as a punishment or atonement for his misdeeds. One gets the impression, therefore, that included in the type of suffering which Torah study can stave off is that which comes to atone for sins.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sotah 022: Yochnei Bas Retivi

Avrumi Hersh asks:

Where did Rashi (bottom of 22a) get this whole story of yochnei from?! He doesn't say any mekor for it?

Avrumi Hersh, London england

The Kollel replies:

Shalom R' Hersh,

Great to hear from you. Sorry! But at the moment the only other source which I find recounting Yochani is the Sefer ha'Aruch written by R' Nasan Ben Yechiel who, like Rashi, lived in the second half of the 11th century C.E.

In case you are interested to access it, it is located under Letter Yud, and can be found at this link:

https://www.sefaria.org/Sefer_HeArukh_Letter_Yod.31?vhe=Sefer_HeArukh,_Lublin_1883&lang=he&with=About&lang2=he

I realize that unfortunately this does not help answer your question which was aiming to trace the story further back to its ancient source of Medrash or Chazal.

Warmest regards,

Yishai Rasowsky

Zevachim 000: When Kohen Begins Learning Halachos of Avodah

chaim scheff asks:

Where is the Stam Mishnah that tells us when Cohen is obliged to begin his study of Halacha for his Avodah in the Beis Hamikdash, at what age he begins that Avodah, etc. Until he is no longer obliged for annual Mishmeret (Milloim) and then he becomes teacher in Beit Raban?

THANKS !

Chaim-Meyer Scheff

The Kollel replies:

Shalom Chaim-Meyer,

Great to hear from you. I do see that the Gemara in Chulin 24a indicates that there is not much limitation on the age range for a Kohen. He does have to be a man rather than a boy, i.e. physically mature (two hairs; see Rashi DH Misheyavi). Also, once he is so old and weak that his body quivers, he is not fit to serve anymore (see Chulin 24b, Rashi DH She'Yiratet).

Incidentally, you will see in that same Gemara that there is a restricted age range during which a *Levi* may serve, including five years of training from age 25 to 30 during which he learns the laws of the Avodah.

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

Notwithstanding the age limitations that we discussed above, there are instances where we see the young Kohanim -- even as children under Bar Mitzvah -- participating in Beis Hamikdash activities, sometimes to assist parts of the service, though not Avodah per se. For instance, in Maseches Sukkah (Mishnah 5:2; Daf 51), we learn that the children Kohanim would climb the tall ladders to deposit oil into the Menorahs which would burn for the Simchas Beis Hashoeivah celebration. Other examples where the Pirchei Kehunah play a role in the Beis Hamikdash are found in the following: Midos 3:8 regarding climbing the golden chains to glimpse the crowns of the Heichal; Sanhedrin 9:6 regarding the punishment of a Kohen who served whilst impure; Yoma 1:7 regarding the effort to keep the Kohen Gadol awake all night of Yom Kippur; Tamid 1:1 regarding sleeping on the floor in the Beis Hamoqed.

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I hope this helps!

Warmest regards,

Yishai Rasowsky

Bava Basra 31a: My fathers' or his fathers'?

Chaim Chesler asks:

I am familiar in Bava Basra 31a where the case of two men inheriting the same land from their fathers is addressed.

Now we know that Beis Din has the duty to argue all possible claims for the litigants (as compared with secular court judges). An example of this is in the Tallis case on Bava Metzia 2, Beis Din seems to deduce that they grabbed it at the same time, despite that not being their claims, and they construct an oath consistent with their claims in accordance with that deduction.

So I innocently ask if the Gemara considers a possible resolution to deduce that these two men must be half brothers who were unaware of each other's existence!

After all, what ends up being the relevance of each man claiming the plural form of 'fathers'? Perhaps it implies several generations of rolling forward ownership within the lineage? And accordingly if there were two separate families with a common father, it could have been a few generations ago, and the men could be first, second, third, cousins through half brothers generations back. Absent no other way to reconcile their claims,

why couldn't Beis Din congratulate them on their family reunion (at least provided the house was exempt from being split - like the example of a too-small room I think)?

Thank you for your attention,

Chaim Chessler

The Kollel replies:

Shalom R' Chaim,

Great to hear from you.

I believe your question involves two distinct principles of Chazal. The first principle is to make a Chalukah if there is a chance it could be true, as we do by the Talis in Bava Metzia 2a, even if the Chalukah contradicts the litigants claims. I see that Tosfos (Bava Metzia 2a DH v'Yachloku) maintains that this principle only applies when neither party is holding onto the item *and* neither party bears any evidence which the other doesn't also have. Here, though, only one party is currently Muchzak; and each party has a distinct type of support which the other party does not have.

The second principle is to make a claim on behalf of the Muchzak in order to enable him to keep the property he is holding, as Beis Din does for Yesomim in Bava Basra 41a. I understand that this only applies when the Muchzak is not contradicting the claim we'd make for him. See for example Tosfos in Bava Basra 31a DH Mah. Now, this is a new discussion to me, because I had not thought about your question before, but here, it sounds to me like the Muchzak is saying the land belonged to *only* his fathers, i.e. and not to the fathers of the Miarer.

I hope this helps to distinguish why those principles do not relate to our case. But you'll please let me know if any point remains unclear, or if some part of your analysis escaped my attention. Thanks!

Warmest regards,

Yishai Rasowsky

Bereishis 001: Food Permitted to Adam Ha'Rishon

Eric Metchik asks:

A question has come up in connection with my chavrusa on Chumash Bereshis and I am hoping you can help us. We were learning the pasuk 1:29 in which Rashi explains that Hashem made man and animals equivalent in that they were not given permission (before the time of Noach) to eat animals, but rather were allowed to eat every green herb together. The Ramban on this posuk seems to disagree with Rashi in terms of the types of allowed vegetable matter for animals and humans. He writes that Hashem gave to Adam and Chava all the grasses that give seeds and all the fruit of the trees. To the animals and the birds, He gave every green herb but not the fruit of the trees and not the seeds.

Essentially, our question is : why does the Ramban disagree with the Rashi about the interpretation of this posuk, and what is (are) the reason(s) that the Ramban makes a differentiation between man and animals in terms of the types of vegetable matter that they were allowed to eat?

Any clarification you could provide about this will be very much appreciated!

Kol tov,

Yitzchak

The Kollel replies:

Shalom Yitzchak!

Just for convenience, I will translate "Eisev Zore'a Zera" (1:29) as "seed herbiage" and "Yerek Eisev" (1:30) as "vegetable."

Suppose we consider verses 29 and 30 together as a unit. There are two groups of creatures being given permission to eat: human beings and animals. And there are three categories of food that are being permitted for consumption: seed herbiage, fruit of the tree, and vegetables.

According to Rashi, the two verses are to be understood as a collective whole. Hence, all three food categories are being permitted to both groups of creatures.

The Ramban argues and maintains that each verse should be considered on its own. Verse 29 permits only human beings to eat seed herbiage and fruits of the tree. And verse 30 permits only animals to eat vegetables.

The weakness the Ramban identifies with Rashi's explanation is the following grammatical point. If, as Rashi maintains, verse 30 is not just permitting vegetables to animals, but is actually adding them to the list of already permitted foods (seed herbiage and fruit of the tree, mentioned in verse 29), then there should be a conjunctive "and" (a letter Vav) placed before the permission of vegetables in verse 30. Since there is no Vav, the Ramban understands the two verses to be separate.

The commentaries challenge the Ramban, however, since the Torah itself later (9:3) refers to the permission that mankind was given to consume vegetables. See the Mizrachi.

The commentaries also defend Rashi by saying that the term for "vegetable" in verse 30 is really a more expansive term that includes both the seed herbiage and the fruit of the tree mentioned in verse 29. See the Gur Aryeh.

You astutely asked, according to the Ramban, why should there be a distinction between which food types are permitted to man versus animals? On one level, we can say the Ramban is just following the distinction that he found in these two verses, which were divided by the Torah itself. But, of course, that just pushes the question back one step further.

I do see, however, that the Seforno also learns like the Ramban, not like Rashi. And from his words we might be able to infer a partial explanation for why the Torah made this distinction. The Seforno writes that the type of vegetables which are permitted to animals are not seed bearing. I am tempted to suggest that since man engages in the enterprise of sowing and harvesting, whereas animals just eat what they find, without intentionally planting seeds, it may be fitting to assign the two distinct food categories to each respective group of creatures.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Eric Metchik asks:

Rabbi Rasowsky, Thank you very much for your explanation in response to my question regarding pesukim 29-30 in Bereshis Chpt. 1. My chavrusa and I were particularly interested in your last paragraph, in which you suggested a possible explanation for the chiluk of the Seforno (and the Ramban). However, since the posuk itself includes the word "kol" (every) before "yerek eisev," we are still having trouble understanding why would the Seforno exclude seed-bearing vegetables for the animals? If there is any additional light you could shed on this question it would be most appreciated.

Another question came up in connection with verse 8 in Chpt. 2. The Rashi mentions that Hashem caused a deep sleep to fall upon man as part of the process of his creation. The posuk does not mention this explicitly. From where did Rashi derive this idea of the sleep, and what was the purpose of the sleep?

Thank you again for all your help and ideas.

Kol tov,

The Kolllel replies:

Shalom Eric,

Great to hear from you.

I understand the words of the Seforno [link below] to mean that the term *Yerek Eisev* itself only include vegetation that do not reproduce by seeds. (Incidentally, from a quick search, I see that this would include plant life such as ferns and moss which reproduce by spores instead of seeds.) So when the Posuk uses the word "Kol", it just means all types *amongst those* non-seed-bearing plants.

The sleep which God imposed upon man is mentioned in chapter 2 verse 21. The Rashi that you mentioned is paraphrasing from there.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Link: <https://www.sefaria.org.il/Genesis.1.30?lang=he&with=Sforno&lang2=he>

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Kol tov,

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Yishai Rasowsky

Link: <https://www.sefaria.org.il/Genesis.1.30?lang=he&with=Sforno&lang2=he>

Eruvin 015: Live Animal for a Golel

Joshua Danziger asks:

Hello kollel!

I learned something that struck me as strange. The mishna says a live animal can function as a golel, blocking the entrance to a burial cave. And if it does so, it becomes tamei.

Three questions:

Is this the only case of a live animal becoming tamei?

Does it convey tumah?

How come we don't have a chashash for korbanot that maybe the animal was once a golel and is tamei?

Thank you!

Josh

The Kollel replies:

Shalom,

Great to hear from you. Yes, this law can be surprising and a number of ways.

You ask if this is the only case. Well, Rashi mentions another example in which an animal can become Tamei, and that is as a Dofek, which Rashi defines in Chulin 72a as a board that is placed next to the Meis.

Also, contrary to what one might be tempted to think based on this Gemara alone, Rambam in the laws of Tumas Meis 6:4 rules that the animal only conveys Tumah as long it is in position; but once it is removed from serving as a Golel, then the animal does not retain any Tumah. I believe it is clear why this is one way to address your final excellent question about Korbanos.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Eruvin 061: Eruv Chateiros Today

Joshua Danziger asks:

Hello kollel!

The mishna discusses residents of a courtyard and the specific process when some don't join the eruv and how the situation can be remedied.

My perhaps basic question. In modern cities, many of the residents may not agree or join with the eruv. Some religious people may not hold of the eruv. Some non observant people may not know what it is or even refuse to be unhappy that it's there. How do we make a proper eruv without their agreement (this is separate

From the reshut of the non Jewish authorities).

Thank you!

Josh

The Kollel replies:

Shalom,

Great to hear from you. I see two main opinions. Rav Shlomo Kluger in Uvacharta Bachayim (Siman 123) authorizes making an Eruv even in such a case, because it is a Zechus Gamur, so we can Mizakeh the people even against their wishes. He cites as support that the opinion of the Rashba in Kidushin 23a that one can free a slave even though the slave does not want to accept the bill of emancipation. The Shoel u'Meishiv (2nd edition, volume 2, Siman 62) likewise permits.

On the other hand, the Machazeh Avraham (Orach Chayim, Siman 73) Rules that this is not allowed even though it is a total Zechus. He cites as support Shulchan Aruch (Yoreh Deah, Siman 267, Seif 41) who rules that one in fact may not free a slave against the slave's will.

I saw this in the Dirshu edition of Mishnah Berurah, Chelek 4, Siman 367, Seif Katan 9, footnote #10.

In your parenthetical comment, you mentioned the idea of getting permission from the non-Jewish authorities. So I assume you are aware of the possible method of circumventing this whole issue, which is by relying on the permission of city/state government who have access rights to use/enter the living space of all the residents, which would obviate the need to obtain individual permission from each individual resident.

I will share with you this link to a reply that Rav Waldenberg wrote in modern times on an issue that relates to your excellent question.

<https://hebrewbooks.org/pdfpager.aspx?req=14518&st=&pgnum=45>

There is much more about this subject, but for the time being I hope this helps with your immediate question. Please reach out again for more details whenever you need.

Warmest regards,

Yishai Rasowsky

Megilah 020: Different order between the Mishnah and Gemara

Yehuda asks:

In the Mishnah on daf 20b, it says for the entire day you can fulfill the Mitzvah of blowing the shofar and taking the lulav. However, in the Gemara, when it brings proofs that these are day Mitzvos, it switches the order of the Mishnah to lulav THEN shofar, rather than shofar then lulav.

What is the reason the order is switched in the Gemara?

Yehuda, United States

The Kollel replies:

Shalom Yehuda,

Great to hear from you.

That is an interesting and difficult question. Indeed, virtually all the time, we see the Gemara address the distinct items in a Mishnah in consecutive order.

Though I did not yet come across what I find to be a definitive answer, one is nevertheless tempted to suggest the following reasons to distinguish the order employed in the Mishnah versus that of the Gemara:

In the Mishnah, the laws are simply being listed succinctly. Therefore, perhaps the Tana chose to list Shofar before Lulav in order to fit with the chronology of those Mitzvos in the calendar, i.e. Rosh Hashanah comes before Sukkos.

Alternatively, the Tana wanted to place Hallel next to Lulav, and not next to Shofar, because there is a Mitzvah Hallel on Sukkos but not on Rosh Hashanah.

In the Gemara, however, the focus is on the scriptural sources which are being provided. Therefore, there is more reason to list the verses according to the order in which they appear in the Torah. The Posuk for Lulav appears in earlier Sefer Vayikra, whereas the Posuk for Shofar appears later in Sefer Bamidbar.

I realize, however, that more explanation would be required to justify the order of the other laws and sources in this Sugya.

Just to add another dimension to the discussion of the fascinating point you raised, I want to share with you that I noticed the Rabeinu Chananel who cites the Yerushalmi as presenting the scriptural sources for these laws in yet another order; namely: Megilah, Hallel, Shofar, Musaf, Tefilas Musaf, Lulav, etc.

I wish that I had a more definitive answer for you, and if I do find one, Bli Neder I will try to share it; but for the time being, I hope this helps!

Warmest regards,

Yishai Rasowsky

Nazir 009: Beis shammai should make no distinction

Avrumi Hersh asks:

9b last line

The gemoro says that reb yochanon says, that chikiya should agree, that the chiddush of the mishna which says that "harey olay mincha from seorim" is not excluding adoshim, cos the chiddush by seorim is even bigger. The chiddush is that perhaps it's not a chazorah of his words "mincha" instead he means to say that originally he only agreed to a minchas nedovo of seorim and if that's not possible then he won't give anything. Km"l.

But why is that a chiddush, surely according to beis shammai the rule of hekdesch tous is, that you are chayav to do anything you say, even if you expressedly made a tnay, e.g. seorim or nothing. Just like beis shammai says if you made a tnay of a certain animal that comes out my house 1st and a totally different animal emerges, this is still hekdesch tous and it still works. So acc. To chizkiya in beis shammai this is no extra chiddush at all. This is the same rules?

Avrumi Hersh , London england

The Kollel replies:

Shalom R' Hersh,

Great to hear from you.

When he says he wants to bring a Minchah of lentils, it is relatively more obvious that he is Chayav to bring a wheat Minchah. The reason is because his words contained a glaring error. No one, after all, would actually think that a Minchah can be made from lentils. So, based on the premise that he must have intended something coherent, we can only assume that he was attempting to retract from his original commitment to bring a Minchah. But, in fact, he is not able to retract; therefore, he certainly remains Chayav to bring a Minchah.

If, on the other hand, he says he wants to bring a Minchah of barley, it is relatively less obvious that he is Chayav to bring a wheat Minchah. The reason is because his words contain only a slight error. One could potentially be unaware that a Minchah should not be made from barley. But if so, then there is no reason to assume that he meant to commit himself to anything other than what he actually said, i.e. a barley Minchah. Since he cannot in fact bring this, therefore one might have thought that he remains exempt from bringing the Minchah.

I hope this helps!

Where did you find that Beis Shammai's view regarding the individual who expressly makes a Tenai regarding which animal will come out of his house? Thanks!

Warmest regards,

Yishai Rasowsky

Rosh Hashanah 011: Birth of Yitzchak

Yisrael Rutman asks:

Rashi to Bereishis 18:4 says that the malach prophesied on Pesach that the birth of Yitzchak would be the next Pesach. Yet, our Gemora says the malach spoke on Sukkos! I've been looking around but haven't found my question. What am I missing here?

Yisrael Rutman, Pardes Chana, Israel

The Kollel replies:

Shalom R' Rutman,

Great to hear from you.

Yes, Baruch Shekivanta. The opinion which says that it was on Pesach that the visiting Malachim foretold Yitzchak's birth indeed disagrees with our Gemara. Please see Tosfos on this Daf, DH Ela about halfway through, where he quotes the Seder Olam and Mechilta. See also the Maharsha on that portion of the Tosfos. In addition, there is a Rashba which is also on DH Ela. I hope this helps to clarify that you are in good company with these illustrious commentaries!

Warmest regards,

Yishai Rasowsky

Sotah 010: Avshalom

D Fhima asks:

His hair weighed 200 Shekalim, weighed with the Royal Shekalim, heavier than usual.

any idea what this translates to in the metric system?

D Fhima, Gateshead, UK

The Kollel replies:

Shalom,

Great to hear from you.

Some writers assume that the Shekel here weighs around one half of a modern day ounce. If so, then the total weight would be around 100 ounces, which is over 6 pounds.

But this is not taking account of Chazal in Tanchuma (Vayera 4 and Reeh 4) whom the Malbim (II Shmuel 14:26) cites. They point out that when a Shekel is mentioned in Navi, it means a Litra. Incidentally, Rashi in Eruvin (29a DH Ukla) tells us that a Litra is a Log. But one should be careful not to get confused between units of weight and units of volume. In any event, if one Litra weighs around 12 ounces, or 0.75 pounds, then according to this view the hair weighed about 150 pounds, which is a staggering amount.

Josephus (The Antiquities of the Jews 7:8), writing almost two millenia ago, tells us that the hair weighed 5 pounds. Based again on the premise that a pound from Josephus's time is equal to 12 modern day ounces, that would translate to a total weight of around 3.8 pounds.

I'm sorry there is some ambiguity because of the discrepancy in units and conversions, but I hope this helps you!

Warmest regards,

Yishai Rasowsky

ADDITION:

Shalom!

I see another reference that might be helpful for this type of measurement. Rashi on Chumash (Shemos 21:32) says that one Shekel (or four Zehuvim) is equal to half an "ounce" according to the official weights of Cologne, which is the German city of Köln located on the Rhine river. Some suggest that this "ounce" is probably the Troy weight, which in modern terms is around 31 grams. Barring the fact that the royal Shekel is heavier than the standard Shekel, which you correctly pointed out, this would make the hair weigh no less than $0.031 \text{ kg} \times 200 = 6.2 \text{ kg}$. This would be more or less similar to the first suggestion that we discussed.

Warmest regards,

Yishai Rasowsky

lom R' Brodie,

Great to hear from you.

You wrote that you were going to deliver a Vaad. Therefore I assume that this reply was time sensitive. So I feel remiss for not writing to you sooner. I hope that your Vaad went well.

Chazal seem to have been sensitive to the issue of failing to see the forest for the trees, and they express the danger of losing track of the bigger picture if one spends great effort focusing on the numerous finer details.

My Chavrusa, R' Tzvi Lesman, pointed out that in Makos 24a Chazal recount how various leaders tried to "reduce" the vast number of specific Torah laws -- 613 -- down to a smaller number of simpler, more basic guidelines. For example, David reduced them down to 11, Yeshayau down to 6, Michah down to 3, etc.

This could be understood as expressing the idea that it is easier for a person to manage a brief list of principles that are more general, i.e. the forest, rather than try to keep track of hundreds of applications, i.e. the trees. This may, however, not be the understanding of Rashi, since he explains (DH v'He'emidan) the reason why the number of laws was reduced: B

The Kollel replies:

Because the previous generations were more righteous than the later generations, and if the latter individuals would try to keep all of the laws they would not succeed; therefore they were given a shorter list of guidelines so that their task should be more manageable. So, it might be argued that this concern is different than missing the forest for the trees; since the latter usually refers to the understanding a subject matter, rather than the performance of a great number of tasks.

Perhaps even more relevant, there are additional sources in Chazal which indicate that the act of study in particular should first be done with an emphasis on the broad overview, and only subsequently to focus on individual details. One is in Shabbos 63a, which says that a person should first learn a lot of material, and only subsequently think into it. Rashi (DH d'Ligmar Inish and DH v'Hadar Lisbar) explains this to mean that one should absorb the content from his teacher, even without understanding the rationale behind it, and only subsequently should he analyze the reasons behind the teaching.

Another statement of Chazal on this very subject is found in Avodah Zarah 19a. There Rava makes the point that a person should first learn the material and only later contemplate it. Rashi (DH Yilmad Adam and DH v'Achar Kach Yehgeh) explains this to mean that a student should first be fluent in the whole teaching, and only later start to make comparisons and raise challenges.

In fact, Rashi offers two reasons for this: one is because he might spend so much time on the analysis that when he finally is ready to learn more material his teacher may not be available; Rashi's second reason -- and I suspect this is closer to the phenomenon of missing the forest for the trees -- is that once the student learns a large enough amount of material, then many of his questions will be resolved on their own.

Finally, the Gemara in Berachos 63b teaches that one should first quietly listen to the material of a given lesson, even if there are difficult portions to understand, and only later raise challenges and arrive at

resolutions.

So, these three sources can be understood as telling us that if we try to analyze subtleties before getting the larger view of the subject, then we risk getting bogged down in details, misunderstanding the points, etc.

You expressed the idea that any statement which is true must have a source in Chazal. It does say in Pirkei Avos (Ben Bag Bag's statement at the end of chapter 5) that we should repeatedly go over the Torah since we can find everything in it. From there it does appear that there is a Torah source for virtually everything.

Moreover, the Gemara in Sotah 4b -- citing Tehilim 25:14 -- relates that a Chacham may be privy to certain information since Hashem reveals His secrets to those who fear Him. But I believe this is actually not a source to prove that all truths are found in the Torah or in a statement of Chazal, since here the information is specially dispensed to one Tzadik, and it is not found somewhere in the Tanach or Mesorah.

On the other hand, Eichah Rabbah 2 teaches us that if someone tells you there is wisdom amongst the Goyim, then you can believe him. Furthermore, the Gra on Mishlei (beginning of chapter 6) expresses the thought that a Talmid Chacham can be fluent in the whole of Torah, and yet might be missing some knowledge of worldly wisdom. These sources might be interpreted to mean that there are some truths about the world that are not necessarily easy to infer from purely Torah sources.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Sanhedrin 030: Ma'aser Sheni in a Chest

Joshua Danziger asked:

Hello kollel!

In the case where someone says the money in the chest belongs to ploni or maaser sheni, why isn't there a suggestion that eid echad neeman bissurim? Is it bc he's trying to cause a loss to someone else (same way I can't assure your cow by bowing down to it?)

Thank you!

Josh

The Kollel replies:

Shalom R' Danziger,

Great to hear from you. As you correctly cited, Eid Echad is Ne'eman b'Isurim (Yevamos 87b), and I see the commentaries on our Gemara are very busy with your question based on this principle. Baruch She'kivanta! I saw Mesivta summarizes a series of approaches.

1. Talmid HaRamban (DH ha'Sadeh) suggests that a single Eid is relied upon only to *permit* something that would otherwise be Asur, but not to *forbid* something that would otherwise be Mutar as is the case in our discussion.

2. Meiri (DH Mee) concurs, and even suggests a rational basis for such a "double standard", namely: if we would say that any single witness can forbid an item, then any ill willed fellow could just testify about all the belongings of someone he doesn't like that they are forbidden.
3. The Ran (DH b'Bayis) suggests -- as I think you might partly have alluded to in your question -- that we can actually view this case as one of Mamon, in which case two Edim would be needed. (This would relate to the Machloess between Rebbi Meir who holds Maaser Sheini is Mamon Gavoha versus the Chachamim who maintain that it is Mamon Hedyot.)
4. The Ran (ibid.) suggests a second alternative, namely: that the single witness *is* in fact believed, *but* that only will be taken seriously if we know the father declared the money to be Maaser Sheini for no ulterior purpose. But, here for example, we can suspect there was ulterior reason why the father claimed the money was not his own but rather Maaser Sheini, i.e. so as convince other people that he is not wealthy. Therefore, even if we believe the report of the witness about what the father said, nevertheless we do not have to treat the money as actual Maaser Sheini.
5. The great disciple of the Chasam Sofer, the Maharam Shick (DH Shel), writes that one can answer the question based on a view found in Tosfos (Kidushin 65b DH Nitmeeu): A single witness is believed to make something forbidden only if it is (or was) within his control, *or* if the Baal Din agrees that it's Asur. So therefore, in our case, if the money is in the house (as opposed to in the field), then since it is *not* within reach of the witness *and* the Baalei Din (the orphans) do *not* agree with the witness, it would follow that the single witness does not have the Ne'emanus to make the money Maaser Sheini.
6. You raised the issue about bowing to a cow that belongs to another person, which does not render it forbidden. That is found in the Gemara Chulin 40a. As I saw in the wonderful Sefer "Kovetz Yesodos v'Chakiros" of Rav Achikam Keshet (available for free on Hebrewbooks.org), there is considerable discussion as to the rationale for that principle "Ein Adam Oser Davar She'eino Shelo.
7. For example, the Rambam himself (Hilchos Shechitah 2:21) seems to imply two conflicting reasons. Firstly, because one individual simply does not have the power or ability to render the item that belongs to another person forbidden.
8. Moreover, the final words of that same Rambam indicate that the reason is because we *do not believe* that the one person actually means that the item belonging to the other person is actually forbidden, but rather we assume he was just trying to aggravate the second individual.
9. Finally, the Rash (in Kilayim 7:5) maintains that the reason why you cannot forbid someone else's item actually depends on the prohibition we're talking about. For example, worshipping another man's item is based on the first reason mentioned above (see 8), whereas a Pesul or Isur Hanaa conferred upon another person's Para Adumah (or Kilai ha'Kerem) are because those prohibitions actually depend on the whether the actual owner is satisfied or not with what has been done to his heifer (or crops).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Martin Feldman asks:

Rashi on Avodah Zarah 10A seems to indicate that Paul, John, and Peter purposefully introduced the New Testament as a deception to lead corrupt priests away from the nation of Israel and separate them for the good of Clal Yisrael. Is this true? I have been taught that the New Testament was compiled by the church and not by Jews.

Martin Feldman, Jerusalem, Israel

The Kollel replies:

Shalom Martin,

Great to hear from you.

This is a fascinating issue. I consulted a number of knowledgeable people in the field to find more information that I hope will assist you.

First, if you haven't already, I invite you to see this post on the Kollel's website:

<https://dafyomi.co.il/azarah/insites/az-dt-010.htm>.

Another source you might have seen that speaks about your issue can be found here:

[https://www.sefaria.org/Otzar_Laazei_Rashi_Talmud_Avodah_Zarah.10?](https://www.sefaria.org/Otzar_Laazei_Rashi_Talmud_Avodah_Zarah.10?lang=bi&with=all&lang2=en)

[https://www.sefaria.org/Otzar_Laazei_Rashi_Talmud_Avodah_Zarah.10?](https://www.sefaria.org/Otzar_Laazei_Rashi_Talmud_Avodah_Zarah.10?lang=bi&with=all&lang2=en)

[lang=bi&with=all&lang2=en](https://www.sefaria.org/Otzar_Laazei_Rashi_Talmud_Avodah_Zarah.10?lang=bi&with=all&lang2=en)

The basic understanding is that the gospels were authored by highly literate Christians at the end of the first century.

I invite to read more about the New Testament here:

<https://jewishencyclopedia.com/articles/7464-hebrews-epistle-to>

Since in this discussion we mentioned Paul, John, and Peter, let me share:

a) Paul is known to have been a wicked and self-absorbed Jew who did nothing to help us. He did infuse Christianity with Avodah Zarah and neo-Platonic ideas.

b) Little if any information is known about John the son of Zebedee (he is not even mentioned in the book of John).

c) There is a Jewish legend that Peter was an undercover Jew who infiltrated the Christian ranks in order to keep them away from the loyal adherents of the Torah. A related theory can be found here (see p. 185 and onward): http://www.leimanlibrary.com/texts_of_publications/36.TheScrollOfFastsTheNinthofTebeth.pdf

I hope this helps!

Warmest regards,

Yishai Rasowsky

Eric Metchik asks:

A question has come up in connection with my chavrusa on Chumash Bereshis and I am hoping you can help us. We were learning the pasuk 1:29 in which Rashi explains that Hashem made man and animals equivalent in that they were not given permission (before the time of Noach) to eat animals, but rather were allowed to eat every green herb together. The Ramban on this posuk seems to disagree with Rashi in terms of the types of allowed vegetable matter for animals and humans. He writes that Hashem gave to Adam and Chava all the grasses that give seeds and all the fruit of the trees. To the animals and the birds, He gave every green herb but not the fruit of the trees and not the seeds.

Essentially, our question is : why does the Ramban disagree with the Rashi about the interpretation of this posuk, and what is (are) the reason(s) that the Ramban makes a differentiation between man and animals in terms of the types of vegetable matter that they were allowed to eat?

Any clarification you could provide about this will be very much appreciated!

Kol tov,

Yitzchak

Dr. Eric Yitzchak Metchik

Professor

Internship Coordinator

Department of Criminal Justice

Salem State University

352 Lafayette St.

Salem, MA 01970

The Kollel replies:

Shalom Yitzchak,

Great to hear from you.

Just for convenience, I will translate Eisev Zorea Zera (1:29) as "seed herbiage" and Yerek Eisev (1:30) as "vegetable".

Suppose we consider verses 29 and 30 together as a unit. There are two groups of creatures being given permission to eat: human beings and animals. And there are three categories of food that are being permitted for consumption: seed herbiage, fruit of the tree, and vegetables.

According to Rashi, The two verses are to be understood as a collective whole. Hence, all three food categories are being permitted to both groups of creatures.

The Ramban argues and maintains that each verse should be considered on its own. Verse 29 permits only human beings to eat seed herbiage and fruits of the tree. And verse 30 permits only animals to eat vegetables.

The weakness Ramban identifies with Rashi's explanation is the following grammatical point. If, as Rashi maintains, verse 30 is not just permitting vegetables to animals, but is actually adding them to the list of already permitted foods (seed herbiage and fruit of the tree, mentioned in verse 29), then there should be an conjunction "and", i.e. a letter Vav, placed before the permission of vegetables in verse 30. Since there is no Vav, Ramban understands the two verses to be separate.

Commentaries challenge the Ramban, however, since the Torah itself later (9:3) refers to the permission that mankind was given to consume vegetables. See Mizrachi.

Commentaries also defend Rashi by saying that the term for vegetable in verse 30 is really a more expansive term that includes both the seed herbiage and the fruit of the tree mentioned in verse 29. See Gur Aryeh.

You astutely asked, according to Ramban, why should there be a distinction between which food types are permitted to man versus animals. On one level, we can say the Ramban is just following the distinction that he found in these two verses, which were divided by the Torah itself. But, of course, that just pushes the question back one step further.

I do see, however, that the Seforno also learns like Ramban, not like Rashi. And from his words we *might* be able to infer a partial explanation for why the Torah made this distinction. Seforno writes that the type of vegetables which are permitted to animals are not seed bearing. I am tempted to suggest that since man engages in the enterprise of sowing and harvesting, whereas animals just eat what they find, without intentionally planting seeds, therefore it may be fitting to assign the two distinct food categories to each respective group of creatures.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 063: Ben Azai and other questions

Joshua Danziger asks:

Hello kollel, I was learning kesubos 63 and had a few questions

1. the gemara says Ben azai was r akiva son in law. But wasn't Ben azai famously not married?
2. rava has strong language for his son coming back from learning to his זונה. Doesn't this seem a bit harsh, and more so he was coming erev Yom Kippur when biah isn't allowed?
3. a general q. Some more of the background of r akiva is in avot derabbi natan. In general if an av is the word meaning Father, and in a way the most masculine word there is, why is the plural avot and not avim?

Thank you!

Josh

The Kollel replies:

1. Yes! Chazal discuss this point in Sotah 4b, and conclude that right after he married her, he separated from her, as Tosfos in Yevamos cites (63b, DH she'Yiskayem). In case you are interested in the mystical side of this, I want to share with you a link:

https://www.chabad.org/kabbalah/article_cdo/aid/1673831/jewish/Ben-Azzai-Souls-of-Converts-344.htm#footnoteRef1a1673831.

2a) Some, including the Maharsha, have a Girs'a which reads "Zugascha" instead of "Zonascha," which makes the term less graphic. But it seems that according both Girs'a'os, Rava's intention was to insinuate that really it was his son's desire for his wife that led him to abandon what was supposed to be continuous Torah study.

2b) Baruch she'Kivanta! The Maharsha writes that Rava's son specifically chose Erev Yom Kippur as the date to come visit his family, when marital relations are prohibited, precisely because he did not want to be suspected as having been motivated by lust. Rava was nevertheless Choshed. So learns the Maharsha.

2c) The Ben Yehoyada, on the other hand, offers two different interpretations, as follows. First, Rava suspected that his son was bringing upon himself a potential Michshol, since -- by visiting his wife after a long time and not being intimate with her -- he was liable to become a Ba'al Keri on Leil Yom Kippur. Second, Rava felt that his son was causing undue pain to his wife, since if he had been away, the wife would not feel an intense longing to be with her husband (out of sight, out of mind); but now that he was finally home after a long time away and nevertheless -- because of Yom Kippur -- refrained from being intimate with her, that would cause distress to his wife.

3. You are right to point this out. Even though most masculine plurals end with Yud-Mem, and most feminine plurals end in Vav- Tav, nevertheless there are exceptions. For example, "Nashim" and "Yadayim" are feminine. If I do find something specific about Avos, Bli Neder I will try to get back to you.

4. I subsequently spoke with some peers about the issue you raised about masculine versus feminine nouns, and they helped me get a broader view of the many exceptions to the basic patterns.

For example, like the instance of Avos (fathers) that you cited, there are other words which end in Vav Taf but are actually masculine: Bechoros (eldest sons), Matos (staffs/tribes), Aryos (lions), Levavos (hearts), Shemos (names), Mekomos (places), Kisa'os (chairs), Luchos (tablets), Masmeros (nails), Shulchanos (tables).

On the other hand, we mentioned that there are also words which end in Yud Mem but are actually feminine: Pilagshim (concubines), Shanim (years), Devorim (bees), Nimalim (ants), Te'enim (figs), Arim (cities).

On a related note, children are taught that body parts which come in pairs are feminine. But this "rule" also has exceptions: Yadayim (hands) in Shemos 17:12, Panim (face) in Bereishis 40:7, Shadayim (breasts) in Shir ha'Shirim 4:5 and Hoshea 9:14.

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What's more, a number of words can take on either gender: Even (stone), Shemesh (sun), Derech (path), Esh (fire), Ru'ach (wind), Lashon (tongue), Eretz (land), Aron (container), Chalon (window), Chatzer (courtyard).

Finally, a point I personally found surprising is that some Mefarshim cite a rule which says: Whenever a term refers to an inanimate object, then it can take on either masculine or feminine form (Avi Ezer, Bereishis 23:17 and Bamidbar 32:5; Kaf ha'Chayim 142:10; Teshuvos Radvaz, vol. I, 336:2; Meleches Shlomo on Avodah Zarah 1:9).

Shanah Tovah!

Yishai Rasowsky

Josh Danziger asks:

Rav yishai coming back to the very last point ♦ is this why modern Hebrew speakers refer to tallitot even though most people from an ashkenaz background refer to ♦ talleisim ♦?

Thank you!

The Kollel replies:

m R' Danziger,

Great to hear from you. You're raising a very fascinating point, which I have often wondered about myself. After consulting with colleagues, I found the following:

The term "Talitot" is used in major commentaries. Just to name a few: Rashi (Sanhedrin 44b, Menachos 38a), Tosfos on (Shabbos 113a), the Rosh (Menachot, Hilchos Tzitzis 20:1). It has also found in the Gemara in Shabbos 147a.

The term "Taleisim", on the other hand, is also found in the following works: Yam Shel Shlomo (Yevamos 1:3), Sema on Shulchan Aruch (Choshen Mishpat 138:12), Chasam Sofer (Beitzah 4b), Machatzis ha'Shekel (Orach Chayim 11:17 DH v'Hu Hadin), Mishnah Berurah (8:14 and 128:115). Once again, there are more, but I just wanted to give a sample of familiar sources.

Another term we find in Shas is "Taliot". See Mishnayos Zavim (chapter 4) and Gemara Shabbos (93a-b), and Yerushalmi Sanhedrin (10:1).

Some suggest the reason for the discrepancy between the Ashkenazic and the Sephardic pronunciation is because when a Yiddish speaker would want to make a plural out of a word that ends in a soft Tav (e.g. Talis), it would come out sounding awkward ("Talisim"), so instead they say Taleisim.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 093: Division of Estate

Joshua Danziger asks:

Hello kollel and Chag sameach,

The mishna discusses a man dividing his estate between three wives. The presumption is they all married the same day.

Two questions

1. does this mean that they don't remember who got married at what time of the day, or does being earlier in the same day not help prioritize a claim (ie the day is just a single unit)?
2. nowadays the chatan makes a kinyan on the signed ketuba at the chassans tisch. If the man had kiddushin with wife 3 later in the day than wife 1, but made a kinyan on ketuba of wife 3 earlier in the day than wife 1, is her claim retroactively chal earlier?

Thank you.

Josh

The Kollel replies:

Shalom R' Danziger,

Great to hear from you.

To try and resolve your excellent questions I looked in the Rambam (Hilchos Ishus, chapter 17).

Precedence is indeed given to whichever wife he married first (Halachah 1).

Regarding your first point -- giving precedence to one wife over another, if they were both married on the same day, but at different times of that day -- it depends on the local custom. Some places have the custom to just write the day of the Kesubah, with no mention of the hour. In such a case, one wife would not have priority over another. But in other places, they do write the time of day. In this case, the wife who was married earlier would have priority over the wife who married later.

Regarding your second point, it seems that inherently the precedent for the right to collect depends on when they were actually married, not necessarily the date and time in the Kesubah (see Halachah 1). As a practical matter, however, if the case reaches Beis Din, then the earlier date/time actually written in one wife's Kesubah will give her the upper hand. So, as you can imagine, in practice, unless the other wife (i.e. the one who actually is getting married at an earlier time) has some other corroborating evidence, she should have the Kesubah rewritten correctly in order to reflect her actual precedence over the other wife.

It is important to note, however, that there are two main circumstances in which no wife gets special precedence over any other.

a) Assuming we are talking about *real estate*, suppose the husband only acquired the land (on which there is a lien) *after* he married all of his wives. In that case they would all take an equal portion. The reason is because at the time he acquired the land, he had an equal obligation to all of his wives (Halachah 2).

b) Assuming we are *not* talking about real estate but rather movable property, then no wife has precedence over any other.

This background allows us to understand the case of the Mishnah, which is discussing a case in which no wife has precedence over any other (Halachah 8 and 14).

I hope this helps!

Chanukah Sameach!

Warmest regards,

Yishai Rasowsky

Makos 002: Monetary Matters and Hazamah

Joshua Danziger asks:

Hello kollel!

The first tosafos in makkot discusses how we can accept the testimony in the initial four cases since it seems to be testimony not subject to hazama.

My question is, in hilchos malveh vloveh 17:9 the rambam says that needing to be able to be huzam isn't required for monetary matters. Since at least two of the cases (and maybe ben chalutzah too) in the mishna are monetary why doesn't tosafos give that as an answer? Unless they hold differently from the rambam?

Thank you!

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you.

In the Rambam that you quoted, he writes that the reason we do not require that the Edus be susceptible to Hazamah, is because if it were too difficult for a person to collect a debt for money that he lent out, then the person wouldn't want to lend it out in the first place, which leads to "locking the door for borrowers". I don't see how this rationale applies to the laws in the first Mishnah of Makos, because there we're not dealing with loan.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Josh asks:

Thanks rav yishai. It wasn't clear to me that the rambam meant that hazamah wasn't relevant only by loans; from the language in mishneh torah it seemed he didn't require it for any monetary issues.

The Kollel replies:

Shalom Josh!

I appreciate your point. From that Rambam alone, this issue may not appear fully clear. Because, on one hand, he says that you don't need the testimony to be susceptible to Hazamah "in monetary cases", which sounds like it applies in general, i.e. not just to loans. But then in the final lines of that chapter, he writes that the reason for this is because "k'Dei she'Lo Tinol Deles Bifnei ha'Lovim", i.e. we want to avoid a situation in which a would-be-borrower cannot find a willing lender.

I see a Meiri on our Daf that might help us further understand this important issue you've raised. He cites k'Tzas Mefarshim who understand that the testimony in our Mishnah is at least a candidate for being susceptible to Hazamah (notwithstanding Tosfos' Kashya), since it needs Derishah v'Chakirah. He says the reason for that is because only in cases of Mamonus (e.g. Chovos) is there a concern for Takanah of Neilas Deles to borrowers. This is unlike our Mishnah, in which there is no rationale for such a Takanah. I thought this would help clarify what we discussed above.

By the way, another important source -- in addition to the Rambam you found -- to be aware of on this subject is the Nimukei Yosef, who also writes (Sanhedrin, Sof 10a in Dapei ha'Rif) that we don't need Derishah and Chakirah for a Shtar Chov because there is no need for Edus she'Atah Yachol l'Hazimah. This is cited by the Darkei Moshe in Choshen Mishpat Sof Siman 33.

I hope this is what you were looking for!

Warmest regards,

Yishai Rasowsky

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robert daykin asks:

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Thank you!

Josh

The Kollel replies:

Shalom Josh,

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I hope this helps!

Warmest regards,

Yishai Rasowsky

Bava Metzia 038: Normal/Abnormal Decline

Nati raymond asks:

On the bottom tosfos of the first amud - why must we be talking about the above the normal decline. Surely the sell to cohanim logic is still there by normal decline?

Nati raymond, United Kingdom

The Kollel replies:

Shalom R' Raymond,

Great to hear from you.

There are two potential concerns with selling the produce.

1. The owner may have *already* designated this produce as Terumah, and hence whoever buys it will be eating Terumah.
2. The owner might *subsequently* attempt to designate this produce as Terumah, and hence the owner will end up eating Tevel.

Selling to Kohanim is only a viable solution if the only concern is #1, but not if the concern is #2.

When the extent of decay is *greater* than normal, Rebbi Yochanan says to sell it to Kohanim. This is because Rebbi Yochanan maintains that such excessive decay is very uncommon and therefore can be expected to occur only *after* the owner [may have] designated it as Terumah. In other words, we only have to contend with concern #1, whereas concern #2 is irrelevant.

Rav Nachman Bar Yitzchak, on the other hand, believes that excessive decay is commonplace and occurs earlier on; therefore, concern #2 still applies.

When, however, the extent of decay is *normal*, both opinions agree that the custodian should not sell the produce -- even to Kohanim -- because of concern #2.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Nedarim 064: Segulos vis a vis whom is Nechshav k'Mes

H David Levine asks:

Rabbi Elephant, the COO of OU Kosher, speaks about this daf in his shiur, <https://alldaf.org/p/139328>, and brings in the name of, 'mefarshim,' that tefilah b'tzibur is a segula to avoiding poverty as the commutation of a sentence of mes. Perhaps childlessness is to someone a greater ill, or one should wish to avoid both. What segula is there to answer perhaps for all sides?

H David Levine, Roanoke, VA USA

The Kollel replies:

Shalom R' Levine,

Great to hear from you.

Thank you for sending you the link to the terrific Shiur. Yes, I heard, from 34:40 until 35:30, that Rav Elefant cites Mefarshim who teach that a Segulah for preventing poverty is to daven in a Shul. Since you mentioned Tefilah b'Tzibur, I will just mention that the Rav added, if I heard him correctly, that this virtuous practice is advised even if there is no Minyan available.

I hear you are asking for Segulos that will help overcome not just poverty but childlessness, which is by no means any less of a difficult hardship. It is a very important issue you are raising. This is a terribly distressing issue for many couples. I came across a number of suggestions, and though it is not for me to rank them, I will try to list them roughly in order, beginning with those which seemed most traditional. I believe that many of the items I will mention you are already aware of, so forgive me for that; but I hope that some of the ideas are new.

1. Tefilah. In Yevamos 64a, Rebbi Yitzchak explains: Why were our Avos originally unable to bear children? Because ha'Kadosh Boruch Hu desires the prayers of the Tzadikim. Hashem may withhold children from a person for many years because He wants the individual to strive in prayer.
2. Seeing a fertility doctor. Many treatments are available today, and I know individuals who have waited 8 or 10 years, but with great Siyata d'Shamaya they were blessed with healthy babies after a series of treatments. Bonei Olam is an organization that helps with the financial aspect of these treatments. Their website is <https://www.boneiolam.org>.
3. Davening for *another* person. Chazal say that if we daven for someone else who has the same hardship, i.e. they are also childless, then Hashem grant us the Yeshuah first. The Gemara (Bava Kamma 92) learns this from Avraham who prayed for Avimelech and subsequently Sarah was granted a son even before Avimelech was healed. There is a wonderful organization called Kol ha'Mispalel which operates on this principle; they anonymously match up pairs up individuals who are undergoing the same Tzarah to daven for each other. I believe they can be contacted by email at connect@kolhamitpalel.com or by phone at 646-294-4355. Another organization based on the same idea can be found at the website <https://davenforme.org/>.
4. Observing the Mitzvah of Neros, as Rav Huna says (in Shabbos 23a): ha'Ragil b'Ner will have sons who are Talmidei Chachamim.
5. After a woman lights Shabbos candles, she can recite the Haftarah of the first day of Rosh Hashanah. This is from Shmuel chapter 1 which tells the story of Chanah's struggle being without any children until the eventual birth of Shmuel (Kitzur Shulchan Aruch 72:2).
6. Perform the Mitzvah of Hachnasas Orchim, providing hospitality for guests. The Midrash says this is a merit for which Sarah Imeinu and the Shunamis woman were each blessed with a child (Midrash Tanchuma, Ki Teitzei 2).
7. Being the Kvater at a Bris (Otzar ha'Bris 12:9).

8. I also see other suggestions in the name of Rav Moshe Shternbuch (see Teshuvos v'Hanhagos 1:790): the husband can bathe in very cold water before intimacy; ask a Kohen to mention one's name before he performs Birkas Kohanim; ask a Mohel or Sandak to pray before a Bris; recite Pitum ha'Ketores from a Klaf twice a day; to fast on four separate days; and to change one's name.

9. There are many more, but for now I will leave you with this link which includes a series of additional Segulos: <https://www.betterthanasegulah.org/free-services/segulos/segulos-for-zera-kayama/>

I hope this helps!

Warmest regards,

Yishai Rasowsky

Pesachim 117: Yetzias Mitzrayim in Kiddush

TB asks:

The Gemoro says v'Tzarich she'Yazkir Yetzias Mitzrayim b'Kidush ha'Yom. But we only say Zechre l'Yetzias Mitzrayim in Kiddush by night, not by day (which is just pesukim and hagofen)?

TB, UK

The Kollel replies:

Shalom R' Bookman,

Great to hear from you.

The Gemara you cited which requires mentioning Yetzias Mitzrayim is referring to Kiddush recited at night.

We know from 106a that Kiddush at night -- as opposed to the morning -- is the main obligation of Kiddush. The reason for that is, as Rashi writes (106a DH Ein Li Ela Bayom), because night is when Shabbos comes in. Consequently, once a person was Yotzei having mentioned Yetzias Mitzrayim at the nighttime Kiddush, he doesn't have to do so again in the daytime Kiddush.

The Gemara you cited calls it "Yom", even though it is in fact referring to what is recited at *night*, because "Yom" refers to the entire day of Shabbos, not *day* in the sense of "daytime". I can share a couple of other places where the Gemara uses the term Kiddush *Hayom* even though it is referring to the nighttime Kiddush. One is in Pesachim 102a. The other is Rashi (DH Midi d'Hava a'Kidusha) on Kesuvos 7b.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Yoma 036: The Zevach stands in the north side facing the west

Avraham Sacks asks:

Shalom,

The Braisa says that the korban stands in the north with its face toward the west. Rashi writes: with its back to the east. How can the animal be positioned with its back to the east after the Gemara already mentioned the bull needed to be positioned north to south and not west to east because there is a decree lest the animal defecate opposite the mizbeiach?

Thank you for your help,

Avraham Sacks

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Shalom,

Great to hear from you.

You are making an excellent point. The Meiri also indicates that the hind quarters of the animal face west which, as you astutely pointed out in Rashi, is difficult to understand in light of the Gemara's concern earlier about defecation. I must keep an eye out for someone who offers more explanation for this interpretation. Meanwhile, there are some Mefarshim -- namely, Rabeinu Elyakim and Sfas Emes -- who maintain that the hind quarters should be facing *north*.

I hope this helps!

Warmest regards,

Yishai Rasowsky

ADDITION:

I now see that the commentary Menachem Meishiv Nefesh explains the meaning of the Rashi you cited as follows. Earlier, we had been discussing the bull of the Kohen Gadol, which is positioned between the Heichal and the Mizbeach. If its backside were facing eastward, that would be a problem, since it would point towards the Mizbeach. At this later stage of the Gemara, however, where Rashi says the backside is facing eastward, we are discussing Kodshei Kodashim (as Rashi writes in DH Keitzad Someich and DH Omeid b'Tzafon). These are Korbanos which have to be slaughtered in the portion of the Azarah that is to the north of the Mizbeach. If so, we understand that the backside of the animal facing to the east would actually not be a problem. Since it would not point towards the Mizbeach. Rather, the Mizbeach would be to the left of the animal (to the south), not behind the animal (to the east).

I hope this helps!

Yishai Rasowsky

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I hope this helps!

Warmest regards,

Yishai Rasowsky

Yoma 038: Ein Adam Noge'a b'Muchan l'Chavero

Avraham Sacks asks:

How do we learn out that a person can not touch what is set aside for his fellow from the incidents of Beis Garmu and Beis Avtinah? They did not reveal their secrets to the Chachamim, so it seems the Chachamim were compelled to reinstate them.

Thank you for your help,

Avraham Sacks

The Kollel replies:

Shalom R' Avraham,

Great to hear from you.

From the Gemara and Rashi (38a DH b'Shimcha and 38b DH u'Mishelcha), the simple explanation seems to be the following. A person might fear that their livelihood are in jeopardy. Someone else, for example, a competitor, might pose a threat to take their income away. Yet the truth is that a person's Parnasah is

predetermined by Hashem; he will receive what he deserves without having to worry about impositions from other people.

In the case of Beis Garmu and Beis Avtinas, they might have been tempted to worry that someone else would be awarded their position; that is, unless they reveal their secret, which in their eyes would have constituted an impropriety. Why, ultimately, did their job security remain intact? Because, even though they refused to reveal their secret to the Chachamim, Hashem arranged nevertheless that no competitor could exactly duplicate their services. It was only because of this Hashgachah that the Chachamim -- as you correctly wrote -- were compelled to reinstate them.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Yoma 038: Hu Yalitz

Avraham Sacks asks:

It is written in Rashi Hu Yalitz Lo Yimnauhu v'Lo Ya'azruhu

Reish Lakish said Ba l'Tamei Poschin Lo. Since an opening is made for him it seems he is helped. What does Rashi mean by "v'Lo Ya'azruhu"

Avraham Sacks, Ramat Beit Shemesh

The Kollel replies:

Shalom R' Sacks,

Great to hear from you.

When Rashi (DH Poschin) says Maspikin b'Yado, it can be understood to mean that the individual is just given the opportunity and ability to follow the path of impropriety. Yet, as you correctly cited from the subsequent Rashi (DH Im l'Leitzim), he is *not* given an active "push" from above to advance along that immoral direction. This is unlike the Ba Litaher who indeed receives a boost of divine assistance to strive further in the righteous direction.

Just to be aware, other commentaries maintain that Haba Litamei Poschin Lo actually means that the individual who wishes to sin does in fact receive substantive assistance in that direction; just not as much assistance as the special Siyua granted to Haba Litaher. See the final portion of the last Tosfos in Shabbos 104a. Some adduce support for this latter view based on the statement of Chazal that b'Derech she'Adam Rotzeh Leileich Molichin Oso (Makos 10; see Ramban in ha'Emunah v'Habitachon).

I hope this helps!

Warmest regards,

Yishai Rasowsky

Chulin 059: Kosher Foul

Davic1 asks:

Greetings for the new year!. What is the reason the Torah does not list the signs of kosher birds the way it does for fish and land animals as found in the Talmud in Chulin 59? And why does it name birds if the naming is unnecessary? Actually the same question could be asked about land animals. Since the Torah states that only animals that chew cud and have split hooves are kosher, why mention the pig and camel etc. which we know are not kosher?

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman,

Great to hear from you. This is an excellent series of questions! Let me share with you the insights I came across. I hope you find them as interesting and helpful as I did.

There is a very relevant comment of the Chasam Sofer found in his Chidushim on this Daf (Chulin 59a DH ub'Sefer Maayan Chochmah). He is addressing the question of why the Torah does not provide the four Kashrus signs for Ofos even though the Torah does provide the two Kashrus signs for Chayos and Behamos.

To answer this, he suggests that only regarding Ofos could Chazal readily be relied upon to infer the correct signs, which they did by examining the crucial differences between the Tor (Tahor) and the Neshet (Tamei). The reason this was possible, the Chasam Sofer maintains, is because any other minor discrepancies between the two categories of Ofos (e.g. different color) can easily be dismissed as inessential.

Regarding Chayos and Behamos, on the other hand, the Chasam Sofer believes that the Torah could not have relied on Chazal to infer the signs merely based on the identity of the species. The reason for this is because there are too many *other* discrepancies between Tahor and Tamei mammals apart from chewing their cud and possessing split hooves. As such, Chazal would not have been able to confidently discount all those non-relevant features (e.g. possessing horns/antlers, or having certain orientation of the flesh).

Many Mefarshim discuss the issue of whether the Kashrus signs of animals are a "Sibah", i.e. they are actually what causes the creature to be Tahor or Tamei (see Ritva Nidah 51b DH Yagdil); or are the Kashrus signs just an indicator, or "Siman," of whether a creature belongs to either the Tahor or Tamei group (see Shu"t Maharit #51). Mesitva in Yalkut Beurim on this Daf cites many views.

One opinion perhaps most relevant to your discussion is that of the Rogatchover Gaon (Tzafnas Paneach, Maachalos Asuros 1:1) who maintains that regarding mammals the two Kashrus signs are the Sibah, but regarding birds the four Kashrus signs are only a Siman.

This would be reflected in the fact that the Torah mentions the signs for mammals, but not for birds. Accordingly, we can understand why the Torah named the species of Ofos. Regarding the mammals, the most straightforward reason why the Torah mentions the camel, pig, etc. seems to be to dispel the thought that they might be Kosher despite the fact that they have one Kosher sign.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 063: Ben Azai and other questions

Joshua Danziger asks:

Hello kollel, I was learning kesubos 63 and had a few questions

1. the gemara says Ben azai was r akiva son in law. But wasn't Ben azai famously not married?
2. rava has strong language for his son coming back from learning to his ⬢zona⬢. Doesn't this seem a bit harsh, and more so he was coming erev Yom Kippur when biah isn't allowed?
3. a general q. Some more of the background of r akiva is in avot derabbi natan. In general if an av is the word meaning Father, and in a way the most masculine word there is, why is the plural avot and not avim?

Thank you!

Josh

The Kollel replies:

ION:

Dear Josh,

The issue you raised about masculine versus feminine nouns is fascinating. I spoke about it with some peers, and they helped me get a broader view of the many exceptions to the basic patterns.

For example, like the instance of Avos (fathers) that you cited, there are other words which end in Vav Taf but are actually masculine: Bechoros (eldest), Matos (staffs/tribes), Arayos (lions), Levavos (hearts), Sheimos (names), Mekomos (places), Kisaos (chairs), Luchos tablets), Masmeros (nails), Shulchanos (tables).

On the other hand, we mentioned that there are also words which end in Yud Mem but are actually feminine: Pilagshim (concubines), Shanim (years), Devorim (bees), Nimalim (ants), Te'ainim (figs), Arim (cities).

On a related note, children are taught that body parts which come in pairs are feminine. But this "rule" also has exceptions: Yadaim (hands) in Shemos 17:12; Panim (face) in Bereishis 40:7; Shadayim (breasts) in Shir ha'Shirim 4:5 and Hoshea 9:14.

What's more, a number of words can take on either gender: Even (stone), Shemesh (sun), Derech (path), Eish (fire), Ruach (wind), Lashon (tongue), Eretz (land), Aron (container), Chalon (window), Chatzer (courtyard).

Finally, a point I personally found surprising is that some Mefarshim cite a rule which says: Whenever a term refers to an inanimate object, then it can take on either masculine or feminine form (Avi Ezer Bereishis 23:17 and Bamidbar 32:5; Kaf ha'Chayim 142:10; Teshuvos Radvaz Vol. I 336:2; Melech Shlomo on Avodah Zarah Chap. 1 Mishnah 9).

Shanah Tovah!

Yishai Rasowsky

Kesuvos 063: Rebellious Husband

Joshua Danziger asks:

Hello kollel and Shana tova!

Maybe a simple question. If a husband rebels, we increase the kesuba he owes his wife. But since he has to give the get willingly in order to trigger the kesuba payment, isn't this a penalty he may never actually have to pay?

Thank you!

Josh

The Kollel replies:

Shalom Josh,

Shanah tovah!

See Tosfos 63a DH viha'Amar.

If his rebellion is that he refuses to provide his wife with food and livelihood, then Rav says he can be forced to divorce her and pay the Kesubah. Shmuel argues and instead maintains that he is forced to provide her sustenance.

If his rebellion is that he refuses to engage in relations with his wife, then even Shmuel agrees that he can be forced to divorce her against his will.

Other interesting places to look would be on Daf 77a where Chazal discuss the circumstances in which a husband can be forced against his will to divorce his wife. Also the beginning of Siman 77 in Even ha'Ezer where the Halachah from our Mishnah is codified. Finally, see the Rambam who writes in Hilchos Gerushin 2:20 that when a man does refuse to divorce his wife against the ruling of Jewish law, then it is only his Yetzer Hara that is stopping him, so when he is coerced, it is accordance his true desire.

I hope this helps!

Gemar Chasimah Tovah,

Yishai Rasowsky

Kesuvos 064: Reduction on Shabbos

Joshua Danziger asks:

Hello kollel!

Gmar chasima tova!

A question on the daf; shmuel says we can reduce the kesuba bc reduction doesn't look like schar shabbos.

Does that mean according to shmuel that if someone has a debt they could work on shabbos to ♦pay it off♦ via reduction? Since it♦s a reduction not wages.

Thank you!

Josh

The Kollel replies:

Shalom Josh,

Gmar chasima tova!

Great to hear from you. Baruch she'Kivanta! The Ritva here makes the same suggestion! (I see the Shitah Mekubetzes quotes him as well.) He ultimately does not accept it, however, since there is a significant difference between the two cases.

In the case of the Gemara, no one is getting paid for doing work on Shabbos. We are only concerned that it might *appear* that way. (When he rebels against her, and the Kesubah is increased, then it *does* appear so, and therefore it is Asur; when she rebels against him, and the Kesubah is reduced, it does *not* appear so, and therefore it is Mutar.)

But in the case which the Ritva and you raised, where a person works on Shabbos to reduce a debt that he owes, then it is not just a matter of "appearances". On the contrary, he really *is* doing work on Shabbos in exchange for dischargement of the debt. Therefore, concludes the Ritva, it would be Asur.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Kesuvos 109: Melachos that a Mother does for her kids

Avrumi hersh asks:

question on gemoro 96a, we say that the almonoh is required to do all the melochos for the yesomim the same way she had to do for her husband, besides for mezogas hakos and hatzoas hamittah, which Rashi explains is innapropriate to do for the yorshim. What if the yorshim were her own sons, in that case would she be chayav to do these melochos also?

Avrumi hersh, London england

The Kollel replies:

Shalom R' Avrumi,

Great to hear from you.

The brief answer seems to be clearly no, since in fact the circumstance you raised would seem to actually be the standard case. But allow me to elaborate a little more.

There are two explanations regarding why the widow does not perform for the Yorshim these three relatively intimate services: preparing a beverage, making the bed, and helping to bathe.

One explanation is this: The reason Chazal advised a wife to perform these services for her husband was in order to enhance the intimate connection between them. In other words, if she does these actions for him she will be more beloved in his eyes. For more about this, see Rashi on Daf 96a DH Chutz and also Rashi on Daf 61a DH Aval Mozege.

An alternative explanation why the widow should not perform these actions for the Yorshim is the following. For a woman to perform these services for anyone other than her husband would be degrading to her. See Shitah Mekubetzes on Daf 96a citing an earlier edition of Rashi's view.

In theory, it can be debated how to apply these two views in terms of practical Halachah. For example, one might ask these questions: Is she only *exempt*, or is she actually *forbidden* to perform these services for the Yorshim? Does the Halachah apply to only male Yorshim, or even to female Yorshim?

According to the first rationale, that it is an issue of promoting intimacy, then it's possible that whereas the widow is *obliged* to perform the other household Melachos for the Yorshim, she is nevertheless *exempt* from performing the three intimate services. Therefore, in principle, a case can be made that she is not actually *prohibited* from performing these intimate services for the Yorshim.

On the other hand, anything that could lead to inappropriate intimacy between the widow and Yorshim would be discouraged; so it may be genuinely forbidden. And yet nevertheless, even if we grant that she is forbidden to perform the three intimate services for *male* Yorshim, she may be permitted -- if she wants -- to perform them for the *female* Yorshim, since there would be no concern of intimacy.

But according to the second rationale, i.e. sparing her degradation, it may be even more obvious that the widow is forbidden to subject herself to performing these three services, since it is undignified. On the other hand, if she is willing to be Mochel on her dignity, perhaps again it can be argued that she is allowed to if she wants. Vis-a-vis the consideration of whether there is a difference between male and female Yorshim, there does not seem to me any basis for that if we follow the second rationale.

Interestingly enough, I did see cited in Mesivta, in fact, a Machlokess -- between Emunas Shmuel and Yaavetz, if I recall correctly -- regarding whether the Halachah we are discussing applies only to the male Yorshim or even to the females.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Menachos 053: Curtains

Zeev Rosenbaum asks:

Why are two different terms used to describe the Azarah? First it is referred to as Lifnim min ha'Kela'im (when describing where Kodshei Kodshim are eaten) and later as b'Chol Makom ba'Azarah (when describing where Kodshim Kalim are slaughtered?)

Yasher Koach, Zeev Dov Rosenbaum

Zeev Rosenbaum, Jerusalem, Israel

The Kollel replies:

Shalom Zeev,

Great to hear from you!

As you might know, the courtyard of the Mishkan -- which housed the Shechinah in the Midbar, Gilgal, Shiloh, Nov, and Givon -- was surrounded by curtains. This is where the term Lifnim Min ha'Kelaim comes from. Once the Beis ha'Mikdash was built in Yerushalayim, however, there were actual firm walls surrounding the Azarah.

Commentaries address the reason why the Mishnah nevertheless uses the term from the period of the Mishkan, instead of a term such as "Lifnim m'Chomos ha'Azarah" that would appear to be more "up-to-date" and -- as you astutely pointed out -- would be more consistent with the language of the Mishnah elsewhere which discusses "Kol Makom *ba'Azarah*".

Some say it a throwback to the original version of the Mishkan in the Midbar which was in fact the context where the laws regarding the location for eating the Korbanos were given (see Bartenura Zevachim 5:3 DH Lifnim, which is based on Vayikra 6:9).

Interestingly enough, others point out that even in the Beis ha'Mikdash itself, while the walls had not yet been built, the Korbanos would be consumed inside the Azarah only once a series of temporary curtains were set up around it (Melech Shlomo, Zevachim 14:8).

Still others answer your excellent question by saying that the Tana of the Mishnah chose to mention the curtains of the Mishkan simply because Zevachim 14:4 discusses the Mishkan (Tosfos Yom Tov, Zevachim 5:6 DH b'Kol Makom).

Moreover, the Tiferes Yisrael (Yachin Zevachim 5:24) offers two answers: First, that eating Kodshei Kodashim is permissible anywhere inside the boundary of where the surrounding curtains would have stood, which includes even inside the Heichal itself (e.g. if there was not enough room in the Azarah). Shechitah, however, l'Chatchilah must be done in the actual Azarah, and not in the Heichal. (But, as the Tiferes Yisrael himself points out, be aware that the Rambam in Maaseh ha'Korbanos 5:4 who b'Diavad validates even Shechitah that was performed in the Heichal.)

His other explanation is because the Tana, in this Perek particularly, which contains no Machlokess, wished to be faithful Davka to the language in which Moshe Rabeinu originally taught us, i.e. the Lashon of curtains from the days of the Mishkan.

I hope this helps!

Warmest regards,

Yishai Rasowsky

Rosh Hashanah 026: The Sounds of the Shofar

Davic1 asks:

Greetings. It just occurred to me that I don't understand why the sounds of the shofar should be compared specifically to sounds of wailing and groaning. This would contradict the very spirit of Rosh Hashanah as a YOMTOV in which sadness is prohibited. Indeed, the teachings from the braises in Rosh Hashanah as related to Yom Hadin and other features of the liturgy also contradict or at least create an ambivalence for a day that is specified as a YOMTOV in the Torah.

In any event, why couldn't the sounds be compared preferably to sounds of alert, notification, reporting, etc. instead of anything alluding to sadness??!!

Thanks,

David Goldman

The Kollel replies:

Shalom R' Goldman,

Great to hear from you.

I want to start with some basic background, with which you may already be familiar. The Gemara (Rosh Hashanah 33b) explains: The Torah (Bamidbar 29:1; cf. Vayikra 23:24) mandates a day of "Teruah" i.e. outcry; and the Targum renders this as "Yabava". We find a similar term used regarding Sisera's mother when she "cried out" because he delayed coming home from battle (Shoftim 5:28).

In terms of your particular question, I see that the Ksav v'Hakabalah (Vayikra ibid.) writes that the purpose of this attitude of wailing is to elicit our submissiveness before Hashem our King. In other words, the point is to dismantle any haughtiness in our spirit which has rebelled against the Creator and instead humbly accept his kingship.

Moreover, you are correct that contradictory moods are expressed in regards to the theme of the day: On the one hand, it is a Yom Tov; in fact Shulchan Aruch (Orach Chayim 597:1) rules like the opinion which forbids fasting. On the other hand, it is a day of judgment (Rosh Hashanah 16a); and some opinions do allow fasting (and we rely on this particularly if this is done to enhance and lengthen the Tefilah of the day until Chatzos, even though that is not generally allowed on Shabbos or Yom Tov).

It is also interesting and relevant to note a statement of the Rosh, whose message might be reflected in your eloquent comments. In the closing words of his commentary on Maseches Rosh Hashanah, he writes that there is a difference between Rosh Hashanah and an ordinary day of judgment. A person who is to undergo an ordinary trial in a human court is disheveled, unkempt, anxious, and worried. But on Rosh Hashanah, to the contrary, the Jewish people dress nicely and eat and drink on our the Day of Judgment because we are confident that Hashem will judge us favorably.

I hope this helps!

Warmest regards,

Yishai Rasowsky

David asks:

I am not sure it should be described as duality, because neither the Torah nor the Mishna says it's a duality. Indeed, one could say that the Targum is simply commenting on what it sounds like, and not a description of the quality of the whole day being transformed into one long Unesane Tokef virtually eclipsing and subordinating the fact of it being a Yomtov. I am not sure I understand how the description of teruah/shevarim as **wailing** in a beraisa in RH 33b derived from an allegorical or metaphorical description in the targum can be changed into a whole way of behavior and thinking for an entire two days (or one day) that eclipses the entire meaning of a halachic yomtov since such a fundamental transformation would surely be mentioned in a Mishnah itself. Braisas are supposed to be used as a support for something introduced already in the Mishnah, but not something entirely new not found in the Torah or Mishnah.

Does such a meaning get **translated** into an understanding of TERUAH as found in other places in the Torah, such as Bamidbar 10:5-9? OR in Yehoshua 6:5? And does the Aramaic targum prevail against a simple meaning in lashon kodesh itself?

DG

The Kollel replies:

Dear R' Goldman,

Yes, you are making a beautiful point. And I appreciated the examples you brought from Sefer Bamidbar and Sefer Yehoshua. Yasher Koach! I stand corrected.

In fact, your point of view may find strong support in chapter 8 of Nechemiah, in which the people are rebuked for adopting a downcast and mournful attitude. On the contrary, they were urged to be joyous and celebrate Rosh Hashanah as a festive day.

As the commentaries and Poskim point out, the Mitzvah of Simchas ha'Chag applies even on the Day of Judgment (Ibn Ezra, ibid. Posuk 10; Mishnah Berurah 597:1)

Gmar Chasimah Tovah!

Yishai Rasowsky

Sukah 037: Al Netilas Lulav

Joshua Danziger asks:

Hello kollel and Chag sameach!

I was at a sukkah meal and two questions came up. One was why the bracha is Al netilat lulav and not al netilat arbah minim. I see this was answered in one of the replies on the site; the answer is the bracha would be too general. But don't we have lots of general brachot? **Bore pri haetz** ha-adama, and of course shehakol are all very general. Is there any other approach?

And secondly, why is the shecheyanu reversed the 2nd night in chutz? If we are truly holding the 2nd day as if deoraisa it's hard to say we're yotzei from the first day for the bracha, I'd think; same way like you can't be yotzei matza if you ate the 14th of nisan.

Thank you!

Josh

The Kollel replies:

Shalom Josh,

Great to hear from you. Baruch Shekivanta! let me summarize the views and considerations that I came across regarding your two excellent questions.

1. Why is the Bracha for the 4 Minim Davka on the Lulav?

a. As you might already be aware, there are circumstances in which one does indeed make a separate Beracha on the other species (e.g. Al Netilas Esrog). For example, instead of picking up all the four species together, one picked up each Min separately and spoke in between one and the next. I will invite you to see the Rema in Orach Chayim 651:12 (with Mishnah Berurah s.k. 56) who discusses this view based on the Hagahos Maimoni.

b. The Meiri (Sukah 37b DH Hayah Gidem) writes that the Brachah must be determined based on one of the Minim in the bundle, since they comprise the majority of the species. And amongst those three, the choicest is Lulav since it has Taam (wisdom) albeit no Reiach (Maasim). Esrog is of course superior, but must be ruled, as mentioned, since it is not in the Agudah.

c. I notice that the Chasam Sofer, citing an interpretation of the Ritva "Al Derech ha'Emes", explains that the reason for the Lulav being the dominant of the four species with regard to the Berachah is because of the correspondence with the particular letters of Hashem's 4-letter name. The three bundled species -- Lulav, Hadas and Aravah -- correspond to the first three letters, i.e. Yud, Hay, and Vav; and the Esrog corresponds to the final Hay. You might wish to look at this comment in his Chidushim (Sukah 37b DH Mai Taima Hanei).

d. If you are feeling ambitious to further research the mystical side of this Inyan, you can look at the reasons that Rav Chayim Vital provides to explain why Davka the Lulav gets the Bracha. The Lulav -- represented by the letter Vav -- symbolizes the Shedrah, which arouses Daas and produces the drop of it through the Yesod. I admit this is beyond me, but if you want to reserach it further, the link to the relevant passage in Pri Etz Chaim (Gate of Lulav, chapter 3, DH v'Hinei ha'Lulav Hu) is here:

https://www.sefaria.org.il/Pri_Etz_Chaim_Gate_of_Lulav.3.14?lang=bi&with=all&lang2=en#:~:text=,

e. Aruch la'Neir (Sukah 37b DH v'Ligbeh) explains -- based on Shitas Rashi -- that the fact that the Lulav grows the highest amongst all species is the reason behind why the requisite Shiur (of length, i.e. in Tefachim) for the Lulav is the largest amongst the 4 Minim. And this largest Shiur is in turn the immediate reason behind why the Brachah of the four species is recited on specifically the Lulav.

f. Rav J.B. Soloveitchik explains that the reason is because the main Mitzvah of the Nanuim (and recitation of Hallel) is fulfilled via the shaking leaves of the Lulav (which is expressed as "Az Yeranenu Atzei HaYa'ar" -- Tehillim 96:12 interpreted by the Midrash on the Posuk Vayikra 23:40). You can see his comment in Reshimos Shiurim (Sukah 37b DH b'Gemara Ho'il) at this link:

https://www.sefaria.org.il/Reshimot_Shiurim_on_Sukkah.37b.5?lang=bi

2. Why do many recite Shehechyanu *before* Leisheiv ba'Sukah on the 2nd night of Yom Tov in Chutz l'Aretz?

a. This is the opinion of the Rosh, which by the way Avi Ezri and a number of others disagree with. I invite you check into Orach Chayim 661, which, interestingly enough, is an entire Siman devoted to this one Halachah.

- b. The Svara for this view is that unlike the Shehechyanu on the first night, which is going on the Yom Tov *and* the Sukah, the Shehechyanu on the second night is going on the Yom Tov only and *not* the Sukah.
- c. The reason for this is because the Shehechyanu recited on the previous night, Yom Tov Rishon, applied to the *construction* of the Sukah, which exempts a person on night #2 from reciting a Shehechyanu on the Mitzvah of *dwelling* in the Sukah.
- d. Therefore, on the first night, Shehechyanu is recited last, in order that it should apply back to both the Birkas Kidush *and* the Birkas Sukah. On the second night, however, we recite Shehechyanu after Kidush, but before Leishev ba'Sukah, in order to express the fact that Shehechyanu on night #2 is only going ("back") on the Kidush of Yom Tov and not going ("forward") on the Birkas Sukah. In other words, putting the Leishev ba'Sukah in between Kidush and Shehechyanu would be a Hefsek.
- e. The premise of this constituting a Hefsek appears to be contradicted by our accepted practice of reciting "Yaknehaz" (Yayin, Kidush, Ner, Havdalah, Zman) when Yom falls on Motzaei Shabbos, since Shehechyanu does not apply to the Havdalah which precedes it. But Mefarshim point out that there Havdalah by necessity precedes the Shehechyanu since the Seder Havdalah must be recited over a cup of wine, unlike Shehechyanu which can be recited without it.
- f. Mefarshim also point out that this view of the Rosh only bears relevance when one indeed recited Shehechyanu on the Sukah on Yom Tov Rishon. But otherwise (e.g. if person didn't have an opportunity to be in a Sukah on Yom Tov Rishon) the correct order on night #2 would be to place Shehechyanu last even according to the Rosh.

I hope this helps!

Warmest regards,

Yishai Rasowsky