

Daf Digest

אָמַר רַבִּי יוֹסִי מַעֲשֵׂה בְּאָבָא חֲלַפְתָּא

Rabbi Yosi said, “There was this episode with my father Chalafta”.

Yoreh Deah (240:2) comments that a child is not allowed to call his father by his first name, either during his father’s lifetime, or after he dies.

Rabbi Akiva Eiger asks – “Then how could Rabbi Yosi refer to his father by his first name?”

Biur Hagra (Yoreh De’ah 242:15) - quotes Rashi (Sanhedrin 100a), who says, that if a person adds an accolade of prominence, i.e., Rabbi, he is allowed to use the first name. The title of “father”, we now learn, is a title of importance, similar to using the title “Rabbi”. That is why Rabbi Yosi could speak about his father, using his father’s first name, by adding the words “my father”.

פִּוְתֵי בְּרָכוֹת פְּשׁוּרֵי תוֹרָה

Those who write down blessings, are comparable to those who burn a Torah.

Rashi - This is because if a fire started on the Shabbos, one would not be permitted to rescue those blessings.

R Morris M. Shapiro - On this basis, it was suggested that printing the Tetragrammaton in Hebrew on Synagogue stationary is contrary to Jewish law.

2 – Shabbos 115b1 line 14 B4
Daf Digest
Responsa 1980-1990 p466

גְּדוֹל עוֹנֶשׁ הָאַחֲרוֹן מִן הָרִאשׁוֹן

Greater is the sin of the latter, than for the former.

Regards for God's name:

One should not write/or print the name of God. There is a story in the Talmud where a man wrote blessings. R Yishmael went to visit him and the man tried to hide what he had done by putting them into a bowl of water (toilet?)

R Yishmael told him that the punishment is greater for destroying the name of God, than for writing it!

Responsa: May a reference to God's name be mentioned in correspondence or synagogue bulletins which could be casually discarded?

Responsa : Recommends not using the Tetragrammaton on Shul stationary.

פְּתִי הַקֶּדֶשׁ אֵין קוֹרִין

Kesuvim – Holy writings may not be read on Shabbos.

This is regarding making a permitted activity prohibited, to avoid misunderstanding. Kesuvim – Holy writings may not be read on Shabbos, so as to encourage the congregants to concentrate on the Rabbi's drasha, which dealt with important topics of daily living.

Note #14 Business documents should, also, not be read on Shabbos, i.e., those containing calculations or letters of correspondence.

By forbidding the reading of Kesuvim, the Rabbis sought to strengthen this prohibition. If we are not allowed to read holy Kesuvim, we should also refrain from reading ordinary documents and even non-business related letters.

פְּתִי הַקֹּדֶשׁ אֵין קוֹרִין

Kesuvim – Holy writings may not be read on Shabbos.

The practice of reciting Migdol in Bircas HaMazon on Shabbos stems from the fact that:

Migdol is found in II Samuel 22:51 – Neviim

Magdil is found in Psalms 18:51 – Kesuvim.

We avoid Kesuvim on Shabbos.

Kesuvim includes - Psalms
and
- Megillot.

מְצִילִין תֵּיִק הַסֵּפֶר עִם הַסֵּפֶר

We may save the container of a Torah scroll together with the scroll.

And we may save the container of the Tefillin together with the Tefillin.

We may save the container of a Torah scroll together with the scroll, even if there is money in the container. Money is Muktzeh but they may be rescued even though money should never be placed into a container of a Torah Scroll or Tefillin.

מְצִילִין מִזֶּזֶן שְׁלֹשׁ סְעֻדוֹת

One may save enough food for 3 meals (on Shabbos).

In regards to rescuing items from a fire on Shabbos: One may save enough food for 3 meals, i.e., the 3 meals one is obligated to eat on Shabbos.

What is fit for humans may be saved for humans.

What is fit for animals may be saved for animals.

Three meals: This depends on when the fire broke out on Shabbos

- If before supper on Friday night, 3 meals.

- If after supper Friday night, 2 meals.

- If after lunch on Saturday, one meal.

R Yose – One may always save enough food for 3 meals.

Why should food be limited? Food is not Muktzeh and it is being carried only to a mavoi, which is like being carried into an Eruv. Food is limited so that in the midst of the commotion of the fire, a person will think about his restrictions and not forget it is Shabbos, If we permit him to save more, he might be tempted to extinguish the fire.

בְּשַׁבָּת חַיִּיב אָדָם לִבְצוֹעַ עַל שְׁתֵּי בִּכּוּרוֹת

On Shabbos we are obligated to break bread and to recite the HaMotzei on 2 loaves.

For it is written:

“A double portion of manna would fall on Friday, in honor of Shabbos”.

Therefore, we say HaMotzei over 2 loaves (Ex 16:22).

Is it required to have 2 fresh loaves for each meal? No, a double portion fell on Friday; a portion for Friday and a portion for Shabbos.

נְסִיחַת דְּלִיקָה בְּלַיְלַי שַׁבָּת

Fire emergency on Shabbos.

If you believe there is a threat to life, any act is permitted. It is a sacred obligation to save and attempt to save, a person. Even if the possibility of injury to him/her, is remote.

No hesitation is appropriate.

Pekuach Nefesh supersedes Shabbos even:

- If others arrived earlier.
- If it is later revealed that there never was any danger.
- If the effort is not successful.

We may assume that a house on fire is a threat to life.

- A child may be carried outside even if there is no Eruv.
- A phone can be used to call for help.
- Flames may be extinguished.
- Medication may be obtained and administered.

עֲשֵׂה שַׁבָּתְךָ חוֹל וְאַל תִּצְטָרֵךְ לַבְּרִיּוֹת

Treat your Sabbath as a weekday, rather than be dependent on others.

R Akiva – It is better to forgo the third meal if you are poor, than to receive charity for it.

Bezah 15b - God said, “Borrow on my account to celebrate the holiness of the day and trust in me and I will pay”.

כָּל הַמְקַיֵּים שְׁלֹשׁ סְעוּדוֹת בַּשַּׁבָּת נִיּוֹל מִשְׁלֹשׁ פּוֹרְעָנוּיֹת

Whoever eats three meals and treats Shabbos special, avoids three misfortunes.

Three misfortunes:

1. The travails of the Messiah, who will arrive after difficult times occur.
2. The judgment of Gehinnom (after-death punishment).
3. The war Gog and Magog (cataclysmic war between the nations and Israel,
(as described in Ezekiel 35-39).

The heritage of Jacob granted your heart's wishes on Shabbos (Psalms 37:4),
i.e., special foods, cooked beets, fish and cloves of garlic, and small fried fish.

Special benefits are earned by extraordinary modesty.

“I may have a special reward for never going 4 amos with my head uncovered”,

Rav Huna, the son of Rav Yehoshua (118b4).

-Never going more than 4 amos without Tzitzis or 4 amos without Tefillin.

One of his Tzitzis tore while Rabba was high on a ladder, he did not come down until it was replaced.

כָּל הַמַּעֲנִיג אֶת הַשַּׁבָּת נוֹתֵנִין לוֹ מִשְׁאָלוֹת לְבוֹ

Whoever makes Shabbos delightful is granted his hearts desire.

Shabbos relates to the days of the week. Shabbos gives them sanctity and vitality, just as the heart gives vitality to the body.

The emphasis on Shabbos is to make it delightful and in so doing, you and your family will be delighted.

Tastier foods could be eaten any day of the week, and that would be pleasurable. Reserving those special treats for Shabbos is honoring not yourself, but the Shabbos.

הרי זה עונג

This is considered an oneg.

Oneg – Shabbos pleasure is different for different people.

Rambam – Suggests food that is rich and a drink that is spicy and fragrant, or any addition to a person's usual table.

Rav – Suggests turnips, large fish, and tops of garlic.

Shulchan Aruch – A poor person visiting a city, should be furnished with enough food for three meals, plus some small fish.

Mishnah Berura suggests the following for Shabbos pleasure:

- Rich person – Large fish, meat, wine etc.

- Middle class person- Should buy himself an additional treat.

- Poor person – Can afford only two and is exempt from the third.

If a person has no funds, the community should provide him with three meals, plus enough for an extra dish for Shabbos pleasure.

[בְּדוֹר] אָנוּשׁ מוֹחֲלִין לוֹ אֲפִילוּ עוֹבֵד עֲבוּדָה כָּל הַמְּשַׁמֵּר שַׁבָּת בְּהִלְכָתוֹ

Whoever observes the Sabbath in accordance with its laws, even if he worshipped idols, his sins will be forgiven.

R Eliezer Rokeach – The Sabbath had no Korban Chatas as part of the Mussaf offering in the Bais HaMikdash, as opposed to Yom Tov. The very essence of Shabbos atones, so there is no need for sacrificial atonement.

Kehilchato – It's laws could also be translated, according to his laws, i.e., in accordance with the person's own spiritual level. He will merit atonement of his sins through Sabbath observance.

אָמַר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי שְׁמַעוֹן בֶּן יוֹחִי

May it be my portion to be among the people who begin the Sabbath in Tiberias and end it in Sepphoris.

Tiberias is in a valley and it became dark early, so they started Shabbos early. Sepphoris high on a mountain so light lingered longer and Shabbos started and ended later.

We learn from this, that Shabbos is determined by the sun setting. How do we determine Shabbos for an astronaut or a person living in the North or South Pole, where the sun never sets!?

1. Consider those areas outside of time and no time-bound Mitzvot are to be observed.
2. Follow the time decided upon by the nearest community.
3. An observant Jew should not put himself in a place where he is not able to follow the time-bound Mitzvot – Shabbos, Shema, holidays, festivals, etc.

אֱלֹמֵי מִשְׁמְרִין יִשְׂרָאֵל שְׁתֵּי שַׁבָּתוֹת בְּהִלְכָתָן מִיָּד נִגְאָלִים

If Israel keeps two Sabbaths according to the laws, they would be redeemed immediately.

Rabbi Zvi Elimelech of Dinov – Interprets this dictum as referring to Yom Kipper, known as Shabbat Shabbaton. If Israel will observe this special day of atonement properly, their sins will be absolved and they will achieve redemption.

הַקּוֹרֵא הַלֵּל בְּכָל יוֹם הָרִי זֶה מְחַרֵּף וּמְגַדֵּף

He, who reads Hallel everyday, blasphemes and reproaches (the Divine name).

Repetition of phrases or words by the Cantor is prohibited because it often:

- Mars the solemnity of prayer.
- Generates an aura of a concert performance.
- May distort the meaning of the words of the liturgy.
- May be a hefsek or interruption, which might invalidate the prayer.

However, repetition of complete verses of the psalms is different in nature and are regularly repeated as they are not blessings, but extol the praises of God.

הַקּוֹרֵא הַלֵּל בְּכָל יוֹם הָרִי זֶה מְחַרֵּף וּמַגְדִּיף

He, who reads Hallel everyday, blasphemes and reproaches (the Divine name).

Hallel was instituted by the early prophets for special occasions only.

The world was created and set to function according to the laws of nature. On the rare occasions when God decided to break those laws in order to perform supernatural acts, we recite Hallel, a praise to the Almighty.

He, who recites it daily, is in effect requesting that the laws of nature be changed, implying that God's universe is defective. This is blasphemous.

Rashi – By reading Hallel everyday, he treats it as a mere song.

אִם אֹמְרִים לִי חֲבִירִי עָלַה לְדִיּוֹן אֲנִי עוֹלָה

If I was asked to go up to the platform to offer blessings of the Kohanim, I would do so.

Tosophos asks, “Is it wrong for a non-Kohen to participate in the blessings of the Kohanim” (Bircas Kohanim)?

Rama - Only if he does it by himself. He may do so together with Kohanim.

Bach - Only if he lifts up his hands, like Kohanim.

Maharsha - R Yosei only went up on the platform, but did not actually say the blessing.

Mishnah Berura 128:3 - It is permissible if he did not have the intention of fulfilling the Mitzvah which is reserved for Kohanim only.

When a non-Kohen blesses his children or the congregation, at a time that is not the time of the blessing of the Kohanim during services; it is clear that he does not have the Kavannah to fulfill that Mitzvah, and in fact, is expressly declaring that he does not wish to do the Mitzvah which is reserved for Kohanim.

Therefore, he is permitted to do so.

מִיָּמִי לֹא אָמַרְתִּי דְּבָר וַחֲזַרְתִּי לְאַחֲרָי

I never in my life said something and looked behind my back.

Rashi – He would not say anything about another that he would be embarrassed by, if the other person heard it directly.

- He would not need to retract anything he said. He made certain of the facts before he spoke.

Rabbi Yosef Zundel – A person who always tells the truth, does not need an excellent memory where he has to constantly think back about what he said on this subject in the past, so as not to contradict himself.

Rabbi Abraham Twersky – What is proper speech? A rule of thumb, do I need to look behind myself before I say it? If the answer is yes, don't say it.

רַבִּי חֲנִינָא מִיַּעֲטָף וְקָאֵי אֶפְנֵי דְמַעְלֵי שַׁבָּתָא

Rabbi Chanina would wrap himself and stand during the afternoon of Erev Shabbos.

There are many customs for the preparation of Shabbos. The above custom was Rabbi Chanina's custom.

There is also the custom of tasting the Shabbos food being cooked in honor of Shabbos.

Mishnah Berura – We do this to be certain the food tastes good.

Shulchan Shlomo – Links this and the phrase in Shemoneh Esrei for Mussaf 'toamehu chaim zochu', those who taste it, merit life.

Shemiras Shabbos K'Hilchasa – Suggests we taste the food to make sure that no one needs to add spices to a dish on Shabbos.

The tasting of meat dishes is done even on Erev Shabbos Chazzon, during the 9 days.

This is based on the custom of having food tasted before offering it to a king.

אָמְרֵי לָהֶם זֵילֻ אֲמִטִּיּוּהוּ לְגַבִּי יוֹסֵף מוֹקֵר שַׁבִּי דְּרָגִיל דְּזָבִין

They said to them, “Go and give it to Yosef, who honors Shabbos by buying delicacies.”

Yosef bought delicacies for Shabbos, especially fish. Inside the fish was a huge pearl that he sold for 13 rooms worth of gold.

(When the term 13 is used, it is a recognized exaggeration to convey that it was of great value.)

He who borrows for the sake of Shabbos – the Shabbos repays him.

A person's total income for the year is decided on Rosh Hashanah and Yom Kipper, with some exceptions, i.e., expenditures for the Torah education of his children and expenditures for Shabbos and Yomim Tovim. This is extra.

עֲשֵׂר בְּשָׂבִיל שְׂתֵּעֶשֶׂר

Give tithes so that you may become wealthy.

Based on the verse – ‘Asser Te’Asser’ you shall surely tithe (Deut 14:22).

Our sages comment that in giving “asser” (one tenth), one becomes ‘ashier’, wealthy.

You should do a good deed without thought of reward (BT Taanis 9a).

However, by tithing, you have a legitimate right to expect the Almighty to shower his blessings upon you. Never forget, one of the benefits of becoming wealthy by giving tithes or by giving charity, is to give larger amounts in the future.

Daf Digest

**אָמַר לוֹ קֵיסָר לְרַבִּי יְהוֹשֻׁעַ בֶּן חַנְנְיָא
מִפְּנֵי מַה תְּבַשִּׁיל שָׁל שַׁבָּת רִיחוֹ נוֹדֵף**

Caesar said to R Yehoshua ben Chananya, “Why does Sabbath food smell so wonderful?”

R Yehoshua ben Chananya answered, “Because we add a special seasoning to the food called, Sabbath”.

“Give me some of it”, said Caesar.

R Yehoshua said, “It is effective only for those who observe Shabbos, it is of no benefit to those who do not.”

Should we extend Shabbat invitations to the non-observant?

It is laudable to expose people to the atmosphere of Shabbos. Hopefully, they will have their lives transformed. However, many get to those events by prohibited means travel, etc.

R Moshe Feinstein - Teaching about the joys of Shabbos must not be done by violating the Shabbos. You negate the value of the teaching. It transmits a false value system, well intentioned but counter-productive.

Inviting people is like placing a stumbling block. It is an enticement, which is a capital transgression (Deut 13:7-12).

Is it permissible under the theory that the person already violates Shabbos and may change his lifestyle as a result? Perhaps, but only if it is a certainty that a change in habit will occur. The process is helped by offering a place to stay and sleep for the Sabbath.

אָמַר לוֹ תֵּן לָנוּ הַיָּמֶנֶו

He said to him, “Give us some of it”.

The Emperor said, “Give me some of that ingredient, since it honors Shabbos for you, you should give some to me, to show your honor for the throne”.

R Yehoshua answered, “This ingredient, Shabbos, is not a natural spice, but a supernatural ingredient that only works for those who were commanded to observe Shabbos”.

Zohar - The intangible Shabbos holiness takes on a tangible form in the special taste and fragrance of Shabbos food.

אָמַרָה תּוֹרָה בְּבִדְהוּ בְּכִסּוֹת נִקְיָה

Honor it with a clean (festive) garment.

How to make Shabbos special:

Honor it with a clean garment.

- Eat early, if it is your custom to eat late.
- Eat late, if it is your custom to eat early.
- Study Torah.
- For those who study all week – take a break and enjoy the delights of Shabbos.
- Recite ‘Veyechulu’, “and heaven and earth were finished”.

He who recites “Veyechulu” at the onset of Shabbos is like he is a partner in creation. Words are like actions. By the words of HaShem, the heavens were created.

Prepare your house. Here is the story about the angels. When a person walks home from Shul Friday night, he is escorted by 2 angels. The good one, seeing the candles lit and the table set, blesses the family with the wish that next Shabbos be the same. Otherwise, the bad angel makes that same wish and the good angel has to say ‘Amen’ against his will.

אָמַרָה תּוֹרָה בְּבִדְהוּ בְּכִסּוֹת נִקְיָה

Honor it with clean (festive) garments.

Yom Kippur is not to be festive with eating and drinking but with festive (clean) garments.

Why do we need a special verse to teach us that we should wear fine clothing on Yom Kippur? Why should it be any different from a Yom Tov or Shabbos?

Meiri – We are to wear even finer clothes on Yom Kippur, than on an ordinary Yom Tov, because there are two sanctities on Yom Kippur; (1) the ‘Sanctity of the day’, based on the prohibition of work, and (2) the sanctity of the fast, based on the affliction of our souls.

It is said that R J.B. Soloveitchik had a special hat that he wore only on Yom Kippur.

מַעֲלָה עָלָיו הַכָּתוּב בְּאֵילּוּ נַעֲשָׂה שׁוֹתֵף לְהַקְדוֹשׁ בָּרוּךְ הוּא

Scripture treats him as if he had become a partner to the Holy One in the act of creation.

The 10 commandments, given in Ex 20:8, uses the word, ‘Zachor’, ‘remember’. This refers to keeping Shabbos. You should work for 6 days as God did when He made heaven and earth and He rested on the 7th. You need to remember that the Sabbath is rooted in creation. It is an event of the distant past.

The 10 commandments, in Deut 5:12, uses the word ‘Shamor’, “observe”, because God took us out of Egypt with a mighty hand and outstretched arm, we must follow his instructions to us to observe the Sabbath. It is a more recent event.

Shabbos is testimony to our belief in the Creation, “Zachor” and in the “Creator”, “Shamor”.

There is the concept of continuous creation, since in the absence of ongoing Providence, the world could not go on. Each day, God renews continually, the work of creation.

The ongoing observance of God’s instruction to us, remains a current and ongoing event in our lives.

שְׁנֵי מַלְאָכֵי הַשָּׂרֵת מְלוּיִן לוֹ לְאָדָם בְּעֶרְבַּ שַׁבָּת

Two ministering angels escort a person from the synagogue to his home on the evening of the Sabbath.

Two ministering angels escort a person from the synagogue to his home on the evening of the Sabbath, one good and one evil.

R Yehudah Aryeh Alter, the Sefath Emes says, “This must be a scribal error, no evil angel could be counted among the ministering angels”.

He brings proof from several manuscript texts from Dikdukei Sofrim, Rif and Menoras HaMaor.

כל העונה אמן בכל כחו פותחין לו שערי גן עדן .

Whoever answers Amen with all his might, the gates of the Garden of Eden open for him.

The Gemara describes the merit of answering, “Amen”.

Amen means: ‘Ayl Melech Neeman’- Rashi - Sanhedrin 111a.

It is an affirmation of what was just said , ‘God, the trustworthy King’.

The verse states, “Open the gates and let the righteous nation, that keep faith, enter”.

Don’t read “Shomer Emunim”(that keep faith), but rather” Sheh’Omerim Amen”, (that say Amen).

לֹא חָרְבָה יְרוּשָׁלַיִם אֶלָּא בְּשִׁבּוּל שְׁחָלְלוּ בָּהּ אֶת הַשַּׁבָּת

Jerusalem was only destroyed because therein, they desecrated the Sabbath.

“Therein” means in Jerusalem, where the Kohanim lived. “And they hide their eyes from my Sabbaths”. (Ezekiel 22:26)

The sins of the Kohanim lay in the fact that they looked away when others desecrated the Sabbath. They did nothing to stop it, even though it was being done right there in Jerusalem, where the Kohanim could see it.

כָּל הַמְבַזֶּה תַלְמִידֵי חֻכְמִים אֵין לוֹ רְפוּאָה לְמַכָּתוֹ

He who despises a scholar, has no remedy for his wounds.

“If you shall abhor my statutes” (Lev 26:15), means, if you abhor the teachers of the statutes.

Whoever despises the scholars will have no share in the world to come (San 99b).

Rambam- Hil Talmud Torah 6:11 – For the word of the Lord he despised
(Num 5:11).

Rambam – M.T. Tumah Tzarath 16:10- The way of the mockers of Torah is first idle talk, then discredit of the righteous, then speech against the prophets and then discourse against God and the denial of the very root of religion.

אַל-תִּגְעוּ בַּמְשִׁיחִי" אֵלּוּ תִּינוּקוֹת שֶׁל בֵּית רַבֵּן

Touch not my anointed - this refers to school children.

Rashi – School children are designated as anointed. It was customary to rub them with oil

Rabbi Eliezar Zusman - If you want students to succeed, you must make them feel special, then learning will lead to royalty, nobility and majesty.

Rabbi Jacob Schacter - A child is the perennial regenerative force. He is mankind's new chance to correct its mistakes .

Children are compared to the Sabbath. They are pure and innocent and the universe endures for their sake.

Adults are compared to the festivals. They rejoice in the study of Mitzvot and in the study of the Torah.

Another level are those who cannot study themselves but support those who do. They are like the intermediate festival days, sacred but mundane.

The fourth level are those who shun the Torah. They are devoid of sanctity like the week days.

מְצִילִין סֵל מֵאֵל בְּכָרוֹת

On Shabbos one may save a basket of loaves from his burning house.

On Shabbos, one may save a basket of loaves (of bread) from his burning house, even though he has enough bread for 100 meals.

He may also save:

- A round cake of pruned figs.
- A barrel of wine.

He may tell others, “Come and save food for yourselves”. He announces that he gives up on it. It is better that people benefit from it, than the fire destroys it.

If they are wise, they will make a reckoning with him after Shabbos for their wages as laborers.

בואו וְהַצִּילוּ לָכֶם

Come and save food for yourselves.

If you say, “I give it away, take for yourselves”, people can help take things out. Later, they can come to you for wages and return the items to you.

If you say, “I’ll pay you to help me take this out”, they can’t accept the pay. It is wages for Shabbos work, and therefore, they may not help you.

Refusal to profit from another person’s involuntary abandonment of property is an act of piety (Shabbat 120a).

כָּאֵן בְּדַבְּרֵי תוֹרָה כָּאֵן בְּמִשְׁא וּמִתָּן

Here we speak in regard to Torah, where as here we speak of business dealings.

Any generation, in which the Temple is not rebuilt during their days, is considered a generation in whose days, the Temple has been destroyed. Because once the sins that caused the Temple's destruction have been finally rectified, we can expect to witness the long anticipated rebuilding of the Temple. Since the rebuilding did not happen, each generation is responsible for the failure of the Temple to be rebuilt. This is tantamount to continuing its destruction.

מִהֶפְקֵירָא קְזָכוּ

The people were allowed to keep the items for themselves.

The items were “hefker”, i.e., abandoned, ownerless by the statement of the owner and by the nature of the circumstances of a fire, to be soon destroyed. Strangers (or neighbors) may save as much as they wish, because since it is not originally their property, they won’t be distracted and try to put out the fire. However, if they are wise, they will return the owner’s objects and only ask for wages for working to save them.

Do pious people take wages for working on Shabbos?

Those who are wise, know these wages are not considered Shabbos wages, since it was not stipulated in advance that he would be paid. A pious person should return the items, since they were not willingly abandoned by the owner. A proper pious person would not want to benefit from another person’s misfortune.

חֲסִידֵי אַגְרָא דְּשַׁבָּתָא שְׁקִילֵי

Do pious people take wages for working on the Sabbath?

A person may save food from a burning building on Shabbos and may keep it for himself. This is because we can assume that the owner has released his control, ‘Yeush’ and that makes it ‘hefker’ (ownerless), and available for anyone to take. The pious, however, offer it to the former owner because they do not want to take advantage of a person who released his property under duress and despair. They wish to benefit only from the wages they would have earned, which on Shabbos, they are not permitted to keep.

חֲסִידֵי אֶגְרָא דְּשַׁבָּתָא שְׁקִלֵי

Do pious people take wages for working on Shabbos?

An example from the Torah:

Ethical consideration suggest that spoils of war should be returned to their original owner, in due course.

Abraham, “I will not take a thread or a shoe strap” (Gen 14:23), when offered the spoils of war by the King of Sodom.

Even though he had a right as a “successor in due course”. On the strength of that ethical behavior, the Jewish people were given two very special commandments.

These are:

(1) The thread of blue on the fringes and (2) the straps of the phylacteries- Rashi.

Types of such property:

- | | |
|------------------|---|
| -Stolen property | -Hurricane and valuable objects blown onto your property |
| -Lost at sea | -Lost in a fire |
| - Spoils of war | -Property not yet lost but threatened by imminent destruction,
i.e., hurricane coming. |

וְלֹא נִיחָא לֵיהּ דְּלִיתְהוּנִי מֵאַחֲרִים

It is not agreeable to (a pious person) to benefit from the loss of others.

People come to save items from a burning building which would be destroyed if not for their involvement. The owner has given up hope of saving the items.

Technically, those who rescue the items may keep them, yet pious persons will return them to the former owner, expecting only some compensation for their efforts.

This concept is used in a discussion regarding returning very valuable books that were saved from the Holocaust at great personal danger. There was ‘Yeush’, meaning no expectation of having the books returned.

Does the person who has them now, have a legal or moral obligation to return them to the original owner?

לֹא-תַעֲשֶׂה כָּל-מְלָאכָה,,

You shall not do any work on the Sabbath day (Ex 20:8).

Labor (on Shabbos) is forbidden, but only if the labor is performed by means of a physical act. A physical act is generally defined as an act involving movement of the body.

However, mere movement of the body or heat from the body that activate sensors or is captured on video cameras is considered an ‘act that he has no intention to benefit from’. This is not considered an act of labor, unless the effect is caused intentionally.

Daf Digest

נְכָרֵי שָׂבָא לְכַבּוֹת אֵין אוֹמְרִים לוֹ כִּי

A gentile who comes to your house on Shabbos may not be asked to extinguish a fire.

Rashi - It is prohibited to ask someone to do tasks for you that are not permitted on Shabbos.

B Metzia - You must not instruct another to plow with a muzzle on the ox.

B Metzia 90a - It is prohibited to ask someone to do tasks which are improper for you to do any time of the week, not just on Shabbos. Why does our Gemara stress the Shabbos connection? The person who does your bidding is viewed as your messenger. You are accountable for his behavior. It may not be a sin for him to perform that act, so he is not a 'Shaliach to commit an 'Averah' (a messenger to violate the law) but he does violate the law for you. In addition, on Shabbos your speech must be different than during the week. So these are two reasons why you should not to instruct someone to do acts which are not permitted on Shabbos. Another insight: Even during the week, you should not tell someone to do something for you on Shabbos, that is not permitted for you to do.

שומעין לו אֶבֶל קָטָן שָׂבָא לְכַבּוֹת

We do not permit a child to put out a fire on Shabbos, because we are obligated to see that he observes the Sabbath.

Yevamos 114a - Relates the story of a person who lost keys to the synagogue.

R Pedos advised him to bring children there to play, in the hope that one would find the keys. We conclude then, that if a child carries on Shabbos or eats forbidden food, there is no obligation to prevent him from doing so.

Our Gemara resolves this contradiction by saying that in our case, the child is aware that his father will be pleased with his action of extinguishing the fire. He is doing it for his father's sake.

Rambam - A child's training is incumbent on the father, who must restrain him. Others are not so obligated.

Tosophos - That difference is limited to the stage between basic understanding and the age of Chinuch, between 6-7. After that, the entire community has the obligation to stop forbidden behavior.

Mishnah Berura - Only for Biblical laws. Rabbinic laws are left to the father alone to enforce.

וְאִם בְּשִׁבּוּל יִשְׂרָאֵל אָסוּר

If for the benefit of an Israelite, it is not permitted.

People believe it is permitted to allow a non-Jew to do an act on Shabbos if he was not directly asked to do so, but only hinted at or if he did the act entirely on his own. This is not true. This is called ‘Amira L’Akim’- instructions to a non-Jew.

1. We may not instruct a person to do something for us, if we will benefit from it.
2. We may not instruct a person to do something for us, even if we will derive absolutely no benefit from it.
3. We may not receive benefit from the acts of someone, even if he initiated the activity, i.e., he sees you one sitting in a dark room and turned on the light for you. You are not permitted to benefit from that. It is a direct benefit and you must leave the room.
4. However, you may have received an indirect benefit, i.e., a light was left on in a bedroom and it is an annoyance. If it is turned off, you get an indirect benefit, not the introduction of a new benefit and that is ok.
5. If a room was dimly lit and the lighting is increased, the additional benefit is ok. You may remain in that room.

Daf Digest

נֵר לְאֶחָד נֵר לְמֵאָה

A light for one is a lamp for many.

If someone lit a candle for himself, a Jewish person may sit in that illuminated area and benefit from the light. However, if he lit it for the benefit of the Jewish person, the Jewish person may not benefit from that light.

Rambam – If he could benefit, he might give outright instructions to have the person do the labor for him.

Rashi and Ram (Beitza 24b) – Indicate that it is simply prohibited for a Jewish person to benefit from labor done on Shabbos.

There appears to be a Rabbinic precaution (not to benefit from labor done on Shabbos by a gentile) to safeguard another Rabbinic injunction (for fear that we give instructions to the gentile outright). This seems to be a violation of the rule not to create a precaution on top of a precaution (a Gezeirah L'Gezeirah).

However, it is interpreted as not being a Gezeirah L'Gezeirah, but a one stage measure to ensure that Shabbos remains special.

אֵין מַחֲמָה לְצֵל לֹא לְצוּרָה גּוֹפּוֹ וְדָבָר שֶׁמִּלֵּאכָתּוֹ לְאִיסוּר

An object that is used for a prohibited activity (may only be moved) for a need for its use or for the need of its place, but not to be sheltered from the sun.

An object which is used during the week for an activity which would be prohibited on Shabbos, may be used for an unusual activity on Shabbos. For example, a hammer, which is usually used to hammer nails, (which is prohibited), is used on Shabbos to crack nuts (which is permitted).

However, you may only move a Muktzeh object, if you need the space that the object occupies. You may not move a Muktzeh object to protect it, i.e., to take it out of the rain.

אֵין מוֹצִיאִין אֶת הַקָּטָן וְאֶת הַלּוּלָב וְאֶת סֵפֶר תּוֹרָה לְרֵשׁוֹת הָרַבִּים

We may not take out a child, a Lulav or a Sefer Torah into the public domain
(on Yom Tov).

Work that is prohibited on Shabbos is also prohibited on Yom Tov, with the exceptions of the labors defined as needed for the preparation of food.

Bais Shammai - Carrying is only allowed for food itself.

Bais Hillel - Since food is permitted to be carried, non-food items may also be carried, as long as the item has some purpose in enhancing the Yom Tov.

Rabbenu Channanel - Indicates that the examples Bais Hillel uses above, shows that only items used for a Mitzvah may be carried.

Rambam – Bais Hillel does not limit the permission to carry on Yom Tov only to items needed for a Mitzvah, but any item needed for Yom Tov, even in a general sense.

וְטִלְטֹל גּוּפִיהָ לֹא מִשּׁוּם הוֹצָאָה הִיא

Was moving itself not prohibited on account of the concern of “transferring”?

Rambam – Touching or using weekday objects is not conducive to a spirit of holiness and tranquility, which is essential for Shabbos.

- A person might inadvertently use the item for its usual function which is a prohibited labor.

Raavid – Also, so the item won’t be carried in the public domain.

Magid Mishnah – Helps to make the public more conscientious of the halachos of Shabbos and adds to the spirit of rest and idleness from labor, essential for the Sabbath mood.

מִפְּנֵין אֶפִּילוֹ אַרְבַּע וְחֲמִשׁ קוּפּוֹת שֶׁל תְּבֵן וְשֶׁל תְּבוּאָה

We may clear away even 4 or 5 boxes of straw or grain.

Certain activities are prohibited on Shabbos because they involve excessive exertion. However, the Rabbis relaxed this restriction under certain conditions. For example, where the exertion is needed for the performance of a Mitzvah, i.e.

- Care of animals.
- Care of the sick.
- Care of guests.

We may clear away 4-5 boxes, of a certain size, which hold 3 seah of straw or grain:

1. Because of guests – (Hachnasas Orchim) who cannot eat in their homes because they are traveling. This does not include invited guests who are considered optional rather than a Mitzvah.
2. To enlarge the study hall, but not merely to store the grain.

גְּדוּלַּת הַכָּנֻסֶת אֹרְחִין מִהֶקְבֵּלֶת פְּנֵי שְׂכִינָה

Receiving guests is greater than greeting the Divine presence.

Why is hospitality to guests considered so great a Mitzvah?

Receiving guests represents a high level of intimacy with Him. We are all guests in a world HaShem created and we are dependent on Him as are the guests in our house.

What could be an even closer intimacy than emulating HaShem? It is a reflection of our dependence on Him. It is as if we are “playing God” in a very positive way. This brings us closer to our Divine role model than receiving the Shechinah.

גְּדוּלַּת הַכָּנֻסֶת אוֹרְחִין מִהַקְבֵּלַת פְּנֵי שְׂכִינָה

Receiving guests is greater than greeting the Divine presence.

Hospitality to wayfarers is greater than welcoming the presence of the Shechinah.

Abraham took leave of the Almighty to attend to the needs of three wayfarers.

R Isaiah Horowitz - Are we not all guests in God's world?

R Chaim Volozhin - Greeted early morning visitors and missed Tefillah B'Zibur (communal prayer) saying, that hospitality to visitors is a greater Mitzvah.

Mitzvot between man and man are also Mitzvot between man and God (Avos 2:1) for He commanded us regarding them as well.

הַדֵּן חֲבִירוֹ לְכַף זְכוּת דָּנִין אוֹתוֹ לְזְכוּת

He who judges another favorably is, himself, judged favorably.

Rev Chaim Shmulevitz – The Almighty will judge him favorably. That means He will take into account his motives and intentions and judge him according to the positive aspects.

Reb Simcha Zissel Ziv – This does not apply in all situations. Failure to censure wrong doing will have a negative effect on the person and society.

Rabbi S.R. Hirsch – Better a hundred should be judged too favorably, than one should be wronged in judgment.

בּוֹפִין אֶת הַסֵּל

We may invert a basket.

We may invert a basket in front of chicks. From this sentence, we learn that we may move a utensil on Shabbos, (for the sake of a Muktzeh item) so that the chicks may climb up and down to their nests.

If a hen escapes and is in danger of hurting herself, we may push her from the cause of her suffering, in order to protect her from suffering. Some authorities even permit lifting and carrying the animal to safety.

We may help calves and young donkeys walk, and some say, we may even carry them to safety.

A woman may help her young child walk, i.e., hold him under the arms. This does not constitute carrying. The baby is not Muktzeh as long as he is able to lift up one foot and put the other foot down..

However, what if the child was dragging his feet? It is forbidden to drag him through the public domain. Dragging is tantamount to carrying and is forbidden in a Karmelis or a Reshus Harabim.

בְּהֵמָה שֶׁנִּפְלָה לְאֶמֶת הַמַּיִם

An animal fell into a stream of water.

We are to provide it with provisions, so that it does not die of hunger.

Undue pain to animals is to be avoided. This is a general principle of classical Jewish law.

Bava Metzia 32b - The concern for the suffering of animals is the rationale for the Biblical command (Ex 23:5), “to help unload an animal that has buckled under the load”.

בְּהֵמָה שֶׁנִּפְלָה לְאֶמֶת הַמַּיִם

An animal fell into a stream of water.

An animal falls into a stream of water and is unable to extricate itself. You may bring provisions to feed it, in its present location. If this does not alleviate its suffering, you may bring pillows, etc., to place beneath it, so it is able to climb out which will alleviate its suffering. If this does not suffice, some permit actually lifting the animal out of the stream..

128b2- Using pillows to place beneath the animal makes the pillows Muktzeh. This nullifies their preparedness for Shabbos, either because the animal is still on them or because they are soaked and cannot be used for Shabbos anymore. This is a Rabbinic injunction. Concern for the suffering of live creatures is Biblical, (Ex 23:5), “to help unload an animal that has buckled under its load”. Biblical trumps Rabbinic.

Some say in a Baraisa, a woman may help her child walk, even in a public domain. Because, if she forgot and carried him, she would not transgress a Biblical Malachah, since one is not liable for carrying a live and mobile human being.

בְּשִׁבּוּל שְׁלֹא תָמוּת

So that she not die.

If you see a donkey that belongs to someone who hates you, collapsed under its burden, you should not pass him by. You must unquestionably help him.

“Thou shalt surely release it with him (Ex 23:5)”.

This sentence is the source of our requirement to not inflict Tzar Baalei Chayim. It is a Biblical injunction.

Rambam and Sefer Chasidim regard the Biblical injunction to be derived from the story of Balaam and his donkey. (Num 22:32) God criticizes Balaam by asking, “Why have you hit your donkey these three times”?

Meiri – Believes the Biblical injunction arises from the sentence, “Don’t muzzle your ox engaged in threshing”, (Deut 25:4).

צֶעַר בְּעָלֵי חַיִּים דְּאֻרֵּי תָא

The avoidance of causing pain to animals is a biblical law.

Rambam (Hil Rotzeach 13:13) - You are obligated to unload a burdened animal according to the Gra (Choshin Mishpat 272). Rambam considers this a Rabbinical obligation.

Rambam (in Moreh Nevuchim 3:17)- Teaches that it is Biblically prohibited to cause pain to an animal (Num 22:32).

Why does the Rambam hold these two different opinions?

R Yaakov Kamenetsky reconciles the conflict:

Where pain is inflicted, such as Balaam hitting his donkey, the prohibition is Biblical. Whereas, in the case of loading or unloading an animal where the pain is an indirect consequence, the prohibition is Rabbinical.

The Biblical concern overrides the Rabbinical prohibition.

An animal that fell into deep water on Shabbos, should first be provided with food to sustain it, if that will be sufficient. If not, we may place pillows and cushions in the stream for it to step on and climb out. The pillows and cushions were available for Shabbos use, when utilized for their usual function, but once the animal uses them in this other way, they are considered Muktzeh. This prohibition against nullifying the preparedness of a utensil (the cushions) is Rabbinic.

This Rabbinical prohibition is overridden by the Biblical concern for the distress of the animal, ‘Tzar Baalei Chayim’. So we are permitted to change the function of the cushion to save the animal from distress.

מִדָּדָה אֶת בְּנָהּ בְּרֵשׁוֹת הָרְבִים

A woman may help her child walk, even in a public domain.

A living creature carries itself (Shabbos 94a).

The weight of a living creature seems to weigh less, it is not dead weight.

On Shabbos we can only carry a person who is able walk on his own. This excludes an invalid or a baby. Carrying a person was not done in the Mishkan, so carrying a person who is able to walk is not prohibited Biblically. However, it is prohibited by the Rabbis, even in a Karmelis.

However, in carrying a person who is able to walk on his own, we must make certain that there is nothing in his pocket. Something he is holding or carrying is equivalent to carrying, by the one carrying him and it is a Biblical violation of carrying.

רַבִּי יוֹסֵי אוֹמֵר אֶף חוֹתְכִין

R Yose says, “We also sever it (the umbilical cord)”.

Milah supersedes (dochei) Shabbos – all requirements of circumcision can be done on Shabbos.

Machshirim - Preparatory activities however, do not supersede Shabbos. For example, you can't carry the knife, prepare the knife, get to the place, etc.

There is a conflict between an “Aseh” and a “lo TaAseh”. The Aseh supersedes. For example, woolen tzitzis on a linen item of clothes is “kilayim”, yet it is permitted, because an ‘Aseh’ supersedes a ‘Lo TaAseh’.

Why do we need a special posuk to learn Milah is dochei Shabbos?

Because Shabbos is not a simple lav. It is a lav “she ba lo Kores” and Skillah”.

We need a posuk to learn the exception that a ‘milah’ in an ‘Aseh she ba lo Kores’ is permitted on Shabbos. Is it also permitted on Yom Tov?

Yom Tov is an Aseh and an Aseh does not dochei another Aseh but only a Milah in the proper time (bisman).

אין מילדין את הבהמה ביום טוב

We may not delivery an animal on Shabbos or Yom Tov.

We may not deliver an animal on Shabbos or Yom Tov, i.e., reach into the womb. It is considered excessive Malachah to help birth its young. However, we may assist the animal in its delivery.

For example, we may:

- Grab it, so it does not fall to the ground.
- Push on the mother's flesh to help the fetus emerge.
- Blow in it's nostril to clear it's nasal passages.
- Put the newborn's mouth to it's mother, to eat.

However, we may assist a woman even on Shabbos, as her life is in danger during the delivery process.

- We may summon a midwife, even if we must travel far, i.e., beyond the 2000 amos from his residence on Shabbos (others say even 12,000 amos).
- We may desecrate the Shabbos on her account. We have already been told that. However, this Baraisa is to teach, that even Biblically prohibited activities can be done. For example, we may light a lamp, etc., even for a blind lady giving birth.

וּמַחֲלִין עָלֶיהָ אֶת הַשַּׁבָּת

We desecrate the Sabbath on her account.

What may we do to care for a woman who gave birth on Shabbos? We may kindle a fire for her as a matter of course (except in the summer, unless she needs it).

May we make a fire for a sick person? Not unless he/she is critically ill. They can be warmed by extra clothes. We may even kindle a fire for a person who has let blood and becomes chilled.

The following is a discussion regarding proper nutrition after bloodletting:

- Meat - to replace the nutritional value of blood with the nutritional value of the blood that was let.
- Wine - to replace red with red.

סֵפֶק נַפְשׁוֹת לְהַקֵּל

Uncertainty involving life and death are ruled leniently.

This discussion is regarding the recognized danger to the life of the mother when she delivers her baby:

Artificial insemination is an option for an infertile couple regarding the use of medications and even corrective surgery. Being pregnant is a risk to life.

Surgery also has risks. The medications are thought to increase the risk of ovarian cancer, to some extent. A couple has the right to choose these modes of treatment even at the risk of the woman's life.

However, the obligation for the husband to procreate does not require him to undergo the risks of surgery and there is no obligation for the woman, since she is not commanded to procreate.

They may choose to use the above mentioned methods. It is not wrong to do so, but they are under no compulsion to do so.

שֶׁמֶר פְּתָאִים ה'

God protects the simple.

It is advised that there should not be any blood letting on Friday, since Mars, an influence for misfortune and disaster, is influenced astrologically. Yet many people perform blood letting on Friday.

The Gemara answers: “The Lord protects the simple” (Psalms 116:6).

This phrase is used to give permission to people to engage in activities that have some risk but are not dare-devil activities. It would be audacious to expect God to save us from activities, we ourselves could avoid, and that place us in danger. Shabbat 32b states, “A man should not place himself in a place of danger”.

Yet, is it permissible to donate or to let blood, even though it poses a danger to his life. For “the life of the flesh is in the blood”, (Lev 17:11).

This danger is so small and all life is filled with danger, i.e., crossing the street, riding in a carriage. This is a low level, common danger which, for, “the multitude have trodden on”, (the public discounts) is permissible. For that low level of danger, we can rely on God to protect us, because “He protects the simple”.

אם לא הביא כלי מערב שבת

If he did not bring the knife the evening before Shabbos.

When should a Bris be postponed and not be done on the 8th day that falls on Shabbos?

- If the baby is too small, sick, jaundiced, etc.
- If the baby was delivered by Caesarean birth.
- If the birth was born bein hashemashos – twilight on Fri.
 1. Baby is born on Friday – making Shabbos the proper day for the Bris.
 2. Baby is born on Saturday – making Sunday the proper day for the Bris.
- If born at twilight, assume the baby was born on Sat. and make the Bris on Sun.

Preparation were made, but were rendered unusable.

-Rambam says-go ahead with the circumcision.

-Bach, Beit Yosef, Tur, Ran, Rashba say – postpone.

However, if the Bris was already done and you spilled the warm water that was prepared before Shabbos, you may heat fresh water on Shabbos.

Therefore, we see that the timely performance of a Bris can be postponed.

What if no mohel is available on Shabbos? You should postpone the Bris.

Is the mohel permitted to ride to get to the Bris? Can we cook hot water, etc. and perform other violations? No. The preparations, i.e., the mohel getting to the Bris, etc., may not violate Shabbos. Only the actual Milah act is dochei Shabbos.

אם לא הביא כלי מערב שבת

If he did not bring the knife the evening before Shabbos.

One must have a knife – making and transporting the knife is preliminary to the Bris.

Are preliminary activities also permitted on Shabbos?

Causing bleeding is prohibited on Shabbos, it is a Toladah of slaughtering, but the 8th day is specified in the Torah (Lev 12:3) and therefore, it has been decided that having the Bris on the correct day, overrides the Malachah restriction of the Shabbos and festivals.

What is the opinion regarding activities which are viewed as preliminary?

The last Mishnah ended with the statement regarding Milah: “we may perform all the requirements of Milah”. This Mishnah explains that sentence.

R Eliezar says, “If one did not bring an instrument (knife) before Shabbos, he may bring it uncovered”.

אִם לֹא הֵבִיֵא כָּלִי מֵעֶרֶב שַׁבָּת

If he did not bring the knife the evening before Shabbos.

If he did not bring the knife the evening before Shabbos, he may bring it uncovered on Shabbos. This will enhance the mitzvah and announce the Mitzvah. However, in times of danger he may keep it covered.

He should bring it the knife in the presence of witnesses , to attest to the fact that he concealed it, not to violate Shabbos, but to perform a Mitzvah.

He may even cut down trees to create charcoal to forge an iron to perform a Bris.

R Akiva gave a general rule: Any labor that could be performed before Shabbos, cannot supersede (docheh) Shabbos. However, any labor that could not be performed before Shabbos may supersede Shabbos (is docheh).

אם לא הביא כלי מערב שבת

If he did not bring the knife the evening before Shabbos.

If he did not bring the knife Friday evening, he may carry the knife on Shabbos, uncovered or covered, in order to do the Bris on the eighth day.

Certain circumstances may require a postponement of the Bris to another day.

- If he cannot bring a knife on Shabbos.
- If the Mohel is not able to be present until the next day.
- If the child is born at twilight (Bain Hashemashos) and it is uncertain if he was born before or after the new day is counted. In a case of uncertainty, we do not violate Shabbos.
- If the birth was a Caesarean section, and a child was born with two foreskins, this warrants a Bris on Sunday, the ninth day, but not on Shabbos.

מְשׁוּם חֶבְדִּי מִצְוָה

Because of the love of this commandment.

The Mitzvah of Milah is celebrated with joy.

The Mitzvah of adhering to the prohibition of marrying a close relative is not accepted with joy. Why is there a ban on such unions? Logic suggests people of the same genetic makeup are likely to form a harmonious couple and produce children who do not have conflicting traits, but the Torah overruled this approach.

Rambam (Moreh Nevuchim)-This prohibition was instituted to safeguard the respect due certain relatives, which would be undermined by intimate relations.

Ramban - It is to avoid physically weak children, such as hemophiliacs, in those inbreeding families.

שָׁהוּ מְבִיאִין מְכוּסָה עַל פִּי עֵדִים

Bring the concealed knife with the knowledge of witnesses.

The witnesses we refer to, must they be 2 valid witnesses? We realize the function of these witnesses is to attest to the bearer's intent regarding carrying the knife. Therefore, we don't need them to be qualified for formal testimony or for capital or monetary cases, for example. Therefore, we are lenient. Only the bearer of the knife and one other person is needed. They are called witnesses, because the two of them could serve as witnesses for some other case. This is a lenient ruling, permitting the carrying of the knife on Shabbos. R Eliezar-You may go so far as to cut down a tree to make a fire to heat iron, in order to make a knife on Shabbos, to perform a Bris. This is another lenient ruling.

Another lenient ruling is:

R Yose Haglili would allow eating a meal of fowl with milk products in his home.

The Torah commands, “You shall not cook a kid in its mother's milk”, three times (Ex 23:19, Ex 34:26, Deut 14:21). This prohibits cooking the meat of a kosher animal in the milk of any kosher animal. This prohibits: 1. Cooking 2. Eating 3. Deriving any benefit.

What is the ruling regarding the meat of fowl?

Tanna Kamma says, to do so is Biblically prohibited.

R Akiva says it is only Rabbinically prohibited. R Yose Haglili says it is permitted.

Why is fowl excluded from this prohibition? Because it's mother does not produce milk.

עִיר אַחַת הָיְתָה בְּאֶרֶץ יִשְׂרָאֵל שֶׁהָיוּ עוֹשִׂין כְּרַבִּי אֱלִיעֶזֶר

There was one city in Israel that followed the opinions of Rabbi Eliezer.

There was one city in Israel that followed the opinions of Rabbi Eliezer and as a result were the recipients of many blessings. They did not die prematurely and they were miraculously spared evil government decrees.

However, we have learned that we should follow the majority in regards to halachic decisions and in this case R Eliezer was giving opinions as an individual, not the majority. Why was it permissible for the townspeople to follow him?

Ritva explains- This issue was still being debated when these people lived in that city. The rule of the majority only is to be followed if neither opinion is the opinion of the local Rabbi. Here, R Eliezer was the authority in this town and the people followed his decisions.

גְּזֵרָה עַל יִשְׂרָאֵל עַל הַמִּילָה

Issued a decree on Israel against circumcision.

Question: What is the only Mitzvah that is always a constant testimony to God's sanctification of the Jewish people?

- Mezuzah? A person leaves it at home when he goes to work in the field.
- Tefillin or Tzitzis? A person must remove it to go to a bathhouse.
- Shabbos? Shabbos comes only one time a week.
- Milah ? Milah is always present. It is a part of a person.

See note 30 – Shottenstein Talmud

Daf Digest

בְּלִי מִצְוָה שֶׁקִּיבְלוּ עֲלֵיהֶם בְּשִׂמְחָה דְּכִתִּיב

Any commandment that they accepted with joy, like circumcision.

The Mitzvah of Bris Milah is special and different from all other Mitzvot.

It is a Mitzvah that a person is involved with at all times. It is current and constant and is being fulfilled continuously. It is not a Mitzvah that was performed only at one time in our past, it is an ongoing Mitzvah. It is a Mitzvah of being in the state of being circumcised.

אִמְרַתְךָ בְּמוֹצֵא שָׁלַל רַבִּי כְּגוֹן מִלָּה

I rejoice in your word as one who finds great spoil.

Psalms 119:162: This refers to circumcision.

“Word”, means Milah. It was the first commandment to Abraham.

Gen 21:8: “and Abraham made a great feast on the day Isaac was circumcised”

Orah HaChaim (551:33) Calls the meal a “biblical Mitzvah”.

Teshuvot Betyaakov – Considers the meal rabbinic in nature.

Mordechai (Moed Katan sec 891) – A mourner may not partake in a post circumcision meal because it involves rejoicing.

Meat is not required for a meal of rejoicing due to the fact that the temple was destroyed, however, wine is obligatory.

לְפִי שְׂאִין קְבוּעַ לָהֶם זְמַן

Mitzvot that are not time bound.

Mitzvot that are not time bound such as Milah, Tzitzis and Mezuzah are required on an ongoing basis. If you fail to perform them, you have violated your obligation moment by moment. When you do perform them, they are completed, you have fulfilled your obligation and your prior failure to do so is absolved. Also, there is no partial compliance, it is all or none.

Torah study is also required on an ongoing basis, yet there is a way to partially comply. There are two posukim that obligate us to study:

- (1) 'v' shinantom l'vanechah
- (2) 'oo v'shachbechah oo v'kumechah'.

The obligation can be fulfilled by merely reading the Shema daily.

The posuk 'v'higaditah bo yomum v'lailah' (to toil in Torah day and night), obligates Torah study every moment.

הואיל ובגדו להפקירן

Since one can renounce ownership.

A person is not allowed to tie Tzitzis strings on his garment or write a Mezuzah parchment on Shabbos. However, he is obligated to have strings attached to his garment and to have a Mezuzah on his house. Every moment he does not, is a violation. He could solve his violation easily, by simply giving up ownership of his garment or his house. He would, then, have no obligation, since this would make them Hefker.

Instead of abandoning his ownership, why does the Gemara not offer the option of simply not wearing that garment that day? Because there is a debate (in BT Menachos 41). Shmuel rules that a four cornered garment is required to have Tzitzis, even if it is not being worn. If he owns it, he must put Tzitzis on it. That is why simply not wearing it, is not an adequate method of absolving a person from the need to put Tzitzis on his garment.

לְפִיקוּחַ נֶפֶשׁ שְׂדוּחָה אֶת הַשַּׁבָּת

The saving of a life supersedes the Sabbath.

Yoma 85b - One is allowed to desecrate one Sabbath on his account, so that he may keep many Sabbaths.

Rambam Hil Shabbos 2:3 - Even if there is a doubtful possibility, one “render a lenient decision. The act to save a life should be done by adult, scholarly, Israelites. In this way, you will teach that the laws of the Torah were meant to bring mercy, loving kindness and peace.

R JB Soloveitchik and R Chaim of Brisk did not agree with the opinion that a sick person only be given small amounts of food during Yom Kippur. They instructed that a sick person may be given a regular meal.

R Dov Katz - During a cholera epidemic in Vilna on Yom Kippur, Rav Yisroel Salanter instructed the people to eat. He took wine and cake and made Kiddush on the Bima, as an example to all.

לְפִיקוּחַ נֶפֶשׁ שְׂדוּחָה אֶת הַשַּׁבָּת

The saving of a life supersedes the Sabbath.

From where do we learn that saving a life permits violating the Sabbath?

Reb Elazar ben Azarya - We learn it from Milah by way of a Kal V'chomer.

Chassidic view - If we can supersede Shabbos for the need to avoid a spiritual violation, i.e., failing to have a Bris on time; how much more so are we permitted to avoid a physical danger that might cost a life?

Daf Digest

וְזֶה אֵלַי וְאֶנְיָהוּ הַתְנָאָה לְפָנָיו בְּמִצּוֹת

And this is my Lord and I will beautify Him by beautifying His Mitzvos –
Succah, Lulav, Shofar, Tzitzis.

“A beautiful talis” is not mentioned.

The Magen Avraham- We should also make a Talis beautiful.

Rav Michal Gold-Does not agree because where does it say to beautify the Talis?

Rav Yosef Engel-Also, does not agree, because the Talis is not the Mitzvah, only the Tzitzis is. The Talis only serves as a medium for the Mitzvah, much like a house is a medium for a Mezuzah.

Rav Shaul Katzenellebogen proposes that the Talis was involved in the Mitzvah of covering Noah’s nakedness and was the reward to Shem.

Rav David Luria says only the white threads of the Tzitzis, were Shem’s reward and the blue threads were given in honor of Abraham’s response to the king of Sodom.

Rav Aryeh Tzvi Frommer suggests that today the Talis is also part of the Mitzvah since it is a special piece of clothing bought especially for the Mitzvah, and since we no longer wear 4 cornered cloaks as a matter of usual customary dress.

עֲשֵׂה וְדָחִי לֹא תַעֲשֶׂה

Because the positive commandment of Milah comes and overrides a negative commandment of Tzoraas.

How is it possible for a positive commandment to override a negative commandment if both are commandments given to us by the Torah?

Rambam – A positive commandment comes from the spirit of love and mercy and one attains the approval of his master by observing it. A negative commandment comes from the spirit of fear. Love is greater than fear.

Vilna Gaon - When a person fails to perform a positive commandment, he transgresses every second. Whereas transgressing a negative commandment is a sin only during the transgression.

Kotzker Rebbe – Every positive Mitzvah says to us “be wise” and every negative Mitzvah shouts “don’t be a fool”.

תִּינַח גְּדוּל דְּכֶתִיב בָּהּ ,,בָּשָׂר״ קָטָן נִמְי
כֶּתִיב בֵּיהּ ,,בָּשָׂר״

Circumcision overrides Tzoraas in an adult and in an 8 day old child because of the superfluous word ,‘basar’, flesh.

Is this the same for a child older than 8 days?

Assume we can perform only one Bris that day, which situation is more in need of a Bris to be performed:

1. A child who became 8 days old?
2. A child whose Bris was delayed in violation of the 8 day rule?
3. A child whose Bris was delayed for medical reasons and is only today, able to have a Bris safely?
 - #1 & #3 -A delay produces a violation.
 - #2 -A delay prolongs a violation.
 - #1 -Is important enough to supersede Shabbos.
 - #2 & #3- Do not supersede Shabbos.

In all three circumstances, the father has an obligation to circumcise his son.

This is a topic for debate.

וְאֵף עַל פִּי שֵׁשׁ שָׁם בְּהֶרֶת יְמוּל

Even though there is a spot, he should circumcise.

It is not permitted to remove a Negah Tzoraas, however, it is acceptable to do so, if it is located on the site of the circumcision. The positive Mitzvah of Bris Milah is docheh the isur of cutting off a Tzoraas. The commandment to perform a circumcision supersedes the prohibition of cutting off an area of Tzoraas (leprosy type lesion).

If there is someone else to do the Milah, let him do it. He has no interest in removing the Tzoraas, as the father would and therefore, he would have no ulterior motive or benefit for doing so. A positive commandment supersedes a prohibition, an Asseh supersedes a Lo Sa'asseh.

Therefore, don't let the father do the circumcision, since there is no prohibition for the other person to do it. The only way a father would do the circumcision, is if there is no one else available to do it.

However, if a shaliach is not allowed for a Milah, how can we permit this? Many permit a shaliach for a Bris Milah even though it is a shaliach b'guffo.

דְּלִיכָא אַחֵר

Where there is no other than the father.

The father authorized one Mohel to do the Milah but a different Mohel did it.

The father does not have to pay.

It remains the father's Mitzvah, not the Mohel's. Only the father can delegate; the Mohel can't transfer the Mitzvah.

If the father is a Mohel, he cannot give over the task to another Mohel. It is his Mitzvah and he can't transfer it to someone else. It is a sin not to do the Milah if he is able. What is the rule about using the Mohel as your agent. There is no shaliach regarding circumcision. The Torah gave the Mitzvah to the father.

If the father does not do the Milah, the Jewish community must do it.

Father asks Mohel A, Mohel A asks Mohel B – Father pays neither.

We can't create agency to do a Mitzvah related to the body, for example, to put Tefillin on for you or to sit in a succah or eat matzo for you.

This is an old discussion in Choshin Mishpat and in Yoreh De'ah.

The father should do the Milah, if he is not able, he hires an agent to circumcise his son. This allows the father to get the Mitzvah according to those who accept that there can be a shaliach for a circumcision.

דְּלִיכָא אַחֵר

When there is no other than the father.

Why aren't all Jewish men obligated to learn how to perform a circumcision? In that way, every father would be able to perform a Brit Milah on his son since he is obligated to do it and since he is not allowed to use an agent?

The obligation of Milah is really the child's. The father is doing it for the child. If the father is unable to do it, another in the Kahal (community) will do it.

What is the decision regarding the Mitzvah of Talmud Torah? If the father is unable to do it, i.e., he has no time or is not knowledgeable, then others in the community will do it for him.

על ציצין המעבבין את המילה חוזר פירש
 על ציצין שאין מעבבין את המילה אינו חוזר

The Mohel should not go back to complete and remove shreds of skin.

Rambam (Hilchos Milah 2-4)-The Mohel should not go back to do so. It would only be to beautify the Mitzvah which is adequately fulfilled already. Hiddur Mitzvah only applies when done at the time of the Mitzvah, not after it has been completed.

Others say the Mitzvah of Milah is ongoing and it is appropriate to improve it at any time.

Chasam Sofer – Even if Hiddur Mitzvah (beautifying the commandment) would be possible after the fulfilled Mitzvah, we do not do so at the expense of injuring the baby more than is necessary, to fulfill the Mitzvah.

דִּירוֹק וְאַפְתִּי לֹא

A child who is jaundiced.

A child may not be circumcised while suffering even a minor illness or when afflicted with pain.

A child afflicted with a serious illness must not have a circumcision until the illness is gone and 7 full days, after being restored to a state of complete health, have elapsed.

Jaundice is physiologic in nature and is non-life threatening, therefore, he can have a circumcision as soon as his blood (level of jaundice) falls (134a Shabbat).

However, jaundice due to actual liver or other disorder, must be absent for a full 7 days. Which means that until all symptoms have been absent for a full 7 days, a Brit Milah may not be performed.

דִּירוּק וְאַפְתִּי לֹא

A child who is jaundiced.

Two cases:

- 1) A child needs to have a cast placed on his hip and leg, such that it is not possible to perform a circumcision on the eighth day. May the Bris be postponed for this unrelated health matter?
- 2) Surgical repair of hypospadias requires the skin that would be removed at circumcision to be used in the repair. May we delay the Bris until the surgery is completed for the birth anomaly?

It is agreed that it is permissible to postpone the Bris,

- Deut 22:2 , “and you shall return it (his health) to him”.
- Deut 22:3, “you may not hide yourself”.
- Lev 19:10, “nor shall you stand idly by the blood of your fellow”.

All command an obligation to prevent loss of life. The loss of orthopedic health or the loss of the ability to father children would violate these biblical rules and therefore, postponement of the Bris for health reasons is permitted. The Mitzvah of circumcision can always be done later, admittedly lo b'zmono (not at its proper time), but in an entirely proper fashion.

Daf Digest

**פַּעַם אַחַת הִלַּכְתִּי לְכַרְפִּי הַיּוֹם אָמַר רַבִּי נִתָּן
רִאשׁוֹן וּמַת וּבָאת אִשָּׁה לְפָנַי**

Rabbi Nosson was asked to perform a Bris for a boy whose two brothers had died after their Bris. He saw that the child was red but after that cleared, he did perform the Bris.

Gemara Yevamos 64b clearly states the third boy should not be circumcised. Noda BeYehuda was asked about a similar case and emphatically wrote not to perform a Bris until the boy grew older and stronger or until any medical condition was understood and counteracted.

Rebbe – A Chazakah is established after two times.

Rambam – After two sons died, we wait for the third to grow stronger.

So why did R Nosson perform the Bris on the third boy?

1. He did wait.
2. He saw that the “red” had cleared.
3. He recognized the medical condition and that it had subsided.

In Yevamos the cause of death remained mysterious and the child should not undergo Milah until it is clarified.

מְרַחֵץ אֶת הַקֶּטֶן

We bathe the child.

Bathing was thought to be necessary so as not to endanger the baby's life.
Today we realize it is not needed.

We may bathe the infant in warm water before and after circumcision. The water for circumcision may be heated. Bathing may be done on Shabbos according to R Eliezar but not according to R Akiva. After circumcision, bathing and heating the water is permitted by both R Eliezar and R Akiva, since now, it is a danger to life.

We may sprinkle hot water on him. We may bathe him, but in a special way (with a Shinui).

We may bathe him also on the 3rd day, another day of danger (perhaps especially for adults), even when the third day falls on Shabbos. The third day is a very painful day (see Gen 34:25), “Men of Shechem were in severe pain”.

מְרַחֵצִין אֶת הַקֶּטֶן

We bathe the child.

We bathe the child, however, in a case where there is a questionable situation, we do not bathe the baby. For example, if the baby was born in the 8th month, or was judged to be not viable (and therefore can't override Shabbos), or was born at twilight, or was born already circumcised, or was an androgyny (having male and female organs), the obligation to circumcise him/her is uncertain. Under those circumstances, when there is an uncertainty, we may not desecrate Shabbos.

R Yehudah permits bathing the child in the case of an androgyny.

מְרַחֵצִין אֶת הַקָּטָן בַּיּוֹם הַשְּׁלִישִׁי שֶׁחָל לִהְיוֹת בַּשַּׁבָּת

We wash the infant on the third day when it falls on Shabbos (but not if the Bris was postponed).

In the discussion regarding how to observe Shabbos at the North or South pole or in outer space, one of the answers is that we are to live in areas in which Mitzvot might be observed and only those areas may be inhabited. Man should optimize his opportunity to fulfill Mitzvot and that is not possible in outer space, in which time bound Mitzvot have no relevance.

The question arises, may a person put himself in a situation where he knows he will violate a law, i.e., a delayed circumcision on Thursday, knowing he will have to oversee the patient on Shabbos or put himself in outer space, where he knows he cannot fulfill the time bound Mitzvot? Is he free of the obligation if he put himself in that position or is he still obligated, but failed to perform?

על גר שנתגייר בפשהוא מהול

A convert who was already circumcised while still a gentile.

A convert who was already circumcised while still a gentile.

For example:

- A Jew who was circumcised, but not on the correct day.
- A person raised as a Jew from a Halachically non-Jewish mother (a Reform family).

Consider instead:

Tevilah – immersion for conversion,

Milah – (Hatafas dam Bris)- ceremoniously draw a drop of blood of circumcision.

עַל נוֹלָד בְּשֶׁהוּא מְהוּל שְׂצָרִיךְ לְהַטִּיף מִמֶּנּוּ דָם בְּרִית

And for a child born already circumcised, we must cause covenantal blood to flow from him.

Who is born circumcised? - A convert is considered born anew at the time of circumcision.

This phrase in the Talmud teaches us that a convert who has been previously surgically circumcised, must have Hatafas dam Bris performed for him.

כל שאמו טמאה לידה

Any newborn whose mother becomes Tamei.

Induction of delivery:

- If done for convenience - should not be done on Shabbos.
- If done for medical reasons – do when necessary.

Does this induction produced birth, interfere with the mother's 'Tumos Leidah'?
No, it does not! It is not natural, similarly a caesarean section is not natural, and therefore, should the child **not** be circumcised on Shabbos? No, as long as the child is born via the vaginal route, he qualifies to have his Bris supersede Shabbos.

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Daf Digest

יום באדם אינו נפל כל ששהה שלשים רבן שמעון בן גמליאל

Reb Shimon ben Gamliel says any child that lives 30 days, is not a still born.

Which means that if the child dies within 30 days, it is considered a stillborn.

Chachamim – He is viable before 30 days.

Rashi – They only argue where it is not certain whether the baby is born fully developed.

Tosophos – We are allowed to rely on the majority. Babies that do not survive 30 days are in the minority and the majority usually survive.

This means that if the child dies, after 30 days, its life was significant. It is as if it lived and then died. This would impact a case where a woman is a Yevama. If this child is considered alive, albeit briefly, she does not go to the Yibum. However, if the child is considered to be stillborn, she must be subjected to the Yavam and Chalitzah process.

יום באדם אינו נפל כל ששהה שלשים רבן שמעון בן גמליאל

Reb Shimon ben Gamliel says any child that lives 30 days, is not a stillborn.

You shall redeem from the age of 1 month – Num 18:16 (Refers to Pidyon Haben).

If the child survives 30 days, he is not suspected of being a non-viable child.

- “If a child is under the age of 30 days, it is a child of uncertain viability”.

What are the mourning practices and rituals when an infant dies before the thirty-first day of life?

Rabbi Norman Lamm – None – The child is considered to not have lived at all, even if it was killed in an accident! It is not seen as a separate and full life, but it is protected as a potential life. There is no mourning, no Shiva, no Yahrazeit, no Brit, and no name. There is burial, if the fetus is at least 5 months gestation.

Mishnah-(Niddah 5:3)- If a one day old infant dies, he is considered by his father and mother and all his relatives, as a full bridegroom.

TY Kiddushin 4:11 – A baby is alive when its head and the majority of its body emerge from the mother and is mourned as a full bridegroom

The sons of R Demi and Rav Cahana were mourned (Shabbat 136a).

Rambam– (Hil Avel 1:7) – If the child is carried for 9 months and it dies, we mourn for it.

יום באדם אינו נפל כל ששהה שלשים רבן שמעון בן גמליאל

Reb Shimon ben Gamliel says any child that lives 30 days, is not a still born.

A child younger than 30 days is not considered non-viable. It is not considered a full separate life but is considered a potential life

Rules regarding the death of a child that lives less than 30 days:

- No mourning.
- No Shiva.
- No Yahrzeit.
- Burial-If it there is more than 5 months gestation. Burial can be delayed for any reason.
- Naming is not required. (There is a folk tradition to give a name, so parents can later find the child in the Garden of Eden.
- Circumcision – no obligation.
 - The Shulchan Aruch-Suggests circumcision may be done at grave side.
 - Rabbi Lamm – Circumcision may be done during the Taharah.
 - Circumcision need not be done by a Mohel.

Premature infants (Responsa 1991-2000, p447):

- 27 weeks – end of 6th month- 66% will survive
- 31 weeks – end of 7th month- 85% will survive
- 35-36 weeks – end of 8th month- 97% will survive

If you kill such a child, you are exempt from human prosecution. However, we are obligated to medically treat such a child as a potential life.

יום באדם אינו נפל כל ששהה שלשים רבן שמעון בן גמליאל

Reb Shimon ben Gamliel says any child that lives 30 days, is not a stillborn.

A child under 30 days old is of uncertain viability.

One who kills such a child is exempt from human prosecution.

If the viability of the child is uncertain, why are the conditions different from an 8th month child or an androgynous child? Why is it permissible to violate Shabbos for their Bris? This is due to the fact that, if he is viable, we did not violate Shabbos since this was the proper time. If he dies, then we did not violate Shabbos since this is just like cutting a piece of meat, which is allowed on Shabbos.

However, even R Eliezar would agree that in such a case, the preliminaries do not override Shabbos

בִּי פְּלִיגִי שְׁפִיחָה וּמָת

There was a case where a person yawned and died.

One is not allowed to yawn while praying, unless the yawn is beyond your control, then the proper thing to do is to cover your mouth (Shulchan Aruch).

One is not allowed to burp while praying.

However, the Shulchan Aruch does not offer the solution of covering your mouth with your hand when you burp. Why?

- A burp comes on too quickly and it is not feasible to cover it up.
- A yawn takes longer, the mouth is opened wider and should be covered.
- A yawn is involuntary.

A burp could be controlled and should be controlled, therefore, no solution is offered. You must suppress a burp.

Neither yawning or burping should occur during praying, even if you are alone.

Remember, you stand before HaShem.

בְּרִיָּה דְרַב דִּימִי בַר יוֹסֵף אֶתִּילִיד לִיהּ

The son of Rav Dimi bar Yosef had a child born to him.

There may be an exception to the 30 day rule.

-If we know for certain that the baby had its full 9 months of gestation completed.

How are we able to we know that?

The son of Rav Dimi bar Yosef had relations with his wife and then abstained for a full 9 months.

If a woman has such a child die as her only child and then her husband dies, must she undergo Chalitzah?

-Yes-If she wishes to marry a Yisroel.

-No-If she wishes to marry a Kohen.

The Torah prohibits a Kohen from marrying a divorcee.

The Rabbi's prohibit a Kohen marrying a woman who performed Chalitzah, because Chalitzah also severs a marital type bond. Therefore, R Shimon ben Gamliel relaxes his stringency, i.e., that a child under 30 days is not fully viable. He calls this child viable enough to have its mother avoid Chalitzah. She is considered a woman whose husband died and whose child died, in order to preserve her new marriage to a Kohen.

מי שהיו לו שני תינוקות

One had two infants to circumcise.

One had two infants to circumcise, one on Shabbos and the second, after Shabbos. He forgot and also circumcised the second boy on Shabbos (even though the Bris Milah was to have occurred *after Shabbos*).

He is liable for a Chatas for inadvertently violating Shabbos, by making a wound on Shabbos. The second baby still needs Bris Milah performed after Shabbos, even though his foreskin is off, i.e., Hatafas dam Bris.

He had two infants to circumcise, one for Friday and one for Shabbos.

He mixed them up and circumcised the Friday baby on Shabbos.

R Eliezar says he is liable for a Chatas.

R Yehoshua exempts him.

מִי שֶׁהָיוּ לוֹ שְׁנֵי תִּינוּקוֹת

One had two infants to circumcise.

Why does R Yehoshua make him liable in the first case and not the second?

In the first case, a circumcision prior to 8 days is only on injury. The child is not yet eligible to have the circumcision performed early. Therefore, the circumcision had no purpose, even though some positive benefit did come from it; the child has no foreskin.

In the second case, he violated Shabbos but intended to do a Mitzvah, and in fact, did do a Mitzvah. This is considered a valid Bris since the child was, at this time, already 9 days old and was required to have a Bris (even though it was late).

An error prompted by a Mitzvah vs. some other miscalculation, is deemed sufficient to exempt him from a Chatas, However, it is only deemed sufficient if he was obligated to do that Mitzvah and the performance of a Mitzvah actually resulted.

חֲלָצְתוֹ חֲמָה נוֹתֵנִין לוֹ כָּל שִׁבְעָה לְהַבְרֹתוֹ

Once a fever releases the newborn, we give him seven days for his recovery before we perform his Bris.

BT Yevamos tells a story in which a child's 7th day of recuperation occurred on Erev Pesach. We require a full 24 hours for each of the 7 days. We do not permit a child to have his Bris earlier in the day (prior to the completion of a full 24 hours) so that the child's father would be able to prepare the Korban Pesach. A person who has an uncircumcised son is not permitted to do the Korban Pesach. He is deprived of doing this Mitzvah Mediorisah, (Biblically).

We see that the rule is very strict. A full 7 days, of 24 hours each, must elapse from the time the child is deemed healthy. This is Biblically ordained.

If the Bris was done before the full 24 hours, 7 days moment, he must have a "Hatafas dam Bris" since it was not a valid Bris. This is similar to a child who is circumcised before the 8th day. If that early Bris was done on Shabbos (the 8th day of life) but not 7 days after being deemed healthy, his is also deemed to have violated Shabbos.

לְהַכְנִיסוֹ בְּבְרִיתוֹ

To bring him into the covenant.

When should this Bracha be said?

Before the circumcision is completed:

Tosofos Rabbenu Shmuel-All Brachos are done before the Mitzvah. The Bracha states, “we are about to enter this boy into the covenant”.

After the Bris is completed:

Rabbenu Tam:

- We have been commanded regarding entering our son into the covenant of Abraham, therefore, we say the bracha, after.
- The Mitzvah is being done by one person (Mohel) and the Bracha, by the father. Therefore, saying the Bracha before the Mitzvah is suspended in such a case, where the person doing and the person reciting are different.
- This Bracha is not on the Mitzvah of Bris. It is for the opportunity of bringing our son into the covenant – a new benefit.

In the middle after the cutting (Milah) and before the peeling (Priah), if the father performs the entire Milah on his own son, he should say the Bracha before the Milah is completed.

עֲתִידָהּ תּוֹרָה שֶׁתִּשְׁתַּכַּח מִיִּשְׂרָאֵל

In the future, Torah will be forgotten in Israel.

Reb Mordecai Yosef (of Izbica) - This is generally understood as a prediction of evil tidings.

However, it can also be foretelling a time when the people will be so firmly attached to HaShem, that they will clearly understand and follow His will. There will no longer be a necessity to learn His desires by studying Torah.

בְּשֵׁם שְׁנֵכֶנֶס לְבְרִית כָּךְ יִכְנֵס לְתוֹרָה לְחֻפָּה וּלְמַעֲשִׂים טוֹבִים

Ashkenazic custom: “Just as he entered the Bris, so may he enter into Torah, marriage and good deeds”.

Sephardic custom: “Just as you brought him to the Bris, so may you bring him to Torah, marriage and good deeds”.

Instead of blessing the father, the Ashkenazic custom focuses on the child, since there are situations in which the father is not alive or not present at the Bris. Their blessing fits all occasions.

The chronology of the blessings are the same however, since they are all the responsibility of the father (Kiddushin 29a). Torah study must begin early (5-6), marriage by age 18 (Avos 5:21). But do not good deeds, Mitzvot, become incumbent after the Bar Mitzvah at age 13?

R David Avudraham – A boy is responsible to fulfill Mitzvot at age 13, but is not held accountable for Heavenly judgment until he reaches the age of twenty.

So the sequence is correct.

תולין את המשמרת ביום טוב

We may suspend a strainer on Yom Tov.

“Suspending a strainer” on Yom Tov is like making a temporary tent (ohel), since it is used to prepare food for Yom Tov.

However, “suspending a strainer” is not permitted on Shabbos since food preparation on Shabbos is not allowed.

Chachamim say - We may not “suspend a strainer” on Shabbos or Yom Tov.

While it is to prepare food, “suspending the strainer” is not preparing the food, it is a preliminary stage and that is not permitted.

We may not pour into a suspended strainer on Shabbos, however, may do so on Yom Tov.

אֵין יְרוּשָׁלַיִם נִפְדָּה אֶלָּא בְּצַדִּיקָה

Jerusalem will only be redeemed through charity.

Through the merit of the Mitzvah of charity, God will employ His attribute of Rachamim (mercy or charity) as opposed to strict justice, to allow for the rebuilding of Jerusalem.

וּלְקַדֵּק נְזִיר אֶחָיו

And upon the head (beginning) of the exile (Nezir) from his brothers.

From the day Joseph was separated from his brothers, he did not drink wine and neither did his brothers. It is written, “they drank and became intoxicated with him” (Gen 43:34). This implies that until they were with Joseph, they did not drink.

We can understand why Joseph drank. He was happy to find his brothers, but why did the brothers drink?

1. So as not to arouse suspicion. They had been accused of being spies. Failure to drink could be interpreted that they were fearful of having a loose tongue that would implicate themselves.
2. When they saw that Benjamin had 5 times the amount of their gifts and they felt no jealousy, they realized that they had overcome the trait that had caused them to sell Joseph in the first place and rejoiced.

הַמִּשְׁפָּט עַל לֵב זָכָה לְחֹשֶׁן

He merited to wear the Chosin Mishpat (the breast plate) on his heart.

Kohen Gadol Elli - (Samuel I 2:77) The sentence, “and God appeared to his ancestor Aaron in Egypt”, informs us that Aaron was a prophet long before Moshe (see Yechezkel 20:7-12).

When Moshe was asked to assume the role of prophet, he suggested that God “send the one who had previously been sent” (Exodus 4:13). God reassured Moses that Aaron would not be offended by his younger brother’s elevation.

Because of this, Aaron merited to be elevated from Levite to Kohen and to wear the breast plate.

חֲזַרְנוּ עַל כָּל צִדֵּי בִּילָה

I have reviewed all of the considerations regarding erecting a canopy.

Reason for making a gate around the law:

I have reviewed all of the considerations regarding erecting a canopy, and I have found no permissible method.

There is a canopy tied with a cord or rope that is permitted to be built.

However, he did not tell the Bashkarians, because they are not Torah Scholars.

They might adopt other unsupported leniencies if they were informed of this legitimate leniency.

So the Rabbis made a fence around them.

Daf Digest

נוֹתֵנִין מֵיִם עַל גַּב הַשְּׁמָרִים בְּשִׁבִּיל שְׂיָצוּלוֹ

We may pour water over wine dregs so that the dregs become cleared.

Using a wine which was strained on Shabbos is prohibited.

The following is permitted:

- We may pour water over wine dregs until the drips become cleared.
- We may filter wine through cloths or through palm twigs.
- We may add a raw egg to a mustard strainer.

Shulchan Aruch – We may pour the liquid out until the stream begins to thin and the solid parts at the bottom begin to move toward the lip of the pitcher. To continue would be the Malachah of Borer—selecting

Magen Avraham – He may pour off the liquid at the top because it is not noticeably mixed with the solids. However, if a solid was floating, i.e., congealed fat or a fly, Magen Avraham comments that you could not separate them, even if you took some liquid with it.

The Taz and the Mishnah Berura permit you to take off a solid, if you take some fluid with it.

הָאִי מֵאֵן דְּאֶפְשָׁר לִיהָ לְמִיכַל נֶהְמָא דְּשַׁעְרֵי וְאָכַל דְּחִיטֵי קַעֲבַר
מִשּׁוּם בִּלְ תִשְׁחִית

All of these are directed to Torah Scholars, except for the comment that a person who could suffice with barley bread, should not waste money on wheat bread. Since doing so is a form of BalTashchis, an unnecessary waste of money and resources.

These comments include:

- Advice to Torah Scholars and the public in general.
- Advice to his daughters by Rav Chisda.
- Advise on how to buy vegetables.
- Advise on how to eat if you are poor.
- Advise on how to maintain clothing so it will last long.

So we learn that not wasting money is a halachic principal aimed at everyone.

בַּל תִּשְׁחִית דְּגוּפָא עֲדִיף

You shall not destroy, however, one's person takes precedence.

Rambam (Hil Malachim 6:10) - All needless destruction is prohibited.

Shabbos 140b-What appears to be wasteful, expensive or extravagant, if related to your personal consumption of food, drink or clothes, is permitted, since the person takes precedence.

Shabbos 129a –The destruction of furniture to make heat to warm a sick person, prevails higher than the BalTashchis of property.

R Don Well- We must decide that which is to be preserved and which should be consumed. It should depend on the circumstances.

גורפין מלפני הפֶּטֶם

We may sweep out a feeding trough that is in front of the stall of an ox.

How to move food around for an animal:

We may move fodder and straw to the side, so excrement won't soil the food.

But the sages prohibit sweeping the trough, if it is made of earth. Since he might even out irregularities in the floor of the building. However, the sages permit it, if the trough is made of a material that makes it a utensil.

We may take feed from one animal and give it to another on the Sabbath.

There is no problem if it is the same type of animal, i.e., an ox to ox.

However, if it is a different type of animal, i.e., an ox to a donkey, it is not permitted. An ox drools on his food and a donkey won't eat it.

טלטול מן הצד לא שמייה טלטול

Moving indirectly is not considered moving.

Proper methods of moving Muktzeh items:

- May move it with a Shinui.-For example, crushing peppers with the handle rather than the blade of a knife.
- One may bathe on Shabbos if the water is not warmed. If one bathed in a stream or Mikvah, one should dry oneself, so as not to carry the water on his body 4 amos in a karmelis.

What is the ruling if one is drenched in a down pour of rain and unavoidably carries the water? Usually it is not a sufficient amount of rainwater to create a liability.

However, it is possible to be a great quantity in heavy rain. This would be impractical to prohibit.

Why should a small person not go out on Shabbos with a large shoe?

Why may a small person go out with a large shirt?

Why may a woman not go out with a torn shoe?

Why is a completely torn shoe not proper to perform Chalitzah with?

Why can you not wear new shoes on Shabbos?

How long must you wear the new shoes before you go out in them on Shabbos? 1 hour

אִי לֹא דְאָדָם חָשׁוּב אֲנִי

A distinguished person.

Abaye considered it permissible to carry sheaves of harvested grain on Shabbos, but he refrained from doing so, unless he first placed a ladle on the sheaf. Why did he believe it was permissible to carry the sheaves on Shabbos? Because even though they would need extensive processing to be edible, they were in a state to be able to serve as a mat for a person to lie down on. One of the two purposes of the sheaves (for food) did not allow them to be carried on Shabbos, but the other (to serve as a mat), did. Abaye, being a person to whom others would look as an example, chooses to be very strict in his behavior. Placing an item fit for use on Shabbos (the ladle) on the sheaves, makes the sheaves secondary to the ladle. It is then permissible to carry both on Shabbos. Neither is Muktzeh.

וְשֶׁל בֵּית מְנַשְׁיָא בַּר מְנַחֵם הָיוּ סוֹחֲטִין בְּרִמּוֹנִים

The family of Bais Menashya used to squeeze pomegranates for their juice during the weekdays.

Fruit that is grown to be eaten as a fruit, may have its juice squeezed on Shabbos.

Fruit grown primarily for its juice, may not be squeezed on Shabbos, because it is a form of threshing, removing contents from its husk or shell.

Pomegranates are prohibited from being squeezed on Shabbos, like olives, berries and grapes. Though some people use these items for a food, others use them for a juice. An item used for juice cannot be squeezed on Shabbos.

Daf Digest

אֵלָא לְעֵדוּת אִשָּׁה בְּלֶבֶד

Except with regard to testimony concerning the marital status of a woman.

The testimony of one witness is accepted when he says he saw that a woman's husband died and there is no other evidence.

She would not be an Agunah and could go on with her life. This is a leniency by the Rabbis not to require 2 witnesses in such a case.

Rashi – This agreement to use one witness is granted by each husband to the Rabbis ,when he says at the marriage ceremony, 'kidas Moshe V'Yisroel', “according to the laws of Moses and Israel”.

Sifrei (Noda B Yehudah) quotes Shoftim 19:15 to suggest this rule is not merely Rabbinic but is a Torah law. “A single witness shall not rise in a case of an iniquity or sin” , but there is no iniquity or sin regarding our problem of the death of a husband, so a single witness could suffice.

שׁוֹבֵר אָדָם אֶת הַחֲבִית לְאֹכֹל הַיְמָנָה גְּרוּגְרוֹת

Destruction for Shabbos use.

A person may break a jug on Shabbos in order to eat the dates that it contains.

Rashi – Destructive activity is not prohibited on Sabbath.

Rashba – Ram – If the purpose is for the enhancement of Shabbos, i.e., to eat the dates on Shabbos, it is permitted.

Destructive activity would be prohibited if:

- It was not for a purpose to be used on Shabbos.
- It was done in preparation for a constructive activity, i.e., to build something else in its place.

רַבִּי נְהוֹרַאי אָמַר הָיִי גוֹלָה לְמָקוֹם תּוֹרָה
וְאַל תֵּאמַר שֶׁהִיא תָּבֵא

R Nehorai says , “Exile yourself to a place of Torah.”

Avos 4:14- “And do not presume that the Torah will come after you, since it is your colleagues who will cause the Torah to remain with you”. R Elazar ben Arach forgot all his Torah. His colleagues prayed for him and it returned to him.

Rashi - This is used as an example of the value of studying with others.

R Ovadiah of Bartenura - Warns scholars not to rely on their own intelligence. Only the give and take of studying with others will sharpen his learning.

Eitz Yosef - Explains that “exile yourself” means sacrifice prosperity and comfort, if necessary, to study Torah. People travel and change their location to ensure material wealth and business opportunities. You should be prepared to do the same, in order to gain Torah knowledge.

הִלְכָּה מִחֲזִירִין אֶת הַשֶּׁבֶר

The law is that we may set a broken bone.

A threat to a limb, which is definitely not life threatening but can result in the loss of a limb or loss of the full use of the limb, if not treated.

All Rabbinic restrictions are completely waived.

Such an individual on Shabbos may:

- Take any and all medication.
- Have a broken bone cared for.
- Fix a dislocated joint.
- Repair a severed nerve.
- Repair a punctured eardrum.

However, restrictions placed Mediorisah (Biblically) are not waived, except for Pekuach Nefesh (risk to life). Today, all medical authorities agree that a threat to a limb is a threat to life.

שׂוֹאֵל אָדָם מִחֲבִירוֹ בְּדֵי יַיִן וּבְדֵי שֶׁמֶן

A person may borrow a pitcher of wine or a pitcher of oil from his friend.

On Shabbos, a person may borrow a pitcher of wine or a pitcher of oil or a Pesach offering and may leave his cloak. However, he must not say “lend this to me” or “my coat is left for security”, which suggests a commercial transaction.

Also, he must not use the words ‘Halvayni’, “lend me”, which suggests a long term loan.

He should use the term ‘Hashelayni’, “lend me”, which suggests a short term loan.

This method is used because concerning a short term loan, we don’t expect the lender to bother writing down anything, which would be forbidden on Shabbos or Yom Tov.

מֵאִי שָׁנָא הַשְׁאִילָנִי וּמֵאִי שָׁנָא הֶלְוִינִי

Why, if you borrow something on Shabbos, must you use the term ‘Hashelayni’, “I request from you” and not the term ‘Halvayni’ (lend me)?

The time period for a loan is usually 30 days, whereas the time period of a request (a favor) is usually a shorter time period. A person who gives an item for more than 30 days, might wish to record this transaction and may happen to write on Shabbos.

Another time frame to consider:

An item loaned for only 30 days is still perceived as belonging to the lender. So if you borrow a Talis you do not need to put Tzitzis on it. Or if you rent a house for only 30 days, it needs no Mezuzah.

If the time period is longer than 30 days, people begin to regard the ownership of the item as having shifted to the borrower.

לֹא מְסַפְּקִין וְלֹא מְטַפְּחִין וְלֹא מְרַקְּדִין בְּיוֹם טוֹב

On Yom Tov (or Shabbos) we are not permitted to clap our hands, beat our chests or dance.

On Shabbos and Yom Tov, we are not permitted to clap our hands, beat our chests or dance, and yet when people do these things we do not rebuke them. Why?

-No signs of mourning are permitted on Shabbos.

-To clap our hands, beat our chest or dance may lead to adjusting a musical instrument.

It is better that Jews be unintentional violators than deliberate violators.

לֹא מְסַפְּקִין וְלֹא מְטַפְּחִין וְלֹא מְרַקְּדִין בְּיוֹם טוֹב

On Yom Tov (or Shabbos) we are not permitted to clap our hands, beat our chests or dance.

We may not clap hands, nor beat our chests nor dance on Yom Tov (Beitzah 36b).

People violate this rule and we don't rebuke them. This suggests that whether it is a Rabbinic or even a Biblical law, the Rabbis don't rebuke if they feel that people won't listen.

“You shall afflict yourselves on the 9th day of the month”, (Lev 23:32).

We know Yom Kipper begins on the 10th day of Tishrei, what is the meaning of this verse?

It tells us that the Yom Kippur fast should be started while it is still the day of the 9th, before nightfall (see Yoma 81b).

שָׁנָא בְּדַרְבָּנָן וְלֹא שָׁנָא בְּדִאֲוֵרֵיתָא

There is no difference between Rabbinic and Biblical law.

If the offender will not listen to words of rebuke, it is better not to tell him. If he is informed of the law and he does not listen, he would be knowingly violating the law. In that circumstance the punishment is greater.

This advice is appropriate if the behavior is a violation of an inexplicit law; one that is not clearly stated in the Torah, but is derived by explanation or interpretation of the text. He might not actually know the law, or the law might be looked on lightly by some people and be considered unimportant. In that case, he is likely to disregard our rebuke. If we think he will disregard our correcting him, it is better not to inform him.

However, if it is an Halachah that is explicit in the Torah, we are obligated to tell the offender and not consider his behavior to be unintentional. He is already in violation, exhorting him to desist cannot make matters worse and may potentially improve the situation.

מוֹנֶה אָדָם אֶת אוֹרְחָיו וְאֶת פְּרָפְרוֹתָיו מִפִּי

A person may count his guests and delicacies orally.

A person may count his guests and delicacies orally, but not from a written note on Shabbos.

He may cast lots with his children and members of his household for portions of food at the table.

A written note may not be used:

- For fear that he may erase something from the list
- For fear that he may read common documents (Shtarei Hadayot) on the Sabbath.

מוֹנֶה אָדָם אֶת אוֹרְחָיו וְאֶת פְּרִירוֹתָיו מִפִּי

A person may count his guests and delicacies orally.

A person may count his guests and delicacies orally , not from a written note, but only from memory.

This phrase is used in the discussion regarding the permissibility of taking a census of the Israeli population.

R Weinberg - Permits because the census is taken indirectly by questionnaires not by actually counting the people.

Hassam Sofer - It is not allowed even though it is inaccurate, because some, whose conversion procedures were not valid, are counted as Jews.

Hosea 2:1, “Which shall not be estimated and shall not be counted.

R Goren - It is permissible to count pieces of paper.

R Kaniefsky, Ramban - Even indirect census is forbidden, except for a purpose.

A census must never be taken by a King for vainglorious reasons.

וְלִמְאֵן דְּאָמַר שְׂמָא יְמַחֵק

And even according to the one who says he may erase it.

Is erasing on Shabbos prohibited under Biblical law? Refer to Note #1

If one's purpose is to erase to make space for writing, it is Biblically prohibited on Shabbos. However, Rabbinical law prohibits erasing on Shabbos under any circumstances.

Is reading from a small oil lamp permissible on Shabbos?

Is reading from an oil lamp 10 stories tall permissible on Shabbos? See Note #9

It is not permitted since he might tilt a small lamp to better read by its light. The Rabbi's ban even a very tall lamp, where there is no risk of tilting, simply not to differentiate between any lamp and perhaps cause confusion.

אֵין רוֹאִין בְּמִרְאָה בְּשַׁבָּת

You are not permitted to look into a mirror on Shabbos.

You are not permitted to look into a mirror on Shabbos, if it is a metal mirror. A metal mirror has sharp edges and you might see hairs that you will cut with the sharp edge of the metal hand mirror.

Is the situation the same if the mirror is attached to the wall? Yes, since metal mirrors are prohibited, ALL metal mirrors are prohibited, even though this one is attached to the wall and can't cut hair.

Is the situation the same if it is made of glass? (N#31) That is permitted because the mirror is not a metal mirror.

מִפִּיִּס אָדָם עִם בְּנָיו וְכוּ'

A person may cast lots with his children.

Why is it forbidden to cast lots with others, but is permissible to cast lots with your household?

There is no concern that he will violate the prohibition that he not measure, weigh, count, borrow or pay back, as he might with others. He is merely allocating portions fairly without arousing jealousy between his household members. Therefore, casting lots is permitted.

see149b1 N#5

מוֹתֵר לְהַלוּוֹת בְּנָיו וּבְנֵי בֵּיתוֹ בְּרִבִּית

It is permissible to charge interest to your children and members of your household?

Why is it permitted for a person to charge interest on a loan made to his children and members of his household? It is done with the aim of letting them feel the bitter taste of paying interest, as an educational exercise.

We refer here to children and household members who rely on the father for their support. Since everything they have belongs to him, any interest they pay, in reality comes of his pocket and is not actual interest (Rashi).

משום קוביא

Because of gambling.

Wagering and collecting on bets:

Rashi – It is like theft. The person who loses, gives up his money reluctantly and as such, it is not legally valid.

Ritva – Agrees it is prohibited to take money won in a bet, since the person is giving it against his will.

This even includes a person who participates in betting, only occasionally. Such behavior is habit forming and even recreational betting is addictive. It may lead to a career in gambling.

A person who earns his living without being productive, without producing a product or providing a service to the world, has a different set of standards than the rest of mankind and is disqualified from being a witness in a Jewish court.

אָמַר רַבִּי יַעֲקֹב בְּרִיָּה דְּבֵת יַעֲקֹב

R Yaakov, the son of Yaakov's daughter, said.

This is an unusual method of identifying a person. Usually we mention his father's name.

R Yaakov's father is not named, as is customary, because he was unworthy. (Rashi to Eruvin 80a).

לֹא יִשְׁכּוֹר אָדָם פּוֹעֲלִים בְּשַׁבָּת

A person may not hire workers on Shabbos.

Hiring workers on Shabbos violates the injunction against pursuing one's business interests on Shabbos, even if it is for work to be done after Shabbos. Furthermore, he may not tell his friend to hire workers for him.

One may not go to await nightfall at the Sabbath boundary (the Techum for Shabbos, a distance 2000 amos limit) for the purpose of hiring workers or to bring produce.

However, he may go to the limit of the Sabbath boundary (the Techum) to guard his property. Guarding is permitted on Shabbos.

Also, he may bring produce back in his hand, since he would not have carried a vessel with him to carry back the produce.

אין מחשיבין על התחום

It is not permissible to walk to the border of the Techum.

It is not permissible to walk to the border of the Techum, in order to hire workers promptly after Shabbos or to harvest.

If something is not permitted on Shabbos, you can't prepare to do it during Shabbos. However, if you only want to watch the produce, that is permitted.

His main intention is to watch the harvest, not to prepare to harvest. Why is this permitted? He hasn't even recited the Havdalah yet! Without reciting the Havdalah, walking out of the Techum is being Mechalel Shabbos (violating the Shabbos laws).

Shulchan Aruch - The prohibition of doing work before Havdalah is only on work that requires Tirchah (efforts). Carrying, lighting a fire or walking out of a Techum requires no effort and therefore, is permitted.

- Perhaps he did say Hamavdil in Maariv? That is not good enough, he needs to recite the full Havdalah.
- Perhaps he did recite the full Havdalah with wine, etc., he just needs to say, 'Hamavdil Bayn Kodesh L'chol' and proceed with his work. That would be permissible.

Part II

In fact not only do you not need a full Hamavdil, you merely need to say, 'Hamavdil bayn Kodesh L'chol' and proceed with work.

We are permitted to light the Havdalah candle before making Havdalah.

Rif - Said the entire Bracha and says one must make the regular Havdalah.

Rambam -Don't need wine.

- Agrees with Rashi.

- Only need a brief Havdalah.

Brisker Rav al HaRambam:

- Can't do work before davening.

- Can't do work before Havdalah.

- Can't eat before Havdalah, one may forget to recite Havdalah.

Rambam - (Hilchos Shabbos 29:6) – Eating, drinking or Malachah is forbidden before reciting Havdalah.

- The prohibition of Malachah is for the holiness of Shabbos. Until you end Shabbos with Havdalah, it is still Shabbos.

דיבור אסור הרהור מותר

Speech is forbidden, thought is permitted.

Not only is it inappropriate to speak about weekday matters on Shabbos, it is even best to avoid thinking about them, in order to attain a high level of Sabbath rest. Even our hearts and minds should avoid being distracted by our commerce and craft. We are enjoined not to pursue our business interests, and only pursue the business of Heaven on Shabbos.

On Shabbos we may:

- Allocate charity.
- Attend to the affairs of the public.
- Arrange for girls to be married.
- Teach a boy a text.

אַלְמָא הִרְהוּר לֹא כְּדִבּוּר

Thought is not like speech.

We may not enunciate explicit statements about hiring a worker on Shabbos but may use a non-explicit reference to do so, i.e., “Shall we meet later, after Shabbos?”

Thought is not legally equivalent to speech, however, we may not speak or think Torah thoughts in the bathroom. We may not speak, but may think Torah thoughts in the presence of a naked person.

Is one able to think his prayers and not vocalize them?

Shulchan Aruch (Orach Chaim 62:3)-Thinking the words of the prayer does not fulfill your obligation to pray.

Mishnah Berura - Agrees.

Rambam - Disagrees and allows thinking the prayers to satisfy your obligation.

הַמַּעֲצֵמוֹ עִם יְצִיאת הַנֶּפֶשׁ הָרִי זֶה שׁוֹפֵךְ דָּמִים

A person who closes the eyes as the soul departs, is a killer.

We are not permitted to touch a dying person on Shabbos or any other day unless:

- It is to protect him, i.e. remove him from a burning house.
- It is to treat him, as long as there is even a remote hope.
- It is to continue the treatments he is already receiving, i.e., oxygen, food, antibiotics, insulin, pain medications – R'Auerbach.

However, there is no obligation to start new treatment, i.e., resuscitate his breathing or his heart, if it stops beating.

We may give pain medications in incremental doses for his pain, even if the cumulative dose poses a threat to his life, as long as no single dose hastens his death.

חָלַל עָלָיו שַׁבַּת אֶחָד בְּדִי שִׁישְׁמֹר שַׁבָּתוֹת הָרַבָּה

We are authorized to violate the prohibitions of Shabbos to extend a life, so that we may violate one Shabbos in order to observe many Shabbosim.

Shulchan Aruch-Rules (OC 329:4) even to extend life a little, an extension that will not be long enough to observe many Shabbosim, even for only a few moments, is worthwhile and warrants violating the prohibition of Shabbos.

Biur Halachah – It is not merely more Shabbosim, but for a more general benefit of performing more Mitzvot.

Meiri (Yoma 85b) – Even a moment extension is worthwhile. Perhaps the dying person will use that time to do Teshuvah. We are authorized to do this by the Posuk in Vayikra 18:5, “And you shall do them in order to live by them and not die by them.”

This could teach us to save our own lives but where do we learn that we could violate Shabbos to save someone else? From the verse in Vayikra 25:26, “Your brother shall live with you.” Just as we must preserve our own life, so too must we guard and protect the life of our brother.

**בֶּן אֶלְעָזָר אוֹמֵר עֲשֵׂה עַד שֶׁאַתָּה מוֹצֵא
וּמְצוֹי לָךְ וְעוֹדֶךָ בְּיָדְךָ**

Perform (charity) while you still can, find someone to give it to while you still have the money and while it is still in your hand (i.e., while you are still alive).

Ketuboth 66b – The preservation of wealth is in its distribution.

Act while you can, while you have the chance, the means and the strength.

תְּלִמְדֵי חֲכָמִים כָּל זְמַן שֶׁמִּזְקִינִין חֲכָמָה גִּתּוּסָּסֶת בָּהֶם

As for Torah Scholars, the older they get, the more wisdom they acquire.

But for the unlearned in Torah as they wax older, they become more foolish.

Ibn Ezra - If you do not suffer the toils of study, you will suffer the toils of ignorance.

Rambam – Genuine scholarship makes one humble.

R Mordechai Gifter – Our wise ones are not called “wise”, “Chachamim”, but are called “Talmidei Chachamim”, “Students of the Wise”.

Daf Digest

תְּנוּחַ דַּעְתְּךָ שֶׁהַנֶּחֱמָה אֶת דַּעְתִּי

“Let your mind be at rest, because you have set my mind to rest”.

A person died who had no one to mourn for him, so Rav Yehudah took 10 men and sat for several days at the place the person died. After 7 days the deceased appeared to Rav Yehudah and said the above.

How may we console a mourner?

Rav Moshe Feinstein – When people are present it provides:

- Consolation to the mourners and gives them strength.
- Consolation and peace to the deceased.

Therefore, consoling mourners takes precedent over visiting the sick. The first benefits the living and the dead, the second only the living. Consoling the living can be done by telephone but consoling the dead can only be done by a gathering of people.

A visit is a great honor and it consoles the mourner. Best is to visit, next best is a call by telephone, next is to comfort a mourner with a letter.

מי שהחשיך בדרך

One who is on the road alone on Friday as dusk approaches.

One who is on the road alone on Friday as dusk approaches, should give his purse to a gentile. Normally, we cannot ask a gentile to do anything that a Jew is not permitted to do on Shabbos. However, in this situation a person might be so concerned for his property, that if we don't allow this, he will carry it. This The gentile is not allowed to carry a “found object”, which is something that the Jew, himself, did not work for .

If there is no gentile with him, he should put his purse on his donkey.

This is permitted. Even though the donkey must not do any work either, leniency is permitted, so that he has a method to preserve his money. However, if no gentile and no donkey is available, he may use a deranged person, a deaf mute or a minor. If he is all alone, he may carry it in a public domain, 4 amos at a time, though this is Rabbinically prohibited.

If he has a donkey carry it, he should place it on the animal while it is moving and take it off just before the animal stops. This is so there is no akirah (lifting up) or hanachah (placing down) needed to perform this Malachah, (work).

הָגִיעַ לְחֶצֶר הַחִיצוֹנָה

When he reaches the outermost courtyard of the city.

When he reaches the outermost courtyard of the city, he may take off any utensils that may normally be moved on Shabbos.

For those utensils that may not be moved because they are Muktzeh, he undoes the ropes that hold them fastened to the saddle and the sacks fall down on their own. They can be protected by placing cushions and pillows so they don't break, i.e., pipettes/panes of glass.

-He is not permitted to leave them on the animal until Shabbos is over, because that is cruelty to animals which is a biblical prohibition.

-It is ok to leave items on an animal, if the items are not heavy, i.e., blood letters pipettes.

הָנִי מְזוֹנוֹתָן עָלֶיךָ וְהָנִי אֵין מְזוֹנוֹתָן עָלֶיךָ

These creatures depend on you for their food and these creatures do not depend on you for their food.

The sustenance of the goose is dependent on man. However, the wild goose has no one to feed it. It lives in the wild and Hashem provides it with the ability to find its own food.

Therefore, the bird that is dependent on man is cursed. It is weak and dependent on man. The bird that trusts in HaShem is truly blessed, since HaShem is reliable and trustworthy.

וְאֵף רַב סֵבֵר

Celestial signs hold no sway over Israel.

Israelites are under the guardianship of God Himself and are commanded to emulate Him by resting on the seventh day.

Non-Israelites are not required to emulate God by resting on the Sabbath day. Instead, just as the constellations may hold sway over them and the stars never stop their divinely ordained tasks, no day of rest has been ordained for them. If they observe the Sabbath, they do so as an interloper interjecting themselves into the unique relationship between God and Israel. Abraham was an exception because God directed him to cease star gazing, “He took him outside” of his astrologically based conceptions (Gen 15:3,4,5).

מַנִּיין שְׂאִין מַזָּל לְיִשְׂרָאֵל

Mazal does not apply to the people of Israel.

Our Gemara teaches that the Jewish people are not subject to Mazal.

Megillah 28a - says the opposite. It states that our life, children and sustenance are not a function of merit, but of Mazal.

Rambam-(Intro to Avos)- Mazal does not determine our life. Fate and fortune are not predetermined by your zodiac, etc. He rules (in Hilchos Avodas Kochavim 11:9) that anyone who calculates horoscopy is liable for lashes and violates, Vayikra 19:26, “Do not act on the basis of auspicious times.”

Ramban-Advises that we should not act contrary to Mazal, for then, it appears that we rely on miracles. Ramban concludes that Mazal has some substance, but prayer and good deeds can cancel any evil foretold by the stars. We are commanded (in Devarim 18:13) to walk with total faith before HaShem.

וְצִדְקָה תְּצִיל מִמָּוֶת

And charity saves from death.

Avleit - Predicted that a certain man would die of a snake bite because of his horoscope reading that day. It was in the stars. However, he did not die. They found that he had cut a poisonous snake in half during his day of cutting reeds. He told how earlier he had prevented embarrassing a poor fellow worker by sharing his own bread on his behalf, in the community pool of food. This charitable act, it is interpreted, saved him from the snake's bite.

R Akiva's daughter was to have died of snake bite on her wedding day. However, she gave food to a poor beggar herself and the snake in her room was killed by the needle on her brooch, which was found stuck in the wall piercing the snake's eye. "The stars may impel but do not compel". There are ways, especially by giving charity, that can overcome the influence of one's stars.

מְפִירִין נְדָרִים בְּשַׁבָּת

We may annul vows on Shabbos.

We may annul vows on Shabbos: A husband for his wife's vows, or a father for his young daughter, aged 11-12 ½.

If they did not annul before Shabbos, it may be done even on Shabbos, within 24 hours of their being aware of the vow.

We may seek release from vows to abstain from things needed for Shabbos, but only those things needed for Shabbos, so as not to expend unnecessary effort on Shabbos.

We may temporarily shutter a window, it is not the same as building, since it is only temporary.

Measuring is forbidden because it resembles a week-day activity, but the prohibition is waived, if the measuring is performed for the purpose of a Mitzvah.

We may measure a rag to determine if it is able to generate Tumah (this to see if it is 3 fingerbreadths by 3 fingerbreadths and would be regarded as a garment).

We may measure a Mikvah to determine whether it measures 3 cubic amos, i.e., will it hold 40 seah of water to be a valid Mikvah.

1 seah = 6 Kav 1 Kav = 4 lugin 1 lug = volume of 6 eggs (i.e., between 16-2 ounces).

R Tzadok's father - We may shutter a window, measure and tie on Shabbos for the purpose of resolving a halachic problem.

מְפִירִין נְדָרִים בְּשַׁבָּת

Annuling vows on Shabbos.

One can annul a vow on Shabbos but only those that affect that particular Shabbos. How then, can we annul our vows on the Yom Tov of Yom Kippur, when reciting Kol Nidrei?

Rivash – Those vows do not pertain to that holiday, In fact, they take the form of annulling future vows from this Yom Kippur to next Yom Kippur. We are asking to be forgiven for sins not yet committed!

Since it is not an annulment, it may be done on Shabbos or Yom Tov. Also, Kol Nidrei occurs slightly before Yom Kippur begins and therefore, an annulment is not taking place on the Holyday. A husband can annul his wife's vows but only within 24 hours. A court of three would be needed to release a person himself, from a vow.