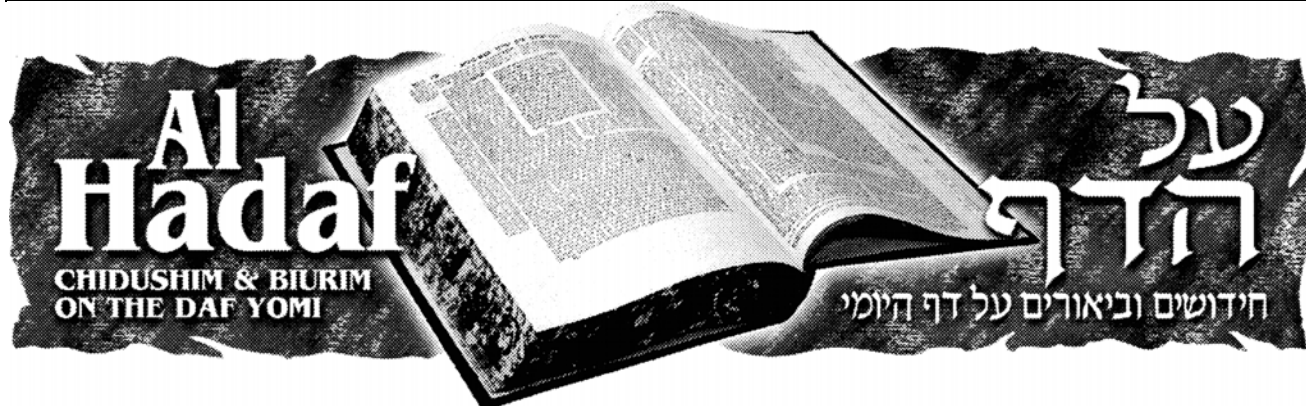


This issue has been dedicated...

לז"נ ר' יוסף בן יצחק משה Bruder ז"ל, יום היארצייט ג' תמוז - הונצח ע"י משפחתו - תנצב"ה



Shabbos 5/ No.9/ July 10 '05

• Edited by Rabbi Zev Dickstein•

שבת דף סט-פו / ג תמוז תשס"ה

דף סט:

היה מהלך במדבר ואינו יודע אימתי שבת

1] Rav Huna says that if someone is in the wilderness and he loses track of the days of the week, he should count six days [from that point] and observe the seventh day as Shabbos.¹

Rava asserts that since he does not know which day is in fact Shabbos, he is prohibited from performing any non-essential *melacha* all week long. He is only permitted to perform *melachos* which are absolutely necessary for his survival. Each day he should work enough to sustain himself for that day, and then desist from work until the next day.

The Gemara explains that the only difference between the day that this individual designates as Shabbos and the other six days is that on the seventh day he should recite *kiddush* and *havdalah* [at the end of the day]. Rashi explains that the whole point in labeling the seventh day Shabbos (and reciting *kiddush* and *havdalah*), is that he should remember the concept of Shabbos; it is לזכרון בעלמא - as a mere remembrance.²

• By rabbinic law, it is forbidden to travel more than 2,000 *amos* (approx. 3/4 mile) outside the city limits on Shabbos. This travel limit is called *techum Shabbos* - the Shabbos boundary.

Tosfos asserts that although an individual lost in the wilderness must refrain from all non-essential *melacha*, he is permitted to travel without restriction. Tosfos reasons that if this

individual would be obligated to perpetually remain within the *techum Shabbos* he would never find his way out of the desert and eventually his life would certainly be in danger. Therefore, he is permitted to violate the rabbinic law of *techum Shabbos* and may continue traveling and searching for a way out of the wilderness.³

The Shulchan Aruch⁴ rules that this lost traveler may travel without restriction all week long - even on his Shabbos day (as Tosfos says in his second p'shat).

The Ritva explains that the reason he is permitted to travel even on his Shabbos day is that we do not differentiate between the days of the week with regard to any *issurim* of Shabbos (since any one of the days may in fact be Shabbos). Any *issur* that is deemed vital to his survival and is permitted during the week, is permitted on his Shabbos day as well. Since travelling is necessary for his survival, for he must try to find his way out of the wilderness, he is permitted to travel on all seven days of the week.

2] The Taz⁵ indicates that the lost traveler is permitted to perform rabbinic *issurim* because the rule is, ספק דרבנן לקולא - regarding rabbinic *issurim* one may conduct himself leniently in cases of doubt.

The Magen Avraham⁶ deduces that even rabbinic *issurim* are forbidden from the fact that

the Rishonim (see Ritva above) seek reasons to permit the traveler to violate the rabbinic issur of techum Shabbos. The Magen Avraham, however, indicates that he is of the opinion that the lost traveler must desist from rabbinic *issurim* only on his Shabbos day,⁷ but not on the other days.

The Aruch Hashulchan⁸ maintains that the lost traveler may never perform rabbinic *issurim*, even during the week (except, of course, those which are necessary for his survival).⁹

3] The T'shuvos Zichron Yitzchak¹⁰ asserts that a lost traveler may not don *tefillin* on any day of the week because the Shulchan Aruch¹¹ rules that donning *tefillin* on Shabbos is prohibited because it is considered disrespectful to the sanctity of Shabbos. This is because Shabbos is an ארת (as the posuk היא ביני וביניכם) and therefore there is no need for the ארת of *tefillin* on Shabbos (R' Akiva in Eruvin 96a, see Al Hadaf above דף טא).¹²

The Mishna Berurah,¹³ however, maintains that he should don *tefillin* every day without concern that this will be disrespectful towards the “os” of Shabbos. He argues that since the lost traveler works a little each day of the week (to sustain himself), he lacks the “os” of Shabbos. Therefore, a person in this situation may don *tefillin* even on Shabbos - since one requires an “os” every day and he does not have the ארת of Shabbos.¹⁴

The Kaf Hachaim¹⁵ rules that he should don *tefillin* six days a week but not on the seventh day (which is the day he calls Shabbos).¹⁶

דף ע.

חילוק מלאכות מנלן

The Mishna (67b) says that if a person forgot the fact that a certain *melacha* is prohibited on Shabbos (but he is aware that the day he performed the *melacha* is Shabbos) and he performs the *melacha* on several Shabbosos (without becoming aware in the interim that the *melacha* is forbidden), he is obligated to bring only one *chattos* to atone for his repeated sins.

If one performs several different types of *melacha*, even if on the same Shabbos, he must bring a separate *chattos* to atone for each *melacha* performed.

The Gemara (70a) asks, how do we know חילוק מלאכות - that a violation of each category of *melacha* is subject to a separate *chattos*? The Ritva explains that one *chattos* should be sufficient for the violation of several different *melachos* because all thirty-nine *melachos* are prohibited under one לא תעשה - negative commandment (i.e., לא תעשה כל מלאכה, Sh'mos 20:10). Therefore all *melachos* should be viewed as part of one category of sin.

The Gemara cites R' Nosson who derives the concept of חילוק מלאכות from the fact that the posuk in Sh'mos 35:3 singles out the prohibition of הבערה - kindling (לא תבערו אש), despite the fact that it is already included in the general prohibition of לא תעשה כל מלאכה. Since kindling is prohibited under its own individual לא תעשה, it is subject to a separate *chattos*. From the fact that kindling is subject to a separate *chattos*, R' Nosson derives that each of the other *melachos* too, are subject to a separate *chattos*.

The Gemara says in Makos 21b that the concept of חילוק מלאכות applies only to Shabbos but not to Yom Tov. Rashi explains that the source for חילוק מלאכות (i.e., the posuk of לא תבערו אש) is stated only with regard to Shabbos and we have no source for חילוק מלאכות regarding Yom Tov. Therefore, if one (deliberately) performs several categories of *melachos* on Yom Tov, he is subject to only one set of *malkus* - lashes - since all *melachos* of Yom Tov are included under the same prohibition (i.e., כל מלאכת עבודה לא תעשו, Vayikra 23).¹⁷

The Turei Even¹⁸ and the P'nei Yehoshua maintain that just as there is no concept of חילוק מלאכות with regard to Yom Tov, there is also no חילוק מלאכות regarding Yom Kippur because the source for חילוק מלאכות is stated only in the passage of Shabbos.¹⁹

R' Akiva Eiger²⁰ suggests that the concept of חילוק מלאכות does apply to Yom Kippur. He

explains that the reason חילוק מלאכות does not apply to Yom Tov is because there is difference between one who commits several inadvertent melachos for which he is subject to a chattos, and one who commits several deliberate Yom Tov violations for which one is subject to malkus.

- If one violates Shabbos במזיד - deliberately - (and in the presence of witnesses who warned him) he is subject to capital punishment, not *malkus*,²¹ whereas one who violates Yom Tov במזיד is subject to *malkus*, not capital punishment.

- If one violates Shabbos or Yom Kippur בשוגג (inadvertently) he is obligated to bring a *chattos*. There is no *chattos* liability, however, for one who inadvertently violates Yom Tov .

The concept of חילוק מלאכות regarding Shabbos teaches that one is not subject to multiple *chatta'os* if he (inadvertently) violated multiple *melachos*. It has no relevance to a deliberate Shabbos desecrator (who violated multiple *melachos*) because a deliberate Shabbos violator is subject to the death penalty and obviously, one cannot be put to death more than once.

On Yom Tov, however, where an inadvertent transgression is not subject to any penalty, the issue of חילוק מלאכות is relevant with respect to *malkus* liability.

R' Akiva Eiger explains that the concept of חילוק מלאכות that is stated concerning Shabbos is not applied to Yom Tov because we cannot derive the law of multiple malkus liability from the law found concerning multiple chattos liability.

However, חילוק מלאכות can indeed be applied to Yom Kippur when an inadvertent transgression is subject to a *chattos* just as on Shabbos. We could derive from Shabbos that just as an inadvertent offender who violated multiple *melachos* on Shabbos brings only one *korbon*, so too, one who inadvertently performs several *melachos* on Yom Kippur should be subject to only one *chattos*.

The Bais Halevi²² also suggests that the concept of חילוק מלאכות applies to Yom Kippur even though it doesn't apply to Yom Tov. He

bases this on the fact that the posuk refers to Yom Kippur as Shabbos (i.e., שבת שבתון, Vayikra 23:32) and Yom Kippur is treated as Shabbos with respect to many laws.²³

דף עא.

אכל חצי זית וחזר ואכל חצי זית משני מינין

- The minimum amount of forbidden food one must eat in order to be subject to a *chattos* (for an inadvertent transgression) or to *malkus* (for a deliberate transgression) is a *k'zayis* - an olive's volume.

- R' Yochanan (Yoma 73b) asserts " חצי שיעור " - אסור מן התורה - there is a Torah prohibition to eat any amount of forbidden food, even less than a *k'zayis*. He says that the measure of *k'zayis* is relevant only with regard to *malkus* or *chattos* culpability, but there is an *issur min haTorah* to eat any amount. Resh Lakish disagrees and maintains that there is no *issur min haTorah* to eat less than a *k'zayis* of forbidden food (אסור מן התורה אֵינְנֵחֲצִי שִׁיעוֹר).

The Gemara cites a Mishna in Kreisos 11b which states that half portions of the same *issur* combine to form a full measure (with regard to *chattos* liability) but half portions of distinct *issurim* do not combine. To illustrate:; If a person mistakenly ate a half-*k'zayis* of *cheilev* (forbidden fats) and shortly afterwards (i.e., תוך כדי אכילת פרס - within the time it takes to eat a half-loaf of bread) he ate another half-*k'zayis* of *cheilev*, the two pieces of *cheilev* combine to form a complete *k'zayis* and the individual is obligated to bring a *korbon chattos*. [This is provided the individual ate both portions בהעלם - in a single state of unawareness, meaning, without becoming aware of his mistake in between the two acts.]

On the other hand, says the Mishna, if a person ate a half-*k'zayis* of *cheilev* and a half-*k'zayis* of blood, the two portions do not combine to form one *k'zayis* and the person is not subject to a *chattos*.

The Gemara asks that this latter *halacha* is obvious (פשיטא). Since the individual did not eat a complete *k'zayis* of any *issur*, it seems

obvious that there can be no *chattos* liability. [Resh Lakish answers that indeed, the Mishna is not referring to one who ate two entirely separate *issurim*, see Gemara.]

Tosfos (ד"ה משני מינין) asks why the Gemara says that it is obvious that one who eat half portions of separate *issurim* is exempt from a *chattos*. The Gemara in Avodah Zorah (66a) says כל איסורים שבתורה מצטרפין - different types of prohibited foods combine to form a complete *k'zayis* with regard to *malkus* culpability) - because all *issurim* are prohibited under the blanket *issur* of תועבה כל תועבה - do not eat any repulsive substance. According to that Gemara, if one deliberately eats a half-*k'zayis* of *cheilev* and a half-*k'zayis* of blood, he is subject to *malkus* (for eating a complete *k'zayis* of תועבה - repulsive food).²⁴ Since different *issurim* do indeed combine with regard to *malkus* culpability, it is certainly important for the Mishna to teach that different *issurim* do not combine regarding *chattos* culpability.²⁵

In answer to this question the Sefas Emes argues that the *halacha* of כל איסורים מצטרפים (mentioned in Avodah Zorah) is compatible only with R' Yochanan's position of חצי שיעור אסור מן התורה. According to R' Yochanan even a half-*k'zayis* of *cheilev* can be classified as "תועבה" since a half-*k'zayis* is forbidden for consumption. Thus, the posuk לא תאכל כל תועבה could include the combination of half measures of various *issurim* since they all are classified as תועבה. However, according to Resh Lakish who maintains that a half-*k'zayis* of *issur* is permitted min haTorah, it is not reasonable to consider a half *k'zayis* as "תועבה". It follows, therefore, that two half measures of distinct *issurim* would not combine to form a complete *k'zayis* of תועבה.²⁶

The Sefas Emes suggests that the Gemara's question "פשיטה" is cogent according to Resh Lakish who does not subscribe to the principle of כל איסורים מצטרפים. [Note that indeed it is Resh Lakish who responds to this question.]

• A *korbon chattos* is required to atone for the inadvertent violation of a kares-bearing sin, such as for the sin of eating *cheilev* (forbidden fat) or performing *melacha* on Shabbos in a state of העלמה - forgetfulness or unawareness (i.e., one forgot that the fat was *cheilev*, or that the *melacha* was forbidden).

• If a person eats two pieces of *cheilev* in a single state of unawareness (i.e., thinking they were pieces of *shuman* - permitted fat), and then he is informed that he consumed *cheilev*, he may offer a single *korbon chattos* in atonement for both sins.

The Gemara on 72a alludes to a dispute between R' Yochanan and Resh Lakish (on 71b) whether a single *chattos* is sufficient even in a case in which the sinner is made aware of his two sins at separate times.

The Rambam in codifying this *halacha* rules according to R' Yochanan who requires the sinner to offer two *chatta'os* in such a case. The Rambam (*Hilchos Shegagos, Perek 6, Halacha 9*) writes, if a person ate a piece of *cheilev* and [then] another piece of *cheilev* in one העלמה - state of unawareness, but then learned of one of the sins before learning of the second sin, he is obligated to offer two *chatta'os* - a separate *chattos* for each piece of *cheilev* that he ate. A separate *chattos* is required for each of the two pieces of *cheilev* that he ate - since he learned of his sins at two separate times. This is called ידיעות מחלקות - the knowledge (or discovery) of one's sins at two separate times classify them as separate sins, each requiring a separate *chattos*.

The commentaries note an apparent contradiction in the words of the Rambam: Following the above cited *halacha*, the Rambam (ibid., *halacha 11*) writes, "If a person ate two *k'zaysim* of *cheilev* in a single state of unawareness and then after discovering the sin of the first piece of *cheilev* he ate a third piece of *cheilev*, and then he offered a *chattos* (for the first sin which he was aware of), the *chattos* atones for the first two pieces of *cheilev*

(since they were eaten in the same state of unawareness).

The commentators ask why the Rambam does not apply the principle of *ידיעות מחלקות* in this case. Since the offender did not discover the sin of the second piece of *cheilev* at the same time he learned about the first piece, a single *chattos* should not be sufficient for both sins (even though they were eaten in a single state of unawareness) - as the Rambam rules in *halacha* 9.

In answer, the commentaries note several possible distinctions between the two cases:

(a) The Kesef Mishna notes that in *halacha* 9, the offender discovered his second sin prior to offering any *chatta'os*, whereas in the *halacha* 11 the Rambam speaks of a person who did not discover his second sin until after he offered a *chattos* for his first sin. [See Kehillos Yaakov²⁷ for explanation as to why in this case the *chattos* offered for the first sin covers the second sin which the offender is not even aware of at the time.²⁸]

(b) The Mahari bei Rav²⁹ infers from the words of the Rambam that in *halacha* 9 (where the Rambam repeats the word "*k'zayis*" and writes of one who ate a *k'zayis cheilev* and a *k'zayis cheilev*) he is referring to one who ate pieces of *cheilev* at entirely separate times (such as on two different days). In that case a single *chattos* covers both sins only if the offender discovered both sins at the same time. In contrast, in the second *halacha* (where the Rambam does not repeat the word "*k'zayis*" and simply writes about one who ate two *k'zaysim* of *cheilev*) he is referring to one who ate two *k'zaysim* at the same time (i.e., within the span of *כדי אכילת פרס*). In that a case, a single *chattos* covers both sins even if the person learned of his sins at separate times.

(c) Alternatively, the Kiryas Sefer,³⁰ based on a similar inference in the words of the Rambam, explains that in the first *halacha* (where he repeats the phrase "*k'zayis cheilev*") the Rambam is speaking of one who eats two pieces of *cheilev* due to entirely separate *העלמות* - acts of forgetfulness, meaning the person forgot two things. He forgot that piece A was *cheilev* and

he also forgot that piece B was *cheilev*. In such a case, a single *chattos* can sufficiently cover both sins only if the offender discovered both mistakes at the same time.

In contrast, the second *halacha* of the Rambam is referring to one who ate two portions of a large piece of *cheilev* as a result of a single *העלמה* (i.e., he forgot that that particular piece of fat was *cheilev*). In such a case, a single *chattos* is sufficient for both sins even if [upon learning that the fat was *cheilev*] he did not at first remember that he ate two portions of that *cheilev*.³¹

דף עג. הזרע

The Mishna enumerates thirty-nine *melachos* (forbidden Shabbos labors). Some authorities note a difference between the *melachos* of *זרע ואופה* - sowing and baking - which involve prolonged processes, and the other thirty-seven *melachos* whereby the result of the *melacha* is immediate. For example, if one reaps grain or kneads dough on Shabbos, the desired reaping and kneading is immediately achieved whereas with regard to sowing and baking, it takes a while for bread to finish baking and for seeds to germinate.³²

- The Gemara on 3b says that if one places dough in an oven on Shabbos and removes it before it is baked, he is exempt from a *chattos* because his act of baking did not come to fruition.

- The Gemara in Menachos 69a views freshly-sown seeds, prior to their taking root, as though they are merely sitting in a vase - thus indicating that the act of sowing is not complete until the seeds are in the ground for a while. Indeed, the Gemara in Rosh Hashana 10b says that it takes at least three days for seeds to take root.

The Rashash makes two observations. Firstly, he contends that if one sows on Shabbos and then removes the seeds before they take root, he is exempt from a *chattos* because the act of sowing did not come to fruition, just as the Gemara on 3b says regarding bread that is removed from the oven before it has baked.³³

Secondly, he reasons that just as we know that a person who sows on Shabbos is חייב (liable to punishment) even though it takes several days for the seeds to take root, so too, if a person places bread in an oven on Shabbos afternoon and the bread does not finish baking until after Shabbos, the person is nevertheless culpable.³⁴ The Rashash understands that one is חייב for the act of sowing or baking on Shabbos even though the baking and sowing takes time - provided the baking or sowing is not prematurely halted before it comes to fruition. [This is also the opinion of the Chelkas Yoav cited above on דף כ"ט.]

The Minchas Chinuch³⁵ disagrees with the Rashash on both counts. He argues that since we find that a person who removes his bread from the oven before it finishes baking is exempt from punishment, it is apparent that the *melacha* of אופה is not considered complete until the bread is fully baked. It follows then, says the Minchas Chinuch, that one is not culpable for the act of baking unless the bread fully bakes on Shabbos. However, if one places bread in the oven on Shabbos afternoon and it does not finish baking until after Shabbos, he is exempt from liability since the *melacha* was not completed on Shabbos.

The Minchas Chinuch argues that the *melacha* of זורע is fundamentally different from the *melacha* of אופה - as evidenced by the fact that one who sows on Shabbos is חייב even though the seeds do not take root for several days. Apparently, the *melacha* of זורע consists only of the act of placing seeds in the ground, and the *melacha* is considered complete even before the seeds take root.³⁶ Therefore, he asserts that one who sows on Shabbos is חייב even if he removes the seeds from the ground before they germinate.

- The Iglei Tal³⁷ asserts that even though one violates the *melacha* of זורע the moment he places seeds in the ground, and he is חייב even the seeds are removed before they germinate (as the Minchas Chinuch says), one is not culpable unless he placed the seeds there with the intent to leave them there until they germinate.

However, if one sows with the intent to remove the seeds before they germinate, he is פטור because that is not considered an act of sowing altogether.

The Minchas Chinuch maintains that one is חייב even in such a case. Even if one planted with the intent to remove the seeds before they germinate he is חייב (and even if he goes ahead himself and actually removes the seeds).³⁸

דף ע"ד:

התופר ב' תפירות

The *melachos* of קושר - tying knots - and תופר [two stitches] - are two of the thirty-nine *melachos* listed in the Mishna.

- The Mishna on 113a states that one who ties a knot is not חייב (liable to a *chattos*) unless he ties a קשר של קיימא - permanent knot. Accordingly, Abaya (74b) remarks that when the B'nai Yisrael set up the mishkan in the wilderness, their act of tying the curtains to the pegs did not constitute an act of קושר because those knots were not permanent since they were periodically untied and re-tied at each stop along the way.³⁹

The Gemara explains that one who sews [two stitches] is not חייב unless he ties the ends of the thread to ensure that the thread remains firmly in the garment. Sewing two stitches without tying the ends of the thread lacks permanence and is therefore not considered a *melacha*.

The Rishonim ask: Since one is not liable for sewing unless he ties the ends of the thread, a person who sews [and ties the ends] will always be liable under the *melacha* of קושר (and what, then, is the novelty or the necessity of the *melacha* of תופר)?⁴⁰

The Ramban answers that one is not liable for קושר unless he ties a double-knot. If one sews two stitches and fastens the thread with a single knot, he is חייב only for the *melacha* of תופר but not for קושר.⁴¹

Alternatively, the Ritva answers that the Mishna is discussing one who ties the ends of the thread without intending to leave them permanently tied. Such an act involves only the

melacha of תופר but not קושר because the person did not tie a קשר של קיימא (permanent knot). The Ritva assumes that תופר is different from קושר in this regard. Whereas one can be liable for תופר even if he plans to undo his sewing⁴² (as long it is sewn in an enduring manner so that it will not become undone by itself),⁴³ one is not liable for קושר unless he intends to leave the knot permanently tied.

Shoemakers would commonly sew pairs of shoes together in order to prevent the mixing of different pairs. The Mordechai⁴⁴ cites a dispute as to whether severing the thread joining a pair of new shoes is a violation of the *melacha* of קורע - tearing.

Rabbeinu Yoel permits severing the adjoining shoes since the shoemaker only intended to attach the shoes temporarily - until after the sale. He cites our Gemara as proof that sewing in a non-permanent fashion is not called תופר (since the Gemara says that the end of the threads must be tied). And just sewing in a non-permanent manner is not considered תופר, so too, tearing something that was fastened together in a non-permanent manner is not considered קורע.⁴⁵

The Riva disagrees and forbids separating the shoes since they are fastened together in a permanent manner, albeit they were not fastened with the intent that they should remain fastened for long. He argues that only with regard to the *melacha* of קושר is [intent for] permanence a necessary factor (as the Ritva says).⁴⁶

דף עה:

רבא אמר אין עיבוד באוכלין

One of the thirty-nine *melachos* is מעבד - tanning [animal hides]: The Gemara says that salting (which hardens the hides) is included in the *melacha* of מעבד because it is an essential part of the tanning process.

Rabba bar Rav Huna states that the *melacha* of מעבד pertains not only to hides but even to meat. [The Gemara explains that Rabba bar Rav Huna only forbids heavily salting meat, such as to preserve it for a long trip, because such salting hardens the meat and is similar to

salting hides. However, salting meat lightly for immediate use is not considered מעבד.]

Rava disagrees and asserts that אין עיבוד באוכלין - the *melacha* of tanning does not pertain to [salting] foods (even if salted heavily for preservation purposes).

Tosfos, citing a Gemara on 108b which says that one may not salt radishes on Shabbos, says that even according to Rava it is rabbinically prohibited to salt certain foods.

The Rambam⁴⁷ explains that salting foods is rabbinically prohibited (even though the *halacha* follows Rava who asserts אין עיבוד באוכלין) because it resembles pickling which is prohibited because it resembles cooking (in the sense that it alters the property of the food).

Rashi (ibid.), however, explains that salting radishes hardens them and is prohibited because it resembles tanning.⁴⁸

Chizkiya says in the name of Abaya (108b) that one may salt eggs on Shabbos. The Shvus Yaakov⁴⁹ explains that according to the Rambam the reason salting eggs is permitted is that it is not common to marinate or pickle eggs and therefore salting eggs does not resemble pickling.⁵⁰ Accordingly, argues the Shvus Yaakov it should be permitted to salt any type of food or vegetable that is not commonly pickled. Moreover, if a certain vegetable is commonly pickled whole it should be permitted to salt it after it is sliced.

He points out, however, that this reasoning is valid only according to the Rambam who says that salting is prohibited on account of marinating. According to Rashi, the reason one may salt eggs is that salting does not significantly alter the texture of eggs (to the same degree that it alters the texture of vegetables) and therefore it does not resemble tanning. Accordingly, it is prohibited to salt any vegetable that is significantly altered by salting, even if it is a vegetable that is not commonly marinated.⁵¹

The Shulchan Aruch⁵² rules that one may not salt several pieces of radish together. However, one may salt individual vegetable pieces as he eats them because this type of

salting does not resemble marinating or tanning.⁵³ The Magen Avraham⁵⁴ rules that one may add salt to a vegetable salad which is made with oil (or other liquids) because the efficacy of the salt is tempered by the oil.

דף עו.

המוציא תבן כמלא פי פרה

The Mishna on 75b states that as a rule one who carries something on Shabbos (from one domain to another, or four amos in the reshut horabbim) is חייב only if; (a) it is considered a significant item, and (b) a significant quantity of the item was carried.

The Mishnayos from 76a through 82a detail the minimum quantities of different items which are considered significant in this regard. For example, the Mishna on 76a says that in order to be liable for carrying straw one must carry an amount equal to a cow's mouthful (since straw is usually eaten by cows). With regard to food that fit for humans, the Mishna on 76b says one must carry an amount equal to the size of a fig (כגרוגרת). If one carries less than these prescribed amounts he is exempt from a penalty because he did not carry a significant measure.

The Hagaos Ashri comments that the *shiurim* mentioned in the Mishna are relevant only with respect to *chattos* liability but there is a Torah prohibition to carry any quantity of food or of other items because the *halacha* follows R' Yochanan (Yoma 73b, cited above on דף עא) who says חצי שיעור אסור מן התורה - there is a Torah prohibition to eat any amount of forbidden food, even less than a *k'zayis*. Likewise, Rashi on 74a וכי מותר ד"ה says that since the *halacha* follows R' Yochanan's view of התורה מן התורה, חצי שיעור אסור מן התורה, there is a Torah prohibition against baking any amount, even less than the indicated *shiur* of כגרוגרת.

The Gemara in Yoma 74a derives the principle of חצי שיעור אסור מן התורה from the posuk חלב לא תאכלובל which the Gemara interprets as - you should not eat any amount *cheilev* (כל שהוא חלב).

The Chacham Tzvi⁵⁵ argues that the principle of חצי שיעור אסור מן התורה only pertains to *issurim* that involve eating since it is

derived from a posuk discussing an eating-type *issur* (כל חלב לא תאכלו).⁵⁶ However, if one owns a half-*k'zayis* of *chametz* on Pesach he is not in violation of an *issur min haTorah* since the *issur* to own *chametz* (בל יראה) is not an eating-type *issur*.⁵⁷

דף עז.

המוציא יין כדי מזיגת הכוס

The Mishna (76b) says that one is חייב if he carries a *revi'is* (quarter of a *log*, approx. 3-5 ounces) of liquid on Shabbos because that amount is considered significant. This *shiur* (amount) applies to all beverages except for pure (undiluted) wine for which the *shiur* is considerably smaller.

Rava says the *shiur* for pure wine is one-quarter of a *revi'is* because pure wine is usually mixed three-parts water to one-part wine. The Gemara explains that a quarter of a *revi'is* of pure wine is just as חשוב (significant) as a full *revi'is* of another beverage since it yields a *revi'is* of wine once it is diluted.

Other areas of *halacha* where a minimum of a *revi'is* is necessary are bracha acharona and *kiddush*. One who drinks less than a *revi'is* is not obligated to recite a bracha acharona (an after-blessing). Also, the cup used for *kiddush* and *havdalah* must contain at least a *revi'is* of wine.

The Taz,⁵⁸ based on our Gemara, maintains that if one drinks a small glass of whiskey he is obligated to recite a bracha acharona even though it is less than a *revi'is*. Just as the Gemara says regarding carrying on Shabbos, that a third of a *revi'is* of pure wine is as חשוב as a *revi'is* of another type of beverage, so too, a small glass of whiskey is significant as a *revi'is* of other beverages since it is a potent drink which is commonly drunk in small quantities.

• On Shabbos morning many authorities permit reciting *kiddush* over "חמר מדינה" which includes whiskey and other prominent beverages.⁵⁹

Most authorities are of the opinion that one who recites *kiddush* on whiskey must use a standard *kiddush* cup which contains at least of *revi'is*.

The Eishel Avraham,⁶⁰ however, suggests that perhaps *kiddush* may be recited over a small whisky glass since that is commonly regarded as a full drink - just as the Taz says with respect to the law of bracha acharona.⁶¹

The Mishna Berurah, however, does not distinguish between whiskey and other beverages. He rules⁶² that a person who wishes to recite *kiddush* over whiskey must use a cup that contains a *revi'is* - and the person must drink most of the *revi'is*. He also rules⁶³ contrary to the Taz with respect to bracha *acharonah* and he says that one who should not recite a bracha acharona on a drink of whisky unless he drank a full *revi'is*.

דף עה.

קלף כדי לכתוב פרשה קטנה שבתפילין

Pursuant to the previous discussion, the Mishna on 78a details the minimum *shiur* (one must carry to incur *chattos* liability) with respect different writing materials: The Mishna says the minimum *shiur* for נייר (paper) is a piece large enough to write a קשר מוכסין (tax collector's receipt, which consists of two large letters). If one carries a piece of paper smaller than this size, he is פטור because it lacks significance.

The Mishna says the minimum *shiur* for קלף - parchment - is the size necessary to write the first passage of *Shema*. Obviously, this is considerably larger than the previous *shiur* given for נייר.

Question: If a small piece of paper which is only large enough to write two letter (for a tax receipt) is considered significant then certainly a similar sized piece of expensive parchment should be considered significant. Why then, does the Mishna give a larger *shiur* for parchment than for plain paper?

Rashi explains the logic of this *halacha* as follows: Parchment, due to its value, is not used for routine everyday purposes, but is reserved for writing *tefillin*, mezuzos and sifrei Torah. Therefore, the minimum *shiur* for parchment is the size necessary for writing the *parsha* of *Shema* for *tefillin*.

The Sefas Emes asks, even if people generally reserve parchment for *tefillin* and mezuzos, if one has a remnant of parchment which is too small to be used for *tefillin*, presumably he would use it for another purpose. Since the parshiyos of *tefillin* and mezuzos may not be written on several small pieces of parchment and then joined together,⁶⁴ why shouldn't a person use a small piece of parchment for a tax receipt or the like since it is too small for *tefillin* or *mezuzah*.

In answer he cites the opinion of some who say that although a *mezuzah* cannot be written in sections and sewn together, it is permitted to write *tefillin* on parchment which is comprised of several pieces of parchment sewn together before the writing.⁶⁵ Accordingly, parchment, regardless of its size, can always be used for *tefillin* and is therefore not commonly used for mundane purposes.⁶⁶

דף עט:

מזוזה ספר תורה שבלה אין עושין מהן

The Gemara says that one may not make a *mezuzah* from a worn out *Sefer Torah* because a *Sefer Torah* has more *kedusha* than a *mezuzah* and there is a rule that אין מורידין מקדושה חמורה - one may not lower an item's level of *kedusha*.

Rashi explains that one may not take an old *Sefer Torah* and cut out the passages of *Shema Yisrael* and והיה אם שמוע (from Devarim 6 and Devarim 11) and use them for a *mezuzah*.

Tosfos wonders how one could make a *mezuzah* from a worn out *Sefer Torah* since the passage of והיה אם שמוע does not immediately follow the passage of *Shema Yisrael* [and a *mezuzah* must be written on single piece of parchment and not sewn together from several pieces, as mentioned above].⁶⁷

Tosfos explains that the Gemara is referring to a case in which the passage of *Shema Yisrael* was written at the bottom of one of the *Sefer Torah* columns and one wishes to make a *mezuzah* by cutting it out and adding the passage of והיה אם שמוע on the blank margin underneath the passage of *Shema*.

Alternatively, says Tosfos, the case is where the *parsha* of והיה is written at the top of a column and one wishes to write the *parsha* of והיה אם שמוע on the blank margin above it.

The Rosh, citing the Mechilta, states that a *mezuzah* must be written כסדרן - in the proper order. If one skips a word and then fills it in afterwards, the *mezuzah* is posul since that word was written out of order.

The Vilna Gaon⁶⁸ deduces proof from Tosfos that this *halacha* applies only to individual words or p'sukim that are written out of order, but not to an entire *parsha*. It is evident from Tosfos' second example (where one cuts out the *parsha* of והיה from the worn out *Sefer Torah* and writes the *parsha* of *Shema* in the blank space above it) that a *mezuzah* is valid even if the *parsha* of והיה אם שמוע was written first and the *parsha* of שמע ישראל was filled in afterwards.

The Shulchan Aruch,⁶⁹ however, disagrees with Tosfos and invalidates a *mezuzah* whose parshiyos were written out of order.

דף פ.

הוציא חצי גרוגרת וחזר והוציא חצי גרוגרת

- As stated above, the minimum *shiur* for *chattos* liability with regard to carrying out food on Shabbos is כגרוגרת - the volume of a dried fig (Mishna 76b). One who carries less than a כגרוגרת of food is פטור - exempt from bringing a *chattos*. The minimum *shiur* of כגרוגרת also applies to other food-related *melachos* such as grinding and baking.

The Gemara says that if one carries out a half-כגרוגרת and then carries out another half-כגרוגרת, he is חייב even though he did not carry out a complete כגרוגרת at one time.

The Gemara says, however, that he is not חייב unless the first piece of food that he carried was still in existence when he carried the second piece. If, however, the first half-כגרוגרת was removed or destroyed (e.g., eaten) before the second half-כגרוגרת was deposited, the two pieces do not combine to form a complete *shiur*, and the individual who carried them is פטור.

The Pri Megadim⁷⁰ deliberates whether this condition applies to all *melachos* or perhaps just

to the *melacha* of *hotza'ah* (carrying) since *hotza'ah* is a מלאכה גרועה - "inferior *melacha*" (as Tosfos says on 2a). [*Hotza'ah* is classified as a מלאכה גרועה because in contrast to other *melachos*, carrying does not effect a physical change in the object.]

Perhaps a different *melacha* such as טוחן - grinding - (which is not termed an inferior *melacha*) is considered significant even if the first half-כגרוגרת that was ground is not in existence at the time that the second half-כגרוגרת is ground.

Interestingly, with regard to the *melacha* of כותב (writing), where the minimum *shiur* is two letters, the Pri Megadim states with certainty that one is חייב only if the two letters (which were written on Shabbos) coexist. However, if the first letter was erased before the second letter was written, the writer is פטור. However, the Pri Megadim does not clearly explain the logic for distinguishing between *melacha* of כותב and other *melachos*. With regard to reaping and grinding, for example, the Pri Megadim suggests that one is חייב even if the complete כגרוגרת of cut grain or ground flour does not exist at one time, whereas with regard to writing he says with certainty that the two letters must exist together in order for the writer to be liable.

Tosfos (73a ד"ה העושה) notes that although there is a minimum required *shiur* for all *melachos*, the Mishna only specifies the required *shiur* with regard to certain *melachos*. For example, the Mishna states explicitly that one is not liable for כותב (writing) unless he writes a minimum of two letters (הכותב ב'), but the Mishna does not explicitly state that one must reap or grind at least a כגרוגרת to be חייב.

The Sefer Magen Avos⁷¹ deduces from this, that the two-letter minimum required for the *melacha* of כתיבה is different from the *shiur* required for קוצר or טוחן for example. He suggests writing less than two letters is not viewed as an act of כתיבה altogether and that is

the reason the Mishna stresses the two-letter minimum. In contrast, with regard to other *melachos* such as grinding where the Mishna does not spell out the minimum *shiur*, grinding any amount, even less than the *shiur*, is also called an act of *טוחן*, albeit there is no *chattos* liability for grinding less than the *shiur* due to the fact that it lacks significance.⁷²

Accordingly, the Pri Megadim's distinction between writing and grinding is understood. The act of grinding a half-*כגרוגרת* is an act of *טוחן* (even though it lacks significance with respect to *chattos* liability) and therefore one is *חייב* if he grinds another half-*כגרוגרת* even the first portion is gone by the time he grinds the second portion.

In contrast, writing less than two letters is not considered as an act of writing at all. Therefore, if one writes two letters at separate times, it is not viewed as an act of *כתיבה* at all unless the first letter still exists when the second letter is written.⁷³

דף פא:

גדול כבוד הבריות שדוחה לא תעשה שבתורה

1] The Gemara says that even though stones and twigs which were not designated for use before Shabbos are *muktzah* and prohibited by rabbinic decree from being handled on Shabbos, if they are needed for purpose of *כבוד הבריות* - human dignity - they may be handled. One may use stones to wipe himself after using the bathroom (if he has no prepared stones or cut bathroom tissue available) because the *issur* of *muktzah* was lifted for the sake of human dignity.

Rashi (Succah 36b מותר ד"ה) states that although the *issur* of *muktzah* was suspended for the sake of *כבוד הבריות*, one may not carry the stones more than four amos (6-8 feet) in an un-enclosed field (where carrying is rabbinically prohibited).

Tosfos (ibid.) disagrees and maintains that just as the sages suspended the *issur* of *muktzah* for the sake of *כבוד הבריות* they also suspended the rabbinic *issur* of carrying four amos in an open field (or carrying from a field to the house). [An un-enclosed field has the status of

a "karmelis" where carrying is only rabbinically prohibited. This is in contrast to carrying in a *reshus horabbim* which is biblically prohibited and is not permitted for *כבוד הבריות* even according to Tosfos.]

2] R' Eliezer applies this same leniency to using a non-prepared splinter of wood as a toothpick on Shabbos. Even though a non-prepared piece of wood is *muktzah*, R' Eliezer permits handling it to remove food that is stuck between one's teeth, because this too is a case of *כבוד הבריות*. The Rabbanan disagree with R' Eliezer with regard to a toothpick because they say a person is expected to prepare toothpicks in the place he anticipates eating his Shabbos meal and he neglected to do so we do not allow him to use a *muktzah* item. Even though the use of toothpicks is necessary for *כבוד הבריות*, the Rabbanan maintain that the *issur* of *muktzah* is not waived in a case of negligence. In the case of the bathroom, one who did not prepare bathroom tissue or stones is not considered negligent because a person does not know prior to Shabbos exactly which bathroom he will use on Shabbos and it is difficult to prepare stones at each location.

The Hagoos Ashri⁷⁴ comments that, accordingly, if one has a private bathroom in his house, he must prepare and designate wiping material before Shabbos, and if he fails to do so, he is not permitted to use *muktzah* on Shabbos (see Tosfos 81b מהו ד"ה and Tosfos in Succah 36b ב"ה בשבת).

3] The authorities consider whether one who uses the bathroom on Shabbos and does not have any cut bathroom tissue may violate the *issur* of *קורע* - tearing - and tear paper from a roll for the sake of *כבוד הבריות*.

One point addressed is whether cutting paper involves a *melacha* min HaTorah of *קורע* - tearing - or is only an *issur* midrabbanan.

The Ritva⁷⁵ deduces from the Mishna on 73a that tearing that is not done *על מנת לתקן* - with the intent of repairing - is only rabbinically

forbidden, for the Mishna there implies that tearing is considered a *melacha* (min hatorah) only if one tears על מנת לתקן. [Such type of tearing was performed in the mishkan when one of the curtains of the mishkan would develop a hole. The craftsmen would tear the fabric to enlarge the hole so that they could mend it neatly.]

Accordingly, if one has no bathroom tissue (and he has no other option available⁷⁶) there are grounds to permit him to tear some bathroom tissue from a roll because the concern for human dignity takes precedence over a rabbinic *issur*. [This would be permitted only according to Tosfos who applies the leniency of our Gemara even to the rabbinic *issur* of carrying. However, according to Rashi who limits the dispensation to *muktzah*, perhaps tearing is prohibited even if it is only a rabbinic *issur*.⁷⁷]

The Rambam⁷⁸ indicates that any act of tearing that is done for constructive purposes, is considered קורע even if it is not done על מנת לתפור. Accordingly, it would not be permitted to tear bathroom tissue merely for the sake of כבוד הבריות, because one may not (actively) violate an *issur* min hatorah for the sake of כבוד הבריות.⁷⁹

The Chelkas Yaakov⁸⁰ concludes that even according to the opinion that tearing paper for any constructive purpose is a *melacha* min hatorah, one may tear the bathroom tissue in an unusual manner - (e.g., with his teeth or feet) because performing a *melacha* in an unusual manner is only rabbinically forbidden (Mishna 92a).⁸¹

• The T'shuvos Avnei Yashfeh⁸² says that if one must tear bathroom tissue from a roll he should tear one large piece rather than several small pieces.

Moreover, he considers whether our Gemara's dispensation applies to one's private bathroom in his house. Perhaps if one was negligent and did not prepare ready-cut bathroom tissue in his private bathroom he is not permitted to tear some on Shabbos since he was negligent (see Hagaos Ashri cited above).⁸³

• Some maintain that care should be taken not to tear the bathroom tissue at the perforated holes because cutting a fabric or paper to a designated size is prohibited under the *melacha* of מחתך.⁸⁴

דף פב.

עבודה זרה מטמאה במשא כנדה

The posuk in Yeshaya 30:22 states תזרם כמו דוה - you will alienate yourself from idols just as you would a *niddah*. [Just as a husband separates from his wife during her *niddah* period, so too, foretells Yeshaya, the Jews in the future will sever themselves from idolatry.]

R' Akiva deduces from the posuk's analogy of idols to *niddah* that the *tumah* the rabbis imposed on idols is comparable to the *tumah* of *niddah*. A *niddah* conveys *tumah* not only through מגע - touching - but also via משא - carrying. One who carries a *niddah* contracts *tumah* even without physical contact. Likewise, asserts R' Akiva, one who carries an idol contracts *tumah* even if he does not touch it.⁸⁵

The Torah, Bereishis 31:19, relates that when Yaakov and his family secretly took leave of Lavan's house, Rachel stole her father's (Lavan's) idols. When Lavan eventually pursued and overtook Yaakov, Rachel was sitting on her camel with the idols concealed in the camel bag beneath her. When Lavan began searching for his idols among Rachel's possessions, Rachel excused herself for not rising, explaining, דרך נשים לי - I am a *niddah* (ibid. 31:35).

The Moshev Zekainim asks, how did our righteous matriarch Rachel utter an outright falsehood to her father.

The Moshev Zekainim answers that according to R' Akiva of our Mishna Rachel's statement was not a lie. Since R' Akiva says that the *tumah* of idols is compared to the *tumah* of a *niddah*, when Rachel claimed that she was unable to rise because she was a *niddah*, she was actually hinting that she was sitting on the impure idols. Therefore, her statement was not considered an outright lie.⁸⁶

דף פג:

לאפוקי ספינה דאינה מטלטל מלא וריקן

The Tanna of the Mishna derives from a posuk which compares a ship to the sea, that a ship is not susceptible to *tumah* just as the sea is not susceptible to *tumah*.

The Gemara cites Chananya who cites the following source for this *halacha*: The posuk in Vayikra 11:32 indicates that only utensils that are comparable to a sack are susceptible to *tumah*. Since a sack is always movable, whether it is full of goods or empty, only items that are movable are susceptible to *tumah*. A ship which is too large to be carried or moved (when it is filled with merchandise) is not comparable to a sack and is therefore not susceptible to *tumah*.

Tosfos comments that even though a laden ship does in fact move through the water, it is classified as an immovable item since it is moved only by the water.

This requires an explanation because a sack also obviously does not move by its own force, but is powered by the force of the person (or animal) carrying it. Why then is a laden sack considered a movable item whereas a ship is considered immovable?

The Chasam Sofer explains that Tosfos is alluding to the concept mentioned in Bava Metzia 9b. The Gemara there considers a ship floating through the water as a stationary item (with regard to law of acquisition with respect to the condition of מהלכת - stationary domain) because חצר שאינה מהלכת - stationary domain) because ספינה מינה ניחא ומיא הוא דקא - the ship itself is stationary and it is propelled by the water. Apparently, the classification of stationary and moving is relative. A moving sack or wagon is considered moving because it is moving in relationship to the stationary ground beneath it. However, a ship that moves along with the water current is considered stationary since the ship is not moving in relationship to the water beneath it.⁸⁷

The Gemara (beginning of 84a) cites a braysoh which indicates that a heavy wagon is considered a movable item and is susceptible to *tumah* even if it can only be moved by a team of

oxen. The Chasam Sofer, based on his understanding of our Mishna, draws a distinction between different types of wagons. He maintains that if the wheels of the wagon are not permanently attached (i.e., they can be easily removed), then the wagon is no different from a ship. Such wheels are viewed as entities separate from the wagon (see Gemara above 44b (מוכני נשמטת) and consequently when the wagon is moved it is viewed as though the wagon is actually stationary and only its wheels are moving.

The Chasam Sofer concludes that the Gemara which considers a heavy wagon as a movable object must be referring to a wagon whose wheels are permanently attached. Such wheels are viewed as part of the wagon. Therefore, even though the wagon only moves along with its wheels, it is considered a movable object because the wagon and the wheels are not independent entities.

דף פד.

מדרס כלי חרס טהור

- A *zav* and a *niddah* render an item that they touch or carry a *tumah* ראשון לטומאה (to the first degree). The contaminated item is *tamei* to the extent that it contaminates food that comes in contact with it, but it cannot contaminate a person or a vessel. [A *zav* is a man who had a certain type of seminal discharges, Vayikra 15:2.]

- Another means by which a *zav* (or *niddah*) can convey *tumah* is via מדרס. An item upon which a *zav* rests his weight is rendered an אב הטומאה (primary source of *tumah*) - provided the item is designated for such use. For example, the couch or bed upon which a *zav* lays assumes the *tumah* of *medras* and as such it contaminates a person who touches it.

The Gemara cites a Tosefta which says that whereas a כלי חרס - earthenware vessel - touched by a *zav* contracts טומאת מגע (touching *tumah*) it cannot contract *tumas medras*. If a *zav* or *niddah* rest their weight on a כלי חרס (without touching it) it does not become *tamei*.

The Gemara cites two sources to exclude earthenware from *tumas medras*.

(a) The Torah says that a כלי חרס which becomes *tamei* cannot be purified in the *mikveh* and must therefore be broken. The Gemara infers from a posuk that only items which יש להם טהרה במקוה - can be purified in a *mikveh* - are susceptible to *medras*. The implication being that earthenware which cannot be purified in a *mikveh* are excluded from *tumas medras*.

(b) The posuk (Bamidbar 19:15) says that a כלי חרס can become *tamei* only if it is uncovered. Rava deduces that an earthenware vessel which has no opening, such as a bed or chair, cannot acquire *tumah* even if a *zav* rests on it. Hence, we see that a כלי חרס is excluded from *tumas medras*.

Rashi in Eruvin (104ב לא ד"ה) seems to suggest the reason the Torah excludes a כלי חרס from *tumas medras*⁸⁸ is that earthenware vessels are usually not fit for *medras* purposes because they will usually break if someone places his weight on it. The Chasam Sofer explains that Rashi means to say that since as a general rule earthenware is delicate and is not made for sitting or laying, all earthenware is excluded from *tumas medras* even sturdy earthenware vessels that are made to sit or recline on.⁸⁹

The Tosefta⁹⁰ says that glassware is also excluded from *tumas medras*.⁹¹

The Mikdash Dovid⁹² asks, since glassware can be purified in a *mikveh*⁹³ the exclusion from *medras* established with regard to earthenware (see A above) should not apply to glassware.

In answer, he cites Rashi who says that the underlying reason for the exclusion of earthenware from *medras* is the fact that earthenware breaks easily and is not generally used for people to stand or sit on. Since glassware is similar to earthenware in this respect, it too is excluded from *medras* (even in the event that someone did fashion a chair or bed from glass).⁹⁴

דף פה.

וקים להו רבנן דחמשה בשיתא לא ינקי מהדדי

The Mishna says that it is possible to plant five species of seed in an area of only six *tefachim* by six *tefachim* (approx. four square

feet) without violating the *issur* of *kilayim* - sowing different species of seeds together.

The Gemara explains that this is because the sages, with their knowledge of horticulture, determined that seeds dispensed over such an area will not draw nourishment from each other.

The commentators note a difficulty. Whereas this Gemara indicates that the law of *kilayim* requires that there be no common יניקה - nourishment - between different species of seed, there are other sources indicating that the key factor in determining *kilayim* is היכרא (that the different plants appear separate). For example, the Mishna in Bava Basra 26a states that one may plant grapes next to another type of vegetation as long as there is a fence separating them. This indicates that the fact that the roots of different species nourish from each other does not pose a *kilayim* problem as long as the plants do not appear intermingled (עירבוב). [In fact, Rashi explains that it is based on this concept of היכר that the Mishna here permits planting two rows of different seeds perpendicular to each other even though the ends of the rows almost meet and some of the seeds draw nourishment from common ground. Rashi explains that since the rows are planted facing different directions they appear distinct and therefore the fact that they draw nourishment from each other is of no concern.]

In answer Rashi⁹⁵ explains that, in fact, the sole factor for determining *kilayim* is היכרא. The sages determined that in the absence of an obvious היכר (such as a fence), the distance of יניקה (i.e., three *tefachim*) provides sufficient היכר because it is a great enough distance to prevent עירבוב - intermingling of the plants.

Alternatively, the Ritva⁹⁶ explains that the *issur* of *kilayim* is violated only when both of these conditions are present - (a) lack of היכר and (b) יניקה. When a fence separates different species, or when rows of different species face different directions, the seeds are not *kilayim* even though there is יניקה (factor B) because factor A is lacking - since the seeds appear distinct in these cases. Conversely, if two

different seeds that are planted near each other with no היכר separating them (factor A), the sages said that they must be distanced from each other the *shiur* of יניקה so that factor B will be lacking.

דף פו.

פולטת שכבת זרע ביום השלישי טמאה

1] Klal Yisrael were commanded to separate from their wives for three days prior to *Matan Torah* - the giving of the Torah on Mount Sinai - (Sh'mos 19:15) so that they would be tahor - ritually pure - when the Torah was given.

After תשמיש a man is *tamei* until he immerses in the *mikveh* (and then he is called a *tevil yom* until nightfall). A woman is also *tamei* after תשמיש if the שכבת זרע - semen - is discharged from her body. The three-day separation period before *Matan Torah* was necessary to ensure that the women would be able to purify themselves before *Matan Torah* and would not discharge any residual שכבת זרע after immersing in the *mikveh*.

More than three days of separation were not required because any שכבת זרע that is discharged after three days is presumed to be rotten (i.e., not viable) and as such does not render a woman *tamei*.

The Mishna infers from this passage in the Torah that שכבת זרע could remain viable in a woman's womb for up to three full days and that a woman who discharges שכבת זרע even on the third day after תשמיש is *tamei*. [The Gemara cites the dissenting view of R' Eliezer ben Azaryah that a woman who discharges שכבת זרע on the third day is not *tamei*. The Gemara says that the Tanna of our Mishna is in agreement with R' Akiva (86b) who says that the commandment to separate from their wives was given three days before *Matan Torah*. On the other hand, R' Eliezer ben Azaryah accords with the Rabbanan (86b) who say that the commandment to abstain was given to klal Yisrael only two days before *Matan Torah*.]

The Gemara (86b) inquires whether שכבת זרע in the womb of an idolatress also spoils after three days. The Gemara explains that the woman's body heat is what causes semen to spoil and perhaps the anxiety that a Yisrael experiences regarding his mitzvah responsibilities (דאגי במצוות) raises his body

temperature and causes the שכבת זרע to spoil more rapidly than שכבת זרע in the body of a non-Jew. [The Gemara does not resolve this question. Interestingly, the Chasam Sofer⁹⁷ remarks that since a Yisrael's constitution differs from that of an idolater, a remedy that proves effective for one may not be effective for the other, see Al Hadaf to Avodah Zorah לא דף.]

The Maharatz Chayis asks that if שכבת זרע in the womb of a non-Jew takes longer than three days to rot, why were three days of separation sufficient for Klal Yisrael prior to *Matan Torah*. Since the Torah was not given yet, their body heat should have been similar to that of non-Jews since they were not yet experiencing anxiety concerning their mitzvah observance.⁹⁸

The Chasam Sofer⁹⁹ suggests that although they lacked the factor of דאגי במצוות, their anticipation and enthusiasm for *Matan Torah* had the same effect on their bodies as mitzvah anxiety.

2] The Shulchan Aruch¹⁰⁰ mentions the custom of immersing in a *mikveh* on Erev Yom Kippur to purify oneself before the holy day. [The Magen Avraham¹⁰¹ writes that this is applicable to men and women alike, as is indeed still the practice in some communities.¹⁰²]

In light of our Gemara the Magen Avraham¹⁰³ points out that if a woman had תשמיש less than three days prior to the time of her immersion, her immersion may be invalid - because she may discharge some שכבת זרע after her tevilah. Consequently, he suggests that she douche herself with hot water prior to immersion to ensure that all remaining שכבת זרע is cleared out. [The Madanei Yom Tov¹⁰⁴ proves from the fact that the Gemara ascribes the rotting of שכבת זרע in the womb to body heat, that hot water serves to render any remaining semen inviable. Consequently, he asserts that if semen is discharged after immersion it will not render the woman *tamei*.]

The Magen Avraham, however, says that a woman who may be near her ovulation period (סמוך לטבילתה או סמוך לוסתה) should refrain from douching with hot water because this can destroy the semen in her womb (which our Gemara says could still be viable for three days) and it may prevent a pregnancy.¹⁰⁵ ■

דף	This Al Hadaf was made possible by the following daf dedications...	יום	
סט	לז"נ אסתר בת יששכר דב הכהן לורינר (לבית קנטוף) ז"ל *	ג תמוז	Sun
	לז"נ הגה"ק ר' מנחם מנדל ב"ר לוי יצחק זצוקללה"ה האדמו"ר מליובאוויטש *		Jul 10
ע		ד תמוז	Mon
עא	In memory of MELVIN L BERKOVITZ OBM - by his son David and Family	ה תמוז	Tues
עב		ו תמוז	Wed
עג	Sponsored by Mr. & Mrs. Reuven Epstein On the occasion of Avi's Bar Mitzvah & Elisheva's 13th Birthday	ז תמוז	Thrs Jul 14
עד	לז"נ אבנר בן עובד ז"ל ממשפחת גוהרי *	ח תמוז	Fri
עה		ט תמוז	Sh
עו		י תמוז	Sun
עז	לז"נ אבי מורי ר' צבי בן יהודה דאנציגער ז"ל * (on his 12th Yartzeit)	יא תמוז	Mon
	לז"נ אבי מורי ר' משה ברוך בן שרגא פייבל ציעגלער ז"ל *		Jul 18
עח		יב תמוז	Tues
עט		יג תמוז	Wed
פ	לז"נ אבי מורי יוסף בן חיים Fruhman ז"ל *	יד תמוז	Thr
פא		טו תמוז	Fri
פג	לז"נ ישראל ברוך בן חיים צבי ז"ל *	יז תמוז	Sun
	לז"נ מרת חאשקא בת ר' אלחנן שמחה Summer ז"ל *		
	לז"נ הרב אהרן בן החבר אשר דשייקאבס ז"ל - יום השלושים		
פד	by David M Friedman & Family; לז"נ ר' אהרן בן ר' יעקב מאיר ז"ל *	יח תמוז	Mon
	- by Goldfinger & Bess families LA, CA, לע"נ אבינו ר' שלמה בן ישעיהו גאלדפינגער ז"ל *		Jul 25

* Denotes Yartzeit