



דף ב.

מאימתי קורין את שמע

1] The Chidah (Pesach Einayim) suggests the reason *shas* begins with a discussion about the mitzvah of ערבית שמע של ערבית - the evening *shema* - is that *shema* is generally the first mitzvah incumbent on a Jewish boy upon his reaching the age of bar mitzvah.¹

2] In the first passage of *shema*, the posuk states, ובשכבך ובקומך - when you lie down and when you arise (Devarim 6:7). This teaches that there is a mitzvah to recite *shema* twice daily, once in the evening when people [go to] sleep, and once in the morning when people rise from their sleep.

The Mishna cites a dispute regarding סוף - זמן קריאת שמע של ערבית - *the latest time allowed for the evening shema*:

(a) R' Eliezer asserts that one must recite *shema* before the end of the first third of the night (אשמורה ראשונה). The Gemara on 3a explains that R' Eliezer interprets the term ובשכבך to mean the time that people go to sleep, which is during the first third of the night.

(b) Rabban Gamliel interprets ובשכבך as meaning the entire time that people sleep, and he therefore maintains that *shema* may be recited the entire night.

(c) The Chachamim assert that min haTorah *shema* may be recited any time throughout the

night (as Rabban Gamliel maintains). However, the sages were concerned that if one delays the mitzvah of *shema*, he might forget to recite it altogether. Therefore, כדי להרחיק אדם - in order to distance a person from sin - the sages instituted a midnight deadline for reciting *shema* so that one should recite *shema* immediately after nightfall without delay.

There is a fundamental dispute amongst the Rishonim as to the force of this rabbinical decree.

Tosfos (Pesachim 120b) is of the opinion that if a person transgresses this rabbinic decree and misses the midnight *shema* deadline, he should, nevertheless, recite *shema* after midnight to fulfill of the mitzvah min haTorah (which applies all night).²

Rabbeinu Yona maintains that (according to the view of the Chachamim) if one neglects to recite *shema* before midnight he has forfeited the mitzvah altogether, and he does not recite it after midnight. The sages were concerned that if it were possible to fulfill the mitzvah of *shema* after midnight, one would often neglect to recite it altogether. Therefore, to strengthen their decree and ensure that one does not delay *shema*, the sages uprooted the mitzvah of *shema* after midnight and declared that if one recites *shema* after midnight he has not fulfilled the mitzvah. [The explains that the sages (i.e., אנשי כנסת הגדולה) are empowered to uproot

a Torah law when they deem it necessary for the sake of upholding the Torah, just as they decreed not to blast the shofar when Rosh Hashana falls on Shabbos lest one desecrate Shabbos by carrying his shofar through the street (see Rosh Hashana 29b, יש כח ביד חכמים (לעקור דבר מן התורה בשב ואל תעשה)).³

The Shagas Aryeh⁴ takes issue with Rabbeinu Yona's position. He asserts that the sages would only invoke the power to uproot a mitzvah when they feared that the fulfillment of the mitzvah may result in a violation of another mitzvah (or issur), one whose violation they deemed more serious than the original mitzvah. For example, they cancelled the mitzvah of shofar on Shabbos because they deemed the possible active desecration of Shabbos (קום ועשה) more serious than refraining from blowing shofar (which is only a passive violation, שב ואל תעשה). In the case of *shema*, argues the Shagas Aryeh, the sages would not cancel today's mitzvah for the sake of a preventing a possible omission of the same mitzvah in the future.⁵

דף ג:

לכו פשטו ידיכם בגדוד

1] The Gemara relates that the Chachmei Yisrael complained to Dovid Hamelech about the impoverished state of the nation. After concluding that there were insufficient resources amongst them to provide a livelihood for everyone, Dovid Hamelech suggested that they take up arms and engage in warfare. In preparation for battle the sages consulted with Achitophal (the advisor), the Sanhedrin and the *Urim V'Tumim*.

Since they received the *Urim V'Tumim's* divine sanction it is difficult to understand why it was necessary to consult also with the Sanhedrin and Achitophal.

Rashi explains that although the *Urim V'Tumim* prophetically conveyed to them that they would be victorious in war they discussed battle strategy with Achitophal to decide on the best course of action.

[The Rashba⁶ deduces from the this Gemara that the *Urim V'Tumim* was not consulted

regarding a dilemma until the matter was discussed with the advisors. The *Urim V'Tumim* was approached only to receive approval of ideas that were already endorsed by the advisors.]

Rashi explains that the purpose of consulting with the Sanhedrin was so that its members should pray on their behalf. The Meromei Sodeh explains that although they were assured victory by the *Urim V'Tumim*, divine mercy was necessary to limit their casualties. [The Maharshah⁷ deduces from this Gemara that before embarking on a journey one should approach the Rabbanim of his city to receive their blessings and prayers.]

Alternatively, the Maharsha (Sanhedrin 16a) explains that the Sanhedrin were consulted for their decisions regarding various halachic questions pertaining to warfare, e.g., laws of יפת תואר - gentile captive woman (Devarim 21:10-14), משוח מלחמה - war general (Devarim 20), and other laws pertaining to troops discussed in Eruvin 17a,b.

2] R' Eliezer Landau (in his glosses printed after the Gemara) notes that the Mishna in Sanhedrin 2a lists several actions which require the authorization of the Sanhedrin, one of which is instigating a מלחמת הרשות (discretionary war). Consequently, he questions why Rashi says that the Sanhedrin were contacted only for the purpose of eliciting their prayers, when in fact consulting with the Sanhedrin prior to engaging in מלחמת הרשות is a Torah requirement.

In answer to this question the Margaliyos HaYam (Sanhedrin 16a) makes the following observation: Dovid Hamelech did not state, "assemble an army and go out to battle." Rather he instructed, לכו פשטו ידיכם בגדוד, which literally means "go do battle with the troops." The Margaliyos HaYam theorizes that the economic woes of klal Yisrael were a result of a foreign battalion stationed in Eretz Yisrael that ravaged their crops and wreaked havoc on their economy. Dovid Hamelech instructed the leaders to engage in warfare with these foreign troops and oust them from the land.

The standard conditions for going to war, mentioned in Sanhedrin 2a, did not apply to this battle since it was waged on native soil against an invading army. Therefore, Rashi says the Sanhedrin were consulted to elicit their prayers, but not because their approval was halachically required as a condition for going to war.⁹

דף ד:

והא דקא אמרי עד חצות
כדי להרחיק את האדם מן העבירה

The Chachamim in the Mishna 2a assert *shema* must be recited before midnight. The Gemara explains that *min hatorah* it may be recited all night, as Rabban Gamliel maintains, but the sages decreed that it must be recited before midnight as a *סייג* - safeguard. They were concerned that if *shema* may be recited all night one may come home from work and decide to eat and take a nap before reciting *shema* and as a result he may sleep through the entire night and miss the mitzvah.

The Gemara below on 8b rules in accordance with Rabban Gamliel who maintains that *shema* may be recited all night; however, there is a difference of opinion among the authorities as to the understanding of his position.

Rabbeinu Yona¹⁰ maintains that Rabban Gamliel agrees with the Chachamim that *shema* should be recited immediately after nightfall. Their disagreement involves one who transgressed this law and delayed reciting *shema* until after midnight. The Chachamim are of the opinion that the sages uprooted the mitzvah after midnight and if one missed the midnight deadline he does not recite it afterwards (see above ב דף), whereas Rabban Gamliel is of the opinion that the sages did not uproot the mitzvah and one should recite *shema* after midnight if he failed to recite it earlier.

The Rosh¹¹ disagrees with Rabbeinu Yona and maintains that only the Chachamim require reciting *shema* before midnight, but Rabban Gamliel, whom the halacha follows, permits one to delay *shema* until after midnight if he is so inclined.

[This dispute is limited to one who wishes to engage in activities other than eating and sleeping, or no activity at all. However, the Rosh agrees that one may not eat a meal or take a nap once the time for *shema* has arrived (i.e., nightfall) because eating could make one drowsy and once one falls asleep we are concerned he may sleep through the night.]

The Shulchan Aruch¹² rules that one is obligated to recite *shema* immediately after nightfall but if he failed to do so he may recite it all night.¹³

The Mishna Berurah¹⁴ cites many authorities who rule in accordance with the Rosh that there is no obligation to recite *shema* before midnight (or immediately after nightfall). Consequently, he says that in cases of great need, such as where one must deliver a Torah shiur, perhaps one may rely on the Rosh and delay *shema* even until after midnight.

דף ה.

לעולם ירגיז אדם יצר טוב על יצה"ר

R' Levi bar Chama said in the name of R' Shimon b' Lakish that a person must constantly marshal his yetzer tov (good inclination) to combat his yetzer horah (evil inclination). R' Levi offers several tactics for one who has difficulty overcoming his yetzer horah (i.e., the temptation to sin). (a) He should engage in Torah study. (b) If this proves ineffective, he should recite the *shema*. [The Sefer Chadashim Gam Yeshanim suggests that this concept is alluded to in the passage of *משוח מלחמה* - the anointed war general, Devarim 20. Before going out to war, the war general proclaims, אתם קרבים היום למלחמה..אל ירך ישראל שמע - Hear O Israel, today you are going to wage war on your enemy..do not become faint-hearted etc (Devarim 20:3). The Gemara in Sotah 42a explains that the Meshu'ach Milchamah would say to the assembled nation, "Even if the only merit you have is the mitzvah reciting *shema*, you are worthy of being victorious." The Chadashim Gam Yeshanim suggests that this passage could be interpreted allegorically as referring to one's *מלחמת היצר* (internal struggle against his yetzer horah).

The posuk teaches that through the merit of reciting the passage of *shema* Yisrael one can overcome his yetzer horah.]

(c) And finally, if reciting *shema* is also not effective, one should reflect upon the day of death. Thinking about death (and the fact that one will have to account for all his actions before the Heavenly tribunal) will certainly quell one's temptation to sin.

The Iyun Yaakov asks why the Gemara doesn't suggest reflecting upon death as the first course of action for combatting the yetzer horah since it is apparently the most effective method.

The Iyun Yaakov¹⁵ answers that reflection upon death can bring one to a state of sadness. Since it is important for one to be in a joyous state in order to serve Hashem properly, reflecting upon death is suggested only as a last resort.

Alternatively, R' Yitzchak Ruderman z"l¹⁶ explains that reflection upon death is effective only if it is employed after the other methods mentioned. He notes that many funeral chapel directors and undertakers are sorely lacking in their piety and religious observance even though they are constantly reminded of death. For a person who has not initially tried to overcome his yetzer horah through the study of Torah and through reciting *shema* (in which one accepts Hashem's reign and the yoke of Torah and mitzvos), reflection upon death is ineffectual.

The Anaf Yosef¹⁷ also indicates that the tactics mentioned in the Gemara for subduing one's yetzer horah must be employed in succession, and he explains the sequence as follows. The study of Torah is the chief antidote for the yetzer horah.¹⁸ However, if one studies Torah with ulterior motives (e.g., for the purpose of gaining knowledge to outwit his friends or rabbi) then the Torah study will not be effective. The Gemara advises such a person to recite *shema*, because the recital of *shema* brings about the fear of Hashem and will hopefully remedy his problem. However, sometimes a person who is engrossed in Torah study and self improvement becomes

conceited, thinking that he deserves respect for his accomplishments and such thoughts of גאווה (haughtiness) are a sin. Therefore, to remedy his גאווה the Gemara suggests reflecting upon death which is certain to have a sobering effect on arrogance.

דף ו.

1] חד לא מכתבן מיליה בספר הזכרונות

The Gemara says that it is better to study Torah with a partner rather than alone. When two people study Torah together their deed is inscribed in the heavenly ספר הזכרונות (book of remembrances) - a privilege not accorded one who studies alone.

Tosfos asks that the Mishna in Avos 2:1 states all - כל מעשיך בספר נכתבין - of one's deeds are inscribed in a book - thus indicating that all of one's deeds, whether good or bad, are inscribed above. Why then, should one's deed of studying alone not be inscribed?

In answer, Tosfos explains that the Gemara is referring to a special communal book. Although everyone's deeds are inscribed above in their own separate book, one who studies with a partner has his deeds inscribed with other people's exceptional deeds in a special communal book.

The Yalkut HaMeiri explains the difference between the private book and the public book: The deeds of every individual are recorded because one will eventually have to account for all of his deeds, and he will be rewarded or punished accordingly (as the Mishna in Avos says). Besides these records, Hashem keeps a ספר הזכרונות similar to the ספר הזכרונות that Achashveirosh maintained (as referred to in Megillas Esther 6:1 - את ספר הזכרונות דברי - 'הימים וגו'.) Apparently, kings would keep a book in which they would document important events and accomplishments that were dear to them. Such a book is maintained in heaven in which Hashem records only certain special deeds, one of which is Torah study with a partner, since this mitzvah is especially beloved by Hashem.

The Rashash suggests another interpretation of the Gemara. He reads the Gemara as saying that when two people study

together their words are inscribed in a ספר הזכרות. This means that the chidushim (novel Torah thoughts) that emerge from such Torah study are recorded in a special sefer. One who studies alone has his good deed inscribed above, but he does not merit having his chidushim recorded in the heavenly sefer.

The Maharsha also seems to interpret the Gemara to mean that the words of those who study in pairs are recorded. He explains that the Torah learning of those who learn in pairs is inscribed above because study partners will generally discover and understand the correct p'shat (meaning) whereas a person studying alone can easily err.¹⁹

2] כל הקובע מקום לתפילתו

R' Chelbo in the name of Rav commends one who is קובע מקום לתפילתו - prays in a set place. Rabbeinu Yona, citing a Yerushalmi, says that the importance of praying in a set place applies only to one praying at home. The concept is to pray in a place designated for prayer. It is not important to maintain a designated seat in the Bais Haknesses since the entire Bais Haknesses is designated for prayer. R' Chelbo is saying that one who occasionally prays at home should designate a specific place in his house for davening. The Magen Avraham²⁰ comments that one should designate a tranquil spot in his house where he will not be disturbed by noise and interruptions from his family members.²¹

The Rosh disagrees with Rabbeinu Yona and asserts that R' Chelbo is teaching that a person should regularly pray at the same Bais Haknesses and not alternate between shuls.

Moreover, the Rosh cites a Yerushalmi which says that one should have a designated place in his Bais Haknesses and he should not change from place to place. The Shulchan Aruch²² explains that davening corresponds to korbonos. Since each korbon had a designated place in the azarah where it was slaughtered and also a designated place for its blood on the mizbeach, so too, one must pray in a set place.

• If one finds himself next to noisy neighbors in shul who disturb his concentration, the Kaf

Hachaim²³ recommends that he daven elsewhere even though it means leaving his מקום קבוע - set place.

3] כשמת אומרים לו אי עניו אי חסיד

Rav Chelbo indicates that one who designates a set place for praying is called an עניו - humble person - and a chasid - pious person.

The Maggid Ta'aluma²⁴ explains that in Talmudic times they did not sell or reserve specific seats in the Bais Haknesses. Therefore, in order for one to always daven in the same seat he either had to arrive very early, before someone else would take his seat, or he had to agree to sit in an undesirable seat (such as all the way in the back, where others did not want to sit). Therefore, R' Chelbo says that a person who always sits in the same seat is either a humble person (i.e., one who doesn't mind sitting in an undesirable spot) or a chasid (i.e., one who always arrives in shul very early).²⁵

דף ז.

וא-ל זועם בכל יום, וכמה זעמו רגע

The Gemara says that there is a fraction of a second during the first three hours of the day during which Hashem, metaphorically speaking, gets angry. Bilaam's power lay in his ability to pinpoint the exact moment of Hashem's anger, and he intended to curse b'nai Yisrael during that moment. Hashem, in his mercy for b'nai Yisrael refrained from getting angry during the days that Bilaam tried to curse b'nai Yisrael. This is the meaning of Bilaam's statement to Balak (Bamidbar 23:), מה אזעם לא - "How can I get angry [and curse], Hashem has not become angry."

Tosfos asks, since Hashem's anger lasts only a fraction of a second, how did Bilaam expect to utter a curse during that brief time?

Tosfos answers that he expected to say a one-word curse, כלאם - destroy them.²⁶

Alternatively, Tosfos suggests that Bilaam expected to start uttering a curse at the pivotal moment (of Hashem's anger) and such a curse

is effective even if the curse does not end until after the moment.

- The Gemara on 8a extols the virtues of תפלה בציבור (communal prayer) and says that prayers recited in shul together with a congregation are much more effective than prayers recited in private.

The T'shuvos Bais Yaakov,²⁷ citing the Ari z"l, asserts that the Tehillim that one recites (and the Torah that one studies) in shul immediately after prayers, even if recited alone, contains the heightened kedusha and potency of תפלה בציבור. He reasons that if regarding a curse, the ending is effective as long as it began in the correct moment, then certainly we can apply this concept to positive deeds as well (מדה טובה מרובה ממדה רעה). Therefore, Tehillim recited on the heels of תפלה בציבור has the potency of תפלה בציבור.²⁸

The T'shuvos Eretz Tzvi²⁹ cites Tosfos' principle of הולכין אחר ההתחלה (we follow the beginning) in defense of those who begin reciting shacharis just before תפלה סוף זמן תפלה (the deadline for reciting shacharis, i.e., the end of the fourth hour of the day) and do not end their prayers until the time for Shacharis has already expired. Perhaps it is considered as though they have prayed during the proper time since they began before the deadline.

Likewise, the Eishal Avraham³⁰ advances the same defense for those who begin mincha immediately before שקיעת החמה (sunset) and finish praying after sunset. [The Aruch HaShulchan³¹ also cites Tosfos as proof that if one starts shemone esray before זמן תפלה and finishes after the deadline, it is considered תפלה בזמנה - as though he prayed in the proper time.]³²

The Shulchan Aruch³³ writes that if there is not enough time for the shaliach tzibur to finish repeating the mincha sh'moneh esray (חזרת הש"ץ) before שקיעת החמה, the shaliach tzibur should recite an abbreviated form of חזרת הש"ץ. This halacha indicates, contrary to the above-cited opinions, that beginning before the deadline is not sufficient. In light of this, the Magen Avraham³⁴ rules that one is obligated to

complete the entire sh'moneh esray before סוף זמן תפלה.

The Mishna Berurah³⁵ rules that the entire *shema* must be completed before סוף זמן קריאת שמע (the *shema* deadline, i.e., the end of the third hour of the day); merely beginning *shema* before the deadline is not sufficient.

דף ח.

במערכה כי נסיב איתתא אמרי לי' מצא או מוצא

1] • Shlomo Hamelech indicates there are two types of wives: In Mishlei (18:22) he writes, ומצא אשה מצא טוב - one who has found a wife has found goodness), whereas in Koheles (7:26) he writes, ומצא אני מר ממות את האשה, וגו', - and I have found more bitter than death, the woman etc.).

The Gemara relates that in Eretz Yisrael it was customary to query a newlywed man, "מצא" או מוצא", meaning to ask which of the above-cited p'sukim is an appropriate description of the bride.

Question: why this custom was practiced specifically in Eretz Yisrael?

The Eis La'asos³⁶ offers an answer based on the following midrash. The Gemara in Sotah (2a) notes a contradiction: Resh Lakish states that Hashem pairs a man with a woman according to his deeds, meaning, a righteous man marries a good wife and vice versa. In contrast, Rav Yehuda says in the name of Rav that one's mate is predestined even before his birth. This indicates that the caliber of one's wife is not dependent on his deeds, for one's deeds are not yet determined prior to his birth. (See Gemara there for answer.)

The midrash distinguishes between Eretz Yisrael and chutz la'aretz in this regard, asserting that in Eretz Yisrael one's wife is predestined at the time of conception (as Rav Yehuda says in the name of Rav), whereas in chutz la'aretz the quality of one's wife depends on his deeds (as Resh Lakish says).

The Eis La'asos thus explains that in chutz la'aretz the question of "מצא או מוצא" is not posed because it was understood that one's wife matched his level of piety.³⁷

2] The Chafetz Chaim³⁸ proves that it is forbidden to relate *lashon horah* - disparaging information - even if it is only indirectly insinuated. Consequently, he finds difficulty with the custom in our Gemara of a groom maligning his bride to his friends.³⁹

The Nesivos⁴⁰ suggests that "מצא או מוצא" was not a question, but rather a sermon given to a newlywed.⁴¹ The bridegroom's friends would inform him that the success of his marriage depends on his perspective. If one marries with the proper intentions (e.g., for the sake of building a family) then his wife will be a source of happiness. However, if one marries with only his self interest and pleasure in mind then his marriage will be a source of misery.⁴²

Accordingly, the Chafetz Chaim's question is answered since the custom was not to ask a groom about the virtue of his wife, but rather to lecture him about the proper perspective and attitude about marriage.

3] גדול הנהנה מיגיעו יותר מירא שמים

R' Chiya bar Abba in the name of Ulah infers from the posuk that, גדול הנהנה מיגיעו - "one who benefits from his own toil is greater than one who fears Heaven!" Many commentators remark that R' Chiya obviously does not mean to say that one who toils without fear of Heaven is better than one who fears Heaven (for one who does not fear Heaven is a sinner).⁴³

The Maharsha (Chullin 44a) explains that the term "נהנה מיגיעו" refers to a *talmid chacham* who toils in Torah study and is able to rule on halachic questions. Ulah is saying that a *talmid chacham* who is capable of finding a halachic basis to permit a questionable food or act, is greater than an ignorant person who must refrain from partaking of a questionable food or act out of fear of committing a sin.

דף ט.

כדאי הוא ר"ש לסמוך עליו בשעת הדחק

1] R' Shimon b' Yochai (end of 8b) asserts that one who has not recited שמע של ערבית (the evening *shema*) prior to עלות השחר (dawn,

which according to many is 72 minutes before sunrise) may do so up until נץ החמה (sunrise), because he considers the time between dawn and sunrise as night with regard to *shema*. [He maintains that it has the status of daytime as well, and if one recites the morning *shema* between dawn and sunrise he has fulfilled the mitzvah. He assigns this period a dual status - it is considered a time of בשכבך because some people sleep until sunrise, and it is also considered a time of ובקומך because many people rise at dawn.]

The Gemara (9a) tells of two rabbis who became inebriated at a wedding and neglected to recite *shema* before dawn. R' Yehoshua ben Levi ruled for them that as long as the sun did not rise yet they should recite the evening *shema* because, כדאי הוא ר' שמעון לסמוך עליו, בשעת הדחק - "R' Shimon can be relied upon in cases of great need."

The Mishna on 2a relates that when Rabban Gamliel's children returned home late from a feast, their father told them that they may still recite *shema* as long as עמוד השחר לא עלה - the day has not yet dawned. This implies that the deadline for reciting the evening *shema* is dawn and not sunrise.

The Rosh explains that R' Yehoshua ben Levi permits reciting the evening *shema* after dawn only in a case of an אונס - an unavoidable accident. Rabban Gamliel's sons' failure to recite *shema* earlier in the night was not because of an אונס but because they were absorbed in a feast. Therefore Rabban Gamliel ruled that they may not recite the evening *shema* after dawn. The two rabbis were permitted to recite *shema* between dawn and sunrise because their failure to recite *shema* was due to intoxication which is considered an אונס.

The Bais Yosef⁴⁴ asserts that intoxication in and of itself does not automatically constitute an אונס; it depends on the reason for the intoxication. He suggests that the difference between the two rabbis and Rabban Gamliel's sons is that the two rabbis attended a wedding feast which is a seudas mitzvah, and therefore their intoxicated state was deemed an אונס,

whereas Rabban Gamliel's sons attended an ordinary feast and therefore even if they missed *shema* due to intoxication it would be deemed פשיעה - due to neglect.⁴⁵

2] The P'nei Yehoshua rejects the notion that Rabban Gamliel's children, who were talmidei chachamim, would have neglected to recite *shema* due to a feast. He argues that they certainly would not have violated the halacha mentioned above on דף ד - that it is forbidden to begin a feast prior to reciting the *shema*.⁴⁶

The P'nei Yehoshua suggests that the sons of Rabban Gamliel davened maariv (and recited *shema*) before nightfall, as Rashi on 2a (ד"ה עד סוף) says was customary in those days. Rashi (ibid.) explains that people who daven maariv before nightfall discharge their *shema* obligation later in the evening when they recite קריאת שמע על המטה (the bedtime *shema*). The P'nei Yehoshua deduces from the words of Rashi that one who davens maariv early is permitted to eat his dinner after maariv even though he has not yet discharged the mitzvah of *shema* until later when he goes to bed. He suggests the reason one is permitted to eat a meal before repeating *shema* is that the early *shema* recited at maariv suffices בדיעבד (after the fact) just in case one fails to repeat *shema* before going to sleep (cf., Tosfos 2a, ד"ה מאימתי).⁴⁷

Thus, the reason Rabban Gamliel's sons were permitted to partake in a feast before repeating *shema* was that they had already recited *shema* during maariv, albeit they davened maariv early. Accordingly, explains the P'nei Yehoshua, it is understood why Rabban Gamliel told his sons after they returned from the feast that they should repeat the *shema* only if the day has not yet dawned. Even though their failure to recite *shema* was due to an אונס - of no less significance than the אונס that occurred to the pair of rabbis - they were not told to recite the *shema* after dawn, because the *shema* that they recited before nightfall sufficed בדיעבד.⁴⁸

דף י:

אמר אבני הרוצה ליהנות כאלישע

Abaya notes contrasting teachings regarding the rectitude of accepting gifts. In Shmuel I (7:17) we learn that Shmuel HaNavi always took all of his household effects along on his travels to ensure that he would not be compelled to accept gifts or favors from anyone. This indicates that it is improper for a rabbi to accept gifts. On the other hand, in Melachim II (4:8) we find that Elisha HaNavi accepted hospitality from אשה השונמית - the woman from Shunem, thus indicating that a rabbi could accept gifts or favors from others.

The commentators have different opinions regarding the propriety of accepting gifts:

(a) The Maharsha explains that as a general rule, one should be circumspect about accepting gifts because the posuk in Mishlei 15:27 states, שונא מתנות יחיה - one who despises gifts shall live. The reason Elisha accepted the hospitality offered by the Shunamite woman was that he was travelling and he did not have a choice. The Maharsha says that the rule of שונא מתנות יחיה does not apply to a traveller who lacks his basic needs and is forced to rely on the hospitality of others.

(b) The Meiri explains the reason Shmuel refused all gifts was that he was a judge and he was concerned that a gift might appear as a bribe. The Meiri says that in general it is proper for a rabbi to accept a gift offered to him, because refusing a gift might appear arrogant - provided he does not serve in the capacity of a judge.⁴⁹

(c) The Tiferes Yisrael⁵⁰ maintains that the propriety of accepting gifts depends on the intent of the benefactor.

• The Gemara (further on this daf) says that hosting a *talmid chacham* in one's home is akin to offering a *korbon tamid*. Similarly, the Gemara in Kesubos 105b says that offering a *talmid chacham* a gift is akin to offering *bikurim* in the Bais Hamikdash. Thus, if a person offers a gift to a *talmid chacham* with the noble intent of offering a *korbon*, then the

talmid chacham should accept the gift so as not to deprive the benefactor of his good deed.

However, if the benefactor gives the gift to support the *talmid chacham* or as payment for his services, then it is appropriate for the rabbi to refuse the gift - because the Mishna in Avos 4:5 states that a *talmid chacham* should not use his Torah knowledge as a means of earning a livelihood. [See also Gemara in Nedarim 37a whereby we learn that a Torah scholar may not accept a salary for teaching Torah.]

The later authorities state that today the accepted practice is for rabbis and scholars to accept a salary from the community. Refer to Al Hadaf, Bechoros 29a, for a discussion on this topic. Indeed, the Igros Moshe, cited there, says that it is wrong for a rabbi today to refuse a salary because one who must support himself will not be able to advance in Torah scholarship.

The Chasam Sofer⁵¹ explains that accepting a salary is not necessarily incongruent with the concept of שונא מתנות יחיה. The posuk does not praise one who refuses gifts, but rather one who hates gifts. Thus, if a rabbi is compelled to accept a salary because he has no other means of support, but he feels uncomfortable about doing so, he is still in conformance with the concept of שונא מתנות יחיה.

דף יא.

עשה כדברי ב"ש לא עשה ולא כלום

Bais Shammai (Mishna 10b) derives from the posuk ובשכבך ובקומך [*shema* must be recited] when you lie down and when you arise - that the evening *shema* must be recited while in a reclining position, and the morning *shema* must be recited while standing. Bais Hillel disagrees with this interpretation of the posuk and maintains that the *shema* may be recited in either position.

The Mishna relates that R' Tarfon once endangered himself by lying down (on the roadside) to recite the evening *shema* in order to conform with Bais Shammai's opinion. Since the halacha follows Bais Hillel, the sages disapproved of his conduct for they considered it a transgression of Bais Hillel's words.

Rav Yosef on 10a asserts that not only is it wrong for one to conduct himself in accordance with Bais Shammai's stringent view and deliberately lie down to recite the evening *shema*, if one does so the sages entirely invalidated his mitzvah and the *shema* must be repeated (see Tosfos רב יחזקאל⁵²).

• The Mishna on 51a cites the following dispute between Bais Shammai and Bais Hillel: Bais Hillel maintains that if one forgot to recite birchas hamazon, he is permitted to recite it at another location when he remembers his mistake. Bais Shammai maintains that he is obligated to return to the place of his meal and recite birchas hamazon there.

Interestingly, the Gemara on 53b relates several incidents in which those who conducted themselves in accordance with Bais Shammai's stringent opinion were Divinely rewarded.

Question: Why does our Gemara criticize one who conducts himself in accordance with Bais Shammai's stringent opinion, whereas the Gemara on 53b seems to condone such conduct?⁵³

In answer to this question several distinctions are drawn between the two cases:

(a) The Taz⁵⁴ explains that the act of reclining during *shema* according to Bais Hillel is pointless and therefore may not be done since the halacha follows Bais Hillel. However, with regard to birchas hamazon, even though Bais Hillel is lenient and doesn't obligate one to return, he agrees that there is basis to recite birchas hamazon in the place where the meal was eaten - as evidenced by the fact that Bais Hillel agrees that one may not deliberately leave the place of his meal without first reciting birchas hamazon.

(b) The Tosfos Yom Tov (Shabbos 1:9) answers similarly, citing the Rosh (ibid.) who asserts that Bais Hillel agrees with Bais Shammai that one should preferably return to the place of his meal to recite birchas hamazon - if it is not too difficult (even if he left בשוגג). In contrast, reciting the evening *shema* in a reclining position according to Bais Hillel has no halachic basis whatsoever.

(c) The Ramoh⁵⁵ adds that not only does Bais Hillel consider it pointless to recline during *shema*, he holds that it should not be done because standing (or sitting) during *shema* is more respectful than reclining.⁵⁶

דף יב.

הוא נקיט כסא דשיכרא בידיה וקסבר דחמרא

The Gemara deliberates about one who begins reciting a *bracha* with the mistaken belief that he was holding a cup of wine (and intended to end the *bracha* with "borei pri hagofen" which is the *bracha* for wine) and then upon realizing that the cup contains beer he concluded his *bracha* with שהכל נהיה בדברו (which is the proper *bracha* on beer). The Gemara questions whether beginning the *bracha* with the intent to recite a *bracha* on wine (בורא פרי הגפן) invalidates the *bracha* on the beer - even though he concluded the *bracha* properly (שהכל נהיה בדברו).

Tosfos cites two opinions as to the practical ruling on this matter: The Ri rules stringently and requires such individual to recite another *bracha* on the beer since the validity of his first *bracha* is in doubt.

The Rif rules leniently, that he need not repeat the *bracha* in such a case. This appears to be the opinion of the Rambam as well, for the Rambam⁵⁷ postulates that whenever one is in doubt as to whether he recited a *bracha*, he does not repeat the *bracha*. Since the requirement to recite *berachos* in general is *miderabbanan* (of rabbinic origin), the halacha is lenient in cases of doubt (in line with the general rule of ספק דרבנן לקולא). [*Birchas hamazon* and *birchas haTorah* are two exceptions to his rule because these two *berachos* are required min haTorah.]

The commentators find difficulty with the Ri's opinion, asking why repeating a *bracha* in cases of doubt is considered a stringency. If one repeats a *bracha* when he is in doubt, he is in a sense conducting himself leniently because he thereby risks reciting a ברכה לבטלה (a *bracha* in vain, or a ברכה שאינה צריכה - an unnecessary *bracha*).⁵⁸

The Even HaOzer⁵⁹ explains that the Ri is of the opinion that if one is in doubt whether he has recited a (valid) *bracha*, he is obligated to refrain from eating, because one is forbidden to risk eating without a *bracha*. [In such a case, the individual may not eat until he finds another person (who wants to eat) to recite the *bracha* on his behalf.] Therefore, the Ri is of the opinion that if one repeats a *bracha* in cases of doubt it is not considered as though he is reciting a *bracha* in vain, since he may not eat without reciting another *bracha*.

R' Akiva Eiger⁶⁰ explains that if one is in doubt about the validity of his *bracha* and he refrains from eating, he thereby risks having his *bracha* go to waste (since he failed to eat after reciting the *bracha*). Therefore, the Ri is of the opinion that if there is a doubt as to the validity of one's *bracha* on beer, he should repeat the *bracha* and drink the beer because by doing so he does not increase the chance of a *bracha* l'vatalah, for [had he not repeated the *bracha* and not drank any beer] his *bracha* would have in any case been in jeopardy of being a *bracha* l'vatalah.⁶¹

The Shulchan Aruch⁶² adopts the opinion of the Rif and Rambam and rules that in cases of doubt, one is permitted to eat without repeating the *bracha*. The Mishna Berurah⁶³ comments that if there are others present who have not yet recited a *bracha* on their food, the person in doubt should preferably listen to someone recite a *bracha* on his behalf before eating.

דף יג.

שואל מפני היראה ומשיב מפני הכבוד

The Mishna cites a dispute regarding interrupting the recital of *shema* to greet someone. The halacha follows R' Yehuda who says that if one is באמצע הפרק - in the middle of one of the paragraphs of *shema* (or one of its *berachos*) - he may greet someone he fears (שואל מפני היראה)⁶⁴ and he may respond to the greeting of a person who deserves his respect (משיב מפני הכבוד).

[If one is in between two passages of *shema* the halacha is more lenient. He may greet a person who deserves respect even if he doesn't fear

him (שואל מפני הכבוד), and he may return the greeting of any person.]

The Sefer Hachinuch⁶⁵ asserts that greeting someone is only permitted if we suspect that the person will be insulted if not greeted. However, one may not greet someone who is known not to take affront regarding such matters. The Magen Avraham⁶⁶ comments that since today it is uncommon to greet people in shul (in the middle of davening), one who is reciting *shema* in shul may not greet or return greetings in the middle of *shema*.

Tosfos (13b, שואל ד"ה) maintains that one is permitted to interrupt *shema* to answer kedusha together with the rest of the congregation. He argues that if one may interrupt *shema* to greet a human being מפני הכבוד - out of respect for him, certainly one is permitted to answer kedusha out of respect for Hashem (for there is no greater respect than that which is due Hashem).

Rabbeinu Yona cites a dissenting view that maintains that although there is no greater respect than that which is due Hashem, one who is involved in honoring Hashem through his recital of *shema* should not interrupt to honor Hashem in another way, such as through answering kedusha.

The Bechor Shor explains that the halacha permits greeting an esteemed person because failure to do so might be taken as an affront to his dignity. However, if fails to interrupt *shema* for kedusha, it is not insulting to Hashem since the person at that time is engaged in glorifying Hashem through his recital of *shema*.

The Shulchan Aruch⁶⁷ rules in accordance with Tosfos - that one is permitted interrupt *shema* to answer the following: (a) Kedusha (i.e., the posuk 'קדוש קדוש וגו' and 'ברוך כבוד וגו'). (b) Kaddish (i.e., 'אמן יהא שמיה רבא וכו' and the 'אמן following בעלמא). (c) Borchu. (d) The first three words of מודים. (e) The Ramoh adds that one should also answer 'אמן to the following two *berachos* of chazaras haShatz, 'שומע תפילה and 'הקל הקדוש'.⁶⁸

דף יד:

הקורא קריאת שמע בלי תפילין

The Gemara cites two reasons why one may not recite *shema* before donning his tefillin. Ulah says that reciting *shema* without tefillin is tantamount to delivering false testimony because the *shema* speaks about the mitzvah of tefillin (Tosfos ד"ה ומנח, cf., Rashi and Maharsha).

R' Chiya bar Abba says in the name of R' Yochanan that reciting *shema* without tefillin is comparable to offering a *korbon tamid* without the accompanying נסכים (mincha offering and wine libation). Just as נסכים complement the *korbon tamid*, and the *tamid*, although valid, is not complete without נסכים, so too, tefillin complements the *shema* and the recital of *shema* is not complete without tefillin.

The Bais Yitzchak⁶⁹ cites R' Yaakov Yitzchak of Lublin (החווה מלובלין) who quotes the Gemara in Menachos 15b that says that the נסכים may be offered even several days after the *korbon* is offered (אדם מביא זבחו היום ונסכיו) (עד י"י ימים). Since R' Yochanan compares reciting *shema* without tefillin to a *korbon* without *nesachim*, he asserts that the Gemara only takes issue with one who recites *shema* without intending to wear tefillin at all that day. However, if one recites *shema* and then dons his tefillin later in the day, he is not in violation of our Gemara's halacha, just as one may offer the *nesachim* for his *korbon* even on the morrow of his *korbon*.⁷⁰

The Sefer B'nai Chayai⁷¹ maintains that it is unlikely that our Gemara is referring to one who does not don tefillin at all, for such a person is an outright sinner. Since one is obligated by Torah law to don tefillin (at least once a day) it would be redundant for the Gemara to offer additional reasons for donning tefillin.

The Chikrei Lev⁷² suggests that even though the Gemara says that the נסכים may be offered on the morrow of the *korbon*, לכתחילה (preferably) it should be offered at the same time. Based on this, the Yad Dovid suggests (contrary to R' Yaakov of Lublin) that the Gemara is saying that one should wear tefillin

when reciting *shema*, not afterwards, just as one who brings a *korbon* should preferably offer the *nesachim* at the same time as the *korbon*.

With respect to the halacha, the Shulchan Aruch⁷³ writes that one must wear his tefillin when reciting *shema*. The Levush⁷⁴ writes, however, that one should not forgo the mitzvah of *shema* because of this halacha.⁷⁵ If someone does not have tefillin on hand in the morning and he is nearing the *shema* deadline (סוף זמן (קר"ש), he should recite *shema* without his tefillin and not forgo the mitzvah of *shema*.⁷⁶

דף טו.

ות"ק סבר שמע בכל לשון שאתה שומע

1] R' Yosi derives from the term [שמע [ישראל] - Hear [O Israel] - that *shema* must be recited loud enough to be heard (by the person reciting it). The halacha follows the Chachamim who maintain that even if one recited *shema* inaudibly, he is still *יוצא בדיעבד* - discharged his obligation and he need not repeat the *shema* (after the fact). The Chachamim explain that the term שמע teaches that one may recite *shema* שומע - in any language. The Mishna is Sotah 32a states that *sh'moneh esray* and *birchas hamazon* also may be recited in any language.

The *Sefer Chasidim*⁷⁷ writes that if one doesn't understand לשון הקודש and he is a G-d fearing person wishing to understand his prayers so that he could pray with the proper devotion, he should pray in a language that he understands.

Many authorities assert that praying in other languages is valid only if the translation is 100% accurate. Today, one should not pray in other languages - even if he doesn't understand לשון הקודש - because we do not know the precise definition of many words.⁷⁸

The *Mishna Berurah*⁷⁹ explains that there is a special advantage and sanctity to praying in לשון הקודש - since that is the language that *Hashem* used to create the world, and that is the language with which *Hashem* speaks to the *nevi'im* - prophets. Furthermore, he says since the *Anshei Knesses Hagedolah* originally

formulated the prayers in לשון הקודש it is more effective to pray with the exact language and terminology that was originally ordained - even if the language is not understood.

All agree that, ideally speaking, one should understand the prayers, and therefore it is best for one who doesn't understand לשון הקודש to study the translations of the prayers (at least so that he understands the basic concept and topic of each prayer).⁸⁰

2] The Reform Movement during the nineteenth century proposed praying publicly in the German language. The *Chasam Sofer*⁸¹ and others vehemently opposed this proposition. They maintained that although the Gemara in Sotah 33a says that a צבור - congregation - may pray in other languages, this is permitted only on a temporary basis (or, alternatively, it is permitted to introduce a specific prayer in another language such as יקום פורקן). However, by no means is it permitted to permanently institute a change in the language of the prayers which *Klal Yisrael* has been accustomed to throughout the generations. The *Chasam Sofer* points to the fact the *Anshei Knesses Hagedolah* formulated the prayers in לשון הקודש even though it was not spoken or understood at that time by the common folk (as they spoke Aramaic). This proves that לשון הקודש should be used even by those who do not understand it because there is a special sanctity to לשון הקודש (as mentioned above). Moreover, he explains that it is appropriate to daven in לשון הקודש since that is *Hashem's* language, and when speaking to a king it is proper to speak in the king's native tongue (just as *Achashveirosh* insisted - מדבר - כלשון עמו). If one wishes to understand the prayers he should study the translation and pray in לשון הקודש, rather than expect *Hashem* to listen to him in a foreign language.

דף טז.

חתן פטור מקריאת שמע

The Mishna says that a חתן (groom) who marries a *b'sulah* is exempt from the mitzvah of *shema* the night of the wedding. This is

because he is עוסק במצוה - preoccupied with the mitzvah [of consummating the marriage] - and one who is involved in a mitzvah is exempt from performing another mitzvah (עוסק במצוה (פטור מן המצוה). Moreover, says the Mishna, if the choson did not consummate the marriage on the night of the wedding, he is exempt from *shema* for the following three nights since his mind is still occupied with the mitzvah at hand.

The Mishna on 16b states that although a *choson* is exempt from *shema* on the night of his wedding, he is permitted to recite the *shema* if he is so inclined. Rabban Shimon ben Gamliel asserts that not every *choson* may decide to recite *shema* on the night of his wedding. He submits that a *choson* is not permitted to recite *shema* unless he is a recognized Torah scholar who has attained a high level of piety and is confident that the anxiety of his wedding night will not disturb his concentration when reciting *shema*. The Gemara (17b) explains that R' Shimon b' Gamliel forbids a *choson* who is of ordinary stature from reciting *shema* because it appears as יוהרא - conceit (*ga'avoh*), for he thereby demonstrates that he is on a higher level of piety than the average *choson* who finds it difficult to properly concentrate.

R' Akiva Eiger⁸² draws a distinction between the first night of the wedding and the following three nights. Even though a *choson* (who has not consummated the marriage) is exempt from *shema* for the first four nights, R' Akiva Eiger suggests that after the first night, a *choson* is permitted to recite *shema* if he wishes to do so - even if he is not a recognized Torah scholar. On the second or third night there is no concern of יוהרא since an onlooker who observes him reciting *shema* does not know that the marriage was not yet consummated and that he is still halachically exempt.

The Kol Sofer⁸³ points out that the wording of the Mishna on 16b supports R' Akiva Eiger's contention. The Mishna, in addressing the question whether every *choson* may decide to recite *shema*, speaks specifically of לילה ראשונה - the night of the wedding. Presumably, the reason the Mishna did not speak of next three

nights as well is that everyone agrees that a *choson*, regardless of his level of piety, is permitted to recite *shema* then - as R' Akiva Eiger suggests.

- The Shulchan Aruch⁸⁴ rules in accordance with Tosfos (17b, די"ה רב שישא) who says that today all *chasanim* should recite *shema*. The reason for this is not because everyone today is assumed to be extremely pious, but rather the contrary. Tosfos submits that since in any case people today recite *shema* with a lack of כוונה (devotion), a *choson's* recital of *shema* on the night of his wedding is not significantly different from his recital at other times. In fact, says Tosfos, if a *choson* today elects not to recite *shema* it would be considered יוהרא because his doing so suggests that he usually prays with a great degree of devotion.

דף יז:

הרואה אומר מלאכה הוא דאין לו

The Mishna in Pesachim 54b states that in some areas the *minhag* was to refrain from work on Tisha b'Av and in other areas there was no such custom. However, in all areas *talmidei chachamim* would refrain from work. R' Shimon b' Gamliel states that even if one lives in an area where the custom is to work on Tisha b'Av, one is permitted to accept upon himself the stringency of *talmidei chachamim* and refrain from work.

The Gemara notes that an apparent contradiction regarding R' Shimon b' Gamliel's position. In the Mishna on 16b (cited above) he prohibits a layman from conducting himself as a *talmid chacham* because of a concern of יוהרא (*ga'avoh* or haughtiness), whereas in the Mishna in Pesachim he allows a layman to refrain from work and he is not concerned about יוהרא.

The Gemara answers that Rabban Shimon b' Gamliel is not concerned that refraining from work will appear conceited. Since are many idle people in the streets each day, people will attribute his inactivity on Tisha b'Av to a lack of work and not to the fact that he wants to conduct himself as a *talmid chacham*.

The Gemara in Yevamos 13b applies this logic to the law of *לא תתגודדו*. The Gemara says there that people living in the same area should practice uniform halachic rulings (and customs). The Rambam⁸⁵ explains that practicing different laws and *minhagim* causes quarreling.

The Gemara says that if one refrains from working on erev Pesach in a place where the custom is to work on erev Pesach, there is no concern for *לא תתגודדו* because *הרואה אומר* - an onlooker will think that he is out of work - and it will not lead to quarrelling.⁸⁶

• There are different *minhagim* with respect to wearing tefillin on *chol hamoed* (see Shulchan Aruch Orach Chaim 31:2). When davening in a shul on *chol hamoed* where the *minhag* is to

wear tefillin, many Poskim⁸⁷ require one to act in accordance with the local *minhag*.

The Eishel Avraham⁸⁸ asserts that one whose *minhag* is not wear tefillin on *chol hamoed* is permitted to daven without tefillin in a place where the *minhag* is to wear tefillin. Just as the Gemara says that one's absence from work could be attributed to a lack of work, so too, one's lack of tefillin can be attributed to various excuses. For example, people could think that the visitor donned tefillin and davened earlier, or that he is suffering from a stomach ailment which prohibits him from wearing tefillin. Therefore, the Eishel Avraham rules that refraining from donning tefillin will not cause quarreling and is permitted. ■

להמקור של הדין דמתני' שם דמלחמת רשות צריך סנהדרין של ע"א, וא"כ איך שייך לומר דמלחמה זו אינו כשאר מלחמת רשות ולא בעי שאילת סנהדרין מעיקר הדין, וצ"ע.

דף ט
10 דף א. בדפי הרי"ף.
11 סימן ט.
12 או"ח סימן רל"ה סעיף ג.
13 וכן כתב הרמב"ם פ"א מהל' ק"ש ה"ט דאם אחר אחר חצות יצא, ועי' בית יוסף סימן רל"ה שמשמע דהבין בדעת הרמב"ם דס"ל כהרא"ש דפליגי ר"ג וחכמים אי מצוה לכתחילה לקרות בתחילת הלילה ופסק בחכמים והא דקיי"ל בדף דף ח: כ"ר"ג היינו רק לענין שמצותו מה"ח כל הלילה (ומבאר שלא בא הגמ' שם אלא לאפוקי מדעתו דר"א דס"ל דאין מצותה אלא עד אשמורה ראשונה), ועיי' בב"ח שחולק והבין דדעת הרמב"ם כ"ר יונה והא דיוצא אפי' אחר חצות משום דקיי"ל כ"ר גמלאל.
14 שם סימן רל"ה בביאור הלכה (סוד"ה וזמנה).

דף ט
15 (נדפס בהעין יעקב על אגדות השי"ס).
16 מפי השמועה.
17 על העין יעקב.
18 בהקדמה למס' ברכות סימן י"ח.
19 וכן מבואר בקדושין דף ל: דהקב"ה אומר "בראתי יצר הרע בראית תורה תבלתי" ומבאר בסמילת ישרים דרך התורה לבדה היא התבלין.

דף ט
20 משמע דנכתבין כל הדברים שלהם ולא רק החידושים כיון שעומדים על האמת, וכ"כ החת"ס דתרי נכתבים גם פשוטי דברים מה שמחדשין זה את זה אע"פ שאינן כל כך להלכה.

21 או"ח סימן צ"א, ס"ק ל"ג, וז"ל גם כשתפלת בביתו יקבע מקום שלא יבלבלוהו בני ביתו.
22 (ולפי"ז אם אין לו בני ביתו שמפריעים אותו א"צ קביעת מקום בביתו) וראיתי בספר גוני חיים שהקי' על המג"א דלכאוי צריך קביעות מקום בביתו אפי' בלי טעם זה (כמו שצריך קביעות מקום לדעת השו"ע אפי' בבית הכנסת), וי"ל דאין כוונת המג"א ליתן טעם לקביעת מקום אלא כוונתו לומר שנוכח לקבוע מקומו במקום שלא יבלבלוהו בני ביתו (ואבל אה"נ אפי' אם אין לו בני ביתו שמפריעים מ"מ צריך קביעת מקום, ועוד י"ל דכיון דקיי"ל כהרא"ש שצריך אדם לקבוע מקום אחד לכל תפלותיו א"כ אם נאנס ומתפלל בביתו בדרך אקראי לא שייך לו לקיים עיקר דין קביעת מקום בביתו שהרי כבר קבע מקומו בביהכ"נ, וממילא כתב המג"א דמ"מ יש ענין להתפלל במקום שאין מפריעים אותו).

23 או"ח סימן צ"ח סעיף ד' (והעיקר הלכה של קביעות מקום בסימן צ' סעיף י"ט).

24 סימן צ' ס"ק קי"ח, ועיי' באות ק"כ מש"כ בענין מי שאינו קובע מקום לתפלתו (שהמשחיתים באים ורוטטים אותה תפלה לפרנסתם, עיי', ולכאוי יש להיער דבשו"ע משמע דקביעת מקום הוא חיוב מעיקר הדין ובגמ' משמע דהוא מעלה יתירתא ולכך משבחין אותו).

25 ואולי י"ל בדרך אחר, דדרכו של עולם שאדם משנה מקומו בביהכ"נ מזמן לזמן (וגם משנה לביהכ"נ אחר) משום דהשכנים מפריעים אותו או משום תערומות שיש לו על המרא דאתרא או על הבעלי תפלה ועל הגבאי וכדומה, וממילא אם יש אחד שמתפלל כל ימיו במקום אחד אומרים עליו שהוא עניו - דהיינו שבלן גדול - בלי שום קפידות על בני"א, אי"נ אומרים עליו שהוא חסיד גדול - דהיינו שמתפלל ולומד בכונה ובדביקות עצומה עד שאינו נוהג לב ואינו מרגיש סביבתו כלל ואל איכפת ליה מעללי איש ותחבולותיו, וד"ל.

ב"ר

1) וכן ראיתי בשטה מקובצת החדש "חידושי הרי"ם" וכיון לזה בספר שערים מצוינים בהלכה כאן (ועי' בהקדמת ספר "חדשים גם ישנים" להגרי" שטייף וצ"ל שמאריך בטעמים למה התילה רבנו הק' מסי' ברכות במצות שמע.
2) כך הוא משמעות פשוטת הסוגיא ורש"י לקמן דף ט. "והאי דקאמרי עד חצות כדי וכוי" ולכאוי כן הוא שיטת הרא"ש סימן ט' שכתב דלא פליגי חכמים ור"ג אלא אם יש מצות חכמים לקרות לכתחילה לפני חצות ומשמע דבדעיבד אם אחר עד אחר חצות עדיין יש מצוה לקרות לכוי".
3) וכן לענין אכילת קדשים כתב רש"י דאסרו חכמים אחר חצות כדי שלא יבא לידי אכילת נותר דהוא איסור כרת), ודע שיש מקום לחקור לענין שופר בשבת וכן לענין אכילת קדשים אחר חצות אם עקרו חז"ל המצוה לגמרי או דילמא הטילו עליו איסור מדרבנן לתקוע בשבת (והנפ"מ הוא אם עבר על דברי חז"ל ותקע שופר בשבת האם מקיים מצות שופר מה"ח, אולם לענין קרי"ש לדעת ר"י קיי"ל לומר שהטילו עליו איסור לקרותו אחר חצות ויותר מסתברא לומר בכונת ר' יונה שעקרו המצוה מיני' ומימלא ליכא שום ענין לקרותו אבל לא מתסברא שיש איסור), ועי' רע"א במערכה ח' שנקט כצד ב' שלא עקרו המצוה לגמרי, ועי' קובץ שיעורים סימן ס"ח סק"ז ועי' מועדים וזמנים ח"ו סימן ח', ועי' שדי חמד מערכת מ"ם כלל נ"ט.
4) סימן ד'.

5) כן הקשה השג"א מצד הסברא (ועיי' שהאריך גם בראיות), ועיי' בחדשים גם ישנים שר"ל דהוה גופא כוונת רבן גמלאל, דבניו ס"ל כרבנו יונה ולכך סברו דתו אי"א להם לקרות קרי"ש, והשיב להם אביהם דלא עקרו חז"ל מצוה אחר חצות אלא בגוונא דנוגע להרחיק אדם "מעבירה" כלומר מאיסור לאו, ולא כדי לחזק מצות עשה), והנה יש להעיר מדין הקורא ק"ש אחר עלה"ש קודם נץ החמה דקיי"ל לקמן ריש דף ט. כדאי הוא ר"ש לסמוך עליו (לקרותה אחר עמוד השחר קודם נץ החמה) בשעת הדחק - כלוי דדוקא במקום אונס שייך לצאת אחר עלה"ש אבל אם פשע ולא קרא עד אחר עלות השחר שוב ליכא מצוה והיינו דאמר ר"ג לבניו שיקראו ק"ש דוקא אם לא עלה עמוד השחר (כן מבואר ברא"ש שם ובטושו"ע סו"ס רל"ה דלא יצא ידי חובתו אחר עלה"ש א"כ נאנס), א"כ לכאוי מבואר שלא כהשג"א דלכו"ע שפיר שייך שבטלו חז"ל מצות ק"ש כדי שיוצא לעתיד לבא (אולם עי' פני' דמאצד לומר דקריאת שמע של ערבית אחר עלות למי שטאנס הוא בגדר "תשלומים" ולפי"ז אתי שפיר ודויק).

דף ט

6) שו"ת סימן מ"ח, מובא במרגלית הים סנהדרין דף טז: (אות ח) ובספר שערים מצוינים בהלכה כאן (בא שם לישב למה צריך הגמ' להביא הקרא ועצת אחיותפל וכוי כיון שמפורש שם בדברי הימים א' (כז-לג) באותה קרא שקאי עליו הגמ' "ואחיתפל יושן למלך וגו").
7) מובא בעטרת זקנים על שו"ע ריש סימן ק"י (מובא כאן בספר חדשים גם ישנים להר" יחונתן שטייף, וכן בספר "שפתי חכמים" עמ"ס ברכות).
8) כלי כיון דשאר דברים שבמשנה גזון אין דנין את השמש ואין מוסיפין על העיר אלא בב"ד של ע"א לא שייך בהו הטעם כדי שיתפללו עליהם א"כ מה"ח רש"י דהוה הטעם שצריכין ליטול רשות מסנהדרין למלחמת רשות (ועי' שפתי"ח שגורס ברש"י - נוטלים מהם רשות "יובדי" שיתפללו וכו' אולם אף לגירסא צ"ע מה"ח רש"י לומר טעם נוסף), ולכאוי י"ל דרש"י ס"ל דכיון דיציאה למלחמה בעי שאלת אורים ותומים ממילא מוכח ששאלת סנהדרין אינו אלא כדי שיתפללו עליהם (אולם עיי' בסנהדרין סוף טז. שלא כתב רש"י שם הטעם כדי שיתפללו עליהם, ונע"ע בר"ן סופ"ק דע"ז דסוריא מיקרי כבוש יחיד משום שלא הסכימו סנהדרין, מבואר לכאוי דהסכמת סנהדרין מעכבת).
9) אולם פשט זה קשה לחלומ' בסוגיא שם שהרי הגמ' מביא עובדא זו (דדד) המלך שאל את אחיותפל וסנהדרין ואורים ותומים קודם שפשטו ידיהם (בגדוד)

26) [ע' תוסי' ע"ז דף ד]. שמבאר שבלעם אמר "כלם" והקב"ה הפך הקללה לברכה והפך האותו "כלם" ל"ימלך" כדכתיב "ותרועע מלך בוי" לכו"ו תירוץ זו לא שייך אלא לפי דברי אממר שם בני" דאמר כמה רגע כמימרא (כלומר, שיעור זמן אמירת "רגע" ולפי"ז יש בו שיעור לומר "כלם"), אבל לפי מש"כ הברייתא במכילתין דרגע היינו אחת מחמש רבוא ושלושת אלפים ותתמ"ח בשעה לכו"ו צ"ע האיך שייך לומר כלאם ברגע קטן בזה (ע' מהר"ץ חיות כאן שמצוין דפליגי ב' מ"ד בירושלמי אי רגע כמימרא או שיעורו אחת בחמש רבוא וכ"ו).

27) סימן קכ"ז, מובא במחצית השקל או"ח סימן ו' סק"ו.

28) וכעין זה בשו"ע או"ח סימן נ"ה סעיף ב' ו'ג' שאם התחיל להתפלל בעשרה יכול לגמור התפילה והקדיש אע"פ שיצאו מקצתן (אמנם אין מותר אלא לגמור אותה ענין שהתחיל ע"ש).

29) סוף סימן קכ"א, בשם יהודה הק' מפשיסא.

30) (אב"ד בוטשאטש) סימן ק"ד (וכתב שם דלכתחילה יש לדקדק לסיים בזמן).

31) סימן ק"י סעיף ה'.

32) ועי' ספר שערם מצוינים בהלכה כאן בשם ירושלמי ברכות פ"ד ה"א דרב התחיל תפלת נעילה בזמנה והמשיך לתוך הלילה, ועי' פרמ"ג אי"א סימן תרי"כ שמוסרין את רשאי להתחיל מוסף קודם שבע שעות אע"פ שלא יגמרנה עד אחר שבע שעות.

33) סימן רל"א סעיף א' (וכן ע' ברמ"א סימן קכ"ד סעיף ב').

34) סימן קכ"ד סק"ד (וכן מדויק ברמ"א שם אלא דשייך לדחוק דאיייר הרמ"א בכוונת שאם יתפללו יתפללו בלחש שיעבור זמן תפלה לגמרי קודם התחלת חזרת הש"ץ), וכן מבואר במג"א סימן ק"י סק"א שם כה"ג דאם השעה עוברת צריך להתפלל התפלה קצרה הבינו ולא אמרין שיתפלל תפלת י"ח בלבד שיתחיל בזמנו אע"פ שמסיים אחר זמנו.

35) סימן נ"ח סק"ה (ובשעה"ש שם מצוין לפרמ"ג סימן פ"ט).

דף יא

36) (מ"א ר' הלל ליכטנשטיין מקאלאמאי, מחבר ספר עת לעשות, אבקת רוכל ועוד) תי' זה מובא בשיטה מקובצת החדש שנדפס בשנת תשכ"ו (נערך ע"י ר' חנניא כהן ועוד רבנים תחת נשיאות הר' יונתן שטייף).

37) ע' בפתח עינים להחיד"א כאן שתי' בשם רבני אשכנז דבבבל לומדים תורה ואח"כ נושאין אשה (כדאיתא בקידושין דף כט: ובתוסי' שם) וממילא אין צריך לשאול להתורה מנינה עליו שלא יכשל באשה שאינה הוגנת לו, ועי' לקמן בשם ספר "מעון הברכה" שתי' באופן אחר קצת.

38) הלכות לשון הרע כלל א' בבאר מים חיים אות י"ג.

39) ותי' שם על פי שיטת הרמב"ם בפ"ז מהל' דעות ה"ב דדבר שכבר נודע לגי בני אדם אין בו משום לשה"ר ומסתמא אשה שהיא מר ממות כבר נודע מעשיה להרבה בני אדם, אולם צ"ע שיש הרבה ראשונים שחולקין על הרמב"ם כמבואר בבאר מים חיים הל' לשה"ר כלל ב' סק"ד (ועוד כי שם הח"ח דאפי' בדעת הרמב"ם קשה לסמוך על קולא זו שיש בו הרבה תנאים), ועוד אפי' לדעת הרמב"ם דס"ל דמצד עיקר הדין אין בו משום לשה"ר מ"מ נראה כמנהג תמוה לשאול אורות אשתו שכמוהו בדר זה אינו מביא לא לידי אהבה ולא לידי יראה.

40) נחלת יעקב עה"ת (מתנתיהו) פתח בראשית על הפסוק ויביאה אל האדם.

41) וכעין זה פי' הר"י"ע על הענין יעקב כאן (שהוא ג"כ נקט שלא היה בדרך שאלה) ע"ש.

42) ועפ"ז כתב בספר מעון הברכה לפרש דבחוו"ל לא היו צריכין לומר לחתן שיחת מוסר זו כיון שדרכם היו ללמוד תורה קודם נישואין (כדאמרין בקידושין דף כט: ו' ע"ש בתוסי' בשם ר"ת) ממילא כבר ידע דרכי הנהגה.

43) ע"ע במנחם משיב נפש וצ"ח כאן.

דף יב

44) או"ח סימן צ"ט.

45) והוסף שם הב"י דעוד יש לחלק דהני זוגי דרבנן נרדמו מתוך שכרות משא"כ בניו של ר"ג השתכרו כל הלילה ולא נרדמו והיה להם לקרות מתוך שכרותם דשיכור מותר בקרי"ש.

46) כל' לא מביני לדעת ר' יונה דס"ל דלכו"ע מחויב לקרות קרי"ש מיד כשתשך, אלא אפי' לדעת הרא"ש צ"ע שגם הרא"ש מודה דאסור לאכול קודם קרי"ש.

47) ר"י כתב שם דקרי"ש של ניהיכין עיקר דס"ל כר' יהודה, והפניני ר"ל דאפי' לרש"י קרי"ש של ערבות עיקר ויוצאין כיון דאיכא אגוני דגנו בהניא שנתא, ועי' רש"י שם בדף ב'. שכי' לפיכך חובה לקרותה משתשך משמע קצת שלכתחילה צריך לקרותה מיד כשתשך (ועי' פניי' שם בדף ב') וכן משמע בשו"ע או"ח סימן רל"ה סוף סעיף א', וע"ש במג"א סק"ב ובמשנ"ב שם ס"ק י"ט שכי' דמי שקרא קרי"ש מבעו"ה מותר להתחיל סעודה (סמוך לזמן קרי"ש) קודם שיקרא שנית (ומסיים שם המשנ"ב דאחר צאת הכוכבים נכון לזוהר ולקרותה מ"ד).

48) כל' כיון דאין יוצאין אחר עמוד השחר אלא במקום אוס ממילא מי שכבר יצא בדיעבד תו לית ל"י לקרותה אחר עלות השחר.

דף יג

49) ע"ש במאירי שכתב שם עוד דאין לקבל מתנה אי"כ דעתו לשלם איהו דבר בעבורו.

50) אבות פרק ד' אות ל"ב ד"ה מיהו, וכן איתא בחדשים גם ישנים כאן (ועי' בחי' חתם סופר כאן שכי' עוד נפ"מ בין אלישע לשמואל).

51) ח"י על מסכת חולין סוף דף מד: - וז"ל רוב חכמי ישראל מתפרנסים מאחרים על כרחם שלא בטובתם והם שונאים המתנות והמה על אפם ועל חמתם וכ"ו.

דף יד

52) ובשו"ע סימן ס"ג סעיף ב' לא כתב אלא שנקרא עבריין ע"ש בפרמ"ג ובמשנ"ב.

53) ולא עוד אלא שכתב הרא"ש בשם ר' יונה דקיי"ל כב"ש בזה וצריך לחזור, והוא דעתו בשו"ע ריש סימן קפ"ד.

54) או"ח סימן רפ"ד סוף סק"א.

55) שו"ת הרמ"א, מובא בש"מ החדש.

56) לפי"ז לכו"ו מותר להחמיר כב"ש בקרי"ש של שחרית ולעמוד, אולם בשו"ע סימן ס"ג סעיף פסק דמי שמישב ומחמיר לעמוד נקרא עבריין (ועי' ערוה"ש בסיומן ס"ג שכי' עוד טעם שלא להחמיר כב"ש משום דאתי לידי תקלא דאתי למימר דלא ילפינן מבשכבך ובקומך אלא שצריך לעמוד ולשכב ואתי למימר דליכא בתורה זמן לקרי"ש ואתי ליבטל על ידי זה זמן קרי"ש ולכן נענש ר' טרפון).

דף יו

57) פ"ד מהל' ברכות י"ב על פי הגמ' לקמן דף כא.

58) עי' פניי' כאן סוד"ה בתוסי' שמחדש דהמברך כדי להסתלק מן הספק לא מקרי ברכה לבטלה.

59) סוף סימן רי"ד (וכעין כתב גם הרע"א כאן בגליון השי"ס, אבל מבואר בדבריו בהג' על שו"ע סימן ר"ט שהבאנו לקמן דכוונתו כמו שכתבנו לקמן, וברע"א שם מסיים דאולי כן הוא כוונת האבן העזר).

60) בהג' רע"א על שו"ע ריש סימן ר"ט, וע"ע כאן בגליון השי"ס שכי' כ"ז בקיצור נמרץ (ועי' באות הנ"ל), וברע"א הביא שהמהרש"א בפסחים דף קב. כתב בדעת הרשב"ם דכשיש ספק ברכה אסור ליהנות מספק.

61) ועי' פניי' כאן שהקי' עוד למה לדעת הר"י לא אמרין ספק דרבנן לקולא, וגם הרע"א בא לישב קושיא זו, וע"ע מג"א סימן ר"ט סק"ג שהקי' כן וע"ש מה שתייר.

62) סימן ר"ט סעיף ג', וסימן קס"ז סעיף ט'.

63) שם בסיומן קס"ז סק"ג מ"ח.

דף יז

64) רש"י כתב דמפני היראה היינו מפני אדם שהוא ירא מפניו שלא יהרגו, ועי' רא"ש ורשב"א (דף יג:) שחולקין על רש"י וס"ל דאי איכא סכנת נפשות פשיטא שישאלו מפני היראה, וממילא ס"ל דמפני היראה היינו כגון רבו ואביו שחייבין במוראם, וע"ע ברש"י.

65) פרשת ואתחנן, מובא במג"א סימן ס"ו סק"ב.

66) שם, וכן באלהי רבה שם.

67) סימן ס"ו ס"ג.

68) ועי' מג"א ומשנ"ב בענין ברכה על הרעמים ששמע באמצע קרי"ש.

דף יז 69) או"ח סימן י"ז סוף סק"ג, וע"ש עוד שמאר"ך בפילפול לישב מנהג ששואלו מפני היראה, וממילא ס"ל דמפני היראה היינו כגון רבו ואביו שחייבין במוראם, וע"ע ברש"י.

עה"ת בפרשת בלק כג-כד שז"ל שם "לחטוף את המצות לבלוש טלית ולקרוא את שמע ולהניח תפילין.

70) כתב כן אפי' לטעמא דעולא דלא היו כעדות שקר אי"כ אין דעתו להניח תפילין כלל.

71) מובא ביד דוד כאן.

72) ח"א דף ז. ס"ח.

73) סימן כ"ה סעיף ד'.

74) סימן נ"ח סק"ב, והביאו המשנ"ב בסיומן כ"ה סוף סק"ג י"ד (וע"ש באלהו זוטא סק"ב שהביא בעל מגדול דוד שחולק על הלבוש וסבר דמותר להתחיל על התפילין ואם נאנס עד שיעבור הזמן הוא אוס).

75) ועי' מג"א סימן ס"ו סק"ג י"ב שהוכיח דקרי"ש עם תפילין עדיף מתפילה בצבור, ועי' ביאור הלכה ריש סימן נ"ח ד"ה ומצוה שהוכיח דמעלות כוונתין עדיף מקרי"ש עם תפילין.

76) ועי' בלבוש שם שכי' דאח"כ כשיהיה לו תפילין ייחס ויקרא בהם קרי"ש אַן פרשה אחרת (וראיתי בשם ה"ח שחולק וס"ל דלא צריך לקרוא בהם שם מזמור כלל) ועי' בתשובת מהר"ל שהביא הבית יוסף בסוף סימן ל"ד שכי' דמי שחושש לדעת ר"ת ומניח תפילין דר"ת אחר התפילה וחושש שלא יהא כמעיד עדות שקר יקרא בהם קרי"ש, מדויק שיש לקרות דוקא קרי"ש כדי לתקן בזה חשש עדות שקר, ומסתבר שאין זה שייך אלא שעדיין לא עבר זמן קרי"ש (משא"כ הלבוש איירי במי שהגיע לו תפילין אחר זמן קרי"ש, ודו"ק) ולכא"ו יש לדייק מזה דמי שקרא קרי"ש בלי תפילין מחמת שלא היה לו תפילין (או שקם ממטתו בשעה מאוחר וחשש שיעבור הזמן קרי"ש) דאם הגיע לו התפילין (קודם זמן קרי"ש) טוב להניחם ולקרות קרי"ש עמהם קודם זמן קרי"ש, ועדיין צ"ע בזה

דף טו

77) סימן תקפ"ח.

78) יד אפרים סימן ק"א, משנ"ב סימן ס"ב סק"ג בשם אחרונים.

79) סימן ק"א ס"ד בביה"ל (ואולי הוא ע"פ החת"ס המובא לקמן).

80) עי' יד אפרים על מג"א סק"ה.

81) חו"מ סימן קצ"ב ובליקוטים סימן פ"ד ופ"ו.

דף טז

82) תוספות רע"א על משניות (ב-ח) וכתב כן בדרך אפשר.

83) ספר קול סופר (מובא בש"מ החדש).

דף יז 84) סימן ע' סעיף ג' ומשנ"ב שם ס"ק י"ד.

85) הל' עכו"ם פרק י"ב הל' י"ד, וע"ש ברש"י שכי' הטעם משום שלא תהא נראה כבי' תורות ולפי"ז לא שייך לא לתגודו אלא על דינים שמעיקר הדין ולא על מנהגים כדאיתא שם בגמ'.

86) עי' מג"א סימן תצ"ג סק"ו שמאר"ך בענין לא לתגודו וכי' דסברא זו של הוראה אומר וכי' לא קאי למסקנא.

87) שו"ת ב"ח החד' סימן מ"ב ושו"ת השב משה סימן ל"א, ועי' מג"א הנ"ל.

88) (בוטשאטש) סימן תצ"ג.

| | | | |
|----|--|----------|----|
| ב | In memory of AARON LAUB z"l; by Feigenbaum, Laub and Shmutter families | כא אדר א | W |
| ג | לז"נ ישראל ב"ר מאיר ז"ל* | כב אדר א | TH |
| ד | לז"נ רחל בת נח ווייזנסקי ע"ה* | כג אדר א | F |
| ה | לז"נ משה זעליג בן צבי ז"ל* | כד אדר א | SH |
| ו | | כה אדר א | S |
| ז | Mazel Tov to "ARON DOV BER HALEVI" upon his Bar Mitzvah | כו אדר א | M |
| ח | | כז אדר א | T |
| ט | לז"נ מוה"ר זישא ב"ר משה Neuman ז"ל* | כח אדר א | W |
| י | | כט אדר א | TH |
| יא | | ל אדר א | F |
| יב | Mazel Tov to Hy & Henny Sternfeld on their 40th wedding anniversary | א אדר ב | SH |
| יג | | ב אדר ב | S |
| יד | לז"נ חנה ריווא בת שמואל זישא זינגער ז"ל* | ג אדר ב | M |
| טו | | ד אדר ב | T |
| טז | לז"נ אהרן שמואל בן אליעזר ז"ל* In memory of AARON FEINERMAN on his 2nd Yartzeit - by his sister Ricki | ה אדר ב | W |
| יז | לז"נ Etzion (Holzberg) by his children- יצחק רפאל הלוי ז"ל | ו אדר ב | TH |

* Denotes Yartzeit

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