

הונצח לז"נ ר' חיים משה בן מנחם מנדל ז"ל - יום היארצייט ר"ח אב - תנצב"ה

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שבת דף קו-קכב/ יא אב תשס"ה

דף קו.

מה לי לתקן מילה מה לי לתקן כלי

• As a general rule, כל המקלקלין פטורים - one who performs a *melacha* in a destructive manner is פטור.

R' Shimon maintains that חובל ומבעיר - inflicting a wound and burning something in a fire - are two exceptions to this rule. He says one is חייב for these *melachos* even if they are performed in a destructive manner.

• The Gemara below on 132a derives from the posuk (Vayikra 12:3) וגו' וביום השמיני ימול וגו' that it is a mitzvah to circumcise an infant on the eighth day even if it falls on Shabbos. [Note: Circumcision may be performed on Shabbos only when the *bris* takes place on time - on the eighth day - but not in the event the *bris* was delayed.]

R' Shimon proves from the fact that it was necessary for the posuk to teach that *bris milah* overrides Shabbos, that in general one is חייב for inflicting a wound on Shabbos (even though it is a destructive act).

R' Yehuda disagrees with R' Shimon, arguing that performing a *bris milah* is similar to תיקון כלי - fixing a vessel. Rashi explains that circumcision is considered a *melacha* because it is מתקן גברא - it perfects a person. [The Rashba points out that the *bris milah* makes a person fit to partake in *kodashim* (sacrificial meat, such as the korbon Pesach).]

The Terumas Hadeshen¹ understands that Rashi means to say that performing *milah* on Shabbos (when not permitted, such as when the *bris* is delayed) is a violation of the *melacha* of *מכה בפטיש*, which means striking a (final) hammer blow, refers to the *melacha* of performing the final act which prepares an item for use, see 102b.] This is also the view of the Magen Avos.²

The Minchas Chinuch³ disagrees and maintains that one is not חייב *מכה בפטיש* unless he makes a physical improvement in the vessel. Circumcision is not a violation of *מכה בפטיש* since it does not effect a physical or tangible improvement in the person; *Milah* benefits a person (and permits him to partake in *kodashim*) only from a religious standpoint.⁴ When the Gemara says that circumcision is similar to fixing a vessel, it means to say that it is not regarded as a destructive wound and it is not considered as מקלקל - a destructive act. *Milah*, however, is not an act of *מכה בפטיש* but rather an act of חובל.^{5 6}

דף קז.

אע"פ שעמד הראשון והלך לו, השני פטור ומותר

The Mishna (105b) says that if a deer enters a house and one traps it by blocking the doorway, he is חייב under the *melacha* of צד - trapping.

If someone was sitting and blocking the doorway and then a second person

comes and sits in the doorway (and blocks it as well), the Mishna says that the second person is פטור even if he continues sitting in the doorway after the first person leaves his post. Since the deer was already trapped before the second person arrived, the second person's act of sitting and blocking the doorway is insignificant. Moreover, even if the first person leaves his place, the second person is still exempt if he remains in his place (even though he is now the only person preventing the deer from exiting the house) because merely remaining in one's position cannot be considered an act of trapping. The Gemara (106a) concludes that not only is the second person פטור - exempt from a chattos - his action is entirely מותר - permissible (even on a rabbinic level).

The Gemara seems to be referring to a case in which each person is large enough to block the entire doorway with his body. Consequently, the Tosfos Yom Tov asks how it is possible for the first person to leave his position without causing the second person to stand up. [The Tosfos Yom Tov points out that if the second person would rise to allow the first person to exit (thereby creating a gap in the doorway, from which the deer could escape) he would be forbidden to sit down again and block the doorway because by doing so he is actively performing a new act of trapping.]

The Rashash agrees with the premise of the Tosfos Yom Tov and explains the case of the Mishna as follows. The doorway was wide enough to accommodate two people sitting side by side, but was not wide enough to accommodate more than one deer (because a deer is considerably larger than a person). When the first person sat down and blocked half the doorway he has in effect trapped the deer because the deer was too wide to escape through a half-blocked doorway. The Mishna teaches that the second person is permitted to sit down in the doorway alongside the first person and close the remaining gap because the deer is already trapped (by the first person). Moreover, even if the first person leaves his place and walks away, the second person is permitted to remain seated. [Since both people are sitting in the doorway side-by-side, obviously it is possible for the first person to leave while the second person remains seated in his

place.] According to the Rashash, when the Mishna says that the first person blocked the doorway (וּמִלְאָהוּ יֵשֵׁב הָרִאשׁוֹן עַל הַפֶּתַח), it does not mean that he blocked the entire doorway, it just means that he blocked enough of the doorway to prevent the deer's escape.

The Magen Avraham⁷ disagrees with the premise of the Tosfos Yom Tov (and the Rashash) and maintains that even if the second person stood up to allow his friend to exit, he is permitted to sit down again because he says that the act of blocking a previously trapped animal is not considered trapping.⁸ The Magen Avraham argues that if an animal or bird is enclosed in a house, one is permitted to open and close the door in order to enter or exit the house (because doing so merely ensures that the animal does not escape from its original trapped condition but it is not considered a violation of צד - trapping).⁹

דף קח. אם יבא אליהו ויאמר

The Gemara derives from the posuk, stated in the parsha pertaining to *tefillin* (Sh'mos 1:9), למען תהיה תורת ה' בפיך, that *tefillin* must be written on parchment made from the hide of an animal which is מותר בפיך - permissible to be taken into your mouth - meaning, from the hide of a kosher animal.

Mar the son of Ravina asked Rav Nachman bar Yitzchak whether one may write *tefillin* on the skin of a kosher fish. Rav Nachman, uncertain of the *halacha*, replied that when Eliyahu *HaNavi* arrives he will inform us of the *halacha*.

The Gemara then asks, מאי אם יבא אליהו? Rashi explains, the Gemara means to ask how Eliyahu can inform us of the *halacha*; the laws of Torah cannot be decided in heaven. Rashi apparently is referring to the Gemara in Bava Metzia 59b which postulates, תורה לא בשמים היא - the Torah is not in heaven. Once Hashem gave the Torah to B'nai Yisrael at mount Sinai, its interpretation rests solely in the hands of the

sages on earth; a decision rendered in heaven has no bearing on *halacha* vis-a-vis us earthlings.

The Chasam Sofer¹⁰ posits that Eliyahu *HaNavi* can appear on earth in two forms, (a) as a human being, or (b) in spirit only, such as in a dream or in a prophetic revelation. When Eliyahu *HaNavi* appears in human form he is regarded as a human being and he is obligated to observe the laws of the Torah. Therefore, when he appears in human form he is authorized to issue halachic rulings. However, when Eliyahu *HaNavi*'s spirit appears to someone prophetically then he is regarded as a מלאך - angel - and his Torah teachings are not binding on earth because in such a case the Torah that he teaches is classified as תורה מן השמים - heavenly Torah.

The Rambam¹¹ writes that a *navi* (prophet) is not believed if he adds, subtracts, or modifies mitzvos of the Torah because the Torah, in the form that it was handed down to Moshe at Sinai, is valid forever and is never changing. Just as a *navi* is not believed in saying that Hashem instructed him to (permanently) change a mitzvah, so too, he is not believed to render halachic decisions (or to decide halachic disputes) based on prophecy because תורה לא בשמים היא.¹² According to the Rambam, even if Eliyahu *HaNavi* appears in mortal form he may not render halachic decisions based on prophecy.

The Mishna LaMelech¹³ distinguishes between halachic decisions which depend on logic or scriptural proofs, and those which are based on the knowledge of practical information and facts (מצואות). For example, if the origins of a piece of meat is unknown to us, a *navi* may reveal to us via prophecy that it comes from a properly-slaughtered animal and the meat may be eaten.

- The Gemara here answers that the validity of fish skins for *tefillin* parchment depends on whether or not פסקה זוהמה (it still smells after the skins are processed¹⁴). The Maharatz Chayis explains that the Gemara means to say that Eliyahu is authorized to prophetically decide the halachic status of fish skins since it is based on practical knowledge of the nature of fish skins rather than on logic or scriptural proofs.¹⁵

דף קט:

שותה הוא מי דקלים לצמאו

There is a rabbinic prohibition against taking medicine on Shabbos (or performing other medical procedures¹⁶) because of a concern of שחיקת סממנין - that one may mistakenly grind herbs - in his haste to prepare the remedy.¹⁷

[This prohibition, of course, does not pertain to a חולה שיש בו סכנה - dangerously ill person - for whom even a *melacha* min hatorah may be performed. Furthermore, the Ramoh¹⁸ rules that this rabbinic prohibition does not apply to one who is נפל למשכב - bedridden - or חולה כל גופו - whose complete body is in pain.]

The Mishna says that a food which has therapeutic properties but is commonly eaten by healthy people (מאכל בריאים) may be eaten on Shabbos. The Rambam¹⁹ explains that a sick person is permitted to eat such foods on Shabbos even if he does so with the intent of healing himself because it is considered a food, not a medicine. For example, a person suffering from a sore throat may eat an orange on Shabbos to soothe and heal his throat because an orange is מאכל בריאים (a food eaten by healthy people).

The Mishna says that one may not drink מי דקלים (water that issues forth from certain palm trees, which was used as a strong laxative, Gemara 110a) because it is not commonly drunk by בריאים - healthy people.

The Mishna says, however, that one may drink מי דקלים to quench his thirst.

Rashi (ד"ה לצמאו) and the Tur,²⁰ in explaining this *halacha*, comment that one may drink מי דקלים to quench his thirst if he is not ailing, thus indicating that a sick person is forbidden to drink מי דקלים regardless of his intent.

The Bais Yosef explains that the permissibility of drinking מי דקלים does not depend on one's intent (as the Mishna implies)

but rather on one's health condition. When the Mishna says that one may drink מי דקלים to quench his thirst, it means to say that a healthy person may drink it. The Mishna describes a healthy person in this manner because healthy people would typically drink מי דקלים to quench their thirst - as opposed to sick people who would typically drink it as a remedy. According to the Bais Yosef a sick person may not take medicine even if his intent is to quench his thirst, and conversely, a healthy person may always take medicine - even for therapeutic reasons (i.e., to strengthen his body). [The Igros Moshe²¹ explains that the concern of שחיקת סממנין pertains only to sick people since they are in pain and the sages were concerned that they might violate Shabbos in their haste to prepare a remedy and find relief. The sages were not concerned that a healthy person might mistakenly crush herbs to prepare himself medicine because he is not in pain and he has no pressing need for the medicine.]

The Magen Avraham,²² however, maintains that one may drink medicine only when there is a combination of two factors; (a) he is a בריא - healthy person, and (b) his intent is to quench his thirst.

The Igros Moshe writes that this dispute between the Bais Yosef and the Magen Avraham bears upon the question as to whether taking vitamins is permitted on Shabbos. According to the Bais Yosef a healthy person may take vitamins to provide added strength because the *issur* of taking medicine does not apply to healthy people.²³

According to the Magen Avraham taking vitamins should be prohibited since they are taken for therapeutic reasons (and a person, even if healthy, is not permitted to take medicine unless his intent is to satisfy his hunger).

R' Moshe asserts, however, that even according to the Magen Avraham's opinion one is permitted to take vitamins on Shabbos if he takes them as a preventive measure, rather than for added strength.²⁴

דף קי:

אמר ר' יוחנן הרוצה שיסרס תרנגול

The Gemara derives from a posuk that it is prohibited to be מסרס (castrate) a person. The Gemara in Chagigah 14b says that is also prohibited to castrate animals, whether kosher or non-kosher species.²⁵

The Gemara says that not only is it prohibited to directly damage one's reproductive organs, it is even forbidden for one to indirectly cause sterilization by drinking a כוס של עיקרין (a brew that causes one to become sterile).

R' Yochanan said that one who wishes to sterilize his rooster should cut off its crest and it will become sterile.

R' Ashi explains that a rooster is especially prideful of its crest and its removal has a humiliating and sobering effect on the rooster, causing it to refrain from mating. Since removing the crest does not actually cause impotency, it is not considered an act of סירוס and is permitted.

The She'arim Metzuyanim B'*halacha* asks why severing a rooster's crest is not prohibited because of the *issur* of צער בעלי חיים - causing pain to living creatures.²⁶

In answer, he cites the Terumas Hadeshen²⁷ who asserts that one may pluck feathers from a live bird to stuff pillows and quilts. He explains that animals were created to serve the needs of humans (Kiddushin 82a) and therefore it is permitted to cause pain to animals when needed for the benefit of humans.

Similarly, the Gemara (end of 109b) says that one who was bitten by a snake should take the fetus out of a pregnant white donkey, cut it up, and put it on the bite, thus indicating that causing pain to an animal is permitted when needed to treat a sick person.

The Terumas Hadeshen writes, however, that it is a מידת חסידות (act of piety) to refrain from pulling out feathers from a live bird even though it is permitted according to the letter of the law, because one who does so may become accustomed to acting with cruelty (אכזריות). Accordingly, even though it is permitted to use animals for medical research, one should be aware that by repeatedly torturing the animals

he might develop a cruel disposition (and therefore one should make an effort to minimize their pain).²⁸

דף קיא. בענין סירוס אשה

Hashem told Adam, פרו ורבו ומלאו את הארץ, וכבשה - be fruitful and multiply and fill the earth and conquer it (Bereishis 1:28). This was a commandment to marry and have children. The Rabbanan (Yevamos 65b) derive from the word וכבשה that only men, who characteristically wage war and conquer, are obligated in the mitzvah of פרו ורבו, but women do not have a mitzvah to beget children. R' Yochanan ben Berokah disagrees and is of the opinion that women as well as men are obligated to procreate.

The Gemara says that according to the Rabbanan (who say that women are exempt from the mitzvah of פרו ורבו), a woman is permitted to drink a כוס של עיקרין - a brew that causes sterility, whereas according to R' Yochanan ben Berokah a woman is prohibited from drinking a כוס של עיקרין.

The Minchas Chinuch²⁹ points out that the *issur* of מסרס - performing castration - even applies to animals as stated above. This demonstrates that there is no correlation between the mitzvah of פרו ורבו and the *issur* of מסרס because although there is no mitzvah for one to cause his animals to reproduce, it is still prohibited to castrate them. Why then, asks the Minchas Chinuch, does the Gemara assume that (according to the Rabbanan) a woman is permitted to drink a כוס של עיקרין just because she is not obligated in the mitzvah of פרו ורבו?

The Minchas Chinuch answers that our Gemara assumes that women are permitted to drink a כוס של עיקרין because R' Yehuda (in a braysoh in Toras Kohanim³⁰) excludes women from the *issur* of סירוס based on a posuk (and not merely because they are excluded from פרו ורבו). The Gemara is of the opinion, however, that even though women are excluded from the *issur* of סירוס, nevertheless, according to R' Yochanan ben Berokah they are forbidden to drink a כוס של עיקרין because it amounts to a violation of the mitzvah of פרו ורבו.³¹

• The Maggid Mishna³² infers from the wording of the Rambam that although one who castrates a woman is not subject to the penalty of *malkus*, it is nevertheless a prohibited act.³³

The Vilna Gaon³⁴ writes that castrating a woman is an *issur min haTorah*.

The Igros Moshe³⁵ states that according to the Vilna Gaon it is prohibited for a woman to undergo a hysterectomy (or any other procedure that will permanently prevent her from bearing children) unless she is suffering from a life-threatening medical condition.³⁶

דף קיב. התיר רצועות מנעל וסנדל

Tying and untying [permanent] knots are included among the list of thirty-nine prohibited *melachos* enumerated in the Mishna on 73a. The Gemara gleans from the Mishnayos on 111b that there are three categories of knots: (a) Permanent knots (קשר של קיימא), (b) long-lasting knots, and (c) temporary knots.

(a) Tying a permanent knot that is intended (and able) to last indefinitely is a biblically prohibited *melacha* which carries a chattos liability.³⁷

(b) Tying a knot that is meant to remain knotted for a long time, i.e., more than twenty-four hours, but not forever, is rabbinically prohibited.³⁸

(c) Tying a knot with the intent to undo it within twenty-four hours is permitted.

[Note: The above codification follows Rashi. However, according to the Rambam³⁹ tying a professional-type knot (מעשה אומן) is prohibited even if it is only temporary. According to many authorities, a tightly tied double knot is classified as a professional-type knot and may not be tied on Shabbos - even temporarily.⁴⁰] The Gemara (112a) notes a contradiction: One braysoh states that it is prohibited to tie and untie shoe straps on Shabbos while another braysoh says that it is permitted.

The Gemara answers that the braysoh which permits tying shoe straps is referring to the type

of straps which are meant to be undone daily. Whereas, the braysoh that prohibits tying shoe straps refers to shoes of the רבנן - rabbis. Rashi explains that the rabbis would commonly not tie their shoe straps tightly so that they could slip their shoes off at night without untying the knot. Tying such a knot on Shabbos is prohibited since it is meant to last for a long time.

Alternatively, the Mordechai explains that the rabbis were so engrossed in Torah study that they would satisfy their daily sleep requirements by dozing off in the middle of studying and they generally would not bother to remove their clothing except for on Shabbos. The second braysoh prohibits tying such a knot since it is meant to last for an entire week.

The Taz⁴¹ asks according to the Mordechai, how, indeed, were these rabbis permitted to tie their shoes upon getting dressed on Shabbos morning since the knot they tied on Shabbos morning would remain tied all week long, until the following Friday night? Likewise, it is difficult to understand why those rabbis were permitted to untie their shoes when undressing on Friday night, since their shoes were knotted for the entire week and such a knot is considered a long-lasting knot (category B).⁴²

The Nesiv Chaim⁴³ answers that the rabbis, because of this problem, would make only a bow on Shabbos morning, and after Shabbos they would open the bow and make a knot.

To explain why they were permitted to untie their shoes on Friday night (which were knotted), he cites the Rosh who says that untying a knot is a *melacha* only when done with the intent to retie it (as was done in the mishkan). Since the rabbis did not intend to retie their shoes on Shabbos morning with a knot (as they would make a bow on Shabbos morning), they were permitted to untie them Friday night.⁴⁴ [Note: Tosfos 73a, ד"ה הקושר cites Rashi as saying that untying a knot is a *melacha* even if one has no intention of retying it.^{45,46}

דף קיג.

חבל דלי שנפסק לא יהא קושרו אלא עונבו

The braysoh cites a dispute as to whether it is permitted to make a bow on Shabbos. The *halacha*⁴⁷ follows the opinion of the Rabbanan

that say if the rope holding a bucket snapped, one is permitted to fix the rope on Shabbos with a bow (even if it is permanent bow).

The Ramoh⁴⁸ cites the Agur who rules that one is even permitted to make a bow on top of a single knot.

The Mishna Berurah⁴⁹ cites a dispute regarding this matter and he concludes that one should conduct himself in accordance with the authorities who maintain that making a single knot with a bow on top is permitted only if it is a temporary bow, which means that it must be made with the intent to open it within a twenty-four hour period. If one wishes to tie something for longer than twenty-four hours, the Mishna Berurah advises him to make a double bow, rather than a single knot and a bow.

The Sefer Minchas Shabbos⁵⁰ points out that according to the Mishna Berurah's ruling, one should not tie the Sefer Torah in the usual manner (i.e., a bow on top of a knot) unless it is meant to be undone within twenty-four hours. Accordingly, he remarks that the person who is honored with "*gelilah*" (rolling the Sefer Torah) after the Shabbos Mincha Torah reading should not tie a knot and a bow when fastening the sash on the Torah. Rather, he should tie a single knot and tuck in the ends of the sash. The same prudence must be exercised on Shabbos morning when two Sifrei Torah are used, such as on Rosh Chodesh. When rolling the Sefer Torah that was used for the Rosh Chodesh reading, care must be taken not to transgress the *issur* of קושר - tying - since that Sefer Torah will probably not be used again during the week and the sash will remain in place for a long time.

Horav Shlomo Zalman Auerbach⁵¹ is quoted as saying that the custom is to make an ordinary knot and bow even at Shabbos Mincha. Evidently, when a mitzvah is involved (e.g., securing the Sefer Torah properly), the accepted practice is to rely on the Ramoh (who permits making a single knot with a bow).⁵²

דף קיד:
יו"ט שחל להיות בערב שבת תוקעין

The Gemara above on 35b says that there was a custom to sound the shofar in every town on Erev Shabbos to signal the people to stop working before the onset of Shabbos.

The Gemara (114b) cites a Mishna in Chullin 26b which says that the shofar signal was sounded even when Erev Shabbos falls on Yom Tov. Since there are certain *melachos*, such as cooking and carrying in a public domain, which are permitted on Yom Tov but are forbidden on Shabbos it was necessary to signal the onset of Shabbos even on Yom Tov when most *melachos* are forbidden. [Even though sounding a shofar on Yom Tov is generally a rabbinic *issur*, the sages waived that *issur* for the sake of the mitzvah of preventing people from performing forbidden *melachos* on Shabbos.⁵³]

The Mishna says concerning the opposite case, when Erev Yom Tov falls on Shabbos (meaning, when Yom Tov begins on *motzo'ei Shabbos*), they did not sound the shofar.

This *halacha* lends itself to several interpretations:

(a) Rashi (Chullin *ibid.*, ד"ה תקיעה) assumes that on an ordinary Erev Yom Tov which falls during the week, the shofar was sounded just as on Erev Shabbos, in order to signal the approach of Yom Tov. (This is also the opinion of Tosfos, ד"ה ליתקע.)

According to Rashi, the Mishna is saying that the Erev Yom Tov shofar blasts were cancelled when Erev Yom Tov fell on Shabbos. Since the people are in the midst of observing Shabbos, there is no need to inform them to desist from work before Yom Tov.⁵⁴

(b) The Rambam,⁵⁵ however, indicates that the shofar was never sounded on Erev Yom Tov. Accordingly, the Mishna cannot be telling us not to blast the shofar on Erev Yom Tov that falls on Shabbos because the shofar was never blasted on Erev Yom Tov, even when Erev Yom Tov was on a weekday.

According to the Rambam, the Mishna is referring to the shofar blast that was ordinarily sounded after Shabbos to signal the end of Shabbos to inform the people they may begin

performing *melacha*. The Mishna is teaching that when Yom Tov falls on *Motzo'ei Shabbos*, we do not blast the shofar to signal that people may begin cooking their Yom Tov meal, because this need is not significant enough to lift the *issur* of sounding the shofar on Yom Tov (see Gemara, "לפי שאין דוחין שבות להתיר").⁵⁶ [Interestingly, the Ri (Tosfos ואמאי ד"ה) suggests the reason for the custom to blast the shofar at the conclusion of Yom Kippur, is to signal the end of the Yom Kippur fast so that the youngsters who fasted can break their fast.]

(c) The Ramban, in an alternate version of this latter p'shat, maintains that although there were generally no shofar blasts on an ordinary *Motzo'ei Shabbos* to signal the end of Shabbos, one would have thought that the shofar should be blasted when Yom Tov falls on *Motzo'ei Shabbos* to signal when people may begin cooking for Yom Tov - since cooking for Yom Tov is a mitzvah. The Mishna teaches that although it is a mitzvah to cook for Yom Tov, the sages did not permit blasting the shofar for this purpose.

- Although the custom of sounding a shofar on Erev Shabbos was discontinued after the Jews were exiled from Eretz Yisrael, the Ramoh⁵⁷ writes that many communities appoint a person to go around and announce that it is time to prepare for Shabbos. The Mishna Berurah writes that it is a great mitzvah to volunteer for this job and in the merit of this mitzvah of informing people when to desist from work before Shabbos one will merit having children who will grow to be gedolei Yisrael (great leaders of Klal Yisrael).⁵⁸

The Biur *Halacha* remarks that these public announcements should be made even when Erev Shabbos falls on Yom Tov, just as we find in our Mishna regarding the shofar blasts.

דף קטו.
היו כתובין תרגום או בכל לשון
ר' הונא אומר אין מצילין אותן

The Mishna says that in the event of a fire on Shabbos, one is permitted to save scrolls of

T'nach (Torah, Nevi'im and K'suvim) from the fire and carry them to the yard. Rashi, citing the Mishna below, explains that the sages permitted saving books of Torah and carrying them to a shared courtyard even if it lacks an *eruv*. Although, in general, it is rabbinically prohibited to carry in a jointly owned yard unless there is an *eruv chatzeiros* (see Al Hadaf above דף קא), the sages lifted this rabbinic law for the sake of saving Torah scrolls.

- R' Shimon ben Gamliel asserts (Megillah 8b) that it is prohibited to write books of T'nach in foreign languages (except for Greek).

The *halacha* follows Rav Huna (115a) who maintains that the sages did not permit one to save seforim written in a foreign language (on Shabbos) because such books may not be studied in any case.

- In Mishnaic times it was prohibited to write תורה שבעל פה - the oral law - because the oral law was originally meant to be transmitted orally from teacher to student (דברים שבעל פה אי אתה רשאי) לאומרך בכתב, Gittin 60b).

According to Rav Huna, the sages also did not permit saving written books of *Torah She'baal Peh* (such as a book of Mishnayos) since it is a forbidden book in Mishnaic times.⁵⁹

The Gemara in Gittin 60a says that the later generations were granted permission to write down the oral law because the sages were concerned that *Torah She'baal Peh* would be entirely forgotten due to increasing oppression from the idolaters (הפרו תורתך 'עת לעשות לה). [The Rambam⁶⁰ says that this permission was granted during the period of R' Yehuda Hanasi, at which time he compiled the mishnayos.]

Accordingly, Tosfos maintains that today one may rescue all types of seforim, even *Torah She'baal Peh*, from a fire on Shabbos, because today we are permitted to write תורה שבעל פה.

The Rosh asserts that just as the sages granted permission to write down *Torah She'baal Peh*, it is also permitted to translate T'nach into foreign languages. Since many people do not understand *lashon hakodesh* (the holy Hebrew language) it is permitted to translate the Torah into other languages to enable the masses to study Torah.

The Rosh rules, therefore, that today one must save books of *Tanach* from the fire even if they are translated into foreign languages.⁶¹

The Ra'avad⁶² indicates that only one who lacks proficiency in *lashon hakodesh* is permitted to study Torah in other languages, but one who is knowledgeable in *lashon hakodesh* should not study Torah in a foreign language.⁶³

The Mishna Berurah⁶⁴ explains that the Ra'avad's stringency applies only to תורה שבכתב. However, reading תורה שבעל פה in a foreign language is permitted even for one who is proficient in *lashon hakodesh*.⁶⁵

דף קטז:

מצילין תיק הספר עם הספר

1] • A bag containing money is a **בסיס לדבר האסור** - a support for a *muktzah* item (i.e., money) - and may not be moved on Shabbos.

The Mishna says that when saving a Sefer Torah or pair of *tefillin* from a fire on Shabbos, one is permitted to save them together with their casing - even if there is money in the casing. Rashi (דייה תיק עם הספר) explains that out of respect for the Sefer Torah, the sages allowed carrying out the Sefer Torah with its covering even though it contains money (because it is not respectful to carry a Sefer Torah or *tefillin* without a covering).

The Gemara below on 142a says that one may handle a bowl of fruit even it has a stone in it. Since the bowl supports non-*muktzah* (i.e., fruit) as well as the stone, it is not considered a **בסיס ולדבר בסיס לדבר האסור** (but rather a בסיס לדבר האסור - a support for *muktzah*, as well as non-*muktzah* items).

Question:

The Ramban, citing this Gemara, questions the necessity of our Mishna's *halacha* concerning the money in the Torah case. Since the casing supports a non-*muktzah* item (i.e., the Sefer Torah) in addition to the *muktzah* item (i.e., money), the case should not be classified as a **בסיס לדבר האסור**. Accordingly, it seems obvious that one may handle the Sefer Torah covering with the money inside (even if respect for the Sefer Torah was not an issue).

Several answers:

(a) The Ramban cites some who answer that the Mishna speaks of a case where the casing contains more money than the Sefer Torah is worth. If a **בסיס** supports an expensive *muktzah* item with an inexpensive non-*muktzah* item, it is classified as a **בסיס לדבר האסור** since the *muktzah* item is more valuable. The Mishna teaches that, nevertheless, out of respect for the Sefer Torah one may carry out the Sefer Torah casing even though it contains a large amount of money.

(b) Alternatively, the Ramban explains that the Mishna permits saving the Sefer Torah and *tefillin* by moving them even to a **חצר שאינה מעורבת** - a shared yard lacking the required *eruv chatzeiros* (as mentioned above). The Mishna teaches that even if there is money in one's *tefillin* bag, the bag may be carried out to a **חצר שאינה מעורבת**.⁶⁶

(c) Tosfos (117a, ד"ה) says that even though it is permitted to handle an item that supports both *muktzah* and non-*muktzah* items, one is generally obligated to shake out the *muktzah* item, removing it from the base, if possible, before moving base. Our Mishna teaches that one may save the *tefillin* with its bag without making an effort to shake out the money in the bag, because this might delay the rescue effort and endanger the *tefillin* or Sefer Torah.

2] An apparent contradiction: The Shulchan Aruch⁶⁷ cites the Mordechai⁶⁸ who says that saving money together with a Sefer Torah is permitted only if the money was already in the Sefer Torah holder from before Shabbos. It is prohibited, however, to deliberately place a Sefer Torah in a bag full of money on Shabbos merely for the sake of obtaining permission to save the money (along with the Sefer Torah) from the fire.⁶⁹

In another *halacha*, the Shulchan Aruch⁷⁰ cites the Tur who says that the sages permitted one to deliberately place a non-*muktzah* item into a bag containing money for the sake of obtaining permission to save the money (along with the Sefer Torah) on Shabbos. Accordingly, one would be permitted to place a Sefer Torah in a bag of money as a means of enabling him to save his money.

The Magen Avraham⁷¹ suggests reconciling these two halachos: He explains that the Mordechai is referring to a case in which the Sefer Torah and the money must be carried to a **חצר שאינה מעורבת** - shared yard without an *eruv*. Carrying money (or any non-sanctified item) to a **חצר שאינה מעורבת** is only permitted if the money was already in the bag before Shabbos (and shaking it out will cause a delay and might endanger the Sefer Torah). The sages did not, however, permit one to deliberately place a Sefer Torah in a bag of money as a ploy to permit it to be carried to a **חצר שאינה מעורבת**.

The second *halacha*, explains the Magen Avraham, refers to a situation in which only the *issur* of *muktzah* is involved because the effects are being taken to a **חצר שאינה מעורבת** - yard with an *eruv* (or a privately-owned yard which does not require an *eruv*). The sages were more lenient with regard to *muktzah* than with regard to the *issur* of carrying. They relaxed the *issur* of *muktzah* where monetary loss is involved and permitted placing a non-*muktzah* item in a bag of money as a ploy to permit handling the bag and saving the money. [See also Gemara above on 43b where the Gemara permits placing a loaf of bread on a corpse to permit moving it out of the sun.⁷²]

דף קיז:

מתוך שאדם בהול על ממונו אתי לכבויו

We learned above that when saving Torah scrolls from a fire on Shabbos, one may carry them out even to a **חצר שאינה מעורבת**. In contrast, when saving non-sanctified items, such as food, there is no such permit and one may not carry them out unless the yard has an *eruv* (Mishna 120a).

The Mishna says one may save only **מזון ג'** - food for the three Shabbos meals. The Gemara explains that even if one wants to take the food to a properly enclosed yard with an *eruv*, the sages were concerned that in one's haste to save all his belongings he may forget that it is Shabbos and impulsively extinguish the fire. Therefore, in order to check one's

recklessness, they limited the food one may save to that which is needed for Shabbos.

There are several exceptions to this limitation:

(a) The Mishna on 120a says that one may save as much food as he wants as long as all of it is placed in one basket (together with the Shabbos meals) and is taken out simultaneously (see Gemara and Rashi *ibid.*).

(b) Tosfos says that this concern applies only to the house which is on fire. However, people living in nearby houses are permitted to carry out all their possessions because they are probably not as frantic and we are not concerned that they will impulsively extinguish the fire.⁷³

(c) The Eliyahu Rabba⁷⁴ says that the *issur* of saving extra food was enacted only with regard to removal from the burning house; however, the sages did not prohibit moving things to another room in the same house.

(d) The Sefer HaTerumos⁷⁵ adds that one may also carry extra food to a privately-owned yard because such a yard is considered as part of the house. Also, if one's house opens directly into his neighbor's house (without an intervening yard) the Sefer HaTerumos permits carrying the food directly to his neighbor's house (if there is an *eruv*). [The Tur disagrees and argues that the sages' concern that one might impulsively extinguish the fire applies to these cases as well.⁷⁶]

(e) The Tosfos Rid⁷⁷ suggests that the sages' concern applies only to the owner of the house because he is likely to become frantic about possibly losing his possessions. However, there is no limit to what others may save (see Al Hadaf below דף קכ).⁷⁸

• The Ramoh,⁷⁹ citing the Ohr Zaruah, rules that today when we live amongst non-Jews, one is permitted to extinguish a fire on Shabbos to prevent it from spreading to other houses, because in the event of a major fire there is a danger that the non-Jewish population might begin pillaging and murdering. Since there is an element of *pikuach nefesh* involved, one is permitted to extinguish a fire on Shabbos.⁸⁰

דף קיח.

עשה שבתך חול ואל תצטרך לבריות

1] The Gemara (end of 117b) derives from a *posuk* that one must eat three meals on Shabbos, which according to the Tanna Kamma means one meal at night and two meals during the daytime. [This is in contrast to the average weekday fare of that era which consisted of only two meals, one at night and one during the day.]

The Gemara on 118b, citing the *posuk* וקראת לשבת עונג - you shall declare Shabbos a delight (Yeshaya 58:13) - states that there is a *mitzvah* to enjoy the Shabbos by partaking in fine dishes, such as beets, large fish and cloves of garlic. The Gemara (end of 118a) elaborates on the reward given to one who properly fulfills the *mitzvah* of ענוג שבת - enjoying Shabbos. Indeed, the Rambam⁸¹ writes that one should prepare many tasty dishes and good drinks for Shabbos, each man according to his wealth, and that the more delicacies one prepares the more praiseworthy he is.

Rav Chiya bar Ashi states that one can fulfill the *mitzvah* of *oneg Shabbos* with one small item, such as a small fish fried in flour.

The Rambam explains that Rav Chiya does not dispute the extent of the requirement of *oneg Shabbos*. Rather, he is describing the minimum requirement for one who cannot afford more. R' Chiya teaches that even a pauper, who cannot afford to prepare tasty dishes, must try to prepare at least one special dish for Shabbos.

R' Akiva (118a) states with respect to poor people, "it is better for one to treat the Shabbos as an ordinary weekday and forgo the third meal, than to take charity from others."

The Rambam indicates that R' Akiva means that a poor man who accepts charity should not splurge on expensive Shabbos meals. However, even a poor person is obligated to fulfill the minimum *mitzvah* of *oneg Shabbos* by preparing at least one extra dish in honor of Shabbos.⁸²

Tosfos (118a, ד"ה והא) differentiates between a poor man who is supported by charity funds and one who manages to support

himself without accepting charity. He says that a poor man who earns a meager living on his own without having to accept charity is advised to forgo the third meal on Shabbos if he can't afford it - rather than solicit charity. However, a community fund that feeds impoverished people should undertake to furnish the poor with three Shabbos meals (and also with an extra dish for *oneg Shabbos*⁸³), since those receiving these meals are in any case relying on charity for their sustenance.

- Importantly, the Tur remarks that a poor person should try to skimp on his weekday expenses so that he will be able to buy fine dishes for Shabbos.

2] The Gemara in Beitzah (15b, 16a) states that a person's income for the entire year is pre-ordained on Rosh Hashana, except for his Shabbos and Yom Tov expenses [and the expense of teaching his children Torah]. The more he spends for *oneg Shabbos*, the more he will earn that year. Therefore, one should not skimp on *oneg Shabbos* expenses. Hashem proclaims regarding one who cannot afford delicacies for Shabbos, לוו עלי ואני פורע - borrow [against my account] and I will repay. One should borrow money for *oneg Shabbos* and place his trust in Hashem that he will be able to repay the debt.

Tosfos (ibid.) asks that since Hashem proclaims לוו עלי ואני פורע why does R' Akiva tell poor people to forgo their *oneg Shabbos*? If a person cannot afford Shabbos delicacies, R' Akiva should advise him to borrow money.

The Ateres Zekainim⁸⁴ explains that this maxim of לוו עלי ואני פורע refers to one who has a source of income, but finds that he is a little short of money before Shabbos. Such an individual is told to borrow for Shabbos and have *bitachon* (trust in Hashem) that he will be able to repay the debt. However, an unemployed pauper with no source of income should not borrow money. Rather, he should conduct himself in accordance with R' Akiva who asserts, עשה שבתך חול ואל תצטרך לבריות - make your Shabbos similar to a weekday rather than accept charity from others.⁸⁵

דף קיט:

ר' זירא מהדר אזוי זוי דרבנן
א"ל במטותא מיניכו לא תחללוניה

Continuing with the discussion of *oneg Shabbos*, the Gemara relates that when R' Zeirah would notice pairs of rabbis absorbed in Torah discussions on Shabbos he would tell them, "Stop desecrating the Shabbos."

HoRav Yaakov Emden⁸⁶ explains that R' Zeirah felt that when the rabbis studied in pairs (*chavrusah*) they were prone to get involved in intense Torah discussions and this would distract from their enjoyment of Shabbos. Accordingly, suggests R' Yaakov Emden, on Shabbos one should refrain from engaging in the study of complex Torah topics which require rigid concentration.

Indeed, the Gemara in Gittin 60a relates that R' Yochanan and Resh Lakish would study books of *aggadah* (e.g., *midrash*) on Shabbos. HoRav Yaakov Emden⁸⁷ explains the reason they studied aggadic topics rather than *halacha*, is that halachic discussions taxed their minds and detracted from *oneg Shabbos*, whereas the study of *midrash* is relatively uncomplicated and more relaxing.⁸⁸

[A similar concept is found in the Gemara in Nedarim 37a,b, where the Gemara recommends reviewing **old** lessons with children on Shabbos, rather than teaching them new lessons, because the strain of learning new Torah topics may detract from the children's *oneg Shabbos*.⁸⁹]

The Yerushalmi⁹⁰ cites conflicting views about *oneg Shabbos*: One says that *oneg Shabbos* is fulfilled with the study of Torah whereas the other view says that *oneg Shabbos* is accomplished with sleep. The Yerushalmi explains that these two views are not in disagreement because one approach applies to *talmidei chachamim* (Torah scholars) while the other approach applies to ordinary people.

The Meiri cites his teachers who explain that the unlearned folk should enjoy the Shabbos by taking a nap, whereas the *talmidei chachamim* should learn Torah (because they derive enjoyment from the study of Torah).

The Meiri himself, based on a *midrash*,⁹¹ explains the Yerushalmi in an opposite manner:

Ordinary people who work all week and lack the time to learn, are supposed to enjoy the Shabbos by designating extra time for the study of Torah. In contrast, *talmidei chachamim* who concentrate on the study of Torah all week long, should relax their minds and enjoy the Shabbos by sleeping extra hours. (This is, in fact, the *halacha* as codified by the Ramoh in Shulchan Aruch.⁹²) [Thus, the Meiri also indicates that one should refrain from taxing his mind on Shabbos.]

The Chidah⁹³ takes issue with HoRav Yaakov Emden's proof from our Gemara - that one must refrain from studying complex Torah topics on Shabbos. The reason R' Zeirah voiced an objection to the rabbis engrossed in a Torah discussion is that they were neglecting to partake in Shabbos treats, as Rashi explains. However, he had no objection per se to the fact that they were involved in intense learning on Shabbos.

The Chidah, in fact, testifies that he personally witnessed prominent Roshei Yeshiva in the cities of Yerushalaim and Constantinople (i.e., Istanbul) deliver Torah lectures on complex halachic topics on Shabbos. The Chidah concedes, however, that in most places that he visited, the *talmidei chachamim* would study uncomplicated subjects on Shabbos.⁹⁴

דף קכ.

ואומר לאחרים בואו והצילו לכם

As stated above, the sages only permitted one to save three meals worth of food from a fire on Shabbos. They did not allow one to save all of his possessions lest he become frantic in his haste to save everything and extinguish the fire.

The Mishna (120a) permits the owner of the house to announce to others, **לכם בואו והצילו** - "come and save for yourselves." The owner may not ask others to save food on his behalf because the sages limited him to three meals. Explicitly requesting others to save food on one's behalf is tantamount to appointing them as **שלוחים** (agents) and it would be as though the owner personally saved more than the maximum of three meals. Rather, the neighbors are told to save the food **for themselves**, and afterwards they may elect to return the food to the original owner (if they are so inclined - see Gemara).

Even though the Mishna does not specify how much food the neighbors may save, the Rambam⁹⁵ and Shulchan Aruch⁹⁶ limit the neighbors to three meals each.⁹⁷ The Tosfos Rid⁹⁸ disagrees and maintains that there is no limit. He offers two reasons why we are not concerned that the neighbors might inadvertently extinguish the fire in their haste to save everything:

(a) The neighbors realize that it is in their best interest not to extinguish the fire because if the fire were to go out, they would no longer be permitted to seize anything else from the house (because the owner would at that point repossess all of his belongings).

(b) Only the owner is likely to get frantic during his rescue efforts because he stands to lose his hard-earned possessions. The neighbors, on the other hand, who did not work for these possessions are not likely to react on impulse.

The Chayai Odam⁹⁹ draws the following distinction: If the neighbors intend to exercise their legal rights and keep the food for themselves, then they are limited to three meals, since, in effect, they are saving their own possessions. However, if their intention is to save food on the owner's behalf, then there is no limit on what they may salvage for the owner. He argues that even according to the Rambam, the three-meal-limit only applies to a person saving his own food. However, we are not concerned that a person saving food for his friend will get excited and extinguish the fire.¹⁰⁰

דף קכא.

קטן שבא לכבות אין שומעין לו

The Mishna says that one may not explicitly tell a non-Jew to extinguish a fire on Shabbos (אמירה לעכו"ם). However, one may allow a non-Jew to extinguish a fire if he comes of his own volition.

In contrast, if a **קטן** (minor) comes to extinguish the fire, we are responsible to protest

and restrain him even if he comes on his volition.

R' Yochanan explains that even though as a general rule, **ב"ד מצווין ואינן אוכל נבלות** - להפרישו - we are **not** obligated to restrain a child from transgressing an *issur* - that rule applies only if the child wishes to commit a sin for his own interest and benefit. However, if he commits a sin **על דעת אביו** - to satisfy or benefit his father - then we *are* required to protest and restrain him.

Rashi in Yevamos 114a explains that the Mishna is referring to a case in which the father is standing near the fire and conveys to his child with facial expressions that he approves of extinguishing the fire.¹⁰¹ The Mishna requires the father to stop his child because in such a case, allowing the child to follow through and extinguish the fire is tantamount to explicitly instructing him to extinguish it. Now, the Gemara in Yevamos (ibid.) derives from a posuk (**לא** (תאכילום) that even though an adult is not obligated to restrain a child from *issurim* one may not directly cause a child to commit an *issur* (e.g., feed him non-kosher food, see Al Hadaf above on צ (דף'). The Ritva ibid., citing Rashi, explains that allowing a child who perceives his father's approval to extinguish the fire would be a violation of **לא תאכילום** because it is as though the father directly caused his son to violate an *issur*.

Alternatively, the Rashba¹⁰² cites the posuk, **לא תעשה כל מלאכה אתה ובנך** [on Shabbos] you, **and your son** (Sh'mos 20:10), as the basis for our Mishna's *halacha*. The posuk charges a father with the obligation of restraining his son from desecrating Shabbos - at least when he does so for his father's benefit (see Rashi in Sh'mos ibid.¹⁰³).¹⁰⁴

According to the Rashba, it is possible that our Mishna's *halacha* is limited to: (a) Issurim of Shabbos, and (b) the child's father, because the source of the *issur* is the posuk **לא תעשה כל מלאכה וכו'** which is stated regarding a **father** restraining his son from performing ***melacha* on Shabbos**. Presumably, according to the Rashba one is not obligated (min haTorah) to restrain his friend's child from desecrating Shabbos -even if the child wants to perform a *melacha* to satisfy an adult.¹⁰⁵

According to the Ritva, however, any adult must protest when a child wishes to commit an *issur* on his behalf, whether it is a Shabbos *melacha* or another *issur*, because the law of **לא תאכילום** applies to all *issurim* and is not limited to a father or to Shabbos.¹⁰⁶

- It should be noted that Tosfos (שמע מינה) asserts that the Gemara's discussion refers to a young child who is below the age of חינוך (training). However, a child who is הגיע לחינוך - old enough to understand and properly perform mitzvos - must be restrained from all sins, whether he wishes to commit them in the interest of an adult or for his own benefit.¹⁰⁷

דף קכב.

נכרי שהדליק את הנר בשביל ישראל אסור

The Mishna states that if a non-Jew kindles a light for the benefit of a Yisrael, no Jewish person may use the light on Shabbos. Likewise, if a non-Jew builds a gangplank on Shabbos to enable a Yisrael to disembark from a ship, a Jewish person may not make use of it. Tosfos (ד"ה ואם) explains that the sages prohibited benefitting from such a *melacha* in order to deter one from asking a non-Jew to perform *melacha* for him on Shabbos.¹⁰⁸

If, however, when kindling the light or building the gangplank the non-Jew had his own interest in mind, or the interest of other non-Jews, then Yisraelim are permitted to benefit from the non-Jew's *melacha*.

The Ramban asserts that if the wood used for the gangplank was cut from a tree **on Shabbos**, then the wood is *muktzah* and a Yisrael may not **move** the gangplank. The Ramban adds, however, that even though such wood is *muktzah*, one is permitted to **walk** on it because benefitting from *muktzah* without moving it (with one's hands¹⁰⁹) is permitted.

The Magen Avraham¹¹⁰ rules likewise, that one may **sit** on a *muktzah* stone - provided he does not move it. Even though the stone was

never designated for use before Shabbos and is *muktzah*, the Magen Avraham permits sitting on it, because he is of the opinion that using *muktzah* without moving it is permitted - as the Ramban says.

Horav Akiva Eiger,¹¹¹ citing the opinion of the Rashba, takes issue with the Magen Avraham's ruling. The Rashba on 29a says that although it is permitted to merely touch a *muktzah* item on Shabbos without moving it, it is prohibited to use

and derive pleasure from a *muktzah* item.¹¹² Accordingly, R' Akiva Eiger prohibits sitting on a *muktzah* stone.

According to R' Akiva Eiger (and the Rashba), we are compelled to explain that the non-Jew constructed a gangplank from wood that was detached [and designated as a gangplank] before Shabbos and was therefore not *muktzah*.¹¹³ ■

דף קי

- 25) ז"ל החינוך מצוה רצ"א כל שבארצכם יכלול האדם והבהמה וכל בעלי החיים, והמנח"ח שם חקר אי אפי' דגים בכלל איסור זה, והפתי' באהע"ז סימן ה' סק"ה הביא מהשאלות יעב"ץ סימן קי"א נקט שאפילו דגים בכלל.
- 26) (החנות יאיר סימן קצ"א נקט דליכא צער בע"ח באדם דאיבעי ליה ליתובי דעתיה דאדם בר דעת הוא, אולם בשו"ת הרשב"א סימן רנ"ב ורנ"ז כתב דגם באדם איכא צעבי"ח וכן מבואר בסמ"ע חו"מ סימן רע"ב ס"ק י"ג דאיכא צעבי"ח באדם, ועי' רדב"ז סימן תשכ"ח שם דאין דין פריקה באדם שלא היה לו להטעין עצמו יותר מדי אבל מ"מ יש דין לעזורו משום ואהבת לרעך כמוך).
- 27) ח"י"ב סימן ק"ה, מובא ברמ"א באהע"ז סוף סימן ה'.
- 28) כלומר, כשמצטרף לצורך רפואה אין כאן אפי' מידת חסידות לפרוש (היכא שא"א בענין אחר), ואדרבה מצוה גדולה הוא, אבל מ"מ טוב למעט בצערן כמה דאפשר כדי שלא יבא לידי אכזריות.
- דף קיא 29) מצוה רצ"א.
- 30) פרשת אמור פרק ז' פיסקא י"ב, ועי' ריטב"א שהביא פלוגתא אם כל נקיבות נתמעטו מאיסור סירוס ואפילו בהמות או דוקא נשים נתמעטו.
- 31) ועיי' שמשאר בצ"ע על רש"י כאן ד"ה אלא באשה דמשמע דעיקר הטעם שנשים מותרין לשתות כוס של עיקרין הוא משום דאינן מצוין בפרו ורבו).
- 32) הלכות איסורי פטיו' הלכה י"א.
- 33) והא דמבואר בגמ' כאן שנשים מותרת לשתות כוס של עיקרין צריך לחלק בן סירוס בידים לשתית כוס של עיקרין (עיי' בהג' הגר"א אות כ"ח, ועי' בראב"ד על תור"כ שם סוף פ"ז).
- 34) אהע"ז סימן ה' אות כ"ח.
- 35) ח"י"ג אהע"ז סימן י"ב.
- 36) והתיר גם היכא שההריון סכנה לה ואין לה עצה אחרת למניעת הריון, ועי' אג"מ ח"ד אהע"ז סימן ל"ד ד"ה ובעצם שכתב דהגר"א דעת יחידאה בזה, ולהלכה התיר גם במקום צער גדול ועיגון שסמך על החולוקין על הגר"א.
- דף קיב 37) עי' בית יוסף סימן קי"ז שמדייק מרש"י דיותר מלי' יום הוא כולעול ומיקרי של קיימא (וצ"ע לכאן דקשר של מנעל הרגלים מיקרי קשר שאינו של קיימא אע"פ שאין מותרין אותו אלא בזמן הטיוט, ולכאן הרבה פעמים היו זה יותר מלי' יום).
- 38) הבית יוסף מדייק מרש"י ד"ה דעד ז' ימים מותר לכתחילה, ועי' רמ"א ריש ס"י קי"ז ועי' ט"ז ס"ק"א שחולק על הב"י בתרתי (עי' הערה הני"ל), ועי' פרמ"ג שמבאר דמשי"כ הרמ"א יום אחד ר"ל כ"ד שעות.
- 39) הלכות שבת פ"י ה"א, וכן דעת הר"י"ף כאן. ובשו"ע סימן ש"י ס"א מביא ב' דעות ופסק כשניהם לחומרא.
- 40) כ"כ הרמ"א ס"י ש"י"א (ועי' מה שהקי' החזו"א ס"י נ"ב ס"ק יז).
- 41) סימן רנ"ז ס"ק"ב.
- 42) עיי' בט"ז שתי"ך דבאמת הרבה פעמים היו ת"ח חולצים מנעליהם גם בחול (וממילא לא מיקרי קשר של קיימא אף באופן שלא היתירו מנעליהם לזמן ארוך, וליכא איסור לקושרו או להתיר קשר כזו שלא נעשה בדוקא ע"מ לישאר כן לכל השבוע), והא דנקט הגמ' דקשר דרבנן אסור לסימא בעלמא נקט ליה ור"ל קשר שנעשה לזמן ארוך דוקא (דהיינו כעין קשר של רבנן אבל לא ממש כקשר של רבנן שלא נעשה דוקא לזמן ארוך).
- 43) שם בגליון ש"ע.
- 44) אע"פ שמדברנן אסור אפי' כשמתייר שלא ע"מ לקושרו, במקום צער לא גזרו.
- 45) עי' בה"ל ס"י ש"י"ז ד"ה דינו שהביא הרבה פוסקים דס"ל כרש"י.
- 46) ובאופן אחר י"ל דהא דכתב המרדכי שלא היו חולצין מנעליהם משבת לשבת לאו דוקא הוא, שהרי צריכין לחלוץ מנעליהם ערב שבת כדי לקיים מצות רחיצת ידים ורגלים בחמין לכבוד שבת כדאיתא לעיל דף כה, וממילא הא דהתירו מנעליהם לבילי שבת לא קשה מידי שהרי נעשה הקשר ע"מ להתירו באותו יום, ודו"ק.
- דף קיג 47) סימן ש"י"ז סעיף ה'.
- 48) שם.
- 49) שם ס"ק כ"ט.
- 50) סימן פ' ס"ק קנ"ה (מובא בספר הלכות שבת השייכות לבית סוף פרק י"ג ע"ש).
- 51) מובא בשמירת שבת כהלכתה פרק ט"ו הערה קע"ח.
- 52) ודע דבשבת מנחה הקשר עומד להתיר תוך ז' ימים וממילא הוא יותר קיל משבת ר"ח שאז אין הקשר עומד להתיר לזמן מרובה, אבל מ"מ המנהג להקל בשניהם (עי' ספר ה"ל שבת השייכות לבית סוף פרק י"ג ובהערה 62 שם) - ולכאן אפי' להחמירין שלא לעשות קשר ע"ג עניבה אחר קרה"ת מ"מ לא הוועילו כלום לענין איסור מתיר שהרי מותרין הקשר קודם קרה"ת אע"פ שהיה קשור לזמן ארוך (אלא שבוה יש לצרף שיטת הרא"ש הני"ל כיון שהוא מתיר שלא ע"מ לקשור, וצ"ע).

דף קי

- 1) סימן רס"ה, ע"ש שכתב עפ"י דאב לא ימול בנו בשבת אם אחר למולו כיון שהאב מכוין לתיקון בנו והוי פס"ר דניחא ליה, משא"כ אחר דמיקרי לא ניחא ליה (או מלאכה שאצ"ל, עי' לעיל דף קג. ל"צ דעביד בארעא דתברין), ועי' טור יו"ד סימן רס"ו שהביא פסק זה.
 - 2) (להגאון ר' מרדכי באנטו, אבי"ד ניקלשבורג) מלאכת מכה בפטיש, מובא במנ"ח מצוה ל"ב במוסד השבת, מכה בפטיש (כז-ג).
 - 3) שם במוסד השבת, מלאכת מכה בפטיש.
 - 4) [יש לדון אם בזה"ז חשוב מילה כתיקון בגוף האדם כיון שהרבה רופאים ס"ל שכריתת הערלה טוב לבריאות ע"פ דרך הטבע].
 - 5) וכך מבואר בדברי הרשב"א (בביאור שיטת רש"י) דתיקון המילה הוא שעושה המצוה וכן שמכשירו לאכול תרומה וקדשים (ומבאר שם זה לא חשוב תיקון בגוף המילה עצמו ולכך הוי כמלאכה שאינו צריכה לגופה), וכן עי' תוס' כאן ד"ה חוץ.
 - 6) יש לענין אי יש במעשה מילה גם משום תולש (שהוא תולדת קוצר) שהרי משמע בדף קז: הדמושיט ידו למעי בהמה ולדל עובר שבמע"י חייב משום תולש, וכ"כ בש"מ כתובות דף ה': ד"ה דם מפקד פקיד דבמילה יש גם איסור תולש (אולם עי' ברשב"א לקמן דף קז: שכי' דהחייב שם משום נטילת נשמה), ועי' מנח"ח מוסד שבת מלאכת קוצר, ועי' קה"לי סימן מ"ז ובמשי"כ בסוף הסימן ד"ה ואפשר שם.
- #### דף קי
- 7) סימן שט"ז ס"ק י"א.
 - 8) הבאור הלכה שם בסעיף ו' ד"ה והלך הביא מספר נהר שלום דלא התיר המג"א לחזור ולישב אלא כשאין כוונתו להדיא על שמירת הצבי (אלא שהוא פסיק רישא), ובענין סגירת דלת הבית שכונתו לשמירת הבית עי' כאן בח"י הרשב"א בשם הירושלמי דמותר (אפי' לא יכלה היה כבר ניצוד מתחילה) ועי' בר"ן שחולק על הרשב"א כיון שהוא פסיק רישא לא יאכפת לו בכונתו (ועי' בהג' על הרשב"א ובשו"ת חמדת שלמה ס"י כ"ב משי"כ לבאר דברי הרשב"א).
 - 9) ועי' מנשי"ב סימן שט"ז ס"ק כ"ה שסתם כתוסי' יו"ט כיון שהרבה אחרונים ס"ל כותיה (ועיי' בשע"צ אות כ"ט).
 - דף קיא 10) ח"י"ו (ליקוט) סימן צ"ח ד"ה אבל האמת.
 - 11) פ"ט מה"ל יסוד"ה ה"ד.
 - 12) זו"ל או שאמר בדין מדיני תורה שה' צוה לו שהדין כך הוא והלכה כדברי פלוני הוא נביא שקר ויחנק! עכ"ל ועיי' בהקדמת הרמב"ם לפי המשנ' סוף ד"ה והחלק השני.
 - 13) פ"ט מה"ל אישות סוף הלכה ו'.
 - 14) ז"ל רבנו חננאל (עמוד ב') יבא אליהו ויאמר אם פסקה זוהמא מיניה כשעובדין אותו עכ"ל (משמע דנדון היה אם במציאות יש לו ריח רע אחר שעובדין אותו) (וכעין זה בריטב"א), ועי' ח"י הר"ן שהקי' דלא נהירא דהא קא חזינן אגן (כמו שהקי' הגמ' בתחילה) ופי' הר"ן זו"ל והנכון כשבו נחש על חוה הטיל זוהמא עלי' ועל כל בריות שבעולם, וישאל שעמדו על הר סיני פסקה זוהמא מהם ומן הבריות שהיו שם, חוץ מדגים שלא היו שם, ולהכי אצטריכי לאלוהי להודיענו אם פסקה או לא עכ"ל.
 - 15) כליו' כיון שאינו אלא ספק בטבע יכול הנביא להודיענו והיינו כהמל"מ שהבאנו, ועי' מהר"ן תורת חולין לו. שהקשה מרש"י שם ד"ה לעולם שמדויק שחולק על הרמב"ם וס"ל דמהני אמרת אליהו אפילו בספקא דדינא, וכן הקשה בשו"ת עין צחק ח"י"ב אה"ע ס"י אות כ"ט ורע"א בהג' על הרמב"ם בפ"ט מה"ל אישות ה"ו, ועי' שם ושם שהביאו עוד הרבה מראה מקומות בענין זה.
 - דף קט 16) כך קיי"ל בסימן שכי"ח סעיף מ"א דאפי' לדחוק כריסו של תינוק אסור (אולם עי' רש"י נג: ד"ה תנאי דמשמע שיש פלוגתא בזה, אולם הר"י"ף ורא"ש שם פירשו דדוקא לענין רפואת **בהמה** יש מ"ד דס"ל דלא גזר על שאר רפואות אבל באדם כו"ע מודו דגזרו אפי' על שאר רפואות).
 - 17) מקור לגזרת שחיקת סמנים הוא בגמ' לעיל דף נג: (וכתב מג"א סימן שכי"ח ס"ק ל"א דטעם הגזרה הוא משום דאדם בהול בשביל רפואתו).
 - 18) עי' רמ"א ס"י שכי"ח סעיף ל"ז ובמשי"ב שם ס"ק קכ"א, (וכן ע"ש בסעיף י"ז) ועי' רבנו חננאל סוף דף קט. "ואי מפני חמרא אסור **א"כ ישנה מכה של חללי**" (וכן משמע בגמ' שם, ועי' ביה"ל שם בסימן שכי"ח סעיף ל"ז ד"ה וכן, ועי' אג"ל טל טוחן ס"ק מ"ז, ועי' תוס' דף קיא. ד"ה למימרא ובמהרש"א שם).
 - 19) ה"ל שבת פרק כ"א הלכה כ"ב, וכן קיי"ל באו"ח ס"י שכי"ח סעיף ל"ז (ועי' בערוך השולחן ס"ק מ"ז שמעונר דבגמ' מברכות לח. מבואר דאנו מותר לחולה לאכול מאכל בריאים א"כ אוכלו בשביל רעבו).
 - 20) סימן שכי"ח (סוף סעיף ל"ח).
 - 21) ח"י"ג או"ח סימן נ"ד.
 - 22) שכי"ח ס"ק מ"ג (ועיי' בפרמ"ג).
 - 23) (אבל לחולים אסור, דאע"פ שהרבה בריאים אוכלים 'וויטעמניס' מ"מ לא שייך ביה היתר של מאכל בריאים שהרי אינו מאכל וניכר שהוא אוכלו בשביל רפואתו).
 - 24) דס"ל דבריא גמור ליכא למוחש לשחיקת סמנים לכו"ע, אלא דס"ל למג"א דבריא שחלש שקר שרועה לחזק מוגו חשוב כחולה (וכתב שם האג"מ דמחצית השקל שם משמע שחולק ע"י וס"ל דלעולם אסור לבריא ליקח רפואה אם לא שותתהו לצמא).

דף	This Al Hadaf was made possible by the following daf dedications...	יום	
קו	לז"נ א"מ דן בן אלטר מרדכי (יא"צ יא תשרי) ולז"נ א"מ מלכה בת יעקב ז"ל * לז"נ חיה בת יוסף ז"ל *	יא אב	Tues Aug 6
קז		יב אב	Wed
קח	לז"נ מרת פייגא בת ר' צבי VERA NEUBERGER ע"ה * לז"נ אבי מורי ר' זאב שמשון בן ר' רפאל ז"ל *	יג אב	Thrs Aug 8
קט		יד אב	Fri
קי		טו אב	Shab
קיא	לז"נ הבחור מתתיהו ע"ה בן יבלט"א משולם זישה הלוי זעלמאן *	טז אב	Sun
קיב	לז"נ איש תם וישר ר' אברהם ב"ר צבי קליין ע"ה *	יז אב	Mon
קיג	לז"נ גולדא בת ר' אברהם פלברמן ע"ה * לז"נ אבי מורי ר' משה ב"ר חיים ברוך בנדט זילברברג ז"ל *	יח אב	Tues Aug 13
קיד	לז"נ אבי מורי יודא ארי' הכהן ראפאפארט ז"ל - ממרים אסתר רטר * In memory of my father LEO RAPAPORT - from Margaret Rapaport/Retter	יט אב	Wed Aug 24
קטו		כ אב	Thrs
קטז	לז"נ אסתר בת שמחה ע"ה (יא"צ ט"ו אלול) ולז"נ ר' אליעזר בן ר' נתן ז"ל * לז"נ אהרן בן מרדכי יהושע ז"ל * AHRON FROMMER	כא אב	Fri Aug 26
קיז	לז"נ הרבנית מינדל בת הרב שמעון דוב הכהן פאטאשניק ז"ל *	כב אב	Shab
קיח		כג אב	Sun
קיט	לז"נ בלימה בת אברהם משה ז"ל * לז"נ הרב נתן נטע לייב בן הרה"ג תנחום גרשון ז"ל *	כד אב	Mon Aug 29
קכ	לז"נ אליעזר אברהם בן יבלי"ח משה Wolf *	כה אב	Tues
קכא	לז"נ ר' יצחק מאיר ב"ר אילהו Isaac Weissman ז"ל *	כו אב	Wed
קכב	לז"נ יהודית בת יעקב הלוי ז"ל *	כז אב	Thrs

* Denotes Yartzeit

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