



דף עב.

המקרה בגדי כהונה לוקה

1] • The Torah states with respect to the Kohen Gadol's *me'il* - mantle/robe - לא יקרע - it shall not be torn (Sh'mos 28:32).¹

Based on this prohibition, Rav Yehuda says that one who tears any of the *bigdei kehunah* is subject to the penalty of *malkus*.

The Rambam,² in codifying this halacha, writes that one who tears the border of the *me'il* is subject to *malkus* because the Torah states לא יקרע. Also, if one tears one of the other *bigdei kehunah* in a destructive manner, he is subject to *malkus*.

The *Korbon Chagigah*³ notes a distinction between the *me'il* and the other *bigdei kehunah*. With regard to the other *bigdei kehunah* the Rambam stresses that one incurs *malkus* only if he tears them in a destructive manner. Accordingly, it would be permitted, for example, to tear them for the purpose of mending and tailoring.

On the other hand, with regard to the *me'il*, the Rambam does not stipulate the condition of destructive tearing, thus implying that the *me'il* may not be torn under any condition, even for a constructive purpose [since the *issur* לא יקרע is stated in the passage of *me'il*].⁴

The Mishna LaMelech⁵ disagrees with this distinction since the source for the prohibition against tearing them is the same. He asserts that the Rambam means to apply the condition of destructive tearing to all *bigdei kehunah* equally including to one who tears the *me'il*.⁶

2] The Torah teaches that a garment stained with blood of a *korbon chattos* must be rinsed clean of the blood (כיבוס) inside the *azarah*.

The Mishna in Zevachim 94b states that if the stained garment leaves the *azarah* it must be returned to the *azarah* for כיבוס - laundering - since the Torah teaches that כיבוס must be done in the *azarah*.

The Mishna adds that if the stained garment contracts *tumah* while outside the *azarah*, then it must first be torn before it is returned to the *azarah* because it is prohibited to bring a *tamei* object into the *azarah*.

• Tearing the garment serves to eliminate its *tumah* because *tumah* can exist only in a כלי - [whole] utensil. A torn garment, or a broken vessel, loses the status of a כלי and thus its *tumah* departs.

Resh Lakish (ibid.) states that if the stained, *tamei* garment was the Kohen Gadol's *me'il*, then tearing it [to eliminate its *tumah*] is not a valid option because the Torah forbids tearing the *me'il* (לא יקרע).

The *Korbon Chagigah*⁷ asks why Resh Lakish speaks specifically of "the *me'il*" when our Gemara applies the *issur* לא יקרע to all *bigdei kehunah* equally.

In answer, he posits that tearing a *tamei* garment to eliminate its *tumah* thereby enabling it to be brought into the *azarah* for the mitzvah of כיבוס is considered a constructive act. Hence, even if the garment is one of the *bigdei kehunah*, tearing it for this purpose is permitted

since the tearing is not *דרך השחתה*. Resh Lakish specifies that tearing the *me'il* for the purpose of *כיבוס* is forbidden because the *me'il* may not be torn even for constructive purposes (as the *Korbon Chagigah* says above).

The Sefas Emes and Minchas Chinuch,⁸ in defense of the Mishna LaMelech (cited above) who permits tearing [even] the *me'il* when done for a constructive purpose, explains that the act of tearing a garment to eliminate its *tumah* is not considered constructive. As explained above, the reason *tumah* departs from a torn garment is that a destroyed garment does not have the status of a "כלי" and *tumah* can exist only in a "כלי". Thus, they argue that tearing *bigdei kehunah* to eliminate *tumah* is considered "דרך השחתה" (destructive) since the object of this act is to destroy the garment's status. [The fact that the inmost motive for this destructive act is to enable the performance of the mitzvah of *כיבוס* does not render it a constructive act. (Cf., Al Hadaf to Zevachim 95a.⁹)]

דף עג:

האוכל ככותבת הגסה ביו"כ חייב

• Eating less than a *k'zayis* (olive's volume) is not considered a significant act of *אכילה* - eating. Therefore, wherever the Torah uses the term *לא תאכל* - do not eat - to proscribe a forbidden food (such as *neveilah* or *chelev*), one must eat a minimum *shiur* (amount) of one *k'zayis* in order to incur a *kares* or *malkus* liability.

The Mishna states that the *shiur* for *kares* liability for one who eats on Yom Kippur is *גסה* - food equal to the volume of a large date with its pit - (which is larger than an olive). The *issur* to eat and drink on Yom Kippur is derived from the *posuk*, *ועניתם את נפשתיכם* - [on Yom Kippur] you shall torment yourselves (Vayikra 23:27) - which the Gemara on 74b proves is an expression that refers to abstaining from food and drink. Since the Torah does not use the term "לא תאכל" in prohibiting food on Yom Kippur, the minimum *shiur* is not a *k'zayis*, but rather a *ככותבת הגסה*, which the Gemara on 79a,b explains is sufficient for *יתובי דעתיה* (to sooth one's hunger, and ease the *ענוי* - pangs of fasting).

The Mishna says that all kinds of food

combine to comprise a *ככותבת הגסה*. If one, for example, eats a half-*גסה* of bread and a half-*גסה* of meat, he is subject to *kares*.

The Tosfos Yom HaKippurim comments that the Mishna is teaching that even if one prepares a mixture of several clashing foods, he is *חייב* for eating them on Yom Kippur despite its offensive taste because even repulsive food provides relief from the fast (*יתובי דעתיה*).

Similarly, the Sha'agas Aryeh¹⁰ submits that even one who eats raw meat on Yom Kippur is *חייב*, even though eating raw meat is generally considered *שלא כדרך אכילתו* - an unusual manner of eating. Even though with respect to most *issurim* eating raw meat is not considered a significant act of *אכילה*,¹¹ regarding eating on Yom Kippur (where the term *לא תאכל* is not used) one is *חייב* even for eating raw meat since that too provides relief from the fast.¹²

The K'sav Sofer¹³ addresses a case in which someone ate a half-*גסה* immediately prior to the start of Yom Kippur and then completed the *ככותבת הגסה* shortly afterwards (within the time span required to combine two acts of eating). He submits that since the small amount of food that he ate after the start of Yom Kippur provided complete *יתובי דעתיה* (satisfaction), this individual is *חייב*. [See below דף ע"ט for additional discussion on this topic.]¹⁴

דף עד.

חצי שיעור אסור מן התורה

1] Resh Lakish maintains *חצי שיעור מותר מן התורה* - *min haTorah* one is permitted to eat a half-*shiur* of a forbidden food (such as a half-*k'zayis* of *chelev*, or a half-*גסה* on Yom Kippur). He is of the opinion that eating less than a *k'zayis* of non-Kosher meat is forbidden only by rabbinic decree.

The halacha follows R' Yochanan who asserts *חצי שיעור אסור מן התורה* - a half-*shiur* is forbidden min haTorah. He is of the opinion that the given minimum *shiur* is relevant only with respect to *malkus* or *kares* culpability. He argues that it is biblically forbidden to eat even less than the given *shiur* because a *חצי שיעור* (half-measure) is *חזי לאצטרופי* - capable of being combined with an additional *חצי שיעור* -

to complete a full *shiur*.

The Shoel U'Meishiv¹⁵ deliberates whether it is forbidden *min haTorah* to eat a חצי שיעור at the very end of the day on Yom Kippur. He suggests that since there is not enough time to complete the required *shiur* before nightfall the logic of חזי לאצטרופי does not apply (and R' Yochanan might perhaps agree with Resh Lakish in this case - that eating a half-*shiur* at the end of the Yom Kippur day] is forbidden only *miderabbanan*).¹⁶

2] In support of his position R' Yochanan cites a braysoh which derives from the posuk חלב כל - לא תאכלו (Vayikra 7:23) - that it is forbidden to eat any amount of *chelev*, even though one does not incur *malkus* unless he eats a *k'zayis*. [R' Lakish responds that the braysoh does not mean to cite a genuine *derasha* from חלב כל but rather an אסמכתא - a scriptural allusion to a rabbinic law.]

Given the fact that the braysoh derives the law of חזי שיעור אסור מן התורה from the posuk חלב כל, the Rishonim question why R' Yochanan initially cites the logic of חזי לאצטרופי as the reason for this law.

Tosfos answers that if not for the fact that the logic of חזי לאצטרופי supports the halacha of חזי שיעור אסור מן התורה, R' Yochanan would not have used the posuk חלב כל as a source for this halacha (but rather he would have derived a different halacha from these words of the Torah).

The Chacham Tzvi¹⁷ suggests that the ruling of חזי שיעור אסור מן התורה is limited to איסורי אכילה - eating-related *issurim* - because the primary source for this halacha is the posuk חלב כל which is stated with regard to an eating-related *issur*. However, it is not forbidden *min haTorah* to maintain a half-*k'zayis* of *chametz* in one's possession on Pesach since owning *chametz* on Pesach is not an eating type of *issur*.

Rashi (Shabbos 74a), however, applies R' Yochanan's rule of חזי שיעור מן התורה even to one who bakes a חצי שיעור on Shabbos, thus indicating that the rule is not limited only to eating.

דף עה.

טעם כל המינין טעמו במן

The posuk (Bamidbar 11:5) relates that in the *midbar* b'nai Yisrael bemoaned the absence of five foods that they were used to eating in Mitzraim (i.e., cucumbers, melons, leeks, onions and garlic). The Gemara says that although the מן (manna from heaven) which Hashem provided in the *midbar* had a unique feature in that it would miraculously assume the taste of any food desired by the individual eating it, the five foods mentioned in the posuk were an exception. Rashi, citing the Sifri, explains that these five foods are harmful to pregnant and nursing women.¹⁸ [The Gemara cites one opinion that says that the manna assumed the flavor and the ממשות - texture - of any desired food. The five foods enumerated in the posuk were an exception in the sense that the manna would assume only their flavor but not their texture. The Maharsha explains that according to this opinion a pregnant or nursing woman would only be harmed if the food had the texture of the five harmful foods.¹⁹]

The Chidushei HoRim²⁰ limits this unique feature of the manna to permissible foods. He asserts that the manna would not assume the flavor of a forbidden food.

The Chidah²¹ disagrees, citing the observation of Yalta, the wife of Rav Nachman, that every forbidden food has a counterpart which is permitted (Chullin 109b). For example, Yalta said that one is able to experience the taste of חזיר (pig meat) by eating a fish called שיבוטא which has exactly the same flavor. Accordingly, argues the Chidah, there is nothing wrong for one to desire the taste of חזיר when eating manna.²²

Similarly, the Mishkanos Haro'im²³ writes that it was not forbidden for one to desire his manna to taste like *chametz* on Pesach, because only actual *chametz* is forbidden, not something which merely tastes [and feels] like *chametz*. He explains that this is permitted even according to the opinion that the manna would assume the texture of the desired food, because he says the manna would not actually be transformed into the desired food (it would merely taste and feel like it).

Interestingly, the Sefer Mirkeves Hamishna,²⁴ citing the Zohar, maintains that the proper blessing to be recited prior to eating the manna depended on the type of food that one desired to eat. For example, if one desired cake, he would recite בורא מיני מזונות because the manna would transform into cake, and if one desired an apple, the proper *bracha* would be בורא פרי העץ. The Mirkeves Hamishna thus indicates that the manna was actually transformed into the food one desired. Accordingly, it might indeed be forbidden for one to eat his manna after transforming it into a forbidden food.

The Tzafnas Paneach,²⁵ however, cites a Gemara in Sanhedrin (end of 59b) which postulates, "אין דבר טמא יורד מן השמים" - non-Kosher items do not descend from heaven. Rashi (ibid.) indicates anything that miraculously descends from Heaven is permissible to eat even if it appears to be a non-Kosher animal. Accordingly, he says that the manna which descended from heaven could not possibly assume the status of a non-Kosher item.²⁶

דף עו:

מנין לסיכה שהיא כשתיה ביוה"כ

The Mishna (73b) lists five pleasurable acts which are forbidden on Yom Kippur; eating/drinking, washing with water, smearing with oil, wearing shoes and תשמיש המטה. As noted above, the scriptural source for the *issur* to eat and drink is, ועניתם את נפשותכם - you shall afflict yourself - which the Gemara on 74b proves refers to abstention from food and drink.

The Gemara 76a,b seeks a source for applying the term עינוי (affliction) to the [abstention from the] other four pleasures, as well.

One source cited by the Gemara for prohibiting סיכה (smearing) is the Mishna in Shabbos 86a which cites a posuk (ותבא כמים) (בקרבו וכשמן בעצמותיו) which implies that applying oil is tantamount to drinking. Therefore, smearing is forbidden on Yom Kippur just as drinking is forbidden.

According to some authorities²⁷ applying non-Kosher fats or soap is tantamount to drinking a non-Kosher beverage (סיכה כשתייה)

and is forbidden.

Rabbeinu Tam (Niddah 32a, תודייה וכשמן) asserts that since the posuk which compares smearing to drinking speaks of oil (ותבא כמים) (בעצמותיו וכשמן בקרבו), this rule pertains only to oil, but not to other emollients such as fats. According to Rabbeinu Tam smearing oneself with non-Kosher fats or soap is permitted.

Moreover, Rabbeinu Tam (77a, תודייה דתנן) asserts that the only one of the five pleasures that is biblically forbidden (on Yom Kippur) is eating/drinking. He says that סיכה כשתיה is only a rabbinic dictum and the posuk from which this rule is derived is only an אסמכתא (scriptural allusion to a rabbinic law).

Rabbeinu Tam adds that the sages applied the rule of סיכה כשתיה with discretion; they did not apply it to all *issurim*. They did not say, for example, that applying oil or fats of a non-Kosher animal is tantamount to eating or drinking the non-Kosher animal. They only forbade smearing oneself on Yom Kippur because the Torah requires affliction and abstention from pleasure on Yom Kippur. Accordingly, it would be permitted to smear oneself (during the year) with non-Kosher fats and oil.

The Ramoh in Hilchos Shabbos²⁸ writes that one may not wash himself on Shabbos with soap or fats. The Vilna Gaon infers that the Ramoh agrees with Rabbeinu Tam for he seems to permit using soap during the week despite the fact that soap commonly contains forbidden fats.

The Vilna Gaon²⁹ cites many Rishonim who disagree with Rabbeinu Tam and do not distinguish between oil and fats, or between Yom Kippur and other *issurim*. The Vilna Gaon thus prohibits the use of non-kosher soap since according to many Rishonim smearing is tantamount to drinking with respect to all *issurim*.³⁰

The Aruch Hashulchan³¹ notes that everyone uses non-kosher soap and he has never heard of a rabbi objecting to this practice. He suggests that all agree that it is permitted to use our soaps today, even though they may contain non-kosher ingredients, because they are not edible and are not even fit for animal

consumption (אין ראוי לאכילת כלב). He reasons that since it is permitted to consume a non kosher product which is unfit for animal consumption, one may also smear himself with such a product.³²

דף עז:

אם היה מלוכלך בטיט רוחץ כדרכו

The braysoh says that washing a portion of one's body on Yom Kippur is forbidden just as washing one's entire body is forbidden. However, one may wash himself if he became soiled.

The Rambam³³ is of the opinion that רחיצה (washing oneself), as well as all the other pleasures mentioned in the Mishna (73b), are biblically forbidden.

Rabbeinu Tam (77a, cited above) disagrees and adduces proof from our Gemara that the prohibition against washing on Yom Kippur is only of rabbinic origin. He argues that the sages would not be empowered to permit washing oneself for the purpose of removing dirt if the Torah forbade רחיצה.³⁴

The Tosfos Yeshanim,³⁵ in defense of the Rambam's position, suggests that the biblical *issur* of רחיצה pertains to washing the entire body. The Rambam agrees that washing only one part of the body is only rabbinically forbidden.³⁶ Therefore, if one soils his hands or another portion of his body, the sages are authorized to allow him to wash the dirt off that one part of his body.³⁷

The Ohr Gadol asks that if washing one's entire body is biblically forbidden, then washing a portion of one's body should also be biblically forbidden based on the law חצי שיעור - אסור מן התורה - even a half-measure of a prohibited act is forbidden *min haTorah* (as R' Yochanan asserts on 73b, see Al Hadaf ibid.).

In answer, the Ohr Gadol invokes the assertion of the Chacham Tzvi (cited above) that the principle of חצי שיעור מן התורה was stated only with regard to eating-related *issurim*, but not with regard to the *issur* of רחיצה. Therefore, washing a portion of one's body on Yom Kippur is a rabbinic *issur* subject to rabbinic moderation.³⁸

Alternatively, the Ran explains that since

the forbidden pleasures are exegetically derived by the sages from a posuk and are not explicitly spelled out by the Torah, it is the intention of the Torah to subject these laws to rabbinic interpretation and limitations. Therefore, the sages were empowered to limit the *issur* of רחיצה to washing that is done for pleasure and not to washing that is done merely for the sake of removing dirt.

דף עח:

מהו לצאת בסנדל של שעם ביוה"כ

1] One of the five forbidden pleasures on Yom Kippur is נעילת הסנדל - wearing shoes. The Gemara tells of several Amoraim who would wear non-leather footwear on Yom Kippur, such as sandals made of rubber, grass or cloth. They were of the opinion that such footwear are not classified as "shoes" and are not included in the ban against wearing shoes on Yom Kippur.

Rami bar Chama cites a braysoh which indicates that wearing wooden shoes on Yom Kippur is forbidden.

The Baal Hamaor rules, based on his understanding of the Gemara's conclusion, that all types of footwear are classified as shoes, whether wood, rubber or cloth, and are forbidden on Yom Kippur. [He maintains that the Gemara in conclusion rejects the lenient position of the Amoraim who permitted non-leather footwear on Yom Kippur.] Indeed, the Bach³⁹ testifies that several of his teachers conducted themselves stringently and would go completely barefoot on Yom Kippur.

Rashi indicates that the Gemara in conclusion distinguishes between wooden shoes and other non-leather materials. Whereas wooden shoes are indeed forbidden as indicated in the braysoh, other non-leather footwear are permitted as practiced by several Amoraim.⁴⁰

The Shulchan Aruch⁴¹ follows the lenient opinion of the Ramban, Rif and Rosh who permit all non-leather footwear on Yom Kippur, even shoes made from wood. [Their position is based on a Gemara in Yevamos which indicates that the *chalitzah* shoe must be made of leather because only leather shoes are classified as shoes with regard to *chalitzah* and Yom Kippur (see Tosfos הקיטע ד"ה).]

2] The Ramban⁴² raises another issue regarding wearing non-leather footwear on Yom Kippur. The Gemara in Shabbos 66a indicates that any type of footwear that is not halachically classified as a shoe is classified as a *משאוי* (burden) and may not be worn outside in the street on Shabbos. Based on this, the Ramban maintains that although it is permitted to wear all types of non-leather footwear on Yom Kippur, they may not be worn outside in the street because doing so amounts to carrying a *משאוי* (burden) in a public domain, which is forbidden on Yom Kippur.

The Ran, however, justifies the practice of wearing non-leather footwear in the street on Yom Kippur, arguing that such footwear is classified as a burden only during the year when wearing regular shoes is the norm. However, on Yom Kippur when leather shoes are forbidden, non-leather shoes are considered as standard attire and are not deemed to be a *משאוי*.⁴³

3] The Sha'agas Aryeh⁴⁴ gleans from the words of Rashi (Eruvin 95b) that if one wears an item of attire on Shabbos which involves a prohibition, the item is deemed a *משאוי* - burden (rather than a garment or ornament) - and the wearer must bring a *chattos* for transgressing the *melacha* of *hotza'ah* - carrying.

Interestingly, the Minchas Chinuch,⁴⁵ citing the Sha'agas Aryeh, asserts that if one wears leather shoes in the street on Yom Kippur he is in violation of the *melacha* of *hotza'ah* (in addition to the *issur* of *הסנדל* - donning leather shoes on Yom Kippur). [Moreover, he suggests that even according to the opinion that the *issur* to wear shoes on Yom Kippur is only of rabbinic origin (see above), one who wears them in the street is in violation of the Torah issur of *hotza'ah*.]⁴⁶

דף עט:

כביצה משבעה ככותבת מיתבא דעתיה

The Mishna (73b) states that the minimum *shiur* of food that one must eat on Yom Kippur to incur the penalty of *kares* is *ככותבת הגסה* - the volume of a large date. The Gemara (bottom 79b) concludes that a *ככותבת הגסה* is larger than a *k'zayis* (olive's volume) but

smaller than a *k'beitzah* (egg's volume).

- A *k'zayis* is the minimum required when the Torah speaks in terms of *אכילה* (eating), such as with regard to the mitzvah of *matzah* on the first night of Pesach or the *issur* to eat non-Kosher foods.

- A *k'beitzah* is the minimum required when the Torah speaks in terms of *שביעה* - satiation - such as with regard to *Bircas hamazon* (according to R' Yehuda).

- A *ככותבת הגסה* is required to incur a penalty on Yom Kippur because the Torah speaks in term of *עינוי* - affliction - because the sages judged that food equaling the volume of a large date is sufficient to ease one's *עינוי* - hunger pains.

R' Yochanan (Chullin 103a) asserts that if one swallows a half *k'zayis* of forbidden food, and then expels it and swallows it again, he is liable to *malkus* since a *k'zayis* passed through his throat (even though he digested only a half *k'zayis*). R' Yochanan is of the opinion that the critical factor regarding *malkus* culpability for eating forbidden foods, is that one derive *הנאת גרונו* (pleasure of the throat) from the food.⁴⁷

HoRav Shimshon Raphael Hirsch⁴⁸ was asked whether taking food suppositories rectally is permitted on Yom Kippur since this does not provide *הנאת גרונו*. [It was suggested that perhaps a frail person should take such suppositories on Yom Kippur morning to prevent him from feeling faint and having to eat later in the day.]

In response, R' Hirsch draws a distinction between eating forbidden foods and the *issur* of eating on Yom Kippur. He argues that if taking suppositories quells one's hunger it is forbidden to use them on Yom Kippur (even though they do not provide *הנאת גרונו* - pleasure to the throat) since the essential factor on Yom Kippur is *יתובי דעתיה* (easing one's hunger). [Note: Of course, this ruling does not pertain to cases of *pikuach nefesh* when even eating is permitted.]⁴⁹

The Chasam Sofer⁵⁰ also distinguishes between eating on Yom Kippur and other *issurim* and argues that with regard to Yom Kippur the critical factor is *הנאת מעי* (pleasure of the stomach rather than the throat).⁵¹

[In a similar vein the Panim Meiros⁵²

submits with regard to *bircas hamazon* where the Torah states ושבעת (you will be satiated), one is not required to recite *bircas hamazon* (*min haTorah*) unless the food provided him with הנאת מעיו. If one eats a half-*k'beitzah*, expels it and then re-swallows it, he is not required to recite *bircas hamazon*.]

The Achiezer,⁵³ however, disagrees and proves that the *issur* of eating on Yom Kippur depends on הנאת גרונו, just like other *issurim*. The Gemara in Sh'vuos 13b cites a case of one who chokes while eating on Yom Kippur as an example of a person who dies without attaining the Yom Kippur atonement. This Gemara indicates that even though the person choked and died before the food entered his stomach he has violated Yom Kippur. This proves, says the Achiezer, that the essential factor regarding Yom Kippur is הנאת מעיו, not הנאת גרונו.⁵⁴ Consequently, the Achiezer permits a sick person to take food or liquid through a feeding tube (or intravenously) on Yom Kippur since it lacks the critical factor of הנאת גרונו.⁵⁵

דף פ.

האוכל חלב בזה"ז צריך שיכתוב לו שיעור

1] The Gemara in Shabbos 12b relates that R' Yishmael once inadvertently violated Shabbos and inscribed in his records a pledge to offer a beefy *korbon chattos* upon the rebuilding of the Bais Hamikdash. This Gemara indicates that upon the coming of Mashiach one will be obligated to offer *korbonos* to atone for the sins which he transgressed when there was no Bais Hamikdash.

[See braysoh in Kreisos 9a which says that a גר upon his conversion should designate money for a *korbon* to be offered upon the rebuilding of the Bais Hamikdash (because during the times of the Bais Hamikdash a *korbon* is required as part of the conversion procedure). R' Yochanan ben Zakai, however, discontinued this practice because of a concern that in the interim someone may mistakenly use the consecrated money for personal use.]

R' Elazar (80a) states that one who inadvertently eats a *k'zayis* of *chelev* today (a sin subject to a *korbon chattos*) should keep a record of the exact amount of *chelev* eaten; he

should not simply write that he is obligated to offer a *chattos*. R' Elazar is concerned that the sages in the times of Mashiach may find grounds to increase the measurement of a *k'zayis* from a medium sized olive, used nowadays, to a large sized olive. Consequently, it is possible that a person who eats a *k'zayis* today (according to today's calculations) may be exempt from a *chattos* when the Bais Hamikdash is rebuilt (and it is forbidden for one who is exempt from a *chattos* to offer one, חולין בעזרה).

Rashi (ד"ה אי נימא) indicates that one must keep a record of his *chattos* obligation because of the possibility that Mashiach may come during his lifetime. The Chidushei HoRan (Shabbos, *ibid.*) explains that a person who committed a *chattos*-bearing sin and died before the arrival of Mashiach will be exempt from offering a *chattos* upon תחיית המתים (resurrection) because he has already attained atonement through his death and does not require further atonement (חטאת שמתו בעליה).⁵⁶ Thus, he explains that recording one's sins is required because one must consider the possibility that the Bais Hamikdash will be rebuilt during his lifetime.

2] The Sefas Emes questions why the concern that the measurement of a *k'zayis* may increase does not pertain to *mitzvos*. Instead of eating *matzah* (on the first night of Pesach) equaling a medium sized olive one should be required to eat much more because of the possibility that a subsequent *bais din* might decide to increase the size.

In answer, he cites the Gemara in Rosh Hashana 25b which derives from the posuk בימים ההם השופט אשר יהיה (Devarim 17:9) that each generation should follow the *bais din* and the sages of their own generation. Regardless of their stature and of what the sages of a subsequent generation may rule, one is permitted (and obligated) to follow the governing *bais din* of his times. Only with regard to one who records his *chattos* liabilities for the times of Mashiach is there a concern. If the Sanhedrin in the times of Mashiach overturn the accepted ruling of today and decide that one

who eats a piece of *chelev* equaling a medium sized olive is exempt from a *korbon*, it would be forbidden for one living in that generation to bring a *korbon*.⁵⁷

דף פא:

כל האוכל ושותה בתשיעי כאילו התענה בט' וי'

1] The posuk in Vayikra 23:32 states **ועניתם את** - 'נפשתיכם בתשעה לחדש בערב וגו' - you shall afflict yourselves (by fasting) on the ninth of the month [of Tishrei] in the evening. The wording of the posuk implies that one must begin fasting on the ninth of Tishrei.⁵⁸ The Gemara cites a braysoh which explains that this posuk teaches that one must begin fasting at the end of the day on Erev Yom Kippur, shortly before evening (תוספות ירה"כ).

Chiya bar Rav explains that the posuk actually means that there is a mitzvah to eat on Erev Yom Kippur, and it uses the term fasting to teach that if one eats on the ninth (and fasts on the tenth) the Torah considered it as though he fasted on the ninth and tenth of Tishrei.

Rashi explains that according to Chiya bar Rav the posuk is interpreted as follows: On the ninth of Tishrei you shall prepare for the [Yom Kippur] fast, and thus we deduce that there is a mitzvah to eat on Erev Yom Kippur.⁵⁹

The Rosh⁶⁰ explains that Hashem, in His boundless mercy, commanded us to eat on Erev Yom Kippur, so that we should have enough strength to fast on Yom Kippur, and He promised to reward us for the fulfillment of this mitzvah as though we actually fasted.⁶¹

The Bais Yosef⁶² explains that the mitzvah to eat derives from the fact that it would be fitting to honor Yom Kippur with a Yom Tov meal to demonstrate how delighted we are that Hashem has given us the opportunity to repent and obtain atonement. However, eating on Yom Kippur is not possible because one must fast in repentance for his sins. As compensation for the missing Yom Tov meal on Yom Kippur, the Torah commanded us to eat on Erev Yom Kippur instead.⁶³

2] R' Akiva Eiger⁶⁴ considers whether women are exempt from the mitzvah to eat on Erev Yom Kippur since it is a מצות עשה שהזמן גרמא - a positive time-related mitzvah - and as a

general rule women are exempt from such *mitzvos* (e.g., Tefillin and Succah).

He concludes that this mitzvah is different from other time related *mitzvos* because the Gemara links eating on the ninth to fasting on the tenth. Since women are obligated to fast on Yom Kippur they are also obligated to eat on Erev Yom Kippur.⁶⁵ [The Rashash (Succah 28a) adds that this logic is especially valid according to Rashi and the Rosh who say that the reason behind the mitzvah to eat on Erev Yom Kippur is that one should have strength to fast on Yom Kippur. It is obvious that women are included in the mitzvah to eat on Erev Yom Kippur, since they too, must have strength to fast on Yom Kippur.⁶⁶]

3] The Minchas Chinuch⁶⁷ considers the minimum amount of food one must eat on Erev Yom Kippur to fulfill this mitzvah. He concludes that even though a *k'zayis* is the standard amount required for most *mitzvos* (e.g., *matzah* on the first night of Pesach), it is not sufficient for this mitzvah. Since the Torah expresses the mitzvah to eat on Erev Yom Kippur in terms of עיניי (affliction/fasting), one must eat enough food to remove the pain of fasting, which is a ככותבת הגסה. He adds that one need not eat bread, but may discharge this mitzvah with any type of food.⁶⁸

The S'dei Chemed⁶⁹ argues that if the point of the mitzvah is to ease one's fast on Yom Kippur (as Rashi and the Rosh say), then logic dictates that one must eat bread and other filling foods so that he should have strength to withstand the Yom Kippur fast.⁷⁰

דף פב.

אין דבר עומד בפני פקוח נפש חוץ מג' עבירות

1] The Mishna says that if a pregnant woman smelled food on Yom Kippur and developed such a strong craving for it to the extent that her life and that of her fetus was in mortal danger, she should be fed the food until her craving is relieved. [The Gemara (82b) indicates that before feeding her food on Yom Kippur one should try to halt her craving by explaining to her about Yom Kippur.⁷¹ The Gemara (82a) also says that before feeding her a full-sized

portion of food we try to halt her craving by letting her taste a few specks of the food on a toothpick.]

The Gemara explains that feeding a critically ill person on Yom Kippur is permitted because, except for the three cardinal sins, no mitzvah supersedes the importance of *pikuach nefesh* (preservation of life). If a non-Jew threatens to take one's life if he refuses to commit a sin, he should commit the sin rather than forfeit his life. [The only exceptions are idolatry, adultery and murder, regarding which one is obligated to forfeit his life rather than transgress.]

The *Rambam*⁷² is of the opinion that if one forfeits his life when he is not *halachically* required to do so, he is מתחייב בנפשו - *responsible for his own death* (as if he committed suicide).

Tosfos in Avodah Zorah (27ב, ד"ה יכול) and the *Rosh (ibid.)* disagree with the *Rambam* and they cite several incidents related in the *Gemara* as proof that even in cases where one is not *halachically* required to sacrifice his life, one is allowed to put his life on the line and refuse to transgress a sin.

The *Nemukei Yosef* (Sanhedrin 74a) agrees with the *Rambam* but makes an exception in the case of a renowned Torah sage and G-d fearing pious personality. He says that such a person is permitted to go beyond the call of duty and sacrifice his life if he determines that the impact of his martyrdom is necessary to inspire the people of his generation to greater Torah and *mitzvah* commitment.

2] The Gemara in *Yevamos* 124b tells of an individual who forfeited his life rather than submit to the will of a non-Jew who ordered him to desecrate Shabbos. *Tosfos* in Sanhedrin (74b, ד"ה קטול) comments that this individual was evidently an unlearned person who was unaware of the law that one is not obligated to forfeit his life for the mitzvah of Shabbos.

The *Vilna Gaon*⁷³ asks why *Tosfos* labels this man as unlearned. Perhaps he was a pious individual who conducted himself stringently and sacrificed his life even though he was not required to do so, in conformance with *Tosfos*

in *Avodah Zorah* who condones such conduct.

In explanation of *Tosfos*, the *Vilna Gaon* cites *Rabbeinu Yerucham*⁷⁴ who maintains that one is permitted to forfeit his life rather than transgress an ordinary sin only if the non-Jew's intent is להעבירו על דת - to spitefully force him to violate the Torah. In such a case, refusal to capitulate is permitted because it is considered a *kiddush Hashem* (sanctification of Hashem's name). [Note: The Gemara in Sanhedrin 74b says that if such a threat (להעבירו על דת) takes place in public then one is obligated to forfeit his life (even for the sake of an ordinary mitzvah). *Rabbeinu Yerucham* teaches that even when it takes place privately and there is no obligation for one to forfeit his life, one still has the option of refusing and endangering his life to sanctify Hashem's name.] However, if a non-Jew threatens a Jew להנאתו - for the sake of his personal pleasure - such as in the case in *Yevamos* where the non-Jew merely wanted the Jew to cook him a meal because he was hungry (and not *because* it was Shabbos), *Rabbeinu Yerucham* agrees with the *Rambam* that one is prohibited from forfeiting his life (since there is no *kiddush Hashem* involved).⁷⁵ [Likewise, an ill person who requires medical treatment on Shabbos is forbidden to endanger his life by refusing to violate Shabbos⁷⁶ - because there is no *kiddush Hashem* involved.] Therefore, *Tosfos* in *Yevamos* assumed that the individual who forfeited his life for the sake of Shabbos was an unlearned individual because there was no *kiddush Hashem* involved there.

דף פג.

מי שאחזו בולמוס מאכילין אותו הקל הקל

The Gemara says that a critically ill person who is compelled to eat forbidden food, is fed foods in order of the severity of their *issur*. For example, it is preferable (when possible) to feed him produce of *shmitah* which is forbidden by an עשה (positive commandment) rather than to feed him *tevel* (un-tithed produce) which carries a penalty of מיתה בידי שמים (death by the hands of Hashem).

Similarly, we learned above on 82a that before feeding a pregnant woman a full portion of a forbidden food (on Yom Kippur) we try to

alleviate her cravings by offering her a small taste. The Rosh,⁷⁷ citing a Gemara in Kreisos 13a, says that even if we are unsuccessful in our attempt to appease the pregnant woman with a mere taste of the desired food, we should not immediately feed her a full portion. Rather, we should try to feed her פחות פחות מכשיעור - in increments which are smaller than the *shiur* (i.e., ככותבת הגסה) in order to minimize the transgression. [Even though we learned above that eating less than the *shiur* is also forbidden *min haTorah* (חצי שיעור אסור מן התורה) it does not carry the penalty of *malkus* and *kares* and is therefore a less serious *issur* than eating the complete *shiur* at one time (תוך כדי אכילת פרס).] The Rosh adds that the same halacha applies to any critically ill person who must eat on Yom Kippur (or must eat forbidden foods). If his doctor agrees that it is safe to feed him in small increments, he should only eat portions which are smaller than the *shiur*, rather than eat a full *shiur* at once.

The Sefer Hachinuch⁷⁸ writes that a sick person who feels very weak on Yom Kippur should be fed in increments of פחות מכשיעור - less than the *shiur* - even if his life is not in serious danger. This implies that even though there is no danger to his life he is permitted to eat in small increments of less than the *shiur*.

The Minchas Chinuch,⁷⁹ however, forcefully rejects such a position, arguing that since eating less than the *shiur* is a Torah *issur* there are no grounds to violate such an *issur* on behalf of a שֶׁאֵין חוֹלָה - sick person who is not in a situation of *pikuach nefesh* - life endangerment.⁸⁰

The Brisker Rav,⁸¹ in defense of the Sefer Hachinuch, suggests that there are three categories of sick people: (a) A person suffering from a critical ailment who is currently deathly ill. (b) A person who is currently not so sick, but who must eat (or violate another *issur*) to prevent contracting a dangerous illness. (c) A mildly ill person whose condition is not dangerous at all. The Brisker Rav suggests that the Sefer Hachinuch is not referring to a person in category C whose life is not in danger at all, but rather to someone in category B who, though not so ill, is in danger of developing a

dangerous illness.⁸² Such a person may be fed פחות פחות מכשיעור.

In contrast, a person who is suffering from a critical illness (category A), asserts the Brisker Rav (in the name of his father, R' Chaim), is granted unconditional permission to eat as much as he wants and is not limited to eating פחות פחות מכשיעור (even if he can survive on small portions). This ruling is based on the Maggid Mishna⁸³ who says that one may violate Shabbos to provide a critically ill patient with anything that will enhance his comfort even if it is not essential for his survival.⁸⁴ [Note: Many authorities⁸⁵ dispute this ruling of the Maggid Mishna and maintain that Shabbos may be desecrated only to provide a critically ill person with essential needs that his life depends on.]

דף פד.

מי שנשכו כלב שוטה מאכילין אותו מחצר כבד
וחכמים אומרים באילו אין בהם משום רפואה

The Chachamim (Mishna on 83a, Gemara 84a) state that a person who was bitten by a mad dog may not eat from the dog's liver as a cure (because dog's meat is not Kosher). R' Masya ben Charash, however, permits it. The braysoh on 84a cites a similar dispute as to whether a person suffering from jaundice may eat donkey meat as a cure.

R' Masya permits eating non-Kosher meat because *pikuach nefesh* (danger to life) is involved and saving lives overrides (almost) all *issurim*.

The Gemara (bottom 84a) explains that the Chachamim forbid taking these cures because אין בהם משום רפואה - they do not really heal (even though it was common for doctors to prescribe this cure⁸⁶).

Rashi (83a) explains that R' Masya is of the opinion that these are legitimate remedies and are therefore permitted when *pikuach nefesh* is involved.

The Siach Yitzchak submits that it is unlikely that these Tannaim are disputing the efficacy of these cures (because this a point which can be scientifically proven). Rather, he explains that R' Masya agrees with the Chachamim that the liver of a dog or meat of a donkey lack genuine curing power.

Nevertheless, he believes that since these remedies are prescribed on a regular basis they have a psychologically curative effect on some patients. R' Masya holds that the chance that it might have a placebo effect and cause one to get better is sufficient grounds to permit the eating of non-Kosher meat.

The Rambam in his commentary indicates that the Chachamim forbid these cures not because they never work, but because they are not a natural or scientific remedy (טבע). The Rambam asserts that one may not violate a Torah precept in order to administer a סגולה-type remedy (i.e., a cure that works through mystical or supernatural channels) because it is not dependable.

The Chidah⁸⁷ cites the dissenting opinion of the Ramban and Rashba. They assert that one may desecrate Shabbos in an effort to save a sick man's life even via a סגולה-type remedy. Moreover, he writes that it was reported that Rabbeinu Peretz once wrote a קמיע - amulet - on Shabbos for a woman in labor who was experiencing serious difficulty.⁸⁸

דף פה:

חלל עליו שבת א' כדי שישמור שבתות הרבה

1] R' Shimon ben Menasya derives the halacha that *pikuach nefesh* overrides Shabbos observance from the posuk ושמרו בני ישראל את השבת לעשות את השבת לדורותם (lit., b'nai Yisrael should observe Shabbos in order to observe Shabbos throughout their generations, Sh'mos 31:16). He infers from this posuk that חלל עליו שבת אחת כדי שישמור שבתות הרבה - it is better to violate one Shabbos (to save a life) to facilitate the observance of many Shabbosos (by the rescued person).

The Meiri comments that even if it seems certain that the sick person will not live too much longer one still may violate Shabbos to extend his life by a few hours. He explains that even though he will not be able to observe any more Shabbosos, by extending his life we can facilitate the observance of other *mitzvos*. Even a mere few extra moments of life is worthwhile because the time can be utilized to repent and cleanse oneself of his sins.⁸⁹

The Ohr Hachaim (ibid.) disagrees and

remarks that (according to R' Shimon ben Menasya's *derasha*⁹⁰) one may not violate Shabbos to extend a sick person's life merely for a few hours or even for a few days. He is of the opinion that Shabbos may be violated only for the purpose of facilitating additional Shabbos observance.⁹¹

The Mishna Berurah⁹² points out that if the patient is an infant or שוטה (mentally deranged), then even the Meiri would agree that Shabbos should not be violated to extend his life for a short period of time since it will not facilitate any mitzvah observance at all.

The Bais Meir⁹³ maintains that if the patient is a child who is being raised in the home of a non-Jew (תינוק שנשבה בין העכו"ם) or in a home where *mitzvos* are not observed, then violating Shabbos is not permitted since it will not facilitate any additional Shabbos or mitzvah observance.⁹⁴

The forgoing discussion is relevant only according to the position of R' Shimon ben Menasya who bases the halacha of *pikuach nefesh* overriding Shabbos on the logic חלל עליו שבת אחת וכי - it is better to violate one Shabbos in order that one should observe many. The Shulchan Aruch, however, follows the opinion of Shmuel who derives this halacha from the posuk וחי בהם - you shall live by the laws of Torah - not die by them (Vayikra 18:5). According to the Shulchan Aruch⁹⁵ extending the life of a critically ill man or infant, even for just a few moments, takes precedence over Shabbos observance, even if we do not anticipate the patient fulfilling more *mitzvos*.⁹⁶

2] The Gemara in Arachin 7a indicates that if a woman in labor dies on Shabbos it is permitted to violate Shabbos in an effort to save the life of the fetus.⁹⁷

The Rosh⁹⁸ deduces from the fact that the preservation of an unborn fetus takes precedence over Shabbos that a fetus is considered a bona fide חי (living human, i.e., killing it constitutes murder).⁹⁹

The Ramban¹⁰⁰ maintains that even if a fetus is not considered a חי, Shabbos may be violated on its behalf because of R' Shimon ben Menasya's logic חלל עליו שבת אחת כדי שישמור

violate one Shabbos to facilitate the observance of many Shabbosos (that the rescued fetus will eventually observe).¹⁰¹ Accordingly, argues the Ramban, it is even permitted to violate Shabbos for the sake of a fetus which is within the first forty days after conception, even though such a fetus is considered *מיא בעלמא* - mere water - and has no halachic significance.¹⁰²

- The Rashba¹⁰³ considers whether one who was notified that missionaries are attempting to lure his daughter into embracing a foreign religion is permitted to violate Shabbos (e.g., travel by car) to save her from their clutches.

The Bais Yosef¹⁰⁴ invokes the logic of *חלל* and rules that it is worth violating one Shabbos to save her from losing an entire lifetime of Shabbos observance and *mitzvos*.¹⁰⁵

דף פו: אשרי נשוי פשע כסוי חטאה

A necessary component of *teshuva* (repentance) is *viduy* - verbally confessing one's sins. The Gemara (86b) cites a dispute between R' Yehuda ben Bava and R' Akiva as to whether one may declare a general confession for all his sins (e.g., "I have sinned") or must one specify his exact sins.¹⁰⁶ The Shulchan Aruch¹⁰⁷ rules that it is preferable to specify one's sins (if he prays quietly), but the confession is valid even if one did not specify his sins.

The Shulchan Aruch adds, however, that one who prays loudly (i.e., the *chazan*) should not specify his sins (so as not to reveal his sins to others). [The Ramoh writes that the *chazan* is permitted to recite the *על חטא* prayer out loud even though it specifies various sins, because it is a universal text and does not pertain specifically to his sins.]

This latter ruling of the Shulchan Aruch is based on Rav (86b) who derives from the *posuk* *אשרי..כסוי חטאה* - fortunate is one who conceals his sin (Mishlei 28:13) - that it is improper to publicize one's sins (except under certain circumstances). Rashi explains that the greater number of people present when one commits a sin (or who are made aware of his sin), the more damage is caused to *שמים* - Hashem's honor. Rashi in Sotah 7b (*מאן דמפריט*) adds

that by publicizing one's sins he demonstrates that he is not embarrassed of them (and this may dampen the Torah commitment of others).

There are several exceptions where divulging one's sins is permitted and even necessary. [In these cases we apply the *posuk* *מכסה פשעיו לא יצליח* - one who conceals his sins will not succeed (Tehillim 32:1).]

(a) Rav says that if one's sins are already publicly known in any case, then he should confess in public (because a public confession adds to his shame and remorse).

(b) R' Zutra bar Tuvia says in the name of Rav Nachman that *עבירות שבין אדם לחבירו* - sins against fellow man - should be confessed in public (see Rashi).¹⁰⁸

(c) The Gemara in Sotah 7b says that if the public wrongly suspects an innocent person of committing a sin, then the real sinner should publicly confess in order to vindicate the innocent party.¹⁰⁹

(d) The Nesivos¹¹⁰ and the Bais Halevi¹¹¹ assert that a sinner who received Heavenly retribution may publicize his sins and reveal the real reason for his afflictions. Doing so increases *כבוד* (Hashem's honor) because by revealing the real reason for his suffering he justifies Hashem's actions.

(e) The Shmu'os Chaim submits that a *ba'al teshuva* may reveal his past misdeeds for the purpose of inspiring and influencing others to return to Hashem through example, by explaining how he personally succeeded in abandoning his corrupt past and was able to find the true Torah path.

דף פז: האומר אחטא ואשוב אחטא ואשוב

The Mishna (85b) says that if one declares, *אחטא ואשוב אחטא ואשוב* - "I will sin and repent, I will sin and repent" - he is not given the opportunity to repent. The Gemara on 87a questions the repetition of the phrase *אחטא ואשוב* and offers an explanation.¹¹²

The Chanukas Hatorah¹¹³ offers his own explanation. He explains that there are grounds for leniency regarding a person who declares *אחטא ואשוב* only one time (and sins only one time) because he could claim that he sinned only for the purpose of fulfilling the *mitzvah* of

teshuva (not out of desire or defiance). However, if one declares **אחטא ואשוב** twice (and sins twice), it is evident that he has not sinned with honorable intentions and therefore he is not given an opportunity to repent.

In a similar light, the Imrei Daas¹¹⁴ explains the following exchange between Potifar's wife and Yosef HaTzadik. He theorizes that Potifar's wife attempted to persuade Yosef to sin with her by rationalizing that it would afford him the opportunity to repent and perform the great mitzvah of *teshuva*. Yosef rejected her logic with two counter-arguments claiming, **ואיך - אעשה הרעה הגדולה הזאת וחטאתי לאלוקים** - How can I commit this great sin, I [will] have sinned (Bereishis 39:9). Firstly, Yosef argued that if he were to sin for the sake of the mitzvah of *teshuva* it would be sufficient to commit a minor sin, rather than such a great sin (**הרעה הגדולה הזאת**). Secondly, he said that there is no need for this sin because **וחטאתי לאלוקים** - I have sinned previously - and thus I have other sins for which I can repent.

דף פח.

בעל קרי טובל והולך כל היום

Washing oneself on Yom Kippur is forbidden only when done for pleasure, but immersing in a body of water for the sake of a mitzvah is permitted. For example, the Gemara on 77b says that one may pass through a stream on Yom Kippur for the sake of visiting his Rebbi (Torah teacher). Likewise, the braysoh on 88a states that a *tamei* person, such as a **בעל קרי** (one who experienced a seminal emission), is permitted to immerse in a *mikveh* on Yom Kippur so that he can pray. [Without immersion he may not pray because Ezra HaSofer decreed that a **בעל קרי** is forbidden to engage in Torah study or prayer (Berachos 22b, see Al Hadaf *ibid.*.)]

The Rambam,¹¹⁵ in codifying this halacha, writes that today one who becomes a **בעל קרי** on Yom Kippur should merely wipe himself clean, but he may not immerse in a *mikveh*, because Ezra's decree (prohibiting a **בעל קרי** from praying) was not accepted by the masses and is no longer in effect (see Berachos 22a and Al Hadaf *ibid.*). Since a **בעל קרי** today is permitted

to pray, he is forbidden to immerse on Yom Kippur.

The Meiri notes that since the Rif codifies the braysoh which permits a **בעל קרי** to immerse on Yom Kippur he apparently holds that this halacha is relevant even today.¹¹⁶ The Meiri explains that even though Ezra's decree is no longer in force, and a **בעל קרי** is permitted to pray, immersion on Yom Kippur is still permitted since it is done to purify oneself and not for the sake of pleasure.¹¹⁷ He argues that just as one is permitted to wade through a stream on Yom Kippur to visit his Rebbi, so too, he may immerse to purify himself if he is a **בעל קרי**. [The Tur¹¹⁸ writes that although immersion before prayer for a **בעל קרי** is not mandatory, there are **חסידיים ואנשי מעשה** (pious individuals) who observe Ezra's decree, and he concludes that **המחמיר תבא עליו ברכה** - if one is stringent in this regard, may he be blessed.]

The Shulchan Aruch,¹¹⁹ however, rules in accordance with the Rambam and forbids a **בעל קרי** today to immerse on Yom Kippur. Moreover, he adds that immersion on Yom Kippur is forbidden even for one who conducts himself stringently all year round in this regard and never prays in a state of **קרי**.¹²⁰ ■

דף עב

1) עי גמי שמבאר דכיון דלא כתיב "שלא יקרע" ממילא ידעין ד"לא יקרע" הוא איסור לאו, ועי רש"י עה"ת שמות כח-לב שהבין דהפסוק כולל ב' פירושים ביחד דצריך לכפול פיו בתוכו כדי שלא יקרע וגם יש איסור לאו על קריעתו, עייש בשפתי חכמים, ועייש בספר הליקוטס על הרמב"ם דפוס ש' פרנקל בפ"ט מהלי כלהמ"ק הי"ג בשם הגר"ם בשם אביו הגר"ם.

2) פ"ט מהלי כלי המקדש הי"ג.

3) סימן ס"ח, מובא במל"מ שם ובפ"ח מהלי מעה"ק הי"כ.

4) [עי בדברי הגר"ם, המצוין לעיל, דמצדד דאולי דוקא המקרע "פני" המעיל לוקה אף שלא בדרך השחתה, אבל המקרע המעיל במקום אחר לא הוא אלא בקורע שאר בגדי כהונה] ועי מנח"ם סוף מצוה ק"א שמסיק בבניאר דעת הרמב"ם דאיסור קריעה בשאר בגדי כהונה ילפינן מ"לא תעשון כן לה' אלוקיכם" ולכן אינו אסור אלא דרך השחתה משא"כ מעיל אסור אפי' שלא בדרך השחתה דכתיב ביה לא יקרע, ולא ילפינן שאר בגדי כהונה ממעיל (דלא קיי"ל כרי יהודה במכילתין דס"ל דעובר בלא יקרע גם בשאר בגדי כהונה).

5) עי מל"מ בפ"ט מהלי כלי המקדש הי"ג שהביא דברי קרבן חגיגה וכתב ע"ז "לדידי ליתנחו להני מילי" עכ"ל, ובהלי כלאים פ"ט ה"י א"א כתב המל"מ אבל דהא דנקט ר"ל מעיל שטטמא משום דאיסור קריעה ילפינן ממעיל אבל פשיטא דה"ה לכל בגדי כהונה, וכ"כ הרדב"ז בפ"ח מהלי מעה"ק הי"כ, וכ"כ השפת אמת כאן.

6) [לכאוי כן צ"ל בדעת המל"מ דמשמע בדבריו דאין מקום לחלק בין מעיל לשאר בגדי כהונה, ועי שפת אמת כאן בסוף דבריו שמיישב הא דלא כתב הרמב"ם להדיא התנאי דדרך השחתה אצל המעיל.]

7) הנ"ל (הוכחה זו מהא דר"ל נקט דוקא מעיל מובא בשפת אמת כאן ובמנח"ם מצוה ק"א).

8) מצוה ק"א.

9) הבאנו שם דברי הכלי חמדה בפרשת פקודי אות ב' ד"ה ולכאורה דמחלק בין בגדי כה"ג ובגדי כהן הדיוט (וכן ביד דוד שם בזבחים כתב חילוק כזה).

דף עג

10) סימן ע"ו.

11) השג"א נקט דבשר חי הוא שלא כדרך אכילה (עי לקמן דף פ: אכל אומצא ומלחא) אולם בב"ה"ל ס"י תרי"ב ס"ו נקט דמקרי דרך אכילה כיון שיש בני"א שאוכלין אותו (והעיר הי"שמועות ח"ים" מהא דהתיק המשיב"ב ס"ו שפ"ו ס"ז דעת הרשב"א דאין משתתפין בבשר חי משום דאינו נאכל אפי' בדוחק גדול אלא למיעוט בני"א ובטלה דעתן).

12) (ועייש בסימן ע"ה דמבאר דאוכלין שאינן ראויין כלל גרע טפי מבשר חי והוי כעפרא בעלמא ולכן תנן לקמן בדף פא. אכל אוכלין שאינן ראויין לאכילה פטור) ועי שו"ת בנין ציון (לבעל ערוך לנר) ח"א סימן ל"ה דדעתו נוטה שלא כהשג"א.

13) אור"ח סימן ל"א (ועי גם באפיקי ים ח"א סימן ל"א שחקר בזה).

14) וכעין זה מבואר מתוך דברי שו"ת בנין ציון סימן כ"ד (מובא בב"ה"ל ס"ו"ס תרי"ח ד"ה ואם אמודיה) דאם א' הותר לא' לאכול פחות משיעור משום חולי ועבר ואכל כשיעור חייב כרת (אע"ג דלא הוסיף אלא חצי שיעור על מה שהותר לו), ודו"ק.

דף עד

15) מהדו"ד ח"ג סימן ק"ל.

16) עייש שהביא הפרמ"ג יו"ד סימן ס"ה מ"ז סק"ד דנסתפק אי חזי לאצטרופי הוא חשש שיאכל עוד חצי שיעור תוך כאכ"פ (ולפ"ז לא שייך בסוף היום כשליכא שעות לאצטרופי), או דילמא הוא חשש שאיש אחר (או בפנס אחרת) יבא לאכול שיעור שלם בני"א ופ"ז איסור ח"ש שייך אפי' בסוף היום, ועייש בס' קובץ שמועות עמ"ס חולין אות מ"ה, ועייש בספר "מנחת ח"ן" כאן ובסוף הספר סימן א' וב' שמאר"ך בזה.

דף עה

17) סימן פ"ו.

18) (כאן כתב רש"י שקשין לעוברות ולמיניקות, אולם ברש"י עה"ת לא נזכר אלא שקשין למיניקות), ראיתי בשם מדרש לקח טוב דהסיבה שלא טעמו מנין טעם חמשיית מנין הללו משום שהן קשין לתלמוד.

19) (ומבואר דמ"ד הראשון ס"ל דטעם של חמשיית מנין הללו אפי' בלי ממשות מזיק למינות, וחימוש הוא).

20) (בשפת הזכות) מובא בשמ"ב כאן, ועייש בגלויני השי"ס כאן שחקר בזה (אולם מספר דיסוד ספקתו אם במציאות היה הקב"ה מהפכו לדבר אסור, ולא אם מותר להפכו לדבר אסור).

21) בפתח עינים עמ"ס חולין דף קט: ד"ה בעינן למיכל.

22) אולם עייש בסוף דבריו דמשמע דמצדד דאולי לא היה הקב"ה מהפכו לדבר אסור.

23) שו"ת משכנות הרועים ח"א סימן כ"ב סק"ד ד"ה והנה עוד.

24) ספר מרכבת המשנה על המכילתא (פרשת בשלח דף סו.), מובא ב"מגדים חדשים" עמ"ס ברכות דף מח: ד"ה וראיתי.

25) שו"ת צפת פנח סימן ג'.

26) ואולי י"ל דשאני הכא כיון שמפכו לדבר אסור אחר שכבר ירד לארץ, או דילמא גם נלכל באין דבר טמא יורד מן השמים כיון שמתהפך בדרך נס, ואגב, עי ריב"א בקדושת דף לו: שכי דאין יוצאין חובת מצה ע"י מן כיון דאינה מחמשת המינים (ועייש מנחות דף סט: ובתוס' שם דבעי ר' זירא לטיטן שירדו בעבים מהו לשתי הלחם).

דף עו

27) עי ט"ז יו"ד סימן ק"ז שמביא ב' דעות בזה.

28) שו"ע אור"ח סימן שכ"ו סעיף י'.

29) שם.

30) עי ח"י מרן ר"י הלוי על הרמב"ם במכתבים בסוף הספר (דף עח: ע) משי"כ בדעת הרמב"ם.

31) יו"ד סימן ק"ז ס"ק כ"ט.

32) ועי ביאור הלכה ס"ו"ס שכ"ו שכתב שמנהג העולם להקל ורק איהו

מדקדקים זהירין שלא לרחוץ בבורית שלנו הנעשים מחלב, ומסיים שם שאם מצוי להשיג בורית כשר בודאי נכון לחוש לדעת המחמירין.

דף עז

33) כ"כ הר"ן כאן (דף ב. בדפי הרי"ף) בדעת הרמב"ם פ"א מהלי שביתת עשור ה"ה, וכן דעת השאלות סימן קס"ז, וכן מדויק ברש"י שבת סוף קיד: ד"ה אלא.

34) ר"ת ס"ל דאין מקום לחלק בין רחיצה של תענוג לרחיצה שאינה של תענוג אפי"כ איסור רחיצה אינה אלא מדרבנן.

35) בריש פירקין.

36) וכעין זה כ' היראים בסימן ת"כ וז"ל - דוקא רוב גופו ומתכוין ליהנות ברחיצה אסור מדא"ו אבל מיעוט גופו אפי' מתכוין ליהנות אינו אסור אלא מדרבנן דאל"כ האיד מתירין במתניי שהמלך והכלה ירחצו פניהם.

37) [וכתב שם לפ"ז דאסור לרחוץ כל גופו אפי' כשכל גופו מטונף, ועי משנ"ב סימן תרי"ג סק"א בשם אחרונים דמותר לרחוץ כל גופו אם מלוכלך בכמה מקומות ויש טירחא לרחוץ כל מקום בפני"ע והנה צ"ע לכאוי מהא דמבואר כאן בדף עז: דההולך להקביל פני רבו עובר עד צוארו במים (ולכאוי היינו כל גופו), ועוד הרי גרסינן לקמן ריש דף פח. כל חיבי טבילות טובלין כדרך ביהו"כ, וצ"ע.

38) ועי בדברי יחזקאל ח"א סימן ט"ו ס"ק ט"ז שמיישב בע"א (אפי' לדעת רש"י דס"ל ח"ש אסור מה"ת אפי' בשאר איסורין) דאינו מבטל העינוי אלא ע"י רחיצת כל גופו וכיון דלא ביטול עינוי ברחיצת מקצת גופו לא שייך ביה איסור חצי שיעור, עייש.

דף עח

39) אור"ח סימן תרי"ד ד"ה ומ"ש וכן מותר (כתב כן ע"פ הבה"ג המובא שם בטור דמשמע דאפי' לכו"ך מידי על גולו אסור אפי"כ יש סכנת עקרב או צורך אחר, עייש בב"י).

40) כתב הב"ח בשם רבנו ירוחם דהחמיר כרש"י וכי דלא ראיתי מי שנוהג היתר לצאת בסנדל של עץ, ועייש בשלטי גיבורים על הרי"ף כאן (דף ב. אות ג') שמחמיר גם בשעם יבש משום דהוי כעץ.

41) סימן תרי"ד ס"ב.

42) במסכת שבת דף סו. ד"ה מאן לא הודה, מובא בר"ן כאן (דף ב: ד"ה ומיהו).

43) עי מנח"ם מצוה ש"ג שחקר לדעת הר"ן אי היה אסורה לה לצאת לרה"ר ביהו"כ בסנדל של שאר מינים כמו בשבת (כיון שהתירו לה מנעל של עור) או דילמא אמרינן דגם אצלה מיקרי מלבוש ביהו"כ כיון דלשאר בני"א מיקרי מלבוש.

44) חצי סימן מ"א.

45) מצוה ש"ג.

46) ועי תשובת מפרשי הים ס"ד (נדפס בסוף ספר "יים התלמוד" עמ"ס ב"ק) דס"ל דדבר שהוא מלבוש מחמת עצמו כגון מנעל אז אין כח ביד האיסור לבטל שם מלבוש מיני, ורק בתפילין שכל חשיבותו הוא מחמת המצוה (ועייש ברמ"ג סימן י"ג סק"ב בא"א שמצדד דהלושב כלאים בשבת חייב משום הוצאה).

דף עט

47) ריש לקיש שם פליג וסבר דצריך הנאת מעיו, וקיי"ל כרי יוחנן דהנאת גרונו סגי.

48) שו"ת שמש מרפא אור"ח סימן י"ט-כ"ב [שמו היה ר' שמשון בן רפאל (אריה) אלא שמנהגו היה לצרף שם אביו לשמו].

49) (כל זה כתב על הצד שהמציאות הוא שיש יתובי דעתיה ופוסק הרעב ע"י מאכלים שמקבל דרך אחריו) והביא שם דעת שני"א סימן ע"ו דביהו"כ חייב אפי' שלא כדרך אכילה, ועייש עוד שחקר בענין חולה שנוכל להאכילו פחות פחות מכשיעור דמהו עדיף, להאכילו פחות פחות מכשיעור או לכלכלהו דרך פי הטבעת בכדי שביעה בפעם אחת (ועייש באג"מ אור"ח ח"ד סימן קכ"א בענין שימת קאפסול של ווייטעמין פי הטבעת ביהו"כ).

50) אור"ח סימן קכ"ז.

51) וכן נקט האור שמוח בפ"ב מהלי שביתת עשור ה"א דאם אכל חצי שיעור ביהו"כ והקיא וחזר ואכלו אינו חייב משום דביהו"כ בעינן אונגבי דעתא וליכא (משא"כ בשאר איסורים קיי"ל דחייב ככה"ג משום שיש לו הנאת גרונו), ועי במנח"ם מצוה ש"ג שחקר בזה אף בעינן הנאת מעיו ביהו"כ.

52) ועי שו"ת פנים מאירות ח"ב סימן כ"ז שכי דה"ה לענין ברכת המזון לכו"ע בעינן הנאת מעיו ולא מברכין על חצי זית שהקיא וחזר ואכלו שהתורה כתב שם לשון "ואכלת ושבעת".

53) ח"ג סימן ס"א.

54) ועי בחת"ס בחידושים לחולין דף ק"ג (סוד"ה שהר"ל שכבר עמד על ראי' זו משבועות ותיירץ דעסקין שמת אחר שכבר היה האומצא למטה מבית בליעתו (והחת"ס כתב בד"ה אכילה שאין הפי' של הנאת מעיו שירד האוכל כבר לתוך קיבה ממש, אלא אחר שיצא מבית גרונו לבית בליעתו נקרא מעיו), והאחייעור כתב דזה דוחק.

55) ועייש באחייעור שר"ל דאע"פ שכי' החת"ס דבעינן הנאת מעיו ביהו"כ מ"מ מודה דבעינן ג"כ הנאת גרונו וכעין זה כ"י גם במנח"ם הנ"ל שר"ל דאפי' ריש לקיש דסבר בעלמא דבעינן הנאת מעיו מודה דבעינן ג"כ הנאת גרונו, ולפ"ז אפי' ביהו"כ אין איסור (מן התורה) אלא דרך אכילה, אולם הי"שמש מרפא" חולק על זה ואין דעתו להתיר אפי"כ יתברר המציאות שאין דעת האדם מתישב ע"י מה שמקבל דרך אחריו.

דף פ

56) עי רש"י מעילה דף י: סוד"ה ולד שמבאר דחטאת שמתו בעליה ימות

משום דמיתות כבר כיפרו עליהם.

57) וכ"כ הרש"ש כאן עייש.

דף פא

58) עי תוסי ברכות דף ח: ד"ה כאילו דמבאר מה"ת שלא לפרש הקרא כפשוטו שצריך להתחיל להתענות בתשיעי בערב דהיינו בהתחלת ליל יוה"כ (כמו "בארבעה עשר יום לחדש בערב תאכלו מצות" דהיינו תחילת ליל ט"ו), ע"ש.

59) (ונחלקו המפרשים אם מצוה זו מדאורייתא והוי דרשה גמורה או אינו אלא מדרבנן והוי אסמכתא, עי' כ"מ פ"ג דנדרים ה"ט ועי' מה"מ ה"ל שביתת עשור פ"א ה"י, ועיי' בלח"מ שהקי' למה הרמב"ם בה"ל שביתת עשור השמיט מצוה זו, ועי' מה שתיירץ בערוה"ש סימן תר"ד ס"ק ו-ח.

60) לקמן סימן כ"ב (מובא בטור או"ח סימן תר"ד).

61) (לכאוי' ר"ל דהוציא הכתוב החיוב בלשון עינוי דוקא משום שיש יותר שכל על מצות עינוי מעל מצות אכילה דלפום צערא אגרא, כדמבאר המהרש"א בח"א בפסחים דף סח:.) ועי' במאירי ב"ה דף ט. שכי' דמחויב לאכול בתשיעי לשם עינוי.

62) שם בסימן תר"ד.

63) לפי"ז לכאוי' השיעור אכילה הוא כזית או כביצה כמו שיעור אכילה בשבת ויו"ט (לאפוקי ממש"כ המנח"ח (המובא לקמן דשיעורו ככותבת הגסה).

64) מ"ק סימן ט"ז.

65) וכ"כ החכמת שלמה על שו"ע שם בסימן תר"ד ע"ש שמאריך, ועי' מנח"ח מצוה שו"ע שחקר בזה ותולה אותה באם חיוב אכילה בעוה"כ מן התורה או מדרבנן.

66) וז"ל שו"ת כתב סופר או"ח סימן קי"ב "וכי נשי לא בעי כח להתענות אדרבה הם תשושי כח יותר מאנשים", ועיי' שכי' לפי טעם רש"י והרא"ש מי שמשוכן וצריך לאכול ביוה"כ פטור ממצות אכילה בערב יוה"כ (ומסיק שם דאע"ג דאין להקל כן למעשה כיון דלאו כו"ע ס"ל כרש"י והרא"ש מ"מ באשה מסוכנת ודאי יש להקל ממה נפשך, ודו"ק.

67) מצוה שיי"ג.

68) כתב שם דלא בעינן דוקא משום דלא מצינו בשום מקום רק מצוה לאכול, עכ"ל, ולכאוי' יש להוסיף דכיון דיסוד מצות אכילה בעוה"כ (לדעת המנח"ח) הוי הסרת העינוי ממילא פשוט דיוצא בכל מיני מאכל שהרי חייב ביוה"כ על כל מיני מאכל.

69) מערכת יוה"כ סימן א' סוף אות ג'.

70) וגם אולי מחויב לאכול יותר מכותבת הגסה.

דף פב

71) כך פסק השו"ע סימן תר"ז ס"ב דלוחשין באזנה שיום הכיפורים היא, ועי' שעה"צ שם בשם המאירי דגם מבטיחין לה שעובד יהיה ירא שמים כהעובד בגמ'.
72) ה"ל יסודי התורה פ"ה ה"ד.
73) וי"ד סימן קנ"ז סו"ס"ק ג' (בקוצר לשונן).
74) מובא להלכה בשו"ע יו"ד רמ"ק קנ"ז.
75) ומקרי חובל בעצמו, ועי' באר היטב שם סק"א שכי' בשם הב"ח דכשהוא להנאתו אסור למסור נפשו אפי' כשהוא בפרהסיא והפרישה חולק וס"ל דפרהסיא רשאי.
76) הר"ן כתב לקמן בדף פד: בשם הירושלמי דחולה שמונע עצמו מרפואה בשבת מתחייב בנפשו, וכן עי' ברדב"ז ח"ג סימן תמ"ד שכי' דודאי אין רשאי לחולה להחמיר על עצמו כיון דליכא ענין של קידוש השם.

דף פג

77) סימן י"ג.
78) מצוה שיי"ג.
79) שם.
80) וכ"כ המל"מ בפ"ה מה"ל יסודי התורה שלא הותר איסור חצי שיעור לחולה שאין בו סכנה.
81) הלכות שביתת עשור (בסוף).
82) וכ"כ השדי חמד מערכת יוה"כ סימן ג' אות י"ג דהחינוך איירי בחולה שיש לחוש שישתכן אם לא יאכל, וכ"כ בהגהות "צבא רב" על ספר החינוך (מובא בספר החינוך דפוס מכון ירושלים).
83) ה"ל שבת פ"ב הלכה י"ד (סוד"ה אבל אין עושין).
84) לכאוי' ס"ל למ"מ דפיקו"נ הותרה אצל איסורין, אולם עי' במ"מ פ"ב מה"ל שביתת עשור ה"ח שכי' להדיא דאפי' בחולה שיש בו סכנה מאכילין אותו פחות פחות מכשיעור אם אינו זקוק ליותר (עי' אבני"ז או"ח סימן תנ"ג).
85) עי' ביאור הלכה סימן שכ"ח ס"ד ד"ה כל שרגילין שכי' דרוב ראשונים חולקין על המגיד משנה וס"ל דאסור לעשות לחולה שיבי"ס אלא דברים שיש במניעתם סכנה.

דף פד

86) כ"כ רש"י במתני, ועי' רש"י כאן ובמתני שמוסיף - אינה רפואה גמורה וכו', ועי' בספר "תוסי' יוה"כ" שם שמצד דמילת "גמורה" טעות, וכוונתו שאינו רפואה כלל (והביא שכן משמע בר"ן שם).
87) עי' ברכי יוסף סימן ש"א, ושו"ת חיים שאל ח"ב ס"י ל"ח (מובא בשמ"ב על קצו"ע סימן צ"ב סק"ה).
88) עיי' במשנ"ב שהביא משו"ת מהרש"ם ח"ג ס"י רכ"ה עובדא בדין אחד בעיר זלאטשוב שהורה לכתוב "קוויטל" בשבת ולשלוח לעיר בראד להנה"ק מהר"ש מבעלזא, והרעיש עליו המהר"ש וגם ר' שלמה קלוגער, ע"ש.

דף פה

89) וכ"כ בחי' ר' יהונתן מלוניל כאן.
90) כדן פירשו הרבה מפרשים בכונת האור החיים הקדוש דאיירי לפי

עב	לז"נ בלימה בת אברהם משה ז"ל *	כד אב	Fri
	לז"נ הרב נתן נטע לייב בן הרה"ג תנחום גרשון ז"ל *		
עג	Sponsored by his daughter ; Mrs. Leah Kraus and by his grandchildren Moshe & Charni Shochet לז"נ אליעזר אברהם בן יבלי"ח משה * Wolf	כה אב	שבת
עד	לז"נ ר' יצחק מאיר ב"ר אליהו ז"ל ISAAC WEISSMAN ז"ל *	כו אב	Sun
עה	לז"נ יהודית בת יעקב הלוי ז"ל *	כז אב	Mon
עו	לז"נ מורינו ורבינו הרב ר' אברהם יעקב בן ר' מאיר פאם זצ"ל *	כח אב	Tues
עז	לז"נ אסתר בת יעקב מיכאל ז"ל *	כט אב	Wed
עח	לז"נ אסתר בראנא בת נתן נטע ז"ל *	ל אב	Thrs
	לז"נ ר' יוסף דוב בן מנחם ז"ל *		
עט		א אלול	Fri
פ	לז"נ חיה רות בת ר' יוסף דוב ז"ל * - הונצח ע"י משפחתה	ב אלול	שבת
פא		ג אלול	Sun
פב	לז"נ זאב בן נפתלי הרץ הלוי ז"ל *	ד אלול	Mon
	לז"נ זקני קלמן יהודה בן יהודה ז"ל * (4th Yartzeit) JULIUS KNOLL נפטר בשם טוב ובשבה טובה ד' אלול תשס"ב - July 25 1898-Aug 12 2002		
פג		ה אלול	Tues
פד		ו אלול	Wed
פה	לז"נ טשארנע פראדל בת ר' יעקב ז"ל *	ז אלול	Thrs
פו		ח אלול	Fri
פז		ט אלול	שבת
פח	לז"נ הרב מנחם בן אברהם אריה הכהן ז"ל *	י אלול	Sun

* Denotes Yartzeit

Cong. Al Hadaf
P.O. Box 791
Monsey, NY 10952
Ph. & Fx. 845-356-9114
cong_al_hadaf@yahoo.com

(c) 2006 Not to be reproduced in any form whatsoever without permission from publisher. Published by; Cong. Al Hadaf/ P.O. Box 791/ Monsey, NY 10952. Rabbi Zev Dickstein - Editor. For subscription, dedication, or advertising information. contact the office at 845-356-9114, Email:cong_al_hadaf@yahoo.com, or go to www.alhadafyomi.org