

## OVERVIEW of the Daf

### 1) Following circumstantial evidence (cont.)

After the Gemara completes citing the Baraisa it suggests that the Baraisa follows the position of R' Shimon ben Menasya, who accepts circumstantial evidence, rather than Rabanan.

This suggestion is rejected and the Gemara is forced to explain why it initially thought that the Baraisa was limited to the position of R' Shimon ben Menasya.

### 2) Deathbed gift

R' Zeira in the name of Rav offers one Biblical source for the validity of a deathbed gift.

R' Nachman in the name of Rabba bar Avuha offers another source.

The Gemara explains why each one rejected the other's source.

Additional sources for the deathbed gift are presented.

### 3) Achitofel

A Baraisa recounts the three instructions Achitofel gave his children before he died.

Mar Zutra offers an alternative version of one of the instructions.

Nehardei in the name of R' Yaakov explains how both versions are correct.

### 4) Weather patterns

A Baraisa elaborates on what the direction of the wind on the day after Sukkos indicates.

Another Baraisa is cited that conflicts with the previous Baraisa concerning which winds are considered beneficial.

The Gemara resolves the contradiction.

A Baraisa and R' Zevid note other weather conditions

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## Distinctive INSIGHT

### *The advice which Achitofel gave to his sons*

שלשה דברים צוה אחיתופל את בניו, אל תהיו במחלוקת, ואל תמרדו במלכות בית דוד, ויום טוב של עצרת ברור זרעו חטים

**A**chitofel gave his sons three important pieces of advice. In Nesivos Olam (Nesiv Shalom, Ch. 3) Maharal explains that there is a common underlying theme which is present in each of these three suggestions, and that is the concept of strife and conflict, the tragic flaw which led to the downfall of Achitofel. Maharal notes that Achitofel was teaching his sons about his personal mistakes in order to instruct them how to avoid those same errors. There is no better teacher than one's own experience.

The first piece of advice was to avoid conflict, which is understood for its face value. Secondly, he told his sons not to rebel against the kingdom of Dovid HaMelech. The king represents a peacemaker, as we find in the Mishnah (Avos 3:2), "R' Chanina, the assistant to the Kohanim said, 'Pray for the welfare of the government, for without the fear of it, one man would consume the other alive.'" When the throne was held by the family of Dovid HaMelech, things were tranquil, but when it would be occupied by foreigners, there would be disputes and contention.

Finally, Achitofel told his sons to plant wheat if the weather is clear on the Festival of Shavu'os. Strife and conflict flare up when there is a lack of food. People compete and fight when food is scarce. The Gemara (Bava Metzia 59a) teaches a lesson of R' Yehuda: "One should be most careful regarding furnishing grain (food) in his household, because arguments and fights are common when food is lacking." Therefore, planting grain in an effective and efficient manner leads to an abundance of food and therefore contribute to peace and tranquility.

Maharal also notes that these three pieces of advice correspond to three aspects of peace. Planting wheat corresponds to peace in the house (שלום בית). "Do not join in disputes" refers to peaceful relationships among friends. Finally, the advice not to feud with the government and the king refers to peace at large, among the citizens and all members of society, all of whom are under the jurisdiction of the king.

Ben Yehoyada explains that Achitofel fought against Dovid HaMelech because he thought that Dovid had sinned by marrying his granddaughter Bas Sheva (see Sanhedrin 69b). He also knew that Dovid HaMelech was born on Shavu'os, and the Gemara tells us that a sign of a true tzaddik is when a person dies on the same date he was born. Therefore, now that Achitofel realized at the end of his life that he had been terribly mistaken about Dovid, he told his children not to continue to feud with Dovid HaMelech or his son, Shlomo, who was born

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## REVIEW and Remember

1. What is the Biblical source for a deathbed gift?  
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2. Why did people look at the direction of the smoke coming from the altar on the day following Sukkos?  
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3. According to R' Nachman, why did Chazal institute the deathbed gift?  
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4. What expression is ineffective at conveying a deathbed gift?  
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# HALACHAH Highlight

## Eating simanim on the second night of Rosh Hashanah

אמר ר' זביד האי יומא קמא דריש שתא וכו'

R' Zevid said: On the first day of Rosh Hashanah etc.

In the Gemara Horayos (12a) Abaye states, “Now that you have said that an omen is a significant matter a person should be accustomed to see (According to Tur, “eat”) at the beginning of the year (בריש שתא) a gourd, fenugreek, etc.” This concept is codified in Shulchan Aruch<sup>1</sup> where he advocates eating those foods that are an omen for a good year. Gaon Chida<sup>2</sup> writes that he decided on his own that it is appropriate to eat all of the “simanim” on the second night of Rosh Hashanah as well and he later found sources that support that approach.

Bnei Yisoschar<sup>3</sup> infers from Abaye’s use of the words ריש שתא rather than ראש השנה that the significance of eating the “simanim” is limited to the first night. Although there are sources that mention eating the simanim on the second night, none of the older rabbis ate the simanim on the second night. The author of Minchas Elazar<sup>4</sup> questions the inference his grandfather drew from the words ריש שתא. The words ריש שתא are merely the Aramaic translation of the Hebrew words ראש השנה. What then is the basis to extract a difference in meaning between the two phrases? Furthermore, in our Gemara R’

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legitimately from Bas Sheva. The righteousness of Dovid was proven “clearly on Shavu’os” when Dovid died on the date of his birth. He concluded by telling them to plant wheat, which symbolizes peace (see Berachos 57a), which meant to make peace with the kingdom of Dovid and his sons. ■

Zevid discusses the omen of the temperature of the first day of the year and begins with the phrase, יומא קמא דריש שתא –the first day of the new year. If the phrase ריש שתא inherently implies only the first day, as suggested by Bnei Yisoschar, why was it necessary for R’ Zevid to say the first day of the new year when that was already implied? Despite his disagreement concerning the sources Minchas Elazar supports Bnei Yisoschar’s ruling that simanim are eaten only the first night of Rosh Hashanah.

Mateh Ephraim<sup>5</sup>, however, rules that one should eat the simanim on the second night of Rosh Hashanah as well as the first night and K’tzeh Hamateh<sup>6</sup> cites numerous later authorities who rule that the simanim should be eaten the second night of Rosh Hashanah as well. ■

1. שוייע אוי”ח ס”י תקפ”ג סעי’ א’.
2. מחזיק ברכה שם סק”ב.
3. בני יששכר חודש תשרי מאמר יום הכסא אות י”א.
4. ספר שער יששכר חודש תשרי מאזנים למשפט אות מ”ז בהג”ה.
5. מטה אפרים ס”י תקפ”ג סעי’ ב’.
6. קצה המטה שם סק”ט. ■

# STORIES Off the Daf

## Do hospitals require Mezuzos?

”שכיב מרע שאמר ידור פלוני בבית זה...”

A certain woman took ill and was forced to go to the hospital for treatment. After she had been at the hospital for a short time she noticed that her room had no mezuzah. She was very devout and worried about this glaring deficiency.

But when her husband asked the Avnei Nezer, zt”l, if a hospital room requires a mezuzah, he was surprised to learn that it does not. “First of all, one is not obligated to put a mezuzah on a rented room unless he stays there for thirty days. So the only possible question is regarding those who stay in the hospital for an extended period of time.

“But even such people do not require a mezuzah. The sick in the hospital are not really renting their room, merely pay-

ing for a place to heal. Staying in a place one has no right to, does not constitute a kinyan, as we learn from Bava Basra 147. There we find that if a person on his deathbed said that a certain person may live in his house, the person does not acquire the house.”<sup>1</sup>

But although Rav Wozner, zt”l, agrees with the Avnei Nezer, he explained that sometimes a hospital room does require a mezuzah. “The Avnei Nezer is only lenient regarding a non-Jewish hospital. But it is obvious that a hospital owned by Jews must have mezuzos. Since the owner is a Jew, he must provide mezuzos for the many people coming and going in his hospital. Although the patients have no obligation, the owner does.”<sup>2</sup>

This ruling is likely based on the Aruch Hashulchan and the Kinyan Torah who hold that a person with a guest house must affix a mezuzah on the doors, even if people never stay in his guest

house for thirty days.<sup>3</sup> ■

1. שו”ת אבני נזר, חיו”ד, ס’ ש”פ
2. שו”ת שבת הלוי, ח”ב, ס’ קנ”ו
3. ערוך השלחן, ס’ רפ”ו, ס’ מ”ח, שו”ת קנ”ו תורה, ח”א, ס’ קכ”ו, אות ב’ ■

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and what they indicate regarding the future weather.

The importance of this information is explained.

## 5) Deathbed gift (cont.)

Rava and R’ Nachman assert that the deathbed gift is of Rabbinic origin.

A conflicting statement of R’ Nachman is recorded.

The Gemara resolves R’ Nachman’s conflicting statements.

Rava in the name of R’ Nachman distinguishes whether the dying person granted the right to use an object or actually gifted it to him.

A contradictory ruling from R’ Nachman is noted. ■