

OVERVIEW of the Daf

1) The burial of Chizkiyahu HaMelech (cont.)

The Gemara continues to discuss the verses that describe the burial of Chizkiyahu HaMelech.

Tangentially the Gemara gives three ways that the use of a Sefer Torah at funerals nowadays differs from the way it was used at Chizkiyahu HaMelech's funeral.

The perek ends with a discussion of the value of Torah study and performing acts of kindness.

הדרן עלך ארבעה אבות

2) **MISHNAH:** The Mishnah discusses cases related to רגל and damage that is caused when an animal steps on something and a piece shoots out and damages another item.

3) Clarifying the Mishnah

Ravina notes that the first two phrases of the Mishnah are repetitive.

Rava suggests that one phrase refers to general categories and one phrase refers to subcategories.

Ravina challenges this answer and after an exchange the Gemara accepts Rava's explanation.

A Baraisa is cited that elaborates on the rulings of the Mishnah.

The Gemara clarifies the intent of Sumchus's statement.

Three more related Beraisos are cited.

Rava explains the rationales behind the opinions of Sumchus and Rabanan.

Rava makes a statement related to drawing a parallel between the halachos of zav and damages.

The Gemara clarifies that Rava was teaching a halacha related to a calf becoming disqualified because it pulled a wagon rather than teaching a halacha related to צרורות.

A Baraisa is cited that supports Rava's assertion that a wagon pulled by an animal is an extension of the animal itself.

4) צרורות

A Baraisa rules on a case involving a bucket that falls as a result of a chicken pecking at the string that held it up.

Rava inquired about the halacha when an animal stepped on a utensil which rolled to another place and broke, is the halacha determined by the stepping on the utensil or where it broke?

It suggested that the inquiry could be resolved from a ruling of Rabbah.

The Gemara responds that Rabbah was certain about the halacha but Rava was not.

Another attempt to resolve this inquiry is made. ■

Distinctive INSIGHT

The dispute regarding צרורות

הלכתא גמירי לה

The law of צרורות describes the damage caused by an animal indirectly (כחו). The classic example is where the animal is walking in someone's private property and as it moves along routinely, it kicks a stone which then flies away and breaks a vessel. There is a הלכה למשה מסיני which teaches that the owner of the animal is liable for only half-payment. סומכוס is of the opinion that this case is not any different than a normal case of רגל, and the payment is full.

Rambam writes (Hilchos Mamrim 1:3, and Sefer Hamitzvos, Shoresh 2) that "matters which have been passed on through our tradition (דברי קבלה) are never the subject of dissent, and any time we find an argument regarding a particular halacha, this is a clear sign that this law is not a הלכה למשה מסיני."

The Achronim (מהרי"ץ חיות and חוות יאיר) ask how to understand this rule of Rambam in light of our Gemara, where we find a dispute between the sages and סומכוס whether the law of צרורות pays half or full damages. The sages understand that there is a הלכה למשה מסיני in this case, while סומכוס disagrees.

מהרי"ץ חיות explains that everyone agrees that there is a special lesson taught by הלכה למשה מסיני that although the damage is indirect, the case of צרורות is still a case where the owner of the animal is liable. This is a critical lesson in and of itself. There is a מחלוקת if one pays half or full, but all agree that it is חייב. The Rambam means that all agree that there is a הלכה למשה מסיני in this case, although there could, and there is, a difference of opinion regarding the specific details of the case.

The גרי"ז explains that Rambam meant that there will not be any dispute in the area of well-known הלכות. However, there are some instances of laws which have no scriptural basis which were known, but were forgotten for a while. These laws were later recovered and reconstructed by means of exegesis and analysis using the Oral Law and its rules. In these cases even Rambam agrees that some element of מחלוקת may exist. צרורות is one of these laws that was forgotten and was later recovered, and that is why we find a dispute between the sages and סומכוס whether the owner pays half or full. ■

HALACHAH Highlight

Using water from a bathroom for cooking

לא פשיט לך עד דמשי ידיה

He did not answer us until he had washed his hands

Rav Tzvi Pesach Frank¹, author of Teshuvos Har Tzvi, raised the question of the reason one is obligated to wash his hands when he exits a bathroom. Is it due to the רוח רעה—a harmful spirit that is present in a bathroom or is it because the person relieved himself while in the bathroom? He draws our attention to the fact that the Gemara relates that R' Yochanan did not answer Rabbah bar bar Chanah's question until after he washed his hands but decides that this Gemara does not decidedly resolve our inquiry. It is very possible that our Gemara addresses a circumstance where R' Yochanan did not merely enter the bathroom but he relieved himself as well and thus everyone would agree that he must wash his hands. Har Tzvi notes, however, that Mordechai and Avudraham write that one must wash his hands when he exits the bathroom (היוצא מבית הכסא) and that language implies that one is obligated to wash his hands just for having entered the bathroom. Seemingly, if they meant that one must wash his hands after relieving himself they should have said that one is obligated to wash his hands after relieving himself (העושה צרכיו)

Although there are Poskim who maintain that one is obligated to wash one's hands when leaving the bathroom even if one did not relieve himself this stringency does not apply to

STORIES Off the Daf

"Great is Talmud Torah..."

גדול תלמוד שמביא לידי מעשה

On today's daf we find that study is of great value since it leads to action. Clearly, one should learn not only to fulfill the mitzvah of Torah study but also with a view to changing his actions. It is for this reason that many authorities state that the first thing one must work on mastering are the halachos of Orach Chaim.¹ Without these halachos one could be the greatest lamdan but have no idea how to really apply his learning.

The Chayei Adam, z"l, even writes that it is better to learn the halachos of Shabbos on Shabbos than Mishnayos. To illustrate why, he recounts a revealing

story. It is first important to realize that although he served as the Av Beis Din of Vilna, the Chayei Adam was a businessman who never took any money for deciding halachic queries, just as his father before him.² As a businessman, he traveled frequently. One Shabbos, he stayed in the same inn as a person whose practice for many years was to learn a chapter of Mishnayos every day.

Understandably, the Chayei Adam was appalled when he noticed this "expert" in Mishnayos weaving on Shabbos! He immediately cried, "Is it not Shabbos today?"

The man was puzzled. "But what possible melachah can this be?"

"How can you be so unaware? Are you not familiar with the mishnah which lists 'hatoveh' as one of the melachos?"

"But I thought that was only if some-

REVIEW and Remember

1. What honor was done at Chizkiyahu HaMelech's funeral?
2. What is the reward for someone who engages in Torah study and good deeds?
3. In what domain is one obligated for רגל?
4. Why is one who breaks a falling utensil exempt from paying for the damages?

food that was brought into a bathroom. The basis for this leniency is that according to some Poskim רוח רעה only adheres to one's hands but not to food and even if we assume that it adheres to food there are Poskim who maintain that the warning against bringing food into a bathroom because of רוח רעה will not prohibit the food in the event the warning was not followed. Accordingly, someone who has only one sink that is located in the bathroom may take that water and use it for cooking. Rav Menashe Klein², author of Teshuvos Mishnah Halachos, writes that he advises people who want to prepare food for Pesach while the house is still chometzdik to take water from the bathroom since there is little concern for chometz in the bathroom. ■

1. שו"ת הר צבי או"ח ח"א סי' נ'

2. שו"ת משנה הלכות ח"ה סי' ב' ■

one does so on a loom like we do at home..."

The Chayei Adam was astounded. "But having learned the mishnah, why would you assume that seeing that it simply says 'he who weaves' implies that weaving is only a melachah with a loom?"

"Do you think when I learn I am trying to apply my learning to my actions? I only focus on fulfilling the mitzvah of learning Torah," the man protested.

The Chayei Adam responded, "Now I understand the words of our sages: 'One who says I only have Torah does not even have Torah.' If one does not learn to apply his knowledge, what earthly difference is there whether he learned or not?"³ ■

1. למשל עיין הקדמה למשנה ברורה

2. הקדמה לחכמת אדם

3. הקדמה לזכרו תורת משה