

This month's Daf Digest is dedicated in memory of  
Mr. Israel Gotlib of Antwerp and Petach Tikva and Yisrael Tzvi ben Zev.  
By Mr. and Mrs. Manny Weiss

## OVERVIEW of the Daf

### 1) The ten conditions to settle the land (cont.)

Another condition for settling the land is noted which forces the Gemara to acknowledge that what was thought to be a Baraisa is in reality a teaching of R' Yehoshua ben Levi.

Support for this assertion is cited.

### 2) The ten enactments of Ezra Hasofer

The Gemara enumerates the ten enactments of Ezra Hasofer.

The Gemara elaborates on the ten enactments.

The assertion that Ezra enacted Torah reading on Monday and Thursday is challenged.

The development of the enactment to read Torah is explained.

After elaborating on some of the enactments, the Gemara questions the assertion that Ezra Hasofer enacted that a woman must comb her hair before immersing.

The last two enactments are explained.

### 3) Ten features of Yerushalayim

The Gemara presents a list of ten things related to Yerushalayim.

These ten things are explained.

### 4) Raising pigs

A Baraisa is cited that elaborates on the origin of the restriction against raising pigs.

### 5) Greek wisdom

The statement in the last Baraisa that one may not teach Greek wisdom is challenged from another Baraisa. ■

## REVIEW and Remember

1. What was the evolution of Torah reading on Monday and Thursday?
2. What are the five characteristics of garlic?
3. Why aren't houses permanently sold in Yerushalayim?
4. What was the origin of the decree against raising pigs?

## Distinctive INSIGHT

### *The Torah reading enactments of Moshe and Ezra*

מעיקרא תקנו חד גברא וכו' אתא הוא תיקן תלתא גברא ועשרה פסוקי

Our Gemara notes that Moshe Rabeinu did, indeed, institute some form of Torah reading, well before the time of Ezra. However, the Yerushalmi (Megilla 1:1) understands that there was no established system of reading of the Torah at all before the time of Ezra. This is why the Yerushalmi inquires regarding the system of Mordechai in allowing the reading of Megilla to be advanced to the Monday or Thursday prior to Purim for the people of the small villages. Why would Mordechai establish reading of the Megilla on Mondays and Thursdays before the time of Ezra, when reading of the Torah itself was not yet established on these days?

Tosafos HaRosh in Megilla explains that the question of the Yerushalmi was based upon the Moshe Rabeinu, pre-Ezra custom of there being a Torah reading on Mondays and Thursdays, but it being simply for one verse to be read for each of three people. Because the reading was a relatively minor event, the people did not value it greatly, and they did not make a point of coming to town to hear it. This is why the Yerushalmi asks about the ruling of Mordechai to set a megilla reading on these days, even with the awareness that there was some system in place which had been established by Moshe Rabeinu.

In presenting the difference between the system of reading the Torah established by Moshe and that set in place by Ezra, the Gemara presents two possible variations. Moshe had either arranged that one person read three verses, or that three people read one verse each. Ezra increased the reading to three people, each to read at least three verses.

The Gemara does not mention any adjustment made by Ezra regarding the reading on Shabbos. This indicates that the original enactment of Moshe included the seven readers of the Torah on Shabbos, because if this was due to Ezra, the Gemara would have reported this. (שו"ת סמיכה לחיים)

Sefer אליהו ידי notes that Rambam (Hilchos Tefilla 12:2) learns that the system of Moshe Rabeinu was that three verses were to be read, but that they be read either by one person or by three people. Later, Ezra changed this in two ways. He first determined that there be three verses read by each reader, and also that there be three readers. ■

## HALACHAH Highlight

*A tree whose roots and branches extend into a neighbor's property*

אילן הנוטה לתוך שדה חבירו

*A tree whose branches extend into a neighbor's property*

Reuven planted an apple tree right near the property line that separated his property from Shimon's. With time, some of the branches extended over Shimon's property, preventing him from using his property as he wanted. This raised three questions. 1) Is it permitted to cut down some of the branches from the fruit tree or is it prohibited because of the prohibition against destroying a healthy fruit tree (כל תשחית)? 2) Assuming it is permitted to cut down the branches that extend over Shimon's property, who must pay for the job, Reuven because it is his tree or Shimon since it is over his property? 3) If Shimon decides he doesn't want to cut down the branches is he permitted to keep the apples that grow on the branches that extend over his property?

Teshuvos Chelkas Yaakov<sup>1</sup> answered that regarding the first question it is technically permitted to cut down a fruit tree if it inhibits a person from use of his property but practically it should not be done since later authorities write very strongly about the danger associated with cutting down fruit trees. Regarding the second question Chelkas Yaakov wrote that it depends on whether Reuven asked permission from Shimon before he planted the tree in the first place. If Reuven asked Shimon's permission in the first place and

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Shimon allowed Reuven to plant the tree it becomes Shimon's responsibility to remove the branches that are in his way. If, however, Reuven did not secure permission from Shimon before he planted the trees then it is Reuven's responsibility to remove his trees that are damaging Shimon's property. Regarding the third question, he wrote that R' Yochanan, in our Gemara, teaches that ownership of a tree depends on where the trunk of the tree is located. If the tree straddles between two properties it is subject to a dispute between Rav and Shmuel but when the tree is clearly standing on Reuven's property and the roots extend into Shimon's property the tree is considered Reuven's and the fruit are his property. He concludes, however, that it makes sense that Reuven and Shimon should reach some sort of compromise between them as a fulfillment of the verse ועשית הישר והטוב—one should do that which is straight and good. ■

1. שו"ת חלקת יעקב חו"מ סי' י' ■

## STORIES Off the Daf

*The public reading*

עזרא תיקן...וקוראין בשני

Today's daf discusses the public reading of the Torah on Mondays and Thursdays.

In an effort to formulate appropriate halachic responses to the many challenges presented by contemporary issues, gedolei Torah have often—sometimes in the company of lay community leaders—met for extended conferences. On one particular Monday, Rav Chaim Brisker, zt"l, attended such

a meeting. Unfortunately, there was no minyan at the meeting and they were forced to daven alone. But by mincha time more than a minyan of participants had arrived. To the surprise of many, Rav Chaim ruled that they read the morning's Torah portion before Mincha.<sup>1</sup>

Rav Yoshe Ber (Yosef Dov) Soleveitchik, zt"l, of Boston, had a similar practice. The Rav would travel to R.I.E.T.S. every Monday for his shiur and was regularly unable to hear the Torah reading without wreaking havoc with his necessary schedule. As a result, he had the practice of asking his students if anyone else had not heard the

reading—he would then form a minyan for the reading and for Mincha. The group would recite Ashrei and Kaddish and would take out a sefer Torah and recite that day's portion. Before She-moneh Esrei they would say another half-Kaddish and then pray.<sup>2</sup>

Interestingly, the Maharshag, zt"l, mentions that when the Arizal prayed at home for an extended period of time he did not go to hear the Torah reading since he held that the reading is the obligation of a community, not private individuals.<sup>3</sup> ■

1. סידור צלותא דאברהם פירוש עמק ברכה ע' שס"ו
2. נפש הרב ע' ק"ל
3. שו"ת מהרש"ג סימן צ"ב