

OVERVIEW of the Daf

1) מעות לא יוכל לתקן (cont.)

The third resolution to the contradiction between the Mishnah and a Baraisa concerning the definition of a "crooked thing" is presented.

Three examples of a scholar who abandons Torah are suggested.

2) **MISHNAH:** The Mishnah categorizes different halachos based on the Scriptural basis for the halachos or if they are derived primarily from the Oral Law.

3) The release of vows

A Baraisa records numerous Tannaim who point to a source for the law concerning the release from vows.

R' Yehudah in the name of Shmuel cites an alternative source for this halacha.

Rava states and demonstrates that all the suggested sources could be refuted except for that of Shmuel.

4) Hilchos Shabbos

The assertion that hilchos Shabbos are like mountains suspended by a hair is challenged.

The Gemara explains that exemptions related to מלאכת מחשבת are the halachos of Shabbos that are like mountains suspended by a hair.

5) Korban Chagigah

The assertion that halachos related to the Korban Chagigah are like mountains suspended by a hair is challenged.

The Gemara explains that it is the gezairah shavah that indicates that the term חג refers to korbanos that is the mountains suspended by a hair.

6) Me'ilah

The assertion that the halachos of me'ilah are like mountains suspended by a hair is challenged.

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REVIEW and Remember

1. What are the fundamentals of Torah?

2. Is it permitted to take an oath to fulfill a mitzvah?

3. How do we know that the term חג refers to the slaughter of a Korban Chagigah?

4. In what two instances is the sender responsible for his agent's sin?

HALACHAH Highlight

Taking an oath to fortify one's mitzvah observance

מנין שנשבעין לקיים את המצוה

Sefer **ע**fer (2:4) notes that the adage taught in the Gemara is that "it is appropriate to take an oath to fulfill the mitzvah." Why is this rule stated in the singular (את המצוה) rather than in the plural (מצוות)? This would have been more parallel to the verse from which this dictum is derived: "I swear to fulfill משפטי צדקך – Your laws."

The lesson of the verse is that the oath which a person takes to encourage and stimulate him to fulfill the mitzvah is in and of itself also a fulfillment of a mitzvah. This is indicated in the words of Dovid Hamelech, as he declares that due to the oath, "נשבעתי ואקיימה – I have taken an oath, and I will fulfill it." There would be no need for Dovid Hamelech to declare that he intended to honor his oath. Rather, he was affirming that aside from his oath, he would also fulfill the mitzvah about which he spoke. Therefore, Dovid Hamelech concludes, "I will observe משפטי צדקך – Your righteous statutes," referring to both the mitzvah of taking an oath and of the mitzvah itself, about which he swore to keep. The Midrash Tehillim (119:45) echoes this sentiment, as we find, "I swore, and I will fulfill it" - there are two rewards which Dovid Hamelech received, the reward for the oath and the reward for the mitzvah."

It is also interesting to note that the source from which we see that one should swear to observe the mitzvos is from the verse in Tehillim (119:45). פנים יפות (Parashas Vayechi) asks why the Gemara does not bring a proof to this rule from the episode of Yosef and Yaakov. Before Yaakov died, he asked Yosef to bury him in Eretz Yisroel. Yosef promised that he would do as Yaakov asked. Yaakov then requested that Yosef take an oath to affirm his commitment. We see, therefore, that although Yaakov certainly did not doubt Yosef, he still asked him to swear.

פנים יפות answers that although every Jew is under oath from Har Sinai to observe the Torah and its mitzvos (Nedarim 8a), taking an oath to observe a mitzvah is allowed. In fact, the novelty of this ruling is that pronouncing the name of God in this context is not considered in vain. This is the case, however, only after the giving of the Torah at Sinai. Yosef, who took an oath for Yaakov, lived before Sinai, and the fact that he used the name of God in his affirmation is no proof that it may be done after Sinai, when saying the name of God unnecessarily might have been unacceptable. This is why the verse in Tehillim had to be cited. ■

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by Mr. and Mrs. Avi Goldfeder
In loving memory of their father
ר' ירוחם פישל בן ר' משה אברהם הכהן, ז"ל

Distinctive INSIGHT

Dancing on Yom Tov

לכדאמר ליה רב פפא לאביי ממאי דהאי וחגותם אותו חג לה' זביחה דלמא חוגו חגא קאמר רחמנא

As R' Pappa said to Abaye from where do we know that the words, "חגותם אותו חג לה'" refer to korbanos perhaps the Torah is instructing us to celebrate the festival

Tosafos¹ writes that according to some commentators R' Pappa thought that the Torah is creating an obligation to dance on Yom Tov as we find the root חג used to refer to dancing in Tehillim (107:27). The Midrash² questions: Why is it necessary to have a mitzvah of simchah if there is a mitzvah of Chagiga, and why is it necessary to have a mitzvah of Chagiga if there is a mitzvah of simchah? The Midrash answers that the function of the Chagiga is to demonstrate that we succeeded in our judgment (that occurred on the Yomim Noraim). The Netziv³ explains that the reference in the Midrash to the Chagiga does not refer to the Korban Chagiga but rather to the obligation to dance, as R' Pappa suggests. Accordingly, the Midrash is teaching that the obligation to dance on Yom Tov is not an expression of simchah; rather it is an independent expression of the victory. Consequently, it should be performed regardless of whether a person is experiencing inner joy.

On the other hand, one can infer from a ruling of the Magen Avrohom⁴ that there is no mitzvah to dance on Yom Tov. Magen Avrohom writes in the name of Maharik that although it is generally prohibited to dance on Yom Tov, nonetheless it is

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Rami bar Chama suggests that the reference is to the halacha that there is agency to commit the sin of me'ilah.

Rava rejects this explanation and suggests that the reference is to the halacha that an agent violates the prohibition if the sender gave him sacred funds.

R' Ashi rejects this explanation and suggests that the reference is to the halacha that the treasurer of the Beis Hamikdash does not violate me'ilah if he takes the property for himself, but if he gives it to his friend he violated the prohibition.

The Gemara begins to reject this explanation. ■

permitted if it is done to give honor to the Torah. This seemingly indicates that other than dancing to give honor to the Torah, e.g. Simchas Torah, dancing does not constitute a mitzvah. The Minchas Elazar⁵, however, holds that there is a mitzvah to dance on Yom Tov, but only for the exceedingly righteous. In addressing the question of why students of the Ba'al Shem Tov dance on Yom Tov, Minchas Elazar writes that there is a mitzvah to dance on Yom Tov only for those who feel the flames of the Yom Tov burning inside their bodies, but not for others. This is similar to Rambam's⁶ comment that on Simchas Beis Hashoevah only the pious danced while the rest of the people came to observe. ■

1. תוס' ד"ה חוגו חגא.

2. ויקרא רבה פ"ל פ"ב.

3. העמק דבר דברים ט"ז ט"ו.

4. מג"א סי' תרס"ט.

5. שו"ת מנחת אלעזר ח"א סי' כ"ט.

6. רמב"ם פ"ח מהל' לולב הי"ד. וע"ע דרשות חת"ס ח"ב דרוש לשבת הגדול

תקנ"ז וכ"כ בפירוש עה"ת בא ד"ה מי ומי. ■

STORIES Off the Daf

"I Raise My Eyes Like Hillel..."

"כהררין התלויין בשערה..."

When Rav Meir Shapira, zt"l, was a young child, rumors began to spread that he was a true child prodigy and people began to call him "The Iluy of Shatz." There were many stories circulating about the numerous pearls of wisdom that had issued forth from this wunderkind. At nine, he already knew the first volume of Yoreh Deah by heart. Not only that, but his was no rote memorization. Even though he was young, the boy had a very penetrating understanding as well as the analytical ability usually only found among very mature adults.

It was around this time that a number of prominent Rabbonim came to visit the Shapira family home, and since they were already there they wanted to determine if the rumors about this child were really true or if they were exaggerated. They tested him with difficult questions from Yoreh Deah and were amazed at how he could answer with both lightning speed and great wisdom. After this, the Rabbonim began to test his knowledge of Torah subjects. They asked him all sorts of questions and were amazed by his grasp.

One Rav then asked a strange and unexpected question. "Explain the words of the zemer: אשא עיני אל ההרים כהלל ולא כשמאי — 'I will raise my eyes to the mountains like Hillel, and not like Shamai.' What can this possibly mean?"

The young genius answered without

hesitation, "In Chagigah 10a we find that the laws of Shabbos are compared to mountains suspended by a hair. This means that the many intricate laws of Shabbos are not based on clear verses but are only implied. The Gemara goes on to explain that although there are many verses about Shabbos, there is no clear verse about the prohibition of מלאכת מחשבת and it is inferred from its juxtaposition with the construction of the Mishkan. These are the mountains hanging from a hair. In a different context in Menachos 40a we find that although Beis Hillel darshens סמוכות, Beis Shammai does not.

The young boy concluded, "This is the meaning of the זמר: I will lift up my eyes to the mountains of הלכות שבת and like Hillel, I will darshen סמוכות and see that they are indeed suspended by a hair!" ■