

OVERVIEW of the Daf

1) Tzadoki (cont.)

The Gemara concludes its analysis of R' Meir's opinion concerning a Tzadoki who resides in a mavoi.

The Gemara notes a contradiction in R' Yehudah's position between a Baraisa and Mishnah.

Two resolutions are presented.

A Baraisa is identified as consistent with R' Yehudah's view.

An incident involving one who publicly desecrated Shabbos is presented.

R' Huna defines a mumar as one who publicly desecrates Shabbos.

R' Nachman bar Yitzchak explains that R' Huna's teaching applies specifically to the halachah ceding and relinquishing rights.

R' Ashi explains that R' Huna was following the opinion that equates Shabbos and idolatry.

2) **MISHNAH:** The relevant rules for one or more people who forgot to join the eruv is presented. Additionally, the Mishnah presents a dispute regarding the consequence of one who gave away his rights and subsequently carried from his home to the chatzer.

3) Clarifying the Mishnah

The Gemara presents a step by step analysis of the different rulings in the Mishnah. ■

REVIEW and Remember

1. How did Abaye resolve the contradiction between the Mishnah and Baraisa regarding R' Meir's opinion?
2. Why did R' Yehudah Nesi'ah declare that the person carrying spices in public on Shabbos was still able to relinquish his rights?
3. Which sinners may not bring korbanos?
4. Why in the first case of the Mishnah is the person who forgot to join the eruv restricted from his home but not his chatzer?

Distinctive INSIGHT

Transgressors and Apostates

מכאן אמרו מקבלין קרבנות מפושעי ישראל...חוץ מן המומר

In his renowned Meshech Chochmah commentary on the Torah, Rabbi Meir Simcha of Dvinsk explains (Bemidbar 25:5) the difference between a transgressor (פושעי ישראל), from whom we are willing to accept sacrificial offerings, and an apostate (מומר), from whom we do not accept offerings.

Our Gemara compares the transgressors to cattle (בהמות). An animal is a living creature which is driven by its instincts. When it sees food, its physical nature is to immediately be drawn to fill its desires. Similarly, there are people who do not exercise thought and consideration when faced with opportunities to indulge in physical pleasures. These unfortunate individuals claim to be victims of their urges. Their conduct is reprehensible, and when they come to repent, we accept their gesture to gain control of their behavior. For these people, bringing an offering is an appropriate expression of their remorse, and it serves to assist them in their attempt to advance their spiritual status.

An apostate, however, is one who sinned with a deliberate and calculated plot. His sin is not comparable to the conduct of cattle, for it was an intellectual decision of his to sin, and not a result of a moment of physical weakness and lack of control. This sin cannot be mended with the bringing of an animal offering on the altar, because this type of response does not match the crime. His sin was not in the physical realm, but rather in the domain of the mind.

This also explains why Pinchas was able to pray on the behalf of the Jewish people and contend that they be forgiven when they sinned by following the avodah zarah at Ba'al Peor and the lust of the Moavite women. The Gemara (Sanhedrin 106b) details how the Jewish

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By Rabbi and Mrs. Michael Balinsky
In memory of their father
ר' לוי שמחה בן ר' משה, ע"ה

HALACHAH Highlight

Making an eruv in a hospital

דהוי אורח לגבייהו

Because he is their guest

The Gemara teaches that a guest who is in a chatzer does not prohibit the residents of the chatzer from carrying in the chatzer and it is unnecessary for him to join the eruv or lease his property to the chatzer residents. Poskim discuss whether patients in a hospital are considered residents and require an eruv if they would like to carry from one room to another or not. One of the issues is how to categorize them. There are numerous reasons suggested why they should be considered guests rather than residents. One reason to consider them guests is that the hospital administration could have them switch rooms as they see fit. Additionally, the hospital has equipment in each room and there is one kitchen that prepares food for all of the patients. If this position is accepted it would be unnecessary for hospital patients to make an eruv in order to carry throughout the hospital.

Sefer Orchos Shabbos¹ cites Rav Elyashiv and Rav Karlitz who suggest an additional reason why patients are not considered residents in a hospital. A patient only has the right to receive medical care. All other needs that are supplied to the patient are provided in order to deliver care but do not represent an essential right of the patient and as such he is even less than a guest. Maharsham² also addressed the question of whether it is necessary to make

(Insight...Continued from page 1)

men were first attracted to the Moavite women. The women told these men that in order to sin they would first have to partake of wine. It was only at that point that the women brought out the idols and told the half-intoxicated men to worship the idols. Although they condescended, the sin of idolatry was basically one of succumbing to their physical desires, rather than an ideological decision to abandon Hashem and the Torah.

The שו"ת בעלי תוספות (#125) writes that not only do we not accept offerings from an apostate, but we also do not accept tzedakah which he offers. A person who is involved in avodah zarah or who wantonly violates the Shabbos in public is not allowed the privilege to give tzedakah or to dedicate objects to hekdesch. ■

an eruv in a hospital to permit carrying in the hospital and he responded that it was necessary. However, it is important to bear in mind that the rationale behind his ruling is that there were employees of the hospital for whom the hospital was their residence and as such the eruv was necessary for those people but not necessarily for the patients who are staying in the hospital. Orchos Shabbos adds that in the event there are rooms in the hospital that are set aside for family members of the patients it is necessary to make an eruv for those families. ■

1. ארחות שבת ח"ג פכ"ח הע"י קנ"א.

2. שו"ת מהרש"ם ח"ו סי' י"ז. ■

Gemara GEM

Shabbos, at the core of Yahadus

אלא לאו הכי קאמר חוץ מן המומר לנסך ולחלל שבתות בפרהסיא אלמא עבודה זרה ושבת כי הדדי נינהו שמע מינה:

Rambam (end of *Hilchos Shabbos*) writes: "Shabbos and Idolatry, each of them equals in its weight the rest of the Torah's mitzvos [combined]. And Shabbos is the sign between Hashem and us forever. Hence, a person who

violates one of the other mitzvos is categorized among the Jewish evildoers. But a person who desecrates Shabbos in public is as if he was worshipped idols, and they both are considered like non-Jews for all matters."

Explains the *Maggid Mishneh* (ad loc.): "And the reason that Shabbos [is as severe as idolatry] is that it indicates that the world was created [by Hashem]. And one who denies the creation denies the entire Torah. Therefore, a person must believe and fix in his heart the belief in the crea-

tion [by Hashem], and keep Shabbos, as it is a true sign of it."

R' Tzadok HaKohen of Lublin (*Resisei Leila* §27) explains that since Hashem did not engage in any labor on Shabbos (שבו שבת מכל מלאכתו), a person who does engage in forbidden labor on Shabbos is regarded as if he denies the bond between Hashem and creation. That is, a person who does not imitate Hashem and rest on Shabbos, manifests a belief that all his success and all of his accomplishments are his own doing. ■