

OVERVIEW of the Daf

1) Clarifying R' Gamliel's ruling (cont.)

Two alternative explanations are presented to understand the dispute between Tanna Kamma and R' Gamliel; the last one, however, is rejected.

2) Identifying the Tanna who maintains that Shabbos is a time for Tefillin

Three unsuccessful attempts are made to identify the Tanna who maintains that Shabbos is a time for tefillin until the Gemara finally points to two Tannaim who subscribe to this position.

3) Finding techeiles

R' Elazar ruled: If one finds techeiles strips in the marketplace they are not valid for use in the mitzvah of tzitzis but if one finds threads of techeiles cut into short pieces, unsuitable for use on the bottom of a garment, they are qualified for the mitzvah. The rationale behind this ruling is that one would not trouble himself to have to reattach the short threads for use in the border of a garment and we may therefore assume they were made to be used for the mitzvah.

Rava challenges this ruling from our Mishnah that suspects that new tefillin may have been made for use as an amulet even though considerable effort is involved in the process.

R' Zeira unsuccessfully tried to find support for R' Elazar's ruling from a Baraisa.

Rava, however, concludes that whether or not there is a concern that someone would trouble himself is a dispute between Tannaim. ■

Distinctive INSIGHT

Bal Tosif

והכא לעבור משום בל תוסיף קמפלגי דתנא קמא סבר לעבור משום בל תוסיף לא בעי כוונה ורבנן גמליאל סבר לעבור משום בל תוסיף בעי כוונה... ועוד הישן בשמיני בסוכה ילקח

The Rogatchover (Miluim 3c; Mahadura Tinyana 51b) inquires: Why does the Gemara here pose its question concerning bal tosif on the basis of the case of a person who sleeps in a Sukkah on Shemini Atzeres – who may or may not intend to fulfill the mitzvah. It would seem that a much more direct question might be asked: What is the status of a person (outside the Beis HaMikdash) who took his lulav and made a berachah upon it the second day (prior to R' Yochanan ben Zakai's decree that the lulav should be taken). This person clearly intended to fulfill the mitzvah beyond its allotted time. Clearly, in the latter case there is no problem of bal tosif – why not?

The Rogatchover explains: Bal Tosif teaches us that when a mitzvah involves a specific number (viz of things or days),

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Gemara GEM

Tefillin and Shabbos are both אותות

יכול יניח אדם תפילין בשבתות ויו"ט ת"ל והיה לך לאות על ידך מי שצריכין אות יצאו אלו שהן גופן אות

The Bei'ur Halachah (344, ד"ה אפילו וכו') writes that if a person becomes lost in a desert and he loses track of what day it is, he should work minimally in order to subsist, and on the seventh day from when he has lost track he should recite Kiddush. The Bei'ur Halachah adds that nevertheless, the person should put on his tefillin even on the day he says Kiddush. The reason not to put on tefillin on Shabbos is that Shabbos is a "sign", and we do not need tefillin as an additional sign. However, while in the desert, the person would be working a bit in order to survive, and the uniqueness of Shabbos as a "sign" would not be apparent. Therefore, wearing tefillin would be appropriate to serve as an אות, even if it was Shabbos.

The question might be asked, though, that perhaps a sick person should also wear tefillin on Shabbos. We are allowed to perform melachah for a person who is ill, so the special "sign" of Shabbos and its being distinct, in that work is prohibited, are lacking for an ill person. And if we consider the fact that melachah is prohibited other than what is needed for his condition, this is also true for the person in the desert, who can only do melachah necessary to survive daily, and yet we rule that he should wear tefillin.

The answer is that an ill person has all types of work done on his behalf all week long, but Shabbos we change the care he gets, and we only do that which is essential. The situation creates a contrast which satisfies the need for an אות.

The person in the desert works on this "Seventh Day" the same as on all days, so the אות of that day is lacking. Tefillin must be therefore be worn on this day. ■

REVIEW and Remember

1. Explain: לעבור משום בל תוסיף לא בעי כונה.
2. According to R' Akiva, why are tefillin not worn on Shabbos and Yom Tov?
3. What is the position of R' Yosi that is rejected by R' Yehudah and R' Meir?
4. Why was Rava not fazed by the Baraisa cited by R' Zeira?

HALACHAH Highlight

Training children to perform mitzvos

אין מעכבין התינוקות מלתקוע

We do not prevent children from blowing shofar

The Gemara cites a Mishnah that rules that we do not prevent children from blowing the shofar on Rosh Hashanah even though playing a musical instrument violates a Rabbinical injunction. Rashi¹ explains that beis din does not restrain children from blowing the shofar since they are obligated to train children to perform mitzvos - חינוך. In this regard Rashi has adopted one of two views with regards to the obligation to train children to perform mitzvos. Tosafos² in the name of R"l and Tosafos Yeshanim³ maintain that the mitzvah to train children to do mitzvos is incumbent on the child's father to the exclusion of beis din. Other authorities⁴ disagree and contend that even beis din is obligated to train children to perform mitzvos. Rashi's comment indicates that he subscribes to this latter view.

Terumas HaDeshen⁵ discussed the parameters of the obligation to train a child to fulfill the mitzvah of sukkah. The Gemara in Sukkah (28a) teaches that a child is obligated to sit in a

sukkah once he is old enough that he no longer needs his mother. If a child reaches that age but does not have a father is he exempt from the mitzvah in accordance with those authorities who maintain that the mitzvah to train children to perform mitzvos is on the father? Accordingly, a child who does not have a father would not sit in the sukkah. In his final conclusion he rules that one should not rely upon those authorities and even a child who does not have a father should sit in the sukkah. Shulchan Aruch⁶ rules in accordance with those authorities who maintain that the mitzvah to train a child to perform mitzvos rests on the father exclusively. Rema⁶, however, cites the dissenting opinion who contend that beis din is also obligated to assure that a child performs mitzvos and Mishnah Berurah⁷ cites Chaye Adam who writes that when it comes to Biblical commandments one should certainly adopt the stringent position. ■

¹רש"י ד"ה אין מעכבין.
²תוס' נזיר כ"ח: ד"ה בנו.
³תוס' ישנים יומא פ"ב. ד"ה בן.
⁴ע' בתוס' ותוס' ישנים הנ"ל.
⁵שו"ת תרומת הדשן סי' צ"ד.
⁶שו"ע ורמ"א או"ח סי' שמ"ג סעי' א'.
⁷מ"ב שם סק"ז. ■

Gemara GEM

Saving tefillin—one pair at a time

אלא מחוורתא כדשנין מעיקרא

The halachah follows the view that the mitzvah of tefillin is not in effect at night (Rambam, Hilchos Tefillin, Ch. 1, Shulchan Aruch O.C. 31). This would lead us to conclude that a person should be allowed to save two pair of tefillin at a time on Friday night. Yet, both Rambam and Shulchan Aruch rule that one is only allowed to save one pair of tefillin at a time. Several answers have been given to this apparent inconsistency.

Maharsha points out that even according to the one who holds that night is not time for tefillin, permission is only granted to save one pair at a time, because it is only permitted to wear tefillin in the manner in which they are normally worn during the week. This means that only one pair can be worn at a time.

Magen Avraham (301:#54) holds that it is actually permitted to wear two pairs of tefillin at a time when saving them from harm. However, this is technically based upon the fact that there is room on the head for two capsules of tefillin to fit. However, we are not expert in determining the precise position where the two boxes must be placed to fit within this space, so we must be strict and limit ourselves to wearing one at a time, just in case we do not place the tefillin in the proper position, and it would then be considered carrying.

Sha'agas Aryeh explains that this issue depends on understanding of what it means when we say that tefillin are not worn on Shabbos. If it means that it is prohibited to wear tefillin, this would mean that Shabbos is absolutely not the time for tefillin, and the prohibition of **בל תוסיף** would not be in effect. This is what the Gemara thought when it considered the opinion of Rabban Gamliel in the Mishnah and why it was permitted to wear two pairs of tefillin at a time.

Rambam, however, understands that although Rabbi Akiva agrees in concept that tefillin are not appropriate for Shabbos, as we are not in need of another **אות** other than Shabbos itself, nevertheless, Rabbi Akiva holds that it is not prohibited to wear tefillin on Shabbos. It is simply not necessary to do so. Therefore, the prohibition of **בל תוסיף** is theoretically in effect. This is why Rambam rules that we are to wear only one pair at a time when saving the tefillin. ■

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that number cannot be changed. It is for this reason that adding an additional bayis to tefillin is forbidden by **bal tosif**. For this to be the case, there must have been an original numbering sequence. But in the mitzvah of lulav, since the mitzvah is already fulfilled by picking it up once, there is no numbering sequence that has to be followed, (one does not constitute a sequence) and hence no way in which **bal tosif** can be applied. ■

