

OVERVIEW of the Daf

1) Instilling fear in one's household (cont.)

R' Avahu cites another incident related to instilling excessive fear in one's home.

2) Writing a verse on scored paper

Two incidents are presented that teach the necessity to score paper when one is writing a verse.

3) The value of silence

R' Huna bar Nosson presents a teaching in the name of R' Gaviha of Argiza about the value of silence.

In response to R' Ashi's challenge the Gemara presents an exposition from R' Acha of Bei Choza'ah about the names of three other towns.

4) Wearing a crown

The Reish Galvasa asked R' Huna for the source that it is prohibited to wear a crown.

R' Huna states that it is only Rabbinically prohibited.

R' Chisda suggests a verse that serves as the source but R' Huna rejects the suggestion.

Mar bar R' Ashi taught that the restriction applies only to men's crowns.

R' Avira presents an exposition related to the issue of wearing a crown.

A second exposition of R' Avira is recorded.

A last exposition related to the last part of the verse is presented.

5) The location of Acco

A Baraisa is cited that challenges R' Yehudah's assertion in the Mishnah that Acco is the northernmost border of Eretz Yisroel.

Abaye's suggestion is unsuccessfully challenged.

6) Delivering a **טג** that was written on a boat

Contradictory Beraisos are cited regarding the necessity to make a declaration for a **טג** written on a boat.

R' Yirmiyah resolves the contradiction by distinguishing between the position of R' Yehudah and Rabanan.

Abaye resolves the contradiction while maintaining that both Beraisos follow R' Yehudah.

7) An application of the dispute between R' Yehudah and Rabanan

R' Zeira applies the dispute between R' Yehudah and Rabanan, to a new case.

Rava rejects this assertion. ■

Distinctive INSIGHT

Singing while drinking wine

זמרה מנא לן דאסיר

The conclusion of the Gemara is that now, after the destruction of the Beis Hamikdash, it is prohibited to sing while partaking of wine in a banquet hall (בית משתאות), whether one sings with musical accompaniment, or even if one sings only vocally, with his mouth.

Rashi (to Chagiga 15b, ד"ה זמר) explains that this rule is due to our being in a state of mourning for the loss of the Beis Hamikdash. Rambam (Hilchos Ta'aniyos 5:14) also lists this halacha among the measures enacted as a reaction to the loss of the Beis Hamikdash.

A completely different approach to this halacha is found in the Mishnah in Sotah (48a) which teaches that "With the suspension of the Sanhedrin, singing in the taverns was abolished." Along these lines, the Yerushalmi (Sotah, 9:12) quotes Rav Chisda who says that during the era when the Sanhedrin convened, people did not sing songs which contained vulgarities or disgusting notions. A genuine respect for the sages pervaded people's souls, and as a result, society conducted itself with a high standard of decency. When the Sanhedrin was forced to disband, society as a whole suffered a setback, and people lost their moral bearing. Without the institution of Sanhedrin to serve as their role model, a general sense of perversity grew, and this was reflected in that songs now featured indecent content. This is why, according to the Yerushalmi, singing in the taverns became prohibited.

The Rishonim discuss the technical parameters of when this prohibition is in effect. Rashi here says that the restriction not to hear music is only applicable in a tavern. Tosafos notes that when Mar Ukva cites the verse from Hoshea 9:1 ("Rejoice not Israel like the exultation of the peoples, for you have strayed from your God") as the source for this halacha, the Gemara asks why he does not learn it from the verse in Yeshayahu 24:9— "They do not drink wine with song." It seems, says Tosafos, that singing is only prohibited while drinking wine, for if it was prohibited at other times as well, it would be obvious that the verse from Hoshea was a more appropriate source for this halacha. We see, therefore, that the rule against singing is only applicable in a tavern, with or without music. However, the law does not prohibit singing outside of a tavern, as this is permitted even with music.

Rambam learns that song is prohibited because of the destruction of the Beis Hamikdash. Tur and Shulchan Aruch understand that Rambam rules that the law applies to singing with musical accompaniment whether in a tavern or not, but in a tavern, song is prohibited even without instrumental accompaniment. ■

HALACHAH Highlight

Handing a fellow Jew to the authorities

בני אדם העומדים עלי ובידי למסרם למלכות וכי

People who stand against me and it is within my power to hand them over to the king...

Shulchan Aruch¹ rules that it is prohibited to inform on or hand over (מסר) another Jew to an idolater. This restriction applies whether one is giving a fellow Jew or even his money to the idolater and it does not matter whether the Jew is wicked or one who is a בעל עבירות. Even if he was causing someone distress it is not permitted to inform on him and one who does so loses his share in the World-to-Come. If, however, a person was oppressing and causing distress to the community it is permitted to hand him to idolaters. The distinction between one who causes distress to an individual and one who causes distress to a community is utilized by Mahari Asad² to explain our Gemara. Mar Ukva thought that he should be permitted to inform on the person who was causing him distress since, as the Reish Galvasa, he is equivalent to the community. R' Elazar disagreed and asserted that since Geniva was distressing Mar Ukva on a personal level rather than something related to his communal position it was not permitted to inform on him to the idolaters.

Teshuvos Minchas Yitzchok³ was asked whether it is permitted to inform the authorities about a Jew who does not follow the speed limit. On the one hand, it is prohibited to hand another Jew over to the authorities but perhaps his unsafe driving habits put others in danger and it should be permitted. Minchas

REVIEW and Remember

1. Is it permitted to hand over to the authorities someone who is oppressing his friend?
2. Why does the verse juxtapose the Kohen gadol's turban with a crown?
3. What happens when a poor person gives tzedaka?
4. Explain the dispute between R' Yehudah and Rabanan?

Yitzchok responded that if the driver speeds in such a way that he could not stop quickly enough to prevent an accident he is considered a pursuer (רודף) and it is permitted to tell the authorities about his unsafe driving. He cites a ruling of Tur⁴ as proof to his position. Tur rules that a person riding a horse is not permitted to ride quickly when people are around out of concern that he will not be able to stop when necessary. Certainly this principle could be applied, asserts Minchas Yitzchok, to a person who is driving too quickly in his car. Therefore, the driver should be warned against driving too fast and if he ignores the warning it is permitted to inform the necessary authorities. ■

1. שו"ע חו"מ סי' שפ"ח סעי' טי.
2. שו"ת מהר"י אסאד ח"א יו"ד סי' רצ"ט.
3. שו"ת מנחת יצחק ח"ח סי' קמ"ח.
4. טור חו"מ סי' שע"ח. ■

STORIES Off the Daf

Forbidden Song

"זמרה מנלן דאסור..."

On today's daf we find that singing is prohibited. Many poskim were asked whether one may listen to music nowadays. The Chelkas Ya'akov, zt"l, answered one such questioner as follows: "There is a strong reason to support permitting singing. When Chazal prohibited singing there was no such thing as a radio. Although all song was included in Chazal's prohibition, in the case of a radio the singers are not visible and the music is heard from a distance. This has the halachah of a panim chadashos, and should not be prohibited out of hand." The Kanfei Aharon, zt"l, also permitted listening to music, but he concluded, "At the very least one should refrain

from these forms of music during sefirah and the three weeks."

A man once had a very ill daughter who enjoyed hearing live music and so he had someone play a piano for her every day. When the three weeks approached, the girl's father asked Rav Shlomo Zalman Auerbach, zt"l, if she could continue to hear the piano during the three weeks.

"She definitely can," replied Rav Shlomo Zalman. "Why is this any different from any other prohibition such as anointing, which is permitted if done for a need and not for pleasure?"

Similarly, he would permit a widow or someone who was depressed to listen to taped music in private since his purpose is to relieve his pain or fear and not for pleasure.

A certain person who was very weak from his fears and nerves didn't know how to calm down. After much running from

doctor to doctor he finally found that listening to music recordings on his gramophone soothed him wonderfully. He had a big problem though. What could he do on Shabbos? Early turntables were operated by a spring-driven motor that required rewinding for each record played—although they did not run on electricity, their use still involved rabbinic prohibitions. He asked the Yad Yitzchak, zt"l, about this.

The posek replied, "Since this problem is such a difficult one for you, especially on Shabbos when you are not busy with your affairs, there is special halachic license in your case. If you fear heaven, however, you will find another way to avoid any possibility of chilul Hashem. If you cannot, you may arrange with your non-Jewish help to operate this machine for you in private. Why is this different from the halachah that a very sick person may tell a non-Jew to do a Rabbinic melachah for him on Shabbos?" ■