

This month's Daf Digest is dedicated
לכבוד the Wedding of Yosef and Shoshana Sokolin
And לעלוי נשמת Israel Isser Ben Tzion ben Yaakov whose yahrtzeit is on 19 Iyar

OVERVIEW of the Daf

1) Clarifying the Mishnah

The Gemara questions the difference between the first case of inadvertence regarding Shabbos and deliberateness regarding melachos and the latter case of deliberateness regarding Shabbos and inadvertence regarding melachos. Why in the first case is the person liable to bring only one chatas whereas in the latter case he must offer a chatas for each melachah performed?

R' Nachman explains that the chatas is brought for inadvertence and in the first case there was but one act of inadvertence, i.e. Shabbos. In the latter case each melachah was a separate act of inadvertence.

2) The source that obligates separate korbonos for each melacha

The Gemara asks for the source that obligates a person to offer a separate chatas for each melachah performed.

Shmuel points to a pasuk written in the plural that indicates separate liability for each melachah performed.

Two alternative sources are suggested and the Gemara explains why Shmuel does not use these alternative sources.

3) A lapse of awareness of Shabbos and melachos

Rava asked R' Nachman how many offerings must a person bring who had a lapse of awareness for both Shabbos and melachos.

R' Nachman responded that since there was a lapse of awareness of Shabbos he will only offer one chatas.

The Gemara questions R' Nachman's rationale and presents an alternative answer from R' Ashi which is rejected leaving R' Nachman's answer in place.

4) Multiple transgressions

Rava presents the following case that requires a ruling: If one harvests and grinds with inadvertence regarding Shabbos and deliberateness regarding the melachos and then repeated these activities with deliberateness regarding Shabbos and inadvertence regarding the melachos. He then becomes aware of the violations committed with inadvertence regarding Shabbos and later becomes aware of the violations committed with inadvertence regarding the melachos. ■

REVIEW and Remember

- What words indicate that there are thirty-nine melachos?

- Why does the Torah single out the prohibition against lighting a fire (two reasons)?

- According to R' Ashi, if a person has a lapse of awareness for both Shabbos and the melachos, how many korbanos will he offer?

- Why did the Tanna specify that there are thirty-nine melachos?

Distinctive INSIGHT

Burning as the Basis?

הבערה ללאו יצאת דברי רבי יוסי. ר' נתן אומר לחלק יצאת

According to R' Nosson, the labor of igniting is highlighted in order to demonstrate that a person is liable for a separate chatas offering for each and every labor of Shabbos which he violates inadvertently. A person is not liable only when he violates *all* the melachos that were done in the Mishkan, but rather when he does *any* of them. And, even if a person does several of the outlawed labors of the Mishkan on Shabbos, he is liable for each one separately. Why, however, is this rule illustrated with the labor of igniting (הבערה), and not with any of the other categories of labor? Although this question could have been asked no matter which labor was singled out, it is still appropriate to learn a lesson from the fact that הבערה was chosen.

The Ibn Ezra and Ramban explain that the Torah is accentuating the unique aspect of Shabbos in that cooking and igniting are prohibited. In this regard, Shabbos differs from the other festivals and holy days of the calendar, where fire may be used in food preparation.

The Kli Yakar cites the Gemara (119a) which tells us that the punishment for violation of the Shabbos is property loss due to harmful fires which damage. The Torah is warning us directly not to ignite fire and thereby violate the Shabbos, in order to have us avoid other mishaps.

Finally, heat and fire are essential elements in performing many other activities. Many of the other thirty-eight labors are accomplished in conjunction with igniting, hence the Torah's emphasis is appropriate.

The Imrei Emes of Gur points out that the concept of Shabbos originated with Hashem "resting" on the seventh day after having created the world. We also know that fire was only created after Shabbos, when Adam HaRishon struck stones together. This is one of the reasons we say havdalah with a candle as Shabbos ends, in order to commemorate how it was then that man first learned how to kindle a fire (Kol Bo, from Yerushalmi). Although we find that the heavens are called שמים because they are a combination of אש and מים, and we also find that the angels are comprised of a blend of fire and water, and these "fires" were created during the week, nevertheless, these are a different type of fire than the one of which we speak.

This is one reason that igniting is singled out, because it is distinct in its nature from the other labors, all of which were part of the process of creation. ■

HALACHAH Highlight

הבערה ללאו יצאת
(kindling was singled out to indicate that it is an ordinary prohibition)
שמואל סבר לה כרבי יוסי, דאמר הבערה ללאו יצאת, דתניא הבערה ללאו יצאת דברי רבי יוסי. רבי נתן אומר לחלק יצאת.

Shmuel would maintain the view of Rabbi Yosi who holds that the reason why the Torah singles out the activity of creating a fire (הבערה) is to indicate that it is a simple prohibition, and not a crime punishable by death. Rabbi Nosson, on the other hand, opines that the reason why the Torah singled out lighting a fire is to indicate that the forbidden activities of Shabbos are to be separated into separate categories of liability.

Tosafos¹ states that according to the opinion that **הבערה ללאו יצאת** (kindling was singled out to indicate that it is an ordinary prohibition) the prohibition of kindling a flame is not included in the general prohibition of **לא תעשה כל מלאכה** (you will not perform any work) and therefore it would not be forbidden to kindle a flame on Yom Tov by Scriptural inference. Kindling would not be forbidden on Yom Tov because the Torah only prohibited work (מלאכה) on Yom Tov, as the verse states **לא תעשה מלאכה** (you will not do any labor), while the act of kindling is not included in the general interdiction of labor on Shabbos, but rather is prohibited by dint of its own verse **לא תבערו אש** (you will not kindle a flame) which is specific to the Shabbos. It would appear that other Rishonim⁵ maintain that even according to the view that **הבערה ללאו יצאת** (kindling was singled out to indicate that it is an ordinary prohibition), kindling a flame would be forbidden on Yom Tov like it is forbidden on Shabbos. This view can be understood with the perspective of the Sha'agas Aryeh⁶ who explains that kindling is a full-fledged **מלאכה** which the Torah singled out to not be liable the death penalty but to be an ordinary forbiddance, but that does not diminish its status as a **מלאכה**. Being a full-fledged prohibition on Shabbos, kindling would be equally forbidden on Yom Tov.

In two separate responsa the Chasam Sofer suggests some novel ideas based upon the view that **הבערה ללאו יצאת**. In one responsum⁷, the Chasam Sofer writes about the obligation to assure that one's animals refrain from labor on Shabbos. Does one have an obligation to prevent his animal from kindling a flame? The Torah⁸ states in regards to the prohibited activities of Shabbos that one must rest his animal as well. The Chasam Sofer contemplates that perhaps according to the previously stated view of Tosafos when the Torah states this restriction, it refers only to genuine **מלאכות**. However, being that kindling a flame is not a "bona fide" **מלאכה**, possibly one would be allowed to have his animal, such as a monkey, kindle a flame. Of course, this cogitation is based solely on the view of Tosafos, which is contested.

In another responsum⁹, the Chasam Sofer observes that wherever the Torah states a prohibition in the form of "you shall not" or the like, the Torah is prohibiting direct action, but not causative action. Based upon this, he postulates that while the Torah prohibits cooking milk and meat together, it may not prohibit cooking milk and meat together by means of causative action. Thus, if one placed milk and meat out at night with kindling that was not lit, and strategically positioned a magnifying glass such that when the sun would shine the kindling would ignite by the focused rays of the sun through the magnifying glass, being that the resulting cooking of the milk and meat is solely causative, it may be permitted. Similarly, according to the opinion that **הבערה ללאו יצאת** possibly kindling a flame by causative action could be permitted. It must however be stated that this novel application is suggested only according to the view that **הבערה ללאו יצאת**. As well, it is the subject of much deliberation¹⁰. ■

1. תוסי' פסחים (דף ה' ע"ב ד"ה לחלק)
2. שמות (כ, ו) ודברים (ה, יד)
3. דברים (טז, ח)
4. שמות (לה, ג)
5. לפי שיטת רש"י ור"ח בפסחים שם
6. שאגת אריה (סי' עא). ועיי' קובץ שיעורים (פסחים אות יג)
7. שו"ת חתם סופר (חאו"ח סי' קנב ד"ה והשתא)
8. שמות (כג, יב) ודברים (ה, יד)
9. שו"ת חתם סופר (חאה"ע"ז סי' כ ד"ה והנה להרמב"ם)
10. עיי' שו"ת ציצ' אליעזר ח"א (סי' כ – קונט' עין החשמל, פרק ח) שאין מזה להקל לגבי השתמשות בחשמל בשבת. עיי' ובענין בכללו עיי' לרבי דן פלאצקי בס' כלי חמדה (פרשת ויקהל) שהאריך בדברי החת"ס בחאה"ע. עיי' בשו"ת צ"א שם ובשו"ת יביע אומר ח"ד (חאו"ח סי' לה אות ח) משייך ליישב דברי החת"ס. ואכמ"ל. ■

Gemara GEM

The Kiddush Hashem of the Jews of Moscow
ששת ימים תעשה מלאכה...כל העושה בו מלאכה יומת

In the year 1892 the Jewish community was expelled from Moscow. The government had issued the anti-semitic decree many years earlier, but the Jews were able to have it suspended. A final decision which triggered its implementation is said to be as a result of the following story.

The brother of the czar, Prince Sergei Alexandrovich, an avowed and virulent anti-semitite, served as the mayor of the city at that time. He was traveling in his horse-drawn carriage along a road when someone in another carriage following behind apparently wanted to show that its horses were stronger and mightier than those leading his vehicle. As it rushed around his carriage, it bumped his horses, and

it raced ahead. The mayor wanted to know who was so brazen to dare drive faster than his carriage, and he found out that the occupant was the wife of one of the Jewish bankers of the city. He became so incensed, that he immediately signed and sealed the order which declared that the thirty thousand Jews of the city of Moscow were to be banished.

With no alternative, Jews who had been living in the city for decades were forced to sell all of their property in a matter of days, and to leave the city. They were given the choice, however, to stay, provided they sign that they would accept upon themselves to convert to Christianity. The Jews solidly remained dedicated and loyal to their traditions, and they accepted the devastating financial losses which they faced, rather than abandon their religion. A great Kiddush Hashem was demonstrated, as many Jews, religious and not religious, refused to discard their heritage.

As the Chofetz Chaim reflected upon

those events, he spoke and emphasized the great merits of the Jewish people. "We must remember that the Jews have special hearts. It is true that the halacha speaks harshly about those who desecrate the Shabbos. Yet, many Jews for whom the Shabbos had become meaningless for many years, were nevertheless willing to perform a great Kiddush Hashem, even in consideration of forfeiting their material goods. There is no doubt that although their awareness of Shabbos was lacking, the halacha would recognize them as outstanding Jews."

He then added, with admiration, "The value of the spirit of a Jew is beyond our ability to fathom. The Jewish people are holy. Unfortunately, living among the gentile nations during this lengthy and extended exile has taken its toll. There are Jews who have lost touch with proper observance, but it is clear that their hearts yearn for Hashem and His Torah. We must reach out to them and afford them the opportunity to reconnect. ■

