

OVERVIEW of the Daf

1) Spices (cont.)

In response to the question of spices combining to create liability the Gemara explains that our Mishnah refers to those spices meant to flavor the food in the pot.

2) Dye ingredients

R' Nachman in the name of Rabbah bar Avuha explains that when transporting the ingredients to make a dye, one is not liable for less than the amount that could be used to dye a small cloth placed on top of a woman's hat. If, however, the dye has already been manufactured, one is liable for even the amount necessary for closing a weaver's bobbin.

3) Identifying the other items listed in the Mishnah

4) MISHNAH: The Mishnah lists more items and the minimum quantity that must be transported to create liability.

5) The use of the items mentioned in the Mishnah is explained

A Baraisa is quoted that explains the use of minimum sizes of various metals.

R' Yehudah identifies the names of various worms and states that they are dangerous if swallowed. A story is recorded demonstrating this point.

6) MISHNAH: Liability for transporting a peddlers' box and varieties of seeds is discussed. The Mishnah also discusses liability for transporting locusts.

7) Liability for transporting garden seeds

R' Pappa explains that liability for unplanted seeds is the topic addressed by our Mishnah whereas the earlier Mishnah that presented a smaller minimum referred to a seed that was already planted.

8) Date pits and animal parts

One Baraisa elaborates on the details of liability for transporting date pits. A second Baraisa discusses liability for transporting useful parts of different animals.

9) Bird of the orchard

The "bird of the orchard" is identified as a type of locust and its use is explained.

10) The dispute between Tanna Kamma and R' Yehudah

The Gemara explains that the point of dispute between Tanna Kamma and R' Yehudah is whether there is a concern that a child will eat the locust after it dies.

הדרן עלך אמר רבי עקיבא

11) MISHNAH: The Mishnah teaches that there is a difference in the minimum quantity for liability between one who stores an item for a specific purpose and all others.

12) The necessity of the word המצניע

Abaye explains that the necessity for the Tanna to use the term המצניע is to teach that if a person stored away an item for a purpose and forgot why he stored it away and then transports that item without a particular intent he is still liable for the small amount because his actions follow his original intent. ■

Distinctive INSIGHT

The Chiddush of the Mishnah

וכל אדם אין חייב אלא כשיעורו

The point of the Mishnah is that the volume of a particular item for which a person is liable for transporting on Shabbos can be subjective. When a person garners a small amount of a product for a personal need, he is then liable for carrying this "important amount" to the public domain. Tosafos notes that the Mishnah apparently did not have to continue and repeat that "everyone else" who carries a commodity out to the street is liable only when they transport a full, standard volume. This last comment is obvious, based upon the Mishnah we learned earlier (75b). Why, then, is this information repeated?

Rashba explains that the Mishnah is teaching us a rule about this same person who has kept this small amount of material or food for a specific purpose, but he then forgets why he kept it. The chiddush is that he is nevertheless liable for carrying the smaller amount. It is only "everyone else" that is liable for the larger amount, but this person who has stored this smaller item is חייב even though he has forgotten why he is keeping it.

Meiri explains that the previous Mishnah was teaching the law regarding carrying amounts which are small and insignificant, which, due to its being worthless should not result in anyone being liable, even if they carry a full volume of that item. The chiddush is that there is liability for a person if he has stored this small and insignificant article. However, we can still leave that Mishnah with the impression that even the one who stores the item would only be liable if he carries a full volume of it. This is why it is necessary for our Mishnah to clarify this halacha, and to teach us that this person who stores this object is liable even if he takes out a small amount, even less than the standard amount.

Tosafos Yom Tov suggests that this Mishnah is an example of a common style in Shas, where a Mishnah will recap and review a halacha that was mentioned earlier.

Pnei Yehoshua also deals with this issue. He understands that the previous Mishnah teaches deals with an item which no one would normally carry into the public domain due to its being an insignificant thing. In this case, no one would be liable for carrying it out other than someone who has shown that he cares about by his having stored it, even if we are dealing with medications or food. Our Mishnah, however, expands this rule, and teaches that even someone other than the one who stored it can be liable if he takes it out on the behalf of the one who stored it. ■

REVIEW and Remember

1. How did Shmuel find out what אשלג is?

2. How many prohibitions does a person violate if they transport a peddler's box with many varieties of spices?

3. How can one use a particular kind of locust to become wise?

4. According to R' Yehudah, how will a child react when a his pet locust dies?

HALACHAH Highlight

What is to be done with the ashes of a Torah scroll that burned?

מקק ספרים ומקק מטפחותיהם - כל שהוא, שמצניעין אותן לגונן.

For the worm-eaten remains of scrolls and the worm-eaten cloths used to wrap the scrolls, one is liable for taking them out in any amount, because they are put aside to be respectfully stored (גניזה).

Elsewhere, the Gemara¹ discusses the proper fashion to dispose of a Torah scroll that is no longer fit to be used.

ואמר רבא: ספר תורה שבלה - גונזין אותו אצל תלמיד חכם, ואפילו שונה הלכות. אמר רב אחא בר יעקב: ובכלי חרס שנאמר (ירמיה לב, יד) ונתתם בכלי חרש למען יעמדו ימים רבים.

And Rava said: A Torah scroll that became worn and unfit for further use is buried near a Torah scholar, and even if he be a student who has not attained the full range of Talmudic learning. Rav Acha bar Ya'akov said: The Torah scroll is buried in an earthenware jar, as the verse states: "And you will place them in earthenware so that they may be preserved for a long time."

This passage is codified by the Rambam² and the Shulchan Aruch³. The reason⁴ why the Torah scroll is buried in an earthenware container is in order to preserve whatever is left of the scroll. [It should be noted that many authorities⁵ indicate that burial is not the only option for respectful disposal of a worn Torah scroll. If there is a safe and respectful location aboveground where the scroll can be stored, such as an Aron, it is permitted to store it there. Indeed, some⁶ indicate that storing the Torah scroll in a respectful spot in the synagogue is preferable to burying it. However, some authorities⁷ maintain the letter of the law and require burial.]

A tragic event occurred in 1963, in which an electrical short-circuit caused a conflagration which resulted in the destruction of a synagogue outside of Pardes Chanah, Israel. Destroyed in the blaze were six Torah scrolls. The Rav of Pardes Chanah, Rav Yehoshua Zelig Diskin, queried Rav Ovadiah Yosef and Rav Eliezer Yehuda Waldenberg as to the proper procedure to follow in the respectful disposal of the ashes of these Torah scrolls. Independently,

both Poskim⁸ sent swift and lengthy responses. Amongst the questions discussed were: a) do the ashes need to be buried, or could they be respectfully stored above ground, b) do the ashes need to be buried in an earthenware container as would a worn Torah scroll? An argument could be made that since the purpose of the container is to preserve whatever remains of the scroll, thus in the case of destruction by fire being that nothing remains to be preserved, possibly there would be no need to bury the ashes specifically in earthenware jars. Indeed, it would appear that this is the opinion of Rav Chanoch Eiges⁹ of Vilna, the Marcheshes, that if only ashes remain of a scroll, they need not be buried in an earthenware container, or to the side of a Torah scholar. However, both Rav Yosef and Rav Waldenberg rule that the ashes of a Torah scroll consumed in fire should be buried to the side of a Torah scholar, as indicated in the Gemara. Rav Waldenberg¹⁰ infers this from the very source of this law. The Gemara states without qualification: **ספר תורה שבלה** (a Torah scroll that became worn), this implies that any level of being unfit, even at the point where nothing usable remains of the Torah scroll, the scroll would still require to be buried. Further, both Rav Yosef and Rav Waldenberg identify our passage as a source to require that the ashes of a burnt Torah scroll be buried because our passage indicates that the worm-eaten remains of Torah scrolls need to be properly disposed of. [Rav Shalom Mordechai Shvadron¹¹, the Maharsham, cross-references our passage with the law of burial of worn Torah scrolls.] In the end, both authorities ruled that the ashes of the Torah scrolls should be buried after a large public **לויה** (funeral service) during which uplifting words should be delivered in order to motivate the community to soul-searching and repentance. ■

1 מגילה (דף כו סוע"ב) 2 רמב"ם (פ"י מהל' ס"ת הלכה א) 3 שו"ע (או"ח סי' קנד ס"ה ויו"ד סי' רפב ס"י) 4 ע"י בר"ן ובפירוש רבינו יהונתן מלוניל (מגילה שם) וכ"כ מרן בב"י (יו"ד סי' רפב) וכ"כ בקיצור במשני"ב (סי' קנד ס"ק כג) 5 כן נראה בשו"ת נודע ביהודה (מהד"ק חאו"ח סי' ט) [וע"י בדעת הנוב"י בשו"ת אפרקסתא דעניא ח"א (סי' נג)]. וע"י בסי בני יונה (הל' ס"ת סי' רפב ס"י"א) ובתשובה מאהבה ח"ב (או"ח סי' קנד, ד"י"ב סע"ב) והניף ידו שנית בחי"ג (דס"ג ע"ב) ובשו"ת בנין ציון (סי' צז) ועוד. וע"י המעשה הנורא שהובא בשו"ת מנחת אלעזר (חי"ג סי' נב ד"ה ועוד נ"ל). ע"י בזה בשו"ת צ"ץ אלעזר חט"ו (סי' ח אות ג) באריכות. 6 ערוה"ש (סי' קנד ס"ח) ובשו"ת אגרות משה (חי"ד מחאו"ח סי' לח) 7 ע"י שו"ת חקל יצחק (סי' יג) וכן בשו"ת אפרקסתא דעניא ח"א (סי' נג) באורך. 8 שו"ת יביע אומר ח"ד (חיו"ד סי' כד) ובשו"ת צ"ץ אלעזר ח"ח (סי' ל) 9 סי' מרחשת ח"א (סי' נג אות ד). ע"ש. 10 צ"א שם (אות ב' ד"ה אבל מדקתני) 11 דעת תורה (או"ח סי' קנד ס"ה). [וע"י בשו"ת צ"א שם (סוף אות ב') שדייק מדבריו כני"ל. ע"ש.] ■

Gemara GEM

The Cruel Raven

ת"ר האומר הרי עלי ברזל אחרים אומרים לא יפחות מאמה על אמה. למאי חזיא? אמר רב יוסף לכלי"א עורב

The Baraisa states that if someone makes a pledge to give iron to the Beis Hamikdash, the minimum amount of iron he must give is a panel of one amah square. As Rav Yosef explains, the function of such a plate is that the roof of the Beis Hamikdash was covered with these iron panels. Rashi explains that the iron had razor sharp edges, and nails were affixed upon them. This layer upon the roof was designed to keep ravens from landing upon the roof.

Ben Yehoyada notes that this arrangement of sharp iron plates actually kept away all birds. Why, then, is this layer specifically referred to as "raven-chaser", and not simply as a "bird-chaser"?

The Gemara (Kesuvos 49b) tells us that the raven is characteristically known as a cruel bird. The verse in Tehillim (147:9) praises Hashem in that He "gives to an animal its food, to young ravens that cry out." Why is the raven mentioned in this verse? It is because the adult bird does not provide for its own young.

The Beis Hamikdash was the institution which represented Hashem's infinite mercy and compassion upon the world and His creations which reside throughout the globe. The prayers and the offerings which the Jews brought evoked the kindness of Hashem to

spread in Eretz Yisroel and beyond. It would therefore be especially inappropriate for the raven specifically to come and rest upon the roof of the Sanctuary. This is why the "raven-chaser" was known as such, to exemplify the idea that the Beis Hamikdash was a place of peace and harmony, and not a place of cruelty and selfishness.

This is the same concept which we find regarding the altar. The altar's purpose is to extend life and promote vitality in the world. We are commanded not to use iron in the building of the altar or in cutting of the stones used for the altar, because iron represents knives and swords, which are weapons of hostility which shorten life. As our sages tell us, it is not proper to use iron, which shortens life, to fashion the altar, whose purpose it was to lengthen the days of man. ■

