

## OVERVIEW of the Daf

### 1) משמרות and מעמדות (cont.)

The Gemara inquires whether the Mishnah meant that the Torah portion was read by heart at musaf and mincha, or does it mean that it was read by heart only at mincha?

A Baraisa clearly indicates that it was only read by heart at mincha.

The Gemara explains why the מעמד service of mincha was observed on days that wood offerings are brought, but it was not observed on days when ne'ilah was said.

### 2) Wood offerings

A Baraisa presents the background to the wood offering festivals.

The origins of the family names, "pestle-smugglers" and figcutters" mentioned in the Mishnah are explained.

A second Baraisa presents a similar incident that occurred earlier in history.

### 3) The identity of families mentioned in the Mishnah

A Baraisa presents a dispute regarding the identity of the family of Pachas Moav.

Another Baraisa presents a dispute regarding the identity of the family of Adin ben Yehudah.

A difficult, related Baraisa is explained.

### 4) מעמד

Mar Kashisha asked R' Ashi why the musaf service suspends the מעמד of mincha.

R' Ashi answered that this suggestion is the position held by R' Yosi.

The Gemara inquires why Rosh Chodesh Nissan is not identified as a day when no מעמד service was held since it is also a day upon which there is hallel, a musaf offering and a wood offering.

Rava answers that hallel on Rosh Chodesh is only Rabbinic, therefore it does not suspend the morning מעמד.

A related incident and Baraisa are presented.

### 5) Seventeenth of Tamuz

A Baraisa presents two opinions regarding the date when the Aseres HaDibros were given. The Gemara explains how to calculate the breaking of the luchos according to both opinions.

The sources that the other tragedies mentioned in the Mishnah occurred on the seventeenth of Tamuz are identified.

The Gemara clarifies whether one or two idols were placed in the Beis HaMikdash. ■

## Distinctive INSIGHT

### Reading Hallel on Rosh Chodesh and the Festivals

זאת אומרת הלילה דברישי ירחא לאו דאורייתא

Our Gemara notes that the reading of Hallel on Rosh Chodesh is not a fulfillment of a Torah statute. The Rishonim (בה"ג, יראים, רמב"ן) infer from this statement that the reading of Hallel on the eighteen days listed in the Mishnah (Arachin 11a) is a Torah legislated law. Rambam (in Sefer Hamitzvos, and Hilchos Chanukah 3:6), however, writes that the reading of Hallel is simply מדברי סופרים, as is evidenced by its being comprised of chapters from Tehillim which was authored by Dovid HaMelech.

As far as the inference from our Gemara that only the Hallel for Rosh Chodesh is not from the Torah, but the reading on the festivals apparently is from the Torah, Rambam would have to interpret our Gemara a bit differently. Rambam would say that, in fact, it was the prophets who established that Hallel be read on these eighteen days, as opposed to Hallel on Rosh Chodesh, and the ruling of the prophets is as if the Torah made this ruling (see רש"י ד"ה מנהג).

In his comments to Sefer Hamitzvos, Ramban questions the very basis of the opinion of Rambam. The fact that Hallel is comprised of chapters of Tehillim should not indicate that it cannot be a Torah law. Rambam himself writes that although the fundamental obligation to daven is from the Torah, the text of the davening and the fact that we daven three times each day are details which are Rabbinic. Similarly, according to the opinion that עיקר שירה בפה, it is the Torah that legislates that the Levi'im sing songs which accompanied the offerings. Yet the Gemara (Tamid 9b) lists the songs as being various chapters in Tehillim. From these as well as other places we see that there is no problem saying that Hallel is a Torah law, although the text itself is from Tehillim. Therefore, Ramban explains that reading Hallel on the festivals is a Torah law, and it is either a Halacha from Moshe at Sinai, or perhaps it is part of the celebration of the joy of the festival itself.

Notwithstanding, Sha'agas Aryeh (#69) concludes that Hallel is only a rabbinic enactment, while Chasam Sofer writes that it is a Torah precept when said on a day commemorating our having being saved from a threat of death. ■

## HALACHAH Highlight

### Establishing a chazakah to perform a mitzvah

וכך התנו נביאים בשיניהן שאפילו לשכה מלאה עצים יהיו אלו מתנדבין משלהם

And the Nevi'im amongst them stipulated that even if the chamber is filled with wood, these [families] will donate [wood] of their own.

There is a well known and accepted principle in halacha that relates to establishing a chazakah to perform a mitzvah<sup>1</sup>. For example, a person may be chosen by the community to be the one who donates oil for the Beis HaKnesses, and once that chazakah is established it may not be rescinded. A point of dispute is whether a person can establish a chazakah to perform a mitzvah simply by performing a mitzvah without being appointed. Teshuvah Mishpatei Shmuel<sup>2</sup> addressed the issue regarding a group of people in town who started a Chevra Kadisha. This Chevra Kadisha claimed that they established a chazakah to perform the mitzvah of burying the deceased, and they then attempted to prevent other groups from performing this mitzvah. Mishpatei Shmuel answered that if a group or person was not chosen by the community to do the mitzvah, a chazakah cannot be established to prevent others from performing the mitzvah. Radvaz<sup>3</sup>, on the other hand, wrote concerning a woman who donated oil on particular days of the year to the Beis HaKnesses that once she established a chazakah, even if she was not chosen to do the mitzvah by the community, the community leaders may not take the mitzvah away from her.

Kerem Shlomo<sup>4</sup> addressed a case of a man who had donated oil to the Beis HaKnesses for many years and the gabbai went ahead and sold the mitzvah to another. Kerem Shlomo ruled in

## REVIEW and Remember

1. What were the "Wood Festivals"?
2. How did the sin-fearing men smuggle wood to the Beis HaMikdash?
3. How did Rav know that the recitation of Hallel he witnessed was due to custom rather than a halachic requirement?
4. How many idols were erected in the Beis HaMikdash?

favor of the individual and cited our Gemara as proof to his position. Our Gemara relates that when the people ascended to Eretz Yisroel for the second Beis HaMikdash there were certain families that stepped forward to donate wood for the Beis HaMikdash. The Nevi'im therefore stipulated that even if the storehouse is filled with wood these families would have the right to donate wood to the Beis HaMikdash. This demonstrates that one can establish a chazakah even if it was not granted by the community. Maharsham<sup>5</sup>, however, rejects this proof. The reason these families were granted the privilege is the enactment of the Nevi'im, but it was not because they had established any chazakah on the mitzvah through their voluntary donation. ■

1. שו"ע או"ח סע' קנ"ג סע' כ"ב ורמ"א חו"מ סע' קמ"ט סע' ל"א
2. שו"ת משפטי שמואל סע' נ"ג
3. שו"ת הרדב"ז ח"ד סע' י"א
4. כרם שלמה (האס) לאו"ח סע' קנ"ג
5. שו"ת מהרש"ם ח"א סע' קצ"ח ■

## STORIES Off the Daf

### Bringing the Bikkurim

ושלא יביאו ביכורים

Once, the Chok Yaakov, ז"ל<sup>1</sup>, was presented with an interesting question. "In Taanis 28, we find that it was once decreed that the Jewish people could no longer bring their new fruits to Yerushalayim. Guards were stationed along the roads leading to the holy city just as they had been during the days of Yeravam ben Nevat. Certain righteous people, however, would smuggle in their bikkurim by covering the new fruits with a layer of dried figs. When the guards asked what they were doing with the basket of figs, they would

respond that they were bringing in figs for processing. It is clear that those who were not especially righteous did not bring their bikkurim during that period of prohibition. This appears to be very problematic. Doesn't the Gemara in Sanhedrin state that if the non-Jews decree that we change even a public practice, like the traditional color of one's shoelace, we must be willing to sacrifice our lives rather than alter our custom? I don't understand why they were not obligated to bring their first fruits or die in the attempt?"

The Chok Yaakov answered, "You have made a fundamental error. The Gemara you mention is discussing when the non-Jews decree that we must do something differently. However, the Nimukei Yosef there and the Ran in Masseches

Shabbos rule that if the decree merely involves refraining from carrying out a positive commandment, one is not obligated to lay down one's life. Rema rules in accordance with this opinion (ו"ד קנ"ז: א'). Even so, one is permitted to die as a martyr if the times and circumstances seem to warrant such an extreme measure."

The Chok Yaakov concluded, "Now you see that the Gemara in Taanis makes perfect sense. Only the "בשרים," people who had especially strong fear of heaven, were willing to risk their lives to bring their bikkurim to Yerushalayim by subterfuge. They were prepared to sacrifice their lives for the privilege of performing the mitzvah with joy!" ■

