

Daf Digest for Chodesh Iyar is dedicated
In memory of Israel Isser Ben Tzion ben Yaakov

OVERVIEW of the Daf

1) Identifying countries mentioned in the Torah

The Gemara cites a number of pesukim from the Tenth perek of Bereishis and identifies the nations that lived in those areas during the time of the Gemara.

2) The giants

The names of the giants seen by the spies are explained.

3) Persia

R' Yehoshua ben Levi in the name of Rabbi declares that Rome will fall into the hands of Persia.

Rebbi's drosha is unsuccessfully challenged.

Rabbah bar bar Chanah in the name of R' Yochanan in the name of R' Yehudah bar Ilai proves from a kal vachomer that Rome will fall to Persia.

Rav disagrees and maintains that Persia will fall to Rome.

Rav is unsuccessfully challenged.

A Baraisa supporting Rav's opinion is cited.

A related statement from R' Yehudah in the name of Rav is recorded.

4) The Parhedrin Chamber

A Baraisa records a dispute as to the reason The Parhedrin Chamber required a mezuzah.

Rabbah explains that the reason the Parhedrin Chamber was exempt from a mezuzah according to R' Yehudah was that it was not used for dwelling on a regular basis.

Abaye successfully challenges Rabbah's explanation.

Abaye offers an alternative explanation which is refuted by Rava.

Rava presents an alternative, accepted explanation. ■

Today's Daf Digest is dedicated
By Mr. and Mrs. Myron Cherry
In loving memory of their mother
Mrs. Frances Cherry, ע"ה

Today's Daf Digest is dedicated
By Rabbi and Mrs. Reuven Isaacs
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ר' אשר אנשל בן ר' ברכיה

Distinctive INSIGHT

Is a prison cell required to have a mezuzah?

דירה בעל כרחו וכו'

Our Gemara teaches that if a person is incarcerated in a jail, that dwelling is not obligated to have a mezuzah placed upon its door.

In his Har Tzvi (Y.D. #237), HaRav Tzvi Pesach Frank, zt"l, was asked about Jews who were taken to a prison camp in a distant land. The constraints upon them were that they were allowed to wander about within a limited area and they were given freedom to live in any of the barracks on the camp. Nevertheless, they could not leave the immediate area. The question is whether or not this has the halachah of a jail, due to the person being forced to be there and to stay within a limited border, or does this conform to a condition of relative freedom, due to the leeway allowed in movement.

HaRav Frank reviews the halachah of a mezuzah on a prison cell. Based upon our Gemara, he concludes that it is exempt (see Yoreh Deah #286). This is based upon the opinion of R' Yehuda who holds that the Parhedrin office was actually exempt from having a mezuzah, but a mezuzah was placed upon it so that people should not say that the Kohen Gadol was being held in a prison cell for the week before Yom Kippur. This is also the ruling of the שו"ת פ"א אפרים (סי' פ"א).

Yet HaRav Frank points out that this is all true by a regular prison cell. However, in the case at hand, where

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REVIEW and Remember

- How large was the city of Nineveh?

- What event must precede the arrival of Moshiach?

- Did the chambers of the Beis HaMikdash have mezuzos?

- According to Rava, what's the difference between the Chamber of Parhedrin and a sukkah?

HALACHAH Highlight

Affixing a Mezuzah to a Sukkah

אלא אמר רבא בשאר ימות השנה כ"ע לא פליגי דפטורה כי פליגי בשבעה וסוכה וכו'

Rather, Rava said: The entire year there is no disagreement that it [a sukkah] is exempt [from mezuzah,] the disagreement is during the seven days [of Sukkos.]

Halachah follows the opinion of Rabanan¹ who maintain that one is exempt from affixing a mezuzah to his sukkah even during Sukkos. Accordingly, in the opinion of some Poskim,² one who constructs his sukkah on a balcony would be required to remove the mezuzah after Sukkos and then reaffix it. Since halachah follows the position of Rabanan, the sukkah was exempt from the obligation of mezuzah during Sukkos and the obligation begins anew after the Yom Tov is over. To merely leave the mezuzah in place violates the principle of תעשה ולא מן העשוי—You should make it and it should not come about on its own. Conceptually it would be the equivalent of purchasing a doorframe, affixing a mezuzah to the doorframe and then placing the doorframe into a doorway. In this scenario the mezuzah was not affixed in a way that fulfills the mitzvah, rather the mitzvah ended up in place when the doorframe was placed in the doorway.

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the prisoners were given “freedom” to choose in which barracks they chose to reside, it could be that everyone would agree that they would be obligated to affix a mezuzah upon their door. In fact, the only issue with the Kohen Gadol was whether the Lishkas Parhedrin required a mezuzah, but he certainly would have to place a mezuzah upon any other house he occupied in Yerushalayim, although Rambam rules (Hilchos Klei HaMikdash 5:7) that the Kohen Gadol was restricted to living within Yerushalayim, and that he was not allowed to leave the city. We therefore see that free movement within a city, even without being allowed to leave that city, is not considered to be a דירה בעל כרחו—a dwelling against one’s will. ■

The halachah³, however, does not follow this opinion because the disqualification of ta’aseh v’lo min ha’asui applies only when the mitzvah was initially performed in a disqualified manner as in the scenario of the doorframe described above. In our case the mezuzah was originally affixed in a way that fulfilled the mitzvah, i.e. some time during the year other than during Sukkos, therefore it cannot become disqualified later because of תעשה ולא מן העשוי. ■

1. בשו"ע יור"ד סימן רפ"ו ס"ט

2. עי' פת"ש שם ס"ק י"ג. ובאו"ח סוף סימן תרכ"ו, בשע"ת

3. עי' בפת"ש ושע"ת הנ"ל, וכן עי"ש במשנה ברורה ס"ק י"ט ■

STORIES Off the Daf

A permanent dwelling

סוכה דירת קבע בנין...דירת עראי בנין

The Sefas Emes zt"l explains why one needs a diras ara'i, a temporary dwelling, for a Sukkah instead of a permanent one. The Sukkah represents the World-to-Come, and a permanent dwelling symbolizes someone who is consistent in serving Hashem. A temporary dwelling represents someone who is less regular in his devotion than he should be. But since all of the Jewish people have a portion in the World-to-Come—even the one who is erratic in his avodas Hashem—the temporary Sukkah reminds us of the inclusive na-

ture of the future world. Of course, some do manage to make their life in this world completely and consistently dedicated to serving Hashem until their last moment.

Rav Yosef Shlomo Horowitz, zt"l, learned in Ponevezh after the war. He spent all of his time learning, and was so devoted to his Torah study that he always stood, even while learning in the middle of the night.

One night, the bochurim noticed Rav Yosef Shlomo's absence and knew right away that the reason must be serious. They brought in a doctor, who told them that the ninety-three year old scholar had only a few hours left to live.

They called for the Mashgiach, Rav Yechezkel Levenstein, zt"l, and when he entered the room, he was shocked

to find the terminally ill Rav Yosef Shlomo sitting and learning!

The Mashgiach subtly turned their conversation to the present matter. “Since no one knows how much time he has,” he said, “It would be better for you to lie down.”

Rav Yosef Shlomo caught his meaning. “Don’t worry, I still have a few hours left to grab some more Torah in this world. As soon as I feel that my time is coming, I will get into bed—so that I won’t be shamed by falling from the chair, as the Mashgiach fears...”

Rav Chatzkel left the room at about eight o'clock at night. At one in the morning, Rav Yosef Shlomo interrupted his learning, got into bed, said Shema, and returned his soul to his Maker! ■