



# Daf In Review – Weekly Chazarah

## Maseches Kiddushin, Daf טז – Daf טז

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H  
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf טז---34-----

### KOL MITZVOS ASSEI SHEHAZMAN GRAMA...

- A Braisa says, what are time bound mitzvos assei? Succah, lulav, shofar, tzitzis, and tefilin. What are mitzvos assei that are not time bound? Mezuzah, makah (putting a gate around a roof), returning a lost object, and shiluach hakan.
  - **Q:** Is it an absolute rule that women are patur from time bound mitzvos? There are the mitzvos of matzah, simcha (rejoicing on Yom Tov), and Hakhel, which are time bound and yet women are chayuv in them!? Also, there are the mitzvos of learning Torah, of pidyon haben, and of having children, which are not time bound, and yet women are patur from them!? **A:** **R' Yochanan** said, there is no rule without exceptions, and even when a Tanna gives exceptions to a rule, we cannot assume that there are no more exceptions than those listed.
    - We see this in a Mishna that says all items can be used for an eiruv or a shituf except for water and salt. Now, even though the exceptions are listed, there are actually more exceptions as well (mushrooms). We see the principle of **R' Yochanan**.

### UMITZVOS ASSEI SHEHAZMAN GRAMA NASHIM PETUROS

- **Q:** How do we know this rule? **A:** We learn it from tefilin. Just like tefilin is a time bound mitzvah and women are patur, so too are women patur from all time bound mitzvos. We know that women are patur from tefillin, because it is learned from the obligation to learn Torah, from which women are exempt.
  - **Q:** Why don't we rather compare tefilin to mezuzah, and say that just like women are obligated in mezuzah, they are also obligated in tefilin? **A:** Tefilin is compared to learning Torah in both parshiyos of Shema, and is only compared to mezuzah in the first parsha of Shema.
  - **Q:** Why don't we compare mezuzah to learning Torah and say that women are also patur from mezuzah? **A:** The pasuk says that mezuzah brings the reward of "I'maan yirbu yimeichem", and women need life as well.
  - **Q:** The mitzvah of succah is time bound, and yet we learn that women are patur based on the word "ha'eizrach". This suggests that if not for that word women would be chayuv!? **A:** **Abaye** said, regarding succah the pasuk says "basuccos teishvu" which we darshen to teach that we must dwell in a succah as people live all year, and that would lead us to say that a man must live there with his wife, and women should therefore be chayuv. That is why the word "ha'eizrach" is needed to teach that women are patur. **Rava** said, we would have thought to darshen a gezeira shava from Pesach and learn that just as they are chayuv in Pesach they are also chayuv in Succah. That is why the word "ha'eizrach" is needed.
  - **Q:** The mitzvah to bring the Korbon Re'iyah is a time bound mitzvah and yet we learn that women are patur based on the word "zechurcha". This suggests that if not for that word, women would be chayuv!? **A:** We would have thought to darshen a gezeira shava from Hakhel which would make women chayuv. That is why we need "zechurcha" to teach that they are patur.
  - **Q:** Instead of learning that women are patur in all time bound mitzvos from tefillin, why don't we learn that they are chayuv in all time bound mitzvos from the mitzvah of "simcha" (rejoicing on Yom Tov)? **A:** **Abaye** said, women are actually not chayuv in simcha. It is their husbands who are chayuv to cause them to rejoice.
    - **Q:** The pasuk says that a widow must rejoice as well, and you can't say this means that her husband should cause her to rejoice!? **A:** She is not obligated to rejoice either. The pasuk is referring to a poor widow, and instructs the people that she relies on for support to buy her food, drink, and clothing so that she will rejoice.

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- **Q:** Why don't we learn from Hakhel that women are chayuv in time bound mitzvos? **A:** The mitzvos of matzah and Hakhel are two pesukim that teach the same thing (that women are chayuv), and whenever we have two pesukim teaching us the same thing, we do not learn from them to other places.
  - **Q:** If so, the mitzvos of tefillin and re'iyah should also be two pesukim teaching the same thing (that women are patur) and we should not be able to learn from them to other places!? **A:** These pesukim are both needed, and therefore we don't say that we can't learn from them. They are both needed, because if we would only have the pasuk of tefillin, we would say that regarding re'iyah we will learn a gezeirah shava from Hakhel, and women should be chayuv, that is why we need the pasuk of re'iyah. And, if we would only have re'iyah, we would say that we should compare tefillin to mezuzah and women should be chayuv. That is why we also need the pasuk of tefillin.
  - **Q:** Maybe we can say that matzah and Hakhel are also each needed and therefore we should be able to learn from them to other places? **A:** We can say that if only Hakhel was written and matzah was not, we would learn a gezeira shava from Succah to teach that women are patur. However, why couldn't the Torah only write the pasuk of matzah, and we could then learn that women are chayuv in Hakhel by saying that if children are chayuv, then certainly women are chayuv! Therefore, since the Torah went and wrote the pasuk of Hakhel anyway, we now have 2 pesukim teaching the same principle, and they therefore can't be used to teach regarding any other place.
  - **Q:** According to the view that when we have 2 pesukim that teach the same principle we may still learn from them to other places, why don't we learn from matzah and Hakhel to teach that women are chayuv in all other time bound mitzvos assei? Furthermore, we learn that women are chayuv in mitzvos assei that are not time bound from the fact that they are chayuv in the mitzvah of fearing their parents. Why don't we instead learn from the obligation to learn Torah, that just as women are patur from that, they are also patur from all other mitzvos? **A:** The reason is that the obligation to learn Torah and the obligation to have children are 2 pesukim that both teach that women are patur, and since they are teaching the same principle, they can't be used to teach to other places.
    - **Q:** According to **R' Yochanan ben Broka**, women are chayuv in the obligation to have children, so there are no 2 pesukim that are teaching one principle!? **A:** The mitzvos of learning Torah and of pidyon haben are 2 pesukim that both teach that women are patur although they are not time bound mitzvos, and we therefore cannot learn from them to all other places.
    - **Q:** According to **R' Yochanan ben Broka**, we should say that the pasuk regarding having children and regarding fearing one's parents are both teaching the same principle (that women are chayuv), and therefore should not be able to teach to any other place!? **A:** These 2 pesukim are needed and are therefore not considered to be teaching the same principle. If we would only have the obligation to fear one's parents, we would say that a woman is not chayuv to have children, because the pasuk says "v'chivshuha", which teaches that only one who customarily conquers (i.e. a man) must have children, and not a woman. And, if we would only have the pasuk of having children, we would say that regarding fearing one's parents a woman is not chayuv, because she is not always able to do so (since she must first serve her husband). Therefore, both of these pesukim are needed, and can't be considered as written to be teaching the same principle.

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- **Q:** The Gemara just said that we cannot use the fact that women are patur from the obligation to learn Torah to teach that women are patur from all mitzvos that are not time bound, because the pasuk regarding learning Torah and the pasuk that women are patur from pidyon haben are 2 pesukim teaching the same principle, and therefore they cannot teach this principle regarding other mitzvos. The Gemara now asks, that is only according

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to the view that when we have 2 such pesukim we cannot learn from there to other places. However, according to the view that we can, why don't we learn from there to teach that women are patur from all mitzvos even if they are not time bound mitzvos? **A: Rava** said, **R' Acha bar Yaakov** taught, the pasuk of tefilin says "l'maan tihyeh Toras Hashem b'ficha", and thereby compares all of the Torah to tefilin, and teaches that just as tefilin is a time bound mitzvas assei and women are patur, so too all time bound mitzvos assei women are patur. We can also then learn that if they are patur from time bound mitzvos, they are chayuv in mitzvos that are not time bound.

- **Q:** This is only a valid answer according to the view that tefilin is a time bound mitzvah. However, according to the view that tefilin is not a time bound mitzvah, this pasuk should teach that women are patur from all mitzvos, even when not time bound!? **A:** It is **R' Meir** who says that tefilin is not a time bound mitzvah, and **R' Meir** also holds that matzah and Hakhel are two pesukim that teach the same principle (that women are chayuv) and therefore can't teach to other places. The result being that in all other time bound mitzvos, women would be patur.
- **Q:** According to **R' Yehuda** who says that we can learn from 2 such pesukim to other places, and who also holds that tefilin is not considered to be a time bound mitzvah, where do we learn that women are patur from time bound mitzvos? **A:** The pesukim of matzah, simcha, and Hakhel are 3 pesukim that all teach the same principle, and even he agrees that when we have 3 pesukim like that, we cannot use them to teach in other circumstances.

### V'CHOL MITZVOS LO SAASEI...

- **Q:** How do we know this halacha? **A: R' Yehuda in the name of Rav** learns it from a pasuk that compares women to men regarding all punishments. **R' Eliezer's** yeshiva taught it is based on a pasuk that compares women to men for all monetary laws in the Torah. **Chizkiya's** yeshiva taught it is based on the pasuk that compares the killing of a woman to the killing of a man for the death penalty.
  - All these pesukim are necessary. If we would only have the first pasuk we would say only regarding punishments women are treated the same, because we want them to be able to get a kapparah. If we would only have the second pasuk we would say it is only regarding monetary matters that women are treated equal, because these laws are needed to carry out daily living activities. If we would only have the 3<sup>rd</sup> pasuk we would say that only there women are given the same status, because regarding loss of life the Torah is more stringent to have the killer put to death.

### CHUTZ MIBAAL TAKIF UBAAL TASHCHIS...

- **Q:** Women are not included in the issur to become tamei, because the pasuk says "emor ehl haKohanim *bnei* Aharon" – the men and not the women. Why are they not included in the issur of baal takif and baal tashchis? **A:** The pasuk says "lo sakifu pe'as roshchem v'lo sashchis es pe'as zikanecha". We darshen that whoever is commanded not to destroy their beard (i.e. men) are commanded in lo sakifu, and those not commanded not to destroy the beard (i.e. women) are not commanded in lo sakifu.
  - **Q:** How do we know that women are not commanded not to destroy the beard? **A:** Either it is based on logic, because they don't have a beard, or it is based on the pasuk. The pasuk says "roshchem" in the plural, but says "zikanecha" in the singular, and therefore teaches that only one group is included in the issur of the beard – men and not women.
    - **Q:** A Braisa says that if a woman does have a beard it is considered to be a beard in all respects. Presumably this means that it is included in the issur to destroy the beard!? **A: Abaye** said, it can't mean to make it assur to destroy it, because we have a gezeira shava on the word "pe'as" from the pasuk discussing Kohanim, and learn that the issur only applies to men based on that parsha beginning with the words "bnei Aharon".
    - **Q:** If the words "Bnei Aharon" are meant to include everything written in that parsha, why do we need the gezeira shava to teach that it doesn't apply to women? Why don't we just say that if it doesn't apply to women who are Kohanim, and Kohanim have many more halachos, then surely it will not apply to regular women, who have less halachos!? **A:** Without the gezeira shava we would think that the words "bnei Aharon" don't teach to exclude women from the entire parsha, rather only from the immediate subject of the pasuk.

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- **Q:** We should say that even now the words “bnei Aharon” only exclude women from the immediate pasuk, and the gezeira shava is used for something else altogether, to teach that what would constitute an assur cutting of the beard – shaving with a razor – for the Kohanim, would be the same for the issur of the cutting the beard for all people!? **A:** The extra word of “pe’as” in the pasuk teaches that the gezeira shava is applied in two ways – to teach that only a razor is assur, and to teach that women are exempt.
- **Q:** If a woman is not included in the issur of destroying a beard, what does the Braisa mean when it says that if a woman does grow a beard it has the status of a beard? **A: Mar Zutra** said, it has the status of a beard for purposes of tzaraas.
  - **Q:** The pasuk clearly says that if a woman has a beard it has the status of a beard for tzaraas!? **A:** The Braisa means that for purposes of the tahara of the tzaraas, the woman’s beard is considered a beard, and she must go through the entire tahara process.
  - **Q:** That is obvious!? If it becomes tamei with tzaraas, she obviously must go through the tahara process!? **A:** When the pasuk speaks of the tzaraas “of a man and a woman on the head or on the beard”, we would think that “on the beard” only refers back to man, and not a woman. The Braisa therefore teaches that the beard of a woman is a beard for purposes of tzaraas.
- **Issi** taught that women are also patur from the issur of “baal yikarchu” (making a bald spot on the head in mourning). This is based on the pasuk that says “banim atem La’Shem Elokeichem lo siggodidu v’lo sasimu karcha bein eineichem lameis ki ahm kadosh atah La’Shem Elokecha”. The pasuk says “banim”, teaching that the issur of karcha applies only to men and not to women.
  - **Q:** Maybe the limit of “banim” refers back to the issur of “lo siggodidu” (making cuts in one’s skin in mourning)? **A:** The pasuk says “ki ahm kadosh”, which serves to include women in the issur of lo siggodidu.
    - **Q:** We have words that exclude women from an issur and words that include women. Why is it that we choose to exclude them from baal yikarchu and choose to include them in lo siggodidu? **A:** Lo siggodidu applies anywhere on the body and is therefore more inclusive, whereas baal yikarchu applies only on the head and is therefore less inclusive.
    - **Q:** Maybe women should be excluded from both of these issurim, and “ki ahm kadosh” should teach to include women in the issur of “lo yisritu” (making scratches in the skin by hand)? **A: Isi** holds that srita and gedida are the same issur.

### -----Daf 17---36-----

- The Gemara quoted the shita of **Isi**, that women are excluded from the issur of baal yikarchu, and then gave a reason for this exclusion. **Abaye** gives another reason. He says it is based on a gezeira shava on the verbiage “karcha” written regarding this and regarding the pasuk that says “Bnei Aharon”, and teaches that just as there women are excluded, they are excluded here as well.
  - **Q:** If the words “Bnei Aharon” are meant to include everything written in that parsha, why do we need the gezeira shava to teach that it doesn’t apply to women? Why don’t we just say that if it doesn’t apply to women who are Kohanim, and Kohanim have many more halachos, then surely it will not apply to regular women, who have less halachos!? **A:** Without the gezeira shava we would think that the words “bnei Aharon” don’t teach to exclude women from the entire parsha, rather only from the immediate subject of the pasuk.
  - **Q:** We should say that even now the words “bnei Aharon” only exclude women from the immediate pasuk, and the gezeira shava is used for something else altogether, to teach that a person is chayuv for each and every scratch that he makes, and that the scratch need not be between his eyes, and the gezeira shava teaches that these halachos apply to Kohanim and non-Kohanim alike!? **A:** The pasuk

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could have written “kerach” and instead wrote the word “karcha”, which serves to teach an additional thing – namely that women are excluded from this issur.

- **Rava** says, the reason of **Isi** is based on the words “bein eineichem” in the pasuk. He learns from tefilin (where these words are also used) that just as women are patur from tefilin, they are also patur from this issur of baal yikarchu.
  - **Rava** doesn’t say like **Abaye**, because he doesn’t hold of the drasha of the extra “hey” in the word “karchah”. **Abaye** doesn’t say like **Rava**, because he holds that the gezeira shava of bein eineichem is actually used to teach something else – that tefillin should be worn on the head in the area higher up on the head corresponding to “between the eyes”.
  - **Q:** How do **Abaye and Rava** darshen the pasuk of “banim atem” that the previous Gemara used as the source of **Isi’s** halacha? **A:** They use this for the drasha of a Braisa where **R’ Meir and R’ Yehuda** say this refers to “children” and not “sons”. **R’ Yehuda** says that the Yidden are only referred to as children of Hashem when they act properly. **R’ Meir** says they are referred to as His children even when they don’t act properly.

### MISHNA

- With regard to doing any of the following processes to a korbon: semicha (leaning on it), tenufa (waiving it), hagasha (bringing it close to the Mizbe’ach), taking a kmitza, burning korbonos on the Mizbe’ach, melika (killing of the bird with the thumbnail), kabbalah (receiving the blood), and offering of the blood on the Mizbe’ach, these all apply to men, but not to women. The exception is the Korbon Mincha of a sotah and of a nezirah, with which the woman does do a tenufah.

### GEMARA

- The source for these halachos are as follows:
  - Semicha – the pasuk says “daber ehl Bnei Yisrael” – it is the men and not the women who do semicha.
  - Tenufa – the pasuk here also says “daber ehl Bnei Yisrael” – it is the men and not the women who do tenufa.
  - Hagasha – the pasuk says “hacreiv osah Bnei Aharon” – it is the men and not the women who do hagasha.
  - Kemitza – the pasuk says “vehevi’ah ehl Bnei Aharon v’kamatz” – it is the men and not the women who do kemitza.
  - Haktara (burning korbonos) – the pasuk says “v’hiktiru oso Bnei Aharon” – it is the men and not the women who burn the korbonos.
  - Melika – the pasuk says “umalak...v’hiktir”, which makes a hekesh from haktara to melika and teaches that it too may only be done by men.
  - Kabbalah – the pasuk says “v’hikrivu Bnei Aharon”, and we have learned that “hikrivu” refers to kabbalah.
  - Haza’ah (offering the blood) – if this is referring to the offering of the parah adumah blood, the pasuk says “Elazar” which teaches that even regular male Kohanim cannot do this. If it refers to blood offered inside the Heichal, the pasuk teaches that only the Kohen Gadol does that. Rather, it must be referring to the offering of a bird’s blood, and this can be learned from a kal v’chomer – if a sheep, which can be shechted as a korbon by a non-Kohen, must be offered by a male Kohen, then a bird, that can only be “shechted” (killed with melika) by a Kohen, must surely only be offered by a male Kohen.

### CHUTZ MIMINCHAS SOTAH UNEZIRA

- **R’ Elazar** asked **R’ Yoshiya** of his generation, how do we know that the mincha of a sotah requires tenufah?
  - **Q:** The Gemara asks, this is learned explicitly in the pasuk that says “v’heinif”!? **A:** He meant to ask, but how do we know that it must be done by the woman. He answered, we have a gezeirah shava on the word “yad” from sotah to shelamim. This teaches that just as by sotah the Kohen must do the tenufah, the same is by a shelamim. And, just as by a shelamim it must be done by the owner, the same is by a

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sotah. The way this is done is that the Kohen puts his hand under the hand of the owner and together they do tenufah.

- We can now learn that a nezirah must to tenufah as well, based on a gezeirah shava from sotah on the word “kaf”.

### -----Daf תל---37-----

#### MISHNA

- Every mitzvah that is dependent on the land only applies in EY. Any mitzvah that is not dependent on the land applies in EY and in chutz laaretz, except for orlah and kilayim. **R’ Eliezer** says, also the mitzvah of chadash.

#### GEMARA

- **Q:** What is meant by a mitzvah that is “dependent on the land”? It can’t be that “dependent” refers to the mitzvos regarding which the pesukim say “when you come into the land...” and not dependent is when the pasuk does not use such verbiage, because the pasuk regarding tefilin and peter chamor use this verbiage and yet we know these mitzvos apply in EY as well as in chutz laaretz!? **A: R’ Yehuda** said, “dependent” on the land means it is a mitzvah that applies to the land or its produce, and such a mitzvah only applies in EY. “Not dependent on the land” means it is an obligation on the person, and such a mitzvah applies in EY and in chutz laaretz.
  - **Q:** How do we know this is the halacha? **A:** A Braisa explains the following pasuk: “eileh hachukim” – refers to halachos learned through drasha, “v’hamishpatim” – refers to court laws, “asher tishmirun” – refers to Torah learning, “laasos” – refers to doing the mitzvos, “baaretz” – we would think this teaches that all mitzvos only apply in EY, the pasuk therefore then says “kol hayamim asher atem chayim ahl ha’adama”, which implies that the mitzvos apply in EY and in chutz laaretz. Now that we have one part of the pasuk that teaches that they only apply in EY and another part that teaches that they even apply in chutz laaretz, we look at the next pasuk that says we must destroy all avodah zarah wherever we settle. From here we learn that just like this obligation is a personal obligation and applies even in chutz laaretz, so too all mitzvos that are personal obligations apply in EY and in chutz laaretz.

#### CHUTZ MIN HA’ORLAH V’HAKLAYIM

- **Q:** Is **R’ Eliezer** introducing a chumra or a kula? Meaning, is the **T”K** saying that orlah and klayim are exceptions based on a Halacha L’Moshe Misinai, but chadash only applies in EY, and even though the pasuk regarding chadash says “in all your dwellings”, that type of verbiage only teaches that the chadash obligation did not take effect until the Yidden entered EY, conquered the land, and divided the land, and **R’ Eliezer** argues and says that chadash applies in EY and in chutz laaretz, because the Torah’s use of the term “in all your dwellings” teaches that this applies even in chutz laaretz? Or maybe the **T”K** is saying that chadash surely applies in chutz laaretz, because the pasuk says “in all your dwellings”, and **R’ Eliezer** comes to argue and say that chadash only applies in EY and the terms “in your dwelling” means that it takes effects after the conquer and division of EY? **A:** We have learned that **Abaye** said that the Tanna who argues with **R’ Eliezer** is **R’ Yishmael**, as can be seen in a Braisa. The Braisa says that **R’ Yishmael** says that the word “dwelling” written in regard to the obligation to bring nesachim with a personal korbon teaches that the obligation only takes effect after the conquer and division of EY. **R’ Akiva** said to **R’ Yishmael**, the pasuk regarding Shabbos uses the word “dwelling”, and clearly that means to say that it applies even in chutz laaretz, so we see that that is the proper understanding of the word “dwelling”!? **R’ Yishmael** answered, we learn that Shabbos applies in chutz laaretz from a kal v’chomer – if less stringent mitzvos apply in chutz laaretz, then the mitzvah of Shabbos surely applies in chutz laaretz. Now, if **R’ Yishmael** is the one who argues on **R’ Eliezer**, it must be that **R’ Eliezer** argues l’chumra. **SHEMA MINAH.**
  - **Q:** In the Braisa **R’ Yishmael** was referring to the word “dwelling” used regarding the nesachim obligation. Now, in the pasuk of nesachim the Torah uses the word “dwelling” and the word “coming”. If so, maybe it is only when both these words are used that it is to be understood as referring to after the conquer and division of EY, but “dwelling” by itself teaches that the mitzvah applies even in chutz laaretz!? **A:** That is actually what **R’ Yishmael** was saying. Although he could have answered **R’ Akiva** by

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saying that the pasuk regarding Shabbos only uses the word “dwelling” and therefore cannot be thought of as the same as nesachim, he actually did answer that to **R’ Akiva** and then added the second answer of the kal v’chomer.

- **Q:** What is the basis for the machlokes between **R’ Yishmael** and **R’ Akiva**? **A:** **R’ Yishmael** holds that nesachim were not brought for personal korbanos in the Midbar, and **R’ Akiva** holds that they were.
- **Abaye** said, this statement of **R’ Yishmael** (that only when the pasuk says “dwelling” and “coming” does it mean that the mitzvah takes effect after the conquer and division of EY) excludes a different version of **R’ Yishmael**, in which he is said to say that when the pasuk uses the word “coming”, since in one place (regarding appointing a king) the pasuk uses the word “coming” and explains it to mean after the conquer and division of EY, so too all uses of the word “coming” refer to after the conquer and division of EY.
  - The first version of **R’ Yishmael** will say that we don’t learn from the pasuk of appointing a king, because there is a pasuk that says this regarding bikkurim as well, and these two pesukim are therefore teaching the same principle, in which case they can’t teach to other places.
  - The second version will say that we can learn from these pesukim, because they are needed. If we only had the pasuk of the king we would say we must wait to appoint a king until after the division of EY, but regarding bikkurim, since the people benefit from the fruit, the bikkurim must be brought from when the Yidden entered EY. And, if we would only have the pasuk of bikkurim, we would say that we cannot wait until that time to appoint a king, because a king is needed to lead the nation in battle. That is why both these pesukim are needed, and are therefore not considered to be 2 pesukim that teach one principle and therefore cannot teach to other places.
    - The first version would say that we could learn bikkurim from the appointment of a king, because if appointing a king can wait, bikkurim can surely wait. The second version would say that if bikkurim weren’t written, we would learn it from the mitzvah of challah and would say that it applies even before the conquering of EY.
- **Q:** Now that we said that a personal obligation applies in chutz laaretz as well, why does the Torah write the word “dwelling” regarding Shabbos? **A:** The parsha of Shabbos is written in the parsha of the Yomim Tovim, and we would therefore think that just as Yom Tov is based on the sanctification of Beis Din, Shabbos should be the same as well. The pasuk therefore teaches that Shabbos is in all your dwellings – meaning that it need not be sanctified by Beis Din.
- **Q:** Why does the Torah say “dwelling” regarding the issur of “cheilev” and blood? **A:** We would think that since it is written in the parsha of korbanos, that these issurim only apply at a time when korbanos can be brought. The word “dwelling” therefore teaches that it applies at all times.
- **Q:** Why does the Torah say “dwelling” regarding the mitzvos of matzah and maror? **A:** We would think that since the pasuk says “ahl matzos umrorim yochluhu”, this teaches that there is only a mitzvah of matzah and maror when there is a Korbon Pesach. The word “dwelling” therefore teaches that these mitzvos apply even where there is no Korbon Pesach.
- **Q:** Why does the Torah say “coming” regarding the mitzvos of tefillin and peter chamor? **A:** This is as taught by **R’ Yishmael**, that Hashem was telling us, “Do these mitzvos so that you merit to enter EY”.

### -----Daf פלל-----38-----

- **Q:** According to the view that use of the word “dwelling” in a pasuk teaches that the mitzvah applies in EY and chutz laaretz (and does not teach that the mitzvah did not go into effect until after the conquer and division of EY), we can understand the pasuk that says that when Bnei Yisrael entered EY they did not eat from the chadash (the new crop) until the second day of Pesach, because it was then that they brought the Korbon Omer and became permitted to eat the chadash. However, according to the view that “dwelling” teaches that the mitzvah does not take effect until after the conquer and division of the land, why did they have to wait until the second day of Pesach to eat the chadash? Why couldn’t they eat it immediately upon entry into EY!? **A:** In truth they could have (they were permitted to). The reason they did not eat from the chadash until that date was because they still had maan to carry them over until that date. We learn from an explanation to a seeming contradiction

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in the pesukim that the maan stopped falling when Moshe Rabeinu passed away, on the 7<sup>th</sup> of Adar, and they had enough maan to continue feeding them until the second day of Pesach.

- A Braisa says, the pasuk says that the Yidden ate maan for 40 years. However, when calculating the dates from when the maan first came down until the maan no longer existed, it is actually 40 years less 30 days. From here we see that the “ugos” (cakes) that they brought with them from Mitzrayim (and lived on for the 30 days until the maan began to fall) had the taste of maan. Based on this the pasuk means that the Yidden had the taste of maan for 40 years.
- A Braisa says that Moshe Rabbeinu passed away on the 7<sup>th</sup> of Adar and he was also born on the 7<sup>th</sup> of Adar. We can calculate his date of passing from the pesukim. The pasuk says that he passed away. The pasuk then says that the Yidden mourned him for 30 days. The pasuk then says that Hashem told the Yidden that in 3 days’ time they will cross the Yarden. The pasuk then says that they crossed the Yarden on the 10<sup>th</sup> of Nisson. If we go back 33 days from the 10<sup>th</sup> of Nisson, we can figure out that Moshe passed away on the 7<sup>th</sup> of Adar. We can now figure out that Moshe was born on the 7<sup>th</sup> of Adar as well, because when he spoke on his final day, he said “I am 120 years old today”. The word “today” teaches that Hashem completes the years of tzaddikim, and Moshe was therefore niftar on his birthday.
- A Braisa says, **R’ Shimon ben Yochai** says, there are 3 mitzvos that were commanded to the Yidden when they entered EY, and they apply in EY and in chutz laaretz – chadash, orlah, and klayim. In fact, we can learn though a kal v’chomer that they should apply in chutz laaretz as well. If chadash, which is not assur forever, and is not assur in benefit, and its issur can be removed (with the bringing of the Omer), applies in EY and in chutz laaretz, then klayim, whose issur is forever, and is assur in benefit, and its issur cannot be removed, should surely apply in chutz laaretz as well! We can make this same kal v’chomer for orlah, except that we can only use 2 of these points (because the orlah issur is not forever, since the fruit after the 3<sup>rd</sup> year is mutar). **R’ Elazar the son of R’ Shimon** says, any mitzvah which was commanded to the Yidden before they entered EY, applies in EY and in chutz laaretz. Any mitzvah in which they were commanded after entering EY, only applies in EY, except for cancellation of debts upon shmitta, and the letting free of slaves upon Yovel, which were commanded after having entered EY, but still apply in chutz laaretz as well.
  - **Q:** The requirement of cancellation of debts for shmitta is a personal obligation, and as such should clearly apply in chutz laaretz as well, so how can it be thought to have been different? **A:** The reason this was taught was because of a Braisa that says that **Rebbi** says, that the pasuk refers to “2 shmittos” (on land and of debts) and teaches that at a time when shmitta applies to the land (after the land was settled) it applies to debts as well. When it does not apply to the land, it does not apply to debts. We see that the halacha of shmitta did not apply before they entered EY. Therefore, **R’ Elazar** had to say, that even so, it still applies in chutz laaretz.
    - **Q:** Based on the Braisa, why don’t we say that cancellation of debts only applies where shmitta of the land applies – i.e. in EY!? **A:** The pasuk says “ki karah shmitta La’Shem”, which teaches that it applies even in chutz laaretz.
  - **Q:** The requirement to free slaves at Yovel is a personal obligation, and as such should clearly apply in chutz laaretz as well, so how can it be thought to have been different? **A:** The pasuk says “ukrasem dror baaretz”. We would learn that this only applies in EY (based on the word baaretz). The pasuk therefore says “Yovel hee” to teach that it applies even in chutz laaretz.
    - **Q:** If so, why does the pasuk even say the word “baaretz”? **A:** This teaches that only when Yovel applies in EY is there an obligation to free the slaves in chutz laaretz.
- A Mishna says, chadash is assur D’Oraisa in every place (EY and chutz laaretz). Orlah is assur in every place based on “halacha”. Klayim is assur in every place D’Rabanan.
  - **Q:** What is meant by “halacha”? **A:** **R’ Yehuda in the name of Shmuel** said, this means it is based on the minhag accepted by the Yidden of chutz laaretz, and **Ulla in the name of R’ Yochanan** said, it means a Halacha L’Moshe MiSinai.
    - **Q:** **Ulla** asked **R’ Yehuda**, a Mishna says that we treat a safek orlah in chutz laaretz differently and more stringently than we treat safek klayim in chutz laaretz. Now, according to **Ulla** this makes sense, because Orlah in chutz laaretz is a Halacha L’Moshe MiSinai (which is a D’Oraisa),



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and klayim in chutz laaretz is only D'Rabanan. However, according to **R' Yehuda**, since they are both D'Rabanan, they should be treated the same!? **A:** We find that **Shmuel** told **R' Anan**, change the Mishna so that it reads that they are treated the same, either that they are both treated stringently, or are both treated leniently.

- **Mar the son of Rabana** said that they are both treated leniently.

### -----Daf 39-----

- With regard to orlah in chutz laaretz, **Levi** said to **Shmuel**, “create a safek for me with orlah fruits in chutz laaretz and I will eat it” (he held that one may even put himself into a situation of safek orlah and eat it). **R' Avya and Rabbah bar R' Chanan** would create situations of safek for each other and eat the safek orlah. The sharp ones of Pumbedisa said that there is no concept of orlah in chutz laaretz. When **R' Yehuda** asked **R' Yochanan** about orlah in chutz laaretz, **R' Yochanan** sent back “Hide the halacha of safek orlah (do not announce to anyone that it is mutar), and destroy the definite orlah, and announce that the fruit of the people who are not careful with orlah in chutz laaretz must be put away until we know that it is definitely not orlah, and whoever says that orlah does not apply in chutz laaretz shall not have a child or grandchild included in the Congregation of Hashem!”
  - The sharp ones of Pumbedisa held like **R' Eliezer HaGadol**, from whom it was repeated in his name that orlah does not apply in chutz laaretz.
    - **Q:** Our Mishna said that **R' Eliezer** said *even* chadash applies in chutz laaretz, which suggests that orlah certainly applies there!? **A:** Change the Mishna to read without the word “even”.
- **R' Assi in the name of R' Yochanan** said that orlah applies in chutz laaretz based on a Halacha L'Moshe MiSinai.
  - **Q:** **R' Zeira** asked **R' Assi**, if that is true, why does the Mishna say that we are lenient with a safek orlah in chutz laaretz? Since it is a D'Oraisa, we should be machmir!? **A:** **R' Assi** was at first quiet and he then said, the Halacha L'Moshe MiSinai itself says that we should be lenient with safek orlah in chutz laaretz.
- **R' Assi in the name of R' Yochanan** said, if one is over on klayim in chutz laaretz, he will get malkus D'Oraisa.
  - **Q:** **R' Elazar** asked **R' Assi**, a Mishna says that klayim in chutz laaretz is only D'Rabanan!? **A:** The Mishna is discussing klayim of the vineyard (“klai hakerem”), which in chutz laaretz is only D'Rabanan. **R' Yochanan** is discussing grafting one tree onto another, which is a type of klayim that is assur D'Oraisa even in chutz laaretz. In fact, we find that **Shmuel** makes this distinction as well.
  - **R' Chanan and R' Anan** were walking and they saw someone planting seeds of different species together in chutz laaretz. One of them said to the other, you should put him in cheirem for violating the issur of klayim in chutz laaretz which is a D'Rabanan! The other replied, you are unclear with the halachos of klayim, because such klayim in chutz laaretz is not assur.
    - They then saw a man planting wheat and barley in the grapevines. Again one said, you should put this person in cheirem! The other replied, we pasken like **R' Yoshiya**, who holds that the D'Oraisa issur of klayim is when a person plants wheat, barley, and grape seeds all together. Therefore, only a case like this will be assur D'Rabanan in chutz laaretz. This man was planting wheat and barley near an existing grapevine and it is therefore not assur even D'Rabanan.
  - **R' Yosef** mixed seeds of different species and planted them. **Abaye** asked him, the Mishna says that klayim is assur D'Rabanan in chutz laaretz!? He answered, the Mishna is discussing klai hakerem, and what I did, did not involve the vineyard and is therefore not even assur D'Rabanan. The reason is, klai hakerem which in EY is assur to benefit from, in chutz laaretz they were goizer and made it assur. Klayim of other seeds, that in EY is not assur to benefit from, they did not make assur D'Rabanan in chutz laaretz. **R' Yosef** later said, I must be incorrect, because **Rav** would plant his gardens with separate areas for each species, presumably so that it not become klayim! **Abaye** said, that is no proof that klayim is assur, because **Rav** did so just to make the garden look nice, or to make it easier to handle. If he did so for klayim he would have had to space out the different species in a more specific way.

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- If one does a single mitzvah, he is rewarded with good in this world, his life is lengthened, and he inherits a portion of Olam Habbah. If one does not do a single mitzvah, he is not rewarded with good in this world, his life is not lengthened, and he does not inherit a portion in Olam Habbah.

### GEMARA

- **Q:** Our Mishna seems to say that there is reward in this world and the next for any mitzvah. However, another Mishna lists the mitzvos that bring reward in this world and the next as being honoring parents, doing kindness, having guests, bringing peace between people, and learning Torah is equal to them all!? **A: R' Yehuda** said, our Mishna means, if one does one mitzvah more than his aveiros, then he is rewarded in this world and the next and is considered to have fulfilled the entire Torah.
  - **Q:** Does this mean to say that if one does even one mitzvah and it is from the list of the other Mishna that he too will receive reward in this world and the next? **A: R' Shmaya** said, this means that if a person's mitzvos are equal to his aveiros, but one of his mitzvos is from the list of the Mishna, it makes the mitzvos win out over the aveiros and he is rewarded in this world and the next.
  - **Q:** Is it true that if a person has one more mitzvah than he has aveiros he is rewarded in this world and the next? A Braisa says, if a person has more mitzvos than aveiros he is given suffering on this world as if he had no mitzvos (so that he is cleansed of his aveiros and can go to Olam Habbah), whereas someone who has more aveiros than mitzvos is given good on this world as if he had no aveiros (so that he is rewarded for his mitzvos on this world and is then sent to Gehenom)!? **A: Abaye** said, our Mishna means that a person who has more mitzvos is given a "good day" for Olam Habbah, which is accomplished by punishing him on this world. Conversely, one who has more aveiros than mitzvos is given a "bad day" for Olam Habbah, in that he is rewarded in this world and then sent to Gehenom. **A2: Rava** said, the Braisa follows the view of **R' Yaakov** who says that reward for any mitzvah is only given in Olam Habbah. **R' Yaakov** says this must be the case, because how can it be that a person was asked by his father to go and do shiluach hakan (kibud av and shiluach hakan each have a pasuk that says that the reward for this mitzvah is long life and a reward of good) and on his way down the ladder he falls down and dies? It must be that the long life and the good refer to reward in Olam Habbah.
    - **Q:** Maybe such a case can never happen? **A: R' Yaakov** saw this case actually happen.
    - **Q:** Maybe the person was thinking about doing an aveirah and that is why he was punished? **A:** A thought of an aveirah is not treated as having done an aveirah.
    - **Q:** Maybe he had a thought to do avodah zarah, which the pasuk teaches is treated as having done the aveirah? **A: R' Yaakov** was bothered by how the mitzvah itself wouldn't protect a person from having such a thought.
    - **Q: R' Elazar** says that people sent to do a mitzvah are not harmed, so how was this person harmed? **A:** This person was already returning from doing the mitzvah.
    - **Q: R' Elazar** said that such a person is protected even on his return from doing the mitzvah!? **A:** He used a rickety ladder, where danger is ever present, and in such a case a miracle is needed to save him and we cannot rely on a miracle.
    - **R' Yosef** said, if Acheir would have darshened the pesukim as referring to reward in the Next World, like his grandson **R' Yaakov** did, he would not have sinned. Acheir went out to sin either after having seen such a story (the person doing kibud av and shiluach hakan was killed), or after having seen the terrible death and disgrace to the body of Chutzpis the Meturgeman. When he saw this, he went out and sinned.
- **Q: R' Tuvi bar R' Kisna** asked **Rava**, our Mishna says that one is rewarded with good for *doing* a mitzvah. A Braisa says that if one sits and is not over an aveirah he gets reward as if he did a mitzvah. This suggests that he need not *do* anything!? **A: Rava** answered, the Braisa is discussing where a person had the desire and opportunity to do an aveirah and he overcomes the desire and doesn't do it. As we find with **R' Chanina bar Papi**, who was propositioned for znus with a certain woman. At first he used a Name of Hashem to make himself covered in a skin condition. She then said something that healed him. He then ran into a bathhouse that was full of very strong sheidim. He was not harmed because of the Malachim that protected him.

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- The Braisa also makes reference to the story of **R' Tzadok** who was also propositioned for znus and he told the woman, I am not well enough for znus. She offered him non-kosher food. He said, I am being sent a message that one who does znus deserves to eat non-kosher. The woman heated the oven to put in the food, and **R' Tzadok** went into the oven. He told her, whoever does this znus will end up in the fire of Gehenom. She said, had I known that you feel this strongly against it, I would not have asked you.
- **R' Kahana** was selling baskets to women and he was propositioned for znus. He ran up to the roof and jumped off. Eliyahu came and caught him and told him, you have bothered us to travel 400 parsos to come and save you! He said to Eliyahu, it is my poverty that caused me to have to sell baskets and put me in this situation in the first place! Eliyahu gave him a keili full of dinars.

### -----Daf 70-----40-----

- **Q: Rava** asked **R' Nachman**, we have stated the Mishna that says that a person is rewarded in this world and the next for kibud av v'eim, gemilus chasadim, bringing peace between people, and Torah learning equals them all. **Rava** then explains how a pasuk regarding each of these pesukim teaches that the mitzvah brings this great level of reward. **Rava** asked, regarding shiluach hakan the pasuk also says "l'maan yitav lach v'harachta yamim" (similar to the pesukim listed) and this mitzvah should therefore be included in the Mishna as well!? **A:** The Mishna's list is not meant to be complete. There are others that were left off the list.
  - **Q:** When a Tanna uses the language of "these are the things" (which is how the Mishna begins) it means that nothing is being left out!? **A: Rava** said, based on a statement of **R' Idi** I can explain that the Mishna only lists mitzvos that are "bein adam LaMakom" and "bein adam l'chaveiro". The mitzvah of shiluach hakan is only "bein adam LaMakom" and is therefore not included in the Mishna.
- A Braisa says, we learn from a pasuk that mitzvos bear fruit (they can produce reward beyond what the mitzvah should entitle), but an aveirah does not bear fruit (the punishment is only what is deserved). Although another pasuk suggests that even aveiros bear fruit, that is discussing an aveirah that causes other people to do aveiros as well. Such an aveirah bears fruit and brings additional punishment. The Braisa continues, a pasuk teaches that a thought to do a mitzvah is considered by Hashem as if the mitzvah was actually done if the person did not end up doing the mitzvah due to some oneis. A pasuk also teaches that a thought to do an aveirah is not considered by Hashem as if the person actually did the aveirah. Only once he does the aveirah is he also punished for the thought.
  - However, a pasuk teaches that with regard to the aveirah of avodah zarah a thought is considered as having done the aveira itself.
  - **Ulla** explained the pasuk referred to above as **R' Huna** said, that once a person does an aveirah and repeats it, it becomes mutar to him – meaning, he considers it to be mutar.
  - **R' Avahu in the name of R' Chanina** learns from a pasuk that it is better that a person do an aveirah in hiding than in public, so as not to bring about a Chilul Hashem.
  - **R' Illai Hazaken** said, that if one sees that his Yetzer Harah is winning over him to do an aveirah (and he will do the aveirah), he should go somewhere where no one recognizes him, dress in black and do the aveirah, so that at least he won't bring to a chilul Hashem.
    - **Q:** A Mishna says that one who is not concerned for the honor of Hashem would have been better not coming into this world, and **R' Yosef** explained this as referring to one who does an aveirah in hiding!? **A: R' Yosef** is discussing a person who could have won over his yetzer harah and didn't, whereas **R' Illai** is discussing where he could not have won over his yetzer harah.
- A Mishna says that they don't give credit for someone who makes a Chilul Hashem, whether it was done b'shogeig or b'mezid.
  - **Q:** What is meant that credit is not given? **A: Mar Zutra** said, this means that although for other aveiros a person is not immediately punished, for Chilul Hashem he is immediately punished. **Mar the son of Rabana** said, this means that if a person has an equal amount of mitzvos and aveiros, but among the aveiros is the aveirah of Chilul Hashem, that tips his scale to the aveirah side.

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- A Braisa says, a person should always view himself as having mitzvos equal to his aveiros, so that if he does just one more mitzvah he tips his scale to the mitzvos and if he does just one aveirah he tips his scale to the aveiros. **R' Elazar the son of R' Shimon** says, since the world is judged based on the majority of people, and a person is judged based on the majority of his deeds, a person should view the world as having an equal amount of tzaddikim and resha'im, and himself as having an equal amount of mitzvos and aveiros, and therefore if he does one more mitzvah he can tip the judgment of himself and of the entire world to the side of good, whereas if he does one aveirah, the opposite is true. **R' Shimon ben Yochai** says, we learn from a pasuk that if a person is a tzadik his entire life and rebels at the end, he loses all the mitzvos he had previously done. Conversely, if a person is a rasha all his life and does teshuva at the very end, he will not be reminded of his wickedness.
  - **Q:** Why isn't the first person viewed as at least having half mitzvos and half aveiros? **A:** **Reish Lakish** said, it is discussing a person who regrets having done all the mitzvos that he did.

### MISHNA

- Any person who learns Mikra and Mishna and conducts himself with Derech Eretz will not be quick to sin, as the pasuk says "v'hachut hameshulash lo bimheirah yinaseik". Any person who does not learn Mikra or Mishna, and who does not conduct himself with Derech Eretz is not fit to be a member of society.

### GEMARA

- **R' Elazar the son of R' Tzadok** said, tzaddikim on this world are compared to trees that stand in a tahor place, with branches that hang over a tamei place. Once those branches are cut off, the entire tree is in a place of tahara. So too Hashem brings afflictions on a tzaddik in this world so that they get a full share in Olam Habbah. Conversely, resha'im in this world are compared to trees that stand in a tamei place with branches that hang over a tahor place. Once those branches are cut off, the entire tree is in a place of tumah. So too Hashem rewards the resha'im for their good deeds in this world, so that He can then banish them to the deepest place in Gehenom.
- **R' Tarfon** and the Elders were sitting in Lod and the question was raised – which is greater, learning Torah or doing mitzvos? **R' Tarfon** said that doing mitzvos is greater, and **R' Akiva** said that learning Torah is greater. They then all said, learning Torah is greater, because learning Torah brings a person to doing mitzvos.
- A Braisa says, **R' Yose** said, Torah learning is obviously of great importance, because it preceded the giving of the mitzvah of challah by 40 years, preceded terumos and maasros by 54 years, preceded shmitta by 61 years, and preceded Yovel by 103 years [It is 103 and not 104 years, because **R' Yose** holds that Yovel begins at the very beginning of the year]. Just as learning Torah precedes doing the mitzvos, so too is one judged regarding learning Torah before he is judged on his other mitzvos. [We find that **R' Hamnuna** learns this from a pasuk.] Just as one is judged regarding his Torah learning first, he also gets rewarded for his Torah learning before being rewarded for his other mitzvos.

### KOL SHE'EINO LO MIKRA V'LO MISHNA

- **R' Yochanan** said, such a person is passul to be a witness.
- A Braisa says, one who eats in the street is like a dog. Some say that he is passul to be a witness.
  - **R' Idi bar Avin** paskened like the "some say".
- **Bar Kappara** darshened, an angry person is left only with his anger (he gets punished for it in the next world, and is weakened by it physically in this world as well), but a good man is given to taste from the fruits of his deeds (not only is he rewarded in the Next World, but he gets pleasure from them in this world as well). Regarding a person who doesn't learn Mikra or Mishna and doesn't conduct himself with Derech Eretz, we should make a neder not to benefit from him, so that we are not considered to be included in his gatherings (which are given the status of a "moshav leitzim").

**HADRAN ALACH PEREK HA'ISHA NIKNEIS!!!**