

## OVERVIEW of the Daf

### 1) Compensation for Shavuos (cont.)

Reish Lakish identifies a third source that there are seven days to offer the festival offerings for Shavuos.

R' Yochanan refutes Reish Lakish's proof.

### 2) The prohibition against melachah on Chol Hamoed

A Baraisa cites two opinions regarding the source of the prohibition against performing melachah on Chol Hamoed.

The Baraisa unsuccessfully challenges R' Yonason's source.

Two additional Beraisos are cited that offer alternative sources for the prohibition against melachah on Chol Hamoed.

### 3) Eulogizing and fasting on the Day of Slaughter

The Mishnah's restriction against eulogizing or fasting when the Day of Slaughter falls on Sunday is challenged from a Baraisa.

The discrepancy is resolved by distinguishing between when Shavuos falls on Sunday and when it falls on Shabbos.

**4) MISHNAH:** The Mishnah begins with a law related to the necessary preparation to touch different sacred items. The second ruling relates to immersing for one level of sanctity and its effectiveness for other levels of sanctity. The last law relates to the tumah status of clothing of people who observe different degrees of caution for sacred items. Two examples of the last halachah are presented.

### 5) Washing hands for chullin and maaser sheni

The Mishnah's ruling that chullin and maaser sheni require hand washing is challenged from a Baraisa.

The contradiction regarding maaser is resolved by distinguishing between the position of R' Meir and Chachamim and the contradiction regarding chullin is resolved by distinguishing between eating and touching.

This resolution is successfully challenged and the Gemara instead distinguishes between eating bread and eating fruit.

### 6) Intent for purifying one's hands

A contradiction between two Beraisos is noted concerning the necessity for intent when washing or immersing one's hands.

R' Nachman distinguishes between one who is purifying his hands for chullin and one who is purifying his hands for maaser sheni. ■

## Distinctive INSIGHT

### *מלאכה on Chol Hamoed, Writing Torah thoughts*

חולו של מועד אסור בעשיית מלאכה. מנא הני מילי? דתנו רבנן...

There are conflicting views among the Rishonim regarding the basis of the prohibition against performing מלאכה on Chol Hamoed. Our Gemara implies that it is a Torah-level prohibition, as the Gemara searches and finds a scriptural basis for it.

However, Rambam (Hilchos Yom Tov, Ch. 7:1), and Ra-beinu Tam (תוס' ד"ה חולו של מועד) hold that this is a rabbinic injunction. They maintain that the Torah does not use the word "שבתון" in reference to Chol Hamoed, thus, the prohibition against work is not a Torah-level restriction. However, because we find that the Torah refers to Chol Hamoed as "a holy occasion" (see Vayikra 23:4), and it is in fact a time to bring the festival offering in the Beis Hamikdash, the sages forbade performing מלאכה so that it not be the same as any regular weekday. Nevertheless, the sages did not give Chol Hamoed as stringent a ruling as Yom Tov itself. They were lenient with respect to five specific areas. They are: something that will cause a loss if not done now, work necessary for the festival itself, work done by a laborer who has nothing to eat, needs of the community, and work done in an unprofessional manner.

As indicated above, many Rishonim hold that this prohibition is דאורייתא. These include Rif, Rashi (Moed Katan 11b), the Chinuch (Mitzvah 323), and ר"א ממין (brought in מרדכי). They explain that the sages were empowered to classify the parameters of the Torah prohibition, and this is why work which falls in any of the five categories mentioned above is permitted.

As a practical matter, Shulchan Aruch (O.C. 545:9) discusses recording Torah thoughts on Chol Hamoed. "If one hears a novel Torah thought on Chol Hamoed, he may record it in writing on Chol Hamoed." Mishnah Berura (ibid, #47) rules that this halacha applies not only if one happens to hear a חידוש, but also a person may even plan and arrange to attend a shiur where he will hear things that he will want to record. However, the writing should not be done using standard, square letters (א שינוי should be used). Taz writes that his father-in-law, the Bach, wrote his novella on Chol Hamoed, and Ritva writes that his teachers allowed him to write his Torah insights on Chol Hamoed. Shaarei Teshuva cites ר"י ממרו"ש who asked his rabbis if he could write his Torah thoughts on Chol Hamoed. They answered that if performing labor is allowed to avoid a financial loss, it would certainly be permitted and encouraged to record words of Torah, which are more precious than the greatest treasure of riches. ■

# HALACHAH Highlight

## Wearing tefillin on Chol Hamoed

דחולו של מועד אסור בעשיית מלאכה

That it is prohibited to perform melachah on Chol Hamoed

Rabbeinu Shlomo ben Aderes<sup>1</sup>, the Rashba, was asked whether one should wear tefillin on Chol Hamoed and he responded that it is prohibited. The reason is that there is a Biblical prohibition against performing melachah on Chol Hamoed that does not involve a financial loss. As such, Chol Hamoed is considered an אות—a sign, the same as Shabbos and Yom Tov; therefore one should not don his tefillin. Rabbeinu Yom Tov Ishbaelli<sup>2</sup>, the Ritva, however, disagrees with Rashba and maintains that despite the prohibition against performing melachah Chol Hamoed is not considered an אות and there is not a restriction against wearing tefillin on Chol Hamoed. Furthermore, the Yerushalmi<sup>3</sup> indicates clearly that one should don tefillin on Chol Hamoed.

Rav Yosef Karo<sup>3</sup>, the Beis Yosef, cites different opinions on this issue and notes that historically the custom was to wear tefillin, but that is no longer the prevailing custom. The reason for the change was the discovery of the comments of R' Shimon bar Yochai in the Zohar who maintains that it is prohibited to wear tefillin on Chol Hamoed. Consequently, since there was no explicit ruling in the Bavli regarding this matter, who has the audacity to disagree with R' Shimon bar Yochai who uses such strong language in his opposition to the practice? Rav Moshe Isserles<sup>4</sup>, the Rema, writes that the custom in Ashkenazi countries is to wear tefillin and even to recite a beracha on the tefillin, although

# REVIEW and Remember

1. What is the source that it is prohibited to perform melachah on Chol HaMoed?

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2. According to the Gemara's conclusion, when is it prohibited to eulogize on the Day of Slaughter?

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3. What are the five levels of sanctity?

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4. What does R' Nachman say about a person who washes before eating fruit?

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the beracha should be recited quietly. Mishnah Berurah<sup>5</sup> and others follow the opinion of Rav Dovid Halevi<sup>6</sup>, the Taz, who suggests that it is better not to recite a beracha when donning tefillin on Chol Hamoed. Additionally, one should have in mind the following stipulation: If there is an obligation to wear tefillin then this should be considered a fulfillment of the mitzvah and if there is no mitzvah then there isn't intent to fulfill the mitzvah. The rationale is that it is not necessary to recite the beracha to fulfill the mitzvah; therefore since the matter involves a debate one should be cautious and not recite the beracha. ■

<sup>1</sup> שו"ת הרשב"א ח"א סי' תר"צ.  
<sup>2</sup> ע"י ריטב"א למו"ק יח: וע"ש מה שהקשה ומתיר על הרשב"א מהגמ' שם דמותר לכתוב תפילין לעצמו בחוה"מ.  
<sup>3</sup> ב"י או"ח סי' ל"א ד"ה וחולו.  
<sup>4</sup> ד"מ ורמ"א שם.  
<sup>5</sup> מ"ב שם סק"ח.  
<sup>6</sup> ט"ז שם סק"ב. ■

# STORIES Off the Daf

## "The Garments of Those Who Eat Terumah..."

..."בגדי אוכלי תרומה מדרס לקודש בגדי קודש מדרס לחטאת..."

On today's daf we find that there are levels of relative impurity of garments that ascend as one rises through progressively higher levels of taharah.

Someone asked Rav Pinchas of Koretz, zt"l, "Why am I having more trouble with one child more than my other children? This one seems so much more sensitive and takes everything to heart. What does this signify?"

The tzaddik replied, "The more potential invested in one's neshamah, the

more nervous and confused one is liable to become. Even the minor disturbances which most people hardly notice can throw a person with a more sensitive nature. A more material-oriented neshamah can be in a place that is filled with distractions and not become at all confused by them. Such a person can be in a house full of non-Jews and still be able to pray and learn with his usual level of devotion, while a higher neshamah may feel that this seals his lips completely. This neshamah which is distracted easily and harder to deal with is actually closer to higher things, and this is why lower things confuse it.

Rav Pinchas continued, "We see this from the Gemara in Chagiga 18b which states that even the clothing of Kohanim

which must be guarded from defilement so that they may eat terumah can defile one who wears these same garments and render him unable to eat from the korbanos. The garments of one who guards from defilement so that he can eat from the korbanos can defile one who then seeks to deal with the water that has been sanctified by the ashes of a parah adumah. There are levels upon levels, and the more sanctified the neshamah, the more it must be guarded from impurity. Impurity on the personal level refers to confused thoughts.

Rav Pinchas concluded, "You must make time and invest extra effort in this particular child—you can see from his very sensitivity that he has much more potential than your other children!" ■

