

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah gives exceptions to the rule that mitzvos that are land-related apply only in Eretz Yisroel.

2) Defining “תלויה” – related

One possible explanation for the term תלויה is suggested but rejected.

R' Yehudah offers another explanation of the term תלויה.

A Baraisa is cited that elaborates on the difference between land-related mitzvos and non-land-related mitzvos.

3) Clarifying R' Eliezer's opinion

The Gemara inquires whether R' Eliezer is expressing a more stringent or lenient view than that of Tanna Kamama.

The two possible understandings of the dispute are presented.

Regarding a Baraisa that presents a dispute between R' Yishmael and R' Akiva, the Gemara demonstrates from a statement of Abaye that R' Eliezer rules stringently and prohibits chodosh even outside of Eretz Yisroel.

The Gemara further clarifies R' Yishmael's opinion in the Baraisa.

The point of dispute between R' Yishmael and R' Akiva is identified.

Abaye cites another teaching of Tanna D'vei R' Yishmael that conflicts with the first teaching.

The Gemara presents an exchange between the two versions.

4) Mitzvos that are not related to the land

The Gemara explains the meaning of the term מושב that appears in the context of Shabbos, forbidden fats and blood and matzah and maror.

The meaning of the word ביאה that appears in the context of Tefillin is explained.

5) Defining the term מושב

The Gemara begins a challenge to the opinion that maintains that the term מושב refers to after the Jews took possession and settled the land. ■

Gemara GEM

The mitzvah of Shabbos applies throughout the world

והשתא דאמרת חובת הגוף נוהגת בין בארץ ישראל בין בחוץ לארץ מושב דכתב רחמנא גבי שבת למה לי

The Gemara determined that any mitzvah which is placed upon one's physical being applies both in Eretz Yisroel and outside the borders of Eretz Yisroel. The mitzvah of Shabbos, therefore, which is a mitzvah which is incumbent upon one's physical being, applies to Jews throughout the land and the entire world. Why, then, asks the Gemara, does the Torah use the word “מושבותיכם” in the context of Shabbos (Rashi - Shemos 35:3; Tosafos - Vayikra 23:3), as this word connotes some connection of the mitzvah with our national residing in our land. The Gemara answers that the verse of “מושב” in the context of Shabbos come to teach that because the mitzvah of Shabbos is written in the midst of the paragraphs of the festivals, we might have thought that Shabbos must be calculated based upon the declaration of Beis Din, as we find by the festivals which are set by the date of the month, and the month is directly set by the calculations of the Beis Din. Therefore, the extra verse “מושב” teaches that Shabbos every week is not dependent upon the declaration of Beis Din.

Rashbam (Bava Basra 121a) notes that it is the beginning of the Hebrew month which is determined by the Beis Din, but the festivals themselves are not specifically sanctified by the court. Once the month is set, the festival simply begins on the day of the month which the Torah prescribes. We might have thought that Beis Din should declare when each week begins, and that the seventh day would then be Shabbos. The verse therefore teaches that there is no need for Beis Din to be involved in the cycle of seven days culminating in Shabbos.

Tosafos in Bava Basra (ibid.) asks that our Gemara uses the verse of “מושב” to teach that calculating which day is Shabbos does not need the court's intervention, whereas the Gemara in Bava Basra learns this rule from the verse “מועדי ה” to teach that it is only the festivals which need the sanctification of Beis Din, and not Shabbos. Tosafos answers that our Gemara in Kiddushin only uses an alternative verse, as it follows the opinion of Ben Azai who uses the verse of “מועדי ה” for another drasha.

Tosafos also answers that if we would have only one verse (either מושב or מועדי ה) we would have said that Shabbos does not need to be sanctified by a court of experts (מומחים), but that it should be sanctified by a court of people who are minimally qualified (הדיוטות). The second verse teaches that we need no element of Beis Din at all in order to set the day of Shabbos. ■

HALACHAH Highlight

Using Sefarim printed by non-Jews

אבד תאבדון את כל המקומות אשר עבדו שם וגו'

You shall utterly destroy all the places where they worshipped

Rambam¹ writes that any Sacred Writings (כתבי הקודש) as well as their commentaries and explanations may not be burned, or destroyed in any other fashion. This restriction, however, is limited to where the Sacred Writings were written by a Jew with sanctity (בקדושה) but a Sefer Torah written by an apikoros should be burned. The reason is that we do not wish that the work of a heretic should remain in existence and it is permitted to burn these writings since it is assumed that as a heretic he did not write the name of Hashem with the correct intent. Sacred writings written by a non-Jew should be buried rather than burned. Teshuvos Zekan Aharon², ruled, based on this Rambam that chumashim and siddurim printed by Christians should not be used.

Other authorities³ comment that notwithstanding the ruling of Teshuvos Zekan Aharon their communities have a long standing custom, from the time printed books became available, to use books printed by Christians and no one ever expressed concern that it should be prohibited. The rationale for this lenient approach is that the prohibition is limited to Sacred Writings like the works of Tanach that are hand written but chumashim and siddurim that are printed were never included in the prohibition and are thus permitted for use. Maharam Shik⁴ suggests another rationale to allow the use of Sacred Books printed by Christians. When a book is printed it is not the owner of the

REVIEW and Remember

1. What is the source that the obligation to observe mitzvos related to the land is limited to Eretz Yisrael?
2. According to R' Yishmael, what does the term מושב indicate?
3. What is the point of dispute between R' Akiva and R' Yishmael?
4. What does the term מושב in the context of matzah and maror teach?

printing press, who may in fact be Christian, who does the actual work, it is the workers who do the physical part of the printing. Since the workers are engaged and focused on performing their job efficiently it is assumed that they do not have any idolatrous thoughts while they are printing the books. Rav Shlomo Kluger⁵ also adopted a lenient approach to these matters and one of the reasons suggested was that non-Jews (נכרים) are not assumed to be idolaters. He does add, however, that one who is scrupulous (בעל נפש) should adopt a strict approach. ■

1. רמב"ם פ"ו מהלי יסודי התורה ה"ח.
2. שו"ת שקן אהרון סי' ק"ע.
3. תשובת הגאון ר' יעקב בן פורנה שהובאה בספר בני חיי ביורה דעה סי' רפ"א.
4. שו"ת מהר"ם שייק או"ח סי' ס"ו.
5. ספר שנות חיים שו"ת סת"ם סי' מ"ב. ■

STORIES Off the Daf

"When you come to the land..."

"תפילין וביכורים דכתיב בהן ביאה"

On today's daf we find that although the verse states "בבואך—when you come to the land"—regarding tefilin, we are still obligated to don tefilin even in the diaspora. This mitzvah—like all others except for actual agricultural mitzvos—is obligatory everywhere.

After much struggling, a newly married couple arrived in Israel. As is the custom, their neighbors came over to greet them. One particular neighbor was very friendly, and came bearing a large cake.

When he arrived in the house, he was shocked to see that there were no mezuzos

in the house. When the husband was asked regarding this he said, "Money is very tight right now and, to tell you the truth, I only have enough for either tefilin or mezuzos."

The friendly neighbor offered to ask his Rav what takes precedence for them, tefilin or mezuzos?

When this question reached Rav Yitzchak Zilberstein, shlit"a, he said, "This is actually a dispute in the Yerushalmi. Shmuel holds that a mezuzah takes precedence, since one is obligated in this mitzvah on Shabbos and Yom Tov, while tefilin is only a mitzvah during the week. Rav Huna argues and states that tefilin takes precedence. His reasoning is that one is only obligated in mezuzah if he is living in his house. Tefilin, on the other hand, is an

obligation one must fulfill every single day of his life, even when traveling or sleeping in a place which doesn't require a mezuzah. Although we hold that if one is able to obtain tefilin from another, mezuzah comes first, in this case he should probably purchase tefilin. The reason I say this is that since this man is simple and works for a living, it sounds unlikely that this man goes to shul or perhaps even davens or says Shema if he does not own his own pair of tefilin like everyone else. Plus, if he goes to shul, he will likely eventually purchase mezuzos a little at a time.

Rav Zilberstein concluded, "But if you find that he is committed enough to go to shul and borrow tefilin, then he should purchase mezuzos instead!"¹ ■

¹ברכי נפשי, בראשית, עמוד תשל"ג