

OVERVIEW of the Daf

1) Defining the term מושב (cont.)

The Gemara concludes its unsuccessful challenge to the opinion that maintains that the term מושב refers to after the Jews took possession and settled the land.

A related Beraisa concerning manna is cited.

2) Moshe Rabbeinu's birth and death

A Beraisa discusses the sources that Moshe Rabbeinu was born and died on the seventh of Adar.

3) Mitzvos that began when the Jewish People entered Eretz Yisroel

A Beraisa presents a dispute whether the mitzvos of chodosh, orlah and kilayim apply only in Eretz Yisroel.

The necessity for R' Elazar the son of R' Shimon to state that shemittah of money applies outside of Eretz Yisroel is explained.

The exposition that teaches that shemittah of money applies under all circumstances is cited.

The necessity for R' Elazar the son of R' Shimon to state that the obligation to send away slaves in Yovel applies outside of Eretz Yisroel is explained.

4) Chodosh, Orlah and Kilayim

A Mishnah cites the different sources that chodosh, orlah and kilayim apply outside of Eretz Yisroel.

R' Yehudah in the name of Shmuel offers one explanation of the term הלכה.

Ulla in the name of R' Yochanan offers an alternative explanation of the term הלכה.

Ulla presents a challenge to R' Yehudah's understanding of the term הלכה. ■

REVIEW and Remember

1. What is the source that Moshe Rabbeinu died on the seventh of Adar?

2. What are the three mitzvos that began when the Jews reached Eretz Yisroel and apply even outside Eretz Yisroel?

3. What is the source that שמיטת כספים applies even when shemittah of the land is not observed?

4. What is the source that the restriction of orlah applies even outside of Eretz Yisroel?

Gemara GEM

Rambam's opinion regarding Shemitta in our days

בשתי שמיטות הכתוב מדבר, אחת שמיטת קרקע ואחת שמיטת כספים

Rebbe notes that the Torah repeats its reference to Shemitta, thus indicating that there is a dual aspect to the seventh year. One aspect is the Shemitta of the land, and the other is the Shemitta of loans. Rebbe teaches that the lesson is one regarding the timing of these two aspects of Shemitta. The mitzvah of suspending work of the land is clearly one which is associated with Eretz Yisroel, while the mitzvah of cancelling loans is not directly connected with the land. Nevertheless, as Rashi explains, in our days when the mitzvah of Shemitta of the land is only rabbinic and not in effect on a Torah level, we also say that the mitzvah of cancelling loans applies only rabbinically. (Rashi's comment is found in Gittin 36b regarding the law of Prosbol, where the law of Shemitta is connected with the observance of Yovel.)

Rambam (Hilchos Shemittin v'Yovlos 4:25) rules that the mitzvah of Shemitta is in effect while the Bais Hamikdash is built as well as when it is in a state of destruction. Kesef Mishne asks that this ruling seems to be in opposition to the lesson of Rebbe that Shemitta is no longer in effect in our days. Furthermore, Rambam himself rules (ibid. 9:16) that the enactment of Prosbol only works because cancellation of loans in our days is only rabbinic. This halacha is in accordance with the lesson of Rebbe, that Shemitta of money is only rabbinic. How can we resolve this series of rulings of Rambam?

Kesef Mishneh explains that Rambam agrees with the opinion of Rebbe. However, Rambam interprets Rebbe's words to teach that Shemitta of money is associated to the law of Shemitta of land of Yovel. This is the Shemitta that is no longer observed on a Torah level today. However, the law of Shemitta of land and of leaving it fallow is observed as a Torah law, even in our days. ■

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In loving memory of our father

שמואל בן צבי אריה ע"ה

Mr. Samuel Brickman o.b.m.

By his children Mr. and Mrs. Alan Gerber

HALACHAH Highlight

Doing business with chodosh

ומה חדש שאין איסורו איסור עולם וגו'

If Chodosh which is not prohibited forever etc.

Rav Moshe Sternbuch¹ in his work Teshuvos V'hanhagos was asked whether it is prohibited for a person to do business with *chodosh* - new grain. The question essentially boils down to whether *chodosh* is like other prohibitions and it is prohibited to do business with it or perhaps it is for some reason different and therefore it is permitted to do business with *chodosh*. Rav Sternbuch answered that it is permitted to do business with *chodosh* and offered the following explanation why it is different from other prohibitions. The Torah prohibited one from doing business with *neveilos* and *teraifos* because the prohibition against eating them will never be rescinded. In contrast, the prohibition against eating *chodosh* remains in force only until the 15th (or 16th) of Nissan. Since the prohibition will eventually go away a person is permitted to do business with *chodosh* even while the prohibition is still in force.

Rav Shmuel Halevi Wosner², the Shevet Halevi also addressed this question. One proof that it should be per-

mitted is derived from the Sifrei. The Sifrei infers from the verse that presents the nazir's prohibition against drinking wine that using wine for business or medicine is not included by the prohibition. The reason that a nazir may use wine for business is that wine will not be prohibited to the nazir forever, thus even during the time that it is prohibited for the nazir to drink it is nonetheless permitted for business. Similarly, since *chodosh* will not be prohibited forever it is permitted to do business with it even during the time it is prohibited. He then entertains the possibility that it is prohibited to do business with *chodosh*. Perhaps the reason the nazir may do business with wine is that although the nazir is prohibited to drink wine it is permitted for others. *Chodosh*, in contrast, is prohibited to everyone and possibly during the period of prohibition, it is not permitted to do business with it. Furthermore, since the Sifrei found it necessary to permit the nazir to do business with wine it can be assumed that it is prohibited to do business with other prohibited items. After further analysis he concluded that even if there is no Biblical prohibition that restricts a person from doing business with *chodosh* there is certainly a Rabbinic prohibition against doing business with *chodosh*. ■

1. שו"ת תשובות והנהגות ח"ב סי' שצ"ו.

2. שו"ת שבט הלוי ח"ו סי' קי"ד. ■

STORIES Off the Daf

Mitzvos with Mazal

"החדש אסור מן התורה..."

Many European Jews would travel to various resorts during the summer. Some did this for health reasons, while others simply needed a change in environment to "recharge their batteries."

The Brisker Rav, zt"l, was once in such a resort together with many chassidim. One Shabbos, the Rav was about to make kiddush on wine when a non-Jewish workman entered the room, gazed at the spectacle of the Jewish Rav clearly about to perform

some kind of ceremony on a cup of wine, and left.

Immediately after this, the Rav made kiddush. The chassidim were very surprised at this since, where they came from, people were careful not to drink wine that a non-Jew had even seen. When the Rav noticed them whispering among themselves, he asked someone to bring a Shelah HaKadosh. He opened it to the page where the Shelah HaKadosh writes that one must be exceedingly careful regarding the very serious prohibition of chadash, since one who transgresses this violates a Torah law. He then pointed out that on the very same page the Shelah HaKadosh records that some are careful not to make kid-

dush on wine seen by a non-Jew.

The Brisker Rav asked the group, "Why are you very careful not to make kiddush on wine seen by a non-Jew, regarding which he writes that only some are careful, but are not particular about chadash which he holds is an *issur d'oraisa*?"¹

The Chazon Ish, zt"l, said, "Every mitzvah has a mazal. For example, some are very careful not to transgress the Rabbinic prohibition of eating milk and chicken, but are completely indifferent to selling the produce of shemitah, which is also a Rabbinic prohibition!"² ■

1. עובדות והנהגות לבית בריסק, חלק ג', עמוד שכ"ח

2. מעשה איש, חלק ז', עמוד קפ"ט