

## OVERVIEW of the Daf

### 1) Drilling

The Gemara unsuccessfully questions Shmuel's view that liability for drilling is because it is a subset of delivering the final hammer blow.

### 2) Clarifying the Mishnah

The Mishnah's reference to the criterion that a melacha endure includes a case where one carved out only three-quarters of a kav instead of a complete kav.

Abaye and Rava explain that striking a hammer on an anvil is constructive because it keeps the edge of the hammer smooth.

**3) MISHNAH:** The minimum quantity of land based melachos is discussed.

### 4) Plowing

The Gemara explains how a minimum amount of plowing can be considered significant.

A Baraisa explains that depending on the person's intent, there will be different measures to create liability for plucking items from the ground.

The Gemara asks: Since the land will always improve when it is weeded, shouldn't there be liability for the slightest amount regardless of his intent?

Rabbah and R' Yosef answer: The Baraisa refers to a marsh where the land does not improve. Abaye answers: The case could refer to weeding in a friend's field where there is no interest in improving his land.

**5) MISHNAH:** Details regarding liability for writing are presented.

### 6) Clarifying the Mishnah

Abaye explains: The Mishnah which holds a person liable for writing with either hand refers to an ambidextrous person. R' Yaakov the son of the daughter of Yaakov explains: The Mishnah reflects the opinion of R' Yosi who maintains that liability for writing is because it makes a mark, which the left hand can do the same as the right.

The implication of R' Yehudah's view in the Mishnah concerning writing a short name that is part of a long name is inconsistent with his opinion quoted in a Baraisa.

The Gemara answers: The Mishnah reflects R' Yehudah's opinion whereas the Baraisa is the opinion of his Rebbi, R' Gamliel.

### 7) Clarifying the Baraisa

In the previously quoted Baraisa it would seem that Tanna Kamma and R' Shimon share the same opinion regarding liability even if one writes the same letter twice. The Gemara explains that they differ regarding liability for writing only part of the word he intended to write.

R' Yosi the son of R' Chanina explains R' Yosi's source and the halachos that are deduced from his exposition.

### 8) Writing שם from שמעון

The Gemara questions: How could R' Yehudah declare liability for writing שם from שמעון when one מ' is open and the other is closed?

R' Chisda answers: The ruling of R' Yehudah teaches that the letters could be used interchangeably.

R' Chisda's assertion is challenged from a Baraisa that prohibits exchanging open letters for closed ones and the Gemara explains that R' Chisda has a tanna who supports his position. ■

## Distinctive INSIGHT

*It's O.K. - If he Doesn't Care*

לא צריכא דעביד בארעא דחבריה

The Gemara says that one who plucks reeds from the ground is חייב only if he has specific intent to improve the land. Abaye explains that the case is where a person is plucking the reeds from his neighbor's field. Although this is a פסיק רישא as far as plowing is concerned, he would not be חייב if he did not have specific intent. Rashi explains the reason is because it is "לא איכפת ליה" – the person simply does not care" if the field is improved, because it is not his field.

Rabbi Akiva Eiger points out what seems to be a contradiction in Rashi. Earlier (75a) the Gemara pointed out that a person would be exempt for killing a chilazon fish while drawing blood for techeiles dye from its blood. Rava explains the reason is that the blood of the chilazon is better when it is drawn while the animal is alive, and the death of the fish is therefore not only אינו מתכוין, but it is also לא נחא ליה. Rashi comments that the demise of the chilazon is something that is *against his will and undesirable*, thus exempting the person from culpability. If, however, it would simply be something he does *not care about*, it would still be prohibited, being that it is a פסיק רישא. This is in variance with Rashi in our Gemara, where לא נחא ליה is translated as "does not care".

The opinion of the ערוך is that the discussion in our Gemara is elaborating on the dispute in the case of אינו מתכוין – lack of intent to do a prohibited act. The Gemara immediately notices that plucking the reeds is worse than a regular "lack of intent" case, in that it is a פסיק רישא, and even R' Shimon agrees that to do such an act is prohibited. The Gemara then responds that here it is another person's field and he does not care. This statement means that it is no longer a problem of פסיק רישא. Consequently, we revert back to a simple consideration of it being אינו מתכוין, and it is allowed according to R' Shimon.

Ritva attacks this explanation, because whether or not he cares or  
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## REVIEW and Remember

- Who would strike a hammer on an anvil in the construction of the Mishkan?
- Why is it permitted to pull up reeds for fuel from a friend's field?
- What writing was done in the construction of the Mishkan?
- How did R' Chisda demonstrate that it is acceptable to exchange closed letters of the aleph-beis with open letters?

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לע"נ דוד בן מענדל הכהן

By his children

Mr. and Mrs. Craig Cowan, London, England

# HALACHAH Highlight

## Writing on Chol HaMoed; Printing Seforim

וכתבתם שתהא כתיבה תמה שלא יכתוב אלפין עינין...

"And Write them" - that the writing [of tefillin and mezuzos] should be perfect, that he should not write alephs as ayins... [The suffix תם-them is expounded as if it was written תם-perfect.]

It is forbidden to write on Chol HaMoed.<sup>1</sup> However, as is the case with all other melachos, it is only the work of an artisan that it is prohibited, not that of a common person.<sup>2</sup> But what writing is categorized as the work of an artisan and what writing is categorized as the work of a common man?

According to Mechaber (ibid.), any form of writing falls into the category of the work of an artisan. Rema,<sup>3</sup> however, notes that this is a matter of a dispute. Mishnah Berurah<sup>4</sup> states that according to the lenient opinion, any writing other than the writing of Sifrei Torah, Tefillin and Mezuzos, even formal block writing, is considered the work of a commoner, since writers writing any other work are not concerned as to the precise form of the letters they are writing. [It would seem, accordingly, that true calligraphy would indeed be forbidden on Chol HaMoed.]

Subsequently, however, Rema,<sup>5</sup> forbids writing personal letters in all forms of writing, even in the script which was commonly used in daily writing (Ksav Meshita, known today as Ksav Rashi). Mishnah Berurah,<sup>6</sup> however writes that the practice is to be lenient and to write in Ksav Meshita and in our modern form of script, as long as one makes a slight difference from one's normal manner of writing, such as writing the first line on an angle.<sup>7</sup>

A fascinating application of the distinction between different forms of writing is its application to the printing of seforim. According to Teshuvos Mishneh Halachos,<sup>8</sup> most seforim other than the texts of the Tanach and the Talmud were deliberately printed in Ksav Meshita because of the prohibition of writing Torah Sheba'al Peh,<sup>9</sup> and in order

(Insight...continued from page 1)

not should not affect the case being judged as a פסיק רישא or not. If the act is inevitable, it should be prohibited even according to R' Shimon. Therefore, Ritva learns that we are talking about where the amount of improvement in the land by plucking out the reeds was minimal. If it was his own land, this would be a true פסיק רישא and it would be prohibited. However, because it is his friend's field, this minimal amount of improvement is considered negligible, and it is not a melacha at all. ■

that they should not be perceived and treated as if they are of the same level of sanctity as Sifrei Torah, Tefillin and Mezuzos. Since Ksav Meshita is not considered true writing, it is possible that the prohibition is not applicable to seforim printed in this script, and that their sanctity is therefore lower as well.

Today, more and more seforim are printed in block print may be attributed to the lower intellectual level of later generations, which needs books that are as easy as possible to read.

It should be noted that the Gemara<sup>10</sup> subsequently distinguishes between Halachos, that were originally not meant to be written, and other parts of Torah that were not subject to any restriction. This distinction evidently underlies the practice of some authors to print their Halachic works in Ksav Meshita and their other works in block print. ■

1. שו"ע אורח חיים סימן תקמ"ה סעיף א': אסור לכתוב בחו"ה ואפילו להגיה אות אחת בספר אסור:
2. עיי' למשל בשו"ע אורח חיים סימן תקמ"ה סעיף א'. עיין מ"ב והנה אף דלענין שבת קי"ל דהכתוב בכל כתב ולשונו של כל אומה חייב ומאי גריעא כתב עברית מהן צ"ל דאעפ"כ לענין חוה"מ לא אסור כ"א כתב שהוא מעשה אומן וסתם כתב לבד כתב אשורית מקרי מעשה הדיוט.
3. רמ"א אורח חיים סימן תקמ"ה סעיף א'.
4. משנה ברורה שם ס"ק ד'.
5. רמ"א שם סעיף ז': ונהגו להחמיר אפילו בכתיבה שלנו שהיא כתיבה משיט"א:
6. משנה ברורה שם ס"ק ל"ה:
7. להלכה למעשה, עיי' בשמירת שבת כהלכתה פרק ס"ו סעיף נ"ה.
8. שו"ת משנה הלכות חלק י"ב סימן ר"ח: עי"ש.
9. מסכת גיטין דף ס' ע"ב: דרש רבי יהודה בר נחמני מתורגמניה דרבי שמעון בן לקיש כתיב כתוב לך את הדברים האלה וכתוב כי ע"פ הדברים האלה הא כיצד דברים שבכתב אי אתה רשאי לאומרו על פה דברים שבעל פה אי אתה רשאי לאומרו בכתב.
10. שם: דבי רבי ישמעאל תנא אלה אלה אתה כתוב ואי אתה כתוב הלכות. ■

## Gemara GEM

### You Can't be Perfect All the Time

מיתבי: וכתבתם שתהא כתיבה תמה שלא יכתוב אלפין עינין... מימין סתומין פתוחין, פתוחין סתומין

The writing of tefillin and mezuzos must conform to the strict requirement of being "complete writing." The Baraisa delineates some of the guidelines which comprise this standard. Although the Baraisa holds that any letter that should be written open (a regular מ) is disqualified if it is written closed (as a final ם), there is an opinion in our Gemara which considers it acceptable if a closed letter is written open. The halacha rules according to the strict opinion (see O.C. 32:18, and Biur HaGra).

Rabbi Shimon Shwab, zt"l, in his מעין בית points out that this Gemara presents us with a significant historical dilemma. Our Gemara cites Reb Yirmiyah who said that the five letters in the Hebrew alphabet which change depending on whether they appear in the middle of a word or at the end (מנצפ"ך) were established as such from even before the time the Torah was given. There was a period during which the tradition of how these letters were to be used was forgotten, but the prophets reinstated the set rule of the open form of the letters to be used in the middle of a word, and the closed "מ" and the longer form of the other letters are the ones to be used at the end of a word. During the time when the system of how to use these letters was unknown, how did the Jewish people fulfill their mitzvah of tefillin and mezuzah? The lack of clarity must have resulted with the failure of כתיבה תמה. It is also not reasonable to say that the statement of

Rav Yirmiyah is wrong, and that there never was such a period in the history of our people.

We must say that the requirement to write these parchments with כתיבה תמה was not fully in force when no one knew how to write the form of the letters accurately. It is only when we have full awareness of how to write letters that the demand to do so with precision is in force. However, if the proper placement of the open and long letters is not known, we are not considered deficient for not using the different forms of the letters correctly.

A parallel situation would be the application of the rule that we are not supposed to allow someone to lead the community in its tefillos if he mispronounce his letters אליף as אל"ף, and reverse. However, if there is no one else available, because everyone in that community pronounces those letters similarly without distinguishing between them, then we do allow such a שליח ציבור. ■

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