

OVERVIEW of the Daf

1) Carrying in an unmerged mavoi (cont.)

R' Chanina Chozah finishes his question regarding Rav's ruling permitting carrying more than four amos in an unmerged mavoi.

R' Ashi explains the rationale behind Rav's ruling.

2) Clarifying R' Eliezer's lenient ruling

R' Chiya bar Abba in the name of R' Yochanan stated: R' Eliezer's lenient ruling regarding preparations for mitzvos does not apply for all mitzvos, as we see from the fact that the Torah needed a gezairah shavah to permit preliminary preparations for the Two Loaves Offering on Shavuot.

The Gemara questions which mitzvos are not included in R' Eliezer's lenient position, since we find many instances where he does permit preliminary preparations for mitzvos.

R' Ada bar Ahavah answers that preparations for the mitzvah of tzitzis and mezuzah do not override the prohibitions of Shabbos. The reason these mitzvos are excluded, explains R' Nachman in the name of R' Yitzchok, is because one has the option to renounce his property thus exempting himself from the mitzvah. Therefore, there is no reason to permit desecrating Shabbos to perform these mitzvos.

The Gemara returns to the topic of the different mitzvos whose preparations do allow for desecration of Shabbos, according to R' Eliezer, and explains the dispute regarding preparations for the mitzvah of lulav.

The reason for separate teachings to permit preparations for lulav, omer and Two Loaves is explained. The sources for permitting preliminary preparations, according to R' Eliezer, for the mitzvos of sukkah, matzah and shofar are identified. Additionally, the Gemara explains the point of dispute between R' Eliezer and Rabanan in each of these mitzvos as well as why each teaching was necessary.

The Gemara begins its search for the source permitting milah preparations on Shabbos. ■

REVIEW and Remember

1. Why must the gezeira shava between the shtei halechem and the korban omer be an open gezeira shava?
2. Regarding which mitzvos does R' Eliezer agree that their preparations do not override Shabbos?
3. What is unique about sukkah that prevents it from being the source of a meh matzinu?
4. What is unique about shofar that prevents it from being the source of a meh matzinu?

Distinctive INSIGHT

Torah study which has no limit

לפי שאין קבוע להם זמן. א"ל אביי אדרבה מדאין קבוע להם זמן כל שעתא זמניה הוא

Our Gemara features a discussion between Rav Yosef and Abaye regarding how to quantify the nature of mitzvos which are not time oriented, such as tzitzis and mezuzah. Rav Yosef understands that it would be prohibited to put tzitzis strings on a garment, because the lack of a firm timeframe creates an obligation which is less demanding. Abaye argues, pointing out that the fact that the obligation is constant and not limited to a particular moment leads us to say that every moment is an obligation. Therefore, a person should be allowed to tie the tzitzis strings on a garment and to write the parchment for a mezuzah. The only thing is, as Rabbi Nachman in the name of Rabbi Yitzchok explains, the person could disown his garment or house, and the obligation would no longer apply.

The Mishnah in Pe'ah (1:1) lists mitzvos which do not have a quantifiable limit for their observance. The final item on the list is תלמוד תורה—the study of Torah. In his Birkas Shmuel (Kiddushin #27) Reb Boruch Ber Lebovits, zt"l, questions this assertion. After all, the obligation to study Torah is in effect every minute of the day. In our Gemara, tzitzis and mezuzah are mitzvos are categorized as mitzvos which apply every minute, because there is no timeframe associated with these mitzvos. Therefore, using this definition, we would say that the study of Torah applies every minute, even though it has not firm or specific time.

Reb Boruch Ber answers based upon an insight of the שנות אליהו. There are two aspects to the mitzvah of learning Torah. There is a guideline. Technically, one can minimally fulfill the obligation to study Torah found in the verse ושננתם לבניך...בשכבך ובקומך by merely reading the She'ma twice daily. At the same time, there is another obligation to learn Torah, and that is derived from the verse והגית בו יומם ולילה to toil in Torah day and night. Therefore, the obligation to study Torah every moment mentioned in the Mishnah in Pe'ah is different from the obligation to wear tzitzis. By tzitzis, every moment is a new opportunity to fulfill the mitzvah anew. Torah, however, is a single, extended mitzvah, which is constantly in effect unless there is a reason to interrupt. The obligation of ושננתם, however, is fulfilled with even one chapter or one paragraph, even if one has to stop. This is the aspect of Torah study discussed in the Mishnah in Pe'ah. ■

HALACHAH Highlight

Issues in the performance of a delayed circumcision

אמר רב אדא בר אהבה: למעוטי ציצית לטליתו ומזוזה לפתחו. תניא נמי הכי: ושיון שאם צייץ טליתו, ועשה מזוזה לפתחו שהוא חייב

Rav Adda bar Ahavah said: Rav Yochanan intends to exclude the preparative activities associated with the precepts of having Tzitzis on one's garment and a Mezuzah on one's doorway. Indeed, it was similarly taught in a Baraisa: the opinions of Rebbe Akiva and Rebbe Eliezer are alike as regards the following matter: if one attached Tzitzis to his garment or made a Mezuzah for his doorway, he would be liable for the desecration of the Shabbos.

The Poskim deliberate the permissibility of performing a previously delayed Bris Milah on a Thursday, or similarly, the circumcision of an aspirant convert on a Thursday. The point of deliberation is the fact that the third day following the Bris Milah is a medically fragile point for a convalescing child following his circumcision. Indeed, the Mishnah¹ records that one may bathe an infant if the third day after his circumcision falls on the Shabbos due to his post-operative feebleness. Rav Shimon Duran², the Rashbatz, likens this situation to the proscription of departing on a boat three days prior to Shabbos. The Rashbatz subscribes to the view of Rav Zerachiah HaLevi, the Razah, who explains the prohibition to be due to the inevitability of transgressing the Shabbos due to the dangerous nature of water-travel. Being that three days prior to Shabbos is considered connected to the upcoming Shabbos³, the forbiddance extends only three days prior to Shabbos; however, the days prior are not connected to the upcoming Shabbos. Following this reasoning, the Rashbatz writes that it is forbidden to circumcise an aspiring convert or a child whose circumcision has been delayed on Thursday so as not to need to desecrate the Shabbos which falls on the third day after the circumcision. This view is presented by the Beis Yosef⁴.

The Shach⁵ challenges the ruling of the Rashbatz by citing the permissibility of alighting by boat three days prior to Shabbos for the purpose of a Mitzvah. Consequently, performing a circumcision on a Thursday should be permitted since it is a Mitzvah. Some Poskim defend the determination of the Rashbatz by distinguishing between the delay of the circumcision, which does not entail potential transgressions and the delay of a boat trip, which may well entail Shabbos

transgressions even if one departs on Sunday and therefore was permitted even to leave on a Friday if it is for a Mitzvah⁶ or which is permitted only for a Mitzvah which can not be delayed⁷. Thus, these Poskim opine that in these cases there is no prohibition involved with further delaying the circumcision.

However, this view seems to be contradicted by the Rambam⁸ who writes that an individual who wrongly did not circumcise his son on the eighth day is not absolved of his responsibility. Rather, this obligation is incumbent upon him ceaselessly, and when he finally circumcises his son this sin will be removed and he will have done a Mitzvah. This position is maintained by other Poskim⁹ as well. Accordingly, there would be no allowance for delay of the circumcision even if that means circumcising on Thursday. Rav Ovadia Yosef¹⁰ resolves this question by suggesting that these authorities would understand the Rambam to opine that when the father finally circumcises his son he would retroactively void his sin, and that this is what the Rambam intended when he wrote: "when he finally circumcises his son this sin will be removed and he will have done a Mitzvah". Rav Yosef¹¹ cites the view of one commentator¹² who interprets the Tosafos¹³ in our passage to be of a similar mind. While discussing the feasibility of deriving Tzitzis and Mezuzah from Succah, Tosafos states that circumcision is unique in that even if its time (i.e. the eighth day) passes "that Mitzvah is not lost, because that very Mitzvah of circumcision that he was obligated to perform on the eighth day, he can still do on the ninth day." This can be understood to mean that even if the Mitzvah is delayed, when the Mitzvah is finally performed it is the very Mitzvah that was to be performed on the eighth day. ■

1. לעיל שבת (דף פו ע"א)
2. שו"ת תשב"ץ ח"א (סי' כא)
3. עיי גיטין (דף עז ע"א)
4. בית יוסף (בדק הבית יו"ד סי' רסב ורסה)
5. שו"ת ניו"ד סי' רסו) וכן הקשה בשו"ת הראג"ח ח"ב (סי' לח) ע"ש
6. ההגאון חידושי יוסף (או"ח סי' רמח)
7. חידושי החתם סופר (שבת דף קלו ע"א)
8. רמב"ם בפירוש המשניות (סו"פ ר"א דמילה) והשווה לדברי הרמב"ם במשנה תורה (ש"א מהל' מילה ה, ב) ובהשגות הראב"ד שם
9. עיי דרכי משה (יו"ד סי' רסא אות א) בשם הכל בו. וכן ראה במג"א (סי' רמט ס"ק ה') ושכן מוכח בתוס' (מועד קטן דף ח' סו"ע"ב) ע"ש. וכן בשו"ת תשובה מאהבה ח"א (סי' פה)
10. שו"ת יביע אומר ח"ה (חיו"ד סי' כג אות ב' ד"ה אלא דלכאורה)
11. במילואים לשם בסוה"ס (דף נשי"א ע"א)
12. מצפה איתן לע"ז (דף כז ע"א תוס' ד"ה איכה)
13. תוס' כאל ד"ה ושיון ■

Gemara GEM

Preparing Tzitzis and Mezuzah on Shabbos

הואיל ובידו להפקירן

The conclusion of the Gemara is that one is not permitted to tie the tzitzis strings on to his garment on Shabbos. One is also not allowed to write a mezuzah to place upon his door. Although every moment he retains a garment that is without tzitzis he is in violation of the mitzvah to have these strings affixed to his garment, and every moment he sits in a house without a mezuzah upon the door he is failing to fulfill

that mitzvah, nevertheless, this does not warrant the performance of the act of tying strings for tzitzis or writing the parchment for mezuzah. These preparatory actions (מכשירין) are not allowed, because the person could just as well abandon his ownership of the garment or the house, and he would no longer be personally obligated to put the tzitzis strings on this garment or the mezuzah upon the doorway.

Instead of mentioning the exemption of הפקר, the Gemara could have said that the tzitzis strings do not have to be attached on Shabbos because if the person chooses, he may simply not wear that particular garment that day. Being that he is not required to wear that

garment, it can go without having tzitzis upon it in the meantime. The truth is, however, that whether a garment must have tzitzis upon it only when it is worn, or whether it needs tzitzis even if it sits in a drawer, is the subject of a dispute in the Gemara (Menachos 41). Shmuel is of the opinion that a four cornered garment is required to have tzitzis even if it is not being worn. Accordingly, Shmuel holds that as long as the person owns it, not wearing it is not enough of an excuse to not affix tzitzis to it. This is why our Gemara only mentions the exclusion of being מפקיר the tallis, because in this way the case is agreed upon by everyone. ■