

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah enumerates a number of differences between a communal korban and a personal korban.

2) Clarifying the Mishnah

The Gemara presents numerous unsuccessful challenges to the Mishnah's assertion that all personal korbanos can make a temurah.

The Gemara unsuccessfully challenges the Mishnah's assertion that personal korbanos come as both males and females.

A Beraisa is cited that presented the sources for the distinction between communal korbanos and personal korbanos regarding compensation for delaying the offering of a korban.

Reish Lakish suggests an alternative source for this law and the Gemara explains why both sources are necessary.

3) Offering nesachim at night

The earlier-Beraisa's assertion that nesachim can be brought at night is challenged.

Rami bar Chama resolves this challenge.

Rava successfully challenges this resolution and R' Yosef offers an alternative resolution.

The Gemara relates an incident involving R' Dimi that caused him to reject R' Yosef's resolution and suggest an alternative resolution of his own.

4) Recording the Oral Law

The Gemara questions R' Dimi's statement that he would write down some of the Oral Law.

Another teaching that the Oral Law may not be transcribed is presented.

The allowance for the Oral Law to be transcribed is presented.

5) Offering nesachim at night (cont.)

R' Pappa teaches that if one acquired nesachim at night he may sanctify and offer them at night.

A Beraisa is cited in support of this ruling.

R' Ada bar Ahava notes that dawn will disqualify these nesachim.

6) Nesachim and Shelamim

R' Dimi in the name of others reported an exposition regarding the pasuk that juxtaposes nesachim to Shelamim.

Abaye successfully challenges one of the expositions in the Beraisa.

The assertion that a nazir's korbanos are not considered vowed or donated is unsuccessfully challenged.

A Beraisa is cited that clarifies the pasuk discussing Avshalom and the reference to forty years. ■

Distinctive INSIGHT

The oral law may not be written down

דברים שעל פה אי אתה רשאי לאומרו בכתב

Several reasons are given why it is prohibited to record the oral Torah in written form.

Ritva (Gittin 60a) and Ra"n (14a) explain that once something is put into writing, it is subject to being interpreted or misinterpreted according to the viewpoint of the reader. Putting such developed ideas into written form necessarily restricts the concepts into rigid sentences, which is too limiting for their true meaning. When, however, concepts are transmitted orally from rebbe to talmid, they are able to be articulated and explained with emotion and clarity. The give and take which follows allows a student to ask and pursue that which needs further elucidation. This is essential for the transmission of the mesorah, and this is why the Torah prohibits us to record the oral law in written form.

P'risha (O.C. 49:1) also notes that the written word limits the ideas it represents by the usage of particular phrases and expressions. This leads to subjective interpretation and understanding based upon the author's choice of words, which may or may not convey the accurate intent of the writer to the reader.

Yefei To'ar (to Shemos Rabba 47:1) explains, based upon the Midrash, that if the oral law would be written there would be a risk that the gentiles would take our law and copy it for themselves. They would implement many of the aspects of our system of life, and the clear and obvious differences between the Jews and the non-Jews would be less apparent, causing many Jews to blend into the non-Jewish society.

Maharal writes (Gur Aryeh to Shemos 34:27) that the Torah only commanded that which is possible to be recorded. The oral law is so vast and extensive that it would be impossible for it to be recorded adequately. If it were written, the record would misrepresent its true nature of being immeasurably massive.

Mahrasha (Gittin 60a) notes that if the oral law were written, a person would feel that the law is complete and final, and he would therefore not feel compelled to apply himself intensely to study it. Now that the oral law remains an unwritten tradition which is transmitted from one generation to the next from person to person by word of mouth, everyone has to realize that it is up to him to master the information and to do his part to perpetuate the Torah.

In Igros Moshe (O.C. 4:39), R' Moshe Feinstein also expresses a similar concern. If the oral Torah were written, people would rely upon the written word and they would not make a point of being personally proficient in the Torah. If an issue would arise, we would simply refer to the text and try to find the answer, rather than to develop our own expertise. ■

HALACHAH Highlight

Writing divrei Torah on Chol HaMoed

דלמא מילתא חדתא שאני

Perhaps novel thoughts are different

The Gemara relates that R' Dimi went to Eretz Yisroel and heard a new halacha in the name of R' Yirmiyah and with this novelty he was able to resolve a contradiction between two Beraisos. He commented that if he would find someone who could write letters he would write a letter and send this new thought to R' Yosef. The Gemara questions how it would be possible to write down this halacha when there is a prohibition to transcribe the Oral Law. The Gemara suggests that novel ideas are different since it was something that was not previously known and such thoughts may be transcribed.

Rabbeinu Peretz¹ reports that he found it written that it is permitted to write chiddushei Torah on Chol HaMoed. He then cited our Gemara as proof to this principle. Our Gemara permits transcribing the Oral Law for novel ideas since there is a fear that the novel thought will be forgotten, similarly, it is permitted to transcribe a novel thought on Chol HaMoed out of concern that the novel thought will be forgotten. Rashba², however, expresses uncertainty regarding this leniency. If it is permitted for a person to transcribe his commentaries and novelties on Chol HaMoed he will spend his entire day engaged in that activity and there will be no difference between a weekday and Chol HaMoed. Therefore, he rules that one may not write his Torah thoughts on Chol HaMoed. If one is fearful that he will forget the novelty he should review enough times that he is certain that the novelty will not be forgotten.

REVIEW and Remember

1. What are the differences between a communal korban and a personal korban?

2. Why are two sources necessary to teach that the nesachim of a korban may be brought at a later date if the animal was offered on time?

3. What is the allowance to transcribe the Oral Law?

4. Are the korbanos of a nazir considered vowed or donated?

Shulchan Aruch³ rules in accordance with Rabbeinu Peretz and permits writing chiddushim on Chol HaMoed. Taz⁴ writes that Shulchan Aruch's wording implies that it is permitted to write novelties that one has already heard but it is not permitted to purposely listen to someone say a dvar Torah if that will necessitate him to write it down. This understanding, however, is incorrect, since a person is obligated to study Torah at all times and together with learning comes novel insights that have to be recorded. Additionally, if one does not record the chiddushim when he hears them he will have to write them down after Yom Tov and that will detract from his studies at that time. ■

1. מובא דעתו בב"י או"ח סי' תקמ"ה ד"ה וכתוב בהגהות.
2. שו"ת הרשב"א ח"ג סי' רע"ג.
3. שו"ע שם סעי' ט.
4. ט"ז שם ס"ק י"ג. ■

STORIES Off the Daf

The Forgotten Torah

מוטב תפר תורה ואל תשתכח תורה

It is tragic that so many Jews have fallen away from Torah observance in the modern period. Immigration to America—the "Goldeneh Medinah"—played a large role in a historic shift away from tradition. The vast majority of those who arrived here from "der alter heim," the "old country," fell away from observance. At a superficial glance, this seems a bit hard to fathom. Throughout our long past, the Jewish People faced so many

obstacles, a multitude of decrees forbidding Torah, which did not deter us at all. What was it about America, and the rest of the free world, that had such a detrimental effect on Torah and mitzvos?

Perhaps we can understand the solution to this puzzle in light of how the Chofetz Chaim, zt"l, explains a statement on today's daf. "In Temurah 14 we find that it is better for the Torah to be disrupted then forgotten. When various parties rise up and block us from learning Torah, the situation is not so spiritually dangerous as one might have thought. When they chase after people who learn, usually we find a solution. Jews learn in caves, attics and cellars, and

Torah is preserved.

"A far worse situation is when Jews forget the Torah—when it is abandoned and considered unimportant. Then, learning Torah is something that Jews simply do not aspire to at all. In such circumstances, there is a vast spiritual danger.

"To understand the true state of a Jew without Torah let us consider a person who is completely paralyzed. Just as such a person is sadly unaware of what the senses of a normal person would perceive—since he is completely unfeeling—the same is true of those who have no feel for the value of Torah." ¹ ■

1. החפץ חיים—חיינו ופעלו, ח"ג, ע' תתמ"ב