

כִּי אֶצְבְּעֶתָא בְּבִירָא לְשִׁבְחָהּ

Just as easy as it is to insert one's finger into a pit.

Just as easy as it is to insert one's finger into a pit, it is that easy to forget one's learning. As soon as you remove your finger from a sack of seeds, the seeds fill in the space. Therefore, create 'chidushim' in your learning (novel insights, Chillin75b). Create a method for review of one's learning and diligence (Eruvin #54a). Create mnemonic devices.

Humility- Eruvin 54b

Learn from one teacher (or one book) -Eruvin53a

Learn with students - Eruvin 54a

## חָשׁ בְּרֹאשׁוֹ יַעֲסֹק בַּתּוֹרָה

If he aches in his head, let him engage in the study of Torah.

R Eliyahu Lopin - Torah study is not a treatment for headache. Rather this means that even if you have a headache and it is difficult for you to study, you are obligated to engage in Torah Study.

Rambam Hil Talmud Torah 1:8 - We are obligated to study whether you are rich, poor, in good health or bad health.

R Saul Weiss - ‘Chosh b’rosh’ - If one is deeply hurt by not being chosen leader, then ‘yaasok baTorah’, let him become busy in Torah study and he will realize such worldly ambitions are vanity of vanities.

אם ערוכה ברמ"ח אברים שלך

If your learning is arranged in all your two hundred and forty eight-limbs.

If your learning is arranged in all of your two hundred and forty eight-limbs, it is secure and will not be forgotten. Therefore, always study in a loud voice to retain your knowledge. [A loud voice will include use of the brain areas for vision, speech and sound. If you move back and forth, 'shockel', the brain areas for movement will be used, as well. All these areas will be activated and knowledge can be engrained in any/all locations].

A person is obligated to repeat each lesson to his student until the student knows it.

הָדַר תָּנָא לִיה ד' מְאָה זִמְנֵי [אַחֲרֵינִי]

R Preida taught a student the lesson 400 times.

R Preida taught a student the lesson 400 times but the student failed to understand it.

R Preida offered to teach it to him again, an additional 400 times.

A voice from Heaven came to R Preida and said, “As reward for your patience, I offer you 400 years of additional life or a guarantee of a place in Heaven for you and your entire generation.”

R Preida chose the latter and HaShem granted him both rewards.

Patience to teach the same material in HaShem’s Torah to even the slowest learner, merits a reward of long life in this world, while the principle credit remains for the world to come.

אֵין תּוֹרָה נִקְנִית אֶלָּא בְּסִימָנִין

Education Deut 31:19  
BT Shabbos 104a2

The Torah can be acquired only with the use of study aids.

The Torah can be acquired only with the use of study aids.

For example:

- Gematria
- Acronyms, end letters
- Alphabetical acrostics
- Proverbs, parables, allegories
- Contractions
- Catch words
- Groupings

„לא בשמים הוא“

The Torah is not found in Heaven.

The Torah is not found in Heaven.

It will not be found in those who are haughty.

The message is clear, the Torah has been given to man here on earth. It is our responsibility, all of us, to learn it, interpret it and live by it. So why does the Gemara stress that it won't be found among the haughty?

One who is haughty, feels he is above others. He does not look to other human beings for information, guidance or to learn from them. He lives believing that his understanding of the Torah is between him and the Heavens and that he is specially blessed to correctly receive the Torah. With such a misguided attitude, he will not understand the Torah. He must lower himself, learn and discuss his ideas with other people here on earth.

## כָּל עִיר שֵׁישׁ בָּהּ מַעְלֹת וּמוֹרְדוֹת

Any city that has steep inclines and descents.

Any city that has steep inclines and descents cause people and animals to age prematurely, due to the exertion they must extend in frequently climbing these slopes. Why should this cause premature aging? We learn in Gittin 67b, that “physical labor is advantageous in that it warms the body.”

The Rambam explains (Hilchos De’os 4:14-18) that regular vigorous exercise is healthful. However, sudden and infrequent strain, as described in our Gemara, is harmful.

## אִין תְּקוּפַת נִיסָן נּוֹפְלֵת

The Nissan (Spring) equinox does not fall.

The Julian Calendar was replaced by the Gregorian calendar in 1582.

The solar year is reckoned to be 365 days and 6 hrs in length.

- Bircas HaChamah is a blessing praising God, “Who makes the work of Creation”. This prayer is recited on the occasion of the sun returning to the position in the heavens it occupied at the moment of its original Creation, when that day occurs on the day of the week and the hour of the day which corresponds to the day and hour of the Creation of the sun.
- Gen 1:14-19 records that the sun was created on the 4<sup>th</sup> day. Rabbinic tradition comments that the sun was created at the beginning of that day and fixed in the sky occupied at Tekufat Nissan. At the spring and autumn equinox, night and day are equal at 12 hrs. Since Jewish days start in the evening, the sun was created at 6pm Tuesday in Jerusalem and will recur every 28 years. Therefore, we say Bircas HaChamah at 28 year intervals. However, the year is actually 365 days 5hrs 48 min and 46 seconds and the date, therefore, advances to a later date.



# אֵין הַקּוֹפֵת נִיֶּסָן נוֹפֶלֶת

The Nissan (Spring) equinox does not fall.

Samuel an Amorah - Each quarter of the year is 91 days and 7 ½ hrs long.

Julian Calendar - 365 and 6 hrs – each year 365 days – 1 leap day every 4 years.

Gregorian Calendar - 365 and 5hrs 48 min and 46 seconds.

The difference between them is 1 day every 128 years.

Therefore, the Gregorian Calendar omits the extra day in all centenary years except those which are multiples of 400.

This is used to decide when to recite ‘v’ten tal umator’. The autumnal equinox always begins on Oct. 7 in common years. Sixty days later we start to say ‘v’ten tal umator’ on the eve of Dec 5<sup>th</sup>, or in leap years, Dec 6<sup>th</sup>, corresponding to the season in Babylonia.

## אין מוֹדֵדִין אֶלָּא בְּחֶבֶל שֶׁל אַפְסִיקִימָא

To measure the techum of a city one must use a rope made of flax.

To measure the Techum of a city one must use a rope made of flax and its length must be 50 amos. If it is shorter than 50 amos, it is too flexible and may easily be stretched. If it is longer than 50 amos, it may sag in the middle and the distance will be shortened.

Why not complete the measuring with a metal chain that will more likely guarantee accuracy?

Zechariah 2:5- Indicates measuring Jerusalem with a rope presaging the return of Jews from Babylonian exile, to a limited area in the city. An angel foretells a later redemption, which will require no measurement, for there will be no limit to the area to be inhabited in and around Jerusalem.

# אֵין מוֹדְדִין אֶלָּא בַּחֶבֶל שֶׁל אַפְסִיקִימָא

To measure the techum of a city we must use a rope made of flax.

The techum of Shabbos has many approximations, for example, the city is squared off. The techum is extended to create right angled corners, thereby increasing the techum of a city of 2000 amos to 2000 amos squared. In addition, a rise or an incline is pierced by a rope which can deviate from the vertical by as much as almost 4 amos every 4 amos. We accept the diagonal of a square as 1:40, when it really is 1:414. (Similarly, the circumference of a circle is not exactly 3 x its circumference, yet we accept that measurement.)

However, a rope must be no longer and no less than 50 amos. This is so it won't sag and be inaccurate. Also, it must be made only from a certain material of sakima-nargila: a palm tree with a single vine which will not stretch and be inaccurate.

It seems that we are excessively precise where no such precision is required. To further prove this, we learn that the Rabbis are lenient and that only 1 witness (and even a slave) can testify regarding an eruv.

## אֵין אֱלֹהִים אֲלֵא דְבַרֵי נְבִיאִים

R Ide - said, “This is nothing less than words of prophecy”.

Is this criticism or praise?

Do we still have prophecy?

R Adimi said - “From the day the Bais HaMikdash was destroyed, even though prophecy was taken from the prophets, it was not taken from the scholars.”  
(Bava Basra 12)

What it means is that a scholar who diligently studies will develop an unexpected depth of understanding, call it insight or inspiration or ‘Ruach HaKodesh’ or even prophecy. This is something that comes with Divine assistance. However, nowadays, this comes only after total immersion.

אֲנָשֵׁי עִיר גְּדוֹלָה מְהַלְכִין אֶת כָּל עִיר קְטָנָה

The residents of a large town may traverse an entire small town.

A few rules:

- A person whose Shabbos residence is outside of the town, may walk 2000 amos in every direction from his 'shevisah shel Shabbos', his Sabbath dwelling. Where he encounters a town, the town is counted as 4 amos. On the other side of the town, he can start counting again until he reaches 2000.
- If a second town is within 141 amos from the first, it would be considered as part of the same town for techum purposes. You would not resume counting until you pass it.

שְׁתוּי אֵל יִתְסַלֵּל

Someone who drank wine should not pray.

Someone who drank wine should not pray. If he did pray, are his prayers valid or are they an abomination?

Who is considered intoxicated?

- One who drank so much wine, that he is not capable of speaking properly before the King.
- One who drank a revii's of Italian wine is regarded as a drunk. However, his purchase and sale is valid.
- If he sins, he is punished, even a death sentence.

He is considered competent for all his affairs, but he is exempt from prayer because of the need for intense concentration during prayer. (p65a1 N5)

Anyone who bypasses prayer because of intoxication, seals the troubles which would have occurred to him. Therefore, drinking is not condoned and the misfortunes of drinking can be learned by recalling the story of Lot and his daughters (Gen 19:32).

לֹא שָׁנוּ אֶלָּא שְׁשֵׁתָּהּ כְּדֵי רְבִיעִית

This ruling was taught for one who drank a revii's.

If one drinks, he may not pray or rule in matters of halachah.

Rami bar Abba - He can return to a sober state by walking a distance of one mil (about a kilometer) or by falling asleep.

R Nachman - Sleep will have a sobering effect only when a revii's of wine (eighty-six grams) is imbibed.

Rava (Megillah 7a)- On Purim one must drink until he cannot distinguish between Haman and Mordechai.

Rama - Suggests that this does not mean to drink to such great excess, but that he should drink one drink and then go to sleep. While asleep, of course, he is unable to distinguish between Haman and Mordechai.

לֹא שָׁנוּ אֶלָּא שְׁלֵא הִגִּיעַ לְשִׁכְרוּתוֹ שֶׁל לוֹט

A drunk is responsible for his actions, if he did not reach the intoxication level of Lot.

It is forbidden to place oneself in a situation in which one will be exempt from the fulfillment of commandments and exonerated from liability for transgression by reason of drunkenness or the like.

Rashi - Kiddushin 33a - One is forbidden only, if it was his specific intent to secure such an exemption by engaging in that activity.



לֹא אֵיבָרִי סִיְהָרָא אֶלָּא לְגִירְסָא

The moonlight was created specifically to facilitate Torah Study.

Rambam Hil Talmud Torah 3:13 - Most of one's knowledge is acquired by night, so one should not waste even one night sleeping, eating, drinking or idle talk, but should devote himself to study of the Torah at night.

Ksav Sofer - There are few interruptions at night.

Tamid 32b - If one studies at night, the Shechinah sits across from him.

אָנן פּוֹעֲלֵי דַיָּמֵי אָנן רַב אַחָא בַר יַעֲקֹב יִזְיֵף וּפָרַע

We are daytime workers. Rav Acha bar Yakov would borrow and repay his hours of work, by studying at night.

If you study multiple times during the day or night, you do not have to recite the Bircas HaTorah more than once, as long as you have not slept.

Why is this so ? Concerning other mitzvot, i.e., tefillin or talis, once worn, the mitzvah is complete. However, the mitzvah of Torah study is a constant obligation all day long, any interruption is viewed as borrowed time, which we repay at night. Therefore, it does not need a new bracha.

The Levush - Teaches that regarding the two brachos of Bircas HaTorah, the first represents the second ½ of the bracha started yesterday. So for any 24 hour period, we are bracketed by the second part of the bracha. Once we end that bracha, we immediately restart the process with the second part of the bracha.

### 3-Eruvin65

**בְּשֵׁלֶשֶׁה דְּבָרִים אָדָם נִיכָר בְּכוּסוֹ וּבְכִיסוֹ וּבְכַעְסוֹ**

There are three things a person's character may be known by: his cup, his purse and his anger.

---

Spilling wine is a blessing.

Therefore, it is a custom to spill a little wine at Havdalah.

The order of Havdalah:

YIBANEH

YI – Yayin - wine

BA – Besamim - spices

NE - Neros - candles

H – Hammavdil - separation

## בְּשֵׁלֶשָׁה דְּבָרִים אָדָם נִיָּכָר וּבְכִיסוֹ וּבְכַעְסוֹ

There are three things a person's character may be known by: his cup, his purse and his anger (and some say by his laughter).

His koso, kiso and ka'aso.

Rashi - A person is known by the amount of liquor he consumes and how it effects his mind; by how he spends his money, on frivolities or charity; and how well he is able to control his anger.

R Chaim ben Attar - A person is aroused to anger only because of arrogance and pride (Or Ha Chaim Gen 4:5). The antidote to anger is humility.

Sifre 33:2- Scholars are recognizable by their walk, their speech and their attire (and some say, their laughter).

## בְּשֵׁלֶשֶׁה דְּבָרִים אָדָם נִיכָר וּבְכִיסוֹ וּבְבִעְסוֹ

All human characteristics can be divided into three categories, a persons relationship with Heaven, with his fellow men and with himself.

Heaven - A person prone to anger is like an idol worshipper.

Fellow men - How he deals in business and his interaction with others.

Himself - How he behaves when drunk, indicates whether he is good or bad in caring for himself.

The appearance affected by people of poor character is exposed when they are challenged to hold their liquor, hold their temper, or refrain from cutting corners at someone else's expense.

## רַב חִסְדָּא וְרַב שֵׁישֵׁשׁ

Rav Chisda and Rav Sheishes.

Rav Chisda used to find his lips quivering in awe of the erudition of Rav Sheishes in Mishnayos.

Rav Sheishes' entire body would tremble due to the depth of reasoning power of Rav Chisda.

Rav Sheishes feared he could not answer a question put to him by Rav Chisda.

Rav Chisda feared that he would not even understand the question put to him by Rav Sheishes.

Rav Chisda feared that he would not be able to follow the discussion or even recognize the answer when it was told to him.

This is how profound was Rav Chisda's and Rav Sheishes' intellect and logical minds.

## הָהוּא יְנוּקָא דְאִישְׁתַּפוּךְ חֲמִימִיה

There was a baby (who was to have a Bris on Shabbos), whose water was spilled out. The preliminaries are not docheh Shabbos, and, for example, the water must be heated up before Shabbos. However, in this case the hot water was spilled and there was no hot water with which to wash the baby.

We may ask the mother if she needs any hot water and if she answers affirmatively, a ‘nochri’, a non-Jewish person, may heat it for her.

-The first three days the mother is in a dangerous state -A Jew may be mechalel Shabbos for her.

-Day 3-7 the mother is in questionable danger.-A Jew may be mechalel Shabbos for her.

-Afterwards, we can only heat water for her through a nochri.

On the 8<sup>th</sup> day - If 7 days are full, it includes the 8<sup>th</sup>.

If it is not the 8<sup>th</sup> day – We need a nochri to heat the water.

Once we are heating the water for the mother, we can add some more for the baby.

We don't need a nochri. A Jew may heat water for the mother and also may heat more for the baby.

Once you have a ‘hitur’, permission to do something, you can do more, i.e., heat additional water to use for the baby also.

## הָהוּא יְנוּקָא דְאִישְׁתַּפּוּךְ חֲמִימִיה

There was a baby (who was to have a Bris on Shabbos), whose water was spilled out.

Once a person is permitted on Yom Tov to heat up water for tea, he can include more than he needs for a cup of tea and the extra is permitted.

If cooking on Shabbos with a hitur, i.e., for a sick person, you are not permitted to do extra. For example, a person is sick and needs 2 figs for his treatment and there is a tree with 2 figs on a branch and a branch with 3 figs. He must cut the twig that has the 2 figs, and not the twig that has 3 even though each twig only requires 1 snip. Nevertheless, he must detach only the branch with 2 figs. Only the amount you need for Shabbos is permitted, but if needed for Yom Tov, you may add to that.

,



## דַּחְמִירָא עֲלֵיהּ שַׁבַּת פְּעֻבּוּדָה זָרָה

A person who violates Shabbos publically, is like an idol worshipper.

Shabbos is a sign that God created the world.

One who denies that, denies the entire Torah, just like an idolator. Such a person shows a belief that all he has accomplished is due to his own merits, rather than through God's kindness.

However, a person who was not raised being aware of such a connotation, would not be included in this classification.

אֵלֵינוּ לֵאמֹר  
לֹא הָיָה קָדְמָנוּ

We accept sacrifices from sinners in Israel, in order to encourage them to repent.

If sinners are totally rejected, they will never improve their ways (Rashi).

Rambam Mishnah Torah - Even with the fulfillment of one mitzvah, a person merits life in the world to come.

- Stated to converts, Karaites, or Jews compelled to assume the Moslem faith (Meshumadim). They were urged to remain faithful at heart to their ancestral faith – an expression of ‘kiruv’, out-reach, to bring near.

Who is a sinner?

1. An idolater.
2. One who violates Shabbos in the marketplace, i.e., openly. He is viewed as a person who denies that God rested on the 7<sup>th</sup> day when He created the world and therefore, does not agree that God created the world. He is, consequently, like an idolator who does not believe in God.
3. A person who is suspect in one area of Jewish law is suspect in other areas.

אֱלֹמָא עֲבוּדָה זָרָה וְשֶׁבֶת כִּי הִדְרִי נִינְהוּ

“A man among you who will offer a sacrifice to HaShem” ( Leviticus 1:2).

From this we see that idolatry and the desecration of Shabbos are equivalent.

The limiting term, “among you”, is used to exclude certain Jews from offering sacrifices.

- One who makes libations of wine to an idol or violates Shabbos publically.
- One who rejects the entire Torah.
- One who is remiss in only one area of Torah law.

Sabbath violators are classified as irreligious Jews in all areas of Jewish law.

## דְּלִמָּא יוֹרֵשׁ פְּרַעֲיָה דְּאָבוּהּ הוּא

“Perhaps an inheritor (son) is considered as the leg of his father.”

What does this mean? Man is different than the angels. Man is a ‘holech’, he can move. An angel is on ‘omad’ (Zeccharia 3:7), he can only stand, which means he cannot grow spiritually. When a man dies, he is released from his obligation to perform mitzvot. He cannot increase his merits, except through those he leaves behind, i.e., his friends, students, family and his children. Those he influenced perform mitzvot in his ‘Zechus’, his merit.

In this way, the person still on earth, the inheritor, serves as the “leg” of the deceased, to make him again, a ‘holech’, a mover, and the inheritor increases the merit of the deceased in Heaven.

## וְאַסְתָּלוּקֵי רְשׁוּתָא בְּשַׁבָּת שְׁפִיר דְּמִי

May a person renounce ownership of an object on Shabbos?

B T Shabbos 120a- No, because it resembles a transaction, a Kinyon, by which ownership is conveyed from a previous owner to a new one.

Would it be permissible to make an object ‘hefker’, owned by no one, so that another person could acquire it? Perhaps this is permitted if your intention is only to divest yourself of the object, that act does not seem to resemble a transaction.

So a person should be able to renounce dominion but not to acquire dominion on Shabbos.

No, this proof is rejected. Hefker is not only a renunciation, it is a conveyance of ownership, in this case, to the entire community. Therefore, it is like a transaction and is not permitted on Shabbos.

## כֹּחַ דְּהִיתָּרָא עֲדִיף

We judge Eruvin with leniency.

We judge Eruvin with leniency because they are rules directed by the Rabbis and not from the Torah directly.

There is a power to leniency:

- When a person is willing to declare that something is permitted, it shows that he is certain about his opinion and that he is confident that what he says is definitely allowed.
- Someone who is strict might only be cautious, and due to his insecurity may reason that, “if I am is not sure., it is better to be strict and safe.”
- A person who rules leniently must bring a proof of his position and if the person who rules strictly also brings a proof , the one who rules leniently must have considered it and nonetheless, decided he may be lenient.

## בְּמִקְבְּלֵי פָּרָס שָׁנוּ

They receive ‘PRAS’, sustenance in this world.

Two brothers who “eat” at their father’s table where they receive ‘PRAS’, sustenance in this world.

In this case, a monetary stipend is received by each brother.

(Refer to Pirkei Avos 1:3) Antigonus of Socho tells us not to serve God ‘l’kabel pras’, to receive benefit, but to do so for no ulterior motive. There is no reward in this world for performing mitzvot.

There is another word for benefit and that is the word, ‘sachar’. The sachar in Olam Habbah is to be close to the Shechinah. This intent in performing one’s mitzvot brings a person to teshuvah, to ahavas HaShem and to deveikus. That benefit, sachar, is a proper benefit to motivate one to do mitzvos, but the quest for pras, is not.

## בְּעַל הַבַּיִת שֶׁהָיָה שׁוֹתֵף לְשַׁבְּנוֹ

A home owner who was a partner with his neighbor.

An eruv chatzeiros is required in order to permit carrying on Shabbos from a house in a courtyard where there are many houses owned by individuals. What occurs if all the houses are occupied by members of the same family? Or if they are business partners and share their income?

If they receive their allowance for food from their father, they are considered a single unit and no eruv is needed. The same is true for multiple wives who each live in separate housing. This is the same for slaves or servants who all rely on the head of the household for their support. This also applies to students of their Rebbe.

Family members have a bond of family between them, servants, or slaves have economic bonds of dependency between them. Students have neither, but this rule is to teach us that a Torah teacher and his students form such a strong bond that, they too, are considered a single unit and no eruv is needed between their houses.



## מָקוֹם

A place (makom patur).

A space that is smaller than 4 x 4 tefachim and more than 3 tefachim above the ground, is a makom patur.

It is permissible to bring items to or take items from a makom patur. However, it is not permissible to transfer to or from a reshus harabim to a makom patur and then to a reshus hayachid or vice versa.

It would, therefore, be forbidden to take in mail that was left by the mailman in a mailbox. This only applies in a case involving 2 Jews, but it would be permitted if the mailman was not Jewish.

## כָּל דְּבָר שֶׁהוּא מְשׁוּם שְׁבוּת

Any activity that was prohibited on the Sabbath by Rabbinical law.

Any activity that was prohibited on the Sabbath by Rabbinical law was not forbidden in the twilight period.

What foods can you use on erev Pesach for your eruv?

Only items that are accessible the entire Shabbos can be used to create a Sabbath dwelling. We recall that we may set up a Sabbath dwelling with food and then count our techum Shabbos of 2000 amos from that site. That which we use must be available all Shabbos for use, i.e., if erev Pesach falls on a Shabbos and a piece of matzo is used for an eruv, it cannot be eaten after midday. However, since it could be eaten by a child, it is permitted for use as an eruv.

You could not use chometz on that day, because after the 5<sup>th</sup> hour of the day, the chometz would be forbidden to young and old alike. Since the item used for an eruv is not available for use all of Shabbos, it cannot be used as an eruv.

## וּפְרוּסָה מֵאֵי טַעֲמָא לֵא

The bread used for an eruv must be a full loaf, a slice will not do.

The bread used for an eruv must be a full loaf, a slice will not do. Why? Because of animosity.

Each neighbor makes a contribution to the eruv. If one gives a full loaf and another only a slice, the neighbor who gave a whole loaf will feel cheated and not be willing to share. So the eruv will be invalidated and disqualified.

The word eruv means blending or combining, suggesting that its function is to bring people together. Unequal participation can defeat this objective. Therefore, the Rabbis ruled that each person must bring a full loaf.

וּפְרוּסָה מֵאֵי טַעֲמָא לֹא

The bread used for an eruv must be a full loaf, a slice will not do.

What is the reason that is not valid?

R Chisda - Suggests that if the loaf is not whole, but could be made to look as though it was whole, i.e., by pinning the parts together with toothpicks, that would be satisfactory. Because we give consideration to neighborly relations, appearances are important.

## כִּיצַד מְשַׁתְּפִין בְּתַחוּמֵיךְ

How do we establish a communal eruv techumin?

On Shabbos we may not walk more than 2000 amos (about a kilometer) beyond the community limits unless we make an eruv within that distance and then we may walk 2000 amos from that eruv. The eruv is made by placing food for two meals at that site.

How much food is required to make a proper eruv?

R Meir - Enough food for two weekday meals.

R Yehudah - Enough food for two Shabbos meals.

On Shabbos the food tastes better, so we may eat more. To be lenient, R Meir chooses the amount eaten on weekdays.

On Shabbos we eat three meals, so each will be smaller than our weekday meals.

So to be lenient, R Yehudah chooses the amount eaten at Shabbos meals.

R Yosef follows R Meir since it is said, “The stomach expands to accept tasty food”.

## כָּל שְׁנִיעוֹר וְאִינוּ קוֹרֵא אִמָּא

Whoever awakens and does not call out for his mother.

In child custody conflicts, we assume the child is best served by being in the custody of the parent of the same gender.

For example:

Only the father could teach the son a trade or Torah.

Only a mother could teach a daughter household skills.

Today that presumption needs to be questioned. However, that opinion does not enter into consideration until the child no longer needs its mother.

When is that?

1. When he/she can go to the bathroom on their own.
2. When he/she no longer calls out “mother” (line 40), when she/he wakes up, i.e. age 4, 5.

A parent’s right to have custody of a child applies only when the welfare of the child will be served by that arrangement.

## בְּנוֹמְתָא וְסוּדְרָא

Perhaps the public uses the roof for their hats and scarves?

In a discussion as to whether a relatively low roof, that is used by the public passing through a reshus harabim, becomes, by their use, part of the reshus harabim or does it retain its private reshus hayachid status. If the roof is considered a reshus harabim, the owner could not carry from his apartment to his roof or back in again.

In what way does the public, who pass the reshus harabim, “use” this roof?  
They place their headgear on it to cool themselves in the summer.

Can they walk without their hat?

-Bechor Shor - Not more than 4 amos.

-Other authorities – To wear a head covering is merely a trait of the pious, ‘midos mitzvahs chassidim’

-Teshuvos Shevas Yaakov - Even in the Bais HaMikdash, there was no prohibition regarding going bareheaded.

-Teshuvos Maharshal - No prohibition to read the Shema or to daven bareheaded.

## מָקוּם לְבֵן מֵאָה מָנָה

Choose the one with a hundred dollars.

Rebbe had a policy of honoring the wealthy man more than the poor man.

A rich person would have a better seat in shul and at the table. Why?

The more material holdings a person has, the greater are his trials and tests and distractions. If such a person remains true to Torah values, he is surely to be commended.

The fact is, that a poor man also has trials and tribulations. Who can say which man is under greater burdens?

However, in addition to each having burdens, the rich man can and usually does, do good deeds, i.e., support Talmidei Chachamim, and therefore, the wealthy are to be treated preferentially.

In addition, Rebbe and R Akiva were very wealthy. They did not want to gain any benefit for their Torah knowledge. Rebbe and R Akiva showed, by their example of honoring wealthy people, that if they were honored, it could be for their wealth and not as a benefit from their Torah knowledge.



## צְבוּר בַּגְּדוּלָה וְשְׁלִיחַ צְבוּר בְּקִטְנָה

The congregation stands in the big room and the cantor, in the small room.

A cantor represents the people. Where he stands does not create the site of a congregation. Only where the people stand creates the site of a congregation.

A small room can be viewed as an anteroom of an attached large room, but a large room is not an anteroom of a small room – it is not in the small room's domain.

Consider the following:

-If nine people are in the small room and a tenth man is in the large room, there is no minyon. If nine people are in the large room and the tenth is in the small room, we do have a minyon.

-If the cantor is in the large room, the people in small room are yotzeh (they fulfill their obligation). If the cantor is in the small room and congregation in the large, they are not yotzeh.

If a woman is sitting in small room and her get (document of divorce) was delivered into the adjacent large room, the get is not considered to be delivered to her. (Some say visual contact creates sufficient connection.) If the woman is sitting in large room, her get is considered as delivered to her.

## הַמוֹצֵא תְּפִילִין

If one finds Tefillin.

What to do if you find Tefillin on Shabbos in a place where you are not allowed to carry and the Tefillin are in danger of being destroyed (eaten by dogs) or desecrated by being found by those who might not respect them.

Rashi - He should put them on as he would to perform the mitzvah of Tefillin and walk to a safe shelter in the city, remove them and repeat the procedure until he has secured all the Tefillin.

-Some say that a person is obligated to don the Tefillin on Shabbos.

-Some say that one is not permitted to wear Tefillin in a reshus harabim, but relaxed the restriction here, to save the Tefillin.

In what circumstance do we permit Tefillin to be transported this way?

If there are too many Tefillin to make safe trips multiple times, he must stay with the Tefillin until dark and then bring them to safety.

## לְעָבוֹר מִשּׁוּם בַּל תּוֹסִיף קְמִיפְלָנִי

They argue over whether one transgresses the prohibition of “baal tosef”,  
don't add.

R Yehudah-A blind man is not obligated in mitzvot by the Torah.

If he, nonetheless, performs them, is he “adding to the mitzvot” which is prohibited.

Kiddushin 31a - Although he is exempt, he may say a blessing on any mitzvah he performs.

Tosophos - Tells us that though he is exempt by the Torah, he is obligated in mitzvot by Rabbinic law and can say ‘v'tzivanu’ and “He commanded us”, on that authority.

Women have other laws to which they are obligated, which differentiate them from non-Jews.

The blind person would be virtually indistinguishable from non-Jews because of their total exemption. That is why the Rabbis obligated them in mitzvot.

אַלֵּא מְחֻוֹרְתָא כְּדִשְׁנִינָן מֵעִיקְרָא

The correct interpretation is as it was originally taught.

Rambam (Hil Tefillin 1.0) - The mitzvah of Tefillin is not in effect at night or on Shabbos.

If you are saving Tefillin which were lost in a dangerous place on Shabbos, you may wear only one set as is done during the week. If you wear two sets it is considered carrying and you are also guilty of ‘baal tosef’ – adding to the mitzvah improperly.

Tefillin are not prohibited to be worn on Shabbos. Rambam and R Akiva agree they are merely not necessary since we don't need another ‘sign’ in addition to Shabbos. Therefore, the prohibition of ‘baal tosef’ is in effect and to be saved on Shabbos, only one pair of Tefillin may be worn at a time,

יְכוּל יְנִיחַ אָדָם תְּפִילִין בְּשַׁבָּתוֹת וְיוֹמֵי טוֹבִים

He should put on his Tefillin on Shabbos and Yom Tov.

A person, who is lost in a desert and loses track of which day it is, should count seven days and consider that day as Shabbos. He should also put on Tefillin on that day, as on all days. Shabbos is a sign, but since Shabbos in a desert may still require that he do some work to subsist, the sign is not very distinct. He should therefore, also use the additional sign of Tefillin.

## מִיכַל בַּת בּוּשֵׁי הַיְתָה מְנַחֶת תְּפִילִין

Michal, the daughter of Cussi, wore Tefillin.

A woman is exempt from time bound mitzvot such as Tefillin, but may do so voluntarily. Is it proper for her to make the bracha, ‘blessed art thou ... who commanded’; when in fact she was not commanded?

Rabbienu Tam - She may do so. King Saul’s daughter put on Tefillin, and made the blessing, so it must be acceptable.

Rambam - Bais Yosef - Women should not make the blessing.

Rama - Agrees with Rabbienu Tam, that women should make the blessing.  
(Shulchan Aruch Orach Chaim 589:6)

This accounts for the varied customs on this topic. However, all agree that we should discourage women from performing the mitzvah of Tefillin.

וּמַר סֵבֵר נוֹתֵן לְחֵבִירוֹ עֲדִיף

And one says, giving it to his friend is preferable.

How should one transport a valuable item that will not be safe where it is found on Shabbos?

For example, a pair of Tefillin?

Rambam (Hil Shabbos 19:10 ) - One person should carry it using small steps, less than four amos, at a time.

R Yehuda - Multiple persons, handing off the Tefillin every four amos (a continuous line of people or the same two, taking turns) is acceptable.

## חוץ לְדִ' הוּפְכוּ עַל הַכְּתָב

If it fell more than four amos, he should turn it over on its written side.

**Shulchan Aruch** - A scribe who has written a scroll for a Sefer Torah must allow it to dry. However, it is recommended that he not turn it upside down even if he is doing so to protect it from dust, because this is degrading to the scroll. Rather, he should leave the scroll right side up and cover it with a cloth.

**Shach** - Writes that the Bach advises that no sefer (religious book), be left open and uncovered if you leave a room.



## אין מזרקין בתבי הקודש

It is prohibited to throw holy books.

It is prohibited to throw holy books or to place them on a bench where people sit, unless the books are raised up higher than a tefach from the sitting surface.

Holy books should be handed directly from one person to another and never thrown.

One should not use other seforim to prop up the book from which he is learning or use the sefer to hold open the page, as a book mark.

One may place papers with Torah notes in his sefer.

May we send a Sefer Torah in the mail where it may be tossed about by the mail personnel? Yes, if it is properly wrapped in a package.

## הַשְּׂתִינַן וְרָק חֵיב חֲטָאת

One who expectorates (from one domain to another) is required to bring a chatas offering.

Spitting from your house onto a street is a violation of Shabbos. It is considered transferring from a private domain to a public domain.

However, to be considered a Sabbath violation, the transferred object must be removed from a surface 4 x 4 tefachim square and land in a similar sized site. That is not the case when one transfers saliva from his mouth.

A new concept is learned. A person's intention can endow a surface smaller than four tefachim with the status of a large surface.

Therefore, such an act would be considered a Sabbath violation, especially if he had a definite preference for doing what he did.

אֵילָמָּלָא לֹא נִיתְּנָה תּוֹרָה הַיֵּינוּ לְמִידִין

Had the Torah not been given, we would have learned about forbidden intercourse from the dove.

Sanhedrin 108a - Noah's flood occurred because "all flesh had corrupted its way upon the earth" (Gen 6:12), with unbridled promiscuity. The dove is a paragon of chastity among birds and the olive tree of all trees cannot be grafted to create a hybrid.

R Louis I Rabinowitz quoting R Joseph Sherashevsky of Slonim - The combination of the dove and the olive branch illustrated to Noah that not only had the flood waters receded, but the cause, the perversion of nature, had also been corrected.

# אֵילָמָּלָא לֹא נִיתְּנָה תּוֹרָה הַיֵּינוּ לְמִידִין

R Yochanan - Had the Torah not been given to us, we could have learned ethical behavior from the animals.

Cat - Can teach us cleanliness.

Ant - We learn respect for other people's property. If an ant drops a kernel of wheat, other ants will smell it but not move it or take it.

Dove - Teaches the avoidance of adultery.

Rooster - Teaches proper marital relations.

These animals are endowed with these characteristics by HaShem, in order to teach human beings the correct way to act. They serve as educators for mankind.

## וְגִזַּל מִנְמְלָה

Had the Torah not instructed us, we would have learned not to steal from the ant.

The ant stores kernels of grain all summer, so it has food for winter, and no other ant takes any grain stored by any other ant.

If an ant carries a grain kernel and drops it, no other ant will pick it up and take it. The original ant can come back later and take it for storage. We can learn not to steal from the natural behavior of the ant.

## וְכֵן חֲבִיתָא

And the same applies to a barrel.

May we use an umbrella on Shabbos?

Rambam (Hil Shabbos 22:29) - Various canopies are prohibited if they are designed to protect the space beneath it, because this resembles the Malachah of “boneh”, building.

Noda b’Yehuda and Chasam Sofer - Opening an umbrella on the Sabbath is prohibited.

טוֹבִים כְּחֵדֶק׃

The righteous are as thorns.

This phrase refers to the righteous as thorns, but also refers to them as better than a shelter. Can it be that the righteous are no better than thorns which irritate people and eventually are burned and destroyed?

R Yehoshua ben Chananya - Just as thorns protect a breach in a wall, so too, the righteous protect the rest of the nation and inflict pain on those who dare to attempt to penetrate through their protective barrier to do what is not proper.

# לֹא אָסְרוּ אֶלָּא קוֹל שִׁיר

The only prohibition is the voice of a song.

Ulla - Creating any noise is prohibited on Shabbos.

Rabbeinu Chananel agrees and told a story of R. Rila'uh, who slept outside all night, so as not to knock on his door on Shabbos and disturb those inside.

Rif, Rambam (Hil Shabbos 23:4) and Rabbah agree that the only sounds that are disallowed are those which create a series of sounds which are discernable as a song. Making banging or knocking sounds are allowed.

Tur - Only a noise that is needed is prohibited, such as when a person knocks on a door to get another's attention, however, noise of no significance is not prohibited.

Tax - Discusses bells placed on the Sefrei Torah. Since the bells are used to call attention to the proximity of the Torah, they are to be prohibited.

Mishnah Berura - If it is the community custom, it is acceptable, however, it is better if the Sefer Torah has no bells.



## הַכֹּהֵן נִכְנָסִין בְּהִיכָל לְבָנוֹת לְתִקּוֹן וּלְהוֹצִיא אֶת הַטּוֹמְאָה

Workmen were permitted to enter the Holy of Holies to build, provide repairs and remove tumah.

Gold plated panels were on the walls. The workman entered the area via an opening in the roof, in a special box which enclosed them. Once in position, they would open a window in the box, and do their work.

Rambam - (commentary on the Mishnah) - We prefer that the workman be in the descending order of the following categories: A kosher Kohen, Levi, Yisroel, tahor, tamei, unblemished, blemished. If absolutely necessary, the person chosen to do the work, could actually enter through the doorway. Activities in the Bais HaMikdash were permitted that would otherwise be forbidden on Shabbos, while it was being built. The level of kedushah is greater once it was completed and such labors were then prohibited.