



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

HIGHLIGHTS

1. One may not go into the public domain on *Shabbos* wearing only one shoe, unless he has a wound on one foot. Rav Huna says the shoe that he may wear goes on the wounded foot. Chiya bar Rav says it goes on the unwounded foot. Rebbe Yochanan's opinion is unclear.
2. Rabbi Yochanan says that one should put on his left shoe first. A *braisa* said that one should put on his right shoe first. Rav Yosef said that either method is acceptable. Rav Nachman bar Yitzchok says one should put on the right shoe first, but tie the left shoe before the right. Rav Kahana was not particular about this. A *braisa* stated that one should wash and anoint the right side of one's body first; the left shoe should be removed first. The head should be anointed before the rest of the body.
3. The *Mishna* said that one may not go out on *Shabbos* with *tefillin*. Rav Safra said this is true even according to the opinion that *tefillin* should be worn on *Shabbos*. Another version is that Rav Safra said that even according to the opinion that one does not wear *tefillin* on *Shabbos*, one is nevertheless not required to bring a *korban chatas* if he went into the public domain with them.
4. The *Mishna* said that one may not go out on *Shabbos* with an unproven *kamea*. Rav Pappa said that one may go out with a *kamea* even if only the doctor who wrote the *kamea* is proven, but the specific *kamea* itself is not. A *braisa* stated that a

kamea is proven if it is used successfully three times, regardless of whether the *kamea* contains writing or herbs, or whether the patient is dangerously ill or only slightly ill. One may wear a *kamea* on *Shabbos* even as a prophylactic, to prevent an illness that he is prone to, but he may not go out with it inside a ring or bracelet. A doctor is proven effective if he used three different *kemeas* successfully. Rav Pappa asked whether a doctor who uses three different *kemeas* successfully on a single patient can be considered proven. The matter is left unresolved.

5. A *kamea* may not be brought into an unenclosed courtyard on *Shabbos* to save it from a fire. If it contains holy formulae, they must be properly buried. The *Gemora* asks whether it may be brought into a bathroom, and the final decision seems to be that it may not. If it is covered with leather, it may certainly be brought in.

COMMENTARY

1. The *Mishna* had said that one may not go out on *Shabbos* wearing only one shoe unless he has a wound on one foot. Rashi explained that this is either because it appears as if he is carrying the other shoe, or because there is concern that if people mock him, he might remove the single shoe and carry it. The *Gemora* asks which shoe one may wear if one foot has a wound. Rav Huna explains that the shoe was worn to protect the wound, and that the wounded foot is thus the one that the shoe

goes on. Chiya bar Rav explained that the wounded foot would hurt if the person wore a shoe on it. The shoe goes on the healthy foot. Rabbi Yochanan's opinion is unclear.

2. Rabbi Yochanan said that one should put his left shoe on first, as one favors the left hand when putting on *tefillin*. The *Gemora* cites a *braisa*, however, that rules that the right shoe should be put on first. Rav Yosef thus rules that either method is acceptable, but Abaye questions this approach. Perhaps Rabbi Yochanan didn't know of the *braisa* that contradicted him, or perhaps he ruled against it? Thus, Rav Nachman bar Yitzchok rules that a G-d-fearing person will fulfill both opinions, by putting on his right shoe, then his left, but tying the left shoe first. Thus, he has given precedence to both sides. Rav Ashi points out that Rav Kahana was not particular about this. A *braisa* states that the right shoe should be put on first, but the left should be removed first. Furthermore, the right side of the body should be washed and anointed first. If the entire body is being anointed, one should start with the head.
3. The *Mishna* said that one may not go out on *Shabbos* with *tefillin*. There is a debate whether one should wear *tefillin* on *Shabbos* or not, and Rav Safra commented on this debate as it regards our *Mishna*. One tradition is that he stated that the prohibition of going into the public domain on *Shabbos* while wearing *tefillin* applies even according to the opinion that says one should wear *tefillin* on *Shabbos*, since there is concern that one might take them off to go to the bathroom and end up carrying them. Another version of Rav Safra's comment is that the end of the *Mishna*, which says that one is not required to bring a *korban chatas* if one *does* go out with *tefillin*, applies even according to the opinion that one does not wear *tefillin* on *Shabbos*. Although there is no *halachic* reason to wear them on *Shabbos*, *tefillin* are nevertheless considered a type of clothing, and it is thus not considered carrying to wear them in the public

domain. (*The prohibition is only rabbinic, for the reason mentioned above.*)

4. The *Mishna* said that one may not go out on *Shabbos* with an unproven *kamea*. A *kamea* is an amulet containing either herbs or Kabbalistic formulae, used to heal an illness or otherwise bring success. In discussing the definition of a proven or unproven *kamea* the *Gemora* makes a distinction between a *kamea* issued by a doctor whose *kameas* have worked in the past, and a particular *kamea* whose effectiveness is proven. Rav Pappa explains that even if the particular *kamea* under discussion is unproven, if the doctor who issues it is proven, then one may consider it proven and go out with it on *Shabbos*. Tosafos adds that the same holds true if only the *kamea*, but not the doctor, is proven.

In discussing how a *kamea* can be considered proven, the *Gemora* cites two *braisos*, one of which says that a *kamea* is proven effective after it has healed three times. The wording of the *braisa* implies that it refers to a single patient. The other *braisa*, however, clearly requires three separate patients to be healed.

To explain this contradiction, the *Gemora* explains that the first *braisa* refers to proving the effectiveness of the *kamea*, while the second refers to proving the effectiveness of the doctor. Thus, in the first case, the *braisa* refers to a single patient, since this indicates that a single illness is being treated several times. Thus, to prove the effectiveness of a *kamea*, the same type of *kamea* must be used to heal the same illness three times (*whether or not the patient is the same is irrelevant*).

When proving the effectiveness of a doctor who issues *kameas*, however, the doctor must issue three different *kameas* for different illnesses. Thus, the example of three separate patients is given.

The first *braisa* also adds a few other details: the laws of *kameas* are the same for herbal poultices and Kabbalistic formulae, and it is irrelevant whether the patient's illness



was serious or mild. Furthermore, a poultice may be worn in public even for prophylactic reasons, to prevent an illness rather than cure it, so long as the illness one is trying to prevent runs in the family (Rashi).

One may not, however, wear the *kemea* in a bracelet or ring, since it then appears to be an adornment. (See *Rashi*, who implies that this rule refers to a prophylactic *kemea*.)

Rav Pappa is uncertain whether a doctor who issues three different *kemeas*, treating three different illnesses, to the same person, is considered proven effective. The reason he is unsure is because he wonders if, perhaps, it is the *mazel*¹ of the patient that causes the *kemeas* to be effective.

5. The *Gemora* asks if *kemeas* are considered holy or not. However, the *Gemora* points out that this question is not relevant regarding whether or not one may rescue *kemeas* from a fire on *Shabbos* by taking them into a courtyard without an *eiruv*. A *braisa* says clearly that both the texts of *brachos* and *kemeas* are not saved on *Shabbos*. The question is also not relevant to whether or not they require proper burial like other works of Torah, for another *braisa* states that holy words written on vessels or on a bed should be buried, and the same would presumably apply to *kemeas*. Rather, the *Gemora* asks if one may take a *kemea* into the bathroom. At first, the *Gemora* seeks to prove that one may take them into the bathroom, since one may wear them in the public domain on *Shabbos* (if they have been proven effective). If one would not be allowed to carry it into the bathroom, there would be a concern, as there is with *tefillin*, that one would remove the *kemea* to go to the bathroom, and end up carrying it. In the end, however, the *Gemora* concludes that the *kemeas* under discussion in the *Mishna* are covered with leather, implying that uncovered *kemeas* may not be taken into the bathroom, and thus may not be worn on *Shabbos*. (60b – 61b)

¹ I.e. the angel protecting this patient was more capable of utilizing the power of *kemeas* than a normal person.

INSIGHTS TO THE DAF

Which Shoe First?

Rabbi Yochanan said that one should put his left shoe on before his right shoe, but the *Gemora* cited a *braisa* that states clearly that the right shoe should be put on first. Rav Yosef therefore states that either method is acceptable.

Tosafos wonders why Rabbi Yochanan's opinion should hold merit in the face of a *braisa*, and explains that Rav Yosef understands Rabbi Yochanan to interpret the *braisa* as *one possibility* in putting on shoes. That is, the *braisa* says that one option is that one should put the right shoe on first, and Rabbi Yochanan explained the other option. Thus, Rav Yosef explains that however one puts on his shoes is acceptable. However, Tosafos points out that Rabbi Yochanan does not seem to hold this view, since, when he was handed a right shoe before a left one, he refused to put it on, implying that one may never put the right shoe on first.

Tosafos answers that either method is acceptable, but one must be consistent in his choice. Thus, Rabbi Yochanan could not put on the right shoe first, even though the method in general is acceptable. Rav Yosef was thus offering an explanation of how Rabbi Yochanan's statement did not contradict the *braisa*. Abaya therefore asked how Rav Yosef knew his interpretation was correct. Perhaps Rabbi Yochanan didn't hear this *braisa*, and would have changed his mind if he had?² Perhaps Rabbi Yochanan ruled against that *braisa*?³ Rav Nachman bar Yitzchak thus ruled that one should follow both opinions: put on the right shoe first, but tie the left first.

² It is axiomatic that although the Amoraim knew all the *Mishna*, they did not necessarily know every *baraisa*, since the *baraisos* were not an organized body well-known in its entirety, but rather a loose collection of statements that had been handed down over the ages.

³ If so, we may presume that he had another Tannaic statement to rely on, though the *Gemora* doesn't elaborate on where this statement is.



Rivah, in Tosafos, explains that Rabbi Yochanan's preference for the left first comes from the *mitzvah* of *tefillin*. Since the *mitzvah* is in tying the *tefillin*, there is no advantage to the left shoe except in tying it. Thus, by putting the right shoe on first, but tying the left first, one really does fulfill both opinions.

Amulets

Rav Pappa is unsure whether a doctor who prescribes three different *kemeas*, for three different illnesses, but for the same patient, is considered a proven doctor or not.

Rashi and Tosafos both ask that the first *braisa* cited earlier was of a doctor who healed the same illness three times, in the same patient, using the same *kemea*, and the *braisa* stated that the *kemea* is considered effective – even though it was used for the same person each time.

Rashi answers that since the *braisa* dealt with a case where the same *kemea* was used each time, it is more likely that the *kemea* was responsible for healing the patient than any *mazel* of the patient. Here, however, where the patient was healed of three successive illnesses, and the issue is clearly dependent on either the doctor or the patient, there is no reason to assume that the doctor's powers are more effective than the patient's *mazel*.

Wearing Tefillin on Shabbos

By: Meoros HaDaf HaYomi

The *Gemora* cites a *machlokes* whether *Shabbos* is a time for wearing *tefillin*. As we all know, the accepted custom is not to wear *tefillin* on *Shabbos*. However, what is not clear is whether it is simply unnecessary to wear *tefillin* on *Shabbos*, or actually forbidden to do so.

Elsewhere the *Gemora* cites two *drashos* to explain why *tefillin* are not worn on *Shabbos* (Eruvin 96a; Menachos 36b). One *drashah* is from the *possuk*, "They shall be for you as a sign upon your arm," (Shemos 13:9). The *Gemora*

explains that *tefillin* must be worn as a sign on weekdays, but *Shabbos* is itself a sign, and therefore *tefillin* are not worn. (The Maharsha explains that according to all opinions, this is the primary *drashah*. See Aruch Hashulchan 30:3).

The Rishonim (Smag, positive commandment 3; Rabbeinu Bachaye, parshas Lech Lecha) add that on weekdays, we have two "witnesses" who testify that we are servants of Hashem: *bris milah*, the sign of the covenant that Hashem made with us; and *tefillin*, the sign of our servitude to Hashem. *Shabbos* is also a sign of the union of Hashem and the Jewish people, as the *possuk* says, "It is a sign between Me and you," (Shemos 31:13). Therefore, there is no need to wear *tefillin* on *Shabbos*.

Need an uncircumcised Jew wear *tefillin* on *Shabbos*? The Terumas HaDeshen (Teshuvos II, 108, cited in Birkei Yosef 31) asks according to this, if an uncircumcised Jew must wear *tefillin* on *Shabbos*. The halacha states that if two brothers die as a result of *bris milah*, God forbid, it is forbidden to circumcise the third. On a regular weekday, such a person has only one "witness," that of *tefillin*. On *Shabbos*, he has a singular opportunity to acquire two: *Shabbos* and *tefillin*.

The Terumas HaDeshen rejects this reasoning, explaining that the Smag drew the metaphor of two witnesses as *aggadah*. He never intended it to be the basis for halachic conclusions. Therefore, an uncircumcised Jew is also exempt from *tefillin* on *Shabbos*.

The Radvaz (Teshuvos 2334) adds that even according to the metaphor of the two witnesses, an uncircumcised Jew is exempt from *tefillin* on *Shabbos*. The *Gemora* (Nedarim 31b) states that if a person makes a *neder* (oath) not to let the uncircumcised benefit from his possessions, he is forbidden to benefit a gentile but he may benefit an uncircumcised Jew. The very *mitzvah* to perform the *bris milah*, even if one is unable to perform it, is a sign of the covenant between Hashem and the Jewish people. Interestingly, the Rokeach (30, cited in Aruch HaShulchan) explains that *bris milah* alone is an insufficient sign, since it testifies only to the covenant Hashem forged with us. *Tefillin* testify also to



yetzias Mitzraim, as does *Shabbos*. Therefore, the sign of *Shabbos* can take the place of *tefillin*.

With this, we return to investigate the prohibition against wearing *tefillin* on *Shabbos*.

The Shulchan Aruch's ruling based on the Zohar: The Shulchan Aruch (O.C. 31:1) rules quite clearly that it is forbidden to wear *tefillin* on *Shabbos*. "*Shabbos* is itself a sign," he explains. "By wearing a different sign, one denigrates the sign of *Shabbos*." The Vilna Gaon (*ibid*) points out that there is no source for this ruling in the Rambam or Tur. Rather, the Shulchan Aruch draws this ruling from the Midrash Ne'elam, the Zohar's commentary on Shir HaShirim, which is cited at length in the Beis Yosef. It is interesting to note that this is one of the several halachos that the Shulchan Aruch draws from the Zohar, rather than from the Shas.

Wearing *tefillin* on *Shabbos* is a violation of *bal tosif*: According to the Shulchan Aruch's explanation, wearing *tefillin* on *Shabbos* is not a Torah prohibition (see Aruch HaShulchan; Levush, *ibid*). However, the Magen Avraham (*ibid*) adds in the name of the Rashba that wearing *tefillin* on *Shabbos* is a violation of *bal tosif*, the prohibition against adding to the mitzvos.

The Magen Avraham adds that this applies only if a person wears *tefillin* with the intention to fulfill a *mitzvah*. If he puts them on without this intention, he is exempt from the Rashba's reason of *bal tosif* (see Eruvin 96a). He is also exempt from the Shulchan Aruch's reason of denigrating the sign of *Shabbos*, since he does not intend to wear *tefillin* as a sign. Nevertheless, the Mishna Berurah (s.k. 5) rules that wearing *tefillin* publicly, even without intent to fulfill the *mitzvah*, is an *issur derabanan* of *maris ayin* (doing something that appears to be forbidden).

We conclude with a very pertinent halachic consequence of our discussion:

Are *tefillin* *muktzah*? The Acharonim debate whether *tefillin* are *muktzah*, since it is forbidden to wear them on *Shabbos*

(See O.C. 308:4). The Biur Halacha writes that since it is permitted to wear *tefillin* without intent of fulfilling a *mitzvah*, they are not considered *kli she'melachto l'issur* (utensils of forbidden usage), and therefore are not *muktzah*. In cases of necessity, one may rely on this reasoning. [In considering this ruling, the question arises that even though there is a permitted usage for *tefillin*, the primary usage is certainly the forbidden one, of using it with intention to fulfill a *mitzvah*. The primary forbidden usage should classify *tefillin* as *kli she'melachto l'issur*].