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Chagigah Daf 2

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Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

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## **Mishna**

[Our Mishna delineates who is obligated to make the pilgrimage to Yerushalayim on the three festivals. It is written: Three times a year all your males shall appear before the Master, Hashem. Our Mishna elaborates on this verse. Maseches Chagigah discusses the mitzvah of re’iyah observed on the three regalim – Pesach, Shavuos and Sukkos. Precisely what the Mishna is referring to by ‘re’iyah’ - whether it simply means appearing in the courtyard of the Beis HaMikdash or offering the korban olah, is the subject of debate amongst the Rishonim.]

All are obligated in the mitzvah of appearance (appearing in the Beis Hamikdash during the festivals, and once there, he offers special sacrifices) except for a deaf-mute, a deranged person, a minor, a tumtum (a person who has a thick membrane covering his genitals, and therefore his gender is not known), an androgynous (a hermaphrodite – one that has both male and female genitals), women and slaves who have not been freed; the lame, blind, sick, the elderly and one who is unable to ascend by foot.

The Mishna asks: Who is regarded as a minor (that is exempt from this mitzvah)? It is anyone who cannot ride on his father’s shoulders and ascend from Yerushalayim to the Temple Mount; these are the

words of Beis Shammai. Beis Hillel, however, say: Whoever is unable to hold their father’s hand and ascend from Yerushalayim to the Temple Mount; for it is written: three pilgrimages (*regalim*; which means ‘feet’ as well).

Beis Shammai says: The *re’iyah* (the olah offering which is brought) must be worth at least two silver ma’os, and the chagigah (which is a shelamim sacrifice) must be worth at least one silver ma’ah. Beis Hillel, however, say: The *re’iyah* must be worth at least one silver ma’ah, and the chagigah must be worth at least two silver ma’os. (2a)

## **‘All’ is Coming to Include ....**

The *Gemora* asks: What does the *Mishna* mean to include when it says ‘all’ are obligated in the mitzvah of appearance?

The *Gemora* answers: It is meant to include one who is half-slave and half-freeman (*one who was owned by two masters and one of them frees him*).

The *Gemora* notes that according, however, to Ravina, who holds that one who is a half-slave and half-freeman is exempt from the obligation to appear, the word ‘all’ is meant to include one who was lame on the first day of the festival (*and*

*therefore exempt from this mitzvah*) and became healthy again on the second day (*he is obligated in the mitzvah then*).

The *Gemora* asks: That would be correct according to the opinion that every day of the festival is regarded as a substitute for each other (*the obligation is to bring the sacrifices on the first day; if he is unable to bring it then, there is an independent obligation on the next day*). But according to the opinion that they all regarded as a substitute for the first day (*the other days are opportunities to make reparation for the fact that the korban wasn't offered on the designated day*) what will 'all' come to include?

The *Gemora* answers: It will come to include a person who is blind in one of his eyes.

The *Gemora* notes that this answer is not in accordance with the following *Tanna*, for it was taught in a *braisa*: Yochanan ben Dahavai said in the name of Rabbi Yehudah ben Teima: A person who is blind in one eye is exempt from the *mitzvah* of *re'iyah*. The Torah writes: *All men shall see Hashem (during the pilgrimage festival)*; these words are pronounced: *All men shall be seen by Hashem*. This teaches us: The same manner that Hashem comes to see (*the pronounced form*) the people who come to the Beis Hamikdash with His two eyes, so too, He comes to be seen (*the written form*) by the people with their two eyes.

Alternatively, the expression 'all' is meant to include one who is a half-slave and half-freeman, and as to the difficulty with Ravina's opinion, this is not difficult at all, for the ruling that he is exempt is in

accordance with the initial ruling (*of Beis Hillel*), whereas our ruling (*that he is obligated*) is in accordance with the later ruling, for it was taught in a *Mishna*: Someone who is half-slave and half-free man (*he was owned by two partners, and one of them emancipated him*), he serves his master for one day and then is free for one day (*and so on*); these are the words of Beis Hillel. Beis Shammai, however, says: You have created a solution for the master (*for he does not lose out through this division*), but you have not solved anything for the slave. He may not marry a slavewoman, for he is half-free. He cannot marry a free woman for he is half-slave. You cannot say that such a person should refrain from marrying, for the world was created for the purpose of propagation, as it is written: *He did not create it to be desolate; He formed it to be inhabited*. Rather, to benefit the public (*this slave*), we force his master to make him a free man, and the slave writes a document for his value (*that he owes the master the rest of his value*). Beis Hillel later retracted and ruled in accordance with Beis Shammai. (2a – 2b)

### ***Cheiresh – Deaf-mute***

The *Mishna* had stated: All are obligated in the *mitzvah* of appearance except for a deaf-mute, a deranged person and a minor.

The *Gemora* notes: The *Mishna* taught the halachah regarding a *cheiresh* (deaf-mute) who is similar to a deranged person and a minor. Just as a deranged person and a minor are not mentally competent, so too the *cheiresh* is not mentally competent. So the *Mishna* is teaching us that which was taught in a different *Mishna*: The *cheiresh* of which the Sages

... speak about in all places (that he is one who is declared to be mentally incompetent) is referring to one who cannot speak and cannot hear; but one who has the capacity to speak but cannot hear, or one who hears but cannot speak, would be obligated (in this mitzvah of appearing (in the Beis HaMikdash during the festivals).

This, the Gemora notes, corroborates that which was taught in a braisa: One who can speak but cannot hear is called a *cheiresh*, and one who can hear but cannot speak is called an *illeim*, and both are considered to be in possession of their faculties for all purposes.

The Gemora asks: And from where is it known that one who can speak but cannot hear is called a *cheiresh*, and one who can hear but cannot speak is called an *illeim*?

The Gemora answers: It is because it is written: But I am like a deaf man (*cheiresh*), I do not hear, and like a mute (*illeim*) who doesn't open his mouth. Alternatively, it (the word 'illeim' is an acronym) is as people say: His speech was removed from him.

## INSIGHTS TO THE DAF

### ***Freeing a Partial Slave***

The *Mishna* had stated: Someone who is half-slave and half-free man (*he was owned by two partners, and one of them emancipated him*), he works for his master one day and for himself one day; these are the words of Beis Hillel. Beis Shamai, however, says: You have created a solution for the master (for he

does not lose out through this division), but you have not solved anything for the slave. He may not marry a slavewoman, for he is half-free. He cannot marry a free woman for he is half-slave. If you will say that such a person should refrain from marrying, that cannot be, for the world was created for the purpose of propagation, as it is written: *He did not create it to be desolate; He formed it to be inhabited*. Rather, to benefit the public (*this slave*), we force his master to make him a free man, and the slave writes a document for his value. Beis Hillel later retracted and ruled in accordance with Beis Shamai.

The commentators ask: How can we force the master to free the slave? Isn't there a prohibition against emancipating a slave?

The Kli Chemdah answers this question based upon the Avudraham, who says that a woman is exempt from *mitzvos* which have a time element to them, because she is pledged to her husband at these times. So too, it can be said with respect to a half-slave half-free man. Since he is partially a free man, he is obligated to observe all the *mitzvos*. Therefore, at the times where he is responsible to serve his master, he cannot do so completely, for he is obligated in *mitzvos*. Consequently, the master will anyway not be able to fulfill the *mitzvah* of working the slave forever; therefore, there is no prohibition against freeing him.

### ***Half Slave and Half Free***

The *braisa* states: If someone is half slave and half free-man (*he was jointly owned by two men, and one of them set him free*), he serves his master for one

day and then is free for one day (*and so on*). Beis Shammai says: You have fixed the problem for his master, but you have not solved his own problem. He cannot marry a Canaanite slavewoman (*as his free side is a freeman, who is forbidden to marry a slavewoman*) and he cannot marry a regular Jewish girl (*who cannot be with his slave half*)! Should he simply not marry? The world was created to be populated, as the verse says: *The world was not created by G-d to be empty; it was created to be populated!* Rather, we force his master to free his other half as well, and we have the slave write for the master a document stating that he owes the master the rest of his value. Beis Hillel retracted their opinion, and agreed with Beis Shammai.

The Sfas Emes discusses the verdict regarding a half-slave and half free person that he must go free, and the slave writes a document to the remaining partner for half of his value. This is because the slave has no money. Essentially, by the first partner's freeing his half, the second partner lost his slave as well, as the law is that he must set him free. Can the second partner demand that the first partner should take the bond from the slave, while the first partner should pay him the monetary equivalent?

The Sfas Emes concludes that being that the damage is not direct, as it is only a consequence of the first person's action, *Beis Din* will not force the first owner to pay the second owner. [*However, it should be noted that usually indirect damage makes a person liable to pay according to "Heavenly law (meaning what is viewed as right and wrong by Hashem)," despite the fact that Beis Din will not make him pay. Accordingly, if the person freed his half of the slave*

*knowing full well that this would indirectly damage the second owner, he should compensate him to ensure Heaven (Hashem) will not hold it against him.*]

## DAILY MASHAL

### "See" the Shechinah

The mitzvah during the *Shalosh Regalim* is to be seen in the Beis HaMikdash in Yerushalayim. Rashi teaches us that although the mitzvah is to be seen, when Bnei Yisrael go up to the Beis HaMikdash during the festivals they achieve a special level of holiness which enables them, so to speak, to "see" the Shechinah. This level of closeness is so unique, that it is a defining characteristic of who Bnei Yisrael are. This can be seen by the Chazal in Parshat Balak brought by Rashi (Chapter 22, Pasuk 28) which describes the Jewish people as the "*Umah HaChogeges Shalosh Regalim*, the nation who celebrates the three festivals. The ability of Bnei Yisrael to "see" the Shechinah affects us to such an extent that it impacts on our choices in life. This can be seen in the first passuk in Re'ah, which states: *Re'eh Anochi Nosein Lifneichem Hayom Brachah U'Kelalah*. We need to look at life from the proper perspective in order to make the choice between life and death, between blessing and curse. This is why the mitzvah of going up to Yerushalayim on the *Regalim* defines Klal Yisrael; it gives us a vision and perspective which enables us to lead a life connected to Hashem.