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Chagigah Daf 4

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

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

The Gemora cites a braisa: Who is regarded as a deranged person? It is one who goes out alone at night, and one who spends the night in a cemetery, and one who tears his garments (for no apparent reason).

It was stated: Rav Huna said: [He is not deemed ‘deranged’] until he does all of them (the three things mentioned above) at one time. Rabbi Yochanan said: Even if he does only one of them.

The Gemora analyzes this: What is the case? If he does them in an insane manner, even one of these should be a proof!? And if he doesn’t do them in an insane manner, even if he performs all of them, it proves nothing!?

The Gemora answers: In truth, it is a case where he does them in an insane manner. But if he slept in a cemetery, I might say that he did that in order that the spirit of impurity might rest upon him (in order for him to become a sorcerer). And if he went out alone at night, I might say that he was seized by lycanthropy (either a sickness which comes from excessive worrying, or he developed a fever and required fresh air). And if he tore his garment, I might say that he was a thinking person (and as he was lost in thought, he didn’t realize what he was doing). But as soon as he performs them all, he becomes like the

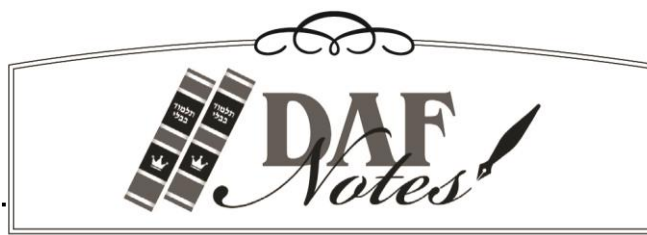
case of an ox who gored an ox, a donkey and a camel, and becomes thereby a mu’ad in regard to all animals. [An animal which is a mu’ad (it previously gored three animals), its owner pays full damages if it gores a fourth time; otherwise, its owner pays only half of the damages. In this case, it is regarded as a mu’ad for all types of animals; not only for an ox, a donkey or a camel.]

Rav Pappa said: If Rav Huna had heard of that which is taught: Who is regarded as a deranged person? It is one who destroys all that is given to him; he would have retracted (for we see that even one action renders someone halachically deranged).

They inquired: When he would have retracted, would he have retracted only with regard to the case of the man who tore his garment, because it resembles this case, or would he have retracted with regard to all of them?

The Gemora lets this question stand. (3b – 4a)

The Mishna had stated A *tumtum* (undetermined sex) and an *androgynous* (hermaphrodite) are exempt from the mitzvah of *re’iyah* (the obligation to appear in the Beis Hamikdosh on the pilgrimage festival together with an olah offering).



The Gemora cites a braisa: It is written: *Males*. This excludes women (from the mitzvah of re'iyah). '*Your males*' excludes a tumtum and an androgynous. '*All your males*' includes minors (that they are obligated in the mitzvah). (4a1)

The master had stated that a verse was needed to exclude a woman from this mitzvah. The Gemora asks: Why is this necessary; they should be exempt based on the principle that women are exempt from any positive biblical commandment which is time bound and *re'iyah* is a mitzvah which is applicable only during the festivals?

The Gemora answers: A verse is needed for otherwise, we might have said that women should be obligated in the mitzvah of *re'iyah* in the same manner that they are obligated in the mitzvah of *hakhel* (*the reading of the Torah by the king after the first day of Sukkos on a year following a Shemitah year*). The verse teaches us that we do not apply this *gezeirah shavah* (*one of the thirteen principles of Biblical hermeneutics; gezeirah shavah links two similar words from dissimilar verses in the Torah.*) (4a1)

The Gemora continues to analyze the braisa. The master had stated: It is written: *Your males*. This excludes a tumtum and an androgynous. The Gemora asks: It is understandable why a verse is needed to exclude an *androgynous* from the mitzvah of *re'iyah*. One might have thought that he should be obligated since he has a masculine side to him; the verse teaches us that he is considered a creature unto himself and is not obligated in this mitzvah. But, why is a verse needed to exclude a *tumtum*; it is

undetermined if he is a male or a female, and a verse should not be necessary to exclude a case of doubt?

Abaye answers: The verse is needed for a case when his testicles are outside the membrane (*he is definitely a male, but nevertheless classified as a tumtum because his member is concealed*). (4a1 – 4a2)

The braisa had stated: '*All your males*' includes minors in the mitzvah of *re'iyah*. The Gemora asks: The Mishna explicitly stated that a deaf-mute, a deranged person and a minor are exempt from the mitzvah of *re'iyah*?

Abaye answers: The braisa is referring to a case where the child has reached an age of *chinuch* (*the age where the father can train him to fulfill the mitzvah*) and the Mishna is referring to a case where he has not yet reached the age of *chinuch* and therefore there is no obligation for the father to bring him to the Beis Hamikdash.

The Gemora objects to this explanation: The mitzvah of *chinuch* is merely a Rabbinical one and cannot be what the braisa is referring to; the braisa had derived the obligation of a minor from a Scriptural verse.

The Gemora agrees to this objection and states that the verse is used as a Scriptural support for this halachah.

The Gemora asks: But what is the purpose of the verse?

The Gemora answers: The primary purpose of the verse is to teach us the halachos that the “Others” taught in the following braisa: People who scrape up dogs’ excrement, and people who smelt copper ore or a leather tanner are exempt from the mitzvah of *re’iyah*. This is derived from the verse: *All your males*; only people who are able to ascend together with other people are obligated; these people are excluded because they are not fit to ascend with others (*because of their disgusting body odor*). (4a2)

The Mishna had stated: Women and slaves who have not been freed are exempt from the mitzvah of *re’iyah*.

The Gemora asks: It is understandable that women are exempt, as we said before (derived from a Scriptural verse); but from where do we know that slaves are exempt?

Rav Huna answers: It is written: [appear] *before the Lord, Hashem*. We may infer from here that a person who has only one Lord is obligated; this excludes a slave, who has another lord (his human master).

The Gemora asks: Why is a verse necessary? Did we not learn that any *mitzvah* that applies to a woman (she is obligated to perform) applies to a slave as well, and any mitzvah that does not apply to a woman (she is exempt) does not apply to a slave as well? This is derived through the gezeirah shavah of “to her” (written by a slave) from “to her,” written by a woman!

Ravina answers: It is necessary for one who is a half-slave and half-freeman (that he is exempt, for half of him has a second master).

The Gemora provides support for this explanation from the language of the Mishna, for the Mishna stated: Women and slaves who have not been freed are exempt from the mitzvah of *re’iyah*. What does it mean that they have not been freed? If you say that it refers to slaves that had not been freed at all, the Mishna could have referred to them as ordinary slaves; evidently, it is referring to those who have not been completely freed. Who is the Mishna referring to? It refers to one who is a half-slave and half-freeman.

This, the Gemora notes, is indeed a proof. (4a2 – 4a3)

The Mishna had stated: One who is lame, blind, sick or elderly are exempt from the mitzvah of *re’iyah*.

The Gemora cites a braisa: We derive from the verse *regalim* (which literally means feet) that people with wooden feet are excluded from the mitzvah of *re’iyah*. Another interpretation: The verse excludes anyone who is lame, sick, blind, elderly and one who is not able to ascend by foot.

The Gemora asks: Who is the braisa referring to when it states, “One who is not able to ascend by foot”?

Rava answers: This is referring to a finicky person (*he cannot walk without wearing shoes, and it is forbidden to enter the Temple Mount with shoes on his feet*), as it is written: *When you come to appear*

*before Me, who sought this from your hand, to trample My courtyards.* (4a – 4b)

The Gemora cites a braisa: One who is uncircumcised and one who is tamei (ritually impure) are exempt from the mitzvah of *re'iyah*.

The Gemora asks: Granted as regards one who is tamei (that he is exempt), for it is written: *And you shall come there* and it is written: *And there you shall bring*. The juxtaposition teaches us that whomever is included in (the category of) 'coming' (to the Temple Courtyard) is included in 'bringing' (of the offerings); but whomever is not included in (the category of) 'coming' (to the Temple Courtyard) is not included in 'bringing' (of the offerings). [A person who is tamei may not enter the Temple Courtyard.] But from where do we derive the exemption of someone who is uncircumcised?

The Gemora answers: This will be according to Rabbi Akiva, who includes the uncircumcised to be like one who is tamei, for it is taught in a braisa: It was stated [Vayikra 22:4]: *A man, a man from the offspring of Aaron who is a metzora, or a zav shall not eat of the holies*. The extra words, "*A man, a man*" teaches us that the uncircumcised also is included (in the laws of eating terumah). [Accordingly, he cannot bring the olah offerings either.] (4b1)

The Gemora cites a braisa: A person who is tamei is exempt from sending the pilgrimage-offering, for it is written: *And you shall come there* and it is written: *And there you shall bring*. The juxtaposition teaches us that whomever is included in (the category of) 'coming' (to the Temple Courtyard) is included in

'bringing' (of the offerings); but whomever is not included in (the category of) 'coming' (to the Temple Courtyard) is not included in 'bringing' (of the offerings). Rabbi Yochanan ben Dahavai said in the name of Rabbi Yehudah: 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 sees the people who come to the Beis Hamikdosh with His two eyes, so too, He comes to be seen by the people with their two eyes. (4b1 – 4b2)

Rav Huna used to cry when he came to the verse, which is written: he shall see, and is read: he shall be seen. He said: A servant (who is so loved by his master) whose master desires to see him, nevertheless, he (the master) distances himself from him, as it is written: *When you come to appear before Me, who sought this from your hand, to trample My courtyards*.

When Rav Huna would come to the following verse, he would cry: You shall slaughter shelamim offerings and eat there. He said: A servant (who is so loved by his master) whose master desires to see him, nevertheless, he (the master) distances himself from him, as it is written: *Why do I need your many sacrifices?* Says Hashem.

When Rabbi Elozar would come to the following verse (dealing with the brothers of Yosef, upon realization that their brother Yosef, whom they had sold, was standing before them), he would cry: And his brethren could not answer him, for they were

astounded at his presence. Now, if the rebuke of flesh and blood could be such, how much more so the rebuke of the Holy One, Blessed be He!

When Rabbi Elozar would come to the following verse, he would cry: And Shmuel said to Shaul: Why have you disturbed me, to bring me up (from the earth)? Now, if Shmuel, the righteous, was afraid of the Divine Judgment, how much more so should we be!

The Gemora asks: How do we know this (that he feared the Divine Judgment) about Shmuel?

The Gemora answers: For it is written: And the woman (a necromancer) said to Shaul (who required reassurance in his war against the Philistines): I see a great man coming up out of the earth. 'Coming up' (written in the plural form) implies two: one was Shmuel (whose spirit was being raised from the ground), but who was the other? Shmuel went and brought Moshe with him, saying to him: Perhaps, Heaven forbid, I am summoned to Judgment: arise with me, for there is nothing that you have written in the Torah, which I did not fulfill.

When Rabbi Ami would come to the following verse, he would cry: Let him put his mouth in the dust, perhaps there may be hope. He said: All this (suffering), and only perhaps (there will be survival)!

When Rabbi Ami would come to the following verse, he would cry: Seek righteousness, seek humility; perhaps you shall be concealed on the day of Hashem's anger. He said: All this (the accomplishments of a righteous person), and only perhaps!

When Rabbi Assi would come to the following verse, he would cry: Hate the evil, and love the good, and establish justice by the gate, perhaps Hashem, the God of Hosts, will be gracious. He said: All this, and only perhaps!

When Rav Yosef would come to the following verse, he would cry: But there are those who succumb without justification. He said: Is there anyone who passes away before his allotted time? This is as in the story of Rav Bibi bar Abaye, whom the Angel of Death frequently visited.

The Gemora relates the incident: The Angel of Death once said to his messenger: Go, bring me Miriam, the women's hair braider. He went and brought him Miriam, the children's caretaker. The Angel said to him: I told you Miriam, the women's hair braider. He answered: If so, I will take her back. The Angel said to him: Since you have brought her, let her be added to the number (of dead).

Rav Bibi asked: But how were you able to get her (if it was before her allotted time)?

The Angel responded: She was holding a poker in her hand and inserted it into the oven to clean it out. As she was removing the poker from the oven, she mistakenly placed it on top of her foot. She burnt herself, resulting in the fact that her *mazal* became weakened, thus allowing me to take her.

Rav Bibi asked the Angel: Do you have permission to do such things?

The Angel answered him: Yes I do, as it is written [Mishlei 13: 23]: *There is one who succumbs without justice.*

Rav Bibi objected: But doesn't it also say [Koheles 1:4]: *A generation goes and a generation comes*, indicating that each generation has its set time before the new one replaces it?

The Angel replied: I let these souls roam along with me until their generation is completed and then I bring them to Dumah (*the Angel appointed to watch the dead*).

Rav Bibi asked him: What do you do with the person's uncompleted years?

The Angel answered: If there is a young Torah scholar who is a tolerant person, I add those years to his life and they are a replacement for the deceased. (4b – 5a)

## INSIGHTS TO THE DAF

### HOW TO RULE IN CASES OF UNCERTAINTY

The Gemora continues to analyze the braisa. It is understandable why a verse is needed to exclude an *androgynous* from the mitzvah of *re'iyah*. One might have thought that he should be obligated since he has a masculine side to him; the verse teaches us that he is considered a creature unto himself and is not obligated in this mitzvah. The Gemora asks: Why is a verse needed to exclude a *tumtum*; it is

undetermined if he is a male or a female, and a verse should not be necessary to exclude a case of doubt?

Rashi learns: Why would we think that a case of doubt would be obligated in the mitzvah.

Turei Even asks: There is a principle that in matters of Biblical law, we rule stringently (*safek d'oraysa l'chumra*); wouldn't this explain why we would think that a *tumtum* should be obligated in the mitzvah of *re'iyah*?

Sfas Emes states: It would be evident that Rashi maintains that this principle is only true Rabbinically. The Torah would rule leniently in a case of doubt; The Rabbis decreed that we must rule stringently in these matters. (This is the opinion of the Rambam and other Rishonim.) This will explain the Gemora's question. We should not need a verse to rule leniently on a *tumtum* if the Torah always rules leniently regarding cases of uncertainty.

There are those that are not satisfied with this explanation in Rashi, for Rashi in Kiddushin (73a) seems to hold that in a case of doubt, we rule stringently even from a Biblical point of view.

The Peri Megadim (O"C 17:2) differentiates between cases where one would be transgressing a commandment in a manner where he is committing an action against the Torah and one where he is sitting passively without performing an action against the Torah.

Using this principle, we can reconcile the contradiction in Rashi. (I found this in explanation in



Kuntrus Kol Hamesifta.) In our instance, the Torah would dictate that the *tumtum* is not required to embark on the festival pilgrimage since we are uncertain of his status and the Torah rules leniently in cases of uncertainty and states, "One is not mandated to perform an action," – only Rabinically, would he be obligated to ascend to the Beis Hamikdosh. However, Rashi in Kiddushin is referring to a case where the Torah rules stringently because there the Torah is instructing him *not* to perform an action (*he is prohibited from marrying a safek mamzeres*).

## DAILY MASHAL

### ***Davening has Started; Where are you?***

The Gemora derives from the speechlessness of the Shevatim (the brothers of yosef), that if the rebuke of a human (Yosef) can produce such a result - certainly Hashem's rebuke should produce such a result.

The commentators ask: What was Yosef's rebuke - he merely said: I am Yosef! And to which rebuke of Hashem is the Gemora alluding?

The Gemora (Berachos 6b) states that when Hashem arrives in a Shul and does not find a minyan (ten men), He says: why have I come and there is no man? The Seridei Aish (2:53) explains that in areas where it is difficult to gather a minyan, a person says to himself that there probably won't be a minyan. As such, he decides not to attend, when in truth, he might have turned out to be the tenth, and the

"there is no man" refers to him. Furthermore, many people prefer to come late so as to avoid having to sit and wait for the rest of the ten to gather. Everyone would rather come after nine are already present. This results in "there is no man" at the time called for the Tefilah. Thus, Hashem asks: why have I come with the Shechinah at the appointed time, and no one is here?

The Chofetz Chaim comments that with the words "I am Yosef," the many questions that had been bothering the Shevatim about their Egyptian experience were all answered. They also now understood how and why Yosef had been sent there ahead of them. Thus, just as Yosef's rebuke consisted simply of "I am Yosef" and all that those words meant, including the necessity for Yosef to have been in place when Bnei Yisroel arrived, so too does Hashem's rebuke consist of the words "Why have you come; there is no man" asking why no one understood that a minyan was to have been in place when Hashem arrived.