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### Tzvi Gershon Ben Yoel (Harvey Felsen) o"ḥ

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## Reservoirs

The Mishna said that one may clear out stones from reservoirs, and the Gemora infers from this that one may not dig a new one. Rabbi Yaakov quotes Rabbi Yochanan saying that even digging is permitted if the community needs the water.

The Gemora challenges this from a braisa which says that one may clear out individual reservoirs, and certainly communal ones, but one may not dig new ones for the community or certainly for an individual. The Gemora assumes that the braisa is including a case when the community needs it, yet still prohibits digging new ones, but deflects that it is only a case where the community doesn't need it.

The Gemora challenges this, as this implies that the case of the individual reservoir is also when he doesn't need it, but in that case one shouldn't be allowed to even clear it out, as another braisa says that one may collect water in an individual reservoir, but not clear it out or repave it, but one may do all of this to a communal reservoir.

The Gemora challenges the suggestion that one may not dig a reservoir if the community needs it from a braisa which says that one may dig and plaster a communal reservoir.

The Gemora therefore Emends the original braisa to say that one may clear out an individual's reservoir *only if he needs it*, and certainly for a community *if they need it, as one may then even dig a new one*, but one may not dig a new communal one *if they don't need it*, and certainly not an individual one *if they don't need it, as then one may not even clear it out*.

Rav Ashi says that a close reading OF the Mishna's text supports this, as it says that one may take care of *all* communal needs, and the inclusive term presumably includes digging a new reservoir.

The Gemora deflects this by saying that it may include other needs mentioned in the braisa, such as clearing thorns from the road, repaving the roads, measuring and filling in a mikvah.

The Gemora rejects this possibility, as the Mishna explicitly lists these activities, indicating that the "all" must include something else, i.e., digging reservoirs.

## Demarcating graves

The Mishna said that one may demarcate graves on Chol Hamoed. The Gemora cites various sources for the requirement to demarcate a grave:



Rabbi Shimon ben Pazi says the source for demarcating graves is the verse in Yechezkel which says that after battle of Gog and Magog, when people will pass through the battlefield and see a human bone, they will build a marking next to it.

Ravina asked Rav Ashi how this can be the source, as how did people know this before Yechezkel wrote this verse.

Rav Ashi responded that we have another example of this, with the verse in Yechezkel which teaches that one without a circumcision may not perform the service, which Rav Chisda says is the source for the prohibition. In both cases, we must say that the rule was an oral one passed down through the generations until Yechezkel came and wrote it down.

Rabbi Avahu says that the source is the verse regarding the metzora which says: tamei tamei yikra – he will call “impure, impure”, which can be read to mean that the impurity itself must call out, by making a sign to identify it.

The Gemora challenges this from a braisa which says that this verse teaches that one who is in pain must notify the community about his situation, but answers that we learn the need for impurity to identify itself from the repetition of the word tamei.

Abaye says that the source is the commandment to remove a stumbling block before a blind person, as the grave would make people impure and they may then stumble by having contact with terumah and sacrifices.

Rav Pappa says that the source is the verse which commands us to clear the path, teaching that we must remove any impediment on the road.

Rav Chinena says that the source is the continuation of the verse which commands us to raise up stumbling blocks from in front of my nation.

Rav Yehoshua the son of Rav Idi says that the source is the verse which commands Moshe to show them the path on which they may walk, teaching that one should clear the path for people to walk on.

Mar Zutra says that the source is the verse which commands to remove Bnai Yisrael from their impurity.

Rav Ashi says that the source is the verse which commands us to guard the commandments, teaching us that we must construct guards around prohibited areas.

Ravina says that the source is the verse which mandates that one should ‘sam derech’ - place a road, through which Hashem will show the path to salvation, teaching us that one should demarcate a passable path.

Rabbi Yehoshua ben Levi says that this verse teaches us that one who evaluates his paths, will merit to see Hashem's salvation, as the first phrase, *sam derech* can be read as *sham derech* – evaluate a path.

Rabbi Yannai had a student who always would challenge his lessons, but not on the Shabbos of the holidays, when many people were present, to avoid

embarrassing him in public. Rabbi Yannai applied this verse to the student, who evaluated the correct path to follow before acting.

The braisa says that we don't make a demarcation for a k'zayis size of flesh from a corpse, nor for a bone the size of the lentil, nor anything that doesn't transfer impurity via a tent, but we do demarcate a spine, skull, or bones comprising most of the length of a skeleton or most of the count of bones. We do not demarcate an area of certain impurity, but we do demarcate an area where impurity may be, i.e., overhanging branches, protrusions from a wall, and a bais hapras field (one where a grave was lost inside of it). The demarcation should not be directly on top of the impurity, to avoid causing impurity to someone who only sees the demarcation after going on it, nor should it be far away, to avoid limiting the available area in Eretz Yisrael.

### ***K'zayis from a corpse***

The Gemora asks why the braisa says we do not demarcate a k'zayis from a corpse, as that does transfer impurity via a tent.

Rav Pappa says that the braisa is referring to exactly a k'zayis, which will shortly shrink to a smaller size, and not cause impurity this way. We prefer to burn terumah and sacrifices that come in contact with it in the short term, to avoid unnecessarily burning these things which will come in contact with it in the long term.

The Gemora defines bais hapras as a field with a grave which was plowed over, potentially spreading

bone fragments throughout the field, to a distance of the plow's row.

### ***Bais hapras***

The Gemora challenges the Mishna's implication that a bais hapras spreads impurity via a tent from Rav Yehudah's statement in the name of Shmuel that one may blow the dust on a bais hapras and then walk on it, and Rav Yehudah bar Ami's statement in the name of Ulla that a bais hapras which was walked on is pure, indicating that the only impurity is by touching or carrying, but not through a tent.

Rav Pappa answers that the braisa is referring to a bais hapras which is a field with a grave lost in it, which is impure via tent.

The Gemora supports this from the Mishna which lists 3 types of bais hapras: a field with a lost grave, a field whose grave was plowed over, and a field of crying.

Rabbi Yehoshua bar Abba quotes Ulla saying that the field of crying is a field where corpses are handed over, and Avimi explains that it is considered impure because of despair of the corpses' owners.

The Gemora challenges the implication that a field with a plowed grave doesn't need a demarcation from a braisa which says that if one finds a demarcated field, if it has trees, it's a plowed grave field, but if it doesn't have trees, it is a field with a lost grave. Rabbi Yehudah says that we must inquire with a Torah student or elder to know the status of a field, since not all are knowledgeable enough to know.

## DAILY MASHAL

Rav Pappa says that this braisa is referring to a field whose grave was lost and then demarcated. The braisa is teaching that if it has trees, we can assume that it was subsequently plowed over, but if there are no trees, we can assume it wasn't plowed.

The Gemora asks why we aren't concerned that the trees were inside, and the grave was outside, but the grave area was never plowed.

The Gemora answers with Ulla's answer elsewhere that the trees are on the boundary of the field, indicating that the grave inside was plowed.

The Gemora asks: Why aren't we concerned that the grave is inside, and the trees are only outside, and the grave was never plowed?

The Gemora answers that the trees are interspersed throughout the field.

Alternatively, the Gemora answers that since we don't demarcate far from the impurity, we assume that the trees next to the demarcation indicates that the impurity was in the trees vicinity and was plowed.

Abaye says that from Rabbi Yehudah's requirement to inquire with a Torah scholar we see that a sharp Torah scholar must take responsibility for communal affairs, so people can inquire with him about such issues.

### HE DIDN'T KNOW FROM HIS RIGHT TO HIS LEFT

In the city of Dvinsk, there was a very prestigious and scholarly man named Reb Leib. He was referred to as Reb Leib Charif, the sharp one, due to his intelligent insights in torah. He was extremely close to Reb Meir Simcha, the Ohr Sameach, and they would spend many hours in each other's company discussing Torah matters together.

There was once an incident where they were both sitting in the Beis Medrash when a different scholar was delivering a lecture to thirty laymen. Reb Leib heard how the scholar was explaining a certain topic to them and immediately asked a penetrating question that the scholar was incapable of answering.

Reb Meir Simcha arose from his designated seat near the eastern wall, walked to the back of the Beis Medrash and admonished Reb Leib: "Someone that doesn't know between his right and his left, should be asking questions in the middle of a lecture?" Reb Leib was quiet, left the Beis Medrash in embarrassment and the scholar continued on with his lecture.

All those that witnessed the incident were bewildered. Is it possible that Reb Leib Charif could ask a question that was not fit to be asked? What did he do so terrible that caused Reb Meir Simcha to react in such a manner?

Reb Leib was puzzled as well and he went to Reb Meir Simcha's house to inquire of him why he took such

offense with his question, which was seemingly a legitimate one.

Reb Meir Simcha told him: "Did I say that your question was not a valid one? No, I did not. I was repeating a Gemora in Moed Katan."

Rabbi Yehoshua ben Levi said: One who appraises his conduct (*he considers the loss he might incur by performing a mitzva against the eternal reward that the mitzva will bring, and the benefit he may obtain by committing a sin against the tremendous loss that will result*) will merit in seeing the salvation of Klal Yisroel through Hashem. He cites a verse in Tehillim [50:23]: *Vesam derech arenu beyasha Elokim*, And to him that sets his way, I will show the salvation of Hashem. Do not read it as *Vesam* (and to him that sets), rather, read it as *Vesham*, and one who appraises his way.

Rabbi Yannai had a student who would consistently ask questions during the lecture. On the Shabbos of the festival (*within thirty days of the festival, the scholars would teach and discuss the laws of the festival*), the student wouldn't challenge Rabbi Yannai (*since there were many people attending and if Rabbi Yannai wouldn't know how to respond, he would be embarrassed*). Rabbi Yannai said in reference to him: And to him that appraises his way, I will show the salvation of Hashem (*due to the student's careful calculation*).

Reb Meir Simcha concluded: "You, Reb Leib, should have been cognizant of the difference between the right and the left of the letter *sin*; it was written *vesam*, with the letter *sin*, which has the dot on the

left and the Gemora expounds it to mean *vesham*, with the letter *shin*, which has the dot on the right. *Vesham* means that one should appraise his ways and calculate his every move and word. When this scholar was lecturing in front of thirty laymen, you should not have asked a question that quite possibly could embarrass him.

(Margoliyos HaShas)

## THE PERILS OF SMOKING

The Gemora cites a braisa: Agents of Beis Din are sent out during Chol Hamoed to remove thorns from the road, fix the roads and streets and measure the ritual baths. If the mikvah does not have the required forty se'ah of water in it, they would fill it up. From where is it known that if they do not go out and as a result, some blood is spilled (people get injured or even killed), that it is regarded as the Beis Din themselves have spilled their blood? The Torah states [Devarim 19:10]: *The blood will be upon you*.

Rav Shmuel Vozner in Shevet Levi (10:295) was asked regarding the custom of people that smoke cigars and cigarettes, which is well known that they cause great hazards to people's health.

He cites the Rambam in Hilchos Rotzeach Ushmiras Hanefesh (11:5): There are many things that the Rabbis prohibited on the account that they are dangerous to one's life. One who transgresses this and says that he is willing to put himself in harm's way and does not care what others say; Beis din has the right to administer thirty-nine lashes to him.



The Rambam lists various types of food and drink that are hazardous to one's health. The Ritva in Shavuos (27) writes: Food that damages one's body is included in the Biblical prohibition of guarding oneself and protecting one's body from any harm.

The Chasam Sofer (Avoda Zora 30) writes: It is incumbent on the Sages of their generation to monitor this and caution the entire community to watch what they eat and drink and to ensure that they remain healthy. If the Sages do not supervise over this and people become ill or die, it is regarded as if the Sages themselves killed them.

Rav Vozner states that it is integral on the leaders of their community to counsel and caution the public in regards to the hazards and dangers of smoking cigarettes, something that has been proven without a shadow of a doubt, that causes lung cancer and ultimately for people to die before their time.

He concludes that it is strictly forbidden for someone to start smoking and Biblically mandated for parents and teachers to ensure that younger boys should refrain from smoking.

Heaven forbid that one should smoke in a place where it can cause damage to others. Newspapers and magazines should not advertise on any smoking related products.

Anyone that heeds the words of our Sages and prevents others from commencing life-threatening habits will merit for himself and his family a long and healthy life.