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Rabbi Eliezer said: If one did not bring an instrument (*for circumcision*) on the eve of the *Shabbos*, he must bring it on the *Shabbos* exposed,<sup>1</sup> but in times of danger, he hides it in the presence of witnesses.

Rabbi Eliezer said further: One may cut trees to make charcoal for manufacturing iron (*in order to make the knife for circumcision*). [*R' Eliezer permits not only circumcision, but even its preparatory adjuncts, although these could have been prepared before the Shabbos.*]

Rabbi Akiva stated a general rule: Any work which can be performed before *Shabbos* does not override the *Shabbos*. Any work that cannot be performed before *Shabbos* does override the *Shabbos*.

The scholars inquired: Is Rabbi Eliezer's reason (*for requiring the knife to be brought exposed*) out of love for the *mitzvah*, or perhaps it is because of suspicion (*that he was unlawfully desecrating the Shabbos, by bringing other items as well*)?

The *Gemora* notes that the practical difference between them would be whether it may be brought covered in the presence of witnesses. If you say it is out of love for the *mitzvah*, it must be exposed and not covered, but if you say it is because of suspicion, it is well even if covered. What then is his reason?

The *Gemora* answers: It was stated: Rabbi Levi said: Rabbi Eliezer ruled like this only out of love for the *mitzvah*.

It was taught likewise in a *braisa*: He must bring it exposed (*even in the presence of witnesses*), and he must not bring it covered; these are the words of Rabbi Eliezer.

<sup>1</sup> the *Gemora* will explain the reason for this

Rav Ashi said: Our *Mishna* proves this as well, because it states: but in times of danger, he hides it in the presence of witnesses. It is only in times of danger (*that he covers it*), but not when there is no danger. This proves that it is out of love for the *mitzvah*; this indeed proves it.

The *Gemora* cites another *braisa*: He brings it exposed, but he must not bring it covered; these are the words of Rabbi Eliezer. Rabbi Yehudah said in the name of Rabbi Eliezer: In times of danger it was the practice to bring it hidden in the presence of witnesses.

The scholars inquired: The witnesses which he mentions, does it mean he and another one, or perhaps he and another two?

The *Gemora* attempts to prove this from our *Mishna* which states: but in times of danger, he hides it in the presence of witnesses. If it refers to he and two others, it is well; but if you say it is he and another, what witnesses does the *Mishna* refer to (*he is covering it in the presence of only one other*)?

The *Gemora* disagrees: It means 'witnesses,' who are eligible to testify elsewhere.

The *Mishna* had stated: Rabbi Eliezer said further: [*One may cut trees to make charcoal for manufacturing iron (in order to make the knife for circumcision).*]

The *Gemora* cites a *braisa*: Where Rabbi Eliezer resided, they would cut down trees on *Shabbos* to make the charcoal that was required for fashioning the circumcision knife made out of iron. Where Rabbi Yosi HaGelili resided, they would eat the meat of fowl together with milk. [*Rabbi Yosi HaGelili is of the opinion that although the Torah forbids one to eat meat and*



*milk together, this prohibition only applies to eating the meat of any kosher domestic animal with milk. Eating the meat of fowl with milk, however, is permitted.]*

The *Gemora* relates: Levi visited the home of Yosef the fowl trapper and he was offered the head of a peacock in milk, which he did not eat. When he (*Levi*) came before Rebbe, he asked him, "Why did you not excommunicate him" (*for eating meat with milk*)? Levi replied: It was the locality of Rabbi Yehudah ben Beseirah, and I thought that perhaps he has lectured to them in accordance with Rabbi Yosi HaGelili, for we learned in a *Mishna*: Rabbi Yosi HaGelili says: It is written: *you shall not eat of anything that dies of itself*, and in the same verse it is written: *you shall not cook a kid in its mother's milk*; therefore whatever is prohibited under the law of *neveilah* is forbidden to cook in milk. Now it might be inferred that a fowl, since it is prohibited under the law of *neveilah* is also forbidden to be cooked in milk; the verse therefore says: *in its mother's milk*. A fowl is excluded since it has no mother's milk.

Rabbi Yitzchak said: There was one town in *Eretz Yisroel* where they followed Rabbi Eliezer, and they died there at the proper time (*not prematurely*). Moreover, the wicked regime (*the Romans*) once issued a decree against Israel concerning circumcision, yet they did not decree it against that town.

It was taught in a *braisa*: Rabban Shimon ben Gamliel said: Every *mitzvah* which they accepted with joy, e.g., circumcision, as it is written: *I rejoice at Your word, as one that finds abundant spoils, they still observe with joy*. While every *mitzvah* which they accepted contentiously, e.g., the forbidden relations, as it is written: *And Moshe heard the people weeping throughout their families*, which is expounded to mean - on account of the affairs of their families, they still perform contentiously, for there is no *kesuvah* (*marriage contract*) which does not contain a quarrel.

It was taught in a *braisa*: Rabbi Shimon ben Elozar said: Every *mitzvah* for which the Jewish people submitted to death at the time of a government decree (*against its performance*), e.g., idolatry and circumcision, is still held firmly in their hands. Whereas every *mitzvah* for which the Jewish people did not submit to death at the time of a government decree, e.g., *tefillin*, is still weak in their hands.

Rabbi Yannai said: *Tefillin* demand a clean body, like Elisha, the man of wings.

The *Gemora* asks: What does this mean?

Abaye said: It means that one must not pass wind while wearing them. Rava said: It means that one must not sleep in them.

The *Gemora* asks: And why was he called 'the man of wings'?

The *Gemora* answers: It was because the wicked Roman government once proclaimed a decree against Israel that whoever donned *tefillin* should have his brains pierced through; yet Elisha put them on and went out into the marketplace. When an officer saw him, he fled before him, whereupon he gave pursuit. As he overtook him, he (*Elisha*) removed them from his head and held them in his hand. The officer demanded: What is that in your hand? Elisha replied: The wings of a dove. He stretched out his hand and lo, they were the wings of a dove. Therefore he is called 'Elisha the man of the wings.'

The *Gemora* asks: And why the wings of a dove rather than that of other birds?

The *Gemora* answers: It is because the Congregation of Israel is likened to a dove, as it is written: as the wings of a dove covered with silver. Just as a dove is protected by its wings, so is Israel protected by the commandments (*that it performs*).

Rabbi Abba bar Rav Adda said in the name of Rabbi Yitzchak: They once forgot to bring a knife on the *Shabbos* eve, so they brought it on the *Shabbos* through roofs and courtyards (*for which no eruv had been provided, and it is normally Rabbinically forbidden to carry in such a place*); this being against the will of Rabbi Eliezer.

Rav Yosef asked: You say against the will of Rabbi Eliezer! On the contrary, it is Rabbi Eliezer who permits it (*the carrying of the knife*)!? And if you will say that it means against the will of Rabbi Eliezer who permits it even through the public domain, but it was only with the consent of the Rabbis, who forbid (*it to be carried*) through the public domain, yet permit it through roofs, courtyards, and enclosures (*without an eruv*); yet is this



permitted? Surely it was taught in a *braisa*: Just as one may not bring it through the public domain, so may one not bring it through roofs, through enclosures, or through courtyards?

Rather, Rav Ashi said: It was not with the consent of Rabbi Eliezer and his opponents, but with the consent of Rabbi Shimon, for we learned in a *Mishna*: Rabbi Shimon said: Roofs, enclosures and courtyards are all one domain in respect of utensils which rested in them (*from the beginning of Shabbos; for then, they may be carried from one to the other – even without an eruv*), but not in respect of utensils which rested in the house (*from the beginning of Shabbos; for then, they may not be carried into the courtyard without an eruv*). [R' Abba's case was one where the knife was resting in the courtyard from before the Shabbos, and that is why it could be carried to another courtyard.]

Rabbi Zeira inquired of Rabbi Assi: In the case of an alley (*mavoi*) in which they (*its residents*) have not become partners (*through an eruv – which allowed the people to carry from their courtyard into the alley*), what about carrying in its entirety? [*Utensils which were there at the commencement of the Shabbos – may they be carried inside of the mavoi more than four amos?*] Do we say that it is like a courtyard, and just as a courtyard, even if an *eruv* has not been made, it is permitted to carry in its entirety, so this as well, though they have not become partners in it, it is permitted to carry in its entirety; or perhaps it is unlike a courtyard, for a courtyard has four walls (*partitions*), whereas this has not four walls (*for on one side, it is opened into the public domain – closed up by a mere adjustment – a beam across or a post by the side*). Alternatively, a courtyard has tenants (*making it appear as if it is a private domain*), whereas this has no tenants?

He was silent and said nothing to him.

On a subsequent occasion, he (*R' Zeira*) found him (*Rav Assi*) sitting and saying: Rabbi Shimon ben Lakish said in the name of Rabbi Yehudah the *Nasi*: They once forgot to bring a knife on *Shabbos* eve, so they brought it on the *Shabbos*. Now this matter was difficult for the Sages (*to understand*): how could they abandon the opinion of the Sages and act in accordance with Rabbi Eliezer? Firstly, since Rabbi Eliezer was excommunicated, we didn't want people ruling like him in general, and further, where an individual and a majority are in

dispute, the *halachah* is as the majority? Whereupon, Rabbi Oshaya said: I asked Rabbi Yehudah the circumciser, and he told me that it was an alley wherein they (*its residents*) had not become partners (*through an eruv*), and they brought it (*the knife*) from one end to the other.

He (*R' Zeira*) said to him (*Rav Assi*): Do you then hold that in the case of an alley in which they had not become partners, it is permitted to carry in its entirety? Yes, he replied. He (*R' Zeira*) said to him (*Rav Assi*): But I once asked (*it of*) you and you did not answer me? Perhaps in the rapid course (*of your review*) your tradition sped back to you? Yes, he replied; in the course of my review, my tradition sped back to me.

It was stated: Rabbi Zeira said in the name of Rav: In the case of an alley in which no partnership had been made, one may not carry in it except within four cubits.

Abaye said: Rabbi Zeira stated this law but did not explain it, until Rabbah bar Avuha came and explained it, for Rav Nachman said in the name of Rabbah bar Avuha in the name of Rav: In the case of an alley in which no partnership has been made (*to allow carrying between the courtyards and the alley*), if the courtyards are combined with the houses (*to allow carrying from their houses to their courtyards, and from one courtyard to the other*), one may not carry in it (*the alley*) except within four cubits; but if the courtyards are not combined with the houses, one may carry in its entirety.

Rav Chanina Choza'ah said to Rabbah: Why does it differ when the courtyards are combined with the houses? Presumably, it is because the courtyards (*as a result from the eruv*) have been transformed and have become houses, and Rav is being consistent with his view; for Rav said: An alley does not become permitted (*for carrying*) through a *lechi* (*sidepost*) or *korah* (*crossbeam*) unless houses and courtyards (*two houses in each of the two courtyards*) open into it (*for otherwise, it is regarded as an open courtyard, which requires a more substantial adjustment to close up its fourth, open side*), whereas here (*when the courtyards have transformed into houses*), we have houses but not courtyards (*and therefore a lechi or korah will not allow one to carry more than four amos*). Then (*Rav Chanina concluded his question*), even if they (*the houses and the courtyards*) are not combined, let us regard these houses as though they are closed up (*with respect to the mavoi, for one*



cannot carry from the houses into the courtyard), so we have courtyards but not houses?

The *Gemora* answers: They can all renounce their rights in favor of one. [*The courtyard is then his, and he may carry from his house into it. Accordingly, there are houses and a courtyard opened to the mavoi.*]

The *Gemora* asks: But even so, we have a house, but not houses (and Rav requires two houses)?

The *Gemora* answers: It is possible that from morning until midday (they renounce their rights) in favor of one, and from midday until evening in favor of another.

The *Gemora* asks: But even so, when there is one there is not the other?

Rather, said Rav Ashi: What makes the courtyards prohibited (in respect of the alley)? It is of course the houses; and these (when an eruv was not prepared) are non-existent. [*Rav holds that a roof, courtyards, enclosures, and the alley are all one domain, and carrying is permitted from one to another, provided, however, that the houses are not combined with the courtyards, so that no utensils belonging to the houses are to be found in the courtyards which might then be carried into the alley. Therefore, the same applies to carrying in the alley itself; for if there are no houses at all a formal partnership is unnecessary, and carrying in the alley is permitted, just as from the alley into the courtyard. Since the houses are not combined with the courtyards and no utensils may be moved from the former into the latter, for all practical purposes the houses are non-existent; therefore one may carry over the entire alley itself.*] (130a – 131a)

## INSIGHTS TO THE DAF

### ***Bringing Tefillin into a Quarantine Hospital***

by: Meoros HaDaf HaYomi

Twice in Maseches Shabbos (49a, 130a), the *Gemora* cites the story of Elisha Baal Knafayim, who publicly wore his tefillin, in open defiance of the Roman decree that anyone found wearing tefillin will be put to death. He was spotted by a Roman soldier, and fled for his life. By the time the soldier caught up with him, he had removed his tefillin, and hid them cupped in his hands. When the soldier demanded to know what he held, he responded that they were dove's wings. He opened his hands, and miraculously the tefillin had been transformed into wings.

The *Gemora* cites this story in context of the saying of R' Shimon ben Elazar, that any *mitzvah* for which the Jewish people had sacrificed their lives during times of harsh decrees, is still staunchly practiced. Any *mitzvah* for which we had not sacrificed our lives, is less resolutely observed. The *Gemora* cites for example the *mitzvah* of *tefillin*. Since our forefathers did not risk their lives to wear *tefillin* during the times of Roman occupation of Eretz Yisrael, it is now sadly lax among us. As proof for this, the *Gemora* brings the story of Elisha.

Rashi explains that Elisha stood out in his willingness to sacrifice his life, whereas his peers for the most part conceded to the decree. Tosefos, on the other hand, explains that even Elisha was not willing to sacrifice his life. When the Roman soldier confronted him, he hid his *tefillin*, rather than stand in his defiance.

Tosafos' explanation of this episode was cited by R' Dov Berish Weinfeld zt"l, also known as the Tchebiner Rav, in a halachic ruling. The question regarded a person who contracted a contagious disease, and was placed in a quarantine hospital. One of the regulations of the hospital was that when a person recovered from his illness and was released, all the belongings he had brought with him must be burned, to prevent the spread of the disease. The question posed was whether this person may bring his *tefillin* into the hospital. Does our obligation to wear *tefillin* each day justify bringing *tefillin* into a place where they will certainly be destroyed?

At first, the Tchebiner Rav suggested to bring a proof from Tosafos, who implies that Elisha should have risked his life by brazenly displaying his *tefillin* before the soldier. Although we may be obligated to risk our lives for mitzvos (under certain circumstances), what right did Elisha have to risk the possible defamation that would occur should the soldier seize his



*tefillin*? We see from here that it is permitted to risk the possible defamation of *tefillin*, in order to wear them publicly.

After suggesting this proof, the Tchebiner Rav promptly rejected it. In Tosafos' case there was no certainty that the soldier would defame the *tefillin*. We see only that one may risk defaming *tefillin*. In the case before us, we must contend with a certainty that the *tefillin* will be destroyed. There is no leniency in this regard (Dovev Meisharim I, 99).

It is interesting to note a similar ruling of the Shach (Y.D. 286, s.k. 7), regarding mezuzos. Strictly speaking, the Jewish communities of Krakow and Prague would have been obligated to place *mezuzos* on the gates leading into their streets, which were entirely Jewish. However, since there existed a concern that the *mezuzos* would be vandalized and defamed, the Shach ruled against placing *mezuzos* on the gates. The exact wording of the Shach is, "They will certainly take them and vandalize them." This also seems to support the Tchebiner Rav's distinction between certain and possible defamation.

Regarding a similar case, R' Moshe Feinstein (Igros Moshe O.C. I, 4) cited a sugya we recently learned, wherein the *Gemora* obligates us to save *seforim* from fire. Certainly it is forbidden to bring *seforim* into a place where they may be burned. This prohibition is only Rabbinic, since we do not actually destroy them with our own hands, and the obligation to wear *tefillin* each day is of Torah origin. Nevertheless, we are forbidden to transgress even a Rabbinic prohibition, in order to perform a *mitzvah* from the Torah. Furthermore, R' Moshe adds that in the case of a quarantine, it is perhaps even a Torah prohibition to bring *tefillin* into the hospital. Since the *tefillin* will certainly be destroyed, this might not even be considered a *grama*.

If the hospital administration would agree to such measures, the most advisable alternative would be to seal the *tefillin* in a clay vessel, and bury them immediately upon the release of the patient.

## ***The Prerequisites of Tefillin***

In our *Gemora*, R' Yannai warns us that in order to wear *tefillin*, one must have a clean body, as Elisha Baal Knafayim had. In the merit of his scrupulous cleanliness while wearing *tefillin*, a miracle was performed on his behalf,

The Rishonim debate how to interpret the meaning of a "clean body." According to the Meiri (49a), this does not refer to mere hygiene. Rather, one's body must be clean from sin, and from foul thoughts. Were a wicked person to disguise himself as righteous by wearing *tefillin*, Hashem's Name would be profaned. The Shibolei HaLeKet concurs with this interpretation, and cites a proof from the Talmud Yerushalmi (Berachos, ch. 2), where we find that R' Yannai fell sick, and refrained from wearing *tefillin* for three days. He explained that sickness is meant to purify the body from the contaminating effects of sin. After three days of sickness, he felt that he had become pure enough again to wear *tefillin*.

On the other hand, most Rishonim, including the Chinuch, Ritva, Ramban (in our sugya), and Rosh (in Maseches Rosh Hashanah), explain that one must cleanse his body by relieving himself before wearing *tefillin*. In contesting the Meiri's opinion, the Chinuch writes that even a wicked person, whose body is sullied by sin, must wear *tefillin*. Perhaps the *tefillin*, which are meant to remind a person of his obligations to Hashem, will help him to return in teshuva, and purify himself from his misdeeds.

**Focusing one's thoughts on *tefillin*:** We further learn in our sugya that one must not let his mind wander from the awareness of his *tefillin*, as long as he is wearing them (see Tosefos 49a s.v. *shelo yishon*, Ritva, Ron). The decree of attention that is required is also the subject of debate. According to Rabbeinu Yona (Cited in Rosh, Berachos, ch. 3) one must not engage in frivolity and jest while wearing *tefillin*. However, he may go about his business, even though he cannot concentrate on his *tefillin* while working. In the time of the Talmud, it was common for people to wear *tefillin* throughout the day. If we were to assume that one must not let *tefillin* slip from his attention, this would have been impossible.

The Sha'agas Aryeh (39), on the other hand, proves that according to the Rambam and Ramban, one must be aware of his *tefillin* even while he goes about his business. For this reason, the Rambam (*Tefillin*, 4:13) writes that a person who is troubled by misfortune and cannot concentrate, is exempt from *tefillin*, since he cannot concentrate on them (See Teshuvos Pri Yitzchak I, 5; Yeshuas Yaakov, 43).

**Reciting Shema with tefillin on:** According to the Sha'agas Aryeh, we must ask how a person can be expected to even say Shema and daven while wearing *tefillin*. While concentrating his full attention on accepting Hashem's sovereignty as he says Shema, he shifts his attention away from his *tefillin*.

**Concentrating on two matters at once:** The Pri Megadim (cited in Biur Halacha, 44) writes that this is no question. A person can, and ideally should, focus his attention on both matters at once. He must concentrate on accepting Hashem's sovereignty, while simultaneously remembering that he wears *tefillin* on his arm and head.

The Mishna Berura rejects this ruling. Instead, he cites the Or Zarua (585, cited in Biur Halacha, *ibid*) that one must concentrate on his *tefillin*, only in order to maintain the awe of Hashem in his heart. That is to say, it is not forbidden to let *tefillin* slip from one's mind; rather it is forbidden to let the purpose of *tefillin*, namely awe of Hashem, slip from his mind. While a person davens, he may not think of his *tefillin*, but he still focuses his thoughts on serving Hashem with all his heart and all his soul. Therefore, there is no need for him to remember his *tefillin*.

## DAILY MASHAL

### *Cherished Mitzvah of Milah*

The *Gemora* states that any *mitzvah* that the Jewish People accepted with joy, such as *milah*, circumcision, they still continue to perform with joy.

The *Gemora* cites a verse in Tehillim, where it is said: *sas anochi al imrosecho kemoztai shalal rav*, I rejoice over your word like one who finds abundant spoils.

It is interesting to note that Dovid HaMelech uses two words, *sas*, connoting joy, and *imrosecho*, which means your word. There are two terms that are used for joy throughout scripture, *simcha* and *sasson*. Rashi writes that the joy that is found with regard to circumcision is that there is a feast made in honor of the *milah*. *Sasson* denotes an inner joy, more specifically prophecy and a reflection of the Divine Presence.

It is said *usheavtem mayim besason mimaayenie hayeshuah*, you will draw water with joy, from the fountains of salvation. The *Gemora*<sup>2</sup> interprets this verse to be referring to prophecy, as when they performed the Nisuch Hamayim, the water libations on Sukkos, Jews of high spiritual level would draw 'from the waters of prophecy.' *Imrosecho*, your word, is different than *dibbur*, speech, as *amirah* denotes a concealed word. *milah*, circumcision, is not just another *mitzvah*. One who performs *milah* allows the Divine Presence to rest on him.

We find that Balaam, although he was granted prophecy, was not able to stand in Hashem's presence, as he was uncircumcised. *milah* symbolizes an inner joy, as one who has been circumcised has weakened his desires of the physical, thus allowing him to grow spiritually. It is thus fitting that the *mitzvah* that the Jewish People accepted with joy, *milah*, they still perform with joy, i.e. a higher level of spirituality. Forbidden relationships, on the other hand, are the antitheses of *milah*, as these relationships reflect a desire of the physical, and this *mitzvah* continue to be performed contentiously, as one constantly struggles with the temptations of the physical world.

<sup>2</sup> Sukkah